

**REPORT TO: PLANNING & REGULATORY SERVICES COMMITTEE ON
9 FEBRUARY 2010**

SUBJECT: BURGHEAD CONSERVATION AREA DESIGNATION

BY: DIRECTOR OF ENVIRONMENTAL SERVICES

1. REASON FOR REPORT

- 1.1 This report asks the Committee to consider comments received during a public consultation held on proposals to designate part of Burghead as a conservation area, and approve the designation of the North Quay area and Promontory as a conservation area.
- 1.2 This report is submitted to Committee in terms of Section D(2) of the Council's Administrative Scheme relating to the review and preparation of strategic and local plans.

2. RECOMMENDATION

2.1 It is recommended the Committee:

- (i) consider the comments submitted during the consultation period on the proposed conservation area;**
- (ii) approves the designation of a smaller conservation area (than that proposed in the consultation) concentrated on the North Quay and Promontory, and instructs appropriate legislative requirements to be carried out;**
- (iii) agrees that the Burghead Conservation Area Character Appraisal is a material consideration in the determination of planning applications within the designated conservation area.**

3. BACKGROUND

- 3.1 The Moray Local Plan 2008 Action Plan proposes that conservation area status be investigated in Burghead. A specialist conservation officer was commissioned to carry out a conservation appraisal and make recommendations on whether Burghead was worthy of conservation area status and if so, where the boundary should be drawn. The conservation appraisal for Burghead recognised that whilst existing Local Plan designations afford a reasonable measure of protection, conservation area status should be considered for the North Quay area and the wider 19th Century planned town to protect and enhance the historic and architectural merits over the longer-term.
- 3.2 The Planning and Regulatory Services Committee approved on 4th August 2009 (para.4 of the minute refers) that a 6 week consultation be carried out to gauge the views of the local community on proposals for conservation area designation for the areas shown in **Appendix 1**.

4. PUBLIC CONSULTATION

Consultation

- 4.1 The 6-week consultation (12th October to 20th November 2009) was widely advertised with articles placed in local newspapers, a radio interview with Moray Firth Radio (MFR) and posters put up in local shop windows/noticeboards. Letters were sent to statutory consultees (including the Community Council), community groups, clubs and local businesses. The consultation material was available to view online via the Council's website and in the local library where facilities were made available for returning comments. The consultation material consisted of the conservation appraisal of Burghead as well as a feedback form which incorporated both the Council's proposed boundary and a (smaller) boundary proposed by the former Burghead and Cummington Community Council.
- 4.2 During the consultation period, a drop-in event was held in Burghead Community Hall for one day from 2-8pm to allow members of the public an opportunity to discuss the proposals with Council officers. Around 70 people attended.

Outcome of the Consultation

- 4.3 27 feedback forms were returned in response to the consultation (21 individuals; 3 community groups; 2 business and/or commercial interests; and 1 other interest). The community groups consisted of Burghead and Cummington Community Council, Burghead Headland Trust and Burghead Amenities Association. One petition with 40 signatures against the boundary proposed by the Moray Council was submitted along with the Community Council's response.
- 4.4 18 of the 27 feedback forms (67%) submitted agreed that there should be a conservation area in Burghead. The extent to where the boundary should be drawn varied amongst respondents:
- 6 - the harbour, pictish fort and all of the planned town;
 - 5 - the harbour and pictish fort only;
 - 2 - the harbour and part of the planned town;
 - 2 - the planned town only;
 - 1 – the pictish fort and part of the planned town only;
 - 1 – the pictish fort only; and,
 - 1 – the harbour only.

Burghead Headland Trust and Burghead Amenities Association were among the respondents who agreed that a conservation area should be designated in Burghead, albeit with differing boundaries.

- 4.5 9 of the 27 feedback forms (33%) disagreed that there should be a conservation area in Burghead, including Burghead and Cummington Community Council. A summary of the comments submitted in favour and against a conservation area shown in **Appendix 2**.
- 4.6 The consultation response essentially fell into 5 options:

1. *No conservation designation.* This found favour with a number of respondees, including the Burghead and Cummington Community Council, but seemed based more on a perception that conservation area status brought negative restrictions on property owners. Interestingly, this group included the Harbours Service of the Department, who represented that conservation area designation would impede the commercial operation of the harbour, increase maintenance costs, and deter private investment. (N.B. Burghead harbour already includes listed buildings, and the Council's harbours at Cullen, Portknockie and Findochty are all conservation areas). There is little evidence nationally or locally that conservation area status deters private investment.
2. *The Harbour only.* This limited designation was favoured, in recognition of the harbours status as the heart of Burghead and where most of its historic buildings have survived.
3. *The Harbour and Promontory.* The Promontory is already protected as a Scheduled Ancient Monument (SAM) site (similar to the Cathedral precincts in Elgin's conservation area) but it also contains Burghead's distinctive feature of the Clavie site, and is the area to which most visitors to the town are drawn, for its vantage points and Pictish history.
4. *The Harbour and historic Pictish settlement.* This is the above option 3 plus the archaeological extent of the ancient Pictish town, hidden beneath the streets east of the 'fort' site on the promontory. Unfortunately, too little remains in above ground evidence of this historic area – one of the principal Pictish sites in Scotland.
5. *The Victorian town of Burghead,* which was suggested by the consultant. This gained little support, and in fact there are too many similar streetscapes in Moray (Keith, Buckie, Hopeman) to justify particular designation in Burghead. Much of this area is quite compromised by unsympathetic modern intrusions, not least of which is the dominant maltings complex.

A map showing the principal character zones and historical information is shown in **Appendix 3**.

5. **SUMMARY OF IMPLICATIONS**

(a) **Single Outcome Agreement/Service Improvement Plan**

A key priority for the Greener Strategic Group is addressing the following national outcome of the SOA:

'We value and enjoy our built and natural environment and protect and enhance it for future generations'.

(b) **Policy and Legal**

Once formally approved, conservation area status for Burghead will form part of the statutory Local Development Plan. The Scottish Government will require to be notified and advertisements placed in the

Edinburgh Gazette and at least one newspaper circulating in the locality.

(c) Resources (Financial, Risks, Staffing and Property)

The consultation work has been carried out as part of staff workloads. Consultation material has been paid from the existing printing budget of Planning and Development Services. Advertisement costs associated with the designation of a conservation area will be paid from existing budgets.

(d) Consultations

Aileen Scott, Principal Solicitor (Commercial & Conveyancing), Lorraine Paisey, Principal Accountant, and the Development Management (Conservation) Officer have been consulted and are in agreement with the contents of this report.

6. CONCLUSION

- 6.1 The area subject of consultation consisted of the harbour, pictish fort and all of the 19th Century planned town. The outcome from the feedback submitted was largely in favour of a more limited conservation area designation, albeit to varying degrees on the extent of the boundary.**
- 6.2 There is a general consensus that although the original layout of the 19th century planned town is an interesting feature, many alterations have taken place to the original fabric of the buildings and unsympathetic development has occurred in gap sites which overall weakens the architectural merit of this part of the town. Given the importance of Burghead harbour in the development of the town and Moray's fishing industry and that this area is currently afforded only limited protection of its historic and architectural attributes (unlike those features such as the pictish fort which are nationally protected) it is considered that the area denoted in Appendix 4 is worthy of designation as a conservation area. This would ensure the sympathetic development of gap sites along the key frontage of the harbour and that this important part of Burghead is conserved for future generations.**

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Background Papers:

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