

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.

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, zvaniem uz 01467 536230.

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

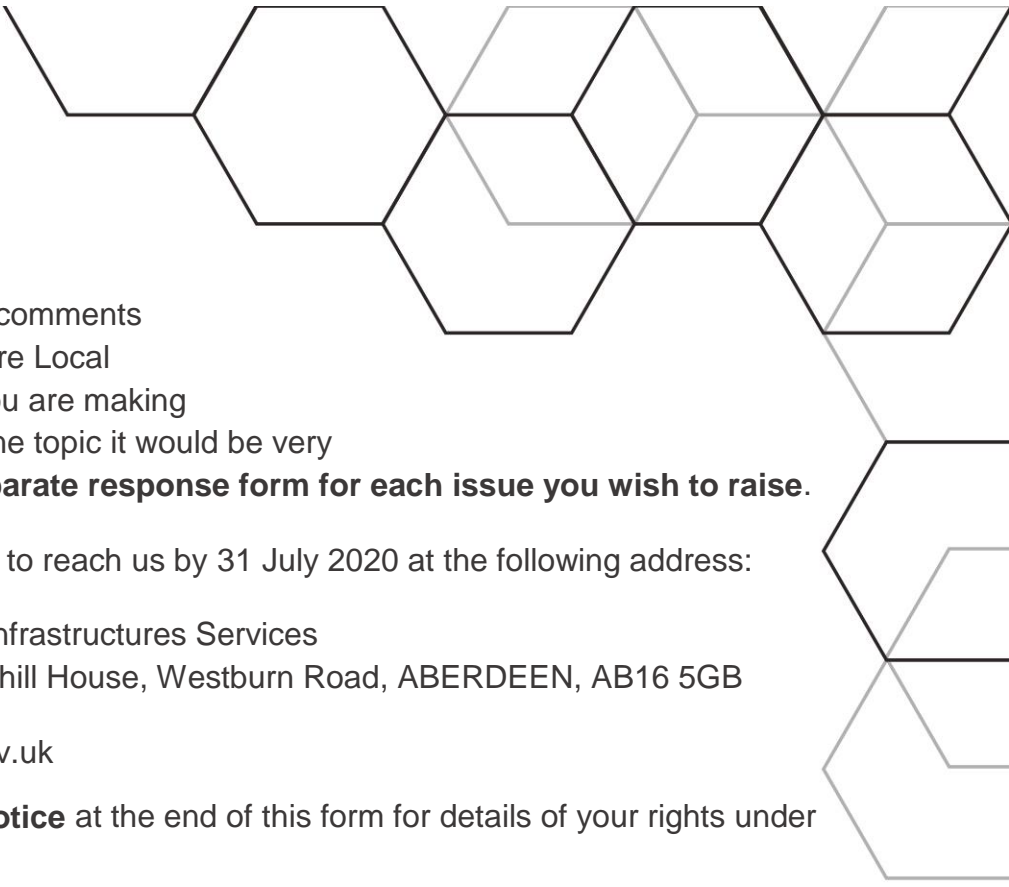
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Email: ldp@aberdeenshire.gov.uk

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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:	Ian
Surname:	Scott
Date:	29 July 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?

The University of Aberdeen

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):

Appendix 07c: Fortmartine Settlement Statements – Newburgh (pp 326-330)

Remove the proposed extension of Protected Land P1 Newburgh from the adopted Aberdeenshire Local Development Plan 2021. The above appendix to the Proposed Local Development Plan 2020 identifies an extension of approximately 600 sq. m. is to be made to the north and east of the Protected Land designation of the same name in the extant Aberdeenshire Local Development 2017. No reasonable justification has not been provided throughout the Local Development Plan Review process, to appropriate inform the public, thereby allowing for appropriate scrutiny of this proposition. Instead such scrutiny has been limited to the Proposed Plan stage.

Reason for change:

On behalf of the University of Aberdeen, objection is made against the proposed extension of Protected Land P1 Newburgh in the Proposed Aberdeenshire Local Development Plan 2020, where the designation of the same name within the extant Aberdeenshire Local Development Plan 2017 has been extended by approximately 600sqm to the north and east. This extension will encompass land under the control of our client at Culterty House and the remains of its estate. Our client is also especially concerned at the lack of any justification for the proposed extension of the designation, which, up until the publishing of the Proposed LDP, has not featured at any previous stage in the review process, such as in the Main Issues Report (MIR), Draft Proposed Plan or the more recently published Issues and Actions Papers.

In the 2017 LDP, designation P1 Newburgh intended, "***To conserve the play area and pond as local amenities.***" In the Proposed 2020 LDP, the designation's objective is similarly, "***To protect the play area and pond as an amenity for the settlement.***" For clarity, these subjects concern Eider Road Playground and a much larger pond sited between it and Culterty House. Our client, wishes to make it clear that they do not oppose the objective of the designation and, indeed, agree that the protection of the play area and pond would be to the benefit of the village and its residents. However, the extension of the designation as proposed within the Proposed 2020 LDP is in no way necessary to meet its stipulated objectives and it is asserted by our clients that the designation made in the 2017 LDP is sufficient. Indeed, there is no need to expand the P1 Newburgh designation in order to protect the play park and larger neighbouring pond, as these are already fully encompassed by the 2017 LDP designation boundaries.

A detailed summary of the site, its history and development potential is outlined in the development appraisal prepared by David Murray Associates in Appendix 1. In summary, the Culterty House Estate is owned by the University of Aberdeen, which has maintained a research presence in the area for decades, beginning at Culterty House and a now-

demolished field station, before moving to more modern facilities to the northwest built in the late 2000s, which includes 'Oceanlab'. Culterty House and its gardens, as well as the site of the former field station and artificial ponds to the west, are therefore no longer in use, surplus to requirements, and have been marketed for sale as a redevelopment opportunity for over a decade.

There has been limited market interest in the site expressed to the University of Aberdeen and their selling agent, and an attempt to obtain planning permission in 2009/2010 did not progress to a decision after subsequent applications were withdrawn. It is believed this occurred due to problems in the financing of new development at that time, shortly after the 2008/2009 financial crisis (see applications APP/2009/4114 and APP/2010/0406). More detailed options for the redevelopment of the site are currently being explored by the University with David Murray Associates, with a view to obtaining planning permission and increasing the marketability of the site. Foveran Community Council has also expressed its support for the proposed redevelopment of the Culterty House site (Appendix 2).

The extension of the Protected Land P1 Newburgh designation would, in all likelihood, seriously impinge upon any prospect of the redevelopment of Culterty House and its immediate grounds due to the highly restrictive criteria of Policy PR1: Protecting Important Resources in the Proposed 2020 LDP. Policy PR1 of the Proposed 2020 LDP states;

“Development will not normally be permitted on any area of public open space, including outdoor sports facilities and buffer strips along watercourses, unless the new use is ancillary to the use as open space. Important areas of open space are identified as "protected land" within Appendix 7, Settlement Statements.”

Though exceptions are made for the development of community infrastructure in the policy, that type of development is not proposed in the case of Culterty House, as outlined in Appendix 1. Accordingly, the proposed extension of P1 Newburgh would place an undue constraint on Culterty House and its grounds, which is particularly difficult for our client to accept given that neither the MIR, the Draft Proposed Plan nor the Issues and Actions Paper provide any explanation for this.

Although in a secure and seemingly water-tight condition, Culterty House continues to be vacant and redundant of use, with future prospects of dereliction if redevelopment is not promoted and subsequently consented. The redevelopment project envisaged by our client would incorporate the house and gardens to its immediate west and south, including the adjacent artificial pond (see end of Appendix 1), with a total of three dwellings proposed inclusive of a renovated Culterty House and its adjacent raised terrace as garden space at Plot 2. As a result, a vernacular stately house of regional historic significance, in terms of its contributions to research and education, would be retained alongside two new dwellings proposed at Plots 1 and 3, which would lie respectively to the south and north. These new dwellings would enable the renovation of Culterty House and also reinstatement of the artificial pond to the west. Crucially, this aspect of the proposal would provide public recreational and amenity benefit, which aligns with both the existing and proposed objectives of P1 Newburgh.

A summary of the ecological value of the pond at the Culterty House site is provided in Appendix 1. In summary, an outline survey by Envirocentre Ecologists identifies that the ponds feature a build-up of estuarine muds and a resultant stagnation of the tidal waters, which the pond is seemingly designed to allow in and out. This has given rise to limited biodiversity and little to no colonisation by freshwater plants, and an overall state of

degradation similar to neighbouring ponds to the west. The pond adjacent to Culterty House is therefore theorised to have limited ecological value at present. Though a detailed ecological survey is pending completion, it is asserted by our clients that on the basis of the advice contained in the outline survey, the expansion of the Protected Land designation should not subsequently be justified on the basis that any of the ponds in that location carry significant ecological value.

Even though ecological restoration and biodiversity enhancement are not cited in the description for P1 Newburgh, a sensitive development of the wider Culterty House site would incorporate the pond adjacent to Culterty House and propose options for its restoration to enhance its ecological value, whilst also renovating the pond for recreational and amenity benefit, as mentioned. Appendix 1 outlines that either: maintenance would be proposed to restore tidal function which would help manage water salinity and stagnation, among other things, to allow for biodiversity enhancement; or the pond could be adapted to become a freshwater feature within the proposed residential development at Culterty House, in which case the pond could provide an effective SuDS solution. For clarity, it should be noted that these options are raised to reiterate that the ponds as existing carry little ecological value but that the proposed redevelopment at Culterty House would allow for potential ecological value to be restored. That opportunity would be wholly undermined by the extension of the P1 Newburgh designation, as shown in the Proposed 2020 LDP.

In short, it is our clients' intention to propose a redevelopment project at Culterty House that carries significant merit in several policy fields. In terms of built heritage protection and enhancement, it has already been determined that much of Culterty House could be retained and refurbished to restore its use as a dwellinghouse (see Appendix 1). In terms of natural heritage protection and enhancement, restoration of the adjacent pond would form part of the redevelopment project, as already discussed in detail. There is further merit to the proposal when the Culterty House site is viewed in relation to the neighbouring park and pond within the P1 Newburgh designation of the extant 2017 LDP, as the restored pond at Culterty House would be connected to the park by way of new and restored footpaths, in-keeping with objectives of that designation. Expansion of the P1 Newburgh designation is accordingly unnecessary and unreasonable.

The proposition is particularly alarming when it is considered that it has appeared at the last opportunity for public scrutiny in the review process. This is entirely unacceptable. No background or reasoned justification has been provided by the Council in support of a change in the boundaries for P1 Newburgh within the MIR or Issues and Actions Paper. The ostensibly hasty approach taken by Council to propose an expansion of P1 Newburgh at such a late stage in the review process, and without any explanation in the public domain, must therefore be drawn into question.

It is concluded that the proposed expansion of the Protected Land P1 Newburgh designation from the extant 2017 LDP to the Proposed 2020 LDP is unreasonable and unwarranted. The play park and pond cited in the Proposed 2020 LDP objective for P1 Newburgh are already fully encompassed by the 2017 LDP designation. Furthermore, if Culterty House and its remaining grounds were to be encompassed by such a designation, this would unfairly and unnecessarily preclude both the restoration of the historic house and adjacent pond, both of which, as separate aspects of our clients' proposals, carry significant merit. In that event, the site would be unmarketable and it is presumed, in the longer term, that this would result in dereliction of the house and continued degradation of the pond, where such an outcome would be entirely at odds with the very purpose of the P1 Newburgh designation. It is therefore respectfully requested that the P1 Newburgh designation of the 2017 LDP be maintained as existing.

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:

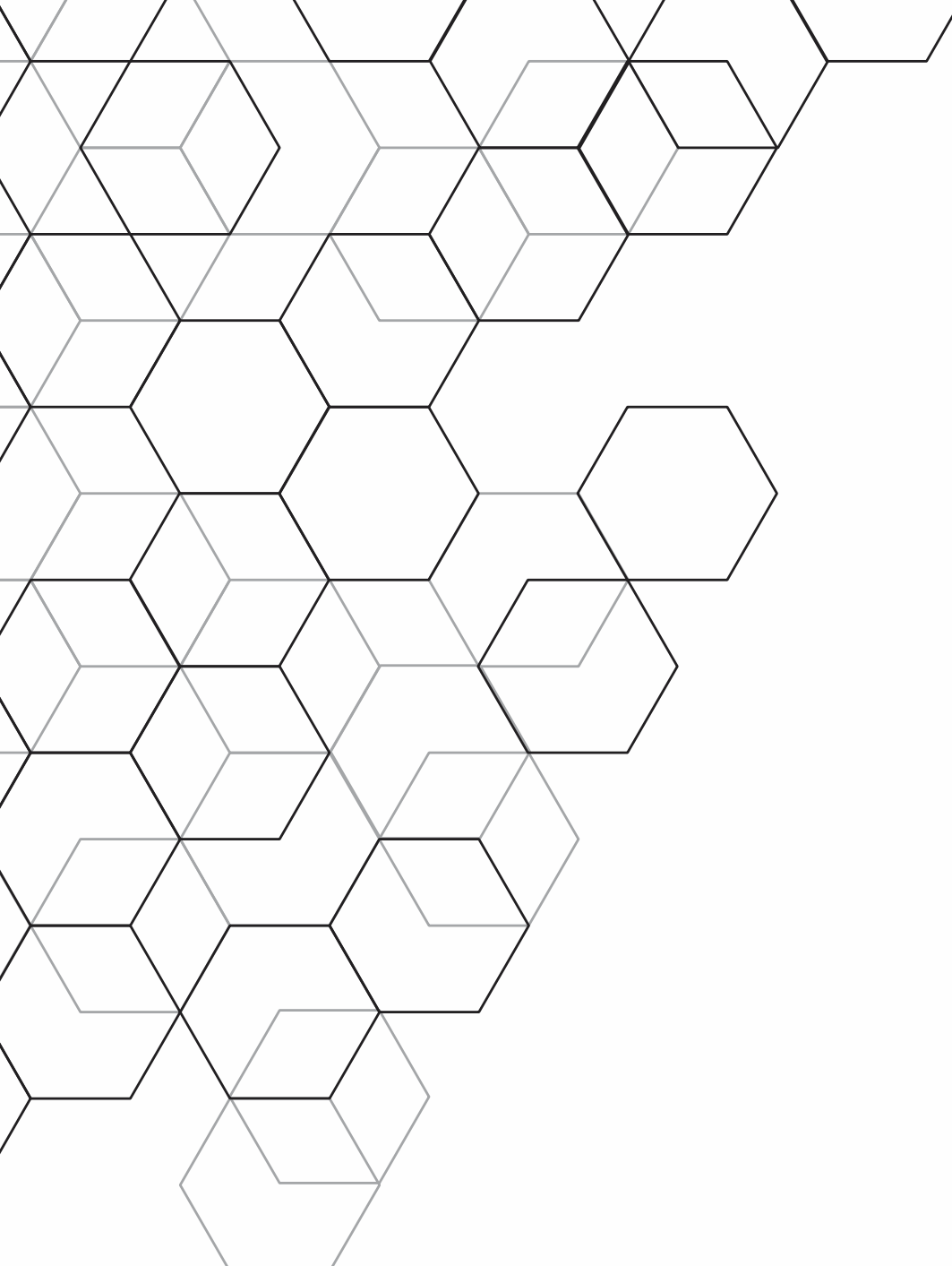
Aberdeenshire Council will only keep your personal data for as long as is needed. Aberdeenshire Council will retain your response and personal data for a retention period of 5 years from the date upon which it was collected. After 5 years Aberdeenshire Council will review whether it is necessary to continue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



Appendix 1

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.

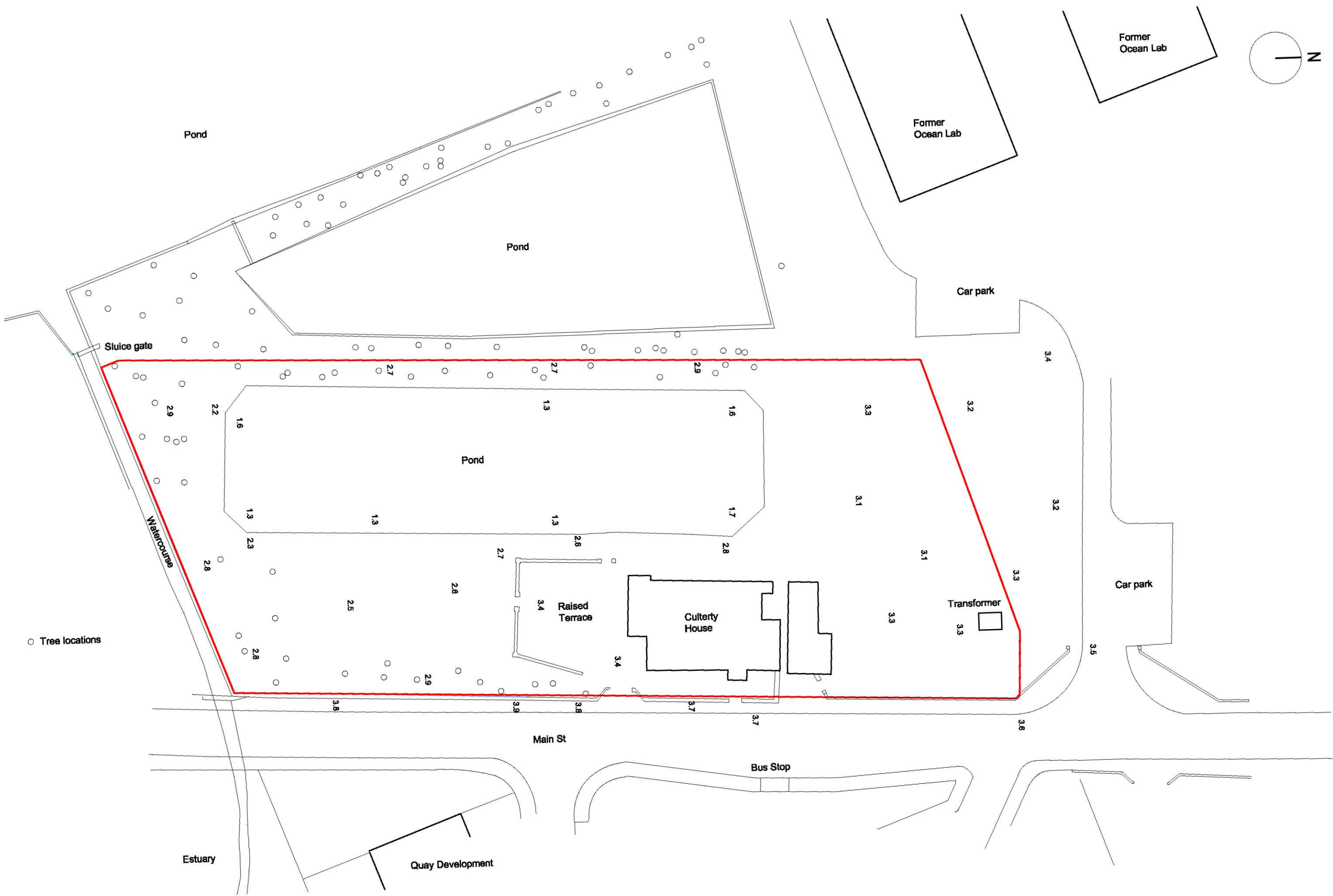
These houses would all be located around and have a relationship with the existing refurbished pond, which would be considered as an environmental asset and a unique feature of the residential development.

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.

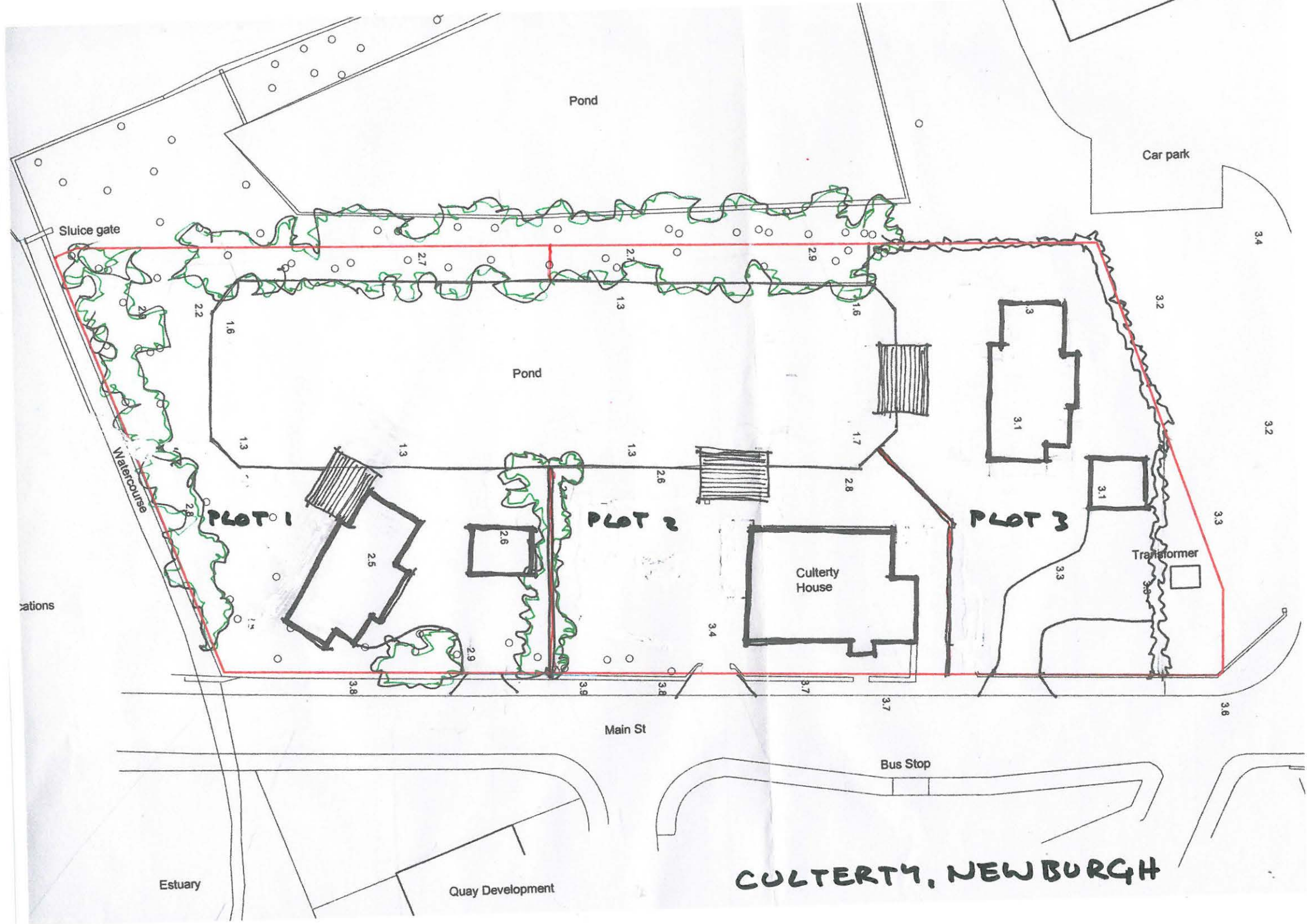
This purpose of this paper is to highlight the development potential of the Cultery House site when considered in the context of wider benefits to the village and that this should be considered as part of any future land designation change.

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

ations

Watercourse

PLOT 1

PLOT 2

PLOT 3

Culterty House

Transformer

Main St

Bus Stop

Estuary

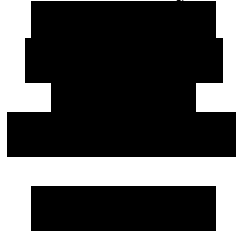
Quay Development

CULTERTY, NEWBURGH

Appendix 2

FOVERAN COMMUNITY COUNCIL

Secretary



David Murray Associates



Attention 

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 23rd 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



21st July 2020