

# 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](mailto: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.

Jeigu pageidaujate šio dokumento kita kalba arba atspausdinto stambiu šriftu, supaprastinta kalba, parašyta Brailio raštu arba britų gestų kalba, prašome skambinti 01467 536230.

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.

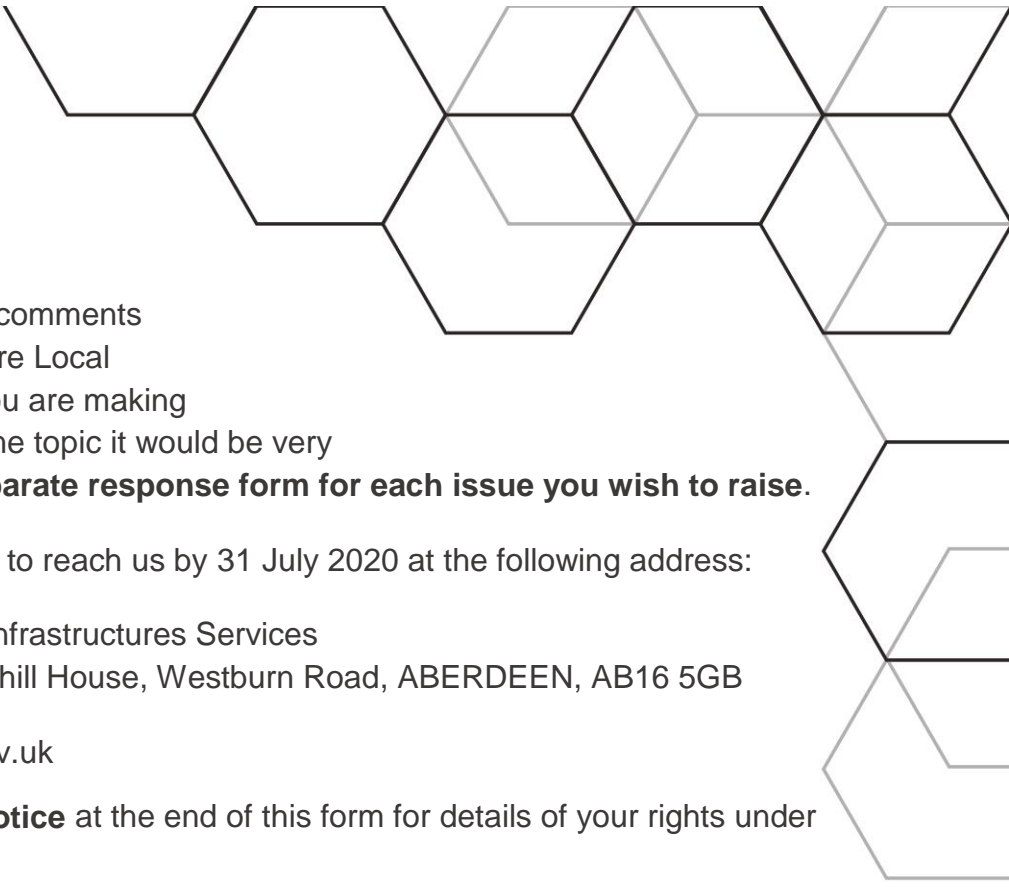
Jeśli potrzebowali będą Państwo informacji z niniejszego dokumentu w innym języku, pisanych dużą czcionką, w wersji łatwej do czytania, w alfabecie Braille'a lub w brytyjskim języku migowym, proszę o telefoniczny kontakt na numer 01467 536230.

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](mailto:ldp@aberdeenshire.gov.uk)  
Web: [www.aberdeenshire.gov.uk/ldp](http://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](mailto: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](mailto: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:	Neil
Surname:	Strachan
Date:	29 <sup>th</sup> July, 2020
Postal Address:	David Murray Associates Limited [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Postcode:	[REDACTED]
Telephone Number:	[REDACTED]
Email:	[REDACTED]

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

Are you responding on behalf of another person? Yes  No

If yes who are you representing?

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):

Reduce the extent of the proposed P1 Protected Land designation around Culterty House in Newburgh on page 459 of Appendix 7C (Settlement Statement - Formartine). Specifically to exclude the pond and the long south facing garden of Culterty House from the proposed increased P1 designation, leaving it as per the current designation in the 2017 ALDP.

**Reason for change:**

Increasing the extent of the P1 designated area in the 2017 ALDP would establish this land as 'protected as an amenity for the settlement', and would consequently severely hamper any future development potential of the Culterty House site. This is of huge concern because a sensitive development of this site, incorporating the pond adjacent to Culterty House, would provide a vehicle for full restoration of the pond with all the ecological benefits which would ensue.

The following supporting documentation is submitted for consideration in conjunction with the above comments:-

- Appendix 1: Letter of support from Foveran Community Council;
- Appendix 2: Development Appraisal prepared by David Murray Associates for the Culterty House site (which includes land within the proposed extended P1).

# 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](mailto: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:

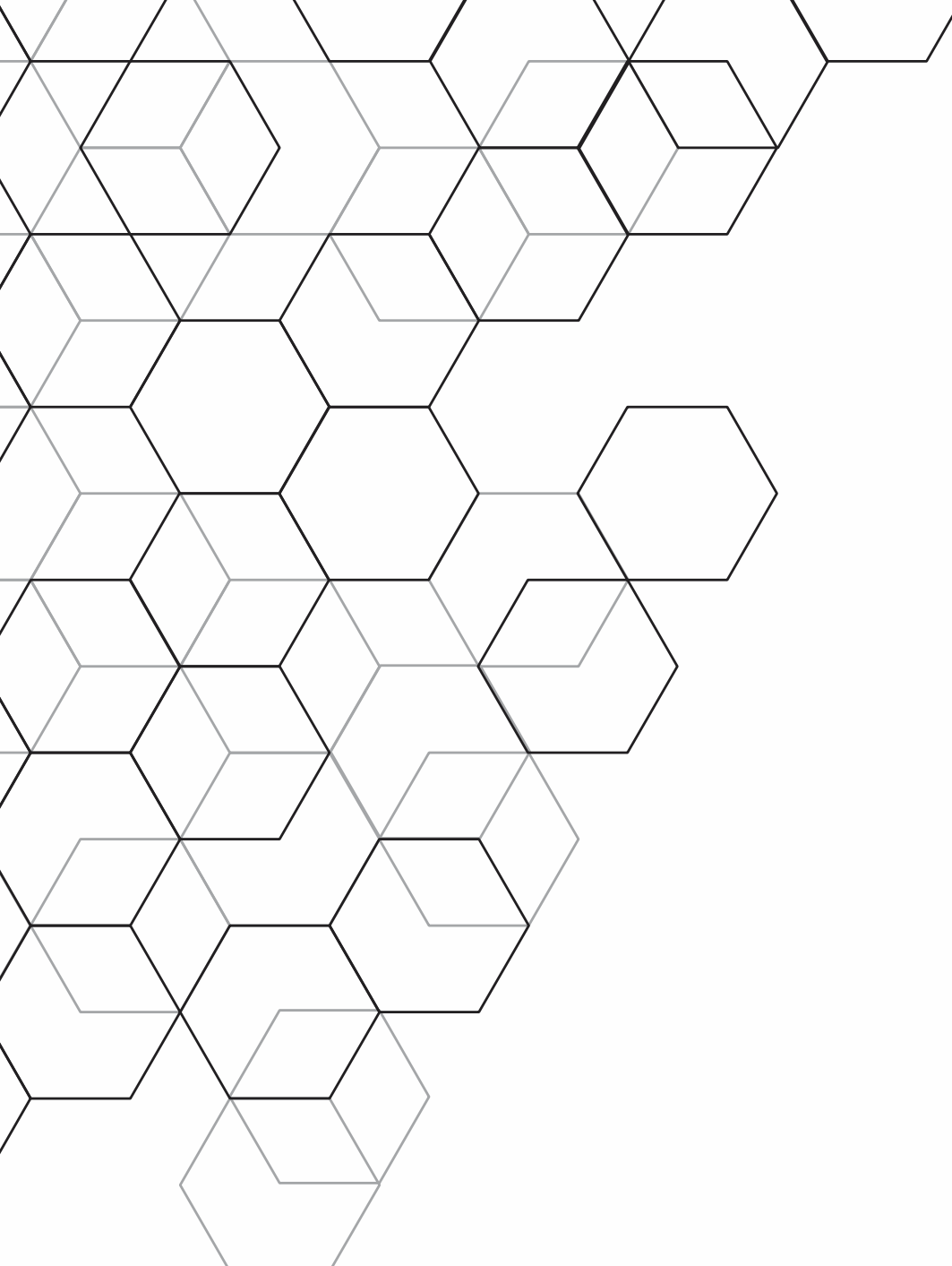
Aberdeenshire Council will only keep your personal data for as long as is needed. Aberdeenshire Council will retain your response and personal data for a retention period of 5 years from the date upon which it was collected. After 5 years Aberdeenshire Council will review whether it is necessary to continue 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.



# FOVERAN COMMUNITY COUNCIL

Secretary

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

David Murray Associates

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Attention Neil Strachan

## **Culterty House Newburgh**

Further to our discussion we thank you for sight of the draft proposals for possible development of this site, which has been an eyesore on the North of the village for too long

The Community Council raised the subject with the University of Aberdeen on 23<sup>rd</sup> May 2018, requesting the site either be sold or cleaned up, and this is recorded on the approved minutes of that meeting

As neither has happened, we would welcome any proposals to improve the site, especially as you are including a nature walk bordering the site

We therefore would support any request to Aberdeenshire Council for the site to be kept as it is on the current development plan, to allow you to move forward with your proposals

Glen Douglas  
21<sup>st</sup> July 2020



## Culterty House Development Site, Newburgh - Development Appraisal

David Murray Associates Architects

July 2020

### Brief History of the Site

Culterty House and its associated site is currently owned by the University of Aberdeen and has been marketed as a development opportunity without attracting a purchaser for over a decade now.

The house was constructed some time around the mid 1800's, and in the latter part of that century was the home of Mr James George Rae, one of the founder members of the grain and coal merchants Mitchell and Rae, whose premises were on the former Newburgh quay.

It latterly became the grace and favour of the Professor of Natural History at Aberdeen University and was used as this until it, and the adjacent research Field Station that was situated to the immediate north west of Culterty House, became surplus to the University's requirements around the mid to late 2000's. The Field Station accommodation was replaced by a new research building on the adjacent site, constructed around 2008 next to the other recently constructed University research building known as Oceanlab.



Culterty House c. 1978 in Aberdeen University ownership

This therefore allowed the parcel of land consisting of Culterty House and its garden, the cleared site of the former Field Station, and the man-made pond immediately to the west of Culterty House, to be marketed as a development opportunity.

The first attempt at developing the site was made via a planning application in December 2009 for the demolition of Culterty House, infilling of the pond and construction of new houses and flats on the site, submitted by the same developer as the recently completed Newburgh Quay development. This application, and a subsequent similar one made in 2010 by the same applicant, were both withdrawn prior to being determined.



The reasons for this are unknown, although it may well have been to do with the post-crash economic climate at the time, as well as potential risks / constraints relating to infilling of the pond and subsequent flood mitigation.

Since then, although there has been anecdotal evidence of further developer interest in the site, no formal planning applications have been brought forward, and the site remains on the market today.

Culterty House's long history holds significant heritage and cultural value within Newburgh and the surrounding area, as well as being one of the oldest buildings in the village. Given its latter status as a field station for the University, it is also recognised amongst the education community in the north-east.

### **Current Condition of the Site**

Culterty House itself has been made secure and appears to have been kept relatively watertight over its years of non-occupation. The roof and walls of the main house appear to be in relatively sound condition, with the majority of damage being limited to the outbuildings. Its garden is located immediately to the south of the house, and runs parallel to Main Street in Newburgh, separated by a low level stone wall and sheltered by a belt of mature trees.



Culterty House and outbuildings today

The land that the former Field Station was situated on is now a grassed over, undefined flat area of land between Culterty house and the Oceanlab building.



Land of former Field Station

## Ecology

The artificial pond on the site is an interesting feature although currently in poor aesthetic condition. An initial high-level appraisal by Envirocentre Ecologists has identified that the pond appears to have been constructed to allow brackish water to collect during high tidal flows, perhaps in a controlled fashion. This has resulted in a build-up of estuarine muds at the inflow/outflow, somewhat impeding this flow and causing stagnant brackish water to remain. Some plant communities are present, indicative of the wider coastal assemblages, however the presumed salinity seems to inhibit growth of freshwater plant communities, as is evident in the neighbouring pond which does not appear to be fed by the tidal flow.

The current ecosystem of the pond has not been fully documented, however options would be available to:

- Conduct maintenance to re-establish its tidal function albeit this may not significantly contribute to local biodiversity considering the large, natural estuary nearby, plus such a feature may produce typical smells of anaerobic muds which could be continuously unpleasant for future adjacent residents; or
- Adaptation of this feature to create a freshwater pond ecosystem with associated flora, insect life, and trophic scale. This is likely to be a preferred option for future residential development associated with this landscape feature. Following engineering advice, such a feature may be utilised as a Sustainable Drainage System (SuDS) by collecting and filtering surface water.

The trees/small woodland associated with the site appears to be a planted broadleaf feature which has had minimal intervention. Opportunities are available to consider small scale woodland and arboricultural management to aid in the development of the trees/woodland such as the provision of standing and fallen deadwood habitats. Additionally, the installation of high quality artificial bat and bird boxes would accelerate the sheltering provision offered by these trees prior to natural cavities forming as trees mature. An infusion of woodland wildflower seeds may increase floral diversity at a ground level.

## Planning Status

In the current Local Development Plan the site is wholly within the settlement boundary of Newburgh, meaning it can be developed subject to design and technical matters being addressed adequately. The emerging Local Development Plan for 2021 however, is proposing to include part of the site within an increased protected designation (P1 in the 2017 LDP), which currently covers an existing ponds and adjacent open space to the west of the site.

The increased area being proposed to be included within the Culterty site by designation P1 consists of the pond and the majority of the long southern facing garden of Culterty House. This would designate this land as 'protected as an amenity for the settlement', and would consequently severely constrain the development potential of the Culterty house site.

This is a concern because a sensitive development of the site incorporating the pond adjacent to Culterty House would provide a vehicle for restoration of the pond with all the ecological benefits which would ensue.



Current LDP 2017



Proposed LDP 2021 showing increased P1 allocation

## Approach to Redevelopment

There is an opportunity to develop the Culterty House site and in doing so bring wider benefits to the community in the form of heritage, ecology and connectivity.

Heritage - It is considered that, subject to further detailed inspection, much of Culterty House could be retained and refurbished as a dwelling house, bringing back a building of cultural and heritage significance to the village into re-use.

Ecology – As part of the development of the site, the existing pond would be adapted/maintained to be regenerated as a freshwater feature with developing ecological function and an asset to the site and the wider area. This in association with small scale woodland management to increase opportunities for a range of species to access niche habitats.

Connectivity – In conjunction with the wider landowner, the University, a wildlife path network could be established in the remainder of the P1 designated site which would link the adjacent pond (within the current protected zone) to the wider village, opening it up along with its abundant wildlife, for the community to enjoy. Using the natural features, formalising the existing accessed desire-lines to a standard which allows access for a wider range of people



(i.e. mobility, removal of trip hazards, durable surfaces, small directional signage/wildlife interpretation) would be an asset to the local community as a whole.



Possible wildlife walkway / connection to the wider village

To realise these opportunities however, an element of 'enabling' development would be required – this is proposed to take the form of creating 2 additional housing plots upon the site, so that including the Cultery House refurbishment, a small and sensitive residential development of 3 dwellings in total would be created.

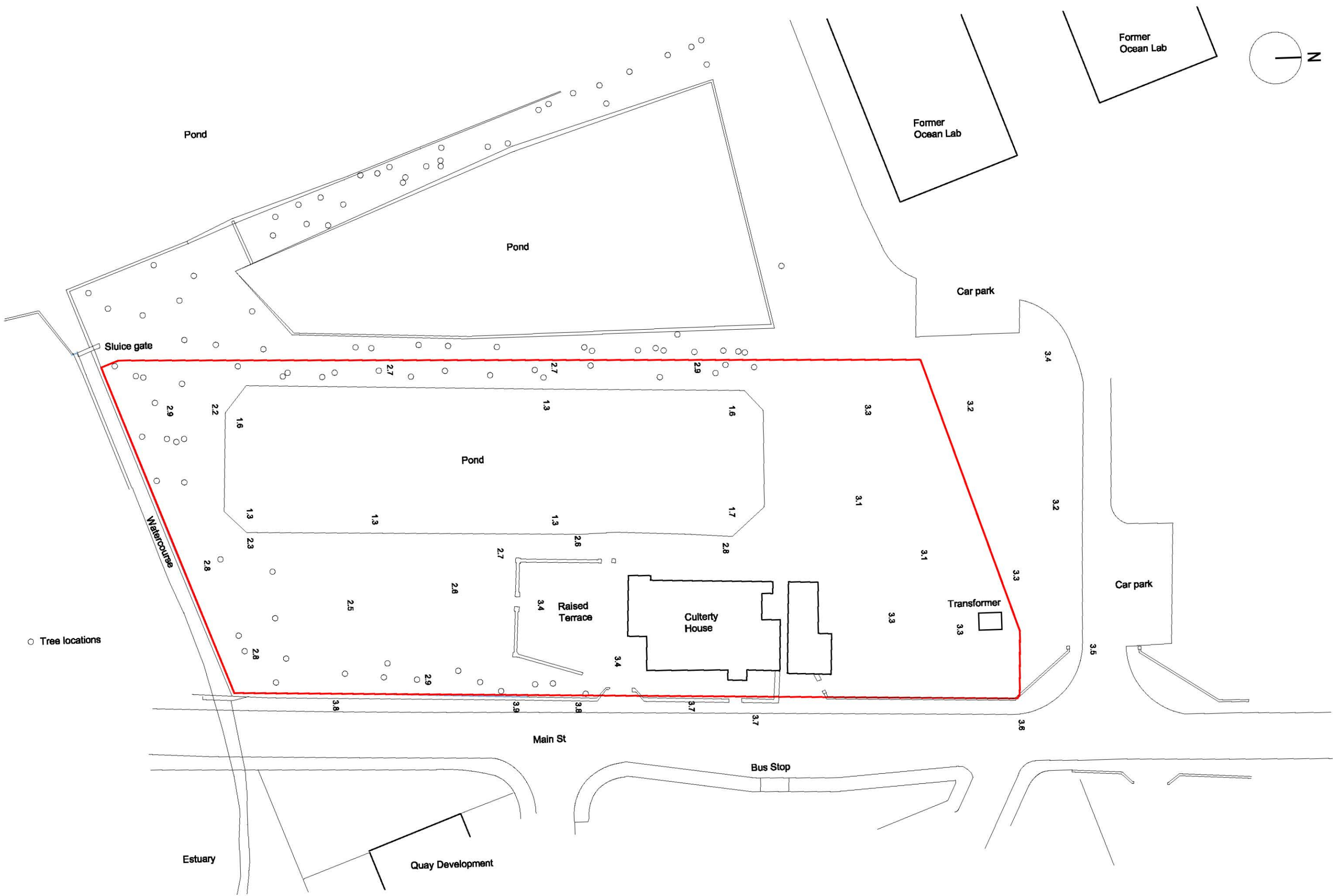
These houses would all be located around and have a relationship with the existing refurbished pond, which would be considered as an environmental asset and a unique feature of the residential development.

Of the 2 new build dwellings, one would be proposed to be sited on the area of open land that the former Field Station was located on, and the other within the garden space to the south of Cultery House. However, this second plot would be contingent upon resisting the proposed increase in the protected area P1, brought forward by the emerging LDP 2021.

Given the economic constraints of retaining and refurbishing Cultery House itself, it is not considered that a single additional plot on the site would make the development economically viable. Therefore imposing protection on this part of the site would be counterproductive by constraining the development potential and would in all likelihood maintain the current status quo for the foreseeable future.

This purpose of this paper is to highlight the development potential of the Cultery House site when considered in the context of wider benefits to the village and that this should be considered as part of any future land designation change.

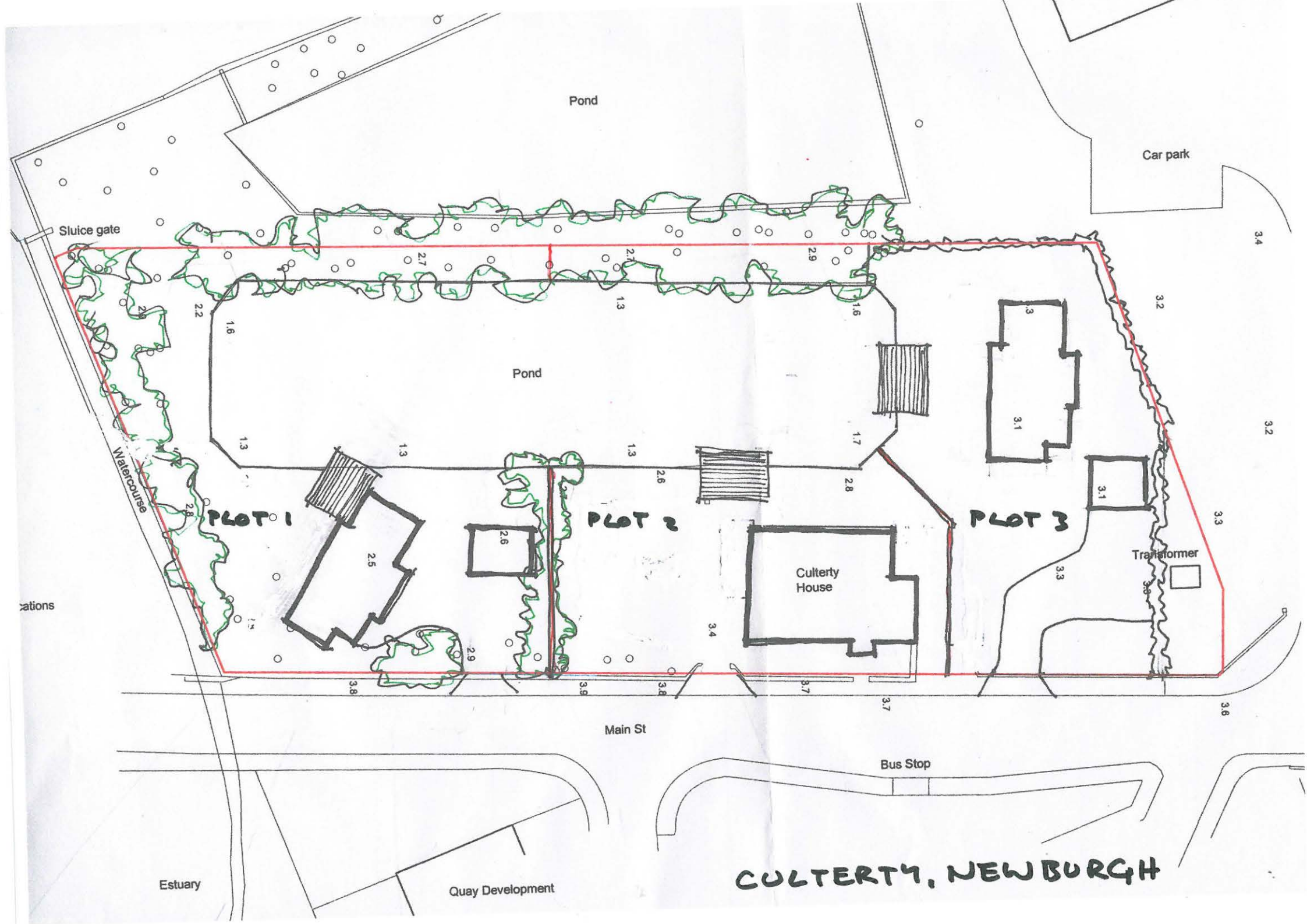
This paper will be submitted to both the Community Council for comment and the LDP team as part of the consultation process.



Development at Cultery, Newburgh  
**SITE - EXISTING**

1:500 @ A3 1910 L(0)-01





Pond

Car park

Sluice gate

Pond

PLOT 1

PLOT 2

PLOT 3

Culterty House

Transformer

Main St

Bus Stop

Estuary

Quay Development

CULTERTY, NEWBURGH