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Planning and Building Standards  
Infrastructure Services  
Aberdeenshire Council  
Woodhill House  
Aberdeen  
AB16 5GB

Our ref: **01402 Environmental Report - Aberdeenshire Council - Aberdeenshire Local Development Plan**

31 July 2020

Dear [REDACTED]

With reference to the Environmental Report you submitted to the SEA Gateway on 25 May 2020.

In accordance with Section 16 of the Environmental Assessment (Scotland) Act 2005, the Consultation Authorities have now considered the Environmental report you submitted. The individual responses from the Consultation Authorities are attached to this letter.

As the Consultation Authorities have now expressed their opinions, you should refer to the 2005 Act to consider your next step, while taking into account the opinions of the Consultation Authorities.

If you have any queries or would like me to clarify any points, please call me on [REDACTED].

Kind regards

[REDACTED]

Environmental Assessment and Policy Officer



By email: [REDACTED]

SEA Gateway  
Planning and Architecture  
Scottish Government

[REDACTED]  
[REDACTED]  
Our case ID: [REDACTED]  
Your ref: 01402

31 July 2020

Dear Sir/Madam

**ENVIRONMENTAL ASSESSMENT (SCOTLAND) ACT 2005**  
**01402 ENVIRONMENTAL REPORT - ABERDEENSHIRE COUNCIL -**  
**ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2020**

Thank you for your consultation which we received on 26 May 2020 about the above and its Environmental Report (ER). We have reviewed these documents in relation to our main area of interest for the historic environment. The first part of this response relates to the plan, with part two focusing upon its environmental assessment.

**Part 1: 01402 Environmental Report - Aberdeenshire Council - Aberdeenshire Local development Plan 2020**

We have provided representations to the plan via the local development plan mailbox. For ease of reference, a copy of these is included in Annex 1 of this letter. None of these representations are seeking significant changes and all relate to minor policy wording. Their aim is to add clarity and consistency of terminology with other policy and guidance documents. We hope that this will contribute to transparency of decision-making.

**Part 2: Environmental Report**

We welcome the assessment that has been undertaken to support the development of the plan. The Environmental Report sets out a thorough and considered assessment with an adequate level of detail and a clear narrative setting out its conclusions. We have comments on some elements of the information provided, and these are set out below.

**5 The Context of Aberdeenshire Proposed ALDP**

Table 5.1 sets out a list of other PPS and environmental protection objectives. We welcome that this includes both Our Place in Time and the Historic Environment Policy for Scotland – though this has been mis-named as a Policy Statement in the text.



It is helpful that our Managing Change guidance note series is also referred to, but it is not clear why this is limited to only two guidance notes. We would suggest that the titles on [Gardens and Designed Landscapes](#), [Historic Battlefields](#), and [Setting](#) may all be relevant also. Similarly, there may be PANs in addition to those named which are relevant.

Other relevant considerations may include our interim [Guidance on Conservation Areas](#) and the [Principles of Listed Building Consent](#).

### 6 Assessment, General difficulties, Mitigation and Monitoring

Paragraph 6.2 sets out a thoughtful and reasonable consideration of the limitations of the assessment and we welcome this level of detail.

Table 6.2 sets out proposed mitigation. In this table, the wording implies that adverse effects on historic environment features may not be considered in their own right. It is stated that such effects, 'may weaken the sense of place, the identity of existing settlements and landscape character in places.'

It should be made clear that adverse impacts will be considered in terms of their impacts on the cultural significance of sites and places, through both physical and setting impacts. It appears from the mitigation measures identified that this has been a key consideration, so this issue appears unlikely to have affected the assessment, but we would suggest that the wording could be made clearer in future assessments.

We note that the mitigation measures are appropriate for impacts of the type identified above. However, the assessment itself often identifies impact on issues such as sense of identity and place and these intangible effects may be harder to mitigate through the measures identified. As impacts of this type have often been identified as positive in the assessment, this has not had a direct effect on any of the outcomes of the assessment.

This table would also benefit from a clear statement that negative impacts on cultural significance of assets will be considered and mitigated where possible.

Table 6.3 sets out the Monitoring Plan for the LDP. As stated below, the current monitoring report was very useful and thoughtful. It appears that this table does not reflect all of the considerations that went into this report and we would suggest that it would be more accurate for the two to align better.

### 8 Appendices

We welcome the alterations and additions made to the assessment in line with our previous advice. Our further comments are given below.



We have one minor comment on Appendix 8.4.10. Cultural heritage issues and constraints should identify that asset types other than listed buildings can be enhanced in the planning process. It may also help to refer to the value that historic assets can add to placemaking.

We welcome the fact that the methodology has been included at Appendix 8.5. We note that this does not include a source of data for gardens and designed landscapes and assume that this is an editing oversight.

We welcome the fact that the same methodology has been used for the assessment of all elements of the plan as this allows for greater consistency and clarity. However, we consider that in some areas the definitions for type of impact may not be broad enough. For example, the wording does not cover impacts on intangible heritage very well, and this is often a factor in conclusions of the assessment.

The values given are very specific and could be considered restrictive. For example, it is not possible for a setting impact to be considered as very negative, and negative effects do not include physical effects on sites or places other than conservation areas. This does not reflect the nuance given in the assessment – or national policy in SPP which give equal weight to site and setting of scheduled monuments.

We are broadly content to agree with the conclusions of the assessment of the policies and the narratives provided. There are a small number of exceptions to this, which are set out below:

- At 8.6.2 the assessment of the spatial strategy should also consider the positives of identifying the need for master-planning and further assessment at project level, as well as the opportunities the plan gives for allocating sites that will allow regeneration of historic assets.
- We agree that policies that protect landscape have the potential to benefit the historic environment and would consider this particularly in light of the fact that we consider that all landscapes have both natural and cultural elements – as set out in [People, Place and Landscape](#), our joint position statement with SNH.
- We welcome the changes made to policy HE3 and consider that these have made the policy more positive in its effects than its previous iteration. The narrative for this assessment states that enabling development must be on an adjacent site and this does not reflect the wording of the policy, which is more nuanced, and which we consider more effective.
- We disagree that policy PR2 would have a very negative effect on cultural heritage as it does not in itself allocate for development but rather stops other development on safeguarded sites. It is not clear how this could in itself have significant effects.



- Policy C2 assesses wind development as temporary and this does not reflect the wording of SPP which states that wind farm sites should be suitable for use in perpetuity. For this to be assessed impacts should be considered permanent. We welcome the changes made to the policy itself from Main Issues Report stage and consider that they will mitigate impacts to some degree. The existence of this policy may help to reduce negative effects on historic assets as the result of wind development, by providing a robust decision-making framework.

### Appendix 8.7: Assessment of the Proposed Plan Sites and Alternatives

We are not seeking any changes to the spatial strategy. However, we do have some advice on the potential impacts of other allocated sites. Annex 2 of this covering letter gives our comments on the environmental assessment of these individual allocations. We have focussed on the newly allocated preferred sites. Comments on the full suite of sites were given in our response to the Main Issues Report and should be referred to for non-preferred options. We have not identified any significant adverse effects for our interests.

### Monitoring report

The monitoring report is particularly helpful in the level of detail provided with effective indicators identified for the historic environment, particularly in reviewing planning applications. This information sets a useful context for the minor changes being made to policy HE3 which covers enabling development.

None of the comments contained in this letter constitute a legal interpretation of the requirements of the Environmental Assessment (Scotland) Act 2005. They are intended rather as helpful advice, as part of our commitment to capacity building in SEA.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Ruth Cameron, who can be contacted by phone on 0131 668 8657 or by email on [Ruth.Cameron@hes.scot](mailto:Ruth.Cameron@hes.scot).

Yours faithfully

**Historic Environment Scotland**



## ANNEX I – REPRESENTATIONS TO THE PLAN

### Representation 1

Modification that you wish to see:

#### SECTION 11 – THE HISTORIC ENVIRONMENT

Policy HE1 Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings)

HE1.1 We will not allow development that would have a ~~negative effect~~ **[adverse impact]** on the character, integrity or setting of listed buildings, or scheduled monuments, or other archaeological sites. **[If adverse impact is unavoidable, it should be minimised and justified.]**

Reason for change:

This would reflect the 2nd paragraph/last sentence of the preamble text for Section 11 The Historic Environment and would sync better with national policies in SPP and HEPS.

As previously advised in our response to the Main Issues Report, having a policy which includes listed buildings, scheduled monuments and archaeological sites together is problematic. This is because the policy areas are separate in Scottish Planning Policy (SPP), reflecting the different types of protection each designation affords. This can result in confusion in terms of what may or may not be permitted or justified in policy terms.

However, given that the proposed subsections of the policy allow for more of a nuanced approach, we accept that this policy can still be effective in its current form and therefore have not identified replacement wording.

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### Representation 2

Modification that you wish to see:

#### SECTION 11 – THE HISTORIC ENVIRONMENT

Policy HE1 Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings)

HE1.4 The demolition of a listed building will not be permitted unless **[there is clear evidence to show that]** the building is no longer of special interest, is incapable of repair or there are overriding environmental or **[socio-]**economic reasons not to retain. It must be satisfactorily demonstrated that every effort has been made to continue the present



use or find a suitable new use **[with or without an appropriate adaptation of the building]**.

#### Reason for change:

These additions to the text tie it in better with HES Managing Change twin guidance on Demolition of Listed Buildings and Use and Adaptation of Listed Buildings.

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### Representation 3

#### Modification that you wish to see:

#### SECTION 11 – THE HISTORIC ENVIRONMENT

Policy HE1 Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings)

HE1.5 Development on nationally or locally important monuments or archaeological sites, or ~~impacting~~ **[having and adverse impact]** on **[the integrity of]** their setting, will only be allowed if there are imperative reasons of overriding public interest, including those of a social or economic nature, and there is no alternative site. It is the developer's responsibility to provide information on the nature and location of the archaeological features, including details of any mitigation measures proposed, prior to determination of the planning application.

#### Reason for change:

The way that Policy HE1.5 is currently phrased does not appear to allow for any impacts on the setting of scheduled monuments. As this could be construed as being stronger than the policy in SPP which refers to impact on 'integrity of setting' for scheduled monuments. We have therefore suggested amending this. The phrase 'adverse impact' reflects national level policy in SPP and HEPS.

In light of the legal protection afforded to scheduled monuments, it may also be for the policies regarding Scheduled Monuments and Archaeological Sites to be separated out as per SPP. However, as the policy current provides adequate protection for our historic environment interests, we have not suggested replacement wording.

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### Representation 4

#### Modification that you wish to see:

#### SECTION 11 – THE HISTORIC ENVIRONMENT



## Policy HE2 Protecting Historic, Cultural and Conservation Areas

HE2.1 We will not allow development, including change of use or demolition that would fail to preserve or enhance the character or appearance of a conservation area. This applies both to developments within the conservation area and proposals outwith that would affect its character or appearance. **[We will seek retention, restoration, and sympathetic adaptation of unlisted buildings which contribute positively to the special architectural or historic interest of the area, prior to allowing their demolition.]**

### Reason for change:

This would create a clearer demolition policy on unlisted buildings in conservation areas that reflects HES current guidance on conservation area consent – [Interim Guidance on CAs and CAC](#). This is now distinct from our Managing Change guidance on demolition of listed buildings. This is intended to avoid proposals for demolition of unlisted buildings in conservation areas being subject to the more onerous listed building consent criteria for demolition, allowing a simpler approach to handling CAC casework.

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## Representation 5

### Modification that you wish to see:

SECTION 11 – THE HISTORIC ENVIRONMENT  
Policy HE2 Protecting Historic, Cultural and Conservation Areas

HE2.3 Development within an inventory battlefield or inventory garden and designed landscape will only be permitted if:

- the proposal would not have an adverse impact that compromises the objectives of the designation **[of an inventory garden and designed landscape]** or the overall integrity, character and setting of the designated area, **[the key landscape characteristics and special qualities of an inventory battlefield]** OR;
- any significant adverse effects are outweighed by long-term social or economic benefits of overriding public importance and there is no alternative site for the development.

These conditions may also apply to developments outwith the designated sites. In either case, measures and mitigation must be taken to conserve and enhance the essential characteristics of the site as appropriate. (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):

#### Reason for change:

As previously advised in our response to the Main Issues Report, the proposed wording of HE2.3 for Inventory historic battlefields does not reflect that 'setting' is not normally considered as a distinct impact type for this designation. We therefore recommend that reference is made to the key landscape characteristics and special qualities of the battlefield, in line with SPP and current guidance. For clarity it would therefore help to separate the wording between battlefield and designed landscapes.

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### Representation 6

#### Modification that you wish to see:

#### SECTION 11 – THE HISTORIC ENVIRONMENT

Policy HE3 ~~Helping to reuse listed buildings at risk~~ **[Enabling development to help to rescue historic Buildings at Risk]**

#### Reason for change:

We welcome the refinement of this policy from the previous plan and consider that it sets a robust decision-making framework. We suggest that it may be clearer to rename this policy as it is largely focussed on enabling development rather than other types of re-use such as adaptation or extension.

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### Representation 7

#### Modification that you wish to see:

#### SECTION 13 – CLIMATE CHANGE

Policy C2 Renewable Energy

C2.1 We will support solar, wind, biomass (energy from biological material derived from living, or recently living organisms) and hydro-electricity developments which are in appropriate sites and of the appropriate design. We treat biomass schemes as industrial processes suitable for business land. These may be hazardous developments through their impact on air quality. This support is not at the expense of other policies regarding Natural Heritage, Built Heritage **[the Historic Environment]** and Protecting Resources.



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### Reason for change:

We suggest that the term 'built heritage' is changed to 'the historic environment' to reflect all aspects of cultural heritage features and the terminology used for this policy area in the proposed plan.



## ANNEX 2 – COMMENTS ON THE ENVIRONMENTAL ASSESSMENT OF INDIVIDUAL ALLOCATIONS

### Banff & Buchan

#### Ladysbridge OP1

This housing allocation is located approximately 500m NW of the scheduled monument known as **Hills of Boyndie, barrows & enclosures 700m SW of Mill of Boyndie (SM 5779)**. The monument comprises a group of later prehistoric or early historic period burials and settlements which are visible as cropmarks (i.e. buried archaeological remains that appears as marks in field crops on aerial photographs) and is situated in an elevated position on the Hill of Boyndie. Given the location of the proposed housing allocation among existing settlement and the distance to the monument, we are content that the proposed development will not significantly impact on its setting.

#### Rathen OP1

This housing allocation is located approximately 140m W of the scheduled monument known as **St Ethernan's, Rathen old parish church (SM 5810)**, a late medieval church which is the last of a succession of ecclesiastical buildings occupying this site since the late 6<sup>th</sup> century. The monument is presently set within trees and these will likely screen the proposed development from view. While it is possible that views could open up in the future were these trees to be felled, we are content that the potential impact on the setting of the monument is unlikely to be significant.

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### Buchan

#### Boddam OP1

This housing allocation is located approximately 50m N of the scheduled monument known as **Boddam Castle (SM 3252)**, a late 16<sup>th</sup> to early 17<sup>th</sup> century castle built by the Keiths of Ludquharn which is situated on a level promontory between two deep vertical sided sea inlets. Given its function and strategic location, views over the surrounding landscape and coast, and views towards the monument form parts of its setting. Although the proposed development would be located in fairly close proximity to the monument, we are content that some additional houses in this location of a similar scale/height to those which have already been built, are unlikely to significantly impact on this setting.



## Feterangus OP2

This housing allocation is located approximately 215m E of the scheduled monuments known as **Fetterangus Church (SM 7143)** and **Fetterangus Church, symbol stone (SM 71)**. They comprise a simple, rural medieval church which is built on a site where there is likely to have been earlier ecclesiastical activity, and a Pictish symbol stone. The monuments are presently surrounded within an open landscape among agricultural fields, and while there are some farm buildings located in the vicinity, this rural and open landscape give them a strong sense of place and being set apart from settlement. The allocation would bring housing development closer to the monuments and has the potential to impact on their setting. In light of this, consideration should be given to mitigating the impact through sensitive housing design and potentially also landscaping, such as using trees in the western section of the allocation to screen the development from view, in line with the Setting guidance.

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## Formartine

### Ellon OP1

We welcome the revised boundary for OP1 which now excludes the A listed Old Bridge and its immediate setting. Notwithstanding, there is still potential for visual impact on the wider riverside setting of the bridge, including views to and from. We therefore support the need for strategic landscaping and associated flood risk management

### Fyvie OP1

The housing allocation is located within the **Battle of Fyvie Inventory historic battlefield boundary (BLT 22)** of 1644. It is significant as one of Montrose's string of victories on behalf of Charles I in aid of the Royalist cause against and the Covenanter army of the Marquis of Argyll. It is also notable as one of very few battlefields within the British Isles with surviving field fortifications. The housing allocation would be located just E of existing housing, and within the SW part of the Inventory boundary which is not presently considered to have been a key area of battlefield activity. While the potential impact on any archaeological remains dating to the battle is likely to be low, this potential impact on the special qualities of the battlefield should still be assessed further. We are content that any significant impacts on the understanding and appreciation of the battlefield landscape are unlikely. However, any potential impacts on key landscape characteristics and the cumulative impacts should still be assessed, with mitigation and enhancement considered in line with the Battlefield guidance.

### Old Meldrum OP2

The housing allocation is located within the **Battle of Barra Inventory historic battlefield boundary (BLT 18)** of 1308. This was one of many fought by Robert the



Bruce in the period between his inauguration in 1306 and the Battle of Bannockburn in 1314 and is significant as it marks the end of any coordinated opposition to him in Scotland. Most of this allocation would be located outwith the Inventory boundary, and the part that is within the Inventory boundary contains existing buildings. While the potential impact on any archaeological remains dating to the battle are likely to be low, this potential impact on the special qualities of the battlefield should still be assessed further. We are content that any significant impacts on the understanding and appreciation of the battlefield landscape are unlikely. However, any potential impacts on key landscape characteristics and the cumulative impacts should still be assessed, with mitigation and enhancement considered, in line with the Battlefield guidance.

### Pitmedden OP2

We welcome the revised boundary for OP2 reducing the site area and moving its west boundary further away from the historic landscape setting of the A listed Udny Castle. While we consider this would help mitigate potential adverse impact on the setting of Udny Castle, we urge that appropriate measures are included to maintain the existing South-East to North-West linear tree belt.

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## Garioch

### Kingseat OP1

We note the inclusion of OP1 within the Kingseat Conservation Area. While there are no listed buildings within the conservation area, there are five buildings, associated with the former hospital, that are on the national Buildings at Risk Register. We would encourage priority be given to restoring/regenerating and safeguarding the setting of these 'at risk' buildings, together with the other former hospital buildings, settlement plan layout and spaces, that contribute positively to the special architectural and historic character of the conservation area.

### Hatton of Fintray OP1

The housing allocation is located approximately 210m W of the scheduled monument known as **Jasmine Cottage, cursus monument and barrows 160m SE of (SM 6572)**. The monument comprises a Neolithic/Bronze Age cursus monument and barrows which are now only visible as cropmarks (i.e. buried archaeological remains that appears as marks in field crops on aerial photographs) and is situated on the N side of the River Don at approximately 60m AOD. Given the location of the proposed housing allocation adjacent to existing settlement and the distance to the monument, we are content that the proposed development will not significantly impact on its setting.



### Kintore OP1

The housing allocation is located in the immediate vicinity of the scheduled monuments known as **Aberdeenshire Canal, remains of, NW of Brae of Kintore (SM 7674)** and **Aberdeenshire Canal, remains of, S of Dalwearie (SM 7675)**. These comprise the remains of only a handful of surviving sections of the Aberdeen-Inverurie Canal which followed a course of 29 km along the River Don. They are presently situated in a largely rural and open landscape. Although the allocation appears to exclude the monuments, it will be important that any development avoids any direct (i.e. physical) impacts on their legally protected scheduled areas of the monuments. While the monuments are industrial in nature, they are located in a largely rural and open landscape and still retain a sense of place. Consideration should therefore be given to mitigating the impact through sensitive housing design and potentially also landscaping, such as leaving undeveloped land as a buffer and/or using trees to screen the development from view, in line with the Setting guidance.

### Midmar OP1

This housing allocation is located 305m and 210m respectively SW of the scheduled monuments known as **Craiglea, cairn 265m W of (SM 12122)** and **Craiglea, ring-marked boulder 440m WNW of (SM 12174)**. Both are situated on elevated land within an open and rural landscape. Given the location of this small allocation for housing which is adjacent to other small-scale housing development and in light of the distance to the monuments, we are content that any impact on their setting is not significant for our interests.

### Stonehaven OP3

This housing allocation is located just N of the scheduled monument known as **Cowie Line, pill box & anti-tank blocks 450m W of Ury House (SM 6438)**, a Type-22 pill box and other wartime defensive structures forming part of the WWII 'stop-lines' of the anti-invasion defences. The monument is presently set within trees which is likely to screen any development from view, although these views could open up in future if these trees are felled. Although the allocation appears to exclude it, it will be important that any development avoids any direct (i.e. physical) impacts on the legally protected scheduled area of the monument. Its function as a strategic military site and location at this strategic crossing point of the Cowie Burn should inform any assessment of the potential impact on its setting. Sensitive housing design and potentially also landscaping - such as leaving undeveloped land, could also be considered, in line with the Setting guidance.



## Kincardine & Mearns

### Blairs College Estate OP1

While we note the site boundary for OP1 now excludes the listed Blairs College complex, we understand that your Council remains committed to managing new development in line with the planning permissions for the enabling schemes aimed at securing the restoration and re-use of the listed buildings, and safeguarding their setting. This includes planning permission APP/2019/1656 which has extended the timeframe for implementing the development and progressing a scheme for restoration/re-use of the listed buildings. Given the extended timeframe for the enabling development and continued lack of a detailed restoration scheme for the listed Blairs College buildings, most of which have been on the national Buildings at Risk register since 1990, we would urge that your Council seek additional measures to keep the buildings wind and watertight and stem further decay, while the feasibility of restoration and reuse is further explored. Our Building's casework team would be happy to contribute to discussions on this, in liaison with your Council's conservation officers.

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## Marr

### Alford OP4

This allocation for housing is located within the **Battle of Alford Inventory historic battlefield boundary (BTL 1)** of 1645. This is significant as one of Montrose's most notable victories in his campaign within Scotland on behalf of Charles I. It includes a number of areas within it where fighting is said to have taken place. This allocation is located in the SE section of the Inventory boundary which is not presently considered to have been a key area of battlefield activity/lines of action, and therefore the potential impact on any archaeological remains dating to the battle is likely to be low.

Nevertheless, this potential impact on the special qualities of the battlefield should still be assessed further. Although the allocation is located adjacent to existing housing development, given its size and change from what is currently an agricultural field, there is likely to be some impact on the understanding and appreciation of the battlefield landscape. Therefore, any potential impacts on key landscape characteristics and the cumulative impacts should be assessed, with mitigation and enhancement considered in line with the Battlefield guidance.

### Alford OP6

This allocation for employment land is located within the **Battle of Alford Inventory historic battlefield boundary (BTL 1)** of 1645. This is significant as one of Montrose's most notable victories in his campaign within Scotland on behalf of Charles I. It includes a number of areas within it where fighting is said to have taken place. This allocation is



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located in the central section of the Inventory boundary and some of the key areas of battlefield activity/lines of action are located to the NW and NE of it. Although some development has already taken place within the allocation, there is the potential for archaeological remains dating to the battle to be uncovered and therefore this should be assessed further. The allocation is fairly small in scale and located adjacent to small-scale development and a large area of forestry. However, any potential impacts on key landscape characteristics and the cumulative impacts should be assessed and mitigation and enhancement considered in line with the Battlefield guidance.

Historic Environment Scotland  
31 July 2020