

Newtonhill, Muchalls and Cammachmore Community Council

Planning Department
Aberdeenshire Council
Viewmount
Stonehaven

21 June 2018

Dear Mr McIntosh,

Re: Planning Application APP/2018/1213 Proposed Erection of 121 Dwellinghouses and Associated Infrastructure and Landscaping | Site OP1 Park Place, Newtonhill, Aberdeenshire.

The Community Council has engaged with the local community and it is clear that many residents are strongly opposed to this planning application. This is a very unpopular planning application that offers no benefit to Newtonhill.

Executive Summary

At the heart of Scottish Planning Policy is the desire to build the right development in the right place in order to provide well-designed places to live and flourish. Application 2018/1213 does not meet these criteria. The physical location is wrong for a development of this type and historical planning decisions have made access to the site quite unsuitable for a development of this scale.

This planning application does not meet the aims and aspirations of the current Strategic Development Plan. The proposed development adds nothing of benefit to Newtonhill and will create problems for education and medical care. The community sees this as an unnecessary and unwanted development that will rob us of much valued natural amenities.

The decline of Oil & Gas industry in the northeast of Scotland has resulted in an economic downturn with many people moving away from the area. There is an urgent need to develop tourism as an alternative source of employment. It is essential to preserve the natural environment and to protect those things that will encourage tourists to visit.

Chapelton, just across the A90, provides the best location for development. Chapelton has an approved masterplan with provisions for education, employment and healthcare built into the development programme. It is counter-productive to approve a development that is in direct competition with Chapelton and without any of the community benefits.

The developer wants to build an access road across an area of Common Land designated as Protected Land P2 in the Local Development Plan. This must be refused.

There are many compelling planning arguments against approving this planning application and the Community Council request that planning application 2018/1213 be refused.

Scottish Planning Policy

The planning system has a vital role to play in delivering high-quality places for Scotland. Scottish Planning Policy (SPP) focuses plan making, planning decisions and development design on the Scottish Government's Purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.

Planning must take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources.

The Scottish Government's, SPP 1 sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land.

The National Planning Framework (NPF) sets the context for development planning in Scotland and provides a framework for the spatial development of Scotland as a whole.

Key Planning outcomes for Scotland are: -

- A successful sustainable place – supporting economic growth, regeneration and the creation of well-designed places
- A low carbon place – reducing our carbon emissions and adapting to climate change
- A natural resilient place – helping to protect and enhance our natural cultural assets and facilitating their sustainable use
- A connected place – supporting better transport and digital connectivity

The Scottish Government rightly expects high quality, sustainable developments to bring long-term benefits and to protect our natural heritage. This planning application does not meet those standards. It offers nothing of value to Newtonhill and takes away from the valued local amenities of the wildlife area and the rugged beauty of the moor between Newtonhill and Muchalls. The proposed development will place a severe burden on education and healthcare provision as well as the local transport network.

Strategic Development Plan

Paragraph 2.2 of the Aberdeen City and Shire Strategic Development Plan, 2014 has a vision to contribute towards the Scottish Government's central purpose of increasing sustainable economic growth. Paragraph 3.3 goes on to say "We have developed a spatial strategy which promotes development in places that meet the needs of business and, at the same time, are sustainable and take on the challenges of climate change. The strategy also recognises the need to maintain and improve the area's communities and the services they depend on".

Newtonhill occupies part of the Aberdeen – Laurencekirk development corridor. The major new development of Chapelton, located directly across the A90 from Newtonhill has received planning permission to fulfil the housing allocation for the northern part of this corridor.

Aberdeenshire Council's statistics (see appendix 1) show that only 3% of Newtonhill Residents, in employment, actually work in Newtonhill. The remaining 97% work elsewhere, adding to the carbon footprint for Aberdeenshire. This planning application will add further to that carbon footprint.

Chapelton must be the preferred site for development in the north of the Aberdeen – Laurencekirk development corridor. Chapelton needs to be allowed to grow and flourish if it is to become a hub for housing, education, retail and employment. Newtonhill needs access to local employment and this planning application does not provide any.

Local Development Plan

The Community Council has asked for site OP1 to be removed from the current and the previous Local Development Plans prior to the draft plans being submitted to Scottish Ministers for approval.

The Local Development Plan (LDP) settlement statement for site OP1 gives an allocation of 70 homes. LDP Policy H1 **Housing land** states that this figure is indicative and higher densities would only be considered where any associated negative impacts on infrastructure, open space and residential amenity can be addressed and where justified through an approved masterplan or design statement that has been subject to appropriate public consultation. Our submission outlines many of the negative impacts that have not been addressed.

The need for a second point of access comes from Section 12.1 of Aberdeenshire Council's **Standards for Road Construction Consent and Adoption** which says 'Where a CORE ROAD serves in excess of 100 houses it MUST have at least TWO points of access', but this is only a standard, it is not part of the LDP policy. Planning application 2009/2530 includes a document (APP_2009_2530-ROADS-6029751.pdf) from Aberdeenshire Council's Roads Department that dispenses with the requirement for a second point of access to the development in Cairnhill, see appendix 2. Other parts of Newtonhill only have a single point of vehicular access, for example, Skateraw can only be accessed via the railway bridge. We submit that OP1 has only been included in the LDP purely to provide a second point of access for Cairnhill, this is not required, it is not wanted and the planning application should be refused.

Discrepancies between the Local Development Plan and the planning application

Planning application 2018/1213 fails to consider the whole of site OP1 as the area known as The Paddock appears to be for future development.

The area for development outlined in red on several maps in the planning application does not match the area defined as OP1 in the LDP. The access to Cairnhill Drive, specified in the LDP, has been moved to Cairnhill Way and the area of parkland adjacent to the end of Cairnhill Way is not part of OP1. The access to Park Place goes through area P2 defined in the LDP as Protected Land - to conserve the area of open space and allotments as amenities for the village and forming part of the green network.

LDP Policy HE2 **Protecting historic and cultural areas** seeks to preserve the historical environment of a *conservation area*. This applies both to developments within the conservation area and proposals outwith that would affect its setting. This application is close to the conservation area at Muchalls and will have a negative impact upon its coastal setting. The LDP settlement statement for site OP1 requires that the P4 buffer is developed to ensure that there is screening between this development and Muchalls. The Community Council is concerned that the proposed open planting of P4 will not meet this requirement.

Access Roads

Cairnhill Way, Cairnhill Drive and Park Place are quite narrow and the carriageway is often restricted by parked cars, making them unsuitable as core routes. The footpaths and carriageway widths for Cairnhill Way and Park Place fall below the standard specified in table 15.4 – **Design Criteria for Core Road** of Aberdeenshire Council's **Standards for Road Construction Consent and Adoption**. The ground at the end of Cairnhill Way is an area of parkland that falls away quite steeply and would be an unsuitable gradient for a road in a housing development. The parkland is an essential amenity for residents of Cairnhill and must be preserved, not used for a road. It was reported at the Pre-Application Consultation, that Cairnhill residents pay a factoring charge for the maintenance of this parkland.

The link to Park Place is a very contentious subject for residents of Newtonhill as it crosses an area of land gifted to the village for recreational use by residents and is also protected land within the terms

of the LDP. This plot of land, specified as P2, is part allotments and part a 'managed' wildlife garden, which is cherished by Newtonhill residents. Aberdeenshire Council has argued that it is entitled to sell off part of the land for development, but this is contrary to a burden placed on the deeds at the time of the original conveyance. The Community Council is yet to be convinced that any title restrictions ceased to be enforceable by virtue of s.49 & 50 of the Title Conditions (Scotland) Act 2003 as no notice was registered to preserve these by the original owner. We believe that Kincardine and Deeside District Council or its successors should have registered the plot of land under the provisions of Section 38 of the same Act. Aberdeenshire Council should act in a completely transparent manner and seek the approval of the Courts, by Judicial Review, to dismiss the burden placed on the deeds by Bremner King, if it plans to sell part of the land gifted to the community. Residents are investigating whether Aberdeenshire Council is acting lawfully by proposing to sell part of this Common Land.

Economic Planning

The decline of Oil & Gas industry in the northeast of Scotland has resulted in an economic downturn with many people moving away from the area. There is an urgent need to develop tourism as an alternative source of employment. Many parts of the world now rely on tourism as a major source of income. This part of Scotland does not have the sandy beaches and temperatures to attract sun-bathers, but it has the ideal climate and terrain to attract walkers and cyclists. With this in mind, it is essential to preserve the natural environment and to protect those things that will encourage tourists to visit. LDP Policy E2 **Landscape** seeks to preserve the environment by refusing development that causes unacceptable effects through its scale, location or design on key natural landscape elements, historic features or the composition or quality of the landscape character.

Education

The 121 additional homes will bring a significant burden to Newtonhill Primary School and will add to the major problems associated with school transport between Newtonhill and Portlethen Academy. Newtonhill Primary School is continuing accepting pupils from Chapelton until a new primary school is built by the occupation of the 489th dwelling. Aberdeenshire Council's 2017 based school roll forecast for Newtonhill Primary estimates that the school will be running at over-capacity by 2020. This forecast will be based on the LDP allocation of 70 houses for OP1, rather than the 121 houses applied for. This will lead to a similar scenario to the one at Hillside Primary that is causing problems now. Building houses in Newtonhill will inevitably delay the opening of the new primary school at Chapelton.

Health Centre

The Portlethen Medical Centre already has a very large and increasing catchment. It has recently acknowledged this by extending its premises considerably to cope with new patients from Hillside. Waiting times are already very long. Chapelton will have its own Medical Centre, which is a much better solution.

Transport

Transport Assessment paragraph 3.1.4 says the site of the proposed development is easily reachable by train. Portlethen has the nearest train station, but the bus service from Newtonhill to Portlethen Station is very poor. The only public transport available from the proposed development is the bus service.

Traffic

As a rule of thumb, the proposed development is about 10% of the current size of Newtonhill and it would be reasonable to expect a 10% increase in traffic. Park Place, Cairnhill Way, Cairnhill Drive and Cairnhill Road will see considerably higher increases in traffic flow – probably well over 100%. Given the distance between the proposed development and Newtonhill Primary School, it would be reasonable to expect a considerable increase in traffic between the development and the school, which has not been considered in the Transport Assessment. This will exacerbate an already chronic traffic problem in and around Newtonhill especially at school opening and closing times.

Environment

LDP Policy E1 **Natural Heritage** seeks to protect biodiversity and threatened species. Appendix 3 correlates the species identified by the NESBReC report for this planning application with RSPB figures on conservation status and food preferences. This application will have a negative impact upon several 'Red List' species.

LDP Policy HE2 **Protecting historic and cultural areas** seeks to preserve the historical environment of a *conservation area*. This applies both to developments within the conservation area and proposals outwith that would affect its setting. This application is close to the conservation area at Muchalls and will impact negatively upon its coastal setting.

The proposed site is in a very prominent position on the summit of a hill and will dominate the unique coastal village of Muchalls with the appearance of urban sprawl, rather than the rugged coastal setting that is part of the landscape heritage of this part of North-East Scotland. This will be made even worse by the absence of the buffer strip, P4.

LDP Policy PR1 **Protecting important resources** says that developments will not be approved that have a negative effect on important environmental resources associated with open space, and important trees and woodland. In all cases development which impacts on any of these features will only be permitted when public, economic or social benefits clearly outweigh the value of the site to the local community, and there are no reasonable alternative sites.

There are no public, economic or social benefits from this development and the alternative accepted site with these benefits is Chapelton.

Housing Market

The Aberdeen Solicitors Property Centre lists 31 properties for sale in the Newtonhill area (15th June 2018) and some have been on the register for many months, therefore a new development of this scale is not warranted in Newtonhill and is not needed in Newtonhill.

Pheppie Burn

As a consequence of climate change, major flooding events are now more frequent than previously. LDP Policy PR1 **Protecting important resources** requires that new development, including aquatic engineering works, which will generate discharges or other impacts on existing water bodies, or which could affect the water quality, quantity, flow rate, ecological status, riparian habitat, protected species or flood plains of water bodies (including their catchment area) must not prejudice water quality or flow rates, or their ability to achieve or maintain good ecological status. This development must not be allowed to have a detrimental effect on the Pheppie Burn.

Construction

If rock breaking or blasting is required for the development of the site, then how will this be managed? What arrangements for construction access will be put in place that will not allow destruction of the wildlife garden in the protected area, P2 and allow continued access to the allotments?

Conclusion

This planning application does not meet the aims and aspirations of the current Strategic Development Plan. The proposed development adds nothing of benefit to Newtonhill and will in fact, create increasing problems for education and medical care. The community see this as an unnecessary and unwanted development that will rob us of much valued natural amenities.

The Community Council request that planning application 2018/1213 be refused.

Yours sincerely,

Michael Morgan

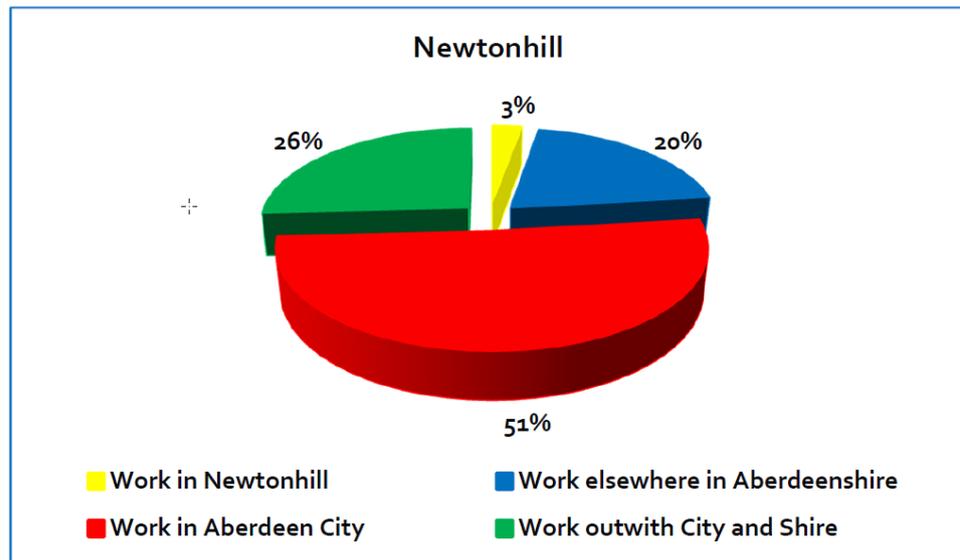
Michael Morgan

Chair and Planning Officer
Newtonhill, Muchalls and Cammachmore Community Council
64 St. Michael's Road, Newtonhill, Stonehaven, AB39 3RW

Appendix 1 Percentage of residents working in Newtonhill

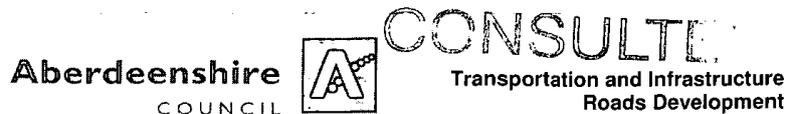
Graph taken from Aberdeenshire Council's Newtonhill Profile, published September 2017.

Travel to Work



Source: Census 2011 (www.scotlandscensus.gov.uk)

Appendix 2 Justification for single access road to Cairnhill.



Technical Consultation No 2 for Planning Application Ref: KM/APP/2009/2530

Application type: **Full Planning Application**

Proposal: **Residential Development (60 Houses)**

Location: **Land To East Of West Monduff**

Date consultation request received: **31/08/2010**

Planning Officer: **Jamie Scott**

Roads Officer: **Alan Mitchell**

ABERDEENSHIRE COUNCIL
PLANNING AND ENVIRONMENTAL SERVICES

03 SEP 2010

RECEIVED

1. Visibility Requirements

Speed Limit at site: **30 mph**

Design speed: **20 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 25 metres** will be required

Does current application provide this? Yes No

2. Parking Requirements: (Per Aberdeenshire Councils Parking Standards)

From Aberdeenshire Council's Parking Standards the required parking provision is
Spaces made up of: Operational and Non-Operational.

Is shown provision of 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

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

4. Other Comments:

This Service has previously stated that "Any further extension into area fh1, for which I understand an outline application has been submitted, will be opposed if it is proposed to be serviced by the same single access. Some thought must be given to improving connectivity in this area by linking roads to the east of house sites."

The justification statement submitted (which includes traffic generation figures) makes a reasoned case in support of applicants' proposal to provide a new Pedestrian (zebra) crossing on Newtonhill Road linked via Cairnhill Road to the current application site via a proposed new multi user path in lieu of the 2nd point of access requirement.

On balance, having carefully considered the applicants submission this Service is satisfied that this proposal will improve connectivity to/from the proposed 60 house site. It will also provide additional benefit to whole Cairnhill development area and the wider Newtonhill community given improved pedestrian/ cycle connectivity to Primary School, Community facilities (incl Community Centre, shops etc...) and the new Tesco Supermarket.

5. Recommendations:

- This Service objects to this application for the following reasons:-**
- Insufficient Visibility** **Insufficient Parking Provision**
 - Road Safety (see comments in Section 4)**
 - 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 comment to make on this application.**
- This Service has no objections to the application subject to the following conditions being applied in granting planning permission:-**



Conditions (as selected below):

- Drop kerb footway crossings must be formed at the new driveways.
- The maximum gradient of the first 5m of the new driveways must not exceed 1 in 20.
- First 5m of driveways (measured from edge of road or back of footway) to be fully paved.
- Proposed garages 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.
- Off-Street parking for cars, surfaced in hard standing materials must be provided within the site.
- Parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with Aberdeenshire Council's Car Parking standards.
- A lay-by measuring 8.0m x 2.5m with 45° splays to be formed on frontage of the site and the proposed vehicular access to be taken via this. Construction shall comply with Aberdeenshire Council's standards for road construction and adoption.
- A passing place measuring 10.0m x 2.5m with 5m splays to be at the location shown on the attached plan (or at a location agreed with Roads service). Construction shall comply with Aberdeenshire Council's standards for road construction and adoption.
- Visibility Splays, measuring m by m to be formed on either side of the junction of the vehicular access with the public road prior to commencement of development. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.
- A refuse bin uplift store area shall be constructed (behind any visibility splay) so as to be accessible for bin uplift and shall be secure enough to prevent empty bins from being wind blown. Details must be submitted to Roads Development for approval.
- 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 and for a minimum distance of m from the public road carriageway, to be constructed in accordance with Aberdeenshire Council's Specification appropriate to the type of traffic which will use the access, and be surfaced with dense bitumen macadam or asphalt.
- A lit footpath/ cycle path (constructed to Aberdeenshire Council's adoptable standards) must be formed linking Cairnhill Road directly with Newtonhill Road, A new zebra crossing shall also be formed on Newtonhill Road (as outlined on Drg N° 80429/00300 and technical note submitted by the applicant). This new infrastructure must be in place prior to occupation of the first dwelling house.

Initialed by: 
Date: 31/08/10
Roads Development Planning Consultation form
Issue A4

Checked: 
Date: 01/09/2010

Appendix 3 APP/2018/1213 Designated Species

The following table of species has been taken from the NESBReC report for this planning application and cross referenced with the RSPB website figures on conservation status and food preferences.

Species	Conservation status/ Rate of Decline in UK according to RSPB	Effect of granting planning permission
Short-eared Owl Asio flammeus	Amber. Under 2000 breeding pairs	Eats small mammals and voles, population will decline if moor is given over to housing
Sandwich Tern Sterna sandvicensis	11,000 pairs, mainly on nature reserves, so local population relatively rare	Local habitat supports population of sprats, whiting, sandeels
Song Thrush Turdus philomelos	Red list "Declined markedly"	Eat worms, snails, fruits all of which would decline with housing development
Reed Bunting Emberiza schoeniclus	Amber list	Eat seeds and insects, removal of habitat will lead to further decline
Starling Sturnus vulgaris	Red list	Invertebrates and fruit, removal of habitat will lead to further decline
Lapwing Vanellus vanellus	Red list "significant decline"	Eats worms and insects, so housing and loss of habitat will lead to further decline
Dunnock Prunella modularis	Amber list	Eats insects, spiders, worms, seeds, removal of habitat will lead to further decline
Yellowhammer Emberiza citrinella	Red list 740,000 pairs "recent decline"	Eats seeds and insects so removal of habitat will lead to further decline
Skylark Alauda arvensis	Red list "recent and dramatic decline"	Eats seeds and insects so removal of habitat will lead to further decline
House Sparrow Passer domesticus	Red list "substantial decline"	Eats seeds and insects so removal of habitat will lead to further decline
Grey Partridge Perdix perdix	Red list 43000 territories	Eats leaves, seeds and insects so removal of habitat will lead to further decline
Linnet Linaria cannabina	Red list 430K territories "numbers dropped substantially"	Eats seeds and insects so removal of habitat will lead to further decline
Lesser Butterfly-Orchid Platanthera bifolia	N/A	Removal of habitat will lead to further decline
Herring Gull Larus argentatus	Red list 740K	Eats almost anything so removal of natural habitat will lead either to further decline or a shift in territory into housing developments, with associated costs for management and removal
Siskin Spinus spinus	Green list	Eats seeds and insects so removal of habitat will lead to further decline

Kestrel Falco tinnunculus	Amber list 46K breeding pairs	Eats small mammals, insects, birds and worms so removal of habitat will lead to further decline
Black-headed Gull Chroicocephalus ridibundus	Amber list 140K breeding pairs	Eats worms, insects, fish, carrion– population may decline as prey species lose habitat
Swift Apus apus	Amber list 87000 breeding pairs	Eats flying insects and airborne spiders so removal of habitat will lead to further decline
Wild Pansy Viola tricolor	N/A	Removal of habitat will lead to further decline
Early Marsh Orchid	N/A	Removal of habitat will lead to further decline