



LOCAL REVIEW BODY

FRIDAY, 26 APRIL 2024 at 10.15 am

Your attendance is requested at a meeting of the **LOCAL REVIEW BODY** to be held by **VIRTUAL MEETING - TEAMS**, on **FRIDAY, 26 APRIL 2024**, at **10.15 am**

This meeting will be live streamed and a recording of the public part of the meeting will be made publicly available at a later date.

Thursday, 18 April 2024

Director of Business Services

To: Councillors D Lonchay (Chair), S Adams, I Davidson, J Goodhall, C Simpson and C Victor

Substitute Members: Councillors Y Chou Turvey, S Dickinson, M Ewenson, M James, G Lang and R Menard

Contact Person:- Alison McLeod
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B U S I N E S S

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|---|--|---|
| 1 | Sederunt, Declaration of Members' Interests. | |
| 2 | Public Sector Equality Duty. | 3 |

Consider, and if so desired, adopt the following resolution:-

- (1) to have due regard to the need to:-
- (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster good relations between those who share a protected characteristic and persons who do not share it.
- (2) where an Integrated Impact Assessment is provided, to consider its contents and take those into account when reaching a decision.

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| 3 | Minute of the Meeting of the Local Review Body of 22 March 2024 | 4 - 13 |
| 4 | Spreadsheet Highlighting Relevant Policies for Each Review. | 14 - 15 |

NEW REVIEWS

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|---|---|-----------|
| 5 | LRB 604 - Notice of Review against Refusal of Full Planning Permission for Erection of Children's Day care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279) at Land Adjacent to Rothnick Croft, Netherly, Stonehaven, AB39 3QU - Reference: APP/2022/1845. | 16 - 196 |
| 6 | LRB 605 - Notice of Review against Refusal of Full Planning Permission for Erection of Dwellinghouse and Retrospective Ground Based Solar Panels at site at Berwick Wood, Hatton of Fintray, AB21 0YR - Reference: APP/2023/0889 | 197 - 502 |

PUBLIC SECTOR EQUALITY DUTY – GUIDANCE FOR MEMBERS

What is the duty?

In making decisions on the attached reports, Members are reminded of their legal duty under section 149 of the Equality Act 2010 to have due regard to the need to:-

- (i) eliminate discrimination, harassment and victimisation;
- (ii) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
- (iii) foster good relations between those who share a protected characteristic and persons who do not share it.

The “protected characteristics” under the legislation are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; and (in relation to point (i) above only) marriage and civil partnership.

How can Members discharge the duty?

To ‘have due regard’ means that in making decisions, Members must consciously consider the need to do the three things set out above. This requires a conscious approach and state of mind. The duty must influence the final decision.

However, it is not a duty to achieve a particular result (e.g. to eliminate unlawful racial discrimination or to promote good relations between persons of different racial groups). It is a duty to have due regard to the need to achieve these goals.

How much regard is ‘due’ will depend upon the circumstances and in particular on the relevance of the needs to the decision in question. The greater the relevance and potential impact that a decision may have on people with protected characteristics, the higher the regard required by the duty.

What does this mean for Committee/Full Council decisions?

Members are directed to the section in reports headed ‘Council Priorities, Implications and Risk’. This will indicate whether or not an Integrated Impact Assessment (IIA) has been carried out as part of the development of the proposals and, if so, what the outcome of that assessment is.

An IIA will be appended to a report where it is likely, amongst other things, that the action recommended in the report could have a differential impact (either positive or negative) upon people from different protected groups. The report author will have assessed whether or not an IIA is required. If one is not required, the report author will explain why that is.

Where an IIA is provided, Members should consider its contents and take those into account when reaching their decision. Members should also be satisfied that the assessment is sufficiently robust and that they have enough of an understanding of the issues to be able to discharge their legal duty satisfactorily.

For more detailed guidance please refer to the following link:-

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.equalityhumanrights.com%2Fsites%2Fdefault%2Ffiles%2Ftechnical_guidance_psed_scotland.docx&wdOrigin=BROWSELINK

LOCAL REVIEW BODY

FRIDAY, 22ND MARCH, 2024

Present: Councillors D Lonchay (Chair) , I Davidson, J Goodhall, I Davidson, J Goodhall, R Menard (as substitute for Councillor S Adams) C Simpson and C Victor.

Apologies: Councillor S Adams.

Officers: Planning Adviser to the Local Review Body (Senior Planner, Bruce Strachan), Legal Adviser to the Local Review Body (Solicitor, Amanda de Candia) and Committee Officer (Alison McLeod).

1 SEDERUNT, DECLARATION OF MEMBERS' INTERESTS.

In respect of declaration of members' interests as required by the Code of Conduct for members, the following declarations of members' interests were intimated.

- (1) Councillor Victor declared an interest in Agenda Item 7 – LRB 600 – by virtue of the application site being within her Ward. She concluded that she would withdraw from the meeting when that review was being determined.
- (2) Councillor Menard declared an interest in Item 6 – LRB 598 as he had not been in attendance when the review had initially been considered and in respect of Item 8 – LRB 603 by virtue of the application site being within his Ward. He concluded that he would withdraw from the meeting when both reviews were being considered.

2 PUBLIC SECTOR EQUALITY DUTY.

In taking decisions on the undernoted items of business, the Local Review Body **agreed**, in terms of Section 149 of the Equality Act 2010:-

- (1) To have due regard to the need to:-
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality and opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster good relations between those who share a protected characteristic and persons who do not share it, and
- (2) to consider, where an Integrated Impact Assessment has been provided, its contents and to take those into consideration when reaching a decision.

3 MINUTE OF THE MEETING OF THE LOCAL REVIEW BODY OF 23 FEBRUARY 2024

The Local Review Body had before them and **approved** as a correct record, the Minute of the Local Review Body meeting of 23 February, 2024.

4 SPREADSHEET HIGHLIGHTING RELEVANT POLICIES FOR EACH REVIEW.

The Local Review Body had before them, and **noted**, a list of policies relevant to each of the reviews presented, as contained within the Aberdeenshire Local Development Plan (2023).

The Local Review Body also had before them, and **noted**, a list of policies relevant to each of the reviews presented, as contained in the National Planning Framework 4 (NPF4) as adopted on 13 February 2023.

5 STATEMENT OF OUTSTANDING BUSINESS

A list of outstanding actions was circulated from previous meetings of the Local Review Body, where further procedures had been necessary. The list provided the Local Review Body with the current status of one deferral as of 22 March 2024.

The Committee Officer provided an update on the current status of the outstanding review and asked members to note the current position.

1.	LRB 598	The LRB noted that the review had been deferred to allow the LRB to follow further procedure by way of seeking additional information, namely to seek further information from the applicant as to the reasons for seeking a variation of a condition. A response had been provided by the applicant's agent, and had been forwarded to the Planning Service for comment. The Planning Service had provided their comments and this had been forwarded to the applicant's agent for comment. The review was on the agenda for the 22 March 2024 meeting.
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The Local Review Body **agreed** to note the update provided.

6 LRB 598 - NOTICE OF REVIEW AGAINST CONDITIONS APPLIED TO FULL PLANNING PERMISSION FOR CHANGE OF USE OF LAND TO FORM EXTENSION TO EXISTING CARAVAN SITE AND AMENDED LAYOUT TO INCLUDE ADDITIONAL STANCES AT CARAVAN SITE, EASTER CUSHNIE, BANFF, AB45 3HT - REFERENCE APP/2023/1465

Local Review Body: Councillors D Lonchay (Chair), I Davidson, J Goodhall, C Simpson and C Victor.

With reference to the minute of the Local Review Body meeting of 26 January 2024 (Item 9), where the Local Review Body had agreed to defer consideration of the Notice of Review, to allow them to follow further procedure by way of seeking further information, namely to request further information from the applicant as to the reasons for seeking the variation of the condition.

The Local Review Body had before them the additional information requested, as presented on pages 19 to 22 of the agenda pack, which included the information provided by the Agent addressing the issue and a response from the Planning Service.

The Local Review Body then resumed consideration of the Notice of Review, which sought a review against Condition 4 applied to the planning permission for Full Planning Permission for Change of Use of Land to Form Extension to Existing Caravan Site and Amended Layout to include additional stances at Caravan Site, Easter Cushnie, Banff, AB45 3HT - Reference : APP/2023/1465.

The Planning Adviser introduced the Notice of Review and provided the Local Review Body with an overview of the application as presented at the initial meeting on 26 January 2024, and a recap of the conditions imposed on the Planning Permission granted on 5 October 2023, namely:

1. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. At no time should more than 23 caravans remain on the site hereby approved.

Reason: In the interests of visual amenity of the area.

3. No caravan shall remain on the site hereby approved between 1 February and 1 March in any one year.

Reason: In the interests of visual amenity of the area and to ensure proper control of the use of the site and to prevent establishment of permanent residency.

4. Throughout the life of the proposal hereby approved, the site shall not be used by any caravan for more than 28 consecutive days and there shall be no return during the following 30 days.

Reason: To ensure proper control of the use of the site and to prevent establishment of permanent residency.

5. The site shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the Planning Authority.

Reason: To ensure the long term sustainability of the land use and the safety and welfare of the occupants and visitors to the site.

Informative(s)

- (1) Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start the development. Failure to do so is a breach of planning control and could result in the planning authority taking enforcement action. [See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)]. Such notification shall contain the information set out in the 'Notification of Initiation of Development' Notice as appended.
- (2) Notice of the completion of the development: As soon as possible after the development is finished, the person who completed the development must write to the planning authority to confirm that the development has been completed. [See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)]. Such notification shall contain the information set out in the 'Notification of Completion of Development' Notice as appended.
- (3) Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter.
- (4) This planning permission has been granted on the basis that the proposed development will be connected to the public water supply. Should the developer wish to connect to a private water supply a fresh planning application would be required for the development to allow the planning authority to consider the implications of using a private water supply to service the development.

The Planning Adviser advised that in response to the Procedure Notice seeking further information in relation to the review, the applicant's agent had confirmed that the site was intended for motor homes and touring caravans only and that many customers would stay on a seasonal pitch for far longer than 28 days, maybe even up to six months over the summer period and many other local sites offered seasonal pitches and these can be allocated much earlier in the season, bringing in revenue to the business. In response to procedure notice and the information from the applicant, the planning service advised that condition four was applied in line with conditions that had been attached to the previous permission from 2017, and the main reason was to restrict the occupancy and the use of the site. However, it is noted that condition 3 provided a safeguard against permanent residents on the site and therefore the planning service in this case would not contest the variation of the condition. The applicant was given an opportunity to comment on the comments, the planning service, but advised that it had nothing else to say as the planning service was not contesting varying the condition.

In conclusion, the Planning Adviser confirmed that the options open to the LRB were to retain, to vary, or to remove the condition, and whether that would result in any detrimental impact or set any undesirable precedent.

The Local Review Body considered that the relevant policies, as contained within the Local Development Plan 2023 were: B3: Tourist Facilities; R1: Special Rural Areas;

R2: Development Proposals Elsewhere in the Countryside; Policy P1: Layout, Siting and Design; E2: Landscape; and RD1: Providing Suitable Services.

The Local Review Body considered that the relevant policies, as contained within National Planning Framework 4 (NPF4) were: Policy 4: Natural Places; Policy 14: Design, Quality and Place; Policy 18: Infrastructure First; Policy 22: Flood Risk and water management; Policy 29: Rural development; and Policy 30: Tourism.

In response to questions raised, the Planning Adviser advised that the site was granted as a touring caravan site and there was no suggestion that mobile homes were intended to be sited, and further that the applicant was bound by licensing requirements and in taking a decision to vary or remove the condition, Members should consider if there would be any wider impact or precedent set.

The Chair then asked the Local Review Body to consider whether there was sufficient information before them for members to consider the review without further procedure. The Local Review Body determined that they did have sufficient information before them and proceeded to determine the review.

During discussion, the Local Review Body considered that the main determining issues for the review were the need and reasonableness of condition 4, the additional information from the applicant and the updated position of the Planning Service. The LRB was clear that its options were to uphold the Notice of Review by varying or removing condition 4, or dismissing it and retaining condition 4 as per the original decision.

Members were generally of the view that due to the popularity of the NE250 route, caravan site owners were seeking to extend the season, and that other sites were offering seasonal pitches to customers. It was also noted that there were still mechanisms in place to ensure that sites were not being occupied permanently.

After consideration, some Members felt the condition should be varied as requested by the applicant, others were of the view that the condition was not necessary and could be removed entirely. An initial motion to vary the condition, restricting caravans to stays of up to 6 months during the 11 month period of operation was not seconded and fell. An amending motion to remove the condition was thereafter put forward, leaving the Local Review Body to make a unanimous decision.

After due consideration, the Local Review Body unanimously **agreed** to uphold the Notice of Review and remove condition 4 of the original planning decision on APP/2023/1465 and GRANT Full Planning Permission for the reason below and subject to the remaining conditions as set out below.

1. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. At no time should more than 23 caravans remain on the site hereby approved.

Reason: In the interests of visual amenity of the area.

3. No caravan shall remain on the site hereby approved between 1 February and 1 March in any one year.

Reason: In the interests of visual amenity of the area and to ensure proper control of the use of the site and to prevent establishment of permanent residency.

4. The site shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the Planning Authority.

Reason: To ensure the long term sustainability of the land use and the safety and welfare of the occupants and visitors to the site.

Reason: on the grounds that condition 3 is in place to prevent permanent residency within the site and to bring the site into alignment with other sites in the area. The proposed development would comply with Policy B3 of the Aberdeenshire Local Development Plan 2023 and Policy 30 of National Planning Framework 4.

7 LRB 600 - NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AT SITE AT BLAIKEWELL ANIMAL SANCTUARY, BLAIRS, ABERDEEN, AB12 5YX - REFERENCE: APP/2023/0783

Local Review Body: Councillors D Lonchay (Chair), I Davidson, J Goodhall, R Menard and C Simpson.

The Local Review Body had before them, a Notice of Review and supporting documents, submitted by the agent, which sought a review of the Appointed Officer's decision to Refuse Full Planning Permission for the Erection of a Dwellinghouse at Site at Blaikiewell Animal Sanctuary, Blair's, Aberdeen, AB12 5YX – Reference APP/2023/0783.

The Planning Adviser introduced the Notice of Review and provided the Local Review Body with the background to the applicant's case, including a series of slides and photographs of the site and surrounding area. The issue of the proposed access was outlined, with it being confirmed that the Local Review Body should only consider the access to the north (U63k).

The Local Review Body then considered the Appointed Officer's reasons for refusal, namely:

- (1) The Planning Authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2023 or National Planning Framework 4. The proposed development site does not represent an opportunity for a house in the countryside in line with the defined acceptable criteria for development of new housing as outlined in Policy R2: Development Proposals Elsewhere in the Countryside, as the proposed

dwellinghouse fails to meet any of the stipulated criteria, specifically that the proposed dwelling is not essential to support the efficient operation of a primary industry. Furthermore the proposed dwelling is also considered to be contrary to Policy 17 of NPF4: Rural housing, as the proposal fails to demonstrate that there is an essential need for a worker to live permanently at or near their place of work in support of a viable rural business.

- (2) The proposed dwellinghouse is considered to be unsuitably sited, due to the isolated siting becoming a prominent feature which would have an unacceptable impact on the landscape character of the area by being poorly-connected to the nearby building cluster around Blaikiewell farm. The proposal is thereby not considered to be in accordance with the requirements of Policies 4: Natural Places and 17: Rural homes of NPF4, and Policy E2: Landscape of the Aberdeenshire Local Development Plan 2023.
- (3) The proposal fails to adequately demonstrate that the site can be satisfactorily serviced in terms of surface and foul water drainage as no detailed foul or surface water drainage information has been submitted in support of the application. As such, it has not been possible to fully assess whether the proposed development can be delivered without having a negative environmental impact upon the surrounding area which would be contrary to stated waste water requirements of Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan 2023 and Policy 22: Flood Risk and Water Management of NPF4.

The Planning Adviser confirmed that at the time the Planning Service wrote the report of handling the foul drainage details had not been submitted. Since that time the information had been provided and the matter had been resolved to the satisfaction of the Planning Service, so the reason for refusal related to lack of drainage details was no longer relevant.

The Local Review Body considered that the relevant policies, as contained within the Local Development Plan 2023 were: Policy C1: Using Resources in Buildings; E2: Landscape; P4: Hazardous and Potentially Polluting Development and Contaminated Land; R2: Development Proposals Elsewhere in the Countryside; RD1: Providing Suitable Services; and RD2: Developer Obligations.

The Local Review Body considered that the relevant policies, as contained within National Planning Framework 4 (NPF4) were: Policy 3: Biodiversity; Policy 4: Natural Places; Policy 17: Rural Homes; Policy 22: Flood risk and water management; Policy 23: Health and Safety.

In response to questions raised, the Planning Adviser explained that the previous owner who had operated the sanctuary and a riding school with livery service for around 50 years had lived close to the sanctuary and the new owner was seeking a house on the site in order to maintain the sanctuary and to grow and reinstate the livery business and riding school. A business case had been made for a viable rural business by the applicant, although the Planning Service did not accept the need for a house on site to support it. It was confirmed that there was no other house within the landholding and that the proposed new dwelling would be occupied by the applicant/owner, rather than a worker. The definition of a 'primary industry' was also discussed.

The Chair then asked the Local Review Body to consider whether there was sufficient information before them for members to consider the review without further procedure.

The Local Review Body considered that the main determining issues for the review, as presented before them related to whether there was sufficient justification for a dwelling house to support the activities outlined at the animal sanctuary, whether the proposed siting and the distance from the sanctuary buildings appropriate and are there any other material considerations or any reason to depart from the development plan.

During discussion, Members discussed whether or not the business should be considered a primary industry, and if so whether it was reasonable to consider allowing a house. Members were of a general view that there was sufficient justification for residential accommodation to be provided based on the need to be on site to care for and have oversight of the animals, however the proposed siting away from the 'hub' was not considered to be appropriate and could not be supported.

Thereafter, The Local Review Body **agreed** unanimously to DISMISS the Notice of Review and to uphold the Appointed Officer's decision to REFUSE Full Planning Permission, on the basis of reason 2 in the decision notice dated 17 October 2023, namely:

The proposed dwellinghouse is considered to be unsuitably sited, due to the isolated siting becoming a prominent feature which would have an unacceptable impact on the landscape character of the area by being poorly connected to the nearby building cluster around Blaikiewell farm. The proposal is therefore not considered to be in accordance with the requirements of Policies 4: Natural Places and 17: Rural homes of NPF4, and Policy E2: Landscape of the Aberdeenshire Local Development Plan 2023.

8 LRB 603 - NOTICE OF REVIEW AGAINST REFUSAL OF FULL PLANNING PERMISSION FOR ALTERATIONS AND EXTENSION TO DWELLINGHOUSE AND ERECTION OF BOUNDARY FENCE AT 6 PITTULIE, SANDHAVEN, FRASERBURGH, AB43 7EU - REFERENCE: APP/2022/2577.

Local Review Body: Councillors D Lonchay (Chair), I Davidson, J Goodhall, C Simpson and C Victor.

The Local Review Body had before them, a Notice of Review and supporting documents, submitted by the agent, which sought a review of the Appointed Officer's decision to Refuse Full Planning Permission for Alterations and Extension to Dwellinghouse and Erection of Boundary Fence at 6 Pittulie, Sandhaven, Fraserburgh, AB43 7EU – Reference: APP/2022/2577.

The Planning Adviser introduced the Notice of Review and advised the Local Review Body that in terms of review procedure, the applicant had suggested the Local Review Body would benefit from a hearing session and a site visit in order to determine the review. The Planning Adviser then provided the Local Review Body with the background to the applicant's case and a series of slides and photographs of the site and surrounding area, relevant development plan policies, the review and key planning issues with reference to submitted plans and other images. Additional information was available to Members in the agenda pack.

The Local Review Body then considered the Appointed Officer's reason for refusal, namely:

- (1) The application does not comply with the Aberdeenshire Local Development Plan 2023 and National Planning Framework 4. The proposed extension by reason of its design, flat roof and proposed materials does not respect the original design of the Category 'C' listed cottage, would undermine the historic significance, character and appearance of the listed cottage. It therefore does not comply with LDP2023 Policy HE1 Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings) and Policy P1 Layout, Siting and Design, Policy P3 Infill and Householder Developments Within Settlements and Householder Developments (Including Home and Work Proposals) and NPF4 Policy 7 Historic assets and places, Policy 14 Design, quality and place and Policy 16 Quality homes.

The Local Review Body considered that the relevant policies, as contained within the Local Development Plan 2023 were: C4: Flooding; P1: Layout, Siting and Design; P3: Infill Developments with Settlements and Householder Development; and HE1: Protecting Historic Buildings, Sites and Monuments.

The Local Review Body considered that the relevant policies, as contained within National Planning Framework 4 (NPF4) were: Policy 7: Historic Assets and Places; Policy 14: Design, Quality and Place; Policy 16: Quality Homes; and Policy 22: Flooding Risk and Water Management.

In response to questions raised, the Planning Adviser confirmed his understanding of why a more traditional pitched roof had not been proposed, that the site was not within a Conservation Area and that he had not observed the same type of cladding used within Pittulie during his visit. In the Adviser's opinion, even if there were examples of unsympathetic extensions and development locally, these would not justify a repetition in new applications. It was confirmed that the tandem Listed Building Consent, that had also been refused had not been appealed within the necessary period, meaning this development could not lawfully be built without such a consent.

The Chair then asked the Local Review Body to consider whether there was sufficient information before them for members to consider the review without further procedure.

The LRB gave consideration as to whether a site inspection, a hearing or further information would be helpful. One Member was of the view that a site visit should take place. Following a vote (4:1) the LRB agreed they had sufficient information before them to proceed to determine the Notice of Review.

The Local Review Body considered that the main determining issues for the review, as presented before them was the suitability of the proposed design and materials of the mansard extension and detrimental impact on the building and wider area perceived by the Planning Service, which the applicant disputed.

The LRB gave consideration to the case set out by the applicant. One Member felt that the review should be dismissed as, although the need to extend and improve homes was understood, this scheme was inappropriate for the Listed Building. An alternative

viewpoint was put that the proposed extension would not be detrimental to the existing building and that the review should be upheld with a condition requiring an alternative material to the cedar cladding applied.

Thereafter, Councillor Davidson moved, seconded by the Chair to DISMISS the Notice of Review and uphold the Appointed Officer's decision to REFUSE Full Planning Permission for the reasons contained within the decision notice dated 30 June 2023, on the basis that the proposed development would be contrary to the Development Plan, specifically, Policies HE1, P1 and P3 of ALDP 2023 and Policies 7, 14 and 16 of NPF4 due to the proposed extension by reason of its design, flat roof and proposed materials does not respect the original design of the Category 'C' listed cottage and would undermine the historic significance, character and appearance of the listed cottage.

As an amendment, Councillor Victor, seconded by Councillor Goodhall, moved that the Local Review Body should uphold the Notice of Review and reverse the Appointed Officer's decision on the grounds that the proposal would comply with Policies P1 of ALDP and P16 of NPF4 and subject to a planning condition to require alternative appropriate external cladding materials to the satisfaction of the Planning Service.

The Members of the Local Review Body then voted:

For the motion	3	Councillors Lonchay, Davidson and Simpson
For the amendment	2	Councillors Goodhall and Victor

The motion was duly carried and the Local Review Body agreed to DISMISS the Notice of Review and uphold the Appointed Officer's decision to REFUSE Full Planning Permission for the reasons contained within the decision notice dated 30 June 2023, on the basis that the application does not comply with the Aberdeenshire Local Development Plan 2023 and National Planning Framework 4. The proposed extension by reason of its design, flat roof and proposed materials does not respect the original design of the Category 'C' listed cottage, would undermine the historic significance, character and appearance of the listed cottage. It therefore does not comply with LDP2023 Policy HE1 Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings) and Policy P1 Layout, Siting and Design, Policy P3 Infill and Householder Developments within Settlements and Householder Developments (including Home and Work Proposals) and NPF4 Policy 7 Historic assets and places, Policy 14 Design, quality and place and Policy 16 Quality homes.

Aberdeenshire Local Development Plan 2023			LRB 604	LRB 605		
Policy B1		Town Centre Development	✓			
Policy B3		Tourist Facilities				
Policy C1		Using Resources in Buildings	✓	✓		
Policy C2		Renewable Energy				
Policy C4		Flooding	✓			
Policy E1		Natural Heritage	✓			
Policy E2		Landscape	✓			
Policy E3		Forestry and Woodland		✓		
Policy P1		Layout, Siting and Design	✓	✓		
Policy P2		Open Space and Access to New Development				
Policy P3		Infill Developments with Settlements and Householder Developments				
Policy P4		Hazardous and Potentially Polluting Development and Contaminated Land	✓			
Policy P6		Community Facilities and Public Amenities	✓			
Policy PR1		Protecting Important Resources		✓		
Policy PR3		Reuse, Recycling and Waste				
Policy H1		Housing Land				
Policy H2		Affordable Housing				
Policy HE1		Protecting Historic Buildings, Sites and Monuments				
Policy HE2		Protecting Historic, Cultural and Conservation Areas				
Policy R1		Special Rural Areas	✓			
Policy R2		Development Proposals Elsewhere in the Countryside	✓	✓		
Policy RD1		Providing Suitable Services	✓	✓		
Policy RD2		Developer Obligations	✓	✓		
Please use link below to access Policies noted below:-						
https://www.aberdeenshire.gov.uk/planning/plans-and-policies/ldp-2023/						

Local Review Body Meeting 26 April 2024

National Planning Framework 4 (NPF4)		LRB 604	LRB 605		
Sustainable Places					
Policy 1	Sustainable Plaes	✓			
Policy 2	Climate Change and Mitigation	✓			
Policy 3	Biodiversity	✓	✓		
Policy 4	Natural Places	✓			
Policy 5	Soils				
Policy 6	Woodland and Trees		✓		
Policy 7	Historic Assets and Places				
Policy 8	Green Belts				
Policy 9	Brownfield Vacant and Derelict Land and Empty Buildings				
Policy 10	Coastal Development				
Policy 11	Energy		✓		
Policy 12	Zero Waste				
Policy 13	Sustainable Transport	✓			
Liveable Places					
Policy 14	Design, Quality and Place	✓			
Policy 15	Local Living and 20 Minute Neighbourhoods	✓			
Policy 16	Quality Homes				
Policy 17	Rural Homes	✓	✓		
Policy 18	Infrastructure First	✓	✓		
Policy 19	Heating and Cooling				
Policy 20	Blue and Green Infrastructure				
Policy 21	Play Recreation and Sport				
Policy 22	Flooding Risk and Water Management	✓			
Policy 23	Health and Safety	✓			
Policy 24	Digital Infrastructure				
Productive Places					
Policy 25	Community and Wealth Building				
Policy 26	Business and Industry				
Policy 27	City Town Local and Commercial Centres				
Policy 28	Retail				
Policy 29	Rural Development	✓			
Policy 30	Tourism				
Policy 31	Culture and Creativity				
Policy 32	Aquaculture				
Policy 33	Minerals				
Please use link below to access Policies noted below:-					
https://www.gov.scot/publications/national-planning-framework-4/					



Viewmount Arduthie Road Stonehaven AB39 2DQ Tel: 01467 534333 Email: planningonline@aberdeenshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100115259-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Inspired Design & Development Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Gary	Building Name:	
Last Name: *	Black	Building Number:	27
Telephone Number: *	01569 764183	Address 1 (Street): *	Evan Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Stonehaven
Fax Number:		Country: *	Scotland
		Postcode: *	AB39 2EQ
Email Address: *	iddapplications@gmail.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="9"/>
First Name: *	<input type="text" value="Linda"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Pirie"/>	Address 1 (Street): *	<input type="text" value="Hume Square"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Chapelton of Elsick"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Stonehaven"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="AB39 8AN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeenshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="795780"/>	Easting	<input type="text" value="387205"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279) at Land Adjacent to Rothnick Croft, Netherley, Stonehaven, AB39 3QU

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See supporting statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

193-2017 LRB Cover Letter Solicitor Letter P01 P02 P03 P04 P05 P06v1 P07v1 P08 P09 P11v2 P12

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

APP/2022/1845

What date was the application submitted to the planning authority? *

25/08/2022

What date was the decision issued by the planning authority? *

09/11/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Gary Black

Declaration Date: 05/02/2024

Proposal Details

Proposal Name	100115259
Proposal Description	Erection of Rothnick Nature Kindergarten and associated dwelling house.
Address	
Local Authority	Aberdeenshire Council
Application Online Reference	100115259-003

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
LRB Cover Letter	Attached	A4
Solicitor Letter	Attached	A4
P01	Attached	A1
P02	Attached	A1
P03	Attached	A1
P04	Attached	A1
P05	Attached	A1
P06v1	Attached	A1
P07v1	Attached	A1
P08	Attached	A1
P09	Attached	A1
P11v2	Attached	A1
P12	Attached	A1
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-003.xml	Attached	A0

Head of Legal and People
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen
AB16 5GB

Design Studio,
27 Evan Street,
Stonehaven,
AB39 2EQ
Telephone: 01569 764183
Mobile: 07896 991328
Email: mail@idd-ltd.co.uk
Web: www.idd-ltd.co.uk

Date: 19th December 2023

APP/2022/1845 Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279) at Land Adjacent to Rothnick Croft, Netherley, Stonehaven, AB39 3QU

Dear Sirs,

On behalf of our Client, Mrs Linda Pirie (herein referred to as “the Applicant”), we write to notify the planning authority that the applicant requires them to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997.

Application APP/2022/1845 was submitted on 25th August 2022 for the renewal of the previously approved planning application APP/2018/1279. Both applications were for the erection of a children’s nursery facility, including an outdoor learning environment which would includes animals, a wildlife pond and the erection of a dwelling, intended for the manager of the nursery.

The original application was approved, after a committee decision the 6th February 2019 as the proposed rural site was considered acceptable for a rural nursery setting, whilst the nursery would offer social and economical benefits in the form of employment opportunity and the dwelling was important for animal husbandry reasons.

Reason for Decision

The proposal is considered acceptable as national policy changes regarding day care, early years, is a material consideration to be taken into account when assessing against policies in the Local Development Plan and a rural nursery is needed to be situated in a rural setting and the proposed site was considered to be suitable. Nursery provision would offer local employment opportunities for parents of the children attending nursey and also staff within the nursery and having a member of staff living on-site was seen as important to care for the small animals. Therefore, the proposal is considered acceptable.

Figure 1 - Extract from Decision Notice dated 6th February 2019

Immediately upon the planning permission being approved the aggrieved neighbour interfered with the drains by excavating them. Beforehand, the drains had been fully operational and there had not been any flooding issues. Aberdeenshire Council flood team and SEPA both attended site prior to neighbours actions and witnessed the drains in full operation. However, since the actions of the neighbour, the drains have been blocked and the applicant has been denied access to inspect and repair the drains, as is their legal right. For this reason, the applicant has never been able to enact the original planning approval APP/2018/1279.

Application APP/2022/1845 was for the renewal of the permission and did not propose to alter it's details. Prior to submitting this application, the process for renewal was discussed with a senior planner who advised that it was a simple process and a case of submitting the previously approved plans; there were no concerns raised at this time.

The reason the renewal is required is due to an ongoing civil dispute between the Applicant, who owns the land, and the neighbour, who owns the adjacent land which the drainage solution would discharge via. The discharge arrangements are no different to the existing discharge arrangements in place and a servitude right exists for the applicant to access the drainage pipe running through the land. Despite this, a civil dispute occurred between the neighbouring land owner and the applicant, which has delayed the discharge of APP/2018/1279 Condition 1 and a start on site.

Reasons for Refusal

The new application (APP/2022/1845) was refused for three reasons:

1. The application is considered by the Planning Authority to not comply with the Development Plan. The proposed nursery (Class 10 Use) is not well related to the population or in a town centre location, with no sequential justification provided for the siting and the location proposed is remote and not sustainably accessible by foot/cycle/public transport resulting in reliance upon the private car, being detrimental to the overarching sustainability targets and tackling the climate crisis, contrary to Policies 1 Tackling the climate and nature crisis, 2 Climate mitigation and adaptation, 13 Sustainable transport, 15 Local Living and 20 minute neighbourhoods and 29 Rural development of National Planning Framework 4, and Policies B1 Town Centre Development, R2 Development Proposals Elsewhere in the Countryside, P1 Layout, Siting and Design, P6 Community Facilities and Public Amenities and RD1 Providing Suitable Services of the Aberdeenshire Local Development Plan 2023.
2. The proposed dwelling is not on a previously developed brownfield site and is not associated with a primary industry or viable rural business, and does not comply with Policy 17 Rural homes and 29 Rural development of National Planning Framework 4, or Policy R2 Development Proposals Elsewhere in the Countryside of the Aberdeenshire Local Development Plan 2023.
3. Insufficient information has been provided to demonstrate a functional and deliverable drainage solution to serve the proposed development, resulting in concerns relating to the potential risk of surface water flooding to others and a failure to adequately manage all rain and surface water through a deliverable sustainable urban drainage system that is within the full control of the applicant, contrary to Policy 22 Flood risk and water management of National Planning Framework 4 and Policy C4 Flooding and RD1 Providing Suitable Services of the Aberdeenshire Local Development Plan 2023

Below we have outlined our response to each of the reasons for refusal and the ground on which the applicant requires the Planning Authority to review the case.

Reason 1

The original decision, made by committee members, was to approve the application as it's rural location was necessary for a rural nursery which can offer outdoor learning experiences involving rural activities such as animal husbandry and wildlife projects. The applicant sees no reason why this original decision does not still stand under the current Local Development Plan as there has not been a material change in policy wording nor it's objectives. Furthermore, they feel that as the application is for a renewal and extension to the original application, the original committee decision should be taken into account.

In addition, the need for an outdoor, rural environment, is even more important now given the Scottish Government's current guidance requires outdoor learning experiences to be prioritised as part of their Nurseries Improvement Planning process. Learning in an outdoor environment as it can improve children's well-being and development, creating more resilient individuals, more successful learners, more confident individuals, and more effective and sustainable contributors.

Space to Grow Guidance:

<https://hub.careinspectorate.com/how-we-support-improvement/care-inspectorate-programmes-and-publications/space-to-grow/>

Out to Play Practical Guidance:

<https://www.gov.scot/publications/out-play-practical-guidance-creating-outdoor-play-experiences-children/>

Learning for Sustainability (Page 24 of the following document)

<https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2023/06/target-2030-movement-people-planet-prosperity/documents/target-2030-movement-people-planet-prosperity-scotlands-learning-sustainability-action-plan-2023-2030/target-2030-movement-people-planet-prosperity-scotlands-learning-sustainability-action-plan-2023-2030/govscot%3Adocument/target-2030-movement-people-planet-prosperity-scotlands-learning-sustainability-action-plan-2023-2030.pdf>

These documents are pertinent to high quality Early Learning and Childcare (ELC), including outdoor learning, being key to the future prosperity and sustainability. They highlight outdoor learning as a key objective and the aims of this development aligns with this national transition.

The nursery will operate in such a way that the rural environment, the animals on site and the wildlife in the area will be central in the students learning. This is a learning experience which cannot be delivered in busy town centre locations where neighbouring land uses and users could have a detrimental impact. Learning outdoors, will emphasise the natural environment and lead to adults who can positively contribute to conservation of our rural areas and wildlife.

Furthermore, The Croft Nurseries Ltd are also SQA approved training providers, one of very few in Aberdeenshire, delivering Early Learning and Childcare qualifications up to the equivalent of HND level to their workforce. This feeds into the Early Learning and Childcare sector which is currently struggling to have sufficient ELC qualified workers. Training their own staff is hugely beneficial to themselves, the community and the ELC sector. Additionally, Croft Nurseries Ltd are 1 of only 2 SQA approved centres in the UK who are approved to deliver the SQA Forest Kindergarten qualification.

Therefore, it should be considered that by supporting a rural nursery, the Planning Authority are positively contributing to tackling the global climate and nature crisis, in line with the aims of Policy 1 of NPF4, whilst being consistent with previous Planning Permissions. Additionally, that their support would be of great benefit to local economies and communities in the way of employment and training associated with the Forest Kindergarten.

Reason 2

The previous decision approved the new dwelling as the nurseries plans for animal care required a person on site for the purposes of animal husbandry. Forest Kindergarten learning is a fully outdoor experience which immerses students in the environment and introduces them to animals and wildlife. The introduction to animals is key to students learning experience, ensuring they become diligent and effective rural contributors, more capable of sustainable impact on the environment.

Therefore, animal care is essential to ensure the wellbeing of the animals and the delivery of the business plan. It is not possible to offer round the clock husbandry to animals whilst off-site, therefore it is essential that a managers dwelling is on site.

There has not been a material change in policy wording or intent with the introduction of the new local development plan, therefore the essential nature of the dwelling should be accounted for, as it was by the original committee decision and their decision renewed.

Reason 3

As has previously been discussed, there is a legal dispute which is preventing the original application being enacted. Interference of the drain, by the neighbour, has impacted the drains function despite it being witnessed to be fully operational prior to such interference. The applicant is denied access, as is the legal right, to maintain and repair the drain.

Nevertheless, the original decision included a condition 1:

“No works in connection with the development hereby approved shall commence unless suitable evidence has been submitted and agreed in writing by the Planning Authority to demonstrate that the existing pipe infrastructure system, located within the field to the north of the application site, is functioning without fault. For the avoidance of doubt, evidence should be provided in the form of a CCTV survey or other method agreed in writing with the Planning Authority. If it is demonstrated to the satisfaction of the Planning Authority that the existing system is functioning, the connection from the new development shall be carried out in accordance with approved drawing no. P11 Rev 02 and the Surface Water Disposal report by S.A. McGregor dated 03 September 2018. If faults within the existing system are encountered, the pipe section must be made good or replaced, and evidence submitted to demonstrate that the infrastructure is working correctly before receiving the new connection as part of the proposed development”

There has been no reasonable justification given why this condition cannot be applied to the renewed permission.

The applicant is seeking, via legal means, access to the pipe which their title indicates they have a right to. They await a date for the court case to be heard, however, in the meantime access is being denied by the land-owner. As such, they have as yet been unable to discharge condition 1 fully, however intend to comply with the condition fully.

Nevertheless, the presence of a civil dispute is out with the Planning Authorities scope of interest and should not impact their decision. This is confirmed in APP/2023/1331

Installation of Gates and Fences, 15 Urie Crescent Stonehaven Aberdeenshire AB39 2DY where the committee report which reads:

“These are civil and/or legal matters that are not a material planning consideration. For clarity the role of the Planning Authority is only to determine whether the principle of development is permissible. It is the responsibility of the applicant to obtain any relevant permission required regarding ownership or rights of access. The granting of planning consent, whilst allowing the principle of the development to take place, would not alter any established right of access”.

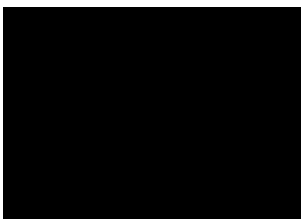
Therefore, in this case the matter of right of access for drainage infrastructure is irrelevant to this planning application as the planning authority should be determining if the principle of the development is permissible. The renewing of planning permission in this case would not alter any established right of access.

Given the above responses to each of the three reasons for refusal, we feel that there are reasonable grounds to believe that the application, as a renewal of APP/2018/1279, should be considered on the same merits as the original application taking into account the committee’s recommendations at the time. Furthermore, that as the recent guidance issued by the Scottish minister’s places high importance on outdoor learning environments, identifying their ability to positively impact on the development and success of our children, should be taken into account when assessing how the proposals could have a significant, positive social and environmental impact and help tackle the global climate and nature crisis. Lastly, the applicant believes that civil/legal matters pertaining to rights of access are not material planning considerations, as recent application determinations have evidenced.

The applicant thanks the Local Review Body for their consideration of the proposals and would like to invite them to site, to discuss the development and business plans and to see for themselves how the proposals could have a positive impact.

Should any further information be required in this regard, please do feel free to get in touch with us, on 01569 764183.

Yours sincerely



Ally Steel BSC (Hons) MRICS AaPS
Operations Director
For and on behalf of Inspired Design & Development Ltd

Regulated by RICS



ACD (Section 6 - Energy) for
Domestic Buildings
BRE1-D-00897

Architectural Services – Building Surveying
Principal Designer - Domestic Energy Assessment
Retrofit Assessor – Retrofit Coordinator

Inspired design & development limited. Registered in Scotland SC 370675.
Registered office: Design Studio, 27 Evan Street, Stonehaven, AB39 3EQ.

Building Standards
Approved Certifier



**The Scottish
Government**

OUR REF: NTB/161926-0002
YOUR REF: FOR/1014/00144/AINNES/ACM

DATE: 11 January 2024



CONFIDENTIAL: ADDRESSEE ONLY

To whom it may concern

YOUR: CONTACT

Nicola Brown

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DX AB152
Tel: +44 (0) 1224 588913
Fax: +44 (0) 1224 581149
Email: Nicola.Brown@Blackadders.co.

Dear Sirs

Our client: Mr George Pirie and Mrs Linda Pirie
Planning reference APP/2022/1845
Permission for Erection of Children's Day Care Nursery etc at Land Adjacent To Rothnick Croft, Netherley, Stonehaven, Aberdeenshire, AB39 3QU

We act for George and Linda Pirie. We are writing this letter in response to the recent refusal of the extension of the previously granted planning permission and our clients application for review.

Mr and Mrs Pirie are the owners of Rothnick Croft and the adjoining land upon which the proposed nursery and other structures are to be built. The field neighbouring the property is owned by Forbes Homes Ltd. This field is downhill from both Rothnick Croft and the neighbouring property. In terms of their title deeds Rothnick Croft has rights of drainage and rights to use of the tile drain situated in this field as well as a right of access for inspection and maintenance of same.

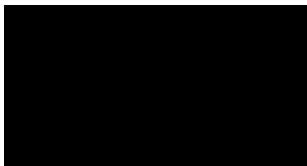
In 2019 Forbes Homes Ltd raised court proceedings against our clients seeking to interdict them from, amongst other things, making use of the tile drain. Forbes Homes contests that our clients have the right to drainage and maintains the proposed development will increase the flow through the drain. This court action is defended as it is our client's position that they have all of the required legal rights to drainage and further the tile drain has sufficient capacity as evidenced by engineering reports. Unfortunately, a combination of covid and the requirement to involve a number of experts means this court action has still not reached a conclusion. The ongoing action has resulted in our clients being unable to commence the development resulting in the expiry of the previous grant of planning permission.

It is noted that refusal of planning may have been influenced by various letters of objection which make reference to flooding in the adjacent field. It is our client's position that the tile drain from Rothnick Croft across the field has, when in full working order, more than

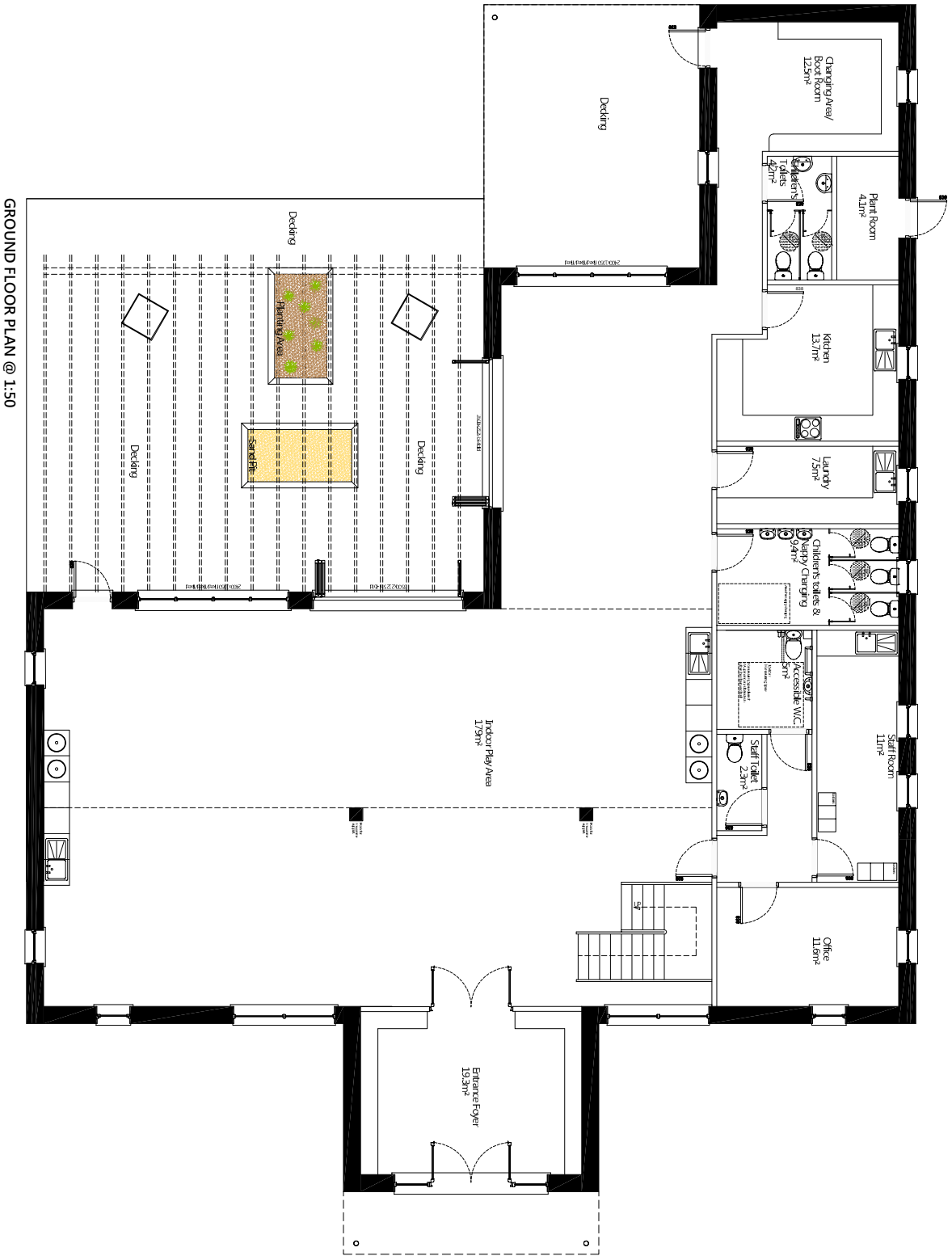
sufficient capacity to drain water from both Rothnick Croft and the proposed nursery development (supported by expert engineering opinion). Prior to 2018 and other than an incident in summer 2017 when the drain was temporarily blocked by a large stone, there were no issues with flooding in the field. In or about September 2018 work was carried out in the field which appears to have compromised the field drain. Since this time flooding has occurred. Unfortunately, our clients attempts to exercise their title rights to inspect and repair the tile drain, which would remove the flooding issue, have been unsuccessful as requests for access for this purpose have not met with a positive response. A further request for access by contractors was made in December 2023 but has not yet been responded to. In the event that access is prevented litigation on this point may be required.

We trust the above information is of assistance.

Yours faithfully



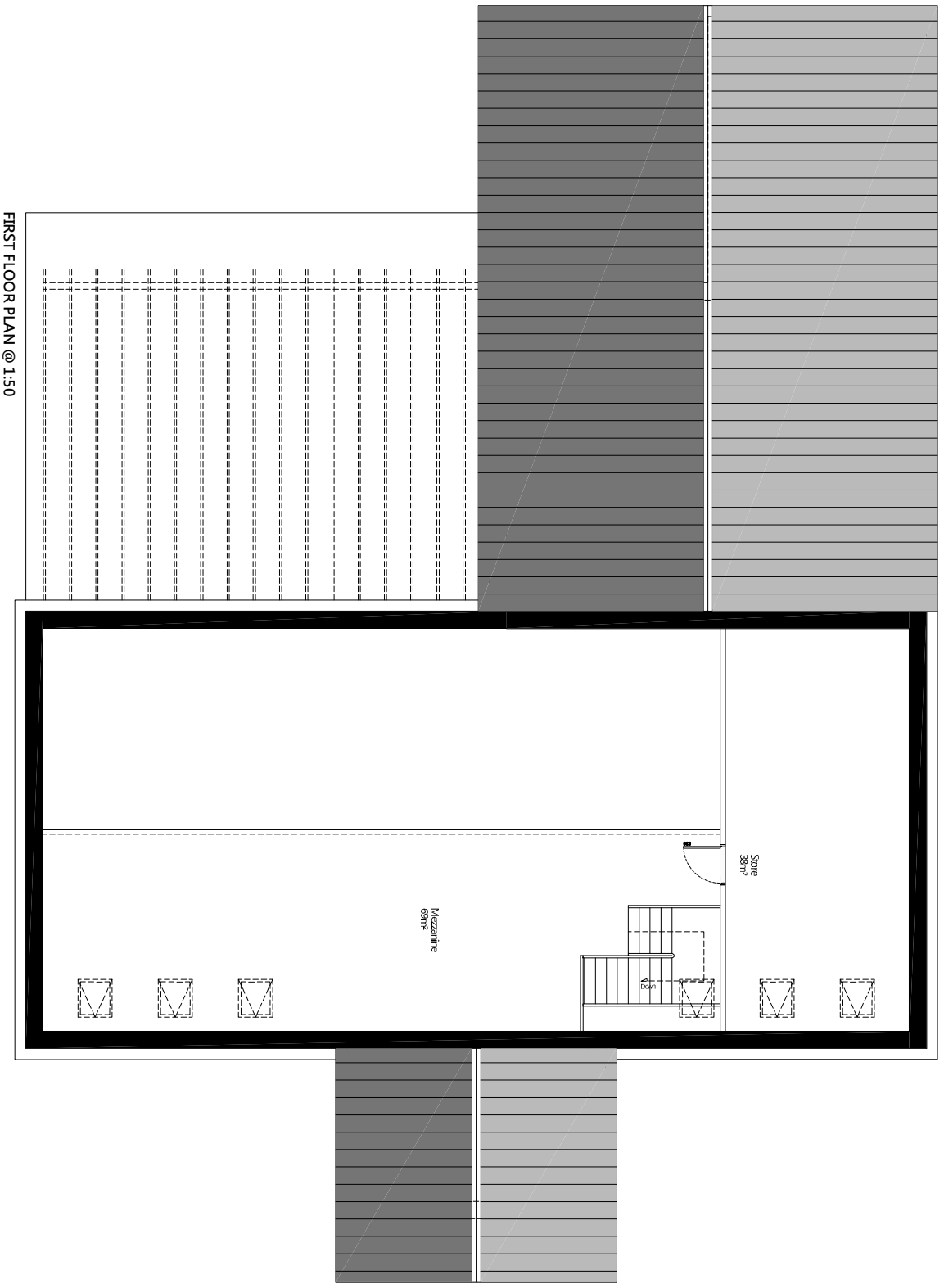
Nicola Brown
Director
Blackadders LLP



GROUND FLOOR PLAN @ 1:50

Unless otherwise indicated, all drawings shall be based on the information provided in the schedule of materials.

<p>Client: Mrs. Linda Pirie Project: Nursery @ land adjacent to Rothnick Croft Drawing Title: Proposed Ground Floor</p>		<p>Inspired design & development ltd 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000</p>	<p>Ref: 193/2017 Date: P01 Rev: 0</p>
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FIRST FLOOR PLAN @ 1:50

Unless otherwise indicated, all drawings shall be based on the information provided in the contract documents.

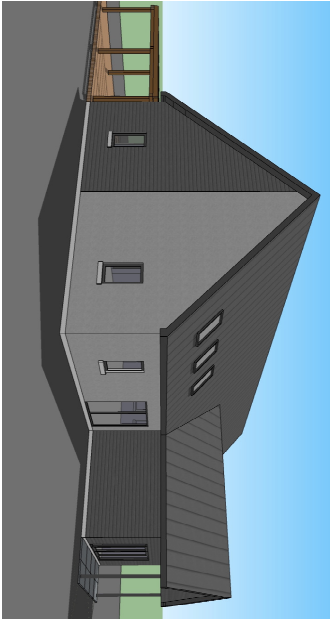
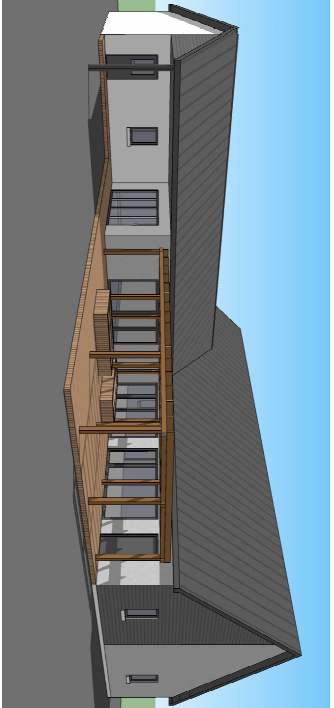
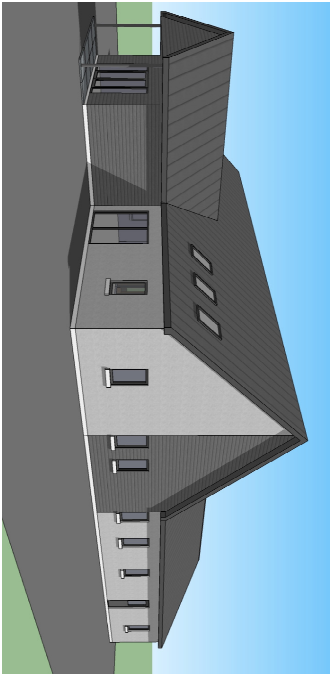
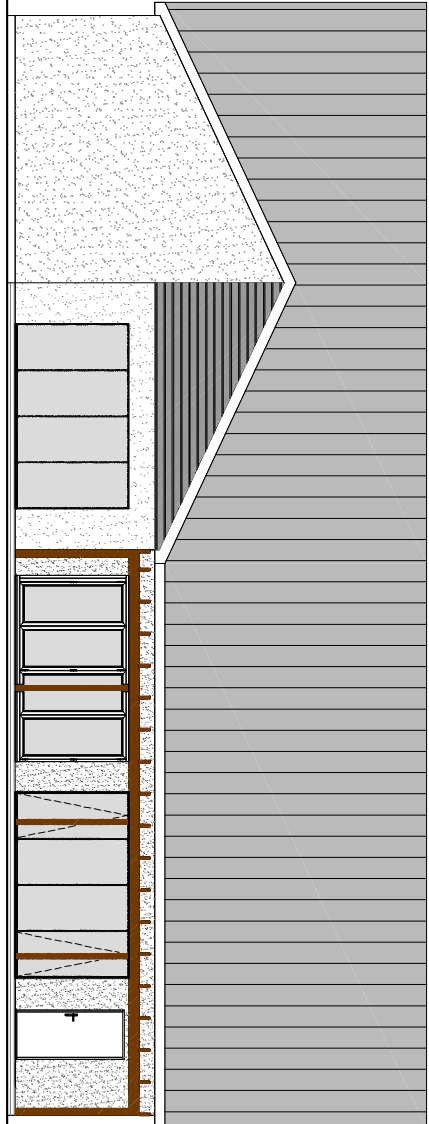
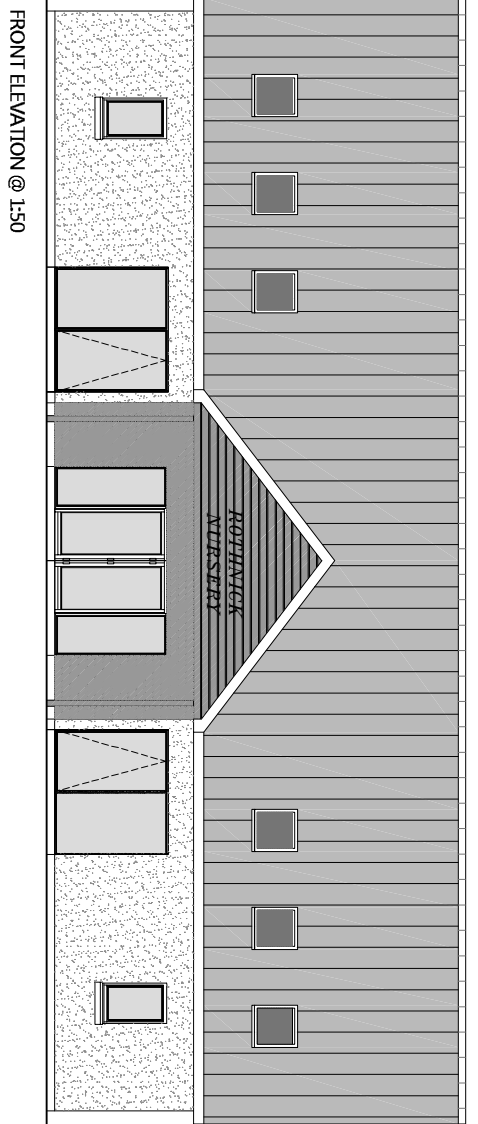
#	Date	Description	#	Date	Description

inspired design & development ltd
 CONSULTING ARCHITECTS
 100/102 WILSON STREET
 SYDNEY NSW 2000
 PH: 02 9550 7648
 FAX: 02 9550 7649
 WWW: WWW.IDDL.COM.AU

Client	Mrs. Linda Pirie
Project	Nursery @ land adjacent to Rothnick Croft
Drawing Title	Proposed First Floor Plan
Drawn By	
Checked By	
Date	19/3/2017
Discipline	P02
Sheet	0
Revisions	

Painting Specifications:

- Roof - Dark grey (to be kept dark) (Quantigry)
- External timber cladding - dark grey - RAL 7016
- Profiled metal roofing - dark grey - RAL 7016
- Ridges and eaves to match roof/RAL colour.
- Soffit & Eave - Metal profiles to match the profiled roofing material dark/RAL colour.
- Windows & Doors - To be Aluclad - Dark grey - RAL 7016
- Reinforce Grate - To be dark grey JLMC.



#	Date	Description	#	Date	Description

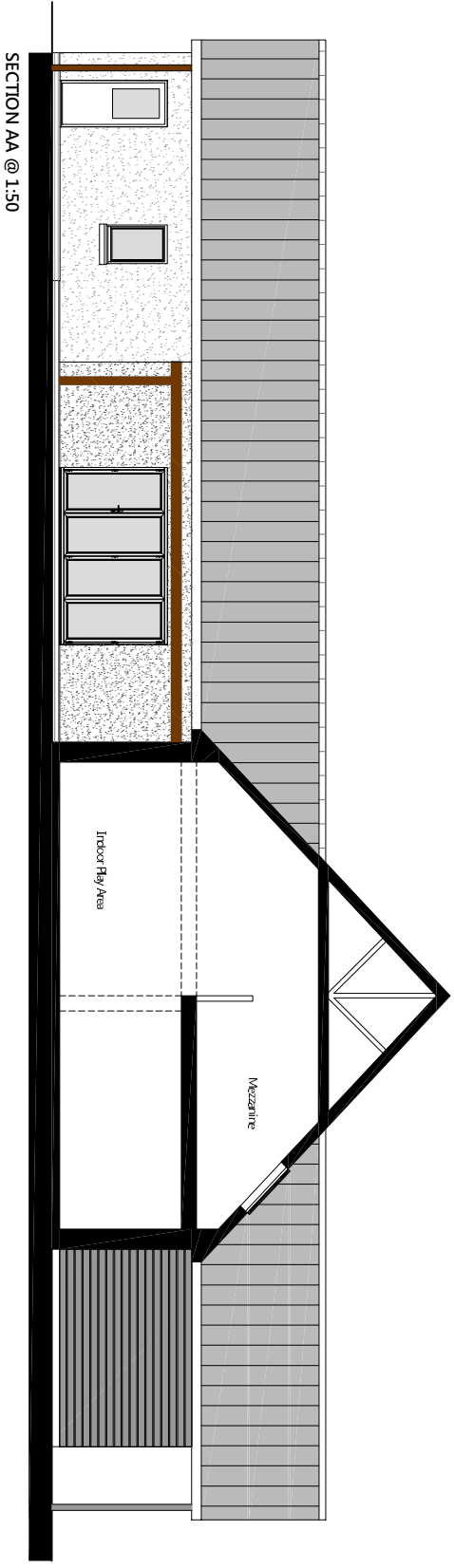
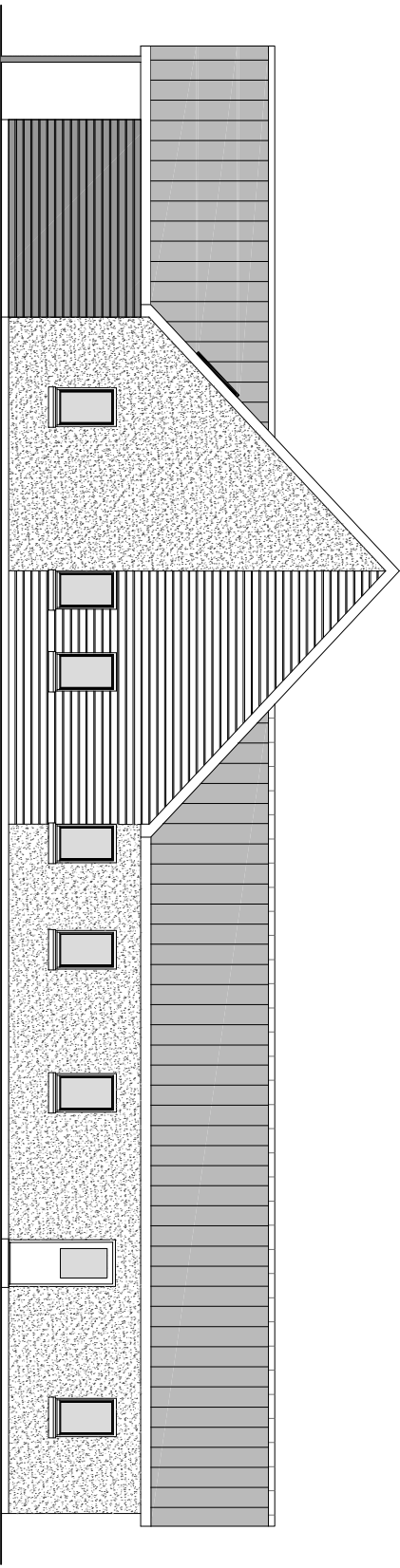
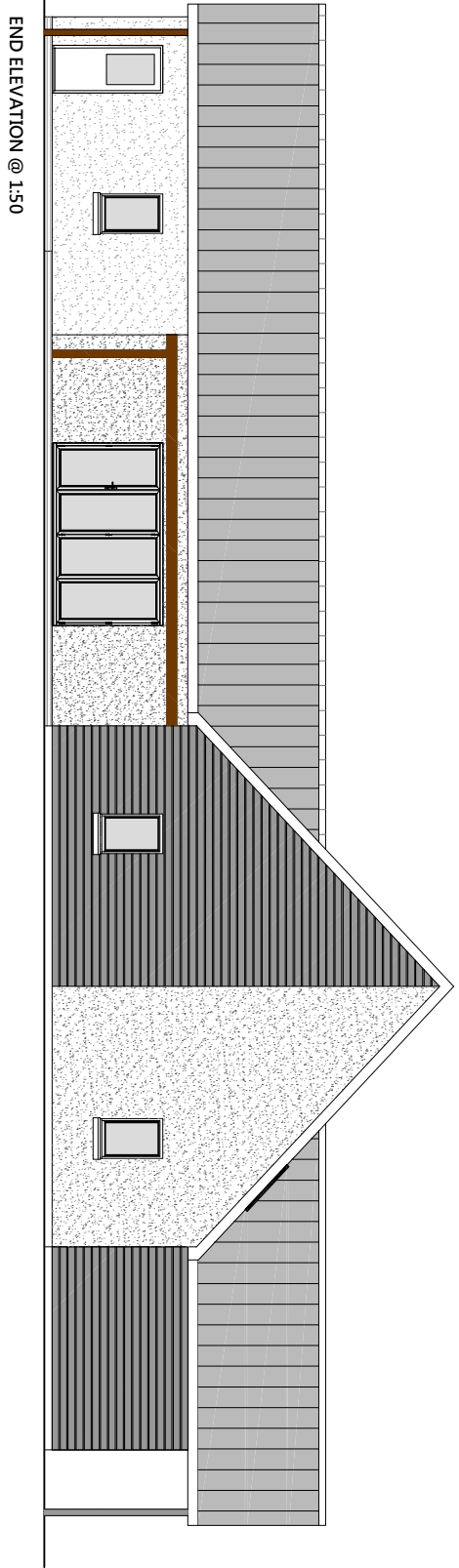


Client: Mrs. Linda Pirie
Project: Nursery @ land adjacent to Rothnick Croft
Drawing Title: Proposed Elevations

DATE: 19/3/2017
TIME: 10:30
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: AS SHOWN
NO. OF SHEETS: 1/1

Drawn by: PO3
Checked by: 0

Planning

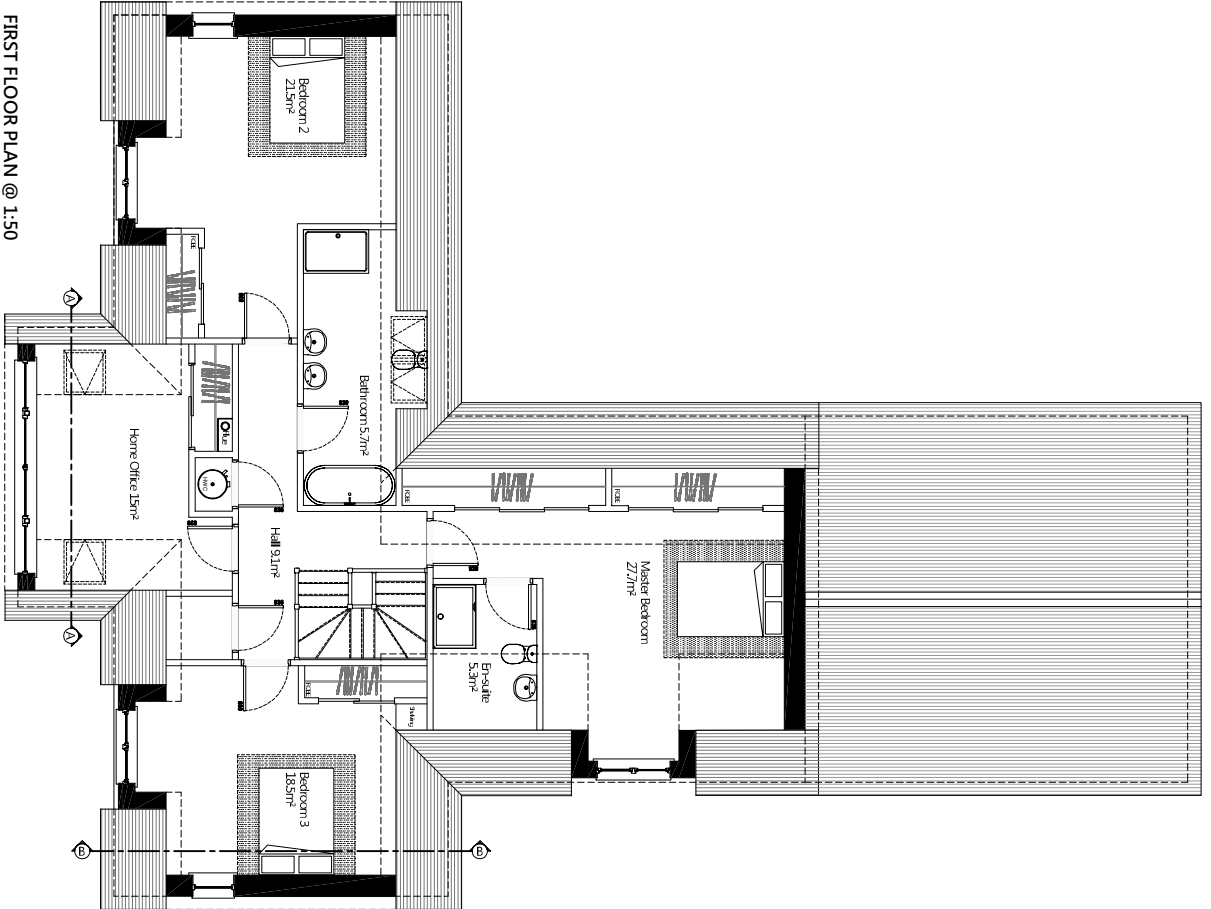
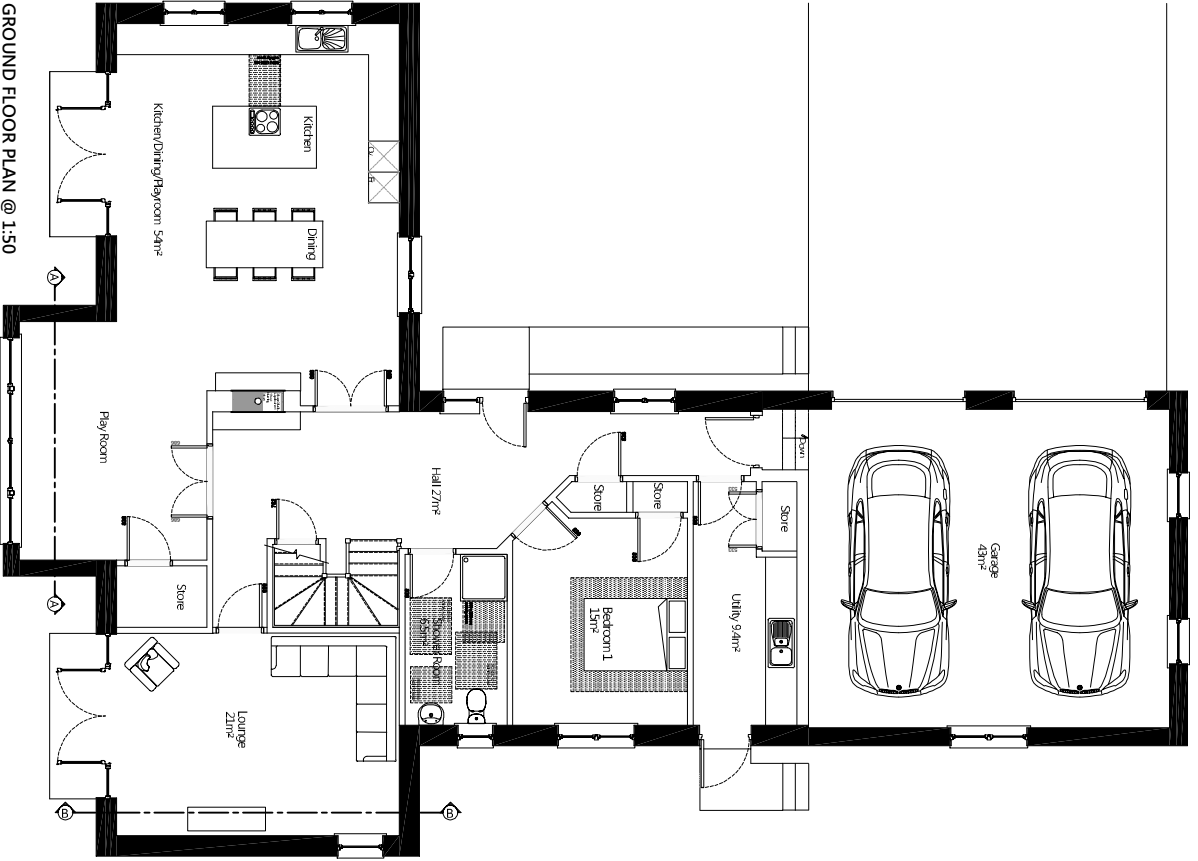


Unless otherwise indicated, all drawings to be scaled from 1:50.



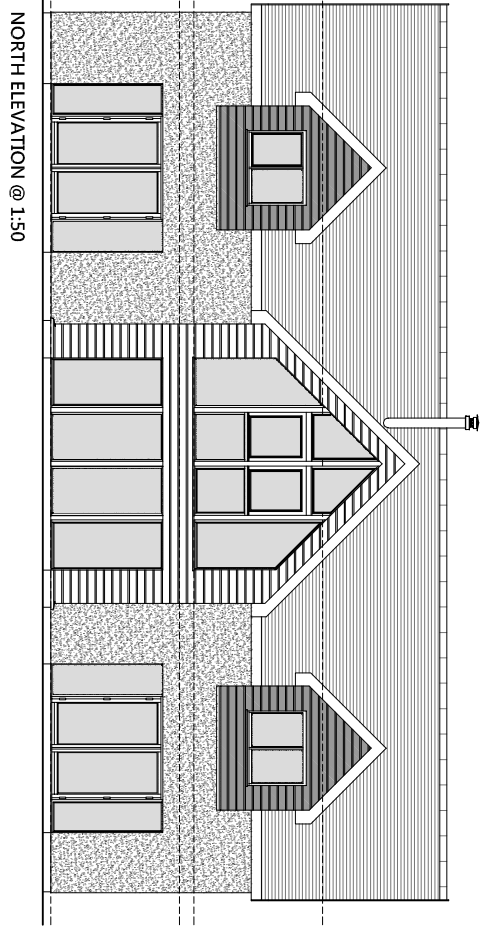
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#	Date	Description

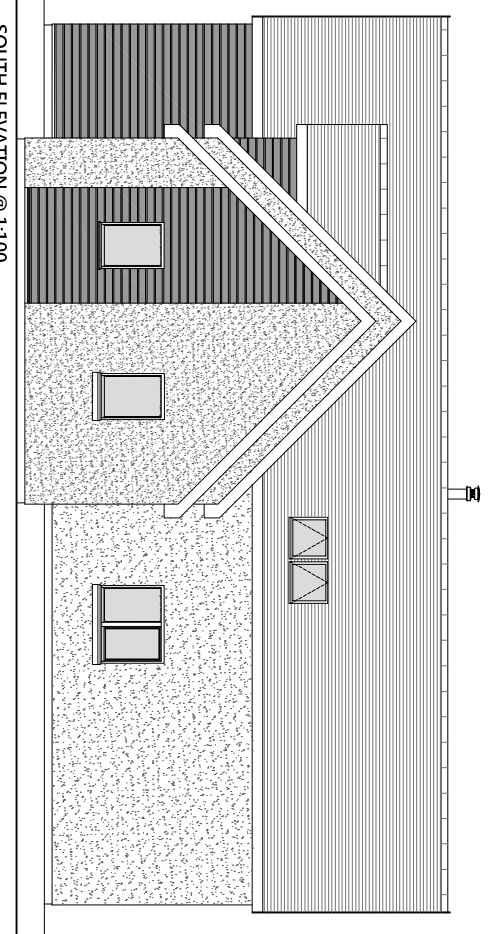


Unless otherwise indicated, all drawings are to be read from this side.

<p>Client: Mrs. Linda Pirie Project: Nursery @ land adjacent to Rothnick Croft Drawing Title: Proposed Floor Plans</p>	 <small>Inspired design & development ltd 100, 100, 100, 100, 100, 100 Tel: 01450 764 818 www.inspired-design.com</small>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Date</th> <th style="width: 80%;">Description</th> <th style="width: 10%;">Date</th> <th style="width: 10%;">Description</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Date	Description	Date	Description																																									<p>Ref: 193/2017 Date: P05 Rev: 0</p>
Date	Description	Date	Description																																												



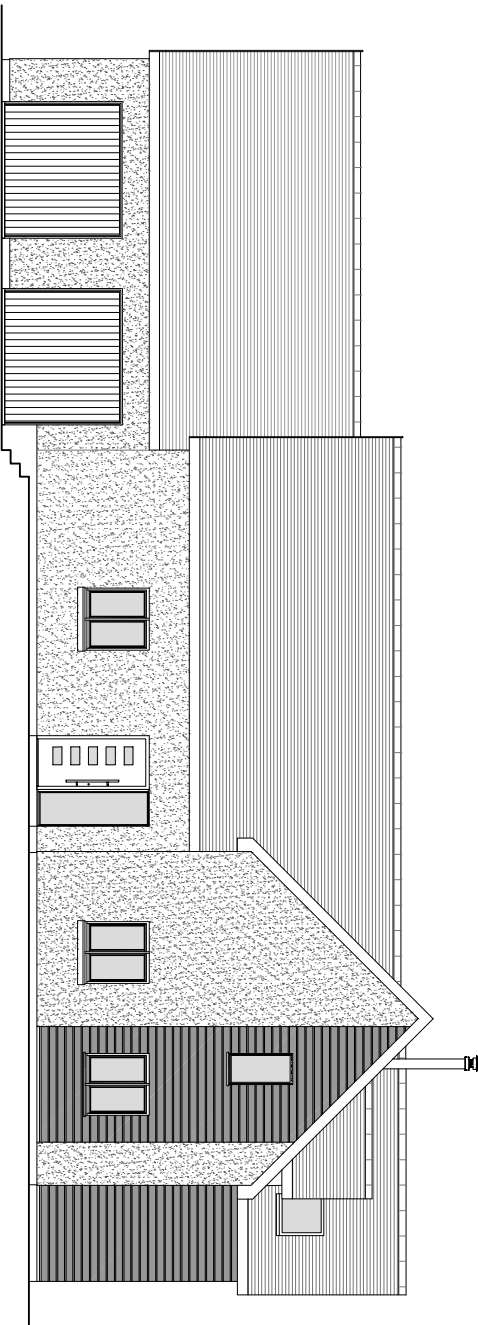
NORTH ELEVATION @ 1:150



SOUTH ELEVATION @ 1:100



EAST ELEVATION @ 1:150



WEST ELEVATION @ 1:150

Planning Specifications:

Walls:
Areas of render to be Le-rod (Champagne)
Painted timber cladding - dark grey - RAL TBC
Roof:
High quality slate.

Soffit & Fascia:
Painted timber - dark grey - RAL TBC

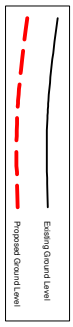
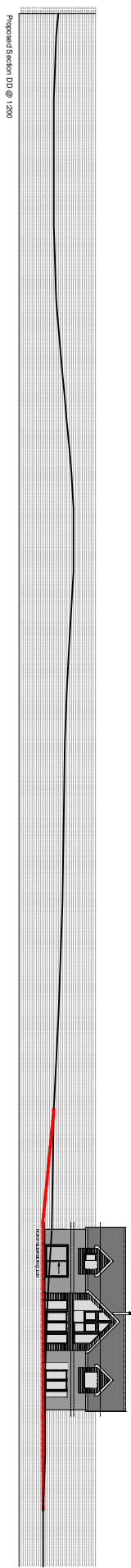
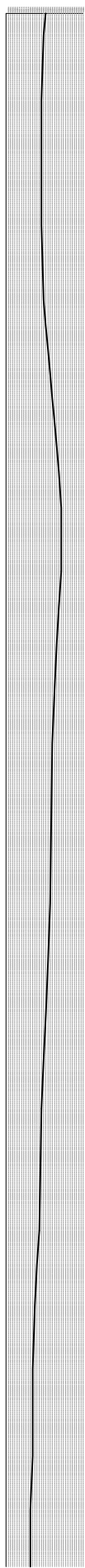
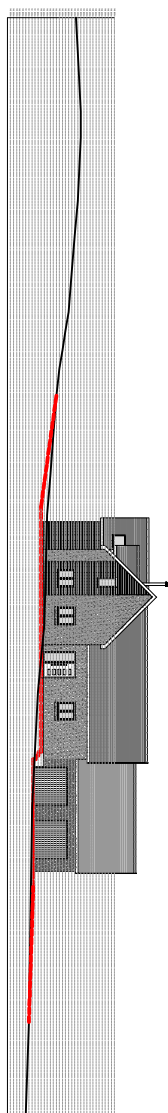
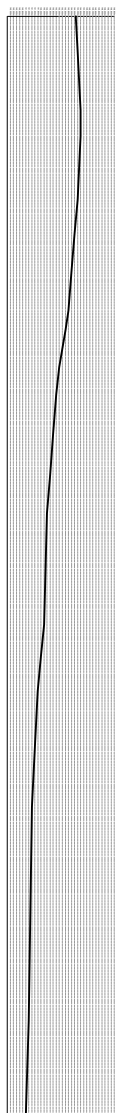
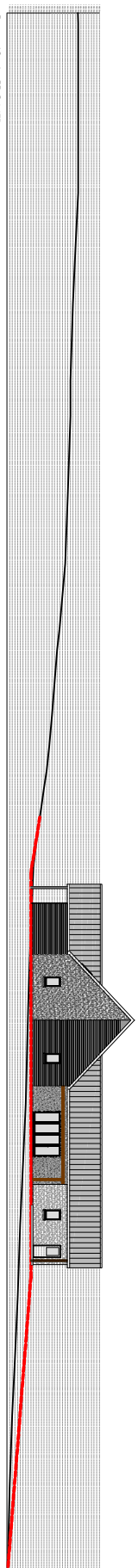
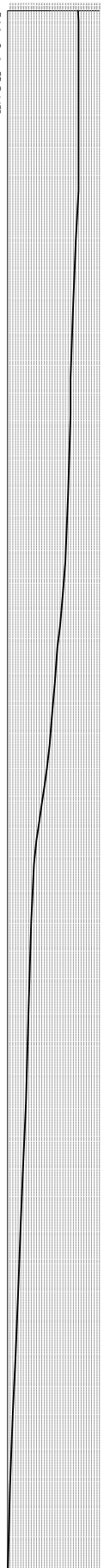
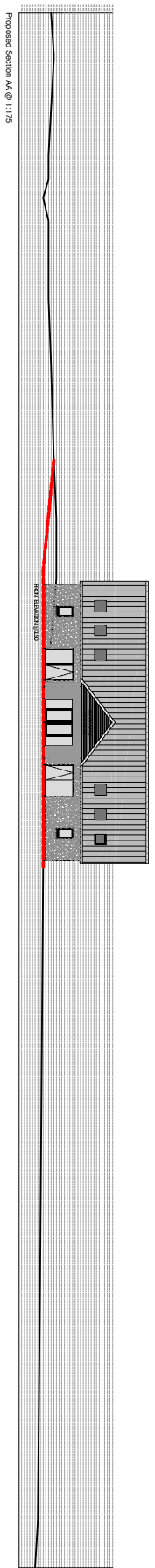
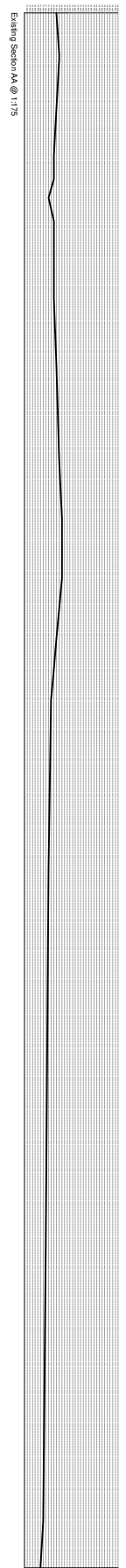
Windows & Doors:
To be Aluclad - Dark grey - RAL TBC

Rainwater Goods:
To be dark grey UPVC



1	Date	Description	1	Date	Description

Under no circumstances are drawings to be relied upon for construction purposes without the written consent of the author.



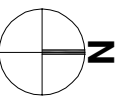
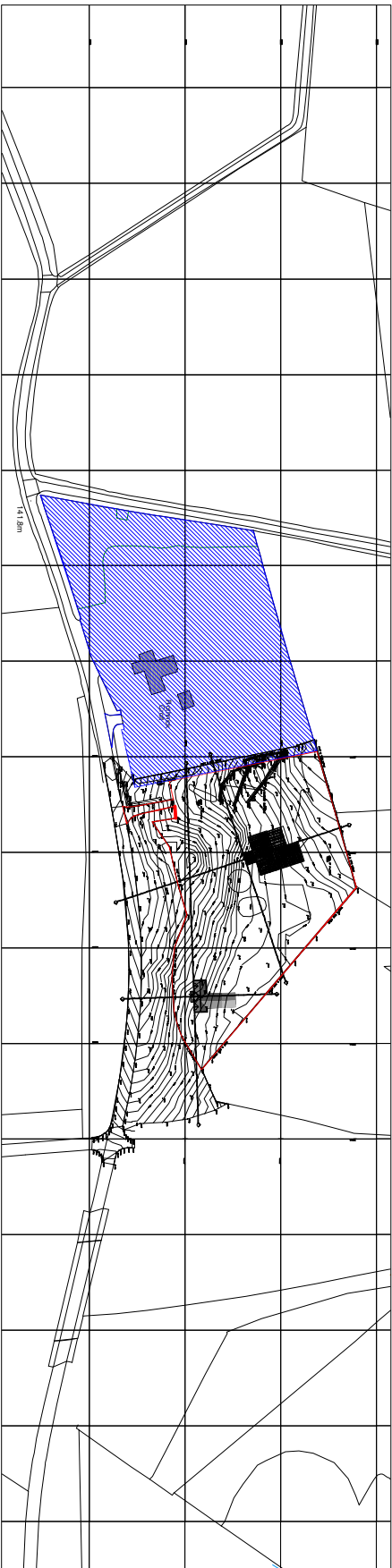
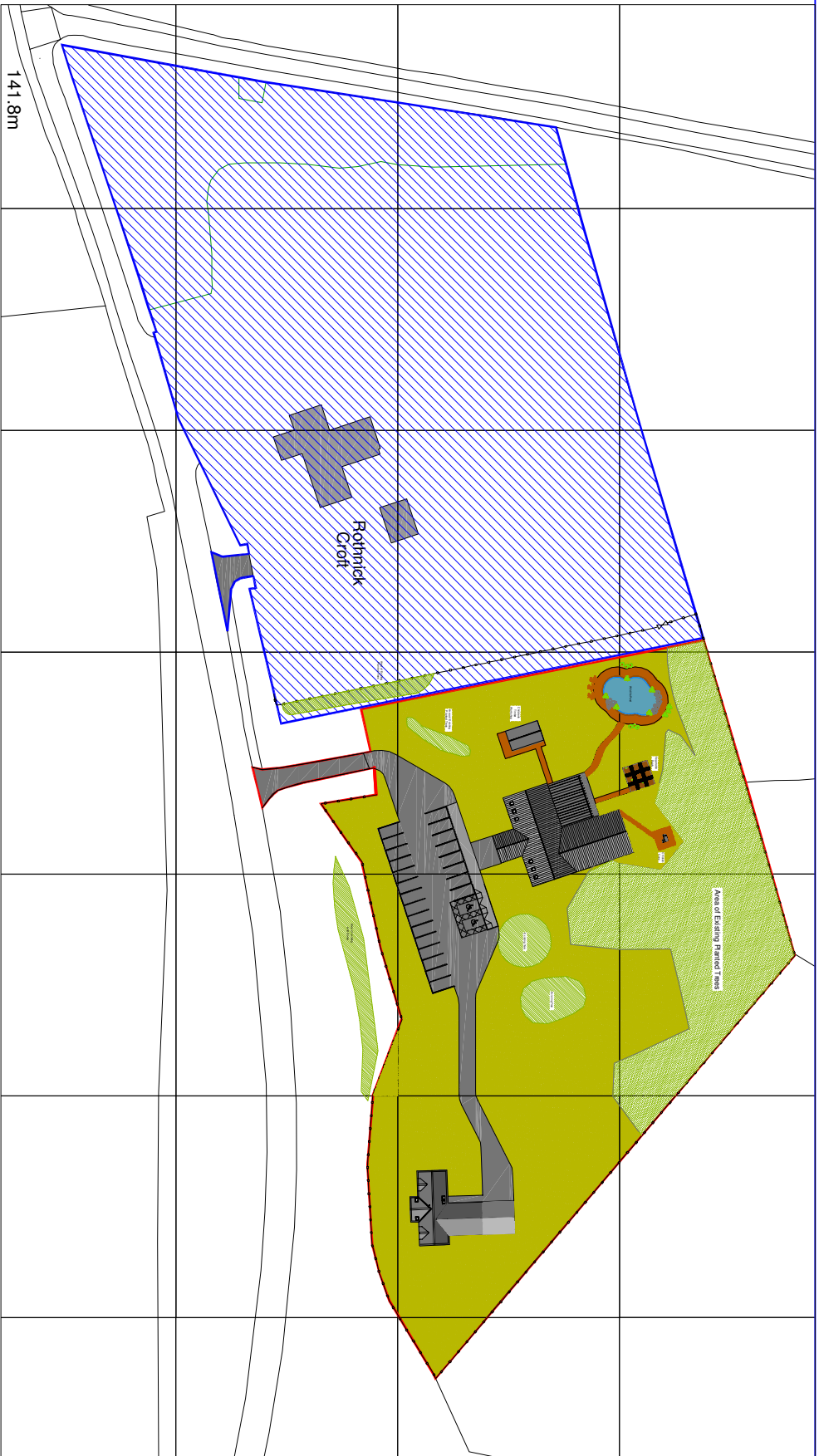
Unless otherwise indicated, all drawings shall be based on the following information:
 1. Client's requirements and drawings.
 2. Site visit on 19/03/2017.
 3. Survey data on 19/03/2017.

Client	Mrs. Linda Pirie
Project	Nursery @ land adjacent to Rothnick Croft
Drawing Title	Existing & Proposed Site Sections
Drawn by	JK
Checked by	JK
Date	19/03/2017
Scale	AS SHOWN
Project No.	P08
Revision	0

inspired design & development ltd
 Design Studio
 2000 WOODMERE
 741-01-0007 741-8153
 WINDSOR ONTARIO CANADA

RICS

#	Date	Description

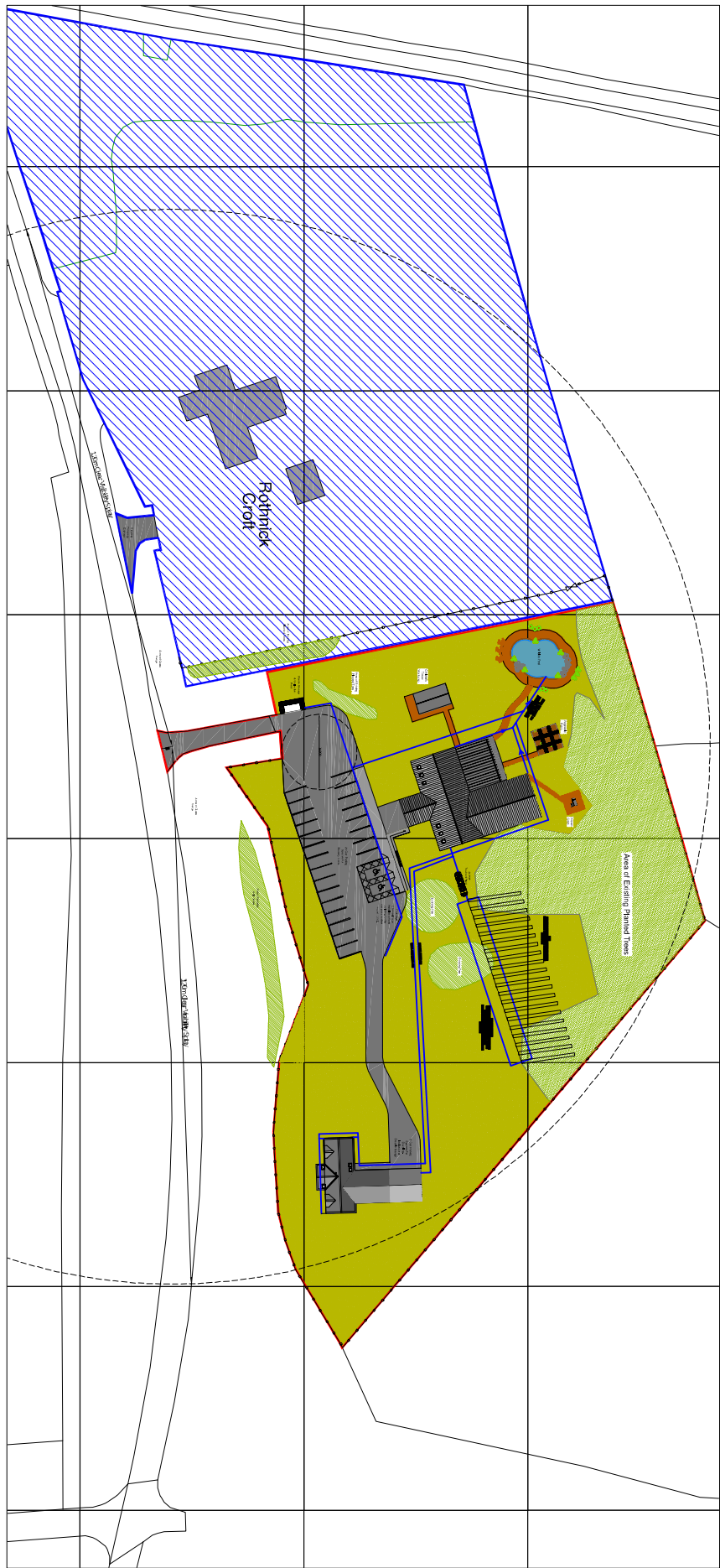


Urban Development Services are a trading subsidiary of CH2M HILL OREBRIDGE LIMITED. CH2M HILL OREBRIDGE LIMITED is a subsidiary of CH2M HILL LIMITED.

Client:	Mrs. Linda Pirie
Project:	Nursery @ land adjacent to Rothnick Croft
Drawing Title:	Site Information

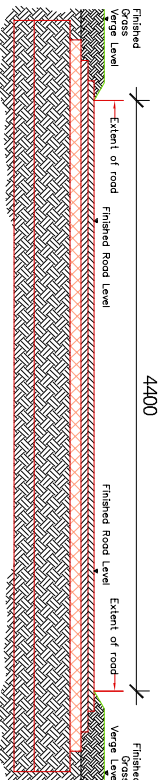
CH2M HILL OREBRIDGE LIMITED
 2nd Floor, 150 St. James Street
 Glasgow G4 6PP
 Tel: 0141 952 1400

#	Date	Description	#	Date	Description



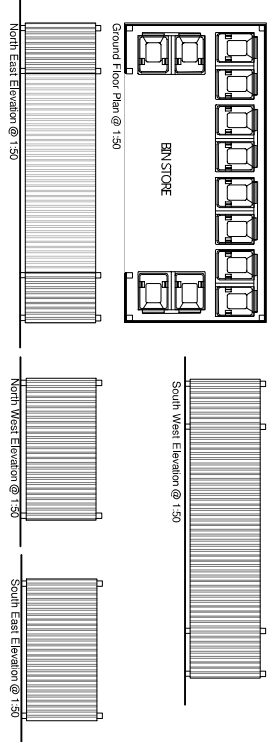
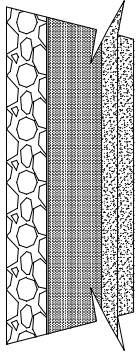
Site Plan @ 1:500

General Access Road
General Access Road has been upgraded recently by the
MWR team. The built up of kerbs is in excess of 100mm
thick in various layers.



Turf Kerb/Road Edging Detail
(SCALE 1:20)

Car Park Surfaced - Heavy Impact
Proposed car park to be paved with heavy duty concrete with
reinforcement and good drainage cover to prevent any water
accumulation. Allow for 100mm of reinforced concrete and 100mm
additional surface cover to prevent any water.



Planning Specification Waste Collection Point
Waste
To be raised kerb heighting - 115 Series style.
Structure
To be raised in two posts in raised kerbs.
Ground Cover
To be asphalt grey slabs or gravel.



FOR INFORMATION ONLY
GENERAL INFORMATION ONLY
FOR INFORMATION ONLY

Client:	Mrs. Linda Pirie
Project:	Nursery @ land adjacent to Rothnick Croft
Drawing Title:	Site Information - Roads Information
Drawn by:	PL2
Checked by:	0
Date:	19/3/2017
Scale:	1:500
Project No:	193/2017
Revision:	0



Date	Description	Date	Description



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Application Reference: KM/APP/2012/0807

TO: Ryden LLP
25 Albyn Place
Aberdeen
AB10 1YL

FOR: Mrs L Pirie

In pursuance of the powers exercised by them as Planning Authority, this Council having considered your application to carry out the following development:

Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions) and 12 Dwellinghouses (Enabling Development) and Formation of Access Roads and SUDS at Land to East of Rothnick, Netherley, Stonehaven

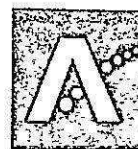
and in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, do hereby give notice of their decision to **REFUSE Full Planning Permission** for the following reasons:

1. The site is not located within a regeneration priority area, and the proposal is not considered to be an exceptional circumstance requiring enabling development. It is therefore contrary to Policy 10 (SG Enabling Development 1) of the Aberdeenshire LDP 2012.
2. The houses do not form an appropriate addition to an existing group of at least 5 houses, nor are they for an essential worker in an enterprise which itself is appropriate to the countryside. The proposal is therefore contrary to Policies Hou\4 and Hou\5 of the Aberdeenshire Local Plan (2006), and Policy 3 (SG Rural Development 1) of the Aberdeenshire LDP 2012.
3. The modest local economic and social benefits do not outweigh the adverse environmental impacts of 12 houses and a large nursery on undeveloped land within the countryside. The impact on landscape and visual amenity are far wider reaching than the small scale localised social and economic benefits. The proposal is in a remote location and not located close to the existing population. The proposal is therefore contrary to Policy Emp\3 of the Aberdeenshire Local Plan (2006), and Policy 3 (SG Rural Development 1) of the Aberdeenshire LDP 2012.
4. The proposal does not demonstrate sufficient visibility at the access with the public road. As such the proposal does not include a safe and convenient access, and is contrary to Policy Inf\1 of the Aberdeenshire Local Plan (2006), and Policy 9 (SG Developer Contributions 2) of the Aberdeenshire LDP 2012.

IMPORTANT

THIS IS A LEGAL DOCUMENT - PLEASE RETAIN WITH YOUR TITLE DEEDS

Aberdeenshire COUNCIL



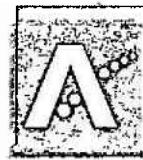
5. The proposal does not demonstrate that the site can be accessed conveniently by walkers and cyclists, or is close to existing public transport. As such the proposal is therefore contrary to Policy Inf2 of the Aberdeenshire Local Plan (2006), and Policy 9 (SG Developer Contributions 2) of the Aberdeenshire LDP 2012.
6. No refuse or recycling facility has been proposed for the nursery, therefore the proposal is contrary to Policy Inf6B of the Aberdeenshire Local Plan (2006), and Policy 10 (SG Developer Contributions 4) of the Aberdeenshire LDP 2012.
7. The proposed site is immediately adjacent to the proposed route of the Aberdeen Western Peripheral Route (AWPR). The land within the development site is required for environmental mitigation of the route. The proposal is therefore contrary to Policy Inf12 of the Aberdeenshire Local Plan (2006), and Policy 14 (SG Safeguarding 4) of the Aberdeenshire LDP 2012.
8. The site is within the Kincardine Plateau Landscape Character area, as defined in Appendix 1 of SG Landscape 1 in the Aberdeenshire LDP 2012, where clusters of houses are not an existing feature. In addition the character and design of the dwellinghouses and nursery are unsympathetic to the rural area. The proposal would therefore be out of character with the surrounding area, and be to the detriment of the visual amenity of the flat roaming landscape. The proposal is therefore considered to be contrary to Policies Gen\1 and Gen\2 of the Aberdeenshire Local Plan (2006), and Policy 13 (SG Landscape 1) and Policy 8 (SG LSD2) of the Aberdeenshire LDP 2012.
9. No design statement has been provided, taking account of appropriate standards for design, open space provision, accessibility, safety, sustainability and provision of services. The proposal therefore fails to meet the requirements of SG LSD2, and is therefore contrary to Policy 8 of the Aberdeenshire LDP 2012.
10. No energy statement has been provided to demonstrate compliance with SG LSD11, which requires an energy statement to identify how the proposal shall be energy efficient and include low carbon generating technologies. The proposal is therefore contrary to Policy Gen\1 of the Aberdeenshire Local Plan (2006), and Policy 8 (SG LSD11) of the Aberdeenshire LDP 2012.

Dated: 25/05/2012

Head of Planning and Building Standards

List of Plans and Drawings

**IMPORTANT
THIS IS A LEGAL DOCUMENT - PLEASE RETAIN WITH YOUR TITLE DEEDS**

**List of Plans and Drawings**

77129/201 B
1733-S-003 A
1733-S-002 A
1733-S-001 B
SF17331-A1-001
SF17331-A1-002
SF17331-A1-001H
SF17331-A1-002H
SF17331-A2-001
SF17331-A2-002
SF17331-A3-001
SF17331-A4-001
SF17331-A4-002
SF17331-A4-001H
SF17331-A4-002H
1733-S-004 A
HB2500TE
1733-S-006
1733-S-005
SF17331-A2-001
SF17331-N-001 B
SF17331-N-002 C

For details of how to request a review of this decision by the Planning Authority
please see attached notes.

Aberdeenshire



COUNCIL

Corporate Services

Aberdeenshire Council Local Review Body

Reference LRB 142 KM/APP/2012/0807

Review Decision Notice

Decision by Aberdeenshire Council Local Review Body (LRB)

- Site address: East of Rothnick, Netherley, Stonehaven
- Application for review by Mrs L Pirie against the decision by an appointed officer
- Application reference KM/APP/2012/0807 for full planning permission for erection of children's day care nursery (Class 10 non-residential institutions) and 12 dwellinghouses (enabling development) and formation of access roads and SUDS refused by decision notice dated 25 May 2012
- Application drawings: Site Location Plan @ 1/5000 scale and Site Plan @ 1/500 scale (Drawing No 1733-S-001revB); Sections through site @ 1/200 scale (Drawing Nos 1733-S-002revA & 1733-S-003revA); Conceptual Drainage Layout Plan @ 1/500 scale (Drawing No 77129/201revB); Nursery building Floor Plan @ 1/50 scale (Drawing No SF17331-N-001revB); Nursery building Elevations and Section @ 1/100 & 1/50 scales respectively (Drawing No SF17331-N-002 revC); House-type 'A1' Ground Floor Plan & Elevations @ 1/50 & 1/100 scales respectively (Drawing No SF17331-A1-001); House-type 'A1'(handed) Ground Floor Plan & Elevations @ 1/50 & 1/100 scales respectively (Drawing No SF17331-A1-001H); House-type 'A1'(handed) First Floor Plan @ 1/50 scale (Drawing No SF17331-A1-002H); House-type 'A1' First Floor Plan & Section @ 1/50 scale (Drawing No SF17331-A1-002); House-type 'A2' Ground Floor Plan & Elevations @ 1/50 & 1/100 scales respectively (Drawing No SF17331-A2-001); House-type 'A2' First Floor Plan & Section @ 1/50 & 1/100 scales respectively (Drawing No SF17331-A2-002); House-type 'A3' Plan & Elevations @ 1/50 & 1/100 scales respectively (Drawing No SF17331-A3-001revA); House-type 'A4' Ground & First Floor Plans @ 1/50 scale (Drawing No SF17331-A4-001); House-type 'A4' Elevations & Sections @ 1/100 & 1/50 scales respectively (Drawing No SF17331-A4-002); House-type 'A4'(handed) Ground & First Floor Plans @ 1/50 scale (Drawing No SF17331-A4-001H); House-type 'A4'(handed) Elevations & Sections @ 1/100 & 1/50 scales respectively (Drawing No SF17331-A4-002H); Acoustic Fence Section & Plan @ 1/5 scale (Drawing No 1733-S-004); Fence (between plots) Elevation @ 1/5 scale (Drawing No 1733-S-005); Plot 12 Garage Plan & Elevations @ 1/100 scale (Drawing No 1733-S-006); 'Balmoral' tank details (dimensioned) (Drawing No HB2500TE)
- No site inspection took place

Date of Decision: 11 April, 2013

Decision

The Local Review Body (LRB) agrees with the determination reviewed by it and refuses Full Planning Permission in accordance with the Appointed Officer's decision duly modified to omit reference to the superseded Aberdeenshire Local Plan 2006 and Reason 4.

1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.
- 1.2 The LRB reviewed the determination of the above application for planning permission at its meeting held on 26 October 2012. The LRB was attended by Councillors R J Merson (Chair), E Chapman, G J Clark, R Cowling, J J Strathdee and I Tait.
- 1.3 The LRB was shown projected plans and photographs by the Planning Adviser. These showed the application site and its relationship to the surroundings.
- 1.4 The LRB agreed that there was sufficient information before it in order to consider the application and that no further information was required.

2.0 Proposal

- 2.1 The application proposal is for the erection of a children's day care nursery and 12 houses, together with associated infrastructure on a 1.93 hectare site adjacent to Rothnick Croft, Netherley. The site is located some 9km north of Stonehaven and 1½ km east of Lairhillock primary school. A 'T' junction formed by two minor roads lies within 75m of the site. The dwellinghouse known as 'Rothnick Croft' lies to the immediate south-west boundary of the site. The surrounding landscape is defined in landscape character terms as the 'Kincardine Plateau' – a gently undulating landform that is predominantly agricultural in terms of land use and relatively sparsely populated.
- 2.2 The proposal envisages a site access road that would divide the site along an east-west axis. The nursery and two pairs of affordable houses would be sited on the north side of this road. On the opposite side, a row of eight detached dwellinghouses would occupy feus fronting the minor public road which links the B979 and the A90 trunk road. This route would be upgraded as part of the AWPR.

2.3 The planning application attracted a total of 19 representations (17 pro; 2 anti). A precis of points made by representees appears in the Report of Handling. The AWPR Managing Agent Team maintained its representation as an 'Interested Party'.

3.0 Reasoning

3.1 The main determining issue in this review was whether the perceived social and economic benefits of the proposed development decisively outweigh disbenefits relating to the relatively remote location of the site and conflict with AWPR route mitigation measures.

3.2 The LRB agreed that the Planning Officer had identified the relevant Aberdeenshire Local Plan 2006 policies which were valid at the time of determination and these were as follows:

Policy Hou\4: New Housing in the Countryside including the Aberdeenshire part of the Cairngorms National Park

Policy Hou\5: Cohesive Groups in the Rural Housing Market Area

Policy Hou\8: Affordable Housing

Policy Emp\3: Employment Development in the Countryside

Policy Inf\1: Roads and Accesses

Policy Inf\2: Parking, Servicing and Accessibility

Policy Inf\3: Access for the Less Mobile

Policy Inf\4A: Foul Drainage Standards

Policy Inf\4B: Surface Water Drainage Standards:Sustainable Urban Drainage Systems (SUDS)

Policy Inf\5: Water Supply

Policy Inf\6B: Waste Management Requirements for New Development

Policy Inf\12: Safeguarding Land for the Modern Transport System

Policy Gen\1: Sustainability Principles

Policy Gen\2: The Layout, Siting and Design of New Development

Policy Gen\3: Developer Contributions

3.3 The LRB agreed that the Planning Officer had also identified the relevant policies of the Aberdeenshire Local Development Plan 2012, which at the time of determination was a significant material consideration. (This Plan was adopted in June 2012 and supersedes the 2006 Plan.) These policies are as follows:

Policy 3 Development in the countryside and

SG Rural Development1: Housing and business development in the countryside

Policy 6 Affordable housing and

SG Affordable Housing1: Affordable housing

Policy 8 Layout, siting and design of new development and

SG LSD2: Layout, siting and design of new development

SG LSD6: Public access

SG LSD11: Carbon neutrality in new development

Policy 9 Developer contributions and

SG Developer Contributions1: Developer contributions
SG Developer Contributions2: Access to new development
SG Developer Contributions3: Waste and waste water drainage infrastructure
SG Developer Contributions4: Waste management requirements for new development
Policy 10 Enabling development and
SG Enabling Development1: Enabling development
Policy 11 Natural heritage and
SG Natural Environment2: Protection of the wider biodiversity and geodiversity
Policy 12 Landscape conservation and
SG Landscape1: Landscape character
Policy 14 Safeguarding of resources and areas of search and
SG Safeguarding4: Safeguarding transportation facilities

- 3.4 The LRB acknowledged that the Applicant's case was comprehensive and well-presented in its efforts to address the 10 reasons for refusal of planning permission. The conclusion contained in the 26 page 'Grounds of Appeal Statement' focussed upon direct and indirect economic benefits, providing employment opportunities and supporting working families in the local area; the lack of availability of conventional funding sources in the prevailing economic climate, and that the economic benefits significantly outweighed any disadvantages, thus justifying a departure from policy.
- 3.5 Having reviewed the 10 reasons for refusal and before going on to discuss the main issues, the LRB accepted that the additional information provided by the Applicant in relation to reason 4 of the decision notice adequately demonstrated that sufficient visibility could be achieved at the site access. Consequently, the LRB agreed to set aside this reason for refusal.
- 3.6 However, in relation to the potential impact upon the route of the Aberdeen Western Peripheral Route (AWPR), the LRB had noted that the AWPR Managing Agent (in representation from 'Interested Party') had maintained an objection to the proposed development, as it is considered to conflict with land required for environmental mitigation of the AWPR route. The LRB considered the Applicant's response to this issue, namely, that the '...development proposals can accommodate this by relocating dwellings to the north where there is sufficient land holdings to do so. This could be addressed via minor alterations to the location plan'. (Para 2.14 of Applicant's Statement). This is supplemented at para 7.12 which states 'The land identified as being required comprises only a small part of the site. In any event this can be overcome by repositioning dwellings and nursery to the north of the site, where there is sufficient land holding to do so'.
- 3.7 This is an application for full planning permission. By the Applicant's own admission, the revisions required to accommodate the AWPR

scheme would entail changes to the layout and site boundary. No such details were before the LRB, and, at any rate, they would necessitate a fresh planning application. In the circumstances, the LRB considered that the proposed development would prejudice the implementation of the approved environmental mitigation measures relating to the AWPR scheme. Consequently, the LRB agreed with the Appointed Officer that the proposed development would be contrary to SG Safeguarding4.

- 3.8 In response to the Applicant's case relating to prime policy criteria, the LRB was aware that, unlike the superseded 2006 Local Plan, the current 2012 Local Development Plan permits enabling development in connection with business start-up in certain circumstances. However, the employment venture (in this case, the nursery) should be located in a 'regeneration priority area' (which the site is not), or a rural area, only in exceptional cases. Even if the case had been considered 'exceptional', under the terms of SG Enabling Development1, the site would require to be located in the 'Rural Housing Market Area' (which it is not). Furthermore, the enabling development element should be the minimum level required, not a substitute for conventional development funding and generate wider public benefits which outweigh any disadvantages of the development.
- 3.9 The Applicant had made reference to a number of 'enabling development' proposals that have been granted planning permission by Aberdeenshire Council, as Departures from the Development Plan. It is asserted that these examples are precedents. The Report of Handling makes it clear that the anticipated social and economic benefits of these approved developments would be far wider than the localised benefits likely to arise from the development in question. The LRB agreed with the assessment of the Appointed Officer, that, in the circumstances, an 'exceptional case' had not been made, bearing in mind that Policy 10 requires that enabling development 'decisively outweighs the disadvantages of breaking the normal policy presumptions of the plan'.
- 3.10 Reference had been made by both the Applicant and the Appointed Officer, to the plan-making process and, in particular, the 'development bid' contained in the Main Issues Report relating to the emerging Local Development Plan. In this connection, the Reporter agreed with the Council not to allocate the site in the Plan, due to its remote siting and disconnection with services. In particular, the LRB had noted that the Reporter had stated that 'The community and employment benefits of providing a nursery school at Rothnick Croft would not be sufficient to warrant the construction of 10 houses in this remote countryside location'.
- 3.11 In light of the aforementioned circumstances, the Review Body resolved to uphold the decision of the Appointed Officer, subject to the omission of Reason 4 and reference to the superseded 2006 Plan,

thereby refusing Full Planning Permission for the nine reasons cited below.

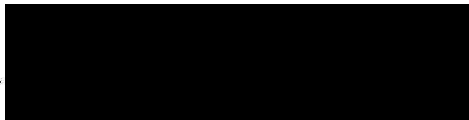
4.0 Reasons for refusal

1. The site is not located within a regeneration priority area, and the proposal is not considered to be an exceptional circumstance requiring enabling development. It is therefore contrary to Policy 10 (SG Enabling Development 1) of the Aberdeenshire LDP 2012.
2. The houses do not form an appropriate addition to an existing group of at least 5 houses, nor are they for an essential worker in an enterprise which itself is appropriate to the countryside. The proposal is therefore contrary to Policy 3 (SG Rural Development 1) of the Aberdeenshire LDP 2012.
3. The modest local economic and social benefits do not outweigh the adverse environmental impacts of 12 houses and a large nursery on undeveloped land within the countryside. The impact on landscape and visual amenity are far wider reaching than the small scale localised social and economic benefits. The proposal is in a remote location and not located close to the existing population. The proposal is therefore contrary to Policy 3 (SG Rural Development 1) of the Aberdeenshire LDP 2012.
4. The proposal does not demonstrate that the site can be accessed conveniently by walkers and cyclists, or is close to existing public transport. As such the proposal is therefore contrary to Policy 9 (SG Developer Contributions 2) of the Aberdeenshire LDP 2012.
5. No refuse or recycling facility has been proposed for the nursery, therefore the proposal is contrary to Policy 10 (SG Developer Contributions 4) of the Aberdeenshire LDP 2012.
6. The proposed site is immediately adjacent to the proposed route of the Aberdeen Western Peripheral Route (AWPR). The land within the development site is required for environmental mitigation of the route. The proposal is therefore contrary to Policy 14 (SG Safeguarding 4) of the Aberdeenshire LDP 2012.
7. The site is within the Kincardine Plateau Landscape Character area, as defined in Appendix 1 of SG Landscape 1 in the Aberdeenshire LDP 2012, where clusters of houses are not an existing feature. In addition the character and design of the dwellinghouses and nursery are unsympathetic to the rural area. The proposal would therefore be out of character with the surrounding area, and be to the detriment of the visual amenity of the flat roaming landscape. The proposal is therefore considered to be contrary to Policy 13 (SG Landscape 1) and Policy 8 (SG LSD2) of the Aberdeenshire LDP 2012.

8. No design statement has been provided, taking account of appropriate standards for design, open space provision, accessibility, safety, sustainability and provision of services. The proposal therefore fails to meet the requirements of SG LSD2, and is therefore contrary to Policy 8 of the Aberdeenshire LDP 2012.
9. No energy statement has been provided to demonstrate compliance with SG LSD11, which requires an energy statement to identify how the proposal shall be energy efficient and include low carbon generating technologies. The proposal is therefore contrary to Policy 8 (SG LSD11) of the Aberdeenshire LDP 2012.

Karen Wiles
Head of Legal and Governance

8. No design statement has been provided, taking account of appropriate standards for design, open space provision, accessibility, safety, sustainability and provision of services. The proposal therefore fails to meet the requirements of SG LSD2, and is therefore contrary to Policy 8 of the Aberdeenshire LDP 2012.
9. No energy statement has been provided to demonstrate compliance with SG LSD11, which requires an energy statement to identify how the proposal shall be energy efficient and include low carbon generating technologies. The proposal is therefore contrary to Policy 8 (SG LSD11) of the Aberdeenshire LDP 2012.



Karen Wiles
Head of Legal and Governance

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.



REPORT OF HANDLING

Application Reference: APP/2012/0807

Proposal: Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions) and 12 Dwellinghouses (Enabling Development) and Formation of Access Roads and SUDS
Address: Land to East of Rothnick Netherley Stonehaven

1. Description of proposal

This proposal is for the erection of 12 dwellinghouses to enable the development of a nursery business, at land adjacent to Rothnick Croft, Netherley.

The site is approximately 1km to the east of Lairhillock Primary school, and sits adjacent to a junction in the public road network. The site at present is a mix of mature trees to the eastern side, open grassland for the most part, with some scrubland and bushes at the western edge.

The site sits immediately to the north of the public road network which is proposed to be upgraded to form part of the Aberdeen Western Peripheral Route.

The proposed site layout shows access coming from the eastern edge of the site, through the existing tree belt. The SUDS pond would be sited adjacent to the access road, which leads into the centre of the site where 8 large detached dwellings would be sited along the southern boundary of the site, with 2 sets of semi-detached dwellings to the north of the proposed road. The nursery would be sited to the north of the semi-detached dwellings.

The house types are a mix of 3 different 4 and 5 bedroom detached properties, along with the semi-detached units. The house types can be summarised as follows; A1 – large storey and half twin gabled front elevation, A2 – large storey and half L shaped footprint with dormers and rear gable feature, A3 – single storey semi-detached bungalow, A4 – large storey and ¾ house, L shaped footprint with storey and half element to front.

The proposed nursery building is a large single storey building, with an L shaped footprint. The elevations are quite linear and broken up by floor length windows/French doors, hopper windows, and more standard looking windows. The floorplan for the nursery shows defined rooms for babies, toddlers and 3-5 year olds, as well as a reception area, office, staff room, kitchen and laundry room.

The finishing materials for all buildings propose champagne drydash, gold fyfestone quoins, grey concrete roof tiles for the house roofs, green profiled steel sheeting for the nursery roof, uPVC windows and doors, and black uPVC rainwater goods.

2. Variation

None

3. Supporting Information

A supporting document has been submitted from the applicant's agent, which includes;

The planning application form,

A description and appraisal of the site at present,

An overview of the proposal, addressing issues such as connectivity, education,

history, the need for such a facility, and the types of houses being proposed. An overview of the relevant national and local planning policies,

The supporting document then goes on to highlight material considerations in support of the proposal, and highlights the relevant policies within the Aberdeenshire Local Plan 2006. It then goes on to state site was promoted as a bid for consideration in the Main Issues Report for the LDP. The site was not given an allocation in the LDP.

The document then goes on to appraise the proposal against relevant policies contained within the LDP.

The supporting document also discusses, and includes as appendices, a business plan, winter walkover habitat survey, a noise survey, drainage assessment.

The supporting document, in its section 6, then goes on to attempt to justify the proposal. It states the minimum investment required to develop the nursery can be provided through the sale of the 12 dwellings. There is a significant need for a nursery in the area, with the school only providing 2.5 hours of pre-school nursery per day during school term time. The applicant has a good reputation in the area for a high standard of childcare service from their existing childcare business in Stonehaven, and this will allow her to expand her established business and provide further childcare to meet the needs of the community. The applicant does provide an Out of School Club at Lairhillock Primary from a classroom which is rented, however this restricts the quality and frequency of service that can be offered. The school has indicated to the applicant that they will require the classroom in the near future, therefore she will no longer be able to provide this service. The business plan projects that the proposal will provide jobs for the equivalent of 11.5 people in the first year of operation, with 21.5 employed by year 5. Due to the current economic situation, the applicant has been unable to secure finance for a nursery, therefore is seeking to secure this through enabling development moneys from 12 houses. Comparisons are made to Menie House, Blairs College, Ury House and Inchmarlo.

The statement then goes on to look at more site specific matters, such as the layout is a cluster of houses similar to those already in existence in the Lairhillock/Netherley area, and that the houses have been designed to ensure they fit in with the landscape and natural features of the site.

The report concludes by stating the proposal is compliant with a number of national and local planning policies and has been designed to be sympathetic to its setting. The proposal will create a number of economic benefits and will greatly assist parents residing in the local area. This, coupled with the high quality design, is considered to be a sufficient material consideration worthy of departing from the development plan.

4. Relevant Planning History

ENQ/2008/0104 – an enquiry for a nursery with 10 houses as enabling development. This proposal went through Aberdeenshire Council's Pre-Major Applications Process, where a round the table meeting was held with the applicant and key consultees, which was followed up with a formal note of the meeting. The feedback from the meeting included comments from consultees, and also made the applicant aware that the proposal did not comply with the

development plan at that time.

5. Representations

A total of 19 representations have been received, 17 in support and 2 objecting to the proposal. The points raised in the representations are summarised as follows;

Support (17)

The proposal will benefit the local community and provide jobs.

Proposal will allow people to continue to work whilst their children attend local childcare.

There are site specific benefits to a nursery at this location, the nearby wetlands and woodlands are extremely beneficial to children.

Proposal will be a benefit to local parents who need childcare.

There is a need for a childcare facility in the area.

The Croft, in Stonehaven, is a good facility and this will allow even better childcare in the area.

Lairhillock Primary has no preschool care, therefore this facility is needed to provide it.

The limits of The Croft not providing morning care would be overcome with this proposal.

Objection (2)

There is no demand for a nursery in this location.

Most residents in the area use childcare services near their place of work to allow easy collection in the event of illness or emergency.

The location is isolated, therefore in bad weather potentially inaccessible.

There is no justification for houses to fund the development; if it is a viable business then banks would provide funding.

The land is not allocated for housing.

6. Consultations

Infrastructure Services (Planning Policy) state the proposal would not conform with Policy 3: Development in the Countryside, Policy 8: Layout, Siting and Design of New Development, Policy 10: Enabling Development, Policy 11: Natural Heritage, and Policy 14: Safeguarding of Resources and Area of Search, of the Aberdeenshire Local Development Plan 2012.

Infrastructure Services (Roads Development) confirm that 2 car parking spaces shall be required for the houses with 3 or less bedrooms, and 3 spaces shall be required for the larger houses. They also confirm 20 spaces shall be required for the nursery. They do however raise concern that the junction at the site access with the public road (62k) does not provide the required visibility, and it would seem land outwith the applicants control would be required to provide this. They also state that whilst a full Transport Assessment is not required, a brief Transport Statement/Travel Plan must be provided to assess how peak hour traffic generation shall function.

Infrastructure Services (Environmental Health) provide the following comments; all plant and machinery shall not be above existing background noise levels, mitigation should be in place to minimise the noise from children playing outwith the nursery, details of floodlighting should be provided, and evidence should be provided to demonstrate that noise from the AWPR can be attenuated to

suitable levels.

Infrastructure Services (Waste Management) provide standard comments relating to bin space provision at each dwelling, refuse collection, and accessibility. They do comment that no details of the refuse/recycling facilities for the nursery have been provided.

Infrastructure Services (Flood Prevention Unit) have no record of flooding or drainage issues at this site. Whilst they approve the use of the proposed SUDS device, they require supporting documentation in the form of a Drainage Impact Assessment, along with calculations to confirm the run off rates.

Infrastructure Services (Contaminated Land Unit) have received information on the former use of the land and have no concerns relating to this proposal.

Infrastructure Services (Economic Development) provided a detailed response to the Planning Service, which contained references to the confidential business plan supporting information submitted by the applicant. A public response has also been provided by Economic Development, and both responses come to the same conclusion.

It is noted that the proposal expects to create a number of jobs over time. The proposal does not appear to offer direct additional economic benefit as it will deliver a service to a local market. However, indirectly some additional economic benefit may result where it improves access to job opportunities for those wishing to return to work or training and in need of (paid) nursery support to do so.

Corporate Services (Planning Gain) have sent a report to the applicant seeking contributions towards affordable housing, library facilities, and recreational facilities.

Education, Learning and Leisure Service (Education) confirm that there is sufficient capacity in the local school network to accommodate the pupils generated from the proposed housing.

Housing and Social Work Service (Affordable Housing) have confirmed that 4 of the houses should be available for low cost home ownership, and these should be 2 x 2 bedroom units and 2 x 3 bedroom units.

Aberdeen Western Peripheral Route object to the proposal due to the site being included in land required for environmental mitigation as part of the approved Aberdeen Western Peripheral Route (AWPR) scheme. Due to this the proposal would be contrary to the structure plan, Policy Inf12 of the Aberdeenshire Local Plan (2006), and Policy 14 (SG Safeguarding 4) of the Aberdeenshire LDP 2010.

Transport Scotland advises that planning permission be refused due to part of the proposed site being required for the AWPR route.

Scottish Water do not object to this proposal.

Aberdeenshire South Access Panel comment that two disabled parking bays should be provided, and that automatic doors would assist with access.

North Kincardine Rural Community Council did not respond to their consultation.

7. Relevant Policies

Policy Hou\4: New Housing in the Countryside Including the Aberdeenshire part of the Cairngorms National Park

Policy Hou\4 states that the erection of a new house in the countryside will be approved in principle if it is for a full time worker in an enterprise which itself is appropriate to the countryside, the presence of that worker on site is essential to the efficient operation of that enterprise, and there is no suitable alternative residential accommodation available, the proposed house is within the immediate vicinity of the workers place of employment, and it conforms with appendix 1.

Policy Hou\5: Cohesive Groups in the Rural Housing Market Area

Policy 5 states housing in the RHMA will be approved in principle if the site would enable the new house to form an appropriate addition to an existing group of at least 5 houses and the site is accessible to local services by public transport, foot or bicycle.

Policy Hou\8: Affordable Housing

Policy Hou\8 states that all development, in particular housing development, can support a strategy to provide more affordable housing.

Policy Emp\3: Employment Development in the Countryside

New employment development and the conversion of an existing building for employment use in the Countryside will be approved, in principle, if: a) the developer demonstrates there is an economic need and that benefits to the community outweigh any adverse environmental impacts of the development; b) the development respects the natural and built environment and protects the character and amenity of the surrounding area ensuring there is no significant adverse impact upon the nature conservation, landscape character or amenity value of the countryside; c) the proposal is located as close as possible to the existing population in order to provide employment opportunities for people close to their homes and help promote social inclusion; d) the proposal takes account of the availability of, and the need for, access and infrastructure; e) the proposal has regard to the proximity of existing and potential public transport corridors, where available; f) reasonable account has been taken by the developer of the possibility of using disused/derelict buildings or of locating a new building either on brownfield or on allocated employment land; g) new development is designed in accordance with the provisions of Appendix 1; h) where conversion of a traditional building is concerned the developer, when requested, submits a structural survey undertaken by an appropriate professional demonstrating the building is capable of conversion, and that this

would not involve extensive demolition and rebuilding; AND i) where the conversion includes a proposed extension, in the case of traditional vernacular buildings it complies with Appendix 2. The expansion or intensification of an existing employment use will be approved, in principle, where the use and scale of development are appropriate to the rural character of the area.

Policy Inf1: Roads and Accesses

Policy Inf1 states a new access will be approved in principle if, amongst other things, it is designed to be safe, convenient for pedestrians, cyclists and public transport, and cause minimal impact on the character of the site and surrounding area.

Policy Inf2: Parking, Servicing and Accessibility

Policy Inf2 states development will be approved in principle if, amongst other things, it complies with the Council's Maximum parking standards, it can be accessed conveniently by walkers and cyclists, and is close to existing public transport services, where available, and the access is designed to be safe, convenient and cause minimal impact on the character of the site and surrounding area.

Policy Inf3: Access for the Less Mobile

Development to which the public will have access will be approved, in principle, if provision is made for ease of access by wheelchair users, people with sensory disabilities, the elderly, those accompanied by small children and other less mobile groups.

Inf4a: Foul Drainage Standards

Policy Inf4a sets out the criteria for foul drainage and states, amongst other things, that where connection to public sewers is unfeasible it should be demonstrated that private drainage infrastructure can be provided without negative impacts on amenity, public health and the environment.

Inf4b: Surface Water Drainage Standards: Sustainable Urban Drainage Systems (SUDS)

Policy Inf4b sets out the criteria for surface water drainage and seeks the use sustainable methods of disposing surface water from the site.

Inf5: Water Supply

Policy Inf5 states that development will be approved if it can be satisfactorily served by mains water supply, or if the developer can demonstrate an alternative adequate supply.

Policy Inf6B: Waste Management Requirements for New Development

New development will be approved, in principle, if adequate space for facilities

to collect and store source segregated waste is provided in the layout and design; and adequate space is made available for kerbside collection of source segregated waste. Sufficient space for home composting should be provided, where appropriate.

Policy Inf\12: Safeguarding Land for the Modern Transport System

Proposals for development which would prejudice implementation of such projects will be refused unless a better alternative demonstrating compliance with the "best environmental option not entailing excessive cost" is identified.

Gen\1: Sustainability Principles

Policy Gen\1 seeks to make all development as sustainable as possible through, amongst other things, long term sustainable use and management of land, relating new development with existing settlements and avoiding dispersed patterns of development, not prejudicing future development opportunities nor create a precedent for inappropriate development patterns.

Gen\2: The Layout, Siting and Design of New Development

Policy Gen\2 states new development will be approved in principle if, amongst other things, it respects the character and amenity of the surrounding area and landscape in which it will be situated. Conformance with appendix 1 is also required.

Gen\3: Developer Contributions

Policy Gen\3 states that development will be approved in principle if the developer makes a fair and reasonable contribution, in cash or kind, towards the cost of public services, facilities and infrastructure and the mitigation of adverse environmental impacts.

8. Other Material Considerations

On 26 April 2012 Aberdeenshire Council agreed to the final adopted content of the Local Development Plan (LDP). Aberdeenshire Council resolved to adopt the Local Development Plan as modified, to replace the Aberdeenshire Local Plan 2006, on 1 June 2012, unless otherwise directed by the Scottish Ministers following notification to them of intention to so adopt. Also to adopt the Supplementary Guidance, (as modified) on 1 June 2012 subsequent to adoption of the Local Development Plan. The LDP and associated supplementary guidance is now a very strong material consideration in the determination of planning applications. The relevant policies within the LDP are;

Policy 3: Development in the Countryside
SG Rural Development1: Housing and Business Development in the Countryside

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.

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.

SG Rural Development 1 states that in the Aberdeen Housing Market Area new small scale development in the countryside will be approved, subject to other policies, where, amongst other things, 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 where it is for a single dwelling associated with a farming enterprise, or development of no more than 3 houses that contributes towards the organic growth of a settlement identified in Appendix 1 of the SG.

Policy 6: Affordable Housing

SG Affordable Housing 1: Affordable Housing

This policy states there is support for proposals that help meet the needs of the whole community by providing appropriate levels and types of affordable housing. New housing must contain at least 25% of affordable housing, unless agreed otherwise in schedule 4 or the settlement statements, the way in which this shall be done is set out in SG Affordable Housing 1.

SG Affordable Housing 1 states that development will be approved, in principle, if an appropriate contribution is made towards the provision of affordable housing. In order to meet the need, new housing developments must contain at least 25% of affordable housing, unless agreed otherwise in schedule 4 or the settlement statements. The specific contribution required by development will be assessed at the time of the application or pre-application enquiry. In all but exceptional circumstances the contribution shall be in the form of serviced land within the development site, to which public subsidy can be applied, or in the form of houses on the development site that are affordable without subsidy.

Policy 8: The Layout, Siting and Design of New Development

SG LSD2: Layout, Siting and Design of New Development

SG LSD6: Public Access

SG LSD11: Carbon Neutrality in New Development

Policy 8 states new development on sites allocated within this plan will be supported, subject to other policies, where they conform with a previously agreed development framework, masterplan or development brief.

Development will be assessed using a process that includes public consultation and appropriate standards for design, open space, accessibility, safety, sustainability, and the provision of associated services.

SG LSD2 states development will be approved, subject to other policies, where it complies with the approved masterplan, development brief, design statement or design code, where applicable, and where it successfully combines responses to the following design issues; local climate, respect for its setting,

resource efficiency, functional, and the creation of identity through design. SG LSD6 states new development will be approved, subject to other policies, where it is accompanied by an access plan that shows non-motorised public access can be achieved during and after construction.

SG LSD 11 states new development will be approved, subject to other policies, where carbon dioxide emissions are reduced by at least 30% beyond the 2007 Building Regulations' carbon dioxide emissions standard.

Policy 9: Developer Contributions

SG Developer Contributions 1: Developer Contributions

SG Developer Contributions 2: Access to New Development

SG Developer Contributions 3: Waste and Waste Water Infrastructure

SG Developer Contributions 4: Waste Management Requirements for New Development

Policy 9 states development will be supported, subject to other policies, if the developer makes a fair and reasonable contribution towards public services, facilities and infrastructure, and the mitigation of negative effects on the environment as a result of the development.

SG Developer Contributions 1 states new development will be approved, subject to other policies, if the developer makes a fair and reasonable contribution towards public services, facilities and infrastructure, and the mitigation of negative effects on the environment as a result of the development.

SG Developer Contributions 2 states new development will be approved, subject to other policies, if it is well related to existing settlements, is close to existing public transport, where required a TA shows any mitigation measures required and these are accounted for, it can be safely and conveniently accessed by service, delivery and goods vehicles, where it requires a new access this is design to be safe and convenient for all users, provision is included for access by wheelchair users, and subsequent maintenance of the access facility is in place.

SG Developer Contributions 3 states new development will be approved, subject to other policies, where it is satisfactorily serviced by mains or private water supply, it can be serviced by public waste water infrastructure or by a private drainage system, and surface water can be dealt with in a sustainable matter.

SG Developer Contributions 4 states new development will be approved, subject to other policies, where the applicant has agreed a Site Waste Management Plan for the site with Aberdeenshire Council, and adequate space has been provided within the development for the efficient handling of waste.

Policy 10: Enabling Development

SG Enabling Development 1: Enabling Development

This policy supports development where it is the only means of enabling the start-up of an employment, leisure or tourism activity within a regeneration priority area or, in exceptional cases, within a rural area (as defined in the proposals maps). In all cases, we will only approve this kind of enabling mechanism if the public benefit from its use decisively outweighs the disadvantages of breaking the normal presumptions of the plan.

SG Enabling Development 1 states proposals will be accepted, subject to other policies, where it is essential to enable a regeneration or rural economic diversification opportunity which could not otherwise be achieved; and the level of housing must be the minimum necessary to achieve the use (enabling development of no more than 5 houses in all but exceptional cases); and, if required, this has been demonstrated through an independent professional survey. The wider public benefits of securing enabling development significantly outweigh the disadvantages of the development.

Policy 11: Natural Heritage

SG Natural Environment2: Protection of the Wider Biodiversity and Geodiversity

This policy states where there is uncertainty over the impacts of a proposed development, we will adopt an approach based on the precautionary principle. SG Natural Environment2 requires developers to identify measures that will be taken to enhance biodiversity and geodiversity in proportion to the potential opportunities available and the scale of the development in line with good practice (this should include habitat creation and management, and the restoration of habitats and wildlife networks, where possible, incorporating existing habitats).

Policy 13: Protecting improving and Conserving the Historic Environment

SG Landscape 1: Landscape Character

This policy states there will be a presumption against development that would have a negative effect on the quality of the historic environment and its assets. Different parts of the historic environment require to be subject to specific guidance and controls to make sure that we maintain and improve their value. SG Landscape1 state development will be approved, subject to other policies, where its scale, location and design are appropriate to the landscape character of the area, as identified in Appendix 1. Appendix 1 identifies this site is within the Kincardine Plateau Landscape Character Area, which is characterised as a transitional area between moorland and coast. Dwellings should generally be screened with woodland/trees. Although cohesive groups are a feature in some parts of the character area, groups of houses are not a feature in this part of the character area.

Policy 14:Safeguarding of Resources and Areas of Search

SG Safeguarding 4: Safeguarding of transportation facilities

This policy states Aberdeenshire Council will not support developments that sterilise sites which may be reasonably required in the future for the delivery of transportation improvements.

SG Safeguarding 4 states we will not approve any safeguarded site that has been identified on a settlement statement for a transport infrastructure project or that has been identified in the local or regional transport strategy or in the Strategic Transport Projects Review.

A further material consideration is that this proposal was submitted for inclusion in the LDP as 10 houses to enable the development of a nursery. The Council

did not allocate the site, and the applicant made representation to the examination process of the LDP. The Reporter agreed with the Council that the site is too remote and detached from any services. The Reporter stated, *"The community and employment benefits of providing a nursery school at Rothnick Croft would not be sufficient to warrant the construction of 10 houses in this remote countryside location."*

9. Directions by Scottish Ministers

None

10. Discussion

The key consideration in determining this planning application is whether it complies with the development plan, in terms of principle of development, accessibility, landscape impact, building design, and economic benefits. Further considerations are whether there are any material considerations which merit departing from the plan.

The proposal is for 12 houses to enable the development of a nursery. The Aberdeenshire Local Plan (2006) (ALP) does not have a policy for enabling development relating to businesses, however the LDP does. Policy 10 of the LDP states business led enabling should be in a regeneration priority area, or in exceptional cases within a rural area. The accompanying supplementary guidance (SG) states the enabling should be the minimum amount required, and of no more than 5 houses. This proposal is clearly at odds with this policy due to not being in a regeneration area, and being for more than 5 houses specified in the SG.

The consultation with Economic Development highlighted that the social and economic benefits will be localised, therefore the proposal can not be said to be an exceptional circumstance to merit departure from Policy 10 of the LDP. The supporting statement from the applicant's agent makes comparisons to enabling works at Blairs College, Ury Estate, Menie Estate and Inchmarlo. Each of these proposals were for leisure and tourism developments which have a far wider social and economic benefit than just the immediate locality. This proposal is therefore not an exceptional case as referred to in Policy 10, therefore is contrary to Policy 10 of the LDP.

In terms of ALP Policy, the housing would not comply with either Policies Hou\4 of Hou\5 in that the houses do not form an appropriate addition to an existing group of at least 5 houses, nor are they for an essential worker in an enterprise which itself is appropriate to the countryside. These reasons would also be contrary to Policy 3 (SG Rural Development 1) of the LDP. The applicant is not pursuing the proposal as an addition to a cohesive group, or essential workers house, but for completeness the issue has been addressed.

The nursery element to the proposal would not comply with Policy Emp\3 of ALP, in that whilst there is an identified local economic and social benefit, this does not outweigh the adverse environmental impacts of 12 houses and a large nursery on undeveloped land within the countryside. It is fair to say the impacts of the development, in terms of landscape and visual amenity, are far wider reaching than the small scale localised social and economic benefits. The proposal is in a remote location, and therefore not located as close as possible to the existing population. The proposal is therefore contrary to Policy Emp\3 of

ALP, and Policy 3 (SG Rural Development 1) of the LDP.

The Council's Roads Development Team have objected to the proposal due to insufficient visibility at the access with the public road. Therefore the proposal does not include a safe and convenient access, and is contrary to Policy Inf1 of ALP, and Policy 9 (SG Developer Contributions 2) of the LDP.

It has also not been demonstrated that the site can be accessed conveniently by walkers and cyclists, or is close to existing public transport, and is therefore contrary to Policy Inf2 of ALP, and Policy 9 (SG Developer Contributions 2) of the LDP.

The site plan does not show provision at each dwelling for waste bins, however it is accepted that it is a relatively small area required and this could easily be accommodated on site. However, the nursery also requires waste and recycling facilities, and this will need to be more substantial. No refuse or recycling facility has been proposed, therefore the proposal is contrary to Policy Inf6B of ALP, and Policy 10 (SG Developer Contributions 4) of the LDP.

The proposed site is immediately adjacent to the proposed route of the AWPR. The land within the development site is required for environmental mitigation of the route. The proposal is therefore contrary to Policy Inf12 of ALP, and Policy 14 (SG Safeguarding 4) of the LDP.

The proposed layout is of a relatively large cluster of houses, adjacent to a sizeable business unit. The site is within the Kincardine Plateau Landscape Character area, as defined in Appendix 1 of SG Landscape 1 in the LDP. In the landscape around the site, clusters of houses are not an existing feature, therefore this proposal would be out of character with surrounding area, to the detriment of the visual amenity the flat roaming landscape provides. The large houses and the nursery building are of unsympathetic and suburban design and would also be out of character with the surrounding area and have a significant visual impact. The proposal is therefore considered to be contrary to Policies Gen1 and Gen2 of ALP, and Policy 13 (SG Landscape 1) and Policy 8 (SG LSD2) of the LDP.

Furthermore, Policy 8 of the LDP required development of this scale to go through a design process. No design statement has been produced, therefore the proposal fails to meet the requirements of SG LSD2, and is therefore also contrary to Policy 8 of the LDP.

No energy statement has been provided to demonstrate compliance with SG LSD11, which requires an energy statement to identify how the proposal shall be energy efficient and include low carbon generating technologies. The proposal is therefore contrary to Policy Gen1 of ALP, and Policy 8 (SG LSD11) of the LDP.

Of the points raised in the representations, the points of objection have been covered through the above discussion and assessment of the proposal against the Development Plan. The points in support of the proposal state there is a

need for such a nursery facility and it would benefit the local community. This is acknowledged by the Planning Service, however the level of housing associated with the nursery is not something the Planning Service can support. The location of the proposed nursery, and means of access, are not appropriate. Therefore whilst there may be a desire for such a facility to benefit the local community, it should be in a more accessible and less visually intrusive location.

The proposal is therefore contrary to the current Aberdeenshire Local Plan (2006), and is also significantly contrary to the LDP, which shall be the adopted plan as of 1st June 2012. The LDP has recently been through examination, and the Reporter considered this site and agreed with the Council to not allocate it for development in the LDP. The reasons for not allocating it in the LDP were due to the remote siting and disconnection with any services, and these issues relate directly to Policies within the development plan. There is no sufficient material consideration to merit departing from the plan, the social and economic benefits of the nursery are small scale and would be localised, and the impact on the landscape and surrounding area from 12 houses would be significant. Furthermore the LDP has recently gone through examination, where this proposal was considered and excluded from the plan, therefore it would set a dangerous precedent to depart from the LDP for this proposal.

11. **Recommendation**
Refuse
12. **Summary of any terms of any planning obligations and S75 complete or payment made**
13. **Delegated matters following Committee and any additional conditions**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Application Reference: APP/2018/1279

TO: Inspired Design & Development Ltd
27 Evan Street
Stonehaven
AB39 2EQ

FOR: Mrs Linda Pirie

In pursuance of the powers exercised by them as Planning Authority, this Council having considered your application for the following:

Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse at Land Adjacent To Rothnick Croft, Netherley, Stonehaven, Aberdeenshire, AB39 3QU

and in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, do hereby give notice of their decision to **GRANT Full Planning Permission** for the said development subject to compliance with the following conditions:

- (1) No works in connection with the development hereby approved shall commence unless suitable evidence has been submitted and agreed in writing by the Planning Authority to demonstrate that the existing pipe infrastructure system, located within the field to the north of the application site, is functioning without fault. For the avoidance of doubt, evidence should be provided in the form of a CCTV survey or other method agreed in writing with the Planning Authority. If it is demonstrated to the satisfaction of the Planning Authority that the existing system is functioning, the connection from the new development shall be carried out in accordance with approved drawing no. P11 Rev 02 and the Surface Water Disposal report by S.A. McGregor dated 03 September 2018. If faults within the existing system are encountered, the pipe section must be made good or replaced, and evidence submitted to demonstrate that the infrastructure is working correctly before receiving the new connection as part of the proposed development.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

- (2) No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 120 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres measured at right angles

**IMPORTANT – THIS IS A LEGAL DOCUMENT PLEASE RETAIN WITH YOUR
TITLE DEEDS**

from the existing edge of the carriageway surface along the centre line of the approved new access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

- (3) The development hereby approved shall not be brought into use/occupied unless its turning and parking area has been provided and surfaced in accordance with the details shown on the approved plans, drawing no. P12 Rev 0. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

- (4) The development hereby approved shall not be occupied/brought into use unless the refuse bin uplift store area has been provided and surfaced in accordance with the details shown on the approved plan, drawing no. P12 Rev 0. Once provided, the refuse bin uplift store area shall thereafter be permanently retained as such.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

- (5) No individual dwellinghouse or building hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse or building has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:

- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
- b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2017.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy C1 of the Aberdeenshire Local Development Plan 2017.

- (6) No dwellinghouse or building hereby approved shall be occupied/brought into use unless the proposed foul water drainage system has been provided in accordance with the approved plans and the Ground Assessment and Drainage Recommendation Report by S.A. McGregor dated 16 June 2018. The foul water drainage system shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

- (7) The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

Informatives

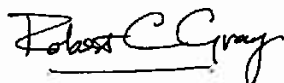
- (1) In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development is begun within that period.
- (2) Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start the development. Failure to do so is a breach of planning control and could result in the planning authority taking enforcement action. [See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)]. Such notification shall contain the information set out in the 'Notification of Initiation of Development' Notice as appended.
- (3) Notice of the completion of the development: As soon as possible after the development is finished, the person who completed the development must write to the planning authority to confirm that the development has been completed. [See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)]. Such notification shall contain the information set out in the 'Notification of Completion of Development' Notice as appended.
- (4) This planning permission has been granted on the basis that the proposed development will be connected to the public water supply. Should the developer wish to connect to a private water supply a fresh planning application would be

required for the development to allow the planning authority to consider the implications of using a private water supply to service the development.

Reason for Decision

The proposal is considered acceptable as national policy changes regarding day care, early years, is a material consideration to be taken into account when assessing against policies in the Local Development Plan and a rural nursery is needed to be situated in a rural setting and the proposed site was considered to be suitable. Nursery provision would offer local employment opportunities for parents of the children attending nursery and also staff within the nursery and having a member of staff living on-site was seen as important to care for the small animals. Therefore, the proposal is considered acceptable.

Dated: 6 February 2019



Head of Planning and Building Standards

List of Plans and Drawings

Reference Number: P11 Version 02 Site Information - Drainage

Reference Number: P06 Version 1 Proposed Elevations

Reference Number: P07 Version 1 Proposed Sections

Reference Number: Location Plan

Reference Number: P08 Existing and Proposed Site Sections

Reference Number: P03 Proposed Elevations

Reference Number: P04 Proposed Elevations and Sections

Reference Number: P02 Proposed First Floor Plan

Reference Number: P01 Proposed Ground Floor

Reference Number: P05 Proposed Floor Plans

Reference Number: P09 Site Information

Reference Number: P12 Site Information- Roads Information

Reference Number: P09 Various Site Features Information

NOTICE OF REQUIREMENT FOR NOTICES

Notification of Initiation of Development

The person who intends to implement the development must inform the Planning Authority of the date they intend to start work on the development as soon as it is practicable using the enclosed Notice of Initiation of Development. This Notice must be submitted before starting work. Failure to do so would be a breach of planning control under Section 123(1) of the Town and Country Planning Act 1997 and the Planning Authority may take enforcement action.

The Permission may contain pre-conditions that require specific matters to be approved before development can commence. This means that a lawful commencement of the approved development cannot be made until the particular requirements of the condition(s) have been met. The person who intends to start development must ensure that all conditions are properly complied with. If you are in any doubt about the meaning or implications of any of the conditions you should contact the Planning Authority or seek professional advice. If you do not comply fully with the conditions the Planning Authority may serve a Breach of Condition notice on you or take enforcement action and you may be prosecuted or fined. Please note, there is no right of appeal against a Breach of Condition Notice.

Notification of Completion of Development

The person who completes the development must, as soon as practicable after doing so, give notice of completion to the Planning Authority using the enclosed Notice of Completion.

Please note, the Planning Authority may take enforcement action where such notice is not given.

PLEASE NOTE – THE ABOVE REQUIREMENTS ARE IN ADDITION TO ANY SIMILAR REQUIREMENTS UNDER THE BUILDING REGULATIONS OR ANY OTHER LEGISLATION



**NOTIFICATION OF INITIATION OF DEVELOPMENT
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, SECTION 27A(1)**

**APPLICATION REFERENCE NUMBER: APP/2018/1279
Full Planning Permission for Erection of Children's Day Care Nursery (Class 10
Non-Residential Institutions), Erection of Children's Workshop, Formation of
Wildlife Pond and Erection of Dwellinghouse at Land Adjacent To Rothnick
Croft, Netherley, Stonehaven, Aberdeenshire, AB39 3QU
Dated: 6 February 2019**

I hereby confirm that the above development is expected to commence on:

Date:

The person intending to carry out the development is:

Name:

Address:

.....

.....

.....

Postcode:

Telephone no:

***Please delete as appropriate**

*The above person is the owner of the land to which the development relates

*The landowner is (if different from the person above):

Name:

Address:

.....

.....

.....

Postcode:



The person appointed to oversee the carrying out of the development is (if applicable):

Name:
Address:
.....
.....
.....
Postcode:
Telephone no:

Signed Date
On Behalf of

Please return this form, duly completed to:

Head of Planning and Building Standards
Aberdeenshire Council
Viewmount,
Arduathie Road,
Stonehaven,
AB39 2DQ

IMPORTANT:

1. Failure to submit this Notice before commencement of development would be a breach of planning control under Section 123(1) of the Town and Country Planning Act 1997 and the Planning Authority may take enforcement action.
2. Any planning conditions imposed which necessitate action prior to the commencement of development, must be complied with to prevent a Breach of Planning Conditions and the subsequent service of a Breach of Condition Notice or other enforcement action.
3. Any planning conditions imposed relative to this planning application will be the subject of our planning condition monitoring policy which will entail a visit(s) to the site.



**NOTIFICATION OF COMPLETION OF DEVELOPMENT
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, SECTION 27B(1)**

APPLICATION REFERENCE NUMBER: APP/2018/1279
Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse at Land Adjacent To Rothnick Croft, Netherley, Stonehaven, Aberdeenshire, AB39 3QU
Dated: 6 February 2019

I hereby confirm that the above development was completed on:

Date:

The person who completed the development is:

Name:

Address:

.....

.....

.....

Postcode:

Telephone no:

Signed Date

On Behalf of

Please return this form, duly completed to:

Head of Planning and Building Standards
Aberdeenshire Council
Viewmount,
Arduthie Road,
Stonehaven,
AB39 2DQ



REPORT OF HANDLING

Application Reference: APP/2018/1279

Proposal: Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse

Address: Land Adjacent To Rothnick Croft, Netherley, Stonehaven, Aberdeenshire, AB39 3QU

1. Description of proposal

Full planning permission is sought for the erection of a children's day care nursery (Class 10 non-residential institutions), erection of a children's workshop, formation of a wildlife pond and erection of a dwellinghouse at land adjacent to Rothnick Croft Netherley.

The site is located approximately 1km to the east of Lairhillock Primary School and bounded by the public road to the south, an existing dwellinghouse to the west and open land to the north and east, with the AWPR approximately 100m further to the east. The site at present has a large number of young trees planted around the north and eastern area of the site. The remainder of the site is predominantly open grassland with some shrubs and there are two trees in the centre of the site. Existing boundary treatments are post and wire fencing and there is an existing tarmacked access from the public road.

The proposal seeks to erect a children's day care nursery within the site which would be 1S storeys in height at around 7.8m and finished in a mixture of roughcast render, timber linings and a dark grey metal roof. This would be located in the western half of the site. A car park area with 25 spaces would be created to the south of the nursery. The existing access would be extended to lead to the car park and then this would continue onto a proposed dwellinghouse for a worker at the nursery. The dwellinghouse would be for a similar scale property to the exiting dwellinghouse at Rothnick Croft and finished in roughcast render, timber linings and slate roof tiles.

Also within the site, a timber workshop measuring 4.3m by 7.3m with a height of 3.8m is proposed and would be located to the west of the nursery. A wildlife/detention pond would be to the northwest and a vegetable patch and chicken coup to the north.

A drainage report outlines that the surface water would be directed towards the wildlife/detention pond and the disposal of foul waters would be via a septic tank and soakaway.

2. Relevant Planning History

APP/2012/0807 Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions) and 12 Dwellinghouses (Enabling Development) and Formation of Access Roads and SUDS – Refused

LRB 142 KM/APP/2012/0807 – Appeal dismissed

3. Supporting Information

Design Statements for the nursery and dwellinghouse (Inspired Design & Development) – Design statements for the nursery and dwellinghouse have been submitted. These reports covers a site appraisal, design principles, concepts and the solutions considered acceptable for the proposed development. Inspiration for both designs were taken from existing rural design for new development in the countryside.

Ground Assessment & Drainage Recommendation Report (S.A. McGregor) – Report submitted with the application covering details of the site, ground conditions, percolation test results and proposed drainage infrastructure for the site. It is recommended that the surface water runoff will be directed to a pond/wetland area to provide biodiversity and habitat for wildlife. An updated surface water report outlines that an overflow outlet pipe from the detention pond would be installed, which would join onto the existing drainage infrastructure on the adjacent site (under ownership of the applicant) which discharges to a watercourse to the north of the site. The foul waters would be disposed of via a septic tank and foul water sub-surface soakaway.

Justification Report for dwellinghouse (Inspired Design & Development) – The justification report for the dwellinghouse sets out the history on the site and provides a background to the business, houses for sale in the area in addition to attempting to justify the requirement for a manager's house on the site. The report concludes that it is considered a requirement for a permanent presence on the site and feel a departure from policy is justified.

Justification Report for nursery (Inspired Design & Development) – The report for the nursery outlines what it is aimed to be a 'forest school' is and gives a brief history of the nurse business run by the applicants. Details of the proposed activities on the site are outlined and the report attempts to justify the importance of this through supporting web links to information on outdoor learning. The report concludes that forest schools are beneficial, such as health and wellbeing benefits in addition to providing positive physical, cognitive and social development. This report considers that the site lends itself to the proposal and it is an opportunity to provide a facility to meet government guidelines and practice on childcare.

4. Variations & Amendments

Revised drawings were submitted following comments from internal Services, drawing no. P12 relates to roads details and P11 02 relates to drainage information.

5. Representations

A total of 51 valid representations (51 support) have been received as defined in the Scheme of Delegation. This does not include multiple representations from the same household which equate to 57 letters in total. All issues raised have been considered. The letters raise the following material issues:

The letters all generally support the principle of the children's nursery and feel it would be of benefit to the children who use the nursery to have a permanent shelter at this location to experience and explore the outdoors as well as developing children self-esteem, confidence and health benefits. In addition, comments feel it would benefit the wider area and support the new business venture.

6. Consultations

Internal

Business Development (Developer Obligations) has carried out an assessment and can confirm that Lairhillock Primary and Mackie Academy are currently operating within capacity, therefore in this instance no contribution is required towards education. The proposed development does not engage the Developer Obligations and Affordable Housing policies or associated supplementary guidance of the Aberdeenshire Local Development Plan 2017. Therefore, in this instance no contributions are required.

Education Learning and Leisure (Education & Children's Services) has no objection to this application.

Infrastructure Services (Environmental Health) has no observation to make on these proposals and consequently, has no objection.

Infrastructure Services (Flood Risk and Coast Protection) has reviewed the submitted information in relation to the surface water drainage infrastructure. It is noted that an outlet from the pond to any watercourse has not been included and therefore, this Service has some concern over the longer term appropriateness of the current design. As it has been shown that the adjoining site is under ownership of the applicant, this may present an opportunity to connect with the outfall included within that site for the disposal of surface waters. This response was received 16 August 2018.

A further response received on 25 September 2018 stated it would be the preference of this Service that further investigation is carried out in relation to the provision of an outlet from the detention pond. An additional drainage

report was submitted to propose this method of surface water disposal. Within this response, this Service suggests a condition to ensure that appropriate evidence is submitted to demonstrate that the existing surface water drainage system is working effectively to allow the additional connection from the detention pond.

Revised proposals were submitted which removed the detention pond but contained the drainage disposal within the site, however this demonstrated that the ground was not suitable for this method of disposal. Therefore, Infrastructure Services (Flood Risk and Coast Protection) objected to this amendment on 1 November 2018.

The applicant reverted to the previous design with the detention pond. The proposal seeks to install a new surface water discharge connection from the pond to the existing pipe infrastructure in the land to the west of the site. The existing infrastructure then crosses the field to the north and outfalls to a watercourse. As per the response received from this Service on 25 September, a condition to ensure that no development commences until such a time that the applicant is able to evidence that the existing drainage infrastructure is working without fault, through an appropriate method would be acceptable, should the Planning Service be minded to approve the application.

Infrastructure Services (Roads Development) initially objected to the proposal on the basis of a lack of information being provided. It was requested that the following details were submitted for further comments: road widths and materials for the access road and car park; parking provision clarification; visibility splays shown on a plan; gradients and drainage proposals; location of turning provision for larger vehicles; and bin store location. Upon receipt of further information, this service is satisfied with the information submitted and has no objection to the application subject to conditions relating to: parking spaces; turning area; visibility splays, and; a refuse bin uplift store area.

Infrastructure Services (Transportation) has appraised the nature of this application and have no comment to make at this time.

Infrastructure Services (Waste Management) has no objection subject to conditions being met and the proposed layout being designed to the satisfaction of Roads Development. It is requested that the bin store is located on the left side of the road entrance and the bins are enclosed on at least 3 sides and located behind the visibility splays.

External

Scottish Gas Network (SGN) initially objected to the proposal until such time as a detailed consultation had taken place. Following a site visit, SGN no longer object to the proposal.

Scottish Water has no objection to this application, however advise that this does not confirm that the proposed development can currently be serviced

and further investigations may be required once a formal application has been submitted.

7. Relevant Policies

Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

Aberdeenshire Local Development Plan 2017

- Policy R2: Housing and employment development elsewhere in the countryside
Policy P1: Layout, siting and design
Policy C1: Using resources in buildings
Policy E2: Landscape
Policy RD1: Providing suitable services
Policy RD2: Developers' obligations

8. Other Material Considerations

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

9. Implications and Risk

There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

10. Directions by Scottish Ministers

None.

11. Discussion

The main issues to consider in the determination of this application include the acceptability in principle of the erection of a children's nursery and dwellinghouse at this location, whether the design and scale is appropriate and whether all technical matters can be addressed.

Principle of development

The site is located within the Aberdeen Housing Market Area (AHMA) and as such, the main policy to establish the principle of the development is Policy R2 Housing and employment development elsewhere in the countryside. This policy states that small scale development may be permissible where it would:

- be appropriate in the greenbelt;
- involve the refurbishment or replacement, on the same site, of an existing house or disused building; or
- involve remediation of redundant brownfield land opportunities.

Policy R1 Special rural areas relates to development which may be acceptable in the greenbelt, however the proposal fails to meet any of the criteria outlined in this policy. The proposed site is an area of grassland which has been planted with trees to the north and east. There are no existing buildings on the site and no evidence that any buildings were present in recent history. As the proposal would not be considered acceptable under the greenbelt policy and does not comply with the criteria noted above, the principle of the development fails to accord with Policy R2 Housing and employment development elsewhere in the countryside. Whilst the submitted statement aims to justify the proposal in terms of meeting government guidelines for forest schools, this in itself is not justification enough to warrant a recommendation against local planning policy.

The submitted statement for the dwellinghouse attempts to justify that the dwellinghouse would be for a worker of a significant employer in the area, however acknowledge that this does not comply with Policy R2 Housing and employment development elsewhere in the countryside. There is not a requirement for a member of staff to be on site 24 hours and as such, no justification for the erection of a manager's dwellinghouse. The Planning Service does not consider that the applicant being a local employer justification enough to warrant a positive recommendation to depart from policy and this element of the proposal also fails to meet the criteria of the aforementioned policy.

Layout, siting and design

6The nursery building is proposed to be located fairly centrally in the site, with parking to the front and a manager's dwellinghouse located further to the east. The nursery would have a general 'L' plan layout, and a covered decking area. The building would have a maximum height of 7.8m and finished in champagne coloured render, dark grey timber cladding and a dark grey metal roof. In terms of layout, siting and design the overall building is generally considered acceptable and would not have a detrimental impact on the character or amenity of the surrounding area.

The proposed dwellinghouse would be of a similar height to the nursery, with the wall finishes also champagne coloured render, timber cladding but the building would have a slate roof. The materials are similar to those on the nearby Rothnick Croft to the west and it is considered that the proposed design and finish is acceptable. Due to the rural nature of the site in addition to the general orientation, there would not be a significant overbearing impact and there would not be adverse impacts in terms of overlooking or overshadowing. Whilst it is acknowledged that there would be an impact on the existing landscape as a result of the erection of two buildings, it is not considered that the impact would have a significant adverse impact to the degree where it would not be considered acceptable.

Access

In terms of access to the proposed site, it would utilise an existing access which would continue on into the site leading to a car park in front of the nursery and then continue to the dwellinghouse. Infrastructure Services (Roads Development) requested further information as noted above in Section 4. Upon receipt this information, this Service has no objection to the proposal subject to conditions. Therefore, the proposal meets the requirements of Policy RD1 Providing suitable services.

Drainage

Policy RD1 Providing suitable services also seeks to ensure that new development can be drained to avoid flooding and pollution. A detention pond is proposed which the surface waters would drain to and a septic tank and

soakaway for the disposal of foul waters. Infrastructure Services (Flood Risk and Coast Protection) has commented on the application and have concerns regarding the disposal of surface waters to the pond as there is no outlet and the pond could overflow and potentially impact on the surrounding area. This Service highlights that there may be an opportunity to install a drainage pipe from the pond to the neighbouring site and connect into the existing soakaway. The neighbouring site is under the ownership of the applicant and confirms this can be done. A revised drawing and updated drainage report outlines that it is proposed that a pipe from the detention pond can be connected into the existing surface water infrastructure in the adjacent site. It has not been possible to evidence this at this time, however Infrastructure Services (Flood Risk and Coast Protection) has suggested that a condition could be attached to any consent granted. It is considered, in this instance, that a condition ensuring that appropriate evidence (such as a CCTV survey) is submitted to demonstrate that the existing infrastructure works effectively and could accommodate the new connection is acceptable.

Other matters

Business Services (Developer Contributions) has confirmed that in this instance no contributions are sought and the proposal is acceptable in terms of Policy RD2 Developers' obligations.

No details have been submitted in regards to energy efficiency, however it is considered that this matter could be controlled via a condition to ensure compliance with Policy C1 Using resources in buildings should the application proceed with a recommendation of approval.

Although a large number of letters of support have been submitted, the matters raised do not carry material weight which would alter the opinion of the Planning Service that the proposal fails to comply in principle with the relevant Policy R2 Housing and employment development elsewhere in the countryside.

Conclusion

The principle of erecting a nursery and dwellinghouse at this location does not accord with Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017. The site is greenfield in nature and there are no brownfield opportunities. The submitted information is not considered to demonstrate that the proposal can be acceptable as a departure from the relevant policy. As such, the principle of the development cannot be supported and is recommended for refusal. Furthermore, it has not been demonstrated that a suitable drainage solution is possible for the disposal of surface waters, and therefore the proposal also fails to comply with Policy RD1 Providing suitable services.

Kincardine and Mearns Area Committee

The application was recommended for refusal but in accordance with the Council's Scheme of Governance, the application was referred to Area Committee for determination as there was considered to be a substantial body of support. The application was considered at the meeting where, on a vote, the Committee agreed to approve the application subject to appropriate planning conditions, including a satisfactory drainage solution. The reasons for approval are:

1. National policy changes regarding day care, early years, is a material consideration to be taken into account when assessing against policies in the Local Development Plan,
2. A rural nursery needed to be situated in a rural setting and the proposed site was considered to be suitable,
3. Nursery provision would offer local employment opportunities for parents of the children attending nursery and also staff within the nursery,
4. Having a member of staff living on-site was seen as important to care for the small animals.

12. Recommendation

REFUSE for the following reasons:

01. The application site is greenfield in nature and there is clearly no brownfield redevelopment opportunity associated with the proposal. Furthermore, no essential reason for the erection of a nursery business and associated dwellinghouse has been demonstrated at this site that would be considered to carry significant enough material weight to set aside the clear policy intentions in this instance. Therefore the proposal fails to comply with Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017.
02. It has not been demonstrated that a suitable drainage solution is possible for the disposal of surface water, and therefore the proposal fails to comply with Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan 2017.

13. Process of Determination

The application was referred to the Kincardine & Mearns Area Committee Meeting of 4 September 2018.

14. Planning Obligations

No



Viewmount Arduthie Road Stonehaven AB39 2DQ Tel: 01467 534333 Email: planningonline@aberdeenshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100115259-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Please provide the application reference no. given to you by your planning authority for your previous application and the date that this was granted.

Application Reference No: *

APP/2018/1279

Date (dd/mm/yyyy): *

06/02/2019

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Full planning permission for the erection of children's day care nursery's, erection of children's workshop, formation of wildlife pond and erection of dwelling house at land adjacent to Rothnick Croft, Netherley, Stonehaven, Aberdeenshire, AB39 3QU

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Inspired Design & Development Ltd		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Gary	Building Name:	<input type="text"/>
Last Name: *	Black	Building Number:	27
Telephone Number: *	01569 764183	Address 1 (Street): *	Evan Street
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Stonehaven
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	AB39 2EQ
Email Address: *	iddapplications@gmail.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	Linda	Building Number:	37
Last Name: *	Pirrie	Address 1 (Street): *	Evan Street
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Stonehaven
Extension Number:	<input type="text"/>	Country: *	United Kingdom
Mobile Number:	<input type="text"/>	Postcode: *	AB39 2EQ
Fax Number:	<input type="text"/>		
Email Address: *	gary@idd-ltd.co.uk		

Site Address Details

Planning Authority:

Aberdeenshire Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

795780

Easting

387205

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Planning confirmed due to Covid that an extension of the existing consent would be in place until September, and advised that an application to extend the validity of the existing consent should be submitted.

Title:

Mr

Other title:

First Name:

Gregor

Last Name:

Spence

Correspondence Reference
Number:

Date (dd/mm/yyyy):

07/03/2022

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

10644.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Redundant agricultural field

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

30

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- New/Altered septic tank.
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
 Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

Porosity of the ground is poor with underlying rock, therefore drainage is to be package treatment plant

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Gary Black

On behalf of: Mrs Linda Pirrie

Date: 25/08/2022

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | | |
|--|------------------------------|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Gary Black

Declaration Date: 25/08/2022

Payment Details

Pay Direct

Created: 25/08/2022 12:27

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Application Reference: APP/2022/1845

TO: Inspired Design & Development Ltd
27 Evan Street
Stonehaven
Scotland
AB39 2EQ

FOR: Mrs Linda Pirrie
37 Evan Street
Stonehaven
AB39 2EQ

In pursuance of the powers exercised by them as Planning Authority, this Council having considered your application for the following:

Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279) at Land Adjacent to Rothnick Croft, Netherley, Stonehaven, AB39 3QU

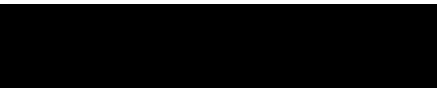
and in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, do hereby give notice of their decision to **REFUSE Full Planning Permission** for the following reasons:

- (1) The application is considered by the Planning Authority to not comply with the Development Plan. The proposed nursery (Class 10 Use) is not well related to the population or in a town centre location, with no sequential justification provided for the siting and the location proposed is remote and not sustainably accessible by foot/cycle/public transport resulting in reliance upon the private car, being detrimental to the overarching sustainability targets and tackling the climate crisis, contrary to Policies 1 Tackling the climate and nature crisis, 2 Climate mitigation and adaptation, 13 Sustainable transport, 15 Local Living and 20 minute neighbourhoods and 29 Rural development of National Planning Framework 4, and Policies B1 Town Centre Development, R2 Development Proposals Elsewhere in the Countryside, P1 Layout, Siting and Design, P6 Community Facilities and Public Amenities and RD1 Providing Suitable Services of the Aberdeenshire Local Development Plan 2023.
- (2) The proposed dwelling is not on a previously developed brownfield site and is not associated with a primary industry or viable rural business, and does not comply with Policy 17 Rural homes and 29 Rural development of National Planning Framework 4, or Policy R2 Development Proposals Elsewhere in the Countryside of the Aberdeenshire Local Development Plan 2023

IMPORTANT – THIS IS A LEGAL DOCUMENT PLEASE RETAIN WITH YOUR TITLE DEEDS

- (3) Insufficient information has been provided to demonstrate a functional and deliverable drainage solution to serve the proposed development, resulting in concerns relating to the potential risk of surface water flooding to others and a failure to adequately manage all rain and surface water through a deliverable sustainable urban drainage system that is within the full control of the applicant, contrary to Policy 22 Flood risk and water management of National Planning Framework 4 and Policy C4 Flooding and RD1 Providing Suitable Services of the Aberdeenshire Local Development Plan 2023

Dated: 9 November 2023



Paul Macari
Head of Planning and Economy

List of Plans and Drawings

Reference Number: Location Plan

Reference Number: P03 193/2017 Proposed Elevations

Reference Number: P08 193/2017 Existing And Proposed Site Sections

Reference Number: P06 193/2017 Version 1 Proposed Elevations

Reference Number: P04 193/2017 Proposed Elevation And Sections

Reference Number: P02 193/2017 Proposed First Floor Plan

Reference Number: P01 193/2017 Proposed Ground Floor

Reference Number: P07 193/2017 Version 1 Proposed Sections

Reference Number: P11 193/2017 Site Information- Drainage

Reference Number: P09 193/2017 Site Information

Reference Number: P12 193/2017 Site Information- Roads Information

Stamped copies of any plans and the decision notice associated with your application are available to view and can be downloaded through our Planning - Public Access [Register](#) by searching for your application using the application reference number.

NOTES

- (i) In the case of any permission granted, this does NOT incorporate any building warrant for any operations or change of use which may be required under the Building (Scotland) Act 2003. This must be obtained separately from the Council prior to the start of building operations.
- (ii) Any permission granted does not incorporate any listed building consent which may be required. This must be obtained separately prior to the start of building operations.
- (iii) Any permission granted is without prejudice to any further consents required from Aberdeenshire Council in its role as landowner.
- (iv) If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A Notice of Review form should be obtained from and submitted to:

Head of Legal and People
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen
AB16 5GB

Tel: 01467 532862

Email: localreviewbodiesubmissions@aberdeenshire.gov.uk

A form may also be obtained from the Council's website at - [Aberdeenshire Council - Committees and Meetings](#)

- (v) If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



REPORT OF HANDLING

Application Reference: APP/2022/1845

Proposal: Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279)

Address: Land Adjacent to Rothnick Croft, Netherley, Stonehaven, AB39 3QU

1. Description of proposal

This application is seeking full planning permission for the erection of a children's day care nursery (Class 10 non-residential institutions), erection of a children's workshop, formation of a wildlife pond and erection of a dwellinghouse at land adjacent to Rothnick Croft, Netherley, which lies in the accessible rural area. This application is seeking a renewal of APP/2018/1279 which was granted permission by the Kincardine and Mearns Area Committee, contrary to the Planning Service's recommendation to refuse, at its meeting on 4th September 2018 with the decision notice being issued on 6th February 2019. Since the renewal, there has been a material change in planning policy through the adoption of the Aberdeenshire Local Development Plan (2023) and National Planning Framework 4, and therefore any renewal must ensure it adheres to the Development Plan, whilst having regard for material planning history and ensuring that all technical information relating to site servicing is appropriate at this current time.

The site is located approximately 1km to the east of Lairhillock Primary School and bounded by the public road to the south, an existing dwellinghouse to the west and open land to the north and east, with the AWPR approximately 100m further to the east. The site at present has a large number of young trees planted around the north and eastern area of the site. The remainder of the site is predominantly open grassland with some shrubs and there are two trees in the centre of the site. Existing boundary treatments are post and wire fencing and there is an existing tarmacked access from the public road.

The proposal seeks to erect a children's day care nursery (class 10 use) within the site which would be 1 & ½ storeys in height, with a ridge height of circa 7.8m and finished in a mixture of roughcast render, timber linings and a dark grey metal roof. This would be located in the western half of the site. A car park area with 25 spaces would be created to the south of the nursery. An existing access would be extended to lead to the car park and then this would continue onto a proposed dwellinghouse for a worker at the nursery. The dwellinghouse (class 9 use) would be for a similar scale (storey and ½) property to the exiting dwellinghouse at Rothnick Croft to the west, and finished in roughcast render, timber linings and slate roof tiles.

Also within the site, a timber workshop measuring 4.3m by 7.3m with a height of 3.8m is proposed and would be located to the west of the nursery. A wildlife/detention pond for surface water would be to the northwest and a vegetable patch and chicken coup to the north. The pond shows an outflow for surface water discharging to the west to connect to the outflow from Rothnick Croft, whilst the site plan shows a treatment plant and soakaway to the eastern part of the site for foul drainage. No updated certification for the drainage solutions have been provided, information previous submitted in the 2018 application is now out of date and does not demonstrate compliance with current standards.

2. Relevant Planning History

APP/2018/1279 Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse – Granted by Kincardine and Mearns Area Committee contrary to recommendation. The application was recommended for refusal by the Planning Service for the following reasons:

- 1. The application site is greenfield in nature and there is clearly no brownfield redevelopment opportunity associated with the proposal. Furthermore, no essential reason for the erection of a nursery business and associated dwellinghouse has been demonstrated at this site that would be considered to carry significant enough material weight to set aside the clear policy intentions in this instance. Therefore the proposal fails to comply with Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017.*
- 2. It has not been demonstrated that a suitable drainage solution is possible for the disposal of surface water, and therefore the proposal fails to comply with Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan 2017.*

The discussion and decision of approval by the Area Committee focussed on the principle of development, and did not really discuss or resolve the second reason for refusal pertaining to a lack of deliverable drainage. Through the delegated grant the Planning Service added a condition to attempt to facilitate a drainage solution whilst being aware of land ownership constraints and dubiety over the capacity and sizing of the intended outflow pipes. The condition was never met and no solution has been provided.

APP/2012/0807 Erection of Children's Day Care Nursery (Class 10 NonResidential Institutions) and 12 Dwellinghouses (Enabling Development) and Formation of Access Roads and SUDS – Refused, with 10 separate reasons for refusal relating to the siting, scale of development, road safety, accessibility, conflict with AWPR safeguarding, design considerations and sustainability.

LRB 142 KM/APP/2012/0807 – Appeal dismissed, upholding 9 of the 10 reasons for refusal, omitting reason 4 following resolution of access/visibility concerns.

APP/2020/1095 – erection of two composting toilets – Approved.

3. Supporting Information

None within this application. Previous information within APP/2018/1279 remains applicable, however the previous drainage information, now circa 5 years old, is out of date and does not meet current standards and requires updating.

4. Variations & Amendments

None

5. Representations

A total of 8 valid representations (objection) have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:

There is no drainage solution to serve the development

There is no capacity in the drainage network for additional development, which is limited by existing CAR Licence with SEPA

Existing flooding/surface water run-off from Rothnick Croft will be worsened
When house at Rothnick Croft was built the drainage capacity of the outflow from the previous building was increased beyond capacity, anything further will pose significant flood risk

Foul water soakaway will not work due to poor ground conditions, adding to flood risk/run-off

Historical use of site and adjoining land raises potential contamination issues
Contamination from the site runs into adjoining fields due to surface water flooding

Previous reason for approval no longer pertinent, Lairhillock Nursery meets demand

No justifiable planning need for a house on site, teachers/childcare employees do not require to live next to their place of work.
Proposed nursery (employment) is not on allocated land or accessibly located, contrary to Policy B1

Unsustainable location relying solely on private car use, not well connected to public transport or the population

Road safety impact due to vehicular movements to/from the site on narrow country roads

Air quality impacts and pollution from increased vehicular movements in rural area

Does not meet Town Centre First Principle

Contrary to national 20 Minute Neighbourhood policy

Planners previously recommended refusal

Proposal will pose a landscape impact

Land already in use for outdoor nursery with composting toilets installed, which suggests there is a drainage problem which can't be sorted

6. Consultations

Infrastructure Services (Roads Development) do not object subject to condition relating to parking, visibility splays, turning areas being provided as per the plans along with the provision of a bin store.

Infrastructure Services (Contaminated Land) have studied the proposal and have no concerns with the development.

Infrastructure Services (Environmental Health) do not object subject to a condition ensuring the proposal connects to the public water supply.

Infrastructure Services (Flood Risk and Coast Protection) initially did not object on the basis of the previous approval and retention of condition 1, however following on from discussions with Planning and having confirmation that the previous condition is no longer deemed competent due to uncertainty over the applicant's ability to comply with it, and the lack of new information and certainty over a deliverable and functional surface water drainage system, this service objects to the application

Infrastructure Services (Waste Management) do not object to the proposal.

Education & Children's Services (Learning Estates) do not object to the proposal.

Legal and People (Developer Obligations) confirm that no contributions are required in this instance.

Scottish Water confirm that capacity for water supply exists, but there is no waste water infrastructure in the vicinity.

7. Relevant Policies

National Planning Framework 4 (NPF4)

Scotland's fourth National Planning Framework (NPF4) is a long term plan looking to 2045 that guides spatial development, sets out national planning policies, designates national developments and highlights regional spatial priorities. It is part of the development plan, and so influences planning decisions across Scotland.

On 13 February 2023 (0900am) Scottish Ministers adopted and published National Planning Framework 4 (NPF4), meaning that it is in force and National Planning Framework 3 and Scottish Planning Policy are superseded from that date and time. This will also have the effect that all strategic development plans and any supplementary guidance issued in connection with them cease to have effect on that date. As such the Aberdeen City and Shire Strategic Development Plan 2020 has now ceased to have effect. The NPF4 now forms part of the development plan (along with the Aberdeenshire Local Development Plan 2023).

The Policies relevant to this proposal includes;

- Policy 1 Tackling the climate and nature crisis
- Policy 2 Climate mitigation and adaptation
- Policy 3 Biodiversity
- Policy 4 Natural Places
- Policy 13 Sustainable transport
- Policy 14 Design, quality and place
- Policy 15 Local Living and 20 minute neighbourhoods
- Policy 17 Rural homes
- Policy 18 Infrastructure first
- Policy 22 Flood risk and water management
- Policy 23 Health and safety
- Policy 29 Rural development

Aberdeenshire Local Development Plan 2023

On 13 January 2023 the Aberdeenshire Local Development Plan 2023 was adopted.

The Policies relevant to this proposal includes;

- Policy B1 Town Centre Development
- Policy R1 Special Rural Areas
- Policy R2 Development Proposals Elsewhere in the Countryside
- Policy P1 Layout, Siting and Design
- Policy P4 Hazardous and Potentially Polluting Developments and Contaminated Land
- Policy P6 Community Facilities and Public Amenities

Policy E1 Natural Heritage
Policy E2 Landscape
Policy C1 Using Resources in Buildings
Policy C4 Flooding
Policy RD1 Providing Suitable Services
Policy RD2 Developer Obligations

8. Other Material Considerations

Appeal Decision PPA-110-2440 for a residential and commercial development at Old Mill Inn, where the Reporter covered similar locational/accessibility themes and policy considerations that apply to this proposal.

An integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.

9. Implications and Risk

None.

10. Directions by Scottish Ministers

None.

11. Discussion

The application seeks full planning permission for the erection of a children's day care nursery (Class 10 non-residential institutions), erection of a children's workshop, formation of a wildlife pond and erection of a dwellinghouse (class 9) at land adjacent to Rothnick Croft Netherley. The key considerations relate to the principle of development and planning history, site servicing and accessibility, and potential flood risk.

Planning and Site History

All planning applications are required to be determined against the Development Plan, taking account of all material considerations. In this case the Development Plan consists of the Aberdeenshire Local Development Plan 2023 and NPF4, both of which are new planning policy documents since the previous grant of consent. The planning history of an approval on site is a further material consideration.

The previous approval, which this application seeks to renew, was granted by the Kincardine and Mearns Area Committee contrary to the recommendation of the Planning Service. The Planning Service previously moved to refuse the proposal on the grounds of no justification for the proposed business and dwelling, and a second reason relating to the lack of an appropriate drainage solution. The Area Committee wished to support the principle of

development, and following their delegated grant of consent the Planning Service attached a condition relating to drainage.

Principle of Development

Whilst the principle of development was previously established through the grant of consent by the Area Committee, there has been a material change in planning policy since then, therefore it is appropriate to fully review the application against the new Development Plan. The Planning Service previously held significant concern regarding the principle of development, hence the recommendation to refuse the previous application. The new Development Plan, particularly NPF4, puts much greater emphasis on sustainability and development being located in the right location, with particular focus on uses that attract people/custom being located to town centres.

In relation to this proposal, the previous application was not considered to comply with rural development policies; there was no brownfield opportunity and no other means of support for the principle of development. That remains the case now, with Policy R2 and its reference to Policy R1 in the LDP offering no support for the dwelling or business, which is further enhanced by NPF4 Policies 17 and 29. The two elements, dwelling and nursery, both fail to comply with policy, expanded upon and discussed in full below.

Historically there was no drainage solution identified, and post Committee the Council's Flood Risk and Coast Protection team expressed concern about the intended drainage solution and eventually conceded to attach a condition relating to investigating the functionality of the existing drainage, which has never been met. Given the inability to meet that condition, and due to the passage of time and now out-of-date drainage information in the original application, it is wholly competent and important to revisit the drainage aspect to ensure that the development would have a deliverable and functional drainage solution. This matter is also discussed below, but there is no drainage solution and concern remains in this regard.

Concern is raised in representations in relation to the principle of development, citing the lack of policy compliance, remote location and unsustainable nature of the development, along with local concern relating to a lack of drainage and flood risk of adjacent land.

Principle of Development - Nursery

The proposed nursery, a Class 10 use, should be located in accessible locations within town centres, as set out in Policy P6 of the LDP. No sequential approach has been provided to demonstrate the lack of available sites in nearby centres to justify this remote location. Policy B1 of the LDP also emphasises the need for sequential justification for such proposals to be located outwith town centres. There is no support through Policy R2 for the proposal, employment proposals (noting it is questionable whether a nursery

is strictly an employment use) are not supported in the accessible rural area in any case, and there is no brownfield opportunity on the site either.

NPF4 adds more weight to promoting town centre locations for the proposed Class 10 use, through Policy 15 which promotes connected and compact neighbourhoods where facilities can be accessed within a reasonable distance of people's home, preferably by walking, cycling or via sustainable transport options. This site is remote, with no bus route or footpath connections from any property, therefore any persons using the facility would be solely reliant upon the private car. This is contrary to the 20 minute neighbourhood ideology set out in Policy 15 of NPF4, and does not adhere to tackling the climate crises as required by Policy 1 of NPF4.

Further, Policy 13 of NPF4 requires developments to demonstrate that transport requirements have been considered in line with sustainable travel, and that developments provide easy and safe links to local facilities, be accessible by public transport, and that regard is had for safe cycling and walking connections. There is no means to safely access this site by any of the foregoing, rendering the location unsustainable and largely inaccessible other than by private car, which is contrary to Policy 13 of NPF4, and also contrary to Policy RD1 of the LDP which requires development to be well related to existing developments and sustainably accessible. Policy P1 of the LDP also requires development to be "well connected", which is not achieved by this proposal, and similarly Policy 14 of NPF4 requires development to be *supporting well connected networks that make moving around easy and reduce car dependency*. This proposal is not safely accessible by foot or cycle, there is no nearby bus service, therefore the proposal is solely reliant upon private car use.

The above themes and policies were at the forefront of a recent appeal decision for a garden centre and housing proposed at Old Mill Inn, also within North Kincardine Rural some 4.5km from this application site. That site was located on a more prominent road, with some existing path provision in the locale and bus stops nearby in Peterculter – however for that site/proposal the Reporter expressed concern about pedestrian/cyclist safety, exacerbated by short days in winter and unlit paths/roads, and concluded that the site is not well connected, and would not accord with the requirements of NPF4 Policy 13 and LDP Policies P1 and RD1.

Whilst the scale of development differs in this application, and this site is more remote than the Old Mill Inn appeal site, the same policy principles apply. The proposed nursery is a destination that people visit, and being a Class 10 use should be directed to town centre locations as required by Policy B1 of the LDP, and as a result of the isolated siting with no safe walking or cycling routes and no bus stops nearby the location is unsustainable and contrary to several of the policies of NPF4 and LDP.

Principle of Development - Dwelling

Whilst the nursery is unacceptable as outlined above, the proposed dwelling does not comply with any planning policy either. The site contains no brownfield opportunity, and the proposal is not associated with a primary industry, and fails to meet any of the criteria within Policy 17 and 29 of NPF4 or Policies R2 and R1 of the LDP. Even if the nursery element were approved/existed, that is not a primary industry that merits an associated dwelling for essential on-site occupancy.

The principle of development therefore remains wholly unacceptable to the Planning Service, and whilst there is a previous grant of consent for this proposal due regard must be had for the material change through the adoption of a new LDP and NPF4. The a new Local Development Plan and the introduction of NPF4 provides significant additional strength and focus to ensure developments such as the proposed nursery are located in accessible and sustainable locations, particularly within the accessible rural area where this site lies. The recent appeal decision at Old Mill Inn emphasises the significance of these policy themes, and the Planning Service, whilst having regard to the previous approval, consider the application to be contrary to several fundamental policies of the Development Plan. The Development Plan is the primary material consideration against which planning applications should be determined, and this takes precedence over the previous planning approval. Due to the change in the Development Plan, the application must be considered against the new policies afresh. The previous concerns which formed the Planning Service's recommendation to refuse remain, and are only further emphasised through the new policies within the LDP and NPF4.

The nursery element of the proposal fails to comply with Policies 1, 2, 13, 15 and 29 of NPF4 and Policies B1, P1, R2, P6 and RD1 of the LDP due to the nursery being in an isolated and poorly accessible location, with such uses being encouraged to be in town centre or sustainably accessible locations through local and national policy.

The proposed dwelling fails to comply with Policies 17 and 29 of NPF4, and Policy R2 of the LDP due to the lack of any justification for a dwelling on this site, there is no brownfield opportunity, no relationship to a primary industry and no compliance with any other policy criteria.

Site Servicing - Drainage

Moving beyond the substantial concerns in relation to the principle of development, the previous planning application did not resolve the drainage concerns. A condition was attached but never met, and no information has been forthcoming to provide the Planning Service with any comfort that a deliverable drainage solution within the control of the applicant exists. Furthermore the previous drainage information is now out of date. The applicant has been given significant time to resolve this, with this application valid on 26th August 2022 with over 1 year passing without updated drainage information being provided. Furthermore the previous consent was granted in February 2019 with ample time to address the condition, which was not achieved.

The aforementioned condition imposed on the previous consent relating to drainage appears to be incapable of being met due to the ongoing legal dispute over land ownership/access and the right to discharge via the existing infrastructure serving the adjacent property at Rothnick Croft. Whilst that is largely a civil matter relating to access and rights of use, it leaves the planning considerations relating to drainage unresolved, and as such the application has a significant technical flaw which fails to comply with policy. In the absence of a deliverable drainage solution the application can not be supported.

That was the case historically, there was no certainty over the drainage solution in the previous application, however when supporting the principle of development the Area Committee did not give full consideration to the drainage aspect which resulted in a quite unusual planning condition being imposed by the Planning Service, following correspondence with the Council's Flood Risk and Coast Protection team who, at that time, had reservations about the suitability of the proposed drainage solution. The inability to meet that condition since the consent was granted in February 2019, and inability to provide updated drainage information or offer an alternative drainage solution under cover of this application, leaves the development site with no functional or deliverable drainage solution. The historic drainage information can not be relied upon now in any case, due to passage of time and it not meeting current standards. Updated information was sought but not provided. The proposal therefore does not meet Policy 22 of NPF4 of Policy RD1 of the LPD.

The Council's Flood Risk and Coast Protection team object to the proposal on the basis of there being no certainty of a solution to provide a deliverable or functional drainage system to serve the development.

Representations highlight that the ongoing use of the land for associated outdoor nursery learning has required composting toilets to be installed, which is implied to highlight that lack of proper drainage provision being possible on the site. The Planning Service do not consider this to be particularly material, it is likely that the composting toilets serve a modest and short term/low usage need in a cost-effective manner. However as above there are significant concerns in relation to the lack of a proper drainage solution being identified for the proposed development.

In light of the above lack of a deliverable drainage solution, and giving some weight to the reported flooding issues on adjacent land, the Planning Service have significant concern that the development could subsequently pose a risk of flooding if it were to be approved. Appropriate drainage solutions would remedy this concern and ensure that both foul and surface water solutions were deliverable and functional on the site, but at this time the concern remains and the proposal is not considered to comply with Policy 22 of NPF4 and Policy C4 (part C4.6) of the LDP in relation to potential increase of flood risk to adjoining land.

Site Servicing – Access

The Council's Roads Development team pose no objection to the proposal, with the access being suitable for the development and proportionate parking shown to be provided within the site. No specific road safety concerns arise in terms of the junction functionality, and in this regard the proposal complies with Policy 14 of NPF4 and Policies P1 and RD1 of the LDP. There are however concerns in terms of sustainable travel, as outlined in the principle policy considerations above.

Site Servicing - Other Matters

In relation to water supply, Scottish Water confirm there is capacity and Environmental Health do not object subject to a condition requiring connection to the public supply. Waste Management do not object, which outlines that waste/refuse collection is feasible from the site. Foul drainage details were provided in the previous application, outlining possible soakaway design which hasn't been revisited in this application. These matters are not considered to give rise to any significant policy concerns.

Design

Looking at the design and layout of the site in isolation, whilst noting the overarching concerns relating to the principle of development, the general scale and form of both the dwelling and nursery building are considered to be appropriate for the site and setting. The general scale is not dissimilar to that of Rothnick Croft or nearby properties built/consented to the north west of the application site. The isolated setting prevents any privacy or amenity impacts, and the site is not generally prominent in the landscape which minimises any significant visual impact. The general scale, form and materials poses no concern in terms of local design compatibility or wider landscape impact, complying with Policies 4 and 14 of NPF4, and Policies P1 and E2 of the LDP.

Carbon Neutrality and Sustainability

Noting the unsustainable siting of the development and concerns relating to reliance upon the private car outlined above, consideration of the sustainability of the buildings themselves also forms part of the overall consideration of the proposal. The relatively open setting lends itself to the use of solar panels on the buildings and/or air source heat pumps, both of which could provide sustainable energy to the dwelling and nursery. The submission contains no details of any renewable technology to maximise the energy efficiency of the proposed buildings, however this could easily be resolved via simple amended plans to include such detail, whilst not provided at this time the general form and siting of the proposal lends itself to being able to incorporate renewable/sustainable technology which could help the proposal satisfy relevant aspects of Policies 1 and 2 of NPF4, and Policy C1 of the LDP.

Natural Heritage

The site is undeveloped and naturalised at present, however NESBRec do not show any significant species or habitat on the site. Bats are present in the vicinity, but the proposal is not anticipated to pose any impact. The proposal complies with Policy 3 of NPF4 and Policy E1 of the LDP.

Developer Obligations

The Council's Developer Obligations team confirm that no contributions are required for the proposed dwelling, therefore the proposal raises no issues in relation to Policy 18 of NPF4 or Policy RD2 of the LDP.

Contaminated Land

Objectors raised concern in relation to potential historical blacksmith activity adjacent to the site, with the adjacent Rothnick Croft dwelling being granted as brownfield replacement of a previous building associated with such uses. The Council's Contaminated Land team however have no concerns in this regard, therefore the proposal is considered to comply with Policy 23 of NPF4 and Policy P4 of the LDP. The concerns raised in relation to contaminated run-off from the application site and Rothnick Croft onto adjacent fields, causing harm to animals in those fields, is noted as a potential existing/past issue, however on the basis of the acceptance from the Council's Contaminated Land team the Planning Service are content that this specific proposal is not at risk, nor poses any risk, in relation to contamination.

Conclusion

The proposed application, for a nursery and dwelling on a relatively isolated site in the accessible rural area, is considered to be contrary to a number of policies within the development plan. Whilst a renewal of a previous permission, there has been a material change in planning policy since the previous grant of consent and it is important to assess the application against the current Development Plan and ensure that sufficient supporting information is provided to satisfy the technical site servicing requirements of the development. The proposed location of a nursery, which is a Class 10 Use, is inappropriate and should be directed towards accessible town centre locations, where this proposed site is remote and not sustainably accessible resulting in reliance upon the private car which is detrimental to tackling the climate crisis and it does not promote sustainable travel, both of which are key themes within NPF4. The dwelling is not on a brownfield site nor associated with a primary industry or viable rural business. There is no confirmed and deliverable drainage solution that can suitably manage surface water drainage from the site, rendering the proposal incapable of being supported due to the failure to provide certainty over suitable and necessary site servicing, and the absence of a deliverable and appropriate drainage solution raises concern in relation to potential surface water flooding of adjacent land. The application is therefore recommended for refusal.

12. Recommendation

REFUSE for the following reasons:

01. The application is considered by the Planning Authority to not comply with the Development Plan. The proposed nursery (Class 10 Use) is not well related to the population or in a town centre location, with no sequential justification provided for the siting and the location proposed is remote and not sustainably accessible by foot/cycle/public transport resulting in reliance upon the private car, being detrimental to the overarching sustainability targets and tackling the climate crisis, contrary to Policies 1 Tackling the climate and nature crisis, 2 Climate mitigation and adaptation, 13 Sustainable transport, 15 Local Living and 20 minute neighbourhoods and 29 Rural development of National Planning Framework 4, and Policies B1 Town Centre Development, R2 Development Proposals Elsewhere in the Countryside, P1 Layout, Siting and Design, P6 Community Facilities and Public Amenities and RD1 Providing Suitable Services of the Aberdeenshire Local Development Plan 2023.
02. The proposed dwelling is not on a previously developed brownfield site and is not associated with a primary industry or viable rural business, and does not comply with Policy 17 Rural homes and 29 Rural development of National Planning Framework 4, or Policy R2 Development Proposals Elsewhere in the Countryside of the Aberdeenshire Local Development Plan 2023
03. Insufficient information has been provided to demonstrate a functional and deliverable drainage solution to serve the proposed development, resulting in concerns relating to the potential risk of surface water flooding to others and a failure to adequately manage all rain and surface water through a deliverable sustainable urban drainage system that is within the full control of the applicant, contrary to Policy 22 Flood risk and water management of National Planning Framework 4 and Policy C4 Flooding and RD1 Providing Suitable Services of the Aberdeenshire Local Development Plan 2023

13. Process of Determination

The application was the subject of consultation with Local Members under the Councils Scheme of Governance.

14. Planning Obligations

No

Planning and Environmental Appeals Division
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Scottish Government
Riaghaltas na h-Alba
gov.scot

Appeal Decision Notice

Decision by Amanda Chisholm, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-110-2440
- Site address: The Old Mill Inn, Maryculter, Aberdeen, AB12 5FX
- Appeal by Victor Sang, Michael French and Audrey Sang against the decision by Aberdeenshire Council
- Application for planning permission in principle APP/2022/0272 dated 10 February 2022 refused by notice dated 10 February 2023
- The development proposed: Demolition of existing hotel, restoration of old mill building to form retail unit/café, erection of garden centre and erection of five dwellinghouses and associated parking and road improvements (part retrospective)
- Date of site visit by Reporter: 21 June 2023

Date of appeal decision: 19 October 2023

Decision

I dismiss the appeal and refuse planning permission in principle.

Preliminary

The information before me indicates that the proposed demolition of the hotel took place in 2021, as a result of safety concerns after a flood in 2016 and a fire some five years later.

The application form submitted in respect of the above proposal does not include the erection of a garden centre, whereas the supporting planning statement makes reference to a garden centre and/or non-food retail use. However, apart from the planning statement, the appeal submissions specify a garden centre and restrict discussion of possible retail use to the proposed restoration and reuse of the old mill building for retail purposes. Accordingly, I have treated the appeal in accordance with the description provided in the summary above.

The scale and nature of this proposed development is such that it comes within the description of development set out in Class 10 (infrastructure projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. It was, however, the subject of a screening opinion issued by the council to the effect that environmental impact assessment was not required.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises National Planning Framework 4 (NPF4), adopted 13 February 2023, and the Aberdeenshire Local Development Plan 2023 (LDP), adopted 13 January 2023.

2. The appeal site includes the Mill Inn - Old Corn Mill, a Category C-listed building. As the proposal includes restoration of this listed building, Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires me to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

3. Having regard to the provisions of the development plan the main issues in this appeal are: the principle of development, in particular development in the green belt; restoration of the listed building; issues of scale and design, including effects on the setting of the listed building; matters of sustainable transport and contaminated land; and whether the proposed housing should be assessed as enabling development.

Principle of development

4. The appeal site is located in the green belt outwith defined settlement boundaries. Policy 8 (Green belts) of NPF4 and Policy R1 (Special Rural Areas) of the LDP restrict development in the green belt to specific circumstances. The appellants assert that the proposed garden centre would constitute a horticultural use, one of the supported development types. While I accept that the production and subsequent sale of garden plants and flowers can be included in the definition of horticultural activities, there is no indication in the information before me that the proposal would include facilities for their production. The appellants have not provided evidence to demonstrate that a building of the size proposed would be required for a horticultural use. A garden centre selling a significant element of produce not grown on the site would be a retail use, which would not enjoy policy support in this location.

5. At the site inspection I observed no trace of the hotel on the ground, other than the resulting demolition material. There is no evidence before me that the appeal site should be regarded as continuing to be in use as a hotel, other than in the representations. However, the council considers it reasonable to consider the proposed garden centre as a replacement for the hotel building, given the fire that necessitated its demolition. I am content to follow the council's approach in this regard.

6. Policy R1 enables the replacement of a single non-vernacular building under certain conditions. Comparison of Drawings 2859(PP2)02 and 2859(PP2)03A shows the curtilage of the proposed garden centre to approximate that of the demolished hotel; the latter indicates the footprints of the hotel and garden centre to be 1066.2 and 900 square metres respectively. To this extent, while not actually a replacement, the proposed garden centre would accord with the requirement in relation to its footprint. However, from the indicative plans provided, I consider that the size and shape of the proposed building would not echo that of the demolished vernacular inn and its modern extension. In particular, I share the council's concerns about the raising of the finished floor level of the proposed building by two metres above the current site level, and that of the adjacent mill building, to minimise risk of flooding. While I note the appellants' reminder that the plans are indicative, I am unconvinced that a condition could secure appropriate design, including scale, massing and materials. In my view this would need to be demonstrated prior to planning permission being granted, given the potential for the building to be inconsistent in scale and more intrusive than the demolished buildings.

7. I do not accept that the proposed garden centre would be for the same previous use, as required by Policy R1. However, the information before me indicates that the appeal site has a long-established tourism function that pre-dates the designation of this area as green belt. While NPF4 (Policy 30 Tourism) and the LDP (Policy B3 Tourist Facilities) require that

existing tourist sites be protected from conversion to other uses, Policy B3 supports shops that will act as a new tourist destination. However, there is no evidence before me to indicate that the garden centre should be considered as a tourist destination. I therefore conclude that the proposed garden centre would not comply with these requirements in regard to use.

8. I am aware of the difficulties involved in reinstating a hotel on this site, given the associated flood risk and the consequent requirements of national and local flooding policy, and I agree with the council and the representations that the appeal site and local area would benefit from redevelopment. In addition, I am also aware that the proposal would involve the reuse of brownfield land, supported by NPF4 Policies 9 and 29 and LDP Policy B3. On balance, however, given the difficulties I have identified, I do not agree with the council that the proposed garden centre could be supported as a departure from both Policies R1 and B3 of the LDP and Policy 30 of NPF4.

9. NPF4 Policy 29 (Rural development) supports development that comprises appropriate use of a historic environment asset. In the green belt NPF4 and the LDP respectively allow for the restoration of historic environment assets and traditional vernacular buildings, with NPF4 setting out specific requirements. I consider that the proposed restoration of the mill building would be compatible with the surrounding countryside and landscape character, and would in consequence not undermine the purpose of the green belt or have significant adverse impacts on its environmental quality. Design and materials could be conditioned to ensure that visual impact on the green belt would be minimised and ensure that the restoration would accord with its listed building status. I am therefore content that the proposal for the restoration of the old mill would accord with the development plan.

10. However, turning to the proposed dwelling houses, I consider that these do not accord with the restriction of residential development in green belts to that associated with essential accommodation for a primary industry worker, set out by both NPF4 and the LDP. The appellants argue that these properties constitute enabling development, and I turn to this matter in later paragraphs.

Listed building restoration

11. Both NPF4 Policy 7 (Historic assets and places) and LDP Policy HE1 (Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites) support the reuse of a listed building that would preserve its character, special architectural, cultural or historic interest and setting. While the details of the listed building's proposed restoration are only indicative at this stage, I consider that matters of design and materials could be secured through condition, including preparation of the Design Statement required by Policy HE1. I therefore conclude that the proposed restoration of the mill building would accord with the development plan.

Scale, design and effects on setting

12. NPF4 Policy 29 requires development in rural areas to be suitably scaled, sited and designed to be in keeping with the area's character. NPF4 Policy 14 (Design, Quality and Place) and LDP Policy P1 (Layout, Siting and Design) encourage well-designed development and support proposals that are consistent with the six qualities of successful places. Scale, built form and density are key design elements. In addition, LDP Policy E2 (Landscape) does not support development that causes unacceptable effects through its scale, location or design on key characteristics, natural landscape elements, features or the

composition or quality of the landscape character. Finally, both NPF4 and the LDP seek to protect the setting of a listed building by requiring that development proposals affecting a listed building's setting should preserve its character and its special architectural or historic interest.

13. At the site inspection I observed that the appeal site is bordered by mature trees, particularly on its northern boundary and to the southwest by the wooded grounds of the neighbouring Elmgrove House, and along the Crynoch Burn. Views to the north are distantly framed by the trees along the River Dee and on the low hills beyond. In contrast, the appeal site's southern boundary is not wooded and the site is thus open to views from the B9077. Residential properties in this locale occur either as isolated dwellings or in small groups of two or three, in a variety of modern and traditional designs.

14. As noted in paragraph 6 above, I consider that, from the plans provided, the design, scale and massing of the proposed garden centre would not echo that of the demolished vernacular building and its modern extension. Given the proposed increase in finished floor level of two metres, I also consider that it would be overly dominant and intrusive in relation to the old mill, adversely affecting the setting of the listed building - concerns raised by the council and in the representations.

15. Turning to the residential proposal, I recognise that, given the characteristics of the flood plain in this area, the proposed houses would need to be restricted to the southwest corner of the site. The plans and visualisations, while indicative, are useful in setting out the houses' potential layout in relation to the existing mill building and the proposed garden centre. While I consider that the height and design of these properties could be controlled by condition to reflect the existing rural vernacular, the limited amount of land available and the number of dwellings proposed would result in a fairly dense layout that, in my view, is out of step with the character of the relatively dispersed housing in this locale and would be readily visible in the landscape. I also consider that the number of properties, their proximity and the density of their layout would be out of step with the character of the listed building and would thus have detrimental effects on its setting. I am unconvinced that this issue could be resolved through condition in the same way as matters of design and materials, given the limited space available to vary the residential layout so that it would integrate more readily with the existing landscape character and the setting of the listed building.

16. The appellants point out the extent of development at the neighbouring Deeside Holiday Park, but this commercial development is not particularly obvious in the landscape, given the local topography and woodland. The appellants also contrast the scale and design of the proposed housing with that of the hotel's additional accommodation wing consented in 2014 (KM/APP/2009/2527). However, I do not consider that this creates a precedent, given the difference in circumstances: the proposed wing was subordinate to the existing hotel, replicated its features, and allowed for the appropriate expansion of the then existing business use. In consequence I afford little weight to these arguments.

17. Drawing all of the above together, I find that the proposed houses do not accord with the aforementioned policies of NPF4 and the LDP, given that the density of their layout would be out of step with local landscape character and would present as overdevelopment of this part of the appeal site that would adversely affect their local identity and visual appeal. I consider that the enabling development would not be sympathetic to the listed building or its setting, and would thus conflict with the requirements of NPF4 and LDP Policies HE1 and HE3.

Sustainable transport

18. NPF Policy 13 (Sustainable transport) supports development that is in a location that supports sustainable travel; Policy 30 also identifies the importance of sustainable travel. Policy 29 supports development that will contribute towards local living and takes into account the transport needs of the development as appropriate for the rural location. LDP Policy RD1 (Providing Suitable Services) requires development to be located and designed to take advantage of or incorporate the services, facilities and infrastructure necessary to support it, including sustainable transport linkages. Policy P1 also requires development to be well connected. Supplementary guidance indicates that development should be well connected to surrounding roads and destinations to provide a choice of travel and routes for pedestrians, cyclists and public transport. Paths should be accessible for all and well-lit and overlooked.

19. I note that the site has good road connections, with direct access to the B9077; to Peterculter via the B979 and A93; and to the A90 Aberdeen Western Peripheral Route some two kilometres away. I accept that customers of the garden centre would be likely to purchase heavy and bulky goods that are difficult to transport and that, in consequence, many of the visitors travelling to the site would do so by car. The representations have expressed concerns about increases in vehicle numbers and consequent effects on air quality. I recognise that the predicted number of vehicles would be less than those estimated for the previous hotel use, but it would have been helpful to have an indication of the implications of this increase in vehicle numbers for traffic flows on the road network. Given this likely car use, the proposed garden centre gains little support from NPF4 and LDP sustainable transport policies.

20. There are no bus stops on the B9077; the nearest are on the A93 in Milltimber, some 1.6 kilometres away. I consider that the links to public transport are limited, for both customers and staff of the garden centre and residents of the houses, given the distance of the appeal site from the identified bus stops.

21. While there are pedestrian footways on the B979, there is very little provision on the B9077. Instead the Transport Statement suggests that pedestrians would access the appeal site from the B979 via the informal footpath through Corbie Park. In the absence of dedicated cycle paths, I assume that cyclists would also utilise these paths or use the road. The path through Corbie Park is not overlooked and is not lit and residents would have to continue through the garden centre car park to reach their properties. In consequence I consider that there are potential safety issues arising from this suggestion, exacerbated by the short days in winter when pedestrians would be walking in the dark. Finally, in terms of safe routes to school, the Transport Statement identifies two primary schools within an acceptable walking distance, Culter and Milltimber. However, the council's Learning Estates Team indicates that the proposed residential housing would be zoned for Lairhillock Primary School, transport to which is not addressed by the appellants.

22. NPF4 recognises that, particularly in rural areas where walking and wheeling, cycling and public transport have been judged as unfeasible for day to day travel, low emissions vehicles and shared transport options will play an important role. However, there is little before me in this regard. Taking these points together, I find that the appeal site is not well connected, and would not accord with the requirements of NPF4 Policy 13 and LDP Policies P1 and RD1. In coming to this conclusion, I note the objections from the council's Environment and Infrastructure Services (Roads Development) and the representations.

Contaminated land

23. NPF4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) and LDP Policy P4 (Hazardous and Potentially Polluting Developments and Contaminated Land) address matters of contaminated land. My understanding from the information before me is that petrol pumps and tanks are known to have been located to the southeast of the hotel. According to the council's records, the two underground petrol tanks were taken out of use and made safe in 1972. I note the appellants' argument that a site investigation was not a condition of the planning permission granted for the extension of the hotel in 2014. However, as underground fuel tanks are frequently found to have leaked and caused contamination of the surrounding soils and groundwater, the possibility of contaminated land being encountered was not ruled out. Given that the proposed change of use would constitute a more sensitive land use, I consider it necessary for the development proposals to identify whether or not the land is contaminated and, if so, to demonstrate that it is, or can be made, safe and suitable for the proposed residential use, in accordance with the requirements of NPF4 Policy 9 and LDP Policy P4. In the absence of this information, I find that the proposal does not accord with the development plan.

24. I note the concerns raised in the representations regarding contamination, particularly by asbestos distributed by the fire. The information before me indicates that all asbestos had been removed from the hotel prior to the fire in 2021, and I therefore consider it unlikely that the site has been contaminated in this way.

Enabling development

25. NPF4 defines enabling development as development that would otherwise be unacceptable in planning terms, but is essential to secure the future of a historic environment asset which is at risk of serious deterioration or loss. NPF4 (Policy 7 Historic assets and places and Policy 29 Rural development) and the LDP (Policy HE3 Enabling Development to Safeguard Historic Buildings at Risk) both provide qualified support for appropriate enabling development, and set out the information required to demonstrate that the enabling development is essential to secure the listed building's future.

26. I note that the mill, while listed, is not on the Buildings at Risk Register. However, my understanding is that the mill has lain vacant since 2016, and at the site inspection I observed that the building is in poor condition, e.g. holes in the roof, and at risk of further decay, e.g. through water ingress. My understanding is also that the building has been vandalised and that this could continue in the future.

27. Policy HE3 notes that any enabling development granted should be based on the actual cost of the conservation works required to directly restore the listed building to a wind and watertight condition. The appeal statement complains that the council did not properly consider Policy HE3, and in particular did not seek any further information on the costs required to restore the listed building, nor the minimum amount of development required to meet the restoration costs. While the appellants provide an estimate of restoration costs and submit that the five houses proposed comprise the minimum number of units necessary to fund the restoration and provide an affordable dwelling, this does not demonstrate the Conservation Deficit or support the level of enabling development proposed, for example, the case for the number of dwelling houses and how these would provide the necessary restoration funds. Without this information, whose need is clearly recognised by the appellants, I consider that it is not possible to assess the scale of enabling development that should be permitted. In addition, no evidence has been provided that all other possibilities of funding to secure the conservation and reuse of the building

have been exhausted or that the property has been offered to another group or placed on the open market for sale.

28. Drawing all of the above together, while I recognise that the listed building is not on the Buildings at Risk Register, I consider that this would constitute a minor departure from Policy HE3, given the mill's poor condition. I accept that the restoration of the listed building would be a constituent part of the development. However, while restoration would satisfy the policy intent of both NPF4 and the LDP that redundant or neglected historic buildings are brought back into sustainable and productive uses, the lack of evidence in other respects does not provide the support necessary to demonstrate that the wider public benefits of securing the conservation and reuse of the building through enabling development would significantly outweigh the disadvantages of allowing the development, particularly the inevitable harm to the setting of the listed building. I therefore find that the proposal does not accord with the development plan in this respect.

Assessment against the development plan

29. I have had regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Taking all of the above into account, I find that the proposed restoration of the listed building would accord with the requirements of the development plan, subject to conditions regarding detailed matters of design that would preserve any features of special architectural or historic interest which it possesses.

30. In regard to the garden centre, for the reasons given above, I am not content to support the proposal as a departure from Policies R1 and B3 of the LDP and Policy 30 of NPF4. I doubt that appropriate scale, massing and design could be achieved by conditions such that the proposal would accord with NPF4 Policies 7 and 14 and LDP Policies P1 and HE1. In addition, the lack of connection to sustainable transport options does not gain support from NPF4's Policies 13, 29 and 30 and LDP Policies P1 and RD1. While I recognise the benefits that would accrue from redevelopment of the site, particularly in light of the concerns expressed in the representations that the site as it stands is an eyesore, I consider that these do not outweigh the garden centre's lack of accord with the development plan.

31. Turning to the proposed residential housing, its green belt location and the nature of the housing would not accord with the requirement that residential use in the green belt should be for the accommodation of essential primary industry workers only. The principle of development is therefore not supported. While appropriate design and materials could be secured through condition, the number of properties and the density of their layout would be out of step with the landscape character and the existing pattern of residential settlement in this locale, as well as the character and setting of the listed building. In addition, the appeal site would not be well connected in sustainable transport terms, particularly in regard to schools, and in consequence residents would be over-reliant on the use of private vehicles. Finally, I consider that the information provided does not demonstrate that the proposed housing would constitute enabling development, and I therefore conclude that the potential benefits to the historic environment have not been demonstrated to significantly outweigh the disadvantages of allowing the housing development. Drawing all of the above together, I find that the proposed housing does not comply with the development plan, particularly NPF4 Policies 7, 8, 9, 13, 14, and 29, and LDP Policies R1, HE1, HE3, P1, E2, RD1 and P4.

Material considerations

32. There were 164 representations to the council regarding this proposal, of which two were neutral, 87 objected and 75 provided support. Fifteen representations were made directly to DPEA, one objecting and fourteen in support. While I consider that there is a substantial amount of support for the proposal, this does not outweigh the development plan's requirement that development be directed to the right locations.

33. I consider that the key issues raised in the representations have been addressed in the preceding paragraphs. The council considered that the garden centre would have little or no impact on local businesses. Issues of flood risk, site access, and tree and habitat loss were considered to be resolved by the council, through the submission of additional information by the appellants, revisions to design, and the ability of conditions to appropriately control the details of development. In consequence I have not considered these further.

34. The appellants argue that the proposed development would result in economic benefits to the area, and the potential for employment and increased visitor numbers was echoed in the representations. However, while I agree that such benefits could accrue, there is little detail before me in this regard, making it difficult to take these benefits into consideration.

Conclusions

35. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Amanda Chisholm

Reporter

From: Lauren Mackie
Sent: 01 November 2023 14:59
To: Planning Online
Cc: Neil Mair
Subject: For Consideration: APP/2022/1845

**Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279) at Land Adjacent To Rothnick Croft, Netherley, Stonehaven, AB39 3QU
Grid Reference: 387228.795779**

Following on from discussions with Planning we have had confirmation that the previous condition is no longer deemed competent due to uncertainty over the applicant's ability to comply with it, and the lack of new information and certainty over a deliverable and functional surface water drainage system. Therefore, this service objects to the application.

Regards

Lauren Mackie
Civil Engineer/Technician
Flood Risk and Coast Protection
Infrastructure Services
Aberdeenshire Council
Tel: 01467 534452

Beverley Robertson

From: Peter Exon on behalf of Contaminated Land
Sent: 19 October 2022 12:39
To: Planning Online
Cc: David Niven
Subject: RE: Consultation for Application Ref No APP/2022/1845

APP/2022/1845 Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279); Land Adjacent To Rothnick Croft Netherley Stonehaven AB39 3QU

Environmental Protection Act 1990: Part IIA Contaminated Land

Thank you for consulting us on the above application. After studying the proposals there do not appear to be any issues of concern under the above legislation in respect of this development and as a consequence, no further information regarding contaminated land is required.

Regards,

Peter.

Peter Exon
Assistant Scientific Officer

Aberdeenshire Council,
Environment and Infrastructure Services,
Environmental Health,
Gordon House,
Blackhall Road,
Inverurie, AB51 3WA

Tel: 01467 538529

-----Original Message-----

From: planning@aberdeenshire.gov.uk planning@aberdeenshire.gov.uk
Sent: 06 October 2022 12:03
To: Contaminated Land contaminated.land@aberdeenshire.gov.uk
Subject: Consultation for Application Ref No APP/2022/1845

Please find attached important correspondence from Aberdeenshire Council, Planning and Economy Service.

Archived: 29 August 2022 14:15:19
From: [Adam Sime](#)
Sent: 29 August 2022 13:56:17
To: [Planning Online](#)
Cc: [Developer Obligations](#)
Subject: APP/2022/1845
Sensitivity: Normal

Planning Application Ref: APP/2022/1845

Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279) | Land Adjacent To Rothnick Croft Etherley Stonehaven

Lairhillock Primary School and Mackie Academy are currently operating within capacity. The proposed development does not engage the Developer Obligations and Affordable Housing policies or associated supplementary planning guidance of the Aberdeenshire Local Development Plan 2017. Therefore, in this instance, no contributions are required.

Kind Regards

Adam Sime | Senior Developer Obligations Officer |
Legal and People | Business Services | Aberdeenshire Council | Banchory Town Hall | 1 Kinneskie Lane | Banchory | AB31 5NA

Tel: 01467 539495

email: adam.sime@aberdeenshire.gov.uk

PLANNING CONSULTATION

RECOMMENDATION: No Objection subject to condition
(delete as appropriate)

APPLICATION REF: APP/2022/1845
PROPOSAL: Full Planning Permission for Erection of
Children's Day Care Nursery (Class 10 Non-
Residential Institutions), Erection of Children's
Workshop, Formation of Wildlife
Pond and Erection of Dwellinghouse (Renewal of
Planning Permission
APP/2018/1279)

LOCATION: Land Adjacent To Rothnick Croft
Etherley
Stonehaven
AB39 3QU

AGENT: Inspired Design _ Development Ltd
DATE RECEIVED BY EH: 29 August 2022

Environmental Health Service has considered the following in respect of the above application: (delete as appropriate)

Proposed Water Supply

Please find comments below regarding each of these matters relating to the development proposed.

*Standard comments requesting further information
or*

Model conditions (referencing supporting assessments where appropriate)

1. WATER SUPPLY

0816 Public Water Supply

The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

The Environmental Health Service would recommend the following planning conditions are imposed. Should Development Management not be able to

impose all of these conditions the Service would welcome further discussion on the matter.

Catherine Busson
(Senior) Environmental Health Officer
Date:20/9/22

Please note that the above observations do not include consideration of contaminated land issues. The Scientific Officer, Environment and Infrastructure (Environmental Health) will report separately to the Planning Officer on such matters.

Beverley Robertson

From: Nick Rae
Sent: 01 September 2022 15:25
To: Planning Online
Cc: David Niven
Subject: Consultation Response for Planning Reference APP/2022/1845

Consultee: Flood Risk & Coast Protection
Planning Reference: APP/2022/1845
Planning Case Officer: David Niven

Proposal: Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279)
Address: Land Adjacent to, Rothnick Croft, Netherley, Aberdeenshire, AB39 3QU
Grid Reference: 387228.795779

With regard to the above referenced application for renewal of planning permission; we do not object to this renewal on the basis that Condition 1, that was applied to the original grant of permission for application APP/2018/1279, is again applied as a condition to this renewal.

Regards,

Nick Rae
Civil Engineer

Flood Risk & Coast Protection
Environment & Infrastructure Services



E: nick.rae@aberdeenshire.gov.uk
T: 01467 537254
M: 07818 521335
A: Viewmount, Arduthie Road, Stonehaven, AB39 2DQ

www.aberdeenshire.gov.uk

Follow us at:



Reference	APP/2020/1845
Proposal	Full planning permission for erection of Children's Day Care Nursery, Erection of children's workshop, formation of wildlife pond and erection of Dwellinghouse
Location	Land Adjacent to Rothnick Croft, Netherley, Stonehaven AB39 3QU
Date	29 August 2022

Education and Children's Services Response

Primary School Catchment Area: Lairhillock School

Secondary School Catchment Area: Mackie Academy

Education & Children's Services:

~~Object to this application~~ / **do not object to this application**

Additional Comments

The catchment areas are in reference to the location of the dwellinghouse and not the location of the nursery.

Completed by: Learning Estates Team, Education & Children's Services

Date: 08/09/22

Technical Consultation No 1 for Planning Application Ref: APP/2022/1845

Application type: **FPP (Full Planning Permission)**

Proposal: **Erection Of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection Of Children's Workshop, Formation Of Wildlife Pond And Erection Of Dwellinghouse**

Location: **Land Adjacent To Rothnick Croft Etherley Stonehaven AB39 3QU**

Date consultation request received: **29/08/2022**

Planning Officer: **DN**

Roads Officer: **MN**

1. Visibility Requirements

Speed Limit at site: **60 mph**

Design speed: **40 mph (assessed for both approaches)**
)

Based on the minimum visibility requirements within Aberdeenshire Council's current standards and on the design speed a visibility of **2.4** metres by **120** metres will be required **In both directions**

Does current application provide this? Yes No

2. Parking Requirements:

Is shown provision of **25 + 5** spaces acceptable Yes No

Note:

Sufficient parking has been provided to accommodate staff parking and drop off provision for customers within the business car park, and 5 parking spaces for the dwelling is acceptable our standards require 3.

3. Road Layout:

- | | | | | |
|--|--------|-------------------------------------|----------|-------------------------------------|
| Is a Traffic Assessment required? | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| Access onto Public Road Network? | Direct | <input checked="" type="checkbox"/> | Indirect | <input type="checkbox"/> |
| Will the Shown Layout Require RCC? | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| Does the Shown Layout Appear to Comply with RCC? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |

If No, What are Main Items of Non-Compliance?

4. Other Comments:

5. Recommendations:



This Service does not object to this application subject to the following conditions and advisories being applied should planning permission be granted:-

Conditions (as selected below):

- Prior to occupancy of development, parking as shown on P12 rev 0, surfaced in hard standing materials must be provided within the site.
- Prior to commencement of development, Visibility Splays, measuring 2.4m by 120m to be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.
- Prior to occupancy of development a refuse bin uplift store area shall be constructed (behind any visibility splay) so as to be accessible for bin uplift & shall be secure enough to prevent empty bins from being wind blown. Details must be submitted to Roads Development for approval.
- Prior to occupancy of development a suitable vehicle turning area, as shown on P12 rev 0, must be formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear.

Initialed by:

MN

Date:

14/09/2022

Tuesday, 30 August 2022



Local Planner
Planning and Environment Service
Aberdeenshire Council
Stonehaven
AB39 2DQ

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Land Adjacent To Rothnick Croft, Etherley, Stonehaven, AB39 3QU
Planning Ref: APP/2022/1845
Our Ref: DSCAS-0071741-CS9
Proposal: Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279)

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ This proposed development will be fed from Invercannie Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Asset Impact Assessment

Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.

- ▶ 90mm HPPE water main in the site boundary

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) for an appraisal of the proposals.

The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Written permission must be obtained before any works are started within the area of our apparatus

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:

- ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
-
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
 - ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
 - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ **All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ **Trade Effluent Discharge from Non-Domestic Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Angela Allison

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

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Our Ref:
Your Ref: APP/2022/1845

Infrastructure Services

Waste Management

Unit 7 Harlaw Way

Harlaw Industrial Estate

Inverurie

Aberdeenshire

AB51 4SG

Tel 03456 08 12 07

Fax

www.aberdeenshire.gov.uk

Please ask for: Peter Stanworth
Direct Dial: 01467 533445

Date: 06/09/2022

If you have difficulty reading this document please contact Peter Stanworth on 01467 533445

Dear Sir/Madam

Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279) at Land Adjacent To Rothnick Croft, Etherley, Stonehaven, Aberdeenshire, AB39 3QU Grid Reference: 387228.795779

Thank you for submitting the Planning Application to my service for review and comment.

Waste management has no objection subject to the proposed layout being designed to the satisfaction of Roads Development. Please avoid block paved roads as they are not sufficiently robust for the Waste Collection Vehicles to traverse. They also harbour weed growth.

Access

In all cases, vehicular access is of paramount importance. Collection vehicles are generally Large Goods Vehicles (LGV) of approximately 10 metres in length and require adequate space to manoeuvre. They have a turning circle of 21 metres diameter. Where possible the need for these large vehicles to reverse should be negated/minimised. Refuse vehicles should in any case not be required to reverse for a distance greater than 12 metres in accordance with British Standard 5906:2005.

It should be noted that where vehicles are expected to access a private development the road surface should be constructed of adequate quality and maintained to withhold the weight of vehicles up to 32 tonnes Gross Vehicle Weight.

The Council will also not take responsibility for fair wear and tear where access into private developments is requested. In the event that a private road falls below an acceptable standard or that access becomes difficult for any reason for refuse/recycling vehicles the collection point will revert to the nearest public road. Documents outlining the dimensions including turning circles of the refuse collection vehicles currently in service are attached to this letter.

TOTAL BIN STORAGE FOR AT LEAST 3 X 240ltr bins should be provided per house

Refuse Collection

One bin per property is required for non-recyclable waste but each unit should have space for 2 x 240 ltr wheeled bins (to allow for situations where more than one bin is required) The property developer is required to pay for refuse bins.

Communal bins are permitted only if the developer can evidence they will be maintained by a factor. If provided, bin stores should have adequate space for wheeled bins and sited close to the nearest road. There should be a minimum of 100 mm allowed between each bin for ease of manoeuvring the bins.

Recycling

Glass Recycling

Given the size of this development, suitable spaces should be allowed for the provision of glass recycling points within the development for the use of residents. This would most likely consist of a set of up to 3 x 240 litre wheeled bins encased in an aesthetically pleasing casing which would be individually labelled for the collection of brown, blue/green and white glass.

The waste service can assist in determining the best site for such a facility to ensure that it is accessible to both residents and collection crews. It is suggested that this site is as centrally located for the convenience of all residents as possible. The area would require to be on hard standing and could be screened. Would require to be close to the access road for servicing.

Kerbside Recycling Collection

All new developments, in addition to the requirements for refuse collection bins (as above), should now also plan space for 2 x 240 litre bin for recyclables and 1 x food waste container (25 litre) for each house/flat. The same recommendations regarding bin stores, access, etc. will apply as they do for refuse.

The recycling bins are for the collection of cans and foil, paper, cardboard, plastic bottles, plastic pots, tubs and trays and cartons.

The food waste container is collected weekly.

The developer is required to pay for recycling and food waste bins.

Commercial Developments

It is difficult to assess the needs of any commercial development before it is occupied but space should be designated for storage of waste/recycling containers bearing in mind that some establishments may use large industrial type skips. If there is a likelihood of any food premise being installed then it should be noted that this type of business usually generates significant volumes of waste. It is desirable for commercial premises to have some indoor space allocated for storage of waste or recyclables. Outdoor bin storage should be enclosed on 3 sides to prevent receptacles from moving away from their storage points and escape of waste.

Premises with statutory required clean up frontage under the terms of Section 93 of the Environmental Protection Act 1990 will be required to present a litter prevention action plan to Waste Management before any objection is removed.

All businesses will be affected by the Waste (Scotland) Regulations 2012 and we recommend that applicants for commercial developments familiarise themselves with these, more information can be found here:

http://www.sepa.org.uk/waste/moving_towards_zero_waste/zero_waste_regulations.aspx

Yours Faithfully

P Stanworth

Peter Stanworth
Waste Support Leader

attachments:
Mercedes Econic Dimensions
Turning Circles Table 2016
Bin Dimensions

Trade Waste and Trade Recycling Service Containers

We supply 6 different sizes of bin:

- 140L (smaller than a household wheeled bin)
- 240L (same as a household wheeled bin)
- 660L (metal bin with 4 wheels)
- 820L (metal bin with 4 wheels)
- 1100L (metal bin with 4 wheels)
- 1280L (our largest metal bin with 4 wheels – same as a bin at a Recycling Point)



From left to right: 140L wheeled bin, 240L wheeled bin, 660L container, 820L container 1100L container.

Bin Dimensions and Maximum weights - approximate outer dimensions including handles

Bin size (litres)	Height (cm)	Width (cm)	Depth (cm)	Maximum weight capacity (kg)
140	104	50	55	59
240	110	58	74	96
660	131	125	72	264
820	137	123	78	328
1100	157	125	98	440
1280	143	135	100	440

CHASSIS:- MERCEDES ECONIC 2630LL EURO 6 6X2 REAR-STEER 4500mm W/B 1350mm BOGIE
 BODY TYPE:- POWERLINK 16
 TAILGATE:- OPTIMISED
 HOIST:- TERBERG OMNIDEL
 DRAWING:- H1M2C605 Rev0
 DENSITY:- 600 kg/cu.m (COMPACTOR BODY)
 DENSITY:- 500 kg/cu.m (POD BODY)

POD:- 5M POD
 LOAD CELLS:- NOT FITTED
 REVISION:- 0

CHASSIS SPECIFICATION:-
Permitted (plated) Loading per axle

AXLE 1 -	8000	kg	
AXLE 2 -	11500	kg	
AXLE 3 -	7500	kg	

UNLADEN CHASSIS:-
Weight of chassis per axle

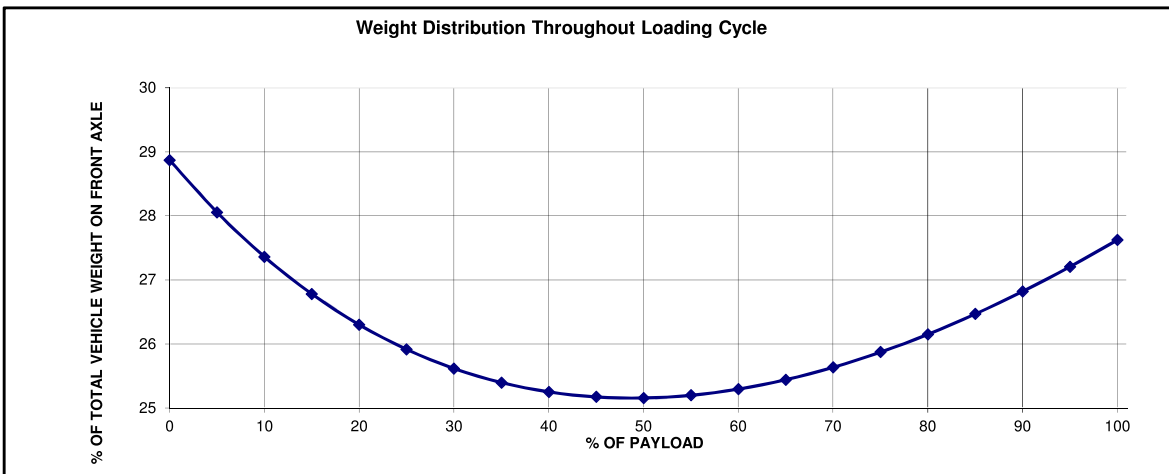
AXLE 1 -	4440	kg	
AXLE 2 -	2200	kg	
AXLE 3 -	890	kg	

WEIGHT OF BODY :- 5195 kg
CoG OF BODY:- 3366 mm
CoG PAYLOAD:- 2257 mm
MOUNT POSITION:- 2400 mm
WEIGHT OF HOIST:- 595 kg
CoG OF HOIST:- 6080 mm
WEIGHT OF TAILGATE:- 0 kg
CoG OF TAILGATE:- 0 mm
WEIGHT OF EJECTOR PLATE:- 395 kg
CoG OF EJECTOR PLATE (RETRACTED):- 300 mm
WEIGHT OF RECYCLING POD:- 1750 kg
CoG OF RECYCLING POD:- 1500 mm
WEIGHT OF RECYCLED MATERIAL:- 2500 kg
CoG OF RECYCLED MATERIAL:- 1500 mm
WEIGHT OF DRIVER:- 80 kg
CoG OF DRIVER:- 0 mm
WEIGHT OF EJECTOR CYLINDER 160 kg
CoG OF EJECTOR CYLINDER (RETRACTED):- 200 mm
DIMENSION AXLE 1 TO AXLE 2 4500 mm
DIMENSION AXLE 1 TO AXLE 3 5850 mm

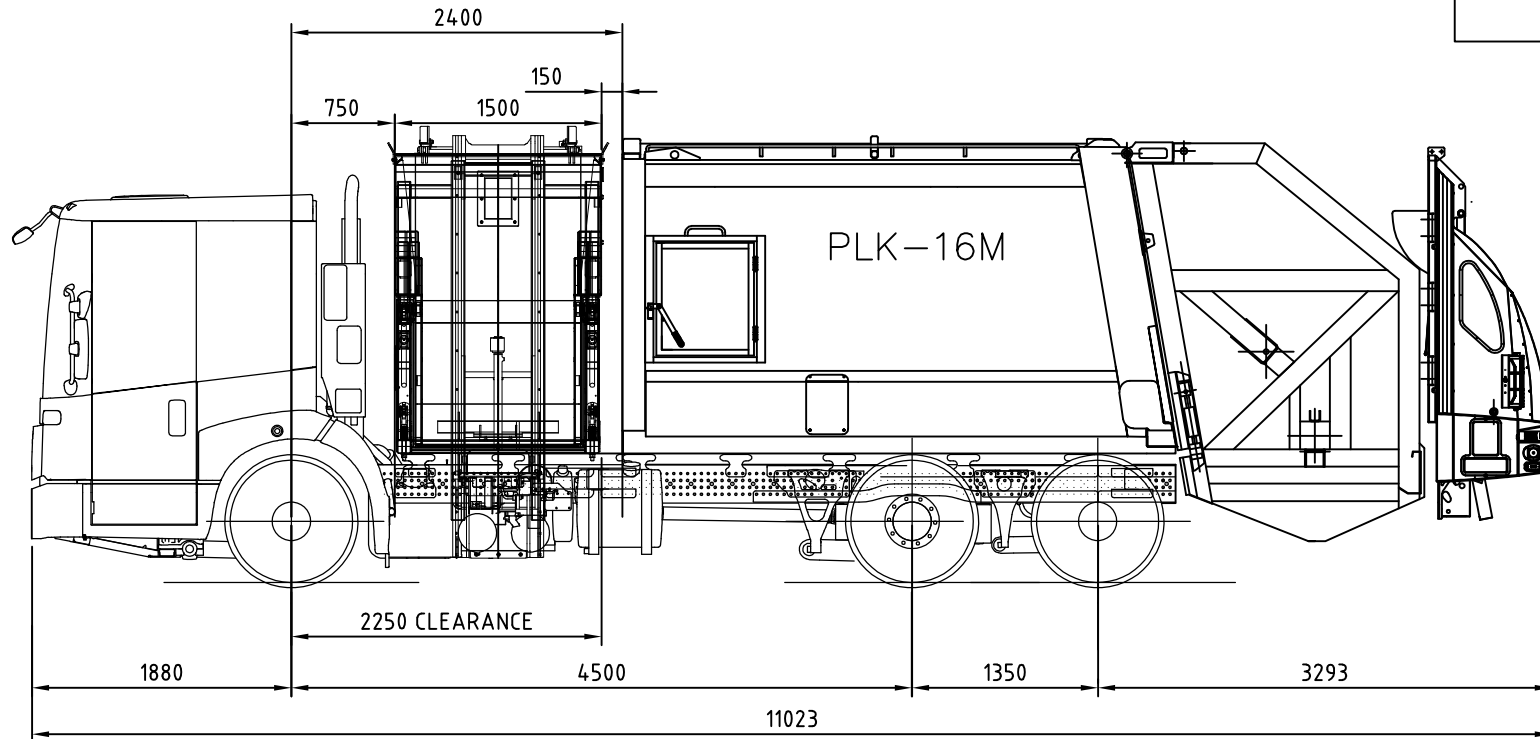
NOTE:
Mount Position is from front of body to centre of front wheel

NOTE: Recycling Pod full

	FRONT AXLE	REAR AXLE	TOTAL	FRONT AXLE %	REAR AXLE %
CHASSIS	4440	3090	7530		
BODY & TAILGATE	-757	5952	5195		
PRIMARY HOIST	-408	1003	595		
TAILGATE	0	0	0		
EJECTOR PLATE	183	212	395		
RECYCLING POD	1228	522	1750		
RECYCLED MATERIAL	0	0	0		
DRIVER	80	0	80		
EJECTOR CYLINDER	77	83	160		
UNLADEN WEIGHT (EJECTOR RETRACTED)	4845	10860	15705	30.8	69.2
UNLADEN WEIGHT (EJECTOR EXTENDED)	4534	11171	15705	28.9	71.1
PLATED WEIGHT	8000	19000	26000		
BASED ON PAYLOAD DENSITY OF:	600 kg/cu.m				
RCV PAYLOAD	582	7213	7795		
POD PAYLOAD	1755	745	2500		
TOTAL AXLE LOAD	7182	18818	26000	27.6	72.4
BASED ON MAX REAR AXLE LOAD					
RCV PAYLOAD	597	7395	7991		
POD PAYLOAD	1755	745	2500		
TOTAL AXLE LOAD	7196	19000	26196	27.5	72.5
BASED ON GROSS VEHICLE WEIGHT					
RCV PAYLOAD	582	7213	7795		
POD PAYLOAD	1755	745	2500		
TOTAL AXLE LOAD	7182	18818	26000	27.6	72.4



H1M2C605



CHASSIS: MERCEDES-BENZ
 MODEL: ECONIC 2630LL EURO 6 6X2 REAR-STEER
 CAB: 4 MAN CREW
 WHEELBASE: 4500mm + 1350mm
 RCV BODY: POWERLINK 16M
 RCV HOIST: TERBERG OMNIDEL
 POD: 5M W/O PANNIER

OVERALL WIDTH: 2530mm
 OVERALL LENGTH: x
 OVERALL HEIGHT: x
 TURNING CIRCLE (WALL TO WALL): x
 PACKING CYCLE TIME: x
 HOIST CYCLE TIME: x

				TOLERANCES UNLESS OTHERWISE SPECIFIED: LINEAR (mm) X = ± 1 X.X = ± 0.1 LINEAR (Inches) .XX = ± .06 .XXX = ± .030 ANGULAR = ± 1°		NOTICE This print is the property of FARID HILLEND ENGINEERING LTD and is recallable at any time. It must not be copied or used detrimentally to the interests of FARID HILLEND ENGINEERING LTD		DIVISION E		UNITS —			
				DATE: 11/09/2018		SCALE: NTS		TITLE: POWERLINK 16M & 5M POD ECONIC EURO 6 6X2RS 4500mm W/B					
MATERIAL:				DRAWN BY:				PART No.					
0 FIRST ISSUE 11/09/18 JD				JD				H1M2C605					
REV. WAS DATE ECO No.													

Mercedes-Benz Econic

Turning Circles

all dimensions in m (tolerance +0.5m)

1830L		
4x2 ** extra cost		
Front Steering Axle to:	kerb to kerb	wall to wall
Second Axle		
3.45	13	15.1
3.9	14.2	16.3
4.2	15	17.2
4.5	15.9	18
5.7	19.2	21.3

		2630L 26t 6x4		2630L 26t 6x2 mid-steer ** extra cost		2630L 26t 6x2 rear-steer	
Front Steering Axle to:	Third Axle	kerb to kerb	wall to wall	kerb to kerb	wall to wall	kerb to kerb	wall to wall
Second Axle							
3.45	4.8					13	15.1
3.9	5.25	16.1	18.2	18	20.1	14.2	16.3
4.2	5.55	16.9	19			15	17.2
4.5	5.85					15.9	18
4.8	6.15					16.7	18.8

			3235LL 8x4 mid-steer		3235LL 8x4 rear-steer	
Front Steering Axle to:	Third Axle	Forth Axle	kerb to kerb	wall to wall	kerb to kerb	wall to wall
Second Axle						
3.75	1.35	1.35	19.4	21.5	15.7	18

Your planning consultation entitled [Land Adjacent To Rothnick Croft Netherley Stonehaven AB39 3QU](#) for Planning Application Reference APP/2022/1845 on Ward Pages has closed, your proposal for this application to be determined by officers using delegated powers has been Accepted. Full results are shown below:

Councillor	Response	Comments	Interest Declared
Cllr. Mel Sullivan	Agree Officer Delegation		● No Interest Declared
Cllr. Catherine Victor	Agree Officer Delegation		● No Interest Declared
Cllr. Shirley Burnett	No Response		● No Response
Cllr. David Aitchison	Agree Officer Delegation		● No Interest Declared

From: [Alan Innes](#)
To: [Planning Online](#)
Cc: [Kieran Buxton](#); [Alan McMillan](#)
Subject: OBJECTION TO PLANNING APPLICATION APP/2022/1845 FOR LAND ADJACENT TO ROTHNICK CROFT, NETHERLEY, STONEHAVEN, AB39 3QU [BURNESPAULL-ACTIVE.FID28101331]
Date: 29 September 2022 12:11:27
Attachments: [Letter to Aberdeenshire Council.pdf](#)

Dear Planning and Economy Service, Aberdeenshire Council (FAO: David Niven, Case Officer)

**OBJECTION TO PLANNING APPLICATION APP/2022/1845 FOR LAND ADJACENT TO ROTHNICK CROFT, NETHERLEY, STONEHAVEN, AB39 3QU
OUR REF: FOR/1041/00144**

We act on behalf of Forbes Homes Limited. On behalf of our client, please see the attached letter objecting to planning application made under reference APP/2022/1845 for the reasons noted in the letter.

Please note our client's request (at the end of the letter) to be informed of any further submissions made on behalf of the applicant in relation to drainage.

The attached letter is being emailed to you at this address, being the email address listed in the Press and Journal advertisement of 9 September 2022. We would be grateful if you could confirm receipt of this email and attached letter today.

Kind regards

Alan

Alan Innes
Senior Associate
Burness Paull LLP

Direct Dial: +44 (0)131 370 8961
Mobile: +44 (0)7850 004 837
Email: Alan.Innes@burnesspaull.com
LinkedIn: <https://www.linkedin.com/in/alaninnes/>
Pronouns: [He/him/his](#)

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Our Ref FOR/1041/00144/AInnes/ACM
Your ref APP/2022/1845 (FAO: David Niven)

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BY EMAIL ONLY:

planningonline@aberdeenshire.gov.uk

FAO: David Niven (Case Officer)

Planning and Economy Service

Aberdeenshire Council

Viewmount

Arduthie Road

Stonehaven

AB39 2DQ



29 September 2022

Dear Planning and Economy Service, Aberdeenshire Council

FORBES HOMES LIMITED

OBJECTION TO PLANNING APPLICATION APP/2022/1845 FOR LAND ADJACENT TO ROTHNICK CROFT, NETHERLEY, STONEHAVEN, AB39 3QU

We act for Forbes Homes Limited. On behalf of our client, we are instructed to write to you to object to the planning application under reference APP/2022/1845 (the **“2022 Application”**). The 2022 Application is an application to renew the planning permission granted (with conditions) by Aberdeenshire Council, dated 6 February 2019, under reference APP/2018/1279 (the **“2019 Permission”**).

Our client objects to the 2022 Application on the grounds that the applicant has not demonstrated that it can provide a suitable drainage solution for the disposal of surface water. The applicant’s proposed drainage solution would require a connection to allow drainage onto our client’s land. The applicant has no rights to install such a connection and would not be able to deliver the proposed drainage solution.

Background and Legal Position

The land that is the subject of the 2019 Permission (and 2022 Application) is the subjects lying on the east side of Rothnick Croft, Netherley, Stonehaven, being the land registered in the Land Register of Scotland under title number KNC18270 (the **“Development Land”**).

Aberdeen Edinburgh Glasgow

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Lawyers with offices in Aberdeen, Edinburgh and Glasgow.
A list of members is available for inspection at the firm’s registered office.

ACTIVE: 111954047v7

Our client is the heritable proprietor of land to the north of the Development Land, being the land registered in the Land Register of Scotland under Title Number KNC11340 (“**FHL Land**”).

There is an unresolved court action between our client, as Pursuer, and (i) Linda Pirie (the “**Applicant**”) and (ii) George Pirie (the Applicant’s co-owner), at Aberdeen Sheriff Court under reference ABE-A84-19 (the “**Court Action**”).

The Court Action concerns the entitlement that the Applicant and Mr Pirie have in respect of drainage through the FHL Land from the Development Land, and in particular for the development contemplated by the 2019 Permission (or any other proposed development).

Our client’s position is that the Applicant and Mr Pirie have no right or title to use, for the drainage or sewerage in relation to the 2019 Permission (or any other proposed development), any watercourses, pipes, connections, drains and sewers in and under any part of the FHL Land. Our client seeks remedies of declarator and interdict to reflect their position.

By way or further explanation, the Development Land does not benefit from any existing drainage connections through the FHL Land. The Development Land has no rights to install new connections through the FHL Land. Further, the proposals for the Development Land involve a connection from that land, into a newly installed pipe through the adjacent Rothnick Croft, then into an existing pipe through the FHL Land (which pipe does serve Rothnick Croft). That would both (i) use Rothnick Croft as a “bridge” to drain the Development Land and (ii) increase beyond current use and capacity the amount of water flowing through the existing pipe through the FHL Land. Both matters are unlawful, and as such there is no legal basis on which the Development Land can be drained through the FHL Land.

Opposition to the 2022 Application

Our client’s opposition to the 2022 Application relates to (i) the suitability (from a legal and practical perspective) of the FHL Land for drainage of the Development Land (which is a position taken without prejudice to our client’s position in the Court Action); and (ii) unexplained differences between the 2022 Application and the underlying application that led to the 2019 Permission.

(i) The suitability of the FHL Land for drainage

The FHL Land is susceptible to flooding with the existing drainage arrangement. The Applicant previously undertook a development on the adjacent Rothnick Croft subjects involving the demolition of the existing building and construction of a new dwellinghouse and outbuildings. The roof and surface drainage areas were accordingly increased, which has led to an increase of water flowing into the previously mentioned pipe through the FHL Land. That has exceeded the capacity of the existing drainage arrangement, leading to flooding and waterlogging on the FHL Land. A number of horses kept on the FHL Land have either suffered health problems or died, which our client believes is as a result of the waterlogged condition of the land.

The FHL Land does not have capacity to accept further water from the Development Land without further adverse consequences. The Applicant and Mr Pirie admit in the on-going court action that (i)

the drainage system does not operate effectively; and (ii) that the ground in the FHL Land is waterlogged.

For so long as they involve drainage onto and through the FHL Land (via the adjacent Rothnick Croft property), the drainage proposals are not appropriate because they will exacerbate the condition of the FHL Land.

The 2022 Application is therefore contrary to Policy RD1 of the Aberdeenshire Local Development Plan 2017, which provides that surface water drainage must be dealt with in a sustainable manner and in ways that avoid pollution and flooding, and to Policy C4, which provides that the Council will not approve development that may contribute to flooding issues elsewhere.

(ii) Unexplained differences between the 2022 Application and the 2019 Permission

First, the 2022 Application does not go into the same detail as the underlying application for the 2019 Permission in respect of drainage arrangements. The underlying application for the 2019 Permission states: “*Porosity of the ground is poor with underlying rock, therefore drainage is to be by packaged seweraged treatment plant, to partial soakaway within the site with final discharge to watercourse.” The 2022 Application states: “*Porosity of the ground is poor with underlying rock, therefore drainage is to be package treatment plant*”. There is no reference to the underlined text above in the 2022 Application.*

The 2022 Application does not make clear how the Applicant proposes that water being drained from the Development Land is ultimately to be discharged. Our client presumes that the discharge will ultimately be into a watercourse, as detailed in the 2019 Permission. However, our client notes that the only way the Development Land may be drained into a watercourse is through the FHL Land. As we have outlined above, the Development Land does not benefit from such rights.

The 2019 Application was approved despite the concerns of the Council’s Infrastructure Services (Flood Risk and Coast Protection). However, a condition was imposed requiring the submission of appropriate evidence to the Council to demonstrate that the existing drainage pipe infrastructure in the FHL Land is functioning effectively and could accommodate the new connection. The Applicant will not be able to satisfy this condition for the reasons detailed above. The 2022 Application should therefore be refused.

Conclusion

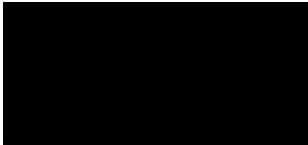
Our client’s position as to the determination of the 2022 Application is as follows:

1. The 2022 Application should be refused because it does not provide for a suitable drainage proposal. A drainage proposal over the FHL Land will not satisfy Condition 1 of the 2019 Permission due to the existing issues with the drainage.
2. Failing which, if the 2022 Application is to be granted and the planning authority considers that it remains appropriate and reasonable (notwithstanding the practical and legal issues noted above), Condition 1 of the 2019 Permission should remain imposed in respect of the

2022 Application. However, we would query whether it is appropriate to permit an application with a condition which there is no legal or practical route to discharge.

We request and would be grateful that should the Applicant make any further submissions in respect of this drainage issue, our client be given the opportunity to comment upon them.

Yours faithfully



for and on behalf of Burness Paull LLP

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E: Alan.Innes@burnesspaull.com

Comments for Planning Application APP/2022/1845

Application Summary

Application Number: APP/2022/1845

Address: Land Adjacent To Rothnick Croft Netherley Stonehaven AB39 3QU

Proposal: Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions),
Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse
(Renewal of Planning Permission APP/2018/1279)

Case Officer: David Niven

Customer Details

Name: Mr Calum MacPherson

Address: 3 Stripeside Netherley Stonehaven AB39 3AB

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As I understand it, the nursery and house proposed in APP/2022/1845 has no drainage solution. The ground on site is poor, with testing confirming bedrock and poor percolation value and infiltration rates. Soakaways will not work. The applicant has no outfall from the previously approved drainage, and no ability to provide one to the nearby watercourse as they do not own the land nor hold the licence. The existing drainage at Rothnick Croft appears to be failing, and any additional burden on that system will only add to the problems on adjoining land.

The site itself is also poorly located for a nursery, isolated and unsustainably located. There is no justification for a house alongside it. The Committee approval previously should be reviewed and the application rejected this time round.

Comments for Planning Application APP/2022/1845

Application Summary

Application Number: APP/2022/1845

Address: Land Adjacent To Rothnick Croft Netherley Stonehaven AB39 3QU

Proposal: Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279)

Case Officer: David Niven

Customer Details

Name: Mr David Pascoe

Address: 1 Stripeside Netherley Stonehaven AB39 3AB

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to APP/2022/1845 for a nursery and house at Rothnick Croft, Netherley.

The site is isolated and only accessible by car.

The impact on traffic and road safety in the local area would be significant.

The site has no drainage solution at present, and no ability to provide a solution in the future. There is existing drainage and flooding problems on adjacent fields from Rothnick Croft, any additional development will only worsen this.

The inability to drain the site could be what has prevented the development progressing. The previous approval was against the recommendation of the Planning Authority, and it appears that a condition relating to drainage was added at the 11th hour to ensure that drainage was looked at in more detail.

This repeat application allows further scrutiny, and the reliance of a condition to address such a pivotal matter should not be repeated. A drainage solution, that the applicant can deliver on land that is in their control to a watercourse that they hold the licence for, has to be secured to ensure planning policy is met and that the development can be delivered properly.

If they can not provide that certainty at this stage, the application should be refused.



September 29, 2022

Aberdeenshire Council
ePlanning Team

Sent by email to planning@aberdeenshire.gov.uk

Dear Sir / Madam

Re: Objection to Application APP/2022/1845 Land Adjacent To Rothnick Croft Netherley Stonehaven

This representation has been prepared on behalf of Mr Deryck Forbes of Sunnybrae, Drumoak, Banchory, Aberdeenshire, AB31 5AD. This representation is in response to application APP/2022/1845 for a children's nursery and dwellinghouse. Mr Forbes through his company is the owner of the land directly to the north of the application site and the ownership includes the existing discharge for the former croft at Rothnick and the field drain that discharges to the Burn of Elsick.

The current permission requires that no works can proceed unless evidence of the proposed outfall can be provided. Drainage Report submitted with Application APP/2018/1279 states that it is proposed to install an overflow outlet pipe from the detention pond to join an installed drain located within land owned by Forbes Homes. This drain is providing an outfall for a single house to a water course. The Applicant has no right or title to use, for the drainage or sewerage of the proposed nursery development (or any other proposed development on that land), any watercourses, pipes, connections, drains and sewers in and under any part of Mr Forbes' Land (whether directly or via Rothnick Croft). There is therefore no legal basis on which the proposed nursery development or the land on which it is situated can be drained as proposed.

Access for additional properties will not be permitted as there is no available capacity for any more properties to discharge to this watercourse with a nearby development at Stripeside already discharging into this watercourse under a CAR licence. In these circumstances the application as previously approved for this site (APP/2018/1279) cannot be implemented.

Mr Forbes objects to application APP/2022/1845 and the reasons for objection are set out below.

Drainage

Surface Water run-off from Rothnick Croft increased when the new dwelling house was constructed in place of the old croft (APP/2013/1809) with significant land raising undertaken and increased rainwater run-off from the house and garage roof areas along with the drive, significantly increasing and exceeding the capacity of the existing drainage arrangement within the field to the North, leading to flooding and water logging on the land. The ground assessment / drainage recommendation report and the approved site / location plan for APP/2013/1809 (new dwelling house) notes the drainage for this site connects into an existing drain which discharges to a watercourse to the North. However, there is no evidence to confirm that this is the case. The drainage report and the SEPA registration for the dwelling house (CAR/R/1113648) noted a point of discharge to a watercourse which is on the North boundary of Rothnick Croft (NO 8706 9579), which is a ditch with no flow of water and

nowhere near the watercourse that runs through the fields to the North under Forbes Homes' ownership. The discharge point is as per the grid reference above and not the watercourse running that runs through the fields.

The applicant has investigated drainage solutions at Rothnick Croft and has installed a gully arrangement and pipes on the north boundary of the property. This has created blockages within the existing field drainage. Figure 1 provides an outline of the existing drainage installed at this location.

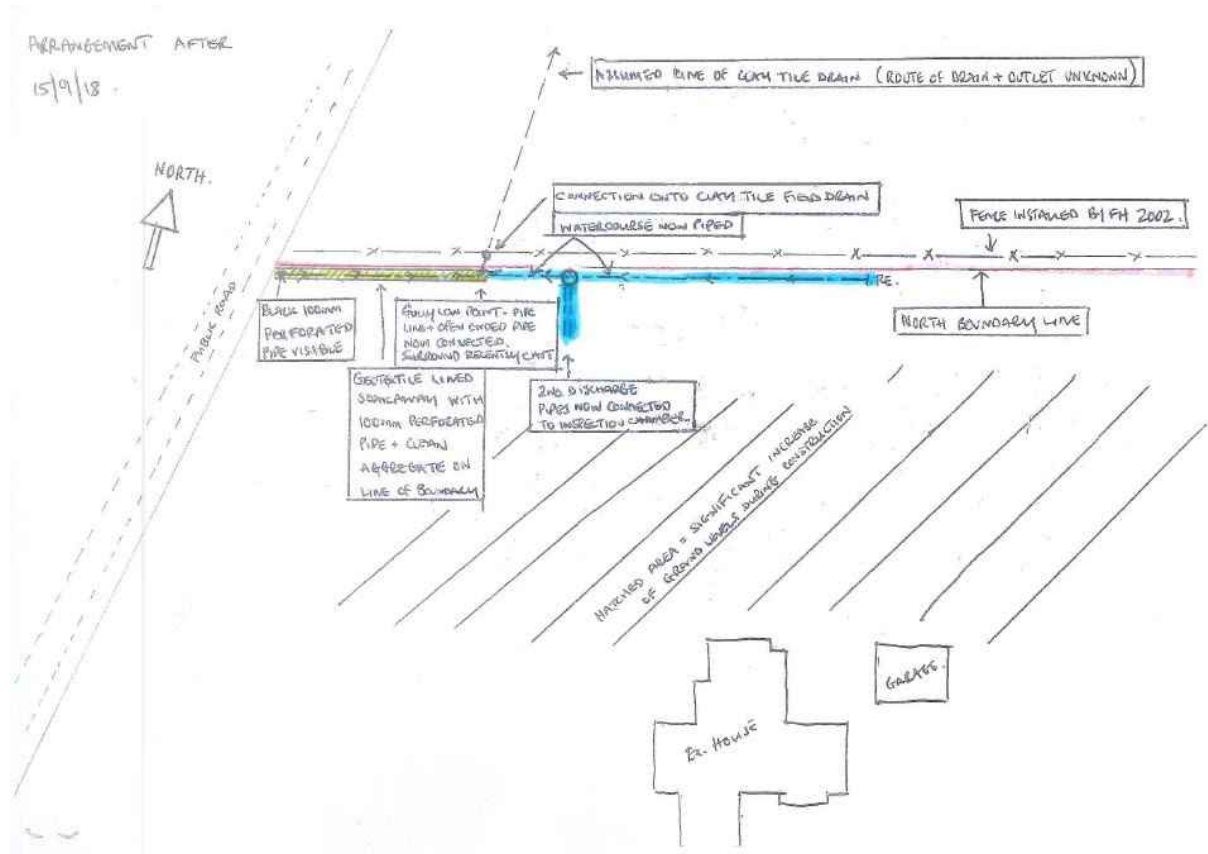


Figure 1 Existing Drainage Arrangements

At times of higher rainfall the water run-off flows down the public road and into Forbes Homes' fields as shown in Figure 2 and 3.



Figure 2 Aerial view of ponding at drainage outfall



Figure 3 View of ponding at drainage outfall

The fields to the north of the application site are used for keeping horses and Forbes Homes' tenant has suffered harm to the horses resulting from flooding. The tenant (Karina Yule) has experienced increased costs from her local vet due to issues with several of the horse's feet (as a result of the wet conditions) including issues such as abscesses and bacterial infections and suffered the loss of 4 horses.

Policy RD1 states "connection to a private drainage infrastructure can be supported, if it is demonstrated satisfactorily that disposal of sewage can be achieved without negative

impacts on public health, amenity or the environment and where cost and practicability show it to be a reasonable alternative. Appropriate supporting evidence should be provided to support using private drainage infrastructure." (RD1.12). Policy RD1 also states that "Surface water drainage must be dealt with in a sustainable manner, in ways that promote its biodiversity value, and in ways that avoid pollution and flooding, through the use of an integrated Sustainable Drainage System." (RD1.13).

The comments on the previous application (APP/2018/1279) confirm that poor infiltration rates exist on the site. The enclosed consultation response from Flood Risk and Coastal Protection state that the poor infiltration would result in water rising to ground and running off the site. No evidence has been submitted with this application that indicates that the foul water soakaway on the site would work or that it would not cause flooding of neighboring land.

The surface water is to discharge into a basin for which there is no detailed design for and it is not clear if it will ensure that water would discharge into the overflow and not onto Forbes Homes' land causing flooding.

Almost 4 years have passed since the original application for this development. During this time the applicant has not been able to provide any details to confirm how drainage will be provided from the site. The limited design and supporting information for both foul and surface water drainage does not demonstrate compliance with Policy RD1.

Historic Use

There was a Blacksmiths located within this area historically as identified on OS from 1868. There have been concerns raised that flood water from the site includes contaminants. A ground contamination report should have been carried out due to the fact there would have been ash disposed of on site, which should have been removed by a licensed contractor and further tests would have been carried out prior to a certificate being issued stating all was clear. The fact that a horse in the fields to the north died due to toxic poisoning suggests there could be ground contamination from the overflow from Rothnick Croft.

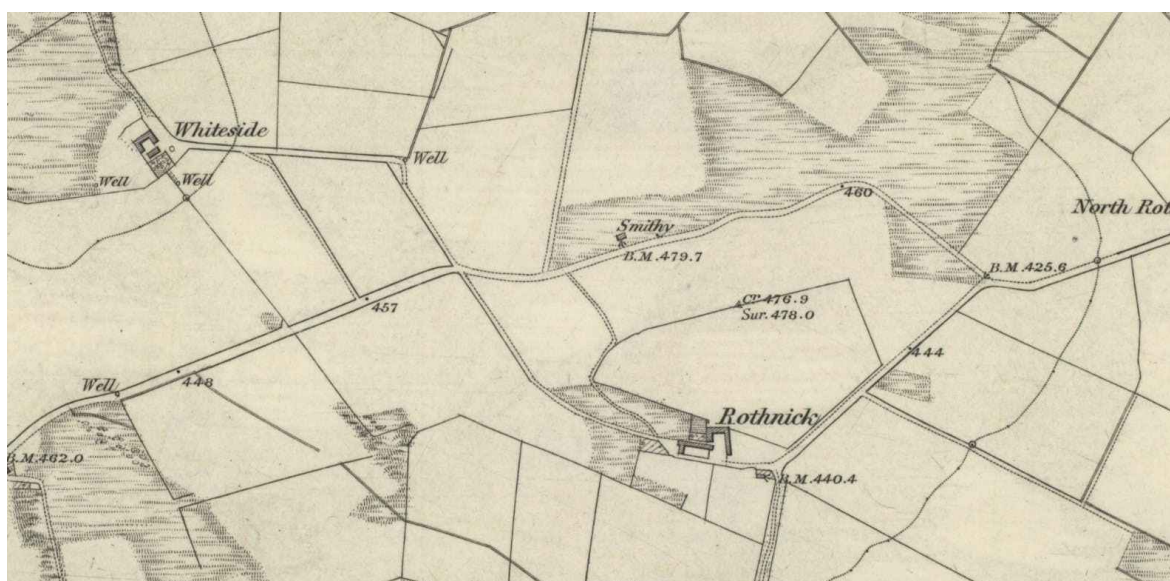


Figure 4 Historic Mapping NLS 1868

Principle of Development

The application is a repeat of APP/2018/1279, which was approved February 2019. Whilst this remains valid it cannot be implemented due to no legal right to utilise the existing drain within Mr Forbes' land as explained. Within the determination of the previous application the Planning Authority acknowledged that the proposal in principle did not comply with Policy R2.

The Planning Committee Decided to approve the application for 4 reasons listed below. Comment is made below setting out reasons why these reasons are no longer adequate to support approval on this site.

1. National policy changes regarding day care, early years, is a material consideration to be taken into account when assessing against policies in the Local Development Plan,

Information published by Aberdeenshire Council¹ lists all of the nurseries available in the Portlethen cluster. There is no evidence presented to suggest that there is insufficient capacity within these nurseries or that there is an unmet demand. Lairhillock Nursery located at the school is located within 1.5km of the application site and would be accessible to residents in the area surrounding the site. It is understood that there is capacity within this nursery.

Previously supporting comments were made on the need for nursery provision, these same comments have not been received in response to this application.

2. A rural nursery needed to be situated in a rural setting and the proposed site was considered to be suitable,

A justification report was previously submitted, but has not been updated for this application. This report previously projected 50 children attending the nursery. As explained in this justification report, transport would then require parents to drop off and pick up at the proposed car park. This is a significant number of trips, with the addition of nursery staff that would be required to drive to the nursery. The catchment suggested would be very wide and it should be questioned whether there is not a more suitable and accessible location that a travel destination use should be located. This also does not fit with emerging policy in National Planning Framework promoting 20 minute walking neighbourhoods or existing policies that promote a town centre first approach for footfall generating uses.

Lairhillock Primary School (which has a nursery) meets the rural need, and they have access to outdoor learning. All schools have early years provision and there are private nurseries in all towns nearby – which are sustainably located. There is no demonstrated need for this facility to meet an educational need in this location.

3. Nursery provision would offer local employment opportunities for parents of the children attending nursery and also staff within the nursery,

Development has not proceeded and none of the benefits outlined relating to jobs in the previous decision have been realised. Without a shortfall in the requirement for

¹ [ELC Admission Booklet \(aberdeenshire.gov.uk\)](http://www.aberdeenshire.gov.uk).

provision of nurseries in the local area the development is unlikely to create new jobs. These jobs will most likely result in a displacement of existing jobs from the surrounding area. Given existing facilities are all more sustainably located this will have a negative impact on the carbon emissions associated with travel in the local area. This is not a sustainable development.

4. Having a member of staff living on-site was seen as important to care for the small animals.

Multiple schools across the country have small animals for learning purposes, they survive without a member of staff living in the school or on school grounds. Animals get tended to during the day, fed, then left overnight. To care for "pets" is not justification for a house.

The justification for the dwellinghouse did rely previously on a comparison of existing property available within close proximity and the costs to build a new dwelling house on the site. The evidence presented was from May 2018 and is no longer of any relevance to this application. Given the departure from policy and the lack of any supporting justification for the dwelling there is no justification for a departure from policy R2 for supporting a dwelling at this location.

Local Development Plan section on Shaping Development in the Countryside states that "We need to recognise the effect that rural living can have on wider aims shared with stakeholders on reducing the need to travel and on the issues of climate change and sustainable development." The emerging Local Development Plan agreed by Aberdeenshire Council to be submitted for adoption identifies that Aberdeenshire is an area that "promotes sustainable development that reduces the need to travel, reduces reliance on private cars and promotes safe and convenient active travel opportunities". This is in response to the response to climate change and balancing economic growth and development with the need to protect and improve the environment.

The proposed development is designed around the use of private car for transport and has no access to more sustainable modes of travel. The Local Development Plan seeks to balance the need for rural development and its sustainability. All aspects of this proposal fail to meet these policy expectations and are significantly contrary to the aims and objectives of the Local Development Plan.

It is respectfully requested that this application is refused.

Faithfully,



Daniel Harrington
Director

T +44 (0) 1224 586277 M +44 (0) 7557238719 | Daniel.Harrington@THE-ap.co.uk

Enc -Comments by Flood Prevention Unit
cc - David Niven

From: [Nick Rae](#)
To: [Planning Online: Jenny Ash](#)
Cc: [Lee Watson](#)
Subject: Consultee Response for Planning Reference APP/2018/1279
Date: 01 November 2018 13:38:19
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[Rothnick Croft Surface Water Sketch.pdf](#)
[Rothnick Croft Surface Water DIA.pdf](#)
[Rothnick Croft Surface Water Calcs.pdf](#)

Consultee: Flood Risk & Coast Protection

Planning Reference: APP/2018/1279

Planning Case Officer: Jenny Ash

Proposal: Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse

Address: Land Adjacent to, Rothnick Croft, Netherley, Stonehaven, Aberdeenshire, AB39 3QU

Grid Reference: 387228.795779

Good afternoon,

With regard to the above referenced application, Flood Risk & Coast Protection has received revised surface water drainage design documents directly from the agent. Please find these attached for your records.

Following our last consultee response, this department has engaged with the agent and applicant's engineer, during which we clarified that if a revised design was to include discharge to ground, rather than a piped outfall to the nearby watercourse, then infiltration testing would be required to be undertaken within the area of the site that the surface water discharge was proposed to take place.

We note that this revised design no longer features the proposed detention pond and use of the existing discharge pipe to a nearby watercourse (for which we had requested demonstration of adequate function, in order to accept the new connection). The revised design consists of attenuation tank and filter trench discharge components.

The revised design has now been reviewed by this department, including the Principal Engineer for Flood Risk & Coast Protection (copied in to this response). It is noted that within the Drainage Impact Assessment document it states that: *"From a visual inspection of the test pits, and a trial infiltration test, it was proved that the ground conditions within the site (brown/grey glacial tills with varying fines content) are not suitable for a purely infiltration based drainage system"*. The revised design, whilst we acknowledge does provide attenuation, would ultimately discharge to the filter trenches and due to the lack of / poor infiltration, result in surface water rising to ground or near-ground level and running off the site.

As the infiltration testing has not proved that such a solution is viable, as well as existing concerns raised by the neighbouring landowner regarding surface water issues within the adjacent land, we unfortunately maintain our stance that we cannot support this application in its current form.

Regards,

Nick Rae

Civil Engineer

Flood Risk & Coast Protection

Infrastructure Services



E: nick.rae@aberdeenshire.gov.uk

T: 01467 537254

M: 07818 521335

A: Carlton House, Arduthie Road, Stonehaven, AB39 2QP

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Comments for Planning Application APP/2022/1845

Application Summary

Application Number: APP/2022/1845

Address: Land Adjacent To Rothnick Croft Netherley Stonehaven AB39 3QU

Proposal: Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279)

Case Officer: David Niven

Customer Details

Name: Mrs Jill Thomson

Address: 8 Stripeside Netherley Stonehaven AB39 3AB

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to APP/2022/1845.

We were unaware of the previous application, and whilst approved it is incapable of delivery. There is no drainage solution, the properties at Stripeside hold all capacity. The failure to provide drainage is a clear failing of the development and the application should be refused.

The site is not an appropriate or sustainable location for a facility that will be visited/used by many people. The isolated location is unsustainable. There will be heavy reliance on cars, which will increase traffic, create noise pollution and have a negative impact on air quality in the local area. The development does not meet the Town Centre First Principle, or the 20 Minute Neighbourhood focus of national planning.

There is no justification for a house adjacent to the nursery, a house would not appear to meet any planning policy and there is no essential need to live and stay overnight next to a nursery that would be shut/locked at those times. The precedent of approving a house next to a nursery is extremely worrying, any nursery worker or school teacher that is in need of a home would then want to apply to live next to their place of work. Will housing be approved next to Lairhillock Primary for all their staff? Planning policy for housing is restrictive for a reason, there is no essential need for a house alongside the nursery.

The site is possibly contaminated too due to previous uses on/adjacent to the site, and unsuitable for development without significant ground investigation and remediation.

There are multiple reasons to refuse the application on this site. The previous approval has proven

to be undeliverable, it was recommended for refusal by the planners previously, and the failure to deliver and resolve the drainage issues should see this repeat application refused.

Comments for Planning Application APP/2022/1845

Application Summary

Application Number: APP/2022/1845

Address: Land Adjacent To Rothnick Croft Netherley Stonehaven AB39 3QU

Proposal: Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions),
Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse
(Renewal of Planning Permission APP/2018/1279)

Case Officer: David Niven

Customer Details

Name: Mrs Sarah Walters

Address: 2 Stipeside Netherley Stonehaven AB39 3AB

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the house and nursery at Rothnick Croft APP/2022/1845.

The applicant's site causes water runoff to neighbouring land causing problems with flooding and animal welfare.

The proposal has no drainage solution that is deliverable, with no capacity to discharge to the nearby watercourse remaining, and the development is reliant upon land they do not own or have rights to. The lack of any deliverable drainage solution fails to meet planning policy.

The site is remote and unsustainable for a use with potentially high visitors, causing traffic and safety impacts on local roads.

The application should be refused.

Comments for Planning Application APP/2022/1845

Application Summary

Application Number: APP/2022/1845

Address: Land Adjacent To Rothnick Croft Netherley Stonehaven AB39 3QU

Proposal: Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions),
Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse
(Renewal of Planning Permission APP/2018/1279)

Case Officer: David Niven

Customer Details

Name: Mrs Sylvia Pike

Address: Burnside Farm Maryculter Aberdeen AB12 5GX

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Renewal of Planning Permission APP/2018/1279

This renewal is unwarranted as the applicant has had some 3 plus years to commence building subject to complying with the conditions attached to the grant of permission but has not done so.

The applicants agent in submitting the renewal does reference the rock formation that has prevented an acceptable drainage solution being proven by a suitably qualified professional adept in these matters.

An installation of 2 composting toilets as approved by a subsequent planning application would strongly suggest there is a drainage problem that has yet to be resolved.

The original planning application was recommended by Council planners for refusal and the factors for this opinion are as relevant today as then, perhaps more so as there has been no supporting evidence for justification of developing a greenbelt site or mitigation for private transport to the site in the absence of any public bus service or other means.

Comments for Planning Application APP/2022/1845

Application Summary

Application Number: APP/2022/1845

Address: Land Adjacent To Rothnick Croft Netherley Stonehaven AB39 3QU

Proposal: Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279)

Case Officer: David Niven

Customer Details

Name: Mrs Tammy Stevenson

Address: 7 Stripeside Netherley AB39 3AB

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The application is significantly flawed, and fails to comply with -

B1 as the employment use is not accessibly located or on allocated land.

R2 as there is no justification for a house or business.

P1 as the site is not safe and pleasant or well connected; it is remote and isolated and unsustainable.

P4 as the site is contaminated and water run-off from previous uses has spread contamination to adjacent fields.

E2 as the site is prominent and development will harm the green landscape visible from the passing AWPR.

C4 as the site has no drainage solution and already contributes to flooding of adjacent land.

RD1 as the site is not safely accessible and has no drainage solution.

The applicant has not been able to meet the condition added when the Committee approved the previous proposal.

Whilst the applicant obtained some comments in support to that application, suggesting there was perhaps high demand for a nursery which perhaps swayed Councillors on the merits of the application, the support does not appear to remain. If there was such genuine support for a viable business that could be delivered, then it would have happened by now. 4 years have gone by, and the development is no further forward.

The inability to provide a drainage solution, and lack of demand/necessity for a nursery, leaves the proposal undeliverable. The previous approval by Committee overlooked some of the key technical considerations such as contamination, drainage and flood risk. These matters should be

investigated in full during this repeat application before any decision can be made. If there is no certainty over the applicant's ability to provide a proper drainage solution, the application must be refused. To leave this matter to a condition which cannot be met, is not competent.

There is no need for a house alongside the nursery, it is not a function requiring a 24-hour presence or significant safety surveillance at all hours, it is a business that would operate in the day and be locked at night. If a house is approved for a nursery worker, then any employee may have cause to apply for a house near their place of work setting an undesirable precedent.

The lack of a condition on the previous consent to ensure the nursery was built before/in tandem with the house was perhaps an oversight. If there was a genuine case for the full development a condition to secure the nursery before the house should have been attached.

Please refuse the application and stop this development causing flooding and drainage problems for existing local residents.

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Comments must be received by 29 September 2022

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Address: Land to the East of Tannachie Farm Cottage, Stonehaven **Proposal:** Erection of Dwellinghouse and Installation of Air Source Heat Pump – APP/2022/1862

Address: Plots 99, 100 & 101, Phase 4B Tarland Road, Aboyne **Proposal:** Erection of 3 Dwellinghouses (Amendment to Planning Permission Reference APP/2008/3443) – APP/2022/1875

Address: 805thay Rooms, 3 Netherley Place, Ballater, AB35 5QE **Proposal:** External Alterations and Installation of Extract System, Formation of Bin Store and Gate – APP/2022/1881

Address: Land to South of Wester Waterlair, Fordoun, Laurencekirk, AB30 1JD **Proposal:** Erection of Dwellinghouse – APP/2022/1838

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Address: 7 Fetteresso Castle, Fetteresso, Stonehaven, AB39 3UR **Proposal:** Installation of Flue and Internal Boiler – APP/2022/1843

Address: Springfield, West Brae, Johnshaven, DD10 0HJ **Proposal:** Part-Removal of a Non-Load Bearing Partition Wall (Retrospective) – APP/2022/1870

Address: Land at Cairnadrochit Road, Cairnadrochit, Braemar **Proposal:** Erection of Staff Welfare Facility – APP/2022/1821

Address: Struan Cottage, 6 Dundarroch Road, Ballater, AB35 5NP **Proposal:** Alterations and Extension to Dwellinghouse and Erection of Car Port/Workshop – APP/2022/1869

Office dealing with applications listed below: 45 Bridge Street, Ellon, AB41 9AA

Address: Longdrum, Whitecairns, AB23 8UP **Proposal:** Change of Use of Agricultural Land to Class 9 (Retrospective) and Alterations and Extension to Dwellinghouse – APP/2022/1669



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*Based on the volume of plans from a panel of lenders Q1 2021 - Q3 2021. Age Partnership is a trading name of Age Partnership Limited, which is authorised and regulated by the Financial Conduct Authority. FCA registered number 425432. Company registered in England and Wales No. 5265969. VAT registration number 922 9355 92. Registered address, 2200 Century Way, Thorpe Park, Leeds, LS15 8ZB. We offer a comprehensive range of equity release products from across the market.

Classified

PUBLIC NOTICES

GENERAL NOTICES

Councillor Gillian Owen
(Ward 9 Ellon & District)

is available for consultation on Tuesday 13th September at Market Street, Ellon – under the cover across the road from Rowlands Pharmacy from 5-5.30pm and on Saturday 24th September at the Farmers Market, Neil Ross Square, Ellon from 10.30-11.30am.

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PLANNING NOTICES

ABERDEENSHIRE COUNCIL TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013, Regulation 20(1) or PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997, Regulation 60(2)(a) or 65(2)(a) or PLANNING (LISTED BUILDING CONSENT AND CONSERVATION AREA CONSENT PROCEDURE) (SCOTLAND) REGULATIONS 2015, Regulation 8

The applications listed below together with the plans and other documents submitted with them may be viewed electronically using the Planning Register at <https://upa.aberdeenshire.gov.uk/online-applications/>.

Comments may be made quoting the reference number and stating clearly the grounds for making comment. Comments can be submitted using the Planning Register when viewing the application. Alternatively, comments can be addressed to Aberdeenshire Council, Planning and Economy Service, Viewmount, Arduthie Road, Stonehaven, AB39 2DQ (or emailed to planningonline@aberdeenshire.gov.uk). Please note that any comment made will be published on the Planning Register.

Please note that even if you have made comments to the applicant prior to this application being submitted, or to the Council regarding a similar application that has been made on this site before, you will still need to make your comments to the Council on the current application.

Comments must be received by 29 September 2022

Office dealing with applications listed below: Viewmount, Arduthie Road, Stonehaven, AB39 2DQ

Address: Ivy Cottage, Cluniebank Road, Braemar, Ballater, AB35 5ZP Proposal: Erection of Shed and Fencing – APP/2022/1849

Address: Land to the East of Tannachie Farm Cottage, Stonehaven Proposal: Erection of Dwellinghouse and Installation of Air Source Heat Pump – APP/2022/1862

Address: Plots 99, 100 & 101, Phase 4B Tarland Road, Aboyne Proposal: Erection of 3 Dwellinghouses (Amendment to Planning Permission Reference APP/2008/3443) – APP/2022/1875

Address: Rothesay Rooms, 3 Netherley Place, Ballater, AB35 5QE Proposal: External Alterations and Installation of Extract System, Formation of Bin Store and Gate – APP/2022/1881

Address: Land to South of Wester Waterlair, Fordoun, Laurencekirk, AB30 1JD Proposal: Erection of Dwellinghouse – APP/2022/1838

Address: Land Adjacent to Rothnick Croft, Netherley, Stonehaven, AB39 3QU Proposal: Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse (Renewal of Planning Permission APP/2018/1279) – APP/2022/1845

Address: 7 Fetteresso Castle, Fetteresso, Stonehaven, AB39 3UR Proposal: Installation of Flue and Internal Boiler – APP/2022/1843

Address: Springfield, West Brae, Johnshaven, DD10 0HJ Proposal: Part-Removal of a Non-Load Bearing Partition Wall (Retrospective) – APP/2022/1870

Address: Land at Cairnadrochit Road, Cairnadrochit, Braemar Proposal: Erection of Staff Welfare Facility – APP/2022/1821


Address: Struan Cottage, 6 Dundarroch Road, Ballater, AB35 5NP Proposal: Alterations and Extension to Dwellinghouse and Erection of Car Port/Workshop – APP/2022/1869

Office dealing with applications listed below: 45 Bridge Street, Ellon, AB41 9AA

Address: Longdrum, Whitecairns, AB23 8UP Proposal: Change of Use of Agricultural Land to Class 9 (Retrospective) and Alterations and Extension to Dwellinghouse – APP/2022/1669

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From: Peter Stanworth <peter.stanworth@aberdeenshire.gov.uk>
Sent: Monday, February 19, 2024 11:33 AM
To: Local Review Body Submissions <localreviewbodysubmissions@aberdeenshire.gov.uk>
Cc: Gayle Buchan <gayle.buchan@aberdeenshire.gov.uk>; Michal Cieslewicz <michal.cieslewicz@aberdeenshire.gov.uk>
Subject: APP/2018/1279 review

Good morning,

I have considered my predecessors original reply which I have attached, I agree with the decisions that Lesley made at the time. If however you have any further questions or require any more information or advice, please contact me directly.

The only difference from the time of the original application is that we now collect three waste streams Waste, Black bin. Paper & card, Blue bin and Cans and plastic containers, Orange bin. So adequate storage would be required. I have also attached the dimensions for our current collection vehicles.

Thank you for submitting your intentions for my attention.

Kind Regards

P Stanworth

Peter Stanworth

Waste Services Leader
Infrastructure Services
Aberdeenshire South

Tel 01467 533445
Mob 07570 951096

Peter.stanworth@aberdeenshire.gov.uk



Our Ref:
Your Ref: APP/2018/1279

Infrastructure Services

Waste Management

Unit 7 Harlaw Way

Harlaw Industrial Estate

Inverurie

Aberdeenshire

AB51 4SG

Tel 03456 08 12 07

Fax

www.aberdeenshire.gov.uk

Please ask for: Lesley Forrest
Direct Dial: 01467 536662

Date: 29/06/2018

If you have difficulty reading this document please contact Lesley Forrest on 01467 536662

Dear Sir/Madam

Proposal: Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse Address: Land Adjacent To Rothnick Croft, Netherley, Stonehaven, Aberdeenshire, AB39 3QU Grid Reference: 387228.795779

Thank you for submitting the Planning Application to my service for review and comment.

Waste management has no objection subject to the following conditions being met and the proposed layout being designed to the satisfaction of Roads Development.

The lorry travels from West to East therefore can the bin store please be built on the left side of the road entrance bell-mouth (as you look at the property from the road). That way, when the lorry pulls in the bins are naturally to the rear of the lorry for safe emptying.

The bins will need to be enclosed on at least 3 sides to prevent them from escaping onto the road and situated behind the visibility splay in accordance with Roads Management requirements.

Access

In all cases, vehicular access is of paramount importance. Collection vehicles are generally Large Goods Vehicles (LGV) of approximately 10 metres in length and require adequate space to manoeuvre. They have a turning circle of 21.5 metres diameter. Where possible the need for these large vehicles to reverse should be negated/minimised. Refuse vehicles should in any case not be required to reverse for a distance greater than 12 metres in accordance with British Standard 5906:2005.

It should be noted that where vehicles are expected to access a private development the road surface should be constructed of adequate quality to withhold the weight of vehicles up to 32 tonnes Gross Vehicle Weight.

The Council will also not take responsibility for fair wear and tear where access into private developments is requested. In the event that a private road falls below an acceptable standard or that access becomes difficult for any reason for refuse/recycling vehicles the collection point will revert to the nearest public road. Documents outlining the dimensions including turning circles of the refuse collection vehicles currently in service are attached to this letter.

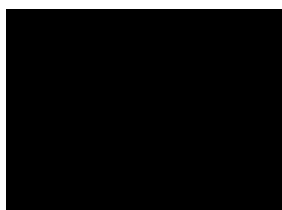
Commercial Developments

It is difficult to assess the needs of any commercial development before it is occupied but space should be designated for storage of waste/recycling containers bearing in mind that some establishments may use large industrial type skips. If there is a likelihood of any food premise being installed then it should be noted that this type of business usually generates significant volumes of waste. It is desirable for commercial premises to have some indoor space allocated for storage of waste or recyclables. Outdoor bin storage should be enclosed on 3 sides to prevent receptacles from moving away from their storage points.

All businesses will be affected by the new Waste (Scotland) Regulations 2012 and we recommend that applicants for commercial developments familiarise themselves with these, more information can be found here:

http://www.sepa.org.uk/waste/moving_towards_zero_waste/zero_waste_regulations.aspx

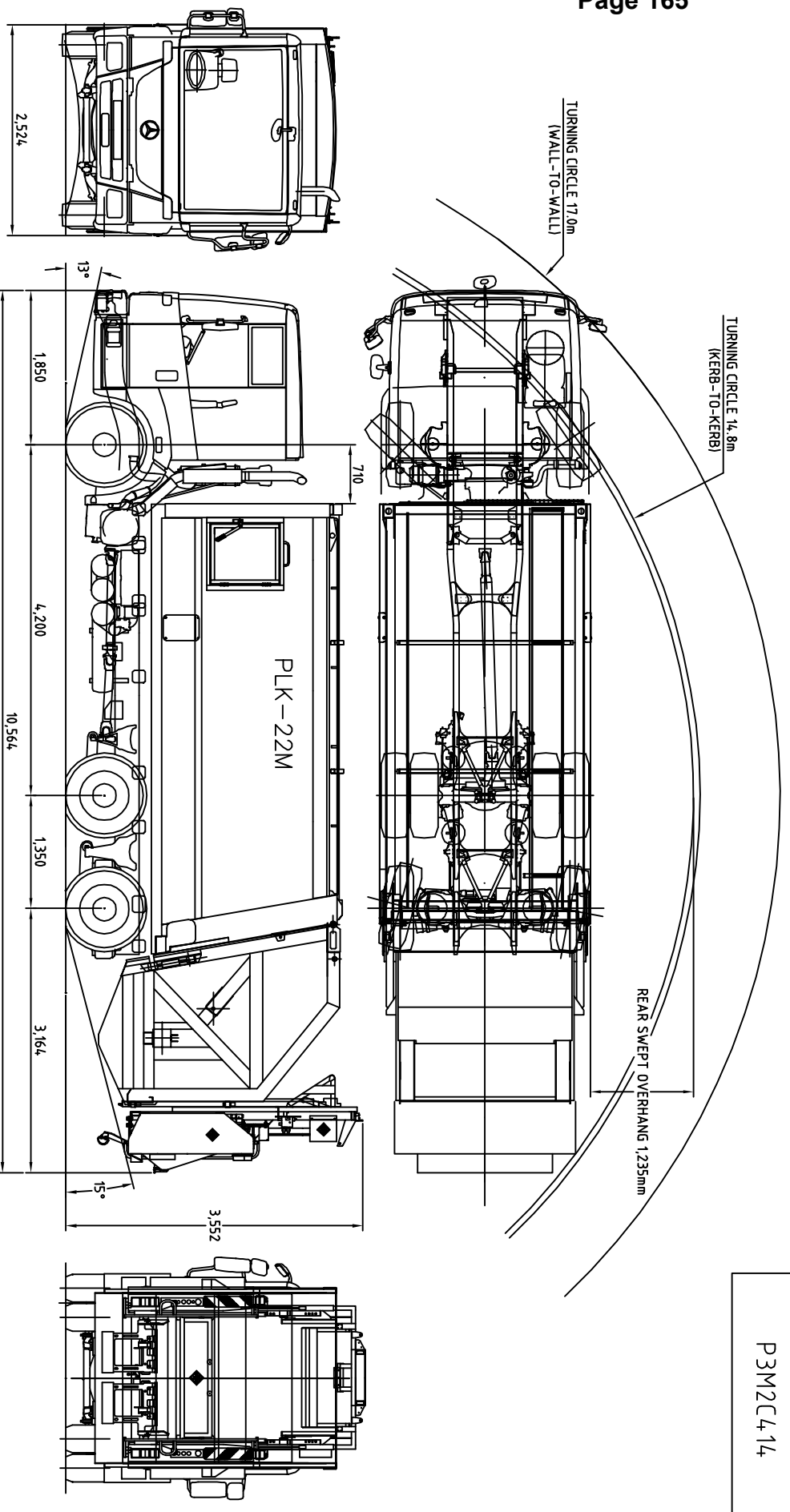
Yours Faithfully



Lesley Forrest
Support Leader

attachments:
Mercedes Econic Turning Circles
Mercedes Econic Front and Rear Plan

P3M2C414



CHASSIS:
MODEL:
CAB:
WHEELBASE:

MERCEDES-BENZ
ECONIC EURO 5 2629LL 6x2 REAR-STEER
4 MAN CREW
4,200mm + 1350mm

BODY:
HOIST:

POWERLINK 22M
OTTO CONTINENTAL

TOLERANCES
UNLESS OTHERWISE SPECIFIED:

- LINEAR (mm)
- X = ± 1
- XX = ± 0.1
- LINEAR (inches)
- .XX = ± .06
- .XXX = ± .030
- ANGULAR = ± 1'

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DATE: 24/06/13

SCALE: NTS

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UNITS

THE HEIL CO.
DUNFERMLINE, SCOTLAND

TITLE: POWERLINK 22M / OTTO CONTINENTAL
ECONIC EURO 5 6x2 RS 4200mm W/B

DRAWN BY: CJF

PART No.

P3M2C414

REV.	FIRST ISSUE	24/06/13	CJF
—	WAS	DATE	ECO No.

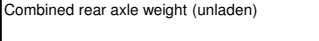
CHASSIS:- MERCEDES ECONIC 2630LL EURO 6 6X2 REAR-STEER 4500mm W/B 1350mm BOGIE
 BODY TYPE:- POWERLINK 16
 TAILGATE:- OPTIMISED
 HOIST:- TERBERG OMNIDEL
 DRAWING:- H1M2C605 Rev0
 DENSITY:- 600 kg/cu.m (COMPACTOR BODY)
 DENSITY:- 500 kg/cu.m (POD BODY)

POD:- 5M POD
 LOAD CELLS:- NOT FITTED
 REVISION:- 0

CHASSIS SPECIFICATION:-
Permitted (plated) Loading per axle

AXLE 1 -	8000	kg		19000 kg 26000 kg
AXLE 2 -	11500	kg		
AXLE 3 -	7500	kg		
			Total Permitted (plated) GVW	

UNLADEN CHASSIS:-
Weight of chassis per axle

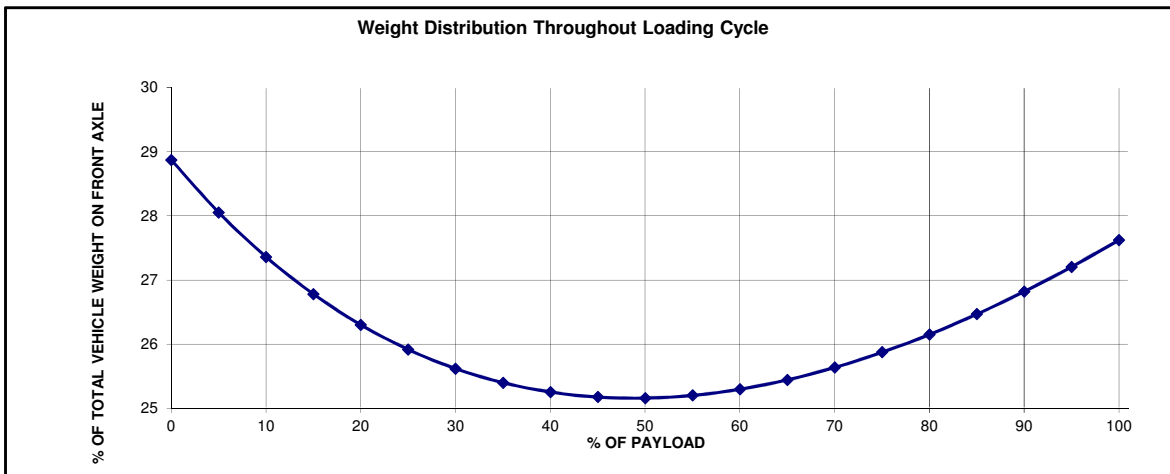
AXLE 1 -	4440	kg		3090 kg
AXLE 2 -	2200	kg		
AXLE 3 -	890	kg		

WEIGHT OF BODY :- 5195 kg
CoG OF BODY:- 3366 mm
CoG PAYLOAD:- 2257 mm
MOUNT POSITION:- 2400 mm
WEIGHT OF HOIST:- 595 kg
CoG OF HOIST:- 6080 mm
WEIGHT OF TAILGATE:- 0 kg
CoG OF TAILGATE:- 0 mm
WEIGHT OF EJECTOR PLATE:- 395 kg
CoG OF EJECTOR PLATE (RETRACTED):- 300 mm
WEIGHT OF RECYCLING POD:- 1750 kg
CoG OF RECYCLING POD:- 1500 mm
WEIGHT OF RECYCLED MATERIAL:- 2500 kg
CoG OF RECYCLED MATERIAL:- 1500 mm
WEIGHT OF DRIVER:- 80 kg
CoG OF DRIVER:- 0 mm
WEIGHT OF EJECTOR CYLINDER 160 kg
CoG OF EJECTOR CYLINDER (RETRACTED):- 200 mm
DIMENSION AXLE 1 TO AXLE 2 4500 mm
DIMENSION AXLE 1 TO AXLE 3 5850 mm

NOTE:
Mount Position is from front of body to centre of front wheel

NOTE: Recycling Pod full

	FRONT AXLE	REAR AXLE	TOTAL	FRONT AXLE %	REAR AXLE %
CHASSIS	4440	3090	7530		
BODY & TAILGATE	-757	5952	5195		
PRIMARY HOIST	-408	1003	595		
TAILGATE	0	0	0		
EJECTOR PLATE	183	212	395		
RECYCLING POD	1228	522	1750		
RECYCLED MATERIAL	0	0	0		
DRIVER	80	0	80		
EJECTOR CYLINDER	77	83	160		
UNLADEN WEIGHT (EJECTOR RETRACTED)	4845	10860	15705	30.8	69.2
UNLADEN WEIGHT (EJECTOR EXTENDED)	4534	11171	15705	28.9	71.1
PLATED WEIGHT	8000	19000	26000		
BASED ON PAYLOAD DENSITY OF:	600 kg/cu.m				
RCV PAYLOAD	582	7213	7795		
POD PAYLOAD	1755	745	2500		
TOTAL AXLE LOAD	7182	18818	26000	27.6	72.4
BASED ON MAX REAR AXLE LOAD					
RCV PAYLOAD	597	7395	7991		
POD PAYLOAD	1755	745	2500		
TOTAL AXLE LOAD	7196	19000	26196	27.5	72.5
BASED ON GROSS VEHICLE WEIGHT					
RCV PAYLOAD	582	7213	7795		
POD PAYLOAD	1755	745	2500		
TOTAL AXLE LOAD	7182	18818	26000	27.6	72.4



Mercedes-Benz Econic

Turning Circles

all dimensions in m (tolerance +0.5m)

1830L 4x2 ** extra cost		
Front Steering Axle to:	kerb to kerb	wall to wall
Second Axle	13	15.1
	14.2	16.3
	15	17.2
	15.9	18
	19.2	21.3

2630L 26t 6x4		2630L 26t 6x2 mid-steer ** extra cost		2630L 26t 6x2 rear-steer	
Front Steering Axle to:	kerb to kerb	kerb to kerb	wall to wall	kerb to kerb	wall to wall
Second Axle	4.8	18.2	18	13	15.1
	16.1	19	20.1	14.2	16.3
	16.9			15	17.2
	5.85			15.9	18
	6.15			16.7	18.8

3235LL 8x4 mid-steer		3235LL 8x4 rear-steer	
Front Steering Axle to:	kerb to kerb	kerb to kerb	wall to wall
Second Axle	19.4	15.7	18
Third Axle	1.35		
Fourth Axle	1.35		

Notice of Review: LRB 604 - Planning Application No. APP/2022/1845 (Rothnick Croft, Netherley)

27 February 2024 09:43

Subject	Notice of Review: LRB 604 - Planning Application No. APP/2022/1845 (Rothnick Croft, Netherley)
From	Dave Pascoe
To	Local Review Body Submissions
Sent	20 February 2024 18:57

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FAO Local Review Body,

Notice of Review: LRB 604 - Planning Application No. APP/2022/1845 (Rothnick Croft, Netherley)

I welcomed the refusal of this flawed application and hope to see this appeal dismissed. This is not a rural outdoor nursery, it is a nursery building. It is not outdoor learning and such a justification can not be relied upon. The land is there already to provide outdoor learning, there is no need for such a large building. The applicant has an existing nursery nearby in Chapelton, this would be the same function but in a remote and unsustainable location which will rely on private car use, posing a road safety impact in terms of increased traffic and increased pollution. There is no drainage solution for the development either, whilst the applicant's house has a right to drain via adjoining land they have no right to increase this. Whilst a civil matter to a degree, it is a planning matter to ensure that all technical requirements of any development are and can be met – in this case there is no drainage solution so the proposal can not be supported.

Regards,

David Pascoe

Planning Permission

27 February 2024 09:41

Subject	Planning Permission
From	Sarah Walters
To	Local Review Body Submissions
Sent	21 February 2024 10:26

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Dear Sir / Madam,

I would like to make the following comments in relation to reference LRB 604 (Notice of Review - APP/2022/1845) which is due to be considered at a Local Review Body meeting on the 26th of April 2024. The appellants drainage has been failing for a considerable time. For them to point blame in their statement on the neighbouring land owner is clutching at straws in a desperate attempt to force this issue. They do not have any drainage solution to serve this development, and the existing drainage is failing as evidenced by the waterlogged and saturated conditions in the areas along their outflow. This has caused flooding of adjoining land, to the detriment of horses that graze in the adjacent field. The site in general remains unsustainable for a high-traffic generating use which will impact on road safety and air pollution. A nursery should be in a town location. An outdoor learning space does not require a large purpose built environment, merely a cabin to shelter in extreme weather conditions. There is no justification for a house alongside any nursery provision, small class pets do not require a 24 hour presence on site. Please reject this appeal.

Yours Faithfully,
Sarah Walters

LRB 604 - New Notice of Review - APP/2018/1279 - Comments

27 February 2024 09:44

Subject	LRB 604 - New Notice of Review - APP/2018/1279 - Comments
From	Calum MACPHERSON
To	Local Review Body Submissions
Sent	21 February 2024 14:55

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Good Afternoon,

I recently received a Notice of Review in relation to Planning Application No. APP/2018/1279 (APP/2022/1845 being the renewal) Land Adjacent to Rothnick Croft, Netherley, Stonehaven and respond as follows:


Without a drainage solution no development should be approved. This poses a danger to adjacent land in terms of flood risk and general health & safety. Whilst there are some "civil matters" surrounding the case in terms of land access, the simple fact remains that the appellant has not provided any comfort that they can deliver a drainage solution to serve the proposed development. This is a clear policy failing and a planning application cannot be approved without resolving such a matter. The original approval was procedurally flawed in terms of the Committee not giving due consideration to the drainage issues, and this was quite rightly rectified through the recent refusal. Until a separate, different and deliverable drainage solution is provided, and as I understand that could only be in a new location requiring a change to the planning application site boundary which cannot be captured under this proposal, then this application cannot be supported. Even with a drainage solution I have reservation over the appropriateness of the site for a nursery – it is unsustainable, will rely on private car use which will increase carbon emissions and create a road safety issue on local rural roads. There is no justification for a house even if the nursery finds support. Please dismiss this appeal.

Regards,

Calum MacPherson

RE: LRB 604 - New Notice of Review - APP/2018/1279

27 February 2024 09:33

Subject	RE: LRB 604 - New Notice of Review - APP/2018/1279
From	Daniel Harrington
To	Local Review Body Submissions
Sent	26 February 2024 14:37
Attachments	 APP_2022_ 1845 Com...

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Dear michael,

I have been requested to make comment on behalf of Mr Forbes to the Local Review Case. Do I send this to you, see attached?

Kind regards,

Daniel P Harrington
MA (Hons) MRTPI
Director

m 07557 238719
e daniel.harrington@THE-ap.co.uk
w www.THE-ap.co.uk



Thain Harrington Edward
Chartered Architects and Town Planning Consultancy Limited
24 North Silver Street, Aberdeen AB10 1RL

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From: Michal Cieslewicz <michal.cieslewicz@aberdeenshire.gov.uk> **On Behalf Of** Local Review Body Submissions
Sent: Wednesday, February 14, 2024 4:26 PM
Subject: LRB 604 - New Notice of Review - APP/2018/1279

Dear Sir/Madam,
Please find attached a letter, which provides you with details of a Notice of Review, which has been submitted to the Local Review Body, which seeks a review, of the Appointed Officers decision to

Refuse Planning Permission.

As you made representations during the consultation period for this planning action, you are now afforded the opportunity to make any additional comments, in response to the Notice of Review. Please ensure that all comments/submissions are submitted by the date indicated on the letter. If you have any queries, please contact Alison Mcleod directly, or the Local Review Body email address,

localreviewbodysubmissions@aberdeenshire.gov.uk

Regards,
Michal.

Michal Cieslewicz
Assistant Committee Officer
Legal & People
Aberdeenshire Council

Tel: 01467 534344

E-mail: Michal.cieslewicz@aberdeenshire.gov.uk

The Legal Service is operating a new case management system. If you follow this [AskLegal](#) link you will be taken to the AskLegal Portal where you can submit a request for help from Committee Services. Using the portal will automatically create a new matter in the system and will allow the work to be allocated quickly.

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Dh'fhaodadh fiosrachadh sochaire, a tha a-mhàin airson an neach gu bheil am post-dealain air a chur, a bhith an seo. Ma tha thu air am post-dealain fhaighinn mar mhearachd, gabh ar leisgeul agus cuir fios chun an neach a chuir am post-dealain agus dubh às am post-dealain an dèidh sin. 'S e beachdan an neach a chuir am post-dealain a tha ann an gin sam bith a thèid a chur an cèill agus chan eil e a' ciallachadh gu bheil iad a' riochdachadh beachdan Chomhairle Shiorrachd Obar Dheathain.

www.aberdeenshire.gov.uk

February 26, 2024

Aberdeenshire Council
ePlanning Team

Sent by email to planning@aberdeenshire.gov.uk

Dear Sir / Madam

**Re: Response to Notice of Review APP/2022/1845 Land Adjacent To Rothnick Croft
Netherley Stonehaven**

This representation has been prepared on behalf of Mr Deryck Forbes of Sunnybrae, Drumoak, Banchory, Aberdeenshire, AB31 5AD. The response is in addition to the comments made on the planning application.

In summary the circumstances have changed since permission for development was previously granted contrary to recommendation and the Development Plan is more strongly opposed to development such as this, in locations that are not accessible by sustainable modes of travel. The Appellant has submitted insufficient detail as a part of this application to justify such a departure from the Development Plan. Of particular concern to Mr Forbes is the lack of suitable drainage for the following reasons:

- The Appellant does not have the right to use or provide new infrastructure to the north on land owned by Mr Forbes.
- There has not been any suitable drainage design or details submitted with the application to allow the relevant consultees to be satisfied
- The Appellant has provided no details of the connection to a water course.
- The existing dwelling is discharging both foul water and surface water to the same pipe on Mr Forbes' land, which is currently overwhelming the existing field drain. This would not be adequate for additional drainage.

This Review must be determined on the basis of the information submitted with the application and the details related to drainage are insufficient to demonstrate compliance with the Aberdeenshire Local Development Plan. More detailed comment is made below following the Appellant's format in reference to the three reasons for refusal.

Reason 1 – Location of Nursery

The Appeal Site is located within the countryside in a rural location which is not on any bus route, not on an A or B class road which can accommodate much traffic and lies distant from any settlement which prevents any realistic connectivity by sustainable means due to the rural road network not being safe for pedestrian or cycle access to the site. The newly adopted Aberdeenshire Local Development Plan (2023) Policy R2 would restrict employment proposals to brownfield sites only and would not support development in this location.

The Appellant proposes a nursery building of 408sqm GIA. The play spaces total 248sqm and the Scottish Government standard of space (Early learning, childcare and out of school care

services: design guidance¹) indicates that play space should equal 3.7sqm per child under 2; 2.8sqm for 2-3 year olds; and 2.3sqm for 3+ years. Using the 2.3sqm figure would provide a capacity of at least 67 children. Within previous documentation the applicant has made reference to expectation for 50 children. This is not a small nursery catering to a rural area given the scale and nature of the proposal.

The Appellant's case is principally, that permission should be granted as it was previously granted for the same proposal 5 years ago. The original decision on Application APP/2018/1279 was made in 06 February 2019 and expired two years ago on 06 February 2022. There is a need to assess the proposal against the Development Plan, which has changed entirely since 2019 with the introduction of National Planning Framework 4 (NPF4) in 2023 and a new Aberdeenshire Local Development Plan (LDP) in 2023.

The new Development Plan, particularly NPF4, puts much greater emphasis on sustainability and development being located in the right location, with particular focus on supporting local living and reducing the need to travel. NPF4 Policy 13 States "Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area" NPF4 Policy 15 states "Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods."

LDP section on Shaping Development in the Countryside states that "We need to recognise the effect that rural living can have on wider aims shared with stakeholders on reducing the need to travel and on the issues of climate change and sustainable development." The LDP identifies that Aberdeenshire is an area that "promotes sustainable development that reduces the need to travel, reduces reliance on private cars and promotes safe and convenient active travel opportunities". This is in response to climate change and balancing economic growth and development with the need to protect and improve the environment.

The proposed development is designed around the use of private car for transport and has no access to more sustainable modes of travel. The Local Development Plan seeks to balance the need for rural development and its sustainability. All aspects of this proposal fail to meet these policy expectations and are significantly contrary to the aims and objectives of the LDP.

Information published by Aberdeenshire Council² lists all of the nurseries available in the Portlethen cluster. There is no evidence presented to suggest that there is insufficient capacity within these nurseries or that there is an unmet demand. Lairhilllock Nursery located at the school is located within 1.5km of the application site and would be accessible to residents in the area surrounding the site. It is understood that there is capacity within this nursery.

The only supporting reason offered for the location of the nursery is the benefits that children will gain from outdoor learning experiences and a questionable claim that a nursery in the countryside will assist efforts to reduce carbon emissions and adapt to climate change. Nursery Provision that meets guidance quoted does not require an out of town location. For

¹ [Section Two: Environment - Early learning, childcare and out of school care services: design guidance - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/section-two-environment-early-learning-childcare-and-out-of-school-care-services-design-guidance-2022/pages/100-to-109.aspx)

² [ELC Admission Booklet \(aberdeenshire.gov.uk\)](https://www.aberdeenshire.gov.uk/your-council/education-and-childcare/early-learning-childcare-and-out-of-school-care-services/).

example, the Great Western Nurseries³ in Portlethen provide outdoor facilities within an accessible location through the design and use of secure garden ground.

Lairhillock Primary School (which has a nursery) meets the rural need, and they have access to outdoor learning. All schools have early years provision and there are private nurseries in all towns nearby – which are sustainably located. There is no demonstrated need for this facility to meet an educational need in this location.

The previous approval now made 5 years ago was approved on the basis of two justification reports. No such information has been submitted with the Application or Appeal. The Appellant has offered limited evidence to justify why a departure is appropriate. This would be a nursery located with no access to sustainable modes of travel and the weight against a proposal such as this has shifted significantly towards refusal.

it would not be possible for the planning authority to reach the same conclusion as in 2019 based on the current Development Plan and lack of justification to support departure from the LDP.

Reason 2 Need for Dwellinghouse

Multiple schools across the country have small animals for learning purposes, they survive without a member of staff living in the school or on school grounds. Animals get tended to during the day, fed, then left overnight. To care for "pets" is not justification for a house. A Nursery is not a primary industry, if the house was associated with agriculture or forestry there would be a need to justify an additional on-site presence. There is already an associated presence on site with the applicant residing at Rothnick Croft which would be within 100m or so of the nursery building and meet any need for out of hours attendance to the nursery. There are also several houses being built close by at Whiteside, Stripeside and Lairhillock which offer accommodation, or in the major allocated site at Chapelton.

The justification for the dwellinghouse in the previous application 5 years ago relied on a comparison of existing properties available within close proximity and the costs to build a new dwelling house on the site. The evidence presented was from May 2018 and is no longer of any relevance to this application. Given the departure from policy and the lack of supporting justification for the dwelling there is no justification presented to consider departure from LDP Policy R2 for supporting a dwelling at this location.

Reason 3 Drainage Solution

The Appellant raises questions as to why the condition previously applied on drainage cannot be used for this application. The drainage layout submitted with the Application shows installation of an overflow outlet pipe from the detention pond to join an installed drain located within land owned by Forbes Homes. The Applicant has no right or title to use, for the drainage or sewerage of the proposed nursery development (or any other proposed development on that land), any watercourses, pipes, connections, drains and sewers in and under any part of Mr Forbes' Land (whether directly or via Rothnick Croft). There is therefore no legal basis on which the proposed nursery development or the land on which it is situated can be drained as proposed.

It is not only the lack of rights for connection which are of concern for the Appeal. There is also a lack of detail as to how compliance with the Development Plan can be achieved

³ [Portlethen 1 Details \(greatwesternps.co.uk\)](http://greatwesternps.co.uk)

through condition. The condition used previously on application APP/2018/1279 required details that the existing pipe to the watercourse is functioning without fault. This condition was based on a 100mm piped system to a suitable watercourse. What exists is a clay field drain that is outwith the application site and to a connection point to a watercourse that is unknown and not identified on plans. The information enclosed with this response (Appendix 1) provides further information on the technical failings of the proposal. Access for additional properties will not be permitted as there is no available capacity for any more properties to discharge to this watercourse with a nearby development at Stripeside already discharging into this watercourse under a CAR licence. Appendix 2 identifies the current situation at the drainage connection with the house currently overwhelming the existing field drain.

Policy RD1 states that "Surface water drainage must be dealt with in a sustainable manner, in ways that promote its biodiversity value, and in ways that avoid pollution and flooding, through the use of an integrated Sustainable Drainage System." (RD1.13). The drain is already being overwhelmed by surface and sewage from the existing dwellinghouse and causing pollution and flooding.

Given the lack of detail submitted with the application on where surface water will be directed to, and how it will be suitably managed, the Planning Authority is not able to ensure that the drainage will not result in flooding on neighbouring land. Flooding have objected to the application and the Council's Report of Handling states that "inability to provide updated drainage information or offer an alternative drainage solution under cover of this application, leaves the development site with no functional or deliverable drainage solution".

Faithfully,



Daniel Harrington
Director

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Enc –

Appendix 1 Letter from S.A. McGregor

Appendix 2 Flooding Issues



Appendix 1 Letter from S.A. McGregor



Serenje, Kingsford Steadings
Alford, Aberdeenshire, AB33 8HN

Mr Deryck Forbes



Our Ref: SAM 2193

Date: 23 February 2024

RE: Proposed New development on Land at Rothnick Croft, Netherley, APP/2018/1279

S.A M^cGregor Geotechnical & Environmental On-Site Services provide engineering services including assessment of and design of drainage solutions. Designs previously submitted for drainage were prepared by our company and this note has been prepared to summarise the drainage matters as they relate to the above application.

2013

S. A. M^cGregor was first involved in developments at Rothnick Croft in 2013.

The first development was for a replacement house comprising the demolition of the former cottage and erection of the new existing dwellinghouse.

The former cottage was served by a septic tank with existing discharge to the drain at the rear/north of the site.

The Netherley area is renowned for variable and often poor drainage properties of the underlying sub-soils and a generally high groundwater table.

At this time the existing foul water discharge, which served the original cottage, was upheld for the new dwellinghouse, with the recommendation that the septic tank was replaced by a more modern Package Sewage Treatment Plant (PSTP) in line with requirements of SEPA for the provision of secondary treatment prior to discharge to a waterbody.

The surface waters from the new house development were also directed to the existing discharge point.

S. A. M^cGregor were assured at the time that the applicants/homeowners had permission/servitude to continue to utilise this discharge into and through the neighboring land on property they did not own.

2018

In 2018 S. A. M^cGregor was again involved at Rothnick Croft for the new planning application on land at Rothnick Croft for the New Nursery and Dwellinghouse.

Site investigations and ground assessment were undertaken, and drainage recommendations made.

The proposed drainage is quite extensive with a very large foul water soakaway associated with a new PSTP and a large surface water pond/wetland.

The pond was designed with an overflow outlet which would join the existing dwellinghouse discharge drain.

Again, S. A. M^cGregor were assured that full rights to this discharge were in place.

2022

The 2018 application was recommended for refusal due to significant concerns and policy failings outlined by planning, and objection by flooding due to the lack of drainage solution. The approval contained a condition in relation to drainage which could not be met having not being implemented.

A renewal application was applied for, and therefore S. A. M^cGregor were asked to comment on the proposed drainage recommendations.

Since the original 2018 report there have been changes to the requirements of SEPA, Building Standards and Scottish Water for the provision of surface water disposal.

These changes include for the increase in both the frequency and the amount of rainfall which has been very evident with recent flooding events causing overtopping of watercourses, waterlogging of land and overwhelming existing drainage systems.

The applicant continues to maintain a right to use the existing discharge for the new development, however, the rights to the discharge were in place for the replacement house only and do not extend to any additional waters from the new application site.

2023

A brief walkover was undertaken by S. A. M^cGregor in early November 2023 after storm Babet to view the area of the existing discharge in the landowner's field to the north of Rothnick Croft.

The area was very waterlogged and the waterbody at the discharge was very grey indicating a failure of the drainage system because it had been overwhelmed by the combined drain from the dwellinghouse.

It also appeared some excavations had been undertaken which may also have compromised the system causing it to fail with blockages, adding in new pipework or misaligning the original pipework within the boundary of Rothnick Croft.

The pipework within the boundary of Rothnick Croft is 110mm diameter PVC but is connected to what is believed to be unglazed fireclay porous pipes (traditional field drains) which are in sections 380mm long with an internal diameter of 90-95mm.

These types of porous sectional pipes are used for field drainage only, for gathering surface waters allowing natural seepage into the sub-soils and only small amounts of overflow to a nearby watercourses if available.

These drains are not considered suitable for transporting large concentrations of surface waters which the applicant is proposing to do from his property across the neighbouring land and potentially to a watercourse.

Currently the main field drain, approximately 300m in length, is likely to be collecting from smaller diameter porous drains formed in a traditional herringbone style used in farmland across Scotland.

This style of drainage has no form of inspection nor sampling chambers generally required for domestic/commercial drainage use.

The foul water currently discharging from the treatment plant of Rothnick Croft is via a 110mm PVC pipe into a fireclay porous pipe, a fireclay porous pipe is not suitable and should be a solid sealed pipe.

The natural field drainage coupled with the drainage from the new dwellinghouse at Rothnick Croft connected via a slightly larger 110mm diameter drain is already causing the field drain system to become overwhelmed. This is causing silting up, blockages, backing up and leaking through the butted drain joints causing the adjacent field to flood.

The nature of the field drains buried in the ground makes it difficult to clear blockages and repair burst sections without digging up large areas of the field causing problems for the landowner.

It is evident that the existing drainage system does not appear to be coping well with the existing loading on it and therefore extremely unlikely to cope with additional loading from the proposed development for which it was not designed and installed to cope with.

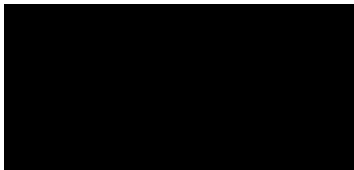
Additional surface waters from the proposed development may therefore have a detrimental impact on the neighboring land and the wider water environment.

S. A. M^cGregor have since been informed that the applicants only have limited servitude rights in relation to the original cottage.

The proposed continued use of the existing discharge drain through the adjacent land for the new development at Rothnick Croft has not been detailed to show how surface water will be appropriately managed from the development. There is no detail on upgrades required to existing drains out with the application site and therefore the proposed drainage design cannot be fully implemented.

Without Prejudice

Yours sincerely,

A large black rectangular redaction box covering the signature of S. A. M^cGregor.

S. A. M^cGregor
Geotechnical & Environmental On-Site Services

Appendix 2 Flooding Issues

Surface Water run-off from Rothnick Croft increased when the new dwelling house was constructed in place of the old croft (APP/2013/1809) with significant land raising undertaken and increased rainwater run-off from the house and garage roof areas along with the drive, significantly increasing and exceeding the capacity of the existing drainage arrangement within the field to the North, leading to flooding and water logging on the land

The applicant has investigated drainage solutions at Rothnick Croft and has installed a gully arrangement and pipes on the north boundary of the property. This has created blockages within the existing field drainage. Figure 1 provides an outline of the existing drainage installed at this location.

At times of higher rainfall the water run-off flows down the public road and into Forbes Homes' fields as shown in Figure 2 and 3.



Figure 2 Aerial view of ponding at drainage outfall



Figure 3 View of ponding at drainage outfall

The fields to the north of the application site are used for keeping horses and Forbes Homes' tenant has suffered harm to the horses resulting from flooding. The tenant (Karina Yule) has experienced increased costs from her local vet due to issues with several of the horse's feet (as a result of the wet conditions) including issues such as abscesses and bacterial infections and suffered the loss of 5 horses.

Rothnick Croft, LRB 604 representation

27 February 2024 13:47

Subject	Rothnick Croft, LRB 604 representation
From	Cameron Forbes
To	Local Review Body Submissions
Sent	27 February 2024 13:43

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Dear Sir / Madam,

The appellant appears to not understand the material change since their original application. There has been new local and national planning policy documents, which allow for a fresh appraisal of an application to ensure continued compliance (if it existed in the first place). Whilst weight is given to the planning history, that does not permit an automatic renewal. All material considerations must be taken into account, and primarily includes the Aberdeenshire Local Development Plan 2023, National Planning Framework 4, and the previous planning application. The policy context is firmer now than it was at the time of the original decision, and this proposal fails to comply. In terms of the planning history, the decision making process, content of that application and consideration by the Committee are all material. The drainage information was inaccurate and is now out of date and can't be relied upon, hence requests to update and provide certainty that a solution exists. There is no solution so that is a clear material consideration. The decision making process is also material, the Committee did not give any consideration to the technical failing and lack of drainage solution. The application, whilst a "renewal" is still seeking consent for a nursery and dwelling. It must be assessed against current planning policy and take account of material considerations.

I draw your attention to our representation, sent in by Burness Paull, to this application. The appellant has no drainage solution to serve this proposal. Nobody is disputing their existing house has drainage rights across neighbouring land, but they have no rights to increase the burden, ie connect additional development, to that drainage infrastructure. I appreciate this is a civil matter to a degree, but it very much informs the fact the appellant can not provide drainage for their development which is a very simple and basic planning policy failing.

The original drainage reports in the 2018 application were flawed. Revisions during that application raised some questions, and when the Committee failed to adequately consider the matter problems arose with the Council's flooding team expressing great concern due to the lack of any deliverable or functional drainage solution. The planners, seemingly stuck between a rock and a hard place, attempt to facilitate a solution through a questionable planning condition. Since then the condition has not been met, and the revised application offered a chance for further scrutiny to firm up on a deliverable and functional drainage solution which has not been forthcoming. This technical failing has quite rightly contributed to the refusal of the application, and beyond any subjective support for the principle of a nursery, the drainage failing can not be set aside or dismissed. The appeal must be dismissed on this basis – there is no drainage solution that can be delivered by the appellant that lies within the application site boundary for this proposal. They need to look elsewhere and discharge by different means, in a different direction, on land that they could actually have control/rights to drain over. That can only be done by a completely new application due to the necessary change in application red line site.

Beyond the significant technical failing and inability to provide a drainage solution, the proposal remains flawed in terms of the unsustainable location and large scale nursery proposed. The justification on the basis of outdoor learning is in conflict with what is proposed – a large building with indoor learning space. Outdoor learning would use the land/trees as the education space, perhaps with a small cabin for shelter. The portacabin toilets approved on the site adhere to that function, but this large nursery building is not outdoor learning, it is simply a large Class 10 unit which as per planning policy should be in town centre locations; Policy P6 states *Proposals for Use Classes 10 and 11 (Non-residential institutions and Leisure uses) will only be allowed outwith a town*

centre where a sequential approach has failed to identify a town centre location, otherwise Policy B1 Town Centre Development will apply. There is no sequential test in the original application, and the applicant does already own a nursery nearby in Chapelton, which is very much in a suitable location. The same locational and sustainable focus is prevalent throughout NPF4. The proposed nursery fails to meet any policy of local and national policy.

Yours Faithfully,
Cameron Forbes
(on behalf of Forbes Homes Ltd)

LRB 604 - Land Adjacent to Rothnick Croft, Netherley, Stonehaven

27 February 2024 13:51

Subject	LRB 604 - Land Adjacent to Rothnick Croft, Netherley, Stonehaven
From	Jill Thomson
To	Local Review Body Submissions
Sent	26 February 2024 22:42

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Dear Sir / Madam,

APP/2022/1845 (renewal application for APP/2018/1279) is remote and isolated, therefore reliant on the private car which flies in the face of local and national policy, and does nothing for the global climate emergency. If this was to be a proper outdoor nursery, as exists elsewhere in the region, there would be no building required – the kids arrive and explore and learn in the outdoor setting. The original case for the proposal was not justified in terms of the case for a nursery, the justification for a house alongside was incredibly weak, and the application contained no drainage solution. When approved by the Kincardine and Mearns Committee they saw merit in the nursery, did not seem to scrutinise the weak case for a house which is very concerning, and paid no attention to the lack of a drainage solution which is of significant concern. With this repeat application the planning service were allowed to review the proposal and address the failings through the new local and national planning policies, which are materially different to what was in place during the original application. The case against a nursery in a remote location is strengthened by new policy seeking accessible developments, with class 10 uses specifically directed to town centres. There is no scope whatsoever for a house on this site. A further material consideration goes back to the questionable condition attached to the original approval, with the planning service quite rightly seeking comfort on the drainage before any permission could be granted. The failing to meet that condition is not about access rights to inspect an already failing drainage pipe, it is quite simply that Rothnick Croft has drainage rights but nothing else beyond that does. The applicant must provide a proper up to date drainage report to demonstrate a separate deliverable drainage system can be provided for the house and nursery, but they can't. Without this, the application can not be supported.

It has been brought to my attention that the original consulting engineer the applicant used in their previous application has since confirmed that they were misled and that their drainage report was based on false information, and that the pipe in the ground is not what they were told it was – a field drain to gather water rather than proper pipes to transport water away from a property. As such, not only is the drainage report in the previous application well out of date, it was never accurate or suitable in the first instance. Regardless of legal rights to put any further drainage down that pipe, it is clear the drainage is failing at present and not fit for current purposes and not capable of taking any additional burden. The only option is to refuse this application.

Yours Faithfully,
Jill Thomson

LRB 604 (Notice of Review - APP/2022/1845)

27 February 2024 13:52

Subject	LRB 604 (Notice of Review - APP/2022/1845)
From	TAMMY STEVENSON
To	Local Review Body Submissions
Sent	26 February 2024 21:32

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Good Evening,

The following response is in relation to the above Notice of Review which I received details of from the Local Review Body. The planner quite rightly refused this application, which is what should have happened in the original. The Councillors did not fully consider the proposal, neglecting the drainage failings. Policy has evolved now too, which despite the appellant claiming there is no material change – the new local development plan and national planning framework are clearly material changes and put greater emphasis on sustainable development, development being in the right location, reducing carbon emissions, prioritising tackling the climate crisis, adhering to 20 minute neighbourhood. All key themes in planning which this proposal completely fails to meet. The principle of development is incorrect, this is not a good location for a nursery – such a use should be in a town. If it is to be an outdoor nursery then there's no need for such a large building. And there is no need whatsoever for a house. Beyond those failings, the applicant hasn't provided any drainage to serve the development.

The emails from the Council's Flooding team in APP/2018/1279 (dated 16th August 2018, 25th September 2018 and 1st November 2018) highlight the drainage problem. The Committee did not give this due consideration in their original determination and put the problem onto Council officers through their simple desire to approve the development without ensuring it is technically competent. The consent was then granted with a questionable condition, which has not been met and can't be met. Quite rightly the planner has tried to ensure a proper drainage solution is provided in this repeat application, and it hasn't been hence the justified refusal. It would not be appropriate to simply "renew" the previous consent due to the questionable condition which clearly can't be met, and it would not be competent in terms of the 6 tests of a planning condition to attach it again given the applicant can't comply with the condition.

Quite simply there is not a deliverable drainage solution to serve this development. The existing house at Rothnick Croft has drainage rights over adjoining land FOR THAT HOUSE ONLY. The applicant can't add to that drainage from additional development, ie this proposed nursery and house. Furthermore the pipe is not fit for purpose to serve the existing house in any case. Finally the drainage report submitted in the original application is significantly incorrect due to the inaccurate and misleading

information given to the consultant, and it is now well out of date. Any grant of consent for this development must be backed by a proper and up to date drainage report that identifies a deliverable drainage solution. Quite simply there is no solution and the development doesn't comply with Policy RD1 of the Aberdeenshire Local Development Plan or Policy 22 of National Planning Framework 4. Please do not ignore this major technical consideration like the Kincardine and Mearns Committee did when considering the original application.

Beyond the significant failing to identify a drainage solution, to repeat - the proposed nursery remains non-compliant with policy due to the isolated and unsustainable location. Even if the nursery was justified there is no scope for a house, the original case of "needing to look after class pets" is ridiculous and would set a dangerous precedent for any other weak justification to push for a house in a remote and unsustainable location. In terms of outdoor education facilities, the referenced documents are not planning policies and can't be given much weight. Furthermore the applicant already has a nearby nursery at Chapelton and I believe uses this space for outdoor learning already, hence their application for portacabin toilets to meet that need. The land is there to be used for outdoor learning, and if it is genuinely an outdoor nursery there is no need for a building on site, and certainly no need for a house. Please reject this appeal.

Regards,
Tammy Stevenson

Alison McLeod
Committee Officer
Business Services
Legal and People
Woodhill House
Westburn Road
Aberdeen AB16 5GB

Design Studio,
27 Evan Street,
Stonehaven,
AB39 2EQ
Telephone: 01569 764183
Mobile: 07896 991328
Email: mail@idd-ltd.co.uk
Web: www.idd-ltd.co.uk

Date: 15th March 2024

Subject: 193-2017 - Full Planning Permission for Erection of Children's Day Care Nursery (Class 10 Non-Residential Institutions), Erection of Children's Workshop, Formation of Wildlife Pond and Erection of Dwellinghouse Address: Land Adjacent To Rothnick Croft, Netherley, Stonehaven, Aberdeenshire, AB39 3QU Grid Reference: 387228.795779 LRB 604 – Notice of Review – Further Representations Response

Dear Sirs,

Thank you for writing to us regarding further representations received by yourselves during the Notice of Review LRB 604, relating to the above application.

We note that there are 8 representations received which primarily raise the following topics:

1. Waste management and collection requirements,
2. Drainage design concerns,
3. Location of the nursery,
4. Suitability of existing roads infrastructure and sustainable travel,
5. Need for nursery building,
6. Need for the house,

Each point raised will now be reviewed and responded to individually.

Waste Management

We note that Waste Management do not object to the proposals Nevertheless, we take on board their requirements and the applicant commits to meeting their conditions during the implementation of the proposals, either prior to commencement or occupanct, whichever may be agreed.

Drainage Concerns

The rights to drain from the site and Rothnick Croft are written in Title. There is an ongoing civil dispute since interference with the drains, the applicant intends to demonstrate in court that there is a full and unconditional right to access and use the pipes beneath the neighbours land for drainage of both titles. The Local Review Body are reminded that **“any dispute about individual access rights is a civil matter between the parties and not an issue material to the decision”** as indicated by the Planning and Environmental Appeals Division, Planning Appeal Reference PPA-110-2450 dated 29th February 2024.

Comments from others regarding the legalities of these rights appears to be out with their expertise and should be discounted.

Drainage was designed by S.A McGregor during the original application and is deliverable. Post approval of application APP/2018/1279 water build up has occurred. Such works appear to have blocked the applicants drain, as S.A. McGregor was not witness to these works or the damage caused to the drains first hand, any comment implying flooding appear to be unjustified. Comments made by S.A McGregor, via a representative of the neighbouring landowner, should therefore be discounted as we consider them a conflict of interest.



Figure 1 - Field pre-2019 not presenting signs of flooding.



Figure 2 - Works being undertaken very early hours of the morning in September 2018. The applicant advises that these works were carried out by Forbes Homes Ltd, after the committee granted planning. Works included digging a deep trench severing and removing parts of all drains leaving Rothnick Croft.

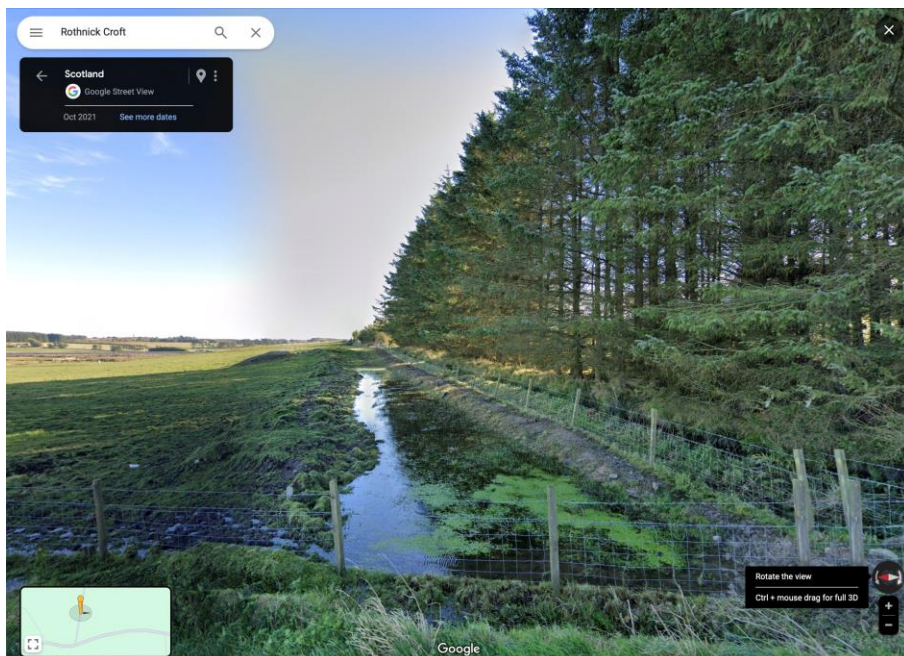


Figure 3 – Water build up field post interference, showing the partial trench left to retain any water flowing naturally downhill.

It is the applicants position that rights of drainage exist and it is not for the council to consider the ongoing litigation. Their role, as outlined in PPA-110-2450, is to consider the planning application and either grant or not. It is then for the court to determine whether the rights of drainage are sufficient to facilitate the drainage from the site.

Location of Nursery

Local development plan (Policy B1.1) seeks nurseries in 'accessible locations' which are 'accessible by modes of transport other than private car'. Such locations may include town centres.

The local and national policy relating to the location of facilities such as nurseries and education facilities, appears not to be fit for purpose in Aberdeenshire. It is not safe nor practical for rural communities to travel to 'accessible' locations within town centres by any means other than private car. The local authority has not invested in a suitable public transport system not created safe walk, wheel and cycle routes. Furthermore, students attending a nursery, from the age of 0, should not be expected to walk, wheel and cycle along rural roads to attend nursery.

The Care Inspectorates' Coalition Position Statement outlines how outdoor play equips children with the essential skills to live a healthy and active life, whilst recommending that every child has a right to a local, easily accessible learning environment. Rural communities, such as Netherley, do not currently have a nursery which offers full time Early Learning and Childcare and the reality is that there is no viable alternative to a private car.

We refer to the Local Review Body to the Rural Childcare Provision, Innovative Models and the Needs of Agricultural Families: Research publicised by Scottish Government.

<https://www.gov.scot/publications/challenges-rural-childcare-provision-innovative-models-needs-agricultural-families/>

This research finds and recommends:

- Most children are driven to rural childcare services, with journeys varying from 15 minutes to an hour. In many cases, public transport was not seen as adequate, although a small number of children and staff were lift-sharing.
- This report highlights the need for both standard and innovative models of childcare provision in rural areas in order to improve sustainability and better meet the needs of families with a range of working patterns and childcare requirements.
- Outdoor providers were also limited in their hours due to practical concerns, such as bad weather and shorter days in the winter.
- Outdoor providers were also limited in their hours due to practical concerns, such as bad weather and shorter days in the winter.
- The 2020-21 Programme for Government (PfG) sets out a range of commitments in this area, from the delivery of 1140 hours of free early learning and childcare, to increasing service provision and supporting repopulation in rural and remote communities. The PfG also sets out a commitment to look at wraparound care options that will give families more choice, greater opportunities to work, and greater financial freedom. This has the potential to benefit rural parents, and to positively affect women's employment opportunities and household incomes.
- The PfG 2023-24 further sets out a commitment to support the childcare expansion.
- We will empower parents, carers and children in those communities by designing and delivering childcare services around their needs, including testing how families can use their funded hours more flexibly, and widening access to a greater variety of provision, be it a childminder, a family centre, a nursery or an after school club.
- From next year, we will begin work to phase in an expanded national offer for families with two-year-olds, focused on those who will benefit most. This will build on the foundations of the existing 1140 programme, which already makes high quality early learning and childcare available to around a quarter of families with two-year olds on the lowest incomes.
- Taken together, we will expand access to funded childcare for 13,000 more children and families by the end of this Parliament. These are the next key steps in our long term programme of expansion and improvement to the childcare system in Scotland.”

It is apparent the national and local planning policies do not align with Scottish Government recommendations regarding rural Early Learning and Childcare.

The nursery aims to address the issues identified by the research and will provide a local facility and rural environment for rural children to attend Early Learning and Childcare. Whilst it is acknowledged that some travel may be required there are many pockets of family homes in the Netherley area, such as the sizeable Forbes Homes Ltd development at Stripeside, where a short travel distance to Rothnick Kindergarten would be more appropriate than longer travel distances to settlements such as Portlethen and Stonehaven; the facility may even make the development more appealing to prospective purchasers. It should be considered that traveling by private car to Rothnick Kindergarten has no additional impact than travel to such settlements.

The government seeks to encourage and expand the workforce, encouraging parents back to work is essential to boost local economies. The Early Learning and Childcare expansion initiatives by government support the expansion of Early learning and Childcare to ensure that rural areas like Netherley are fully supported too, through viable projects that deliver quality full day, all year round childcare being supported and encouraged within local areas.

Rothnick Kindergarten offers families in Netherley and the surrounding countryside a local nursery where travel to towns is reduced. Many families now work from home, travel to a

nearby nursery and return home, having a local nursery is better for environment than travelling long distances unnecessarily, just for childcare. Even if working in the office, Rothnick Kindergarten offers the rural population around Netherley a facility nearby, reducing travel distances and reducing their environmental impact whilst ensuring that local children have access to a local facility that meets the needs of working parents and supports children to meet with the peers, prior to school attendance.

Other nurseries in the area include:

1. Larhillock
Age from 3 years, term time only 09:00 to 15:00.
Max attendance 30 hours per week.
No out of school care available for primary school aged children.
No baby or toddler provision.
Small nursery outdoor play area.
2. Hillside Primary School Nursery
Limited 2 year old provision, 3 – 5 years 8am – 6pm.
Max attendance 30 hours per week term time or 25 hours per week for 48 weeks.
No additional wrap around hours for nursery children.
No baby or toddler provision.
Small nursery outdoor play area.
3. Mucky Boots outdoor nursery
3 years and over 08:30 to 16:30, term time only.
Fully outdoor except in adverse weather when short term let of a nearby hall is sought. No full day care provision.
No additional wrap around care.
No toddler or baby provision.
Outdoors in public woodland.
4. Croft Nursery (Chapelton)
Children 0 – 12 years 07:30 to 18:00
Children can attend up to 5 full days per week all year.
A small number of out of school care places for P1 – P7 children.
Caters for babies and toddlers.
Access to a small outdoor play area.
5. Great Western Early Years (Portlethen)
Children 0 – 12 years 07:30 m to 18:00
Children can attend up to 5 full days per week all year
Provides small number of out of school care places for children attending P1-P7 at Portlethen schools.
They have access to small outdoor play areas.

The LRB's support to recognise Rothnick Kindergarten as an innovative and sector leading nursery should be fully supported to meet the needs of the rural area of Netherley to support families and young children who require access to full day care.

There is no Forest Kindergarten offering rural and outdoor learning opportunities to rural families in the area, all day and year round. It would not be appropriate to locate a forest kindergarten in a town centre due to the restrictive nature and impact of the setting, and its impact on the learning environment. The most appropriate location for such a nursery is in a rural setting.

The Scottish Government have issued various documents supporting the expansion of Early Learning and Childcare settings across all of Scotland. Out to Play - creating outdoor play experiences for children: practical guidance considers appropriate locations for such a nursery, a key part being land ownership. Land which is under the control of the applicant has more flexibility in terms of the control they have to operate from the land, whilst also being more commercially viable in that it can be rent free. The most appropriate location for such nurseries is on land under the applicant's control, there appears to be no reasonable ground to deviate from this guidance in this case.

It is also well known that Aberdeenshire Council have made further funding cuts forcing out-of-school care providers to close, <https://www.bbc.co.uk/news/uk-scotland-north-east-orkney-shetland-68169124>, which is not conducive to a stronger, more efficient workforce. Parents in the area will have even more limited options for out of school care, thus making it more essential that a local facility such as Forest Kindergarten at Rothnick that would support out of school care as well as Early Learning and Childcare is encouraged and supported to reduce the detrimental impact of current cuts on local families.

Suitability of existing roads infrastructure and sustainable travel

We reiterate that families traveling from rural areas to attend any nursery will have no viable alternative other than private car. It is not safe to travel by foot or wheel on rural roads, nor would it appropriate to expect that they do so, especially when considering that children attending Rothnick Kindergarten may be from 0 years upwards.

No matter the location, a rural road must be used for rural families to attend any nursery. To prevent families from doing so is preventing their access to essential education facilities; contrary to the aims and objectives of Scottish Government, Care Inspectorate, NPF4 and Local Development Plan 2023.

The Aberdeenshire Council Interactive Maps also identifies the road leading to Rothnick as part of the national cycle route (shown in green dots below). This suggests that should any older children wish to travel by bicycle, under the care of the parental figures, they'd be able to do so.

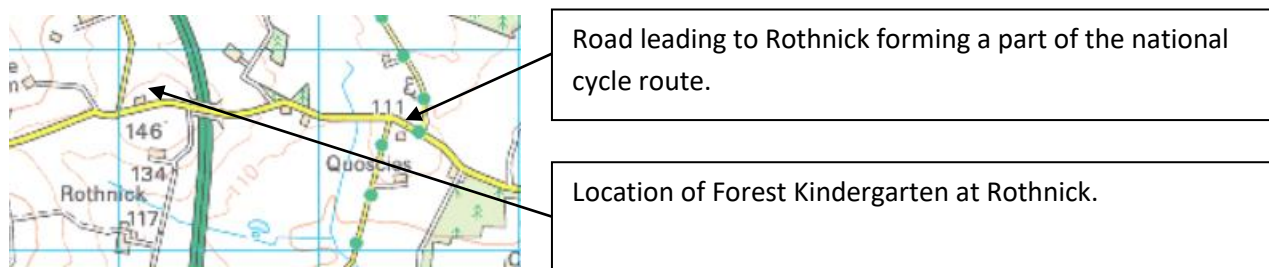


Figure 4 – Extract of national cycle route.

The Local Review Body are asked to consider that the roads are suitable for rural travel, by rural families to this rural facility.

Need for Nursery Building

In response to questions regarding the need for the nursery building, we can confirm that the Out to Play guidance indicates that a building will enhance and improve the learning environment and in doing so boost the learning and development of children. A building is particularly necessary where a service requires to operate all year round with all age groups of children particularly babies and toddlers. Care Inspectorate fully support an integrated system whereby the service has access to its own indoor facilities as opposed to sharing a building with any other public service.

A building ensures that the service can operate a high quality service in all weathers and support continuity of childcare all day every day for children and families.

The guidance suggests that having a building allowing children to go indoors when they wish not only results in better skills in later life, but also allows them to use essential facilities such as toilets, changing rooms, warmth, drinking water, hand washing, hot meals and appropriate shelter, particularly necessary for babies and toddlers. The building also offers advantages to the nursery management giving them space for an office, staff room, training room and kitchen.

Rothnick Kindergarten is an innovative and sector leading opportunity for the local community. There are no other local nurseries with the opportunity for local families to have their children in Early Learning and Childcare in a wholly outdoor environment throughout the whole day, every day all year round supported by an on site building. The building supports provision of exceptionally high quality care, and ensures that siblings of all ages including babies and toddlers can be cared for together. A building ensures access to appropriate areas for changing, sleeping, providing hot meals and to have adequate space for indoor activities when severe weather hampers full day access to outdoors. As well as providing play space for all ages, the building will also facilitate a kitchen to prepare hot meals and areas for rest and warmth.

Forest Kindergarten at Rothnick would be operated in such a manner that the large doors to the indoor play room would remain open to offer benefits of the outdoor environment whilst under shelter. Representatives' assessment of the area of the building is wholly flawed. The care inspectorate do not agree a capacity on an assessment of Gross Internal floor area, as the plans demonstrate, this area includes essential services and amenities. The care inspectorate agrees a capacity not only on size but also operational capacity, initial discussion with the care inspectorate indicates a capacity of 50 children.

It should also be noted that the applicant, as well as delivering training in SVQ's Level 2, 3 and 4, is the only training provider for the Forest Kindergarten SCQF Level 7 qualification in the area. The building offers staff space to carry out essential training whilst studying for qualifications.

As a training provider working with Skills Development Scotland the applicant would be creating employment and training opportunities for local people to develop a highly skilled workforce to support the service.

Need for the House

We reiterate that the house is essential to the operation of the business. Forest Kindergarten at Rothnick has small animals such as hens, lambs (which require 24 hour care) and other small animals, as well as their horticultural activities such as growing their own fruit and vegetables. With animals as a core part of the Early Learning and Childcare experience, which is designed to develop children's experiences and more develop for the future effective rural and environmental contributors it is essential for animal husbandry purposes, the safety and well-being of the animals, that the manager of the facility is required to live on site. The determination of the original planning application recognised and accounted for this, determining that "having a member of staff living on-site was seen as important to care for the small animals".

The applicant is a business owner and is responsible for running the business whilst the management of Rothnick Kindergarten, and the round the clock care, is the responsibility of the manager. The applicants dwelling is irrelevant to the proposals.

We trust that the information contained above answers the further representation. We welcome any further feedback from the Local Review Body and can be contacted on 01569 764183 should they have any queries.

Yours sincerely



Ally Steel BSc (Hons) MRICS

Operations Director

For and on behalf of Inspired Design & Development Ltd

Regulated by RICS



ACD (Section 6 - Energy) for
Domestic Buildings
BRE1-D-00897

Architectural Services – Building Surveying
Principal Designer - Domestic Energy Assessment
Retrofit Assessor – Retrofit Coordinator

Inspired design & development limited. Registered in Scotland SC 370675.
Registered office: Design Studio, 27 Evan Street, Stonehaven, AB39 3EQ.

Building Standards
Approved Certifier



**The Scottish
Government**

Aberdeenshire Council

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

Note. This notice must be served on the Local Review Body within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

To answer any queries on the overall development plan for the business given its innovative nature.

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- 1. Can the site be viewed entirely from public land?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
- 2. Is it possible for the site to be accessed safely, and without barriers to entry?

<input checked="" type="checkbox"/>	<input type="checkbox"/>
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If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. **Note:** you will not have a further opportunity to add to your statement of review at a later date unless specifically requested to do so by the Local Review Body. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Berwick Wood Produce is a well established rural business consisting of a 30.590 ha woodland croft which is not arable land but now has 0.97 hectares in horticultural use in the form of an enclosed market garden and polytunnels, 9.5ha of rough grazing with a considerable number of trees, and 15.85ha mature commercial coniferous woodland. The remainder of the ground consists of roads and hard-standing, sheds, old stone walls, a substantial pond, numerous ditches and extensive boggy areas. Very little of it is suitable for mechanical cultivation in any form. The family have owned the land since 2014.

The application site is in "accessible rural" Countryside where "small-scale development that would be compatible with the location being in the green belt as listed under R1.2" is permitted. Permitted development under R1.2 includes:

- Intensification of an established use subject to the new development being of a suitable scale and form;
- Accommodation within the immediate vicinity of the place of employment required for a worker in a primary industry, where the presence of a worker is essential (for example, in order to maintain an active presence for the purposes of animal husbandry) for the efficient operation of the enterprise, and there is no suitable alternative accommodation available.

National Planning Framework 4, which takes precedence over local development plans, refers to "woodland crofts" as a use classification. Policy 17 of NPF4 straightforwardly states:

a). Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:

v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;

The Labour Requirement Report was prepared in December 2022, and in the spring of 2023 the market garden was doubled in size following pigs being run on the land over the previous two years. The applicants are seeking to intensify their business further by carrying more pigs than "only 6" (as referred to in the Report of Handling) which equated to 131 hours, and is seasonal as given their current residence off-site they cannot rely on gaining access to livestock there on a daily basis over winter. The applicants seek to further develop their business by keeping breeding sows, which require close attention with each capable of producing a dozen plus weaners annually for fattening and direct selling to their established customer base all year round.

While the Report produces a Full Time Employment figure of 1.1, the time required to manage the livestock is irrelevant, what is essential is that there is assured daily access in all weather conditions, which requires a permanent presence in a rural location such as this. It is an established business of which pig rearing is an integral part, and which already sustains "a full-time worker on site". There is "no suitable alternative residential accommodation" available in the immediate vicinity to the enterprise, and the applicants' current home at Newmachar is occupied on a temporary "house sitting" basis.

The Report is in error in a number of respects:

1. Horticulture is not "similar to arable farming", but is a clearly identified separate classification as a primary industry along with forestry and quarrying, and produces 10-15 times the produce value per hectare compared with monocultural arable farming.

2. The Report is wrong in stating that "The planning service are required to only take into account current employment needs", given R1.2 states that "Intensification of an established use subject to the new development being of a suitable scale and form" constitutes permitted development. NPF4 Policy 17 a) v. states: "Development proposals for new homes in rural areas will be supported" where it "is demonstrated to be necessary to support the sustainable management of a viable rural business". Sufficient information has been submitted (or offered) to the planning service to justify consent being granted for a dwellinghouse.

"Planning guidance" is not policy, but it is noted that it states: "Where accommodation is genuinely required for the management of a business that is not yet operational, but has been fully supported by a Business Plan and Labour Requirement Report". While this refers to future employment needs, it should be noted that although Berwick Wood Produce has provided this information (or offered to do so), it is an established and fully operational business of proven viability that is seeking to further develop its "free range" pig rearing and pork retailing which is integral to its other proposed land management activities.

3. The Labour Requirement Report is "an independent statement prepared by a suitably qualified industry professional" in conformity with the stated requirements, yet the break-down of hours assessed for the various activities which the business currently undertakes are being "cherry picked" with the Labour Requirement Report stating "The existing livestock business comprising 6 pigs which equates to only 131 man hours per year is not considered to be sufficient to warrant an on-site presence". While acknowledging that "extreme weather events" have had an impact on the business the Report suggests an on-site presence is not required "as preparation for weather events can be made in advance". Both these statements are highly contentious, and entirely lack substantiation. If there was an on-site presence then pigs would be kept permanently rather than not being carried over winter as is currently the case. Furthermore, it is generally accepted that climate change is causing greater volatility in weather conditions, and thus in the unpredictability of their impact.

4. NPF4 states: "We must embrace and deliver radical change so we can tackle and adapt to climate change, restore biodiversity loss, improve health and wellbeing, reduce inequalities, build a wellbeing economy and create great places". The applicants seek to further develop their business while creating significant carbon capture, not simply achieving carbon neutrality. The view of the planning service in this case expressly conflicts with the aim of NPF4 to reduce travel to work and food miles along with enhancement of resilience. It should further be noted that the 15.85ha of mature coniferous woodland is due to be felled in blocks of 2.5-3ha at a time, and replanted after two years of running pigs on these. A mix of broadleaf and coniferous trees as set out in the Forestry Management Plan will then be planted, thus greatly enhancing biodiversity.

The applicant's future development proposals seem to have been regarded as irrelevant given the planning service's apparent prejudgement of the application with its dismissal in July 2023 (see attached email correspondence) based on the existing fattening pig numbers of "only 6" equating to "only 131 man hours per year" as set out in the Labour Requirement Report. This report was entirely for current operations, while the proposals for future development were dismissed thus conflicting with both the LDP and NPF 4. All planning applications, except retrospective ones, are about proposed development.

As you will note from the guidance accompanying this form, you must not raise any matter which was not before the planning authority at the time the decision you are appealing against was made unless, you can demonstrate that the matter could not have been raised at that time or, that it not being raised was due to exceptional circumstances.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it could not have been raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

As stated above, further information was offered but not requested by the planning service in relation to the applicant's proposals for further development, and we have therefore added the November 2023 Waterways Assessment by River Revivers, and the April 2021 Draft Restructuring Operations Plan (this is a draft as storm damage followed its initial drafting and the hydrologist's report, which was only issued in January 2024, was also necessary for its completion). These documents substantiate the applicant's future development proposals which seem to have been regarded as irrelevant given the planning service's apparent prejudgement of the application with its dismissal based on the existing fattening pig numbers of "only 6" equating to "only 131 man hours per year" as set out in the Labour Requirement Report which was entirely for current operations.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Waterways Assessment by River Revivers (Dated November 2023)
DRAFT Restructuring Operations Plan (April 2021)
Berwick woods Management Plan 2019-2029 by Tilhill Forestry (July 2019)
Northwoods letter (Scotland The Big Picture Charity)
Platform 22 Torphins letter (run Torphins Outdoor Weekly Market)
Labour Requirement Report by Allathan Associates (December 2022)
Labour Requirement Supplementary Report (August 2023)
Design Statement (April 2023)
Site Plan 1:1000
Site Plan 1:500
Site cross-sections
House elevations
House ground floor plan
House first floor plan
House cross-section
Compensatory Planting - Berwick Wood
Storms and weather warnings etc
Correspondence with planning service July-October 2023

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It will also be published on the Council's website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the Local Review Body to review the application as set out on this form and in the supporting documents.

Signed

Date

18/3/2024

The completed form and documents should be sent to:



Head of Legal and Governance,
Business Services,
Aberdeenshire Council,
Woodhill House,
Westburn Road,
Aberdeen,
AB16 5GB

Email: localreviewbodysubmissions@aberdeenshire.gov.uk

Telephone: 01467 532862

FW: APP/2023/0889- Erection of Dwellinghouse and Retrospective Ground Based Solar Panels- Site At Berwick Wood, Hatton of Fintray

18 March 2024 17:12

Subject	FW: APP/2023/0889- Erection of Dwellinghouse and Retrospective Ground Based Solar Panels- Site At Berwick Wood, Hatton of Fintray
From	Bryan Stuart
To	Bryan Stuart
Sent	18 March 2024 10:35
Attachments	 Letter fom Platform ...  Northwood s letter

From: Doug Irvine <doug@sylvanstuart.com>

Sent: Friday, October 20, 2023 3:24 PM

To: Negar Maydanchi <negar.maydanchi@aberdeenshire.gov.uk>

Cc: Bryan Stuart <bryan@sylvanstuart.com>

Subject: RE: APP/2023/0889- Erection of Dwellinghouse and Retrospective Ground Based Solar Panels- Site At Berwick Wood, Hatton of Fintray

Hi Negar,

I was surprised to receive your comments below given we have a formal agreement with Aberdeenshire Council to extend the period for your dealing with the application pending our submitting more supporting evidence. I can only express my acute concern that the planning service appears to have pre-judged the application in the absence of that supporting information which I now attach:

1. Letter from Platform 22, Torphins confirming the applicant bolstered community resilience during the pandemic and also that they have been marketing fresh food produce at the weekly outdoor market there for the past four years.
2. Supporting statement from James Nairne of Northwoods Network providing further information and referencing that to National Planning Policy.

I am further concerned to note that while the applicant has offered to submit trading accounts covering a number of years you have not requested these. Given these would appear to be key to setting out the background of this established business I would have thought it was incumbent on you to do so for their perusal by an Economic Development officer.

Regards

Doug Irvine

Sylvan Stuart Ltd, Old Rayne, INSCH, Aberdeenshire, Scotland. AB52 6RX.
Tel: +44(0)1464 851208
Fax: +44(0)1464 851202
Website: www.sylvanstuart.com

From: Negar Maydanchi <negar.maydanchi@aberdeenshire.gov.uk>
Sent: Monday, October 9, 2023 9:35 AM
To: Doug Irvine <doug@sylvanstuart.com>
Cc: Helen Atkinson <helen.atkinson@aberdeenshire.gov.uk>; Planning Online <planningonline@aberdeenshire.gov.uk>
Subject: RE: APP/2023/0889- Erection of Dwellinghouse and Retrospective Ground Based Solar Panels- Site At Berwick Wood, Hatton of Fintray

Good morning,

Thank you for your recent email and sharing the information. I am sorry for delayed response.

Having discussed the proposal and the recent information with the wider team, the planning service is of the opinion that the additional information does not override the development plan and our recommendation would remain to refuse planning permission.

Please be advised that you cannot request that the item be presented to GAC directly as this initially needs to go through the member notification system with a refusal recommendation. However, members would have the opportunity to pull the item to committee and may take a different view to the Planning Service.

You will be informed of the date that the report is sent to Local Ward Members for further consultation by the planning service in due course.

Kind regards,

Negar Maydanchi
Planner (Development Management)
Planning and Economy
Environment and Infrastructure
Aberdeenshire Council
Skype: 01467469920

Email: negar.maydanchi@aberdeenshire.gov.uk

Please note normal working hours-Monday to Friday 9am- 5pm

Please remember to submit all planning applications, including revised drawings and additional supporting information via the [National ePlanning Portal](#)

Website: <https://www.aberdeenshire.gov.uk/planning/>
Keep up to date online with any changes to Planning Services

Your feedback is important to us and helps us to improve our service – we value your [comments](#).

Freedom of Information request: Please send your enquiry to foi@aberdeenshire.gov.uk



From: Doug Irvine <doug@sylvanstuart.com>
Sent: Friday, September 22, 2023 12:30 PM
To: Negar Maydanchi <negar.maydanchi@aberdeenshire.gov.uk>
Subject: RE: APP/2023/0889- Erection of Dwellinghouse and Retrospective Ground Based Solar Panels- Site At Berwick Wood, Hatton of Fintray

Good afternoon Negar,

Further to your email of 1 September, we strongly dispute your contention that that the presence of a residential worker is not essential, as this not only ignores severe weather events that have occurred since these operations commenced in 2018, but also fundamental animal welfare issues. On that basis your request for information on current residential accommodation available within the vicinity of the site is not relevant, but is in any event provided below. I also note that you appear to ignore the clear policy intent of NPF4, particularly Sustainable Places under Part 2 of National Planning Policy for Local Development Plans.

I further note your reference to “business growth” as the “the intention of the applicant” being “not sufficient as this must be evidenced by the existing livestock or landholding” is erroneous in relation to R1.2 as referred to at R2.2, as it ignores the fourth bullet point stating what is permitted development:

“intensification of an established use subject to the new development being of a suitable scale and form”

I maintain that on-site residential accommodation is required in any event, and note you are making no objection to the proposed development on the basis it is unsuitable “in scale and form”.

This established business (for which annual accounts are available) is becoming unviable as it cannot meet statutory animal welfare requirements due to the workers being unable to safely access the site in severe weather conditions. The applicants are currently having to restrict their livestock holding to late spring, summer and early autumn because of increasing weather related lack of access, as they cannot now carry livestock there over winter. I note in the addendum below the regular occurrence of extreme climate events since 2018.

The applicants currently live in a leased apartment at Cothal with a below market level rent on a lease which terminates in June 2024. Their income is modest, but they have sufficient funds to build a 120m² 3-bedroom Model D Home, which is highly energy efficient (EPC “A” rating) and has low maintenance requirements thus minimal running costs. They intend to run the house off-grid and utilise photovoltaic panels combined with battery storage and no other mains connections. This proposal will make their current operations at least zero carbon with the intent of developing them further to be significantly carbon negative.

The labour requirement report submitted refers to publications by the U.K. Farm Classification Working Party, 2004, and The Farm Management Handbook 2021/22. Both these documents can only be retrospective and regarded as guidance based on area based calculations for the various onsite activities encompassing fruit and vegetable market gardening, livestock farming and forestry activities. The Full Time Equivalent requirement of 1.1 is not in dispute, but to suggest that

silviculture should be excluded from this appears in direct contradiction of planning policy where forestry operations can solely be used to justify related onsite residential accommodation.

Your interpretation of policy suggests there would be no justification for residential accommodation on a 100 Ha arable-only farm. I note that this is the average size of a U.K. farm, whereas in Europe that is 6Ha and activities are vastly more labour intensive per hectare. The increasing frequency of severe climate events also impacts significantly on the need for onsite residency for the market gardening activities where prompt remedial measures are required. Likewise, there are also issues with deer, rabbit and pigeon depredation.

Your response to date takes no cognisance of NPF4 Part 2 - NPP Policy 1 to reduce emissions and adapt for impacts of climate change and Policies 2 and 3 to enhance biodiversity, which almost every aspect of the applicants' activities do, and further to protect, restore and enhance natural assets using nature based solutions, such as forestry foraging pigs. Cherry-picking the FTE 1.1 labour breakdown to exclude forestry activities is not a justifiable application of policy, and is entirely unjustifiable in relation to livestock husbandry.

We request that you re-examine your view on this application in light of the further information contained herewith. If you maintain your previously expressed view, the applicants request that their application go forward for determination to the full Garioch Area Committee on the basis that your indisputably controversial interpretation of policy should be examined in public by elected members.

We aim to submit further supporting information on Monday 25th September. We will be pleased to provide any further information you may request.

Regards

Doug Irvine

Sylvan Stuart Ltd, Old Rayne, INSCH, Aberdeenshire, Scotland. AB52 6RX.
Tel: +44(0)1464 851208
Fax: +44(0)1464 851202
Website: www.sylvanstuart.com

Addendum

1. Severe weather events since 2018 that have had direct effect on Berwick Wood produce.

Sep 2018 – Storm Ali (amber warning for wind)

Aug 2020 – Thunderstorms/flash flooding

Feb 2021 – Storm Darcy (Snow)

Nov 2021 – Storm Arwen (wind red warning)

Jan 2022 – Storm Malik (wind amber warning)

Jan 2022 - Storm Corrie (wind amber warning)

Nov 2022 – Heavy rain/flooding

Jan 2023 - Snow

Feb 2023 – Storm Otto (wind amber warning)

2. Currently available local property with 4km

Location	Description	Price over	EPC rating
Denmill	4-bed semi-detached	£325,000	E
Hatton of Fintray	4-bed semi-detached	£340,000	F
Hatton of Fintray	4-bed detached	£327,500	D
Hatton of Fintray	4-bed detached	£480,000	D
Kinmuck	5-bed detached	£540,000	C

Kinmuck	4-bed semi-detached	£215,000	E
Cothal	5-bed detached	£325,000	F
Newmachar	7-bed detached	£450,000	E
Cothal	5-bed detached	£465,000	D
Overton	5-bed detached	£450,000	F

3. Narrative from Mhairi Player (applicant)

I was an occupational therapist for 10 years specialising in paediatrics and outdoor therapy. A series of bone tumours meant that I could no longer continue my career in the public sector. I began growing again as a way of compensating for the loss of income due to my illness and found that the benefits of outdoor activity combined with a higher quality diet due to access to fresh seasonal organically produced fruit and veg allowed me to regain my wellbeing, added my rehabilitation and allowed me to return to some form of employment. To continue to manage my long-term health needs I began to work alongside my father on his woodland - Berwick Woods in Hatton of Fintray. In 2018 when he retired he passed full management over to me of the woodland. At this point I have started to grow veg and fruit on the woodland and was using volunteers to help develop a social prescribing nature- based business. In order for the business to move forward infrastructure such as water, power, shelter, protected growing space and an access road needed to be completed. While this was occurring I worked part-time on the woodland project, part-time for a community garden and part- time as a lecturer for Robert Gordon university. The infrastructure was 60% complete by March 2020 when the UK went into lockdown.

During lockdown, as food was required locally, we diverted our attention to supplying as many local people, small businesses and food hubs as possible. We added caterpillar and poly tunnels as quickly as possible and expanded our growing space. At the end of 2021 we were supplying 8 local businesses, 2 food hubs and 40 domestic customers. We were heavily hit by the storms in the winter 2021/2022 which included storm Arwen. We lost our main polytunnel and all our caterpillar tunnels were uncovered so that we lost all our winter and over winter crop. Alongside this 2022 saw a change in consumer buying patterns. Concerns of rise in costs of living and problems with long supply chains. We have spent the last year changing our selling models in response to these changes. We have established a fairer model of selling called a community supported agriculture scheme and we have focused on production of our raw materials for growing and on creating a closed loop farm system (one that provides its own fertility rather than buying in expensive and often harmful inputs) which is better for the climate and more economically sustainable. We have an electric van, an onsite bore hole and off grid solar panels again to help met the zero-carbon agenda required by the Scottish government but also to improve the sustainability of our woodland farm. We are presently clearing the timber that fell during the storms previously mentioned which will allow us to meet our biodiversity targets, help with carbon sequestration and add more economical revenues and opportunities within the business.

In 2023 the Good Food Nation Bill became the Good Food Nation Act which require good food to be accessible to all people in Scotland. As part of this Aberdeenshire council has formed a fair food partnership to be able to tackle the issues around food which stop it being accessible to all. Our business forms and its direct selling/ short chain models form an important part of this.

Explanation of why it is essential to live on the Farm.

Our pigs are always kept outdoors, and need fed twice daily. They also need to be checked a minimum twice daily which would increase in Summer or winter. Pigs cannot easily loose heat (they do not sweat) and require lots of water to allow them to create wallows to allow them to regulate their temperature.

We have been monitoring access to the farm, and as of yet, no winter period has allowed us daily access even from the nearest village which is clearly an animal welfare issue. In order to be viable financially, ecologically and sustainably we need to breed pigs ourselves and have year-round pork stocks. This will enable us to supply a constant product to our direct consuming customers or the local businesses we supply to. This is not a matter of expansion this is a matter of viability, which clearly answers the question of why it is vital to live on the farm.

From: Negar Maydanchi <negar.maydanchi@aberdeenshire.gov.uk>
Sent: Friday, September 1, 2023 2:46 PM
To: Doug Irvine <doug@sylvanstuart.com>
Subject: RE: APP/2023/0889- Erection of Dwellinghouse and Retrospective Ground Based Solar Panels- Site At Berwick Wood, Hatton of Fintray

Good afternoon Dough,

Thanks for the new submission.

The supplementary statement doesn't fundamentally address our concerns raised already in the previous email dated 11th July .

I note that business growth is the intention of the applicant, but this is not sufficient as this must be evidenced by the existing livestock or landholding that there is an essential need for an accommodation within the immediate vicinity of the place of employment.

In addition, the statement doesn't address the current state of alternative residential accommodation available within the area as required by Policy R1 of ALDP2023.

The existing operation, therefore, does not justify agricultural need for erection of a dwelling house and sadly, the Planning Service are unable to support the application.

As was previously stated, this would be referred to the Local Members in the first instance for consideration with a recommendation of a refusal. However, you may however wish to withdraw the application at this stage.

Could you please therefore provide confirmation on how you wish to proceed in writing?

Kind regards,

Negar Maydanchi
Planner (Development Management)
Planning and Economy
Environment and Infrastructure
Aberdeenshire Council
Skype: 01467469920

Email: negar.maydanchi@aberdeenshire.gov.uk

Please note normal working hours-Monday to Friday 9am- 5pm

Please remember to submit all planning applications, including revised drawings and additional supporting information via the [National ePlanning Portal](#)

Website: <https://www.aberdeenshire.gov.uk/planning/>

Keep up to date online with any changes to Planning Services

Your feedback is important to us and helps us to improve our service – we value your [comments](#).

Freedom of Information request: Please send your enquiry to foi@aberdeenshire.gov.uk



From: Doug Irvine <doug@sylvanstuart.com>
Sent: Tuesday, August 22, 2023 9:34 AM
To: Negar Maydanchi <negar.maydanchi@aberdeenshire.gov.uk>
Subject: RE: APP/2023/0889- Erection of Dwellinghouse and Retrospective Ground Based Solar Panels- Site At Berwick Wood, Hatton of Fintray

Morning Negar,

I have uploaded a supplementary letter to the online portal from Allathan Associates in response to your comments below. We hope this addresses your comments below, better illustrates the work going on at Berwick Wood Produce (<https://berwick-wood-produce.ooooby.org/>) and emphasises how the business is currently restricted by not living on site.

Best regards

Doug Irvine

From: Negar Maydanchi <negar.maydanchi@aberdeenshire.gov.uk>
Sent: Tuesday, July 11, 2023 4:57 PM
To: Doug Irvine <doug@sylvanstuart.com>
Cc: berwickwoodproduce@gmail.com
Subject: Re: APP/2023/0889- Erection of Dwellinghouse and Retrospective Ground Based Solar Panels- Site At Berwick Wood, Hatton of Fintray

Good afternoon,

I refer to the above planning application.

The principle of development will be assessed against Policy R1.2 accommodation within the immediate vicinity of the place of employment required for a worker in a primary industry, where the presence of a worker is essential to the efficient operation of the enterprise, and there is no suitable alternative residential accommodation available.

Based on the labour requirement report submitted along the application ,the farm operation of Berwick wood has a total standard labour requirement for 2,094 SLRs . The calculation demonstrates that a substantial hour is related to the level of labour needed for forestry work and planting activity and 131 SLRs for Pig activity . Whilst there may be need for full time worker on the farm for this type activities, it is not essential to live on the farm.

In addition, sufficient information is not provided regarding the current residential accommodation available within the vicinity of the site. It appears that there are homes for rent and sale in Hatton of Fintray, 1.48 km to the south, which is not a significant journey for any employee to get to this location.

Therefore, this proposal fails to meet the essential need justification for accommodation associated with a primary industry worker, and therefore does not comply with Policy R1 and R2 of the Aberdeenshire Local Development Plan 2023 as well as Policy 17 of National Planning Framework.

At the outset, the application would go to Local Ward members with a refusal recommendation. However, the members would have an opportunity to take a different view and advise for referral to the Area Committee for further assessment.

Kind regards,

Negar Maydanchi
Planner (Development Management)
Planning and Economy
Environment and Infrastructure
Aberdeenshire Council
Skype: 01467469920

Email: negar.maydanchi@aberdeenshire.gov.uk

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Freedom of Information request: Please send your enquiry to foi@aberdeenshire.gov.uk



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Dh'fhaodadh fiosrachadh sochaire, a tha a-mhàin airson an neach gu bheil am post-dealain air a chur, a bhith an seo. Ma tha thu air am post-dealain fhaighinn mar mhearachd, gabh ar leisgeul agus cuir fios chun an neach a chuir am post-dealain agus dubh às am post-dealain an dèidh sin. 'S e beachdan an neach a chuir am post-dealain a tha ann an gin sam bith a thèid a chur an cèill agus chan eil e a' ciallachadh gu bheil iad a' riochdachadh beachdan Chomhairle Shiorrachd Obar Dheathain.

www.aberdeenshire.gov.uk

PLATFORM 22 TORPHINS

COFFEE HOUSE ~ POTTERY ~ VILLAGE MARKET

Dear Sir/Madam

Re: PLANNING APPLICATION No.: APP/2023/0889; A & M Player, Berwick Wood, Hatton of Fintray.

As the operator of what we believe to be Scotland's only weekly outdoor market we write in support of the above application.

We have run Torphins Market for over 10 years and to do this successfully we have relied on a network of small independent businesses such as Berwick Wood. The market itself is a popular part of village life drawing in a good mix of locals and tourists keen to try local produce and support local businesses.

Whilst we have never had a problem in finding bakers and makers of preserves etc. we have always found it particularly difficult to get regular suppliers of "agricultural" produce, i.e. fruit, vegetables and meat. The hurdles these businesses face by way of economics, climate and the long hours required often prove too much and we have seen several promising enterprises spring up and then wither and give up after a couple of years. As such Berwick Wood, who produce and retail food direct to the public, are vanishingly rare in these parts. They have been part of Torphins Market since 2019 and have shown an incredible level of determination and commitment to the cause of fresh wholesome food grown sustainably and with consideration for the natural environment. It is also worth mentioning that during the pandemic they, along with several other stallholders, supplied our shop with a range of fresh produce which was much appreciated by the community, and they play a small but vital part in community resilience.

In many ways the northeast lags other regions of the UK with regard to the diversity and number of small-farm producers. There are undoubtedly several factors behind this and most of these lie outwith the ability of local government to fix, however, planning is one area in which they can act positively and bring about change for the better. We hope that the applicants will be successful in their appeal and that consent will be granted for them to live and work on their land and we hope that Berwick Wood will continue to be an integral part of Torphins Market and our local economy.

Yours sincerely

David and Emma Pattullo



SCOTLAND THE BIG PICTURE

4 October 2023

To whom it may concern

I write in relation to the planning application for a new property at Berwick Woods, Hatton of Fintray, Aberdeenshire AB21 0YR.

I am project lead of Northwoods, a nationwide network of farms, crofts and community woodlands, and which is coordinated by prominent environmental charity *SCOTLAND: The Big Picture*. Membership of the Northwoods network is limited to small-scale landowners who are focused on restoring ecosystem health and have a demonstrable track record as 'nature champions'.

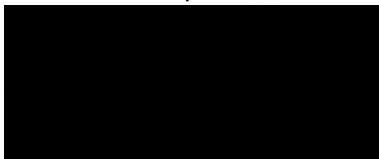
The family-run Berwick Woods enterprise has been a prominent member of the Northwoods network since 2021. Its owners epitomise the network's goals: sustainable rural enterprise working hand-in-hand with nature recovery.

Specifically, the vegetable growing enterprise at Berwick woods is based on 'no-till permaculture' principles – avoiding harmful chemicals that could impact water quality and harm wildlife. Biodiversity on site is being enhanced by replacing much of the non-native conifer monoculture with a diverse range of native broadleaf tree species – which in turn, will bring significant benefits for wildlife, store carbon for longer, and be far more resilient against the effects of climate change.

With its low-impact farming practices and demonstrable commitment to renewable (solar) energy, Berwick Woods is a veritable model of how a small rural business in Scotland can actively contribute to addressing the global climate emergency and the nature crisis.

For the above reasons, and additionally in the interests of enhancing 'local living' and 'rural revitalisation', I have no hesitation in supporting the current application. The Northwoods Network will be pleased to continue supporting Berwick Woods in providing high quality, locally grown food, and at the same time helping to increase biodiversity.

Yours sincerely



James Nairne, Project Lead, Northwoods Network

Ballintean, Kingussie, Inverness-shire, PH21 1NX
www.scotlandbigpicture.com

Thunderstorms north-east Scotland 11-12 August 2020

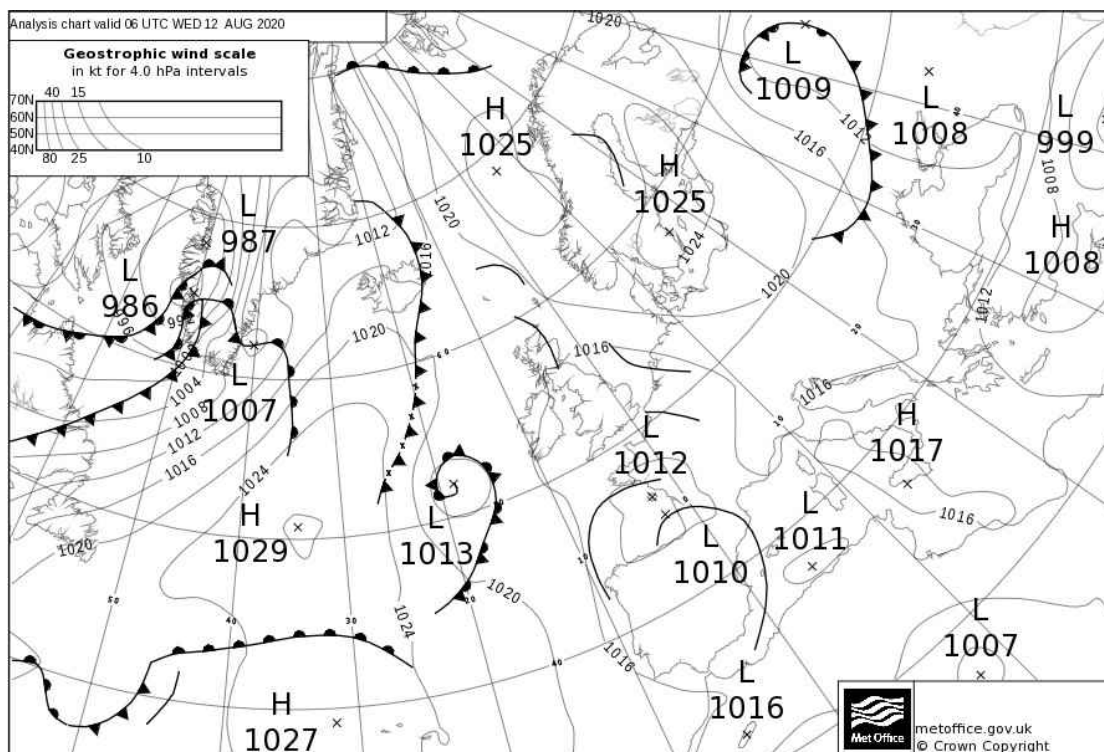
North-east Scotland experienced thunderstorms and torrential downpours during the evening of 11th August and into the morning of 12 August 2020. In places 30 to 50mm or more of rain fell within 3 hours or less.

Impacts

The torrential downpours caused widespread flash-flooding and disruption to the road and rail networks, with Falkirk, Fife, Perth, Edinburgh and the Aberdeenshire area all affected by flash-flooding. Several schools were closed across Aberdeenshire, and there were reports of lightning strikes. The very heavy rain from the thunderstorms seems likely to have been a factor in the landslide that caused train derailment at Stonehaven, which tragically led to three fatalities and a number of casualties.

Weather data

The analysis chart at 0600 UTC 12 August 2020 shows a line of convection associated with severe thunderstorms across north-east Scotland, with very humid, hot air across the south of the UK. Parts of southern England reached 34 to 35°C on both 11th and 12th August.

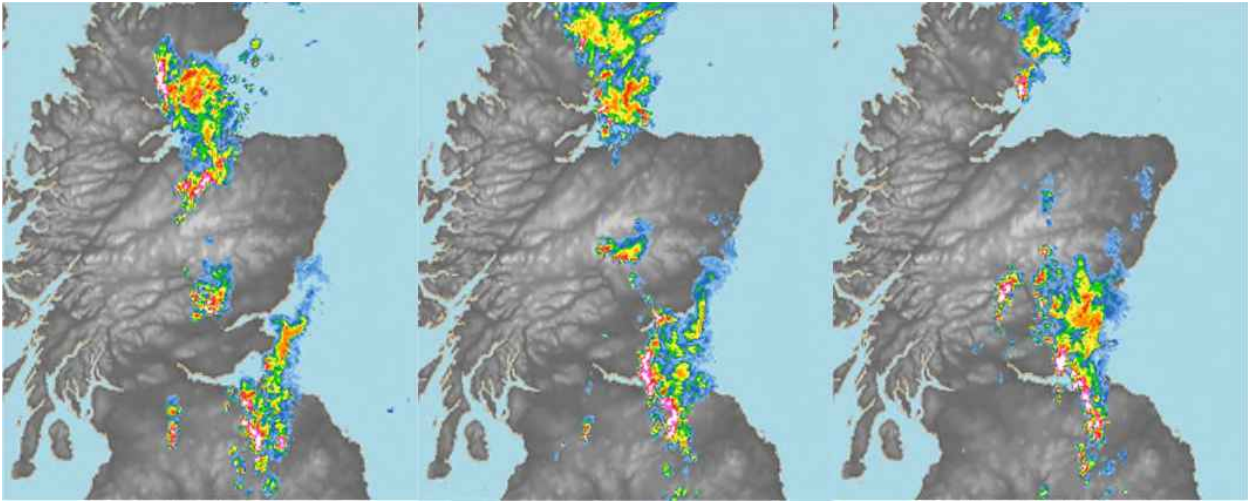


The sequence of rain-radar images at hourly intervals from 18 UTC 11 August to 09 UTC 12 August show torrential downpours in the Edinburgh area during the evening of the 11th moving northward across Fife before clearing Aberdeenshire during the morning of the 12th.

18 UTC

19 UTC

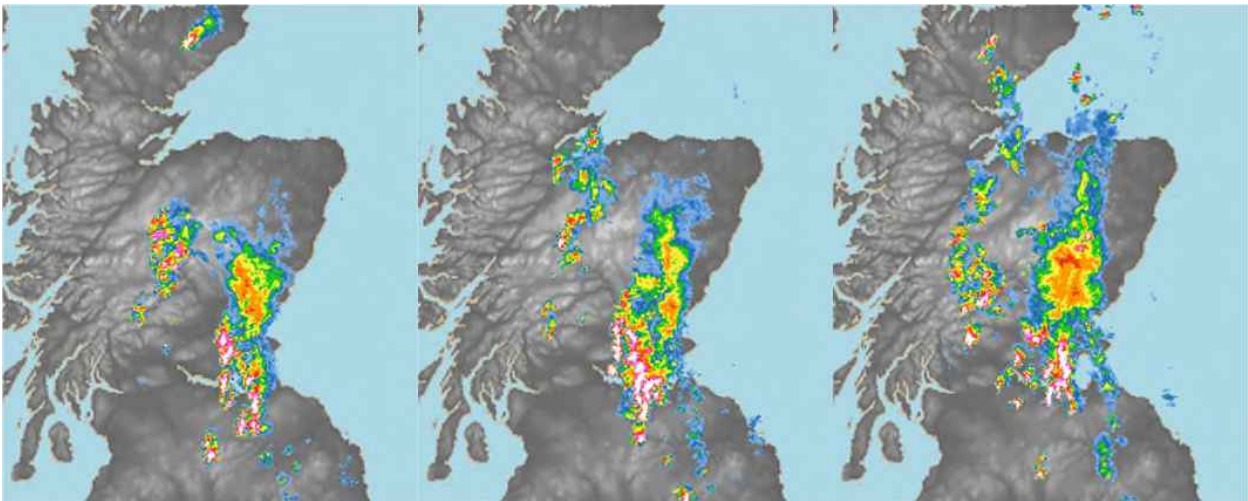
20 UTC



21 UTC

22 UTC

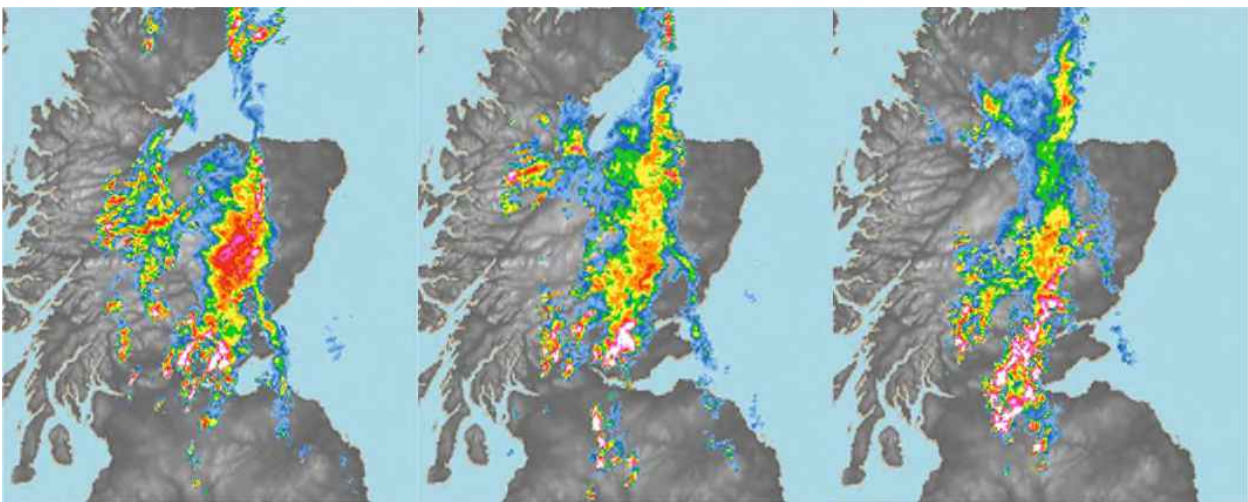
23 UTC



00 UTC

01 UTC

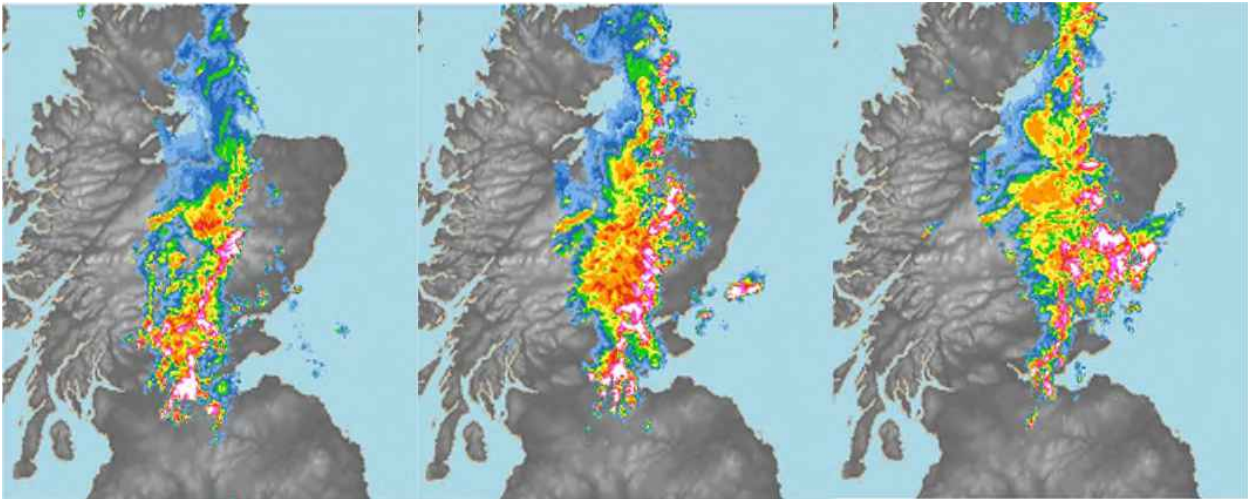
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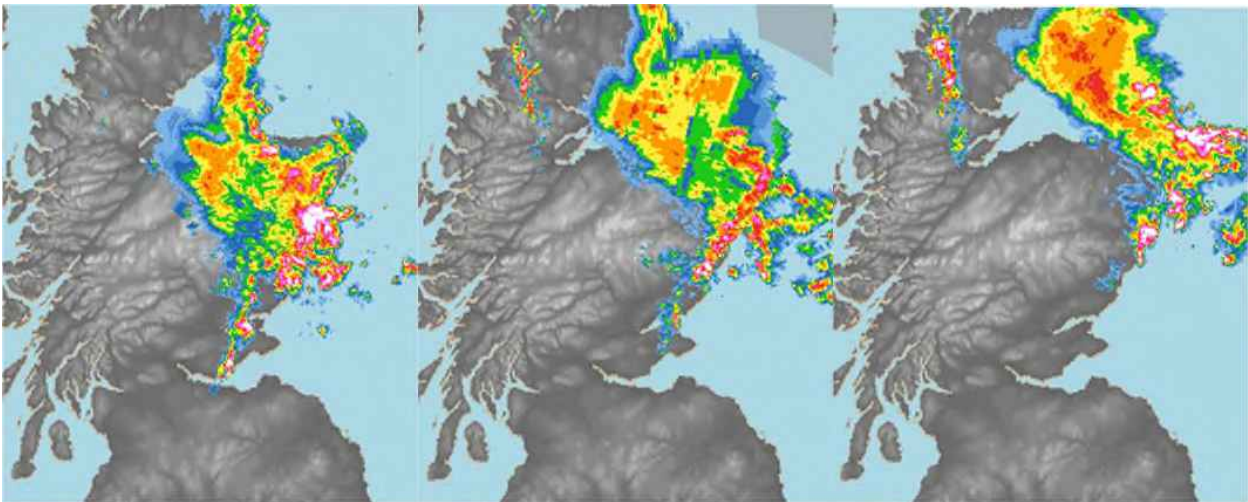
05 UTC



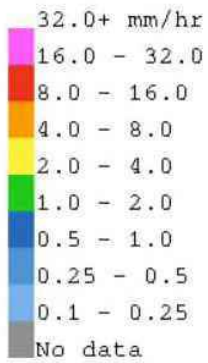
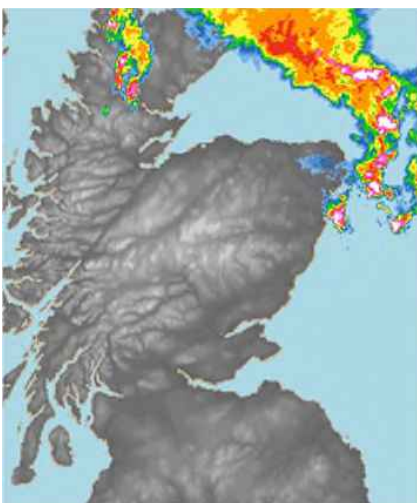
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07 UTC

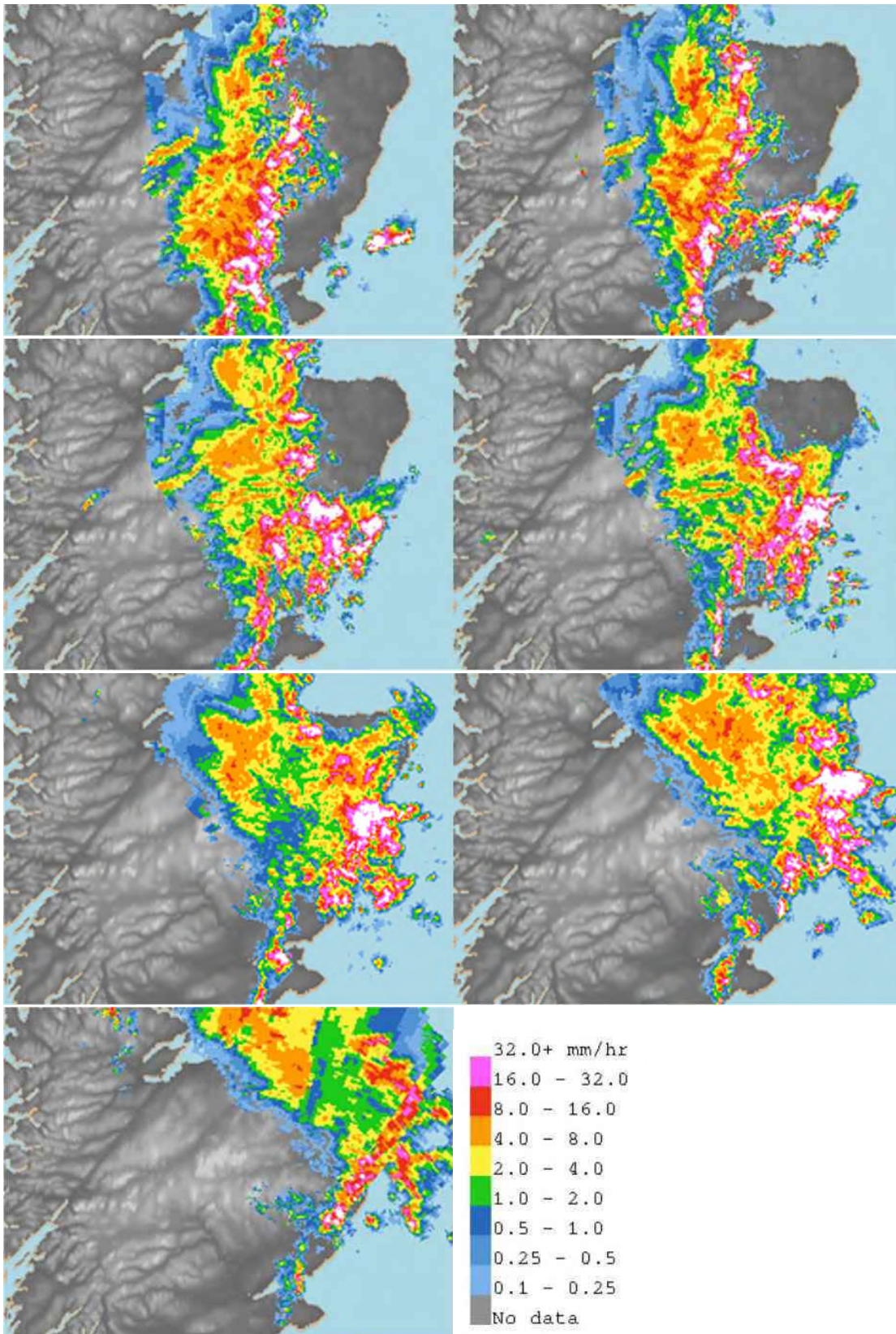
08 UTC



09 UTC

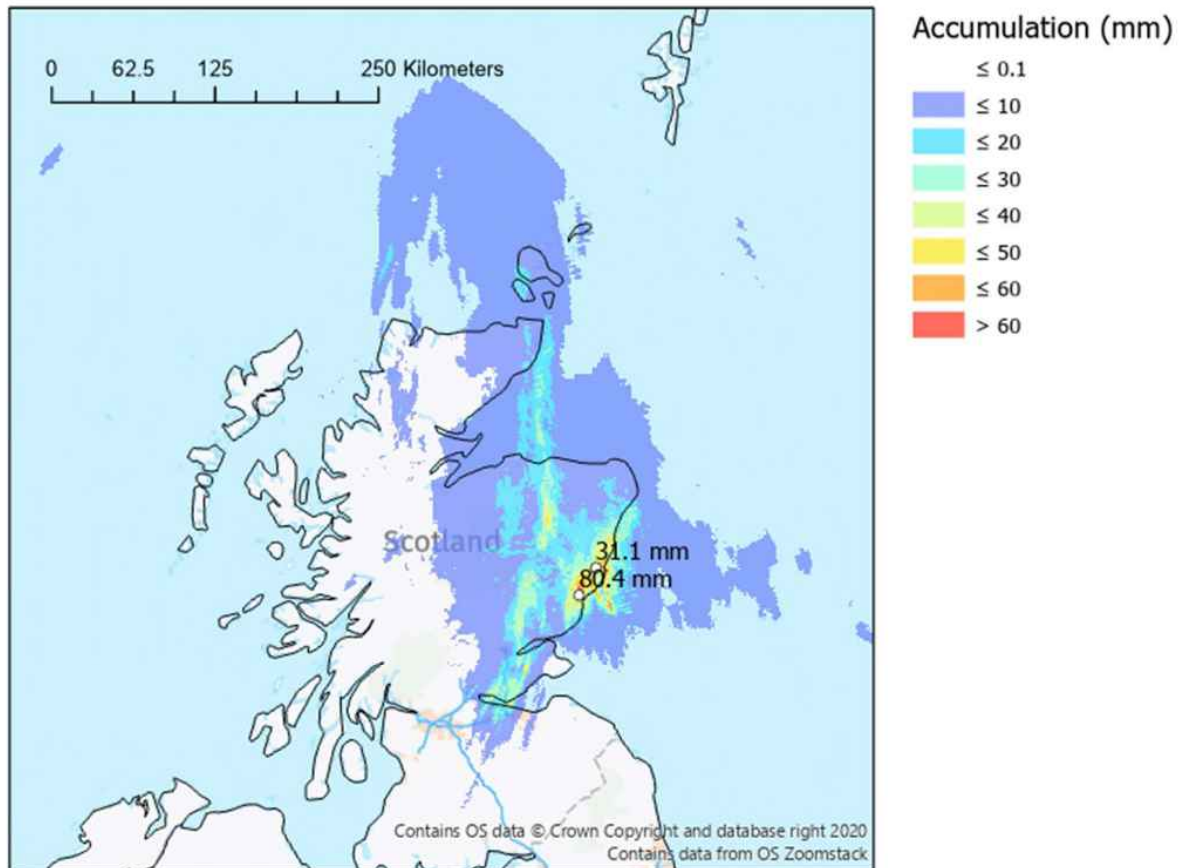


The sequence of rain-radar images at 30-minute intervals from 0400 UTC to 0700 UTC show the heaviest rainfall across Aberdeenshire during this period.



In an event such as this there may be a very large spatial variation in rainfall amounts across a relatively small area, and any network of rain-gauges will inevitably struggle to capture the detailed spatial rainfall pattern. The figure below shows estimated rainfall totals across Scotland from 0400

to 0700 UTC on 12 August 2020 (source: Met Office observations R&D). This period covers the most intense rainfall across the Aberdeenshire area. The rain-radar indicates 30mm or more falling widely across Aberdeenshire in around 3 hours with some locations recording 50mm+; in some location this approaching the August 1981-2010 long term average rainfall for the whole month.



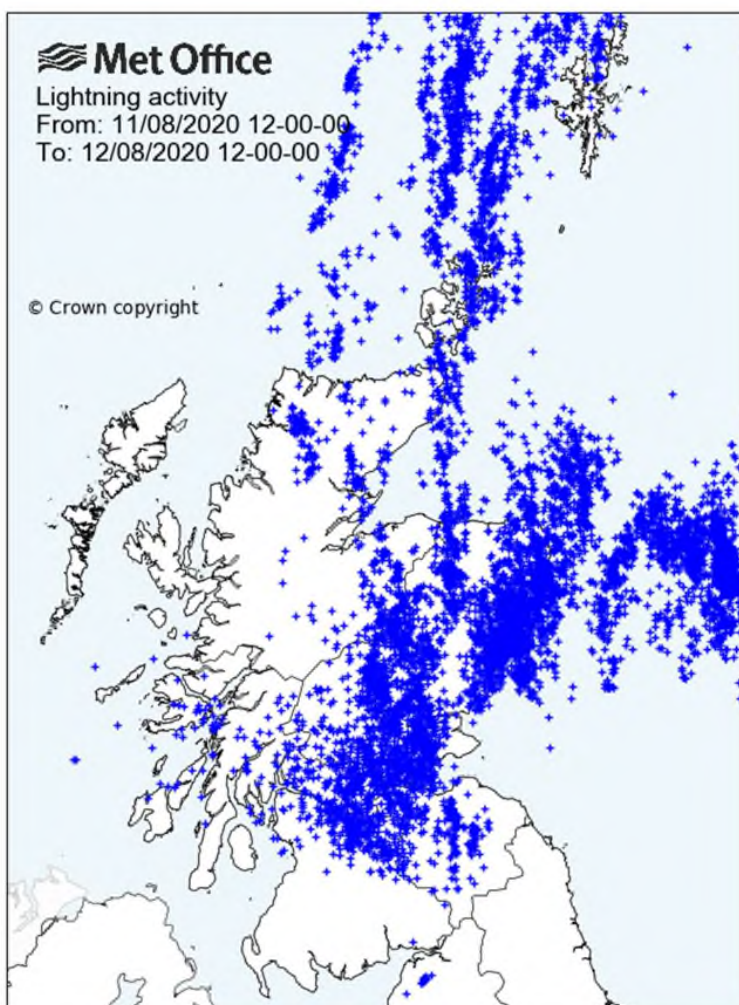
The table below lists the highest hourly rainfall totals recorded at Met Office stations in the area. A rain-gauge at Cheyne (Aberdeenshire) operated by the Scottish Environment Protection Agency (SEPA) and located close to Stonehaven is reported to have recorded 78.4mm in a three-hour period including 36.6mm in one hour, and other rain-gauges in the area indicate 30 to 50mm or more falling in the vicinity.

Station	Hourly total (mm)	Hour ending
Inverbervie (Aberdeenshire)	41.6	0600 UTC 12 August
Aberdeen, Craibstone	32.4	0700 UTC 12 August
Edinburgh Royal Botanic Garden	25.8	2300 UTC 11 August

The table below lists the highest daily rainfall totals recorded by the network of rain-gauges registered by the Met Office from 0900 UTC 11th to 0900 UTC 12th August 2020. These rainfall totals would typically represent approximately the whole-month August long-term average rain falling within the space of a few hours, or less. Several other rain-gauges in the network recorded over 50mm.

Station	Daily total (mm)	August 1981-2010 long-term average (mm)
Grangemouth Refinery (Stirling)	95.0	67.1
Perth, Norwich Union (Perth)	86.2	-
Stonehaven, Cheyne (Aberdeenshire)	79.0	-
Newton of Falkland (Fife)	77.2	-
Gilston (Mid-Lothian)	62.8	64.2
Kinross (Kinross-shire)	61.6	81.4

The map below shows lightning activity recorded across Scotland between 1200 UTC 11 August and 1200 UTC 12 August 2020.



Thunderstorms in the UK are very frequently associated with a break-down following hot, humid weather, with torrential downpours often accompanied by large hail and lightning strikes. Such events often result highly localised large rainfall totals of short duration. One example was on 28 June 2012, a day of severe thunderstorms across the UK with widespread flash-flooding, hail and lightning strikes across Wales and northern England. This event closed the West Coast main line due to a landslide near Tebay in Cumbria, and the West Highland line was blocked near Tulloch Bridge as a landslide derailed a freight train.

Author: Mike Kendon, Met Office National Climate Information Centre

Last updated 10/09/2020

Severe winter weather and storm Darcy, February 2021

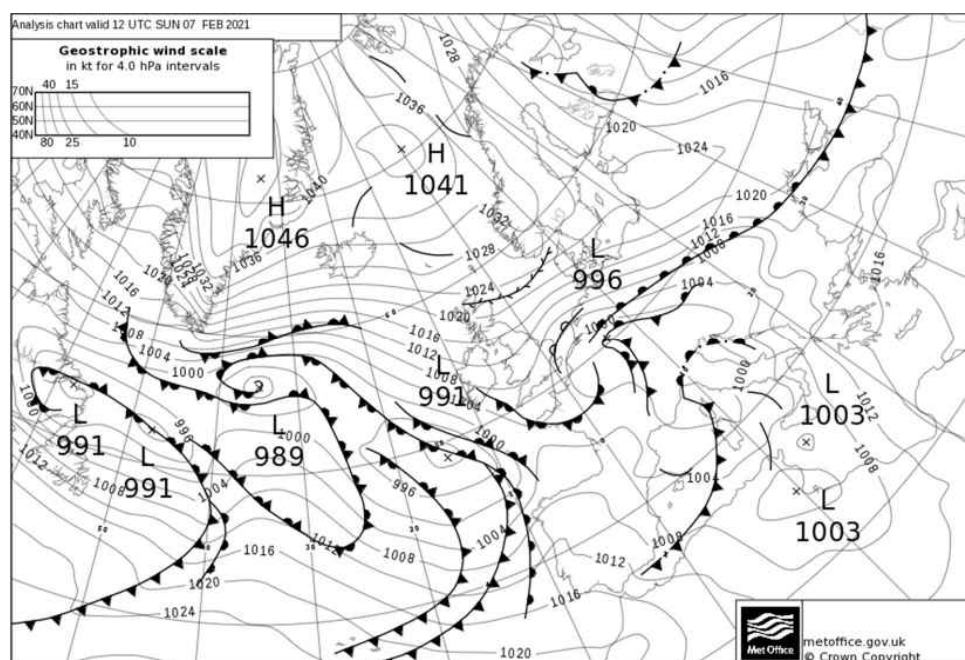
The UK experienced a week of severe winter weather from 7 to 13 February, with easterly winds drawing a bitterly cold airflow from eastern Europe. Storm Darcy brought some strong winds and heavy snow to parts of south-east England on 7th, while persistent snow showers resulted in significant accumulations across eastern England and Scotland. Daytime temperatures struggled to rise above freezing, and, combined with the wind, resulted in severe wind-chill, particularly on the exposed east coast. Much of eastern Scotland experienced deep lying snow with depths in some places of 20 to 30cm or more. 11th/12th February was a bitterly cold night with temperatures of -10 to -15°C across eastern Scotland, and three stations falling below -20°C. At Braemar, -23.0°C made this the UK's lowest temperature since December 1995.

Impacts

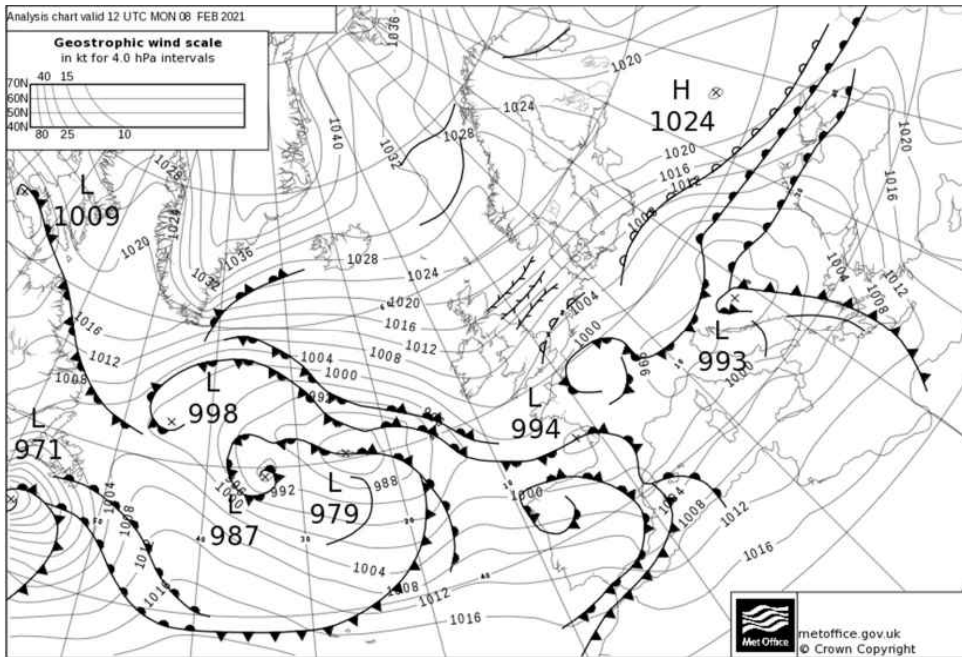
Snow and ice caused widespread travel disruption, with roads closed across many eastern coastal counties; Kent and Essex were particularly affected by deep snow. Hazardous conditions made driving conditions difficult with several accidents. There were also train cancellations. A number of schools had to close across the south-east and Lincolnshire and several Covid vaccination centres were also shut. A kitesurfer died on a beach in Suffolk. Scotland was also affected by deep lying snow, with transport disruption and school closures, and the harbour at Nairn was frozen over. There was deep lying snow across Scotland's mountains, with large accumulations and severe drifting. The Stevenson screen at the weather station at Cairngorm Chairlift (663masl) was buried in snow, and an extreme avalanche risk was reported in the Pentland Hills south of Edinburgh. Several impressive igloos were built by members of the public.

Weather data

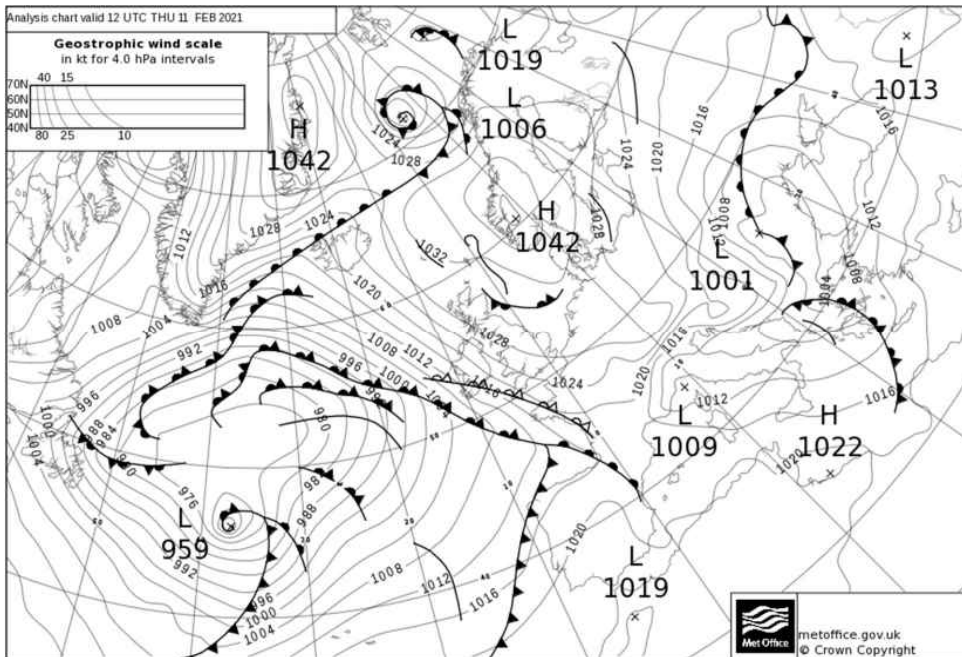
The analysis chart at 1200 UTC 7 February 2021 shows an area of low pressure (storm Darcy) located across the Netherlands bringing heavy snow and strong winds to south-east England.



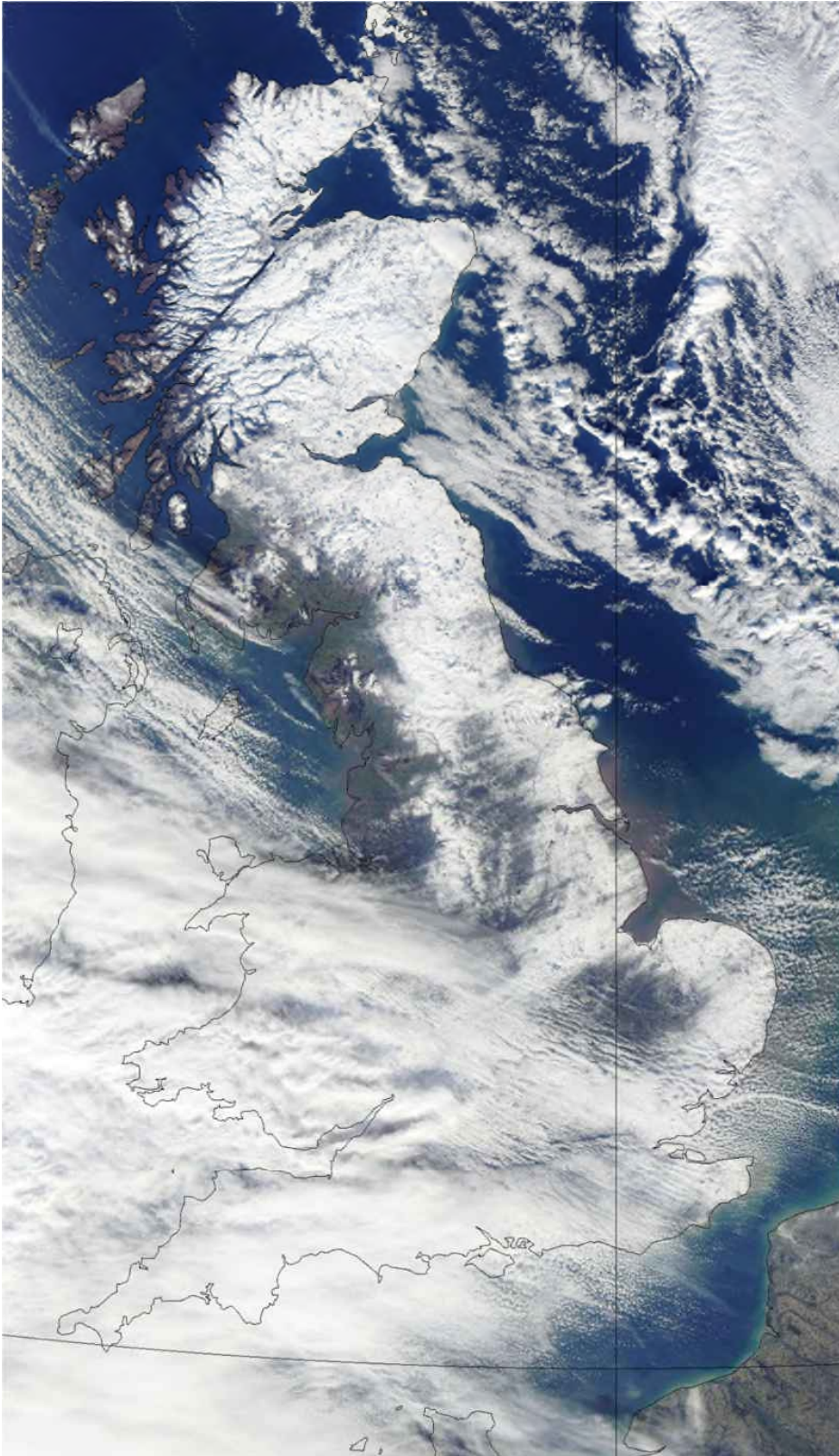
The analysis chart at 1200 UTC 8 February 2021 shows the UK in a bitterly cold easterly airstream with a persistent feed of snow showers off the North Sea affecting the east coast.



The analysis chart at 1200 UTC 11 February 2021 shows high pressure over Scandinavia extending to cover much of the UK, while frontal systems start pushing into the far south-west.



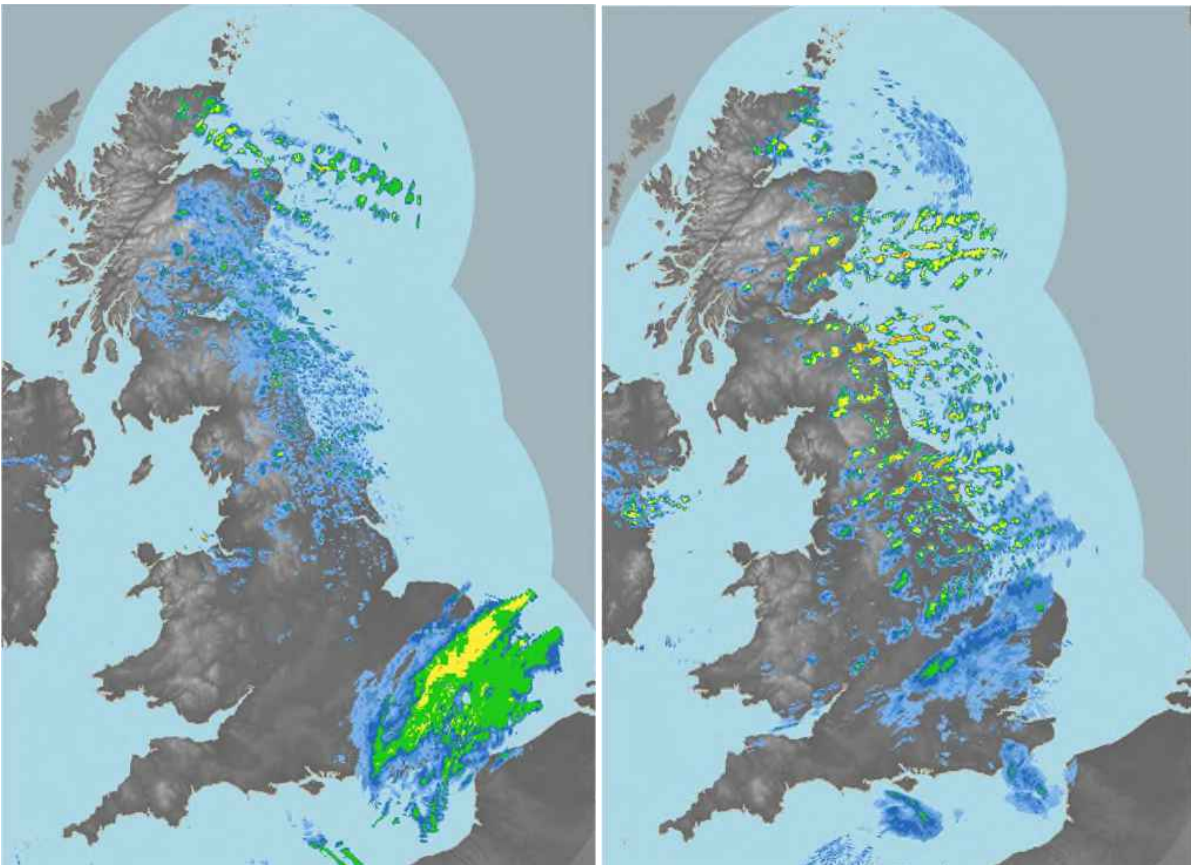
The satellite image on 11 February 2021 shows lying snow from Kent to Caithness, extending from the coast and inland across the east Midlands, Pennines and much of Scotland. Bands of snow from lines of showers in the easterly airflow can clearly be seen across Lincolnshire and Yorkshire. 11th/12th was the coldest night of the spell, with temperatures falling below -20°C in Scotland – this occurred due to a combination of clear skies, lying snow and light winds. Image copyright Met Office / NOAA / NASA.



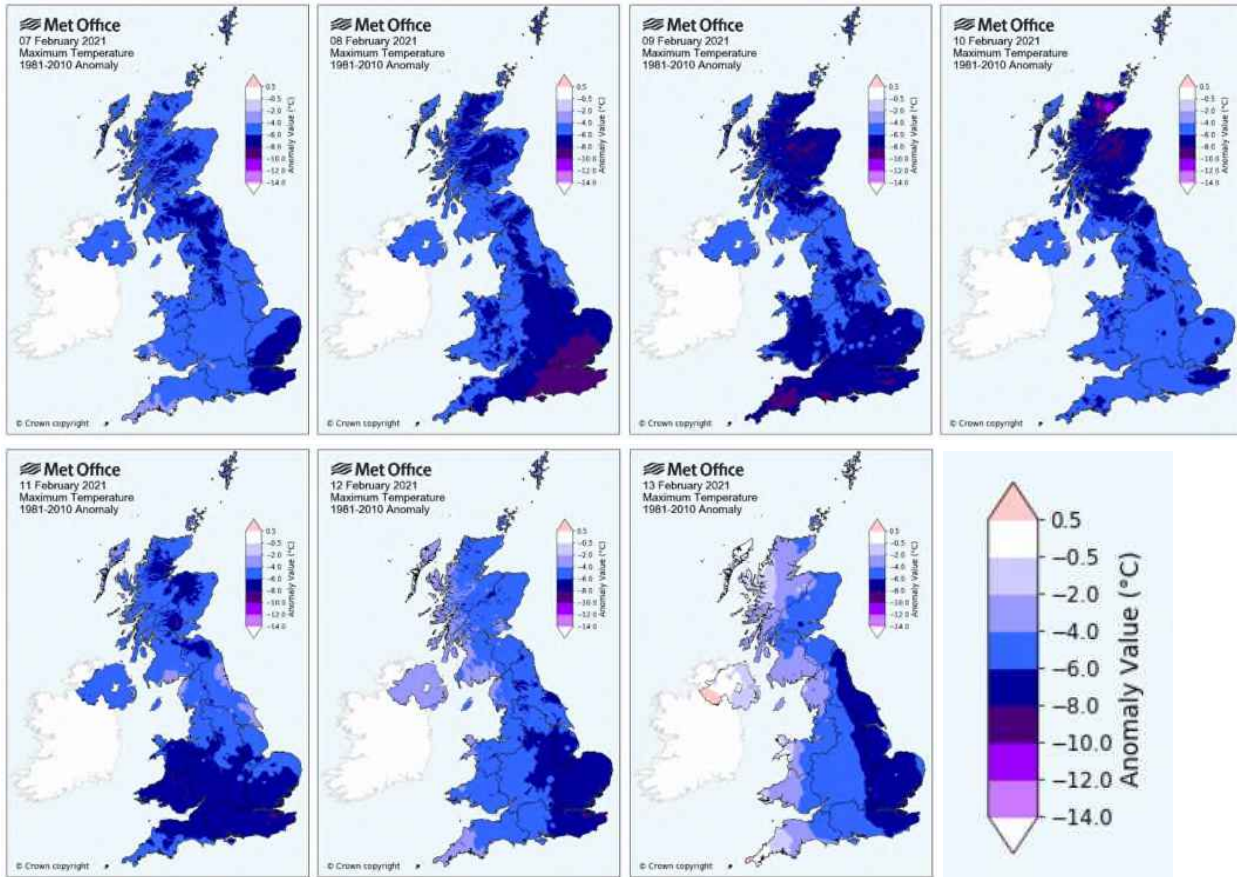
The satellite image on 11 February 2021 shows lying snow around the coastlines of the southern North Sea. Image copyright Met Office / NOAA / NASA.



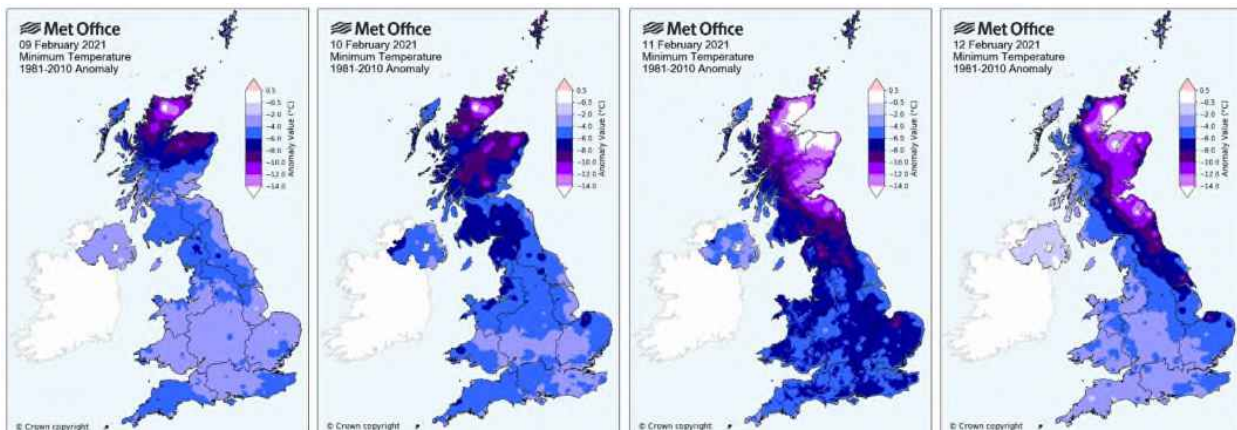
The rain-radar images at 1200 UTC 7th and 1200 UTC 8th February show heavy snow affecting south-east England, with a feed of snow showers running in off the North Sea.



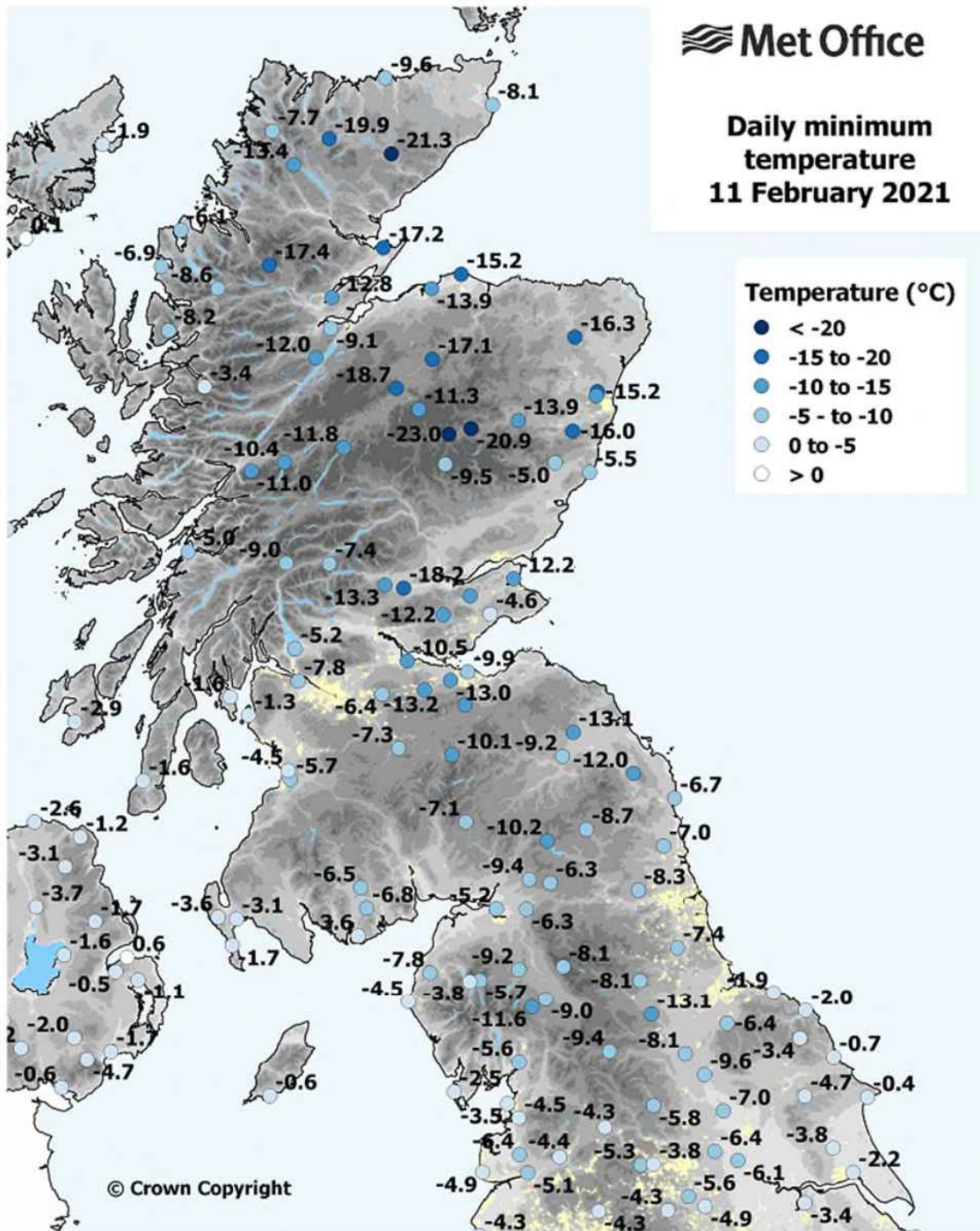
The maps below show daily maximum temperature anomalies from 7 to 13 February 2021. Temperatures were well below average throughout the UK for the week, reaching only 1 or 2°C widely. With lying snow and a strong easterly wind, 8th February was particularly cold across the south-east where temperatures remained below freezing all day – with daily maximum temperatures of -1.5°C at Rothamsted, Hertfordshire and -2.4°C at Wych Cross, East Sussex – 8 to 10°C below average for the time of year. Even central London remained below freezing with a daily maximum of -0.1°C at St James’s Park.



The maps below show daily minimum temperatures from 9 to 12 February 2021. The coldest night was 11th/12th February. Temperatures fell below -5°C across most of the UK and -10 to -15°C or lower across north-east Scotland – around 14°C below average for the time of year. Only a few coastal fringes in the west and south escaped a frost. Daily minimum temperatures are observed from 0900 to 0900 UTC and since the lowest temperatures occurred around 0900 UTC, this accounted for the very low temperatures on both 11th and 12th.




The map below shows daily minimum temperatures across Scotland and north-east England on 11 February 2021. Minima were widely -5 to 10°C across northern England, while it was an exceptionally cold night across eastern Scotland. The provisional daily area-average minimum temperature for eastern Scotland was -12.3°C making this the coldest night here since 3rd December 2010 (-13.5°C). Three stations fell below -20°C: -20.9°C at Balmoral and -23.0°C at Braemar (both Aberdeenshire) and -21.3°C at Kinbrace, Sutherland. Temperatures fell well below -10°C even on the coast, with -17.2°C at Tain Range, Cromarty, -15.2°C at Lossiemouth, Moray, -15.2°C at Dyce, Aberdeen, -12.2°C at Leuchars, Fife and -13.0°C at Edinburgh, Gogarbank. Several stations in this area recorded their coldest February night since 1978 and at Lossiemouth it was the coldest February night in a 69-year record.

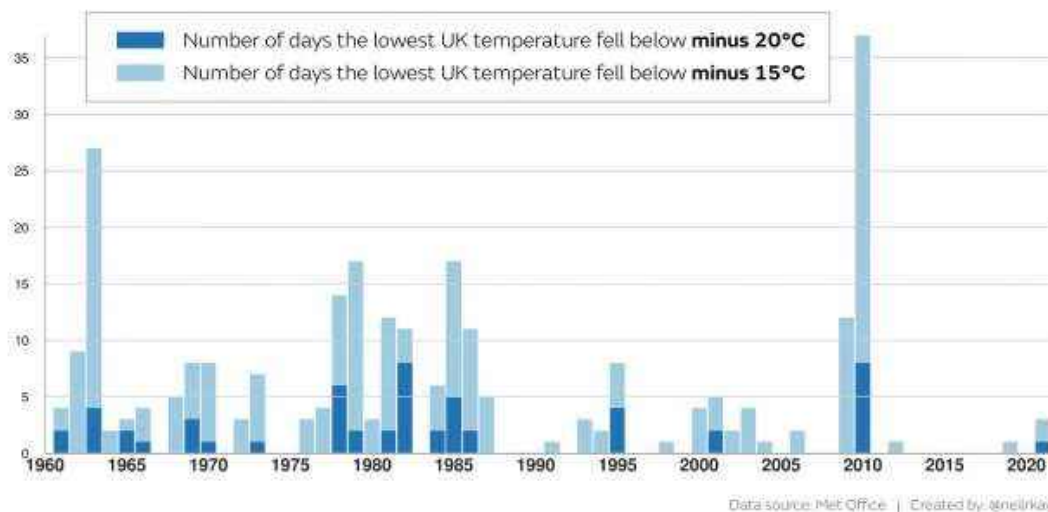


The lowest temperature of the spell, -23.0°C at Braemar, was the UK's lowest temperature since -27.2°C at Altnaharra, Sutherland on 30 December 1995 (the UK's equal-lowest temperature on record). Ravensworth (North Yorkshire) recorded a minimum of -15.3°C on 12th (this occurring after 0900 UTC on 11th) – making this England's lowest temperature since 11 February 2012.

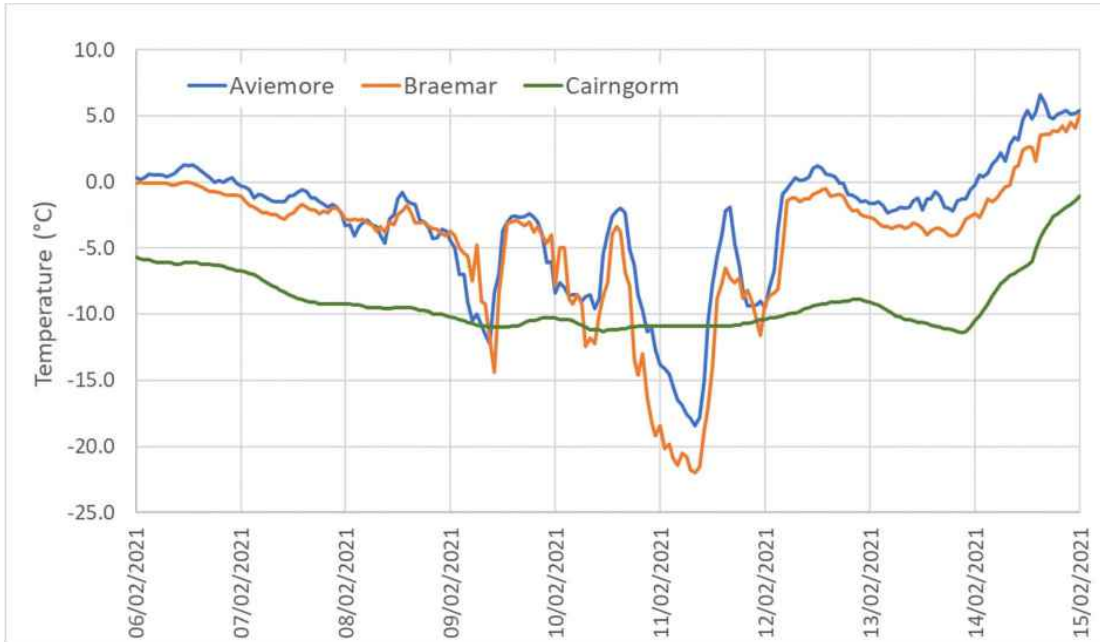
Temperatures below -20°C are comparatively unusual in the UK, having last occurred in 2010, 2001 and 1995, while in recent years -15°C has also been unusual. The figure below counts the number of days by year from 1961 with at least one station recording -15°C and -20°C or lower. In both cases there were generally more days in the years from 1961 to the mid-1980s compared to the second half of the series. In 1982 there were over 50 observations of -20°C across England and Scotland in a bitterly cold spell between 7th and 15th January, while in 1995 there were over 30 observations of -20°C across Scotland from 28th to 30th December. In 2010 there were several spells of severe winter weather with -20°C recorded in both January and December and -15°C recorded on 37 separate days in January, February, March, November and December.

More than 30 stations across the UK recorded minimum temperatures below -10°C on 11 February 2021, making this the most widespread severe frost since February 2012.

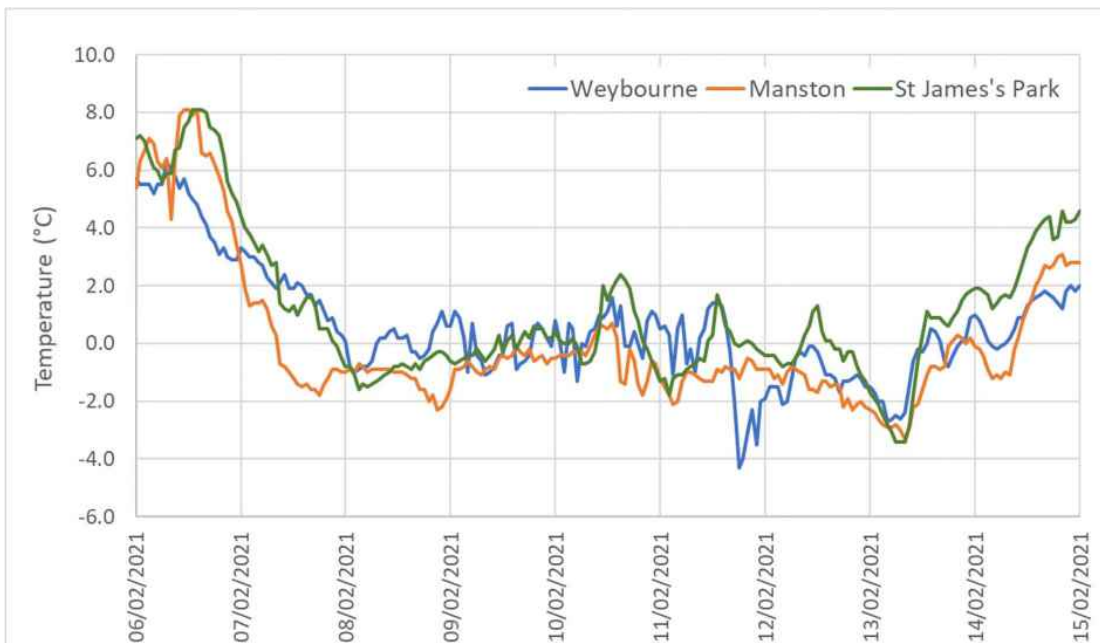
 Frequency of very cold nights in the UK from 1960 to 2021



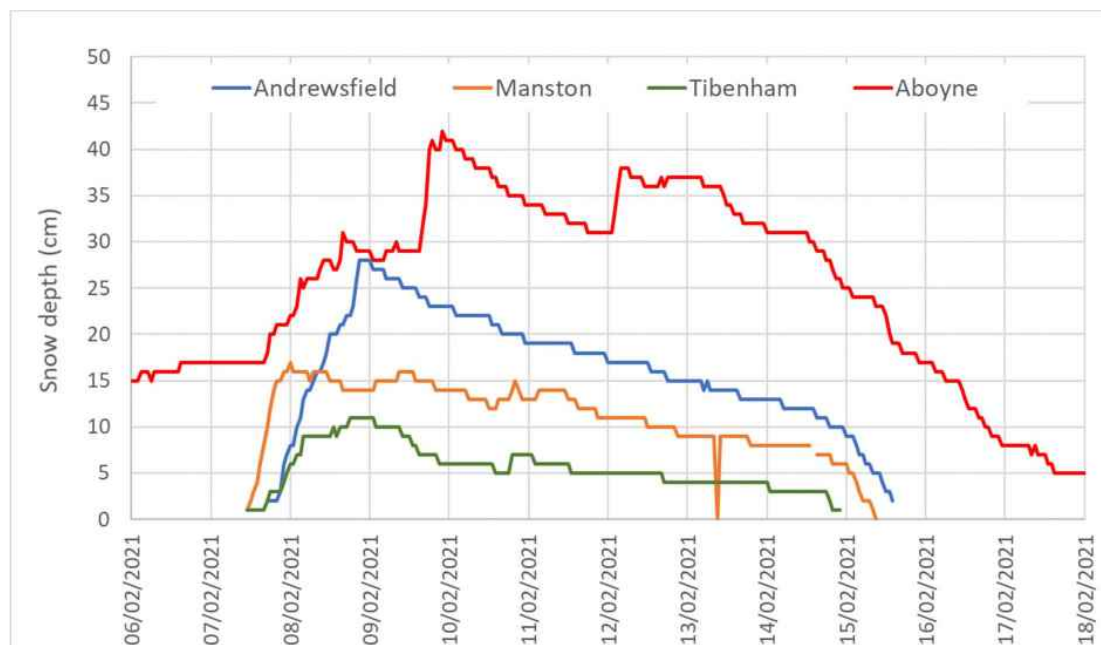
The figure below shows hourly air temperature at Aviemore (Inverness-shire), Braemar (Aberdeenshire) and Cairngorm summit (1237masl) through the spell. Temperatures at Braemar fell below -10°C for four consecutive nights, with the coldest night 11th/12th falling below -20°C , and daytime temperatures remaining well below freezing. By contrast the air temperature at Cairngorm summit remained relatively steady at around -10°C .



The figure below shows hourly air temperature at Weybourne (Norfolk), Manston (Kent) and St James's Park (London). Note the different y-axis scale. In contrast to Scotland, temperatures across south-east England remained generally close to 0°C , with the easterly wind tending to mostly suppress the diurnal temperature variation. There were particularly strong easterly winds at the start of the spell, especially on exposed eastern coasts, with Weybourne recording a maximum gust of 48Kt (55mph) on the 7th. Winds inland gusted widely at around 20 to 30Kt (23 to 35mph) resulting in severe wind-chill and drifting of lying snow.



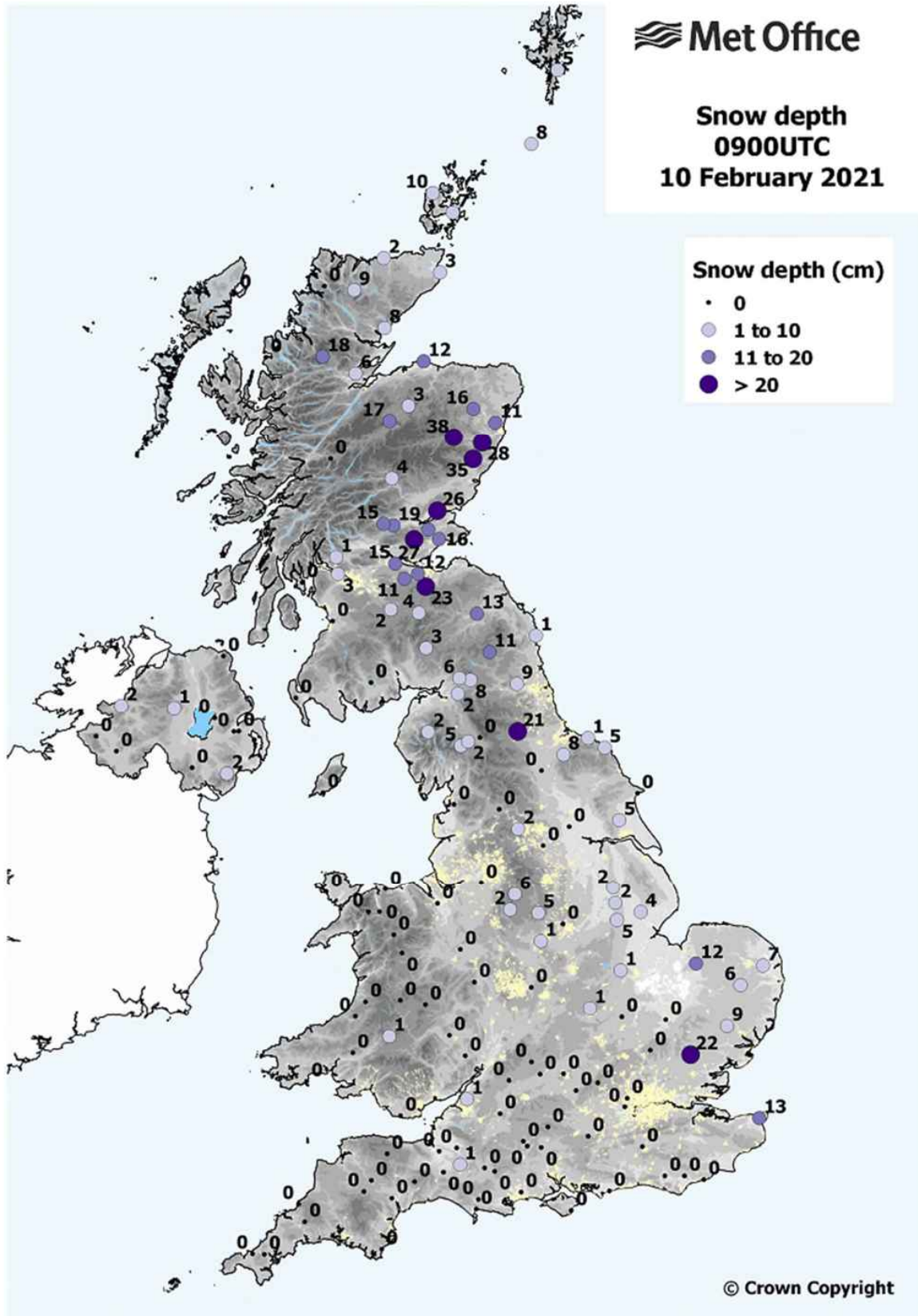
The figure below shows hourly snow depths at three stations across the south-east: Manston (Kent), Andrewsfield (Essex) and Tibenham (Norfolk), and also Aboyne (Aberdeenshire). 10 to 20cm fell at these locations in the south-east on 7th and 8th, with this lying largely un-melted until the 15th. At Aboyne, persistent snow showers led to a much greater depth of snow, exceeding 30cm from 8th to 15th, with a maximum depth of 42cm.



The figure below shows snow depths on 10 February 2021. Parts of Kent and East Anglia recorded depths of 15 to 20cm or more from the heavy snow of 7 February, but snow depths up the east coast were more typically 5 to 10cm. The deepest lying snow was across Scotland around Edinburgh, Fife, Angus, Kincardineshire and Aberdeenshire with depths of 20 to 30cm or more, including 38cm at Aboyne, Aberdeenshire, 35cm at Fettercairn, Kincardineshire, 26cm at Mylnefield, Angus and 23cm at Penicuik, Mid-Lothian. There was also deep lying snow parts of across the north Pennines with 21cm at Copley, County Durham. However, most central and western parts of the UK sheltered from the east remained snow free.

This was the UK's most severe spell of wintry weather since the 'Beast from the East' event of late February to early March 2018. Although minimum temperatures fell lower during February 2021, daily maximum temperatures were generally lower during the 2018 event with 'ice-days' (the temperature remaining below 0°C all day) more widespread – particularly on 28 February and 1 March 2018. In 2018 the snow was also generally much more widespread and deeper, with significant depths across Wales, central southern and south-west England. There was also a brief spell of widespread snow and low temperatures which caused disruption in late January / early February 2019.

7th to 13th February 2021 was a notable spell of severe wintry weather – particularly in comparison to several very mild winters in the last few decades, but would not be considered exceptional compared to long-term climate records, less severe than 2018 and very much less severe than the exceptional freezing weather of December 2010.



Author: Mike Kendon, Met Office National Climate Information Centre

Last updated 19/02/2021

Storm Malik and storm Corrie, January 2022

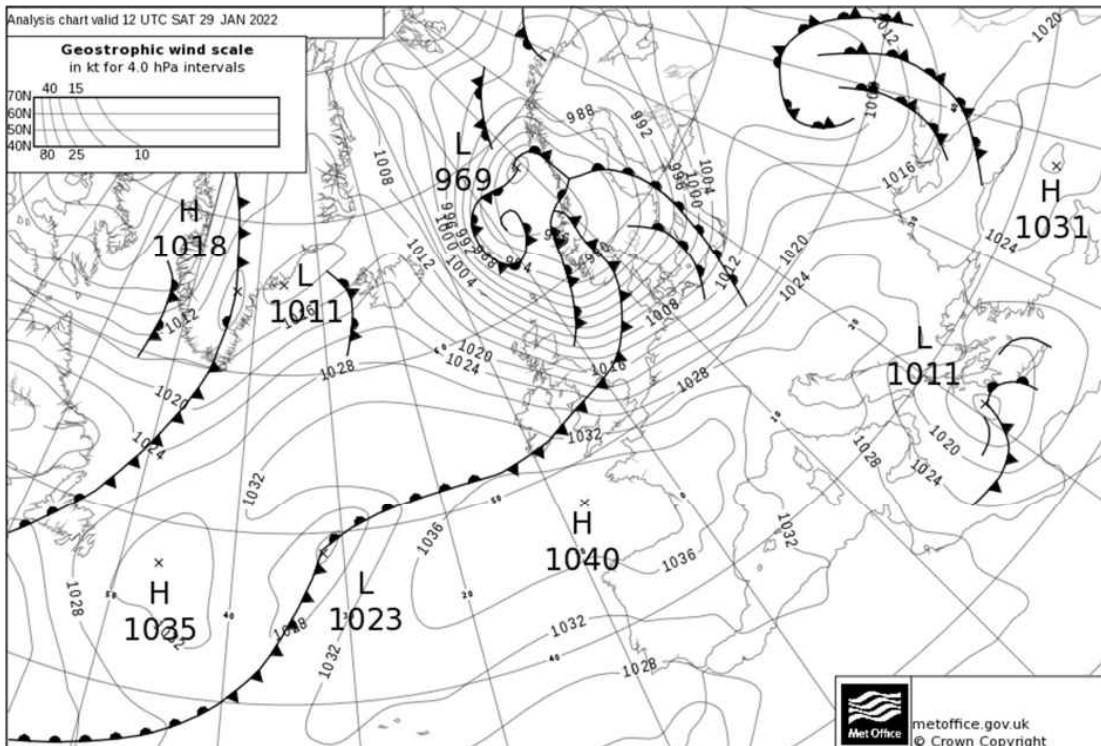
Storms Malik and Corrie, arriving in quick succession, brought damaging north-westerly winds to northern Scotland and north-east England. Malik, named by the Danish Meteorological Institute, brought widespread wind gusts of over 60Kt (69mph), and was one of the ten most significant winter storms to affect the UK since the storm naming system was introduced for the 2015/2016 season. Corrie, arriving only 36 hours later, brought further damaging winds, with gusts reaching 80Kt (92mph) at Stornoway Airport (Western Isles) and 79Kt (91mph) at Inverberrie (Kincardineshire).

Impacts

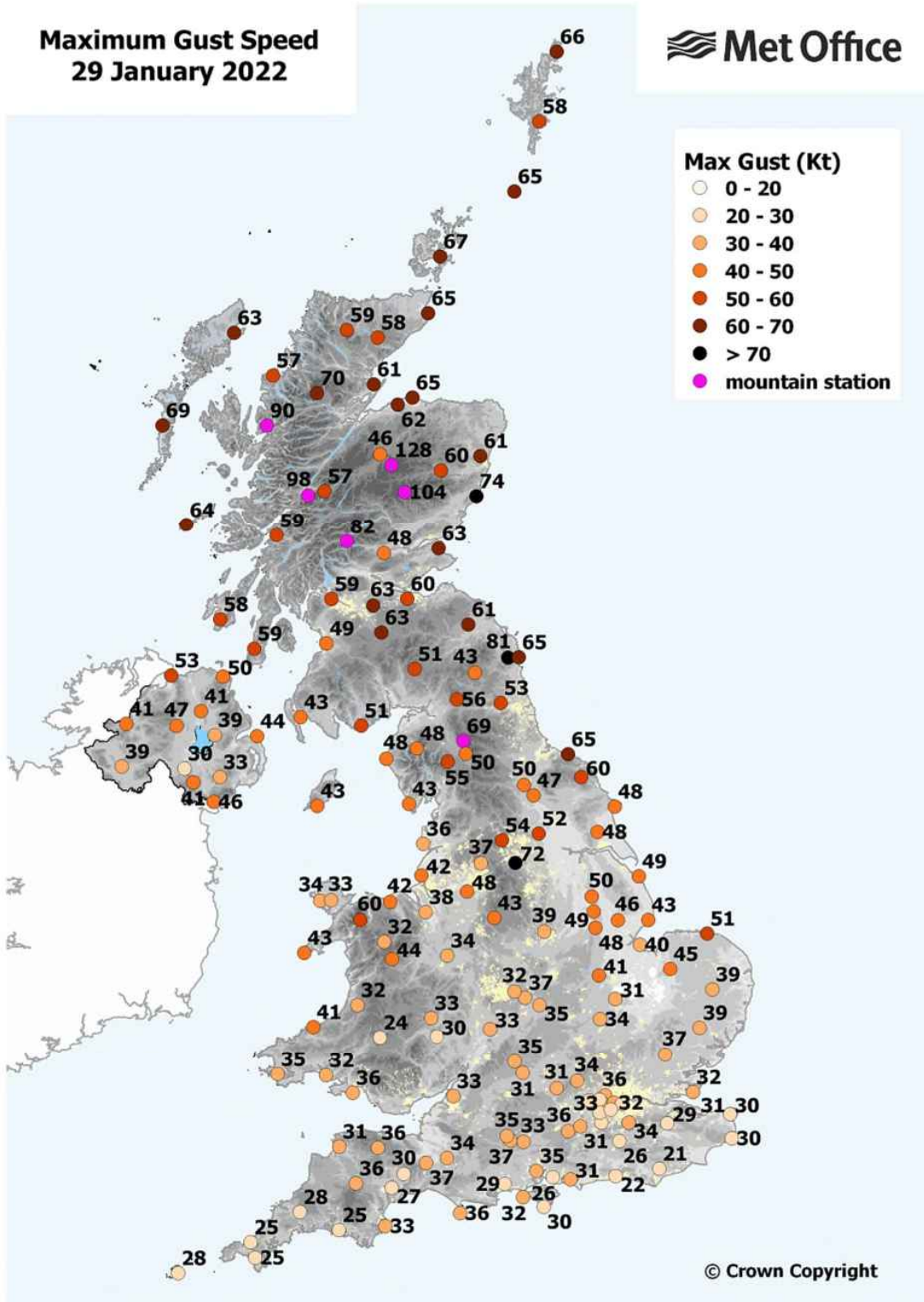
Two people were killed by falling trees in Staffordshire and Aberdeen due to storm Malik. There were widespread reports of structural damage with falling bricks and debris, and the roof of a house was blown off in Gateshead. Falling trees resulted in loss of power supplies to tens of thousands of homes in areas such as Aberdeenshire, Northumberland and County Durham, although the extent of the damage was not as significant as from storm Arwen in late November. There was major disruption to rail services in north-east England and Scotland, and difficult driving conditions with a number of overturned lorries. Ferry sailings in Scotland were delayed or cancelled. Several schools in Aberdeenshire, the Highlands and Moray were closed due to storm damage or power outages.

Weather data

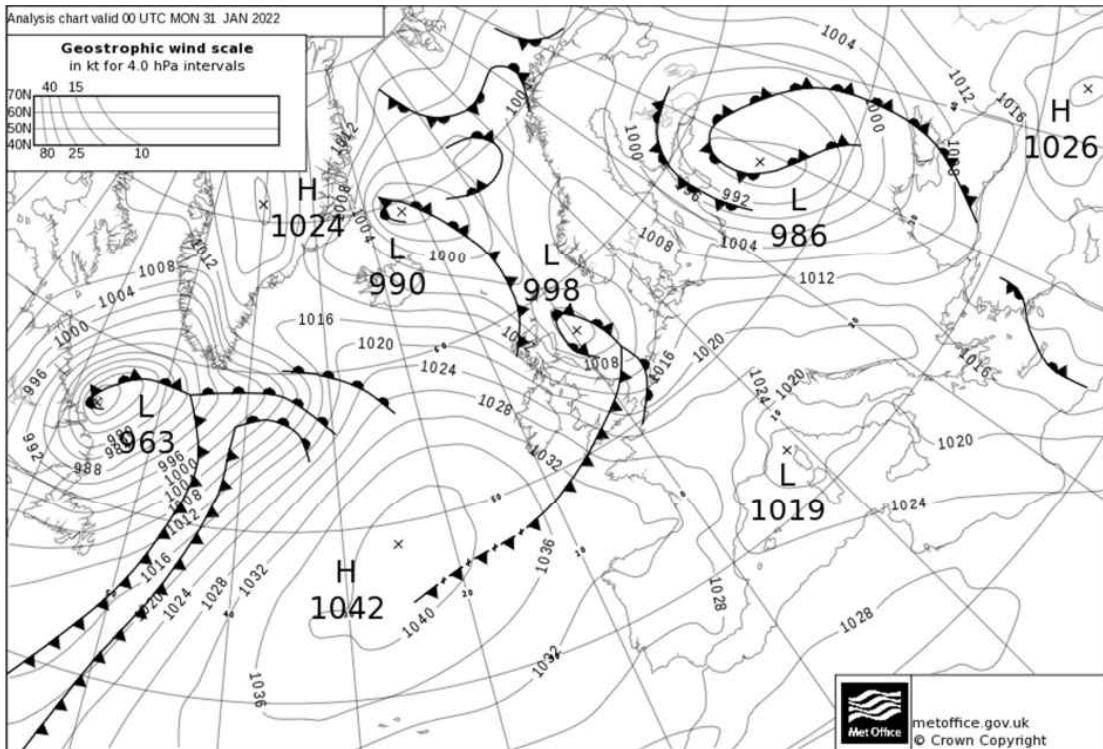
The analysis chart at 1200 UTC 29 January 2022 shows storm Malik to the north-east of the UK with an associated cold front sweeping south-east across the country. The tightly packed isobars provide an indication of the strength of the north-westerly winds.



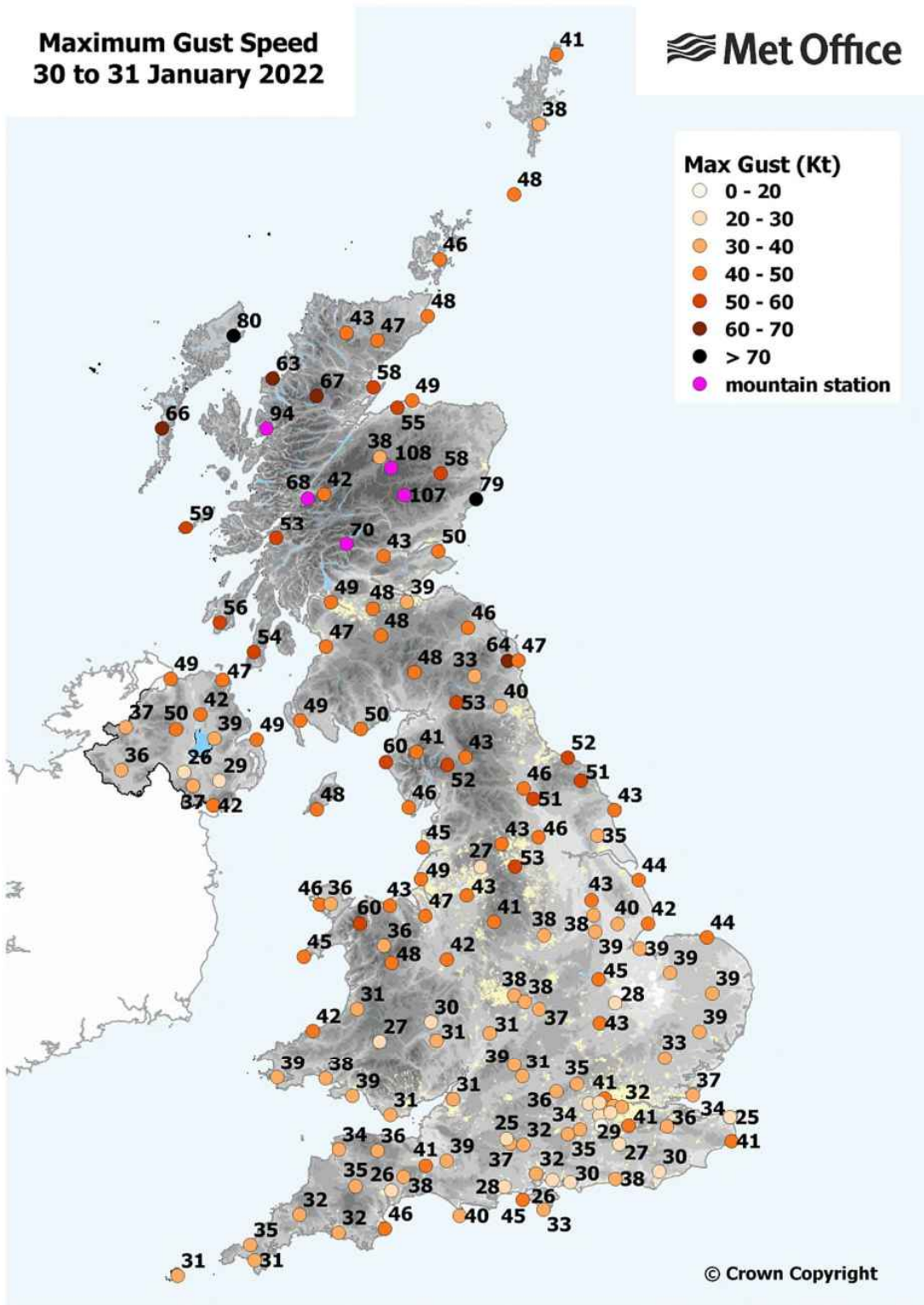
The map below shows maximum gust speeds from storm Malik on 29 January 2022. Gusts of 60 to 70Kt (69 to 81mph) were recorded widely across stations in Scotland and north-east England. The highest gusts were 81Kt (93mph) at Brizlee Wood (Northumberland), 74Kt (85mph) at Inverbervie (Kincardineshire), 72Kt (83mph) at Emley Moor (West Yorkshire), 70Kt (81mph) at Loch Glascarnoch (Highland) and 69Kt (79mph) at South Uist (Western Isles). Winds gusted at over 100Kt across Scotland's mountain summits with 128Kt (147mph) at Cairngorm Summit, 1237 metres above mean sea level (masl).



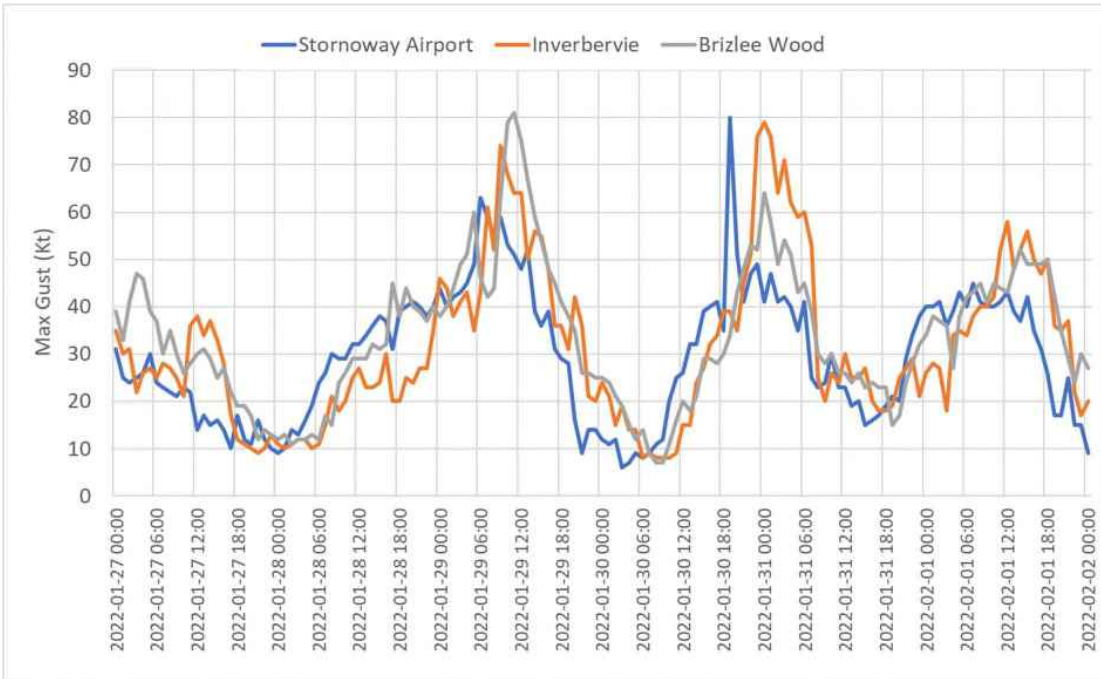
The analysis chart at 0000 UTC 31 January 2022 shows storm Corrie in the North Sea, bringing further very strong north-westerly winds across the UK.



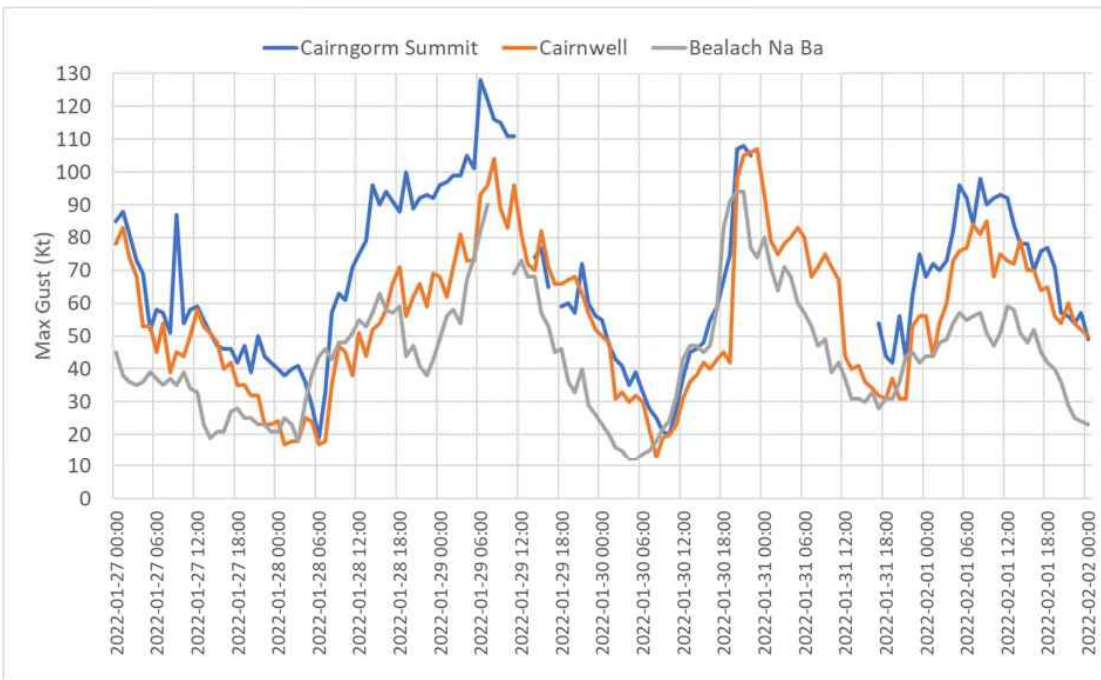
The map below shows maximum gust speeds from storm Corrie from 30 to 31 January 2022. Gusts of 60 to 70Kt (69 to 81mph) were recorded again across parts of Scotland and northern England, although the area affected by the highest gusts was generally smaller in extent than storm Malik. The highest gusts were 80Kt (92mph) at Stornoway Airport (Western Isles), 79Kt (91mph) at Inverbervie (Kincardineshire), 67Kt (77mph) at Loch Glascarnoch (Highland) and 66Kt (76mph) at South Uist (Western Isles). Winds again gusted at over 100Kt (115mph) across Scotland's mountain summits.



The chart below shows hourly maximum gust speeds during storms Malik and Corrie at Stornoway Airport, Inverberrie and Brizlee Wood, with these two named storms only around 36 hours apart. At Inverberrie, 79Kt (91mph) during storm Corrie was the highest wind gust on record at this station, exceeding 78Kt (90mph) on 8 December 2011, with wind observations for this station from 2010.



The chart below shows hourly maximum gust speeds during storms Malik and Corrie at Cairngorm Summit (1237masl), Cairnwell (928masl) and Bealach Na Ba (773masl) and provides an indication of the ferocity of wind gusts across Scotland’s mountain summits. At Cairngorm summit, maximum gust speeds during storm Malik were around 90Kt (104mph) or higher for a period of almost 24 hours, with gusts of over 100Kt (115mph) for 8 hours from 0300 UTC to 1100 UTC on 29th and a peak gust of 128Kt. Unfortunately, this station experienced some loss of data for both named storms. This was the UK’s highest recorded wind gust since 129Kt (148mph) from storm Conor on 25 December 2016. The UK record is 150Kt (173mph) at Cairngorm Summit on 20 March 1986.



The table below provides a count of the number of stations recording a maximum gust of 60Kt (69mph), or higher, since storm names were introduced for the 2015/2016 season. This provides a a broad indication of the spatial extent of the strongest winds. There were 23 UK stations

recording gusts exceeding 60Kt during storm Malik, by this metric making this storm among the top-ten most significant named storms since the storm naming system was introduced. Of the 20 dates in the table, all but two are for named storms. However, ranking storms is complex as it depends on the spatial extent, severity, duration and direction of the wind gusts from each storm, all of which will have differing characteristics, and in addition it depends on the spatial distribution of the network of stations recording wind speeds. Therefore, this comparison will not always reflect the severity of the impacts from an individual storm. For example, a red warning for wind was issued for storm Arwen on 26 to 27 November 2021 for north east coastal regions, but this does not feature on this table (count 9), and is why the national severe weather warning service accounts for both the meteorological hazard, and the potential impacts.

A red warning for wind was previously issued for storm Gertrude and this is arguably the most significant major winter storm since the storm naming system was introduced, with 31 stations (around a fifth of the network) recording gusts of over 60Kt (69mph) and 12 stations over 70Kt (81mph). Looking slightly further back, over the last decade, the four most significant storms are 5 December 2013 (count 56); 3 January 2012 (count 42), 8 December 2011 (count 40) and 12 February 2014 (count 39).

Date	Count	Storm
29/01/2016	31	Gertrude
09/02/2020	31	Ciara
19/09/2018	30	Ali
01/02/2016	24	Henry
29/01/2022	23	Malik
16/10/2017	19	Ex-hurricane Ophelia
23/02/2017	17	Doris
26/12/2016	16	Conor
11/01/2017	16	un-named
13/01/2020	16	Brendan
26/11/2021	15	Arwen
08/02/2016	14	Imogen
23/12/2016	14	Barbara
16/02/2020	14	Dennis
07/12/2017	13	Caroline
03/01/2018	13	Eleanor
18/01/2018	13	David
22/02/2020	12	un-named
29/11/2015	11	Clodagh
29/12/2015	11	Frank

Author: Mike Kendon, Met Office National Climate Information Centre

Last updated 03/02/2022

Storm Otto, 17 February 2023

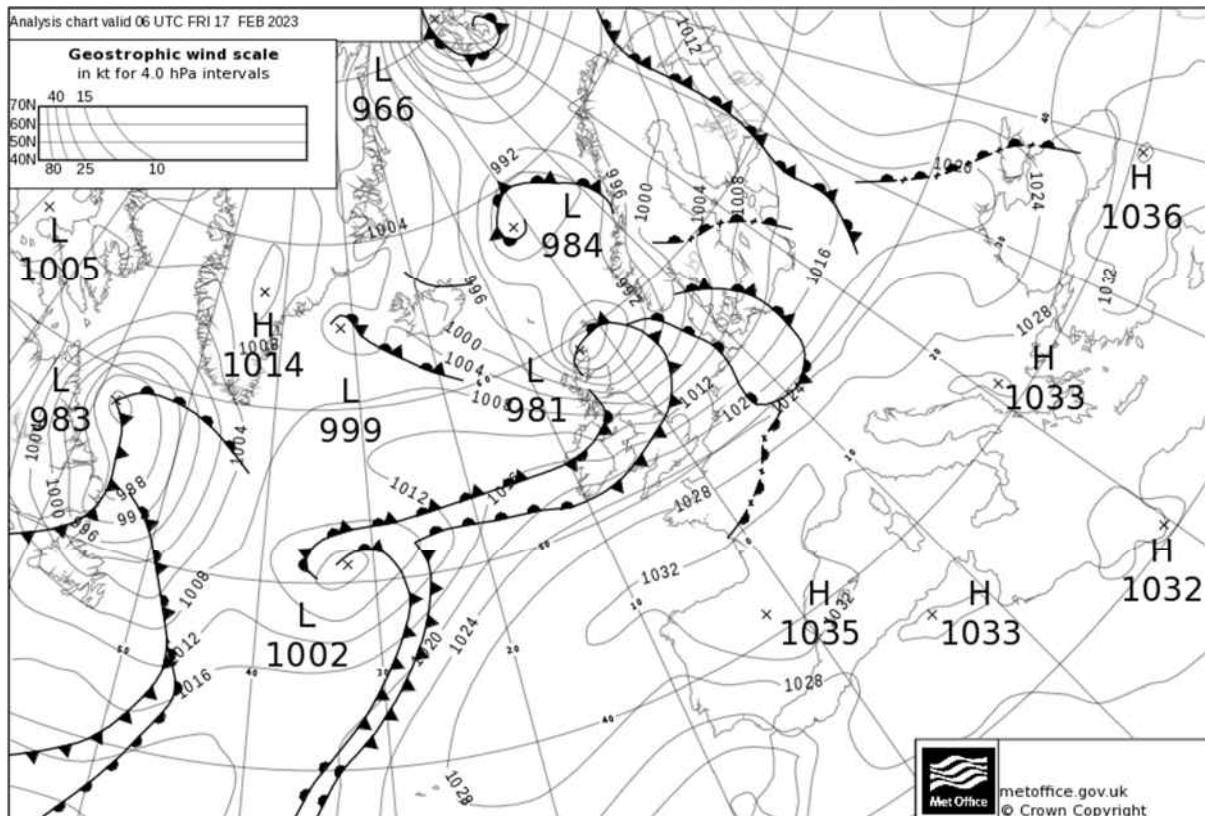
Storm Otto on 17 February 2023 was the first named storm of the 2022/2023 storm season. The storm was named by the Danish Meteorological Institute and brought gusts of over 60Kt to parts of northern and eastern Scotland and north-east England. The storm tracked rapidly eastwards across northern Scotland before moving across the North Sea toward Norway. This was a fairly typical Atlantic winter storm for the UK.

Impacts

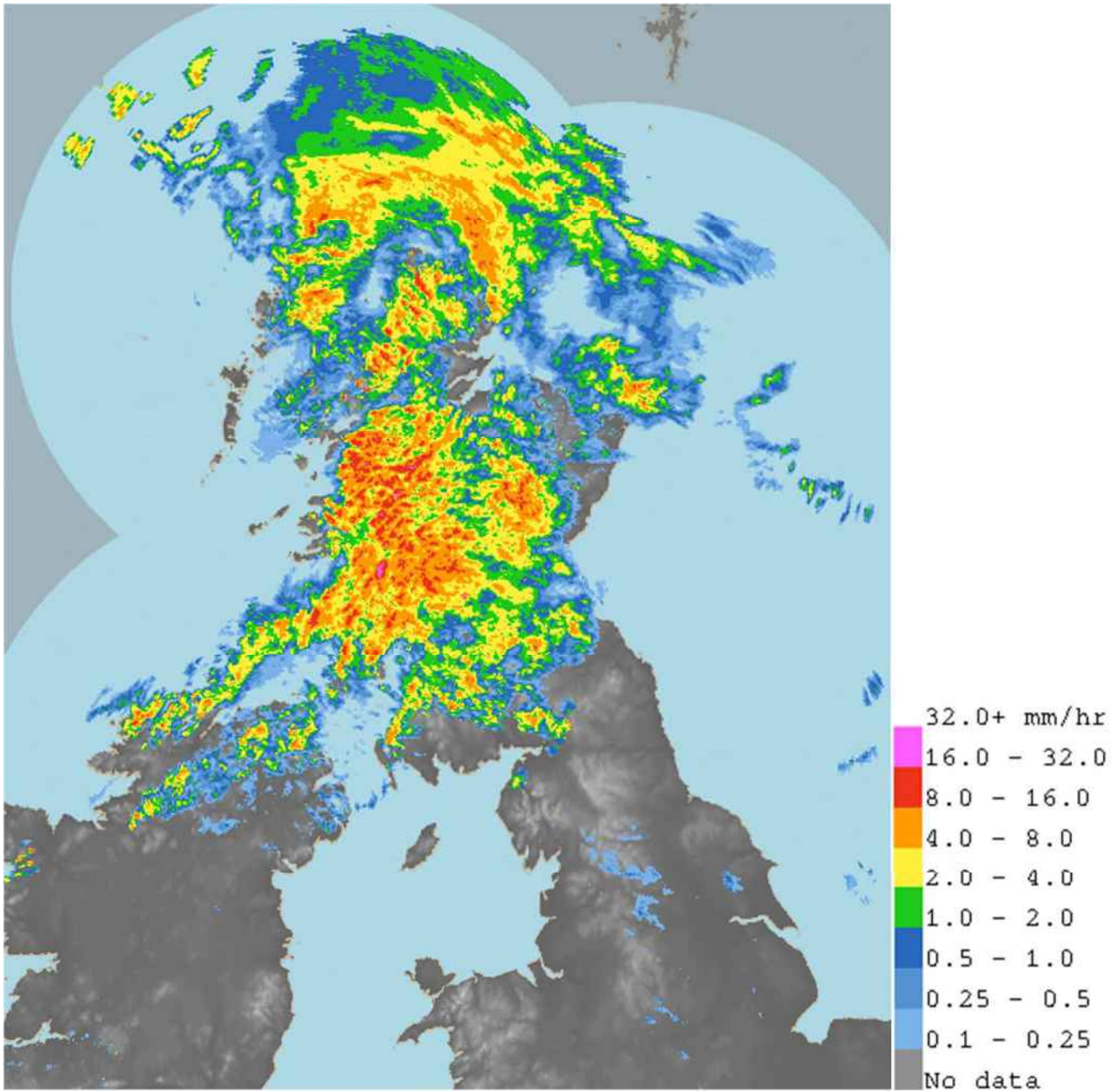
Thousands of homes across northern Scotland experienced power cuts overnight 16th to 17th. The storm caused transport disruption, with trains, buses and ferry services delayed or cancelled, and fallen trees blocked many routes in Aberdeenshire. There was some damage to buildings and vehicles and over 100 schools were closed in Aberdeenshire. These impacts were fairly typical for a named winter storm. Storm Otto then continued east where it caused further weather impacts to southern Norway and Sweden, and northern Denmark.

Weather data

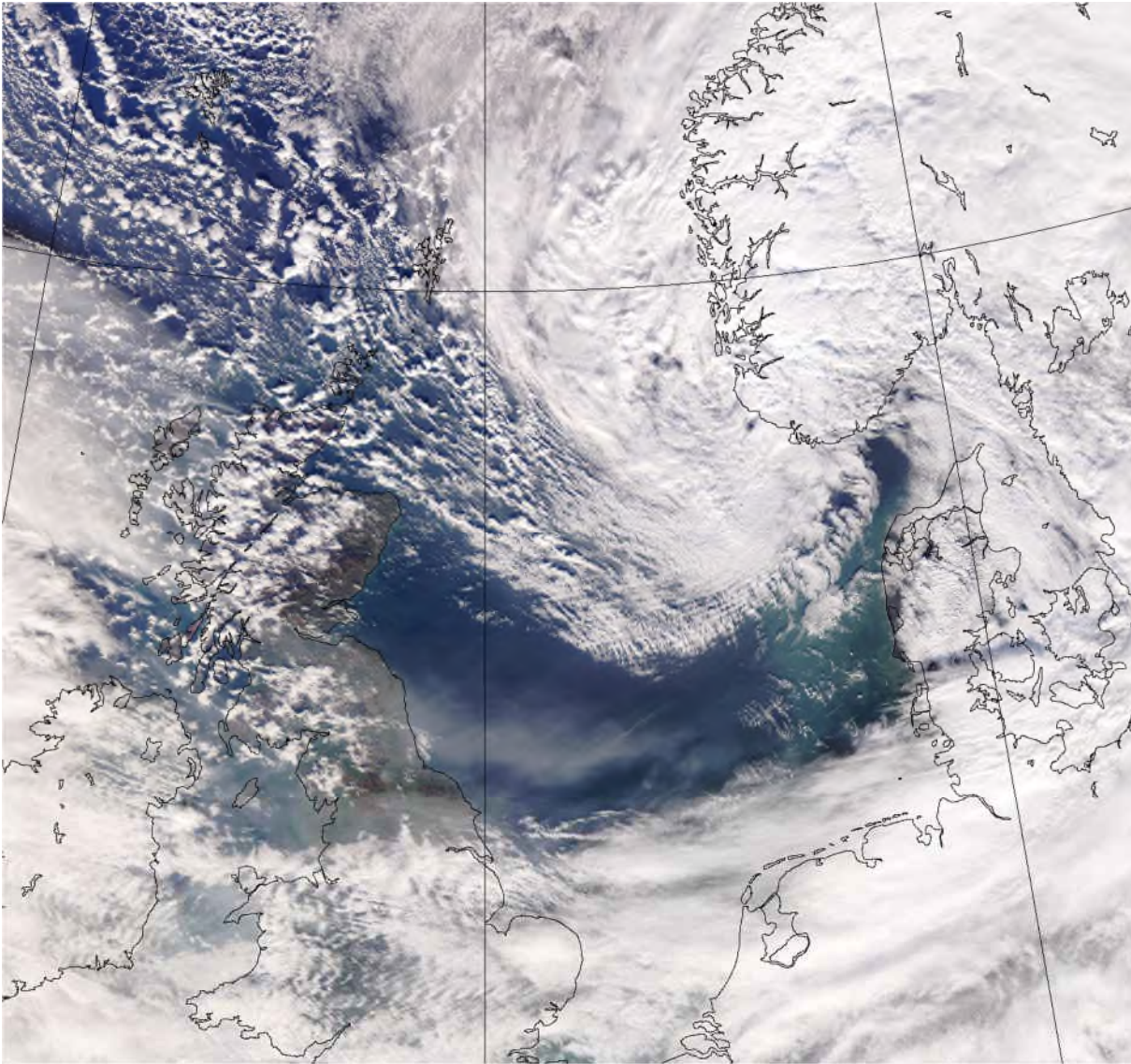
The analysis chart at 0600UTC 17 February 2023 shows the centre of storm Otto over the Northern Isles driving very strong north-westerly winds across Scotland and north-east England.



The rain-radar image at 0000UTC 17 February 2023 shows heavy rain across western Scotland as storm Otto approaches.



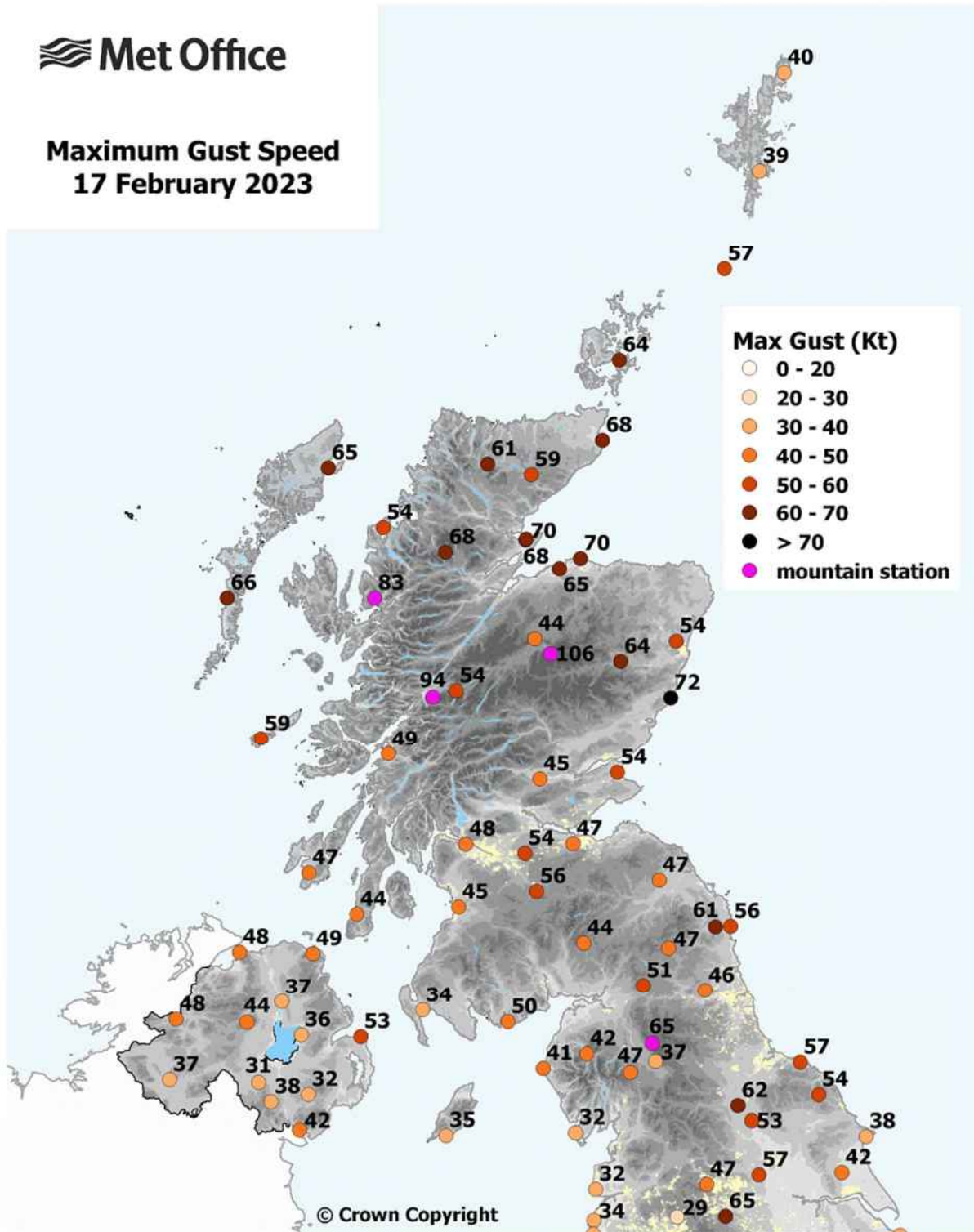
The satellite image at 1127UTC 17 February 2023 shows the storm centre to the west of Norway, having tracked rapidly eastwards across the North Sea.



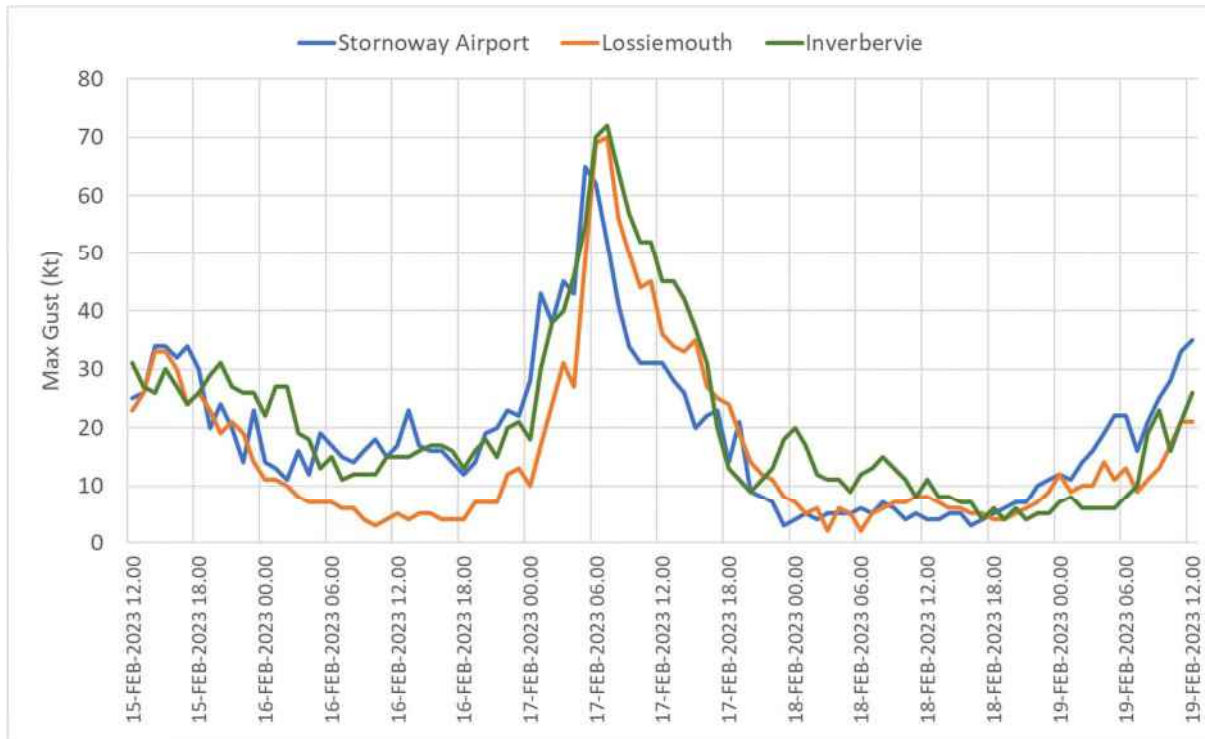
The map below shows maximum gust speeds from storm Otto on 17 February 2023. The strongest winds were across the Western Isles, northern and eastern Scotland and north-east England, with gusts of 60 to 70Kt (69 to 81mph). The highest gusts were 72Kt (83mph) at Inverbervie, Kincardineshire, 70Kt (81mph) at Tain Range (Ross & Cromarty) and 70Kt (81mph) at Lossiemouth (Moray). Further south in England, Emley Moor (West Yorkshire) recorded a gust of 65Kt (75mph) and Brizlee Wood (Northumberland) a gust of 61Kt (70mph). Winds were particularly high across Scotland's mountain summits with 106Kt (122mph) recorded at Cairngorm Summit, 1237 metres above mean sea level (masl). Inverbervie recorded its highest February gust on record, in data from 1992.



Maximum Gust Speed 17 February 2023



The chart below shows hourly maximum gust speeds at Stornoway Airport (Western Isles), Lossiemouth (Moray) and Inverbervie (Kincardineshire) from 15 to 19 February 2023. Overall, wind gusts from this event were not exceptional and this was a fairly typical Atlantic winter storm for the UK.



Author: Mike Kendon, Met Office National Climate Information Centre

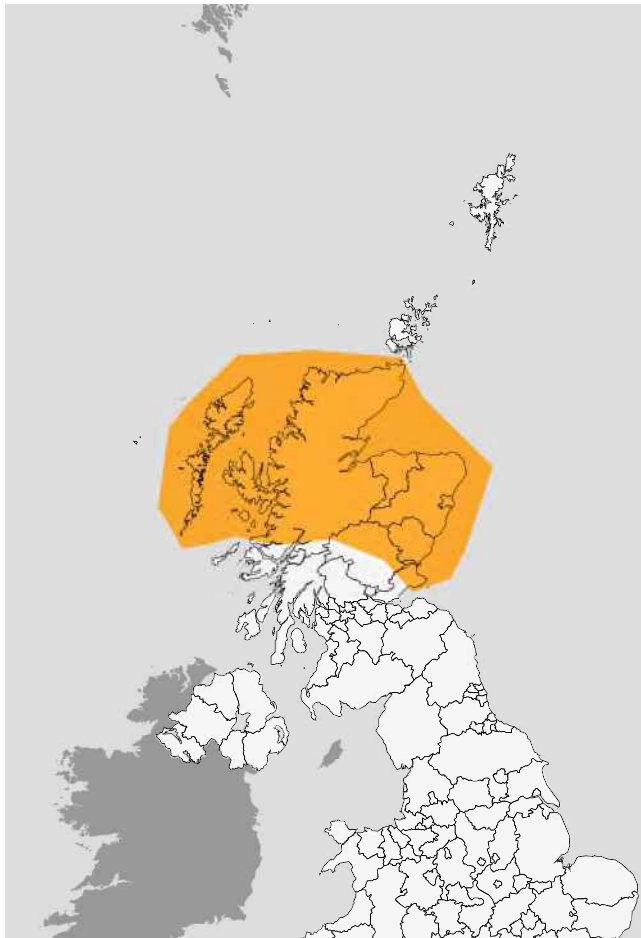
Last updated 22/02/2023





Amber warning
Wind

Between
17:00 Sun 30 Jan 2022 and
06:00 Mon 31 Jan 2022



High winds are likely to cause some damage and travel disruption.

What to expect

- Flying debris is likely and could lead to Injuries or danger to life
- Probably some damage to trees and buildings, such as tiles blown from roofs
- Longer journey times and cancellations likely, as road, rail, air and ferry services may be affected
- Some roads and bridges likely to close
- There is a good chance that power cuts may occur, with the potential to affect other services, such as mobile phone coverage
- Injuries and danger to life is likely from large waves and beach material being thrown onto coastal roads, sea fronts and properties

Further details

High winds associated with Storm Corrie will spread eastwards across Scotland later on Sunday before easing from the east early on Monday. In coastal areas and over hills and mountains gusts are expected to peak at 70-80 mph, perhaps getting close to 90 mph in the most exposed western spots. Inland, gusts will mostly peak at 60-70 mph.



Issued at 17:07 Sat 29 Jan, 2022
 For enquiries regarding this warning please contact the Met Office Weather Desk
Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk
Visit: www.metoffice.gov.uk/premium/hazardmanager



Amber warning
Wind

Between
17:00 Sun 30 Jan 2022 and
06:00 Mon 31 Jan 2022

All regions & authorities affected

Central, Tayside & Fife

Angus Dundee Fife Perth and Kinross

Grampian

Aberdeen Aberdeenshire Moray

Highlands & Eilean Siar


Eilean Siar Highland

Issued at 17:07 Sat 29 Jan, 2022

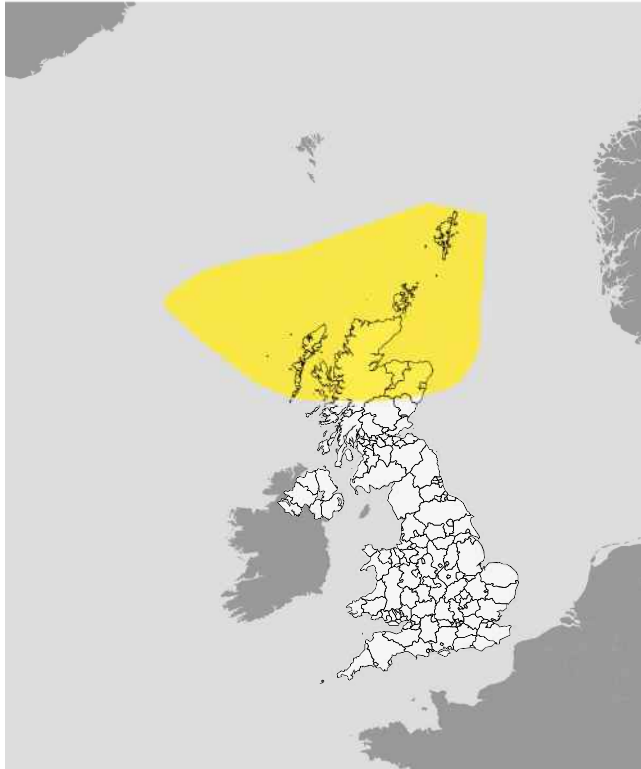
For enquiries regarding this warning please contact the Met Office Weather Desk

Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager

 Yellow warning
Wind

Between
12:00 Mon 7 Jan 2019 and
15:00 Tue 8 Jan 2019



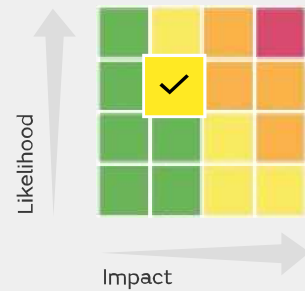
Very strong winds are likely to affect parts of Scotland.


What to expect

- Some delays to road, rail, air and ferry transport are likely
- Probably some bus and train services affected, with some journeys taking longer
- Delays for high-sided vehicles on exposed routes and bridges likely
- Some short term loss of power and other services is possible
- It's likely that some coastal routes, sea fronts and coastal communities affected by spray and/or large waves

Further details

Very strong winds are expected to move eastwards across the north of Scotland on Monday, likely strengthening over northeastern parts of Scotland and the Northern Isles overnight and into Tuesday morning. Gusts of 65-75 mph are likely, particularly in the northeast, before the winds gradually ease from the west later on Tuesday.



 Medium likelihood of low impacts

Issued at 09:37 Fri 4 Jan, 2019

For enquiries regarding this warning please contact the Met Office Weather Desk

Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager



Yellow warning
Wind

Between
12:00 Mon 7 Jan 2019 and
15:00 Tue 8 Jan 2019

All regions & authorities affected

Central, Tayside & Fife

Angus Perth and Kinross

Grampian

Aberdeen Aberdeenshire Moray

Highlands & Eilean Siar

Eilean Siar Highland

Orkney & Shetland


Orkney Islands Shetland Islands

Issued at 09:37 Fri 4 Jan, 2019

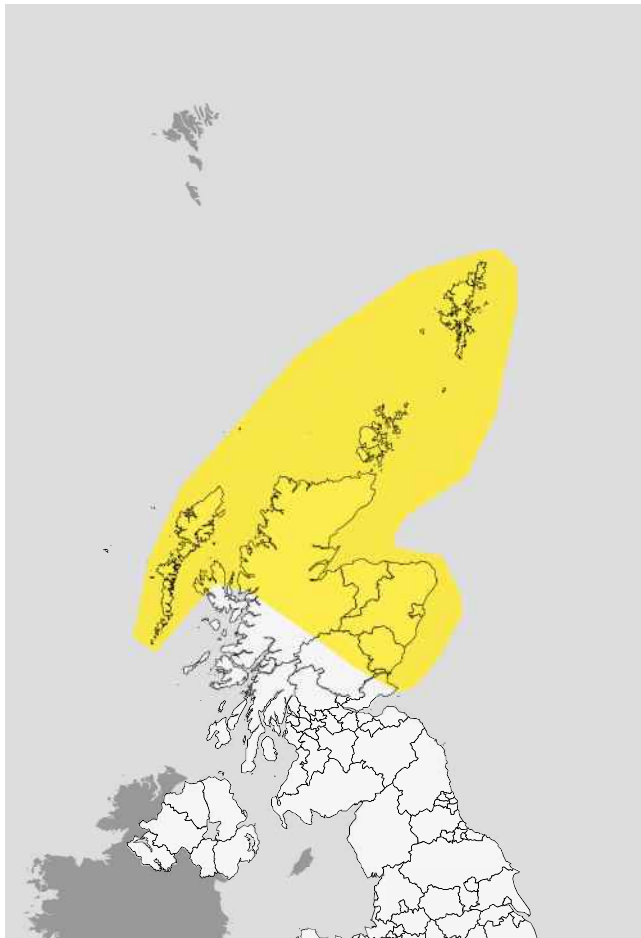
For enquiries regarding this warning please contact the Met Office Weather Desk

Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager

 Yellow warning
Wind

Between
09:00 Mon 7 Jan 2019 and
06:00 Tue 8 Jan 2019



Very strong winds are likely to affect parts of Scotland.

What to expect

- Some delays to road, rail, air and ferry transport are likely
- Some bus and train services will probably be affected, with journeys taking longer
- Delays for high-sided vehicles on exposed routes and bridges are likely
- Some short term loss of power and other services is possible
- It's likely that some coastal routes, sea fronts and coastal communities will be affected by spray and/or large waves

Further details

Very strong winds are expected to affect northern and parts of eastern Scotland on Monday and Monday night. Gusts of 65 to 75 mph are likely, particularly in the far north and northeast, before winds gradually ease from the west during Tuesday.

Reason for update

The warning has been adjusted to bring forward the start and end times. The warning has been removed from parts of northwest Scotland but with more of eastern Scotland affected.



Issued at 09:37 Fri 4 Jan, 2019 Updated at 10:20 Sun 6 Jan, 2019

For enquiries regarding this warning please contact the Met Office Weather Desk

Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager



Yellow warning
Wind

Between
09:00 Mon 7 Jan 2019 and
06:00 Tue 8 Jan 2019

All regions & authorities affected

Central, Tayside & Fife

Angus Dundee Fife Perth and Kinross

Grampian

Aberdeen Aberdeenshire Moray

Highlands & Eilean Siar

Eilean Siar Highland

Orkney & Shetland

Orkney Islands Shetland Islands

Issued at 09:37 Fri 4 Jan, 2019 Updated at 10:20 Sun 6 Jan, 2019

For enquiries regarding this warning please contact the Met Office Weather Desk

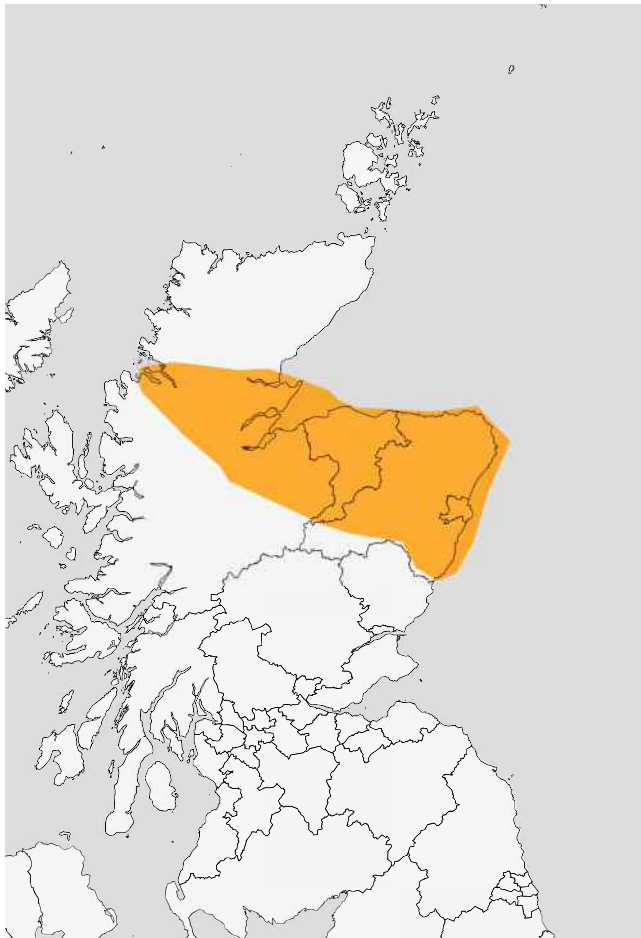
Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager



**Amber warning
Rain**

Between
06:00 Wed 28 Jul 2021 and
06:00 Thu 29 Jul 2021



Prolonged heavy rain is likely to cause travel disruption and some flooding.

What to expect

- Homes and businesses are likely to be flooded, causing damage to some buildings
- Fast flowing or deep floodwater is possible, causing danger to life
- Delays and some cancellations to train and bus services are likely
- Spray and flooding probably leading to difficult driving conditions and some road closures
- A chance some communities will be cut off by flooded roads

Further details

Areas of heavy rain along with some thunderstorms will continue to move north and west across the warning area during this morning, with further periods of heavy rain to come this afternoon and evening. Hourly rainfall accumulations of 30-40 mm are possible in places this morning, and locally totals of 70 to 90 mm in a few places by the end of the day. Surface water and disruption to transport is likely.

The rain eases and moves south through Thursday.



Issued at 11:41 Tue 27 Jul, 2021 Updated at 04:49 Wed 28 Jul, 2021

For enquiries regarding this warning please contact the Met Office Weather Desk

Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager



Amber warning
Rain

Between
06:00 Wed 28 Jul 2021 and
06:00 Thu 29 Jul 2021

Reason for update

Warning area extended eastwards across Aberdeenshire

Issued at 11:41 Tue 27 Jul, 2021 Updated at 04:49 Wed 28 Jul, 2021

For enquiries regarding this warning please contact the Met Office Weather Desk

Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager



Amber warning
Rain

Between
06:00 Wed 28 Jul 2021 and
06:00 Thu 29 Jul 2021

All regions & authorities affected

Grampian

Aberdeen Aberdeenshire Moray

Highlands & Eilean Siar

Highland

Issued at 11:41 Tue 27 Jul, 2021 Updated at 04:49 Wed 28 Jul, 2021

For enquiries regarding this warning please contact the Met Office Weather Desk

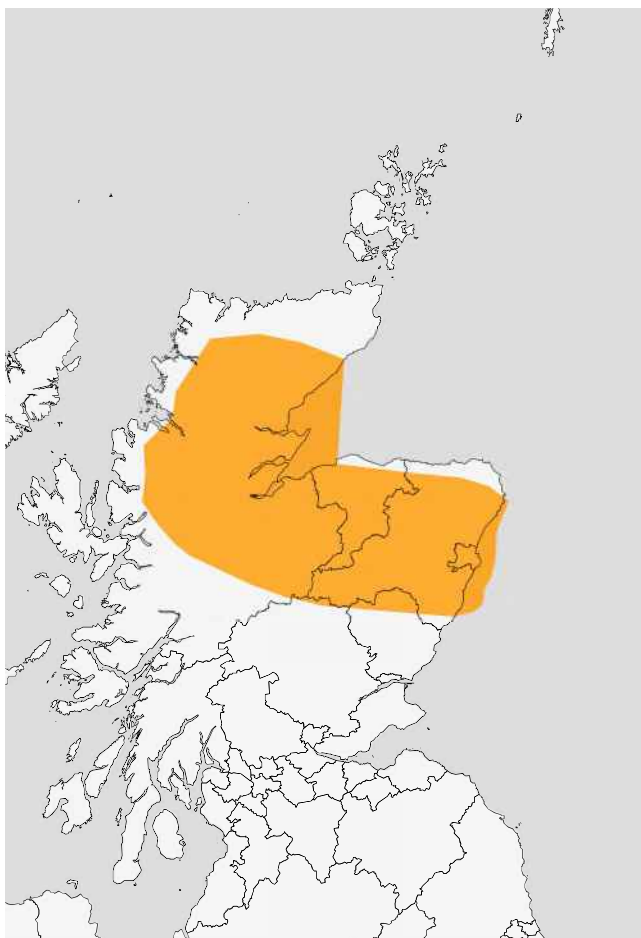
Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager



Amber warning
Snow

Between
15:00 Tue 17 Jan 2023 and
23:59 Tue 17 Jan 2023



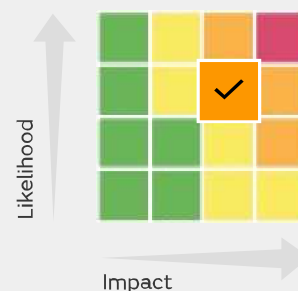
Heavy snow will lead to travel disruption on Tuesday afternoon and evening.


What to expect

- Travel delays on roads are likely, stranding some vehicles and passengers
- Some delays and cancellations to rail and air travel are likely
- There is a good chance that some rural communities could become cut off
- Power cuts are likely and other services, such as mobile phone coverage, may be affected

Further details

Snow showers will turn heavy and prolonged at times across north Highland through Tuesday afternoon before extending southwards into Grampian on Tuesday evening. Accumulations of 10 to 15 cm are possible in places in a short space of time and snow will be drifting in the strong to gale force north to northwesterly winds. Isolated thunderstorms are possible with lightning strikes an additional hazard. Showers will turn more to rain or sleet around coasts later with ice developing on untreated surfaces.



 Medium likelihood of medium impacts

Issued at 08:41 Tue 17 Jan, 2023

For enquiries regarding this warning please contact the Met Office Weather Desk

Phone: 0370 900 0100 E-mail: enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager



Amber warning
Snow

Between
15:00 Tue 17 Jan 2023 and
23:59 Tue 17 Jan 2023

All regions & authorities affected

Central, Tayside & Fife

Angus Perth and Kinross

Grampian

Aberdeen Aberdeenshire Moray

Highlands & Eilean Siar

Highland

Issued at 08:41 Tue 17 Jan, 2023

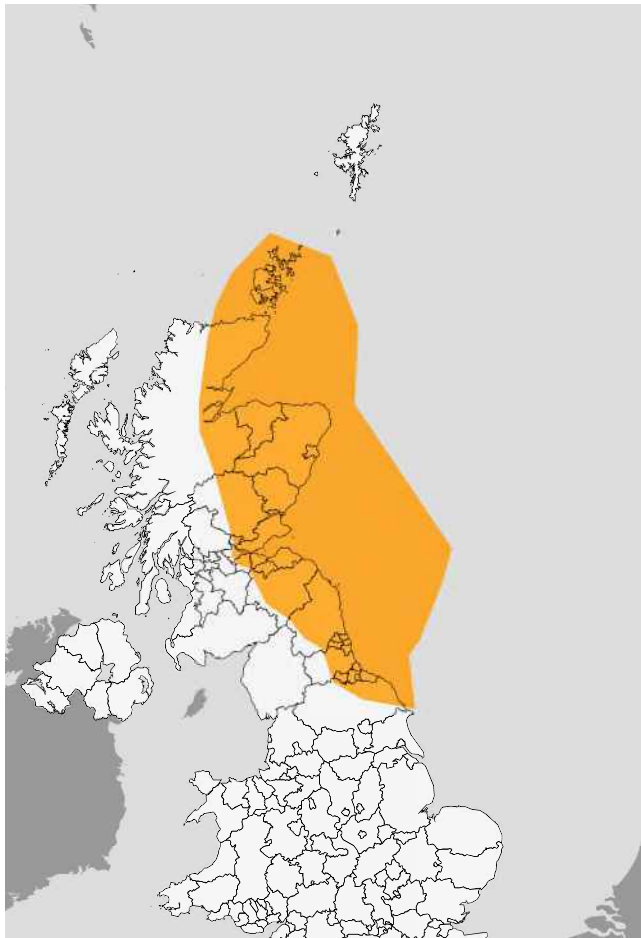
For enquiries regarding this warning please contact the Met Office Weather Desk

Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

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 Amber warning
Wind

Between
15:00 Fri 26 Nov 2021 and
09:00 Sat 27 Nov 2021



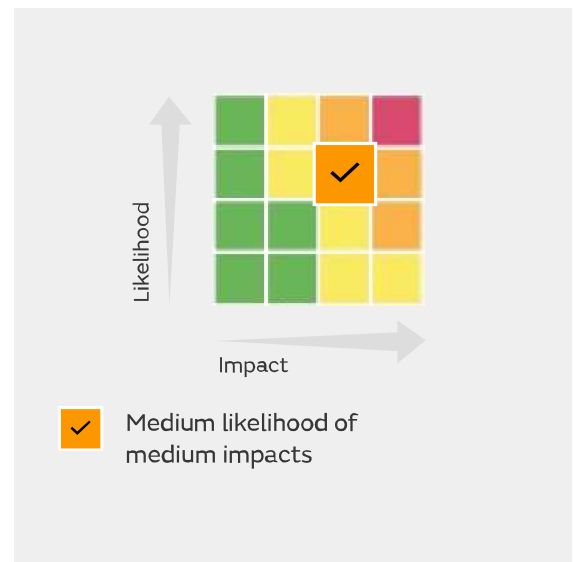
High winds associated with Storm Arwen are expected to cause some travel disruption and damage.

What to expect

- Flying debris is likely and could lead to Injuries or danger to life
- Probably damage to trees, temporary structures and buildings, such as tiles blown from roofs
- Longer journey times and cancellations likely, as road, rail, air and ferry services may be affected
- Some roads and bridges likely to close
- There is a good chance that power cuts may occur, with the potential to affect other services, such as mobile phone coverage
- Injuries and danger to life is likely from large waves and beach material being thrown onto coastal roads, sea fronts and properties

Further details

Storm Arwen will bring high northerly winds southwards across Scotland during Friday afternoon and evening, the highest winds then becoming confined to northeast England early Saturday. Gusts of 65 to 75 mph are expected in coastal areas with gusts in excess of 75 mph in a few places.



Issued at 09:39 Thu 25 Nov, 2021

For enquiries regarding this warning please contact the Met Office Weather Desk

Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager



Amber warning
Wind

Between
15:00 Fri 26 Nov 2021 and
09:00 Sat 27 Nov 2021

All regions & authorities affected

Central, Tayside & Fife

Angus Clackmannanshire Dundee Falkirk Fife Perth and Kinross

Grampian

Aberdeen Aberdeenshire Moray

Highlands & Eilean Siar

Highland

North East England

Darlington Durham Gateshead Hartlepool Middlesbrough Newcastle upon Tyne North Tyneside
Northumberland Redcar and Cleveland South Tyneside Stockton-on-Tees Sunderland

Orkney & Shetland

Orkney Islands

SW Scotland, Lothian Borders

East Lothian Edinburgh Midlothian Council Scottish Borders West Lothian

Yorkshire & Humber

North Yorkshire

Issued at 09:39 Thu 25 Nov, 2021

For enquiries regarding this warning please contact the Met Office Weather Desk

Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager

! Red warning
Wind

Between
15:00 Fri 26 Nov 2021 and
02:00 Sat 27 Nov 2021



High winds associated with Storm Arwen will bring damage and travel disruption.

What to expect

- Flying debris resulting in danger to life
- Damage to buildings and homes, with roofs blown off and power lines brought down
- Roads, bridges and railway lines closed, with delays and cancellations to bus, train, ferry services and flights
- Power cuts affecting other services, such as mobile phone coverage
- Large waves and beach material being thrown onto coastal roads, sea fronts and homes

Further details

A spell of exceptionally strong northerly winds will affect eastern coastal districts of Scotland from later this afternoon moving south into south-east Scotland and north-east England this evening. Gusts of 80-90 mph are likely and these will generate some very large waves.



Issued at 10:30 Fri 26 Nov, 2021

For enquiries regarding this warning please contact the Met Office Weather Desk

Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager



Red warning
Wind

Between
15:00 Fri 26 Nov 2021 and
02:00 Sat 27 Nov 2021

All regions & authorities affected

Central, Tayside & Fife

Angus Dundee Fife

Grampian

Aberdeen Aberdeenshire

North East England

Durham Hartlepool North Tyneside Northumberland Redcar and Cleveland South Tyneside
Stockton-on-Tees Sunderland

SW Scotland, Lothian Borders

East Lothian Scottish Borders

Issued at 10:30 Fri 26 Nov, 2021

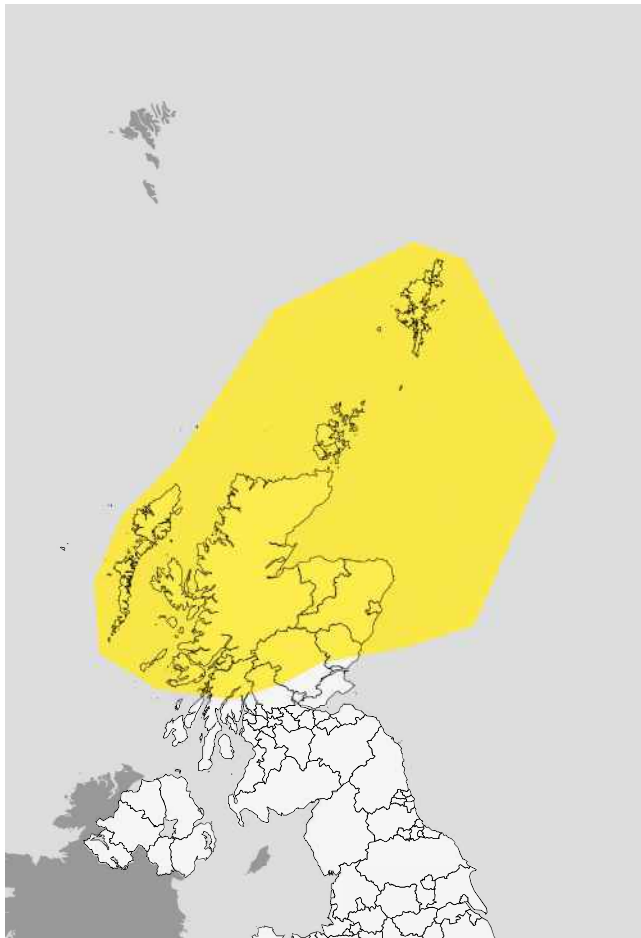
For enquiries regarding this warning please contact the Met Office Weather Desk

Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager

 **Yellow warning**
Snow & Ice

Between
12:00 Wed 16 Jan 2019 and
12:00 Thu 17 Jan 2019



Snow showers, with strong winds and icy conditions will make travelling difficult, especially over the hills and in northern coastal areas.

What to expect

- Some roads and railways likely to be affected with longer journey times by road, bus and train services
- Some injuries from slips and falls on icy surfaces
- Probably some ice on some untreated roads, pavements and cycle paths

Further details

Snow showers already affecting some parts, especially hills, will become more widespread later on Wednesday before slowly starting to become less frequent and less intense later on Thursday. The heaviest and most frequent snow will tend to be over hills and mountains as well as in northern coastal areas. Several centimetres of snow are expected over the Highlands and Grampians whilst at low levels snow cover will be smaller and patchier in nature with some places, especially coastal areas, seeing little lying snow. Conditions will also be windy and icy stretches are still expected where snow does not settle.



Issued at 09:41 Wed 16 Jan, 2019
For enquiries regarding this warning please contact the Met Office Weather Desk
Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk
Visit: www.metoffice.gov.uk/premium/hazardmanager



Yellow warning
Snow & Ice

Between
12:00 Wed 16 Jan 2019 and
12:00 Thu 17 Jan 2019

All regions & authorities affected

Central, Tayside & Fife

Angus Perth and Kinross Stirling

Grampian

Aberdeen Aberdeenshire Moray

Highlands & Eilean Siar

Eilean Siar Highland

Orkney & Shetland

Orkney Islands Shetland Islands

Strathclyde

Argyll and Bute

Issued at 09:41 Wed 16 Jan, 2019

For enquiries regarding this warning please contact the Met Office Weather Desk

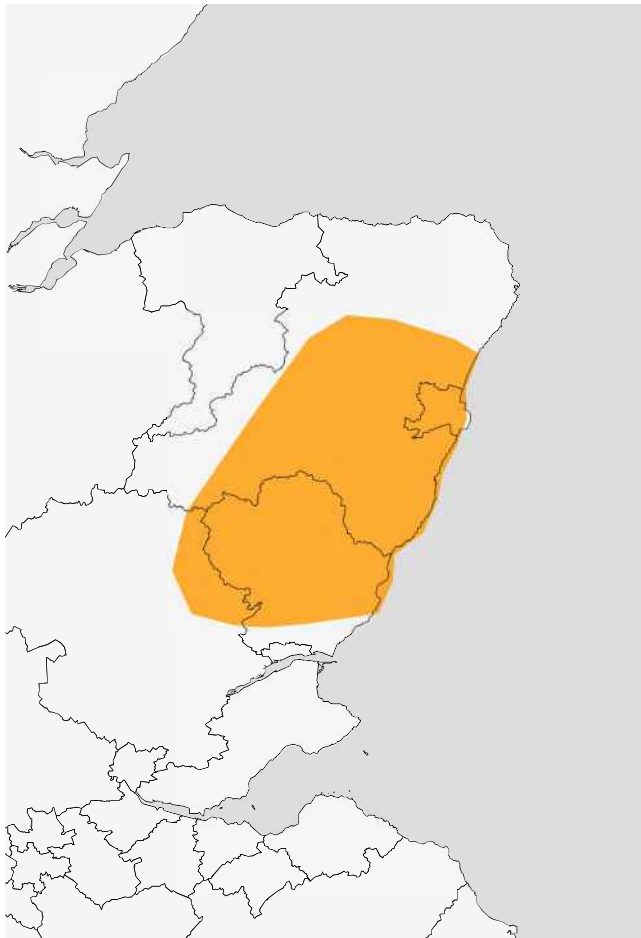
Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager



Amber warning
Rain

Between
00:00 Fri 18 Nov 2022 and
15:00 Fri 18 Nov 2022



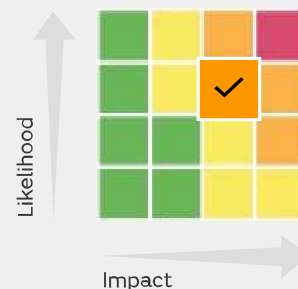
Heavy and persistent rain likely to cause flooding and disruption.


What to expect

- Homes and businesses are likely to be flooded, causing damage to some buildings
- Some fast flowing or deep floodwater is likely, causing danger to life
- Delays and some cancellations to train and bus services are likely
- Spray and flooding leading to difficult driving conditions and some road closures
- A good chance some communities will be cut off by flooded roads
- Power cuts and loss of other services to some homes and businesses is possible

Further details

Heavy rain within the warning area, beginning on Thursday, and lasting well into Friday, is likely to produce over 100 mm of rain in all, with parts of the Grampians and Cairngorm perhaps seeing upwards of 150 mm. Rain should ease later Friday, although rivers may continue to run high beyond this.



 Medium likelihood of medium impacts

Issued at 10:50 Thu 17 Nov, 2022

For enquiries regarding this warning please contact the Met Office Weather Desk

Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager



Amber warning
Rain

Between
00:00 Fri 18 Nov 2022 and
15:00 Fri 18 Nov 2022

All regions & authorities affected

Central, Tayside & Fife

Angus Perth and Kinross

Grampian

Aberdeen Aberdeenshire

Issued at 10:50 Thu 17 Nov, 2022

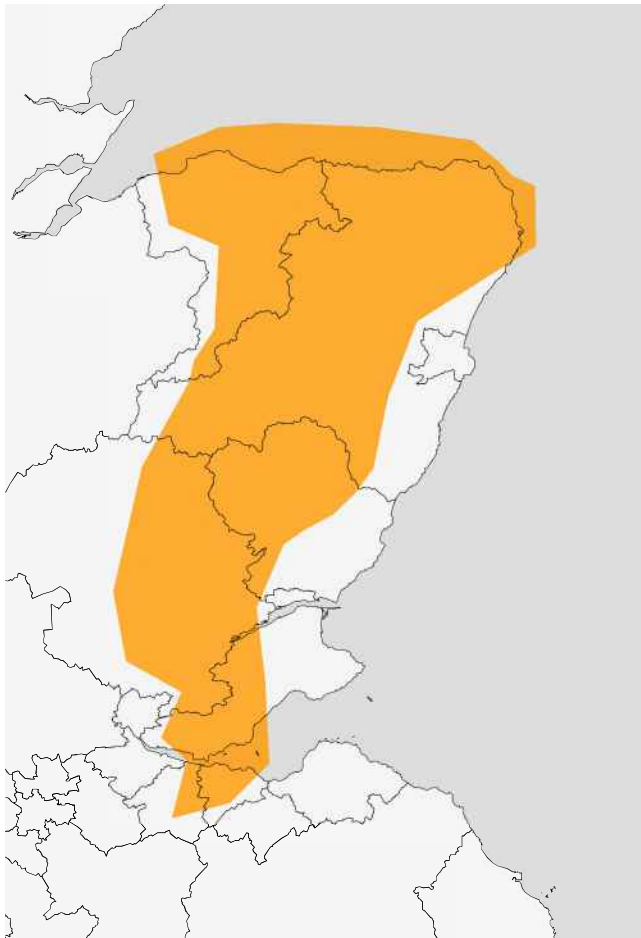
For enquiries regarding this warning please contact the Met Office Weather Desk

Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager

 Amber warning
Thunderstorm

Between
22:59 Tue 11 Aug 2020 and
09:00 Wed 12 Aug 2020



An area of thunderstorms is likely to bring some flooding and disruption to power supplies overnight into Wednesday.

What to expect

- Flooding of homes and businesses is possible and could happen quickly, with damage to some buildings from floodwater, lightning strikes and large, hail
- Where flooding or lightning strikes occur, there is a chance of delays and some cancellations to public transport
- Spray and sudden flooding probably leading to difficult driving conditions and perhaps some road closures
- Fast flowing or deep floodwater is also possible causing danger to life
- Power cuts may occur and other services to some homes and businesses could be lost

Further details

Thunderly showers are likely to gradually move northwards overnight with continuing areas of torrential rain, frequent lightning and hail as well as perhaps gusty winds . Where the storms become heaviest and most prolonged rainfall totals of 30-40 mm could fall in an hour with some places potentially receiving 60-80 mm in 3 to 6 hours, although only a few sites will see these totals with perhaps parts of Fife seeing these early in the night and the far northeast on Wednesday morning.



Issued at 22:59 Tue 11 Aug, 2020
For enquiries regarding this warning please contact the Met Office Weather Desk
Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk
Visit: www.metoffice.gov.uk/premium/hazardmanager



Amber warning
Thunderstorm

Between
22:59 Tue 11 Aug 2020 and
09:00 Wed 12 Aug 2020

All regions & authorities affected

Central, Tayside & Fife

Angus Fife Perth and Kinross

Grampian

Aberdeenshire Moray

SW Scotland, Lothian Borders

Edinburgh West Lothian

Issued at 22:59 Tue 11 Aug, 2020

For enquiries regarding this warning please contact the Met Office Weather Desk

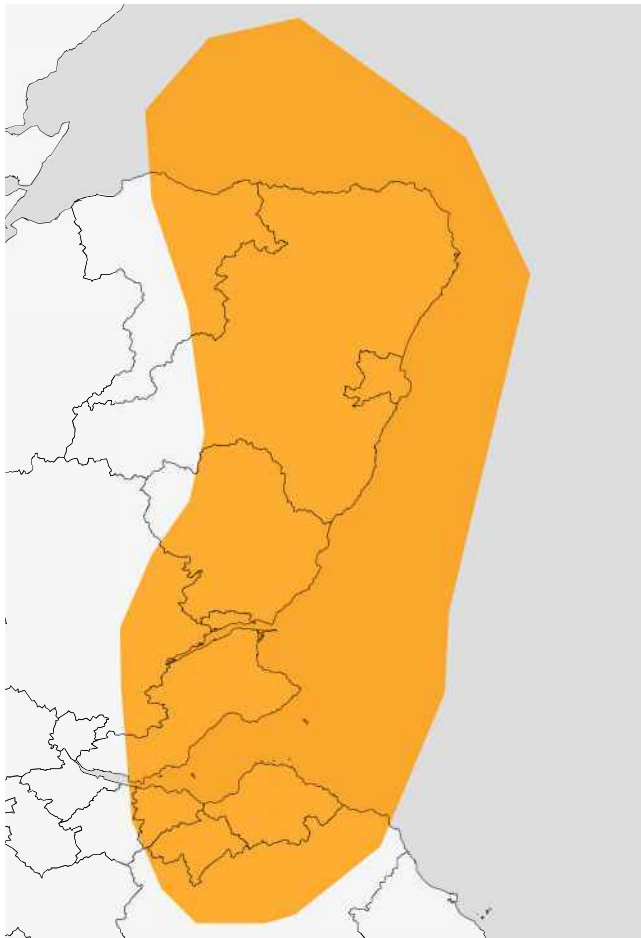
Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager



Amber warning
Wind

Between
07:00 Sat 29 Jan 2022 and
15:00 Sat 29 Jan 2022



Storm Malik bringing a period of very strong winds and disruption across eastern Scotland on Saturday.

What to expect

- Road, rail, air and ferry services are likely to be affected, leading to longer journey times and some cancellations
- Some roads and bridges likely to close
- There is a good chance that power cuts may occur, with the potential to affect other services, such as mobile phone coverage
- Probably some damage to buildings, such as tiles blown from roofs
- Injuries and danger to life could occur from flying debris as well as from large waves and beach material being thrown onto sea fronts, coastal roads and properties

Further details

An area of very strong west or northwest winds will cross Scotland on Saturday morning in association with Storm Malik before easing during the afternoon.

The strongest winds are expected in the east of Scotland later in the morning. Gusts of widely 50-60 mph are likely with a short period of gusts in excess of 75 mph, particularly for Moray and north Aberdeenshire as well as the Lothians.



Issued at 10:25 Fri 28 Jan, 2022 Updated at 15:36 Fri 28 Jan, 2022

For enquiries regarding this warning please contact the Met Office Weather Desk

Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager



Amber warning
Wind

Between
07:00 Sat 29 Jan 2022 and
15:00 Sat 29 Jan 2022

Reason for update

Confidence in the occurrence of the strongest winds has increased and the impact matrix has been updated to reflect this, pushing the warning colour to Amber.

Issued at 10:25 Fri 28 Jan, 2022 Updated at 15:36 Fri 28 Jan, 2022

For enquiries regarding this warning please contact the Met Office Weather Desk

Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager



Amber warning
Wind

Between
07:00 Sat 29 Jan 2022 and
15:00 Sat 29 Jan 2022

All regions & authorities affected

Central, Tayside & Fife

Angus Dundee Fife Perth and Kinross

Grampian

Aberdeen Aberdeenshire Moray

SW Scotland, Lothian Borders

East Lothian Edinburgh Midlothian Council Scottish Borders West Lothian

Issued at 10:25 Fri 28 Jan, 2022 Updated at 15:36 Fri 28 Jan, 2022

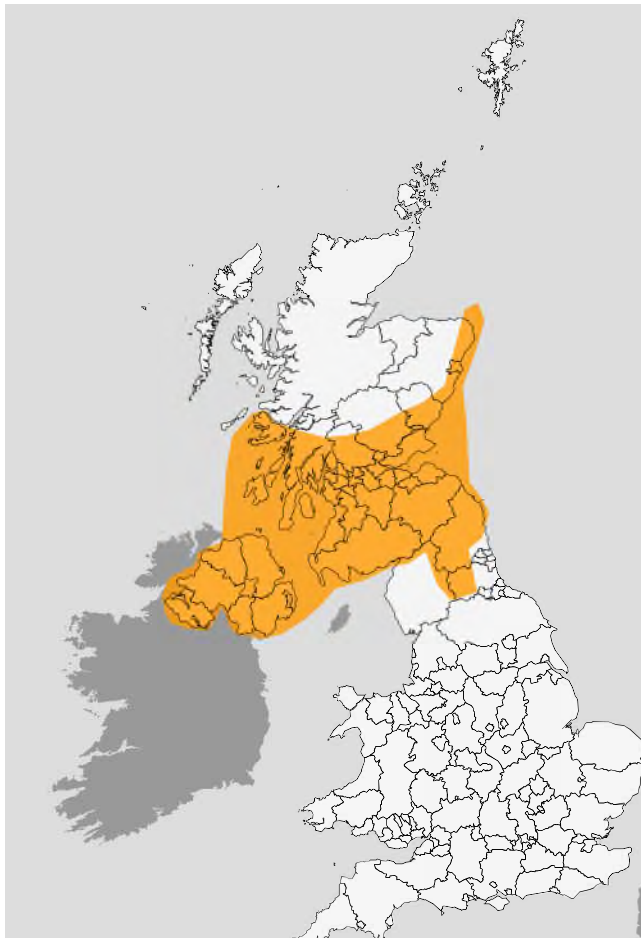
For enquiries regarding this warning please contact the Met Office Weather Desk

Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager

 Amber warning
Wind

Between
08:00 Wed 19 Sep 2018 and
18:00 Wed 19 Sep 2018



Storm Ali is expected to bring a very windy spell of weather with gusts of 65-75 mph inland.

What to expect

- Flying debris is likely and could lead to Injuries or danger to life
- Some damage to buildings is likely, such as tiles blown from roofs or damage through falling trees and branches breaking
- Longer journey times and cancellations likely, as road, rail, air and ferry services affected with some roads and bridges closed
- Power cuts with the potential to affect other services, such as mobile phone coverage
- Injuries and danger to life from large waves and beach material being thrown onto sea fronts, coastal roads and properties

Further details

Storm Ali will bring a spell of very strong winds to Northern Ireland from on Wednesday morning, these moving across the far far north of England and across central and southern Scotland by late morning. Strong winds will be accompanied by heavy and squally showers. Some areas, perhaps most likely the northwest of Northern Ireland, parts of southern Scotland and the far northeast of England as well as exposed coasts and high ground, could see gusts of 80 mph at times. Winds will ease from the west through the afternoon.



Issued at 09:53 Tue 18 Sep, 2018 Updated at 06:22 Wed 19 Sep, 2018
For enquiries regarding this warning please contact the Met Office Weather Desk
Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk
Visit: www.metoffice.gov.uk/premium/hazardmanager



Amber warning
Wind

Between
08:00 Wed 19 Sep 2018 and
18:00 Wed 19 Sep 2018

Reason for update

The warning has been updated to include more of the northeast of England and slightly delay the end time. The likelihood of impacts has also been increased to high.

Issued at 09:53 Tue 18 Sep, 2018 Updated at 06:22 Wed 19 Sep, 2018

For enquiries regarding this warning please contact the Met Office Weather Desk

Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager



Amber warning
Wind

Between
08:00 Wed 19 Sep 2018 and
18:00 Wed 19 Sep 2018

All regions & authorities affected

Central, Tayside & Fife

Angus Clackmannanshire Dundee Falkirk Fife Perth and Kinross Stirling

Grampian

Aberdeen Aberdeenshire

North East England

Durham Northumberland

North West England

Cumbria

Northern Ireland

County Antrim County Armagh County Down County Fermanagh County Londonderry
County Tyrone

SW Scotland, Lothian Borders

Dumfries and Galloway East Lothian Edinburgh Midlothian Council Scottish Borders
West Lothian

Strathclyde

Argyll and Bute East Ayrshire East Dunbartonshire East Renfrewshire Glasgow
Inverclyde North Ayrshire North Lanarkshire Renfrewshire South Ayrshire
South Lanarkshire West Dunbartonshire

Issued at 09:53 Tue 18 Sep, 2018 Updated at 06:22 Wed 19 Sep, 2018

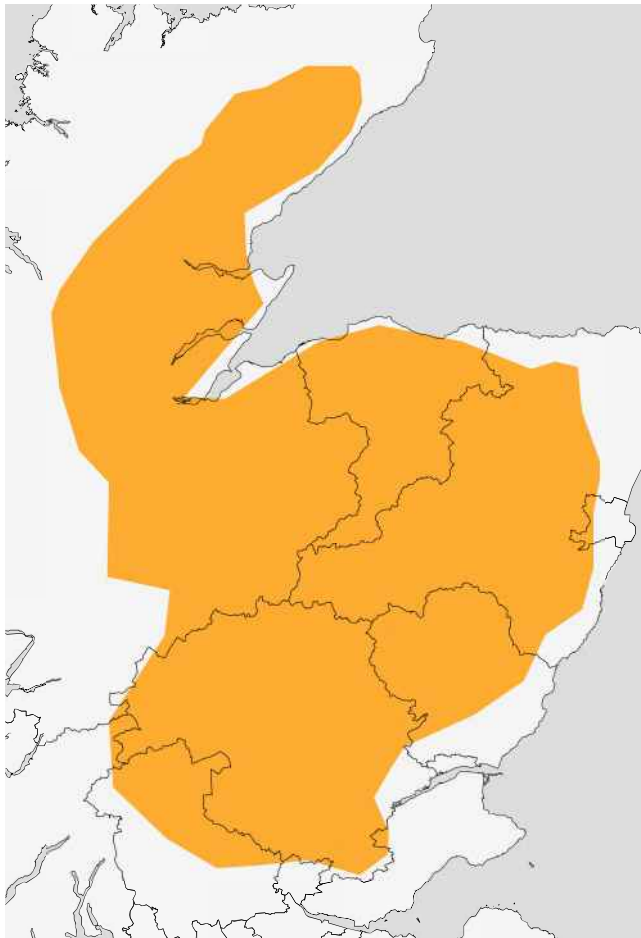
For enquiries regarding this warning please contact the Met Office Weather Desk

Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager

 Amber warning
Snow

Between
00:00 Fri 5 Feb 2021 and
18:00 Sat 6 Feb 2021



Snow will become persistent and heavy and could lead to some significant disruption to transport and utilities.

What to expect

- Long delays and cancellations on bus, rail and air travel could occur
- Roads may become blocked by deep snow, with many stranded vehicles and passengers
- Communities might be cut off for several days
- Long interruptions to power supplies and other services, such as gas, water, telephone and mobile phone coverage could occur

Further details

By Friday, snow is expected to become more widespread, persistent and heavy, and will settle at increasingly low levels. The heaviest snowfall should clear later on Saturday.

Fresh snowfall totals of 10-15 cm is possible at low-levels, with 20-30 cm accumulating above about 150 m. Some high ground exposed to strong easterly winds could see as much as 50 cm building up by Saturday evening. However some places close to the east coast may see only small amounts of snow settling.



Issued at 09:54 Wed 3 Feb, 2021

For enquiries regarding this warning please contact the Met Office Weather Desk

Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager



Amber warning
Snow

Between
00:00 Fri 5 Feb 2021 and
18:00 Sat 6 Feb 2021

Further Details (continued)

The strong easterly winds will likely lead to drifting snow, temporary blizzard conditions, and ice forming on exposed power lines and phone masts.

Issued at 09:54 Wed 3 Feb, 2021

For enquiries regarding this warning please contact the Met Office Weather Desk

Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager



Amber warning
Snow

Between
00:00 Fri 5 Feb 2021 and
18:00 Sat 6 Feb 2021

All regions & authorities affected

Central, Tayside & Fife

Angus Clackmannanshire Fife Perth and Kinross Stirling

Grampian

Aberdeen Aberdeenshire Moray

Highlands & Eilean Siar

Highland

Strathclyde

Argyll and Bute

Issued at 09:54 Wed 3 Feb, 2021

For enquiries regarding this warning please contact the Met Office Weather Desk

Phone: 0370 900 0100 **E-mail:** enquiries@metoffice.gov.uk

Visit: www.metoffice.gov.uk/premium/hazardmanager

BERWICK WOOD SITE VISIT REPORT BRIEF – WATERWAYS ASSESSMENT

INTRODUCTION

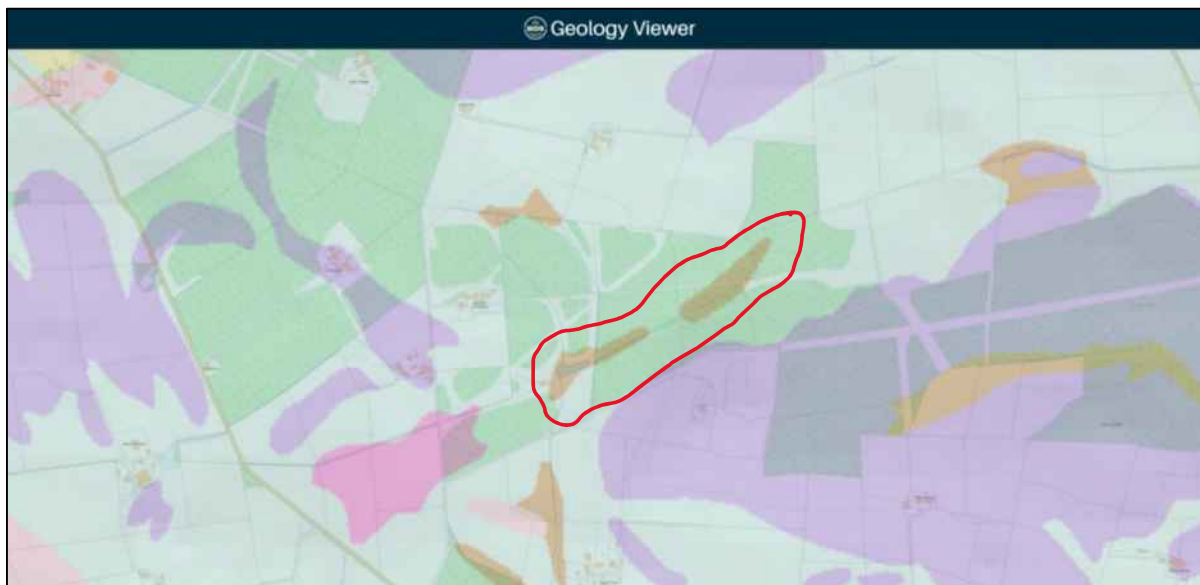
Berwick Wood site visit was commissioned by Northwoods Rewilding Network to assess the conditions of waterways and bring a set of recommendations to achieve a potential ecological uplift of the site. The site visit was carried out on the 10th of November 2023 by Maja Pepper from River Revivers. Weather conditions were optimum - clear, dry and sunny. Flow level was medium.

SITE DESCRIPTION

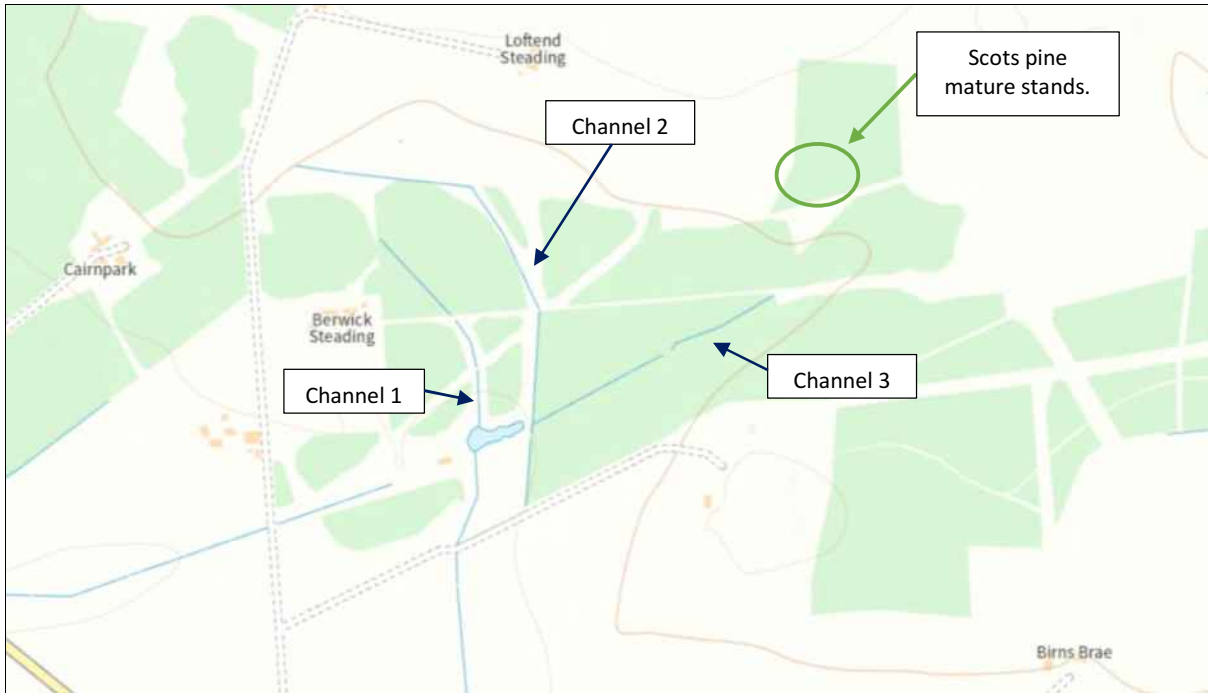
Berwick Wood is located north of the town of Hatton of Fintray, near Aberdeen. The main watercourse north of Berwick Wood is the River Don.

The unnamed waterways were given names on this report – Channel 1, 2 & 3 to clarify.

The description 'left hand bank' (LHB) and 'right hand bank' (RHB) always refers to the observer looking **downstream**.



Map 1: Site geology shows that the brown areas (circled in red) at the pond and the Eastern side of Berwick Wood has peat formation which is a partially decomposed mass of semi-carbonised vegetation which has grown under waterlogged, anaerobic conditions, usually in bogs or wetland. The rest of the areas are principally Banchory Till Formation - gravelly and sandy diamicton composed principally of decomposed Neoproterozoic metamorphic rocks and Caledonian igneous rocks. And interlayered psammite and semipelite, with subsidiary pelite and sporadic minor calcareous horizons.
<https://geologyviewer.bgs.ac.uk/>



Map 2: Berwick Wood waterways. Sitka spruce plantation green coloured. Some areas have been harvested already. Channel 1 is connected to the pond. Channel 3 discharges into Channel 2. Channel 1 and 2 are not connected at present.

PHOTOGRAPHIC ASSESSMENT



Fig. 1: View of the pond that connects to Channel 1. (Grid Ref. NJ 84161 18059).



Fig. 2: View downstream of Channel 1 which connects with the pond from Fig.1. It is a straightened narrow channel (<1m wide) experiencing tunnelling effect due to channel incision and tall grass growth.



Fig. 3: View downstream of the upper section of the straightened Channel 2 which flows parallel to the previous one but it does not connect to the pond. Would benefit from installation of wood or brash structures to create sinuosity and retain water.



Fig. 4: View downstream of the lower section of the Channel 2. Brash bridge made by the forestry for extraction purposes.



Fig. 5: View downstream of Channel 2. Straightened and slow flowing. Stone embankment on the right hand bank (in red) preventing lateral movement of the channel. Recommendation - removal of right hand bank embankment and installation of wood and brash structures would give more sinuosity and encourage water retention.



Fig. 6: Stands of Scots pine within the Sitka spruce plantation. South field has been clear felled recently while the north field (behind the Scots pine) is still standing. See Map 2. (Grid Ref. NJ 84577 18377). Recommendation – retain and expand the area of mature Scots pine and remove Sitka spruce progressively or by clear fell. This will give diversity in structure, habitat and dynamism to the site.



Fig. 7: View upstream of the straightened channel 3 (peatland area NE site on the Map 1). Recommendation – addition and installation of woody structures to increase water retention.



Fig. 8: Waterlogged anaerobic conditions on the upper section of the channel 3. Recommendation – possible pond creation.



Fig. 9: View downstream of Channel 3. Channel bed vegetated. No gravel sediments instream. Stone embankment on the right hand bank preventing lateral movement of the channel. Recommendations – partial or total removal of the embankment and installation of woody brush structures to retain water on site. Possible pond creation.

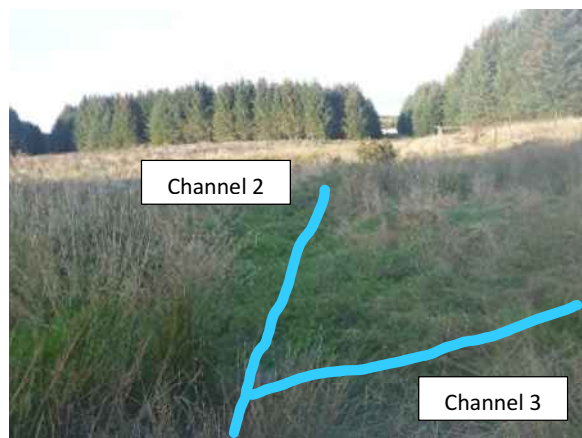


Fig. 10: Channel 3 confluence with Channel 2. Waterlogged conditions. (Grid Ref. NJ 84227 18078). Possible linked ponds.

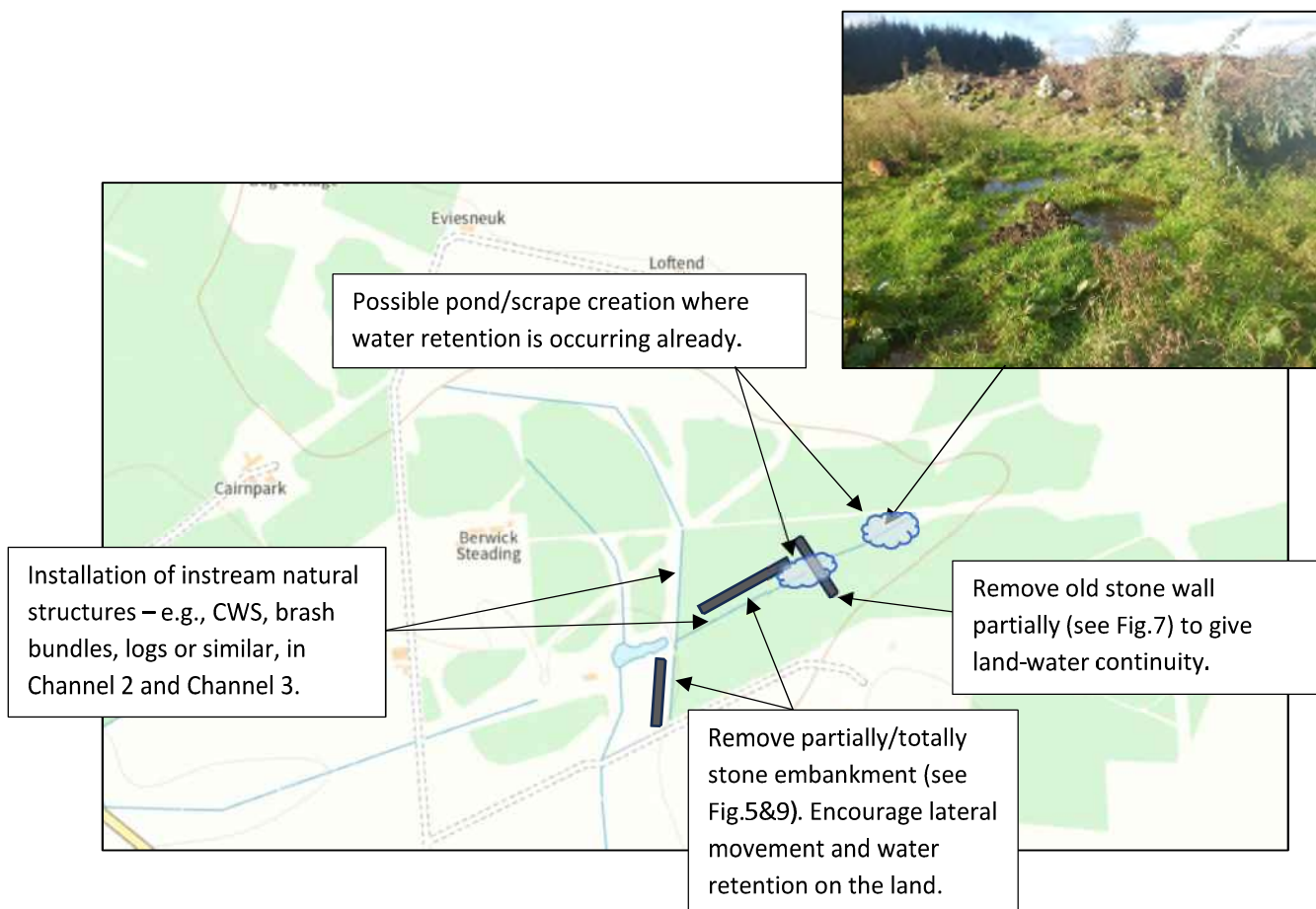
RESTORATION RECOMMENDATIONS

The restoration recommendations have been selected specifically for Berwick Wood site. A conversation with Mhairi Player on site and the accompanied walkover described the landowner's objective is to remove the *non*-native Sitka spruce plantation and replace it with native flora. River Revivers agrees with this approach.

A desk study analysing old maps and the geology of the site has determined the best action to take to improve the ecology of Berwick Wood. These actions are summarised below:

- A) **Deer management.** It is highly recommended that deer population is brought down to sustainable densities where native trees can establish and natural regeneration could occur in the future. There are deer stalkers at present culling deer but effort would need to be increased in order to allow native woodland to establish. This could be done in two ways; one way is to cull deer and the other is to erect a deer fence to exclude deer from the site. Deer culling is usually the preferred option if possible as deer are woodland animals and would exist naturally but in much lower numbers. However, it would take longer in time to establish native woodland this way.
- B) **Total elimination and future control of the *non*-native species Sitka spruce.** This action is already happening at present, and the landowners' vision for the future is to replace the whole area with native flora. The important action for management to consider in the future is to keep on top of the eradication of self-seeded Sitka spruce. This species has an invasive character and would start expanding rapidly across the area, especially if the deer numbers decrease. Sitka offers much less habitat for native flora or fauna than native trees would.
- C) **Peat bog expansion and restoration.** From the site visit walkover and desk study (Map1), it shows that the area would be peat dominated where currently the waterways are. These waterways have been modified in the past becoming man-made drainage systems. What it shows at present is that the waterways are straightened and ditches were dug draining the water from the land and planting non-native conifers for commercial purposes. The most suitable option for an ecological improvement would be to retain as much water on the site as possible. This could be done by blocking the existing old ditches by installing natural materials instream, such as large and coarse woody structures (LWS, CWS), brush, logs, etc. Different techniques should be used by each site. Given that the felling is taking place on site, the material from harvesting could be utilised for instream work. This action would increase the amount of aquatic and terrestrial invertebrates, having a chain effect increasing thus other wildlife associated with water, such as amphibians, birds and mammal species and their densities.
- D) **Pond creation.** Creation of deeper and shallower sections to retain more water on land, rather than encouraging the water to drain from the land as fast and straight as possible. Straightened channels exacerbate peak flows events and increase flooding in downstream reaches. The ponds could be made and connected in-between the existing ditches. It would be expected that some ponds might dry out in drought conditions, but this is a natural process and adds to habitat mosaic. With successful (leaky) damming, in time the water table may rise and the land may become capable of retaining and expanding the amount of water on the land and seep it downstream slowly, aiding drought events.

- E) Removal of man-made structures.** Stone walls and stone embankments are present on site. These structures are sometimes habitat in themselves but also create disconnection of habitat and interruption to natural corridors to develop and expand. Stone embankments also contribute to lack of lateral movement of the streams (present on lower Channel 2 and lower Channel 3). The removal of some, but not all stone walls and embankments, especially in key areas would lead to expansion of wetland and bog areas where the water could be retained instead of drained. Partial or total removal of embankments would be advised to kick start the process of land-water interaction recovery.
- F) Retention and expansion of Scots pine stands.** The fact that there are already mature stands of Scots pine *Pinus Sylvestris* on Berwick Wood, means that this type of habitat could not only be retained but also expanded. It would give structural diversity and dynamism to the area as currently there are not many native mature trees on the site. The trees seem quite strong probably able to withstand the windblow, therefore Sitka spruce could be clearfelled. The other option is to carry out extraction of Sitka stands in phases protecting Scots pine from possible windblow.
- G) Native tree planting.** Planting native tree species would accelerate the recovery of land and soil processes and would increase the biodiversity of the whole area. Close to the waterways, riparian tree species should be selected avoiding the peat sections and focusing the planting away from the peat.





Berwick Wood

Draft Restructuring Operations Plan
2021

Phil Whitfield April 2021

Background

This plan is the product of the owner's own plan, vision and objectives for the site. The owners have established a market garden business in the west end of the property and developed a water supply system and off grid solar power.

A forest Management Plan for the 32.4Ha property was prepared by Tilhill (Calum Murray) and approved in 2019. Tilhill (Frank Tomlinson) then helped with initial development of an agroforestry scheme.

During March 2021, following construction of the new forest road access, Tilhill worked with the owners to finalise the initial 2021 thinning and felling plans, whilst looking ahead to subsequent phases and management.

Objectives

1. Continue to manage the majority of the wood's productive stands to maximise revenue through thinning, clear-felling and restocking of commercial conifers.
2. Further diversify species and management across around half of the gross area of the forest, where ecological diversity and alternative land use will be the prime objectives.
3. Further diversify income streams through adding a livestock enterprise to the existing market garden business.

Financial challenges and proposals

- Felled areas would require restocking with the intended diversified broadleaf species - at cost. Compensatory planting would also be required (and not grant funded) due to the reduced net area under trees in agroforestry plots.
- Restocking with broadleaved species is expensive, largely due here to the need for additional browsing protection. Fencing is an option for larger areas but overall, can offer debatable net cost savings over individual tree shelters.
- Agroforestry payments are only available for new woodland creation.
- Timber income through an initial thinning of the main SS crop and agroforestry felling operation, would not currently cover the costs of restocking the full area that was initially intended for agroforestry felling. As a result, only 0.6Ha will be felled and converted to a silvo-pastoral system during the first phase.

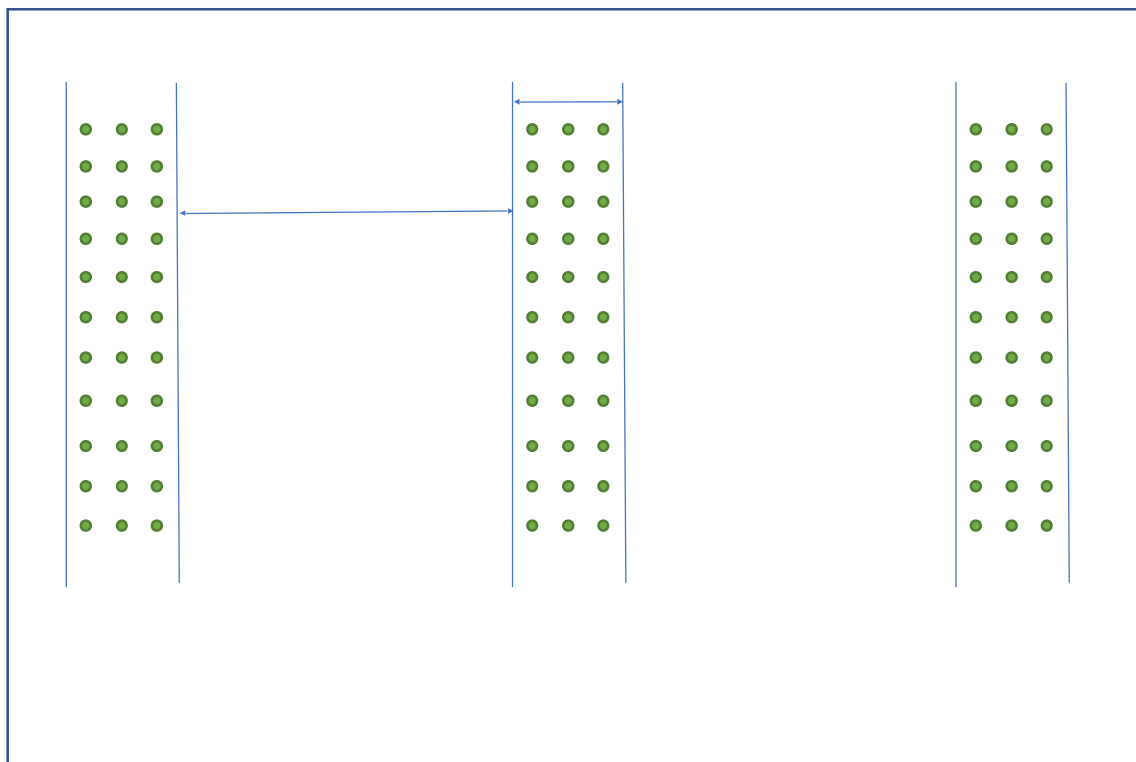
- Additional indicative phases of felling for both standard and agroforestry restocking are proposed at each subsequent thinning cycle for the remaining matrix.

Agroforestry – summary proposal

A Silvopastoral system with pigs is proposed in small areas close to the serviced centre of the woodland. The initial felling area of 0.6Ha will enable the project to start in 2021 but with the intention of expanding with future interventions :

- Pigs would be run in the area felled for agroforestry for the first two years for ground preparation.
- The felled area would then be planted North-South with sycamore, in three line avenues at 1.5m spacing, with 15m spacing between the planted avenues. (Effectively 25% of the gross felled area under trees).
- Trees would be protected from browsing with individual shelters. The pig foraging area between the lines would be managed using moveable electric fences.
- The sycamore would be high pruned with the objective of realising quality sawlogs on a commercial rotation.

(See appendix for silvopastoral system detail.)



Broadleaf restock and new planting

- For the initial 0.6Ha felling, 0.45 Ha of additional areas of native broadleaves would also be planted – largely in wetter areas - as compensatory planting for the net loss of area under trees in the agroforestry area and to increase ecological diversity. These seed sources will provide for future riparian woodland expansion (providing effective deer control).
- Further phases of felling in compartment 1 can be allocated to one of three restock/ management regimes:
 1. Expand the avenue foraging agroforestry system, (with additional compensatory planting) as for the first phase. Experience with the initial pig enterprise will provide a clearer indication of the total area required under this system.
 2. Diversify with productive native cherry (*prunus avium*) across a proportion of the area, offering an opportunity for some berry production, whilst pruning to realise quality sawlogs. Both sycamore and cherry offer real potential for quality timber production on relatively short rotations. Future timber parcels at a reasonable scale, would likely be required to practically access niche timber markets.
 3. Standard conifer restock.

Harvesting – 2021

- Roding (complete)
- Thinning
- Initial felling for agroforestry initiation

Restock and new planting initial felling area – 2023/4

- Establishment of avenues
- Establishment of supplementary new broadleaf planting –riparian plantings
- Restocking is required to be completed normally within two years of felling but can be approved to a maximum of five years with sufficient reason.

Subsequent operations

- An indicative phased felling (and restocking) of SS subcompartments is provided on the attached map from 2026/7. Five year phases start at yr 0 - 2021.
- The aim would be to fell stands as near to maximum economic rotation as possible, whilst also creating some age diversity through subsequent restocking. Five year adjacency separation is established between felling coupes; the UK Forestry Standard requires stands adjoining previously felled areas to be retained until the restocking of the first coupe has reached a minimum height of 2m.
- Commercial thinning would also continue on a 5 year cycle, with stands receiving an average two more thinnings prior to felling. Phased felling operations would take place at the same time as the thinning of remaining stands.

Appendix - Agroforestry detail

Flexibility and change

A key principle in an agroforestry system should be to allow flexibility, for plans and objectives to change over time. Some husbandry options may prove too time consuming and the enterprise insufficiently profitable for the owner. At the same time, resting the ground and rotating any regime can be of benefit to the site.

Animal enterprise management can however be more flexible and varied over time, whilst the silvicultural framework established for the forest remains. The business may for example take a "holiday" from pig production for a number of months or years, as an established herd goes to market – giving the ground and the owners a rest or an opportunity to try alternatives, such as more extensive poultry, or simply a fallow period, or even use some of the inter-avenue strips for horticulture.

Pig range options

The proposed revised forest layout offers a range of options to be tried and rotated:

- Larger area periodic running of pigs in restocks close to the property centre.
- Opportunities to trial running pigs at low density in some of the thinned commercial Sitka Spruce crops close to home. Likely more time consuming stock management (water and feed distribution and electric fencing) but an opportunity to rest the avenue area.
- Opportunities to use open rides and (with careful fencing) some of the established broadleaf areas. The avenue system has been extended to the north to help facilitate stock movement into these areas, up to and beyond the gas pipeline.

Pigs will always require management with electric fences in more intensively managed areas and where pigs are left to forage for longer periods (i.e. the avenue area) due to rubbing and stripping.

Establishing the avenue system

Initial pig foraging in restock will likely help to some degree with ground preparation for planting but domestic breeds are unlikely to have a significant impact on brash cover. Following this phase, there will also be a nutrient flush due to enrichment by the pigs and potentially extensive weed growth in the tree avenues. The owners however have a chipper on site and could usefully blow chips into the avenues once the trees have been planted and shelters erected, to offer an effective mulch and avoid the need for weeding.

Poultry possibilities

Larger range poultry alternatives with movable coupes are a possibility, perhaps replacing pigs periodically in the avenues. Hens or ducks are a possibility; geese have a tendency to bark strip which would likely be an issue once the trees are beyond tree shelter stage.



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Item 6
Page 284

Grampian Conservancy
Portsoy Road
Huntly
Aberdeenshire
AB54 4SJ

Email: grampian.cons@forestry.gov.scot
Tel: 0300 067 6210

Conservator: James Nott

Mr Calum Murray
Tilhill Forestry
Unit 7
Huntly Business Centre
Huntly
AB54 8FG

Date: 15th August 2019

Dear Mr Murray

Approval of a Woodland Management Plan
Name of Plan: Berwick Woods
File Reference: MPL310105

We hereby accept the Management Plan you submitted to cover operations on Berwick Woods. I have enclosed a copy signed as approved for your records.

Please note SF approval for the Plan begins on 15th August 2019 and expires 10 years after the approval date of this Plan on 15th August 2029.

Yours sincerely



Rory Whyte
Administrative Officer

Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation

S e Coilltearachd na h-Alba a' bhuidheann-ghnìomha aig Riaghaltas na h-Alba a tha an urra ri poileasaidh, taic agus riaghladh do choilltearachd



Scottish Government
Riaghaltas na h-Alba
gov.scot



Scottish
Forestry
Coilltearachd
na h-Alba

Berwick woods Management Plan

2019 to 2029

Prepared by

Tilhill Forestry

7th July 2019

Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation

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Management Plan

1. Details

Management Plan Details			
Management Plan Name:	Berwick Wood		
Business Reference Number:	278976	Main Location Code:	66/006/0041
Grid Reference: (e.g. NH 234 567)	NJ 838179	Nearest town or locality:	Hatton of Fintray
Local Authority:	Aberdeenshire Council		
Area (ha)	34.2		
List associated maps:	1. Location map 1:50000 2. Species map 3. Constraints map 4. Operations map 5. Roads & access map		

Owner's Details			
Title:	Mrs	Forename:	Mhairi
Surname:	Player		
Organisation:	Berwick Wood Produce	Position:	Owner
Primary Contact Number:	[REDACTED]	Alternative Contact Number:	[REDACTED]
Email:	[REDACTED]		
Address:	[REDACTED]		
Aberdeen			
Postcode:	[REDACTED]	Country:	Scotland

Agent's Details			
Title:	Mr	Forename:	Calum
Surname:	Murray		
Organisation:	Tilhill Forestry	Position:	Senior Forest Manager
Primary Contact Number:	[REDACTED]	Alternative Contact Number:	
Email:	Calum.murray@tilhill.com		
Address:	Unit 7, Huntly Business Centre, Huntly		



Management Plan

Postcode:	AB54 8FG	Country:	Scotland

Access Consent – Complete if applying for thinning		
<p>You are not obliged to give us consent to enter your land, however if we are denied access to your land, and cannot carry out an assessment because of this, we may reject your application. This consent is for access to assess this application as well as monitor compliance with any subsequent approval, where applicable.</p>		
Do you give consent for Scottish Forestry to access your property?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

Town and Country Planning – Complete if applying for thinning		
Are any of the trees to be felled subject to a Tree Preservation Order?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
If YES please provide details:		
Are any of the trees to be felled within a Conservation Area?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
If YES please provide details:		



Management Plan

Declarations – Complete if applying for thinning

I hereby apply for a permission to fell the trees described in this application and I certify that:

- I am the landowner or an occupier of the land with written permission of the landowner;
- Where the landowner is a business, I am authorised to sign legal contracts on behalf of that business;
- If I am acting on behalf of the landowner or occupier, I have been mandated to do so;
- Any necessary consents from any other person(s) if required, have been obtained;
- I have made the necessary checks with the local planning authorities regarding Tree Preservation Orders and Conservation Areas;
- I have notified all stakeholders that may be affected by the felling in this application and sought their views prior to submitting this application;
- I hereby acknowledge that Scottish Ministers may process any of my personal data contained in or relating to this application in accordance with the terms of Scottish Forestry's Privacy Notice, a copy of which is available at www.forestry.gov.scot;
- I have read and understand this application fully and, to the best of my knowledge and belief, the information given in this application is complete, true, and accurate;
- I accept that any false or misleading information provided in this application constitutes an offence and may result in any felling permission based on this application being revoked at any time.

[This application may only be signed by the owner of the land or the occupier of that land where they have written permission to do so. For land owned by a business it must be signed by someone with the authority to sign legal contracts on behalf of that business. If you are an agent signing this on behalf of the aforementioned you must append a copy of your mandate.]

Signed:	Print: Calum Murray	Date: 5.6.19
---------	---------------------	--------------

Approval - to be completed by Scottish Forestry staff:

Management Plan Reference Number:	MPL310105		
Plan Period: (ten years) (day/month/year)	From: 15/8/19	To: 15/8/29	
Operations Manager Signature:		Approval Date: (dd/mm/yyyy)	15/8/2019



Management Plan

2. Woodland Description

Give Information about the following:

- past management of the woodland
- current species and ages
- statutory and non-statutory constraints (e.g. designations, archaeological interests)
- existing or potential public access
- woodland protection

Use the Land Information Search to help you complete this section. For more detailed information on the Native Woodland Survey of Scotland use the Scottish Forestry Map Viewer found on our website: forestry.gov.scot

2.1 Maps required

Provide maps to support your plan, as outlined in the guidance note. Please list all of the maps that you are including with your management plan in section 1 Management Plan Details.

2.2 History of management

The majority of the woodland planted in 1990 with some older Scots pine of circa 1920 era. A small area of mixed broadleaves is identified as having being planted in 1995 probably as a result of the failure of initial planting.

The current owners have undertaken some first thinning within the conifer area using motor manual felling however the scale of the woodland is beyond the scope of their ability to thin the woodland in its entirety.

The owners have established a market garden business in some of the "other land" to the south of the woodland and the woodland helps provide a windbreak in the area from north and easterly winds.



Management Plan

2.3 Species and age

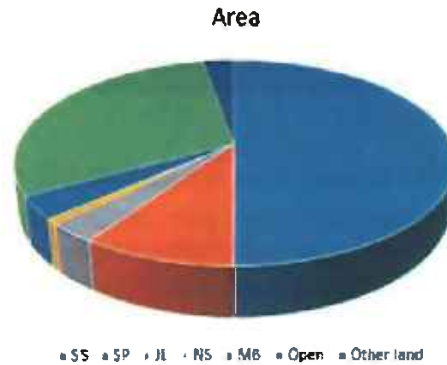
Species

Sitka spruce is the predominant species within the woodland reflecting the productive objectives of Berwick Wood. The sitka predominantly occupies the areas of wetter soils within the woodland. Scots pine is the second most abundant conifer and is focused on drier soils on a slightly more elevated slope.

Broadleaved establishment within the woodland has been less successful with a high level of failure amongst the crop initially planted in 1990 then largely replanted in 1995. It is not possible to identify species planted at that time and it is not clear if species choice was a significant contributor to the lack of success or if for example, a lack of management through the establishment phase was a factor.

Table of Species

Species totals		
Species	Area	%
SS	16.47	50%
SP	3.16	10%
JL	1.05	3%
NS	0.24	1%
MB	1.17	4%
Open	9.97	29%
Other land	0.86	3%
	32.92	100

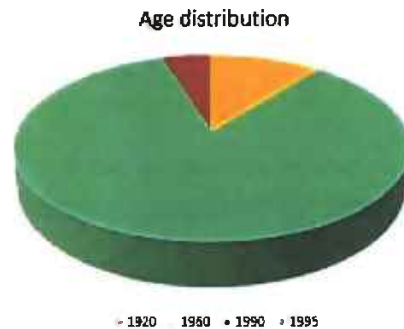


Age

The age distribution is limited within the woodland and reflects two periods of new planting. There will be some opportunity to increase age diversity when areas are clear felled and restocked in the next plan period post 2029.

Table of Age Distribution

Age Distribution	
Year	% of Area
1920	> 1%
1960	11%
1990	85%
1995	5%
	100%





Management Plan



Management Plan

2.4 Constraints and designations

Constraints include

1. Overhead powerlines both within and on the edge of the property
2. An underground high pressure gas pipeline within the property
3. Telephone cable on the western edge of the wood
4. Small water course/drain within the property a man made pond area within the wood. This pond, however, is dry most of the year.
5. Badger set and signs of red squirrel activity within the SP/NS area in compartment 2
6. Archaeology -Aberdeenshire councils HER database records previous findings of flint core, flint scrapers and stone axes at NJ839 180, these artefacts have been removed from the site. Also recorded is a small enclosure at NJ840 180 which would need protection during any operations.

The site site also has remnants of old stone dykes.

7. Limited access - There are no forest roads within this woodland limiting ability to despatch harvested timber. There is a shared private road to the west of the woodland along with the owners have full right of access.
8. Timber transport - The public road is classified as a C class road and in line with the Grampian Timber Transport Group guidance this would be regarded as a consultation route for timber transport operations.

There are no significant designations within the woodland. The area is identified as being within the buffer zone for grey squirrel control though there have been no sightings of grey squirrels.

2.5 Public access

There is no formal public access provision within the woodland though the woodland is accessible by visitors wishing to access under the SOAC provisions.



Management Plan

2.6 Woodland Protection
Plant Health (including tree health and invasive or noxious plants)
<p>Crops are of good health.</p> <p>An area of Himalayan Balsam was noted in Compartment 2 during 2018. This has been treated though further treatments are likely to be required.</p>
Deer, Livestock and other mammals
<p>Roe deer which are prevalent in this area and are clearly residing in the woodland. The surrounding land is improved grassland and arable crop and so will provide good opportunities for feeding deer, as will the extensive sheltered rides within this woodland.</p> <p>Due to the established nature of the crop and limited access there is no current active control of deer within the woodland. A proactive plan for deer management will be required in advance of any clearfell & restocking (not within this plan period) to enable effective establishment.</p>
Grey Squirrels
<p>The woodland is identified as being within the buffer zone for grey squirrel control however there are no recorded sightings of grey squirrels within this woodland.</p>
Water & Soil (soil erosion, acidification of water, pollution etc.)
<p>The woodland has a number of open drains, probably remnants of the sites agricultural history prior to the current crop being planted.</p> <p>Flows of water in these drains are generally limited however all operations will be carried out to protect water quality in line with Forest and Water guidelines and SEPA general binding rules.</p>
Environment (flooding, wind damage, fire, invasive species etc.)
<p>There is no evidence of or likelihood of flooding.</p> <p>Himalayan balsam identified and ongoing programme of removal as above.</p> <p>There is a limited amount of windblow within the older Scots pine and Norway spruce</p>
Climate Change Resilience (provenance, lack of diversity, uniform structure)
<p>The current crops have good diversity, are showing good growth and are well suited to the ground. No impacts from climate change are expected within the current rotation.</p>



Management Plan

3. Vision and Objectives

Tell us how you intend to manage the woodland in the long term and your goals for its development.

3.1 Vision

Describe your long term vision for the woodland(s).

To maintain a well-managed, productive and diverse small woodland offering good habitat for wildlife & flora.

Immediate work will include improving access to the woodland to enable the programme of thinning to continue while crops are of a size where the risk of windblow in the younger crop remains reasonably low. The age of the crop means the window of opportunity to first thin is limited.

Through this thinning activity, there is significant opportunity to benefit wildlife by increasing light levels on the woodland edges adjacent to rides and indeed further into the crop. Regular subsequent thinning will help maintain and enhance this opportunity.

Berwick wood will remain a very much multi-purpose woodland with its timber production potential, provision of important habitat for red squirrels. The developing market garden business will continue to operate within the area defined as "other land".

3.2 Management objectives

Give your objectives of management and also how you will manage the woodland sustainably. Your objectives should be specific and you should also be able to measure their outcomes.

No.	Objectives (including environmental, economic and social considerations)
1	Timber Production: optimise the productive potential of the woodland
2	Biodiversity: Maintain and enhance the opportunities for wildlife notably red squirrel & badger.
3	Shelter: to provide shelter and windbreaks for owners onsite market garden business.
4	Amenity: to improve in-wood access, diversity and flora so providing amenity benefit for owners and other visitors.



Management Plan

4. Stakeholder Engagement (if required)

This may be required depending on the work you intend on carrying out in the woodland and the constraints or designations that have been identified.

Individual/ Organisation	Date contacted	Date feedback received	Response	Action
National Grid	9/10/18	1/11/18	Site visit to agree on crossing points and a method of crossing for the underground gas pipeline	Use bog mats and brash to establish safe crossing above the pipeline.
Openreach	10/12/18	30/4/19	Overhead telephone line does not have sufficient clearance to permit lorry access at the proposed forest road junction.	Agreed installation of an additional pole to raise line height.
Aberdeenshire Council - planning	2/5/19	21/6/19	Prior notification for forest road under consideration.	Permisson to proceed received
Aberdeenshire Council roads	5/6/19		Comment sought on use of consultation route to timber haulage	
Neighbours (Berwick house)	6/19	6/19	Verbal discussion with the woodland owner - No issues raised keen to see proactive management of woodland	
Fred & cath Cooper , Cairnfield Farm	6/19	6/19	Verbal discussion - No issues raised	



Management Plan

5. Analysis and Management Strategy

Analyse the information from the previous sections and identify how to make best use of your woodland and its resources to achieve your objectives.

5.1 Constraints and Opportunities

Using the table below analyse any issues raised or relevant features within your woodland and record the constraints and opportunities.

Feature/Issue	Constraint	Opportunity
Increase Biodiversity/ Flora & fauna	Unthinned conifer	Undertake regular thinning to increase light to the forest floor and access through the currently dense crop. Maintain SP/NS area as long term retention to provide habitat/ refuge for Red Squirrel & Badger populations. Opportunity for red squirrels to expand into the adjacent crop as thinned and it matures.
Badger sett	Badger sett	To be protected- Sett is within SP/NS area which will not be thinned within the life of the plan.
Improve productivity of woodland	Lack of lorry access to facilitate timber despatch from thinning	Install a new forest road to facilitate operations
Archaeology	Enclosure at NJ 840 180 + Potential for flint finds around NJ839 180 Old stone dykes	Any operations to take account of the need for protection of identified archaeology and recognise the potential for further finds of flint artefacts in the surrounding area. Old stone dykes are to be protected in so far as possible minimising



Management Plan

		crossing points during harvesting.
Access	Public road access is via consutation route for timber haulge	

5.2 Management Strategy

Following your analysis, provide a broad statement describing your management strategy. Consider all aspects (economics, access, biodiversity, landscape) and pay particular attention to your silvicultural strategy for meeting your management objectives.

Berwick wood has to date not been managed to realise it's full productive potential. A return to a regular thinning regime across the woodland seeks to maximise the potential of the key productive areas while leaving the key wildlife habitat area in the older Scots pine and Norway spruce undisturbed for as long a reasonably possible.

6. Management Proposals

Tell us the management operations you intend to carry out over the next 10 years to help meet your management objectives for the woodland. The submission of this plan will be considered as an application for permission to thin the woodland over the 10 year plan period, subject to the completion of Table 1 and the submission of appropriate maps. If you intend to carry out other types of felling you must apply for permission separately.

6.1 Silvicultural Practice

During this plan period the predominant silvicultural operation will be thinning, prescriptions for which are detailed at 6.3 below

As small area of cleafelling (up to 0.13ha) will be required to clear a line for installation of a new forest road. Felling permission for this area will be sought separately from Scottish Forestry.

Crop health will be monitored on an ongoing but at least annual basis.

There will be a programme of invasive species removal (Himalayan Balsam). Initial treatment was completed in 2018 though further treatments will be applied as required to eradicate. Annual monitoring will be carried out thereafter for the remainder of the plan period.



Management Plan

6.2 Infrastructure requirements

A new forest road of approximately 300m length will be installed during 2019 to facilitate timber despatch from the site. This unsealed road will be constructed in line with specifications laid out in the Timber transport forum guidance: the design and use of the structural pavement of unsealed roads See map 5 for the route.

Aberdeenshire council have under the prior notification process deemed that this road does not require full planning permission (APP/2019/1266 - decision 21/6/19)

6.3 Thinning Prescription

Thinning has been delayed across the majority of the crop therefore first thinning in p1990 crops will seek only to open up racks with minimal thinning in the matrix. After allowing 2-3 years post initial thin for rack edge trees to stabilise a subsequent thinning of the matrix will follow.

Further thinnings will be undertaken at 5 year intervals following assessment of crop basal area to establish thinning requirements.

P1960 crop will not be thinned as this is considered to be beyond thinning without creating a significant risk of windblow.

Table 1 – Thinning

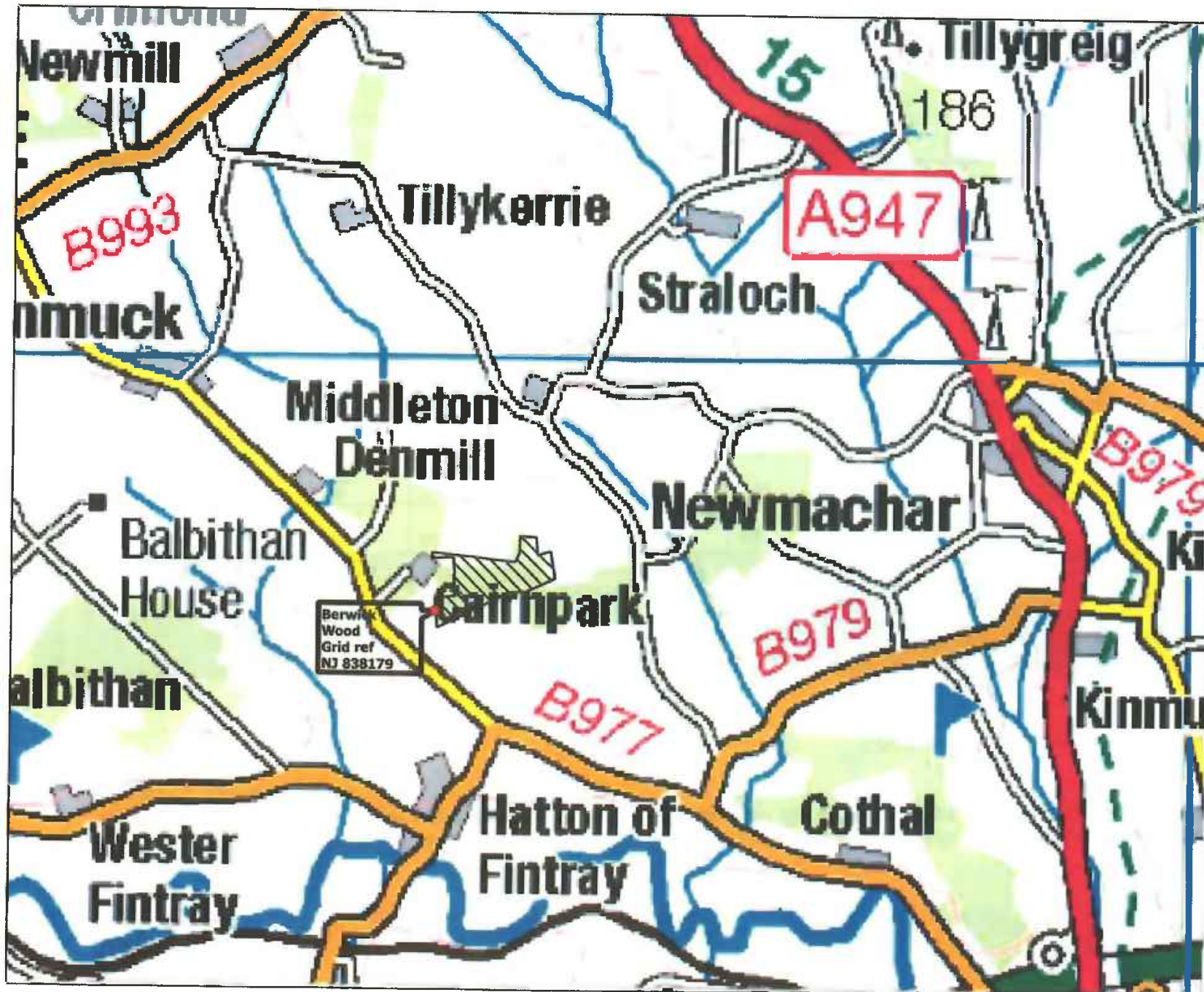
This table shows the total management plan area as well as the thinning compartments proposed for management. The felling site/compartment in this table must be shown as the same on the thinning map(s). Please select method of displaying thinning regime:

Pre/Post stocking density

Pre/Post basal area

Volume to be removed

Total Plan Area:		32.9	hectares							
Thinning Compartment	Area (ha)	p/a	Species to be felled (one per row)	Age (Years)	Marking of Trees	No of Trees	Volume (m ³)	Thinning Density (per ha)		Total
								Pre	Post	
a	17.35	100	SS	29	Feller select	8000	1000	1900	1450	450
a	1.05	100	JL	29	Feller select	367	50	1900	1600	350
Total Area	15.85	100					1050	Total to be removed:		8367



Berwick wood
 Hatton of Fintray
 NJ 838179

Location Map

Date: 7/6/19
 Scale: 1:75000

 Berwick wood




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 database rights 2019 Ordnance
 Survey
 AL1000018344

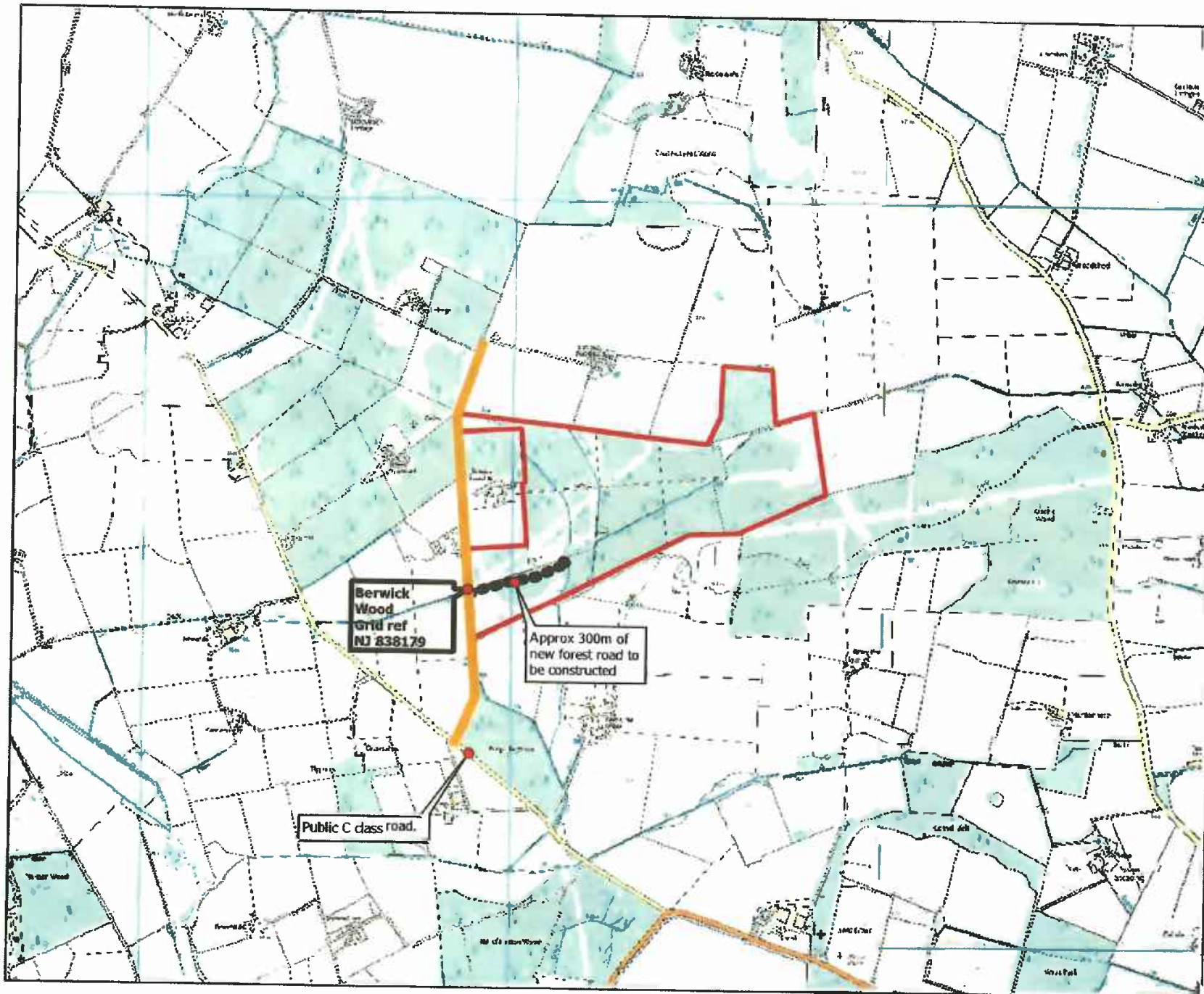
Berwick wood
Hatton of Fintray
NJ 838179

Roads & access

Date: 7/6/19
Scale: 1:25000

Legend

-  Plan Boundary
- Roads / tracks
-  road
-  Private road - main access



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





Berwick wood
Hatton of Fintray
NJ 838179

Current Species

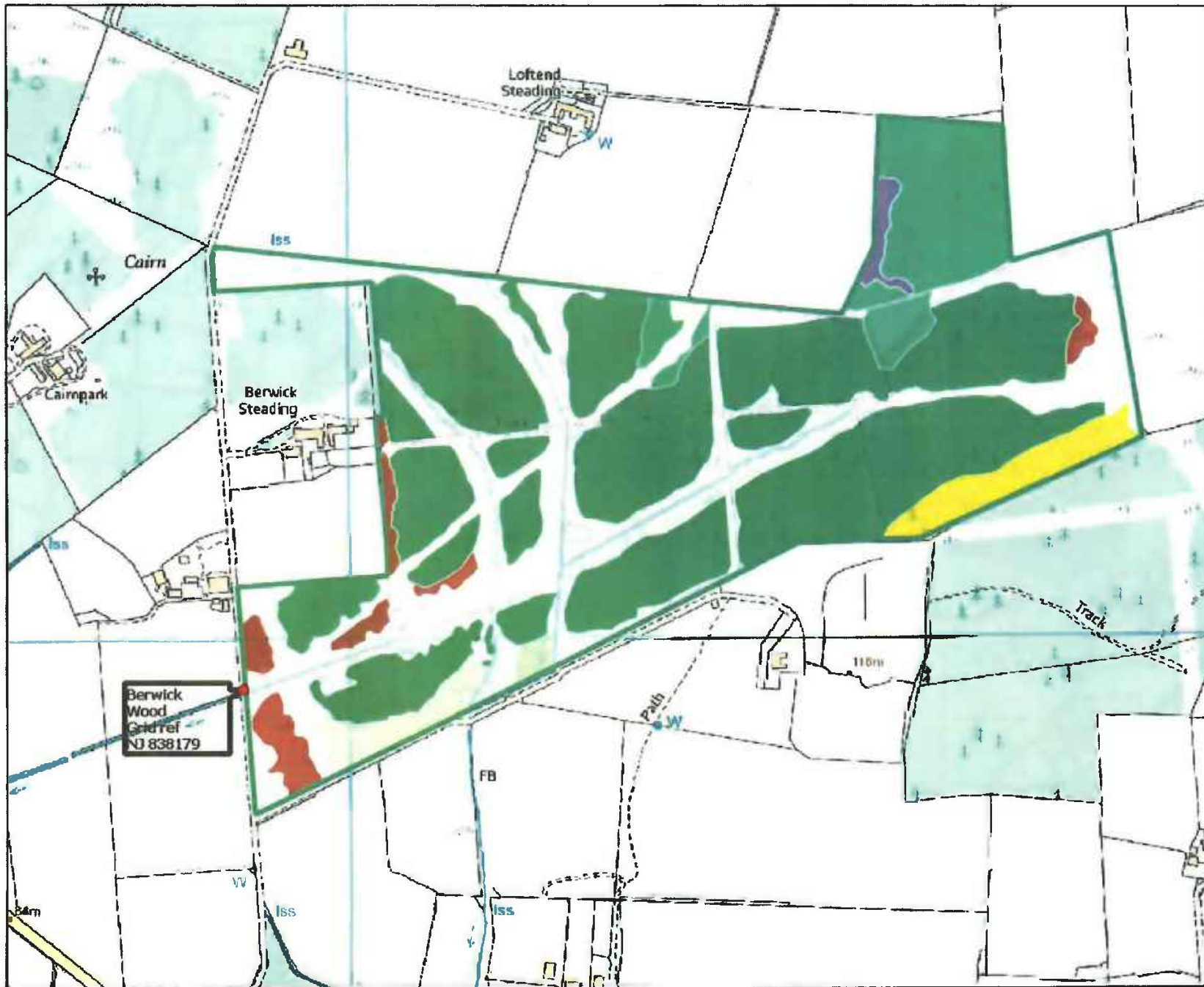
Date: 7/6/19

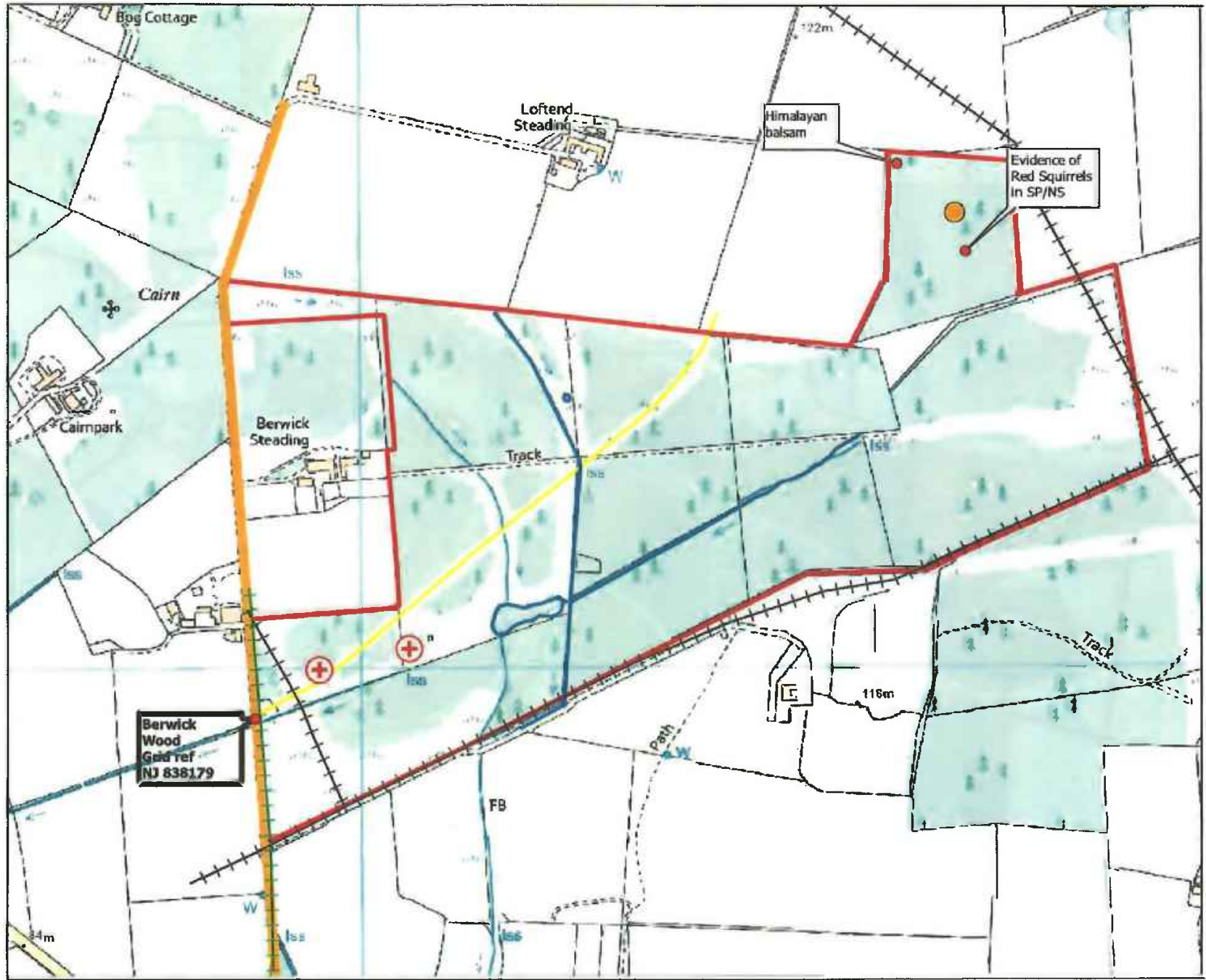
Scale: 1:10000

Legend

-  Plan Boundary
- Current Species
-  Sitka spruce
-  Norway spruce
-  Scots pine
-  Japanese larch
-  Mixed broadleaves
- Other land
- Open

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Survey
AL1000018344





**Berwick wood
Hatton of Fintray
NJ 838179**

**Constraints
& hazards**

**Date: 7/6/19
Scale: 1:10000**

Legend

- Plan Boundary
- Private road/
main access
- + Archeo
- badger set
- Gas Main
- OHPL
- Telephone Cable
(overhead)
- watercourse

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Berwick wood
Hatton of Fintray
NJ 838179

Operations plan

Date: 7th May 2019
Scale: 1:10000

Legend

Boundary

Operations

Thin

Clearfell

Current Species

Agricultural

Mixed broadleaves

Norway spruce

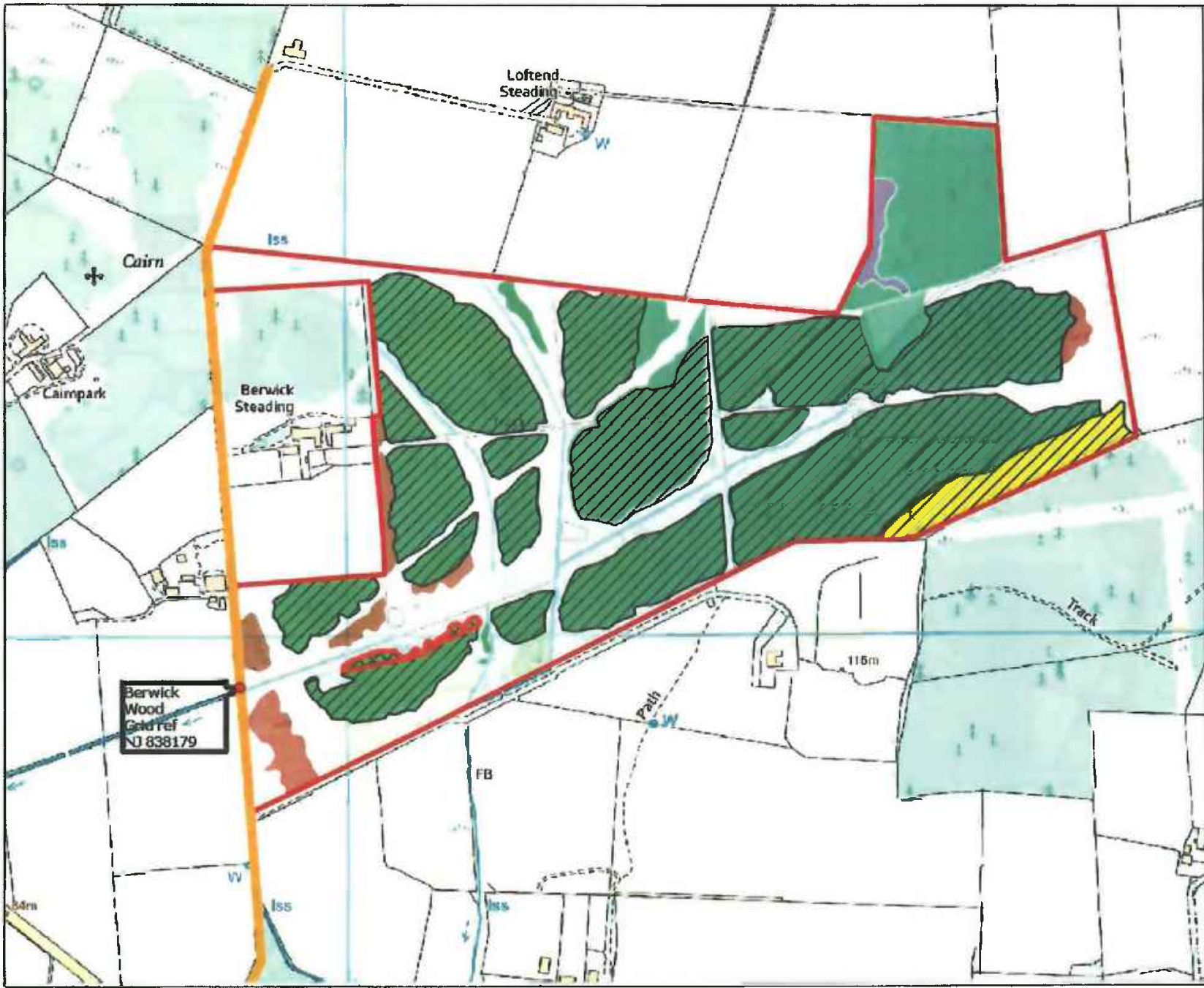
Scots pine

Sitka spruce

Japanese larch

Open

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Berwick
Wood
Grid ref
NJ 838179



SCOTLAND THE BIG PICTURE

4 October 2023

To whom it may concern

I write in relation to the planning application for a new property at Berwick Woods, Hatton of Fintray, Aberdeenshire AB21 0YR.

I am project lead of Northwoods, a nationwide network of farms, crofts and community woodlands, and which is coordinated by prominent environmental charity *SCOTLAND: The Big Picture*. Membership of the Northwoods network is limited to small-scale landowners who are focused on restoring ecosystem health and have a demonstrable track record as 'nature champions'.

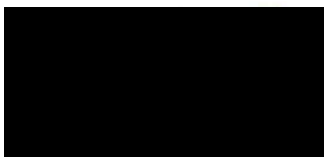
The family-run Berwick Woods enterprise has been a prominent member of the Northwoods network since 2021. Its owners epitomise the network's goals: sustainable rural enterprise working hand-in-hand with nature recovery.

Specifically, the vegetable growing enterprise at Berwick woods is based on 'no-till permaculture' principles – avoiding harmful chemicals that could impact water quality and harm wildlife. Biodiversity on site is being enhanced by replacing much of the non-native conifer monoculture with a diverse range of native broadleaf tree species – which in turn, will bring significant benefits for wildlife, store carbon for longer, and be far more resilient against the effects of climate change.

With its low-impact farming practices and demonstrable commitment to renewable (solar) energy, Berwick Woods is a veritable model of how a small rural business in Scotland can actively contribute to addressing the global climate emergency and the nature crisis.

For the above reasons, and additionally in the interests of enhancing 'local living' and 'rural revitalisation', I have no hesitation in supporting the current application. The Northwoods Network will be pleased to continue supporting Berwick Woods in providing high quality, locally grown food, and at the same time helping to increase biodiversity.

Yours sincerely



James Nairne, Project Lead, Northwoods Network

Ballintean, Kingussie, Inverness-shire, PH21 1NX
www.scotlandbigpicture.com

PLATFORM 22 TORPHINS

COFFEE HOUSE ~ POTTERY ~ VILLAGE MARKET

Dear Sir/Madam

Re: PLANNING APPLICATION No.: APP/2023/0889; A & M Player, Berwick Wood, Hatton of Fintray.

As the operator of what we believe to be Scotland's only weekly outdoor market we write in support of the above application.

We have run Torphins Market for over 10 years and to do this successfully we have relied on a network of small independent businesses such as Berwick Wood. The market itself is a popular part of village life drawing in a good mix of locals and tourists keen to try local produce and support local businesses.

Whilst we have never had a problem in finding bakers and makers of preserves etc. we have always found it particularly difficult to get regular suppliers of "agricultural" produce, i.e. fruit, vegetables and meat. The hurdles these businesses face by way of economics, climate and the long hours required often prove too much and we have seen several promising enterprises spring up and then wither and give up after a couple of years. As such Berwick Wood, who produce and retail food direct to the public, are vanishingly rare in these parts. They have been part of Torphins Market since 2019 and have shown an incredible level of determination and commitment to the cause of fresh wholesome food grown sustainably and with consideration for the natural environment. It is also worth mentioning that during the pandemic they, along with several other stallholders, supplied our shop with a range of fresh produce which was much appreciated by the community, and they play a small but vital part in community resilience.

In many ways the northeast lags other regions of the UK with regard to the diversity and number of small-farm producers. There are undoubtedly several factors behind this and most of these lie outwith the ability of local government to fix, however, planning is one area in which they can act positively and bring about change for the better. We hope that the applicants will be successful in their appeal and that consent will be granted for them to live and work on their land and we hope that Berwick Wood will continue to be an integral part of Torphins Market and our local economy.

Yours sincerely

David and Emma Pattullo



Allathan
ASSOCIATES

49 High Street, Turriff,
Aberdeenshire,
AB53 4EJ

Advising Agriculture

BERWICK WOOD

LABOUR REQUIREMENT REPORT

BACKGROUND

This report is produced in support of an anticipated request by Aberdeenshire Council's Planning Department for a Labour Requirement analysis for the existing farm business to justify the building of residential dwelling house.

The report has been provided on the basis of data provided by Austen and Mhairi Player. Standard Labour Requirements referenced from 'The Report of the UK Farm Classification Working Party, 2004' and the 'The Farm Management Handbook 2021/22' published by SAC Consulting' have been used, with other assumptions stated where appropriate.

DESCRIPTION OF THE HOLDING AND IT'S USAGE

Mr and Mrs Player, trading as Berwick Wood, horticultural enterprise based at Berwick Wood, located approximately 1 kilometre north of Hatton of Fintray. The holding extends to some 30.59 ha (75.58 acres) if IACS registered parcels and meantime comprises conifer planting interspersed with open grass rides, and an area to the south of the unit utilised for a market gardening enterprise extending, currently, to approximately 0.47 ha of outdoor cultivated area and 0.048 ha of both caterpillar and poly-tunnels. There is a small orchard area extending to 0.06 ha. All the land is classified as Disadvantaged Less Favoured Area, and it all lies within the Moray/Aberdeenshire/Banff and Buchan Nitrate Vulnerable Zone, and is classified as Grade 3₂ by the Hutton Institute.

There are currently 6 pigs kept on the holding for ground conditioning purposes.

CURRENT STOCKING AND CROPPING

The table below details the land use during 2022:

Crop	Ha
Outdoors vegetables and salad	0.470
Fruit/vegetable under cover	0.048
Orchard	0.060
Woodland	30.012
Land Total	30.590

Bryan S. Chalmers B.Sc (Agric.) Member of the Association of Independent Crop Consultants
Steven A. Mackison B.Sc. (Agric.) Member of the British Institute of Agricultural Consultants
James Begg BLE (Hons.), Dip.FBOM Member of the British Institute of Agricultural Consultants

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STANDARD LABOUR REQUIREMENTS

The 2004 Report from the UK Farm Classification Working Party provides a set of standard labour requirements (SLRs) that are used widely by the industry to assess labour requirements. They are quoted in SAC's Farm Management Handbook. Total SLRs calculated for an individual business in this way represent the approximate labour requirement for stocking and cropping, though additional inputs may be needed in respect of diversification projects, farm maintenance, and administrative functions. The Working Party agreed that the definition of the annual hours of a full-time worker should be 1900 hours. The following definitions of size bands were agreed:

Size Band	SLR-based definition(hours)
Very Small - Spare time	< 0.5 FTE (1 – 949)
Very Small - Part time	0.5 to < 1 FTE (950 – 1899)
Small - Full-time	1 to < 2 FTE (1900 – 3799)
Medium - Full-time	2 to < 3 FTE (3800 – 5699)
Large - Full-time	3 to < 5 FTE (5700 – 9499)
Very Large - Full-time	5 or more FTE (>=9500)

Source: Report of the UK Farm Classification Working Party, 2004

CALCULATION OF LABOUR REQUIREMENTS FOR BERWICK WOOD BASED ON ACTUAL FIGURES

The business does more than just grow crops; it harvests, prepares and packs boxes of vegetable, herbs and fruit and delivers them to customers across Aberdeenshire for 30 weeks of the year. A list of the current vegetables grown is included at Appendix I.

Mr and Mrs Player have sample recorded their time inputs, and estimated the actual labour inputs for a full year for the outdoor market garden area

Procedure	Minutes Direct seeding	Minutes transplanting	Harvesting/Bed Average	Total Annual delivery Hours	Seeding to tray prior to germination and transplanting	Packing - Boxes, Salad bags etc	Total Annual Hours for the Market garden area
Seedlings per tray					8m		
Bed Clearance	0h 15m	0h 15m					
Bed Preparation	0h 20m	0h 20m					
Direct seeding	0h 10m						
Transplanting		0h 20m					
Watering/Covering	0h 15m	0h 15m					
In Crop Weeding per crop	1h 0m	1h 0m					
Harvesting/week/ veg			0h 20m				
Packing /box						0h 10m	
Delivering Boxes to Clients/ year				90h 0m			
Delivering to Hub / year				20h 0m			
Delivery to Cafes/ year				80h 0m			
Total individual Bed Hours	2h 0m	2h 10m	0h 20m	190h 0m	0h 8m	0h 10m	
Number of times per season	100	250	600	1	300	1500	
Total hours for season	200h	541h 40m	200h	190h	40h	250h	1421h 40m
Area of Outdoor Area				Outdoor Market Garden Area (ha)			0.47
Total Hours /ha /Season				Indicative Hours /ha			3,025



The area under cultivation in the 3 Caterpillar Tunnels and the Polytunnel is worked in the same way as the outdoor Market Garden Area:

Under Cover Market Garden Area (ha)	0.048
Indicative Total Hours	145

Standard Labour requirement Calculations have been used for both the Orchard Area, and the Pig Activity:

Activity	No	Unit	SLRs per unit	Total SLRs
Top and Soft Fruit	0.06	Ha	425	25.5
Outdoor Pigs	6	Head	2.3	131

The unit predominantly comprises conifer planting, which require ongoing management. It is acknowledged that specialist contractors will be required for felling, but re-planting and fencing time inputs are largely carried out by Mr and Mrs Player. An allowance of 200 hours is allowed for their time.

No allowance has been made for the record keeping, marketing and administrative functions carried out by the proprietors, carried out mostly "after hours". It is safe to assume that a further 10% of the Market Gardening labour could be realistically included in the calculations.

In summary, the Standard Labour Requirement Calculation for Berwick Wood is:

Activity	Total SLRs
Outdoor Market Garden Area	1,421
3 Caterpillar Tunnels + 1 Poly Tunnel	145
Orchard Area	25
Pigs	131
Sub-Total	1,722
add allowance for forestry work	200
add allowance for admin (market garden)	172
Total Labour Requirements	2,094
1 x Full-time Equivalent	1,900
Total FTE	1.1

The current business at Berwick Wood justifies labour of 1.1 full-time equivalent.

JUSTIFICATION FOR RESIDENCY ON HOLDNG

On-site accommodation is required to mitigate against rising costs and increasing adverse weather conditions, including the maintenance of the poly tunnel after the storm and snowfall events, all of which which have a financial impact on the business.

The pig herd requires daily management including for welfare reasons, and plans to increase the outdoor herd are restricted by not being able to live on-site and provide the continual and consistent management care required. Recent flooding meant that the site was inaccessible, a situation that would not have arisen has on site onsite accommodation be available. I



Site security, with the relatively high value of produce on site and in the ground throughout the year, is a particular issue which would be improved by on-site accommodation.



Steven A Mackison
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21st December 2022



APPENDIX I

List of vegetables, herbs and fruit grown 2022

Aubergines- long early variety
Aztec Broccoli
Beans- broad, runner, french, string and pole
Beetroot
Broccoli - green and purple and calabrese
Brussel sprouts
Cabbage- spring, summer, autumn, winter and red
Carrots
Cauliflower including romanesco
Chard
Chilli
Celery
Celeriac
Courgettes
Cucumber
Florence fennel
Herbs - parsley, fennel, sorrel, sage, thyme, basil, chives, lemon balm, mint, dill
Horseradish
Kale - 7 varieties
Leeks
Lettuce heads and lettuce leaves
Mustard - giant leaves and spicy mix baby leaves
Onions- spring, white and red
Pak choi
Parsnips
Peas - pods and sugar snaps and pea shoots
Potatoes - early and smaller amount main crop
Radish- french, red round and winter
Red Orache
Rocket
Salsify
Spinach - perpetual, New Zealand and baby leaf
Summer squash
Squash - autumn and winter
Tomatoes - cherry, standard and beefsteak
Turnips

Apple trees
Soft Fruit

DESIGN STATEMENT

April 2023

New house at Berwick Wood, Hatton of Fintray, AB21 0YR

Introduction

This application for detailed consent is for an all-timber clad modified Model D Homes house design. The dwellinghouse is required at this location to provide residential accommodation for the Berwick Wood horticultural and animal husbandry enterprise established by Mr and Mrs Player on their 75 acre holding.

Site layout

The existing private road access to the farm runs approximately east-west and divides the central operational area with the main shed and polytunnels to the north of it, and the market garden to the south. The proposed location of the house is just to the south of the access road in a clear-felled area of existing mature coniferous woodland, facing almost due south and overlooking the market garden. The surrounding area of ground falls gently from east to west and to a lesser extent from north to south.

The almost due south orientation of the front elevation proposed maximises solar gain, with most glazing there. Solar harvesting will be provided by an array of photovoltaic panels to the north of the house.

Parking and a turning area as indicated on the site plan.



Aerial photograph with site outlined in red (Courtesy GoogleEarth)



Cairndale, Maud – larch clad with similar roof overhangs

House layout, materials and construction

The house design is traditional in proportions and scale, and much in keeping with vernacular architecture, particularly traditional farm steading buildings. It is long and relatively narrow with a 45° symmetrically pitched roof. Glazing is predominantly to the south elevation. All windows are triple glazed. Controlled internal blinds will prevent overheating.



Bogriffie Steading conversion

More recent housing development is generally 70s/80s bungalows with roughcast blockwork walls with shallow pitch concrete tiled roofs.



Nearby house

Wall cladding is horizontal larch boarding. Extensive use is made of regularly spaced Velux rooflights, which maintain the simple, unbroken roof line. The 1¾ storey configuration maximises the utilisation of the upper floor space, and the footprint is modest given the extent of the accommodation provided. It includes a first floor landing area suitable for use as office space.

For the purposes of airtightness, economy and to minimise the floor level height off the surrounding ground, an insulated slab foundation is proposed with a “floating” timber floor. The orientation of the house minimises cut and fill requirements given the topography, but it has been kept as low as practicable to have minimal visual impact.

Policy compliance

R2: Development Proposals Elsewhere in the Countryside

Appendix 9: Building Design Guidance

The house design proposed is entirely in compliance with the above. The scale, proportions, roof pitch and lay-out are all in keeping with existing local development, and the overall design is therefore appropriate. The policy specifically seeks good siting and design and careful consideration has been given to the central location of the house with a southerly orientation complementing that of the existing operational buildings sited there and providing immediate access to these and the market garden.

The construction proposed minimises embodied energy, and the external finishes, e.g. untreated larch cladding, aluminium clad pine windows, and galvanised steel gutters are all maintenance free. These materials minimise landscape impact, especially after weathering, which the timber finish is specifically selected to do.



Modified Model D4 house at Rora

The minimum use of masonry materials, with their very high embodied energy, along with all-timber construction from sustainable sources; careful site selection for shelter and aspect, with minimal excavation and maximisation of scope for renewables and self-sufficiency, genuinely reflect the intent of policy.

Insulation is to full passive standard (marginally below that at the doors, windows and screens), and air-tightness is very close to that. All glazing is triple, argon filled, with low emissivity finish.

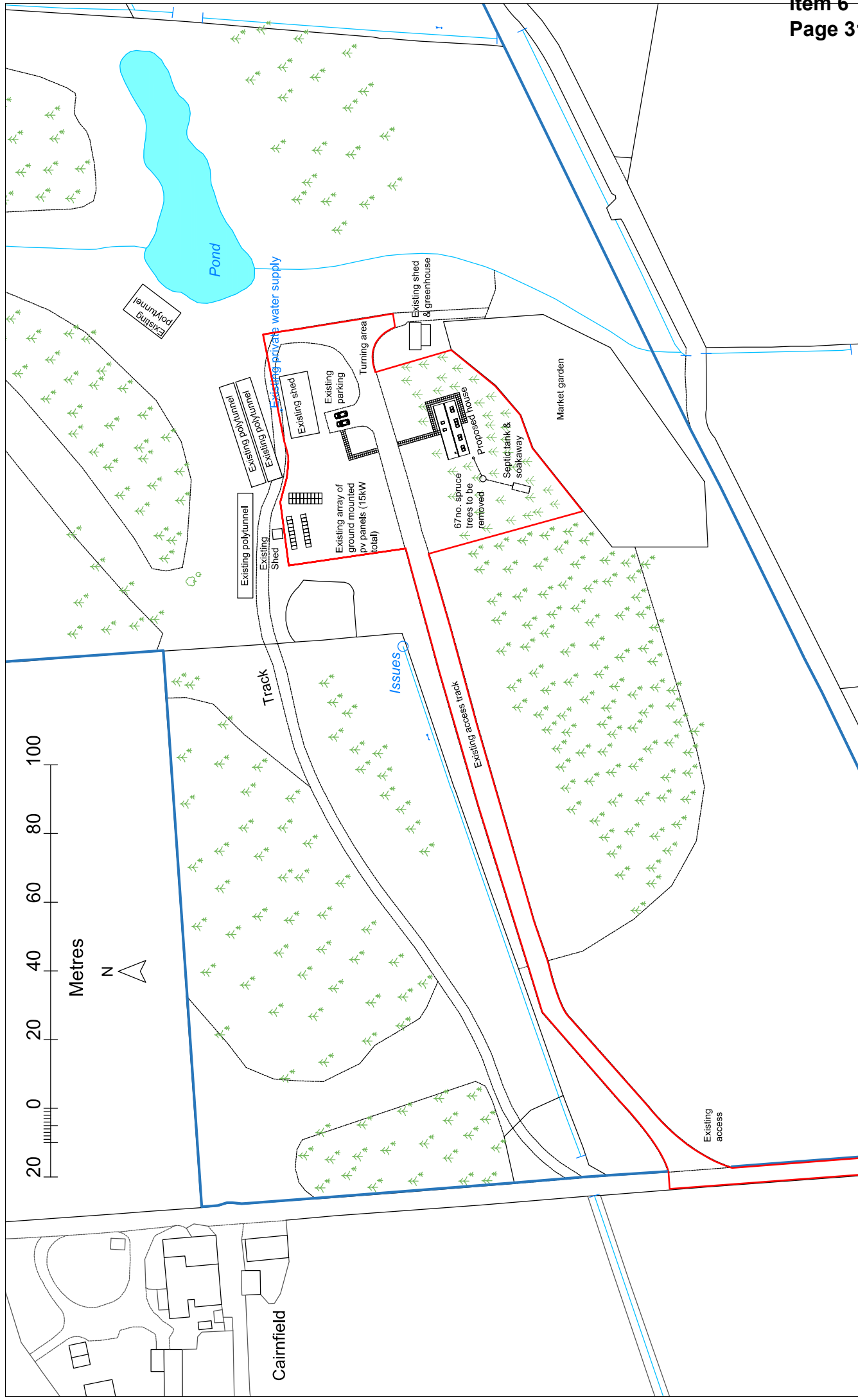


Larch cladding detail – Model D4 house at Auchleven

Summary

The proposal is entirely compliant with Policy regarding siting and design, and the house design proposed has close to passive energy performance standards:

- The wall cladding is natural, untreated larch, which will weather to a light grey finish.
- The form and scale of the house reflects vernacular architecture very closely, with a 45° pitch roof and 1¾ storey wall height and effectively no eaves roof overhangs visible.
- The development is “light footfall” with minimal landscape and environmental impact.

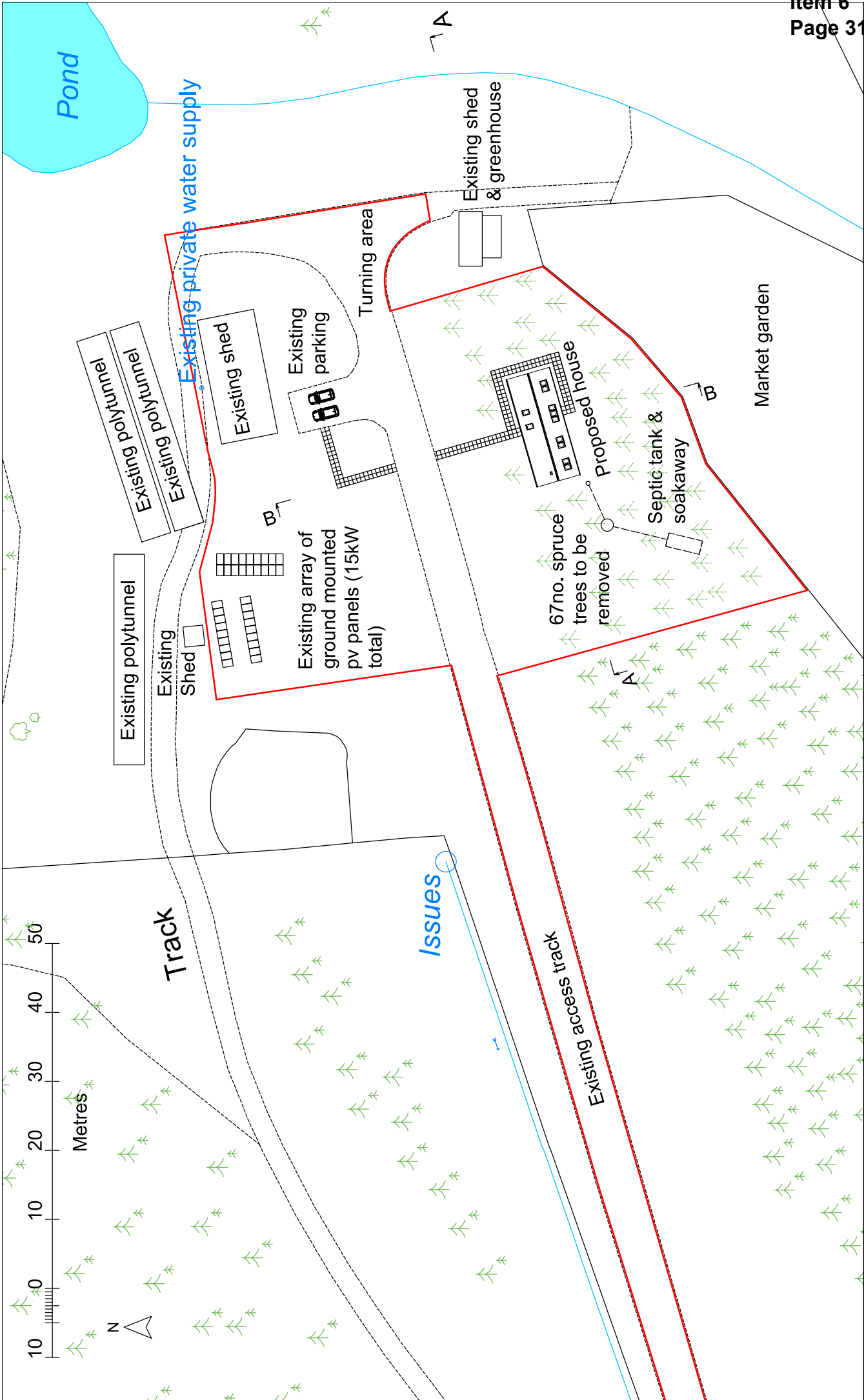


Sylvan Stuart Limited
Old Rayne
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AB52 6RX
tel 01464 851208
fax 01464 851202
email sales@sylvanstuart.com

TITLE		Site plan (full site)	
DWG NO.	PLA103.23PPP	REVISION	B
DATE	27 Mar 2023	SCALE	1:1000 @ A3

PROJECT	Proposed new house
SITE	Berwick Wood, Hatton of Fintray
CLIENT	Mhairsi & Austen Player

AMENDMENTS	DATE	REVISION
A	23.05.23	Site extended to include pv panels and private water supply
B	06.06.23	PV panels amended
C		
D		
E		

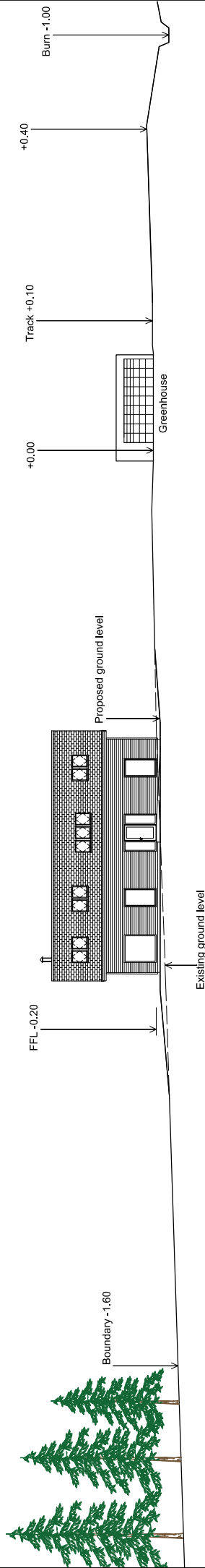


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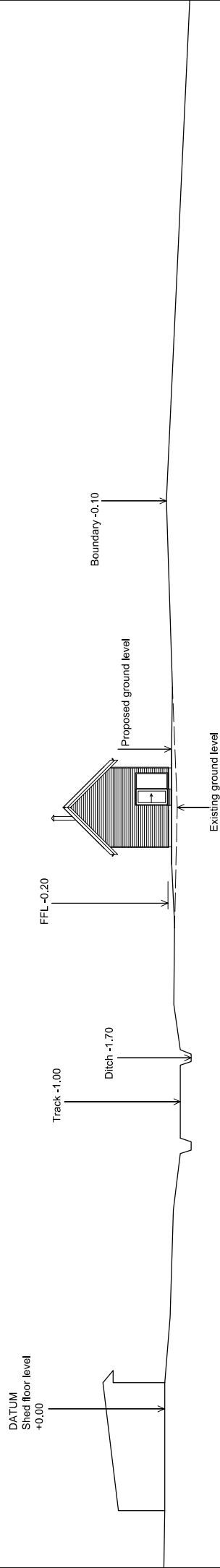
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DWG NO.	PLA102.23PP
REVISION	B
DATE	27 Mar 2023
SCALE	1:500 @ A3

PROJECT	Proposed new house
SITE	Berwick Wood, Hatton of Fintray
CLIENT	Mhairs & Austen Player

AMENDMENTS	DATE	REVISION
A	23.05.23	Site extended to include pv panels and private water supply
B	06.06.23	PV panels amended
C		
D		
E		



Section A-A

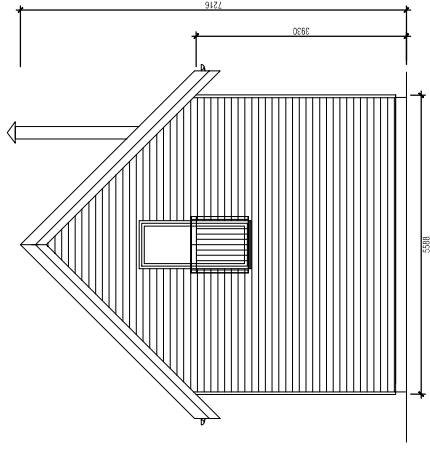


Section B-B

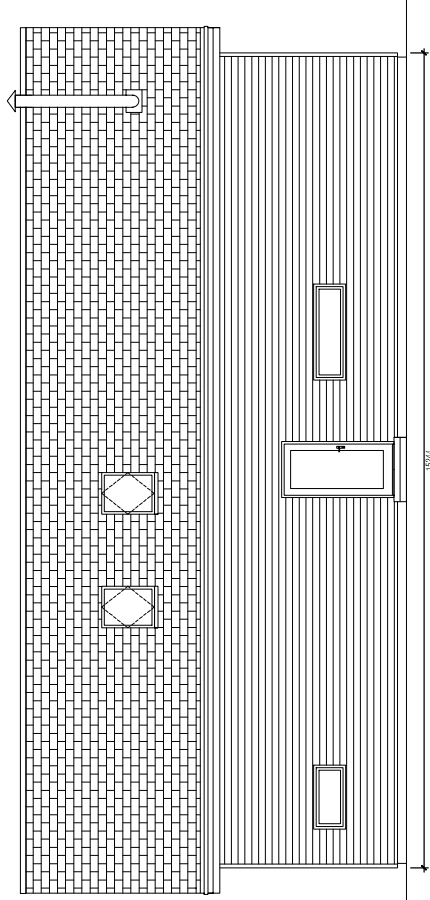
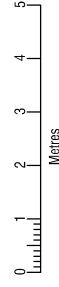


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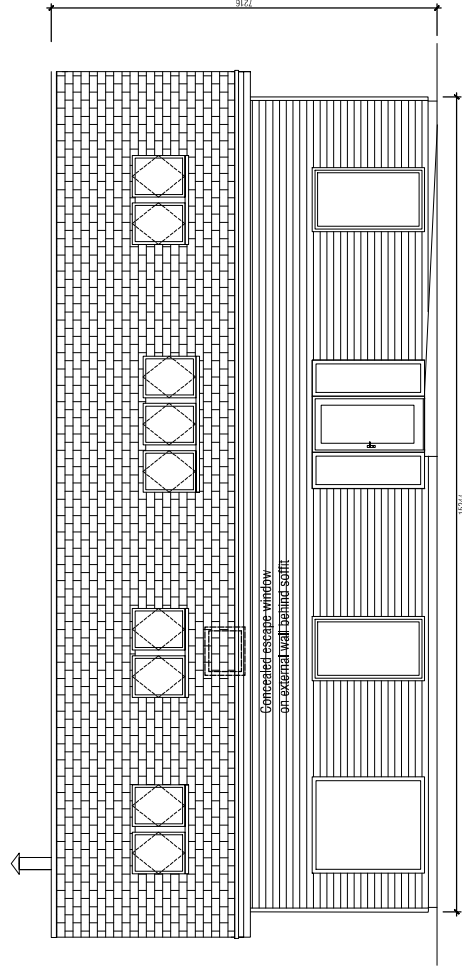
AMENDMENTS		PROJECT	TITLE	Site sections	
DATE	REVISION			DWG NO.	REVISION
A		Proposed new house		PLA104.23PP	
B		Berwick Wood, Hatton of Fintray			
C					
D					
E					
			DATE	SCALE	
			27 Mar 2023	1:250 @ A3	
		CLIENT	Mhairi & Austen Player		



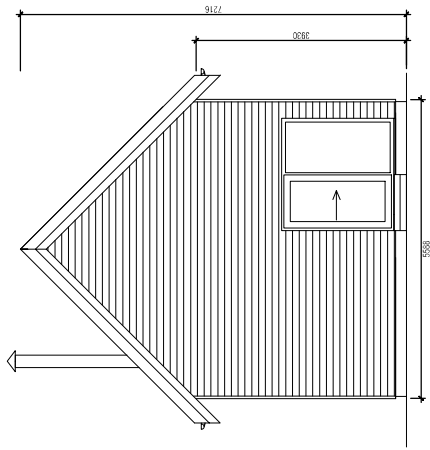
East elevation



North elevation



South elevation

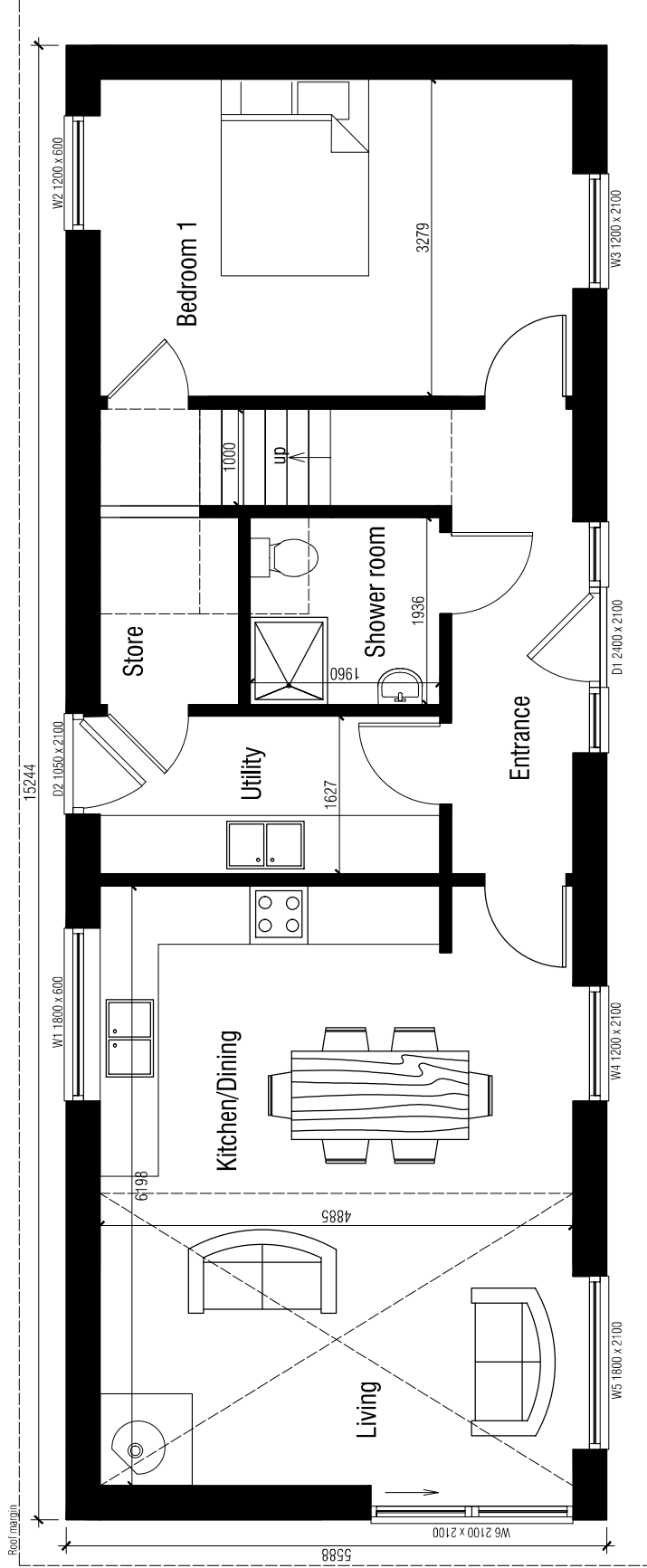
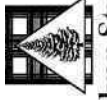


West elevation

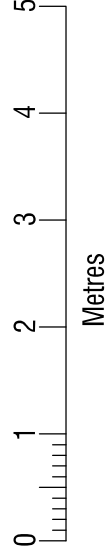
- External finishes
- Grey concrete tiles
- Larch horizontal timber cladding
- Antracite grey windows and doors
- Velux rooflights
- Stainless steel flue
- Lindab galvanized steel rainwater goods

AMENDMENTS		PROJECT	TITLE	
DATE	REVISION	Proposed new house		Elevations
A	11.05.23	Scale bar & dimensions added	DWG NO.	PLA003.23PP
B			REVISION	A
C			DATE	31 Mar 2023
D			SCALE	1:100 @ A3
E				

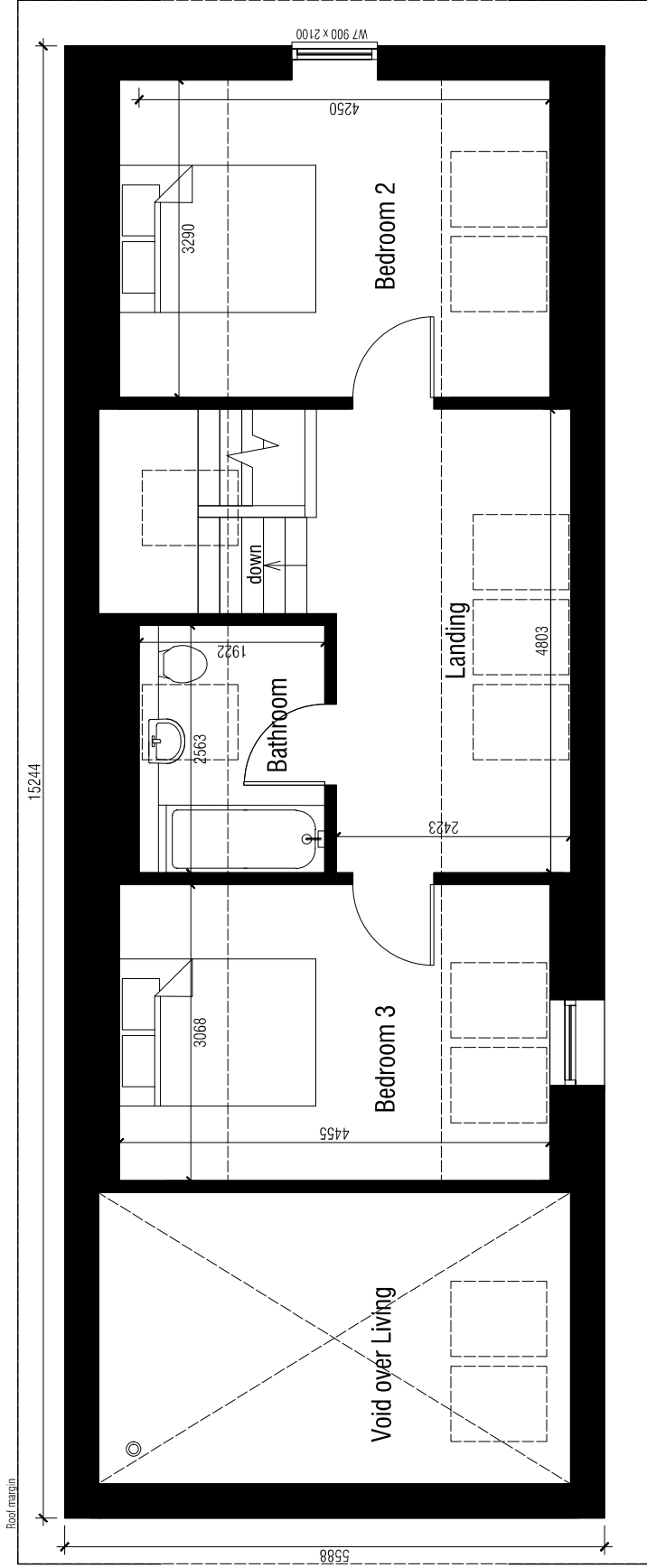
Berwick Wood, Hatton of Fintray
Mhairs & Austen Player



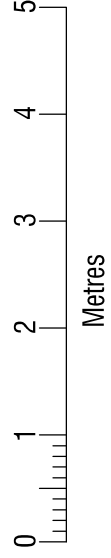
Ground floor plan



AMENDMENTS		PROJECT	TITLE	Sylvan Stuart Limited	
DATE	REVISION	SITE	DWG NO.	REVISION	Old Rayne
A	11.05.23	Berwick Wood, Hatton of Fintray	PLA001.23PP	B	INNSCH
B	06.06.23	Mhairi & Austen Player	31 Mar 2023	1:50 @ A3	Aberdeenshire
C					AB52 6RX
D					tel 01464 851208
E					fax 01464 851202
					email sales@sylvanstuart.com



First floor plan

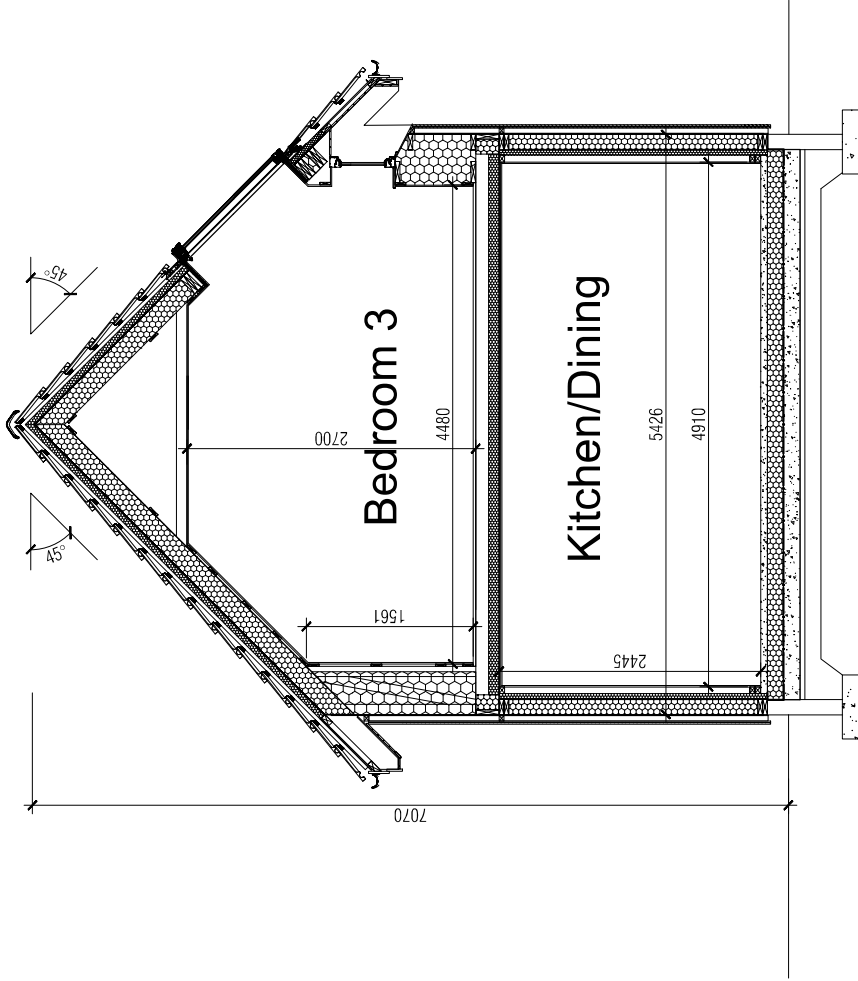


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email sales@sylvanstuart.com

TITLE	First floor plan
DWG NO.	PLA002.23PP
REVISION	B
DATE	31 Mar 2023
SCALE	1:50 @ A3

PROJECT	Proposed new house
SITE	Berwick Wood, Hatton of Fintray
CLIENT	Mhairi & Austen Player

AMENDMENTS	DATE	REVISION
A	11.05.23	Scale bar added
B	06.06.23	Title updated
C		
D		
E		



Cross section

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AMENDMENTS		PROJECT	TITLE
DATE	REVISION	Proposed new house	Cross section
A		SITE	DWG NO. PLA004.23PP
B			REVISION
C		Berwick Wood, Hatton of Fintray	DATE 27 Mar 2023
D		CLIENT	SCALE 1:50 @ A3
E		Mhairi & Austen Player	



Berwick wood
Hatton of Fintray
NJ 838179

Current Species

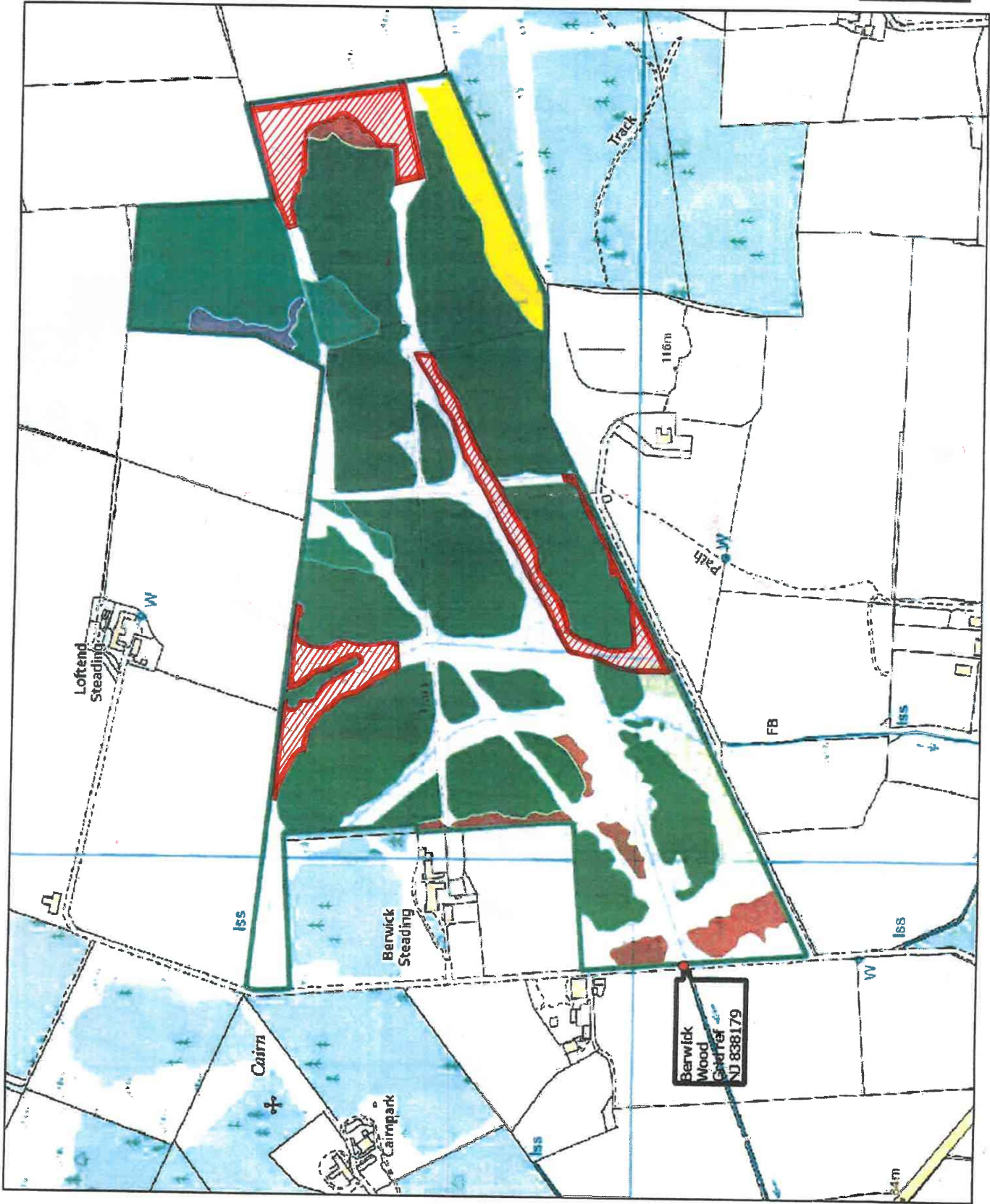
Date: 7/6/19
Scale: 1:10000

Legend

- Plan Boundary
- Current Species
 - Sitka spruce
 - Norway spruce
 - Scots pine
 - Japanese larch
 - Mixed broadleaves
 - Other land
 - Open
- Compensatory planting (2.218 hectares)

Compensatory planting
(2.218 hectares)

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Survey
AL1000018344





Viewmount Arduthie Road Stonehaven AB39 2DQ Tel: 01467 534333 Email: planningonline@aberdeenshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100626164-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erection of three bedroom dwellinghouse and installation of septic tank and soakaway

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Sylvan Stuart Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Douglas	Building Name:	Pitmachie Works
Last Name: *	Irvine	Building Number:	
Telephone Number: *	01464 851208	Address 1 (Street): *	Old Rayne
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Insch
Fax Number:		Country: *	UK
		Postcode: *	AB52 6RX
Email Address: *	doug@sylvanstuart.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	
First Name: *	Austen and Mhairi	Building Number:	30
Last Name: *	Player	Address 1 (Street): *	North Anderson Drive
Company/Organisation	Trading as Berwick Wood Produce	Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB15 5DA
Fax Number:			
Email Address: *	berwickwoodproduce@gmail.com		

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * Yes No

Site Area

Please state the site area:

Please state the measurement type used: Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? * Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

2

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- New/Altered septic tank.
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
 Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

- Discharge to land via soakaway.
 Discharge to watercourse(s) (including partial soakaway).
 Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

Septic tank and soakaway

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

- Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

- Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

- Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

- Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Existing hardstanding for wheeled bins at end of public road

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

- Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

- Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

- Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Are you able to identify and give appropriate notice to ALL the other owners? * Yes No

If you cannot trace all the other owners, can you give the appropriate notice to one or more owner? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate C

Certificates

The certificate you have selected requires you to distribute copies of the Notice 1 document below to all of the Owners/Agricultural tenants that you provided previously. Please note that your planning authority may be required to place an advertisement in a local newspaper. You may wish to contact the planning authority for further guidance.

Notice 1 is required

I understand my obligations to provide the above notice before I can complete the certificates. *

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that – (1) –

I am/The applicant is unable to issue a certificate in accordance with Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and in respect of the accompanying application;

(2) - No person other than myself/the applicant was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

or –

(3) - I have/the applicant has been unable to serve notice on any person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner [Note 2] of any part of the land to which the application relates.

or –

(2) - I have/The applicant has served notice on each of the following persons other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner [Note 2] of any part of the land to which the application/appeal was owner [Note 2] of any part of the land to which the application relates.

Name:

Address:

Date of Service of Notice: *

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and *have/has been unable to do so –

Multiple properties have rights of access to use the private road, but ownership of access road is unclear.

Signed: Douglas Irvine

On behalf of: Mr & Mrs Austen and Mhairi Player

Date: 09/05/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Douglas Irvine

Declaration Date: 09/05/2023

Payment Details

Pay Direct

Created: 09/05/2023 12:18

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Application Reference: APP/2023/0889

TO: Sylvan Stuart Ltd
Pitmachie Works
Old Rayne
Insch
Aberdeenshire
AB52 6RX

FOR: Berwick Wood Produce
30 North Anderson Drive
Aberdeen
AB15 5DA

In pursuance of the powers exercised by them as Planning Authority, this Council having considered your application for the following:

Full Planning Permission for Erection of Dwellinghouse and Retrospective Ground Based Solar Panels at Site at Berwick Wood, Hatton of Fintray

and in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, do hereby give notice of their decision to **REFUSE Full Planning Permission** for the following reason(s):

- (1) The planning authority considers that the application is for a development which is not in accordance with the policies contained within National Planning Framework 4 nor the Aberdeenshire Local Development Plan 2023. The proposed development does not meet the policy requirements to justify an essential need for an on site presence for a worker associated with an existing rural enterprise. There are no other criteria within the exemptions stated in policy that apply to the site in question. The proposed development therefore does not comply with NPF4 Policy 17 Rural homes and ALDP23 Policy R2 Development Proposals Elsewhere in the Countryside.

Dated: 16 February 2024



Paul Macari
Head of Planning and Economy

List of Plans and Drawings

Reference Number: Proposed compensatory planting
Reference Number: PLA001.23PP Version B Ground Floor Plan
Reference Number: PLA006.23PP Access Road & Bin Storage
Reference Number: PLA101.23PP Version A Location Plan

**IMPORTANT – THIS IS A LEGAL DOCUMENT PLEASE RETAIN WITH YOUR
TITLE DEEDS**

Reference Number: PLA003.23PP Version A Elevations
Reference Number: PLA004.23PP Version A Cross Section
Reference Number: PLA103.23PP Version B Site Plan (Full Site)
Reference Number: PLA102.23PP Version B Site Plan
Reference Number: PLA105.23PP PV Panels
Reference Number: PLA002.23PP Version B First Floor Plan

Stamped copies of any plans and the decision notice associated with your application are available to view and can be downloaded through our Planning - Public Access [Register](#) by searching for your application using the application reference number.

NOTES

- (i) In the case of any permission granted, this does NOT incorporate any building warrant for any operations or change of use which may be required under the Building (Scotland) Act 2003. This must be obtained separately from the Council prior to the start of building operations.
- (ii) Any permission granted does not incorporate any listed building consent which may be required. This must be obtained separately prior to the start of building operations.
- (iii) Any permission granted is without prejudice to any further consents required from Aberdeenshire Council in its role as landowner.
- (iv) If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A Notice of Review form should be obtained from and submitted to:

Head of Legal and People
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen
AB16 5GB

Tel: 01467 532862

Email: localreviewbodysubmissions@aberdeenshire.gov.uk

A form may also be obtained from the Council's website at - [Aberdeenshire Council - Committees and Meetings](#)

- (v) If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

REPORT OF HANDLING

Application Reference: APP/2023/0889

Proposal: Erection of Dwellinghouse and Retrospective Ground Based Solar Panels

Address: Site At Berwick Wood, Hatton Of Fintray

1. Description of proposal

Full planning permission is sought for the proposed erection of a dwellinghouse and retrospective permission is sought for installation of ground based solar panels at site at Berwick Wood, Hatton of Fintray.

The site is located at approximately 1.3km to the north of Hatton of Fintray. The site is surrounded by woodland to north, east and west sides. There is an existing access track immediately over the northern site boundary and a market garden associated with the applicants' business lies outwith the site to the south. There is an existing shed and greenhouse over the east boundary and there is a private road over the west boundary that runs on an east-west course which comprises the main access to the site. The site currently features the existing array of ground mounted photo voltaic PV panels (4 lengths) which are located in the north west portion of the site area. There is also an existing storage shed on the north side of the access track with parking and turning area all within the application site boundary. The surrounding area of ground falls gently from east to west and to a lesser extent from north to south.

Berwick wood horticultural business is currently being run and managed by Mr and Mrs Player. The holding extends to some 30.59 ha in total and comprises mainly woodland (conifers) interspersed with open grass areas (taking up 30.012 ha), an area utilised for market gardening – outdoor cultivation (0.47 ha), fruit and vegetable growing in both caterpillar and polytunnels (0.048 ha) and an orchard (0.06 ha). There are currently 6 pigs kept on the landholding for ground conditioning purposes. They now wish to accommodate a full time worker on site for the purposes of daily management and welfare of the pigs and also to mitigate against the rising costs of maintaining the polytunnels and structures on site during adverse weather conditions.

The proposed dwellinghouse would be sited on the south side of the existing access track facilitating the site. The plans indicate that 67 spruce trees in the location of the proposed house are to be removed. The proposed dwelling would comprise a 1 3/4 storey dwelling, three bedrooms with a rectangular footprint measuring 15.24m by 5.58m. The design comprises vertical proportions both in terms of the overall massing and the openings. Features of the dwelling include close cropped eaves and a 45 degree roof pitch. The external materials comprise larch timber (untreated) cladding to the walls, grey concrete tiles to the roof, anthracite grey windows and doors, rooflights, galvanised steel rainwater goods and inclusion of stainless steel

flue facilitating a wood burning stove. The dwelling would have a ridge and eaves height of 7.2m and 3.9m respectively. The dwelling would be orientated southwest - northeast within the site with ridgeline running parallel to the existing access track to the north. The foul drainage serving the development is by septic tank to soakaway arrangement and the development would connect to public mains water supply. The ground based solar panels are in 4 elongated sections each comprising 9 panels each. Two out of the 4 sections (18 panels) are south facing and the other 2 are east and west facing.

2. Relevant Planning History

Access road facilitating site

APP/2019/1266 Formation of Forestry Track AGR (prior approval not required) 21 June 2019

Equipment shed (within site boundary) APP/2018/0050 Erection of Agricultural Storage Building (Prior Notification)
Approved 12 Feb 2018

Site to north

APP/2012/2066 Erection of Equipment Building and Bothy (Prior Notification) refused (planning permission required) 29 June 2012

There are various structures around the site comprising polytunnels, greenhouse and storage container but there are no associated planning permissions for these.

3. Supporting Information

Design Statement (by Sylvan Stuart Ltd) April 2023

Provides background information, identifies the proposed house design and layout and details of the policy context (in relation to siting and design only) against which the application requires to be assessed.

Labour requirement report (by Allathan Associates) December 2022

The report details the labour requirement of the existing businesses on site and also provides justification for residency on the land holding. The report indicates that the business owned by Mr and Mrs Player (Berwick Farm Produce) is both a horticultural and livestock (6 pigs) firm based at Berwick Wood and the standard labour requirement for the total operations requires 2094 hours per year. The standard labour requirement is 1,900 hours per year based on a standard full time employee and therefore the labour requirement at Berwick wood would be equivalent of 1.1 full-time employees.

Supplementary note to Labour Requirement Report (by Allathan Associates) dated 17 August 2023

The information contains the following points:

- The business is becoming unviable as it cannot meet statutory animal welfare requirements due to the workers being unable to safely access the site in severe weather conditions
- The livestock is therefore restricted to spring summer and early autumn to avoid severe weather
- The proposed house will be zero carbon (run on photovoltaic panels/ battery storage)
- The exclusion of silviculture (the care and cultivation of woodlands) from the labour requirement report contradicts planning policy which allows for on-site accommodation for forestry
- There are also issues with deer, rabbit and pigeon depredation
- No cognisance has been given to the fact that the development will enhance biodiversity and reduce emissions and adapt for impacts of climate change

Drainage Report (by S.A. McGregor) May 2023

Provides details of the porosity testing undertaken which indicate that the site is capable of being serviced by a sub-surface stone-filled soakaway of 26m² (based on a 5 person population equivalent) for foul water discharge from sewage treatment system. The surface water is to be disposed of via an existing swale/ open surface water drainage channel and the report indicates that the existing swale is acceptable for this purpose.

Water Supply Risk Assessment Report and Certificate of Chemical Analysis

Both of which has been carried out by Aberdeenshire Council and the results (chemical) analysed by Aberdeen Scientific Services Laboratory on 2 March 2019. Note these were in relation to a proposed private water supply. However, the development is now proposed to connect into public water mains.

Correspondence from the agent (22 September 2023)

Provides further supporting information relating to the applicable LDP and NPF4 policies. Also provided is a list of severe climate events that have impacted the business growth recently and a list of available local property within 4km is provided (relevant to that time). There is a section of the letter that details a narrative from the applicant detailing their personal circumstances, the impact of Covid 19 and details of the sustainable practices of the business. The applicant also provides information on how it is essential to live on site to tend to the pigs – the following points are made:

- Pigs need fed twice daily
- They need checked twice daily (they cant lose heat easily and therefore require lots of water to create wallows to allow them to regulate temperature)
- No winter period has allowed daily access to the farm
- For viability reasons, they need to breed pigs and have year round pork stocks to be able to provide direct to consuming customers and to local businesses

Correspondence from agent in respect of the Compensatory planting (received 26 January 2024)

A plan showing the location of the proposed compensatory planting was submitted by the agents. The plan indicates that the total area of trees that require to be felled to accommodate the house equates to 0.07HA and that the area of compensatory planting would equate to 2.218HA and would be planted out in a mix of native broadleaf including willow, aspen, alder and hazel.

The correspondence also confirms that none of the proposed compensatory planting occupies previously grant aided tree planting or is the subject of any current grant application.

Berwick Woods Management Plan 2019-2029 (dated 7 July 2019)

The Berwick Woods Management Plan is a plan of the proposed works to the existing trees in the woodland that was submitted to and agreed by Scottish Forestry. The report indicates that the land on and adjacent to the site is commercial forestry and that the applicant has sought permission from Scottish Forestry in relation to a programme of thinning on the adjacent woodland.

4. Variations & Amendments

None

5. Representations

No valid representations have been received.

6. Consultations

Business Services (Developer Obligations) – confirm that the developer obligations have been agreed by the applicant.

Environment and Infrastructure Services (Contaminated Land) advise that there is no indication of any past use which might have caused contamination.

Environment and Infrastructure Services (Environmental Health) had requested details of the private water supply. However, the agent for the application confirmed that it is now proposed to connect to the public water supply and accordingly no objection is now raised. However, it requests that a condition requiring mains connection is attached.

Environment and Infrastructure Services (Flood Risk & Coast Protection) has no objection to the proposal.

Environment and Infrastructure Services (Roads Development) initially objected to the proposal due to insufficient information submitted regarding road surface and bin uplift store without impact on visibility. Following submission of the revised plan, the Roads Development has no objection as it was noted that the proposed dwelling is to provide accommodation for the owners of the existing business on the site and

won't result in any increased usage of the access. It requires standard conditions concerning the surfacing of the first 5 m of the access and provision of a refuse bin uplift store.

Environment and Infrastructure Services (Natural Environment) advise that the site for the proposed house is currently woodland which is listed on the National Forestry Inventory 2020. Under policy (control of woodland removal policy) removal of the woodland requires compensatory planting of an equal area. Following clarification on the proposed compensatory planting, Natural Environment planners are satisfied that the compensatory planting proposed meets the policy requirements but in the event of the application being approved that it would seek an appropriate condition to be applied to ensure the timely implementation of the compensatory planting. It also requires that biodiversity enhancement measures are included as part of a quality landscaping scheme.

External

Health and Safety Executive (HSE) do not advise on safety grounds against the granting of planning permission in this case.

National Gas Transmission has no objections to the development which is in the vicinity of a high pressure gas pipeline. However, it advises that the development must not proceed without further assessment from Asset protection. It is the developers responsibility to ensure that this is undertaken.

Scottish Water – indicates that the development will be fed by the Invercarnie Water Treatment Works. However, it cannot confirm capacity and therefore requires that the developer submits a Pre development Enquiry (PDE). There are no sewers in the vicinity of the site and therefore private treatment options require to be explored. For reasons of sustainability Scottish Water will not accept any surface water connections into the combined sewer system.

7. Relevant Policies

National Planning Framework 4 (NPF4)

Scotland's fourth National Planning Framework (NPF4) is a long term plan looking to 2045 that guides spatial development, sets out national planning policies, designates national developments and highlights regional spatial priorities. It is part of the development plan, and so influences planning decisions across Scotland.

On 13 February 2023 (0900am) Scottish Ministers adopted and published National Planning Framework 4 (NPF4), meaning that it is in force and National Planning Framework 3 and Scottish Planning Policy are superseded from that date and time. This will also have the effect that all strategic development plans and any supplementary guidance issued in connection with them cease to have effect on that date. As such the Aberdeen City and Shire Strategic Development Plan 2020 has now ceased to have effect. The NPF4 now forms part of the development plan along with the Aberdeenshire Local Development Plan 2023.

Policy 3 Biodiversity
Policy 6 Forestry, Woodland and trees
Policy 11 Energy
Policy 17 Rural homes
Policy 18 Infrastructure first

Aberdeenshire Local Development Plan 2023

On 13 January 2023 the Aberdeenshire Local Development Plan 2023 was adopted.

Policy R2 Development Proposals Elsewhere in the Countryside
Policy P1 Layout, siting and design
Policy E3 Forestry and Woodland
Policy PR1 Trees and Woodlands
Policy RD1 Providing Suitable Services
Policy RD2 Developer Obligations
Policy C1 Renewable Energy

8. Other Material Considerations

An integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.

Planning advice PA 2023-11 Development in the Countryside Policies R1 and R2 including Organic growth of Settlements (September 2023)

9. Implications and Risk

There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

10. Directions by Scottish Ministers

N/A

11. Discussion

There are essentially 2 elements to the proposed development, the main one being the erection of a dwellinghouse, and the other is retrospective permission for the ground based solar panels. Whilst the panels would serve the proposed house, the two elements will be considered separately.

Erection of dwellinghouse

The main issues to be addressed in the consideration of the dwellinghouse include the principle of development, the layout, siting and design of the proposed dwelling, and any site specific and relevant technical matters.

Principle of development

In considering the principle, ALDP2023 Policy R2 Development proposals elsewhere in the countryside applies along with NPF4 Policy 17 Rural Homes.

The principle of development requires to fall within one of the specified categories detailed in the above policies. The relevant categories contained within these policies that apply to single dwellings are summarised below:

- It is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work.
- Reuse of brownfield land where a return to a natural state has not or will not happen without intervention.
- Reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.
- Single homes associated with retirement succession of a viable farm holding.
- Extensions to clusters/housing groups (remote rural areas only).

Given the information submitted in support of this application, the only category within the above that could apply to the site in question is 1. - a dwellinghouse that is necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker to live permanently at or near their place of work.

The information submitted with the application advises that the applicant's justification for proposing to site a dwellinghouse in this location is for the purposes of animal welfare for the pigs that they keep on the land as well as ensuring the crops that are grown at the horticultural business are protected from extreme weather events and maintained to minimise issues with deer, rabbit and pigeon depredation.

Whilst the Labour report indicates that the total man hours required for the existing enterprise equates to 2094 hours =1.1 full time equivalent, there are only 6 pigs at present on the site which equates to 131 hours standard labour requirement (SLR). The remaining labour hours for the enterprise are for tending to the market garden areas, the polytunnels and orchard areas. The report also includes within the total labour requirement, 200 hours for forestry work and 172 hours for admin work. The addendum to the labour report indicates that the enterprise is currently restricted for the following reasons:

- They need to add to the pig herd to make the pork business operate effectively but they can't do this without an on-site presence as additional pigs with no on site presence may result in destruction to neighbouring property which would be financially damaging to the business.

- There are bio hazard risks associated with importing livestock so the applicants want to build up the herd from the businesses own breeding.
- Further to this the business has suffered losses from the weather events (flooding and high winds) as the owners have not been on site to save the crops.
- The pigs need fed and during extreme weather events the owners would not be able to reach them.
- Both streams (livestock and horticulture) need constant on site management
- Whilst the owners live nearby, this does not provide the same levels of surveillance, supervision and animal husbandry necessary to support the business.

In assessing the circumstances of this application, the policy specifically states that the need for an essential worker requires to be demonstrated by the applicant in order to determine whether there is a need for a full-time active presence at the site. In terms of definition of “essential”, the policy states as an example, “in order to maintain an active presence for the purposes of animal husbandry”. The accompanying planning advice PA 2023-11 states that, “workers employed purely in arable activities are unlikely to be deemed essential unless the business has very specific needs or where mixed farming activities means animal husbandry is a significant part of the overall farm business”. In support of the LDP position, NPF 4 Policy 17 requires that it is demonstrated that the dwellinghouse is necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work. Whilst the policy infers a viable rural business, the said rural business must also demonstrate essential need for a worker on site and the policy again specifically refers to “farm” business.

In the Labour report, the outdoor market garden area and indoor polytunnel and orchard account for 1591 SLR which makes up the bulk of the full time equivalent (FTE) of 1900 hours. Horticulture by its nature is similar to arable farming in that they both involve growing and cultivation of crops whether that be fruits, vegetables or cereal grains etc. Given that the practices necessary to support and manage these type of growing enterprises are similar and the fact that arable farming (even if on a large scale), generally does not justify an essential on site presence, it is very difficult to justify a dwellinghouse for the growing and cultivation of crops on this relatively small scale horticulture business.

The supporting information argues that exclusion of silviculture (the care and cultivation of woodlands) contradicts planning policy which allows for on-site accommodation for forestry. Whilst policy permits accommodation in a primary industry, the presence of a worker requires to be essential to the efficient operation of the enterprise. The forestry element of the proposed development accounts for only 200 hours per annum which falls significantly short of the required 1900 FTE. The planning service are required to only take in to account current employment needs, and not predicted or desired needs for future working. Whilst the desire to grow the pig business is acknowledged, this cannot be taken into account for the purposes of determining essential need at the present time. The existing livestock business comprising 6 pigs which equates to only 131 man hours per year is not considered to be sufficient to warrant an on-site presence. Similarly, whilst the planning service sympathise with the impact that the extreme weather events have

had on the business in terms of stock being lost to the elements, this is not a reason in itself to warrant an on-site presence as preparation for weather events can be made in advance.

While the Labour Requirement Calculations conclude that 1.1 FTE is justified, the majority of this is for arable / horticulture which is not considered to warrant an essential on site presence. The planning service therefore conclude that no essential need has been demonstrated in this case.

Policy also states that accommodation must be within the immediate vicinity of the place of employment and there is no suitable alternative residential accommodation available. Notwithstanding the fact that the proposed site lies in the immediate vicinity of the enterprise, as stated above the proposal as presented does not warrant an essential need for a house.

The supporting information advises that the applicants currently live in a leased apartment at Cothal (3 miles away) and the lease terminates in June 2024. The information states that the applicants have sufficient funds to build the proposed house. In terms of available alternative residential accommodation, the information submitted identifies 10 properties within 4 km of the site all of which are in excess of £215,000. Given that the applicants argue that an on-site presence is necessary in this case, they have not provided any justification for or against the suitability of any available properties in the vicinity other than to provide a list. The planning service do not consider that there is a need for an onsite presence in this case.

Taking account of the above, the proposal therefore cannot be supported in principle, as it does not meet with the policy criteria of policy R2 of ALDP23, nor policy 17 of NPF4.

While the proposal cannot be accepted in principle, consideration requires to be given to the loss of trees and layout, siting and design of the proposed dwelling.

Loss of Trees

The site is heavily treed at present and therefore the loss of the existing trees requires to be considered against policy The plans indicate that 67 Sitka Spruce trees would be removed to make way for the proposed dwellinghouse. Policy 6 of NPF 4 and E3 of the ALDP 2023 both confirm that development proposals will not be supported where they result in loss of native woodland and individual trees of high biodiversity value or where developments cause fragmentation to or sever woodland habitat. The applicants also provided details of a Woodland Management Plan that they had submitted to Scottish Forestry in 2019. The plan indicates that the existing trees on and adjacent to the site form part of a commercial forestry plantation. The management plan indicates that in terms of the forestry operation, that thinning is proposed to the existing spruce plantation which includes therein the location of the proposed dwellinghouse.

NPF 4 places emphasis on protecting existing woodland to avoid habitat fragmentation and improve ecological connectivity. Policy (control of woodland removal policy) requires that where woodland is removed, compensatory planting (of

an equal area) is required. The applicants advise that they have already undertaken planting of native trees on their land (200 willow trees and 50 hazel trees) as compensation for 63 non-native Sitka spruce that are proposed to be removed and they also propose to plant a further 350 native trees. Previous trees planted within the applicant's ownership cannot be counted as part of the compensatory planting for the current application. A plan of the proposed compensatory planting was submitted (at the request of the planning service) and the plan indicates a number of areas within the landholding where the applicants proposed to plant native broadleaf trees including willow, aspen, alder and hazel. The area of land for the compensatory planting is indicated as 2.218 ha as compared to the proposed house site from which trees are proposed to be removed (0.07ha). On the basis that the proposed compensatory planting far exceeds the area of trees to be removed, and that the applicants have confirmed that the proposed planting is not associated with any grant assistance, the principle of removing the Sitka spruce can be accepted and the development is considered to comply with Policy 6 Forestry, woodland and trees of NPF4 and Policy E3 Forestry and Woodland of ALDP 2023.

Layout, siting and design

Policy P1 Layout, siting and design states that new development must be appropriately designed and in keeping with the character and setting of the surrounding area. NPF 4 Policy 14 Design, quality and place is also applicable. The proposed dwelling is appropriate for the site, with the footprint being proportionate to the plot size and can accommodate the dwelling and garage. The dwelling is relatively modest in scale, with vertical proportions and high quality materials and set against a backdrop of trees which bound the access road, subsequently, it is not considered to create a detrimental impact on the character of the area or landscape, in accordance with both NPF 4 Policy 14 Design, quality and place and ALDP 2023 Policy P1 Layout, siting and design.

Technical considerations

Policy RD1 advises that we will only allow development that is located and designed to take advantage of or incorporate the services, facilities and infrastructure necessary to support it. These matters include road access, waste management provision, water supply, wastewater connections and treatment, and other elements as may be appropriate in the circumstances. Policy 22 (Flood risk and water management) of NPF4 requires that development proposals are served by public water mains or alternative sustainable water source and that all rain and surface water incorporates SUDs which should integrate with existing blue – green infrastructure.

With regards the existing access road, Roads Development has commented that the proposed dwelling is to provide accommodation for the owners of the existing business on the site and won't result in any increased usage of the access. They hold no objection subject to conditions in relation to the new access and refuse bin uplift.

The development would connect to public water supply which is acceptable. The development would be served by private drainage for both foul and surface water

disposal and the drainage report submitted indicates that the ground conditions are suitable for this purpose. This is considered sufficient to satisfy the requirements of Policy RD1 of the ALDP 2023 and Policy 22 of NPF 4.

Policy RD2 (Developer Obligations) advises that whereby itself or cumulatively, development would give rise to the need for new or improved infrastructure or services, and this is not to be directly provided as an integral part of the development, planning obligations or other appropriate means to secure such provision may need to be put in place. Business Services (Developer Obligations) confirm that the required developer obligations for the development have been accepted by the applicants and as such the proposal is therefore in compliance with policy RD2.

Ground Mounted Solar PV Panels

Policy 11 Energy of NPF 4 and Policy C2 Renewable Energy in ALDP 2023 support renewable energy developments including solar provided that various matters are satisfied including siting, design, consideration of glint and glare and that any significant impacts will have duration of less than 5 minutes per day. The proposed development comprises a domestic solar array that would serve the proposed dwellinghouse and as such they are of a minor scale. They are located in a part of the site that is not readily visible from any public views. Given that they do not impact the wider landscape, they are considered to be acceptable and would comply with the relevant energy policies. In the design statement, it is noted that the proposed dwellinghouse would have solar panels incorporated into the design. It is not clear whether these panels are in addition to the existing ground mounted panels. It is understood that the ground mounted panels presently provide power to the existing storage building. If a separate application were to be submitted for the retention of the solar array on its own, it is likely to be supported.

Conclusion

Policies relating to new dwellings in the countryside are in place to protect the character and amenities of the countryside. The circumstances surrounding this proposed development do not meet the criteria defined within NPF4 policy 17 Rural homes nor ALDP23 policy R2 for new houses in the countryside. The planning service consider that substantial justification to comply with the above policies is required in order to demonstrate an essential need for an on-site presence associated with an existing rural enterprise and that no such policy justification exists in this case. The principle of development therefore does not comply with NPF4 policy 17 Rural homes and ALDP23 Policy R2.

While the proposed dwelling design is considered to be appropriate to the character of the rural area, it meets policy in terms of the required compensatory planting and is also meets with relevant technical matters of Aberdeenshire Local Development Plan 2023 and the National Planning Framework 4, the proposal cannot be supported in principle and as such is recommended for refusal.

12. Recommendation

REFUSE for the following reason(s):

01. The planning authority considers that the application is for a development which is not in accordance with the policies contained within National Planning Framework 4 nor the Aberdeenshire Local Development Plan 2023. The proposed development does not meet the policy requirements to justify an essential need for an on site presence for a worker associated with an existing rural enterprise. There are no other criteria within the exemptions stated in policy that apply to the site in question. The proposed development therefore does not comply with NPF4 Policy 17 Rural homes and ALDP23 Policy R2 Development Proposals Elsewhere in the Countryside.

13. Process of Determination

The application was the subject of consultation with Local Members under the Councils Scheme of Governance.

14. Planning Obligations

No

From: Negar Maydanchi
Sent: 09 October 2023 09:35
To: Doug Irvine
Cc: Helen Atkinson; Planning Online
Subject: RE: APP/2023/0889- Erection of Dwellinghouse and Retrospective Ground Based Solar Panels- Site At Berwick Wood, Hatton of Fintray

Good morning,

Thank you for your recent email and sharing the information. I am sorry for delayed response.

Having discussed the proposal and the recent information with the wider team, the planning service is of the opinion that the additional information does not override the development plan and our recommendation would remain to refuse planning permission.

Please be advised that you cannot request that the item be presented to GAC directly as this initially needs to go through the member notification system with a refusal recommendation. However, members would have the opportunity to pull the item to committee and may take a different view to the Planning Service.

You will be informed of the date that the report is sent to Local Ward Members for further consultation by the planning service in due course.

Kind regards,

Negar Maydanchi
Planner (Development Management)
Planning and Economy
Environment and Infrastructure
Aberdeenshire Council
Skype: 01467469920
Email: negar.maydanchi@aberdeenshire.gov.uk

Please note normal working hours-Monday to Friday 9am- 5pm

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Website: <https://www.aberdeenshire.gov.uk/planning/>

Keep up to date online with any changes to Planning Services

Your feedback is important to us and helps us to improve our service – we value your [comments](#).

Freedom of Information request: Please send your enquiry to foi@aberdeenshire.gov.uk



From: Doug Irvine <doug@sylvanstuart.com>
Sent: Friday, September 22, 2023 12:30 PM
To: Negar Maydanchi <negar.maydanchi@aberdeenshire.gov.uk>
Subject: RE: APP/2023/0889- Erection of Dwellinghouse and Retrospective Ground Based Solar Panels- Site At Berwick Wood, Hatton of Fintray

Good afternoon Negar,

Further to your email of 1 September, we strongly dispute your contention that that the presence of a residential worker is not essential, as this not only ignores severe weather events that have occurred since these operations commenced in 2018, but also fundamental animal welfare issues. On that basis your request for information on current residential accommodation available within the vicinity of the site is not relevant, but is in any event provided below. I also note that you appear to ignore the clear policy intent of NPF4, particularly Sustainable Places under Part 2 of National Planning Policy for Local Development Plans.

I further note your reference to “business growth” as the “the intention of the applicant” being “not sufficient as this must be evidenced by the existing livestock or landholding” is erroneous in relation to R1.2 as referred to at R2.2, as it ignores the fourth bullet point stating what is permitted development:

“intensification of an established use subject to the new development being of a suitable scale and form”

I maintain that on-site residential accommodation is required in any event, and note you are making no objection to the proposed development on the basis it is unsuitable “in scale and form”.

This established business (for which annual accounts are available) is becoming unviable as it cannot meet statutory animal welfare requirements due to the workers being unable to safely access the site in severe weather conditions. The applicants are currently having to restrict their livestock holding to late spring, summer and early autumn because of increasing weather related lack of access, as they cannot now carry livestock there over winter. I note in the addendum below the regular occurrence of extreme climate events since 2018.

The applicants currently live in a leased apartment at Cothal with a below market level rent on a lease which terminates in June 2024. Their income is modest, but they have sufficient funds to build a 120m² 3-bedroom Model D Home, which is highly energy efficient (EPC “A” rating) and has low maintenance requirements thus minimal running costs. They intend to run the house off-grid and utilise photovoltaic panels combined with battery storage and no other mains connections. This proposal will make their current operations at least zero carbon with the intent of developing them further to be significantly carbon negative.

The labour requirement report submitted refers to publications by the U.K. Farm Classification Working Party, 2004, and The Farm Management Handbook 2021/22. Both these documents can only be retrospective and regarded as guidance based on area based calculations for the various onsite activities encompassing fruit and vegetable market gardening, livestock farming and forestry activities. The Full Time Equivalent requirement of 1.1 is not in dispute, but to suggest that silviculture should be excluded from this appears in direct contradiction of planning policy where forestry operations can solely be used to justify related onsite residential accommodation.

Your interpretation of policy suggests there would be no justification for residential accommodation on a 100 Ha arable-only farm. I note that this is the average size of a U.K. farm, whereas in Europe that is 6Ha and activities are vastly more labour intensive per hectare. The increasing frequency of severe climate events also impacts significantly on the need for onsite residency for the market gardening activities where prompt remedial measures are required. Likewise, there are also issues with deer, rabbit and pigeon depredation.

Your response to date takes no cognisance of NPF4 Part 2 - NPP Policy 1 to reduce emissions and adapt for impacts of climate change and Policies 2 and 3 to enhance biodiversity, which almost every aspect of the applicants’ activities do, and further to protect, restore and enhance natural assets using nature based solutions, such as

forestry foraging pigs. Cherrypicking the FTE 1.1 labour breakdown to exclude forestry activities is not a justifiable application of policy, and is entirely unjustifiable in relation to livestock husbandry.

We request that you re-examine your view on this application in light of the further information contained herewith. If you maintain your previously expressed view, the applicants request that their application go forward for determination to the full Garioch Area Committee on the basis that your indisputably controversial interpretation of policy should be examined in public by elected members.

We aim to submit further supporting information on Monday 25th September. We will be pleased to provide any further information you may request.

Regards

Doug Irvine

Sylvan Stuart Ltd, Old Rayne, INSCH, Aberdeenshire, Scotland. AB52 6RX.
Tel: +44(0)1464 851208
Fax: +44(0)1464 851202
Website: www.sylvanstuart.com

Addendum

1. Severe weather events since 2018 that have had direct effect on Berwick Wood produce.

Sep 2018 – Storm Ali (amber warning for wind)
Aug 2020 – Thunderstorms/flash flooding
Feb 2021 – Storm Darcy (Snow)
Nov 2021 – Storm Arwen (wind red warning)
Jan 2022 – Storm Malik (wind amber warning)
Jan 2022 - Storm Corrie (wind amber warning)
Nov 2022 – Heavy rain/flooding
Jan 2023 - Snow
Feb 2023 – Storm Otto (wind amber warning)

2. Currently available local property with 4km

Location	Description	Price over	EPC rating
Denmill	4-bed semi-detached	£325,000	E
Hatton of Fintray	4-bed semi-detached	£340,000	F
Hatton of Fintray	4-bed detached	£327,500	D
Hatton of Fintray	4-bed detached	£480,000	D
Kinmuck	5-bed detached	£540,000	C
Kinmuck	4-bed semi-detached	£215,000	E
Cothal	5-bed detached	£325,000	F
Newmachar	7-bed detached	£450,000	E
Cothal	5-bed detached	£465,000	D
Overton	5-bed detached	£450,000	F

3. Narrative from Mhairi Player (applicant)

I was an occupational therapist for 10 years specialising in paediatrics and outdoor therapy. A series of bone tumours meant that I could no longer continue my career in the public sector. I began growing again as a way of

compensating for the loss of income due to my illness and found that the benefits of outdoor activity combined with a higher quality diet due to access to fresh seasonal organically produced fruit and veg allowed me to regain my wellbeing, added my rehabilitation and allowed me to return to some form of employment. To continue to manage my long-term health needs I began to work alongside my father on his woodland - Berwick Woods in Hatton of Fintray. In 2018 when he retired he passed full management over to me of the woodland. At this point I have started to grow veg and fruit on the woodland and was using volunteers to help develop a social prescribing nature-based business. In order for the business to move forward infrastructure such as water, power, shelter, protected growing space and an access road needed to be completed. While this was occurring I worked part-time on the woodland project, part-time for a community garden and part-time as a lecturer for Robert Gordon university. The infrastructure was 60% complete by March 2020 when the UK went into lockdown.

During lockdown, as food was required locally, we diverted our attention to supplying as many local people, small businesses and food hubs as possible. We added caterpillar and poly tunnels as quickly as possible and expanded our growing space. At the end of 2021 we were supplying 8 local businesses, 2 food hubs and 40 domestic customers. We were heavily hit by the storms in the winter 2021/2022 which included storm Arwen. We lost our main polytunnel and all our caterpillar tunnels were uncovered so that we lost all our winter and over winter crop. Alongside this 2022 saw a change in consumer buying patterns. Concerns of rise in costs of living and problems with long supply chains. We have spent the last year changing our selling models in response to these changes. We have established a fairer model of selling called a community supported agriculture scheme and we have focused on production of our raw materials for growing and on creating a closed loop farm system (one that provides its own fertility rather than buying in expensive and often harmful inputs) which is better for the climate and more economically sustainable. We have an electric van, an onsite bore hole and off grid solar panels again to help meet the zero-carbon agenda required by the Scottish government but also to improve the sustainability of our woodland farm. We are presently clearing the timber that fell during the storms previously mentioned which will allow us to meet our biodiversity targets, help with carbon sequestration and add more economical revenues and opportunities within the business.

In 2023 the Good Food Nation Bill became the Good Food Nation Act which require good food to be accessible to all people in Scotland. As part of this Aberdeenshire council has formed a fair food partnership to be able to tackle the issues around food which stop it being accessible to all. Our business forms and its direct selling/ short chain models form an important part of this.

Explanation of why it is essential to live on the Farm.

Our pigs are always kept outdoors, and need fed twice daily. They also need to be checked a minimum twice daily which would increase in Summer or winter. Pigs cannot easily loose heat (they do not sweat) and require lots of water to allow them to create wallows to allow them to regulate their temperature.

We have been monitoring access to the farm, and as of yet, no winter period has allowed us daily access even from the nearest village which is clearly an animal welfare issue. In order to be viable financially, ecologically and sustainably we need to breed pigs ourselves and have year-round pork stocks. This will enable us to supply a constant product to our direct consuming customers or the local businesses we supply to. This is not a matter of expansion this is a matter of viability, which clearly answers the question of why it is vital to live on the farm.

From: Negar Maydanchi <negar.maydanchi@aberdeenshire.gov.uk>

Sent: Friday, September 1, 2023 2:46 PM

To: Doug Irvine <doug@sylvanstuart.com>

Subject: RE: APP/2023/0889- Erection of Dwellinghouse and Retrospective Ground Based Solar Panels- Site At Berwick Wood, Hatton of Fintray

Good afternoon Dough,

Thanks for the new submission.

The supplementary statement doesn't fundamentally address our concerns raised already in the previous email dated 11th July .

I note that business growth is the intention of the applicant, but this is not sufficient as this must be evidenced by the existing livestock or landholding that there is an essential need for an accommodation within the immediate vicinity of the place of employment.

In addition, the statement doesn't address the current state of alternative residential accommodation available within the area as required by Policy R1 of ALDP2023.

The existing operation, therefore, does not justify agricultural need for erection of a dwelling house and sadly, the Planning Service are unable to support the application.

As was previously stated, this would be referred to the Local Members in the first instance for consideration with a recommendation of a refusal. However, you may however wish to withdraw the application at this stage.

Could you please therefore provide confirmation on how you wish to proceed in writing?

Kind regards,

Negar Maydanchi
Planner (Development Management)
Planning and Economy
Environment and Infrastructure
Aberdeenshire Council
Skype: 01467469920
Email: negar.maydanchi@aberdeenshire.gov.uk

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Freedom of Information request: Please send your enquiry to foi@aberdeenshire.gov.uk



From: Doug Irvine <doug@sylvanstuart.com>
Sent: Tuesday, August 22, 2023 9:34 AM

To: Negar Maydanchi <negar.maydanchi@aberdeenshire.gov.uk>

Subject: RE: APP/2023/0889- Erection of Dwellinghouse and Retrospective Ground Based Solar Panels- Site At Berwick Wood, Hatton of Fintray

Morning Negar,

I have uploaded a supplementary letter to the online portal from Allathan Associates in response to your comments below. We hope this addresses your comments below, better illustrates the work going on at Berwick Wood Produce (<https://berwick-wood-produce.ooooby.org/>) and emphasises how the business is currently restricted by not living on site.

Best regards

Doug Irvine

From: Negar Maydanchi <negar.maydanchi@aberdeenshire.gov.uk>

Sent: Tuesday, July 11, 2023 4:57 PM

To: Doug Irvine <doug@sylvanstuart.com>

Cc: berwickwoodproduce@gmail.com

Subject: Re: APP/2023/0889- Erection of Dwellinghouse and Retrospective Ground Based Solar Panels- Site At Berwick Wood, Hatton of Fintray

Good afternoon,

I refer to the above planning application.

The principle of development will be assessed against Policy R1.2 accommodation within the immediate vicinity of the place of employment required for a worker in a primary industry, where the presence of a worker is essential to the efficient operation of the enterprise, and there is no suitable alternative residential accommodation available.

Based on the labour requirement report submitted along the application ,the farm operation of Berwick wood has a total standard labour requirement for 2,094 SLRs . The calculation demonstrates that a substantial hour is related to the level of labour needed for forestry work and planting activity and 131 SLRs for Pig activity . Whilst there may be need for full time worker on the farm for this type activities, it is not essential to live on the farm.

In addition, sufficient information is not provided regarding the current residential accommodation available within the vicinity of the site. It appears that there are homes for rent and sale in Hatton of Fintray, 1.48 km to the south, which is not a significant journey for any employee to get to this location.

Therefore, this proposal fails to meet the essential need justification for accommodation associated with a primary industry worker, and therefore does not comply with Policy R1 and R2 of the Aberdeenshire Local Development Plan 2023 as well as Policy 17 of National Planning Framework.

At the outset, the application would go to Local Ward members with a refusal recommendation. However, the members would have an opportunity to take a different view and advise for referral to the Area Committee for further assessment.

Kind regards,

Negar Maydanchi
Planner (Development Management)
Planning and Economy
Environment and Infrastructure
Aberdeenshire Council
Skype: 01467469920

Email: negar.maydanchi@aberdeenshire.gov.uk

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Dh'fhaodadh fiosrachadh sochaire, a tha a-mhàin airson an neach gu bheil am post-dealain air a chur, a bhith an seo. Ma tha thu air am post-dealain fhaighinn mar mhearachd, gabh ar leisgeul agus cuir fios chun an neach a chuir am post-dealain agus dubh às am post-dealain an dèidh sin. 'S e beachdan an neach a chuir am post-dealain a tha ann an gin sam bith a thèid a chur an cèill agus chan eil e a' ciallachadh gu bheil iad a' riochdachadh beachdan Chomhairle Shiorrachd Obar Dheathain.

www.aberdeenshire.gov.uk

Your planning consultation entitled [Site At Berwick Wood Hatton Of Fintray](#) for Planning Application Reference APP/2023/0889 on Ward Pages has closed, your proposal for this application to be determined by officers using delegated powers has been Rejected. Full results are shown below:

Councillor	Response	Comments	Interest Declared
Cllr. Trevor Mason	Refer to Committee	The proposal has given a good alternative to the sustainability of Berwick Woods and has complied with everything enough to demonstrate compliance to NPF4 item a v.	● No Interest Declared
Cllr. Jim Gifford	Agree Officer Delegation		● No Interest Declared
Cllr. Glen Reid	No Response		● No Response
Cllr. Dominic Lonchay	No Response		● No Response

From: Colin Robertson <colin.robertson3@aberdeenshire.gov.uk>
Sent: 03 November 2023 10:45
To: Lindsey Geddes
Cc: Planning Online
Subject: APP/2023/0889 (ref: 2861004)

Morning Lindsey

APP/2023/0889 : Full Planning Permission for Erection of Dwellinghouse and Retrospective Ground Based Solar Panels | Site at Berwick Wood Hatton of Fintray Aberdeen Aberdeenshire

Confirmation that Developer Obligations have been agreed for the following in terms of Section 69 Agreement (Upfront Payment)

Secondary Education

A replacement Inverurie Academy has been front funded to include additional capacity and therefore the contribution will be directed towards these works.

Kind Regards

Colin Robertson

Developer Obligations Officer | Legal and People | Business Services | Aberdeenshire Council | Banchory Town Hall
| 1 Kinneskie Lane | Banchory | AB31 5NA
Tel: 01467 539 579
email: colin.robertson3@aberdeenshire.gov.uk
iCW legalaberdeenshire

PLANNING CONSULTATION

RECOMMENDATION: No Objection subject to conditions

APPLICATION REF: APP/2023/0889
PROPOSAL: 13/10/2023
Full Planning Permission for Erection of Dwellinghouse and Retrospective Ground Based Solar Panels at Site At Berwick Wood, Hatton Of Fintray

LOCATION: Site At Berwick Wood
C67c B977 At Cothill To Denmill Bridge
Fintray
Aberdeen
Aberdeenshire

AGENT: Sylvan Stuart Ltd
DATE RECEIVED BY EH: 7 June 2023

Environmental Health Service has considered the following in respect of the above application:

Proposed Water Supply

Please find comments below regarding each of these matters relating to the development proposed.

Mains Water Supply

The applicant has indicated the intention to connect to a mains supply. It is recommended that the following condition be considered.

This planning permission has been granted on the basis that the proposed development will be connected to the public water supply. Should the developer wish to connect to a private water supply a fresh planning application would be required for the development to allow the planning authority to consider the implications of using a private water supply to service the development.

Condition

The proposed development shall be connected to the public water supply and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long-term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

The Environmental Health Service would recommend the following planning conditions are imposed. Should Development Management not be able to impose all of these conditions the Service would welcome further discussion on the matter.

Deepa Joshi
Environmental Health Officer
Date: 08.11.2023

Please note that the above observations do not include consideration of contaminated land issues. The Scientific Officer, Environment and Infrastructure (Environmental Health) will report separately to the Planning Officer on such matters.

From: David Gander
Sent: 16 June 2023 11:46
To: Planning Online
Cc: Negar Maydanchi
Subject: APP/2023/0889

To: Planning

F.A.O. Negar Maydanchi

Ref: APP/2023/0889

Proposal: Erection of Dwellinghouse and Retrospective Ground Based Solar Panels

Address: Site At Berwick Wood Hatton Of Fintray

We refer to your email dated 7/6/2023 concerning the above. Having reviewed the proposals, we have no comment.

Regards

David Gander CEng MICE
Engineer
Flood Risk and Coast Protection
Aberdeenshire Council
Tel: 01467534822

Aberdeenshire Council
Aberdeenshire Council
Stonehaven
Aberdeenshire
AB39 2DQ



Advice : HSL-230529155452-367 DO NOT ADVISE AGAINST

Your Ref: APP/2023/0889

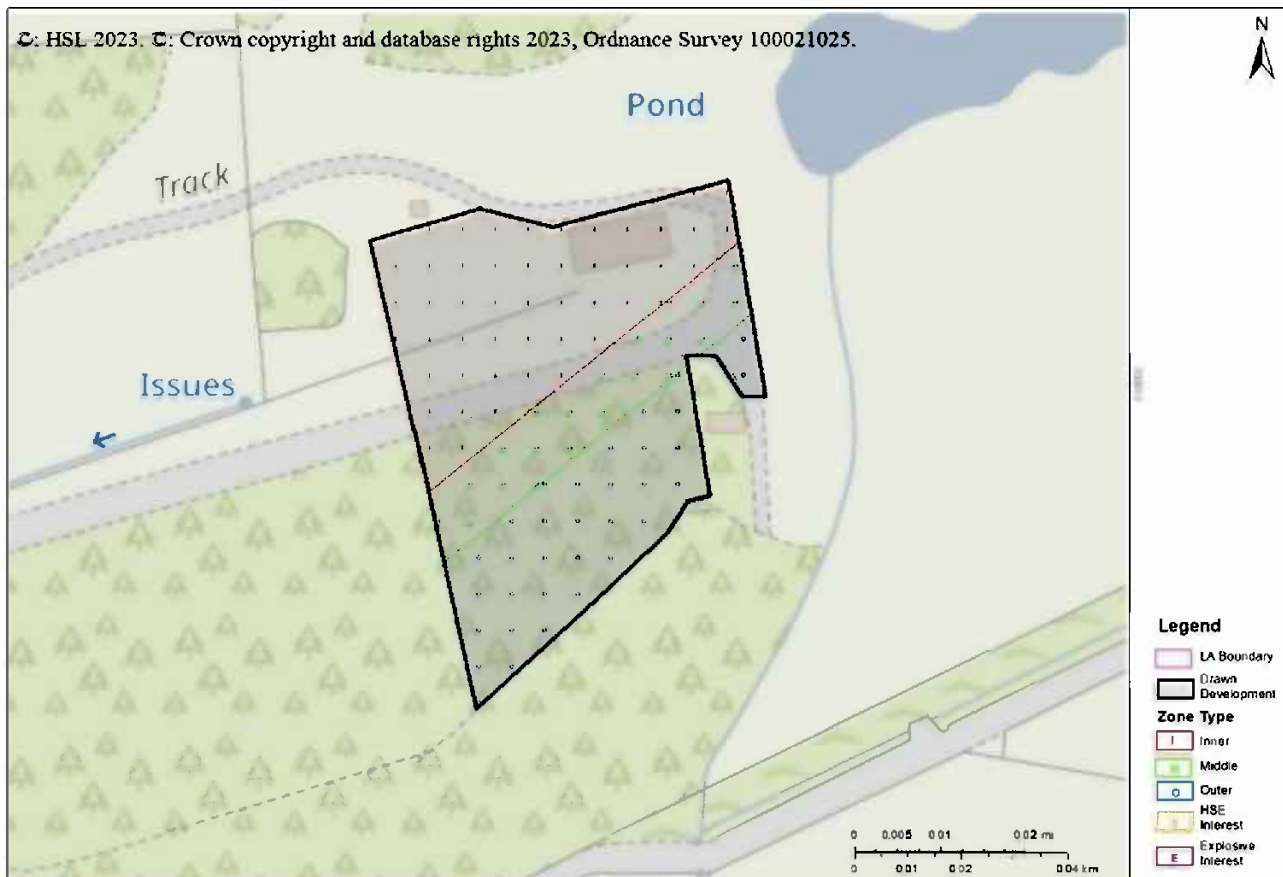
Development Name: Erection of Dwellinghouse and Retrospective Ground Based Solar Panels

Comments: Site At Berwick Wood, Hatton Of Fintray, Aberdeen, Aberdeenshire

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Aberdeenshire Council.

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.



Breakdown:

Housing : Do Not Advise Against

How many dwelling units are there (that lie partly or wholly within a consultation distance)? Less than 3

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Pipelines

- 8095_2354 National Grid Gas PLC

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on the situation as currently exists, our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

This advice report has been generated using information supplied by Fenella McLeay at Aberdeenshire Council on 29 May 2023.

Note that any changes in the information concerning this development would require it to be re-submitted.

Natural Environment Team Consultation Response

Planning Reference No:	App/2023/0889
Environment Planner:	EW
Date of Response:	12/7/2023

Overall Response:	Acceptable subject to follow up action
-------------------	---

Issue 1:	Woodland
Response:	Acceptable subject to follow up action
Actions:	
a)	<p>Detailed proposals for compensatory planting for loss of woodland required.</p> <p>The site for the proposed house is currently woodland, listed as woodland on the National Forest Inventory 2020. Under policy (control of woodland removal policy) removal of this woodland will require compensatory planting of an equal area.</p>
<p>Supporting Information:</p> <p>ALDP 2023 - Policy E3.2 Forestry and Woodland</p> <p>ALDP 2023 PR1.7 – Trees and woodlands</p>	

Issue 2:	Positive effects for biodiversity
Response:	Acceptable subject to follow up action
Actions:	
a)	<p>Biodiversity enhancement measures should be included as part of a quality landscaping scheme to include planting of suitable native species. See planning advice here.</p>

Supporting Information:

Policy P1 of the Aberdeenshire Local Development Plan 2023 and policy 3(c) of National Planning Framework 4 require that, for all sites, measures are identified to enhance biodiversity in proportion to the opportunities available and the scale of the development. Further guidance on this can be found in Best Practice Advice PA2023-10 "Securing Positive Effects for Biodiversity" which is on the planning pages of the Aberdeenshire Council website [here](#). This sets out the expectations for applicants. Nature Scot's practical guide 'Developing with Nature' on delivering positive effects for biodiversity through development is available [here](#).

Natural Environment Team Consultation Response

Planning Reference No:	App/2023/0889
Environment Planner:	EW
Date of Response:	24/1/2024

Overall Response:	Acceptable subject to following action
-------------------	--

Issue 1:	Loss of woodland - Compensatory planting required
Response:	
Actions:	
a)	If this application is to progress a condition based on 05004 is required to secure necessary compensatory planting. Outline proposals for compensatory planting have been provided and are accepted, detail is required by condition.
b)	
c)	
Supporting Information: Under control of woodland removal policy compensatory woodland planting is required.	

Natural Environment Team Consultation Response

Planning Reference No:	App/2023/0889
Environment Planner:	EW
Date of Response:	29/1/2024

Overall Response:	Acceptable subject to following action
-------------------	--

Issue 1:	Loss of woodland - Compensatory planting required
Response:	
Actions:	
a)	If this application is to progress a condition based on 05004 is required to secure necessary compensatory planting. Outline proposals for compensatory planting have been provided and are accepted, detail is required by condition.
b)	
c)	
Supporting Information: Under control of woodland removal policy compensatory woodland planting is required.	

Technical Consultation No 1 for Planning Application Ref: APP/2023/0889

Application type: **FPP (Full Planning Permission)**

Proposal: **Erection Of Dwellinghouse And Retrospective Ground Based Solar Panels**

Location: **At Berwick Wood, Hatton Of Fintray, Aberdeen, Aberdeenshire**

Date consultation request received: **07/06/2023**

Planning Officer: **N M**

Roads Officer: **E M**

1. Visibility Requirements (See Section 4)

Speed Limit at site: **mph**

Design speed: **mph () for)**

Based on the minimum visibility requirements within Aberdeenshire Council's current standards and on the design speed a visibility of **metres** by **metres** will be required

Does current application provide this? Yes No

2. Parking Requirements:

From Aberdeenshire Council's Parking Standards the required parking provision is **2** Spaces made up of: Operational and Non-Operational.

Is shown provision of **2** spaces acceptable Yes No

Note:

3. Road Layout:

- Is a Traffic Assessment required? Yes No
- Access onto Public Road Network? Direct Indirect
- Will the Shown Layout Require RCC? Yes No
- Does the Shown Layout Appear to Comply with RCC? Yes No

4. Other Comments:

The proposed dwelling is to provide accommodation for the owners of the existing business on the site and wont result in any increased usage of the access, therefore the existing access is acceptable.

We would just ask that the first 5m of the access road from its junction with the public road be surfaced in bituminous material and that a bin uplift store be provided at the junction with the public road positioned so as not to affect visibility onto the public road. Please detail this on a plan.

5. Recommendations:



This Service objects to this application for the following reasons:-



**Transportation Planning
(See Section 4)**



**Road Safety
(See Section 4)**



Insufficient Visibility



Insufficient Parking Provision



Insufficient information has been submitted to comment on this application. Please treat this response as a holding objection until the required information has been submitted. (See Section 4)



This Service has no further comments to make on this application .



This Service does not object to this application subject to the following conditions and advisories being applied should planning permission be granted:-

Initialed by:



Date:

15/06/2023

Technical Consultation No 2 for Planning Application Ref: APP/2023/0889

Application type: **FPP (Full Planning Permission)**

Proposal: **Erection Of Dwellinghouse And Retrospective Ground Based Solar Panels**

Location: **At Berwick Wood, Hatton Of Fintray, Aberdeen, Aberdeenshire**

Date consultation request received: **07/06/2023**

Planning Officer: **N M**

Roads Officer: **E M**

1. Visibility Requirements (See Section 4)

Speed Limit at site: **mph**

Design speed: **mph () for ()**

Based on the minimum visibility requirements within Aberdeenshire Council's current standards and on the design speed a visibility of metres by metres will be required

Does current application provide this? Yes No

2. Parking Requirements:

From Aberdeenshire Council's Parking Standards the required parking provision is **2** Spaces made up of: Operational and Non-Operational.

Is shown provision of **2** spaces acceptable Yes No

Note:

3. Road Layout:

- | | | | | |
|--|--------|--------------------------|----------|-------------------------------------|
| Is a Traffic Assessment required? | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| Access onto Public Road Network? | Direct | <input type="checkbox"/> | Indirect | <input checked="" type="checkbox"/> |
| Will the Shown Layout Require RCC? | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| Does the Shown Layout Appear to Comply with RCC? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |

4. Other Comments:

The proposed dwelling is to provide accommodation for the owners of the existing business on the site and wont result in any increased usage of the access, therefore the existing access is acceptable.

5. Recommendations:

- This Service objects to this application for the following reasons:-**
- | | |
|--|---|
| <input type="checkbox"/> Transportation Planning
(See Section 4) | <input type="checkbox"/> Road Safety
(See Section 4) |
| <input type="checkbox"/> Insufficient Visibility | <input type="checkbox"/> Insufficient Parking Provision |
| <input type="checkbox"/> Insufficient information has been submitted to comment on this application. Please treat this response as a holding objection until the required information has been submitted. (See Section 4) | |
- This Service has no further comments to make on this application .**
- This Service does not object to this application subject to the following conditions being applied should planning permission be granted:-**

Conditions (as selected below):

- Prior to occupancy of development, a drop kerb footway crossing must be formed at the new driveway.
- The maximum gradient of the first 5m of the new access must not exceed 1 in 20.
- Prior to occupancy of development, first 5m of access (measured from edge of road or back of footway) to be fully paved.
- Proposed garage must be set back at least 6m from the rear of the footway.
- Garage door must not overhang the footway at any point in its travel.
- Prior to occupancy of development, Off-Street parking for cars, surfaced in hard standing materials must be provided within the site.
- Prior to occupancy of development, Parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the Council's Car Parking Standards.
- Prior to commencement of development, a lay-by measuring 8.0m x 2.5m with 45° splays to be formed on frontage of the site & the proposed vehicular access to be taken via this. Construction shall be to a standard appropriate to the location & must be agreed in advance with Roads Development.
- Prior to occupancy of development, a passing place measuring 10.0m x 2.5m with 5m splays to be formed at location(s) shown on the attached plan. Construction shall be to a standard appropriate to the location & must be agreed in advance with Roads Development.
- Prior to commencement of development, Visibility Splays, measuring m by m to be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.
- Prior to occupancy of development a refuse bin uplift store area shall be constructed (behind any visibility splay) so as to be accessible for bin uplift & shall be secure enough to prevent empty bins from being wind blown. Details must be submitted to Roads Development for approval.
- Prior to occupancy of development a suitable vehicle turning area, measuring not less than 7.6m x 7.6m, must be formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear.
- The junction that the proposed vehicular access forms with the public road to be kerbed to radii of m, the minimum width at the throat of the bell mouth so formed to be m. The area within the bell mouth & for a minimum distance of m from the public road carriageway, to be constructed in accordance with the Council's Specification appropriate to the type of traffic which will use the access, & shall be surfaced with dense bitumen macadam or asphalt.

Initialed by:



Date:

30/06/2023

Friday, 03 November 2023



Local Planner
Planning and Environment Service
Aberdeenshire Council
Stonehaven
AB39 2DQ

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Site At Berwick Wood, Hatton Of Fintray, Aberdeenshire, AB21 0YQ
Planning Ref: APP/2023/0889
Our Ref: DSCAS-0097631-Y2L
Proposal: Erection of Dwellinghouse and Retrospective Ground Based Solar Panels

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ This proposed development will be fed from Invercarnie Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).

- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 5kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr.

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Certificate of Chemical Analysis Potable Private Water Sample

Laboratory Reference: 10192299
Your Reference: 03270
For the attention of: G Jones
Received From: Aberdeenshire Council Environmental Health
 Gordon House Blackhall Road Inverurie
Received On: 19 February 2019
Taken From: Berwick Wood, Hatton of Fintray
Taken On: 19 February 2019
Appearance: Hazy, slightly yellow, no sediment.

Results of Analysis

Method Code	Determination	Result	Prescribed Concentration or Value
i4203	pH	7.4	6.5 to 9.5
i4208	Colour (Pt/Co Scale)	2 mg/l	not more than 20 mg/l
i4205	Turbidity	8.8 NTU	not more than 4.0 NTU
i4102c	Nitrate (as NO ₃)	< 3 mg/l	not more than 50 mg/l
i4523_Cu	Copper (as Cu)	< 10 µg/l	not more than 2000 µg/l
i4523Cu	Copper (as Cu)	< 0.010 mg/l	not more than 2.00 mg/l
i4523_Mn	Manganese (as Mn)	950 µg/l	not more than 50 µg/l
i4523_Fe	Iron (as Fe)	290 µg/l	not more than 200 µg/l
i4523_Ni	Nickel (as Ni)	2 µg/l	not more than 20 µg/l
i4523_Zn	Zinc (as Zn)	< 10 µg/l	
i4005b	Lead (as Pb)	< 1 µg/l	not more than 10 µg/l

Comments:(1)

The turbidity level of the sample exceeded the maximum concentration or value prescribed in The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.


The manganese level of the sample exceeded the maximum concentration or value prescribed in The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.

The iron level of the sample exceeded the maximum concentration or value prescribed in The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.

The remaining results of analysis complied with the requirements of the above Regulations.

(1) Comments, opinions and interpretations are outside the scope of UKAS accreditation.

Signature:			
Name:	James Darroch BSc, CChem, MRSC		
Status:	Laboratory Manager		
Official Address:	Aberdeen Scientific Services Laboratory, Old Aberdeen House, Dunbar Street, Aberdeen, AB24 3UJ		
Telephone Number:	(01224) 491648		
Date of Report:	2 March 2019		
Issue Number:	1		



Page 1 of 2

Certificate of Chemical Analysis

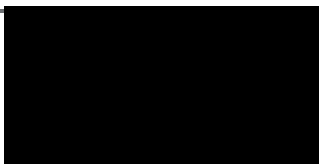
Potable Private Water Sample

Laboratory Reference: 10192299
Your Reference: 03270
For the attention of: G Jones
Received From: Aberdeenshire Council Environmental Health
Gordon House Blackhall Road Inverurie
Received On: 19 February 2019
Taken From: Berwick Wood, Hatton of Fintray
Taken On: 19 February 2019

The elevated level of manganese in this sample could make the supply unsatisfactory for culinary or laundry purposes.

(1) Comments, opinions and interpretations are outside the scope of UKAS accreditation.

Signature:



Name: James Darroch BSc, CChem, MRSC

Status: Laboratory Manager

Official Address: Aberdeen Scientific Services Laboratory, Old Aberdeen House,
Dunbar Street, Aberdeen, AB24 3UJ

Telephone Number: (01224) 491648

Date of Report: 2 March 2019

Issue Number: 1



DESIGN STATEMENT

April 2023

New house at Berwick Wood, Hatton of Fintray, AB21 0YR

Introduction

This application for detailed consent is for an all-timber clad modified Model D Homes house design. The dwellinghouse is required at this location to provide residential accommodation for the Berwick Wood horticultural and animal husbandry enterprise established by Mr and Mrs Player on their 75 acre holding.

Site layout

The existing private road access to the farm runs approximately east-west and divides the central operational area with the main shed and polytunnels to the north of it, and the market garden to the south. The proposed location of the house is just to the south of the access road in a clear-felled area of existing mature coniferous woodland, facing almost due south and overlooking the market garden. The surrounding area of ground falls gently from east to west and to a lesser extent from north to south.

The almost due south orientation of the front elevation proposed maximises solar gain, with most glazing there. Solar harvesting will be provided by an array of photovoltaic panels to the north of the house.

Parking and a turning area as indicated on the site plan.



Aerial photograph with site outlined in red (Courtesy GoogleEarth)



Cairndale, Maud – larch clad with similar roof overhangs

House layout, materials and construction

The house design is traditional in proportions and scale, and much in keeping with vernacular architecture, particularly traditional farm steading buildings. It is long and relatively narrow with a 45° symmetrically pitched roof. Glazing is predominantly to the south elevation. All windows are triple glazed. Controlled internal blinds will prevent overheating.



Bogriffie Steading conversion



More recent housing development is generally 70s/80s bungalows with roughcast blockwork walls with shallow pitch concrete tiled roofs.

Nearby house

Wall cladding is horizontal larch boarding. Extensive use is made of regularly spaced Velux rooflights, which maintain the simple, unbroken roof line. The 1¾ storey configuration maximises the utilisation of the upper floor space, and the footprint is modest given the extent of the accommodation provided. It includes a first floor landing area suitable for use as office space.

For the purposes of airtightness, economy and to minimise the floor level height off the surrounding ground, an insulated slab foundation is proposed with a “floating” timber floor. The orientation of the house minimises cut and fill requirements given the topography, but it has been kept as low as practicable to have minimal visual impact.

Policy compliance

R2: Development Proposals Elsewhere in the Countryside

Appendix 9: Building Design Guidance

The house design proposed is entirely in compliance with the above. The scale, proportions, roof pitch and lay-out are all in keeping with existing local development, and the overall design is therefore appropriate. The policy specifically seeks good siting and design and careful consideration has been given to the central location of the house with a southerly orientation complementing that of the existing operational buildings sited there and providing immediate access to these and the market garden.

The construction proposed minimises embodied energy, and the external finishes, e.g. untreated larch cladding, aluminium clad pine windows, and galvanised steel gutters are all maintenance free. These materials minimise landscape impact, especially after weathering, which the timber finish is specifically selected to do.



Model D4 house at Rora

Modified Model D4 house at Rora

The minimum use of masonry materials, with their very high embodied energy, along with all-timber construction from sustainable sources; careful site selection for shelter and aspect, with minimal excavation and maximisation of scope for renewables and self-sufficiency, genuinely reflect the intent of policy.

Insulation is to full passive standard (marginally below that at the doors, windows and screens), and air-tightness is very close to that. All glazing is triple, argon filled, with low emissivity finish.



Larch cladding detail – Model D4 house at Auchleven

Larch cladding detail – Model D4 house at Auchleven

Summary

The proposal is entirely compliant with Policy regarding siting and design, and the house design proposed has close to passive energy performance standards:

- The wall cladding is natural, untreated larch, which will weather to a light grey finish.
- The form and scale of the house reflects vernacular architecture very closely, with a 45° pitch roof and 1¾ storey wall height and effectively no eaves roof overhangs visible.
- The development is “light footfall” with minimal landscape and environmental impact.

S.A. MCGREGOR



GROUND ASSESSMENT & DRAINAGE RECOMMENDATION REPORT

PROPOSED NEW DWELLINGHOUSE
BERWICK WOOD
HATTON OF FINTRAY
DYCE
ABERDEEN
AB21 0YQ

Client: Mr and Mrs Player

Agent: Sylvan Stuart

Contract No. 3368/23

Report Issued: 31 May 2023

CONTENTS

Introduction

Site Location & Brief Description

Site Work

*Trial Pits**Percolation Testing**Infiltration Testing**In-Situ SPTs*

Ground Assessment

*Published Geology**Encountered Ground Conditions**Groundwater Observations*

Discussion

*Sub-Soils**Sewage Treatment**Foul Water Discharge**SuDS*

Drainage Recommendations

*Foul Water Discharge**SEPA**Surface Water Disposal**Indicative Soakaways**System Maintenance**Sewage Treatment System**Soakaways*

Regulations

Foundation Recommendations

*Safe Bearing Capacity**Settlement**De-watering***APPENDIX A**

Site Plans	Fig. 1. General & Site Location Plans Fig. 2. Proposed Site Layout & Test Location Plan
Trial Pit Logs	FW1, TP1 and TP2
Drainage	Fig. 3. Proposed Drainage Layout Fig. 4. Indicative Sub-Surface Soakaway Installation
Certificates	Foul Water Discharge Surface Water Disposal

**GROUND ASSESSMENT
&
DRAINAGE RECOMMENDATION REPORT
PROPOSED NEW DWELLINGHOUSE
BERWICK WOOD
HATTON OF FINTRAY, DYCE
ABERDEENSHIRE**

INTRODUCTION

At the request of Sylvan Stuart, on behalf of Mr and Mrs Player, this report is presented for the new planning application for the proposed new development site on land at Berwick Wood, Hatton of Fintray, Dyce, Aberdeenshire.

It is proposed to erect a new dwellinghouse on the site.

The purpose of the visit was to carry out a ground investigation to determine the nature of the materials underlying the area of the site and to undertake the following: -

- to carry out percolation testing to assess the suitability of the underground strata for the disposal of effluent from a sewage treatment system to the ground via a designed sub-surface soakaway system
- to assess the suitability of the existing surface water drain for the disposal design for surface waters from the proposed development
- to assess the sub-soils for foundation design

SITE LOCATION & BRIEF DESCRIPTION

The site is located on a plot of land at Berwick Wood, Hatton of Fintray, north of Dyce, Aberdeenshire with access from the B977 and local roads, OS NGR NJ 84106 17980, see Fig.1. General Location Plan.

The proposed development site is currently overlain with trees (to be cleared). The site falls slightly towards the south-west.

The site is currently un-serviced; however, electricity, water and telephone are nearby. There is no mains drainage; all nearby properties are served by private sewage treatment systems.

There are no watercourses within 10m of the proposed infiltration fields.

SITE WORK

Trial Pits

On the 12th May 2023, a site and ground assessment were undertaken at the site. A tracked excavator with a 0.70m bucket excavated trial pits to carry out an assessment of the underlying ground conditions, to carry out percolation and infiltration testing in the areas of the potential sub-surface soakaways.

The locations of the trial pits were decided on site and are indicated on Fig. 2. Proposed Site Layout & Test Location Plan in Appendix A.

Percolation Testing

Percolation testing was carried out in test holes adjacent to observation trial pits FW1 in accordance with Section 3.9 of the Scottish Building Standards Technical Handbook (Domestic) and SEPA WAT-RM-04. The test results are shown on the following table: -

Date of Testing 12/05/2023	FW1 A	FW1 B
Average time taken for water to drain 3 times in each sump hole (middle 150mm)	2680	3520
Depth of Water Table below Ground Level (m)	>2.00	
Soil Percolation Values, Vp, s/mm	17.9	23.5
Average Soil Percolation Values, Vp, s/mm	20.7	

In-Situ SPTs

In-situ SPT tests were carried out at 0.50m and 1.00m below the formed level, in the natural underlying sub-soils, at the site, see test results below: -

Trial Pit No.	Depth (m)	'N' Value
TP 1	0.50	11
		17
TP 2	1.00	14
		20

GROUND ASSESSMENT**Published Geology**

The British Geological Survey 1:50,000 Quaternary and Solid maps indicate that the site is overlain by Banchory Till Formation - Diamicton - sand, gravel, silt and clay. Sedimentary superficial deposits formed between 116 and 11.8 thousand years ago during the Quaternary Period and underlain by the Aberdeen Formation formed between 1000 and 541 million years ago between the Tonian and Ediacaran Periods.

Encountered Ground Conditions

Topsoil: The site is overlain by 300-500mm thickness of topsoil.

Natural Sub-Soils: The natural underlying sub-soils are described as medium dense brown fine to coarse sand and fine to coarse gravel with some cobbles; sub-angular to sub-rounded mixed lithology proved to the investigated depth of 2.00m.

Bedrock: Bedrock was not encountered during the investigation.

Groundwater Observations

Groundwater was not encountered during the investigation.

DISCUSSION

Sub-Soils

The sandy gravelly nature of the underlying strata and the results from the percolation and infiltration testing confirmed the moderate draining properties of the sub-soils.

Sewage Treatment

The soil percolation value, $V_p = 20.7 \text{ s/mm}$ and therefore a standard septic tank is suitable for the development. It is recommended to install septic tank with a minimum 2,900-litre capacity is required for a 3-bedroom house with a population, PE = 5.

Foul Water Discharge

A sub-surface stone-filled soakaway (infiltration system) is considered suitable for the discharge of foul waters from a PSTP directly to the ground.

The soakaway should comply with the Domestic Technical Handbook (para. 3.9.2) which sets out guidance on design in accordance with the requirements of SEPA Regulatory Method (WAT-RM-04) Indirect Sewage Discharges to Groundwater.

SuDS & Surface Water Disposal

The disposal of surface waters from the dwellinghouse needs to be assessed in terms of both the quantity and the quality of the discharge for Building Regulations and SEPA. Using the SIA tool, the land use run-off quality has been determined, see following summary table: -

Land Use Type	Residential Roofing	Residential Parking & Driveway
Pollution Hazard Level	Very Low	Low
Pollution Hazard Indices		
TSS	0.2	0.5
Metals	0.2	0.4
Hydrocarbons	0.05	0.4
SuDS Component Proposed	Existing Swale (not discharging to watercourse)	
Component 1		
SuDS Pollution Mitigation Indices		
TSS	0.5	0.5
Metals	0.6	0.6
Hydrocarbons	0.6	0.6
Groundwater Protection Type	300mm vegetation	Silt Trap for TSS Minimum 300mm permeable gravel finish
Mitigation Indices		
TSS	0.4	0.4
Metals	0.3	0.3
Hydrocarbons	0.3	0.3
Combined Pollution Mitigation Indices		
TSS	0.7	0.7
Metals	0.75	0.75
Hydrocarbons	0.75	0.75
Acceptability of Pollution Mitigation		
TSS	Sufficient	Sufficient
Metals	Sufficient	Sufficient
Hydrocarbons	Sufficient	Sufficient

The SIA assessment confirms that the utilisation of the existing swale provides sufficient quality mitigation for the surface water run-off from the roof areas and permeable driveways/parking areas for the proposed development prior to disposal to the ground.

The design is to be effective in all-weather conditions and are not considered to pose a risk to local water supplies and the water environment.

DRAINAGE RECOMMENDATIONS

Foul Water Discharge

To comply with the Domestic Technical Handbook (para. 3.9.2) which sets out guidance on how proposals may meet the Building Standards set out in the Building (Scotland) Regulations 2004, an infiltration system must be designed and constructed in accordance with the requirements of SEPA.

Where the average soil percolation value, V_p is between 15-120 s/mm in accordance with the regulations the minimum base area, A , is derived from $A = V_p \times PE \times 0.25$, or a **minimum base area of 25m²**, see the following table: -

Proposed Development	Population Equivalent, PE (as defined in BW COP:18.11/14)	Ave. Percolation Value, V_p (s/mm)	Min. Base Area (m ²)
New Dwellinghouse	5 (3-bedroom)	20.7	26

Full details of the proposed sewage treatment system will be made available to the Building Standards Officer once it has been determined after consultation with suppliers which models are the most suitable for the proposed development and the potential population equivalent of the dwellinghouse.

SEPA

The final installed sewage treatment system and discharge will require to be registered with SEPA under CAR.

Surface Water Disposal

The existing swale/open surface water drainage channel (not discharging to a watercourse) is greater than 50m long, 1m wide and has a depth of 0.60m.

This channel has never known to overflow, including during and after recent very heavy rainfall events. It is also so that the swale has capacity for the climate change +37% allowance for North East Scotland.

It is confirmed that the swale is suitable for use for this development. No further action is required.

Indicative Drainage Layout

The proposed drainage layout is shown on Fig 3. with indicative soakaway installation shown on Fig. 4. along with the certificate all in Appendix A.

SYSTEM MAINTENANCE

Sewage Treatment System

All servicing and maintenance should be undertaken in full accordance with the manufacturer's literature or by a responsible qualified person. The PSTP should be regularly inspected and 'desludged' (emptied) when appropriate to ensure solids and silts do not 'clog' the soakaway or make their way to the discharge outlet.

Soakaways

The soakaways are designed for the life time of the proposed development if they are not allowed to silt up nor the pipework to be blocked.

If a soakaway fails to due blockages or silting it should be excavated and reconstructed with fresh clean stone, new pipework and renewed terram.

During the development of the site, and the excavation of the soakaways, should any field drains be found within 10m of the soakaway they should be realigned or relocated accordingly.

REGULATIONS

SEPA and Building Regulations require that infiltration systems (soakaways) are located at least:

- 50m from any spring, well or borehole used as drinking water supply
- 10m horizontally from any water course (including any inland or coastal waters), permeable drain (including culvert), road or railway
- 5m from all buildings
- 5m from boundaries (*reduced distance to boundaries may also be subject to agreement from adjacent land owners where the soakaway is considered not to be detrimental to the adjacent property*)

FOUNDATION RECOMMENDATIONS

Safe Bearing Capacity

The in-Situ SPT 'N' values are in the range 11-20.

It is recommended that the foundations should be taken down through the topsoil to rest on the stiff clays at a minimum depth of below 0.450m below existing ground levels.

A safe bearing capacity of 100kN/m² at 0.450m may be applied for the design of the foundations for standard strip footings.

Settlement

It is considered that the medium dense nature of the sub-soils will provide settlement within tolerable design limits.

De-Watering

It is not anticipated that de-watering of excavations will be required during construction.

APPENDIX A

Site Plans	Fig. 1. General & Site Location Plans Fig. 2. Proposed Site Layout & Test Location Plan
Trial Pit Logs	FW1, TP1 & TP2
Drainage	Fig. 3. Proposed Drainage Layout Fig. 4. Indicative Sub-Surface Soakaway Installation
Certificate	Foul Water Discharge

Fig. 1. GENERAL & SITE LOCATION PLANS

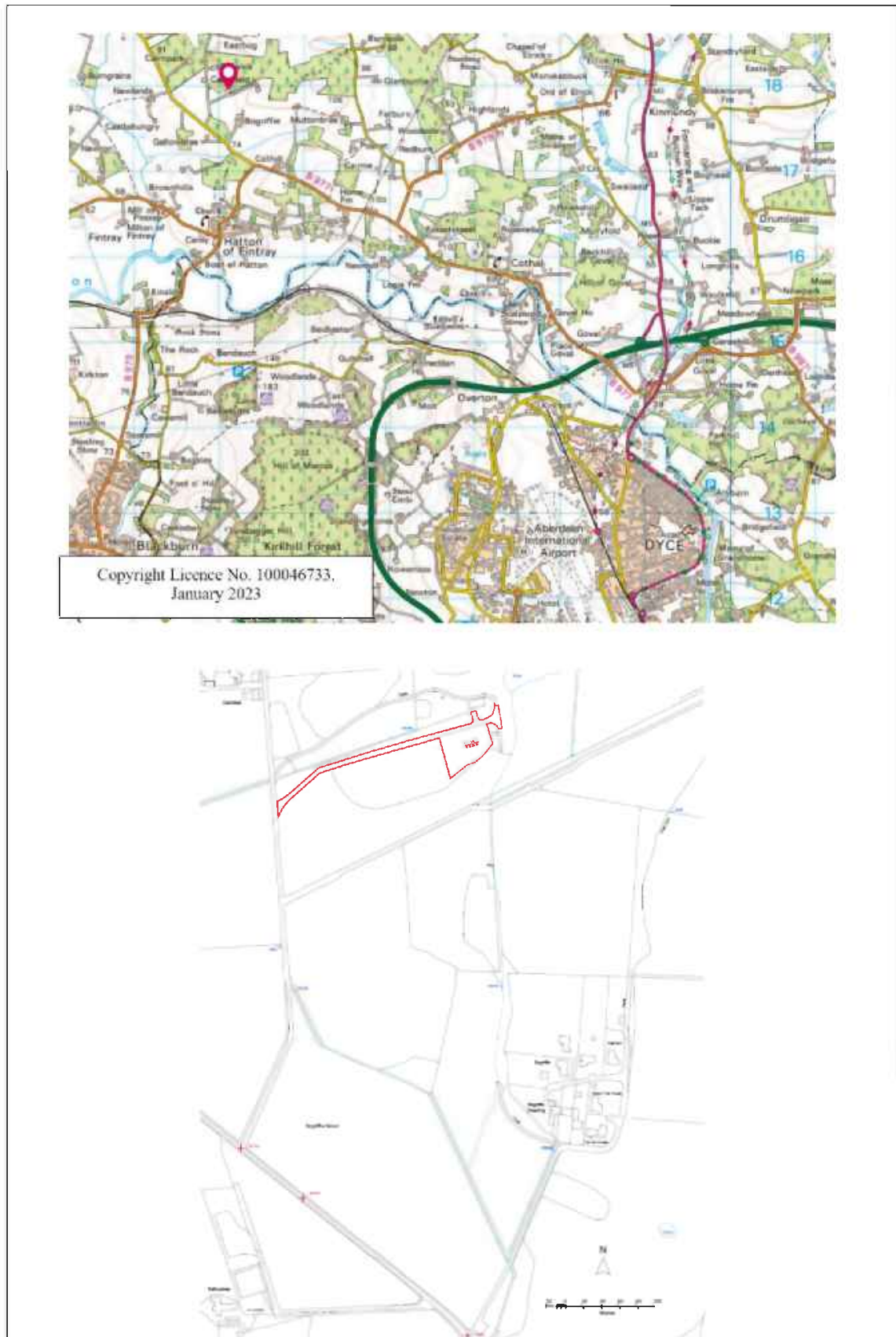
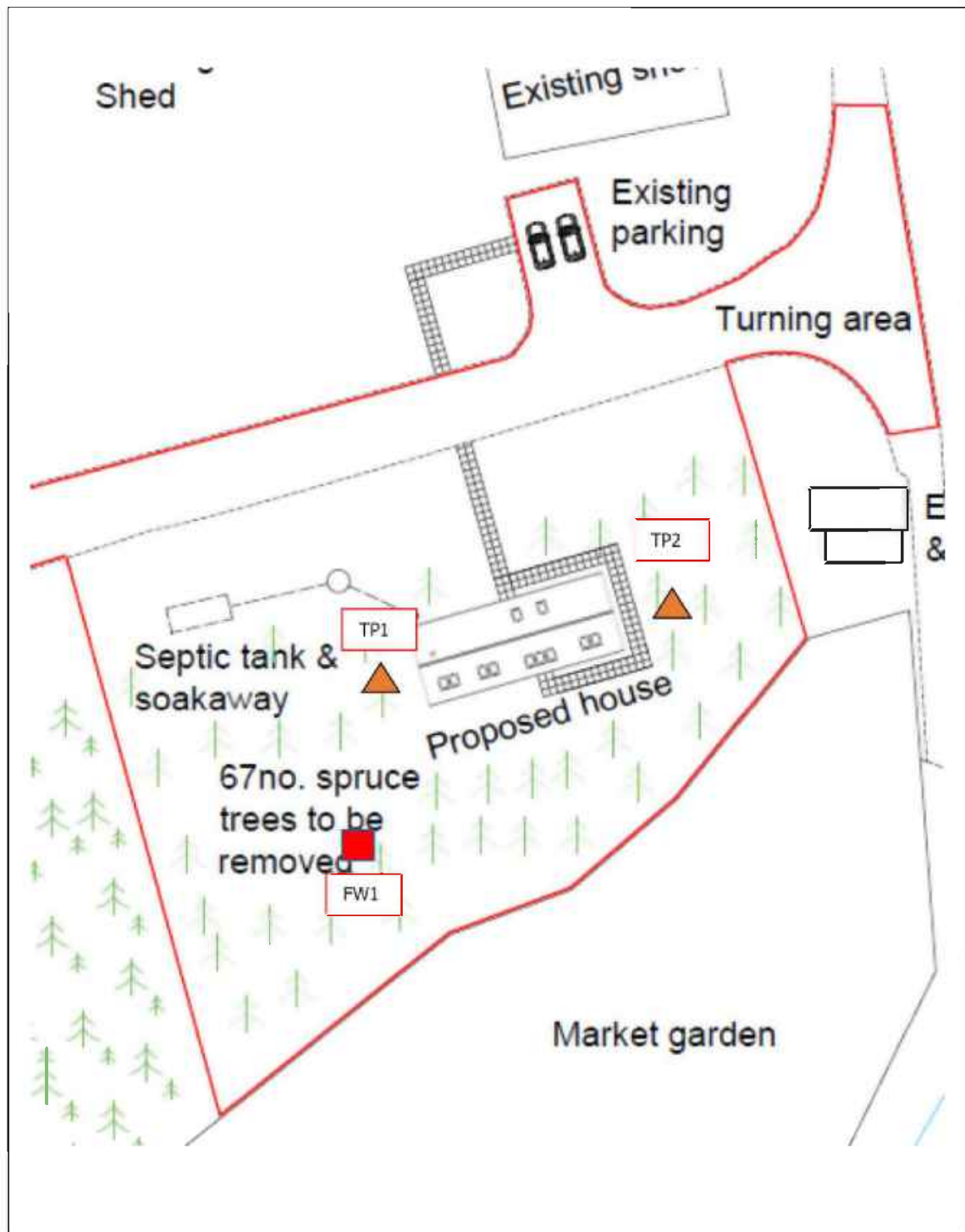






Fig. 2. PROPOSED SITE LAYOUT & TEST LOCATION PLAN



FW1 Log

		S.A. M'GREGOR			Site Berwick Wood, Hatton of Fintary		Trial Pit Number FW1	
Excavation Method Tracked excavator with 0.70m bucket		Dimensions 0.70 x 1.50		Ground Level (mOD)		Client Mhairi & Austen Player		Job Number 3368/23
		Location		Dates 12/05/2023		Agent Sylvan Stuart		Sheet 1/1
Depth (m)	Sample / Tests	Water Depth (m)	Field Records	Level (mOD)	Depth (m) (Thickness)	Description	Legend	Water
						TOPSOIL		
					0.50	Medium dense brown fine to coarse SAND and fine to coarse GRAVEL with some cobbles: sub-angular to sub-rounded mixed lithology		
			Percolation testing at 1.00m		(1.50)			
			No groundwater ingress		2.00	Complets at 2.00m		
Plan						Remarks		
						<p>Scale (approx) 1:20</p> <p>Logged By SAM</p> <p>Figure No. 3368/23.FW1</p>		





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TP1 log

S.A. MCGREGOR				Site		Trial Pit Number			
Excavation Method Tracked excavator with 0.70m bucket				Dimensions 0.70 x 1.00		Ground Level (mOD)			
Location				Dates 12/05/2023		Client Mhain & Austen Player			
						Agent Sylvan Stuart			
						Job Number 3368/23			
						Sheet 1/1			
Depth (m)	Sample / Tests	Water Depth (m)	Field Records	Level (mOD)	Depth (m) (Thickness)	Description	Legend	Water	
0.60-0.65	SPT(C) N=11		1,2/2,2,3,4		0.50	TOPSOIL with many rootlets			
1.00-1.45	SPT(C) N=17		3,4/4,4,4,5		0.60	Medium dense green brown very silty slightly gravelly fine to medium SAND			
			No groundwater ingress		1.20	Complete at 1.20m			
<p>Plan</p>						<p>Remarks</p>			
				Scale (approx)		Logged By		Figure No.	
				1:20		SAM		3368/23.TP1	

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TP2 Log

		S.A. M'GREGOR		Site Berwick Wood, Hatton of Fintary		Trial Pit Number TP2		
Excavation Method Tracked excavator with 0.70m bucket		Dimensions 0.70 x 1.10		Ground Level (mOD)		Client Mhairi & Austen Player		
		Location		Dates 12/05/2023		Agent Sylvan Stuart		
						Job Number 3368/23		
						Sheet 1/1		
Depth (m)	Sample / Tests	Water Depth (m)	Field Records	Level (mOD)	Depth (m) (Thickness)	Description	Legend	Water
0.50-0.95	SPT(C) N=14		2,2/2,3,4,5		0.30	TOPSOIL with many rootlets		
					0.30	Medium dense light orange-brown slightly silty very gravelly fine to coarse SAND with some pebbles, sub-angular to sub-rounded mixed lithology		
1.00-1.45	SPT(C) N=20		5,5/5,5,5,5		0.90			
			No groundwater ingress		1.20	Complete at 1.20m		
Plan						Remarks		
						Scale (approx) 1:20		
						Logged By SAM		Figure No. 3368/23.TP2

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Fig. 3. PROPOSED DRAINAGE LAYOUT

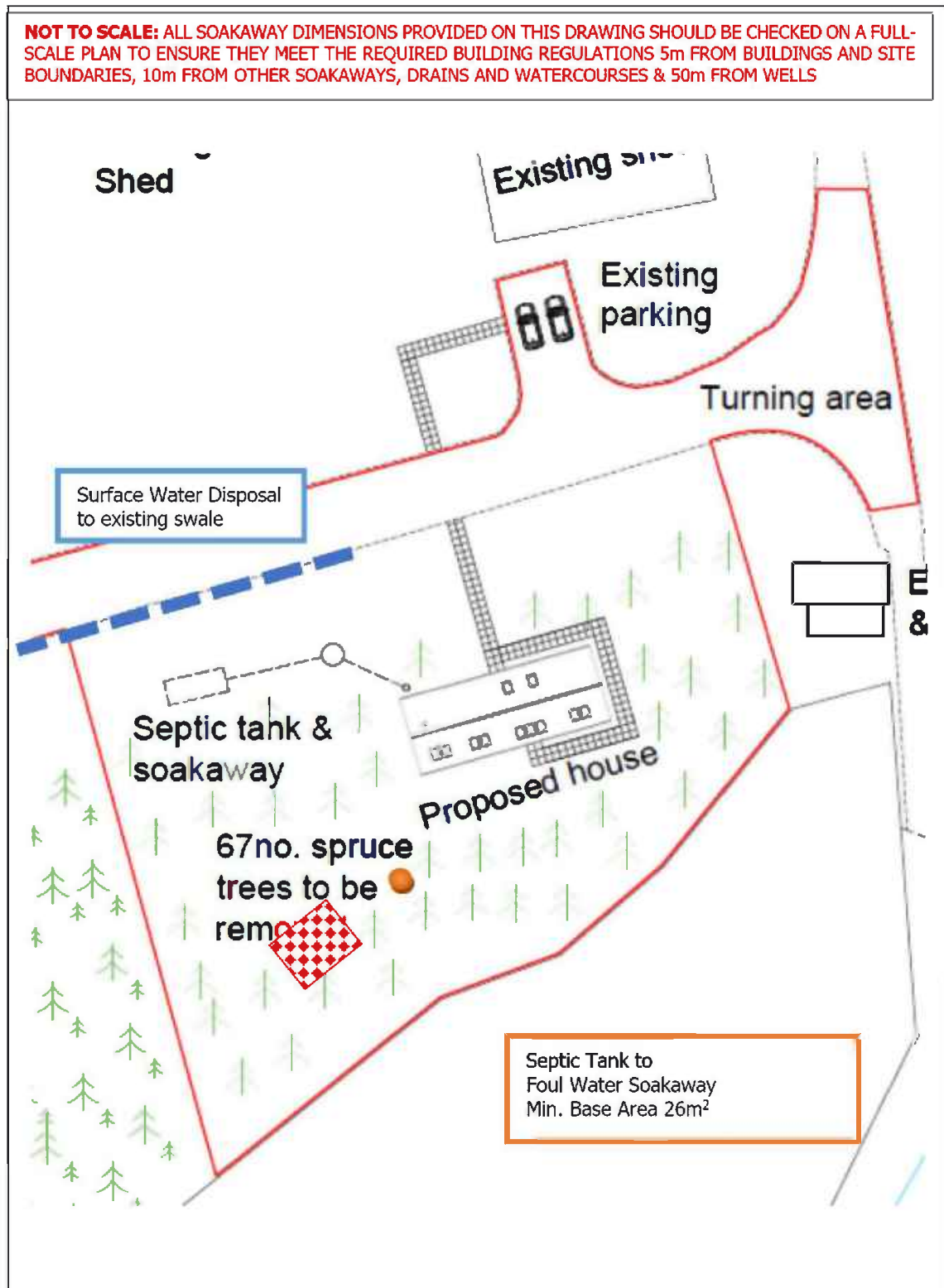
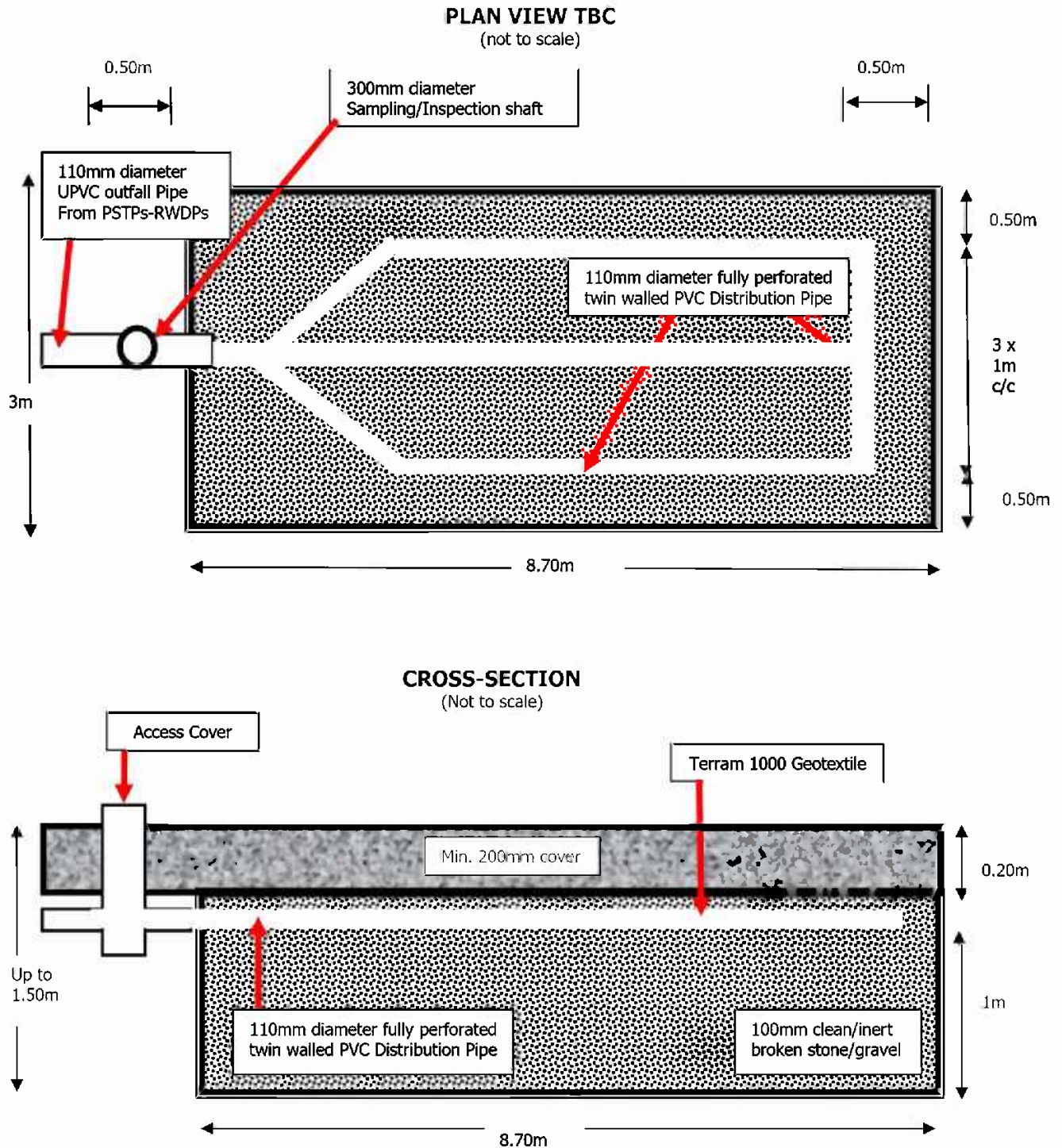


Fig. 4. INDICATIVE SOAKAWAY INSTALLATION

(sketch only, not to scale)



CERTIFICATE FOR PROPOSED FOUL WATER SUB-SURFACE DISCHARGE

Two tests are normally required to demonstrate the suitability of the proposed drainage scheme:

1. A trial pit must be excavated to a depth of 1 metre below the proposed invert of the drain to establish whether the water table will interfere with the operation of the soakaway
- and
2. A percolation test must be carried out to determine the area of the ground required.

Certificate

Client: Mr and Mrs Player
Agent: Sylvan Stuart
Site Address: Berwick Wood, Hatton of Fintray, Dyce, Aberdeenshire, AB21 0YQ

Date of Test: 12/05/2023 **Time:** from 3pm **Weather:** Dry & sunny

Encountered Ground Conditions

Topsoil: The site is overlain by 300-500mm thickness of topsoil.

Natural Sub-Soils: The natural underlying sub-soils are described as medium dense brown fine to coarse sand and fine to coarse gravel with some cobbles; sub-angular to sub-rounded mixed lithology proved to the investigated depth of 2.00m.

Bedrock: Bedrock was not encountered during the investigation.

Groundwater Observations

Groundwater was not encountered during the investigation

Wells: no known wells used for supply of potable water within 50m of site.

Percolation Tests	FW1 A	B
Depth of Drains	1.00m	
Depth of Excavations	2.00m	
Time Taken (mean of three times), secs	2680	3520
Average Soil Percolation Values, Vp, s/mm	20.7	
Population Equivalent	5 (3-bedroom).....	
Minimum Floor Area of Soakaway	26m²	

I hereby certify that I have carried out the above assessment in accordance with procedures specified within the Domestic Scottish Building Standards Technical Handbook (Environmental Standard 3.9 Infiltration Systems) and SEPA A WAT-RM-04, the results of which are tabulated above, and that the proposed drainage scheme detailed on the attached plans and report has been designed considering the recommendations in the standards and regulatory standards.

Signed ...  Date...31 May 2023
Name / Company S. A. McGregor
Address Serenje, Kingsford Steadings, Alford, Aberdeenshire, AB33 8HN
Qualification B.Eng (Civil Engineering).



Allathan
ASSOCIATES

49 High Street, Turriff,
Aberdeenshire,
AB53 4EJ

BERWICK WOOD

LABOUR REQUIREMENT REPORT

BACKGROUND

This report is produced in support of an anticipated request by Aberdeenshire Council's Planning Department for a Labour Requirement analysis for the existing farm business to justify the building of residential dwelling house.

The report has been provided on the basis of data provided by Austen and Mhairi Player. Standard Labour Requirements referenced from 'The Report of the UK Farm Classification Working Party, 2004' and the 'The Farm Management Handbook 2021/22' published by SAC Consulting' have been used, with other assumptions stated where appropriate.

DESCRIPTION OF THE HOLDING AND IT'S USAGE

Mr and Mrs Player, trading as Berwick Wood, horticultural enterprise based at Berwick Wood, located approximately 1 kilometre north of Hatton of Fintray. The holding extends to some 30.59 ha (75.58 acres) if IACS registered parcels and meantime comprises conifer planting interspersed with open grass rides, and an area to the south of the unit utilised for a market gardening enterprise extending, currently, to approximately 0.47 ha of outdoor cultivated area and 0.048 ha of both caterpillar and poly-tunnels. There is a small orchard area extending to 0.06 ha. All the land is classified as Disadvantaged Less Favoured Area, and it all lies within the Moray/Aberdeenshire/Banff and Buchan Nitrate Vulnerable Zone, and is classified as Grade 3₂ by the Hutton Institute.

There are currently 6 pigs kept on the holding for ground conditioning purposes.

CURRENT STOCKING AND CROPPING

The table below details the land use during 2022:

Crop	Ha
Outdoors vegetables and salad	0.470
Fruit/vegetable under cover	0.048
Orchard	0.060
Woodland	30.012
Land Total	30.590

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STANDARD LABOUR REQUIREMENTS

The 2004 Report from the UK Farm Classification Working Party provides a set of standard labour requirements (SLRs) that are used widely by the industry to assess labour requirements. They are quoted in SAC's Farm Management Handbook. Total SLRs calculated for an individual business in this way represent the approximate labour requirement for stocking and cropping, though additional inputs may be needed in respect of diversification projects, farm maintenance, and administrative functions. The Working Party agreed that the definition of the annual hours of a full-time worker should be 1900 hours. The following definitions of size bands were agreed:

Size Band	SLR-based definition(hours)
Very Small - Spare time	< 0.5 FTE (1 – 949)
Very Small - Part time	0.5 to < 1 FTE (950 – 1899)
Small - Full-time	1 to < 2 FTE (1900 – 3799)
Medium - Full-time	2 to < 3 FTE (3800 – 5699)
Large - Full-time	3 to < 5 FTE (5700 – 9499)
Very Large - Full-time	5 or more FTE (>=9500)

Source: Report of the UK Farm Classification Working Party, 2004

CALCULATION OF LABOUR REQUIREMENTS FOR BERWICK WOOD BASED ON ACTUAL FIGURES

The business does more than just grow crops; it harvests, prepares and packs boxes of vegetable, herbs and fruit and delivers them to customers across Aberdeenshire for 30 weeks of the year. A list of the current vegetables grown is included at Appendix I.

Mr and Mrs Player have sample recorded their time inputs, and estimated the actual labour inputs for a full year for the outdoor market garden area

Procedure	Minutes Direct seeding	Minutes transplanting	Harvesting/Bed Average	Total Annual delivery Hours	Seeding to tray prior to germination and transplanting	Packing - Boxes, Salad bags etc	Total Annual Hours for the Market garden area
Seedlings per tray					8m		
Bed Clearance	0h 15m	0h 15m					
Bed Preparation	0h 20m	0h 20m					
Direct seeding	0h 10m						
Transplanting		0h 20m					
Watering/Covering	0h 15m	0h 15m					
In Crop Weeding per crop	1h 0m	1h 0m					
Harvesting/week/ veg			0h 20m				
Packing /box						0h 10m	
Delivering Boxes to Clients/ year				90h 0m			
Delivering to Hub / year				20h 0m			
Delivery to Cafes/ year				80h 0m			
Total individual Bed Hours	2h 0m	2h 10m	0h 20m	190h 0m	0h 8m	0h 10m	
Number of times per season	100	250	600	1	300	1500	
Total hours for season	200h	541h 40m	200h	190h	40h	250h	1421h 40m
Area of Outdoor Area				Outdoor Market Garden Area (ha)			0.47
Total Hours /ha /Season				Indicative Hours /ha			3,025



The area under cultivation in the 3 Caterpillar Tunnels and the Polytunnel is worked in the same way as the outdoor Market Garden Area:

Under Cover Market Garden Area (ha)	0.048
Indicative Total Hours	145

Standard Labour requirement Calculations have been used for both the Orchard Area, and the Pig Activity:

Activity	No	Unit	SLRs per unit	Total SLRs
Top and Soft Fruit	0.06	Ha	425	25.5
Outdoor Pigs	6	Head	2.3	131

The unit predominantly comprises conifer planting, which require ongoing management. It is acknowledged that specialist contractors will be required for felling, but re-planting and fencing time inputs are largely carried out by Mr and Mrs Player. An allowance of 200 hours is allowed for their time.

No allowance has been made for the record keeping, marketing and administrative functions carried out by the proprietors, carried out mostly "after hours". It is safe to assume that a further 10% of the Market Gardening labour could be realistically included in the calculations.

In summary, the Standard Labour Requirement Calculation for Berwick Wood is:

Activity	Total SLRs
Outdoor Market Garden Area	1,421
3 Caterpillar Tunnels + 1 Poly Tunnel	145
Orchard Area	25
Pigs	131
Sub-Total	1,722
add allowance for forestry work	200
add allowance for admin (market garden)	172
Total Labour Requirements	2,094
1 x Full-time Equivalent	1,900
Total FTE	1.1

The current business at Berwick Wood justifies labour of 1.1 full-time equivalent.

JUSTIFICATION FOR RESIDENCY ON HOLDING

On-site accommodation is required to mitigate against rising costs and increasing adverse weather conditions, including the maintenance of the poly tunnel after the storm and snowfall events, all of which which have a financial impact on the business.

The pig herd requires daily management including for welfare reasons, and plans to increase the outdoor herd are restricted by not being able to live on-site and provide the continual and consistent management care required. Recent flooding meant that the site was inaccessible, a situation that would not have arisen has on site onsite accommodation be available. |



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Site security, with the relatively high value of produce on site and in the ground throughout the year, is a particular issue which would be improved by on-site accommodation.



Steven A Mackison
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21st December 2022



APPENDIX I

List of vegetables, herbs and fruit grown 2022

Aubergines- long early variety
Aztec Broccoli
Beans- broad, runner, french, string and pole
Beetroot
Broccoli - green and purple and calabrese
Brussel sprouts
Cabbage- spring, summer, autumn, winter and red
Carrots
Cauliflower including romanesco
Chard
Chilli
Celery
Celeriac
Courgettes
Cucumber
Florence fennel
Herbs - parsley, fennel, sorrel, sage, thyme, basil, chives, lemon balm, mint, dill
Horseradish
Kale - 7 varieties
Leeks
Lettuce heads and lettuce leaves
Mustard - giant leaves and spicy mix baby leaves
Onions- spring, white and red
Pak choi
Parsnips
Peas - pods and sugar snaps and pea shoots
Potatoes - early and smaller amount main crop
Radish- french, red round and winter
Red Orache
Rocket
Salsify
Spinach - perpetual, New Zealand and baby leaf
Summer squash
Squash - autumn and winter
Tomatoes - cherry, standard and beefsteak
Turnips

Apple trees
Soft Fruit



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ASSOCIATES

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BERWICK WOOD

LABOUR REQUIREMENT REPORT

Further to my report dated 21st December 2022, I write with some further thoughts on the justification for having labour resident on-site at Berwick Wood.

1. The size of the pig enterprise is currently restricted due to there being no labour resident on site. With a business using the direct selling model, the market for the pork has have to be built up and so the current herd of 6 sows will need to added to.
2. Outdoor pigs are destructive creatures and when hungry will break out to go rooting and foraging. The cost of damage to neighbour's property would be financially damaging as would the loss of good will. Onsite labour, outwith normal working hours, will allow more comprehensive supervision and husbandry of the pig herd.
3. The biohazard risk from importing livestock from other breeders/farms and the restrictions imposed on livestock after a transfer of beasts is a problem that can be avoided by being able to build up the herd from the business' own breeding.
4. Further to the above welfare issue, I am advised that there have been, within the last few years, issues with weather conditions – flooding and high winds during which do not travel warnings were issued. My clients cannot leave livestock not being fed. They currently live 1.5km away from their livestock and having to travel along a road lined with trees (as the road from Fintray to Berwick is) during a 'do not travel' warning does not seem responsible. Additionally, in those circumstances, They would not be covered by insurance.
5. There has been significant horticultural crop losses from my clients not being onsite and able to react quickly to weather conditions. This is particularly of note for early crops with their protective nets being blown off by high spring winds and the crop then being grazed and severely damaged by pigeons. Similarly, heavy overnight falls of snow have cause d the collapse of polytunnels. These large financial losses for a small business would have been mitigated by being on onsite.
6. For the business at Bewick Wood both the horticultural and animal enterprises need constant management. My clients feel they are unable to make the

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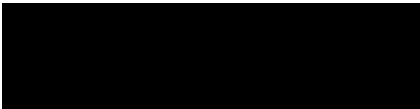


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horticultural side of the business work in an industry that produces small margins and with increasingly extreme and challenging weather patterns, without being based onsite. From a livestock point they need to be able to always reach and care for their stock which, I understand, would not have been possible on at least 5 occasions since the business has been established, having to travel from the nearest village.

7. While my clients do currently rent in the area, it does not relieve any of the above issues.

I hope this information is of help?



Steven A Mackison
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17th August 2023



APPENDIX I

List of vegetables, herbs and fruit grown 2022

Aubergines- long early variety
Aztec Broccoli
Beans- broad, runner, french, string and pole
Beetroot
Broccoli - green and purple and calabrese
Brussel sprouts
Cabbage- spring, summer, autumn, winter and red
Carrots
Cauliflower including romanesco
Chard
Chilli
Celery
Celeriac
Courgettes
Cucumber
Florence fennel
Herbs - parsley, fennel, sorrel, sage, thyme, basil, chives, lemon balm, mint, dill
Horseradish
Kale - 7 varieties
Leeks
Lettuce heads and lettuce leaves
Mustard - giant leaves and spicy mix baby leaves
Onions- spring, white and red
Pak choi
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Peas - pods and sugar snaps and pea shoots
Potatoes - early and smaller amount main crop
Radish- french, red round and winter
Red Orache
Rocket
Salsify
Spinach - perpetual, New Zealand and baby leaf
Summer squash
Squash - autumn and winter
Tomatoes - cherry, standard and beefsteak
Turnips

Apple trees
Soft Fruit

Our Ref: 29761278 APP/2023/0889

Thursday, 08 June 2023

Jackie Webb
National Grid House Gallows Hill, Warwick Technology Park, Warwick
Warwick
Warwickshire
cv246da

National Gas Emergency Number:
0800 111 999*

*Available 24 hours, 7 days/week.
Calls may be recorded and monitored.
www.nationalgas.com

Asset Protection
National Gas Transmission
National Grid House
Warwick
CV34 6DA
Email: box.assetprotection@nationalgas.com
Tel: 0800 970 7000

National Gas Transmission – High Risk Response Letter

Dear Sir/ Madam,

An assessment has been carried out with respect to National Gas Transmission plc's apparatus and the proposed work location. Based on the location entered into the system for assessment the area has been found to be within the High Risk zone from National Gas Transmission plc's apparatus and you **MUST NOT PROCEED** without further assessment from Asset Protection.

Before you go ahead with these works, you are required to send your plans and a description for to us to review them at box.assetprotection@nationalgas.com. We will contact you within 28 days of receipt.

It is **YOUR** responsibility to take into account whether you are required to or would benefit from referring to the HSE Land Use Planning App (LUP), available from HSE's website. (Please note for some works this is a requirement for them to take place) More information on the LUP is available at <https://www.hse.gov.uk/landuseplanning/>

Please note this response and any attached map(s) are valid for 28 days.

Yours sincerely

Asset Protection Team

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near National Gas Transmission plc's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to National Gas Transmission plc (NGT)

This assessment does **NOT** include:

- National Gas Transmission's legal interest (easements or wayleaves) in the land which restricts activity in proximity to National Gas Transmission's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Asset Protection.
- Recently installed apparatus.
- Apparatus owned by other organisations, e.g. Cadent, National Grid Electricity Transmission plc, other gas distribution operators, local electricity companies, other utilities, etc.

It is **YOUR** responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities.

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to National Gas Transmission plc easements or wayleaves nor any planning or building regulations applications.

National Gas Transmission plc or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you require further assistance please contact the Asset Protection team via e-mail (box.assetprotection@nationalgas.com) or via the contact details at the top of this response.

Are My Works Affected?

Is your proposal an Initial Enquiry or Planned Works Application?

Initial Enquiry

As your works are at an "initial" stage, any maps and guidance provided are for information purposes only. This is not approval to commence work. You must submit a "Planned Works" enquiry at the earliest opportunity and failure to do this may lead to disruption to your plans and works. Asset Protection will endeavour to provide an initial assessment within 28 days of receipt of a Planned Works enquiry and, dependent on the outcome of this, further consultation may be required. In any event, for safety and legal reasons, works must not be carried out until a Planned Works enquiry has been completed and final response received.

Planned Works

Your proposal is in proximity of National Gas Transmission plc's apparatus, as shown on the attached map, which may impact, and possibly prevent, your proposed activities for safety and/or legal reasons.

You must not commence any work until you have sent details to us at box.assetprotection@nationalgas.com and have received a response back confirming that we have no objections to the work taking place. You must read and follow all the guidance provided when planning or undertaking any activities at this location.

We will contact you within 28 working days of you providing us with the details of your work at the email address above. Please email, or call us at 0800 970 7000, if you have not had a response within this time frame.

Assessment

Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

- National Gas Transmission Pipelines and associated equipment

Requirements

National High Pressure Gas Pipelines

BEFORE carrying out any work you must:

- Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe National Gas Transmission's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near National Gas Transmission's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

DURING any work you must:

- Ensure that the National Gas Transmission requirements are followed for work in the vicinity of High pressure pipelines including the supervision of the digging of trial holes.
- Comply with all guidance relating to general activities and any specific guidance for each asset type as specified in the Guidance Section below.
- Ensure that access to National Gas Transmission apparatus is maintained at all times.
- Prevent the placing of heavy construction plant, equipment, materials or the passage of heavy vehicles over National Gas Transmission apparatus unless specifically agreed with National Gas Transmission in advance.
- Exercise extreme caution if slab (mass) concrete is encountered during excavation works as this may be protecting or supporting National Gas Transmission apparatus.
- Maintain appropriate clearances between gas apparatus and the position of other buried plant.

GUIDANCE

National Gas Transmission Network data

The Network map for National Gas Transmission assets can be downloaded at the following link in GIS format.

www.nationalgas.com/land-and-assets/network-route-maps

High Pressure Gas Pipelines Guidance:

If working in the vicinity of a high pressure gas pipeline the following document must be followed: 'Specification for Safe Working in the Vicinity of National Gas Transmission High Pressure Gas Pipelines and Associated Installation – Requirements for Third Parties' (SSW22). This can be obtained from: <Link to SSW22 once it has been updated and signed off>

Essential Guidance document:

<https://www.nationalgas.com/sites/gas/files/documents/8589934982-Essential%20Guidance.pdf>

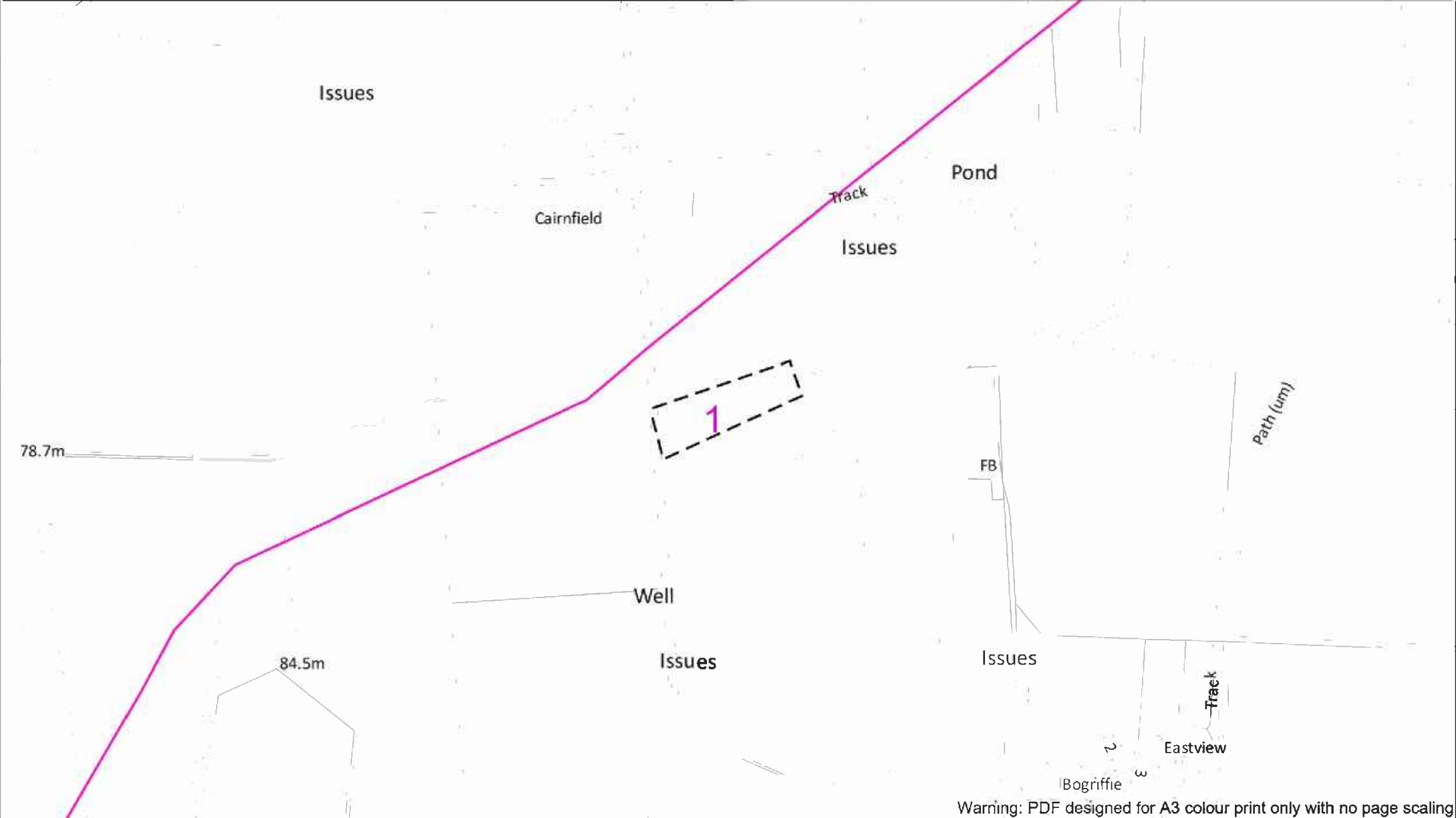
You should be aware of the following information regarding National Gas Transmission's high pressure underground pipelines and associated apparatus:

- Our underground pipelines are protected by permanent agreements with landowners or have been laid in the public highway under our licence. These grant us legal rights that enable us to achieve efficient and reliable operation, maintenance, repair and refurbishment of our gas transmission network. Hence we require that no permanent structures are built over or under pipelines or within the zone specified in the agreement, materials or soil are not stacked or stored on top of the pipeline route and that unrestricted and safe access to any of our pipeline(s) must be maintained at all times.
- The information supplied is given in good faith and only as a guide to the location of our underground pipelines. The accuracy of this information cannot be guaranteed. The physical presence of such pipelines may also be evident from pipeline marker posts. The person(s) responsible for planning, supervising and carrying out work in proximity to our pipeline(s) shall be liable to us, as pipeline(s) owner, as well as to any third party who may be affected in any way by any loss or damage resulting from their failure to locate and avoid any damage to such a pipeline(s).
- The relevant guidance in relation to working safely near to existing underground pipelines is contained within the Health and Safety Executive's (www.hse.gov.uk) Guidance HS(G)47 "Avoiding Danger From Underground Services" and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Our pipelines are normally buried to a depth of 1.2 metres or more below ground and further information may be found on the plans provided. Ground cover above our pipelines should not be reduced or increased.
- Any proposed cable crossings are subject to approval from National Gas Transmission, completion of a Deed of Consent and must remain a minimum of 600mm above or below the pipeline. All works associated with cable installation must be supervised by National Gas Transmission. Cables cannot be pulled through until a Deed of Consent is in place.
- If it is planned to use mechanical excavators and any other powered mechanical plant, it shall not be sited or moved above the pipeline.
- If it is planned to carry out excavation to a depth greater than 0.3 metres, embankment or dredging works, the actual position and depth of the pipeline must be established on site with our representative

and a safe working method agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.

- The digging of trial holes to locate the pipeline must be carried out under the supervision of our on-site representative following approval of RAMS. Excavation works may take place unsupervised no closer than 3 metres from the pipeline once its actual location has been confirmed. Similarly, excavation with handheld power tools may take place no closer than 1.5 metres away.
- For operational and safety reasons National Gas Transmission requires unrestricted access to our Above Ground Installations and Compressor Stations. We would request that any proposed changes to roads/layouts in the vicinity of our site have regard to the need to maintain access.
- Any construction traffic should either cross the pipeline using existing roads or at agreed crossing locations using agreed protective measures.
- Ground anchors for scaffolding stay wires should only be sited in the vicinity of the pipeline after the pipeline position has been confirmed on site with our representative and the ground anchor position agreed.
- If your proposals include the installation of wind turbines then the minimum separation between the pipeline and the nearest turbine should be 1.5 times the mast height.
- If your proposals include the installation of a Solar Farm, all assets must remain outside of the National Gas Transmission easement, all cable crossings must be agreed during the design stage, a Deed of Consent undertaken and an Earthing report must be provided for review. National Gas Transmission must retain access to its assets at all times once works have been completed.

The relocation of existing underground pipelines is not normally feasible on grounds of cost, operation and maintenance and environmental impact. Further details can be found in our specification for: safe working in the vicinity of National Gas Transmission high pressure gas pipelines and associated installations – requirements for third parties: T/SP/SSW/22 (see link above or copy enclosed)



Warning: PDF designed for A3 colour print only with no page scaling

Date Requested: 08/06/2023
 Job Reference: 29761278
 Site Location: 383896 817848
 Requested by:
 Miss Jackie Webb
 Your Scheme/Reference:
 APP/2023/0589
 Scale: 1:2500 (When plotted at A3)

IMPORTANT NOTICES
 This plan shows those pipes owned by National Gas Transmission PLC in its role as a licensed Gas Transporter (GT). Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information with regards to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by National Gas Transmission PLC or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HSE(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.


National Gas Transmission Emergency Number. 0800 111 999
 Available 24 hours, 7 days/week. Calls may be recorded and monitored.

Warning: PDF designed for colour print only with no page scaling

100m

Dig Sites Area: Line:

NHP Mains



national gas transmission

National Gas Transmission
 National Grid House
 Warwick Technology Park
 Gallows Hill
 Warwick
 CV34 6DA
 box.assetprotection@nationalgas.com

Item 6
Page 415

ENQUIRY SUMMARY

Received Date

08/06/2023 14:02

Work Start Date

28/06/2023

Your Reference

APP/2023/0889

Location

Centre Point: 383896 817848

X Extent:

Y Extent:

Postcode: AB210YR

Map Options

Paper Size: A3

Orientation: LANDSCAPE

Scale: 1:2500

Real World Extents: 106m x 69m

Enquirer Details

Organisation Name: National Grid

Contact Name: Jackie Webb

Email Address: Jackie.webb1@nationalgas.com

Telephone: 07811 021561

Address: National Grid House Gallows Hill, Warwick Technology Park, Warwick, Warwick, Warwickshire, cv246da

Enquiry Type

Planned Works

Activity Type

Planning Applications

Work Types

Single property

Notes/Works Description (if supplied)

Erection of Dwellinghouse and Retrospective Ground Based Solar Panels planning@aberdeenshire.gov.uk

Site Contact Name (if supplied)

Jackie Webb

Site Contact Number (if supplied)

07811021561



National Grid House
Warwick Technology Park
Gallows Hill, Warwick
CV34 6DA

Aberdeenshire Council

Asset Protection
National Gas Transmission
National Grid House
Warwick
Direct Tel: 07811 021561
Email - jackie.webb1@nationalgas.com

Planning Work?
Please enquire with us at
www.lsbud.co.uk

**National Gas Emergency Number:
0800 111 999***

*Available 24 hours, 7 days/week.
Calls may be recorded and monitored.
www.nationalgas.com

Date: 12-06-2023

Our Reference: GS1_29761278

Your Reference: APP/2023/0889

Dear Jackie Webb / National Gas Transmission

Ref: Site Address Not Provided

National Gas Transmission has No Objection to the above proposal which is in close proximity to a High-Pressure Gas Pipeline – Feeder.

I have enclosed a location map to show the location of National Gas Transmission high-pressure gas pipeline(s) within the vicinity of your proposal and associated information below.

No Objection: National Gas Transmission supports the HSE's decision and will not object to the development as described.

Yours sincerely

Jackie Webb

Asset Protection Assistant

PLEASE READ CAREFULLY

- No buildings should *encroach within the Easement strip of the pipeline indicated above*
- No demolition shall be allowed within 150 metres of a pipeline without an assessment of the vibration levels at the pipeline. Expert advice may need to be sought which can be arranged through National Gas Transmission.
- National Gas Transmission has a Deed of Easement for each pipeline which prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent / temporary buildings, or structures. If necessary National Gas Transmission will take action to legally enforce the terms of the easement.
- We would draw your attention to the Planning (Hazardous Substances) Regulations 1992, the Land Use Planning rules and PADHI (Planning Advice for Developments near Hazardous Installations) guidance published by the HSE, which may affect this development.

- To visit the Land Use Planning site, please use the link below:
<https://www.hse.gov.uk/landuseplanning/methodology.htm>
- You should be aware of the Health and Safety Executives guidance document HS(G) 47 "Avoiding Danger from Underground Services", and National Grid's specification for Safe Working in the Vicinity of National Gas Transmission High Pressure gas pipelines and associated installations - requirements for third parties T/SP/SSW22. You should already have received a link to download a copy of T/SP/SSW/22, from our Plant protection Team, which is also available to download from our website.

- To view the SSW22 Document, please use the link below:
<https://www.nationalgrid.com/uk/gas-transmission/document/113921/download>
- A National Gas Transmission representative will be monitoring the works to comply with SSW22.

- To download a copy of the HSE Guidance HS(G)47, please use the following link:
<http://www.hse.gov.uk/pubns/books/hsg47.htm>

- National Gas Transmission will also need to ensure that our pipelines access is maintained during and after construction.

- Our pipelines are normally buried to a depth cover of 1.1 metres however; actual depth and position must be confirmed on site by trial hole investigation under the supervision of a National Gas Transmission representative. Ground cover above our pipelines should not be reduced or increased.

- If any excavations are planned within 3 metres of National Gas Transmission High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a National Gas Transmission representative. A safe working method must be agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.

- Excavation works may take place unsupervised no closer than 3 metres from the pipeline once the actual depth and position has been confirmed on site under the supervision of a National Gas Transmission representative. Similarly, excavation with hand held power tools is not permitted within 1.5 metres from our apparatus and the work is undertaken with NG supervision and guidance.

Pipeline Crossings

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at locations agreed with a National Gas Transmission engineer.
- All crossing points will be fenced on both sides with a post and wire fence and with the fence returned along the easement for a distance of 6 metres.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. No protective measures including the installation of concrete slab protection shall be installed over or near to the National Gas Transmission pipeline without the prior permission of National Gas Transmission. National Gas Transmission will need to agree the material, the dimensions and method of installation of the proposed protective measure. The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to National Gas Transmission.
- Please be aware that written permission from National Gas Transmission is required before any works commence within the National Gas Transmission easement strip.
- A National Gas Transmission representative shall monitor any works within close proximity to the pipeline to comply with National Gas Transmission specification T/SP/SSW22.
- A Deed of Indemnity is required for any crossing of the easement including cables

Cables Crossing

- Cables may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees.
- A National Gas Transmission representative shall supervise any cable crossing of a pipeline.
- An impact protection slab should be laid between the cable and pipeline if the cable crossing is above the pipeline.
- Where a new service is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service must cross below the pipeline with a clearance distance of 0.6 metres.

All work should be carried out in accordance with British Standards policy

- BS EN 13509:2003 - Cathodic protection measurement techniques
- BS EN 12954:2001 - Cathodic protection of buried or immersed metallic structures – General principles and application for pipelines
- BS 7361 Part 1 - Cathodic Protection Code of Practice for land and marine applications
- National Gas Transmission Management Procedures



**Development in the
Countryside
Policies R1 and R2
including Organic
Growth of Settlements**

**Planning advice
PA2023-11**

September 2023

Purpose of this Planning Advice

This Planning Advice has been designed to give best practice guidance in support of the delivery of homes and employment uses that are appropriate to Aberdeenshire's countryside. It sets out what applicants may be expected to provide in order to support an application and demonstrate compatibility with the frequently used aspects of Policies R1 'Special Rural Areas' and R2 'Development Proposals Elsewhere in the Countryside' of the Aberdeenshire Local Development (LDP) 2023. It also provides the list of identified settlements for organic growth as required by policy R2.14. It focuses on:

- Accommodation for Primary Industry Workers (described as for 'essential workers');
- Redevelopment of Rural Brownfield Sites;
- Organic Growth of Settlements including the list of 'identified settlements';
- Single Homes Associated with Retirement Succession of an Agricultural Holding;
- Extensions to Clusters/Housing Groups; and
- Employment Proposals.

The Planning Advice also takes account of National Planning Framework 4 (NPF4). Where appropriate, applicants should read this advice in conjunction with relevant policies outlined in NPF4 such as:

- Policy 8 Green belts;
- Policy 9 Brownfield, vacant and derelict land and empty buildings;
- Policy 10 Coastal development;
- Policy 17 Rural homes; and
- Policy 29 Rural development.

For clarification, specific opportunities for delivering rural housing through Organic Growth and Extensions to Clusters/Housing Groups are considered to represent Aberdeenshire Council's 'tailored approach' to delivering the specific requirement of NPF4 in relation to rural development and local living as outlined in NPF4 Policy 15 Local Living and 20 minute neighbourhoods and Policy 29 Rural development.

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1. Introduction

The Development in the Countryside policies are a key part of determining the principle of a development proposal. Applicants are encouraged to engage early with the Planning Service about their site and proposal. This [pre-application advice service](#) informs prospective applicants as to how policies from the LDP will be applied to their proposal, identifies supporting information that is likely required to accompany their application and will flag up whether a proposal may be unacceptable.

In all cases, other policy considerations will apply. Specific focus on an appropriate scale and design is paramount in all instances, and any new dwelling or employment proposal, regardless of its justification, should fit the site and wider setting.

2. The Accessible/Remote Rural Areas and Designations

Aberdeenshire comprises two key designations that affect which planning policies and criteria will apply to an application. These are the ‘accessible’ and ‘remote’ rural areas that are based on the Scottish Government’s 6-fold Urban/Rural Classification.

Additionally, Policy R1 refers to restricted development across the green belt around Aberdeen and coastal zone outside settlements. The accessible and remote rural area boundaries, as well as the green belt and coastal zone can be viewed in close detail on the [interactive Plan](#). For the avoidance of doubt, the interactive Plan shows the 2020 version of the 6-fold Urban/Rural Classification in line with NPF4.

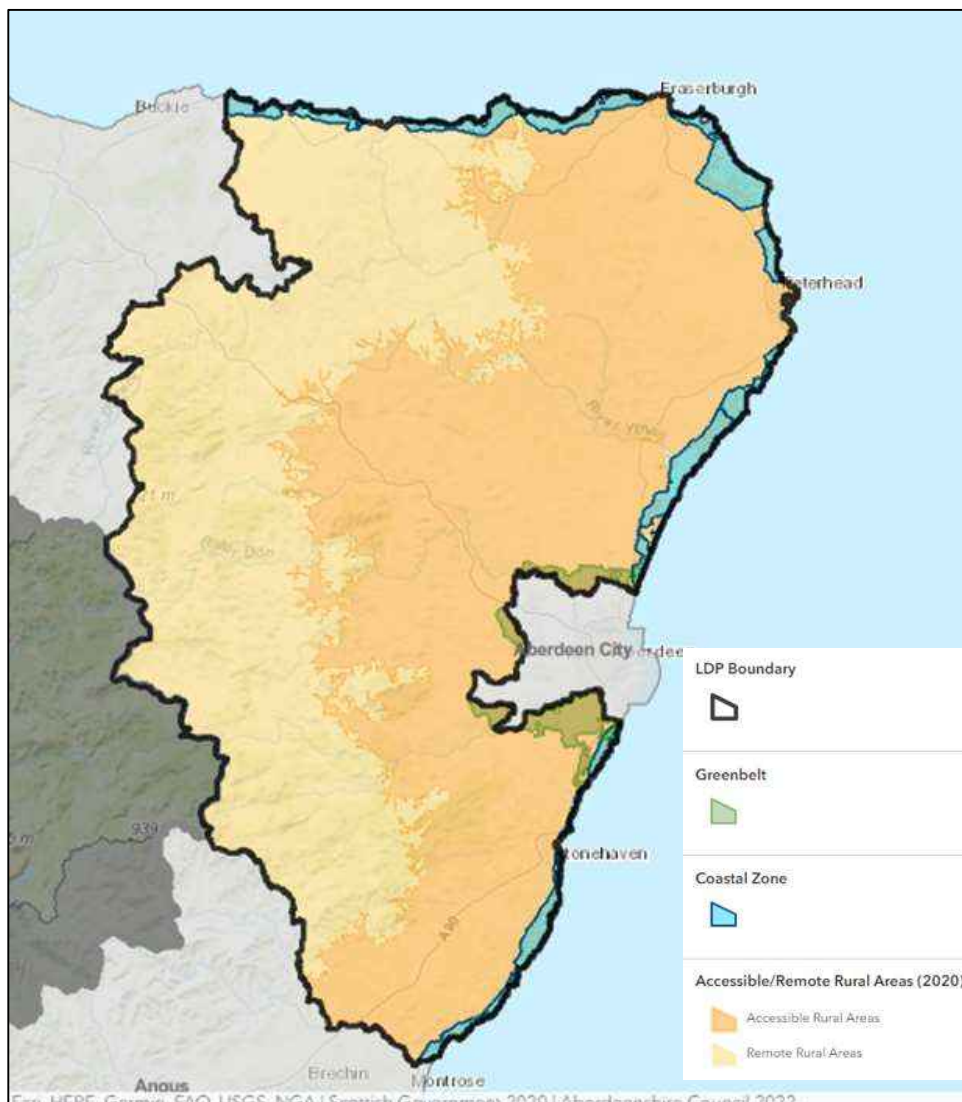


Figure 1: Map of Aberdeenshire’s accessible/remote rural area, coastal zone and greenbelt designations.

3. Accommodation for Primary Industry Workers (Essential Workers)

Policy R1.1

In order to safeguard the special nature of the green belt and coastal zone, development opportunities will be restricted and subject to the considerations set out in paragraphs R1.2 to R1.5. The boundaries of the green belt are shown on the proposals maps where applicable and in detail in Appendix 4, Boundaries of the Green Belt. The extent of the coastal zone is shown in detail in Appendix 5, Coastal Zone.

Policy R1.2

In the green belt the following developments are permitted:

- *development associated with agriculture, woodland and forestry, fishing and horticulture;*
- *development for a recreational use that is compatible with its agricultural or natural setting. The development of single huts not associated with a tourist proposal under Policy B3 Tourist Facilities will be prohibited;*
- *development meeting a national requirement or established need, if no other suitable site is available;*
- *intensification of an established use subject to the new development being of a suitable scale and form¹;*
- *accommodation within the immediate vicinity of the place of employment required for a worker in a primary industry, where the presence of a worker is essential² to the efficient operation of the enterprise, and there is no suitable alternative residential accommodation available.*
- *essential infrastructure such as digital communications infrastructure and electricity grid connections.*

Footnotes:

- 1) *This will generally be the extension of an existing non-domestic building or ancillary use rather than its replacement. Householder developments are considered under Policy P3 Infill Developments within Settlements and Householder Developments (including home and work proposals).*
- 2) *For example, in order to maintain an active presence for the purposes of animal husbandry.*

Policy R1.2, allows for accommodation for workers in a primary industry or 'essential workers'. This policy applies in the green belt and the wider countryside out with the green belt. Applications made under this policy provision must be supported by an independent statement prepared by a suitably qualified industry professional in support of the need for a house in relation to the proper function of the business. In the majority of cases, it is expected that the requirement will arise in respect of the need for a worker for the purposes of agriculture on a farm holding and the advice is therefore aimed at such proposals. However, similar information would be expected of any proposed essential workers accommodation related to any primary industry. The supporting information required for such proposals must include:

- Details of enterprise including extent of ownership, operations, infrastructure and existing labour.
- Labour requirement report and business case including why it is essential for the accommodation to be located at the place of business.
- Potential for the use of any other existing accommodation in the area including open market housing.
- Details and explanation of any disposal of any accommodation or permissions for dwellings.
- The potential for erecting a dwelling under other policies of the Development Plan including the discounting of any brownfield land and or existing buildings which could be converted under other policies.

In the case of proposals for retiring workers, the criteria outlined in this planning advice in relation to Policy R2.15 should be applied. In addition to the criteria stated in R1.2, NPF4 makes it clear that proposals for rural homes also includes retired workers where there is no suitable alternative accommodation available.

“**Primary industry**” is defined within the [Standard Industrial Classifications of Economic Activities](#) and will typically relate to the farming or forestry sectors. It includes activities incidental to agricultural production and activities similar to agriculture not undertaken for production purposes (in the sense of harvesting agricultural products), done on a fee or contract basis. Also included are post-harvest crop activities, aimed at preparing agricultural products for the primary market (see para A01.1 to A01.64 from the [Main Volume of the UKSIC2007](#)).

This policy is not applicable to secondary industries such as construction and “trades” such as joinery, plumbing, electrician, etc. or those involved in tourism. These industries fall out-with the definition of primary industry and therefore the policy will not be applied to applications seeking permission for accommodation associated with these industries.

If the activity can be considered a primary industry, justification is required to demonstrate the need for a permanent presence on site to operate the enterprise associated with that business, and that all alternative options under other policy provisions have been considered. This must be essential to the business' operation and it is expected that applicants provide full details of why accommodation is required, including why the business activity could not reasonably function without the accommodation. “Security” is unlikely to be sufficient justification for an essential worker, as this service can be provided without the need for permanent residence.

All proposals are expected to include a Labour Requirement Report and Business Case, which should be provided to demonstrate that business exists and that there is a prospect of economic viability to sustain a full-time worker on site.

A Labour Requirement Report and associated business case will be required to demonstrate that the business is viable and can support the worker for which the accommodation is proposed. Where a labour requirement of two or more workers is demonstrated, this does not necessarily justify the number of dwellinghouses, instead it must be justified that the business could not operate without that number of workers onsite.

Where accommodation is genuinely required for the management of a business that is not yet operational, but has been fully supported by a Business Plan and Labour Requirement Report, the Planning Service may consider that a temporary form of accommodation is more appropriate. This allows for a new or expanding business to become established prior to considering permanent residential accommodation. The Planning Authority are unlikely to support permanent housing for speculative business proposals in the countryside.

In all cases “no suitable alternative residential accommodation” must be available that could otherwise provide this accommodation, including those available on the open market in the immediate vicinity to the enterprise. In addition, it is expected that other opportunities under other policies of the Local Development Plan which could be used to provide accommodation are fully explored. This may include the conversion or replacement of existing buildings or use of brownfield land.

In all cases the proposed accommodation must be located in the “**immediate vicinity**” of the place of employment. For agricultural operations this is expected to be at or adjacent to the farm hub.

Considerations specific to Agricultural Proposals

The Planning Authority will not generally consider approving a permanent dwelling under this policy if the land to which the agricultural enterprise relates, is not owned by the applicant unless the applicant holds a 1991 Act Tenancy or a Limited Duration Tenancy. In the case of Limited Duration Tenancies, it must be demonstrated as to how long the tenancy period extends. Where the farm business relies on land subject to short limited duration tenancies or other forms of short-term leases that land is unlikely to be considered in terms of any needs case submitted to the Planning Authority.

For avoidance of doubt, due to the prevalence of contracting within the industry, accommodation for agricultural contractors will not generally be considered as requiring an onsite location at a base of operations. Equally, workers employed purely in arable activities are unlikely to be deemed essential unless the business has very specific needs or where mixed farming activities means animal husbandry is a significant part of the overall farm business.

Policy R1.3

In the coastal zone development must require a coastal location or there must be clear social, economic, environmental or community benefits arising. In either case there must be no coalescence of coastal developments or adverse impacts on natural coastal processes or habitats.

Policy R1.4

We will approve development associated with coastal protection works where it is evidenced that the works respect natural processes and there will be no significant adverse impact on coastal processes or habitats, and that the development will not result in increased coastal erosion or flooding on the coastline. The full range of protection works and management options should be considered over the lifetime of the development to futureproof against relevant climate change projections.

Policy R1.5

In both the green belt and coastal zone we will also allow:

- the sensitive restoration, conversion or extension of a traditional vernacular building or other building of architectural merit;*
- replacement of a single non vernacular building within the curtilage of the building to be replaced, and for the same use. The replacement building must be consistent in scale, and no more intrusive than the existing building. In addition, it is generally expected that the new building will demonstrate a significant improvement in design to that of the existing building.*

For the avoidance of doubt, under R1.3, the types of development permitted in the green belt under R1.2 may be acceptable in the coastal zone if they require a coastal location. All coastal zone development will still require to meet the tests of not contributing to coalescence or adverse impacts on natural coastal processes or habitats which will be key to any assessment of development subject to this policy. The R1.3 criteria, “social, economic, environmental or community benefits arising”, is superseded

by NPF4 Policy 10b which requires proposals to have a dependency on a coastal location with the exception of essential infrastructure.

Whilst Policy R1 does not differentiate between developed coast and undeveloped coast as per the considerations set out in NPF4 Policy 10, it is clarified that in the Aberdeenshire context, all settlements with a defined boundary are considered to be 'developed coastal areas' with the remainder of the identified coastal zone being considered as 'undeveloped coastal areas'.

Where a design statement is submitted with any planning application that may impact on the coast it will take into account, as appropriate, long-term coastal vulnerability and resilience.

4. Redevelopment of Rural Brownfield Sites

Policy R2.4

Appropriate development will be welcomed on brownfield sites that bring an environmental and visual improvement. Any vacant land that has become naturalised³ will not be available for redevelopment as brownfield land.

Footnote:

3) Naturalised land is that which has been previously developed but is no longer regarded as 'vacant' due to its nature conservation interests, as demonstrated in an ecology survey.

“Appropriate development” will be informed through applying other policies in the Plan, such as P1 and E2, to ensure the scale, massing and design of the development is appropriate to the site and setting.

Where possible, full or partial refurbishment will be preferred to replacement of existing houses or disused vernacular buildings. The objectives of the policy are to remove dereliction from the countryside, reuse existing buildings where possible and retain the traditional character of the area. The policy also allows for the replacement of individual buildings that have reached the end of their useful life.

“Brownfield development/land/sites” are defined in the LDP Glossary as “land/buildings found outwith settlements that have previously been developed or used for some purpose that has now ceased and on which a new use has not been established. Land/buildings will be vacant, redundant or derelict. “

There are a number of exemptions associated with the redevelopment of rural brownfield policies which are defined by the LDP Glossary. These exemptions are as follows:

- Private and public gardens, domestic garages, sports and recreational grounds, woodlands and amenity open space;

This extends to the replacement of buildings situated within an existing residential curtilage. Garages are unlikely to ever be disused and redundant for their original purpose.

- Agricultural buildings or land used for storage purposes e.g. silage clamps or other specialised agricultural structure;

Even if a building was not designed for storage purpose, it would still be considered to be in use and would therefore not comply.

- Temporary buildings e.g. garden sheds and huts;

Redundant or disused buildings of a temporary nature will not generally comply with this policy. This includes sites accommodated by chalets or caravans.

Where there is uncertainty regarding the permanence of a structure, judgement must be made on the type of structure, foundations etc.

- Reinstated sites e.g. former quarries or sites with unimplemented conditions for reinstatement;
- Wells and pump-houses;
- Hardstandings;
- Agricultural buildings constructed using modern materials, including where such buildings are subject to storm damage and sites disused or redundant for so long that they have not become naturalised.

It is considered that such buildings could be reasonably reinstated through a claim on an individual's insurance policy.

Given the need to conserve embodied energy, demolition will be regarded as the least preferred option in all circumstances (NPF4 Policy 9d).

“Naturalised” is defined in the LDP Glossary as “vacant or derelict land where there is no clear indication of what the previous use of the land was. The land has reverted to a natural state or the site appears to have blended back through a degree of vegetation into the surrounding landscape. Naturalisation is a dynamic process that is best judged based on a review of the site visit. Land that has been vacant or derelict for at least 15 years is likely to demonstrate signs of returning to a naturalised state, usually through the presence of trees and shrubs.”

A site will be considered to be naturalised where the remains on site contains vegetation that provides habitat and biodiversity value (including areas of established woodland). Clear signs of this are heavy moss or growth on stonework, trees growing within the footprint of the building, or overgrown and unkempt ground in and around the remains.

NPF4 Policy 9 strengthens the position that biodiversity value should be taken into account in all circumstances, but a site can be of low ecological value and continue to be considered naturalised. Opportunities for biodiversity enhancement (biodiversity net gain) should be demonstrated as part of any proposal.

Naturalised – overgrown and not suitable for redevelopment



Brownfield Site - Sufficient Remains and can be considered, in principle, for redevelopment



Policy R2.5

We will permit the refurbishment or replacement of an existing home. Where necessary, conditions will be applied to ensure that the original home will be demolished on occupation of the replacement home.

Demolition of a house and its replacement with a new building would be permitted under the policy. It is expected that a house will be replaced with only one house regardless of the curtilage surrounding that dwelling.

If the house is to be replaced by a larger dwelling, issues of siting, design and impact on landscape character will be of particular relevance, assessed against Policies P1 and E2. While it is not the intention to stifle modern design, there is greater potential for adverse impacts on setting and landscape where a dwelling is replaced with a larger one.

Where the original home on site is of value as an ancillary structure, in whole as an outbuilding or in part of a 'sit-oot-erie'/amenity space and it can be retained as an integral and well related element of the new layout proposed, its retention can be supported. Conditions would be attached to ensure the remaining structure is ancillary to the resultant dwelling on site, ensuring the planning unit remains that of a single dwelling.

As set out in R2.10, if the existing dwelling is of architectural or vernacular merit, supporting information to justify its demolition shall be required.

Policy R2.6

We will permit the small-scale development of brownfield sites that involve the conversion or replacement of a redundant or derelict non-domestic building or the redevelopment of vacant land.

“**Small-scale development**” is defined in the LDP Glossary as “Development on a site of less than 0.5 hectare. In the countryside, development of housing is limited to up to 3 homes (unless otherwise specified in policy).”

Over time agricultural buildings may not necessarily be used for the purpose for which they were originally designed. Agricultural buildings may be adapted to service the developing needs of the farming enterprise or provide a secondary function. It should be demonstrated that agricultural buildings are redundant from any reasonably practical use on that farm unit, such as fodder or implement storage. Modern agricultural buildings capable of a variety of uses will not be considered as the basis for a brownfield redevelopment or replacement of a disused building.

To be truly redundant the building/site should have no clear evidence of any recent use. Where there is any doubt over the buildings use it should be demonstrated that the building has been disused for its designed use and no viable suitable alternative use can be found for the building. In the case of buildings used for industrial uses, the Planning Service may require demonstration of disuse for a longer period. This may vary on a case-to-case basis depending on the circumstances of each case. Applicants proposing replacement of industrial buildings should engage with their local planning office.

In all cases, there is an expectation that the existing building will be completely removed from the site or converted to a functional use. It should not be left to deteriorate to a derelict state.

It is useful to clarify that development should be small scale, and opportunities presented will depend on the size and location of the particular building to be replaced. Sites should not be enlarged to include agricultural land and/or woodland to artificially increase the site boundary (similar to brownfield), thus avoiding encroachment into the

countryside which may then impact on Prime Agricultural Land, valued grassland habitat, woodland or pose a wider impact on the natural environment and landscape setting of the site. Where a building is associated with other disused buildings, or has a defined curtilage, or connecting redundant land, this will generally be considered to be part of a brownfield site. Brownfield sites or disused buildings should not be subdivided and sites consisting of multiple buildings should be considered holistically in respect of limits placed on small scale development. For larger brownfield sites, see criteria below.

For avoidance of doubt, buildings contained within residential curtilages shall not be considered as disused buildings under the terms of this policy.

Examples of redundant/derelict buildings – clearly previously a dwelling/bothy but use now abandoned



Example of successful conversion



Policy R2.7

To promote a planned approach to rural brownfield development, larger brownfield sites, including redundant buildings that are grouped together in a very distinctive and commonly recognised way, such as farm buildings that share a large curtilage, will be considered in their entirety, and should not be divided into their component parts with sequential permissions being sought for small-scale development on each part.

“**Larger brownfield sites**” is defined as brownfield land/sites located outwith settlements of a size greater than 0.5 hectares or that are considered capable of accommodating more than 3 homes.

Examples of potentially “larger brownfield sites”



Policy R2.8

Proposals for more than three new homes on larger rural brownfield sites will only be permitted where a larger development can be accommodated on the site and the scale of development proposed will not cause adverse social or environmental impacts⁴. The quality of the design will be paramount in such occasions. Mixed use proposals may also be permitted subject to the location being appropriate for the uses proposed and subject to consideration of other relevant policies⁵.

Footnotes:

4) For example, through cumulative large scale brownfield sites in the countryside.

5) Such as Policy B2 Employment and Business Land (B2.3) and Policy B3 Tourist Facilities.

More than three dwellings will not be accepted without justification and a supporting statement. Considerations such as viability due to need to clear contamination or to provide services to the site may be considered reasonable.

Other policy implications may arise from proposals for more than three dwellings, such as affordable housing provision and the need for adoptable roads and footpath connections, to be assessed against Policies H2 and RD1. The holistic impacts of the development, both the scale and design of housing and the associated infrastructure, will be assessed against other policies of the LDP. The road and path infrastructure may itself have a sub-urbanising impact on the rural setting and could in turn be contrary to Policies P1 and E2. For any proposal under these criterion, the applicant should seek pre-application advice.

Policy R2.9

Large brownfield sites capable of accommodating eight or more homes should be promoted through an allocation in the Local Development Plan. However, we recognise that in some cases development opportunities may come forward on large brownfield sites unexpectedly and between reviews of the Local Development Plan. In these circumstances, development proposals will be considered on their individual merits. Development approved under this policy in the remote rural area will be exempt from further development through the housing clusters and groups policy during the Plan period.

The scope for seven houses is the extreme scenario for large sites. In most instances fewer units will be acceptable due to wider considerations relating to layout, siting, design and landscape impact. As in R2.4, other policy considerations come into play and will play a key role in assessing the acceptable level of development on any given site. The scale, massing, quality and character of the development is as important as the number of dwellings. Large dwellings or suburban scale and design is not going to be acceptable, whereas a greater number of modest sized traditional rural vernacular properties would be more likely to receive support.

Policy R2.10

In all cases, at a very minimum, some parts (such as low walls) of the existing home or non-domestic building(s) must be evident upon physical inspection. Development does not necessarily need to replicate the existing footprint, however development must be contained within a defined curtilage⁶. Where development involves redevelopment of a traditional vernacular home or non-domestic building(s) or is otherwise of architectural merit, full or partial restoration will be favoured in the first instance unless evidence is provided to indicate the building cannot reasonably be reused (i.e. it is not structurally sound and is not reasonably capable of retention). Such evidence should be prepared by an appropriate qualified professional. It is expected that any materials that can be salvaged from the existing home or non-domestic building(s) will be incorporated into the new development either through use in the design, or construction of new home(s) or building(s), landscaping or as a development feature.

Footnote:

6) This is the land which is associated by either boundary or setting with the house.

Clarification provided under R2.4 above is applicable to this criteria. The evidence of the site's remains and scale must be clearly evidenced.

Brownfield Site - Sufficient Remains and can be considered, in principle, for redevelopment



The retention or re-use of any building materials should be incorporated into the final design solution.

The refurbishment of a traditional vernacular house/ building is actively encouraged. These types of buildings form an important part of Aberdeenshire's character. It is important that traditional houses and buildings are not lost unnecessarily or altered to such an extent that their character is significantly altered in circumstances where they could be sympathetically converted, refurbished or extended and remodeled. Where possible every effort should be made to refurbish houses/ buildings as opposed to replacing them with a new build. The replacement of traditional vernacular houses/ buildings will generally only be considered where it is demonstrated that it is not structurally sound and not capable of retention, typically in the form of a structural survey that identifies the building is not suitable for retention. Simply not having sufficient foundations, being too narrow or having limited headroom is not adequate justification.

In the case of vernacular houses and buildings of architectural merit, a financial report/ cost appraisal that clearly demonstrates why it is economically not viable to refurbish buildings of architectural merit will generally be required to be provided. Such an appraisal should include the cost of site clearance and disposal of materials. Where demolition is justified any salvageable materials such as granite and slates should be reused within the new development.

Replacement houses or buildings do not necessarily require to be situated on the same footprint as was previously occupied, but they will generally be in the same curtilage as the existing house or building. For the avoidance of doubt, sites should not be expanded into surrounding agricultural land. A different footprint may be considered, for example, in order to achieve better siting, layout and design, improve energy efficiency, or avoid a specific existing constraint.

Where a building does not have a defined curtilage, any green field land take associated with the new use should be the minimum required for the new use and should be in keeping with the character and pattern of development in the surrounding area. Replacement of a building with a building on a different site will only be

considered in exceptional circumstances (such as for improved amenity from statutory nuisance), and the siting must be no more prominent in the landscape. Any replacement dwelling will have a defined curtilage.

It is noted that agricultural buildings do not necessarily have a defined curtilage. However, there is often a yard space or clear field boundary that defines an area around the building to where redevelopment should be contained.



Proposed replacement dwelling – Kept within the existing curtilage



5. Organic Growth of Settlements

Policy R2.11

We will support small-scale organic growth in identified settlements, subject to criteria listed in paragraph R2.13 below. In all cases, careful consideration of layout, siting and design will be primary in determining whether the growth promoted is acceptable. Organic growth will not be permitted where development proposed would cause an adverse impact that cannot be suitably mitigated⁷.

Footnotes:

7) Including considerations set out in other relevant policies in Section 8 (Natural Heritage and Landscape) and Section 10 (Protecting Resources).

Small-scale growth has been promoted as a way of expanding villages in the way they would have historically grown. This “organic growth” can be defined as being gradual or natural development. Speculative development achieved through submission of multiple planning applications without justification of local need is not considered gradual or natural development. Cumulative developments around identified settlements would be better achieved through a formal allocation in the LDP.

There is an expectation that any organic growth to an “identified settlement”, be it single dwelling or three dwellings, is of appropriate layout, siting, and design. The proposal’s relationship with the existing character and pattern of the development will be fundamental to the acceptability of its overall siting and layout. Other policy considerations, particularly Policy P1 and E2, will inform the decision on the appropriateness of the proposal in terms of design and scale of the individual dwelling. Applicants should use the following considerations to help consider appropriate siting of development:

- Is the site consistent with the historic growth and pattern of the settlement?
- Is the site appropriate in terms of landscape character?

Sites should not extend beyond any natural containment of the settlement in the landscape.

- Does the site relate well to other nearby dwellings (layout and design)?
Sites should avoid the impression of sprawl or sporadic development in the countryside.
- Does the site have a natural boundary consistent with the other properties?
Sites should be appropriately located with a relationship to a natural boundary consistent with its surroundings. This could be trees, roads, dykes, adjacent properties or natural landforms that all improve the integration of a house into its setting. Sites cannot be defined by the erection of a new post and wire fence to create an enclave.
- Is the site accessible to an identified settlement via a safe and suitable footway connection?

Common policy considerations in relation to the siting of organic growth proposals include constraints relating to the flooding, impact on prime agricultural land, trees and woodlands, and natural heritage falling under the 'Climate Change', 'Protecting Resources' and 'Natural Heritage and Landscape' policy chapters. For the avoidance of doubt, proposals must comply with all parts of the LDP and where identified settlements for organic growth are bounded by constraints such as those above, Policy R2 will not override these issues.

Example of organic growth – Sites consistent with pattern of development.



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Policy R2.12

In the accessible rural area only settlements without an opportunity site for housing will be considered under this policy.

This forms part of the criteria applied to develop the “identified settlements” list as set out below. Appendix 1 provides further detail on how this is used.

Policy R2.13

No more than an additional 20% growth of the settlement, up to a maximum of 10 new homes, will be permitted during the Plan period. The development site must lie within 200m of the settlement boundary. It should represent a logical extension and not prejudice the character of the settlement. It is expected that paths and/or active travel routes will be provided to the built-up edge of the settlement to link to the existing network and safe routes to schools.

Developments approved as part of organic growth will be permitted up to 20% of the size of the existing settlement, up to 10 new homes. This applies to the plan period commencing on the date of adoption of the current plan and finishing on the adoption of the next plan. The size of the existing settlement refers to the number of dwellings within the settlement or built-up area on the day the LDP is adopted. The total capacity for growth of the identified settlements is set out below.

There is the possibility for planning consent granted for organic growth to expire during the plan period e.g. planning permission granted in 2023 could lapse in 2026. In such instances, the number of homes subject to that consent will be returned to the capacity for growth and made available for other prospective applicants to deliver.

Should development during the plan period be built and reach the cap, it demonstrates that there is demand for development in that settlement, but that further growth may be

appropriate to come through a planned approach via the identification of allocated opportunity sites in the next Plan.

Development(s) of up to 3 homes will be permitted within 200m of settlements. Most, but not all “identified settlements” are also “settlements” recognised in Appendix 7 of the LDP and have a defined settlement boundary from which the 200m growth area can be applied. For settlements that are not contained within Appendix 7 of the LDP the rule will apply from the edge of the built-up area. With siting as a primary consideration, and given that sites should represent a logical extension to the settlement, the 200m distance will not be appropriate for every proposal. Where a site is situated at the edge of this distance, it is expected that the majority of the development site i.e. the dwelling(s) to be erected, be within the 200m buffer. However, flexibility may be provided to permit means of access and drainage to be marginally out with this area. This will be determined on a case-by-case basis.

Policy R2.14

A list of identified settlements and the number of homes that could be permitted through this policy is contained in Planning Advice, Organic Growth of Settlements⁸, and is subject to change during the Plan period.

Footnotes:

8) See Planning Advice Organic Growth of Settlements – see Glossary.

The following table sets out the list of identified settlements for organic growth and their total capacity for growth as at the date of adoption of the Plan. As the Plan and its Policy R2 does not list the “identified settlements” for organic growth, this planning advice allows for future revisions to be made to this list should there be a need to do so. The criteria applied to develop the “identified settlements” list is set out in Appendix 1.

Table 1 List of Identified Settlements

Area	Settlement	Capacity for Growth
Banff and Buchan	Cornhill	10
	Fordyce	10
Buchan	New Leeds	8
Formartine	Berefold	5
	Hattoncrook	3
	Fintry	3
	Woodhead	10
Garioch	Leslie	3
	Whiterashes	2
Kincardine and Mearns	None.	-
Marr	Bridge of Alford	7
	Cairnie	7
	Clatt	6
	Forgue	4
	Finzean	10
	Glenkindie	3
	Kirkton of Tough	4
	Largue	4
	Logie Coldstone	8
	Strachan	10
	Towie	2
	Whitehouse	2

6. Single Homes Associated with Retirement Succession of an Agricultural Holding

Policy R2.15

Single homes will be permitted for the retirement succession of a viable farm holding within, or in immediate vicinity to, the main farm hub⁹.

Footnotes:

9) One house per farm enterprise will be permitted under this policy.

Given the significant barriers to entry into farming in Scotland and its importance to a successful and sustainable rural Scotland, the policy under R2.15 intends to allow for the provision of single dwellinghouses in order to facilitate farm succession of viable holdings, which are actively farmed by the retiring farmer. As set out in this advice, it is expected that the provision of a new dwelling on greenfield land will only be proposed following the comprehensive consideration of housing opportunities available on the farm and in the immediate area, including those allowed under other policy mechanisms. In all cases, applicants must provide an independent statement prepared by a suitably qualified professional to support the application.

The supporting information must include:

- Details of farm including farm extent, ownership, operations, infrastructure and existing labour.
- Succession plan detailing how the farm is to be succeeded.
- Confirmation of viability of agricultural holding (note in some cases we may request a Business Plan and accounts for the farm enterprise (usually over a five-year period)).
- Potential for the use of any other existing accommodation in the area.
- Details and explanation of any disposal of any accommodation or permissions for dwellings.

- The potential for erecting a dwelling under other policies of the Development Plan including the discounting of any brownfield land and or existing buildings which could be converted under other policies or under Permitted Development Rights.

The policy will only apply if the beneficiary of the succession meets the definitions of a successor a 'near relative' as defined by the agricultural holdings Acts applicable to Scotland (currently Agricultural Holdings Act 1991) and that successor is taking over the running of the farm enterprise. Applicants should provide information on the current farm ownership or tenancy arrangement under the Agricultural Holdings Act. applied.

The succession must take place on a viable farm holding. A farm holding should be identified through provision of mapping showing the holding and viability confirmed through the supporting statement.

The onus is on the applicant to demonstrate viability of the agricultural business. Where a Farm Holdings is less than 50ha we may seek detailed information through the provision of a business plan and business accounts for the farm business. Where a change to the structure of a business is proposed, which have not taken place, it is expected that such structural changes are included in a business plan and confirmed as reasonable and viable by a suitably qualified agricultural consultant.

Where a new house is required in order for the succession policy to apply it requires the dwelling to be located "Within, or in immediate vicinity to, the main farm hub".

Succession is anticipated to be gradual, with support for the farming enterprise from the retiring farmer. In all cases supporting information should be provided as to the location and siting of such dwellings. Justification will be required in the event that the dwelling cannot, for any reason, be provided on land adjacent to or within the farm hub.

The applicant should confirm that there are no other opportunities for dwelling on the farm holding that meets the requirements to house the retiring farmer this should include details of:

- Residential accommodation owned or available to the farm business, farmer or successor including any dwellings disposed of in the last 5 years.

- Other available accommodation in the immediate vicinity of the farm holding.
- Brownfield land opportunities including the redevelopment of existing buildings.

An explanation should be provided as to why any such accommodation or opportunities cannot be utilised as a retirement dwelling. Brownfield land and the conversion of existing buildings will always be preferred where it can provide opportunities for the additional housing need and opportunities for dwellings under other policy opportunities should be explored and discounted in the first instance.

The Planning Authority, in considering any such applications, may seek input in terms of the application with colleagues from Business Services (farm viability) and Environmental Health. All supporting information is to be made publicly available unless it contains sensitive, financial details (which can be redacted).

7. Extensions to Clusters/Housing Groups

Policy R2.16

In remote rural areas only we will also allow development associated with existing clusters or housing groups consisting of between 5-14 separate habitable or occupied homes on the date of the Plan's adoption. The existing properties within the clusters or housing group should relate well to each other through their design and layout, for example, by sharing curtilage boundaries. There should be a clear relationship between the cluster/group, or development should contribute towards establishing a cohesiveness among the group, for example, through infill development.

A cluster for the purpose of this policy provision is not a settlement listed in Appendix 7 of the LDP or an identified settlement in terms of organic growth, or within the 200m buffer of an identified settlement. This criteria only applies in Remote Rural Areas, see map in the [interactive LDP](#). A cluster or group consists of at least 5 dwellings, and a maximum of 14 dwellings.

Identifying a cluster, and the number of dwellings within it, is essential to understanding the development capacity. Typically, a consistent and cohesive pattern of development, featuring similarly spaced properties or dwellings with common boundaries, will make up a cluster. Any grouping of rural housing that is disconnected or separated by a physical barrier such as a road, watercourse, tree belt or open space/field is not likely to be considered as a single group. However, capacity for development may still exist if there is a minimum of 5 dwellings identifiable as a cluster.

Proposals for additions to clusters and groups must demonstrate a reasonable degree of “connectedness”. This may be achieved through aspects such as design or layout i.e. through the sharing of curtilage boundaries, and there should be a clear sense of place felt within the cluster or group.

Sites for development must be directly related to the existing houses within the group and upon completion will further strengthen the perception of the cluster or group being

connected to in some way. "Infill", would likely be appropriate. As such scattered dwellings with little cohesion will be unlikely to be considered as being connected.

Cluster of housing – Clear grouping of dwellings.



Google
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Scattered housing – Widely separated dwellings with no connection/cohesion.



Google
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Policy R2.17

Development of a maximum of three homes will be permitted during the plan period. The size of a cluster must not exceed 15 homes¹⁰. Clusters or housing groups greater than 15 homes must not be sub-divided. This includes clusters/housing groups that may comprise two or three individual clusters/groups situated in close proximity, that is, by sharing the same access road. All proposals must respect the character, layout and building pattern of the cluster or group.

Footnote:

10) Clusters or housing groups of 13 will be permitted a maximum of 2 homes during the Plan period, and clusters or housing groups of 14 will be permitted a maximum of 1 home during the Plan period.

As explained through the footnote to this policy:

- Three dwellings can be added to a cluster of 5-12 dwellings in the plan period;
- Two dwellings can be added to a cluster of 13 dwellings in the plan period; or
- One dwelling can be added to a cluster of 14 dwellings in the plan period.

Large groups of 15+ dwellings cannot be sub-divided to create opportunities for growth, but as outlined above, where there are clear distinctive landscape features (watercourse, tree belt or open space/fields) that splits housing, then separate clusters may be identified. A large group of dwellings, formed by the convergence of separate clusters will be considered as one group.

Development proposals that relate to clusters, particularly those that are not easily identifiable and may be considered larger than expected, should be subject to pre-application discussion, with a supporting statement provided to identify the potential cluster, to ensure early engagement and consideration is had on whether a development opportunity exists or not.

There is an expectation that any addition to a group, be it single dwelling or three dwellings, is of appropriate siting, design and scale. Other policy considerations, particularly Policies P1 and E2, will inform the decision on the appropriateness of the addition to a cluster – both in terms of design and scale of the individual dwelling, and

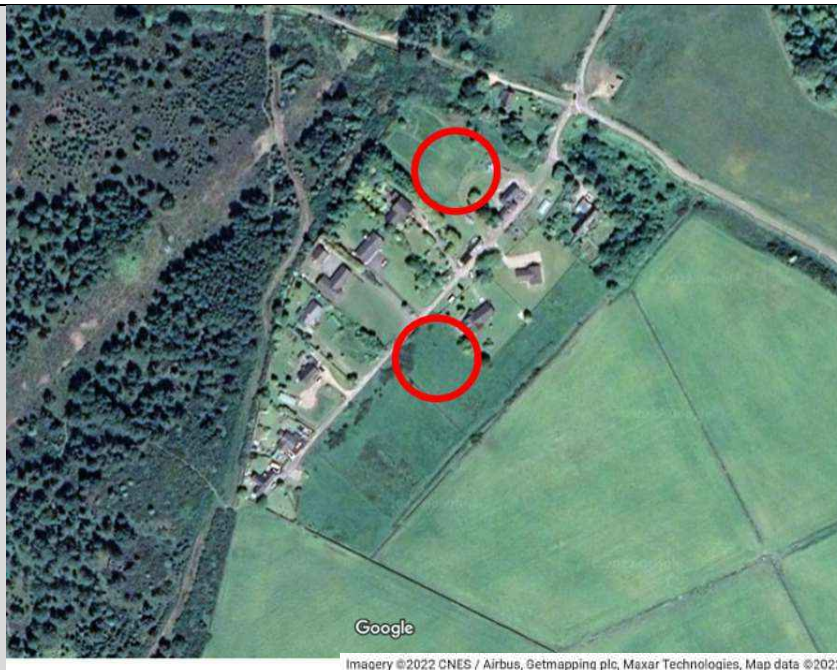
the capacity in the local landscape. For clarity, any proposed additions to a cluster must respect the character, scale, pattern of development and palette of materials within the cluster. Further design advice can be found in Appendix 9 Building Design Guidance.

Key considerations:

- Is the site consistent with the pattern of the existing cluster or group?
- Is the site appropriate in terms of landscape character?
- Does the site have a natural boundary consistent with the other properties?
- Could the addition lead to suburbanisation of the area?
- Are there any services within the vicinity of the cluster?

During the plan period, there is the possibility for planning consent granted as an extension to a cluster or group expires and is not implemented during the plan period e.g. planning permission granted in 2022 could lapse in 2025. In such instances, the number of units subject to that consent will be returned to the capacity for growth and made available for other prospective applicants to deliver.

Example of cluster opportunities – Sites consistent with existing cluster pattern.



Any prospective applicant should also check the [planning portal](#) to see if any pending or approved applications exist for the respective cluster, to help identify whether capacity remains. Applicants are encouraged to seek pre-application advice.

8. Employment Proposals

Policy R2.18

In order to promote employment opportunities in settlements, in accessible rural areas outwith settlements employment proposals are limited to brownfield sites.

For the avoidance of doubt, this criterion does not apply in the coastal zone, nor green belt where special restrictions apply. Applicants may be asked to submit information on alternative sites within nearby settlements, or further afield, that have been considered before deciding on the application site.

This criterion applies to conversions or the replacement of redundant or derelict non-domestic building(s), or the redevelopment of vacant land. It must therefore be read in conjunction with 'redevelopment of rural brownfield sites' (R2.6 – R2.7) that states that only small-scale development will be permitted on such sites and larger brownfield sites shall not be divided to create multiple small opportunities. There may be limited circumstances where a mixed-use development (up to 3 dwellinghouses and a small-scale employment use) can be supported on a larger site. In all cases, any redevelopment should not extend into adjacent agricultural land and should be confined to the previously developed area of the footprint of buildings and associated yard space.

Acceptance of the principle of redeveloping a brownfield site must then be subject to detailed consideration of landscape impact, siting and design (including ancillary development such as enclosures, lighting, etc.) and having appropriate vehicular access arrangements, as well as all relevant technical considerations. A landscaping scheme may be required.

Policy R2.19

In remote rural areas outwith settlements, small-scale employment proposals will be supported in principle.

Policy R2.20

Employment proposals outwith settlements in both accessible and remote rural areas should be in keeping with the surroundings and demonstrate that no other suitable site is available. The development must be located on a site that is safe to access via

different modes of transport and demonstrate how it could be accessed via footway/cycle infrastructure and/or public transport.

For the avoidance of doubt, this criterion does not apply in the coastal zone where special restrictions apply. In addition to development permitted under R2.18, small-scale employment proposals on greenfield sites may also be supported. Applicants may be asked to submit information on alternative sites that have been considered before deciding on the application site and why these are not viable. If necessary, applicants should be made aware that securing planning permission for an employment use will not justify a dwellinghouse, even to house an essential worker, until the business is established and a proven need can be established (e.g. to provide security).

Assessment of the suitability of the proposal and how 'in-keeping' it is with its surroundings should include normal layout, siting and design considerations, such as avoiding isolated sites in prominent locations, the scale and materials of any buildings and impact of ancillary development, such as enclosures, lighting etc. Proposals that primarily involve the change of use of land and / or erection of an agricultural type building are likely to be most acceptable. A landscaping scheme may be required.

Applicants should submit information to clarify the nearest public transport route and how accessible sites are by foot and cycle. An acceptable proposal should be accessible by public transport with safe and convenient access for non-motorised means of travel.

Appendix 1 Organic Growth Methodology (Identified Settlements)

The methodology for recognising the identified settlements for organic growth follows the LDP 2023's Glossary definition and Policy R2.

A **settlement** has:

- a recognised boundary/built up area;
This would likely be demonstrated through a clear linear or nucleated pattern, rather than be dispersed in shape which is unlikely to exhibit a notable beginning and end to the built area.
- serves a residential function;
- features urban characteristics including street lighting and a reduced speed limit;
These urban features would be expected to be evidenced throughout the settlement.
- has at least 15 residential address points; and
- has a facility as listed in the Rural Facilities Monitoring published by the Council's Planning Information and Delivery Team.

Rural Facilities only include the following:

- | | |
|----------------------------|---|
| - Primary/Secondary school | - Post Office |
| - Medical | - Bank |
| - Centre/Chemist/Pharmacy | - Retail/Professional services |
| - Police/Fire station | - Church |
| - Library | - Garage |
| - Village hall | - Hotel/Public house/Hospitality including Takeaway |

“Settlement” status may change with any future Rural Facilities Monitoring information that becomes available during the lifetime of the LDP with the loss or addition of any facility.

Identified settlements are settlements which:

- meet the definition of a settlement above;
- are limited to 99 or fewer residential address points;
- when located within the accessible rural area does not have an opportunity site for housing as identified within the Local Development Plan settlement statements (policy R2.12).

This extends to housing within mixed use opportunity sites. Settlements that are partly within the accessible rural area must have no opportunity site identified for housing at the date of the adoption of the Plan. Where opportunity sites have been built to completion during the plan period, it is expected that continued growth is sought through allocations in the next LDP process.

For clarity, organic growth is not applicable to settlements within the green belt or coastal zone under Policy R1. Settlements where the Appendix 7 Settlement Statement indicates there should not be additional growth at this time, are also incompatible with organic growth and future development will be considered through the LDP process.

A cap has been set at settlements with 99 residential address points in order to identify those settlements that are considered to be of such a scale that organic growth may not indeed be appropriate, and development will be generally supported through formal allocations via the LDP.

Difference between “settlements”, “places” and Appendix 7 Settlement Statements

In the context of local development planning, it is important to distinguish between “places” and “settlements” as part of directing development to the right places and to consider spatial strategies that promote a sustainable pattern of development appropriate to the area, using land within or adjacent to settlements. At present, not all settlements in Aberdeenshire have protected, reserved or allocated sites and as a consequence are not recognised as such in the Plan’s Appendix 7 Settlement Statements. However, this does not mean that they are not settlements that need to be considered under various policy provisions within the LDP. There are also locations

within the Appendix 7 Settlement Statements which do not meet the settlement definition such as the St Fergus Gas Terminal (Buchan) and Craigwell (Marr).

Capacities for growth calculations

The capacity for organic growth is based on the number of dwellings recorded within the settlement or built-up area when the LDP is adopted. Dwellings will have appeared as an address point in the Council's records and shown on the GIS system but need not necessarily be occupied to be counted towards the baseline from which the capacity for growth has been determined.

- Those settlements with fewer than 150 address points or less were reviewed closely to determine the exact number of dwellings within the settlement boundary/ built up area.
- Numbers have been rounded down where 20% does not equal a whole number.



AMENDMENTS		PROJECT	TITLE
DATE	REVISION		
A		Proposed new house	Access road & bin storage
B			
C		Berwick Wood, Hatton of Fintray	PLA106.23PP
D			
E		Mhairi & Austen Player	19 June 2023
			1:500 @ A3

Sylvan Stuart Limited
 Old Rayne
 INSCH
 Aberdeenshire
 AB52 6RX
 tel 01464 851208
 fax 01464 851202
 email sales@sylvanstuart.com












Berwick wood
Hatton of Fintray
NJ 838179

Current Species

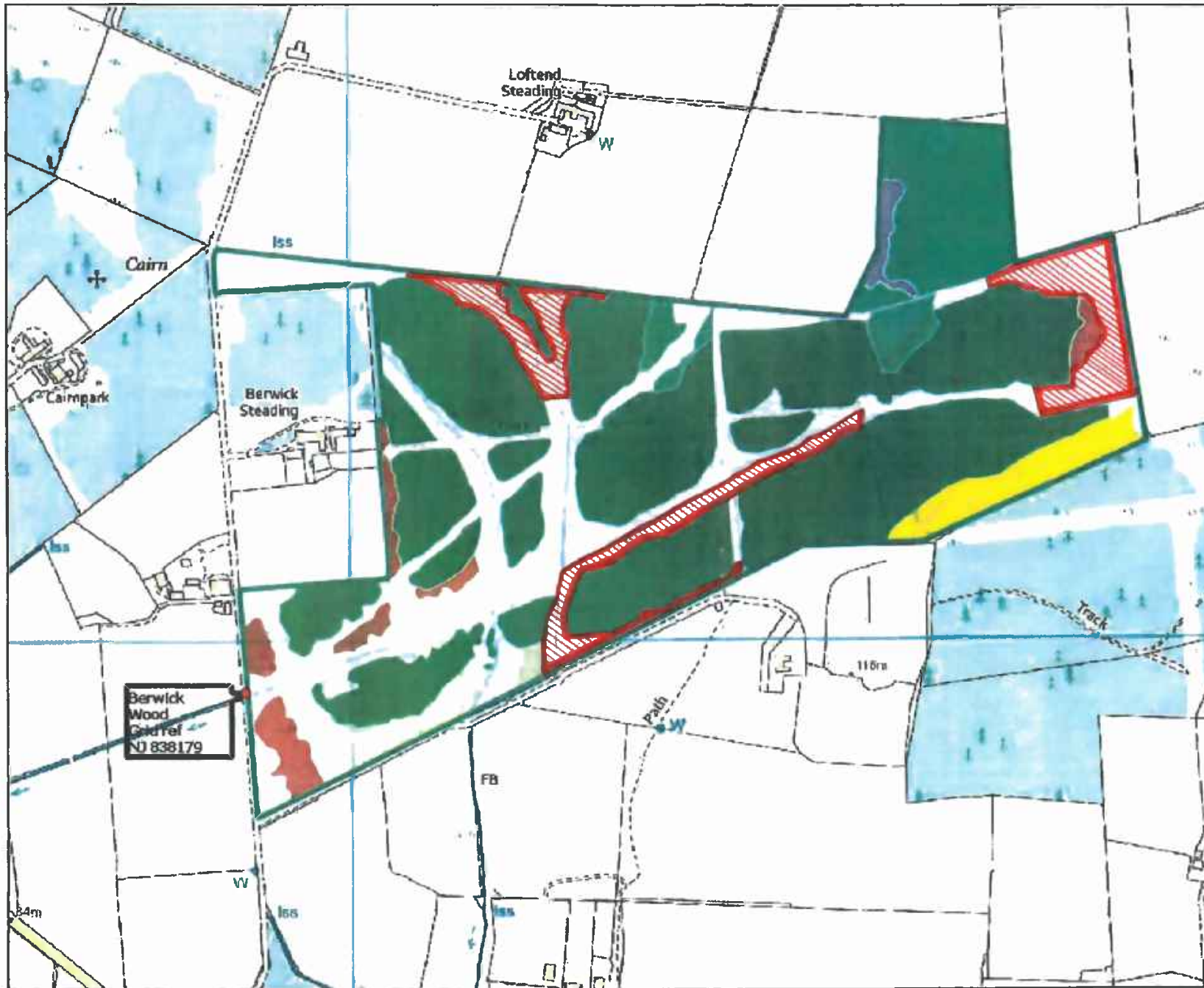
Date: 7/6/19
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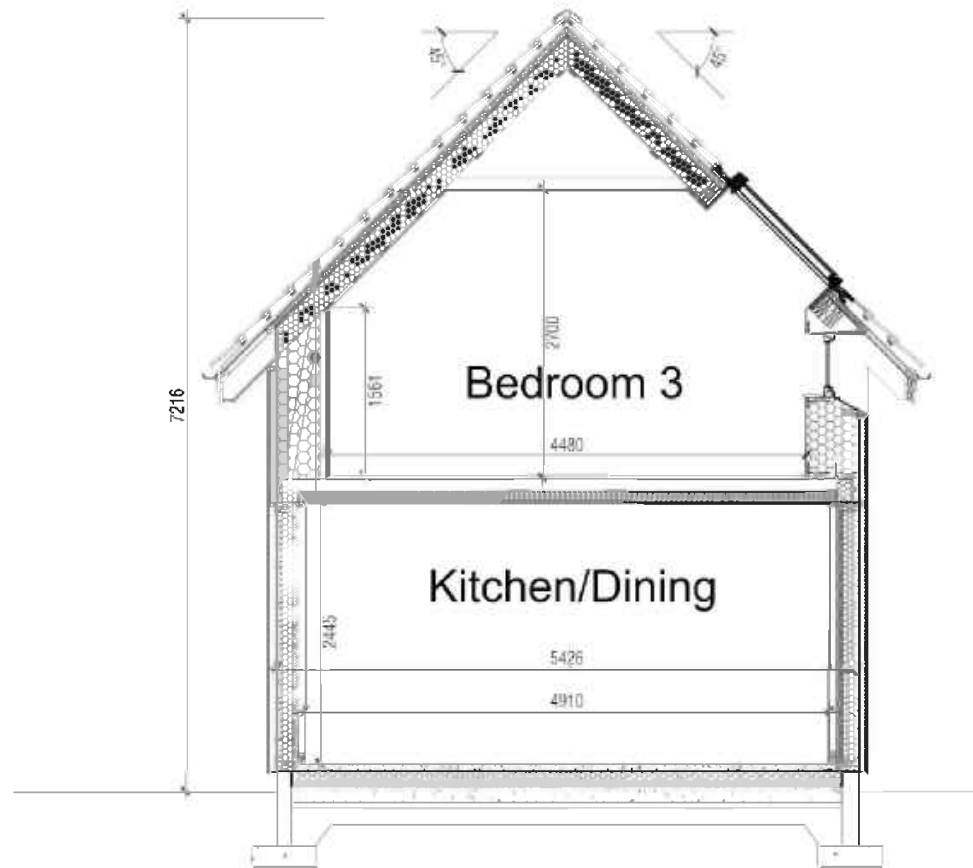
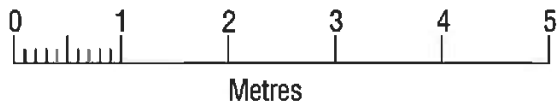
Legend

-  Plan Boundary
- Current Species
 -  Sitka spruce
 -  Norway spruce
 -  Scots pine
 -  Japanese larch
 -  Mixed broadleaves
 -  Other land
 -  Open

 Compensatory planting
(2.218 hectares)

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Survey
AL1000018344

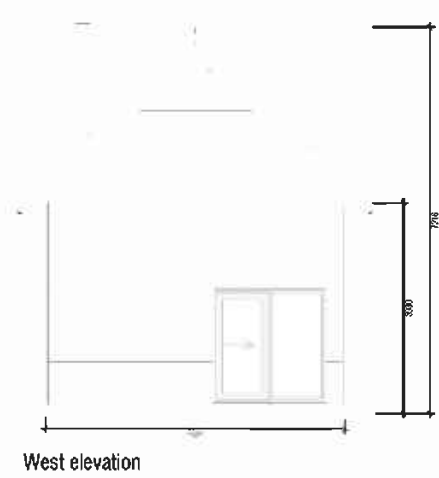




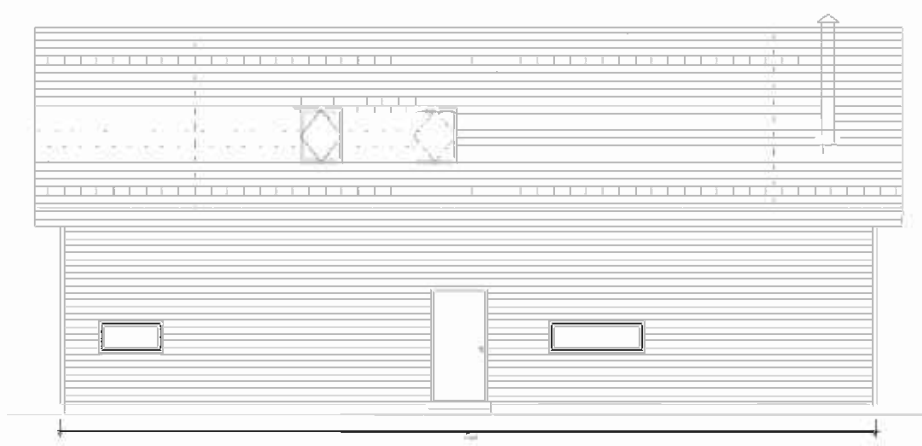
Cross section

AMENDMENTS		PROJECT	TITLE		Sylvan Stuart Limited Old Rayne INSCHE Aberdeenshire AB52 6RX	
DATE	REVISION	Proposed new house	Cross section		tel 01464 851208	
A	11.05.23	SITE	DWG NO.	PLA004.23PP	REVISION	A
B		Proposed new house	SCALE	1:50 @ A3	fax 01464 851202	
C		Berwick Wood, Hatton of Fintray	DATE	27 Mar 2023	email sales@sylvanstuart.com	
D		CLIENT	Mhairi & Austen Player		www.sylvanstuart.com	
E					© Sylvan Stuart Limited 2023	

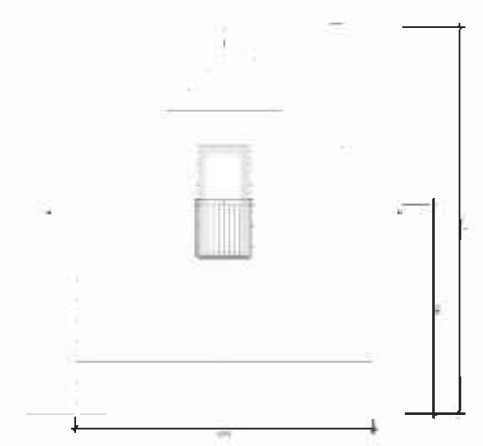




West elevation

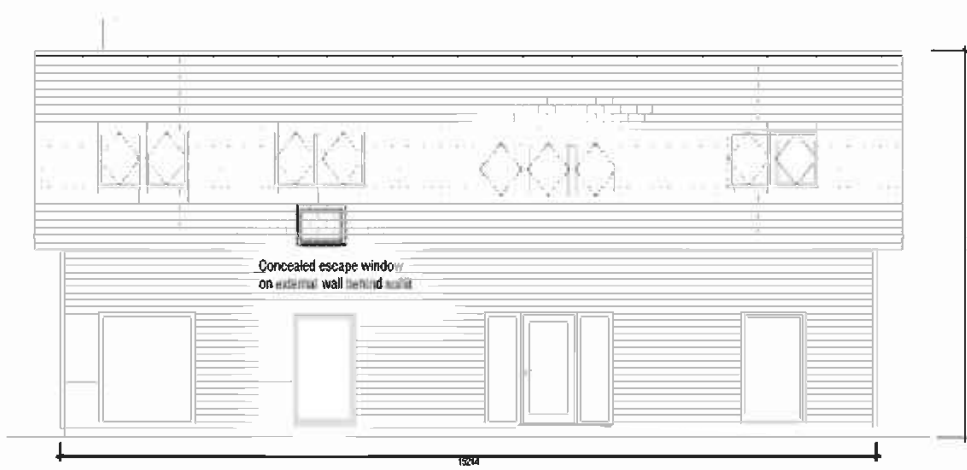


North elevation

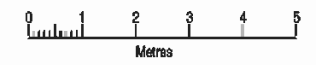


East elevation

- External finishes**
 Grey concrete tiles
 Larch horizontal timber cladding
 Anthracite grey windows and doors
 Velux rooflights
 Stainless steel flue
 Lindab galvanized steel rainwater goods



South elevation



AMENDMENTS	
DATE	REVISION
A	11.05.23 Scale bar & dimensions added
B	
C	
D	
E	

PROJECT	Proposed new house
SITE	Berwick Wood, Hatton of Fintray
CLIENT	Mhairi & Austen Player

TITLE	Elevations	
DWG NO.	PLA003.23PP	REVISION
DATE	31 Mar 2023	A
	SCALE	1:100 @ A3

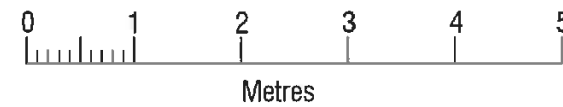
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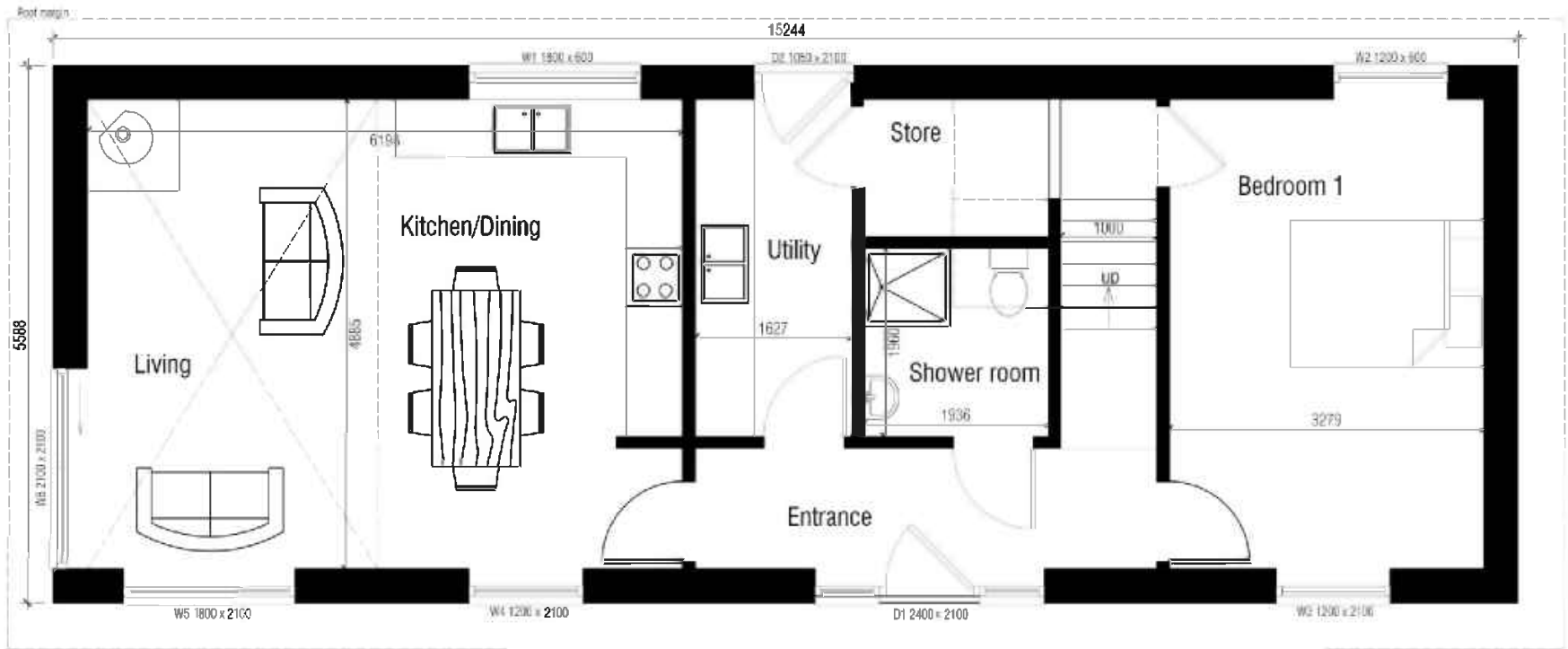


First floor plan

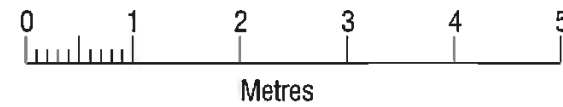


AMENDMENTS		PROJECT	TITLE		Sylvan Stuart Limited Old Rayne INSCHE Aberdeenshire AB52 6RX	
A	11.05.23	Scale bar added	Proposed new house	First floor plan		
B	06.06.23	Title updated	Berwick Wood, Hatton of Fintray	PLA002.23PP	REVISION	B
C			Mhain & Austen Player	DATE	SCALE	1:50 @ A3
D				31 Mar 2023		
E						





Ground floor plan



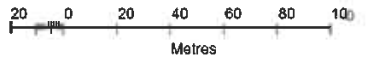
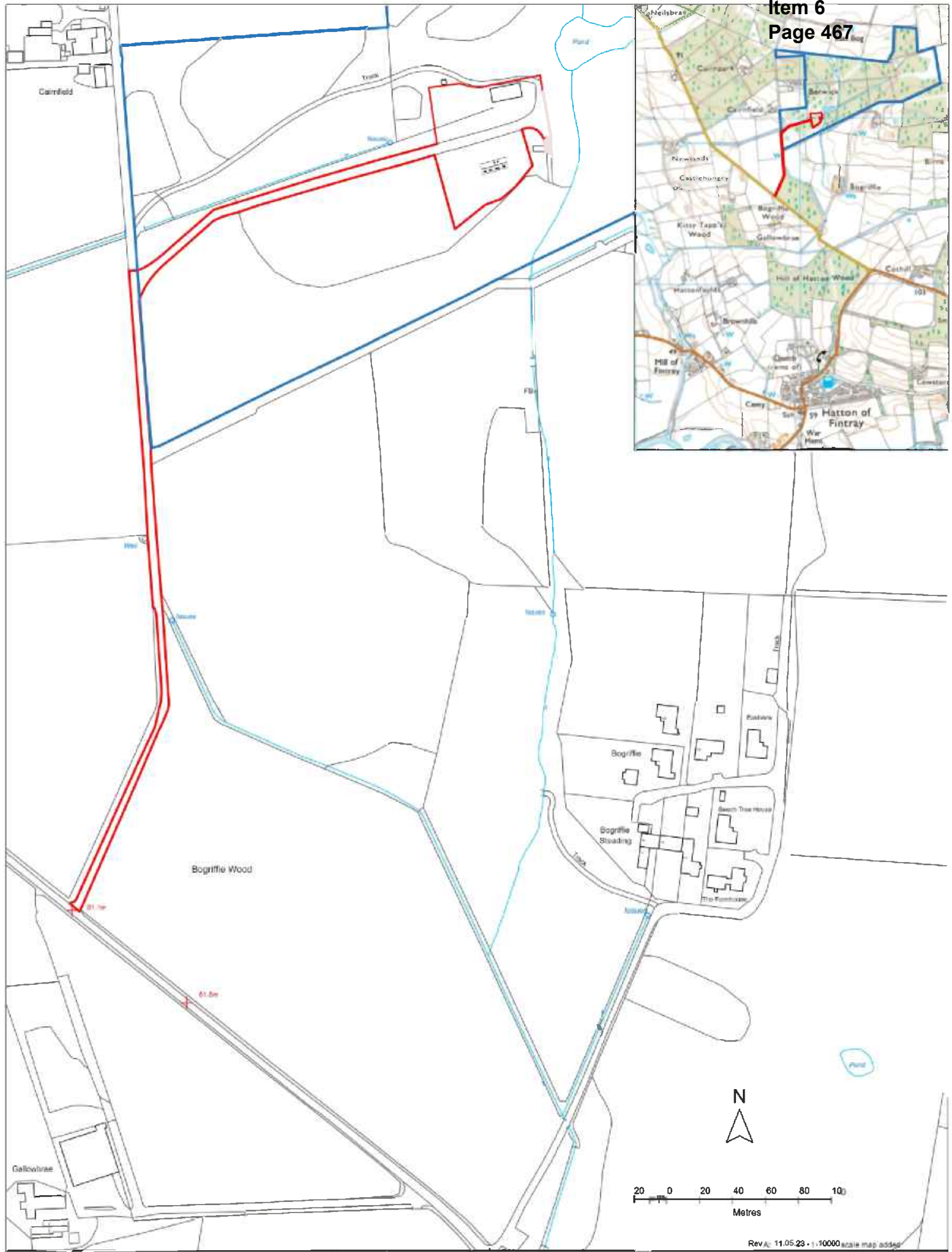
AMENDMENTS	
DATE	REVISION
A 11.05.23	Scale bar added
B 05.06.23	Title updated
C	
D	
E	

PROJECT	Proposed new house
SITE	Berwick Wood, Hatton of Fintray
CLIENT	Mhairi & Austen Player

TITLE	Ground floor plan
DWG NO.	PLA001.23PP
DATE	31 Mar 2023
REVISION	B
SCALE	1:50 @ A3

Sylvan Stuart Limited
 Old Rayne
 INSCH
 Aberdeenshire
 AB52 6RX
 tel 01464 851208
 fax 01464 851202
 email sales@sylvanstuart.com





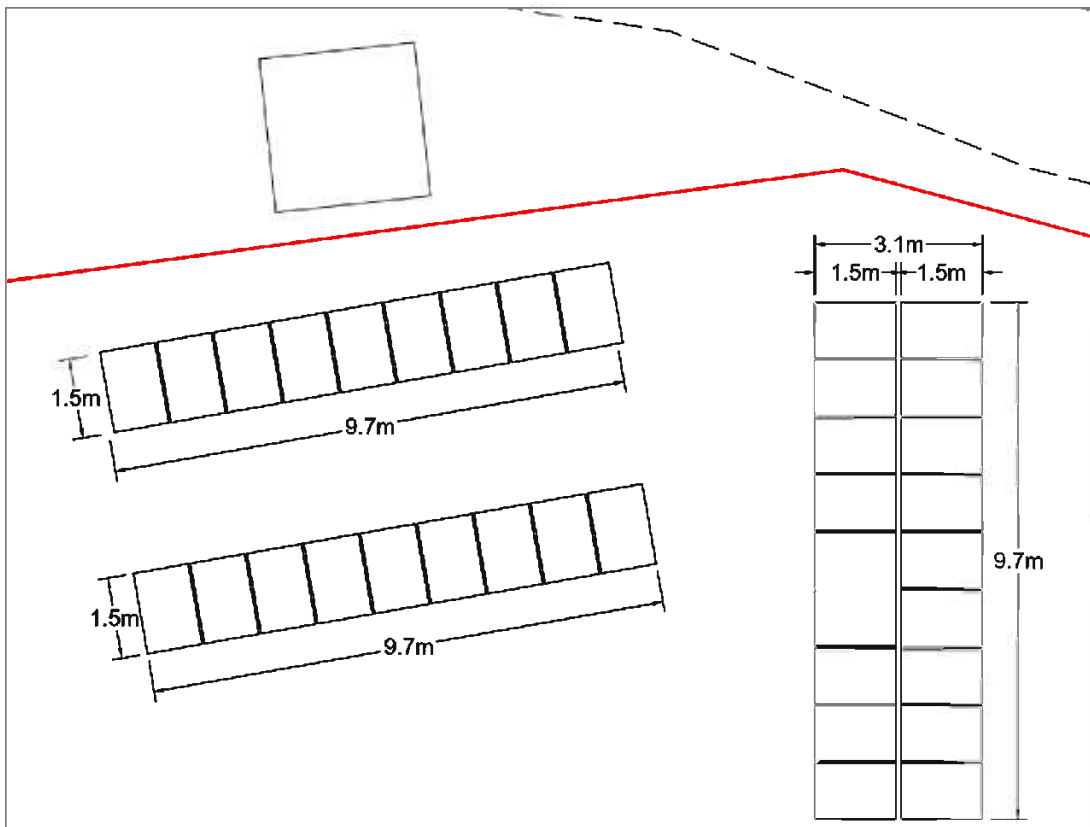
Rev A: 11.05.23 - 1:10000 aerial map added

PROJECT	Proposed Model D House
SITE	Berwick Wood, Hatton of Fintray
CLIENT	Mhairi Player

TITLE	Location Plan		
DWG NO.	PLA101.23PP	REVISION	A
DATE	23 Mar 2023	SCALE	1:2000/1:10000 @ A3

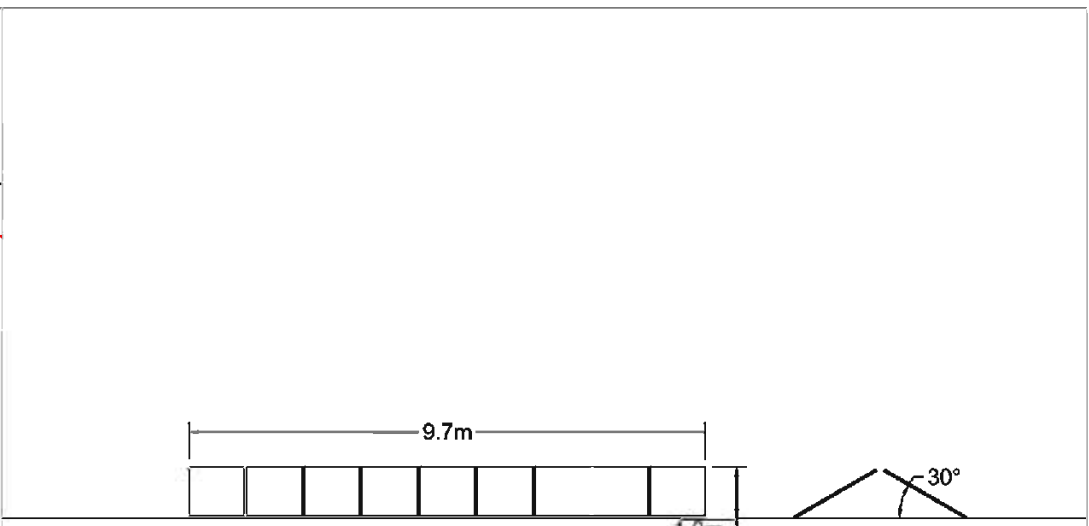
Sylvan Stuart Limited
 Old Rayne
 INSCH
 Aberdeenshire
 AB52 6RX
 tel 01464 851208
 fax 01464 851202
 email sales@sylvanstuart.com



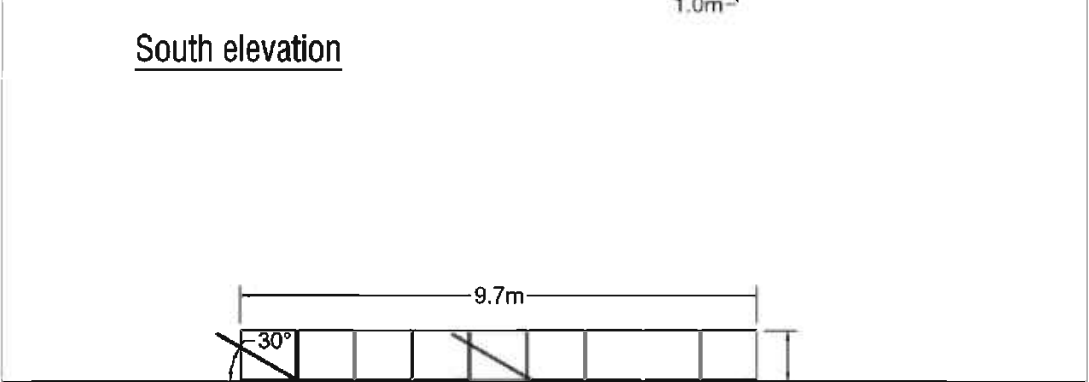


Plan view

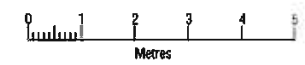
Existing array of ground mounted pv panels
 15kW total system
 36no. Longi Mono Black 370W each
 Panel dimensions 1755 x 1038 x 35mm
 18no south facing
 9no. east facing
 9no. west facing
 8 x 3.55 kWh lithium iron phosphate batteries



South elevation



West elevation



Item 6
Page 468

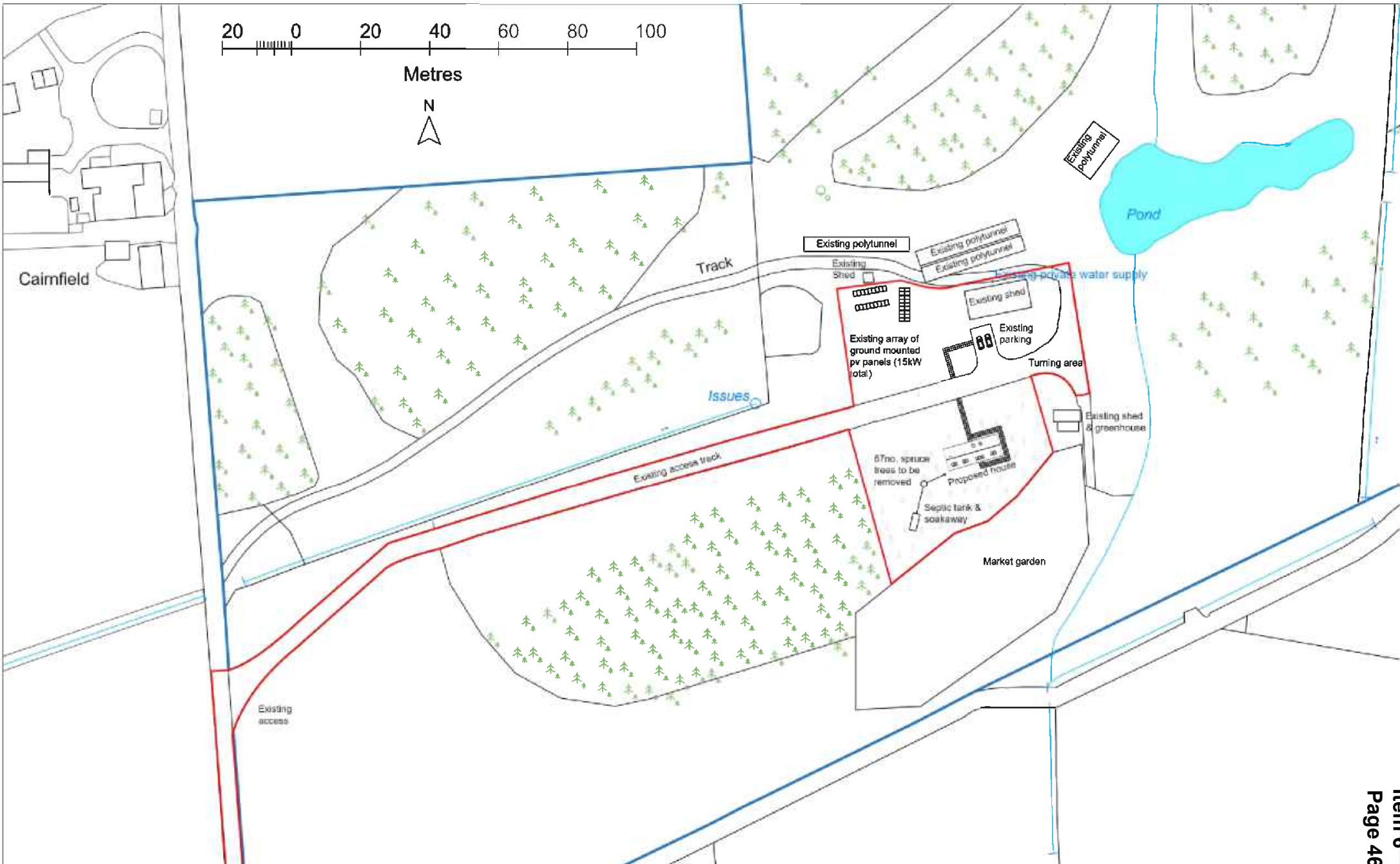
AMENDMENTS	
DATE	REVISION
A	
B	
C	
D	
E	

PROJECT	Proposed new house
SITE	Berwick Wood, Hatton of Fintray
CLIENT	Mhairi & Austen Player

TITLE	PV panels	
DWG NO.	PLA105.23PP	REVISION
DATE	6 June 2023	SCALE
		1:100 @ A3

Sylvan Stuart Limited
 Old Rayne
 INSCH
 Aberdeenshire
 AB52 6RX
 tel 01464 851208
 fax 01464 851202
 email sales@sylvanstuart.com

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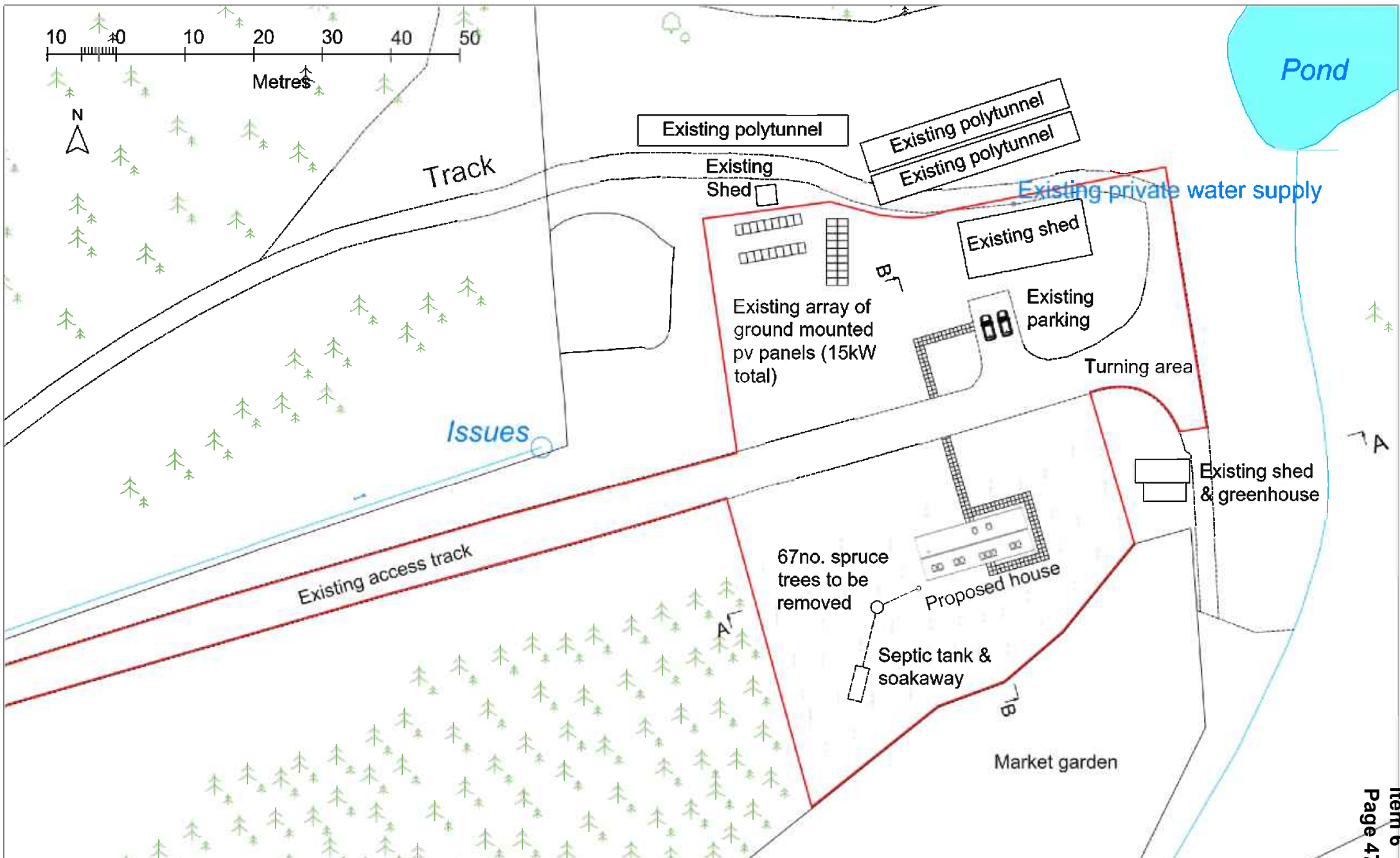


AMENDMENTS	
DATE	REVISION
A	23.06.23 Site extended to include pv panels and private water supply
B	06.06.23 PV panels amended
C	
D	
E	

PROJECT	Proposed new house
SITE	Berwick Wood, Hatton of Fintray
CLIENT	Mhairi & Austen Player

TITLE	Site plan (full site)	
DWG NO.	PLA103.23PP	REVISION
DATE	27 Mar 2023	B
	SCALE	1:1000 @ A3

Sylvan Stuart Limited
 Old Rayne
 INSCH
 Aberdeenshire
 AB52 6RX
 tel 01464 851208
 fax 01464 851202
 email sales@sylvanstuart.com



AMENDMENTS	
DATE	REVISION
A	23.05.23 Site extended to include pv panels and private water supply
B	06.06.23 PV panels amended
C	
D	
E	

PROJECT	Proposed new house
SITE	Berwick Wood, Hatton of Fintray
CLIENT	Mhairi & Austen Player

TITLE	Site plan
DWG NO.	PLA102.23PP
DATE	27 Mar 2023
REVISION	B
SCALE	1:500 @ A3

Sylvan Stuart Limited
 Old Rayne
 INSCH
 Aberdeenshire
 AB52 6RX

tel 01464 851208
 fax 01464 851202
 email sales@sylvanstuart.com



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RA / Supply Number:	910268	Date(s) of Assessment:	19/02/2019
Name of Supply:	Berwick Woods	Description:	Commercial
Officer:	Gareth Jones		

REQUIREMENTS

Item	Issue	Works Required	Reason
1	The sample taken for bacterial analysis failed to meet the specified standards	Thoroughly cleanse and sterilise the supply system and install a point of entry UV treatment unit with appropriate pre-filters (or other suitable treatment system as agreed in writing with the Environmental Health Section). If a UV is to be fitted then the maximum flow rate and bulb output should be set so that the water supply is exposed to a continuous UV dose of 40 mJ cm ⁻² .	To provide a wholesome water supply to your property
2	The level of Nitrate in the sample was too high.	A nitrate reduction system should be installed to cover all properties served by the system	To ensure the supply meets the water quality standards
3	The sample taken for chemical analysis failed to meet the required standards with regard to turbidity, iron and manganese	Appropriate filters should be provided. The iron and manganese will contribute to the turbidity problem and hopefully by reducing their concentration in the water its clarity can be significantly improved	To provide a wholesome water supply to your property and improve and ensure the effectiveness of the UV treatment system
4	Suitable protection should be provided to the head-works	A suitable housing with a concrete base apron and watertight vermin-proof access should be provided	To protect the source from possible contamination

5	There is not a sign at the premises advising all persons that the premises is served by a private water supply	In the event that staff are employed or handwashing facilities are available for the public place a sign advising all persons that the premises is served by a private water supply in a clearly visible location	To ensure all persons entering the premises are aware of the locations served by the private water supply
6	There is no water safety plan available	To ensure that the private water supply continues to meet the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 it is recommended that a water safety management plan is devised and put into operation so that the supply system is documented; the risks to the supply identified; control measures including regular maintenance are established; monitoring needs are identified and responsibilities defined	Preventative action is perhaps the single most effective means of maintaining a safe water supply. Problems may still occur however a suitable plan to deal with contamination or failure of the private supply is essential for commercial operations

Address of Property	Treatment	Use/Purpose	UPRN
Berwick Wood, Hatton of Fintray AB21 0YR		Commercial	

For the above mentioned NON-DOMESTIC properties, the works identified in the risk assessment must be carried out.

Supply Type
Borehole

Where is the nearest public mains connection?
c.700m WSW

Total number of Commercial Properties on supply: (commercial includes tenanted properties)	1
Total number of Domestic Properties on supply:	0

Total volume and persons served by supply	
Estimated daily volume of water supplied by the supply	m ³ per day
Number of persons served by the supply (at maximum occupancy): (Assume 2.5 persons per household if not known and usage 0.2m ³ per person per day)	0

Details of supply system and associated water treatment (include sketch plan in Additional Notes section)	
Source	Borehole
Detail:	In open area within woodland c.300m E of Cairnfield
Location Description:	
National Grid Reference:	384118, 818051
Intermediate Storage Tank	
Detail:	
Location Description:	
National Grid Reference:	
Communal Treatment Type and its location	
Detail:	
Distribution Pipework Material	
Detail:	Alkathene

Details of sample results for previous 12 months or last available

Sample Number	03270
Date Sample taken	19/02/2019

Sample results

Results highlighted in bold have failed to meet the prescribed parameters

Test	Result	Prescribed Concentration or Value
Total Coliforms	50	<1 MPN/100ml
E.Coli	0	<1 MPN/100ml
Colony count 22C	>300	<300 cfu per ml
Clostridium perfringens	0	<1 MPN/100ml
Enterococci	0	<1 MPN/100ml
pH	7.4	6.5 – 9.5
Colour	2	Not more than 20mg/l
Turbidity	8.8	Not more than 4.0 FTU
Nitrate	<3	Not more than 50 mg/l
Copper	<0.010	Not more than 2.0 mg/l
Manganese	950	Not more than 50 ig/l
Iron	290	Not more than 200 ig/l
Lead	<1	Not more than 10 ig/l
Nickel	2	Not more than 20 ig/l
Zinc	<10	Not more than 5000 ig/l

Details of previous investigations and actions taken including any enforcement notices served

What arrangements are in place to deal with failure of the supply?

Boiled/bottled water

Is there a Water Safety Plan / Emergency Action Plan available?

No

Is supply exempt?

No

Details of Public Notice for Commercial supplies

General Site Survey

Are any of the following "risks" likely to influence water quality at the source?

	ALL SITES	RISK EVALUATION		
		HIGH	MOD	LOW
1	History of livestock production (rearing, housing, grazing) – including poultry.			X
2	Remediation of land using sludge or slurry.			X
3	Sewage effluent lagoons.			X
4	Sewage effluent discharge to adjacent watercourse.			X
5	Unsewered human sanitation including septic tanks and soakaways.			X
6	Sewage pipes, mains or domestic (e.g. leading to/from septic tank).			X
7	Soil cultivation with waste water irrigation or sludge/slurry/manure application.			X
8	Surface run-off from agricultural activity diverted to flow into the source/supply.			X
9	Disposal of organic wastes to land.			X
10	Farm wastes and/or silage stored on the ground (not in tanks or containers).			X
11	Waste disposal sites (including scrap yard, rubbish and hazardous waste disposal, landfill or incinerator including on-farm incineration).			X
12	Disposal sites for animal remains.			X
13	Evidence of use of pesticides (including sheep dip) near source.			X
14	Evidence of industrial activity likely to present a contamination threat.			X
15	Forestry activity.		X	
16	Evidence of wildlife.		X	
17	Awareness of the presence of drinking water supply/source by agricultural workers.			X
SPRINGS, WELLS AND BOREHOLES				
		RISK EVALUATION		
		HIGH	MOD	LOW
18	Evidence of poor drainage causing stagnant/standing water.			X
19	Supplies or wells not in current use.			X

Risk Evaluation

The aim of this evaluation is to ascertain both the severity of the risk and the likely frequency of exposure to that risk.

Risk Characterisation

Tick the appropriate box for each question

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	HIGH	LOW

If any evaluation is High Risk (H) then the Risk Characterisation is **High**

If no evaluation is High Risk but there are Moderate Risks (M) identified then the Risk Characterisation is **Moderate**

If no evaluation is High Risk (H) or Moderate Risk (M) then the Risk Characterisation is **Low**

Supply Survey

Are any of the following known to occur at the head works site in relation to the supply?

		BOREHOLES	RISK EVALUATION		
			HIGH	MOD	LOW
20	No suitable barrier present to prevent ingress of surface flows into the chamber (e.g. cut-off ditch lined with impermeable material, steep incline/decline such as embankments, appropriate walls, etc).			X	
21	No concrete apron sloping away from borehole lining.			X	
22	No reinforced concrete cover slab, or equivalent, in satisfactory condition with a watertight, vermin-proof inspection cover present to BS 497 (lockable, steel type or equivalent) with or without ventilation?			X	
23	If headworks below ground then top of the chamber not 150 mm above ground level?			X	
24	Housing covering headworks not watertight and/or vermin proof and/or secure.			X	
25	Borehole lining (casing) does not extend at least 150 mm above level of floor.			X	
26	Watertight lining cap not fitted.			X	
27	The housing construction in an unsatisfactory state-of-repair?			X	
		WELL AND SPRING SOURCES (WITH COLLECTION CHAMBERS)	RISK EVALUATION		
			HIGH	MOD	LOW
28	No suitable barrier present to prevent ingress of surface flows into the well/chamber (e.g. cut-off ditch lined with impermeable material, steep incline/decline such as embankments, appropriate walls etc).				
29	The top of the well/chamber not 150 mm above concrete apron or surrounding ground.				
30	No reinforced concrete cover slab, or equivalent, in satisfactory condition with a watertight, vermin-proof inspection cover present to BS 497 (lockable steel type or equivalent) with or without ventilation?				
31	Inlet pipe not fitted with course filter or screen.				
32	No stock proof fence (to BS 1722 or equivalent) at a minimum of 4 m around the source?				
33	No concrete apron, a minimum of 1200 mm, sloping away from the well/chamber and in good repair?				
34	The well/chamber construction is in an unsatisfactory state-of-repair?				
35	Overflow/washout pipe not fitted with vermin proof cap.				

Supply Survey (continued)

Are any of the following known to occur in relation to the supply?

	ALL SITES	RISK EVALUATION		
		HIGH	MOD	LOW
36	A suitably sized and located fully operational UV treatment unit is not present?	X		
37	Intermediate tanks (e.g. collection chamber holding tanks, break-pressure tanks) are not adequately protected from contamination. (see 28 to 33 above).			X
38	The chamber/s in an unsatisfactory state-of-repair.			X
39	Supply network constructed from material liable to fracture e.g. asbestos-concrete, clay etc?			X
40	Junctions present in the supply network, particularly supplying animal watering systems, have no back-siphon protection?			X
41	No maintenance (including chlorination) has been undertaken in the previous 12 months?			X
42	If present, header tank within the property(s) does not have a vermin-proof cover?			X
43	Header tank has not been cleaned in the last 12 months?			X
44	Any point of entry/point of use treatment equipment has not been serviced in accordance with the manufacturer's instructions in the last 12 months?			X
45	Is there a noticeable change in the level and flow of water throughout the year?			X
46	Is there a noticeable change in the appearance of the water (colour, turbidity – cloudiness) after heavy rainfall or snow melt?			X

Risk Evaluation

The aim of this evaluation is to ascertain both the severity of the risk and the likely frequency of exposure to that risk.

Risk Characterisation

Tick the appropriate box for each question

X		

If any evaluation is High Risk (H) then the Risk Characterisation is **High**

If no evaluation is High Risk but there are Moderate Risks (M) identified then the Risk Characterisation is **Moderate**

If no evaluation is High Risk (H) or Moderate Risk (M) then the Risk Characterisation is **Low**

Overall Risk Assessment
The overall risk assessment for the source is taken as the highest individual risk category identified from each of the three surveys.

Survey Section	Risk Characterisation Category
General Site Survey	Moderate
Supply Survey	High
Overall Risk	High

Diagram of Supply



Additional Notes

Berwick Woods is being set up to provide organic salad and vegetables to local businesses. The water will be used to wash the produce.

Long term staff accommodation may be provided.

Certificate of Bacteriological Examination

Potable Water Sample

Item 6
Page 481

Laboratory Reference: 10192302
Your Reference: 03270
For the attention of: G Jones
Received From: Aberdeenshire Council Environmental Health
Gordon House Blackhall Road Inverurie
Received On: 19 February 2019
Sample Name: Berwick Wood, Hatton Of Fintray
Taken On: 19 February 2019
Date of Examination: 19 February 2019

Results of Examination

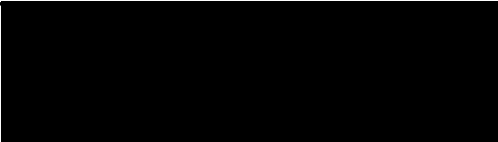
Method Code	Determination	Result	Units
i7404a	Total Coliforms	50	Most Probable Number per 100 millilitre
i7404b	Escherichia coli	Not detected	Most Probable Number in 100 millilitre
i7001a	Colony Count (22°C / 68 hours)	> 300	colony forming units per 1 millilitre
i7602	Clostridium perfringens (including	Not detected	in 100 millilitre
i7604	Enterococci	Not detected	colony forming units per 100 millilitre


Comments: (1)

The Water Intended for Human Consumption (Private Supplies)(Scotland) Regulations 2017 require Coliform bacteria to be absent from 100 millilitres of water. Therefore, the sample did not comply with this requirement of the Regulations.

The Water Intended for Human Consumption (Private Supplies)(Scotland) Regulations 2017 require that the colony count at 22°C of a potable private water supply should show no abnormal change. The colony count at 22°C would have to be monitored for a period of time to establish the normal level.

(1) Comments, opinions and interpretations are outside the scope of UKAS accreditation

Signature:	
Name:	Kerry Parrott HNC, MIFST,
Status:	Principal Scientist
Official Address:	Aberdeen Scientific Services Laboratory, Old Aberdeen House, Dunbar Street, Aberdeen, AB24 3UJ
Telephone Number:	(01224) 491648
Date of Report:	26 February 2019
Issue Number:	1



1325

Page 1 of 1



Scottish
Forestry
Coilltearachd
na h-Alba

Item 6
Page 482

Grampian Conservancy
Portsoy Road
Huntly
Aberdeenshire
AB54 4SJ

Email: grampian.cons@forestry.gov.scot
Tel: 0300 067 6210

Conservator: James Nott

Mr Calum Murray
Tilhill Forestry
Unit 7
Huntly Business Centre
Huntly
AB54 8FG

Date: 15th August 2019

Dear Mr Murray

Approval of a Woodland Management Plan

Name of Plan: Berwick Woods

File Reference: MPL310105

We hereby accept the Management Plan you submitted to cover operations on Berwick Woods. I have enclosed a copy signed as approved for your records.

Please note SF approval for the Plan begins on 15th August 2019 and expires 10 years after the approval date of this Plan on 15th August 2029.

Yours sincerely

Kelly Whyte
Administrative Officer

Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation

S e Coilltearachd na h-Alba a' bhuidheann-ghnìomha aig Riaghaltas na h-Alba a tha an urra ri poileasaidh, taic agus riaghladh do choilltearachd



Scottish Government
Riaghaltas na h-Alba
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Scottish
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Berwick woods Management Plan
2019 to 2029

Prepared by

Tilhill Forestry

7th July 2019

Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation

S e Coilltearachd na h-Alba a' bhuidheann-ghnìomha aig Riaghaltas na h-Alba a tha an urra ri poileasaidh, taic agus riaghladh do choilltearachd



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gov.scot



Management Plan

1. Details

Management Plan Details			
Management Plan Name:	Berwick Wood		
Business Reference Number:	278976	Main Location Code:	66/006/0041
Grid Reference: (e.g. NH 234 567)	NJ 838129	Nearest town or locality:	Hatton of Fintray
Local Authority:	Aberdeenshire Council		
Area (ha)	34.2		
List associated maps:	1. Location map 1:50000 2. Species map 3. Constraints map 4. Operations map 5. Roads & access map		

Owner's Details			
Title:	Mrs	Forename:	Mhairi
Surname:	Player		
Organisation:	Berwick Wood Produce	Position:	Owner
Primary Contact Number:	[REDACTED]	Alternative Contact Number:	[REDACTED]
Email:	[REDACTED]		
Address:	[REDACTED]		
	Aberdeen		
Postcode:	[REDACTED]	Country:	Scotland

Agent's Details			
Title:	Mr	Forename:	Calum
Surname:	Murray		
Organisation:	Tilhill Forestry	Position:	Senior Forest Manager
Primary Contact Number:	07887 630 600	Alternative Contact Number:	
Email:	Calum.murray@tilhill.com		
Address:	Unit 7, Huntly Business Centre, Huntly		



Management Plan

Postcode:	AB54 8FG	Country:	Scotland

Access Consent – Complete if applying for thinning		
<p>You are not obliged to give us consent to enter your land, however if we are denied access to your land, and cannot carry out an assessment because of this, we may reject your application. This consent is for access to assess this application as well as monitor compliance with any subsequent approval, where applicable.</p>		
Do you give consent for Scottish Forestry to access your property?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

Town and Country Planning – Complete if applying for thinning		
Are any of the trees to be felled subject to a Tree Preservation Order?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
If YES please provide details:		
Are any of the trees to be felled within a Conservation Area?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
If YES please provide details:		



Management Plan

Declarations – Complete if applying for thinning

I hereby apply for a permission to fell the trees described in this application and I certify that:

- I am the landowner or an occupier of the land with written permission of the landowner;
- Where the landowner is a business, I am authorised to sign legal contracts on behalf of that business;
- If I am acting on behalf of the landowner or occupier, I have been mandated to do so;
- Any necessary consents from any other person(s) if required, have been obtained;
- I have made the necessary checks with the local planning authorities regarding Tree Preservation Orders and Conservation Areas;
- I have notified all stakeholders that may be affected by the felling in this application and sought their views prior to submitting this application;
- I hereby acknowledge that Scottish Ministers may process any of my personal data contained in or relating to this application in accordance with the terms of Scottish Forestry's Privacy Notice, a copy of which is available at www.forestry.gov.scot;
- I have read and understand this application fully and, to the best of my knowledge and belief, the information given in this application is complete, true, and accurate;
- I accept that any false or misleading information provided in this application constitutes an offence and may result in any felling permission based on this application being revoked at any time.

[This application may only be signed by the owner of the land or the occupier of that land where they have written permission to do so. For land owned by a business it must be signed by someone with the authority to sign legal contracts on behalf of that business. If you are an agent signing this on behalf of the aforementioned you must append a copy of your mandate.]

Signed: _____	Print: Calum Murray	Date: 5.6.19
---------------	---------------------	--------------

Approval - to be completed by Scottish Forestry staff:

Management Plan Reference Number:	MPL310105		
Plan Period: (ten years) (day/month/year)	From: 15/8/19	To: 15/8/29	
Operations Manager Signature:	[Redacted Signature]	Approval Date: (dd/mm/yyyy)	15/8/2019



Management Plan

2. Woodland Description

Give Information about the following:

- past management of the woodland
- current species and ages
- statutory and non-statutory constraints (e.g. designations, archaeological interests)
- existing or potential public access
- woodland protection

Use the Land Information Search to help you complete this section. For more detailed information on the Native Woodland Survey of Scotland use the Scottish Forestry Map Viewer found on our website: forestry.gov.scot

2.1 Maps required

Provide maps to support your plan, as outlined in the guidance note. Please list all of the maps that you are including with your management plan in section 1 Management Plan Details.

2.2 History of management

The majority of the woodland planted in 1990 with some older Scots pine of circa 1920 era. A small area of mixed broadleaves is identified as having being planted in 1995 probably as a result of the failure of initial planting.

The current owners have undertaken some first thinning within the conifer area using motor manual felling however the scale of the woodland is beyond the scope of their ability to thin the woodland in its entirety.

The owners have established a market garden business in some of the "other land" to the south of the woodland and the woodland helps provide a windbreak in the area from north and easterly winds.



Management Plan

2.3 Species and age

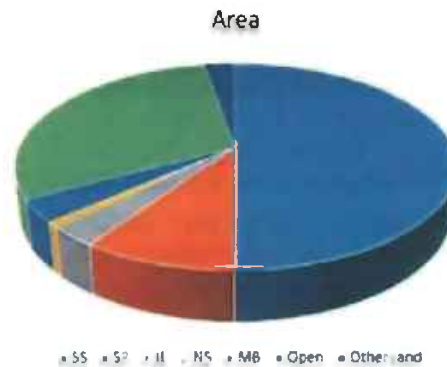
Species

Sitka spruce is the predominant species within the woodland reflecting the productive objectives of Berwick Wood. The sitka predominantly occupies the areas of wetter soils within the woodland. Scots pine is the second most abundant conifer and is focused on drier soils on a slightly more elevated slope.

Broadleaved establishment within the woodland has been less successful with a high level of failure amongst the crop initially planted in 1990 then largely replanted in 1995. It is not possible to identify species planted at that time and it is not clear if species choice was a significant contributor to the lack of success or if for example, a lack of management through the establishment phase was a factor.

Table of Species

Species totals		
Species	Area	%
SS	16.47	50%
SP	3.16	10%
JL	1.05	3%
NS	0.24	1%
MB	1.17	4%
Open	9.97	29%
Other land	0.86	3%
	32.92	100

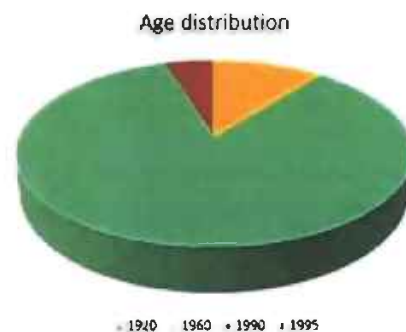


Age

The age distribution is limited within the woodland and reflects two periods of new planting. There will be some opportunity to increase age diversity when areas are clear felled and restocked in the next plan period post 2029.

Table of Age Distribution

Age Distribution	
Year	% of Area
1920	> 1%
1960	11%
1990	85%
1995	5%
	100%





Management Plan

Management Plan

2.4 Constraints and designations

Constraints include

1. Overhead powerlines both within and on the edge of the property
2. An underground high pressure gas pipeline within the property
3. Telephone cable on the western edge of the wood
4. Small water course/drain within the property a man made pond area within the wood. This pond, however, is dry most of the year.
5. Badger set and signs of red squirrel activity within the SP/NS area in compartment 2
6. Archaeology -Aberdeenshire councils HER database records previous findings of flint core, flint scrapers and stone axes at NJ839 180, these artefacts have been removed from the site. Also recorded is a small enclosure at NJ840 180 which would need protection during any operations.

The site also has remnants of old stone dykes.

7. Limited access – There are no forest roads within this woodland limiting ability to despatch harvested timber. There is a shared private road to the west of the woodland along with the owners have full right of access.
8. Timber transport – The public road is classified as a C class road and in line with the Grampian Timber Transport Group guidance this would be regarded as a consultation route for timber transport operations.

There are no significant designations within the woodland. The area is identified as being within the buffer zone for grey squirrel control though there have been no sightings of grey squirrels.

2.5 Public access

There is no formal public access provision within the woodland though the woodland is accessible by visitors wishing to access under the SOAC provisions.



Management Plan

2.6 Woodland Protection
Plant Health (including tree health and invasive or noxious plants)
<p>Crops are of good health.</p> <p>An area of Himalayan Balsam was noted in Compartment 2 during 2018. This has been treated though further treatments are likely to be required.</p>
Deer, Livestock and other mammals
<p>Roe deer which are prevalent in this area and are clearly residing in the woodland. The surrounding land is improved grassland and arable crop and so will provide good opportunities for feeding deer, as will the extensive sheltered rides within this woodland.</p> <p>Due to the established nature of the crop and limited access there is no current active control of deer within the woodland. A proactive plan for deer management will be required in advance of any clearfell & restocking (not within this plan period) to enable effective establishment.</p>
Grey Squirrels
<p>The woodland is identified as being within the buffer zone for grey squirrel control however there are no recorded sightings of grey squirrels within this woodland.</p>
Water & Soil (soil erosion, acidification of water, pollution etc.)
<p>The woodland has a number of open drains, probably remnants of the sites agricultural history prior to the current crop being planted.</p> <p>Flows of water in these drains are generally limited however all operations will be carried out to protect water quality in line with Forest and Water guidelines and SEPA general binding rules.</p>
Environment (flooding, wind damage, fire, invasive species etc.)
<p>There is no evidence of or likelihood of flooding.</p> <p>Himalayan balsam identified and ongoing programme of removal as above.</p> <p>There is a limited amount of windblow within the older Scots pine and Norway spruce</p>
Climate Change Resilience (provenance, lack of diversity, uniform structure)
<p>The current crops have good diversity, are showing good growth and are well suited to the ground. No impacts from climate change are expected within the current rotation.</p>



Management Plan

3. Vision and Objectives

Tell us how you intend to manage the woodland in the long term and your goals for its development.

3.1 Vision

Describe your long term vision for the woodland(s).

To maintain a well-managed, productive and diverse small woodland offering good habitat for wildlife & flora.

Immediate work will include improving access to the woodland to enable the programme of thinning to continue while crops are of a size where the risk of windblow in the younger crop remains reasonably low. The age of the crop means the window of opportunity to first thin is limited.

Through this thinning activity, there is significant opportunity to benefit wildlife by increasing light levels on the woodland edges adjacent to rides and indeed further into the crop. Regular subsequent thinning will help maintain and enhance this opportunity.

Berwick wood will remain a very much multi-purpose woodland with its timber production potential, provision of important habitat for red squirrels. The developing market garden business will continue to operate within the area defined as "other land".

3.2 Management objectives

Give your objectives of management and also how you will manage the woodland sustainably. Your objectives should be specific and you should also be able to measure their outcomes.

No.	Objectives (including environmental, economic and social considerations)
1	Timber Production: optimise the productive potential of the woodland
2	Biodiversity: Maintain and enhance the opportunities for wildlife notably red squirrel & badger.
3	Shelter: to provide shelter and windbreaks for owners onsite market garden business.
4	Amenity: to improve in-wood access, diversity and flora so providing amenity benefit for owners and other visitors.



Management Plan

4. Stakeholder Engagement (if required)

This may be required depending on the work you intend on carrying out in the woodland and the constraints or designations that have been identified.

Individual/ Organisation	Date contacted	Date feedback received	Response	Action
National Grid	9/10/18	1/11/18	Site visit to agree on crossing points and a method of crossing for the underground gas pipeline	Use bog mats and brash to establish safe crossing above the pipeline.
Openreach	10/12/18	30/4/19	Overhead telephone line does not have sufficient clearance to permit lorry access at the proposed forest road junction.	Agreed installation of an additional pole to raise line height.
Aberdeenshire Council - planning	2/5/19	21/6/19	Prior notification for forest road under consideration.	Permisson to proceed received
Aberdeenshire Council roads	5/6/19		Comment sought on use of consultation route to timber haulage	
Neighbours (Berwick house)	6/19	6/19	Verbal discussion with the woodland owner - No issues raised keen to see proactive management of woodland	
Fred & cath Cooper , Cairnfield Farm	6/19	6/19	Verbal discussion - No issues raised	



Management Plan

5. Analysis and Management Strategy

Analyse the information from the previous sections and identify how to make best use of your woodland and its resources to achieve your objectives.

5.1 Constraints and Opportunities

Using the table below analyse any issues raised or relevant features within your woodland and record the constraints and opportunities.

Feature/Issue	Constraint	Opportunity
Increase Biodiversity/ Flora & fauna	Unthinned conifer	Undertake regular thinning to increase light to the forest floor and access through the currently dense crop. Maintain SP/NS area as long term retention to provide habitat/ refuge for Red Squirrel & Badger populations. Opportunity for red squirrels to expand into the adjacent crop as thinned and it matures.
Badger sett	Badger sett	To be protected- Sett is within SP/NS area which will not be thinned within the life of the plan.
Improve productivity of woodland	Lack of lorry access to facilitate timber despatch from thinning	Install a new forest road to facilitate operations
Archaeology	Enclosure at NJ 840 180 + Potential for flint finds around NJ839 180 Old stone dykes	Any operations to take account of the need for protection of identified archaeology and recognise the potential for further finds of flint artefacts in the surrounding area. Old stone dykes are to be protected in so far as possible minimising



Management Plan

		crossing points during harvesting.
Access	Public road access is via consultation route for timber haulage	

5.2 Management Strategy

Following your analysis, provide a broad statement describing your management strategy. Consider all aspects (economics, access, biodiversity, landscape) and pay particular attention to your silvicultural strategy for meeting your management objectives.

Berwick wood has to date not been managed to realise it's full productive potential. A return to a regular thinning regime across the woodland seeks to maximise the potential of the key productive areas while leaving the key wildlife habitat area in the older Scots pine and Norway spruce undisturbed for as long a reasonably possible.

6. Management Proposals

Tell us the management operations you intend to carry out over the next 10 years to help meet your management objectives for the woodland. The submission of this plan will be considered as an application for permission to thin the woodland over the 10 year plan period, subject to the completion of Table 1 and the submission of appropriate maps. If you intend to carry out other types of felling you must apply for **permission separately**.

6.1 Silvicultural Practice

During this plan period the predominant silvicultural operation will be thinning, prescriptions for which are detailed at 6.3 below

As small area of cleafelling (up to 0.13ha) will be required to clear a line for installation of a new forest road. Felling permission for this area will be sought separately from Scottish Forestry.

Crop health will be monitored on an ongoing but at least annual basis.

There will be a programme of invasive species removal (Himalayan Balsam). Initial treatment was completed in 2018 though further treatments will be applied as required to eradicate. Annual monitoring will be carried out thereafter for the remainder of the plan period.



Management Plan

6.2 Infrastructure requirements

A new forest road of approximately 300m length will be installed during 2019 to facilitate timber despatch from the site. This unsealed road will be constructed in line with specifications laid out in the Timber transport forum guidance: the design and use of the structural pavement of unsealed roads See map 5 for the route.

Aberdeenshire council have under the prior notification process deemed that this road does not require full planning permission (APP/2019/1266 - decision 21/6/19)

6.3 Thinning Prescription

Thinning has been delayed across the majority of the crop therefore first thinning in p1990 crops will seek only to open up racks with minimal thinning in the matrix. After allowing 2-3 years post initial thin for rack edge trees to stabilise a subsequent thinning of the matrix will follow.

Further thinnings will be undertaken at 5 year intervals following assessment of crop basal area to establish thinning requirements.

P1960 crop will not be thinned as this is considered to be beyond thinning without creating a significant risk of windblow.

Table 1 – Thinning

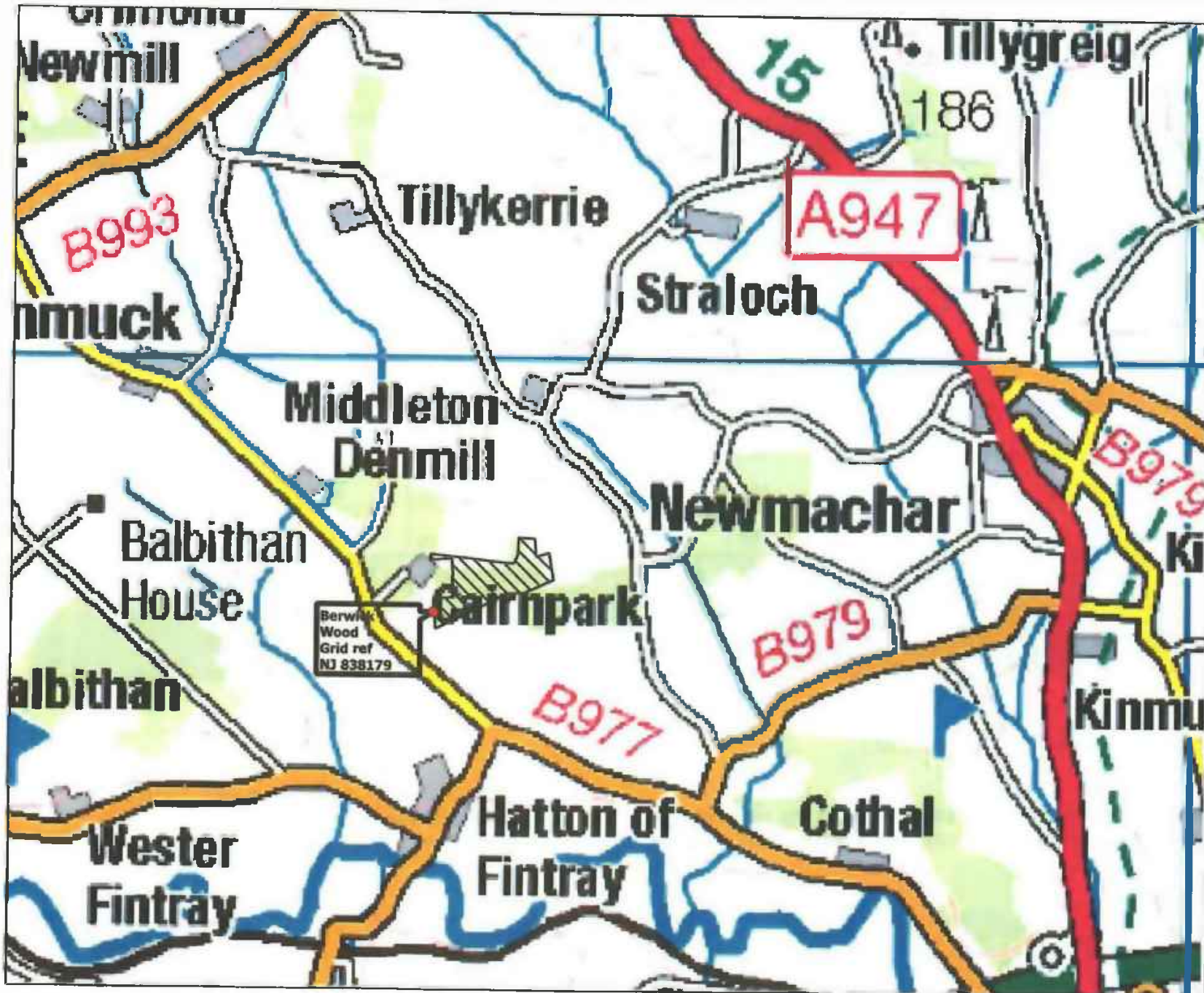
This table shows the total management plan area as well as the thinning compartments proposed for management. The felling site/compartment in this table must be shown as the same on the thinning map(s). Please select method of displaying thinning regime:

Pre/Post stocking density

Pre/Post basal area

Volume to be removed

Total Plan Area:		32.9	hectares							
Thinning Compartment	Area (ha)	%	Species to be felled (one per row)	Age (Years)	Marking of Trees	No of Trees	Volume (m ³)	Thinning Density (per ha)		Total
								Pre	Post	
a	17.35	100	SS	29	Feller select	8000	1000	1900	1450	450
a	1.05	100	JL	29	Feller select	367	50	1900	1600	350
Total Area	15.85	100					Total Volume m³	1050	Total to be removed:	8367



Berwick wood
 Hatton of Fintray
 NJ 838179

Location Map

Date: 7/6/19
 Scale: 1:75000

 Berwick wood




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 Survey
 AL1000018344

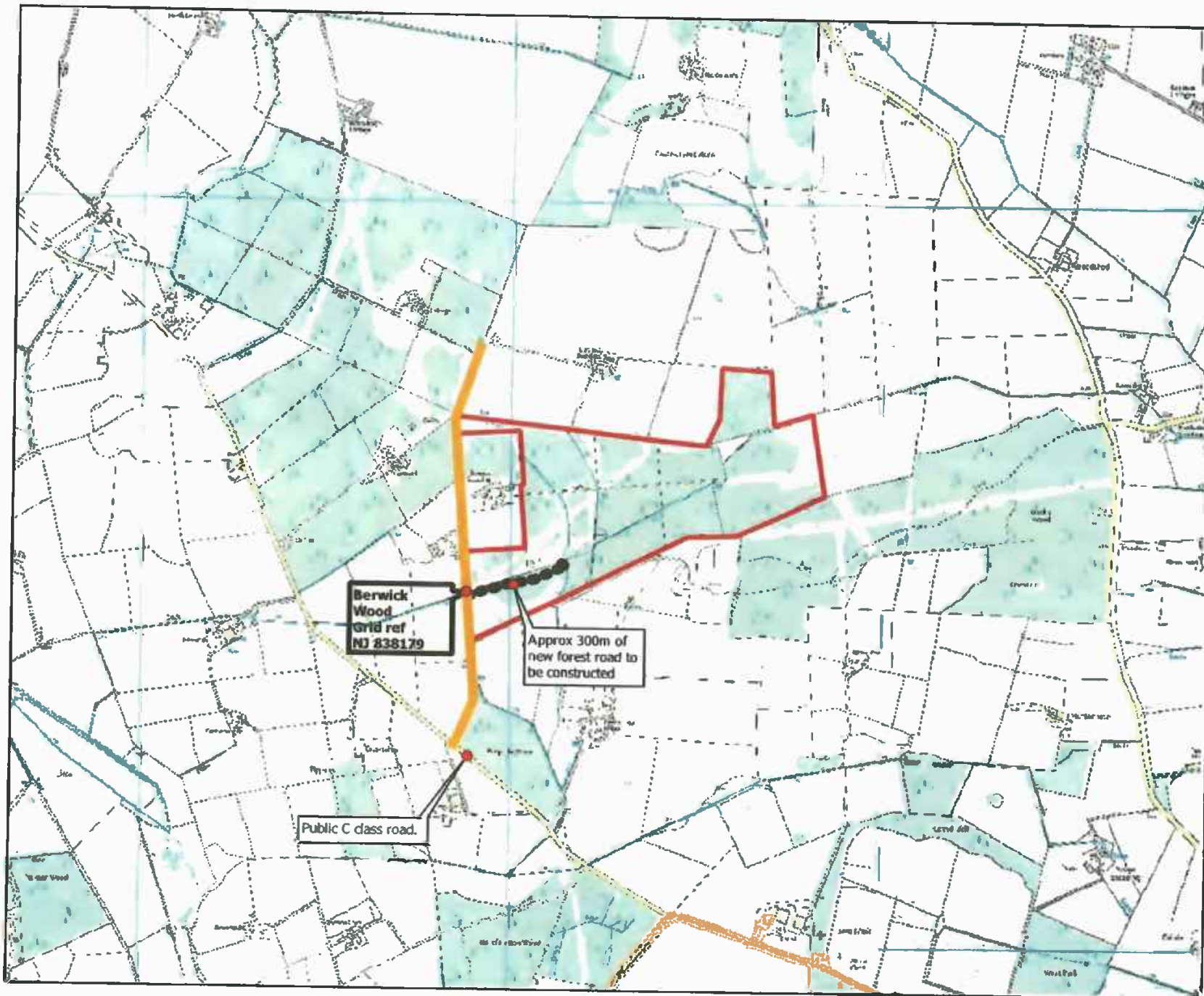
Berwick wood
Hatton of Fintray
NJ 838179

Roads & access

Date: 7/6/19
Scale: 1:25000

Legend

-  Plan Boundary
- Roads / tracks
 -  road
 -  Private road - main access



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Berwick wood
Hatton of Fintray
NJ 838179

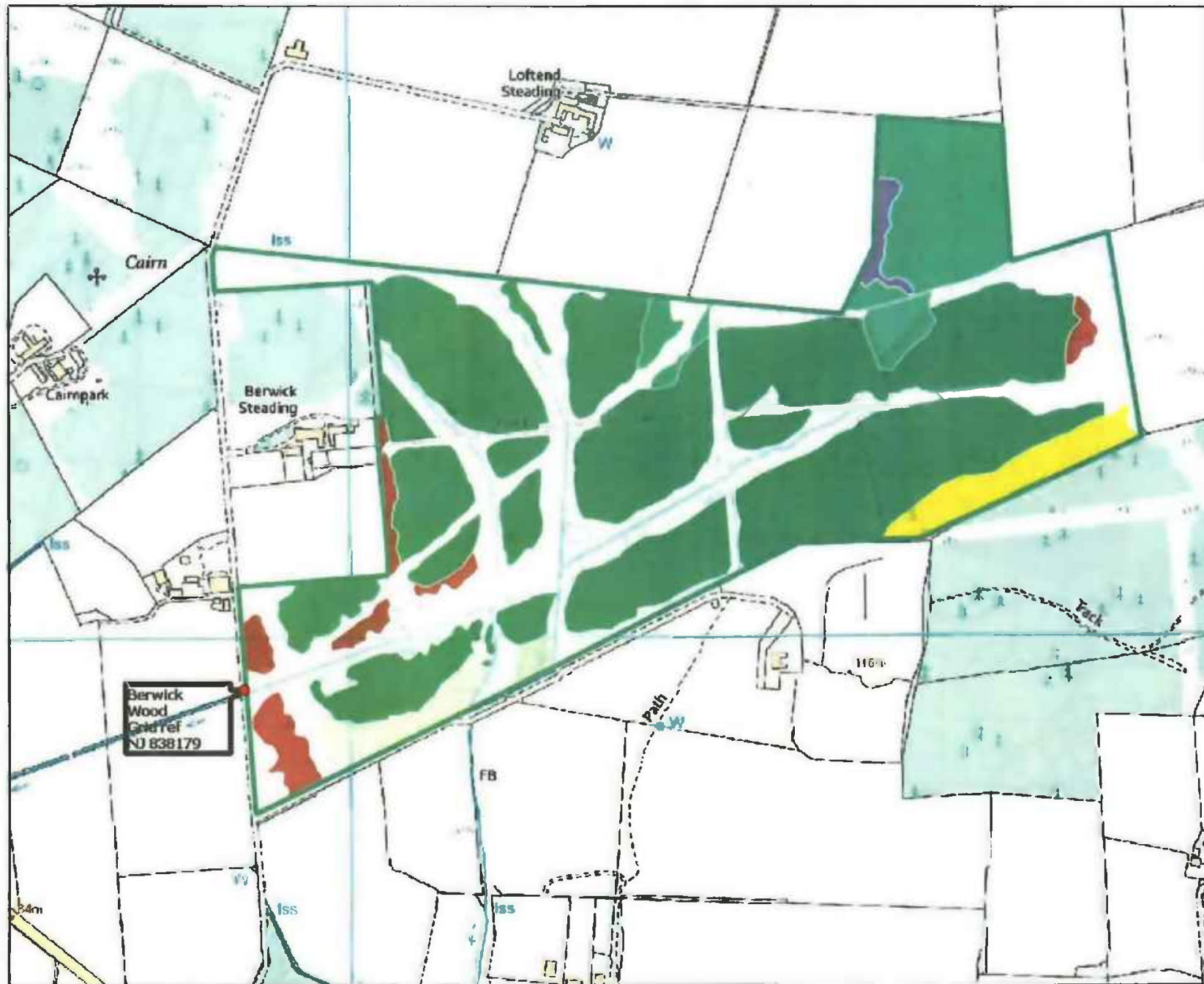
Current Species

Date: 7/6/19

Scale: 1:10000

Legend

- Plan Boundary
- Current Species**
- Sitka spruce
- Norway spruce
- Scots pine
- Japanese larch
- Mixed broadleaves
- Other land**
- Open



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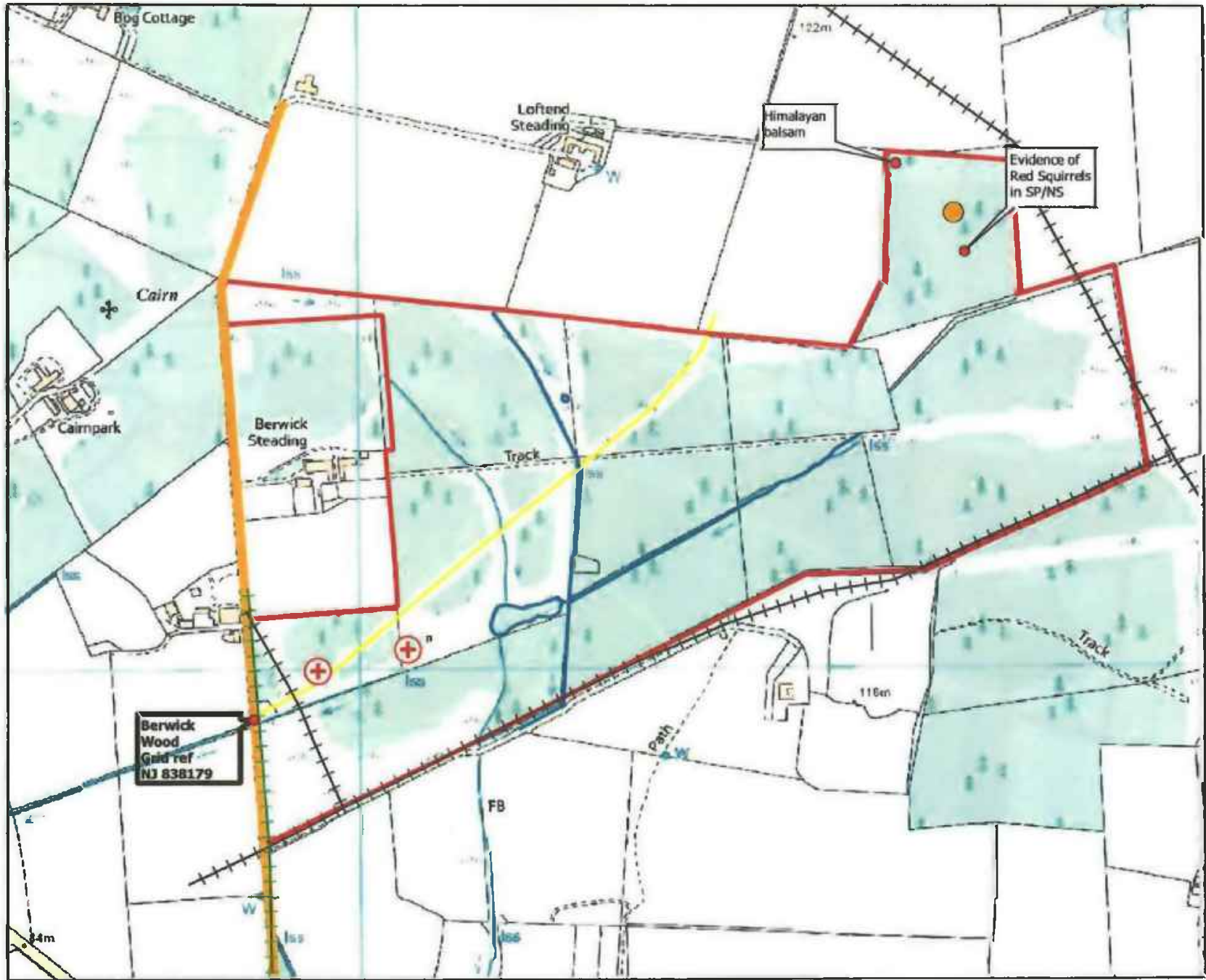
**Berwick wood
Hatton of Fintray
NJ 838179**

**Constraints
& hazards**

Date: 7/6/19
Scale: 1:10000

Legend

- Plan Boundary
- Private road/
main access
- + Archeo
- ⊙ badger set
- Gas Main
- OHPL
- ⊕ Telephone Cable
(overhead)
- watercourse



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**Berwick wood
Hatton of Fintray
NJ 838179**

Operations plan

**Date: 7th May 2019
Scale: 1:10000**

Legend

 Boundary

Operations

 Thin

 Clearfell

Current Species

-  Agricultural
-  Mixed broadleaves
-  Norway spruce
-  Scots pine
-  Sitka spruce
-  Japanese larch
-  Open

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