

Scottish Government, Planning and Environmental Appeals Division
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Mr P Blaxter Aberdeenshire Council Sent By E-mail
Our ref: LDP-110-2
19 December 2016

Dear Piers Blaxter

PROPOSED ABERDEENSHIRE LOCAL DEVELOPMENT PLAN THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING) (SCOTLAND) REGULATIONS 2008 SUBMISSION OF THE REPORT OF THE EXAMINATION

We refer to our appointment by the Scottish Ministers to conduct the examination of the above plan. Having satisfied ourselves that the council's consultation and engagement exercises conformed with their participation statement, our examination of the plan commenced on 11 January 2016. We have completed the examination, and now submit our report.

In our examination, we considered all 73 issues arising from 849 unresolved representations which were identified by the council. In each case, we have taken account of the original representations, as well as the council's summaries of the representations and the council's responses, and we have set out our conclusions and recommendations in relation to each issue in our report.

The examination process also included a comprehensive series of unaccompanied site inspections and, for some issues we requested additional information from the council and other parties.

We held one hearing session on 18 August 2016 relating to Issue 7 – Housing Land Supply.

Subject to the limited exceptions as set out in Section 19 of the Town and Country Planning (Scotland) Act 1997 (as amended) and in the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009, the council is now required to make the modifications to the plan as set out in our recommendations.

The council should also make any consequential modifications to the text or maps which arise from these modifications. Separately, the council will require to make any necessary adjustments to the final environmental report and to the report on the appropriate assessment of the plan.

A letter will be issued to all those who submitted representations to inform them that the examination has been completed and that the report has been submitted to the council. It will advise them that the report is now available to view at the DPEA website at:

<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=117135>

and at the council's office at Aberdeenshire Council, Woodhill House, Westburn Road, Aberdeen, AB16 5GB, and the area planning offices detailed in your e-mail of 16 December and that it will also be posted on the council's website at:

<http://www.aberdeenshire.gov.uk/planning/plans-and-policies/aberdeenshire-localdevelopment-plan-2016/local-developement-plan-2016-examination/>

The documents relating to the examination should be retained on the council's website for a period of six weeks following the adoption of the plan by the authority. It would also be helpful to know when the plan has been adopted and we would appreciate being sent confirmation of this in due course.

REPORTERS: Allison Coard, Rob Huntley, Robert Maslin, Michael Shiel, Christopher Warren

**Local Development Plan 2016 Reporters Conclusions
19 December 2016**

[LDP Report of Examination 410717](#)

Shaping Garioch – Kemnay begins on page 617

Summary of response by Planning Authority begins on page 619

Reporters Conclusions begin on page 621

See also:

[LDP Reporters Recommendations 410718](#)

Reporter's Conclusions Extract for Kemnay

Settlement Features

Site R1 Sports Facilities at Milton Meadows

1. This site is reserved for Sports Pitches. I recognise it is at medium to high risk of flooding. However, the nature of the proposed use would not require the same level of assessment or flood risk avoidance as would be required for housing or other built development. Paragraph 263 of Scottish Planning Policy confirms that such areas may be appropriate for some sports use. I agree with the Scottish Environment Protection Agency that reference to the limitations on development of the site should be included in the section on flood risk for Kemnay. The council propose wording in this respect and this is accepted through my recommendations on Issue 16. Assessment is likely to preclude any options for land raising and the details of any associated works would fall to be considered at the planning application stage.

2. I have nothing to suggest that the sports use of the site is not required or that there are any firm proposals for an alternate community use such as allotments. There are no specific details of demand for such facilities. I note the reference to the Birley Bush site as another option for allotment provision.

3. In the event that other community, uses were to come forward then the current allocation would not preclude this provided sufficient and appropriate sports pitch provision was retained. Policy P5 provides a framework for consideration of proposals for community facilities. Consequently, my conclusion is that no change is required.

Other Sites - Birley Bush

4. Scottish Planning Policy through paragraph 227 states that local development plans should safeguard existing and potential allotment sites to ensure that local authorities meet their statutory duty to provide for allotments where there is proven demand.

5. This site is outwith the settlement boundary and policies relevant to development in the countryside would apply. This would not necessarily preclude allotment use if demand was proven and the site was available for this use. I note reference to a recent local survey which has identified a desire for community allotments. If this is the case then this is perhaps a matter best pursued through the next local development plan so that available options, including sites within the settlement, can be properly considered. I do not consider there is sufficient justification for allocation of this site at this time.

Allocated Sites

OP1 East of Greystone Road (former H1 site at Bogbeth Road, 65 houses)

6. This site is allocated for housing through the 2012 local development plan. I understand that a masterplan has been prepared. Generally the principles of development, where necessary to secure appropriate mitigation of any identified impacts, are established through the local development plan. I note that the plan includes some text in this respect in relation to the need for strategic landscaping, the likely access and road layout and the need for a full Sustainable Urban Drainage Scheme.

7. I accept the progress made on this site and its current status as an allocated site in the local development plan 2012. I consider that it would be sensible to reference the approved masterplan but with some amendment to the council's proposed wording. This would clarify that consistency with the master-plan is a consideration rather than a requirement. In my view this better reflects the status of the master-plan as a separate document which is not part of this proposed plan. In any event I do not consider that reference to the master-plan negates the need to reference other development principles within the plan if these were considered necessary to address the matters raised in representation.

8. In this context, I have carefully considered the other matters raised in representation including specific concerns about traffic and on street parking, residential amenity and the necessary schools and medical provision.

9. In terms of access I note that the masterplan refers to access from Bogbeth Rise as well as the major site access from Bogbeth Road (section 3.5 on page 12). However this is then at odds with the detail included later in the document where the main access is from Bogbeth Rise. I appreciate that it is important to secure appropriate integration with the adjoining residential area. Movement along Bogbeth Road is recognised as an issue in the master-plan and the need for additional passing places along and adjacent to the site frontage is noted. The proposed plan accords with the latter conclusions of the master-plan referencing the primary access via Bogbeth Rise and the possible need for a second point of access.

10. My site visit did not co-incide with an event in the park. However, I note the submitted photographs showing the extent of on street parking and recognise concerns raised in this respect. The detail of any mitigation and pedestrian links will inevitably fall to the development management process. However, I consider it is relevant in the circumstances to include a requirement for the scheme to address any consequent local traffic management and access issues which may arise as a result of the development and to provide for additional passing places along the street frontage.

11. As explained through Issue 7 the housing densities are indicative and any layout assessed through the development management process would be assessed in the context of Policy P1 on layout, siting and design. This includes considerations such as privacy and amenity.

12. In relation to local facilities such as schools and medical facilities I note there are no concerns raised by the National Health Service who were consulted on the plan or by the council as education authority. The masterplan document states that an extension of the secondary school is currently underway. As a site already included in the current local development plan the capacity assumptions for this school should have taken the development of this site into account. The settlement statement for Kemnay explains that contributions will be required to capacity at Kemnay Academy and that development cannot commence until constraints have been resolved. Contributions may also be sought for community facilities including sports and health care. These are matters that would have to be further detailed in terms of any requirement arising from the development in accordance with Policy RD2 on developer contributions.

13. The site is relatively well contained on this edge of Kemnay and I find no change in circumstances to suggest that it should no longer be considered as a suitable housing site to be retained within the proposed plan.

14. Drawing all of the above together I consider that the allocation should be retained. However, some change is required to the supporting text to clarify progress with the master-plan and the need for proposals to address local traffic management and access. I consider this should also reference appropriate provision

of two points of access, passing place provision and pedestrian links in the interests of road safety, amenity and integration with the neighbouring residential area.

Additional Sites

Bid Site Ga042 65 houses north of Cairn View (south of Place Of Origin)

15. I note the council accepts some merit in the site as it would form a logical extension to an existing residential area and could utilise established infrastructure. I do not disagree with this view or that there could be benefit in the enhanced provision of affordable housing. In addition my conclusion on Issue 7 accepts some justification for the release of additional sites which might contribute to an increase in completions in the short to medium term. The successful completion of the site to the south at Cairn View suggests to me the proposed site is likely to prove effective in the plan period. I note the site has some council support and was included in the previous proposed plan although subsequently deleted in response to the findings of the reporter at the last local development plan examination. The submissions refer to the lack of progress on the identified sites OP1 (65 homes) and OP2 (20 homes).

16. From my site visit I noted the location of the site extending onto higher ground above the existing relatively recent residential development. The site lies to the east of the area protected under P2 with the objective of conserving the “Place of Origin” and its setting.

17. The developer’s submissions clarify that the developable area would not extend into the area identified under P2 other than to accommodate the access from the existing hammer-head. The triangular site includes the land to the north east of the relatively recent residential development along Fyvie Park and to the north west of the BUS2 site. I note the BUS2 site already extends the settlement boundary out along the B993. The planting along the roadside here provides some screening off views into the site when viewed on this approach to Kemnay. The site is protected by its inclusion in the countryside beyond the settlement boundary. I consider it lacks any distinguishable boundary to the north to signal its logical inclusion within the settlement. The indicated boundary treatment would take considerable time to establish.

18. Whilst the place of origin has no statutory or wider protection I consider it is an important local feature which contributes to the character, amenity and setting of the settlement. Expansion of development onto the higher ground extending to the north of the established settlement boundary would in my opinion intrude on the open countryside setting of this feature. This agricultural land contributes to the prominence, open rural setting and amenity of this landmark feature and its associated recreational routes.

19. I have carefully considered the landscape analysis provided in support of the representation but my own assessment on site, as explained above, leads me to a different conclusion regarding the acceptability of development in this area. Had there been a more pressing need for housing in the settlement then the balance of considerations may have indicated inclusion. However some progress has been made in progressing OP1 and development is anticipated to commence in the near future.

20. Consequently, my conclusion is that this site should not be recommended for inclusion at this time.

Reporter's recommendations:

1. In the text associated with the allocated site OP1 East of Greystone Road replace the second sentence which references a master-plan with:
Proposals should take account of the further detail set out in the master-plan which has now been approved for the site.
2. In the text associated with the allocated site OP1 East of Greystone Road delete the third paragraph and replace with-

The scale of development and integration with the neighbouring residential area requires consideration of two vehicle access points from Bogbeth Rise and Bogbeth Road. Proposals should also address any consequent local traffic management and parking issues including the provision of necessary passing places. Pedestrian linkages will also be important including to the core path along the south-western boundary of the site. The road layout is likely to require meandering in order to accommodate the site gradient.

Shaping Garioch – Kemnay

Page 270 of LDP Examination Report 410717

77. Add a new bullet point to Flood Risk section with text "Site R1 is on the River Don Floodplain and can only be used for facilities that can withstand flooding. Site BUS1 is also adjacent to the River Don and any redevelopment would require a detailed Flood Risk Assessment."