

# KEMNAY COMMUNITY COUNCIL

Chair: Dr Sheila A Simpson FRCP  
Email: paracelsus515@hotmail.co.uk

Sunnyvale  
Kemnay  
Inverurie  
AB515PE

Cc: Garioch Area Committee

18 August 2015

Mr Bruce Strachan  
Planning Officer  
Infrastructure Services  
Planning & Building Standards  
Gordon House  
Blackhall Road  
INVERURIE  
AB51 3WA

Dear Mr Strachan

## **APP/2015/2356 Erect 49 Houses North Of Cairn View, Kemnay (Permission in Principle)**

Thank you for granting Kemnay Community Council additional time to comment on this very important planning application. The application site does not appear in the current Local Development Plan (LDP) settlement statement. It is partially on land designated as Aberdeenshire Countryside and also partially on Protected land (identified as site P2), in the current and draft replacement LDP. Kemnay Community Council therefore objects to the above planning application for the following reasons:

**1. The application is contrary to SG Housing 1.** The site is not allocated for development in the current LDP and does not appear in the settlement statement. There are no exceptional circumstances to justify departure from the current LDP or Structure Plan because there is no shortage in the housing land supply to justify additional allocations.

**2. The application is contrary to SG Rural Development 1 Housing Development in the Countryside.** The site is predominantly on land designated as Aberdeenshire Countryside. Reasoned Justification paragraph three clearly indicates that housing developments of this scale should come through the LDP process and the site is not identified for housing in the LDP settlement statement.

On page 7, para. 3.2.6 of the Planning Support Statement, the applicant concedes that the bulk of the site is on land designated as Aberdeenshire Countryside and goes on to quote the first paragraph of Policy 3 Development in the Countryside in support of developing the site:

*Aberdeenshire Council will support development in the countryside where it meets the needs of a rural community by contributing to its overall social and economic wellbeing, and by promoting vigorous and prosperous rural settlements*

However, conveniently, the applicant does not quote the following relevant paragraphs in that Policy document which would be to the detriment of their application:

*We will balance this with the need to promote a sustainable settlement pattern and to protect our rural environment from the impact of longer distance travel to use services, especially commuting.*

*As a result, we will manage development in a way that recognises the special character of different types of rural area. We will generally exercise greater control of development in the Aberdeen Housing Market Area, and promote small-scale development, especially business development, in the Rural Housing Market Area. In doing so, we will support a wide range of economic development that helps to improve the rural economy.*

*We will publish the way we do this separately in the following supplementary guidance.*

*SG Rural Development1: Housing and business development in the countryside*

*A. In the countryside outwith the Aberdeen City greenbelt we will approve new small scale development, subject to other policies, where:*

*1) it is for a development that would be permissible under the greenbelt supplementary guidance; OR*

*2) it is for the refurbishment or replacement of an existing or disused building, or it is on a site which has previously been developed and is now redundant; OR*

*3) it is for development that contributes to the organic growth of a settlement identified in appendix 1, of no more than 3 houses on a site within approximately 400m of the edge of the built up area; OR*

#### *Reasoned Justification*

*The aim of the policy is to support a long-term sustainable pattern of development that balances needs, aspirations and demands for development in rural areas outwith settlements.*

*Restrictions are placed on areas where there is likely to be the greatest demand for rural housing, and where there is a risk of sporadic and intrusive development to the detriment of the character of the landscape.*

*This supplementary guidance does not apply to development sites specifically allocated within the Local Development Plan. It normally will only apply to small-scale development, as any other developments should come through the Local Development Plan process. Small scale development allows up to 3 residential units.*

**3. The application is contrary to SG LSD5: Public open space.** The site partially encroaches on to approximately 20% of a Protected site identified as site P2 in the current LDP, which is Protected to preserve the Place Of Origin and its setting. In the Planning Support Statement, Proposal page 5 para. 3.4 the applicant concedes that part of the site is on Protected land, circa 20% by visual assessment. It is stated that the proposed development will be sympathetic to this area but the fact is that 7 house plots and an access road are being proposed on a Protected site. SG LSD5: Public open space states:

*We will refuse development that would result in the loss of an area of protected land, or open space within a settlement, unless:*

*1) the proposed development is ancillary to the principal use of the site as open space, and the integrity of that use is maintained; OR*

*2) it is for an essential community facility, where:*

*i) its public benefits clearly outweigh the value of the site to the settlement's character or amenity; AND*

*ii) evidence from the open space audit, or other audit, shows it will not result in a deficit of open space provision of that type within the settlement; AND*

*iii) it has been demonstrated that there are no alternative sites*

**4. The application is contrary to SG LSD2 : Layout, siting and design of new development 2 (ii)** in that the proposal does not show respect for its setting (its relationship to the existing landscape, townscape and neighbouring features);

**5. The application is contrary to SG Landscape 1, Landscape Character 1)** in that its scale, location and design are not appropriate to the landscape character of the area

**6. The application is contrary to SG Landscape 1, Valued Views 1) and 2)** in that the proposal will, by virtue of its location, scale and design, have an adverse impact on the viewpoint for a “valued view”, as identified in Appendix 1; and the proposal will, by virtue of its scale and location, have an adverse impact on the characteristics for which the view itself is valued. It is accepted that Place Of Origin is not listed as a Valued View in the current LDP, however, it is a material consideration that Kemnay Community Council have requested that it should be included as a Valued View in the Replacement LDP.

## **GENERAL COMMENTS**

### **1. Planning Support Statement (PSS)**

a) By proposing 49 houses instead of 50 or 56, the applicant avoids the need to provide 40% Public Open Space provision and does not have to produce a Masterplan. However in PSS page 5 para. 3.1 the applicant states that the proposed development is the second phase of the Cairn View development, which was for 54 houses, in which case the size of the overall development would be 103 houses.

b) PSS page1 para. 1.04 (i) states that development bids have received strong support from Aberdeenshire Council and yet to the contrary, the development bid has been excluded by Aberdeenshire Council Local Plan Team when publishing the Draft Replacement LDP.

c) PSS page1 para. 1.04 (ii) refers to the public consultation meeting in Kemnay Village Hall on 29 October 2014 and states that as a result, comments received were considered and addressed but no mention is made of the letter they received from Kemnay Community Council stating that we were opposed in principle to housing development adjacent to Place Of Origin.

d) PSS page 3, paras. 2.03-2.05 states:

*2.03 At a special meeting of GAC on 30 March 2010, members expressed a wish to see the protected area around site H1 widened*

*2.05 The developed Phase 2 site at Cairn View was designed to cater for future development to the north. This removes the access opportunity from Cairn View*

This infers that it was the fault of the Garioch Area Committee, when they established the boundary of the Protected site P2 at their meeting on 30 March 2010 and in doing so removed the access opportunity for future development to the north. Clearly, Deveron Homes did not notice this fact in 2010 and now seek to blame Aberdeenshire Council for the fact that they no longer have access to land to the north without encroaching on to a Protected site. The applicant is also making reference to a “Proposed Local Development Plan” that has subsequently been replaced by the present Local Development Plan.

e) PSS page 5 para. 3.3 states that no developer has shown an interest in developing the employment land site adjacent to the east of the site shown as BUS2 in the current LDP. However, no efforts have been made to market the site, no “For Sale / Lease” signs have ever been erected, the site is not listed in the Aberdeen Solicitors Property Register and an on line search does not reveal any indications of the site being marketed by any Property Companies. In essence, there is no evidence to show that Deveron Homes are making any effort to promote this site for industrial development and thereby encourage a sustainable community; all that is apparent is the desire to build and sell houses and increase the carbon footprint by contributing towards increased commuter traffic.

f) PSS page 10 para. 4.8 refers to adjacent employment site BUS1 but BUS1 is located on the other side of the village in Aquithie Road? The paragraph continues to speculate that if the adjacent employment site is developed it will have a greater impact on views when entering Kemnay but this is merely conjecture because no plans exist for the site to confirm or support such a hypothesis?

## **2. Revised Landscape Appraisal by Brindley Associates**

Deveron Homes have employed Brindley Associates Planning Application Support Services to assist in making a case for housing on this site but they have not contacted the Artists for their opinions. Clearly, the Artists Chris Fremantle, John Maine, Brad Goldberg and Glen Onwin should be consulted out of courtesy if not for their professional opinions on whether or not housing on this site would be detrimental to their artistic creation and award winning Place Of Origin?

a) The Revised Landscape Appraisal (RLA), page 3 para. 2 states:

*“Place Of Origin - a sculpted elevated viewpoint constructed from the former quarry spoil heaps”* and para 3 states *“it is not subject to any formal landscape designations as a protected landscape or Valued View.”*

Firstly, as stated above, we concede that Place Of Origin is not listed as a Valued View in the current LDP but it is a material consideration that Kemnay Community Council has requested its inclusion as a Valued View in the Draft Replacement LDP.

Secondly, we appreciate the fact that Brindley Associates have been retained to make a suitable case for development of the site on behalf of their clients Deveron Homes and in doing so must endeavour to diminish the importance and significance of the Place Of Origin. However, their cynical description which reads: *“ a sculpted elevated viewpoint constructed from the former quarry spoil heaps”* is derisory and indeed inaccurate and in this respect it is worth relating a brief history of Place Of Origin:

**Place of Origin is a ‘landscape as art’ project. Work commenced in 1996 and was completed in 2006, when it was officially opened by HRH The Duke of Kent. The following year it received a Saltire Award, which is commemorated by a bronze plaque at the site and was also given a “Highly Commended” Certificate under the Aberdeenshire Council Design Awards Scheme in 2008.**

**Next year, 2016, will be the 10<sup>th</sup> Anniversary of the completion of the Place Of Origin**

The three artists who collaborated on Place of Origin were John Maine RA, Brad Goldberg and Glen Onwin RSA. Their focus was from the outset to draw attention to the historic quarry workings. They set out a master plan for a number of key focal points around the rim of the Quarry. Chris Fremantle, then Director of the Scottish Sculpture Workshop, invited Maine to lead a project which addressed the history of granite quarrying in the North East of Scotland as part of the 150th anniversary celebrations of John Fyfe Ltd. The Scottish Sculpture Workshop had had a long relationship with John Fyfe Ltd, working with them on a number of international granite symposia during the 80s and early 90s. Place of Origin was a revitalising approach to working with artists, material, place and industry.

The viewpoint, constructed out of some 100,000 tonnes of quarry waste and other subsoil material, takes its cue from a number of key visual characteristics of the locality. These include most obviously Bennachie, which forms a major landmark in Aberdeenshire. The work also draws inspiration from the Quarry itself, and in particular the construction of retaining walls and platforms. More generally Maine, Goldberg and Onwin looked at the North East and Highland landscape including Neolithic recumbent stone circles typical of the North East, the Brochs on the Western Isles, and other man-made marks on the landscape characterised by the use of stone. Each massive stone that forms the upper structure of the viewpoint was selected and placed individually, drawing on the expertise of the quarry men and the judgement of the artist.

A quote from John Maine, April 2010:

*“The underlying idea of Place of Origin was to lead people to a vantage point from which the Kemnay quarry would be revealed. In order to let viewers see the drama of the quarry without actually being exposed to the dangers of granite cliffs, we built a hill with a viewing platform high above the quarry workings. This also made a panoramic link with the village and surrounding landscape of fields, woods and mountain. The hill is made from granular material which was compacted in layers and tested throughout for stability. This material had to be fairly consistent without excessive boulders or areas of alluvium. It took more than two years to amass the 100,000 tonnes of material and allow it to settle in courses. We used quarry waste and locally excavated material.*

*At the top of the hill the final section is constructed from large quarry blocks, set together in the normal method for constructing gigantic retaining walls throughout the quarry. An example of this style of construction can be seen from the road near the former Lawrence of Kemnay site. Looking across the road to the left of the entrance to the stone works there is a rock tower structure set back a little. This was the base of one of the ‘blondins’ – steel towers which supported cables across the quarry hole.*

*Our ‘cairn’ was made with the help of huge trucks and cranes. We would set out a circle of quarry blocks and then fill the middle with granite chippings. We were fortunate to discover a large mound of these chippings in the quarry yard. In the nineteenth century, when small granite road blocks (‘cassies’) were chipped out with hand tools there was a gradual accumulation of small pieces split off. Over the decades these became a mound and provided a perfect medium for the core of the hill top. This final stage is therefore granite through and through.*

*As artists we also had in mind the impact in the landscape of castle structures such as Dunnideer near Inch and Hall Forest near Kintore as well as many structures further away. We travelled together to the Outer Hebrides, visiting brochs as well as prehistoric sites such as Calanish. The Clava Cairns were also an influence.”*

Maine, Goldberg and Onwin suggest that Place of Origin shares an aesthetic with a Japanese garden – it reflects the larger landscape it sits in. This Japanese concept is translated as ‘borrowed landscape’, which is used in Japanese garden design to bring the larger landscape into the garden. The artists set out the tree planting to mirror the larger landscape. So at the bottom of the site you will find willow and in the middle birch and oak and in the upper areas pine and larch. The summit provides a special view, and Place of Origin conforms to the more general statement, “the garden was planned for the sake of enjoying scenery.”

b) RLA page 17 Viewpoint 1c looking south from Place Of Origin Fig. 4c conveniently shows a photograph of the proposed development site as it presently exists but with no photomontage or composite images of the proposed houses. One might therefore assume that the photomontage of the proposed houses has been purposely excluded in order to conceal and suppress the detrimental visual impact when viewed from Place Of Origin.

c) RLA page 19 Viewpoint 2 B994 entrance to Strathlynn Croft and page 20 viewpoint 3 B994 entrance to Kemnay shows the site of Employment land BUS2. Page 8 para. 5.3 paragraph 2 infers that development of site BUS2 would fundamentally change the view from the B994 but this is again a hypothetical scenario, the site has not been developed, there are no architectural plans available and the Developer admits in Planning Support Statement page 5 para. 3.3 that no developer has shown an interest in developing the site. This is irrelevant in the present case scenario. Incidentally, we can make no sense of the following paragraph on page 8 para. 5.3/3?

d) RLA page 23 Photomontage Viewpoint 2, 15 years after completion assuming structural woodland approx. 10 metres high. Clearly a hypothetical image of what the scene *might* look like in 15 years time and realistically of no relevance.

e) RLA, no photographs have been taken to display the views from the existing Cairn View development

f) RLA no photographs have been taken to display the views of walkers when ascending or descending from Place Of Origin.

## CONCLUSION

It seems obvious to us that this application warrants refusal when considered in relation to the current LDP. However, the applicant may argue that the current draft replacement LDP process may have a material influence on this application. The present situation is that the applicant's Main Issues Report bid for 56 houses on this site was rejected by LDP Planning Officers after considering comments from the public and stakeholders. The site does not appear in the current draft replacement LDP. The applicant does of course have the right and opportunity to lodge an objection to the Draft LDP, which will be considered in due course and may or may not be eventually included in the finalised replacement LDP

We give due credit to the applicant Deveron Homes for advertising the Pre Application consultation in our village Newsletter and thereby ensuring maximum publicity for the event. It is acknowledged that the applicant is entitled to submit a planning application for housing on this site but until the draft replacement LDP process has been completed with the publication of a Finalised LDP, this application is at best premature. The right to submit a planning application should not be used to circumvent the LDP consultation process by way of submitting a planning application for a site when an unsuccessful LDP bid for houses on the same or similar site has been rejected.

The Planning Support Statement and Revised Landscape Appraisal documents submitted by the applicant are debatable on many points but in essence both documents should have been submitted at the MIR stage of the LDP consultation process to influence inclusion in the replacement LDP. They could still be used to support the case for inclusion in the Finalised replacement LDP. This attempt to gain a planning consent for permission in principle for housing on this site can be seen to be an attempt to unduly influence the outcome of the LDP process and would be used as material evidence to support the inclusion of this site in the Finalised LDP. As a Community Council we ask is for fairness, transparency and consistency from Aberdeenshire Council. If the site has been rejected by Aberdeenshire Council Planning Officers at the mid-way stage of the draft replacement LDP consultation process, why should it be considered for approval utilising the parallel process of Aberdeenshire Council's planning system?

As a Community Council, one of our most difficult tasks is motivating members of the community to participate in the LDP consultation process. If this process is seen to be unduly influenced by premature planning applications then the whole LDP consultation process loses credibility and public involvement will be seriously undermined and diminished.

If this application is successful it will set a precedent for all Developers and will result in settlement boundaries being defined as a result of speculative planning applications as opposed to using the established LDP consultation process.

In this respect we request that the Garioch Area Committee refuse permission for this planning application and in doing so allow the draft replacement LDP consultation process to proceed according to due process. We would not wish to provide the applicant with any material evidence in the form of an outline planning consent, with which the applicant can unduly influence the outcome of the Finalised LDP.

Yours sincerely,

Dr Sheila A Simpson FRCP  
Chair, Kemnay Community Council

David Evans  
Kemnay Community Council