

INFRASTRUCTURE SERVICES COMMITTEE - 2 DECEMBER 2004

SUPPLEMENTARY PLANNING GUIDANCE: ABERDEENSHIRE LOCAL PLAN EMP\1 ALLOCATED AND EXISTING EMPLOYMENT LAND AND EMP\3 EMPLOYMENT DEVELOPMENT IN THE COUNTRYSIDE

1 Purpose of Report

- 1.1 To advise the Committee on, and seek approval for the use of Supplementary Planning Guidance on Policies Emp\1 'Allocated and Existing Employment Land' and Emp\3 'Employment Development in the Countryside' of the Finalised Aberdeenshire Local Plan.

2 Background

- 2.1 Supplementary Planning Guidance on Emp\1 'Allocated and Existing Employment Land' has been produced as a result of concerns raised by the Committee, while Supplementary Planning Guidance on Emp\3 'Employment Development in the Countryside' was produced in response to concerns raised by Development Control officers over the interpretation of the policy.
- 2.2 Policy relating to Employment Land is contained within Structure Plan Policies 1, 2 and 3 and within Policies Emp\1, Emp\2 and Emp\3 of the Finalised Aberdeenshire Local Plan. At its meeting on 11 March 2004 this Committee asked that Supplementary Planning Guidance on these policies be prepared.
- 2.3 The guidance on Emp/1 provides clarification on the application of the Local Plan policy and identifies those limited circumstances where it would be legitimate to consider alternative uses for employment land, all in accordance with sustainable development principles and national planning policy. The guidance on Emp\3 explores the differing interpretations of the policy that may be appropriate in different circumstances, and specifies both what additional information is required to support such applications and how it should be used.
- 2.4 The proposed guidance was reported to ISC on 6 May 2004. At this meeting the Committee agreed that the matter be remitted, in the first instance, for Area Committee consideration, within the context of the recent discussions of the Planning for Rural Development Working Group. This has since been completed and comments from the Area Committees duly considered.

3 Proposals and Discussion

- 3.1 These documents, appended as **Appendices 1 and 2**, have been prepared as supplementary planning guidance to provide clarity both for applicants seeking planning permission, Development Control officers and elected members in the interpretation of the policies.
- 3.2 Without exception the Area Committees commended the report back to ISC, and comments from the Area Committees have been duly considered. A summary of the outcomes of the Area Committee consultation is included as an appendix to this report (See **Appendix 3**).
- 3.3 Formartine Area Committee expressed a concern that whereas the policy statement Emp\3 is written with a positive emphasis, the tone of the guidance is negative and not in keeping with the spirit of Draft SPP 15 Rural Development. No action has been taken on this point, and any endeavour to recast the guidance in such a different light would result in a substantially different document, which may be unrecognisable to that which was circulated for consultation.
- 3.4 The Buchan Area Committee, in addition to agreeing to commend the Supplementary Planning Guidance to ISC, also recommended that consideration be given in due course to a minor amendment to Policy Emp\3 itself, the substitution of the requirement to demonstrate a “significant **benefit**” for “significant **need**”. This recommendation will be considered at an appropriate opportunity, when considering the Reporters’ report on the Aberdeenshire Local Plan Public Local Inquiry.
- 3.5 Banff and Buchan agreed to recommend that the application of the policies in accordance with the guidelines be flexible enough to permit developments to proceed where the particular circumstances of the case would merit this. While these comments have not been taken directly on board officers believe that the supplementary guidance does introduce considerably more flexibility and, for those cases where there is a case to be made, the existing system of development plan departures allows this to occur.
- 3.6 The Marr Area Committee recommend that in relation to additional information required in terms of economic need, a longer-term assurance of durability of that employment be sought. Modifications to the text have been made to reflect this.
- 3.7 A number of minor comments were made to officers at the committee meetings and have been incorporated into the proposed supplementary guidance.

4 Area Implications

- 4.1 Both policies apply equally across all areas of Aberdeenshire. Policy Emp\ 3 requires greater flexibility in areas which can be identified as remote or fragile in type, and this is highlighted in the Supplementary Guidance.

5 Policy Implications.

- 5.1 Supplementary Planning Guidance on Emp\1 'Allocated and Existing Employment Land' and Emp\3 'Employment Development in the Countryside' support both the objectives and specific policies pertaining to employment land in both the Structure Plan and Finalised Local Plan.
- 5.2 One objection to each of policies Emp\1 and Emp\3 has been heard at the local plan inquiry. Only one of these would be clearly affected by the proposed Supplementary Guidance. This objection is on the basis that the current policy, Emp\3, is open to a wide range of interpretations, and the new guidance would go some way to resolving this. A draft copy of the supplementary planning guidance was circulated to all objectors for information and comment.

6 Staffing Implications

- 6.1 None arising from this report.

7 Financial Implications

- 7.1 None arising from this report.

8 Sustainability Implications

- 8.1 While the Supplementary Planning Guidance on Emp\1 'Allocated and Existing Employment Land' and Emp\3 'Employment Development in the Countryside' will not directly contribute to sustainability it supports Development Plan policies which contribute to sustainability.

9 Consultations

- 9.1 The Supplementary Guidance has been drawn up in consultation with the Transportation and Infrastructure Service.

10 Recommendations

It is recommended that:

- 10.1 The committee approve the use of Supplementary Planning Guidance on Emp\1 'Allocated and Existing Employment Land' and Emp\3 'Employment Development in the Countryside.'**

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Director
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Report prepared by: - Nicole Vickridge, Policy Planner, Structure Plans,
02 December 2004

ABERDEENSHIRE COUNCIL

SUPPLEMENTARY PLANNING GUIDANCE

Emp\1 Allocated and Existing Employment Land

May 2004

Supplementary Planning Guidance

1. INTRODUCTION

- 1.1 This guidance has been written in response to concerns regarding the application of this policy and to resolve uncertainty as to how policy Emp\1 (Allocated and Existing Employment Land) of the Finalised Aberdeenshire Local Plan should be applied.

Purpose

- 1.2 The primary aim of policy Emp\1 “Allocated and Existing Employment land” is to ensure that the existing employment land supply and allocations for future employment land are not eroded by applications for alternative, more lucrative, uses such as housing. However, it is also intended to allow for the redevelopment of redundant brownfield employment sites for other beneficial uses, where a balance of planning considerations indicates as much.

Preparation

- 1.3 This guidance has been prepared primarily to provide clarification on the application of the local plan policy and to identify those limited circumstances where it would be legitimate to consider alternative uses, all in accordance with sustainable development principles and national planning policy. It will be of interest to applicants seeking to develop existing employment land for alternative uses. It will also be used as a guide by development control officers to help them assess compliance with Policy Emp\1.

Status

- 1.4 The guidance contained in this note does not itself have statutory force or overrides the provisions of the Development Plan or the rights and responsibilities of Aberdeenshire Council determining the application nor those of applicants. Nevertheless, it was approved by the Infrastructure Services Committee of Aberdeenshire Council at their meeting of 2 December 2004. It reflects the spirit and intent and is intended to complement Scottish Executive and Development Plan policy on employment land in the countryside by providing a common interpretation.

2. POLICY

The Provisions of National Policy

- 2.1 National policy regarding employment development is dictated by Scottish Planning Policy 2 “Economic Development”. This identifies that the relationship between the planning system and economic development is important. Location and place, including quality of life

issues and the provision of infrastructure such as transport and choice of housing, are factors that have a direct impact on Scotland's competitiveness and its ability to grow and prosper.

2.2 There are 3 strands to national policy.

1. The regeneration of previously developed land (often referred to as “brownfield” land) can support the Scottish Executive's commitment to social and environmental justice, in particular by helping to stimulate enterprise in or close to disadvantaged areas. It can increase the range of sites for economic development, including mixed-use developments. The reuse of such land can not only sustain the process of physical regeneration but also provide easily accessible employment opportunities for local communities.
2. In addition to maintaining a supply of sites offering a choice of size, location and environmental amenity, and which allow flexibility to provide for market uncertainty, Development Plans are required to safeguard national and other significant sites.
3. SPP3 “Land for Housing” specifically considers the contribution that re-use of previously developed land can make to housing land supply. Planning authorities are required to promote the re-use of previously developed land in preference to greenfield land, provided that a satisfactory residential environment can be created. It specifically identifies that land identified for industrial or other development purposes may also provide opportunities for housing development where:
 - there is now little prospect of development for the purposes originally envisaged,
 - there is access to a choice of transport, and
 - a satisfactory residential environment can be created

The Provisions of the Development Plan

2.3 The development plan consists of the Aberdeen and Aberdeenshire Structure Plan “North East Scotland together” (NEST) and the Aberdeenshire Local Plan (ALP). This latter plan is required to conform to the structure plan, NEST, and is in the process of finalisation at the time of writing this guidance note.

Aberdeen and Aberdeenshire Structure Plan - North East Scotland Together (NEST)

2.4 Objective 3 of NEST is to “foster and promote economic diversity and competitiveness, create new economic development opportunities and develop the natural strengths and growth sectors of the business economy, all in accord with sustainable principles.” Objective 7 gives preference to the use and re-use of land within settlements in providing a choice of location for a viable supply and adequate variety of land for housing, employment, services and open space.

- 2.5 NEST Policy 2 identifies that there will be a presumption in favour of retaining existing, zoned sites (greenfield and brownfield) for industrial and business use. It qualifies this by stating that sites, which stand little chance of development, shall be critically examined and may be allocated for suitable alternative uses or de-zoned.
- 2.6 Policy 11 of NEST states that there is no limit to the contribution to the housing land supply from brownfield developments in settlements.

Finalised Aberdeenshire Local Plan (ALP)

- 2.7 The Finalised Aberdeenshire Local Plan implements NEST at the local scale and thus aims to strive towards sustainability where development is focused on settlements. The emphasis of the plan is to ensure that there are opportunities for the development of employment generating landuses and to protect “employment land” (defined in the glossary as “Sites specifically identified in settlements for new employment related development, usually classes 4, 5 and 6 of the Use Classes Order and, if appropriate to the site other employment uses too, including retailing”) from non-employment development.
- 2.8 The policy states a presumption in favour of retaining “employment land” where it is required to avoid impacts on the settlement’s ability to provide sufficient land for new business development, is unlikely to ever be developed for employment land due to constraints, or an alternative use would benefit the surrounding area and community.

Policy Emp\1

Allocated and Existing Employment Land

New employment uses will be approved in principle on allocated employment land.

There shall be a presumption in favour of retaining existing sites (greenfield and brownfield) for industry and business use. Development for non-employment uses on employment land will be refused unless:

- a) the non-employment use does not prejudice the strategic employment land requirement; OR
- b) there is a constraint on the site whereby there is no reasonable prospect of it ever becoming marketable for employment development; OR
- c) it is poorly located for employment purposes and an alternative land use would benefit the surrounding area and community; AND IN ANY OF THESE CASES
- d) it respects the character and amenity of the surrounding area, and is landscaped accordingly; AND
- e) it is compatible with neighbouring employment uses.

3. INTERPRETATION OF THE POLICY

- 3.1 A distinction needs to be made between the potential impacts, in land use planning terms, of the development of sites which have been planned and laid out for employment uses, such as industrial estates or large business complexes, and those employment uses which are located largely by an historical accident of circumstance. The pragmatic definition of “employment land” within the Local Plan as being only that land with an “Emp” designation could clearly be abused to seriously erode the objectives of the development plan. It is clearly of the greatest importance that established “industrial areas” which are currently serving the business community well and do not create problems of local impacts are maintained and supported, and are not eroded or inconvenienced by the introduction of alternative land uses. It would be entirely inefficient and unsustainable to promote the relocation of established businesses from these areas to new sites, **despite** the opportunities that this may create for the generation of land value (if the land were sold for housing for example) and subsequent reinvestment.
- 3.2 However the case of sites which are located by historical accident and which may represent an incongruous land use are different. It could be seen as a positive planning outcome if such uses were to relocate to purpose built “industrial estates” by exploiting the greater land value associated with housing or retail land uses, should the industrial land supply be healthy enough to accommodate such relocations in addition to expansions and new starts. In such cases the interpretation of “an alternative land use would benefit the surrounding area and community” needs to be interpreted in a relaxed manner. The new land use in itself may not be of any benefit to the local area, however the removal of a dis-benefit (the existing use) or the creation of conditions to allow the business to expand through relocation could be interpreted as community benefits.
- 3.3 It is clear that the ability of the planning system to prevent employment land owners from realising the full capital value of their land may be restricted in such cases as it will always be an option for a business to close, not market the land for employment use, and then claim the site is vacant or derelict and, as such a brownfield development opportunity. By providing a clear interpretation of policy governing the legitimacy of redevelopment, uncertainty can be removed and “hope” value dispelled. While it will never be possible, through the planning system, to prevent the closure of businesses due to retirement of owners or macro-economic factors, unambiguous interpretation of the policy in the manner outlined above will assist in reducing opportunity for short term “asset stripping” of Aberdeenshire’s employment land.

4. ADDITIONAL INFORMATION REQUIREMENTS

- 4.1 In order to assess whether an application meets these criteria for the acceptance of an alternative use, the following additional information may need to be determined:

The current state of the employment land supply within the settlement.

- 4.2 This information is available from the Employment Land Audit produced annually by the North East Scotland Economic Forum. Commentary on the audit indicates whether the strategic employment land requirements have been met. If the marketable employment land supply is less than that required by Policy 2 of NEST (5 ha gross in most settlements at any one time) there is no argument to allow the development of any land currently in employment use for a non-employment use.

The nature of constraints which render allocated or approved industrial land unmarketable

- 4.3 If there are insurmountable constraints, which have such an impact on the land value of allocated employment land so as to make it unviable for that use, this land could be considered for an alternative use. Constraints on allocated land also have an impact on whether it is legitimate to consider land currently in employment uses for alternative uses. Where it can be foreseen that constraints make it unlikely that it will be possible to maintain the strategic employment land supply (i.e. a shortfall in employment land can be foreseen due to an inability to recruit land from the constrained supply) existing employment land should be maintained in employment use. Where a claim is made that a site is financially unviable for development for employment uses this should be justified by reference to a detailed discounted balance sheet (DBS) prepared by the developer. Advice from the Property section of Aberdeenshire Council's Transportation and Infrastructure Service should be sought on issues relating to land values, costs and the interpretation of the DBS.

The nature and character of adjoining uses and the compatibility of employment uses on the site.

- 4.4 Many employment sites have developed incrementally with the growth of their host settlement and may now be an incongruous land use. Such sites, especially for traditional and long established businesses, may not have evolved with the surrounding area and may represent an incompatible use. This can only be asserted on a site-by-site basis and in such cases a positive planning outcome may be achieved by allowing redevelopment.

Whether the site is a "specialist" employment use

- 4.5 Some employment uses with specific locational requirements unique to a particular industry may be considered to be specialist. Examples of

specialist uses include petrochemicals and paper industries. Redevelopment of such sites for alternative uses should be resisted at all costs due to the scarcity of suitable alternative locations. Policies within the development plan safeguard such sites where known but an assessment will be required to determine whether the proposed re-development site has exceptional characteristics, due to proximity to resources or infrastructure, which require it to be safeguarded in perpetuity.

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APPENDIX 2

ABERDEENSHIRE COUNCIL

SUPPLEMENTARY PLANNING GUIDANCE

Emp\3 Employment Development in the
Countryside

May 2004

SUPPLEMENTARY PLANNING GUIDANCE

1. INTRODUCTION

- 1.1 This guidance has been written in response to considerable pressure for employment development in many areas of the countryside and to resolve uncertainty as to how policy Emp\3 of the Finalised Aberdeenshire Local Plan should be applied.

Purpose

- 1.2 The aim of policy Emp\3 “Employment Development in the Countryside” is to promote the rural economy whilst protecting the environment in the countryside and promoting sustainable development. For the purpose of the Aberdeenshire Local Plan the countryside is defined as land that is not contained within a defined settlement envelope or within the Green Belt. The interpretation of this policy may differ within the Cairngorms National Park Area and as such this supplementary guidance does not apply to the Cairngorms National Park Area.

Preparation

- 1.3 This guidance has been prepared primarily to assist applicants seeking to develop land in the countryside for employment uses. It will also be used as a guide by development control officers to help them assess compliance with Policy Emp\3.

Status

- 1.4 The guidance contained in this note does not itself have statutory force nor overrides the provisions of the Development Plan or the rights and responsibilities of Aberdeenshire Council determining the application nor those of applicants. Nevertheless, it was approved by the Infrastructure Services Committee of Aberdeenshire Council at their meeting of 2nd December 2004. It reflects the spirit and intent and is intended to complement Scottish Executive and Development Plan policy on employment land in the countryside by providing a common interpretation.

2. POLICY

The Provisions of National Policy

- 2.1 National policy regarding employment development in the Countryside is dictated by Scottish Planning Policy 2 “Economic Development” and National Planning Policy Guidance 15 “Rural Development”.
- 2.2 SPP 2 calls for a supportive policy framework to be provided for rural and farm diversification, including new lines of economic development. In particular it requires planning authorities to include positive policies in

development plans in favour of rural development and diversification, which satisfy economic and employment needs.

- 2.3 NPPG15 identifies that the government is committed to the sustainable growth of the rural economy and extending opportunity through partnership with business, local government and local communities to ensure that rural communities are not disadvantaged by their geographical location. It uses the concept of “rural types” (Commuter, intermediate and remote) to differentiate between the needs and pressures on rural areas. It adopts an approach based on two aspects: that planning authorities should make specific provision for new and existing businesses within their development plan; and that development proposals, not specifically provided for in the development plan, should be judged against criteria contained in the development plan.
- 2.4 The guidance suggests that the key is to establish a framework within which planning authorities can take balanced decisions on economic development opportunities while respecting the environment.
- 2.5 The Executive is currently consulting on a draft Scottish Planning Policy “Planning for rural development”. Draft SPP15 “Planning for Rural development” reiterates that new development will continue to be directed to settlements but that there is a need to provide more opportunities, appropriate in scale, kind and location, for rural development. It suggests that planning authorities should support a wide range of economic activity in rural areas and, while authorities should continue to adopt a proactive approach to providing land for development, greater flexibility is required in the application of policy to support a viable and vibrant rural economy.

The Provisions of the Development Plan

- 2.6 The development plan consists of the Aberdeen and Aberdeenshire Structure Plan “North East Scotland together” (NEST) and the Finalised Aberdeenshire Local Plan (ALP). This latter plan is required to conform with the structure plan, NEST, and is in the process of finalisation at the time of writing this guidance note.

Aberdeen and Aberdeenshire Structure Plan - North East Scotland Together (NEST)

- 2.7 Objective 3 of NEST is to “foster and promote economic diversity and competitiveness, create new economic development opportunities and develop the natural strengths and growth sectors of the business economy, all in accord with sustainable principles.” Objective 10 is to “protect the countryside from development other than what is needed for the rural economy and settlement strategy.”
- 2.8 NEST identifies that up to 5 ha of marketable land should be accommodated in any minor settlement (Policy 2), but also makes provision for employment uses on unallocated sites, using a number of

qualifying criteria (Policy 3). Relevant to employment development in the countryside is the need for any proposals to take account of proximity to transport corridors, demonstrate a proven economic need and take advantage of opportunities provided by major inward investment or other economic initiatives. The policy is clear that “proposals shall only be approved, if benefits to the community are shown to outweigh adverse environmental implications of the development.”

Finalised Aberdeenshire Local Plan (ALP)

- 2.9 The Finalised Aberdeenshire Local Plan implements NEST at the local scale and thus aims to strive towards sustainability, with development focused on settlements. It recognises, however, that new development has an important role to play in sustaining the rural economy. Thus suitable employment development will be approved outwith settlements, provided the requirements of Policy Emp\3 can be met.

Policy Emp\3

Employment Development in the Countryside

New employment development and the conversion of an existing building for employment use will be approved, in principle, if:

- a) the developer demonstrates there is an economic need and can demonstrate that benefits to the community outweigh any adverse environmental impacts of the development;
- b) the development respects the character and amenity of the surrounding area;
- c) the proposal is located as close as possible to 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 renting disused/derelict buildings or of locating a new building either on brownfield or on allocated employment land;
- g) 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
- h) where the conversion includes a proposed extension, in the case of traditional vernacular buildings it complies with Appendix 3, and in any other case with Appendix 1.

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.

3. INTERPRETATION OF THE POLICY

- 3.1 The protection of the countryside from development other than that which is required for the rural economy is the principal objective of policy. It is clear that the benefits of development in some areas of Aberdeenshire, where the economy is more fragile, are going to be considerably greater than in the Aberdeen commuter belt and this requires to be reflected in application of the policy.
- 3.2 Conversely the planned development of employment land allocations should not be undermined by sporadic development in the countryside. Sites in settlements are demonstrably more sustainable than sites in the countryside and are likely to carry lower overheads in terms of the need for the highest quality design and landscaping to make such developments “fit” into a rural landscape. This encapsulates the “proactive approach” proposed by draft SPP15.
- 3.3 While every attempt should be made to encourage developments within settlements the need to sustain the economy of rural Aberdeenshire is such that any risk of the development not taking place because of this objective needs to be carefully considered. In such cases the benefits to the community may outweigh the need to promote a sustainable settlement pattern, the creation of which can be achieved through robust application of policies on other topics. Alternatively the scale of the impacts may be insignificant (except cumulatively with a large number of similar developments). Where a farm diversification project (which, by definition cannot be located “off-farm”), or a “one man” home based business is being proposed it would be appropriate to conclude that the economic need and community benefit would outweigh adverse impacts. While it is accepted that an existing business may have a need to expand future expansion of the business beyond a scale reasonable for the location may not have such benign environmental impacts and may fall foul of policy.
- 3.4 Applications for sites which have not given due consideration to the principles of the policy regarding character, amenity, accessibility to transport corridors and proximity to centres of population, but are based on narrow commercial considerations (such as cheap land) should be critically assessed and, if necessary, refused. Pre-application discussions are promoted as a means of ensuring positive planning outcomes from developer aspirations in the countryside.
- 3.5 For the purposes of clarification retail proposals are not considered to be “employment” uses and are controlled by a different policy within ALP. While “employment uses” encapsulates what would normally be considered as “industry” or “business” the policy is clear that it normally applies to use classes 4, 5 and 6 of The Town And Country Planning (Use Classes) (Scotland) Order 1997. Other uses, considered to be *sui generis* and not specifically covered by a use class may also be considered under this policy. The policy does not cover use classes 7 or 8 (Hotels, Residential Institutions).

4. ADDITIONAL INFORMATION REQUIREMENTS

4.1 In order to assess whether an application meets these criteria the following additional information may need to be provided.

A statement of economic need.

4.2 Employment in the countryside may help offset a decline in agricultural and other rural employment. Local employment opportunities will assist in a reduction in the distance travelled to work.

4.3 A statement of economic need should include information relating to the number of new jobs created (i.e. not jobs relocated from elsewhere), whether it is likely that these employment opportunities will be taken up locally, and whether the local population have a suitable skills base. If the proposal will preserve existing jobs which would otherwise be lost full explanation of this should be provided.

4.4 A demonstrable economic need relates the scale of the employment provided to the nature of the rural area. An enterprise that employs only a handful of people could well meet a demonstrable economic need in a remote rural area whereas the same enterprise would not meet the same need in a more accessible area where employment opportunities are greater. Consideration should be given to whether the area in which the permission is being sought is one that is suffering from rural depopulation. It is only in exceptional circumstances that a small enterprise in the Aberdeen Housing Market Area could ever be justified as meeting an economic need unless the business is a diversification necessary to sustain an existing agricultural operation.

A statement of likely benefits to the community.

4.5 Benefits to the community are likely to be the provision of employment opportunities (although the provision of community services would also be appropriate). Considerable local employment would be necessary to justify direct environmental impacts on sites designated as being of importance for nature conservation. The precautionary principle should apply and where there is uncertainty, it should be assumed that there would be an environmental impact. The advantages to the local community should be demonstrably and significantly greater in scale than any potential impact. Sustaining even a single family in a rural area with a falling school roll could be sufficient community benefit to overcome environmental impacts arising from the increased travel distances that the rural business locations create.

A statement as to why an allocated employment site within a settlement is less suitable/not suitable.

4.6 Employment uses should be directed on to allocated employment sites in the first instance. The onus is on the applicant to demonstrate why an allocated employment site within an adjacent settlement is not suitable.

- 4.7 Rental, purchase value or development cost of the allocated employment sites would only be considered as a valid reason for the unsuitability of that site if it can be demonstrated that the costs involved would invalidate a formal business plan, preferably one previously submitted to an economic development agency.
- 4.8 Not all employment proposals can be appropriately located on allocated employment sites. This may include large single uses and a select number of businesses, which by their very nature need to be located in the countryside, for example employment that is resource based or farm diversification projects. These businesses would still have to put forward a case as to why an allocated employment site in a settlement is not suitable. Quarries, wastewater treatment plants and oil terminals are examples of such developments.
- 4.9 Some other businesses are inappropriate for areas close to concentrations of residential properties, such as noisy or smelly operations, and these may be more appropriately located in rural areas to avoid impacts on amenity.
- 4.10 Examples of reasons, which may be considered acceptable, could include:
- There is no marketable employment land available in local settlements.
 - The proposal has a specific locational requirement. It cannot be located in a settlement because the resource it exploits is in the countryside and cannot be moved to a settlement (e.g. quarrying, skiing etc) or it would be inappropriate in a settlement (e.g. rendering).
 - The business by its definition depends on being associated with “countryside”.
 - Development of existing alternative premises would result in the retention of a vernacular building.
 - Scale of the operation proposed is “domestic” rather than “industrial”, and it is associated with an existing house, or
 - The proposal is a farm diversification project such as food processing, caravanning and camping, creation of a farm shop etc which is ancillary to, and necessary for the continued profitability of an existing agricultural enterprise.
- Evidence that reasonable account has been taken of the possibility of using disused/derelict buildings or of locating a new building on a brownfield site.*
- 4.11 The Development Plan recognises that land is a finite resource and that greenfield land should be used responsibly. Applicants must

demonstrate that they have considered brownfield opportunities within settlements in addition to allocated sites, before greenfield sites are considered. Applicants are required to furnish reasonable proof that alternatives have been assessed. This should take the form of a schedule of the alternative sites considered along with a justification as to why those sites cannot be developed. Statements such as “Owner unwilling to sell” and “Site too expensive to develop” should be qualified with such information as to enable the planning authority to confirm that the applicant’s position is reasonable.

- 4.12 Having established that a site within a settlement is inappropriate a justification as to why an existing building cannot be converted to the business use is required before the erection of a new building should be considered.
- 4.13 A robust and unequivocal justification will be required to support a proposed site over an alternative which is demonstrably a better fit with policy through either being substantially more accessible, is better placed on the transport network, or makes better use of existing infrastructure.

Where the conversion of a traditional vernacular building is proposed a structural survey should be submitted.

- 4.14 In order to provide evidence that a vernacular building is capable of being converted to a new use without adversely affecting its character, a survey by an appropriate professional may be required to demonstrate the building is capable of conversion, and that this would not involve extensive demolition and rebuilding. Such surveys would be required for any buildings on the statutory List of Buildings of Architectural or Historic Interest under s1 (1) of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 and for other vernacular buildings where the objective of policy is to retain the character of the original.
- 4.15 Where the conversion of a traditional vernacular building is proposed, it is required to comply with Section 3 of Appendix 3 of the Finalised Aberdeenshire Local Plan.

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OUTCOMES FROM AREA COMMITTEE CONSULTATION

AREA COMMITTEE	DATE	OUTCOME
Infrastructure Services (Item No 26)	06 May 04	The Committee agreed that the matter be remitted, in the first instance, for Area Committee consideration, within the context of the recent discussions of the Planning for Rural Development Working Group.
Formartine (Item No 6)	29 Jun 04	The Committee resolved to recommend the Supplementary Planning Guidance to the Infrastructure Services Committee, and to make the following comments for consideration: <ol style="list-style-type: none"> 1. it is important to keep a mix of housing and employment land within settlements to keep town centres viable; 2. strategic land as identified in the policy should relate to marketable or effective land rather than the established industrial land supply; 3. areas within settlements to be protected for business use should be specifically allocated in the Local Plan; 4. there is a potential conflict with both policy and guidance which in some cases promotes the re-use of land in settlements for non-employment uses and promotes development in the open countryside, to the detriment of sustainable development; 5. whereas the policy statement Emp\3 is written with a positive emphasis, the tone of the guidance is negative and not in keeping with the spirit of SPP 15; and 6. the requirement to provide additional levels of information should not be unduly onerous and should be more clearly articulated.
Banff & Buchan (Item No 8)	17 Aug 04	The Committee: <ol style="list-style-type: none"> 1. agreed to commend the Supplementary Planning Guidance on Emp/1 'Allocated and Existing Employment Land' and Emp/3 'Employment Development in the Countryside' to the Infrastructure Services Committee. 2. agreed to recommend that the application of the policies in accordance with the guidelines be flexible enough to permit developments to proceed where the particular circumstances of the case would merit this.
Buchan (Item No 6)	24 Aug 04	The Committee agreed to commend the Supplementary Planning Guidance on Emp\1 'Allocated and Existing Employment Land' and Emp\3 'Employment Development in the Countryside' to the Infrastructure Services Committee but that, in due course, consideration be given to amending Policy Emp\3 (a) to read – “the developer demonstrates there is an economic benefit and can demonstrate that benefits to the community outweigh any adverse environmental impacts of the development”
Garioch (Item No 10)	24 Aug 04	The Committee agreed to commend the Supplementary Planning Guidance on Emp\1 'Allocated and Existing Employment Land' and Emp\3 'Employment Development in the Countryside' to the Infrastructure Services Committee.
Kincardine & Mearns (Item No 7)	31 Aug 04	The Committee agreed to express its support for the guidance notes presented.
Marr (Item No 8)	02 Nov 04	Item agreed . Recommend in relation to additional information required in terms of economic need, that a longer term assurance of sustainability be sought in the form of information upon which an assessment could be made.