



## REPORT TO INFRASTRUCTURE SERVICES COMMITTEE – 5 OCTOBER 2017

Reference No: APP/2016/2264

### Formation of Business Park with Associated Infrastructure, Land Adjacent To Balring Cottage, Northwoods Business Park, Mintlaw, AB42 4JN

**Applicant:** Northwoods Eco Business Park, C/o Baxter Design, 9 Kirkgate, Old Deer, Peterhead, AB42 5LJ

**Agent:** Baxter Design Company (Old Deer) Ltd, Adenhall, 9 Kirkgate, Old Deer, Peterhead, AB42 5LJ

Grid Ref:	E:399469 N:849084
Ward No. and Name:	Central Buchan
Application Type:	Planning Permission in Principle
Representations	3
Consultations	11
Relevant Proposals Map	Aberdeenshire Local Development Plan
Designations:	R2, PR1
Complies with Development Plans:	No
Main Recommendation	Delegated Grant

#### 1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section F.4.1 of Part 2A List of Committee Powers and Section C.2.1c of Part 2C Planning Delegations of the Scheme of Governance as the application is a major development where the Head of Planning and Building Standards is of the professional opinion that approval of the application would be a departure, albeit not a significant departure, from the Development Plan, and the Area Committee has decided to support the application.
- 1.2 The Head of Finance and the Monitoring Officer within Business Services have been consulted in the preparation of this Report, had no comments to make and are satisfied that the Report complies with the Scheme of Governance and relevant legislation.

#### 2. Principal Planning Issues (Summary)

- 2.1 This principal planning issue in relation to this proposal is whether the development of land for business use on an unallocated site, to the immediate north of Mintlaw, can be considered as acceptable as a departure from the current Aberdeenshire Local Development Plan when there is already an allocated site for employment use within the area.
- 2.2 Consideration has been given to Policy R2: Housing and Employment Development elsewhere in the Countryside and Policy PR1: Protecting Important Resources of the Aberdeenshire Local Development Plan 2017.

- 2.3 In addition, consideration has been given to the site being categorised as Prime Agricultural Land and that a portion of the site is reserved for a District Heating Scheme (DHS) or a Combined Heat and Power Plant (CHPP) for the Northwoods residential site to the immediate south and whether material considerations could justify exceptional circumstances.
- 2.4 A full discussion of the relevant planning issues is contained in the Buchan Area Committee Report of 5 September 2017 attached at **Appendix 2**.

### **3. Representations (Summary)**

- 3.1 A total of 3 valid representations (all objection) have been received as defined in the Scheme of Governance. This does not include multiple representations from the same household which equate to 3 letters in total. All issues raised have been considered. The letters raise the following material issues:
- Increase of traffic and associated impacts i.e. noise, vibration and air pollution and road safety;
  - Visual impact;
  - Impact of recycling materials/pollution;
  - Flood risk;
  - Loss of trees;
  - Loss of agricultural land;
  - The site is not allocated in the Local Development Plan;
  - Alternative employment land in Mintlaw is not constrained.
- 3.2 A copy of the letters are available for inspection in the Members' Support Unit.

### **4. Area Committee Decision (Summary)**

- 4.1 At their meeting of 5 September 2017, the Buchan Area Committee agreed -
- (1) that being minded to Grant Planning Permission in Principle, subject to the conditions as detailed in the Report, that the application be referred to the Infrastructure Services Committee, and
  - (2) the reason for departing from the Local Development Plan as follows –
    - (a) It has been established that the allocated site in the Aberdeenshire Local Development Plan is not suitable for the needs of the end users of the site. The site is not constrained in any way and can be delivered at an early stage. It is therefore considered that it is appropriate to depart from the Mintlaw Settlement Statement and approve the site to provide employment opportunities in the town. While the proposal does not comply with Policy R2 Housing and Employment Development elsewhere in the Countryside and Policy PR1 Protecting Natural Resources, it is considered that it is acceptable to depart from these policies for the reasons stated above.

4.2 The following documents are attached as appendices to this report:

- **Appendix 1:** Location Plan
- **Appendix 2:** Copy of the Buchan Area Committee report of 5 September 2017
- **Appendix 3:** Extract of draft Minute of the Buchan Area Committee meeting of 5 September 2017

## 5. Implications and Risk

5.1 An Equality Impact Assessment is not required as the proposal does not have a differential impact on any of the protected characteristics.

5.2 There are no staffing and financial implications.

5.3 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.

## 6. Officer's Recommendation

6.1 **That authority to GRANT Planning Permission in Principle be delegated to the Head of Planning and Building Standards subject to:-**

- a) Conclusion of discussions relating to natural heritage interests.
- b) Submission of a tree survey to establish the presence of bats and if so the requirement for a Bat Licence and the granting of such by Scottish Natural Heritage (SNH).
- c) Conditions covering the following matters:-

01. Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No development shall begin on the site unless all of the details listed in this condition have been submitted to and approved in writing by the planning authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.

Specified matters:

- (a) Full details of the siting, design, layout, external appearance, an individual Transport Assessment for each individual building and use and finishing materials of the proposed development including waste storage areas, access roads, pedestrian linkages, vehicle parking and turning areas, phasing of the development, the location of bus

stops, the Gross Floor Area (GFA) of the re-cycling centre (if applicable);

- (b) A landscaping scheme for the development including details of the existing landscape features and vegetation to be retained; the locations of new trees, shrubs, hedges and grassed areas; a schedule of plants including species, plant sizes and proposed numbers and density; the layout, design and materials of all hard landscaping works including walls, fences and gates; and a programme for the completion and subsequent maintenance of the proposed landscaping;
- (c) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed ordnance datum point;
- (d) Full details of the proposed means of disposal of surface water from the development.
- (e) A list of ground water abstractions on the site (to be agreed with SEPA).

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. No individual building hereby approved shall be erected unless an Energy Statement applicable to that 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 Standard Assessment Procedure (SAP) or Simplified Building Energy Model (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 the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments.

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 the Council's

Supplementary Planning Guidance - Carbon Neutrality in New Developments.

03. 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.

04. Waste water from the proposed development shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means 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.

- 05 No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include the following:

- (a) Risk assessment of potentially damaging construction activities;
- (b) Identification of biodiversity protection zones;
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- (d) The location and timing of sensitive works to avoid harm to biodiversity features;
- (e) The times during construction when specialist ecologists need to be present on site to oversee works;
- (f) Responsible persons and lines of communication;
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- (h) Use of protective fences, exclusion barriers and warning signs.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP.

Reason: In the interests of protecting the biodiversity of the environment.

06. That the area of the site shown as R1 in the Mintlaw Settlement Statement shall be retained for a district heating scheme or combined heat and power plant.

Reason: To ensure a sustainable energy supply is provided for site OP2 to the south and to comply with the aims of the Mintlaw Settlement Statement.

07. Prior to commencement of the development the following information must be provided and agreed in writing by the Planning Authority. Once agreed, the infrastructure must be installed in accordance with the plans.

- a) the inclusion of infrastructure (such as pipelines) within the site to enable connection to the district heating scheme/combined heat and power plant for site R1 (and the subsequent requirement to connect when available) or;
- b) the safeguarding of land within the development for the future installation of infrastructure to enable connection to the district heating scheme/combined heat and power plant for site R1 (and the subsequent requirement to install such infrastructure and connect when available) or;
- c) the development of an onsite district heating system.

Reason: To comply with the aims of the Mintlaw Settlement Statement.

08. No unit approved in the future shall be occupied unless the vehicular and pedestrian accesses and all parking and turning areas submitted as part of Condition 1 have been provided and surfaced in accordance with the approved details. Each access shall be constructed to the Council's Standards for Road Construction Consent and Adoption. Once provided, all accesses, parking and turning areas shall thereafter be permanently retained as such.

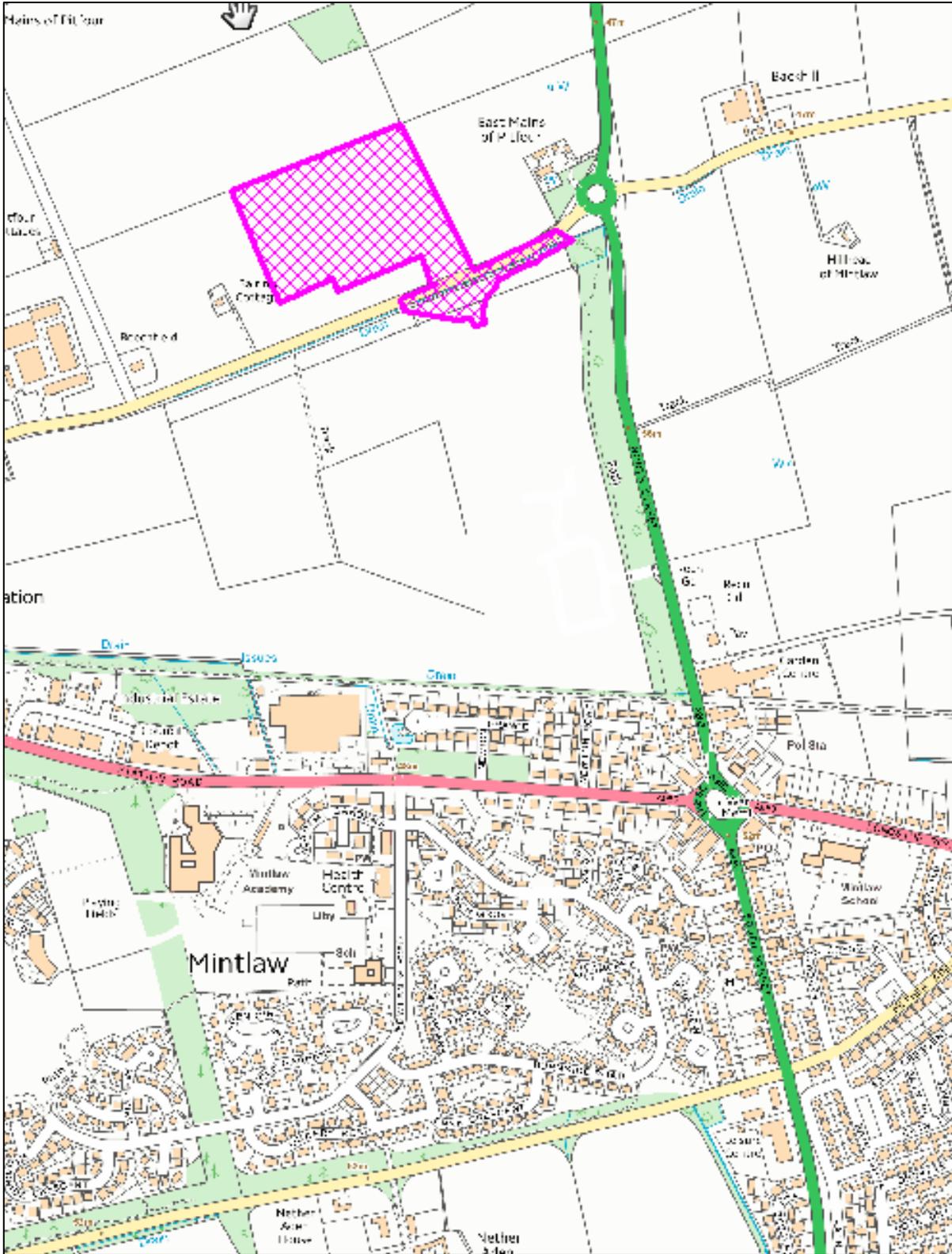
Reason: To ensure the provision of a means of access to an adequate standard in the interests of road safety.

**6.2 That the committee agree the reason for departing from the Local Development Plan.** That it has been established that the allocated site in the Aberdeenshire Local Development Plan is not suitable for the needs of the end users of the site. The site is not constrained in any way and can be delivered at an early stage. It is therefore considered that it is appropriate to depart from the Mintlaw Settlement Statement and approve the site to provide employment opportunities in the town. While the proposal does not comply with Policy R2 Housing and employment development elsewhere in the countryside and Policy PR1 Protecting important resources, it is considered that it is acceptable to depart from the policy for the reasons stated above.

**Stephen Archer**  
**Director of Infrastructure Services**

Author of Report: Alan W Davidson  
Report Date: 12/09/2017

**APPENDIX 1**  
**LOCATION PLAN**



APPENDIX 2

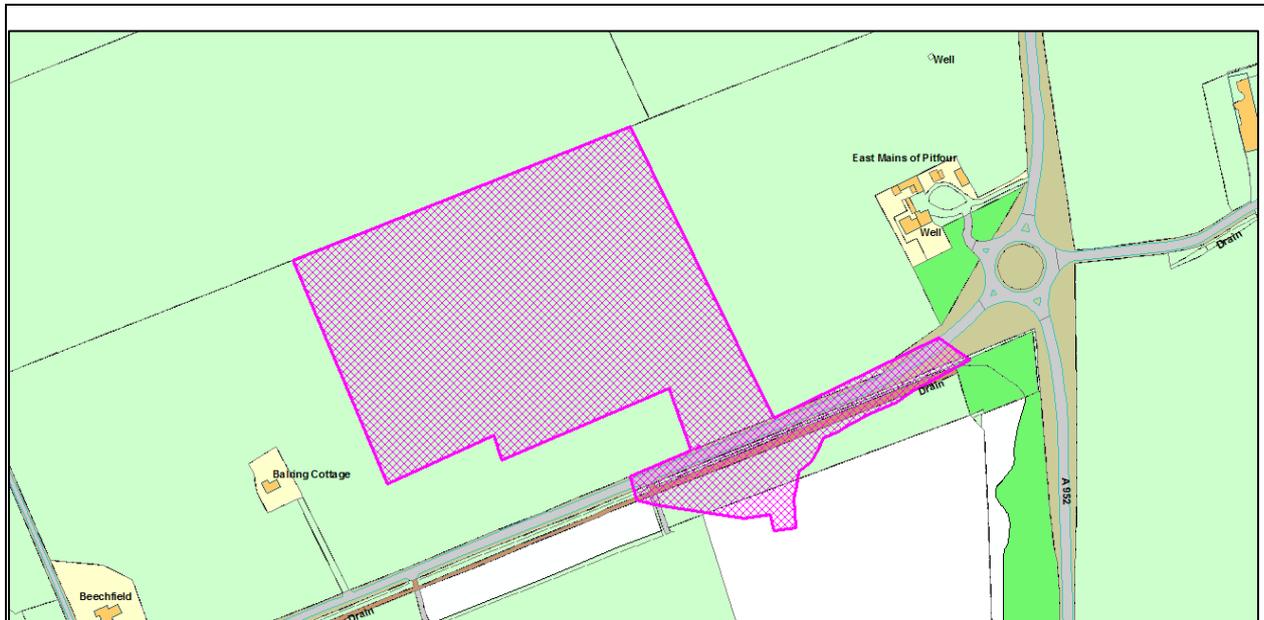
## Buchan Area Committee Report 5<sup>th</sup> September 2017

Reference No: APP/2016/2264

Planning Permission in Principle for Formation of Business Park with Associated Infrastructure at Land Adjacent To, Baling Cottage, Northwoods Business Park, Mintlaw, Aberdeenshire, AB42 4JN

Applicant: Northwoods Eco Business Park  
Agent: Baxter Design Company (Old Deer) Ltd

Grid Ref: E:399469 N:849084  
Ward No. and Name: Central Buchan  
Application Type: Planning Permission in Principle  
Representations: 3  
Consultations: 11  
Relevant Proposals  
Map: Aberdeenshire Local Development Plan  
Designations: R2, PR1  
Complies with  
Development Plans: No  
Main Recommendation: Approve



**NOT TO SCALE**

Reproduced from Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright and database rights. Ordnance Survey Licence Number 0100020767.

## 1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.9.1 of Part 2A List of Committee Powers and Section C.3.1c of Part 2C Planning Delegations of the Scheme of Governance as the application for development is a departure from the Development Plan and is recommended for approval.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

## 2. Background and Proposal

- 2.1 This proposal seeks Planning Permission in Principle for the development of business land on 5.5 ha of land on a site to the immediate north of Mintlaw Settlement Boundary. The site forms part of a larger field which is relatively flat with a slope from north to south and is bordered by mature tree belts to the north, south and west and by the A952 Fraserburgh road to the east. It is proposed to access the site from the new roundabout on the A952 and a further roundabout on Balring Road to the south of the site. While the majority of the site is not allocated in the current Local Development Plan a small portion measuring 0.4 ha in the south west corner is designated as R1, reserved for a district heating scheme or a combined heat and power plant for OP2 to the immediate south. A location plan is attached as Appendix 1.

## 3. Representations

- 3.1 A total of 3 valid representations (all objection) have been received as defined in the Scheme of Governance. This does not include multiple representations from the same household which equate to 3 letters in total. All issues raised have been considered. The letters raise the following material issues:
- Increase of traffic and associated impacts i.e. noise, vibration and air pollution and road safety;
  - Visual impact;
  - Impact of recycling materials/pollution;
  - Flood risk;
  - Loss of trees;
  - Loss of agricultural land;
  - The site is not allocated in the Local Development Plan;
  - Alternative employment land in Mintlaw is not constrained.

## 4. Consultations

- 4.1 **Developer Obligations** confirm that no contributions are required.
- 4.2 **Infrastructure Services (Archaeology)** has advised that no mitigation is required.

- 4.3 Infrastructure Services (Environmental Health)** does not object to the proposal.
- 4.4 Infrastructure Services (Roads Development)** has requested an updated Transport Assessment to be carried out at the MSC stage (and for subsequent applications) once it is known what is to be built on the site.
- 4.5 Infrastructure Services (Transportation)** initially requested a Transport Assessment. Following receipt of additional information, Transportation does not object to the proposal subject to the receipt of an amended Transport Assessment at the MSC stage and the provision of additional bus stops.
- 4.6 Infrastructure Services (Waste Management)** advise that a Household Waste Recycling Centre is not needed on the site.
- 4.7 Scottish Water** has not responded to their consultation at the time of writing.
- 4.8 SEPA** does not object to the proposal subject to relevant conditions.

## **5. Relevant Planning Policies**

### **5.1 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.

### **5.2 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.

### 5.3 Aberdeenshire Local Development Plan 2017

Policy R2 Housing and employment development elsewhere in the countryside

Policy P1: Layout, siting and design

Policy P2: Open space and access in new development

Policy PR1: Protecting important resources

E1 Natural heritage

C4 Flooding

Mintlaw Settlement Statement

### 5.4 Other Material Considerations

None.

## 6. Discussion

6.1 This proposal seeks Planning Permission in Principle (PPP) for industrial use on an unallocated site to the immediate north of Mintlaw, albeit a portion of the site is reserved for a district heating scheme (DHS) or a combined heat and power plant (CHPP) for the Northwoods residential site to the immediate south. The site is also on Prime Agricultural Land. The main planning consideration therefore is the principle of planning, namely are there any reasons why business use should be allowed on an unallocated site, should the land for the DHS and CHPP be protected and should Prime Agricultural Land be developed? Other considerations relate to landscaping, traffic and concerns raised by the letters of representation.

6.2 While the application is for PPP only, in this case there is a high level of certainty to the end users of the site. This certainty has meant that the applicant has been able to assess the available sites in Mintlaw and determine their suitability to the needs of their clients. The site is expected to be taken on by two clients, Colaren Homes and Aberdeenshire Council. Their requirements will be discussed in turn.

6.3 Colaren Homes are currently based in Fraserburgh but are keen to relocate their operation to Mintlaw where the company will be building 600 houses on the site to the immediate south (approximately 90 units completed). The relocation will allow the company to expand by not only building a new HQ but also an in-house kit building facility, part of their business which is currently out-sourced. None of the alternative sites are in a suitable location or are likely to be available in the short term. In order to expand their business and take advantage of their site being immediately to the south, the company believes that this site provides their best option.

- 6.4 Aberdeenshire Council are currently assessing their strategy for waste management and have undertaken one for their roads depots. The current depot to the south of the village is no longer considered to be acceptable and alternative locations have been under consideration for some time. The Settlement Statement for Mintlaw acknowledges this, and states that the site OP1 to the south of the village should accommodate the new depot. While this is considered to be acceptable in principle, there are two factors which have resulted in the site not being a preferred option. Firstly, the site offered within the masterplan for the site is a difficult shape, elongated and has no potential for expansion. Secondly, while Waste Management no longer have a requirement for a Household Waste Recycling Centre in Mintlaw, this application provides an opportunity to allow different services within the council to share the site, potentially resulting in better value for money for the public purse.
- 6.5 Due to the limitations of the available sites and fact that some of the allocated sites have been slow to come forward since the previous plan was adopted in 2012, it is considered reasonable to allow development of the site in these circumstances where there is a clear and immediate demand for space. It is accepted that an alternative site is moving towards an agreed masterplan but this does not alter its unsuitability for the developer. The applicant has provided justification on this which is accepted. The proposal would allow a local company to expand and hopefully initiate further job creation. The applicant has presented the Service with a supporting statement which is appended to this report. The opportunity to consolidate a range of council services into a single site with opportunities for expansion is likewise considered to be a positive statement for Mintlaw and, as one of the growth towns in Aberdeenshire, can be seen to future proof the provision of services for some time in the future. While the proposal does not comply with Policy R2 Housing and employment development elsewhere in the countryside, it is considered that it is acceptable to depart from the policy in this case.
- 6.6 The site is categorised as Prime Agricultural Land. Policy does not allow such land to be developed unless it is on an allocated site, for renewable energy or for small scale rural businesses. In this case, for the reasons stated above, it is considered that the benefits of the proposal outweigh the loss of the agricultural land and that a departure from policy is acceptable.
- 6.7 Information provided by the developer has established that the development will not have an impact on the surrounding area. The Roads Service is satisfied that the access and layout can comply with roads standards. Roads however request that a revised traffic assessment is carried out for the Matters Specified in Conditions (MSC) stage and any subsequent applications to fully assess the developments impact on the local road network once it is fully established what will be built on the site.
- 6.8 In terms of the impact of the development on the ecology, wildlife and adjacent trees no consultation has been concluded on this aspect yet. This matter will, however, be reported to Members at Committee. Having said that

it is not anticipated that any response will affect the substantial recommendation below.

- 6.9 In terms of the comments raised by the public not addressed above, the visual impact of the development will be dealt with in part at the MSC stage however it is noted that the site itself is well screened by mature tree belts. As the final details of what is to be built on the site has not been determined, a condition will be attached requiring the applicant to provide details of the surface water disposal for approval by the Planning Service. While the site plan refers to a re-cycling centre on part of the site, this is indicative only and there is no guarantee that this is actually what will be built on the site. Should the application be approved, the use of the site will be limited to Use Classes 4, 5 and 6. Future applications will then be assessed on their own merits.
- 6.10 Part of the site is allocated as R1 for a District Heating Scheme. There is no reason why such a development could not be accommodated in the site. A condition will be attached to ensure that an area of land of the same scale is retained for that purpose.
- 6.11 This is an application for a new business park on an unallocated site in Mintlaw where there is already an allocated site for employment use. However, the alternative sites, while still progressing through the planning system, are not available immediately nor are they considered suitable for the end user's needs. This proposal should bring a level of economic and service benefits to the town which the Planning Service considers to be an acceptable departure from the LDP and should be approved.

## **7. Area Implications**

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

## **8. Equalities, Staffing and Financial Implications**

- 8.1 An equality impact assessment is not required because nothing arising in the report would have a differential impact on any of the protected characteristics.
- 8.2 There are no staffing and financial implications.

## **9. Sustainability Implications**

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

## 10. Departures, Notifications and Referrals

### 10.1 Strategic Development Plan Departures

None.

### 10.2 Local Development Plan Departures

Policy R2 Housing and employment development elsewhere in the countryside

Policy PR1: Protecting important resources.

10.3 The application is a Departure from the valid Local Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.

10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.

10.5 The application will have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

## 11. Recommendation

### 11.1 **DELEGATED GRANT** subject to the following:-

**(a) Conclusion of discussions relating to natural heritage interests at the site; and**

**(b) The following conditions:**

01. Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No development shall begin on the site unless all of the details listed in this condition have been submitted to and approved in writing by the planning authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.

Specified matters:

(a) Full details of the siting, design, layout, external appearance, an individual Transport Assessment for each individual building and use and finishing materials of the proposed development including waste storage areas, access roads, pedestrian linkages, vehicle parking and

turning areas, phasing of the development, the location of bus stops, the GFA of the re-cycling centre (if applicable);

- (b) A landscaping scheme for the development including details of the existing landscape features and vegetation to be retained; the locations of new trees, shrubs, hedges and grassed areas; a schedule of plants including species, plant sizes and proposed numbers and density; the layout, design and materials of all hard landscaping works including walls, fences and gates; and a programme for the completion and subsequent maintenance of the proposed landscaping;
- (c) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed ordnance datum point;
- (d) Full details of the proposed means of disposal of surface water from the development; and
- (e) A list of ground water abstractions on the site (to be agreed with SEPA).

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

02.No individual building hereby approved shall be erected unless an Energy Statement applicable to that 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 the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments.

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 the Council's Supplementary Planning Guidance - Carbon Neutrality in New Developments.

03.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.

04. Waste water from the proposed development shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means 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.

05. No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include the following:

- (a) Risk assessment of potentially damaging construction activities;
- (b) Identification of biodiversity protection zones;
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- (d) The location and timing of sensitive works to avoid harm to biodiversity features;
- (e) The times during construction when specialist ecologists need to be present on site to oversee works;
- (f) Responsible persons and lines of communication;
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- (h) Use of protective fences, exclusion barriers and warning signs.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP.

Reason: In the interests of protecting the biodiversity of the environment.

06. That the area of the site shown as R1 in the Mintlaw Settlement Statement shall be retained for a district heating scheme or combined heat and power plant.

Reason: To ensure a sustainable energy supply is provided for site OP2 to the south and to comply with the aims of the Mintlaw Settlement Statement.

07. Prior to commencement of the development the following information must be provided and agreed in writing by the Planning Authority. Once agreed, the infrastructure must be installed in accordance with the plans.

- a) the inclusion of infrastructure (such as pipelines) within the site to enable connection to the district heating scheme/combined heat and power plant for site R1 (and the subsequent requirement to connect when available) or;
- b) the safeguarding of land within the development for the future installation of infrastructure to enable connection to the district heating scheme/combined heat and power plant for site R1 (and the subsequent requirement to install such infrastructure and connect when available) or;
- c) the development of an onsite district heating system.

Reason: To comply with the aims of the Mintlaw Settlement Statement.

08. No unit approved in the future shall be occupied unless the vehicular and pedestrian accesses and all parking and turning areas submitted as part of Condition 1 have been provided and surfaced in accordance with the approved details. Each access shall be constructed to the Council's Standards for Road Construction Consent and Adoption. Once provided, all accesses, parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the provision of a means of access to an adequate standard in the interests of road safety.

**11.2 That it has been established that the allocated site in the Aberdeenshire Local development Plan is not suitable for the needs of the end users of the site. The site is not constrained in any way and can be delivered at an early stage. It is therefore considered that it is appropriate to depart from the Mintlaw Settlement Statement and approve the site to provide employment opportunities in the town. While the proposal does not comply with Policy R2 Housing and employment development elsewhere in the countryside and Policy PR1 Protecting natural resources, it is considered that it is acceptable to depart from the policy for the reasons stated above.**

Stephen Archer  
Director of Infrastructure Services  
Author of Report: Alan Davidson  
Report Date: 25 August 2017

## APPENDIX 3

### EXTRACT OF DRAFT MINUTE OF BUCHAN AREA COMMITTEE OF 5/9/2017

#### APPENDIX A

#### NEW PLANNING APPLICATIONS

- (a) **Planning Permission in Principle for Formation of Business Park with Associated Infrastructure at Land adjacent to Balring Cottage, Northwoods Business Park, Mintlaw**  
For: Northwoods Eco Business Park  
Per: Baxter Design Company (Old Deer) Ltd  
**Reference No: APP/2016/2264**

In terms of Standing Order 6.5, the Area Manager had received two requests to address Committee from Mr Gary Purves of Colaren Homes and a Mrs Fiona Pringle, on behalf of David Pringle (objector).

The Committee was asked if they wished to hear the two representations. The Committee unanimously **agreed**.

The Committee first heard from the Senior Planner who advised that paragraph 11.2 of the report should state that the application is a departure from both Policy R2 Housing and Employment Development elsewhere in the countryside and Policy PR1 Protecting Important Resources.

The Committee then heard from Mr Purves as follows:-

“My name is Gary Purves. I am the Land Manager for Colaren Homes, and I am here to speak in support of the application for the Northwoods business park in Mintlaw.

Some background - the idea came about because two years ago Hamish Watson, the landowner, learned that Council officers were looking at the suitability of land at Northwoods for a new depot. We have been working with the Council to devise plans for a depot and recycling facility, in conjunction with Colaren Homes who made a decision that if this business park goes ahead then we would like to be a part of it in terms of a new purpose built office headquarters and a potential house-kit manufacturing workshop.

We had a round-the-table meeting with Council officers in 2015 and were advised that this type of application could be supported as a departure from the LDP if we could show that the existing employment land allocation in Mintlaw wasn't immediately available, and also if we had end-users who had identified the Northwoods site as being the only feasible location to meet their requirements – the Council advised that Northwoods was the only feasible option for them.

One of the key LDP objectives for Mintlaw is to create a sustainable mixed community. We have also taken a number of enquiries from interested parties looking for business premises. Our intention would be to build a number of smaller industrial units that would be available to lease at an affordable rate.

We have met with the Community Council to discuss this development proposal. On the whole the feedback has been very positive.

In terms of the representations –

Traffic – a transport assessment has been undertaken and the advice is that the solution as proposed will be a betterment for local access.

Amenity – we have measured the distance from the eastern boundary to the nearest property as being 150m, and our architect has worked with the Council's architect to ensure minimal impact. There is a gated access point to the neighbouring field at East Mains of Pitfour and we would, of course, make sure this is protected.

This development will be a “good news story” for Aberdeenshire by creating jobs and investment in Mintlaw.”

Following some questions, the Committee then heard from Mrs Pringle as follows:-

“I am speaking in opposition to this application on behalf of myself and my husband; we live at East Mains of Pitfour which is the nearest residence to the east of the proposed business park and own the field which forms the eastern boundary of the site. The A952 as stated in the planning report does not form the eastern boundary.

Full details of our objections are in the letter and email which we sent a year ago. However, I would like to make the following points –

Increase in traffic resulting in noise, vibration and air pollution –

It does not appear that a Transport Impact Study has been undertaken yet this development will undoubtedly increase traffic, both in the immediate vicinity and on the surrounding roads and through the Square. It would appear that only when it is known what is to be built on the site that a transport assessment will be carried out. How can a fully informed judgement be made regarding the development without this assessment?

The developer in proposing the construction of a new stretch of road has recognised an increase in vehicle usage.

Concern has been raised by Transport Scotland about the impact on the Toll of Birness from the increase in traffic from the proposed development to the south of the village. Surely this Business Park will also have an impact on this junction.

It has been suggested that trees will mitigate the impact of increased traffic this is a false premise.

Road safety –

The exit from our property is directly onto the new roundabout on the A952. The increase in traffic on this roundabout will make entering the roundabout even more problematic than it is already.

Visual impact –

This development is situated along a particularly attractive rural road with mature trees and hedges, however, it is proposed to remove a number of these trees to facilitate the building of the new stretch of road. It is also suggested that there are mature trees bordering the site which will provide a visual barrier along with other planting, these trees are deciduous and therefore do not provide a visual barrier for half of the year. Any new planting will take a number of years to be effective.

Noise –

The potential for noise nuisance from this site both to our property and to the new housing development to the south is considerable. For example, the house kit manufacturing facility requires substantial compressors, saws, etc, which are noisy and, while specific issues in relation to the use of each building will be considered at any subsequent planning applications, it would be hoped that the potential impact of noise on this rural area would be taken into consideration at this stage. There is an assertion in the initial planning application that landscaping belts will minimise noise issues. However, trees do not provide an effective acoustic barrier.

Other points to note –

We feel our objections have not been adequately addressed by the planning report which seems to concentrate on the economic benefits of the development.

In spite of the loss of prime agricultural land and the fact that the site is outside the Local Development Plan the application is still recommended for approval.

Employment is claimed to be one of the economic benefits to the area, however, many of the jobs are not new jobs but the relocation of existing ones.

More consideration needs to be given to the already identified alternative sites in the village.

The claim that the house kit manufacturing facility will reduce the carbon footprint of the business does not take into account the need to transport the raw materials to the facility and the need to move the completed kits to the sites.

Although a park and ride is badly needed in Mintlaw, it is not guaranteed in this application. A park and ride was not in the original plan and is only referred to as a possible park and ride in this submission.

In conclusion, Mintlaw is a rural village; many people are attracted to it because of its rural nature. The proposed development is along a rural road off the A952 and will change the nature of the area given its scale and proposed end usage.

We acknowledge that this is an application for planning permission in principle but would hope that if this was to be granted that the following conditions would be put in place –

That the new stretch of road has to be in place before any work is carried out on the site given the unsuitability of the current road for HGVs. This was particularly evident recently when the A952 was closed and traffic was diverted along the Balring Road.

That appropriate sound barriers are constructed to mitigate noise nuisance from the site.

That any surface water disposal from the site which will be approved by the Planning Service will take into consideration any impact on our adjoining land.”

Having considered the content of the report and the representations made, the Committee **agreed:-**

- (1) that being minded to Grant Planning Permission in Principle, subject to the conditions as detailed in the report, that the application be referred to the Infrastructure Services Committee for final determination, and
- (2) the reason for departing from the Local Development Plan as follows –
  - (a) it has been established that the allocated site in the Aberdeenshire Local Development Plan is not suitable for the needs of the end users of the site. The site is not constrained in any way and can be delivered at an early stage. It is therefore considered that it is appropriate to depart from the Mintlaw Settlement Statement and approve the site to provide employment opportunities in the town. While the proposal does not comply with Policy R2 Housing and Employment Development elsewhere in the Countryside and Policy PR1 Protecting Natural Resources, it is considered that it is acceptable to depart from these policies for the reasons stated above.

