

PP1142

PROPOSED ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2020 RESPONSE FORM

As part of the production of the Local Development Plan, a 'Main Issues Report' was published in January 2019. The responses from these consultations have helped to inform the content of the Proposed Local Development Plan ("the Proposed Plan").

The Aberdeenshire Local Development Plan will direct decision-making on land-use planning issues and planning applications in Aberdeenshire for the 10-year period from 2021 to 2031. The Proposed Plan was agreed by Aberdeenshire Council in March 2020 as the settled view of the Council. However, the Proposed Plan will be subjected to an independent examination and is now open for public comment.

This is your opportunity to tell us if anything should be changed in the Proposed Plan, and why.

When writing a response to the Proposed Plan it is important to specifically state the modification(s) that you would wish to see to the Plan.

This is the only remaining opportunity to comment on the Proposed Plan. The reasons for any requested changes will be analysed and reported to Scottish Ministers. They will then appoint a person known as a Reporter to conduct a public examination of the Proposed Plan, focusing particularly on any unresolved issues and the changes sought.

Ministers expect representations (or responses) to be concise (no more than 2000 words) and accompanied by limited supporting documents. It is important to ensure that all of the information that you wish to be considered is submitted during this consultation period as there is no further opportunity to provide information, unless specifically asked.

Please email comments to ldp@aberdeenshire.gov.uk or send this form to reach us by 31 July 2020*.

We recommend that you keep a copy of your representation for your own records.

**UPDATE 16 June 2020: Consultation period was extended from 17 July 2020 for a further two-week period.*



ACCESSIBILITY

If you need information from this document in an alternative language or in a Large Print, Easy Read, Braille or BSL, please telephone 01467 536230.

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Dacă aveți nevoie de informații din acest document într-o altă limbă sau într-un format cu scrisul mare, ușor de citit, tipar pentru nevăzători sau în limbajul semnelor, vă rugăm să telefonați la 01467 536230.

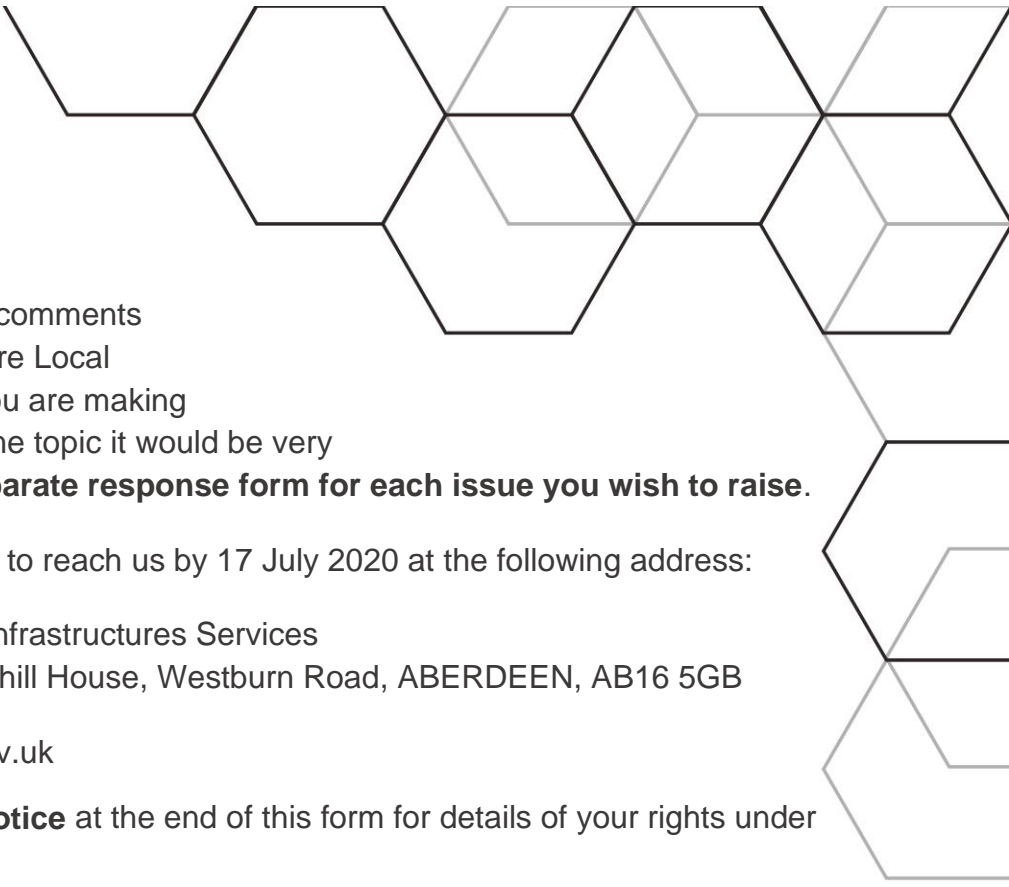
Jeśli potrzebowali będą Państwo informacji z niniejszego dokumentu w innym języku, pisanych dużą czcionką, w wersji łatwej do czytania, w alfabecie Braille'a lub w brytyjskim języku migowym, proszę o telefoniczny kontakt na numer 01467 536230.

Ja jums nepieciešama šai dokumentā sniegtā informācija kādā citā valodā vai lielā drukā, viegli lasāmā tekstā, Braila rakstā vai BSL (britu zīmju valodā), lūdzu, zvaniet uz 01467 536230.

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

Tel: 01467 536230
Email: ldp@aberdeenshire.gov.uk
Web: www.aberdeenshire.gov.uk/ldp
Follow us on Twitter @ShireLDP

If you wish to contact one of the area planning offices, please call 01467 534333 and ask for the relevant planning office or email planning@aberdeenshire.gov.uk.



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:	Daniel
Surname:	Harrington
Date:	31/07/2020
Postal Address:	██
Postcode:	████████
Telephone Number:	████████████████
Email:	██

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?

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):

Settlement Statement for Stonehaven (Appendix 7e Page 744-756)

Allocate land at Dunnottar for a new visitor centre and associated car parking facilities as shown on the attached plan DUN1. The site reference in the Local Development Plan should make reference to the following considerations:

- Development of a new visitor centre development that will enhance the visitor experience at Dunnottar Castle and promote the local tourism industry.
- Careful consideration to the potential impact of this development on Dunnottar Castle is necessary, which is a Scheduled Monument
- Consideration to supporting enabling development may be given where it is deemed to be necessary. Any enabling development will require to be determined in accordance with other policies of the Local development Plan.

Policy HE3 Helping to Reuse Historic Buildings at Risk (Page 67)

Amend the statement from policy HE3 "This Policy does not apply to enabling new commercial developments" to state "Enabling development to cross fund business proposals will be considered in exceptional cases."

Reason for change:

A summary of the reasons for the modifications are set out below and supported by the following documents:

- **DUN1 Site Location and Proposals**
- **DUN2 PPA-390-2042 Appeal Decision**
- **DUN3 Planning Advice Note 73**
- **DUN4 SNH Landscape Character Assessment**
- **DUN5 Main Issues Report Response**

Visitor Centre Project

A proposal was submitted to Aberdeenshire Council for the development of a Visitor Centre at Dunnottar Castle, bid KN108 as identified in the Main Issues Report. The proposal is for a new building attached to the existing Dunnottar Lodge to accommodate an interpretation area, cafe, toilets and associated retail space. This project is combined with access improvements providing additional car parking. The site is located on the road side at the Coastal Tourist Route and the visitor centre would provide a viewing point to the Castle. Visualisations of the proposed visitor centre have been provided with this submission along with a location plan in Document DUN1.

The location of the visitor centre ensures that the visitor centre does not compete with the Castle. The design is distinguishable from the Castle, and will be designed to ensure longevity so that it does not become outmoded. The location of the visitor centre ensures that the existing route and views to the Castle are not compromised in any way. These aspects will be subject to detailed design and review with the relevant authorities.

The eastern elevation of the visitor centre will be glazed to provide views out to the Castle and there will be a terrace created at this point too.

Access is available by a range of modes of transport at present. There are alterations proposed to the parking facilities for staff and visitors creating additional parking spaces.

Reason for The Visitor Centre

The historic environment is a key aspect of the Scottish tourism industry, providing both visitor attractions and employment in rural and urban settings and across the country. Dunnottar Castle is one of the most well known visitor attractions in Aberdeenshire if not in Scotland.

Currently Dunnottar Castle has a car park providing parking spaces, although not sufficient for current or future needs, creating some problems. There are also no permanent public facilities at the site. There are portaloos that are utilised at the site during the peak season and there is a catering van at the site. Due to the setting and location there is no disabled access to the castle although it can be viewed from the area surrounding the lodge. There is a desire to improve these basic amenities for the continued success of the Castle as a visitor attraction.

Tourism Resources Company in association with IBP undertook a survey to examine the need and benefits of improved facilities at the Castle. This included a consumer survey covering 500 responses both at the visitor centre and in Stonehaven town centre. Overall these surveys highlighted the need for improved facilities at Dunnottar Castle and raised concern that the lack of a modern information centre, adequate car parking and fit for purpose toilets could have a negative result on visitor numbers to the Castle.

- 71% of visitors surveyed were from outwith the local area and 59% surveyed were staying overnight in Hotel, guesthouse, B&B, self-catering, hostel or caravan accommodation.

- 48% of visitors had intended to visit other Aberdeenshire attractions. This highlights the importance of this facility within the wider tourism context for Aberdeenshire.

In addition to the surveys Tourism Resources Company in association with IBP have undertaken an appraisal of Dunnottar Castle and visitor numbers. This estimates that with improved facilities, there could be an increase in visitor numbers to an estimated 367,509. Of this more than 100,000 of the visitors would be overnight stays creating a significant opportunity to bring more people to the region, supporting the local economy.

The enhanced facilities at Dunnottar will also result in an additional 17.5 directly employed jobs in the ongoing operation and running of the facilities.

Proposed Allocation of Visitor Centre

Aberdeenshire Council assessed the bid KN108 and have commented on the proposed location for the visitor centre and have stated in the Main Issues Report that the principle of the visitor centre is supported. It is noted that Historic Environment Scotland have commented to advise the Council “that careful consideration would need to be given to the potential impact of this development on Dunnottar Castle, which is a Scheduled Monument”

This project has the potential for significant economic benefits and it is considered that an allocation for the Visitor Centre noting these key considerations would be appropriate and supported by the Council’s assessment.

Policy HE3 and Enabling Development

Policy HE3 in the Proposed Plan has been amended to state that Policy HE3 does not apply to enabling new commercial developments. It is not considered that this restriction is in accordance with national planning advice and should be amended.

Scottish Ministers’ decision on PPA-390-2042 on land at Park of Keir, Dunblane (DUN2) provides for further clarification on this matter and references decisions made in Aberdeenshire. The Reporter and Scottish Ministers identified that “there might be circumstances where enabling development is acceptable to cross-fund a business proposal.” Whilst SPP does not identify the support for a business proposal it is not discounted and it is envisaged by Paragraph 28 of Planning Advice Note 73 Rural Diversification (PAN73 Document DUN3). PAN73 that states “Occasionally, new housing is proposed as a mechanism to cross-fund a business proposal. In some instances, after considering the proposal against planning policies, this may be acceptable. Where such housing is proposed it should still be located in sustainable locations.” A case study of enabling housing in Aberdeenshire at Netherton is provided in PAN73. There are other examples of enabling developments approved in Aberdeenshire at Menie Estate and Ury Estate to cross subsidise commercial proposals based on the economic benefits generated by these proposals. It is suggested that the exclusion on enabling development for commercial developments is not consistent with national planning policy and previous positive economic development decisions. The Policy should be amended.

Enabling Housing Proposal

The Main Issues Report proposal for KN108 included an enabling development to provide subsidy for the Visitor Centre. It is considered that it will be most appropriate for a planning application to determine the merits of the Visitor Centre and the financial appraisal of the housing development in more detail rather than making an allocation. However, it is requested that the potential for this consideration is noted within the allocation of the Visitor Centre. We would wish to respond to some of the comments

made in respect of the Council's assessment in respect of the landscape impact of the proposed housing site.

Erode the local coastal character

The enclosed SNH Landscape Character Assessment (Document DUN 4) identifies the characteristics of this landscape and are summarised as:

- Steep, weathered coastal cliffs
- Cliff erosion
- Raised beach platforms
- Grass and scrub covered slopes on shallower cliffs
- Farmland extending to edge of cliffs
- Major communications corridor behind cliffs
- Settlements cluster on cliff tops, older villages and harbours nestle at cliff base
- Extensive new development at the edge of coastal towns
- Expansive views out to sea
- Weather exposure on the cliffs is fundamental to character

As set out in the response to the Main Issues Report (Document DUN5) the site of the development will not affect the characteristics listed above. The site is located on the very edge of this landscape character area and the only views to sea that will be altered are from the site itself. Currently between the site and the farmland leading to the coast is a series of agricultural buildings and woodland and the farmland extending to the cliffs remains.

SNH commented on the proposal and have not raised concerns in respect of landscape. The Character Assessment advises that "developments in this area that are clustered in form and limited in extent will reflect traditional patterns and will be acceptable." (Page 59 Document DUN4)

Introduce suburbanisation in the countryside

It is accepted that the development is located in the countryside and that in normal circumstances this would not be supported. This is proposed as enabling development and as such it will be for a planning application to determine whether sufficient mitigation can be provided and if the overall benefits of the proposal outweigh the negative impacts. In relation to the housing location, this is a small scale development and despite being located in the countryside this location is 2.5km from the town centre, which is a similar distance to the developments to the north at Ury. There is a bus stop within 400m of the site providing access to bus services with links to Stonehaven, Aberdeen and Peterhead to the north and to Perth to the south. In this case this is a well connected site.

The Council's policy, Organic Growth of Settlements, in the Proposed Plan allows for development outwith identified settlements is capped at a maximum of 10 houses. This would suggest that development of 10 houses in the countryside, close to settlements is not necessarily considered to be suburbanisation. This will depend on the individual circumstances.

Impact on the qualities of wildness in this distinctive landscape where farmland meets the sea.

SNH provide a description of Wild Land as areas that show minimal signs of human influence and have identified 42 Wild Land Areas. The area around the settlement of

Stonehaven is not classified as Wild Land. It is only the coastal cliffs that can be considered as having a sense of 'wildness' with all of the surrounding land being in agricultural use, with public roads and developments all visible in this location.

Development will require to be sensitively designed and the applicant has particular interest in ensuring the character of Dunnottar Castle is not compromised in any way as the owner. Any application would be subject to a detailed review of the design and the impact of development on the surrounding landscape.

PRIVACY NOTICE

LOCAL DEVELOPMENT PLAN PUBLIC COMMENT

The Data Controller of the information being collected is Aberdeenshire Council.

The Data Protection Officer can be contacted at Town House, 34 Low Street, Banff, AB45 1AY.

Email: dataprotection@aberdeenshire.gov.uk

Your information is being collected to use for the following purposes:

- To provide public comment on the Aberdeenshire Local Development Plan. The data on the form will be used to inform Scottish Ministers and individual(s) appointed to examine the Proposed Local Development Plan 2020. It will inform the content of the Aberdeenshire Local Development Plan 2021.

Your information is:

Being collected by Aberdeenshire Council	X
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The Legal Basis for collecting the information is:

Personal Data	
Legal Obligations	X

Where the Legal Basis for processing is either Performance of a Contract or Legal Obligation, please note the following consequences of failure to provide the information:

It is a Statutory Obligation under Section 18 of the Town and Country (Scotland) Act 1997, as amended, for Aberdeenshire Council to prepare and publish a Proposed Local Development plan on which representations must be made to the planning authority within a prescribed period of time. Failure to provide details requested in the 'Your Details' section of this form will result in Aberdeenshire Council being unable to accept your representation.

Your information will be shared with the following recipients or categories of recipient:

Members of the public are being given this final opportunity to comment on the Proposed Aberdeenshire Local Development Plan. The reasons for any changes that the Council receives will be analysed and reported to Scottish Ministers. They will then appoint a person to conduct a public examination of the Proposed Plan, focusing particularly on the unresolved issues raised and the changes sought.

Your name and respondent identification number (provided to you by Aberdeenshire Council on receipt of your

submission) will be published alongside a copy of your completed response on the Proposed Local Development Plan website (contact details and information that is deemed commercially sensitive will not be made available to the public).

In accordance with Regulation 22 of the Town and Country (Development Planning) (Scotland) Regulations 2008 where the appointed person determines that further representations should be made or further information should be provided by any person in connection with the examination of the Proposed Plan the appointed person may by notice request that person to make such further representations or to provide such further information.

Your information will be transferred to or stored in the following countries and the following safeguards are in place:

Not applicable.

The retention period for the data is:

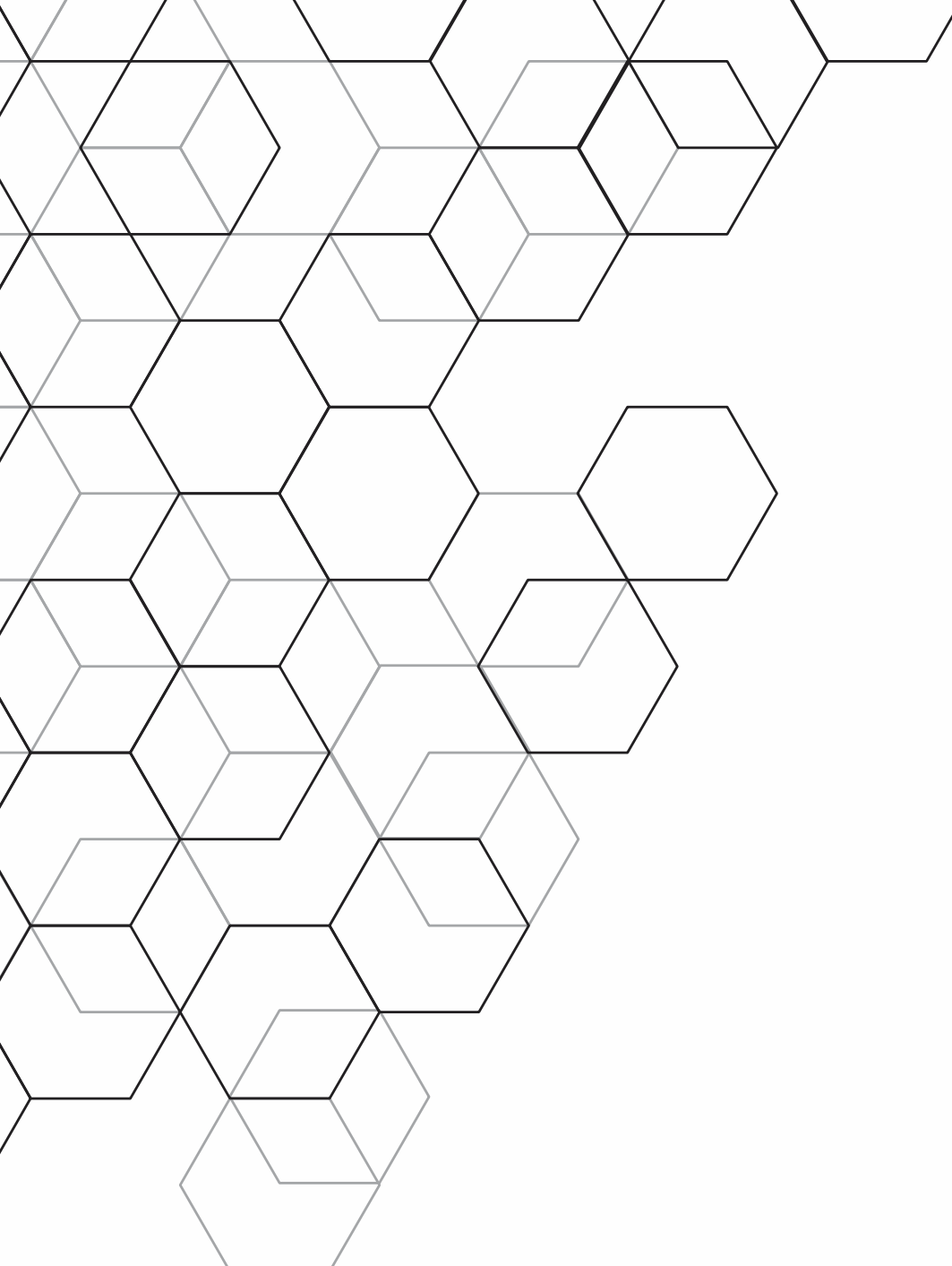
Aberdeenshire Council will only keep your personal data for as long as is needed. Aberdeenshire Council will retain your response and personal data for a retention period of 5 years from the date upon which it was collected. After 5 years Aberdeenshire Council will review whether it is necessary to continue to retain your information for a longer period. A redacted copy of your submission will be retained for 5 years beyond the life of the Local Development Plan 2021, possibly until 2037.

The following automated decision-making, including profiling, will be undertaken:

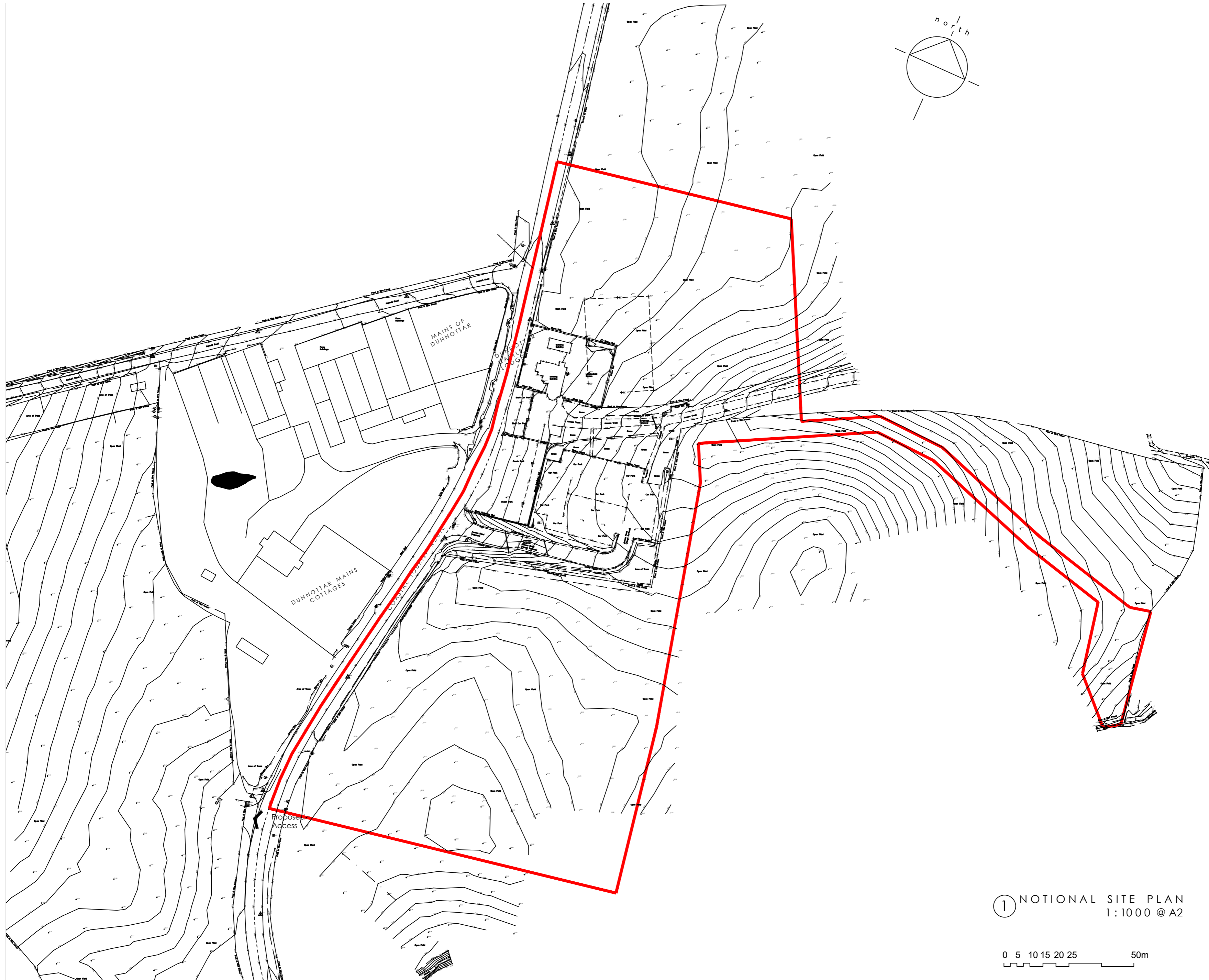
Not applicable.

Please note that you have the following rights:

- to withdraw consent at any time, where the Legal Basis specified above is Consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- to data portability, where the legal basis specified above is:
 - (i) Consent; or
 - (ii) Performance of a Contract;
- to request rectification or erasure of your personal data, as so far as the legislation permits.

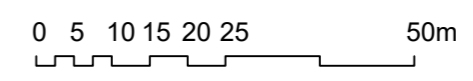


DUN1 Site Location and Visuals



Rev.	Date	Details	Drawn	Checked
Issued for:				
Project/Client:		Project No: THE-17006600		
		Drawing No: A2-1		
		Revision:		
Drawing:		Scale: 1:1000 @		
		Drawn by: Date:		
		Checked by: Date:		

① NOTIONAL SITE PLAN
1:1000 @ A2





Proposed View Towards Entrance

PROPOSED VISITORS CENTRE, DUNNOTTAR CASTLE LODGE, STONEHAVEN
MAY 2020



Proposed view Westwards from Castle path

PROPOSED VISITORS CENTRE, DUNNOTTAR CASTLE LODGE, STONEHAVEN
MAY 2020

DUN2 PPA-390-2042 Scottish Ministers Decision

Directorate for Local Government and
Communities
Planning and Architecture Division :
Planning Decisions



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0131-244 7070
E: planning.decisions@gov.scot

██████████
Brodies Solicitors

Our ref: ██████████
30 August 2017

Dear ██████████

NOTICE OF INTENTION

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

PLANNING PERMISSION IN PRINCIPLE FOR NEW TENNIS AND GOLF CENTRE, INCLUDING MUSEUM AND VISITOR CENTRE; INDOOR AND OUTDOOR TENNIS COURTS; GOLF COURSE WITH CLUBHOUSE AND PRACTICE AREAS; HOTEL WITH LEISURE AND CONFERENCE FACILITIES; MULTI-USER SPORTS PITCH AND OUTDOOR PLAY AREA; CYCLE TRAILS AND FOOTPATHS; NEW ACCESS ROADS AND JUNCTION; NEW TREE PLANTING AND LANDSCAPING; SUDS POND AND ASSOCIATED DRAINAGE WORKS; CAR PARKING AND SERVICING; AND ENABLING HOUSING DEVELOPMENT ON LAND AT PARK OF KEIR, DUNBLANE

1. This letter contains Scottish Ministers' proposed decision on the appeal submitted by Park of Keir Partnership against the decision by Stirling Council on the above-mentioned development. Scottish Ministers are minded to grant planning permission in principle for this proposed development, subject to conditions and the conclusion of a planning obligation or other suitable legal agreement.

2. Under the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Scotland) Regulations 2010, the appeal came into a class to be determined by a person appointed by Scottish Ministers, rather than by Scottish Ministers themselves. However, in exercise of the powers under paragraph 3(1) of Schedule 4 to the Town and Country Planning (Scotland) Act 1997, Scottish Ministers directed, on 15 March 2016, that they would determine the appeal themselves.

3. The appeal was considered by means of a combination of written submissions together with unaccompanied site inspections, and hearing and inquiry sessions conducted by reporter Timothy Brian appointed by and acting for the Scottish Ministers for that purpose. The reporter held a pre-examination meeting on 21 June 2016. Inquiry sessions were held on 5-9 September and 12-14 September 2016 and a hearing session to consider what conditions and/or legal agreements would be required if permission was granted was held on 14 September 2016. The reporter conducted unaccompanied site inspections on 10 May and 20 September 2016. A copy of Timothy Brian's report to Scottish Ministers is enclosed for your information.

The Reporter's Report

The Report

4. Chapter 1 of the report provides relevant background, chapters 2-6 set out the summary of case in turn for the main parties and objectors. Chapter 10 sets out the reporter's overall conclusions on the determining issues – namely whether the proposed development would conform with the relevant provisions of the development plan, and if not whether the proposals are justified by other material considerations – and the recommendation that planning permission in principle be refused.

Scottish Ministers' Decision

5. Scottish Ministers have carefully considered all the evidence presented and the reporter's conclusions and recommendations and do not support the reporter's recommendation to refuse this appeal. Ministers accept and agree with the reporter's conclusions that the proposed development does not comply with the development plan. However Ministers consider that there are material considerations which indicate that planning permission in principle should be granted. In reaching this view Ministers do not agree with the reporter's conclusions in relation to the weight to be given to some of the material considerations, and have attached weight to the economic value of the proposed development and the regional and national importance of the sports facility. Ministers are satisfied that an environmental impact assessment has been carried out and have taken the environmental statement and other environmental information into consideration when making their decision. For the reasons set out below, Scottish Ministers are minded to grant planning permission in principle for this proposed development.

Development plan

Stirling Local Development Plan (2014)

6. The development plan for the area comprises the Stirling Local Development Plan (LDP) adopted in 2014, together with associated Supplementary Guidance.

7. The LDP identifies the application site as green belt and within the Keir Local Landscape Area. The reporter concludes that whilst the appeal proposals draw significant support from LDP policies promoting recreation and tourism and economic development, they are contrary to policies which aim to protect the green belt and special landscapes, avoid inappropriate development in the countryside, reduce dependency on the private car and promote sustainable forms of development (paragraph 10.113).

8. The reporter further considers that due to the landscape impact of the proposals and their dependency on the private car, the proposals are not consistent with the vision, the spatial strategy or the overarching policy of the LDP, its sustainability criteria or Primary Policy 2. The reporter further notes that the policy support for economic development and recreation and tourism development in the countryside is qualified by a requirement to demonstrate the need for a countryside location, a realistic choice of access, and to preserve the quality of the natural environment (paragraph 10.114).

9. The reporter goes on to conclude that, because of the scale and potential impact of the proposed development on the green belt and on a protected landscape, and the likelihood it would be predominantly accessed by unsustainable modes of travel, that overall the proposals are not in conformity with the development plan. The reporter notes that there are potential recreation, health, tourism and economic benefits of the proposed development, but nevertheless concludes that it would be in the wrong location to comply with key provisions of the development plan, even taking into account the previous planning permission for a hotel and golf course on the land. (paragraph 10.115).

10. Ministers accept the reporter's reasoning and conclusion that, overall, the proposed development is not in conformity with the development plan.

Material considerations

Planning history

11. Although the 2005 consent was not implemented, and the section 75 agreement associated with the renewal application in 2008 was not concluded, the reporter notes that it is reasonable to take the 2005 consent as the baseline for consideration of the current proposals. He notes that there could therefore be no objection in principle to the development of an 18 hole golf course and 150-bedroom hotel. The reporter considers that the planning history lends only limited support, at most, to the current proposals for a significantly different and substantially larger

development which involves building (including housebuilding) on areas which were to be protected from development. Scottish Ministers agree that the planning history of the site, through outline planning permission granted in 2005, lends at most limited support to the principle of an 18-hole golf course with clubhouse and 150 bedroom hotel at Park of Keir. Ministers note that the section 75 agreement attached to the earlier consent (2005) for outline permission for a hotel and golf course specifically bound the developer and adjoining proprietor not to develop the site or additional area for any other purpose. Bearing in mind the subsequent development plan process, i.e. Stirling LDP having been adopted in 2014, Ministers consider it is reasonable to reduce the weight that may be attached to the prior planning history. However the previous consent nevertheless forms part of the planning history of the site and is therefore noted in considering the principle of golfing facilities and a hotel at Park of Keir and in consideration of the current proposals.

Benefits for sport and recreation

12. The Reporter concludes that the proposed tennis and golf centre in particular would make an important contribution to the aim of increasing participation in both sports (paragraph 10.217). The reporter considers that the sporting benefits of the proposals are an important factor in their favour. The reporter considers the possible risk that the facilities may draw some members away from existing tennis clubs in the area, but notes that Tennis Scotland anticipate that the proposed facility would feed new players into local clubs (paragraph 10.133).

13. The reporter notes that the appeal proposals would bring substantial benefits for sport and recreation in the Stirling area and nationally; they would provide facilities for tennis and golf which are not available in Scotland at present, and would create a multi-user complex which would house a variety of recreational uses on one site (paragraph 10.117).

14. The reporter notes that the appeal proposals do not form part of a published national strategy for tennis (paragraph 10.134), but also notes that the application is supported by the relevant sporting bodies – the Lawn Tennis Association, Tennis Scotland, Scottish Golf and the Scottish Professional Golfers Association (paragraph 10.118).

15. Scottish Ministers agree with the reporter's conclusions on the expected benefits of the proposed facilities for sport and recreation and have attached considerable weight to this in their decision making.

16. Ministers also attach significant weight to Stirling Council's assessment that the proposed golf and tennis facilities would provide a wider sports 'offer', serving the residents of the Stirling area and beyond, with economic, social and sporting benefits, and that the land take involved means a suitable sized site within an urban location would be difficult to achieve (paragraph 3.10). Ministers accept that it is likely the proposed sporting facilities would be predominantly accessed by unsustainable modes of transport. They do, however, also acknowledge that users of

a golfing facility will generally be more likely to choose to travel there by private car, even where a choice of sustainable modes of transport may be available.

Net economic benefit

17. The reporter notes that there is real uncertainty about the number of operational jobs which would be generated by the project, and hence whether the economic impact would be significant on a national scale. He concludes that the net economic benefit of the proposals is an important factor in their favour, and that the economic benefit would be significant in a regional context. (paragraph 10.154)

18. The reporter notes in reaching these conclusions that the appeal proposals would create employment and economic activity and promote recreation and tourism in the area, and as such they are consistent with and gain general support from Scotland's Economic Strategy, Tourism Scotland 2020, Stirling's Economic Strategy and Destination Stirling Action Plan (paragraph 10.148). The proposals could also meet Invest in Stirling's objective of attracting a four-star hotel to the area. (paragraph 10.148). The economic impact assessment submitted with the proposal anticipates that, during construction, the proposed development would create 18.5 full time equivalent jobs (paragraph 10.150), and when operational, 22 additional jobs at the tennis/golf centre and 130 jobs associated with the hotel. The regional economic benefit when the development is in operation is expected to be £4.7 million (paragraph 10.151).

19. The Reporter concludes that the proposed complex would boost employment and tourism in the area and considers that the economic benefits of the proposals are an important factor in their favour (paragraph 10.217). Scottish Ministers agree that the expected economic benefits of the proposed development are an important factor in their favour and have attached considerable weight to this in their decision making.

Enabling housing development and funding model

20. The reporter finds (paragraph 10.171) that the case has not been made for enabling housing on the site, and that certain of the assumptions underpinning the appellant's funding model are optimistic and unproven, and that this could result in the need to change the scale or nature of the project if it were to go ahead. The Reporter also notes (paragraph 10.169) that the financial implications of developing the sports facilities have not been the subject of an assessment. Scottish Ministers note this, and agree that the appellant's proposed funding model contains assumptions, some of which may be optimistic or not explicitly proven.

21. Ministers note the reporter's further detailed comments that while there is no policy support in the development plan, or currently within Scottish Planning Policy (SPP), for allowing enabling development to subsidise new development (paragraph 10.155), this does not mean that it is necessarily contrary to the SPP (paragraph 10.156). The reporter also notes that other planning authorities have policies which allow for enabling housing development to fund the start-up of new businesses in

exceptional cases, and considers that there might be circumstances where such enabling development is acceptable to cross-fund a business proposal. Ministers see the merit in this argument, and also in the argument put forward by the appellant for the value of the enabling development allowing the proposal to be delivered without the need for debt finance and in turn allowing the entry charges for the sports facility to be as low as possible. Ministers accept that the proposed housing will assist in enabling this to be achieved, albeit the extent of the support is not precisely quantified. It is Ministers' intention that the planning obligation between the appellant and Stirling Council, which is to be agreed before consent is granted, should confirm arrangements to ensure the above benefits are delivered. The Annex to this letter sets out Ministers' expectations for specific matters to be addressed in the planning obligation.

Location/Alternative sites

22. The reporter has given consideration to whether there are other alternative sites where the proposed development could be located. He concludes that the proposed site is an unusually sensitive area of green belt, and is not persuaded that an alternative site does not exist in the Stirling area or elsewhere in central Scotland without the need for a major incursion into the green belt (paragraph 10.178). Ministers accept the reporter's conclusion that it has not been proven that an alternative site does not exist.

Scottish Planning Policy

23. With regard to Scottish Planning Policy (SPP), the reporter concludes (paragraph 10.192) that the appeal proposals fail to meet key sustainability principles set out in the SPP and that they do not therefore constitute development that contributes to sustainable development for the purposes of paragraph 33 of SPP (which sets out a 'presumption in favour' of such development). The reporter also concludes that the site is in an accessible, pressured rural area where SPP indicates expects a more restrictive approach to new housing development (paragraph 10.181; 10.219). Ministers accept the reporter's conclusions with regard to national planning policy.

Planning conditions

24. The Reporter concludes that other material considerations do not override the proposals' failure to comply with important provisions of the development plan, and he does not consider that the proposals could be made acceptable by imposing planning conditions. Ministers accept the reporter's recommendation at paragraph 10.222 that if they are minded to allow the appeal, planning permission be granted subject to conclusion of a section 75 agreement, or other legally binding agreement, to secure education and affordable housing, and subject to conditions. Ministers consider that the planning balance lies in favour of granting planning permission in principle, subject to appropriate conditions, and conclusion of a section 75 planning obligation (or other legally binding agreement) in order to:

- secure education and affordable housing contributions in line with Stirling Council's supplementary guidance;
- ensure no further residential development will be undertaken on the wider site; and
- set out arrangements to ensure accessibility and affordability of the sports facilities.

25. Ministers propose to attach conditions as set out at annex 2 of the reporter's report. However they propose a revised version of condition 8, such that occupation of the residential units may only take place once the tennis and golf centre have been completed and are available for use, in order to achieve coordinated construction of the residential units and wider development.

Impact on emerging local development plan

26. The SPP notes that where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan, in particular where granting permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. In a recent appeal for 129 houses at Hillside, Dunblane, where planning consent was refused, the reporter considered that to grant permission would undermine the plan-making process. Ministers note that the proposed development at Park of Keir is for a mix of uses and that the relatively small number of houses proposed does not raise the same issues.

27. In consideration of the impact of the proposed development on housing policies of the LDP, the reporter notes that the provision of 19 houses will make only a marginal contribution to remedying the housing land shortfall, noting the appellant's view that granting the appeal proposals would not prejudice the preparation of the new LDP (paragraph 10.43). Ministers agree that the number of houses is unlikely to have a significant impact on the wider provision of housing land and in light of this, and given the unique nature of the proposed development, they consider that granting permission is unlikely to prejudice the emerging LDP by pre-determining decisions about the scale, location or phasing of new development.

Summary

28. For the reasons given above, Scottish Ministers hereby give notice that they are minded to grant planning permission in principle for a new tennis and golf centre, including museum and visitor centre; indoor and outdoor tennis courts; golf course with clubhouse and practice areas; hotel with leisure and conference facilities; multi-user sports pitch and outdoor play area; cycle trails and footpaths; new access roads and junction; new tree planting and landscaping; SUDS pond and associated drainage works; car parking and servicing; and enabling housing development on land at Park of Keir, Dunblane.

29. Ministers agree with the reporter that a planning obligation should be completed to secure education and affordable housing contributions in line with Stirling Council's supplementary guidance. Ministers also consider that the planning obligation should include an agreement that no further residential development will be undertaken on the wider site. Formal planning permission will not be granted until the legally binding agreement has been concluded to the satisfaction of Scottish Ministers. Scottish Ministers therefore propose to defer their formal decision on the planning application, in the first instance for a period of 3 months, to enable the relevant planning obligation to be completed to Ministers satisfaction.

30. A copy of this letter and the reporter's report has been sent to Stirling Council and parties who participated in written submissions. Other interested parties have received a letter advising that they can obtain a copy of this letter on our website at <https://beta.gov.scot/publications/planning-decisions-index/>.

31. A decision on the related claim for award of expenses will be issued shortly.

Yours sincerely


CHIEF PLANNER

ANNEX: PLANNING OBLIGATION AND REVISED CONDITIONS

Planning obligation

A planning obligation should commit the developer to make contributions to affordable housing and education provision in the area in line with the council's supplementary guidance. The planning obligation should include an agreement that no further residential development will be undertaken on the wider site.

The planning obligation should also set out arrangements to ensure that the sports facilities are accessible to the general public and with a pricing structure that ensures that the facilities are affordable.

Planning conditions

1. **Timescales:** Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval.
Reason: To ensure that the matters referred to are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. **Application for Approval of Matters Specified in Conditions:** Prior to commencement of development on site, further applications for approval of matters specified in the conditions shall be submitted to and approved in writing by the Planning Authority; such further applications shall include the following details:
 - a) Drawings illustrating the layout of the site and position of all buildings including existing and proposed levels.
 - b) Drawings illustrating the design of each building, in accordance with the Design and Access Statement submitted with the planning application.
 - c) Foul and surface water drainage arrangements.
 - d) Floor plans, elevations, and sections of all proposed buildings.
 - e) Full details of the extent, surfacing, equipment to be provided and boundary treatment of the proposed tennis courts, the all-weather 3G multi-purpose pitch and children's adventure park.
 - f) Section drawings showing the proposed buildings in relation to the existing and proposed ground levels.
 - g) External facing materials.
 - h) Retention of existing landscaping and proposals for hard landscaping including boundary treatment and new planting.
 - i) All external lighting
 - j) An assessment of noise from the commercial/sporting facilities on existing and proposed Noise Sensitive Receptors (NSRs).
 - k) A tree survey in accordance with BS5837:2012.
 - l) Footpath links.In the event that the development proceeds to be constructed in phases, it shall be competent for applications for the approval of matters specified in conditions to be submitted prior to the commencement of each phase in order to discharge this Condition 1.

Reason: In order to ensure that the overall layout, design, scale, drainage arrangements and noise levels respect the site and its setting as the present application is only for planning permission in principle.

3. **Flood Risk Assessment/SUDS:** In support of a further planning application, a flood risk assessment shall be provided that gives further consideration to surface water flood risk. These details shall show what mitigation measures are proposed to protect the development from any flood risk and how surface water runoff from the site will be discharged without risk to existing infrastructure. The surface water drainage system shall be designed to the requirements and satisfaction of SEPA, Scottish Water and Stirling Council, taking account of the sustainable urban drainage (SUDS) principles and in accordance with the guidance given in "SUDS for Roads". The SUDS strategy will include details of measures to be employed during the construction phase of the project.

Reason: To ensure that any risk of flooding occurring on or off the site has been fully considered.

4. **Maintenance of Landscaped areas:** Prior to the operation of the tennis and golf centre, a detailed statement illustrating the proposed provisions for the establishment and maintenance of all areas of landscaping (including all landscaped areas associated with the commercial aspects of the development, maintenance of the country park and open space facilities such as the pitch and adventure park), including identification of persons responsible for maintenance, and any phasing of works shall be submitted to and approved in writing by the Planning Authority. The landscape statement as approved shall require to be implemented within 24 months from the commencement of use of the tennis and golf facilities. If the development is to be constructed in phases, the landscape statement so far as applicable to each phase shall require to be implemented within 24 months of completion or commencement of use as appropriate of the relevant, corresponding phase.

Reason: To ensure that the scheme of landscaping for the proposed development is of a satisfactory standard relative to the functional requirements and visual amenity of the site and its setting in the locality as such information did not accompany the initial application.

5. **Distribution of uses:** Unless otherwise agreed in writing with the Planning Authority, the uses hereby approved in principle shall be distributed throughout the site only as identified on the site plan (Drawing No. sk-01, Rev L).

Reason: Since critical aspects of the Environmental Statement, such as the landscape and visual assessment, the impact on the Scheduled Ancient Monument and ecology, which accompanied the application were based on the buildings being positioned in the locations indicated on the site plan.

6. **Hotel building:** The hotel building hereby approved in principle shall have a maximum of 150 bedrooms and a maximum ridge height of 12 metres above existing ground levels, unless otherwise agreed in writing with the Planning Authority.

Reason: Since the application was supported by a Transport Assessment and feasibility study based on a hotel of this size and the landscape and visual impact of the hotel was based on a building of this height.

7. **Residential Development:** This permission in principle shall limit the number of residential units to a maximum of 19. The design of these units and plots shall

conform to Section 12 (Residential Design Brief Principles) of the applicant's Design and Access Statement submitted as part of the planning application.

Reason: In order to restrict the number of units to an absolute minimum required to support the overall recreational development and to ensure that the future design of the houses is coherent and respects the character of the rural area.

8. **Timing of development:** Prior to occupation of the residential units, the tennis and golf centre, together with all associated works, shall be completed and available for use. Construction works on the hotel shall either be commensurate with construction works on the golf and tennis centre or at a later date.

Reason: In order to ensure that the construction of the residential units and hotel only takes place as part of a comprehensive package of development and not independently. Furthermore, to ensure that the economic benefits of the development, as outlined by the applicant, are secured prior to development of the houses or hotel.

9. **Timing of pitch and adventure park provision:** Within 12 months of the commencement of operation of the tennis and golf complex, an all-weather 3G multi-purpose pitch and children's adventure park shall be provided.

Reason: In order to ensure that the facilities presented by the applicant as part of the package of development are realised timeously.

10. **Restriction on Construction Hours:** No machinery shall be operated, no activity carried out and no deliveries received at or despatched from within the site outwith the hours of 8.00am to 6.00pm Monday to Friday, and 9.00am to 1.00pm on Saturdays, nor at any time on Sundays; unless otherwise agreed in writing by the Planning Authority.

Reason: To protect occupants of nearby housing from excessive noise/disturbance associated with the implementation of this permission.

11. **Contamination:** The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the planning authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the planning authority.

Reason: To ensure all contamination within the site is dealt with.

12. **A9/Site Access Junction:** The site will be accessed directly from the A9 via a junction with dedicated right turn lane located in a similar position to the previously consented access junction under Planning Ref. 08/00726/PPP. The layout shall comply with the design Manual for Roads and Bridges, The Traffic Signs Manual and incorporate kerbed pedestrian refuge islands and road lighting as appropriate. A pedestrian refuge island will be included on the main road. The final design shall include measures that help reduce vehicle speed on the approach to the new junction. The new junction shall be fully formed prior to occupation of any building.

Reason: To ensure that a satisfactory means of access is provided timeously.

13. **Roads Design:** The design and construction of all roads within the proposed development shall be in accordance with the requirements of this Authority's "Development Roads Guidelines and Specification", and incorporate the design

guidance given in Designing Streets, and shall be offered for adoption upon satisfactory completion.

Reason: To ensure that the roads within the development are suitably designed to meet their purpose.

14. **Parking Requirements:** Parking requirements, including disabled spaces and cycle parking provision, shall be provided in accordance with Supplementary Guidance SG14: Ensuring a Choice of Access for New Developments.

Reason: To ensure that the development is served by an appropriate level of car parking provision.

15. **Waste Collection:** Waste collection provisions shall be in accordance with Proposed Supplementary Guidance SG19: Waste Management: Requirements for Development Sites.

Reason: To ensure that the appropriate waste collection receptacles are provided to serve the development.

16. **Travel Plan:** No part of the development shall be brought into use until a Travel Plan and Residential Travel Pack aimed at encouraging more sustainable means of travel, has been submitted and approved in writing with the Planning Authority. The Travel Plan and Residential Travel Pack will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review reporting and the duration of the plan. Once agreed the Travel Plan and Residential travel pack shall be fully implemented concurrently with the opening of the premises to the public, and shall remain so unless agreed otherwise in writing by the Planning Authority.

Reason: To encourage the occupiers and users of the development to utilise more sustainable means of travel to and from the development.

17. **A Badger Species Protection Plan:** Prior to works commencing on site a badger species protection plan shall be submitted to and approved in writing by the Planning Authority. The scope of this plan shall be agreed in advance with the Planning Authority, in consultation with Scottish Natural Heritage.

Reason: To ensure that appropriate mitigation measures are in place to minimise the adverse impact of this development on badgers.

18. **Bats Species Protection Plan:** Prior to works commencing on site a bats species protection plan shall be submitted to and approved in writing by the Planning Authority, in consultation with Scottish Natural Heritage.

Reason: To ensure that appropriate mitigation measures are in place to minimise the adverse impact of this development on bats.

19. **Red Squirrel protection:** All works at the site shall only proceed following the procedure set out within Chapter 4 (Ecology and Nature Conservation) of Volume 1 of the Environmental Statement at paragraph 4.7.4.

Reason: To ensure that appropriate mitigation measures are in place to minimise the adverse impact of this development on squirrels.

20. **Habitat Management Plan:** Prior to works commencing on site a Habitat Management Plan shall be submitted to and approved in writing by the Planning

DUN3 PAN73

Authority. The scope of this plan shall be agreed in advance with the Planning Authority, in consultation with RSPB Scotland.

Reason: To minimise recreational disturbance and damage, maintaining connectivity of habitats, ensure appropriate habitats are created for tree pipit, grasshopper warbler and yellowhammer.

21. **Programme of Archaeological Works:** No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Stirling Council Planning Officer (Archaeology), and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the Stirling Council Planning Officer (Archaeology). Such a programme of works could include some or all of the following historical research, excavation, post-excavation assessment and analysis, publication in an appropriate academic journal and archiving.

Reason: To safeguard and record the archaeological potential of the area.

22. **Off-Road Walking/Cycle Path:** Prior to the commencement of use of the tennis and golf facilities, a 3 metre wide, off-road walking/cycle path shall require to be provided along the east side of the A9/B8033. The extent and route of the off-road walking/cycle path is marked by an orange, dotted line on the Amended Masterplan.

Reason: To ensure that a satisfactory means of pedestrian and cycle access is provided timeously.



PLANNING

RURAL DIVERSIFICATION





SCOTTISH EXECUTIVE
Development Department

RURAL DIVERSIFICATION

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PLANNING ADVICE NOTE
PAN73



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The Planning System and Rural Diversification



Indoor ice climbing at the Ice Factor, Kinlochleven

1. The Scottish Ministers are committed to supporting rural life, rural communities and the rural economy. This includes promoting sustainable development in rural areas. SPP 15: Planning for Rural Development describes how the planning system plays an important role in achieving these aims and sets out a vision for a more confident, forward looking and diverse rural Scotland.

2. There are different interpretations of rural diversification and of planning authorities' roles in achieving it. This Planning Advice Note (PAN) will assist all those involved in rural diversification projects. It draws on recent research as well as existing initiatives, policies and best practice, across Scotland, the UK and further afield to highlight how the planning system can assist in rural diversification by:

- promoting diversification through development plans;
- giving sound and helpful advice;
- encouraging sustainable diversification;
- addressing issues of accessibility, infrastructure, scale and design; and
- recognising individual circumstances.

Policy Framework

3. The National Planning Framework stresses that the future of rural Scotland lies in economic diversification allied to a strong commitment to environmental stewardship. SPP 15: Planning for Rural Development acknowledges the changing economic structure of Scotland's rural areas and encourages planning authorities to support a wide range of economic activity. It recognises that the planning system can support and encourage diversification in ways that benefit the economy, communities and the natural and cultural environment; and at the same time ensure good development on the ground. SPP2: Economic Development, SPP3: Planning for Housing, SPP17: Transport Planning and NPPG 14: Natural Heritage are also of particular relevance to rural diversification.



Pub and shop, Drymen

4. The Scottish Ministers are committed to maintaining strong, prosperous and growing communities in rural Scotland. *Rural Scotland: A New Approach* identifies four priority areas for action:

- supporting rural economic development;
- providing opportunity;
- improving access to high quality services; and
- sustaining and making the most of our natural and cultural heritage.

5. *'A Smart, Successful Scotland'* and *'A Smart, Successful Scotland: The Highlands and Islands Dimension'* identify the Enterprise Networks' key role in delivering rural economic development. Planning can facilitate integrated rural development and contribute to these strategies by encouraging rural businesses and promoting partnership. *'A Forward Strategy for Scottish Agriculture'* outlines a strategy for Scottish agriculture where farming and crofting are an integral part of rural development. The Scottish forestry strategy, *'Forests for Scotland'*, highlights the economic potential of a diverse forestry resource and seeks to ensure that communities benefit from woods and forests. Agriculture and forestry are closely linked with other rural businesses and help to maintain the prosperity of our rural communities whilst at the same time helping to protect and enhance the environment. The Scottish Executive is committed to helping farming businesses to adapt and diversify.



Johnson's Seafarms Grading Systems, Vidlin, Shetland

6. All of these reports recognise the diversity of rural Scotland and the differing needs of rural communities across the country. A sensitive and flexible approach is required to respond to each community's particular circumstances. The planning system has an important part to play in realising the vision of a diverse rural Scotland.



SPP15

"Rural Scotland needs to become more confident and forward looking both accepting change and benefiting from it ... the countryside should be able to absorb more people content to live and able to work there."

Defining Rural

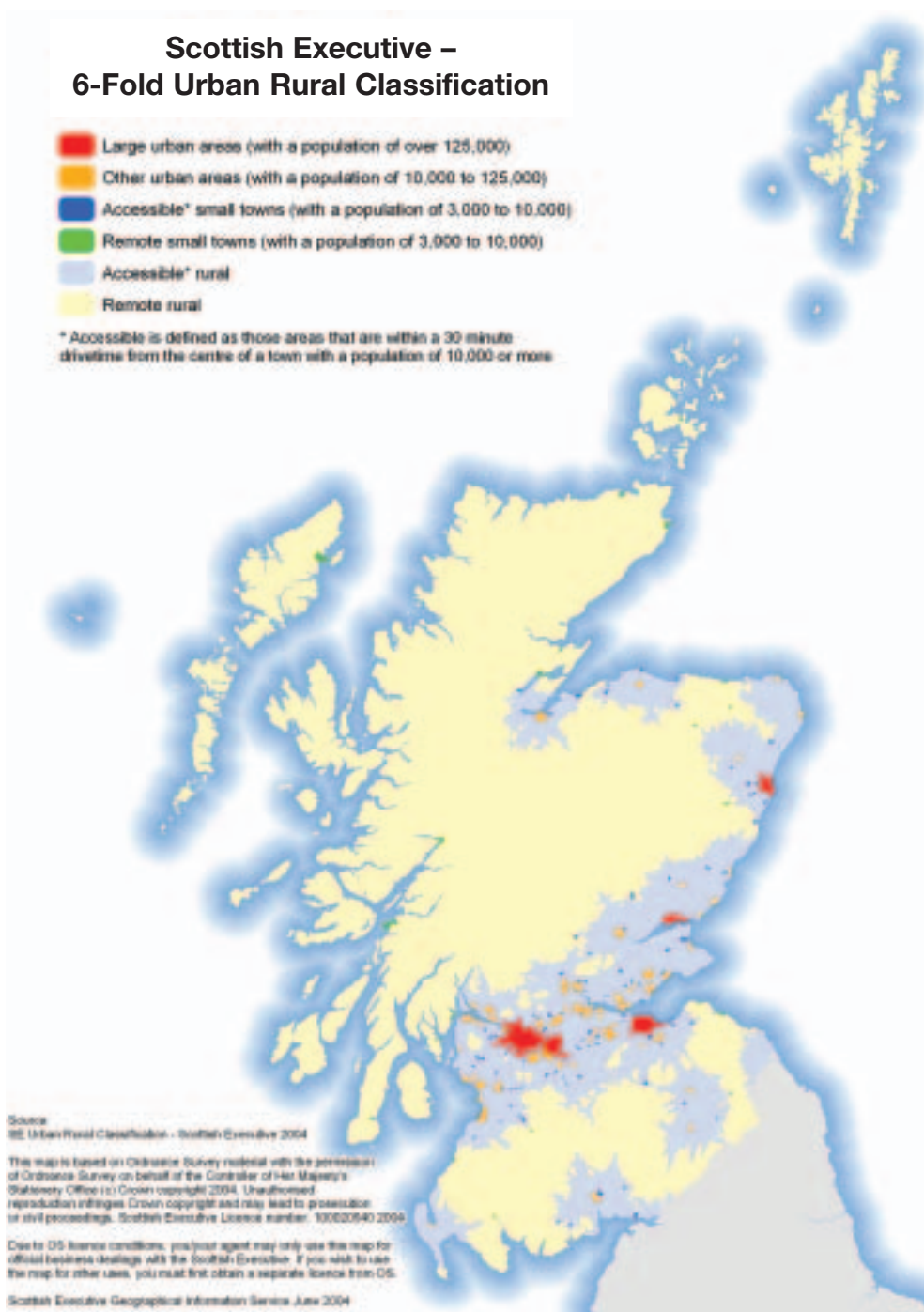
7. The Scottish Executive defines rural Scotland as the countryside, and settlements of 3,000 population or less. Under this core definition, rural Scotland accounts for 98% of the Scottish landmass and 19% of the population (approximately 1 million people). The main focus of this PAN is on those areas that fall within this core definition, but this definition of rural Scotland should not be applied too strictly. Many settlements with a population greater than 3,000 people experience aspects of rurality. Urban fringes can have an intensely rural character, and the economic activities of urban and rural areas are strongly connected.



Farming, Highland

8. Rural Scotland cannot be considered as a single entity. The character of rural areas and the challenges they face varies greatly across the country: from remote and sparsely populated regions to pressurised areas of green belt, from areas that are thriving and prosperous to others facing economic difficulties. Different policy approaches, using different typologies, are required in different areas.

9. This PAN will be most useful for those involved with development and diversification projects in the countryside, in and around villages and small towns, but the advice will also have relevance in urban hinterlands and green belts. Some of the examples will be more relevant to one rural area than another and will be applied in different ways depending on local circumstances. Nevertheless, this PAN will be of broad interest to all those concerned with planning and the diversification of the rural economy.



Defining Diversification

Rural Diversity

10. Scotland is a diverse country. Its varied landscapes and rich bio-diversity are highly valued. A rich heritage and strong cultural diversity is reflected in its communities, communities that continually change and grow. The built environment of rural areas is equally diverse. Land is owned and managed by many different people and organisations: crofters, farmers, foresters, estate owners, private companies, public bodies, Government agencies and non-Government organisations, local authorities and the communities themselves. Materials and built forms differ across the country and help give areas their distinctiveness, identity and sense of place. Settlement patterns can vary greatly from small fishing and mining villages to large county towns. Against this backdrop are the many different people who live and work in, or visit, our rural areas and contribute to their vitality. There is a lot happening in our countryside, villages and small towns, with an increasingly wide range of activities supporting businesses of many descriptions. It is this diverse economic activity of rural Scotland that is the focus of this Planning Advice Note.



Hutton Stone's Swinton Quarry, West Fishwick

Rural Diversification

11. In its simplest terms rural diversification means the establishment of new enterprises in rural locations. This can mean existing businesses entering into new areas of activity or the creation of entirely new enterprises. With more people enjoying access to the countryside rural Scotland has nurtured a growing tourism and leisure sector, but widespread access to rural areas has also meant that many people can now choose to live in the countryside but continue to work in urban centres. Developments in information and communications technology mean that activities previously requiring a city office can now be done almost anywhere and many people are choosing to both live and work in our rural areas. Rural diversification helps to broaden the economic activity of rural areas, providing opportunity and creating a more balanced and stable economy.

Farm Diversification

12. In the midst of these changes we should not lose sight of the intrinsic rural character that makes our countryside attractive to live and work in. Traditional sectors like farming and forestry are essential in retaining this rural character but these are changing too. Agricultural diversification has meant farmers concentrating on new areas of agriculture, growing alternative crops, rearing new breeds and turning to organic farming. Farm diversification has involved

farming families adapting even further and turning their skills to new businesses secondary to the main farm business. These enterprises may be an extension of the existing farm business but equally the new activity can be unrelated to agriculture. Some have been so successful in these new enterprises that farming is now their secondary activity. Farm diversification is therefore an integral part of wider rural diversification that enables farmers and their families to continue the farming activity while providing jobs and income for others in the community.

The Diversity of the Rural Economy

13. There are many activities that make a valuable contribution to the rural economy that are less immediately obvious such as large scale industrial activities like quarrying and waste disposal, hydro-electric schemes and wind turbines, as well as light industrial activities such as repair shops and machinists. In addition to this are all the normal services and facilities that communities need to function – shops, medical centres, petrol stations, community facilities, hairdressers, accountants; the list is endless. The fact is that, although they may sometimes take a different form or be delivered in unique ways, nearly all of the businesses and services we find in urban areas can be found to some extent in rural areas. When planned well, all of these activities can contribute to the diversity of rural Scotland.



Peel Farm shop, Lintrathen



Scapa Scuba, lifeboat house, Stromness

'Agricultural Unit' means land which is occupied as a unit for agricultural purposes, including any dwelling house or other building occupied by the same person for the purpose of farming the land. *Town and Country Planning (Scotland) Act 1997 Chapter 8 PART V, 122. – (1)*

The Scottish Executive Environment and Rural Affairs Department issue all agricultural units with an Agricultural Code Number.

How Planning can Support Rural Diversification

14. Successful diversification means supporting existing businesses and traditional activities whilst embracing innovation, new activities and new business ideas. Affording people the opportunity to continue to work in rural areas helps them stay connected with their communities rather than become detached. Welcoming new people to our countryside helps maintain its vitality. Planning can respond positively to these demands of diversification and assist in ensuring that the vitality and vibrancy of our rural areas is maintained.



Helen Denerly, Sculptor, Strathdon

15. There are a number of ways in which planning can assist those in rural communities who want to start new businesses or develop their existing business. Planners can support rural diversification by:

- **promoting diversification through development plans.** Plans should contain positive policies that encourage rural diversification and are appropriate to the rural areas they apply to. They should also identify sites that offer a choice of size, location and environmental amenity, in order to meet the varying demands of businesses and allow them to be located in the most suitable and sustainable locations. Development plans should also reflect the aspirations of the communities in their area;
- **giving sound and helpful advice.** Planners should respond positively to proposals that promote diversification. As well as being able to give planning advice, planners are well placed to highlight other sources of advice and draw attention to schemes that can be of support. Identifying issues early and resolving any problems helps keep delays to a minimum. It is also important to be clear about real constraints, and negotiating between conflicting interests will often be necessary;
- **encouraging sustainable diversification.** Rural diversification can attract new people into declining communities and help local economies to grow. It can also reduce commuting, help to protect existing environmental and heritage assets, bring brownfield sites back into use and help to deliver environmental enhancements. Sustainable diversification may involve new housing. It is important for planners to consider the economic and social, as well as environmental, implications for sustainability;
- **addressing issues of accessibility, infrastructure, scale and design.** Infrastructure issues relating to access, public transport, water supply, drainage or ICT provision, are frequently to the fore in rural areas. Environmental sensitivities also need to be considered and there can be difficult issues about the design quality of new build or the re-use of old buildings. At the same time, diversification provides opportunities to promote good design, enhance the environment and rural landscape, release the potential of our heritage and realise community benefits and infrastructure improvements; and
- **recognising individual circumstances.** One size does not fit all and a flexible approach is often required to help businesses realise their opportunities. It is important to take into account the particular needs or special circumstances of a business and be realistic about the resources available to them.



Emtelle UK Ltd, Fibre-optic Research Centre, Hawick

Promoting Diversification through Development Plans

16. SPP 15: Planning for Rural Development stresses that development plans should acknowledge the diversity of rural Scotland through clear visions, use of typologies and evidence based policies. It also recognises the valuable role of public involvement and the need to create links with community planning.



Perth and Kinross Structure Plan, Sustainable Economy Policy 3
Support will be given to measures which promote an integrated flexible and innovative approach to rural development which encompass economic, social and environmental considerations and which:

- *maintain and enhance local employment opportunities;*
- *promote diversification;*
- *help sustain viable rural communities and services; and*
- *introduce new technologies to rural areas.*

Positive Policies

17. Development Plans can support diversification by providing a vision that encourages economic activity in our rural areas and by developing policies that are positive towards new businesses. The considerations against which the planning authority will assess diversification projects should be clearly set out. Different types of rural area will require different policy responses.

Identifying Sites

18. The needs and requirements of businesses can vary greatly and it is therefore important that Development Plans identify a wide range of sites. As highlighted throughout this PAN, sites should have existing or easily available infrastructure provision, generate sustainable traffic patterns, be sensitive in terms of natural and cultural heritage,

encourage the use of brownfield, allow businesses to build on existing clusters and networks, and be deliverable within reasonable time-scales.

Community Involvement

19. It is important that development plans reflect the aspirations of the communities in their area and have strong links to community planning. Delivering diversification also requires the co-operation and support of landowners, developers, businesses and many other stakeholders whose views need to be married with the desires of local communities. In a rural area, the expansion or creation of new businesses can have profound effects and planners should therefore highlight the benefits of public involvement to new businesses.

Case Study 1: Rural Activity Areas in Stirling

The Stirling Clackmannanshire Structure Plan recognises that rural diversification is a priority in sustaining rural communities. It also realises the importance of providing new sites for existing business to expand and for the creation of new employment opportunities. An alteration to the local plan therefore identifies 'Rural Activity Areas' in Killearn, Doune and Callander. The sites chosen are close to proposed centres of housing growth and relate well to road links and rural bus routes. Supplementary development guidance has been prepared for each activity area setting out clear site objectives, identifying developable areas, establishing preferred primary uses and providing detail relating to design, landscaping, access, drainage and other infrastructure considerations.

Case Study 2: Listening to Communities around Loch Lomond

The Community Futures programme for the Loch Lomond and Trossachs National Park area has supported 24 rural communities in the preparation of local community action plans. These plans are used by communities to influence and contribute to public agency plans and programmes and assist in raising funding for priority projects and actions. The plans are being used to develop the National Park Plan from the bottom up. Each of the plans sets out how the community can support the development of the local economy.

To assist in the preparation of the plans the National Park has supported communities with the following resources:

- a part-time local Community Agent;
- technical support provided by the Small Town and Rural Development Group;
- Programme Manager support;
- administration grant; and
- production and distribution costs of Action Plan documents.

Each household in a community receives a copy of the final Community Action Plan.

For more information see: www.lochlomond-trossachs.org



Giving Sound and Helpful Advice

20. It is important that planners are able to give clear advice on the planning process and planning issues relating to a proposal. This advice will normally be informed by published guidance, whether in the form of the development plan or the Council's own supplementary planning advice. Professional support and sound advice from the outset, especially at the pre-application stage, can save considerable amounts of time and is likely to improve the prospects of any fledgling business. Embarking on a new enterprise can be daunting and helpful, sensitive, informed advice will usually be welcomed.



Getting business advice at Ettrick Riverside

21. Some applicants have considerable experience, or have already received a wealth of advice, and as a consequence approach planning with clear and informed proposals. However, some new businesses are unaware of the wide range of support that is available to them and may not have fully considered every aspect of their new enterprise. Planners often encounter similar proposals that share the same difficulties and should therefore be able to identify premature or poorly thought out proposals and advise accordingly. Frequent communication with agencies, community groups, and other organisations also means planners are well placed to act as a signpost to other sources of advice, schemes and funding. It should be borne in mind that financial assistance often rests on securing planning permission first.

22. In summary, planners should:

- be able to give advice on planning issues relating to rural diversification;
- produce planning guidance and information appropriate to their local area;
- establish when businesses require additional advice
- be aware of other available sources of advice; and
- keep abreast of initiatives and programmes in their area.

23. There are many sources of advice relevant to rural diversification available to both planner and applicant. Details of useful contacts and references can be found at the end of this PAN.

Case Study 3: Planning for Healthier Rural Economies – bringing together planners and economic development professions

The Countryside Agency has been involved in a range of activities to help increase and extend understanding between planners, economic development professionals and advisors to small businesses. In partnership with Planning Aid, the voluntary part of the Royal Town Planning Institute, two seminars were held and representatives of small rural enterprises, business advisors, planners and local economic development officers were all involved in presentations and workshops to explore the planning-related needs of non-agricultural rural enterprises and their business development requirements.

The seminars have informed the contents of a loose-leaf resource pack that will provide guidance and advice for those assisting rural businesses and economies. Feedback from these events has confirmed that the process itself has been valuable in breaking down barriers between planners, economic development officers and business advisors, through bringing them together, engendering a greater understanding of needs and constraints of rural economies and a realisation of how sustainable growth can be achieved.



Encouraging Sustainable Diversification

24. Rural diversification helps make our rural areas more sustainable. It allows individuals to continue to live in rural areas, close to their places of work, without needing to commute to towns or cities. In some cases businesses can be brought closer to their suppliers and markets. Successful diversification also attracts new skills and new people to rural areas benefiting existing businesses and helping to retain essential services, sustaining local communities and maintaining their quality of life. In fragile areas this influx of new businesses and new people may make the difference between decline and growth. As well as supporting the rural economy, diversification can help bring brownfield sites or otherwise redundant buildings back into use, and deliver environmental enhancements or much needed community benefits.

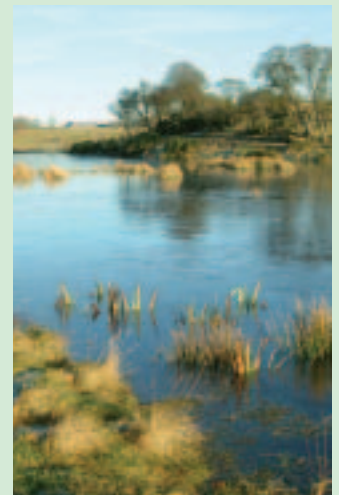


Community Renewable Energy, Unst, Shetland

25. However, rural diversification can also raise fundamental questions. The siting of businesses in rural areas, particularly in the open countryside, can encourage unsustainable traffic generation or commuting patterns. There may be impacts on an area's natural or cultural heritage or other environmental factors to consider. There are also conflicting views about the role of housing in relation to diversification. Question marks can surround a business' economic viability or longevity. An apparently successful business could potentially have an adverse impact on a nearby village or town.

26. Planners will be mindful of these sustainability issues in the preparation of plans or when considering a planning application, but applying these matters of principle to individual circumstances requires careful consideration of all the economic and social, as well as environmental, factors.

Case Study 4: Cream O' Galloway: Recreation, Habitat Creation and Ice Cream



In 1993 the Finlays applied for planning permission to convert a disused farm building at Rainton Farm near Gatehouse of Fleet. The Cream O' Galloway Dairy Company began making ice cream in 1994 and now supplies ice cream to major supermarkets and stores throughout the UK. Visitor facilities have been developed and environmental improvements undertaken. The farm now attracts 60,000 visitors a year and in 2003 received a Thistle Award for excellence and quality in their work with tourism and the environment.

Rainton Farm is on the edge of a National Scenic Area and consideration of visual impacts was to the fore as the farm expanded its processing facility to accommodate offices, storage and distribution areas. The new premises are sympathetic to their surroundings but also designed to meet stringent environmental health and fire regulations. Several alterations to the original design were required to ensure that farm activities, ice cream production and visitor attractions were physically separated from each other.

Rainton Farm has undertaken an environmental audit and is committed to a programme of actions to improve the biodiversity of the farm over the coming years. Through habitat creation and conservation they aim to increase numbers of rare species on the farm such as red squirrel, otter and water vole, and attract other species that are key targets in the Dumfries and Galloway Local Biodiversity Action Plan. With assistance from SNH and the Forestry Commission 30,000 native trees have already been planted and 50 acres of farmland converted into amenity woodland. In addition, two large ponds have been created to provide valuable habitat for aquatic wildlife. Four miles of nature trails have been laid which help to raise awareness of the wider environment whilst at the same time offering an enjoyable visitor experience.

Housing and Diversification

27. House-building, in itself, is not diversification but there are circumstances where, in relation to a business, new housing may be acceptable as a complementary part of a development. It should also be recognised that new housing in rural areas can play an important part in wider economic regeneration and environmental renewal especially in remote areas. The provision of appropriately located, well designed homes, suitable for a range of incomes can help to stem depopulation, keep young

people and skills in the area and help to attract new people and entrepreneurs.

28. Occasionally, new housing is proposed as a mechanism to cross-fund a business proposal. In some instances, after considering the proposal against planning policies, this may be acceptable. Where such housing is proposed it should still be located in sustainable locations. The housing need not be on the same site and it may be possible to direct new housing to existing settlements.

Case Study 5: New Housing at Netherton Delivers New Businesses

Previously disused steadings on the Fetternear Estate are now home to the Netherton business centre and 45 new jobs. This development near Kemnay in Aberdeenshire occurred in three phases providing 19 business units for companies involved in activities ranging from geophysical surveying to document scanning.

The first phase of development involved the conversion of a listed barn but was also accompanied by the construction of three houses. These new-build houses, on a separate site, provided essential cross funding for road infrastructure and drainage improvements and were necessary to deliver two further phases of steading conversions. In turn, the business presence at Netherton has been instrumental in accelerating the introduction of broadband services to the village of Kemnay.



29. Both SPP3 and SPP15 recognise that conversions which allow buildings to be retained contribute to local character and provide distinctive assets to the local environment. Proposals that involve both residential and business uses should be considered sympathetically where they involve sensitive re-use, conversion or rehabilitation of buildings that can be accessed safely and readily serviced. Limited new build along with converted or rehabilitated buildings may be acceptable where it results in a cohesive grouping well related to its landscape setting. It is also important to consider whether the proposed business use is compatible with the residential element (for example if it generates noise or smells). Housing proposals that displace an existing economic use will also require particular scrutiny.

30. Home-working is becoming more and more common, and provided it does not employ more than one member of the household and does not use more than one room it will not normally require planning permission. Home-working should be encouraged and associated small scale development will sometimes be required. Suitable sites for home-work units can be identified through development plans.

31. In some instances new housing is justified because of the economic benefits of a combined business element. Such proposals will be considered against normal planning policies and in particular the SPPs for housing, economic development and planning for rural development. Where the economic benefit of the proposal becomes a determining issue it can be useful to ask the following questions:

- Has adequate supporting information, such as a business plan, been provided to establish that the proposal is genuine and viable?
- Is there demand for what is proposed and will the development bring needed skills or services to the area?
- Will the business encourage healthy competition or is it likely to displace existing businesses?
- Does the business proposed have the support of and reflect the aspirations of the local community?

32. New housing is sometimes provided by businesses as worker accommodation. The provision of 'tied' housing for agricultural workers has long been recognised, but worker accommodation attached to other businesses may be equally as justified, for example for hotel workers. The use of occupancy conditions may be appropriate.

Case Study 6: Isle of Eriska Hotel, Argyll & Bute



Beautiful surroundings and a sense of isolation have contributed to the Isle of Eriska Hotel's success but they also posed challenges for the expansion of the hotel. The Hotel sits on its own island in the middle of Loch Creran, a candidate Special Area of Conservation (SAC), and also in the heart of the Lynn of Lorn National Scenic Area.

In the last 10 years the hotel has developed a swimming pool and spa facility, a 9-hole golf course and new guest apartments. Maintaining close contact with SNH has ensured that the new facilities are sympathetic to the surrounding landscape, habitats and species. Development of the golf course was accompanied by an environmental audit, which has informed a grounds management regime. The swimming pool is not chlorinated but instead treated by ozone and discharges are carefully controlled and monitored.

The relative remoteness of the island had often made finding local affordable accommodation for staff difficult, and as a consequence the hotel has provided purpose-built staff housing. The expanded facilities have enabled the hotel to respond to changes in the tourism market and remain open all year round. Staying open over the winter season has made it easier to retain staff and the hotel now employs 45 people, 20 more than 10 years ago.

Rural Brownfield

33. Development Plan policies should encourage rehabilitation of brownfield sites in rural areas and in appropriate locations allow for their re-development. Brownfield sites are broadly defined as sites that have previously been developed. In rural areas this usually means sites that are occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity.



Brownfield Site, Ballinluig

Case Study 7: The Ice Factor at Kinlochleven



In 1994, after 90 years of operation, Alcan Smelting and Power (UK) Ltd announced that they would be closing their outdated aluminium smelter in Kinlochleven. A 10-point enhancement strategy was prepared and the Kinlochleven Land Development Trust in partnership with the Highlands and Islands Network, Highland Council and the local community spearheaded a £12 million programme of investment in the area. An area of 1.5ha was cleared and comprehensively decontaminated by Alcan. Land transfers handed a number of sites over to the development trust on a long lease. Following remediation works, the smelter's category B-listed carbon bunkers and laboratory were structurally restored. Four new business units were constructed and the laboratory was converted into a bunkhouse. In June 1999 planning permission was granted to convert one of the carbon bunkers into a microbrewery.

It was always envisaged that the smelter building could house an outdoor activities centre and December 2003 saw the opening of the Ice Factor (Ionad Sreip Lochabair) the biggest indoor ice climbing facility in the UK. In addition to ice climbing the facility contains a host of regular climbing walls, a bouldering area, changing facilities, sauna and steam rooms, a specialist outdoor equipment shop and a cafeteria and restaurant. The main hall is capable of hosting lectures and is used as a teaching facility for climbing and medical courses. The Ice factor is recognised by the Mountaineering Council for Scotland as both a regional and national centre, employs 29 people, and had over 30,000 visitors in its first six months.

Redevelopment of the smelter site was accompanied by built and natural heritage audits, which in turn have informed a range of environmental improvements in the area. As part of the wider enhancement strategy for the regeneration of Kinlochleven, over 8 kms of the path network have been improved and townscape improvements have provided new amenity areas, additional parking and new stone walls for houses.

DUN4 SNH Landscape Character Assessment

4.3.1

Landscape Description

Kincardine Cliffs (Area 2) describes about 30km of coastline between Aberdeen and Inverbervie. It is an essentially rocky coastline although the lithology changes dramatically at Stonehaven, where the hard schists that extend from *the Mounth* (Area 18) are replaced by the Old Red Sandstone of Strathmore.



This transition marks the Highland Boundary Fault, although at the coast the distinct boundary which is seen further west, is almost imperceptible. Despite this, its character is a persistent one of mostly steep rugged slopes and cliffs merging quickly into the farmed hinterland of *Garvock and Glenbervie* (Area 9) and *Kincardine Plateau* (Area 13). Raised beaches are a common feature and villages sit often within a narrow wave cut platform between the old and the new shorelines. Sea cliffs are most characteristic in the northern part of the area, for instance at Crawton. Further south, the softer rocks present a gentler edge, often grass covered and frequently eroded, exhibiting land-slip.

It is a densely inhabited area, particularly north of Stonehaven where the foothills of the Grampians extend almost to the sea, forcing the main road and settlements into a narrow corridor of land. Old fishing villages such as Findon, Muchalls and Catterline occur within sheltered coves or perched on cliff tops and typically include small, white-washed or pebble dashed cottages. Modern expansion often extends back from these old villages into the farmland, including substantial areas of new housing; for example at Portlethen and around Stonehaven. Stonehaven retains a distinct core which descends to the sea.



Sea views are fundamental to the character of *Kincardine Cliffs* (Area 2) providing an immense sense of scale when viewed from cliff tops. Cold hard winds often add to a sense of exposure that derives from these lofty views, rippling the grass or throwing rain and seaspray over the cliff top. The character of the shoreline is equally dependent on the sea, sometimes lashed by wind and waves, sometimes tranquil within a sheltered bay.

4.3.2 *Key Characteristics*

- Steep, weathered coastal cliffs with stacks and arches especially between Stonehaven and Aberdeen.
- Cliff erosion prevalent in some areas, particularly on sandstone cliffs south of Stonehaven.
- Raised beach platforms can give deep stepped profile to the coastline.
- Grass and scrub covered slopes on shallower cliffs; bare rock on steep slopes.
- Farmland extends to edge of cliffs.
- Major communications corridor behind the cliffs, notably the A90 and east coast railway.
- Settlements cluster on cliff tops; older villages and harbours nestle at cliff base accessed by steep roads down to the sea.
- Extensive new development at edge of coastal towns.
- Expansive views out to sea provide vast sense of scale.
- Weather is fundamental to character; coast is often windswept or lashed by rain and spray; resulting sense of exposure is great.

4.3.3 *Pressures and Sensitivities*

Pressures from built development are high due to the proximity of Aberdeen; the landscape structure of farmland bordered by rocky cliffs is robust, but exposed cliff tops will render development highly visible.

- The coastal cliffs, stacks and arches are sensitive to nearby built development which may affect their setting.
- The open and exposed character of the landscape on cliffs is sensitive to changes in land use and scale of development.
- The major force for landscape change is from new built development outwith or extending existing settlements, the latter risking coalescence of existing coastal communities.

- Pressures of development within small stone harbours could lead to loss of their intimate character.
- Exposure to wind along cliff tops may attract windfarm development.
- Long seaward views will encourage caravan and camp sites.

4.4.4

Specific Guidance

Aim: To enhance the traditional clustered settlement patterns and vernacular building style.

- New development on the coast which is clustered in form and limited in extent will reflect traditional patterns and will be acceptable in principle; linear development along communication routes may lead to amorphous strip development, lacking sense of identity.
- Isolated houses and small developments which reflect traditional architectural styles and finishes, such as whitewashed walls, will be more appropriate within the cliffline landscape.
- Small fishing villages on and below sculpted cliffs are features of the landscape and conservation of their character and setting is important; new development which is separated from these villages will help to preserve their identity and that of the harbour settings.

Aim: To conserve and enhance the open space character of the cliff edge.

- Historical features, such as clifftop castles, churches and archaeological remains, benefit from an open setting that emphasises their exposure and enhances views; development near to such features will detract from this.
- The maintenance of drystone dyke field boundaries will enhance landscape structure.
- The rural character of the clifftops may be conserved by restricting the use of urbanising elements such as street lighting and signage outside the main settlements.
- In this exposed landscape, extensive use of shelterbelts around development will appear out of place and may emphasise built development; clumped groups of native species will be more appropriate.
- Windfarms along the coastal edge will be highly visible and may be at variance with the character of small clustered settlements; in more open and undeveloped stretches, they will introduce a prominent, artificial feature, but may also enhance the windswept aspect of the landscape.

DUN5 Main Issues Report Response

Aberdeenshire Local Development Plan 2021: Main Issues Report 2019 Main Issues Report Response Form

Important Information: Please Read

The Main Issues Report (MIR) is a key stage in preparing the Aberdeenshire Local Development Plan 2021 (LDP 2021). The MIR sets out options for how the LDP 2021 could be improved both in terms of the policies that Aberdeenshire Council will use to determine planning applications as well as identifying land allocations for development. The MIR has been published along with a Monitoring Report and Interim Environmental Report of the Strategic Environmental Assessment. These, along with other supporting documents are available at: <https://www.aberdeenshire.gov.uk/planning/plans-and-policies/ldp-2021/main-issues-report/>.

Comments are sought on the MIR and Interim Environmental Report, or indeed any other matter that you feel that we need to consider, by 5pm on Monday, 8 April 2019. Responses can be emailed to us at ldp@aberdeenshire.gov.uk or received via post, Planning Policy Team, Infrastructure Services, Aberdeenshire Council, Woodhill House, Westburn Road, Aberdeen, AB16 5GB.

Please note that in order for comments to be considered as valid you must include your contact details.

We will use these details to confirm receipt of your comments and to seek clarification or request further information as required. Should you have any concerns regarding the holding of such information please contact ldp@aberdeenshire.gov.uk. Anonymous comments will not be considered as part of the consultation process. Petitions will only be noted in the name of the person submitting the document.

All comments received will be carefully assessed and will be used to inform the preparation of the Proposed Aberdeenshire Local Development Plan. There will be a further opportunity to comment on the Proposed Plan when it is published in December 2019.

Name	██████████
Organisation (optional)	Norr
On behalf of (if relevant)	██████████
Address	████████████████████ ██████████
Postcode	██████████
Telephone (optional)	██████████
E-mail (optional)	████████████████████



Doing things digitally is our preference. Tick the box if you are not happy to receive correspondence via email:

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

Fair processing notice

Please tick to confirm your agreement to the following statements:

By submitting a response to the consultation, I agree that Aberdeenshire Council can use the information provided in this form, including my personal data, as part of the review of the Aberdeenshire Local Development Plan. This will include consultation on the Main Issues Report (including any subsequent Proposed Plan).

I also agree that following the end of the consultation, i.e. after 8 April 2019, my name and respondent identification number (provided to you by Aberdeenshire Council on receipt of your submission) can be published alongside a copy of my completed response on the Main Issues Report website (contact details and information that is deemed commercially sensitive will not be made available to the public).

The data controller for this information is Aberdeenshire Council. The data on the form will be used to inform a public debate of the issues and choices presented in the Main Issues Report of the Aberdeenshire Local Development Plan 2021. It will inform the content of the Proposed Aberdeenshire Local Development Plan.

Aberdeenshire Council will only keep your personal data for as long as is needed. Aberdeenshire Council will retain your response and personal data for a retention period of 5 years from the date upon which it was collected. After 5 years Aberdeenshire Council will review whether it is necessary to continue to retain your information for a longer period. A redacted copy of your submission will be retained for 5 years beyond the life of the Local Development Plan 2021, possibly until 2037

Your Data, Your Rights

You have got legal rights about the way Aberdeenshire Council handles and uses your data, which include the right to ask for a copy of it, and to ask us to stop doing something with your data.

If you are unhappy with the way that Aberdeenshire Council or the Joint Data Controllers have processed your personal data then you do have the right to complain to the Information Commissioner's Officer, but you should raise the issue with the Data Protection Officers first. The Data Protection Officers can be contacted by writing to:

- [REDACTED], Data Protection Officer, Aberdeenshire Council, Business Services, Town House, 34 Low Street, Banff, AB45 1AY

If you have difficulty understanding this document and require a translation, or you need help reading this document (for example if you need it in a different format or in another language), please phone us on 01467 536230.

Which document(s) are you commenting on?	Main Issues Report <input checked="" type="checkbox"/>
	Draft Proposed Aberdeenshire Local Development Plan <input checked="" type="checkbox"/>
	Strategic Environmental Assessment Interim Environmental Assessment <input type="checkbox"/>
	Other <input type="checkbox"/>

Your comments

This submission has been submitted on behalf of Dunecht Estates in response to Aberdeenshire’s Main Issues Report (MIR) which was published in January 2019 and also responds to the draft Local Development Plan (LDP). Our client submitted a site through the Council’s call for sites in 2018, this was KN108 at Dunnottar for the development of a visitor centre and enabling development.

It was concluded within the assessment that there is a current policy framework that would be supportive to the development of the visitor centre without the need for an allocation in the LDP. This position is welcomed as it is likely that an application for this development will come forward as an application for planning permission in advance of the adoption of a replacement LDP.

There are comments made within the assessment of the proposal that this submission makes comment on. It is also considered that whilst there will be further detail required to justify enabling development it would be appropriate to identify the site within the LDP.

Location

It was noted that the housing element is not within easy walking distance of Stonehaven and its services. It is acknowledged that the site is not directly connected the edge of the settlement, but the site is not far from Stonehaven and to its benefit is not separated by a dual carriageway. The site is 2.5km from the town centre, which is a similar distance to the developments to the north at Ury. There is a bus stop 400m from the site providing access to bus services with links to Stonehaven, Aberdeen and Peterhead to the north and to Perth to the south.

Aberdeenshire Coast Special Landscape Area

The assessment identifies that the proposal lies within the southeast Aberdeenshire Coast Special Landscape Area and the houses would have a significant landscape and visual impact when viewed along the A92 and would affect the setting of Dunnottar Castle.

The Special Landscape Area designation is set out within Supplementary Guidance to assist in assessing the potential impact of development. The statements of importance supporting each of the Special Landscape Areas outline the qualifying interests protected by Policy E2 of the LDP. The presence of the site within the SLA alone does not mean that it is inappropriate, but that in determining the acceptability the judgement will be influenced by the qualifying interests.

The following factors are relevant for consideration of development at this location.

- Maintain the focus of development within existing coastal settlements.
- Respect the coastal character of existing settlements.
- Protect the sense of place associated with the coastal cliffs.
- Protect panoramic views including view over the sands at St Cyrus, and views from Dunnottar Castle.
- Assess the potential impact on the sea views from significant roads, paths and visitor sites.

Figure 1 below identifies the location for the development towards the edge of the SLA. The enabling element of the development will be clustered around the existing farm buildings at Mains of Dunnottar on the west side

of the coastal tourist route. This location is not visually connected to the Castle or the expansive views out to sea and the use of landscaping will ensure that there is no detrimental impact as a result of the development. The development is separated from the cliffs by the Coastal Tourist Route and agricultural fields as shown in Figure 1. Views north and south along the cliffs will not be obscured or viewed in association with the development. Overall the proposed location for the enabling development is sensitively located and the design response will ensure that there is no detrimental effect on the SLA key characteristics.

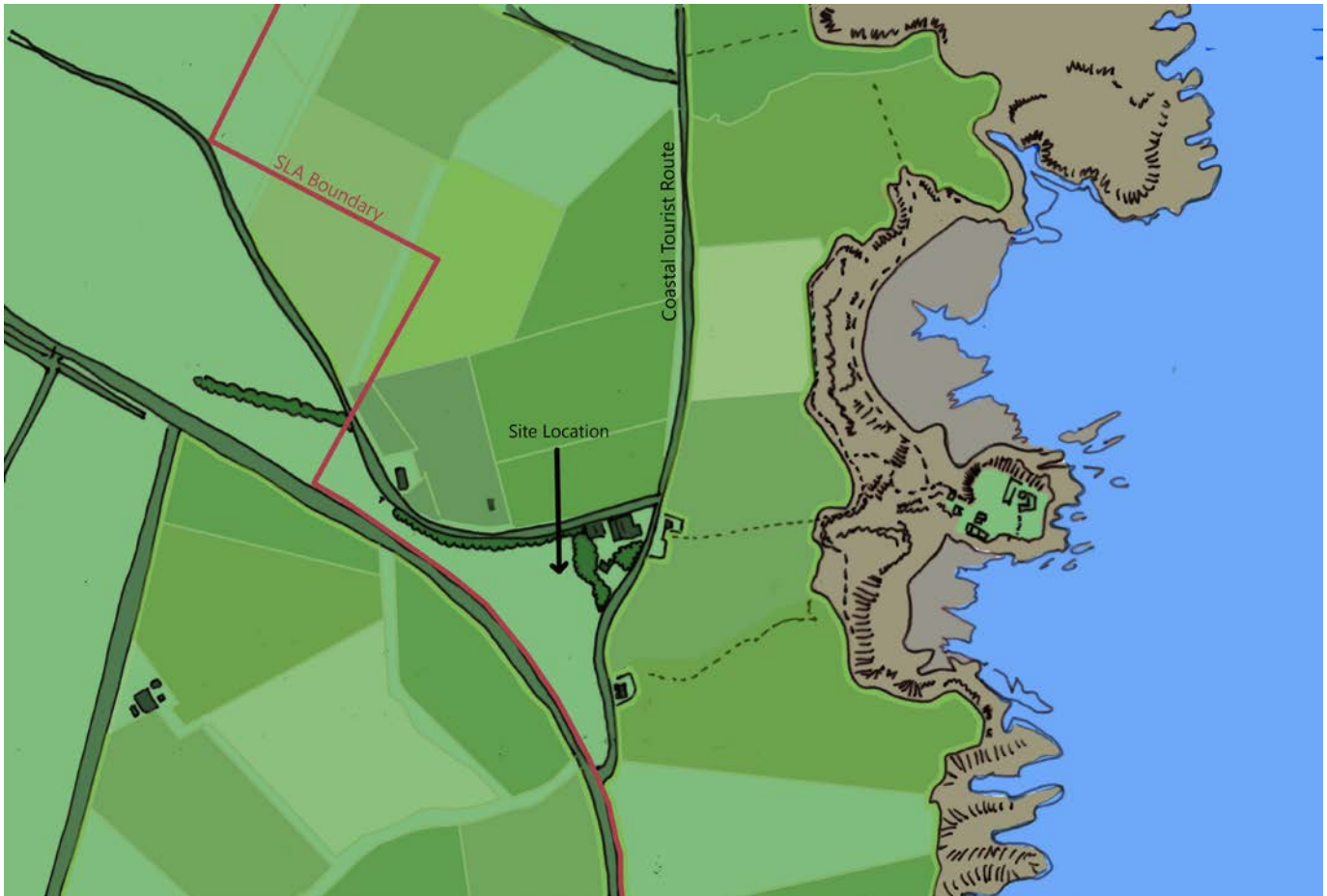


Figure 1: Site Location within SLA

Funding Options

The assessment requests that funding alternatives are explored prior to enabling development. In progressing this project there has been detailed consideration of how the project will be financed including a review of the business plan for its operation and the value of the potential revenue of the facility. The costs of the development currently identify a shortfall in finance that is available from traditional sources and there has been exploration of alternative options. This has involved discussions with Aberdeenshire Council Economic Development. The grant options considered include:

- Scottish Rural Development Programme / LEADER
- Aberdeenshire Grants
- Heritage Lottery Fund

Unfortunately it transpires that this venture would not be able to attract significant grant funding. Heritage lottery funding has been explored and an application submitted, but it must be led by a not-for-profit organisation and the proposal would not be eligible for funding. Aberdeenshire Council have advised that LEADER funding opportunity is coming to an end. There have been no other available grants from Aberdeenshire Council identified.

Enabling Development

It is stated that "as Dunecht Estates owns more land than is proposed within this bid the need for houses in this unsuitable location is not justified." Enabling development by definition is development that would not be given planning permission in other circumstances. The intent of enabling development is that the uplift in the value of the land resulting from approval will secure a wider public benefit. The amount of enabling development requires to be the minimum amount necessary in order to address the deficit. If enabling development is deemed to be acceptable in principle there will require to be conditions to ensure the works or development being enabled can be enforced and that the funds to enable the works are released as early as possible in the course of the enabling development.

It was noted in the assessment that a cost benefit analysis and the number of homes required has not been provided. This information will require to be provided at the time of the application as costs and values can change over time. At this stage, prior to review of the detailed appraisal, it is considered that an indication for intent could be provided within the Development Plan subject to the consideration of the detailed costs. Enabling development is to be tested against the needs of the place and project, not the owner. A lack of or presence of other resources is not part of the consideration or material to this proposal.

In most cases any appropriate enabling development should be materially linked to the site of the development being enabled. The exception to this is if development at the site would be inappropriate or that there is not sufficient land owned at the location. The theory of the enabling development requires to prevail and there must be an associated increase in land value created through the permission to effectively enable to proposal.

It is considered that this location is not so sensitive that it would not be appropriate for a small scale development. In proximity to the site for the visitor centre it is considered that in clustering a residential development with the existing buildings, bound by trees that this is the optimal location for this development in landscape terms.

Prime Agricultural Land

It is noted that the houses are located on prime agricultural land. The site is located on a small area of Class 3.1 land, with a maximum extent of 1.2ha identified.

The alternative to avoid the loss of prime agricultural land would be to locate the development to the east of the coastal tourist route, where the land has a classification of 3.2. However, the site as proposed will be more sensitive in landscape terms as it sits well within the cluster of agricultural buildings and landscape features.

It is considered that the small loss of agricultural land would be offset by the benefits created through the development of the visitor centre.

Conclusion

This response provides feedback on the assessment of the proposal for KN108 as described within the MIR. The proposal submitted was for a visitor centre and enabling development by Dunecht Estates. The support for the visitor centre within the MIR is welcomed. In relation to the enabling development it is submitted that with appropriate mitigation the constraints identified would be outweighed by the benefits created by the development of the visitor centre. Further detail at the application stage will provide confirmation on the extent of development that is necessary to enable the visitor centre.

It is requested that the Council give further consideration to the proposal and identify the visitor centre and enabling development within the Local Development Plan.