

# **Aberdeenshire Local Development Plan Responses to the Main Issues Report Consultation**

(Email Released 30<sup>th</sup> June 2010)

Some time ago you submitted your views on the Aberdeenshire Local Development Plan Main Issues Report. You will be aware that we had aimed to write back to you in the autumn of 2009. However, we have been delayed due to the unprecedented level of responses to the Main Issues Report. In allowing additional time for this process we hope we have dealt with your comments sufficiently and I apologise if the delay in responding has caused you any inconvenience.

I would like to thank you for your submission in relation to the Main Issues Report and its associated documents. Your views have helped us prepare a Proposed Plan that meets both the needs and aspirations of Aberdeenshire.

The response(s) attached to this letter are the result of a process of summarising, discussing and concluding actions of each issue raised on the Main Issues Report. We have provided you with the summary of all issues raised on the topics we thought your submission related to. In this way you can see what others may have said on the topic and the range of views we have considered in coming to our conclusions. After a series of Special Area Committees, and the Infrastructure Services Committee, these conclusions have informed the considered view of Aberdeenshire Council.

Where the members at Special Area Committees came to a different view from our initial conclusion this is also noted in the information provided. Infrastructure Services Committee has been the arbiter on the conclusions reached and has confirmed the approach we are taking in developing the proposed plan. This role has included slight adjustments to ensure the proposed plan's compliance with the Aberdeen City and Shire Structure Plan (2009) and other relevant informing documents. Such cases have, for example, involved the minor adjustment of proposed housing numbers and phasing.

The Proposed Plan will be published in Summer 2010 and will then begin a consultation period. As a respondent to the Main Issues Report you will be sent a copy of the Proposed Plan. If there is any aspect of the Plan and its supplementary guidance which you wish to make a representation on, the Proposed Plan consultation period is the period in which to do this.

We have provided this information as a courtesy to ensure you are fully informed at the earliest point possible on how we have considered your response to the Main Issues Report. We will be writing back to you in July 2010 with a copy of the Proposed Plan and details of how to respond to it. In the intervening time we are unable to enter into correspondence on these response papers. Thank you for your participation so far in the process.

If you have any queries on issues related to the Aberdeenshire Local Plan, or to the Main Issues Report itself, please do not hesitate to e-mail ([ldp@Aberdeenshire.gov.uk](mailto:ldp@Aberdeenshire.gov.uk)) or telephone (01224 664221).

## **Settlement Strategy: General (150 comments)**

Support for the overall Settlement Strategy outside the Strategic Growth areas was widespread (39 comments) but generally conditional on the amount of new development being proportionate to the need and capacity of a particular area. Despite this a very high number of respondents (96 comments) felt that the overall Settlement Strategy was ultimately flawed because many allocation within the Rural Housing Market Area (RHMA) were unlikely to be implemented before the end of the time-scale of the Local Development Plan. One respondent felt that the

Strategic Growth Area's should provide the initial growth areas prior to other areas to assess whether the strategy works. Several respondents felt that the entire Settlement Strategy outside the Strategic Growth Areas was unsustainable and inconsistent with the Scottish Governments carbon reduction targets. A small number of respondents felt the strategy was based on little real evidence and included unrealistic goals

Respondents identified flaws relating to the Figure 1 on Page 17 as of concern. Ten respondents felt that this map should show minor and major allocations for towns and villages and was inconsistent as it showed Westhill despite the Main Issues Report (MIR) identifying the town as highly constrained.

### **Settlement Strategy: Key Settlements Approach (91 comments)**

The 'key settlement' approach taken by the Settlement Strategy was supported directly by 31 respondents although many of these respondents made more detailed comments on the approach. A small number of respondents felt that growth should not be based on a rule of thumb proportion as development should be judged on a site by site basis.

There was divided opinion over whether allocated development should be directed towards towns and villages which met accessibility criteria or be directed solely towards larger towns to prevent further pressure on services and over development in villages for unjustified reasons (12 comments). According to some respondents the current planning approach was failing to link growth to improvements and rather had failed to meet the needs of communities and caused environmental damage and concern was expressed that this plan may not deliver. Subsequently improving the quality of services to key settlements was seen as a more appropriate aim of the approach rather than unspecified growth.

A key consideration for many supporters of the key settlement approach was defining what was a 'Key Settlement'. The continuation of the identification of Main Settlements and Rural Service Centres, as identified in the 2006 Aberdeenshire Local Plan was supported by 12 respondents. Respondents felt that this provided focus and understanding to the allocations. Otherwise a hierarchy of some sorts was required to explain how settlements had been identified. Only very few respondents felt a key settlements approach should not be used at all and a more dispersed and organic approach was required (2).

A number of respondents felt the Settlement Strategy was inconsistent with regards to Rural Growth and Diversification and had not been fully taken forward, ignoring some villages such as Auchleven whilst allocating development in some locations such Craigdam as which could not be described as key settlements. There was concern about what happened if a settlement had not been included with an allocation, whether it a cohesive group or whether it lost its settlement status and settlement boundary. Three responses considered allocations necessary in all settlements and the MIR should not rely on policy to direct appropriate growth in small settlements. Being upfront with allocations was seen as important to ensure communities understood what was planned for their communities.

### **Settlement Strategy: Rural Growth and Diversification (35 comments)**

Whilst a high proportion of respondents within this topic supported the more welcoming approach to rural development outside the key settlements most of these felt that a restriction to policy was required to prevent over development.

A similar number of respondents were strongly against the relaxing of policy within rural development on the grounds that developers would exploit popular locations and transportation alternatives to the private car could not be provided. It was stressed that rural development should only be considered when total requirements for housing in each area are fully understood and sustainable modes of transport facilitated and then only on individual merits. Landscape, rural quality of life and biodiversity were all sited as being threatened by inappropriate levels of development.

Eight respondents felt the text regarding rural development was too vague and the references to limiting development too general and that strong policy, guidance and enforcement would be key to ensure a sensible level of development within the RHMA and AHMA. Specifically a single respondent felt that the MIR should make it clear that a lower density needs to be specified for rural housing.

#### **Settlement Strategy: Aberdeen Housing Market Area (8 comments)**

Two respondents felt it was appropriate to direct development to existing settlements within the AHMA. However concern was expressed over the wording that within the AHMA constraints may require development that "may extend to more than 30% growth over the plan period". Three respondents wished to know what criteria would trigger such growth and why it was better to over develop than not develop at all.

#### **Settlement Strategy: Priority Regeneration Areas (50)**

Generally the inclusion of Priority Regeneration Areas was supported however where regeneration areas overlapped with Strategic Growth Areas, such as in Peterhead, these areas should take allocations from the Strategic Growth allocation in the Strategic Development Plan and not the Rural Growth and Diversification allocations. Respondents also felt the need to focus growth more heavily on these areas rather than the AHMA as long as transport links were improved.

Twelve respondents agreed that brownfield land development in regeneration was important but requested a definition for brownfield land within the Glossary. A small number of respondents requested that Tourism should be included as a key policy objective to aid in regeneration.

There was limited but genuine concern that regeneration schemes may change the character of existing settlements and the strategy should focus on existing strengths of settlements.

One respondent questioned the need for more growth in Priority Regeneration Areas as there were plenty of sites existing in places like Fraserburgh and Banff. Conversely a sole respondent felt that a proportional approach to major towns would not guarantee investment in regeneration as market forces would direct growth.

It was felt that Catterline should not be within a regeneration area as it had little in common with the areas further south, had no employment opportunities and could not accommodate more development (6 comments).

#### **Scale and distribution of development (128 comments)**

As with other related topics some commentators felt that the Structure Plan targets for growth adopted by the where too high and where not correctly distributed. Under this topic, a high number of respondents (96 comments) felt that housing allocations had, incorrectly, weighted in favour of the RHMA. These same respondents wished to see a reversal of these figures with the AHMA seeing a higher percentage of growth than the RHMA.

There was a general concern for the potential level of development in some villages to be in the order of 50-100%, given the scale of development proposed in the Rural Growth and Diversification Areas. Respondents questioned whether some of the very large allocations were akin to new settlements and actually contrary to the strategy. A specific comment related to the term 'very large scale of development', what was meant by the term, and how such a scale of development could be triggered.

Several respondents (3) felt that it would be difficult to determine the actual scale of development in rural areas the MIR does not stipulate any numbers outside identified settlements and that development would be windfall and not contribute to Structure Plan targets.

However a number of respondents (10) considered that allocations should exceed local need and a higher volume of development was required in Rural Growth and Diversification Areas to ensure affordability in the housing market and growth of communities and services.

#### **Alternative Options (8 comments)**

A small number of respondents commented on the Alternative Options for the Settlement Strategy. Respondents were split between those that felt strongly that the alternative options for more distributed growth were entirely inappropriate and those that felt they were preferable to the MIR's preferred approach.

A solitary but important comment was made concerning the legitimacy of the first alternative options. The respondent felt that this option was, as suggested in the MIR, not an option as it was incompatible with the adopted Structure Plan.

#### **Employment Land (14 comments)**

There was support for more flexible provision of employment land across the area but respondents felt that provision needed to be guaranteed and delivered rather than an over provision of housing. Recognition was also demanded for the increasing importance of home working within the strategy.

#### **Other issues (17 comments)**

Despite the lack of suggestion that new settlements will be considered appropriate outside Strategic Growth Areas a number of responses were received objecting to new settlements in rural areas as they would fail to provide new or improved services for existing populations.

Several comments related to the need to integrate uses in mixed use developments and ensure affordable housing

Several comments related specifically to settlements. Respondents agreed that Alford and Newmachar should be in the Rural Growth and Diversification Areas. A single respondent agreed that Catterline was within the AHMA whilst another contested that Pitmedden was not mentioned within the strategy.

Westhill was sighted as being an inconsistency within the Settlement Strategy as a more sustainable location to alternatives like Newmachar. It was felt that Westhill had been failed by the MIR, was not a "rural area" and could sustain more growth to encourage the oil service industries locating at Westhill.

#### **Actions**

The scale of housing and employment land allocations has been set out by the Structure Plan and it is not possible to revise this at the present time. The Local Development Plan is required to implement the Structure Plan vision. Housing allocations were weighted towards the RHMA because significant growth is to occur within the AHMA through the SGA's. Outside these areas, within the RHMA only limited growth is expected for settlements outside the Strategic Growth Areas as significant constraints, such as lack of good transport links limit potential growth. It would not be appropriate to develop the SGA's in isolation or prior to other areas to test the strategy; the strategy is based on the need to provide opportunity across Aberdeenshire. Key settlements in the RHMA can contribute significantly to the overall strategy by becoming focuses of employment and services through measure growth.

It is accepted that the text states that the first alternative option, the use of stand-alone new settlements or the vast expansion of existing settlements, would be inconsistent with the Structure Plan strategy for rural areas.

The support for a more welcoming approach to rural development outside the AHMA is acknowledged. However sustainability and transportation is of clear concern to many

respondents on plans to promote more opportunities for development in rural areas. In more remote areas it is acknowledged that alternatives to the private car may be difficult or impossible to resolve however development is expected to contribute to promoting sustainability through a more integrated approach to providing employment opportunities close to where people live, encouraging a drive towards carbon neutral buildings and encouraging more sustainable modes of transport where viable. This is highlighted throughout the MIR. A balanced approach has been taken to the scale of development outside key settlements which expects 20% of the allocations for the Rural Growth and Diversification areas to be provided by the rural development policy approach. Therefore these developments will contribute towards the strategic allocations.

Rural development issues are given substance in the rural development policies which will be supported by Rural Typology to ensure regional variations are recognised.

The wide ranging support for the settlement strategy and the key settlement approach is acknowledged. Issues of implementation have been considered throughout the development of the MIR and the proffered sites outlined within the MIR represent sites which, based on the information available, are likely to be developed within the plan period. As consistent with the strategy, an attempt has been made to allocate housing where services levels can support development or at level where new services can be provided. Respondents rightly highlighted the need to improve the quality of services in key settlements as a major objective of the Key Settlement Approach. As such this should be expanded upon within the text for the preferred option.

It has been made clear that levels of growth above 30% are seen as an except rather than a rule within the Rural Growth and Diversification and only in circumstances where a specific constraint needs to be resolved such as a local school which is threatened by very low school roles. These allocations are not creating substantive new towns and hence are not contrary to the settlement strategy. Proportionality is required to prevent over development and allocate a suitable amount of housing for the settlement in order to fairly distribute growth. If growth was taken up only by a small number of towns or by smaller villages neither opportunity or proportionality of growth could be achieved. In the Priority Regeneration Areas large volumes of development have been promoted to encourage take up and balance market forces. As with all allocations site specifics need to be considered before making an allocation. This is why preferred options have been outlined in the MIR.

Key Settlements do required to be defined by the MIR as otherwise the approach to allocations does appear inconsistent. The preferred option needs to outline why some settlements have been given allocations despite their small size and others have none. The policy approach states outside the towns and larger villages, small settlements such as cohesive groups and small villages will typically be dealt with under the policy for rural development but it would also be advantageous to define what classified as a settlement outside the key settlements to form a basic hierarchy of settlements. In some smaller settlements allocations were not received and in others allocations have not been considered preferred as a more flexible approach was considered as a means to meet the plans objectives. In other settlements where few suitable sites exist and allocations have been considered most suitable pending community consultation.

Concerns about the impact of development on towns, villages and their surroundings are appropriate. Objective c) in the MIR deals with the need to retain amenity and quality of life. Growth should not be at the expense of quality of life of existing residents. Similarly Objective d) deals with the need to protect and improve the natural and built environment..

Support for Priority Regeneration Areas is acknowledged. Areas within both SGA and Priority Regeneration Areas will take development allocations from the Strategic Growth Area and not the Rural Growth and Diversification areas. Brownfield Sites are defined in the glossary. It is accepted that Tourism can play an important part in regeneration and this key opportunity should be highlighted within the preferred option. It is acknowledged that new development will need to be of high quality and retain the sense of place of areas which are in need of regeneration. Catterline is located within a broader area of regeneration outlined by the Structure Plan. This

does not mean that every location within this area requires regeneration; a position confirmed by the preferred option for Catterline, this is for no allocations of housing land. It is suggested that a rural housing policy should be utilised in the event of housing applications in and around the village.

Westhill was regarded as an anomaly by some respondents. Westhill has significant constraints and the scale of development required to overcome these constraints is not currently considered appropriate outside the Strategic Growth Areas. It is accepted that Westhill is not a 'rural' settlement but is still within an area identified for Local Need and diversification and requires to have allocations which meet that description.

## **Issues, Actions & Conclusions**

Issues For Main Issues Report-Policies-Main Issues-Q10 Developer contributions-Draft Policy

### **Issues**

#### Community Involvement (16)

A number of respondents stated that local consultation should take place to review and approve what developer contributions should be used for. Communities should be also be informed of the use of developer contributions received through a more transparency process.

#### Joined-up Approach and Masterplanning (43)

A number of respondents support masterplanning of development areas and the concept of developers working together. It is felt that this is a fair approach to small developers and individual builders who may have been constrained by infrastructure in the past. Respondents felt that this approach would help in delivering all the required infrastructure and facilities in an appropriate manner. Much support was voiced for cooperation between developers although there was concern that masterplanning should not solely be lead by developers, there should be public and local community input into the development of masterplans. Masterplans should be delivered at a standard that can be adopted as SPG. It was felt that developers should produce masterplans with guidance from the council.

#### Up-front Funding (56)

A majority of respondents support the concept of up-front funding, and was generally felt that this is a fair approach for developers of all sizes.

The main concerns were in relation to the risks that were attached to Aberdeenshire Council up-front funding infrastructure and many respondents thought that the development industry should be up-front funding the infrastructure. It was felt that the risks were financially high and that Aberdeenshire Council could be burdened with large debts if development didn't come forward. There is some concern about the legal aspects and the difficulty of recouping developer contributions.

Clarification on the role of developers providing their own infrastructure requirements and how this will be managed was sought. Some comments relate to the perceived problems of agreement by all parties to funding of infrastructure especially in regard to sub-regional requirements. Some respondents stated that developer contributions must be in scale with the development. One respondent stated that development should be concentrated on large allocated sites, which can provide the entire necessary infrastructure.

It was highlighted that there was a contradiction within the policy concerning upfront funding for strategic infrastructure but also upfront funding for areas outwith the masterplanned areas. There is concern that Aberdeenshire Council will require developers to retrospectively fund infrastructure that has already been built.

#### Deliverability and Timing (55)

Developer contributions must be proportional and serve a variety of services/infrastructure requirements. There were many comments questioning if infrastructure requirements would come forward with the plan and if these would be delivered in a timely manner. The scale and type of infrastructure required for new development should be included in the LDP and there should be a process that screens projects before planning permission is granted to ensure that they are deliverable. It was highlighting that there was a need to deliver infrastructure before

residential development began to ensure that it was provided in a timely manner. A mechanism is required to ensure that developers can deliver infrastructure if their timing does not coincide with council priorities.

The majority of the comments were in relation to ensuring developer contribution money was used within the locality of the development.

Developer contribution should not be used to fund infrastructure that was a statutory duty of the council to deliver. There was concern that developer contributions would make development undeliverable or put a cost burden on buyers of the houses

It may be difficult to determine the cumulative effect of development and consequently the infrastructure requirements.

Other Groups (5)

Developer contributions should cover other services/groups involved with the delivery of the Local development Plan to ensure that all required infrastructure is included. Development will have cross boundary issues for Aberdeen City and therefore partnership working is crucial.

Fixed Tax/levy (4)

A few respondents stated that a housing tax could be used to gather developer contributions.

Development beyond the LDP Period (2)

It was felt that housing allocations should be identified beyond the LDP period to ensure that larger scale infrastructure could be supported.

Capacity of Existing Infrastructure (14)

A majority of respondents stated that land allocations should be made where there is capacity in the existing infrastructure.

There is concern that policy does not resolve issues about infrastructure capacity that have occurred due to previous development.

Alternatives (11)

Generally, the alternative approaches are not welcomed.

Mechanism/Process (24)

Questions were asked about how the developer contributions were worked out

A majority of comments submitted agreed that developers should pay for the entire required infrastructure that would be needed for new development. Some commentators believed that there needs to be a mechanism so that the council can force developers to deliver the infrastructure requirements for new development.

An alternative to section 75 agreements, for small scale developer contributions, would be through legal letters to ensure a speedier planning process.

It was felt that the policy wording suggested that there is a presumption of planning permission if the developer contributes the appropriate amount. It was suggested that the wording should be changed to indicate that developer contributions will be sought if planning permission is granted and that developers should not be responsible for the financial cost of maintenance.

There needs to be flexibility in the provision of where developer contributions are directed so local needs can be taken into account.

New infrastructure needed for development should be provided by the developer, whereas new community needs should be provided by the council, not developer contributions. Building conversions should get a reduction in developer contributions due to increased costs of development.

Other (3)

Developer contributions shouldn't apply to builders of individual houses.

Developer contributions should be used to compensate for adverse environmental impact, to mitigate environmental impacts and could be used for community renewable energy initiatives.

## **Actions**

The expected levels of developer contributions or methodologies for their calculations will be stated within supplementary guidance, this will make it clear and transparent what developer contributions will be used for. Developer contributions will be a key element of any masterplanning process, allowing for engagement and local review or 'flexibility' in what such

contributions are to be used for. It is inappropriate for communities to 'approve' such elements as they are governed by statute and policy. Infrastructure requirements for major developments will be made clear in the Local Development Plan but it is impossible to detail the complete needs of new development so far in advance of any application. Work has been undertaken with regional partners on identifying major 'cross boundary' and cumulative effects. An inclusive process through the 'Future Infrastructure' group in Aberdeenshire Council has ensured close working to identify what the requirements may be, This group has looked beyond the planning horizon of the current Local Development Plan and has considered infrastructure requirements into the third phase of the plan. This will inform the strategic investment decisions of the council and the nature of the infrastructure provided in the first period (so as to allow appropriate expansion). The proposed action programme will be delivered at the same time as the proposed Local Development Plan. This will state the various actions, including the provision of new infrastructure, who will be responsible for this action and the time frame of when this action must happen. This will alleviate many of the concerns that have been submitted as a programme will be produced to specifically state the deliverability and timing of infrastructure needs. Aberdeenshire Council will have to undertake due diligence and risk assessment to establish their viability and deliverability of developments facilitated by the upfront funding of infrastructure. It is likely that this would only be used in exceptional cases. A legal agreement will usually be in place to ensure that up-front funding finance is recouped from developers; this will be established before development proceeds. In other cases a commercial contract or other legally enforceable exchange of letters is entirely appropriate. The essence of this new policy approach is that developers will be asked to pay for infrastructure that is already built, but only if it is required so as to allow the development to go ahead. This is clearly 'pushing the envelope' of what is current practice. A 'tax' is not within the powers of Aberdeenshire Council. If Aberdeenshire Council is unable to provide the necessary infrastructure then the current policy approach would persist. There is no question of Aberdeenshire Council using this as a control on development. It is a suggestion to try and facilitate development that would not otherwise happen. It will be made clear within the supplementary guidance that up-front funding will only apply to some developments and that contributions will be for on-site and off-site facilities. The settlement strategy exploits existing infrastructure capacity, where it exists. Legislation is clear that developer contributions cannot be used to rectify existing deficiencies in infrastructure, these have to be resolved through direct public investment. Likewise developer contributions have to be agreed before planning permission is granted, or there is no leverage to ensure that any agreement would be reached (without the use of complex technical and legal methods). Agreement in advance of the consent allows the developer to factor all costs into his proposal and thus make an application for what can be delivered. Even one house can impact on quality of life where there is no infrastructure capacity and it is legitimate to require all developers, big and small to operate under the same policy regime. Deliverability of sites will be examined prior to publication of the proposed plan; sites that are found to be undeliverable will not be brought forward. Refusal of planning permission is the ultimate sanction that can be used to 'force' developers to deliver infrastructure, and the proposed policy approach provides for this. Community facilities may be run by a variety of agencies and it would be inappropriate for Aberdeenshire Council to provide for these needs where they are not a statutory responsibility. Access to land and developer funding to lever in Lottery or other grant aid not available to the Local Authority have shown themselves to be entirely workable ways of procuring community facilities. Unfamiliar terms such as 'sub regional' will be included in a glossary.

Issues For Main Issues Report-Policies-Main Issues-Q16 Rural Development-Draft Policy

## **Issues**

### **Issues Raised (45 comments)**

There are 10 respondents in agreement with the issues raised. Other issues raised are:

- There is an inconsistent approach with some sites being allocated and other sites in the same situation being dealt with by the rural development policy
- Communities should decide where development goes
- Development should be based on genuine or local need; requirement for housing for farmers, their families, tenant farmers, people employed locally
- Infrastructure should be in place prior to development, with particular attention to parking, water and healthcare issues
- Accessibility: cars are a necessary part of rural life and conversely development should be accessible by public transport
- Eco-housing which is self-sufficient should be permissible
- Policy should take more account of sustainability factors and should have a clear and consistent approach to sustainable development
- Support for affordable housing and provision for those in genuine need of affordable housing.
- There needs to be balance between development and quality of life
- There needs to be clear guidance, and definition of terms
- There should be opportunities for self build
- Abolish Section 75 Agreements
- Housing demand should be met around Aberdeen city

### **Approach (45 comments)**

The majority of respondents agree with the approach taken in creating sustainable communities and expanding existing settlements. However, there is significant objection to the approach in that relaxing the policy will result in sprawl. Another reason against the approach is that the locational approach is too restrictive and merely a refinement of the existing policy, and those who believe there should be tighter controls and that it is unacceptable to encourage more development. One respondent is concerned that the strategy is more restrictive than Cairngorms National Park policy. The need for villages within commuting distance to Aberdeen to have strict restrictions is raised by one respondent. While on the other hand, there is concern that the policy does not achieve sustainable development by making consent more difficult closer to services. There is a comment suggesting that the policy should align with SPP15 and support housing in clusters and related to this issue, that there should be smaller groups of housing built over more areas.

There is support for infill development, and support for the policy to apply to more than one dwelling. There are some comments agreeing with the approach but don't believe it is reflected in the draft policy.

### **Alternative Approaches (23 comments)**

There are 10 comments in support of alternative 1, as it is important to exert pressure on landowners and developers that a robust approach is in place. The need for strict control on new houses in the countryside is put forward, with new houses in the countryside only being permitted if there is an operational need. However, there should be affordable housing for those working in the countryside.

There are 7 comments in support of alternative 3, and a relaxed approach to development. The ability of housing groups close to Aberdeen to accommodate growth without compromising the character is suggested.

There are 4 respondents unresponsive of either alternative as they are either too restrictive or too permissive.

### **Draft Policy (37 comments)**

In relation to this issue, the majority of respondents support the draft policy, albeit there are some issues regarding the requirement for more detail, policy is too subjective, and infill development should be encouraged. A lot of comments support some relaxation but development must not be uncontrolled and must not contribute to sprawl. There is generally support for the three-tier approach, and a flexible policy. There is agreement in developing sustainable communities and development close to existing centres.

The policy should be clarified, made explicit and expectations made transparent.

One respondent suggests the policy is not compatible with the plans objective of restricting the area's carbon footprint, and does not accord with Scotland's Climate Change Delivery Plan. There is one comment concerned that this policy would result in expensive, elitist housing.

#### **Draft Policy: Accessible Areas (22 comments)**

There is no majority view regarding accessible areas. Some respondents are in acceptance of the approach, and agree that accessible areas should have the strictest control whilst some regard the approach being overly restrictive. The criteria relating to a house for a worker employed in an enterprise related to the use of the land should be relaxed to a 'worker employed in an appropriate business'. Also on the employment issue, workers in the countryside are not necessarily primary producers, and home working should be included.

Two respondents suggest clarification of the statement 'extension of existing use' as it is not clear if this means a house can be extended or a housing development can be extended.

One observer raised the issue that minerals and waste are covered elsewhere in policy so do not need to be mentioned here.

#### **Draft Policy: Intermediate Areas (29 comments)**

A quarter of respondents stated the approach is acceptable. The majority of comments related to the concern that allowing development within 400m of a settlement would result in sprawl, and potentially blur settlement boundaries, and that the policy could compromise accessible areas. It is suggested that criteria b) is too subjective 'contributes to organic growth' does not provide certainty.

The need to provide a definition of a community or settlement is highlighted, and also the criteria would not be workable for settlements with no centre. It is mentioned on a few occasions that the policy should be permissive of more than 1 dwelling, and up to 5 dwellings. The introduction of farm succession is welcomed by 2 respondents.

Clarification is requested for criteria b, as if a house is built 400m from the edge of the existing settlement, can a house then be built 400m from the edge of that house. Two people have raised concern that the approach for housing within 400m would result in visual impact and change the character of a village.

Finally, it is suggested the approach is confusing.

#### **Draft Policy: Remote Areas (17 comments)**

There is a division between those respondents in support of the approach and those in disagreement as the policy in remote areas could result in sprawl and is not sustainable. It is also suggested the proposed policy goes beyond SPP15 and that development should be tied to an agricultural enterprise. Five people request the policy is more explicit in this area as to where development can occur, such as use of cohesive groups policy in this area.

#### **Vernacular Buildings/ Brownfield Development (59 comments)**

There is overwhelming support to the proposal to remove restrictions on the re-use of vernacular buildings. There was considerable comment that the current policy is too restrictive in relation to vernacular building and support for re-use of brownfield development, which includes redundant farm buildings. It is requested that there is clear definition of brownfield land. It is raised that the development of vernacular buildings should be limited to a maximum of 4 dwellings, conversely it is also raised that there should be no limit, or instead a maximum gross floor area.

However it is also suggested that there should be a level playing field so that steadings and dilapidated buildings are all treated as new build. There is a further comment that steading conversions should be encouraged, and as much of the buildings should be redeveloped as possible. Some comments refer to the requirement to retain the buildings character and consider each application on its own merits.

#### **Business Development (15 comments)**

There is no clear consensus under this issue. There have been a number of comments related to the policy being weighted towards housing, and that rural development should only cover tourism and retail proposals. There is a division between respondents wishing the restriction of employment land in rural areas, and respondents wishing to ensure there is sufficient employment land, albeit without suburbanising the countryside. A number of respondents have requested that home working is included under 'appropriate employment' although there is one

comment suggesting there should be no integration of housing and business. One comment stressed that planning should not prevent inward investment. A further comment states economic gain should not be the determining factor everywhere.

### **Environmental Impact (23 comments)**

The majority of comments under this issue stress that the countryside in this area is unique and should be protected. Many respondents are concerned about impact of over-development on the character of rural areas, the loss of amenity, and also that the proposed policy will result in sporadic development. The countryside should not be gentrified. The biodiversity and nature conservation impact of the policy is raised.

#### **Other Approaches (27)**

There are 2 comments on the importance of siting and design, and 2 comments requesting the removal of the statement 'sites which subdivide fields' etc. as this is too onerous and would preclude too many possible developments. There are 6 respondents requesting that good design is a key consideration in development in the countryside, and the use of design codes, or a points system could be used. Development should be directed towards field corners to minimise disruption to farming practice.

There are seven comments relating to the style of the policy, proposing it is a criteria based approach, with each site considered on its own merits.

Regarding the existing approach, there is a division between those who found the cohesive groups policy confusing and those who propose the cohesive groups policy should be included in the policy, but administered positively.

### **Allocations (9 comments)**

A number of comments suggest that settlements should be included in the plan, and land should be allocated. There is concern at the loss of settlement boundaries for those not allocated, also allocating land provides certainty for communities. There is also suggestion that where sites would adhere to Hou\5 they should be allocated.

## **Actions**

Some of the issues raised relate to the ability for low energy homes to be granted in any location, as this makes them sustainable. However, there is a requirement for all new development in Aberdeenshire to meet carbon neutrality standards and we propose that a sustainable location for development is vital.

Some sites have been identified as preferred, whilst for other sites it is proposed they are dealt with under the rural policy as there was a specific need identified. In cases where it is deemed there is no longer a need, the sites will not be allocated, removing any inconsistencies.

Comments related to the detail included in the policy are being dealt with through an appendix providing greater clarification.

There is support for a stricter approach and one which maximises sustainability. It is felt that the policy is promoting sustainable communities in the main. Development on brownfield land, although not always in a sustainable location, only opens up limited areas for development.

Permitting a more relaxed approach in the accessible area closer to Aberdeen would be to the detriment of land allocations, and the opportunity to develop brownfield sites provides considerable opportunity.

There is a division between those who are concerned the policy is overly restrictive and those who believe it will result in sprawl and is too relaxed. The policy has directed growth to villages where there are services, or land which has previously been developed, where the principle of developed has been established. We have to meet a balance between need and demand, and promote sustainable development. The greater scope for re-use of brownfield land is a considerable relaxation in the policy.

The criterion regarding workers in the countryside is related to need and it is argued there would be no need for home workers to be located in the countryside. Permitting home workers to develop a house in the countryside would potentially allow sporadic development, and would be unsustainable. This is not to say that we do not support home working, but we do not support it

as a reason for rural development. A restriction on the nature of the enterprise that, exceptionally, warrants a new house in the countryside remains appropriate. Joiners and plumbers have much greater opportunity to access housing provided by the plan through the allocations made in settlements or as part of their organic growth

By virtue of its exceptional use for housing, housing sites in the countryside have very little open market value and results in a significant saving in the construction price of the house. Likewise around villages the 'organic growth' policy challenges the value of building land, resulting in an overall affordability gain. Finally specific need for affordable housing has been identified in rural settlements, which will allow the delivery of affordable housing.

The criterion on an extension of an existing use has been clarified to include 'ancillary to the main use'. Infill development within settlements is encouraged by a separate policy

Minerals, waste and transport are covered elsewhere in the plan but is stated under this policy to clarify that where identified this type of development can, in principle, be developed in rural areas.

Regarding the issue of development 400m from a settlement creating sprawl, the nature of Aberdeenshire comprises dispersed housing, and although the policy will allow houses away from the settlement it is only in select locations. The reason for adopting 400m is that it is a recognised walking distance. It should be used flexibly, not as a hard and fast rule. An appendix has been added to the policy to clarify the criterion; it includes a list of settlements and an indicative diagram indicating where development can occur. The policy now includes permission for up to 3 dwellings in some cases allowing more flexibility.

The support for the changes to the policy on brownfield development is noted. No limit on the extent of development on brownfield sites is proposed as this is by its very nature dependant on the opportunity presented. Over-development would be controlled through application of policies on siting and design. Only where vernacular steadings are of architectural merit is it proposed they be retained ( through application of built heritage policies) and it is not accepted that the most sustainable solution for existing buildings is always to rebuild them. Greater energy efficiency and lifetime environmental costs can be achieved through replacement.

Regarding remote rural areas, although there was some support for the approach, it is now recognised there are no remote rural areas within the Aberdeenshire boundary and that allowing unlimited development in these areas would go beyond the requirements of SPP15.

By far the most interest generated under this topic was for vernacular buildings and brownfield land, with an overwhelming majority in favour of the relaxed approach proposed. The criterion will remain, although there has been justification added to ensure that brownfield land is not exploited, and that permitted agricultural developments cannot be redeveloped.

There is a division in views over the provision of employment land in rural areas. Under Scottish Planning Policy we have to be inviting to sustainable economic growth, so it would not be appropriate to stem this. Home working was mentioned above, and it is not regarded as a genuine rural need so should not be specifically accommodated. There was one comment against integration of business and housing, and no other comments on the issue. The policy is not changed to accommodate this, but within the enabling development SG a statement allowing such development in Rural Areas, in exceptional circumstances, has been inserted. No changes are proposed to the relaxed approach to employment land as we must promote sustainable economic growth.

With development largely limited to where it is adjacent to settlements or on previously developed land the countryside is largely protected. Siting and design are of utmost in all development, but this is dealt with by the Supplementary Guidance on Layout, Siting and Design so specific mention of design within the policy has been removed. The policy is largely a criteria based policy, but with a locational requirement to reflect variations in rural circumstances across Aberdeen. Greater emphasis on design and siting will result in development that integrates with existing villages, rather than creating a 'sprawl'. Relaxing control close to Aberdeen likewise would result in 'sprawl' as demand would likely be very high for this form of development. Issues of nature conservation, landscape impact and built heritage impact would all have to be addressed through adherence to other policies.

The former cohesive group policy is by its nature a complex policy, open to varying interpretation and without the sustainability benefits of allowing more development around our rural villages. It remains inappropriate and misleading to allocate land in very small settlements and provide these with settlement boundaries. Also, the policy provides certainty for communities in terms of maximum number of houses, but allows flexibility in the location of housing, allowing development where it meets the needs of the community.

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## Issues

### **Use of a Typology (32 comments)**

16 respondents have supported the use of a typology, some of these comments have raised the need for specific boundaries to be identified. Five people have suggested that there should be no typology but consistency across all areas and each development assessed on its own characteristics or merits. There is concern raised that the proposed typologies are inaccurate, and also the significant differences between the two alternatives is of concern. There is also concern that the boundary would have to be robust and clearly defined as there can be issues with those on the boundary between two designations, one stricter than the other.

Seven respondents have suggested there is a need to review the Aberdeen Housing Market Area (AHMA) and the Rural Housing Market Area (RHMA).

### **Typologies are too complex / Maps are Unclear (45 Comments)**

With this issue almost all people regarded the typologies as too complex and confusing. Many state that the figures in the MIR are unclear and at such a small scale it is impossible to comment. Many respondents stated they could not comment as they could not understand the boundary. There is a requirement to know where one area starts and stops, the boundaries are unclear

The difficulty involved in implementing such a typology is raised. There have been two comments suggesting the typologies are too simplistic and general and run the risk of falling into the 'one size fits all' trap. It is pointed out that there is no explanation of the relationship between the two descriptions of an area, and there may be conflicts with the spatial strategy.

### **8-Fold Classification (20 comments)**

6 respondents agree with the 8-fold option albeit some propose modifications to simplify zoning and a variation to use towns of 4000 population. 14 people have commented they do not support the 8-fold classification as it is inaccurate and too restrictive.

### **Macaulay/Three-tier Classification (26 comments)**

The majority of respondents agree with the Macaulay, or three-tier classification although there is a proposal to base it on community council areas. One person does not support the use of the Macaulay classification. 5 people have questioned what differentiates intermediate and remote areas. Three people have commented that the typology needs to be clearly defined and suggested that the Accessible area should correspond with the Aberdeen Housing Market Area (AHMA). Also the definition of 'accessible' is raised, and it is proposed this should be based on a 30 minute journey by public transport.

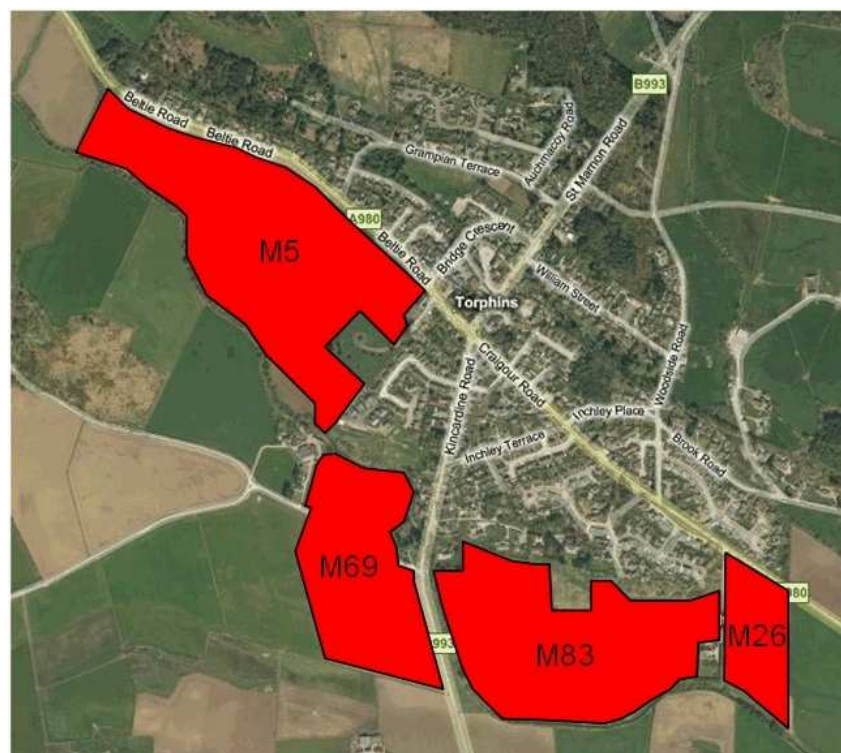
### **Other (4 comments)**

There is no link between a typology and the actual situation. The Green Belt should be included, and should not be developed. The approach should be outcome driven as opposed to the use of typologies. It is questioned what development in the Strategic Growth Areas would fall under.

## Actions

There is some support for a typologies approach, with the Macaulay classification preferred by those commenting. However there are a number of issues raised associated with using a typology, not least the complexity of the classification. It is therefore proposed that the typology is simplified to be based on the housing market areas. The typology will include accessible (AHMA) and rural (RHMA). This classification accepts that there are no 'remote rural areas' within the Plan area (although such areas are found within the Aberdeenshire part of the Cairngorms National Park). Included under 'accessible' will be the Strategic Growth Areas and immediate areas around large towns. This will provide a defensible and simplified boundary. Green belt and coastal areas are dealt with under special types of rural land.

## Torphins



### Character and Setting (49 comments)

Many respondents were concerned that the development proposed would be detrimental to the character, setting and identity of the village. Respondents felt maintenance of character was best achieved through infill development and small sympathetic development. It was felt the extent of development proposed would be over development swamping the village and could result in a loss of identity. Some respondents placed a high value on the small size and closeness of Torphins.

It was noted that the nature of the village is to extend along the road with houses facing onto open fields with farmland overlapping the heart of the village. It was felt the developments proposed would compromise the historic linear configuration with one respondent suggesting the village should be a Conservation Area. It was felt by some respondents that development was being added onto the town in a disjointed and piecemeal manner rather than slow and steady organic growth which was more readily absorbed by the community. One respondent felt a new town would be more appropriate than extending existing villages. It was suggested social problems may result from such large areas of new development. Conversely one respondent felt

a broader view should be taken, so development decisions would not be taken on a field by field basis, with connection to the village being a key element.

It was felt the intrusion on the landscape had not been taken into account sufficiently. It was suggested that the visual approach should be preserved by retaining farmland. In particular it was felt the southerly aspect to the village and the uniqueness of the west would be destroyed by development. The loss of open space was also cited as a concern and it was felt proposals would set a precedent for further south westerly expansion. One respondent stated the south west of Torphins was designated as significant landscape. A couple of respondents were keen to avoid coalescence with Sundayswells by specifically protecting land. It was suggested that south east Torphins had natural boundaries which could contain development. The woodland around the church and the railway line were also put forward as areas to be protected from development.

### **Local Services and Facilities (38 comments)**

Many respondents stated that the school was already at capacity and using temporary units to accommodate children. It was felt the school would be unable to cope with further expansion and that the quality of education would suffer. It was noted that the secondary school was also at capacity. It was felt that the school roll forecasts did not take into account families leaving and arriving in the village. Several respondents feared the village would become a dormitory town without services and would require to rely on Banchory and Aboyne. It was felt that development was not required to sustain local businesses.

Several respondents noted that the waste water treatment works were at capacity. A couple of respondents felt the level of development proposed would require massive investment into services.

Some respondents did note that small scale development could improve some areas of deficiencies including sheltered housing. There was support for retaining and enhancing recreation areas within the village and extending or safeguarding land for a cemetery extension. It was noted that the village hall was constantly booked.

### **Alternative Sites (9 Comments)**

One respondent suggested the derelict land to the north of Torphins should be developed. Concern was raised that land at Battock Terrace had been left undeveloped resulting in the spread of noxious weeds. It was noted that a site to the north of the town has capacity for 40 houses but only 16 have been built. Development to the north of Torphins would take pressure off other areas, provide choice of areas and would be close to recreation land. It was suggested that the land to the south of Annesley House nursing home should be developed. It was suggested that the paint shop/site adjacent to the Station Garage should be developed as sheltered housing or a larger shop. It was suggested that the park beside Grampian Terrace be redeveloped to include a community centre.

### **House numbers and types (29 Comments)**

There was support for up to 20 houses over 10 years with this being met largely through infill and on site M26. One respondent felt that development of over 30 houses would be detrimental to the rural character of the area. A couple of respondents supported up to 25 houses. It is suggested there is no demand from residents of Torphins and there is no demand for the house numbers proposed. A public survey undertaken by the SAVE Torphins group indicates support for 10-25 houses. However, other respondents suggest the survey results should be treated with caution.

The community council expressed support for up to 60 houses.

Several respondents highlighted the need for a variety of house types to meet various needs. These included sheltered housing, smaller houses for downsizing, and affordable housing. There was concern previous development had primarily been larger 4 to 5 bedroom homes. It was suggested the village needed to encourage young people back.

The style of housing was also of concern to respondents. The need to take into account the design and architecture of the village was stressed and one respondent felt design should reflect the northern entrance of the village. Planting banks, borders and spaces should be insisted upon to reflect the rest of Torphins. It was felt that houses should be low rise. Porches were noted as not being traditional.

**Traffic and Access (16 Comments)**

It was suggested that there should be no new development until roads and local transport are upgraded. It was suggested through roads must avoid built up areas to ensure a clear flow of traffic can be maintained. There was concern development would increase traffic and be a road safety issue with the area around the primary school highlighted as a particular concern. It was also felt the increase in traffic may discourage tourists. The impacts of increased traffic on the village's carbon footprint and the poor public transport options were also highlighted. It was suggested development should be focused to the east of Torphins to avoid increased traffic through the village. It was noted that Kincardine Road was narrow and lacked pavements in places putting pedestrians at risk. It was noted that waste was already transported some distance to landfill and this would be increased with further houses.

**Employment and Retail Development (7 comments)**

There was concern that the proposals for Torphins lacked commercial development opportunities. However, a respondent felt that employment was unlikely to be attracted to Torphins resulting in more commuters.

It was felt Torphins had a good range of local shops and services and there was no need for retail expansion. However, it was also suggested by other respondents that land for retail use was needed and that this should be west of Learney Hall. A view was expressed that there should be no supermarket and retail should remain focused in the village centre rather than on the village edge.

### **Wildlife and flooding (10 comments)**

It was felt ecological impacts of development had not been sufficiently taken into account. There is an important network of wildlife corridors and vegetation that should be preserved. It was noted that no biodiversity or habitat studies had been undertaken. The Beltie Burn was highlighted as an area of importance for wildlife.

Flooding was raised as a concern by several respondents. In particular it was noted that the Beltie Burn floods site Ch1 within the Aberdeenshire Local Plan and that site M69 is constrained by flooding.

## **Site Issues**

### **Site M5 (153 Comments)**

In line with the Settlement Issues several respondents raised concern regarding the impact of this site on the landscape and character of the area with suggestions that the site should be protected and only infill development should take place within Torphins. One of the qualities of Torphins was felt to be the working agricultural land in the heart of the community and it was noted development of site M5 would result in the loss of such land. It was felt the proposed houses would not blend with the existing houses on Beltie Road which were considered to have architectural merit and would be diluted by new development. The impact on views from Beltie Road was also highlighted as an issue. It was noted that the setting and pleasant entrance to the village was a visual asset and that development would degrade the quality of the approach and be harmful to the open setting. A respondent said the site was designated as a Site of Landscape Significance. It was noted that there were no opportunities for natural containment of development. A couple of respondents felt development of M5 would contribute to ribbon development and did not feel development would balance out previous development to the north and south. One respondent did not feel 'balancing' was reasonable justification for development. There was concern development would lead to further westward expansion.

Several respondents supported development on M5 as it would create balance along the main road and make the Square the focal point. The village facilities would be accessible and the nucleus of the village would be kept intact. It was felt developing the other sites would result in the village spreading excessively and result in a disjointed community. Some respondents noted that the site was less visible than other sites particularly from the south. A couple of respondents supported development along the road frontage only, with 20-25 houses fronting onto Beltie Road. There was support for access to be taken off the main road rather than cul de sacs. SNH noted that development of M5 would consolidate existing ribbon development along the western extent of the settlement, although the full scale of the site would represent overdevelopment. Several other respondents also felt the site should be reduced in scale as it was larger than necessary. In terms of house numbers a respondent suggested 60 units over 10 yrs would be appropriate while a couple of respondents felt 50 units was too many. Several respondents were keen to see a mix in the size of units with the need for smaller low cost housing and sheltered housing highlighted. It was suggested there was no demand for 50 units particularly with houses struggling to sell in the village at present. Respondents felt careful consideration should be given to siting and design with particular emphasis made to reflect existing architecture. Several respondents were concerned that this allocation was speculative and there was no indication as to how this would be developed or delivered.

Respondents raised concern regarding the increase in traffic passing the school and hall, which it was felt would increase the risk of accidents. A couple of respondents queried the safety of the access to the site and suggested infrastructure would be unable to cope. However, a respondent noted that new pavements and street lighting on Beltie Road meant a safe access for drivers and pedestrians could be created. It was also noted that the site could connect into existing public pathways. Some respondents were concerned that the development of the site would impact on the ability to increase the Learney Hall carpark, with some respondents suggesting M5 should include extra car parking.

Several respondents raised flooding as a concern. The run-off to Beltie Burn was highlighted as an issue and flooding to the west of Kincardine Road was highlighted. SEPA advised that part of the site is in the 1 in 200 year flood risk area and is at medium to high risk of flooding. A detailed

Flood Risk Assessment will be required to accompany future development proposals and to determine the development boundary.

Concern was raised that the Waste Water Treatment Works were close to capacity and upgrading would cause disruption to the village.

Respondents were keen to see the area around the cemetery protected to ensure this could be extended. Respondents suggested the development should include a retail aspect or perhaps a caf' close to the Learney Hall to provide a focal point for the community. A couple of respondents felt the development should include a public park. Concern was raised about the capacity of the school and it was suggested there was no need to sustain the community.

Similar to the settlement issues respondents raised concern about the impacts of site M5 on ecology and in particular the wildlife habitats along the Beltie Burn. It was noted that the Beltie Burn forms part of the River Dee SAC and SINS Freshwater Biology Site. The retention of semi natural habitat within the site and enhancement of riparian habitat was highlighted by NESBREC along with the impact on the River Dee SAC

One respondent felt the GAM did not sufficiently take account of the negative aspects of site M5 including sustainable economic development, regeneration, loss of prime agricultural land, loss of biodiversity and visual disturbance. It was also noted that the SAVE Torphins group survey found this site was the least preferred.

### **Site M83 (46 comments)**

The suitability of the access was raised as a concern by several respondents who note this weaves in and out of existing housing and is particularly narrow and would not be suitable for increased traffic. It was suggested the site could be accessed from Kincardine Road, or the sewage works road or off the disused Fare View roundabout. Road safety concerns were raised and it was felt Kincardine Road would not have the capacity to accommodate increased traffic. Respondents disagreed about access to the village centre with some suggesting this was within walking distance with others feeling the site was not close to the Square.

It was felt by some respondents that development would be detrimental to the appearance and character of the village and would impact on views. It was noted the village benefited from a well defined southern boundary screened by mature trees and this should be maintained. Again a respondent noted that the site intrudes into a designated Area of Landscape Significance. A couple of respondents felt the site was well contained by the landscape and existing development making this the least intrusive of the sites. Open space could be provided within the development and along the Beltie Burn. One respondent felt this was the best site and could incorporate the existing style of houses with views out to the hills. It was noted that there was infrastructure capacity to develop the site and low cost housing within the development would help retain young people. One respondent felt there was a strong opposition to development to the west of Torphins by residents of that area and this has resulted in development being more focused on the east to date.

Flooding was raised as a concern and the proximity to the Beltie Burn meant that the flood area should be reassessed. SEPA have advised that the site is partially within the 1 in 200 year flood area with a medium to high risk of flooding. A detailed Flood Risk Assessment would require to accompany any future development proposals and to inform the boundary. It is understood a Flood Risk Assessment is being undertaken.

Similar to the Settlement Issues respondents raised concern about the impacts of site M83 on ecology and concern was raised about the capacity of the school. The site is within the catchment of the River Dee SAC.

### **Site M26 (38 Comments)**

The redevelopment of this site would result in the relocation of the garage premises on Craigour Road and Station Square which was seen as an opportunity to improve the eastern approach to the village and redevelop brown field land rather than agricultural land. The removal of the potentially hazardous garage site from the centre of the village was also welcomed by respondents. It was felt the redevelopment of the site would have little impact on character, the site was more akin to infill development and would disturb fewer residents. The proximity to the sewage works was also seen as a benefit. It was also felt development on the eastern edge

would reduce traffic through the village. The survey undertaken by the SAVE Torphins group suggests this is the most popular site locally with a suggestion this be allocated for 10-25 houses.

Some respondents did feel the site would destroy the south eastern boundary of the village, would intrude on views and result in removal of trees. One respondent was not keen on proposals to include flats within the development. Several respondents were keen to see the site retained for employment uses only. Similar to the Settlement Issues the capacity of the school was raised as a concern.

SEPA have advised that the site is partially within the 1 in 200 year flood area with a medium to high risk of flooding. A detailed Flood Risk Assessment would require to accompany any future development proposals and to inform the boundary.

### **Site M69 (11 Comments)**

Respondents were keen to maintain the picturesque entry to the village, and felt the tree lined Beltie Burn should not be straddled by development, and sufficient separation should be maintained from Waulkmill Farm. The area south of the road was considered an inappropriate extension to the village. A respondent felt Kincardine Road would be unable to cope with increased traffic. A couple of respondents highlighted flooding as an issue, and it was felt that flooding on Kincardine Road could be exacerbated by development. SEPA have advised that the site is partially within the 1 in 200 year flood area with a medium to high risk of flooding. A detailed Flood Risk Assessment would require to accompany any future development proposals and to inform the boundary. It is noted site M69 is the site of buildings that may be of archaeological or historic importance and may require a watching brief if the site is developed. Several respondents supported development to the north of the road. It was suggested that up to 45 houses of medium to high density could be accommodated and that a footbridge should be provided over the burn.

### **Actions**

The level of development proposed in Torphins is for 50 units and therefore not all of the bid sites will be required. This will mean impacts on the landscape and setting can be minimised. It is unlikely this number of units could be created through infill alone without significantly altering the character of the village. Whilst development has historically expanded by ribbon development along the A980, this pattern of development cannot be sustained and would be likely to have greater impacts on the landscape and setting. Future development should aim to create a more compact settlement form focused around the village centre. The areas proposed for protection will be identified in the Plan and protected to conserve the existing uses.

There are conflicting views with regard to the number of houses that should be allocated in Torphins during the plan period. An allocation of 50 houses, equating to approximately five per year during the lifespan of the plan is reasonable due to the size of Torphins and the existing services. Development would also address the need for affordable housing as development should contain at least 25% of affordable housing.

The school roll forecasts suggest that Torphins Primary School will have a falling roll and future expansion will therefore help to sustain the school. Scottish Water have advised that there is currently limited capacity at Torphins Waste Water Treatment Works and a drainage impact assessment will be required. Scottish Water have also advised that they are planning to upgrade the works for the service period 2010-2014.

Policy relating to Layout, Siting and Design of New Development including the requirement for a masterplan should ensure a balance within development including a mixture of house types and respect for existing design and architecture of Torphins.

Increased traffic is inevitable with any development. However, the impact of development can be covered in the masterplanning of the site and at the planning application stage. Roads development and Transportation have not identified any concerns in relation to the road network generally, but have made comments in respect of the access to individual sites which are discussed below. Planning cannot directly influence the provision of public transport, but increasing the critical mass of the settlement could enhance arguments for improved services. Focusing development to the east of Torphins would increase distances to the local amenities

which may result in an increase in local journeys by car and may result in a satellite community unconnected to Torphins to form. The standard of Kincardine Road is not a significant constraint. Studies in relation to ecological impact will be undertaken at the planning application stage. It has been taken into account that Beltie Burn forms part of the River Dee SAC. The masterplan associated with development proposal will require to take into account wildlife corridors and NESBREC have highlighted the retention of semi natural habitat and enhancement of the riparian habitat in its review of M5.

The concerns regarding the impact of development of site M5 on landscape and character are noted. However, the site is close to the centre of the village and would help to create a more compact settlement form and could be brought forward in the Plan for a mix of uses. The impacts on landscape and setting would be further minimised through the use of the Layout, Siteing and Design Policy which should ensure design is more responsive to the surrounding area and architecture. The site is an Area of Landscape Significance. This designation extends around the whole of Torphins and site M5 is a small part of the Area of Landscape Significance. The benefits of a compact settlement form that is closely related to the village nucleus outweighs any local impacts on landscape character. The site would help to consolidate ribbon development to the west of Torphins and would balance out previous development which has been focused to the south east of Torphins. The application of a masterplanning and design process that considers the whole development should ensure development is responsive to the character and architecture of Torphins, which would allow development to be successfully absorbed into the existing built form and fit well in the landscape. The masterplanning process would also consider the mix of uses within the development as well as the types and sizes of houses. The traffic impacts of development can be covered in the masterplanning of the site and at the planning application stage. Road development and Transportation have noted the site could be accessed from the A980 and that a footpath extension on the south side of the A980 would be needed as well as improved pedestrian and cycle connection to existing development to the south east.

Land should be reserved for a cemetery extension. As recognised by several respondents site M5 provides an opportunity to build on the nucleus of the village and provide community uses and retail development. Site M5 has various access options and the most suitable of these should be informed through the masterplan process. Parts of site M5 are within the 1 in 200 year flood risk areas. These areas should be removed from the allocation and a detailed flood risk assessment will be required on the remainder of the site. The impacts on the Beltie Burn and wildlife habitats can be addressed through the masterplan and development design. Site M5 is not prime agricultural land. A review of the GAM scoring has been undertaken and it is not necessary to adjust these. The GAM scoring is just one of the factors that is taken into account when considering the allocation of sites. Site M5 should be included in the plan for a mix of uses including housing, community and employment land. A masterplan would be required.

Roads development and Transportation have noted the eastern section of M83 could be accessed through existing development to the north (Annesley Grove), but notes the western section would be difficult to access via the existing road network without crossing the Beltie Burn. Site M83 is largely constrained by flooding, leaving two smaller unconnected areas left that could be developed. The most easterly of these bounds the sewage works and the associated safeguard areas around the works may limit the extent to which this site could be developed. The most westerly site has the potential to accommodate only a handful of houses. The comments regarding flood risk are noted. It is more appropriate to focus development on site M5 to create a more compact settlement form and avoid piecemeal allocations to the south of Torphins. Therefore, site M83 should not be included in the Plan.

Whilst there is support for the development of site M26 for residential uses and the relocation of the garage premises, there is a need to maintain a supply of employment land. The proximity to the sewage works and flood risk also limit the potential of this site. The site should be brought forward for employment uses.

There is a need to identify employment land within Torphins and the EmpA site within the Aberdeenshire Local Plan could be brought forward in the Proposed Plan along with new employment opportunities within M5. Due to the proximity to existing amenities in Torphins the M5 site could include some retail development to complement existing uses in the area.

Whilst M69 could accommodate development, it is disconnected from the village due to its access and location on the opposite side of the Beltie Burn. The comments regarding the approach to the Torphins and flood risk are noted. M69 should not be included within the Proposed Plan.

**Outcome of the Marr Special Area Committee**

The actions outlined above were considered at the Special Area Committee Meeting. The Marr Area Committee agreed with the actions outlined above, subject to further areas of protected land being identified as detailed below.

An area around the Learney Hall requires be identified as protected to accommodate the proposed extension of the Hall facilities. An area currently within the Aberdeenshire Local Plan to the east of ch1 requires to be shown as protected.

**Conclusion**

Include part of site M5 for 50 houses including community, employment and retail uses. Provision should be made for additional public parking close to Learney Hall. A masterplan will be required for the site.

Land to the south of the cemetery will be reserved for an extension to the cemetery.

Site M26/empA will be brought forward for employment uses.

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