PRESENT:


APOLOGIES:

Councillors A S Buchan and P Oddie.

OFFICERS:

Chief Executive, Director of Business Services, Director of Infrastructure Services, Chief Officer (Health and Social Care Partnership), Head of Finance, Head of Legal and Governance, Head of Children’s Services, Head of Planning and Building Standards, Area Manager (Banff and Buchan).

CHAIR

Councillor H W Vernal, Provost of the Council, presided.

ANNOUNCEMENT

Prior to consideration of the business of the meeting, the Provost advised that Robbie Simpson of Banchory had been placed 15th in the London Marathon. He was the second British competitor to finish and now had a world championship qualifying time. In due course it was hoped that he would be picked for Team GB for the world championships. The Provost had sent Mr Simpson a letter of congratulations on behalf of the Council.

MR ALASTAIR NICOL, PRINCIPAL COMMITTEE SERVICES OFFICER

The Provost also advised that Alastair Nicol, Principal Committee Services Officer, was attending his last meeting of the Council before retirement on 30 April, 2017. Alastair had joined Grampian Regional Council after graduating from Aberdeen University as a driver and mail room assistant, but soon moved to committee administration and became Principal Committee Clerk. He transferred to Aberdeenshire Council in 1996 as Principal Committee Services Officer and had clerked 144 meetings of the Council. The Provost thanked Alastair for his service, presented him with a gift on behalf of the Council and wished him a long and happy retirement. The Council then rose in tribute to Mr Nicol.

VALEDICTORY

This being the last meeting of the Council before the elections on 4 May, 2017, the Provost paid tribute to Councillors Amanda Allan, Peter Bellarby, Edie Chapman, Graeme Clark, Karen Clark, Linda Clark, Richard Cowling, Nan Cullinane, Jean Dick, Alan Gardiner, Allison Grant, Allan Hendry, Sheena Lonchay, Rob Merson, Carl Nelson, Alisan Norrie, Patricia Oddie, Margo Stewart and Jill Webster, who, like himself, were not seeking re-election. He referred particularly to Councillor Oddie, who was unable to attend the meeting, and stated that he would write on behalf of the Council to say that the thoughts of all members were with her and her family.
Councillor Gifford, on behalf of the Alliance, thanked both Provosts and Deputy Provosts in this term of the Council for their hard work during their periods of office.

1. DECLARATION OF MEMBERS’ INTERESTS

The Provost asked members if they had any interests to declare in terms of the Councillors’ Code of Conduct. Interests were expressed as follows:-

Councillors Christie and Evison advised that they had considered declaring an interest in Item 7 due to their connection with UNISON but took the view that the objective test was not met and they would remain in the room during the discussion.

Councillor Davidson declared an interest in Item 9 as the applicant provided her water supply and advised that she would leave the room during discussion of the item.

Councillor Ford declared an interest in Item 5 as his wife was a member of a Community Council but remained in the room during the discussion.

Councillor Shand declared an interest in Item 11 as a member of the North East Scotland Preservation Trust and advised that he would leave the room during discussion of the item.

Councillor B H Stuart declared an interest in Item 4(2) as he had an account with the Royal Bank of Scotland in Westhill but remained in the room during the discussion.

2. RESOLUTIONS

A. PUBLIC SECTOR EQUALITY DUTY

In making decisions on the following items of business, the Council agreed, in terms of Section 149 of the Equality Act, 2010:–

(1) to have due regard to the need to:-

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

(2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

B. EXEMPT INFORMATION

The Council agreed, in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting during consideration of the items specified below so as to avoid disclosure of exempt information of the classes described in the undernoted paragraphs of Part 1 of Schedule 7A of the Act.

<table>
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<tr>
<th>Item No</th>
<th>Paragraph No of Schedule 7A</th>
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3. MINUTE

The Minute of Meeting of Aberdeenshire Council of 9 March, 2017, had been circulated, was approved as a correct record, and thereafter signed by the Chair.

4. NOTICES OF MOTION

(1) From Councillor Cassie:-

“Aberdeenshire Council calls upon the UK Government to make fair transitional state pension arrangements for all women born on or after 6th April 1951, who have unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements.

Aberdeenshire Council also agrees that the Chief Executive shall write to the Prime Minister expressing the Council’s view that the UK Government reconsider transitional arrangements for all of those women affected."

Councillor Cassie spoke to his motion which was seconded by Councillor Evison.

As an amendment, Councillor Gifford, seconded by Councillor M M Stewart, moved that no action be taken on the motion.

The members of the Council voted:-


for the amendment (12) Councillors Agnew, Carr, Chapman, C C Clark, Cowling, Findlater, Gifford, Ingleby, McKail, Owen, M M Stewart and Webster.

declined to vote (3) Councillors Roy, N J Smith and Walker.

did not vote (1) Councillor Taylor.

The motion was carried.

(2) From Councillor McKail:-

“Council instructs the Chief Executive to write to the Royal Bank of Scotland expressing concern at the decision to close their bank branches at Westhill, Banchory and Stonehaven.

Closure of these three branches will be discriminatory against those who do not use digital banking which is likely to include large numbers of elderly people, for businesses which depend on the bank facilities as well as account holders who will experience difficulties in travelling to other bank branches outwith their area.
Council also instructs the Chief Executive to request from the Royal Bank of Scotland reassurance that engagement with local business and personal customers will continue over the following months to ensure that adequate alternative arrangements are in place ahead of any closure."

Councillor McKail spoke to his motion which was seconded by Councillor Agnew.

The Council unanimously agreed to approve the motion.

The Provost indicated that he had directed in terms of Section 50B(4)(b) of the Local Government (Scotland) Act 1973, that the following notice of motion be dealt with as a matter of urgency in order to allow the Council to consider whether it wished to make any comment to the Government on a topical issue of general interest to the Council and its Community Planning Partners before the opportunity to comment was overtaken by time.

(3) From Councillor Thomson:-

“Council notes with grave concern the decision by the UK Government to impose a two-child limit on receipt of child tax credits and the consequent application of a “rape clause”, whereby any mother seeking to claim child tax credits for more than 2 children will have to prove that one or more of those children was conceived as a result of rape or while in a coercive relationship.

Council further notes the decision by our community partners in the Aberdeenshire Gender Based Violence Group, namely Grampian Women’s Aid and Rape Crisis Grampian, to refuse to help officials to implement this policy, as well as the severe criticism which the policy has encountered from other bodies such as One Parent Families Scotland.

Council therefore mandates the Co-Leaders to write to the Prime Minister on behalf of Aberdeenshire Council to express on behalf of the Council its grave concern over this policy and its potential impact, and to request that urgent consideration be given by the UK Government to reversing this policy.”

Councillor Thomson spoke to his motion which was seconded by Councillor Evison.

As an amendment, Councillor Gifford, seconded by Councillor Owen, moved that no action be taken on the motion.

The members of the Council voted:-


for the amendment (13) Councillors Agnew, Carr, Chapman, C C Clark, Cowling, Findlater, Gifford, Ingleby, McKail, Owen, M M Stewart, Taylor and Webster.
declined to vote (2) Councillors Roy and N J Smith.

The motion was carried.

5. SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS AND COMMUNITY COUNCIL BOUNDARY CHANGES

With reference to the Minute of Meeting of 24 November, 2016 (Item 9, Page 658), a report dated 17 April, 2017, by the Director of Business Services had been circulated requesting the Council to approve (a) a proposed Scheme for the Establishment of Community Councils, together with associated procedures and (b) boundary changes to Community Council areas. The report stated that the current scheme had last been reviewed in 2006 and adopted in March 2007 (‘the 2007 Scheme’), listed the main amendments to the 2007 Scheme, detailed the consultation process which had taken place and listed recommendations made by Area Committees for boundary changes to Community Council areas.

The Provost advised that a request to speak had been received from the Chair of Stonehaven and District Community Council on behalf of a number of Community Councils, and the Council agreed to hear the deputation.

Mr P Mills-Bishop addressed the Council in objecting to the proposals and stated that he had served on the short term working group which had put together the initial document two years ago. At that time it had been 20 pages and now the paper was 140 pages. He asked that the Council reconstitute the working group and refer the document back for further discussion. There was a great deal of feeling among Community Councils that the document was too authoritarian and prescriptive. There was a drive towards standardisation when Community Councils came in all shapes and sizes, and there was a danger that a significant number of Community Councils would be lost if the document was approved.

As there were no questions from members, Mr Mills-Bishop withdrew to the public benches.

During discussion, reference was made to the need to assure Community Councils that there would be more dialogue and more work with them, and the Chief Executive commented that there was an annual training forum for Community Councils where they came together to compare practices and seek to improve their working arrangements. He confirmed that he and all officers would be happy to continue to support that forum to see how it could be enhanced in order to develop best practice.

Thereafter, Councillor Thomson, seconded by Councillor Petrie, moved that the Council:-

(1) (a) agree that the minimum number of elected members of all Aberdeenshire Community Councils is seven and that the maximum number of elected members of Aberdeenshire Community Councils be calculated in accordance with Schedule 1 of the Scheme for the Establishment of Community Councils,

(b) approve the Suspension and Dissolution provisions in Sections 14, 15 and 16 in the Scheme, and

(c) approve the Common Election dates in principle as detailed in paragraph 2.5.6 in the report and note that the dates may alter to accommodate parliamentary election or referenda requirements and that the relevant Area Manager, as Returning Officer, will have the delegated power to make this decision,
(2) approve the proposed Scheme for the Establishment of Community Councils set out in Appendix 1 of the report and that a Public Notice will be served in accordance with Section 22 (3) (d) of the Local Government etc. (Scotland) Act 1994,

(3) agree that, if no amendments to the Scheme are made following the 21 day period provided for in the public notice, the Scheme for the Establishment of Community Councils dated March 2007 will be revoked as at 30 June 2017 and that the proposed new Scheme for the Establishment of Community Councils set out in Appendix 1 of the report will be adopted and will come into effect on 1 July 2017,

(4) agree that, once the Scheme for the Establishment of Community Councils has been adopted, authority be delegated to the Head of Legal and Governance to publish a public notice in accordance with Section 22 (3) (e) of the 1994 Act giving notice of the Scheme for the Establishment of Community Councils and invite electors to apply for the establishment of a Community Council should no Community Council be in existence in that Community Area,

(5) note that if representations are received during the 21 day notice period then a further report will be required for the Council to consider the representations before a new scheme could be adopted,

(6) agree that Community Councils will have the benefit of a transition period until 1 January 2018 enabling Community Councils to take all the required actions to accord with the requirements of the proposed new Scheme for the Establishment of Community Councils,

(7) agree that if any Community Council does not accord with the Scheme for the Establishment of Community Councils by the end of the transition period then the Council will not support it financially until such time as it does accord with the Scheme,

(8) suspend Standing Orders 7.2.1 and 9.1 to allow an approval to the required changes to the Scheme of Governance,

(9) approve the required changes to the Scheme of Governance set out in Appendix 4 of the report with immediate effect,

(10) approve the boundary changes set out in Appendix 5 of the report, and

(11) note that officers will be supporting, assisting and engaging with Community Councils to enable them to transition to the new Scheme for the Establishment of Community Councils and that a light touch review is scheduled for January 2019 and full review scheduled for January 2021.

The Council unanimously agreed to suspend Standing Order 2.1.2 in order to allow the meeting to continue beyond 1.00 pm.

As an amendment, Councillor Cox, seconded by Councillor D Stewart, moved that the Council defer consideration of the document for further consultation with Community Councils.

Councillor Gifford proposed as a potential second amendment that the Council agree in principle the recommendations in the report, subject to changing the 21 days referred to in sections 1.3 and 1.5 of the report to 42 days.

In response officers advised that the public notice period should only be triggered if the Council was content with the document as it stood, but if the Council wanted active engagement with Community Councils, then a more general consultation process would be appropriate.
On hearing the advice from officers, Councillor Gifford stated that he would withdraw his amendment if Councillor Cox would accept a deadline of 42 days for the period of consultation in his amendment.

Councillor Cox, with the agreement of his seconder, accepted a deadline of 42 days for the period of consultation.

Thereafter, the meeting was adjourned for lunch and to allow for discussion between Group Leaders on a possible way forward on the item.

On the resumption of business in the afternoon, Councillors Thomson and Cox advised that, with the consent of their seconders, they had withdrawn the motion and amendment in favour of a revised proposal and the Council agreed:-

(1) to defer consideration of the review of the Scheme for the Establishment of Community Councils,

(2) to instruct officers to re-establish the short term working group in order to facilitate a further six week period of consultation with Community Councils, and

(3) that officers bring forward a further report to a future meeting of the Council to consider the outcomes of the consultation.

6. EQUALITIES MAINSTREAMING AND OUTCOMES REPORT

With reference to the Minute of Meeting of 25 April, 2013 (Item 7, Page 2007), a report dated 15 March, 2017, by the Director of Business Services had been circulated advising of progress towards integrating equality into the work of the Council and presenting a summary of progress in respect of the current equalities outcomes and proposed equality outcomes for 2017-2021. The report referred to the specific duty under the Equality Act 2010 to publish a report on mainstreaming the equality duty and to demonstrate progress on equality outcomes.

The Council agreed:-

(1) to note the progress made towards meeting the Public Sector Equality Duty, noting the evidence summarised in Appendix 1 of the report,

(2) to approve the new Equality Outcomes for the next four years (2017-2021), as set out in Appendix 2 of the report, and

(3) to ensure that the Executive Summary set out in Appendix 1 of the report and the case studies from the full report formed part of councillor induction in relation to equalities matters.

7. SIGNING THE UNISON ETHICAL CARE CHARTER

A report dated 13 April, 2017, by the Chief Officer, Aberdeenshire Health and Social Care Partnership, had been circulated proposing a formal process which would allow Aberdeenshire Council and the Integration Joint Board to explore the implications of signing up to the UNISON Ethical Care Charter and thereafter to consider future action. The report stated that all Public Sector Commissioners for Care at Home had been invited to sign up to the Charter, the over-riding aim of which was to establish a minimum baseline for the safety, quality and dignity of care by ensuring employment conditions which did not routinely short-change clients, and to ensure the recruitment and retention of a more stable workforce through more sustainable pay, conditions and training levels.
Following discussion, the Council agreed:

(1) to note the UNISON Ethical Care Charter attached as Appendix 1 of the report,

(2) to invite UNISON to update the information in their Charter, and

(3) that, on receipt of the updated information from UNISON, officers consider any future actions and report back to a future meeting of the Council.

8. PLANNING PERMISSION IN PRINCIPLE FOR MIXED USE DEVELOPMENT COMPRISING TOWN CENTRE INCLUDING REGIONAL FOOD HALL, RETAIL, LEISURE AND CLASS 3 USES, BUSINESS AND INDUSTRIAL USES (CLASSES 4, 5 AND 6), ALTERATIONS TO ACCESS FROM A90 ROUNDABOUT, LOCAL ACCESS, LANDSCAPING, CAR PARKING, CYCLE AND PEDESTRIAN FACILITIES AND LOW CARBON INFRASTRUCTURE AT LAND TO WEST AND SOUTH WEST OF RIFLE RANGE, BLACKDOG, ABERDEEN (REFERENCE NO. APP/2016/0766)

With reference to the Minute of Meeting of the Formartine Area Committee of 21 March, 2017 (Item 4A), a report dated 11 April, 2017, by the Director of Infrastructure Services had been circulated requesting consideration of an application for Planning Permission in Principle for a mixed use development comprising a town centre including regional food hall, retail, leisure and class 3 uses, business and industrial uses (classes 4, 5 and 6), alterations to access from the A90 roundabout, local access, landscaping, car parking, cycle and pedestrian facilities and low carbon infrastructure at land to the west and south west of Rifle Range, Blackdog, Aberdeen.

The report explained that this was a planning application for local development which, in the opinion of the Director of Infrastructure Services, was considered to be of regional significance, and was referred to Council in terms of Section A.11 of Part 2A and Section C.3.1a of Part 2C of the Scheme of Governance which reserved authority to the Full Council to determine planning applications in such circumstances.

The Head of Planning and Building Standards introduced the application and stated that the key considerations were the principle of development, including consideration of potential impacts on other retail centres and comparison of the proposed development with the approved Masterplan for the site, leisure and food and drink uses, employment land provision and gypsy/traveller site provision. The officer recommendation was to delegate authority to the Head of Planning and Building Standards to grant planning permission in principle subject to the conclusion of a S75 Legal Agreement to cover the provision and maintenance of a Gypsy/Traveller Transit site, the application being notified to Scottish Ministers, the resolution of transportation matters and appropriate conditions. The Formartine Area Committee had agreed to recommend approval of the officer recommendation and also asked that information be provided to the Council in relation to the night time economy for the proposal, specifically in relation to the cinema users, to highlight whether this would support the proposed food hall and whether it would have an impact on community cinemas in the surrounding area.

The Provost advised that requests to address the Council had been received from the applicant and an objector, but these had both subsequently been withdrawn.

After discussion, the Council agreed:

(1) to delegate authority to the Head of Planning and Building Standards to GRANT Planning Permission in Principle, subject to:-
a) The conclusion of a S75 Legal Agreement to cover the provision and maintenance of a gypsy/traveller transit site,
b) The application being notified to Scottish Ministers under Notification Procedures (due to the objection from Aberdeen City Council and not being Called-in for determination,
c) Resolution of transportation matters and any relevant conditions required, and,
d) The following conditions:

1. 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) A phasing scheme detailing the phasing of development including details of the implementation of transport upgrades as appropriate.
(b) A scheme of strategic landscaping and open space provision for the entire site detailing existing landscape features and vegetation to be retained, noise reducing landscaping and/or bunds, the locations of new trees, shrubs, hedges, grassed areas and water features, a schedule of plants including species, plant sizes and proposed numbers and density to match the remainder of the site, the layout, design and materials of all hard landscaping works including walls, fences, gates and street furniture, the extent and distribution of public open space within the development, and a programme for the completion and subsequent maintenance of the proposed landscaping.
(c) A strategy of surface water treatment for the entire site, detailing levels of sustainable drainage (SUDS) as well as a flood risk assessment.
(d) A scheme to connect the development to the public waste water network.
(e) 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.
(f) A site wide invasive non-native species (INNS) protocol including an associated management/maintenance and monitoring scheme.
(g) An archaeological written scheme of investigation.
(h) Full details of the functional flood plain associated with the re-routed Middlefield burn.
(i) A Street Engineering Review and Stage 2 Quality Audit (including RSA, DDA and NMU audits).
(j) Full details of Roads SUDS proposed & SUDS selection method used demonstrating integration with a site drainage impact assessment.

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

2. Notwithstanding the provisions of Section 59 of the Town and Country Planning (Scotland) Act 1997, and unless otherwise agreed in writing by the Planning Authority, details of the specified matters listed below for individual units/buildings or combinations of units/buildings of the development shall be
submitted for consideration by the Planning Authority before the expiration of 10 years from the date of the grant of the permission [this 10 year period substitutes the 3 year period referred to in Subsections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 and as outlined within the Direction contained within this Decision Notice].

No individual unit/building or combination of units/buildings within the development shall begin until all of the details listed in this condition for that unit/building or combination of units/buildings have been submitted and approved by the Planning Authority, and thereafter the development shall be carried out fully in accordance with the approved details:

Specified matters:

(a) Full details of the siting, design, layout, gross and net floor areas, external appearance and finishing materials of the proposed unit or units.
(b) Full details of the proposed means of access, car parking, delivery routes and pedestrian accesses serving the development and connecting into the wider site.
(c) Full details of the proposed means of disposal of foul and surface water from the proposed unit or combination of units including SUDS pond location and associated flood risk assessment.
(d) Full details of proposed landscaping associated with the proposed unit or units demonstrating compliance with over-arching landscape and open space strategy and phasing scheme as detailed in condition 1.
(e) A design statement for the unit or combination of units in accordance with Aberdeenshire Council Planning Advice Number 6/2012: Implementation of Policy SG LSD2 Layout Siting and Design of New Development demonstrating that the phase of development broadly accords with the principles and indicative layout set out in the approved masterplan.
(f) Full details of noise generated from any individual unit or combination of units.
(g) A full Noise Impact Assessment for any individual unit or combination of units, this shall include consideration of road traffic noise (Calculation of Road Traffic Noise 1998), industrial/commercial noise (BS4142:2014) and the impact of noise from the Blackdog Firing Range.
(h) An Energy Statement outlining Carbon Reduction measures and energy and renewable technologies to be used in the development to accord with the Blackdog Energy Strategy, March 2014, Rev 4.
(i) Details of parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the Council’s car parking standards.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters is required in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 and to allow for a reasonable period of time to plan and implement the development.

3. The retail floorspace shall be limited to the sale of retail goods as follows:

- The Regional Food Hall unit shall only be used for farmers/ producers’ retail outlets and specialty food and drink retail only and such other goods as are ancillary to one of the permitted sales uses and for no other purposes,
including any other uses which may otherwise have been permitted in
terms of Use Class I as defined in the Schedule to the Town and Country
Planning (Use Classes) (Scotland) Order 1997 or in any statutory
instrument revoking and re-enacting that Order. Any ancillary retail of other
goods within a retail unit, shall be limited in total to 10% of the total net
sales area of any individual unit.

• The Convenience Retail floorspace shall be limited to the sale of
convenience goods only and such other goods as are ancillary to one of
the permitted sales uses and for no other purposes, including any other
uses which may otherwise have been permitted in terms of Use Class I as
defined in the Schedule to the Town and Country Planning (Use Classes)
(Scotland) Order 1997 or in any statutory instrument revoking and re-
enacting that Order. Any ancillary retail of other goods within a retail unit,
shall be limited in total to 10% of the total net sales area of any individual
unit.

• The Comparison Retail floorspace shall be limited to the sale of
comparison goods only and such other goods as are ancillary to one of the
permitted sales uses and for no other purposes, including any other uses
which may otherwise have been permitted in terms of Use Class I as
defined in the Schedule to the Town and Country Planning (Use Classes)
(Scotland) Order 1997 or in any statutory instrument revoking and re-
enacting that Order. Any ancillary retail of other goods within a retail unit,
shall be limited in total to 10% of the total net sales area of any individual
unit.

Reason: To ensure that any shops or retail uses in the development conform
to the agreed Masterplan vision whereby the Regional Food Hall is to be the
primary element of the development, with any additional units ancillary to this
and to ensure that any additional ancillary units would not have a significant
adverse effect on the vitality or viability of existing retail centres, in accordance
with the requirements of Policy B2 Town centres and office development as
contained in the Aberdeenshire Local Development Plan 2017.

4(a) The maximum gross retail (Class 1) floorspace (comprising the Regional Food
Hall, Convenience Retail and Comparison Retail in total) on the site shall not
exceed 11,500 square metres. This shall comprise of the following elements:

• Regional Food Hall 5000m² minimum gross floor area
• Convenience Retail 1500m² maximum gross floor area
• Comparison Retail 5000m² maximum gross floor area

4(b) No more than two comparison retail units shall exceed 500m² GFA in
floorspace, with no more than one comparison unit exceeding 1000m² GFA and
one comparison retail unit not exceeding 2000m² GFA.

4(c) The maximum floorspace permitted under part (a) is the total floorspace at
ground and mezzanine/upper floor levels.

Reason: To ensure that any shops or retail uses in the development conform
to the agreed Masterplan vision whereby the Regional Food Hall is to be the
primary element of the development, with any additional units ancillary to this
and to ensure that any additional ancillary units would not have a significant
adverse effect on the vitality or viability of existing retail centres, in accordance
with the requirements of Policy B2 Town centres and office development as contained in the Aberdeenshire Local Development Plan 2017.

5. That the maximum floorspace for Class 3 Food and Drink uses on the site shall not exceed 2000m².

Reason: To ensure that the food and drink use in association with the retail uses would not have a significant adverse effect on the vitality and viability of existing retail centres.

6. No retail unit (other than the Regional Food Hall) shall be occupied until the Regional Food Hall hereby approved has been completed in accordance with the approved plans and made available for use.

Reason: In order to ensure the timeous provision of the main anchor unit for the development in accordance with the agreed Masterplan for the site and in the interests of facilitating its delivery.

7. That the maximum size of the Cinema (Class 11 Use) shall not exceed 850 seats/6 screens.

Reason: To ensure that the cinema use in association with retail uses would not have a significant adverse effect on the vitality and viability of existing retail centres.

8. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or the Town and Country Planning (Use Classes) (Scotland) Order 1997 the land shall be used only for purposes within Use Classes 1, 3, 4, 5, 6, 7, 11 and shall not be used for any other purpose without an express grant of planning permission from the Planning Authority.

Reason: To ensure that the details of the terms of the planning permission in principle accord with the approved Masterplan.

9. Prior to the commencement of any works on site a detailed plan showing the finalised extent of the functional flood plain of the Middlefield Burn in relation to the proposed development shall be submitted to and approved in writing by the Planning Authority, in consultation with SEPA, and the development shall be carried out fully in accordance with the approved plan.

Reason: To protect the development from flood risk, in the interests of the amenity of the area.

10. Prior to the commencement of development, an invasive non-native species protocol including an associated management/maintenance and monitoring scheme shall be submitted to and approved by the planning authority, detailing the containment, control and removal of Japanese Knotweed on site or within the development site. All the measures of the protocol/scheme shall be carried out strictly in accordance with that as approved prior to the commencement of the development of the site. Within 6 months of the approved containment, control and removal of Japanese Knotweed being completed evidence of such shall be submitted for the further approval/agreement of the Planning Authority.
Reason: To protect the natural environment and ensure measures are put in place to prevent the spread of invasive non-native species (INNS) that are present on a development site.

11. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation has been submitted to and approved in writing by the Planning Authority and a programme of archaeological works has been carried out in accordance with the approved written scheme of investigation. The written scheme of investigation shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and include how any updates, if required, to the written scheme of investigation shall be provided throughout the implementation of the programme of archaeological works. The development hereby approved shall not be brought into use unless the approved programme of archaeological works has been completed in accordance with the approved written scheme of investigation and any post excavation research design for the analysis, publication and dissemination of results and archive deposition has been agreed in writing with the Planning Authority.

Reason: To safeguard and record the archaeological potential of the area.

12. That no works in connection with the development hereby approved shall take place unless a full investigation of the site or specified Phase/Block (as per phasing plan required through Condition 1) of development as appropriate has been undertaken in accordance with BS 10175:2011+A1:2013 - ‘Investigation of Potentially Contaminated Sites - Code of Practice’ and a report of that investigation has been submitted to and approved in writing by the Planning Authority. Where it is determined by the site investigation report that remediation of the site or a specified Phase/Block of development is required no works in connection with the development hereby approved shall take place unless a remedial scheme for that Phase/Block or entire site as appropriate has been submitted to and approved in writing by the Planning Authority. The development within any specific development area hereby approved shall not be brought into use unless the approved scheme of remediation has been carried out in its entirety for the relevant development area or entire site as appropriate and a validation report has been submitted to and approved in writing by the Planning Authority.

Any areas of hardstanding, clean cover or other such barrier within the application site boundary included within the approved scheme of remediation required to break one or more pollutant linkages shall be retained as such in perpetuity and shall not be disturbed without the prior written approval of the Planning Authority.

The development shall thereafter be carried out in full accordance with the approved details.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

that the reason for the decision was that the proposed development represents a departure from the Development Plan. Justification has been provided for a departure on the grounds that the proposed development meets the aims, objectives and vision of the approved Masterplan and whilst the scale and mix of the proposal exceeds the development anticipated in the Masterplan, it is considered that the development will
provide a viable, deliverable and sustainable development within the Energetica Corridor. Blackdog is a key development location for Energetica because of its strategic location and this development could assist with encouraging further potential investment in the corridor.

9. PLANNING PERMISSION IN PRINCIPLE FOR CREATION OF NEW BUSINESS PARK INCLUDING CLASS 4 (OFFICE), 5 (GENERAL INDUSTRIAL), 6 (STORAGE AND DISTRIBUTION) AND ANCILLARY USES SUCH AS CLASS 7 (HOTEL) AT LAND AT BALMACASSIE, NORTH OF THE A948, ELLON (REFERENCE NO. APP/2015/3235)

With reference to the Minutes of Meetings of (a) the Formartine Area Committee of 17 January, 2017 (Item 4G, Appendix A, Page 1030), and (b) Aberdeenshire Council of 9 March, 2017 (Item 13, Page 1338), a report dated 31 March, 2017, by the Director of Infrastructure Services had been circulated requesting the Council to resume consideration of an application for Planning Permission in Principle for the creation of a new business park including class 4 (office), 5 (general industrial), 6 (storage and distribution) and ancillary uses such as class 7 (hotel) at land at Balmacassie, north of the A948, Ellon.

The report explained that this was a planning application for major development which, in the opinion of the Director of Infrastructure Services, was considered to be of regional significance, and was referred to Council in terms of Section A.11 of Part 2A and Section C.2.1a of Part 2C of the Scheme of Governance which reserved authority to the Full Council to determine planning applications in such circumstances.

The Head of Planning and Building Standards introduced the application and reminded members that the key considerations were the acceptability of the early draw down of the strategically reserved (post 2024) employment land and the provision of a gypsy/traveller transit site. The application had been deferred at the meeting on 9 March, 2017, to allow officers to negotiate a set site for the provision of a gypsy/traveller transit site for the duration of the build out of the site. Discussions with the applicants had taken place to ensure that a set site was provided. This was now included and for the purposes of this application it was considered under the proposed Ancillary Uses for the site. In the event of this application being approved, the Council would then have to submit subsequent applications for the gypsy/traveller site independently. The principle of an early drawn down of the reserved employment land could be supported as a departure given the over-riding benefits upon the local economy from the creation of business units, particularly within the Energetica Strategic Growth Corridor. Given the inclusion of the gypsy/traveller transit site within the application area, the requirements of the SR1 allocation were met and the officer recommendation was to delegate authority to the Head of Planning and Building Standards to grant planning permission in principle, subject to signing of a Section 75 Legal Agreement to cover the provision and maintenance of a gypsy/traveller transit site and appropriate conditions. The Formartine Area Committee had agreed by majority to recommend that the application be granted, subject to the signing of a Section 75 Legal Agreement, appropriate conditions and clarification from the Planning service and Housing service on the Local Development Plan in terms of whether the gypsy/traveller transit site should be located within the SR1 site in perpetuity and, if so, if a suitable site could be located at the outset to prevent the additional costs associated with moving it to alternative locations across the site as and when additional industrial units were secured.

After discussion, the Council agreed:

(1) to delegate authority to the Head of Planning and Building Standards to GRANT Planning Permission in Principle, subject to:-

   a) Signing of a Section 75 Legal Agreement to cover the provision and maintenance of a gypsy/traveller transit site,
b) The following conditions:

1. 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 any individual plot unless all of the details listed in this condition have been submitted, to be 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 layout and siting of the proposed development.
b) Full details of the external appearance and finishing materials of the proposed development.
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 datum point.
d) Full details of the proposed hard and soft landscaping scheme for the site.

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

2. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) or the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) the premises/buildings/land shall be used only for a purpose within Use Class 4, 5, 6 and 7 and shall not be used for any other purpose without an express grant of planning permission from the Planning Authority.

Reason: To enable the Planning Authority to consider the implications of any subsequent change of use on the amenities of the area.

3. Unless otherwise agreed in writing by the Planning Authority, after consultation with Transport Scotland, the development hereby permitted shall not exceed 17,926 sqm GFA of Class 4 (Business), 6,823 sqm GFA of Class 5 (General Industrial) 6,823 sqm GFA of Class 6 (Storage/Distribution) and a 50 bedroom hotel (2,500 sqm GFA).

Reason: To ensure the scale of the development does not exceed that assessed by the supporting Transport Assessment, and to ensure that the scale and operation of the proposed development does not adversely affect the safe and efficient operation of the trunk road network.

4. Prior to the commencement of the development hereby approved, details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority. Thereafter, the approved details shall be implemented and retained in perpetuity.

Reason: To ensure there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.
5. Prior to the occupation of the first plot, details of any proposed barrier / boundary feature shall be submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. Thereafter, the approved details shall be implemented and retained in perpetuity.

Reason: to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

6. Prior to the occupation of each plot, a comprehensive Travel Plan for that part of the development setting out proposals for reducing dependency on the private car shall be submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. Each travel plan shall identify measures to be implemented, the system of management, monitoring, review and reporting as well as the duration of the Plan. The Travel Plan as approved shall thereafter be carried out in full accordance with the approved details.

Reason: To be consistent with the requirements of the Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

7. The development shall be served in accordance with the approved drawings and the following details:
   
a) The maximum gradient of the first 5m of each access from the public road must not exceed 1 in 20.
   
b) Prior to occupancy of development, Parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the Councils Car Parking Standards.
   
c) Prior to commencement of development, visibility splays on the U91b Road, measuring 4.5m x 90m and 4.5m by 215m on the A948, to be formed on either side of the junctions of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.

Reason: In order to ensure that the development is served by an appropriate standard of access and associated servicing in the interests of road safety.

8. Prior to the occupation of the first plot, details of the A948/A920 roundabout, designed generally in accordance with Figure 4.2: Proposed Primary Site Access in the Transport Assessment (dated 21/06/2016), shall be submitted to and approved in writing by the Planning Authority in consultation with Roads Development. The approved works shall thereafter be carried out in full accordance with the approved details.

Reason: To ensure the development can be accessed by suitable means, in the interests of road safety.

9. Prior to the commencement of the development hereby approved, the existing U91B shall be widened to 7.3m where possible, in accordance with Fairhurst Drawing No. 114119 SK7003 Rev B. Details of the widening must be submitted to and approved in writing by the Planning Service in consultation with Roads Development. The upgrade shall thereafter be carried out in full accordance with the approved details. For the avoidance of doubt, no access to the development site from the U91B can be made until the road widening has taken place fully.

Reason: To ensure the development site can be satisfactorily accessed.
10. Prior to the occupation of the first plot, signalised Toucan crossings must be constructed and fully operational to the east of the A948/A920 Roundabout and the A948 east of the U91B Junction with the A948. Full details of the crossing, including the exact location, must be submitted to and approved in writing by the Planning Authority in consultation with the Roads Development Team and designed in accordance with Aberdeenshire Guidelines.

Reason: To ensure the development can be accessed safely by pedestrians, in the interests of road safety.

11. Prior to the occupation of the first plot, footways connecting the signalised crossing of the A948 to the east of the U91B junction with the main internal site footways must be constructed and fully operational. Full details of the footway, which shall be designed in accordance with Aberdeenshire guidelines, must be submitted to and approved in writing by the Planning Authority in consultation with Roads Development.

Reason: To ensure the development can be accessed safely by pedestrians, in the interests of road safety.

12. Prior to the occupation of the first plot, a footway/cycleway connecting the development to the proposed A948 signalised Toucan crossing to the east of the A920/A948 Roundabout; onwards to tie into the existing footway/cycleway to the south of the Ellon Park and Ride site, must be constructed and fully operational. Full details of the footway/cycleway shall be designed in accordance with Aberdeenshire guidelines and must be submitted to and approved in writing by the Planning Authority in consultation with Roads Development.

Reason: To ensure the development can be accessed safely by pedestrians and cyclists, in the interests of road safety.

13. Prior to the occupation of the first plot, a footway/cycleway connecting the proposed A948 signalised Toucan crossing to the east of the U91B junction (south side) to the existing footway/cycleway to the west of the Tesco store must be constructed and fully operational. Full details of the footway/cycleway shall be designed in accordance with Aberdeenshire guidelines and must be submitted to and approved in writing by the Planning Authority in consultation with Roads Development.

Reason: To ensure the development can be accessed safely by pedestrians and cyclists, in the interests of road safety.

14. Prior to the construction of any building(s) an Energy Statement applicable to that building must be submitted to and approved in writing by the Planning Authority, including the following items:

(i) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.

(ii) 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. (In this case the development will achieve at least a
Bronze Active rating under Section 7 of the Building Standards Technical Handbook).

The development shall not be occupied unless it has been carried out 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.

15. No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and agreed by the Aberdeenshire Council Archaeology Service, and approved in writing by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the Aberdeenshire Council Archaeology Service.

Reason: To safeguard and record the archaeological potential of the area.

16. Prior to the commencement of development, a scheme of hard and soft landscaping shall be submitted to and approved by the Planning Authority. Details to be submitted shall include:

i. Existing landscape features and vegetation to be retained.
ii. The location of new trees/shrubs/hedges/grassed areas/water features.
iii. A schedule of planting to comprise species, plant sizes and proposed numbers and density.
iv. The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment.
v. An indication of existing trees, shrubs and hedges to be removed.
vi. A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall thereafter be carried out in full accordance with the approved details.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in
the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

17. Prior to the commencement of the development hereby approved, full details of the tankering arrangements, including information on the tanker loading area with regard to the tanks, bunding and spill containment shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The development shall not be brought into use unless the agreed tankering arrangements have been provided in their entirety and maintained thereafter throughout the lifetime of the development.

Reason: To ensure pollution prevention measures are achieved.

18. Prior to the commencement of the development hereby approved, full details of the proposed means of a foul drainage infrastructure system per plot and per Matters Specified in Conditions application shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. If approved, the foul drainage system should be implemented during the construction phase and a connection made to the public sewer within one month of it becoming available, unless otherwise agreed in writing. The development shall not be brought into use unless the agreed foul drainage system has been provided in its entirety and maintained thereafter throughout the lifetime of the development.

Reason: To ensure a connection to the public foul drainage system when available.

19. Prior to the commencement of the development hereby approved, full details of the proposed means of disposal of surface water, detailed drainage design and flood risks, from the development per plot and per Matters Specified in Conditions application shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The development shall not be brought into use unless the agreed drainage system has been provided in its entirety and maintained thereafter throughout the lifetime of the development.

Reason: To ensure the provision of an acceptable drainage system in the interests of the amenity of the area and protection of water quality.

20. Prior to the commencement of the development hereby approved, a scheme for the appropriate establishment of buffer strips for all watercourses within and adjacent to the site shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The development shall not be brought into use unless the agreed buffer strip plan has been provided in its entirety and maintained thereafter throughout the lifetime of the development.

Reason: To ensure pollution prevention measures and protection of water quality are achieved.

21. Prior to the commencement of the development hereby approved, a detailed site-specific construction method statement and related site plan shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The construction method statement shall include details of protection of water quality, including any abstractions, and the appropriate management of materials and waste on site, as recommended by SEPA. Once agreed, all construction works on the site shall be carried out in accordance with the approved construction method statement.
Reason: In the interests of protecting water quality, including any abstractions, and the appropriate management of materials and waste on site.

22. Prior to the commencement of the development hereby approved, waste management amenities proportionate for each plot and Matters Specified in Conditions application shall be submitted to and approved in writing by the Planning Authority in consultation with Waste Management. Thereafter, the agreed waste management infrastructure shall be carried out in full accordance with the approved details.

Reason: To ensure appropriate waste management practices are upheld.

23. Prior to the commencement of development a Phasing Plan setting out the details of the phasing of the development including the servicing arrangements for the gypsy/traveller transit site within the development; the programme for the completion of the internal road layout, the extent and distribution of the public open space within the development; programme for the completion and maintenance of the public open space has been submitted to, and approved in writing by, the planning authority. Thereafter, the development shall be carried out in complete accordance with the approved Phasing Plan.

Reason: To ensure that build-out of the development is phased so as to avoid adverse impact on local services and infrastructure and in the interests of the visual amenity of the area.

c) The following Direction:

DIRECTION UNDER SECTION 59 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997:

That subsection (2)(a)(i) of section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall apply as respects the permission with the substitution for the period of 3 years referred to in that subsection of 10 years, as is considered appropriate by the Planning Authority in this instance on the basis of the scale of the development. The provisions of section 59(2) shall therefore be read as follows:

That this planning permission in principle shall lapse unless a further application or applications for approval of the matters specified in all condition(s) attached to this grant of planning permission in principle across the entire site has been made before whichever is the latest of the following:

(i) The expiration of 10 years from the date of this grant of planning permission in principle,
(ii) The expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused,
(iii) The expiration of 6 months from the date on which an appeal against such refusal was dismissed.

Pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

(2) that the reason for the decision was that whilst the early-draw down of the allocated strategic reserve of employment land is in conflict with the timescales outlined within the Development Plan, it is in line with the wider aims of Policy B1 Employment and
business land in that the development of SR1 would encourage sustainable economic growth of the local area and the Energetica Corridor.

10. WRITTEN QUESTIONS

Two written questions had been received in terms of Standing Order 4.3. The questions and answers thereto and the supplementary questions and answers thereto are listed below.

(A) From Councillor Hendry to the Chief Executive

Q: In view of the fact that Scottish Planning Policy requires the Planning Authority to be confident that all allocations in the local development plan are capable of becoming effective and delivering housing within the lifetime of the plan what steps did the planning service take to be assured that the developer of the OP3 allocation in Balmedie was now committed to the construction of a 450 bedroom hotel and staff accommodation for 400 employees before including the allocation in the LDP without any prior public consultation?

A: Scottish Planning Policy advises that Local Development Plans should allocate a range of sites which are effective or expected to become effective in the plan period. The Planning Authority remains confident that the Menie site is capable of coming forward for development in the plan period. This issue has been discussed throughout the Local Development Plan process, including discussion at an Examination Hearing. Following confirmation from Scottish Ministers, the Local Development Plan was adopted by the Council on 17 April, 2017.

Q: Can the Chief Executive clarify and explain to members upon what factual information or evidence the asserted expression of the planning authority’s confidence that the 500 houses will be delivered within the current plan period?

A: The facts are that the Menie site (OP3) has an extant Outline Planning Permission that therefore requires to be allocated in the Local Development Plan. The site is not part of the effective land supply as it is identified in the Housing Land Audit as constrained. However, the principle of development is established by virtue of the extant consent and the site is capable of being developed with the 10 year plan period.

(B) From Councillor Hendry to the Chief Executive

Q: In the event that the developer of the OP3 allocation in Balmedie is not minded to recognise and respect the conditions annexed to the outline planning consent by submitting the substantial amount of information currently outstanding for the consideration and potential approval of this Authority and continues to pursue the development of the site in a piecemeal fashion can Elected Members be assured that in such circumstances all stand alone applications will be accurately reported to the Formartine Area Committee as departures from the development plan with an officer recommendation to refuse consent?

A: It is not possible to give an assurance that the officer recommendation in each case will be a recommendation of refusal given the requirement to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Q: Given that this authority has received over 40 planning applications from the developer on the Menie site, none of which conform to the outline consent issued by Scottish Ministers, will the Chief Executive confirm that, in future, all stand alone planning applications from this developer will be accurately reported to the Area Committee
and/or Full Council as departures from the development plan unless and until all conditions on the outline planning application requiring the submission of further detailed information have been fully complied with?

A: This is not considered to seek clarification of the answer given, rather an extension of the question originally put by addition of the phrase “until all conditions on the outline planning application requiring the submission of further detailed information have been fully complied with”.

As previously confirmed, it is not possible to give an assurance that the officer recommendation in each case will be a recommendation of refusal given the requirement to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

11. 49-53 BRIDGE STREET, BANFF

With reference to the Minute of Meeting of the Banff and Buchan Area Committee of 7 March, 2017 (Item 13), a report dated 9 March, 2017, by the Director of Infrastructure Services had been circulated providing an update on the current position with regard to the proposed compulsory purchase of a Category ‘B’ Listed Building at 49-53 Bridge Street, Banff.

The Council agreed:

(1) to instruct officers to issue a letter of comfort to North East Scotland Preservation Trust (NESPT) guaranteeing that the Council would not seek to recoup the cost of urgent works carried out to 49-53 Bridge Street, Banff, from NESPT, should NESPT successfully agree a negotiated purchase of the property with the current owners for the total sum of £1,

(2) to instruct officers to include in the letter of comfort a guarantee that the Council would accept a transfer of ownership for £1 of 49-53 Bridge Street, Banff, from NESPT if they agreed a negotiated purchase but could not secure adequate funding to develop the building within a period of 12 months, and

(3) to instruct officers to commence compulsory purchase proceedings for 49-53 Bridge Street, Banff (Area Committee agreement to issue a Repairs Notice is already in place), should a negotiated purchase not be agreed between NESPT and the current owners, and if no action is taken as a result of serving the Repairs Notice.

12. USE OF DELEGATED POWERS BY OFFICERS TO AWARD A CONTRACT TO REPLACE ESSENTIAL PLANT AT STONEHAVEN OUTDOOR POOL BY REASON OF SPECIAL URGENCY

After consideration of a circulated report dated 28 February, 2017, by the Director of Business Services, the Council agreed to note the use by officers of delegated powers (as provided in the List of Officers Powers - Part 2B of the Scheme of Governance at sections B1, B2 and B3), by reason of special urgency, to award a contract to replace essential plant at Stonehaven Outdoor Pool, as summarised in the report and in order to ensure that the facility could open by its traditional season start date in May.