

ABERDEENSHIRE COUNCIL

INFRASTRUCTURE SERVICES COMMITTEE

WOODHILL HOUSE, ABERDEEN, 22 AUGUST, 2019

Present: Councillors P Argyle (Chair), J Cox (Vice Chair), W Agnew, D Aitchison, G Carr, A Evison (substituting for S Smith), M Ewenson (substituting for I Mollison), J Gifford (substituting for R Withey), J Ingram, P Johnston, J Latham, C Pike, G Reid and I Taylor.

Apologies: Councillors I Mollison, S Smith and R Withey.

Officers: Director of Infrastructure Services, Head of Service (Transportation), Head of Service (Roads, Landscape Services and Waste), Head of Service (Economic Development and Protective Services), Team Manager (Development Management), Public Transport Manager, Strategic Transport Manager, Industry Support Executive, Service Manager (Economic Development & Protective Services), Corporate Finance Manager (S Donald), Principal Solicitor, Legal and Governance (R O'Hare) and Committee Officer (F Brown)

1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct and the following interests were intimated:–

- (i) Item 5 – Councillor Cox, by virtue of being a member of the Banff and Buchan Area Committee, who had previously determined the planning application, and he concluded that he would not take part in that item and would leave the room when it was being considered.

Councillor Taylor, by virtue of the applicant being a member of the same branch of NFU Scotland, noted that his interest did not meet the objective test, and as such he would take part in that item.

- (ii) Item 11 – Councillor Johnston, by virtue of being a Director of CRNS (Community Resources Network Scotland), and having applied the objective test, concluded that there was no reason why he could not take part in that item.
- (iii) Item 12 – Councillor Latham, by virtue of his daughter being a teacher at Kintore Primary School and he concluded that he would not take part in that item and would leave the room when it was being considered,
- (iv) Item 14 and Item 18– Councillor Evison, by virtue of being the President of COSLA, however, having applied the objective test, concluded that the interest was so remote and insignificant, that she would take part in that item.
- (v) Item 16 – Councillor Argyle and Councillor Latham by virtue of being members of the Cairngorms National Park Authority (CNPA) and both had concluded that they would take part in that item.
- (vi) Item 22 – Councillor Evison, by virtue of being the Councillor representative on the Kincardine and Mearns Citizens Advice Bureau, however, having applied the objective

test, concluded that the interest was so remote and insignificant, that she would take part in that item

2. RESOLUTIONS

A. PUBLIC SECTOR EQUALITY DUTY

In making decisions on the following items of business, the Committee **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 is provided, to consider its contents and take those into account when reaching a decision.

B. EXEMPT INFORMATION

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

Item No	Paragraph No of Schedule 7A
20	8
21	8
22	4

3. MINUTE OF MEETING OF INFRASTRUCTURE SERVICES COMMITTEE OF 20 JUNE, 2019

The Committee had before them, and **approved** as a correct record, the Minute of Meeting of 20 June, 2019 which was thereafter signed by the Chair.

4. PRESENTATION – JAMES HUTON INSTITUTE

The Chair welcomed Professor Colin Campbell, from the James Hutton Institute, who addressed the Committee and provided an overview of the work of the James Hutton Institute, which included, the global and local challenges, their capability and international reach, how they could work with Aberdeenshire and some major new initiatives around their Open Science Campuses in Invergowrie (International Barley Hub and Advanced Plant Growth Centre), Craigiebuckler (Lane Use and Hydro Nation International) and Farms (Glensaugh in Aberdeenshire).

In response to questions raised, Professor Campbell provided feedback on:-

- Indoor vertical farming and genetically modified crops;
- Public engagement, formal and informal;
- Population crisis, and increasing food consumption/demand;

- Changes to land use and management.

The Chair, on behalf of the Committee, thanked Mr Campbell for attending, and for providing an extremely informative presentation.

At this point in the proceedings, Councillor Cox left the meeting.

PLANNING AND BUILDING STANDARDS

5. PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AT SITE ADJACENT TO BURNEND COTTAGE, FORGLEN, TURRIFF – REFERENCE: APP/2018/1903

The Chair advised the Committee that four requests to speak had been submitted, and the Committee **agreed** to hear from each, in the following order, prior to the Committee determining the application:-

- Mr James Bayne, a consultee, representing Alvah and Forglen Community Council;
- Mr Colin Duncan, the applicant, in support of the proposed development;
- Lord Marnoch, an objector to the proposed development; and
- Mr Alastair Robertson, an objector to the proposed development.

With reference to the Minute of the Banff and Buchan Area Committee meeting of 27 November 2018 (Item 5A) where APP/2018/1903 had been determined, and the Area Committee had agreed to grant Planning Permission in Principle, there had been circulated a report dated 6 August 2019 by the Director of Infrastructure Services which provided the background to the reasons for the application being presented to the Infrastructure Services Committee for determination, seeking consideration of the application 'de novo'.

The Legal Monitoring Officer provided a verbal introduction to members', and confirmed that in terms of Section 13 of the General Provisions in Part 2A List of Committee Powers in the Scheme of Governance, and in her professional judgement, it would be contrary to natural justice for the application to be considered afresh by the Banff and Buchan Area Committee as the Court of Session had quashed their original decision. The application had been referred it back to the Planning Authority for determination and the court had ordered that when considering the application 'de novo' that it could not be the Banff and Buchan Area Committee or any member of that Committee who previously determined the application.

The Team Manger (Development Management) introduced the report and provided the Committee with the relevant planning history; supporting information; consultee and representation responses and the main issues for consideration when determining the proposal which asked them to consider whether the principle of development for a dwellinghouse could be established on the site and whether the loss of woodland would be considered as acceptable.

The Planning Service having considered the application afresh had recommended to the Committee that they Refuse Planning Permission in Principle for the reasons contained in Section 11.1 to the report.

In response to questions raised, the Team Manager (Development Management) confirmed:-

- (1) That application PA930929, as approved in 1993, was for the Erection of a Replacement Dwellinghouse, and the justification for that application had been the replacement of the derelict steading cottage, which was deemed "unsuitable" for conversion due to its position in the farm steading. While there was no requirement

for the applicant to demolish that ruinous building, the condition placed on the consent did stipulate that what remained should be used for agricultural purposes only. As such, the justification for APP/2018/1903 was contrary to Policy R2, but it was also seeking to utilise the same ruinous, derelict steading cottage as justification for two separate, unrelated developments.

- (2) When considering the ruinous state of the derelict steading, and the argument that the building could no longer be used for agricultural purposes, the Committee were advised that there were no time constraints with regards to the application of conditions attached to the granted planning consent in 1993. It would be up to the applicant to demonstrate/query that condition as applied in their subsequent application.

The Committee then heard from Mr James Bayne, on behalf of Alvah and Forglan Community Council who referred to key failures and non-compliance with the policies contained in the Aberdeenshire Local Development Plan 2017, namely, policy PR1: Protecting Important Resources, due to the loss of area woodland of significant biodiversity value; Policy E2: Landscape due to the special landscape area designation and Policy R2: Housing and Employment Development Elsewhere in the Countryside as the replacement dwellinghouse would not be on the curtilage of the original building and the derelict building had previously been used as justification for another approved dwellinghouse. Mr Bain highlighted that the judicial review, had determined that the approval of the application had failed in law.

The Committee then heard from the applicant Mr Colin Duncan, in support of the proposed development. Mr Duncan advised the Committee that he was guilty of cutting the trees down, however, he did not realise that he needed permission from the forestry commission to do so and the reason for cutting the trees was they were used as fuel for log burning stoves having been cut a year prior to their use. Mr Duncan also advised the Committee that the second reason for cutting the trees was that he hoped to get planning consent to build a second house on the cleared area and the ruin that was subject of the application used to be two dwellings, a family home and a bothy for farm workers. While the application was asking for a departure from policy, the ruin was considered too close to the farm steading, with no amenities and difficulties for parking and the chosen site was near to electricity and public water mains. Another reason for refusal was the impact on the landscape character which Mr Duncan suggested would see the properties Beechwood and Burnhead improving the view from the South. With farming in crisis and Brexit looming, which all created uncertainty, the applicant was looking to diversify his business by renting out the proposed dwellinghouse to generate rental income.

The Committee then heard from Lord Marnoch, an objector to the proposed development. Lord Marnoch advised the Committee that in terms of natural justice, having looked at the application and the judicial review, the application was contrary to planning law and the Local Development Plan which seeks to ensure that decisions are fair and objective. When looking at the application there was only one ground put forward in support of the application, namely that the proposed new dwellinghouse would constitute redevelopment of the existing redundant traditional building situated south of the farm. That redundant building (ruin) had been used as the justification to support a new dwellinghouse over 25 years ago and under the policy, you could not replace the same ruin twice and that should be a distinct reason for rejecting the application. A second reason for refusing the application was that a condition had been placed on the previous planning consent that the building which would replace the ruin should only be used for agricultural purposes and when considering the proposal before them a residential dwellinghouse did not fit that criteria and that would be another distinct reason for rejection. The final reason for refusal would be that the replacement of the ruin should be on site, and the proposal before them would not be on the curtilage of the original building.

The Committee then heard from Alastair Robertson, an objector to the proposed development, speaking on behalf of the Marnoch and Deveron Valley Protection Group. Mr Robertson noted that taking down trees for firewood was not an appropriate reason to decimate a special landscape area, and that is what the Deveron was and why the community were so concerned about it. The whole of the Deveron valley was formed by that type of plantation and very much a feature and that is why they feel that the development should not be allowed to go ahead. The proposal had showed no sensitivity to the location within a designated special landscape area; the proposed dwelling was nowhere near the ruin building which it would replace and the proposal lies outside the curtilage of the farm steadings and the policy states that it is not considered a replacement of an existing or redundant building and would be located on an undeveloped site.

Following discussion, Councillor Ingram, seconded by Councillor Johnston, moved that the Committee undertake a site inspection to the application site and surrounding area, similar to the process undertaken by the Banff and Buchan Area Committee.

As an amendment, Councillor Argyle, seconded by Councillor Carr, moved that there was sufficient information before them to determine the application and a site inspection was not required and the Committee should agree the Officer's recommendation as contained within Section 11.1 of the report and Refuse Planning Permission in Principle.

Members of the Committee then voted:-

- | | | |
|-------------------|-----|---|
| for the motion | (4) | Councillors Aitchison, Ingram, Johnston and Reid. |
| for the amendment | (9) | Councillors Argyle, Agnew, Carr, Evison, Ewenson, Gifford, Latham, Pike and Taylor. |

The amendment was carried and the Committee **agreed** to that they did not require to undertake a site inspection.

The Committee then considered the Officers recommendations as contained in Section 11.1 to the report and **agreed**, to REFUSE Planning Permission in Principle for the following reasons:-

- (1) The proposed dwellinghouse would not be located on the same site as the building it was intended to replace, and the proposed site had no relationship to the existing building. Additionally, there was not an existing 'cohesive group' or 'cluster' of five or more properties in the area, to which this property could be added. The five properties identified did not constitute a group due to the degree of physical separation, substantial differences in topography, and intervening woodland. The proposal would not otherwise meet any of the other criteria of Policy R2: Housing and Employment Development Elsewhere in the Countryside, as contained in the Aberdeenshire Local Development Plan 2017.
- (2) The proposal would have an unacceptable impact on the landscape character due to the loss of the woodland required to form the intended plot for the dwellinghouse. This would open up an area of landscape along the Deveron Valley that is generally characterised by its stretches of woodland along the steeper banks of the river. Consequently the proposal would be contrary to Policy E2: Landscape, as contained in the Aberdeenshire Local Development Plan 2017.
- (3) The proposal is contrary to Policy PR1 (Protection of important resources) as contained in the Aberdeenshire Local Development Plan 2017 in that the loss of woodland which

has significant biodiversity value would not provide overwhelming public, social or economic benefits.

At this point in the proceedings, Councillor Cox re-joined the meeting.

GENERAL

6. INFRASTRUCTURE SERVICES YEAR-END PERFORMANCE MONITORING REPORT APRIL 2018 – MARCH 2019 (COUNCIL PLAN PRIORITIES 2017-2022)

With reference to the Infrastructure Services Committee meeting of 10 May 2018 (Item 18), there had been circulated, a report dated 28 July 2019, by the Director of Infrastructure Services, which presented an update to the Committee on the progress achieved by the service during the period April 2018 to March 2019, to allow members to scrutinise the service delivery plans, with key actions identified in support of the Council Plan Priorities 2017-2022.

The Director introduced the report and advised the Committee that Section 2.4 and 2.5 to the report presented a high level summary overview of performance of actions across 2018/19 reporting year, with a more detailed illustration of performance provided in the Appendix to the report.

During discussion the Director responded to specific questions from members and the Committee then acknowledged that Performance Reporting would be considered at an informal workshop in September 2019, to ensure that the Committee would consider core issues which were impacting the service and fulfilling all three elements of their scrutiny role as a Committee.

Thereafter, the Committee **agreed**:

- (1) to acknowledge progress made during 2018/19 towards achieving the Council Plan Priorities 2017-2022 referred to in section 2.4;
- (2) to instruct the Director of Infrastructure Services to continue to present performance reports to the Committee on a six-monthly basis, evidencing progress and performance with delivery of the Council Plan 2017-2022.
- (3) to seek assurances that the Director, in discussion with the Chair, Vice-Chair and Opposition Spokesperson, would consider whether a briefing note or report should be presented to the Infrastructure Services Committee at a future meeting which would identify a strategic approach to maximising occupancy for vacant industrial commercial units; and
- (4) to acknowledge that further discussion would be undertaken at the informal workshop which had been arranged in September to look at how performance monitoring was reported to Committee, with greater emphasis on the Committee's scrutiny role.

TRANSPORTATION

7. BUS ALLIANCE – STATE OF THE BUS NETWORK

With reference to the Infrastructure Services Committee meeting of 10 May 2019 (Item 6), where it was agreed that Aberdeenshire Council would participate in the Bus Alliance, there was circulated a report dated 6 August 2019, by the Director of Infrastructure Services, which updated the Committee on the Bus Alliance Board's review of the State of the Bus Network which related to the provision of bus services in Aberdeen City and Aberdeenshire and which provided a baseline from which progress could be monitored on an annual basis to assist in identifying key areas for action going forward.

The report explained that the key problems and issues identified by the Bus Alliance were:-

- Network coverage;
- Access to key employment destinations;
- Unreliability of bus journey times;
- Comparable journey times of bus and car;
- Comparable cost of bus and car;
- Park and ride facilities which are underutilised; and
- The quality of the fleet.

During discussion, the Committee welcomed the report and acknowledged the challenges faced by the bus networks who were working together on a collaborative basis to address the key issues including reliability, timekeeping and quality and design of buses to encourage bus travel.

Thereafter, the Committee **agreed**:

- (1) to note the outcome of the North East Bus Alliance's assessment of the State of the Bus Network; and
- (2) to note the continuing work and next steps identified by the Bus Alliance.

8. UPDATE ON NORTHERN ROADS COLLABORATION JOINT COMMITTEE

With reference to the Minute of the Meeting of Aberdeenshire Council of 30 June 2019 (Item 9) where the Council had approved a report on the formation of a Joint Committee for Roads Collaboration, there had been submitted a report dated 5 August 2019 by the Director of Infrastructure Services, which presented the Northern Roads Collaboration Joint Committee Annual Report for 2018/19 as Appendix 1 to the report and which asked the Committee to note the role of Aberdeenshire Council as the Lead Authority.

The Head of Service, Transportation, introduced the report, and advised the Committee that the first meeting of the Northern Roads Collaboration Joint Committee had taken place on 18 May 2018 and the Committee had now met on four separate occasions to take forward a range of activities jointly, with a range of joint working, procurement opportunities being considered.

During discussion, the Committee queried, the governance arrangements for the Joint Committee and queried access to agenda papers and named substitutes.

The Committee were advised that Aberdeenshire Council, as lead authority, publish the agenda papers on the Council's Committee Management system, the same as other Committees and members would have access to those on the Council portal.

The Committee were also advised that the Minute of Agreement for the Northern Roads Collaboration Joint Committee allows each Council to nominate a named substitute, 30 days in advance of a meeting.

Thereafter, the Committee **agreed**:

- (1) to consider the Annual report from the Northern Roads Collaboration Joint Committee as attached at Appendix 1; and
- (2) Note the continued role of Aberdeenshire Council as the Lead Authority for the Northern Roads Collaboration Joint Committee.

9. ABERDEEN CITY REGION DEAL STRATEGIC TRANSPORT APPRAISAL: OUTCOME OF OPTION GENERATION AND SIFTING

There had been circulated a report dated 6 August 2019, by the Director of Infrastructure Services which presented the Aberdeen City Region Deal, Strategic Transport Appraisal Outcome, of the option generation and sifting process.

The report advised that the outline business case had been approved for the execution of the Strategic Transport 'Appraisal by the City Region Joint Committee in November 2017 and the work had focused on updating the regional transport and land use model and using the revised model to complete a cumulative transport assessment of the Strategic Development Plan. The most recent phase had focused on generating a range of options which would have the potential to address the objectives that had been set, taking into account stakeholder views, previous and ongoing work, and best practice.

An options generation and sifting had been undertaken considering transport problems, opportunities and objectives as presented in Appendix 1 to the report and the Committee were advised the full report was available on the NESTRANS website.

During discussion, the Committee made comments on the report.

- The opening of the AWPR had seen traffic flows changing which had impacted he patterns for bus networks and timetables.
- AWPR movement had seen congestion moving to other areas, out of the city.
- Improvement in roads network and access to all regional ports, did not include the possibility of rail travel.
- Climate change would see a cap on carbon emissions at some point, which would have an impact on air transport and the expansion of routes.
- The influence of electric generated travel should be taken into account.
- The worst carbon emissions came from cruise ships.
- Item 33 on Page 174 – Technology. The use of the words 'green hydrogen' needs to be taken on board.

Thereafter, the Committee **agreed**:

- (1) to approve the outcomes of the option generation and sifting process presented in the Appendix to this report, and advise the Aberdeen City Region Deal Joint Committee of the approval, if given; and
- (2) to instruct Officers to continue to update this Committee via appropriate reports or briefings as the appraisal work progresses through the next appraisal stages.

10. SCOTTISH PARLIAMENT CALL FOR VIEWS – PRE-BUDGET/FINANCIAL SCRUTINY ON ROADS MAINTENANCE IN SCOTLAND

There was circulated a report, dated 7 August 2019 by the Director of Infrastructure Services which sought consideration of the Scottish Parliaments, Rural and Economy Committee's call for views on the Pre-Budget /Financial scrutiny on roads maintenance in Scotland, with a draft response presented as Appendix 1 to the report for consideration and submission by the deadline of 6 September 2019.

The report explained that the Scottish Parliament were keen to take on board the views of local authorities, in particular reference to work on managing and maintaining local road networks with the development of shared road maintenance functions among local authorities.

The Head of Service, Roads, Landscape Services and Waste introduced the report and advised the Committee that following an Audit Scotland report in 2011, Transport Scotland, working with other local authorities had undertaken a transport review which had set out 30 options for consideration and implementation which had a strong emphasis on

Aberdeenshire had played a key role in establishing the Northern Roads Collaboration Joint Committee which provided a governance structure to facilitate the collaborative working on roads function in the area.

Thereafter, the Committee **agreed** to approve the attached response to the Call for Views by the Rural Economy and Connectivity Committee of the Scottish Parliament for their Pre-Budget/Financial scrutiny on roads maintenance in Scotland.

ROADS, LANDSCAPE SERVICES AND WASTE MANAGEMENT

11. RECYCLING CENTRE POLICY AND PROCEDURES

With reference to the Minute of the Infrastructure Services Committee meeting of 24 January 2019 (Item 9) where the new Waste Strategy 2019-2023 was approved, there had been circulated a report, dated 7 August 2019, by the Director of Infrastructure Services which reported that to increase the reuse and recycling in Aberdeenshire, the strategy had included measures to divert business waste from recycling centres to the Council's waste transfer stations to make space for additional recycling skips and reuse at recycling centres.

The report highlight that an options appraisal had been carried out by the Waste Service which had considered options available to provide business customers at waste transfer stations and to significantly decrease the unlawful use of recycling centres by some businesses as presented in Appendix 1 to the report.

The proposed measures for Aberdeenshire involved providing an alternative service to businesses through waste transfer stations and Appendix 2 to the report presented the procedure and a graph showing the permit system as presented in Appendix 3 to the report.

During discussion, the Committee made comments on the options appraisal:-

- (i) With reference to section 2.13, Business Needs, officers were asked to consider the impact on small/medium sized businesses, and give a clear commitment to keep that under close review and to work closely with those businesses, providing advice and guidance.
- (ii) Concerns relating to the size of trailers and logos on works vans was highlighted and officers were asked to closely monitor that as part of the ongoing review.
- (iii) There should be a pragmatic approach with regards to the difficulties faced by third sector community groups and voluntary organisations for kerbside collection and officers should provide advice and guidance to assist those groups.
- (iv) Officers were asked to pull together information on fly tipping and the disposal of other materials such as tyres.

Thereafter, the Committee **agreed**:

- (1) to note the feedback received through consultation with area committees on the draft Recycling Centre Policy and Procedures;

- (2) to note the changes made to the draft Recycling Centre Policy and Procedures following consultation;
- (3) to approve the revised Recycling Centre Policy; and
- (4) to approve the prices per tonne to be charged for different types of business waste at waste transfer stations as per Paragraph 2.21.

Councillor Latham left the room at this point in the proceedings, having declared an interest in Agenda Item 12.

12. KINTORE PRIMARY SCHOOL – PERMANENT 20MPH

With reference to the Minute of the Garioch Area Committee Meeting of 4 June 2019, where a member promoted issue had been submitted which requested a review of the 30 mph speed limit on School Road, Kintore with a view to making the part-time limit near the school permanent, there had been submitted a report, dated 21 May 2019 by the Director of Infrastructure Services, which asked the Committee to determine whether the proposed departure from Council Policy was acceptable, in that the temporary 20 mph speed limit at Kintore School be made a permanent 20 mph speed limit for the same distance, on the grounds that the provision of a permanent 20 mph speed limit would enable officers to put in place further traffic calming to improve road safety in that area.

The Head of Service Roads, Landscape Services and Waste introduced the report, and advised the Committee that The Garioch Area Committee had recommended a departure from policy, on the grounds that the provision of a temporary 20 mph speed limit, would enable officers to put in place further traffic calming to improve road safety in the area, however, when considering the policy framework, the service were of the opinion that the current speed limit was appropriately set at 30 mph, with a part time 20 mph in place during set periods during school term time, core hours, in line with policy.

During discussion, the Committee acknowledged the concerns raised by members of the Garioch Area Committee, namely:-

- The proposed permanent 20mph restriction has been supported by the Community Council and the community.
- Kintore School was one of the largest primary schools in Aberdeenshire, next to one of the busiest through roads in their town and they had large numbers of children crossing the pedestrian crossing to the school.
- Section 2.2.9 to the report did not identify any accidents on the current part-time 20 mph zone during the last five years, however, accident figures are not recorded if they don't involve personal injuries.
- There was a speeding problem in the area when the part time 20 mph restriction was in place and speeding reduces when the restriction was not in place and as such members were minded that a permanent 20 mph speed limit on that small 300 metre strip along with further traffic calming measures would ensure that those using the road would understand a permanent restriction.
- No additional traffic calming measures can be put in place, unless the temporary part time 20 mph speed limit was made permanent as the 30 mph restricts the design limits for additional traffic calming measures such as raised pedestrian crossings and speed cushions.
- During the last two years, there has been a lot of engagement with the Police, Community Police Officers, the school, parents and the wider community had failed to resolve the speeding problem and alternative solutions must be found as the problem is still there.

Further discussion ensued with regards to consideration of greater enforcement, whether a permanent restriction outwith school opening hours on a large open road could result in speeding and whether approving the permanent 20 mph restriction outside the school could set a precedent.

The Committee were advised that drivers may have a lack of understanding of the character of the street when there were different speed limits in place at different times and they were advised that the policy for 20 mph in zones (not limits) was an old policy which was currently being reviewed as the public would have a better understanding of speed restrictions over a larger area and an understanding of why those have been applied.

Following consideration of all of the discussion, the Head of Service, Roads, Landscape and Waste noted that there may be another option which the Committee may wish to consider. Instead of setting aside the policy on the 20 mph speed limits, the Committee could decide to set aside the 34 mph intervention level for the 30 mph limit and then instruct Officer's to install traffic calming on the road because of special circumstances, which would drop the speeds to below 20 mph but would not change the prevailing speed limit from 30 mph with the part time limit of 20 mph still being in place during specific times. If the Committee were minded to approve that option, a whole suite of measures could be utilised.

Thereafter, the Committee **agreed** to depart from Council Policy, due to exceptional circumstances, to allow traffic calming measures to be considered, and to instruct the Head of Roads, Landscape and Waste Services to report back to the Garioch Area Committee with options.

Councillor Latham re-joined the meeting at this point in the proceedings.

13. FLOOD PROTECTION STUDIES – PROGRESS UPDATE

With reference to the Minute of the Infrastructure Services Committee meeting of 12 May 2016 (Item 11) where the Committee approved the Aberdeenshire Council Flood Risk Management Plan 2016-2022 for the North East Region, there had been circulated a report dated 5 August 2019 by the Director of Infrastructure Services, which sought consideration of a the review on the progress of the five ongoing highest ranking flood protection studies in the national prioritisation at Ellon, Inverurie and Port Elphinstone, Inch, Stonehaven Bay Coastal and Ballater, subject to approval by the Infrastructure Services Committee on 28 November 2019 with the preferred options being put forward for national prioritisation in early 2020.

The Head of Service, Roads, Landscape Services and Waste introduced the report and advised the Committee that a lot of work had gone into the studies. When examining the options it was crucial that the appraisal process defined the objectives, examined the options and weighed up the potential costs, benefits, risks and uncertainties and then once the preferred options had been identified, public engagement exercises would undertaken to allow valuable feedback from communities on the proposals with their feedback being used to refine the preferred options.

Thereafter, the Committee **agreed**:

- (1) to note the progress of the ongoing flood protection studies at Ellon, Inverurie & Port Elphinstone, Inch, Stonehaven Bay Coastal and Ballater; and
- (2) to instruct Officers to report back to Infrastructure Services Committee on 28 November 2019 with the preferred options for submission for national prioritisation in early 2020.

ECONOMIC DEVELOPMENT AND PROTECTIVE SERVICES

14. CLIMATE CHANGE EMERGENCY

With reference to the Minute of the Infrastructure Services Committee meeting of 16 May, 2019 (Announcements), where the Chair had advised the Committee that the Scottish Government had declared a climate change emergency, and that some Local Authorities had taken recourse, he had requested that the Director prepare a report, following consultation with the Chair of the Sustainability Committee, which would present the implications for the Council, there had been submitted a report, dated 6 August 2019 by the Director of Infrastructure Services which provided information on the declared climate change emergency by the Scottish Government and which updated the Committee on the current action Aberdeenshire Council had been taking to support the Climate Change (Scotland) Act 2009 and the proposed amendments to the Climate Change Bill.

The Head of Service, Economic Development and Protective Services spoke to the report and advised the Committee that the report outlined that Aberdeenshire Council were in a very strong position, having a robust system in place for a climate change and environmental policy, a carbon budget and having set an ambitious but achievable targets, which would then have to take on board the proposed amendments to the Climate Change Bill. Officers had looked at what other partners had done, particularly the Sustainable Scotland Network (SSN) to ensure Aberdeenshire would stay informed as actions from the declared climate change emergency progressed.

During discussion, the Committee acknowledged that there was a slight error in Section 4.2 to the report and COSLA's Environment and Economy Board (not Committee) had approved the paper with climate change recommendations and COSLA had reasserted the fullest commitment to combating climate change, and highlighting the seriousness of the issue and the need for urgent and sustained action.

Some discussion then ensued with regards Section 5.1 to the report, and Aberdeenshire's commitment to demonstrate leadership through the Carbon Budget process which was providing mechanisms to reach a reduction in emissions with a current target of 44% by 2025. It was acknowledged that reduction was accepted as commendable, however, some members of the Committee were minded that consideration should be given to Aberdeenshire Council declaring a climate change emergency and reviewing the current targets set to make them much tougher.

Following discussion, Councillor Johnston, seconded by Councillor Evison, moved that the wording for Recommendation 1.2 and 1.3 to the report should be amended to read as follows:-

- 1.2 Agree to support, the decision reached at COSLA and the Sustainable Scotland Network, to approach the Scottish Government, to seek resources and jointly lead a national approach to the declared Climate Change Emergency for Scotland; and
- 1.3 To recognise the Council's commitment to the Environmental and Climate Change Policy and to recommend to Full Council, that Aberdeenshire Council declares a Climate Change Emergency, and to instruct Officers to report to all policy Committees, to review and renew the Council's targets

As an amendment, Councillor Pike, seconded by Councillor Argyle, moved to support the Officers' recommendations as contained within the report:-

- 1.1 That they had considered the content of this report;

- 1.2 to agree to support COSLA and the Sustainable Scotland Network in their approach to the Scottish Government to seek direction and resources to support a national approach to the declared Climate Change Emergency for Scotland; and
- 1.3 to reaffirm the Council's commitment to the Environmental and Climate Change Policy, the Council's target of 44% reduction by 2025 and the Carbon Budget process to achieve this.

Members of the Committee then voted:-

for the motion	(5)	Councillors Aitchison, Evison, Ingram, Johnston and Reid.
for the amendment	(9)	Councillors Argyle, Cox, Agnew, Carr, Ewenson, Gifford, Latham, Pike and Taylor.

Thereafter, the amendment was carried and the Committee **agreed**, by a majority:

- (1) acknowledged the content of this report;
- (2) to support COSLA and the Sustainable Scotland Network in their approach to the Scottish Government to seek direction and resources to support a national approach to the declared Climate Change Emergency for Scotland; and
- (3) to reaffirm the Council's commitment to the Environmental and Climate Change Policy, the Council's target of 44% reduction by 2025 and the Carbon Budget process to achieve this.

With reference to Section 5.5 of the Council's Standing Orders, the matter was referred to Full Council for final determination, following a show of hands, by one third of the members' present and voting.

15. RESPONSE TO SCOTTISH GOVERNMENT CONSULTATION ON PROPOSALS TO DESIGNATE NEW MARINE PROTECTED AREAS IN SCOTTISH WATERS

There had been circulated a report, dated 30 July 2019, by the Director of Infrastructure Services, which advised the Committee, that the Scottish Government had undertaken a consultation on the creation of four new Marine Protected Areas (MPA's) to add to the existing Scottish network as part of the UK's international obligations to the marine environment.

Aberdeenshire Council's draft response to the consultation was presented as Appendix 1 to the report and Appendix 2 provided a map of the four proposed Marine Protected Areas.

The Industry Support Executive introduced the report and advised the Committee that the report had been presented to the Banff and Buchan Area Committee on 20 August and the draft response had been discussed at some length, with their comments being taken on board, and a revised version of Appendix 1 being circulated to those members' to ensure that they were comfortable that their comments had been satisfactorily captured, with some additional assurances that:-

- Economic activity and conservation would be properly balanced;
- Inshore fleets would have their views taken on board;
- Questions on whether a management plan would be arrived at for future fisheries within the MPA;

- Any assumptions are made about displacement of fisheries activity would be properly tested;
- The costs and benefits in financial terms were hard to measure, and they suggest that a baseline assessment should be undertaken so that any change as a result of change to the designation could be properly measured;
- They queried whether the MPA needed to be as big as described.

Councillor Cox advised the Committee that the general comments raised at the Banff and Buchan Area Committee were that fishery management plans do require protected areas, however, there were concerns surrounding the potential displacement of vessels and the consequences that displacement may have on economic activity and the impact on the environment:-

- Indication of a fisheries management plan before the MPA is introduced;
- Consideration of the consequences of potential displacement and the impact that may have on economic activity and any mitigation measures which could be put in place to support fishing communities.

The Committee then agreed that the response should also emphasise Fraserburgh as an important harbour area for Shellfish and conservation and economic activity should achieve a fair balance.

Thereafter, the Committee **agreed**:

- (1) to note the draft response at Appendix 1, to the consultation on proposals to designate New Marine Protected Areas in Scottish waters; and
- (2) to delegate authority to the Head of Economic Development and Protective Services, following consultation with the Chair, Vice Chair and Opposition Spokesperson of the Infrastructure Services Committee, to submit the final response prior to the 30 August deadline; with the response including comments from both the Infrastructure Services Committee and the Banff & Buchan Area Committee.

Councillor Reid left the meeting at this point in the proceedings.

16. CAIRNGORMS NATIONAL PARK AUTHORITY, ECONOMIC ACTION PLAN – CONSULTATION RESPONSE

There was circulated a report, dated 25 July 2019, by the Director of Infrastructure Services, which advised the Committee that the Cairngorms National Park Authority (CNPA) had launched a formal consultation on their Economic Action Plan (2019-2022), which set out how the Park Authority and its partners and stakeholders would work together to deliver the economic strategy elements of the Park's Partnership Plan 2017-2022.

The report explained that the consultation consisted of three key questions about the Economic Action Plan, focusing on the strategic context; priority actions and delivery and monitoring arrangements and the Aberdeenshire Council's proposed response was presented as Appendix 1 to the report.

The Service Manager, Economic Development introduced the report and advised the Committee that Appendix 1 would be amended to take into account comments from the Marr Area Committee which would strengthen the consultation response, namely:-

- Support inclusion of reference to the important contribution of shooting and fishing to the National Park economy;

- Also include recognition of the role of the wider outdoor economy such as walking, skiing, mountaineering and cycling;
- Encourage working with communities in the areas surrounding the National Park as 'gateway' towns/villages; and
- Commend the positive working relationship between Aberdeenshire Council and the Cairngorms National Park Authority.

Having considered the content of the report and the comments from the Marr Area Committee, the Committee **agreed**:

- (1) to approve the draft response to the consultation on the Cairngorms National Park Authority Economic Action Plan (2019-2022), subject to the inclusion of the comments provided by the Marr Area Committee; and
- (2) to delegate authority to the Director of Infrastructure Services, following consultation with the Chair, Vice Chair and Opposition Spokesperson of the Infrastructure Services Committee, to submit the final response to the Park Authority by the 20 September deadline.

17. RESPONSE TO CALL FOR EVIDENCE – POST BREXIT, SCOTTISH GOVERNMENT EXTERNAL AFFAIRS POLICY

There had been circulated, a report dated 18 July 2019, by the Director of Infrastructure Services, which advised the Committee that the Scottish Parliament's Culture, Tourism, Europe and External Affairs Committee had called for evidence on the Scottish Government's post-Brexit external affairs policy, with the deadline for submission by 21 June 2019, which fell between the Aberdeenshire Committee cycles. As the response timescale did not allow a report to be presented to Committee, the Chief Officer, using his delegated power, submitted a response following consultation of the Chair, Vice-Chair and Opposition spokesperson as presented as Appendix 1 to the report.

Having considered the content of the report, the Committee **agreed** to acknowledge the submission to the Scottish Parliament's Culture, Tourism, Europe and External Affairs Committee on the Scottish Government's post-Brexit external affairs policy as presented as Appendix 1 to the report.

18. RESPONSE TO CONSULTATION – SCOTTISH LOCAL GOVERNMENT INTERNATIONAL ENGAGEMENT

There had been circulated, a report dated 24 July 2019, by the Director of Infrastructure Services, which advised the Committee that following agreement by COSLA (Convention of Scottish Local Authorities) in March 2019, COSLA had opened a scoping exercise on the international engagement of Scottish Local Government. As part of that exercise, a consultation had been launched with a deadline of 23 August 2019 and Appendix 1 to the report presented the proposed draft response to the five questions contained in Section 2.1 to the report.

Having considered the content of the report, the Committee **agreed** to endorse the proposed submission to the Convention of Scottish Local Authorities (COSLA) consultation on Scottish Local Government International Engagement as presented as Appendix 1 to the report.

BUSINESS SERVICES

19. CONFIDENT GOVERNANCE – NOMINATION TO OUTDOOR ACCESS TRUST FOR SCOTLAND

With reference to the Minute of the Meeting of Aberdeenshire Council of 27 June 2019 (Item 9) where Full Council had agreed that Aberdeenshire Council should be represented on the Outdoor Access Trust for Scotland (OATS) and delegated authority to the Infrastructure Services Committee to seek a nomination for that outside body, there was circulated a report, dated 28 June 2019, by the Director of Business Services which sought a nomination to the Outdoor Access Trust for Scotland.

The Chair, on behalf of the Committee, noted that to-date, no expressions of interest had been received to represent Aberdeenshire on that outside body and as such, he suggested that the decision should be left open for a period of two weeks and if an elected member did express an interest, the Chair, Vice-Chair and Opposition Spokesperson would approve that nomination and OATS would be notified accordingly.

Following advice from the Principal Solicitor (Governance), the Committee acknowledged that all requests for nominations to outside bodies was managed through the Confident Governance process, and as part of that process, if the Council had not been represented on that body, then that would form part of the background information within the next report and Full Council would be asked to consider whether they should still be represented on that body.

Having considered the content of the report and the advice given, the Committee **agreed**:-

- (1) To note that no expressions of interest had been received to-date to represent Aberdeenshire on OATS;
- (2) To leave the decision open for a period of two weeks and if any interest was received, the Chair, Vice-Chair and Opposition Spokesperson would approve that nomination and OATS would be notified accordingly; and
- (3) If no interest was received, OATS would be duly notified and Aberdeenshire Council would be asked to consider whether Aberdeenshire should continue to be represented on that outside body as part of the Confident Governance process.

TRANSPORTATION

20. SUPPLEMENTARY INFRASTRUCTURE SERVICES WORK PLAN – PROCUREMENT APPROVAL

With reference to the Minute of the Meeting of the Infrastructure Services Committee of 14 March 2019 (Item 16) when the Committee approved the Infrastructure Services Annual Key Activity, Project and Procurement Plan for 2019/2020, there was circulated a report dated 7 August 2019 by the Director of Infrastructure Services, which sought approval of two additional items, as detailed in the Supplementary Work plan, presented in Appendix 1 to the report, to the Annual Key Activity, Project and Procurement Plan for 2019/20.

With reference to the Minute of the Meeting of the Infrastructure Services Committee of 10 May 2018 (Item 10) where the Committee approved the extension of funding through the European Regional Development Fund (EDRF) for the delivery of Business Gateway services across Aberdeenshire, the Committee were asked to approve the contract variation as reported at section 2.5 to the report, as an item on the work plan to accord with financial regulations, at no additional cost to the Council.

Having considered the content of the report, the Committee **agreed**:

- (1) to approve the items on the Supplementary Work Plan and note that those items would be added to the Infrastructure Services Annual Key Activity, Project and Procurement Directorate Work Plan that was approved by the Committee on 14 March 2019; and
- (2) not to reserve approval of the Business Case for the items on the Supplementary Work Plan, where the value of the matter is between £50,000 and £1,000,000; and
- (3) to approve the award of the varied Business Gateway Contract.

ROADS, LANDSCAPE SERVICES AND WASTE MANAGEMENT

21. STONEHAVEN FLOOD PROTECTION SCHEME – PROGRESS & FINANCIAL REPORT

There had been circulated a report, dated 5 August 2019, by the Director of Infrastructure Services, which updated the Committee on the progress of the Stonehaven Flood Protection Scheme, providing an overview of the financial monitoring of the project and the impacts on the Council's Capital Plan.

The report provided the progress to-date for each of the distinct zones identified within the Stonehaven Flood Protection Scheme as presented in Appendix 1 to the report and noted the ongoing community engagement which was been undertaken and the development of the Risk Register which had been developed over the last 12 months with the analysis of all risks which had been quantitatively assessed for probability of occurrence and cost impact, as presented in Appendix 2 to the report.

Having considered the content of the report, the Committee **agreed** to note the progress to date, the Project Risk Register and the potential impact to the Capital Expenditure Plan.

ECONOMIC DEVELOPMENT AND PROTECTIVE SERVICES

22. EUROPEAN SOCIAL FUND ESF PROGRAMME SUSPENSION

There had been circulated a report, dated 31 July 2019, by the Director of Infrastructure Services which provided the background to the Scottish Government's decision to suspend the Scottish ESF Programme, which had resulted in all claims from the Scottish Government to the EU for European Social Funds being frozen.

The report explained that the Scottish Government was working to resolve the identified issues, however, that could take several months and Aberdeenshire had been in regular correspondence, directly, and through COSLA and the Scottish Local Authorities Economic Development (SLAED) group to obtain clarity on the implications of the suspension to resolve any outstanding issues.

Having considered the content of the report, the Committee **agreed** to approve the proposed Council position as set out in 3.2 and 3.3 of the report, on European Social Fund payments to project sponsors.

ITEMS FOR NOTING

- (a) Minute of the Rural Affairs Working Group Meeting of 14 November, 2018 (Appendix A).

- (b) Minute of the Northern Roads Collaboration Joint Committee Meeting of 23 November, 2019 (Appendix B).
- (c) Minute of the Aberdeen City Region Deal Joint Committee Meeting of 8 February, 2019 (Appendix C).
- (d) Minute of the North East Scotland Fisheries Development Partnership Meeting of 15 February, 2019 (Appendix D).
- (e) Minute of the Northern Roads Collaboration Joint Committee Meeting of 1 March, 2019 (Appendix E).
- (f) Minute of the Strategic Development Planning Authority Meeting of 20 March, 2019 (Appendix F).

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