

## **ABERDEENSHIRE COUNCIL**

### **INFRASTRUCTURE SERVICES COMMITTEE**

**WOODHILL HOUSE, ABERDEEN, 3 OCTOBER, 2019**

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

**Apologies:** Councillors D Aitchison and I Taylor.

**Officers:** Director of Infrastructure Services, Head of Service (Transportation), Head of Service (Economic Development and Protective Services), Team Manager (Planning and Environment, Chris Ormiston), Team Leader (Planning and Environment, Piers Blaxter), Senior Policy Planner (Ailsa Anderson), Internal Waste Reduction Officer (Economic Development), Corporate Finance Manager (S Donald), Principal Solicitor, Legal and Governance (R O'Hare), Principal Committee Services Officer and Committee Officer (F Brown).

#### **OPENING REMARKS BY THE CHAIR**

The Chair opened the meeting by saying a few words about the weather and recent flooding across the north of Aberdeenshire, which had seen seven bridges closed, with some being destroyed and others extensively damaged. There was also damage to properties, with gardens and driveways being washed away and the Scottish Fire and Rescue being called out to assist with the pumping of water out from homes. Banff, Macduff, Whitehills, St Combs and Crovie were particularly badly hit, along with the King Edward area. The Chair commended the resilience of the local community, with neighbours looking out for one another and businesses starting the clean-up with repairs underway.

The closure of seven bridges around King Edward had been particularly challenging and demonstrated the vulnerability of ageing infrastructure which was simply no longer fit for conditions, whether that was the volume and weight of traffic or extreme weather conditions.

Aberdeenshire Council were working alongside farmers and local businesses to ensure short term work arounds were being put in place to reduce the disruption to businesses, in recognition of their role as local employers which were the lifeblood of the community.

Longer term, requirements were being assessed to ensure that new bridges would cope with modern day demands, and to be fit to last for the next 100 years.

The Chair, on behalf of the Committee, thanked all of the teams who had been working tirelessly since the weekend to keep people safe, restore access to homes, and to begin the process of rebuilding bridges and repairing roads and their efforts were hugely appreciated.

#### **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 10 - Councillors Argyle, Cox, Mollison and Pike as substantive and substitute members of NESTRANS for which a specific exclusion applied and they remained in the meeting;

- (ii) Item 13 – 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 14 – Councillor Argyle, by virtue of his role as Vice-President of the North Sea Commission and he indicated that he would leave the meeting and take no part in that item.
- (iv) Item 17 – Councillor Smith, by virtue of some engagement with the parties involved, and having applied the objective test, concluded that the interest to be remote and insignificant and would remain and participate.

## **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 item 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.

<b>Item No</b>	<b>Paragraph No of Schedule 7A</b>
17	4

## **3. MINUTE OF MEETING OF INFRAStructure SERVICES COMMITTEE OF 22 AUGUST 2019**

The Committee had before them, and **approved** as a correct record, the Minute of Meeting of 22 August 2019 which was thereafter signed by the Chair.

## **PRESENTATION**

### **4. SCOTTISH AND SOUTHERN ELECTRICITY NETWORKS (SSEN) AND ABERDEENSHIRE COUNCIL**

The Chair welcomed Russell Stewart, Regional Development Project Manager and Lesley Dow, Communities Manager from Scottish and Southern Electricity Networks (SSEN), who addressed the Committee and provided an overview of the SHE Transmission Projects within Aberdeenshire, which included live projects at the New Deer and Rothienorman substations

and upcoming projects at the Peterhead substation, the re-insulation and reconductoring of the existing OHL between Peterhead, Kintore and Blackhillock via Rothienorman and the upgrade of the Kintore, Rothienorman and New Deer substations.

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

## **PLANNING AND ENVIRONMENT**

### **5. FULL PLANNING PERMISSION FOR ERECTION OF 20 FLATS AND 17 DWELLINGHOUSES WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT LAND ADJACENT TO TESCO STORES LTD, DEVERON WAY, HUNTLY, ABERDEENSHIRE, AB54 8TS – REFERENCE: APP/2019/0953.**

The Chair advised the Committee that a request to speak had been submitted, and the Committee **agreed** to hear from the applicant's agent Mr Daniel Harrington from NORR and Mr Mark Toland from Knight Property Group.

With reference to the Minute of the Marr Area Committee Meeting of 20 August 2019, (Item 13A), where APP/2019/0953 had been determined, with the Area Committee having agreed to support the Officer's recommendation, that authority to GRANT be delegated to the Head of Planning and Environment Service, subject to conditions, and to refer the application to the Infrastructure Services Committee for further determination, as the approval would be a significant departure from the Local Development Plan and the Area Committee had decided to approve the application there had been circulated a report, dated 2 September 2019, by the Director of Infrastructure Services, which sought consideration of an application for Full Planning Permission for the Erection of 20 Flats and 17 Dwellinghouses with Associated Infrastructure and Landscaping at Land Adjacent to Tesco Stores, Deveron Way, Huntly, AB54 8TS – Reference: APP/2019/0953.

The Team Manager (Planning and Environment) introduced the report and advised the Committee that the Marr Area Committee had endorsed the Planning Service recommendation to grant Full Planning Permission, as a significant departure from the Local Development Plan, as the planning service were minded that the proposed development would be high quality design, residential 100% affordable housing which would meet housing demands in Huntly and the key issue for consideration was introducing housing onto a site which had been allocated for business use. While the proposal would be a significant departure from Policy B1 Employment and Business Land, the applicant had demonstrated suitable justification to allow consideration for alternative use of the land and it was noted that Policy P1 would make provision for alternative uses on business use sites, where it could be demonstrated that the site was constrained and it would be unlikely that the site would ever come forward for business use having been marketed since 2013 with no interest from developers.

In response to questions raised, the Team Manager (Planning and Environment) confirmed:-

- (1) Environmental Health had been asked to conduct a technical noise impact assessment for the petrol filling station, road noise from the A96 and traffic from the A920.
- (2) Transport Scotland had been consulted and had raised no concerns for the proposal, however, if there were any issues relating to the dualling of the A96 in the future, would have to take this route into account as the site was part of the settlement as an allocated site the planning service would have to take that into account.
- (3) There was 11.5 hectares of suitable employment land allocated within the settlement for business use. The application site was 0.74 hectares, therefore, if that land

allocation was used for residential housing, there was still adequate employment land available for business use within the settlement.

- (4) The Planning Service, in planning term look at land use and any issues relating to safety (a petrol station being near housing) would be considered by the Health and Safety Executive and that would have been assessed under a previous application.

The Committee then heard from Mr Daniel Harrington, the applicant's agent who advised that the application was land which was left over, following the development of a Tesco retail store and while allocated for business use, and there was a proposal to rezone the site for residential use at the same time the application had been submitted. The site had been on the market since 2013 and there had been no interest in the development for employment use. As a prominent location and a gateway into Huntly, the site would require a sensitive development and the applicant believed that residential use would provide an appropriate use of the land and provides much needed affordable housing. There had been limited residential development in the settlement, with those having been identified as having technical constraints which had meant they had not come forward over the last seven years. There was a need for affordable housing in Huntly and the proposed development had been tailored, through discussions with the Housing Service and Planning Service to meet the demand on the current housing waiting lists and the Planning Policy requirements.

When asked, Mr Harrington indicated that he felt he had been given a fair hearing.

Following discussion, Councillor Latham, seconded by Councillor Withey, moved that the Committee should agree the Officer's recommendation, as contained within Section 6.1 to the report, that authority to Grants should be delegated to the Head of Planning and Environment, subject to:-

- final resolution of delegated matters in relation to noise mitigation and air quality assessment to the satisfaction of Environmental Health, and any subsequent additional conditions they require;
  - the signing of a Section 75 Legal Agreement to secure developer obligations and the provision of affordable housing; and
  - the following conditions;
01. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 59 metres in both directions along the channel line of the public road has been provided from a point 2.4m metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved access road in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays should be permanently retained, thereafter and no visual obstruction of any kind should be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

02. No residential unit hereby approved shall be occupied unless its driveway, turning and/or parking area has been provided and surfaced in accordance with the details shown on the approved plans. Once provided, all parking and turning areas shall thereafter be permanently retained as such. For the avoidance of doubt, inclusive of visitor parking, 65 off-street car parking spaces are required to serve the full development.

Reason: To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

03. No building hereby approved shall be brought into use unless a Travel Plan has been submitted to and approved in writing by the Planning Authority. The Travel Plan shall encourage more sustainable means of travel and shall include mode share targets. It shall identify measures to be implemented, the system of management monitoring review, reporting, and duration of the incorporated measures designed to encourage modes other than the private car. No building shall be brought into use unless the measures set out in its approved Travel Plan have been implemented in full.

Reason: In the interests of encouraging a more sustainable means of travel to and from the proposed development.

04. No works in connection with the development hereby approved shall commence unless details of permanent accessible nesting spaces for swifts have been submitted to and approved in writing by the Planning Authority. The development shall not be occupied unless the swift nesting spaces has been provided in accordance with the approved details. Once provided, the nesting spaces shall thereafter be permanently retained.

Reason: To secure the long-term protection and enhancement of the species.

05. All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme, detailed on drawing 536.01.01 by DWA Landscape Architects Ltd dated April 2019. 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. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management 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.

06. No individual dwellinghouse or building hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse or building has been submitted to and approved in writing by the Planning Authority. The Energy Statement shall include the following items:
- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
  - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2017.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy C1 of the Aberdeenshire Local Development Plan 2017.

As an amendment, Councillor Johnston, seconded by Councillor Ingram, moved that the Committee should not depart from Policy B1: Employment and Business Land, as the proposed development could not be justified due to the location of the site being unsuitable for residential housing.

Members of the Committee then voted:-

for the motion	(11)	Councillors Argyle, Cox, Agnew, Carr, Gifford, Latham, Mollison, Pike, Reid, Topping and Withey.
for the amendment	(3)	Councillors Ingram, Johnston and Smith.

The motion was carried, and the Committee **agreed** to support the Officer's recommendation, as contained within Section 6.1 to the report, and that authority to GRANT be delegated to the Head of Planning and Environment, as detailed in the motion, subject to the reasons for departure being amended to reflect the discussion contained within Section 6.2 to the report, which had stated that the site had been marketed over a number of years for business use, with lack of interest.

## **6. FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AT LAND AT UPPER MAINS OF DISBLAIR, NEWMACHAR – REFERENCE: APP/2019/0962.**

The Chair advised the Committee that requests to speak had been submitted, and the Committee **agreed** to hear from the applicant's agent Mr Michael Lorimer from Rydens and from an objector, Professor Marjory Harper.

With reference to the Minute of the Garioch Area Committee Meeting of 27 August 2019, (Item 5D), where APP/2019/00962 had been considered, with the Area Committee having been divided on whether to accept the proposal as redevelopment of a brownfield site, and in accordance with Policy R2: Housing and Employment Development Elsewhere in the Countryside, the Area Committee, following a split vote, and the Chair not using his casting vote, had referred the application to the Infrastructure Services Committee for further determination, there had been circulated a report, dated 11 September 2019 by the Director of Infrastructure Services, which sought consideration of an application for Full Planning Permission, for the Erection of a Dwellinghouse at Land at Upper Mains of Disblair, Newmachar – Reference: APP/2019/0962.

The Team Manager (Planning and Environment) introduced the report and advised the Committee that the application was for a proposal for a single house to the west of New Machar and was a site within the Aberdeen Housing Market Area (AHMA). The site would be accessed by an existing shared track from a minor road and the site was surrounded by agricultural land. There was evidence of a former croft and steading on the site as evidenced by the archaeology team with a building being on the site dating back to 1890. The Planning Service were minded that the proposed house design was high quality and appropriate to the area. The key policy considerations would be whether the application site would be considered as brownfield land, taking into account the remains of a former building on site, for the replacement of an existing house or disused building in compliance with Policy R2: Housing and Employment development elsewhere in the countryside. The view of the Appointed Officer was that there were enough remains, to classify the application site as brownfield land.

In response to questions raised, the Team Manager (Planning and Environment) confirmed:-

- (1) There was no photographic evidence of how the former building would have looked in terms of height and scale as the Planning Service had used information provided by the Archaeology service in the form of a map and footprint to determine there was previously a building there.
- (2) The definition of a brownfield land would be land that had been previously developed or used for a purpose. Having viewed the remains of the former croft/steading, it was clear that the site was not naturalised as there was evidence of the footprint and the use of the land had not changed and it was in a fenced off area.

The Committee then heard from Mr Michael Lorimer, the applicant's agent, in support of the application, noting that the proposal was for the small scale redevelopment of brownfield land which had been supported by the Planning service as complying with Policy R2: Housing and Employment Development Elsewhere in the Countryside during the pre-application enquiry. Policy R2 allowed for the replacement of a disused building and he sought support from the Committee to support the application.

When asked, Mr Lorimer indicated that he felt he had been given a fair hearing.

The Committee then heard from Professor Marjory Harper, an objector to the application. Professor Harper noted that the fenced off area was not in her view brownfield land as she considered that the site was naturalised as there was no evidence of architectural features of a previous dwellinghouse. Professor Harper noted that there were scattered granite boulders on a rocky main, but that was misleading and did not constitute a rectangular building. The issue for her was the principle of development and the application of the policy for an area of land which she would consider was grade 3 agricultural land.

When asked, Professor Harper indicated that she felt he had been given a fair hearing.

Following discussion, Councillor Reid, seconded by Councillor Withey, moved that the Committee should agree the Officer's recommendation, as contained within Section 6.1 to the report, and that authority to Grant be delegated to the Head of Planning and Environment, subject to:-

- (a) receipt of developer obligations contributions; and
- (b) the following conditions;

01. No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All external and internal elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.

02. No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree survey drawing and accompanying Tree Survey Report carried out by Struan Dalgleish Arboriculture, dated March 2019. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres

of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

Reason: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

03. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a detailed check of the site for active birds' nests has been undertaken and written confirmation has been submitted to the Planning Authority that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on the site. The check shall be undertaken no later than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation and protection measures have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved protection measures.

Reason: In the interest of safeguarding the habitat of local bird species.

04. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority.

Details of the scheme shall include:

- a) Existing and proposed finished levels;
- b) The location of new trees, shrubs, hedges and grassed areas
- c) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- d) The location, design and materials of all hard landscaping works including walls, fences and gates;
- e) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. 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. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management 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.

05. The dwellinghouse hereby approved shall not be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the Planning Authority. The Energy Statement shall include the following items:

- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
- b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the

measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2017.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy C1 of the Aberdeenshire Local Development Plan 2017.

06. The vehicular accesses, driveways and parking areas hereby approved shall not be brought into use unless both have been provided and surfaced in accordance with the details shown on the approved plans. The first five metres of the access measured from the edge of the road shall be fully paved. Once provided, the access, driveway and parking areas for 3 vehicles shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access, driveway and parking area to an adequate standard; and to ensure the retention of adequate parking facilities, all in the interests of road safety.

07. The dwellinghouse hereby approved shall not be occupied unless the refuse bin uplift store area has been provided and surfaced in accordance with the details shown on the approved plan. Once provided, the refuse bin uplift store area shall thereafter be permanently retained as such.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

08. The dwellinghouse hereby approved shall not be occupied unless the proposed surface water drainage system and package sewerage treatment has been provided in accordance with the approved plans and the approved Drainage Assessment by MacLeod and Jordan, dated March 2019. The surface water drainage system shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

09. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the Planning Authority.

Reason: To ensure the long-term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order no means of enclosure, other than that shown on the approved site layout plan, 217-3 (GA)002 rev B shall be erected on the site under the terms of Class 3E of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority.

Reason: In the interests of the character and appearance of the development.

**For noting:-**

Part 2C (Planning Delegations) states at Section C.3.2b for Local Development, that following consultation with the Chair and Vice-Chair of the determining Committee, the Head of Planning and Environment Service can refuse planning applications for which Section 75 Agreements are not completed or Developer Obligations are not paid within four months from the date of the Committee at which the application is determined. Local Ward Members shall be notified of any such refusal.

As an amendment, Councillor Johnston, seconded by Councillor Topping, moved to support the motion of the Garioch Area Committee, to Refuse Full Planning Permission on the grounds that:-

- a) The proposal would be contrary to Policy R2, as the site was considered as naturalised.
- b) The building was much larger and would result in the loss of agricultural land.
- c) The proposal would result in the loss of trees.
- d) The site would be prominent on the landscape.

Members of the Committee then voted:-

for the motion	(11)	Councillors Argyle, Cox, Agnew, Carr, Gifford, Ingram, Latham, Mollison, Pike, Reid and Withey.
for the amendment	(3)	Councillors Johnston, Smith and Topping.

The motion was carried, and the Committee **agreed** to support the Officer's recommendation, as contained within Section 6.1 to the report, and that authority to GRANT be delegated to the Head of Planning and Environment as detailed in the motion.

**7. ABERDEENSHIRE PROPOSED LOCAL DEVELOPMENT PLAN 2021 -  
CONSIDERATION OF MAIN ISSUES REPORT SUBMISSIONS**

The Chair advised the Committee that a request to speak had been submitted by Councillor Wallace, in compliance with Section 3.2.a. of the Council's Standing Orders, and the Chair granted that request.

The Chair advised the Committee that requests to speak had been submitted, and the Committee **agreed** to hear requests to speak from Mr Richards in respect of bid site MR038 at Banchory and Mrs L Tierney in respect of bid sites FR063 and FR064 at Ellon.

With reference to the Minutes of the Meetings of the Kincardine and Mearns Area Committee meeting of 20 and 21 August 2019; the Banff and Buchan Area Committee meetings of 27 August 2019; the Garioch Area Committee meeting of 3 September 2019; the Buchan Area Committee meeting of 3 September 2019 and the Formartine Area Committee meeting of 10 September 2019 where each Area Committee had considered "Issues and Actions" evaluations of consultation responses to the Main Issues Report (MIR), there had been circulated a report dated 18 August 2019 by the Director of Infrastructure Services, which provided a summary extract of the issues which had been identified as requiring further consideration, to allow the Committee to resolved any outstanding inconsistencies arising from the issues raised at Area Committees, as presented in Appendix 1 to the report for inclusion in the Proposed Local Development Plan.

The Chair made reference to the Addendum contained in Page 151 and 152 to the report, which related to issues regarding information provided to the Kincardine and Mearns Area

Committee at its meeting on 21 August 2019, relating to whether bid KN063 (Land at Mains of Luther Farm, Luthermuir) included studio space, and their decision to suspend standing orders at their subsequent meeting of 24 September 2019 to reconsider that bid.

Reference was then made to a further issue which had been raised after the agenda papers had been issued described as an Errata, Issue 71 at Ellon which was tabled at the meeting. The Committee were afforded sufficient time, to consider the content of the tabled document during an adjournment of the meeting.

The Chair then suggested that the Committee considered each of the issues 1-18, requiring further consideration and to pick up the Addendum and Errata:-

<p><b>Issue 1</b></p>	<p>(Issue 8, Shaping Homes and Housing, Recommendation 1).</p> <p>The Committee heard from Councillor Wallace who reported that Kincardine and Mearns gave considerable the issues and a number of individual decisions was inappropriate, however, he was minded that if you add them all together that the Area Committee had decided to remove several hundred homes from the Local Development Plan, against Officer recommendations which he was minded would be a burden on future generations and their ability to get onto the property ladder or rented accommodation and it would put a burden on smaller developers. Cllr Wallace sought consideration of the Committee to put those development bids back into the Local Development Plan.</p> <p>The Committee <b>agreed</b> the Officer's recommendation, that an indicative density of the use of 25 homes per hectare, would represent a good approximation for the density of development.</p>						
<p><b>Issue 2</b></p>	<p>(Issue 136 Kirkton of Maryculter, bids KN008 to KN012).</p> <p>Councillor Pike, seconded by Councillor Carr, moved that the Committee should support the Area Committee decision to support development on six bid sites (KN008, KN009, KN010, KN011, KN012 and KN013) as there was a need for further development.</p> <p>As an amendment, Councillor Johnston, seconded by Councillor Argyle, moved to support the Officer's recommendation not to support development on the six bid sites.</p> <p>Members of the Committee then voted:-</p> <table data-bbox="391 1556 1380 1736"> <tr> <td>for the motion</td> <td>(7)</td> <td>Councillors Cox, Carr, Ingram, Latham, Mollison, Pike and Withey.</td> </tr> <tr> <td>for the amendment</td> <td>(7)</td> <td>Councillors Argyle, Agnew, Gifford, Johnston, Reid, Smith and Topping.</td> </tr> </table> <p>As there was an equality of votes, the Chair used his casting vote, and voted for the amendment.</p> <p>The Committee <b>agreed</b> the Officer's recommendation not to support development on the six bid sites in the Proposed Local Development Plan.</p>	for the motion	(7)	Councillors Cox, Carr, Ingram, Latham, Mollison, Pike and Withey.	for the amendment	(7)	Councillors Argyle, Agnew, Gifford, Johnston, Reid, Smith and Topping.
for the motion	(7)	Councillors Cox, Carr, Ingram, Latham, Mollison, Pike and Withey.					
for the amendment	(7)	Councillors Argyle, Agnew, Gifford, Johnston, Reid, Smith and Topping.					

<p><b>Issue 3</b></p>	<p>(Issue 145 Portlethen, bid KN027 and Issue 140, bid KN029).</p> <p>Councillor Mollison, seconded by Councillor Agnew, moved that the Committee should support the Kincardine and Mearns Area Committee decision to remove bid site KN027 from the Proposed Local Development Plan.</p> <p>As an amendment, Councillor Argyle, seconded by Councillor Reid, moved that site KN027 be retained as a reserve site for consideration by Full Council, if more sites were required.</p> <p>Members of the Committee then voted:-</p> <table data-bbox="384 629 1394 869"> <tr> <td>for the motion</td> <td>(8)</td> <td>Councillors Agnew, Carr, Cox, Ingram, Mollison, Pike, Topping and Withey.</td> </tr> <tr> <td>for the amendment</td> <td>(6)</td> <td>Councillors Argyle, Gifford, Johnston, Latham, Reid and S Smith.</td> </tr> </table> <p>The motion was carried, and the Committee <b>agreed</b> to support the Area Committee's recommendation to remove bid site KN027.</p>	for the motion	(8)	Councillors Agnew, Carr, Cox, Ingram, Mollison, Pike, Topping and Withey.	for the amendment	(6)	Councillors Argyle, Gifford, Johnston, Latham, Reid and S Smith.			
for the motion	(8)	Councillors Agnew, Carr, Cox, Ingram, Mollison, Pike, Topping and Withey.								
for the amendment	(6)	Councillors Argyle, Gifford, Johnston, Latham, Reid and S Smith.								
	<p>Thereafter, Councillor Mollison, seconded by Councillor Agnew, moved that the Committee support the recommendation from the Kincardine and Mearns Area Committee to remove site KN029 at Marywell from the Proposed Local Development Plan.</p> <p>As an amendment, Councillor Pike, seconded by Councillor Argyle, moved that the Committee support the Officer's recommendation to include bid site KN029 at Marywell in the Proposed Local Development Plan.</p> <p>Members of the Committee then voted:-</p> <table data-bbox="384 1335 1394 1608"> <tr> <td>for the motion</td> <td>(3)</td> <td>Councillors Agnew, Mollison and Topping.</td> </tr> <tr> <td>for the amendment</td> <td>(10)</td> <td>Councillors Argyle, Carr, Cox, Gifford, Ingram, Latham, Pike, Reid, S Smith and Withey</td> </tr> <tr> <td>declined to vote</td> <td>(1)</td> <td>Councillor Johnston</td> </tr> </table> <p>The amendment was carried, and the Committee <b>agreed</b> to support the Officer's recommendation to include bid site KN029 at Marywell in the Proposed Local Development Plan.</p>	for the motion	(3)	Councillors Agnew, Mollison and Topping.	for the amendment	(10)	Councillors Argyle, Carr, Cox, Gifford, Ingram, Latham, Pike, Reid, S Smith and Withey	declined to vote	(1)	Councillor Johnston
for the motion	(3)	Councillors Agnew, Mollison and Topping.								
for the amendment	(10)	Councillors Argyle, Carr, Cox, Gifford, Ingram, Latham, Pike, Reid, S Smith and Withey								
declined to vote	(1)	Councillor Johnston								
<p><b>Issue 4</b></p>	<p>(Issue 151 Woodland of Durriss, bid KN074).</p> <p>The Committee <b>agreed</b> to support the Officer's recommendation, to reintroduce bid site KN074 to the proposed Local Development Plan as an existing commitment (OP1).</p>									
<p><b>Issue 5</b></p>	<p>(Issue 7, Recommendation 4).</p> <p>The Committee <b>agreed</b> to support the Officer's recommendation, that the Planning and Environment Service would review the coastal zone for the Local</p>									

	Development Plan beyond 2021 and in the meantime would retain the indicative line of road, through new housing developments and include coastal path aspirations within the plan.
<b>Issue 6</b>	<p>(Issue 4, Vision of the Local Development Plan, Main Issue 2).</p> <p>The Committee <b>agreed</b> to support the Officer's recommendation, that administrative areas should not be retained in the Proposed Local Development Plan as they had no specific planning function and would not add to the policy content of the plan.</p> <p>Having proposed an amendment which was not seconded seeking to retain clear narrative within the Plan on Areas, Councillor Johnston requested that his dissent be recorded, with regard to, the foregoing decision.</p>
<b>Issue 7</b>	<p>(Issue 6, Shaping Business Development, Policy B2 Town Centre Development and Issue 118, Westhill Draft Proposed Plan, Westhill).</p> <p>The Committee <b>agreed</b> to support the Officer's recommendation, that Westhill should not be included as a Principal Town Centre as Westhill was not comparable with existing principal town centres.</p>
<b>Issue 8</b>	<p>(Issue 7, Shaping Development in the Countryside, Policy R2 Housing and Employment Development Elsewhere in the Countryside, Other Issues, Retirement Succession).</p> <p>The Committee <b>agreed</b> to support the Officer's recommendation, that further flexibility should not be introduced to the "Shaping development elsewhere in the countryside", Policy R2: Housing and employment development elsewhere in the countryside to make retirement succession easier, allowing for people not from an agricultural background to enter the industry through a development as it would result in widespread opportunities for rural development to be promoted in an uncontrolled manner within Aberdeenshire.</p>
<b>Issue 9</b>	<p>(Issue 8, Shaping Homes and Housing, Main Issue 10 Housing Density).</p> <p>The Committee <b>agreed</b> to support the Officer's recommendation, that the provision of indicative housing numbers was the correct approach.</p>
<b>Issue 10</b>	<p>(Issue 9, Shaping Places, Main Issue 13, Policy P2 Open Space and Access to New Development).</p> <p>The Committee <b>agreed</b> to support the Officer's recommendation, that Open space should include Sustainable Urban Drainage (SUDS) areas to meet the Council's obligations to promote biodiversity.</p>
<b>Issue 11</b>	<p>(Issue 11, the Historic Environment Policy HE3 Helping to reuse Listed Buildings at Risk and Recommendations).</p> <p>The Committee <b>agreed</b> to support the Officer's recommendation, that enabling development requires to be sold onto third parties, to allow the developer to recoup site values that allow enabling development to be secured. Ownership of the properties promoted as enabling development was not a planning issue.</p>
<b>Issue 12</b>	<p>(Issue 13, Climate Change, Main Issue 16 Policy C1 Using Resources in buildings and the Use of Sustainability Standards).</p>

	<p>The Committee <b>agreed</b> to support the Officer's recommendation, that Platinum sustainability standards for sustainable building design was unachievable through the Local Development Plan as it had not been fully developed by the Scottish Government, therefore, enforcement of any sustainability standards could not be achieved.</p>
<b>Issue 13</b>	<p>(Issue 54, Peterhead, bid BU043).</p> <p>The Committee <b>agreed</b> to support the Officer's recommendation, that bid site BU043 should not be added to the Proposed Local Development Plan for housing, as the decision to change the potential use from business use to housing would have an impact on the provision of new employment in Peterhead and would not promote development of business land or public confidence in preferred allocations of land.</p>
<b>Issue 14</b>	<p>(Issue 15, Other Issues, Elements Missing from the Local Development Plan).</p> <p>The Committee <b>agreed</b> to support the Officer's recommendation, that a policy on permitting recreational huts should not be included in the proposed Local Development Plan as hut development should be a matter for the landowner and considered under tourist development.</p>
<b>Issue 15</b>	<p>(Issue 7 Shaping Development in the Countryside, Main Issue 8 Organic Growth, Recommendation 5).</p> <p>The Committee <b>agreed</b> to support the Officer's recommendation, for the production of a list of identified settlements through Planning Advice as being considered to be the best solution to identify organic growth housing, rather than a criteria based approach which would not provide clarity for elected members surrounding the interpretation of that criteria over time.</p>
<b>Issue 16</b>	<p>(Issue 8 Shaping Homes and Housing, Main Issue 11, Policy H2 Affordable Housing, Recommendation 3).</p> <p>The Committee <b>agreed</b> to support the Officer's recommendation that Policy H2 Affordable Housing should not be redrafted, to take account of recent discussion with housing colleagues, the Scottish Government and socially responsible landlords as those issues were more appropriately attributed to the Local Housing Strategy.</p>
<b>Issue 17</b>	<p>(Issue 81, Pitmedden and Milldale, General).</p> <p>The Committee <b>agreed</b> to support the Officer's recommendation that sites FR133 and FR132 should not be promoted for development as both sites impinge significantly on an area restricted by high pressure oil pipelines and also to change the boundary of the FR007 site, to incorporate some of of site FR0006.</p>
<b>Issue 18</b>	<p>(Issue 155, Banchory, bid MR038).</p> <p>Having heard from Mr Richards who objected to development on the site considered to be an established and diverse local nature reserve, the Committee <b>agreed</b> to support the Marr Area Committee recommendation to remove bid site MR038 from the Local Development Plan and request that Officers consider an alternative, increasing the allocation in respect of MR061</p>

	at Glen O'Dee and then submit a report back to Full Council which should include any potential impact on ancient woodland.
<b>Addendum</b>	<p>Bid Site KN063 – Land at Mains of Luther Farm, Luthermir</p> <p>The Committee <b>agreed</b> to support the Officer's recommendation that site KN063 should not be included in the in the Proposed Local Development Plan.</p>
<b>Errata- Issue 71 Ellon</b>	<p>Issue 71 Ellon – Bid sites FR063 and FR064</p> <p>The Committee heard from Mrs L Tierney of Lippe Architects who spoke in support of the bid sites and expressed concern with regard to the late notification from Officers of the recommendation to remove both sites from the Proposed Local Development Plan which she advised the applicant had not had an opportunity to respond to. She advised that inclusion of the sites had been supported by the Formartine Area Committee and Local Members and there had been no objections from the Planning Service. In conclusion, she urged the Committee to support the inclusion of the sites in the Proposed Local Development Plan.</p> <p>Following discussion, the Committee <b>agreed</b> to support the Officer's recommendation not to include bid sites FR063 and FR064 at Ellon in the Proposed Local Development Plan due to the likely impacts on congestion arising on the A90(T) junctions with the B9005 and the A948.</p>

Thereafter, the Committee **agreed**:

- (1) that they had fully considered the views of Area Committees on the content and substance of the policies, settlements and proposals following evaluation of the 'Issues and Actions' of the Main Issues Report, for inclusion in the Proposed Local Development Plan; and
- (2) to recommend to Aberdeenshire Council the outcomes of the Area Committee Meetings held between 20 August and 17 September 2019, having discussed and resolved the inconsistencies identified by Officers, Items 1 to 18 and the Addendum and Errata, Issue 71.

## **8. ROADS POLICY REVIEW UPDATE**

There had been circulated a report, dated 18 September 2019, by the Director of Infrastructure Service, which invited the Committee to note the forthcoming review of three key roads related policies; Speed Limit Assessment Policy, Pedestrian Crossing Assessment Policy and Street Trading and Occupation of Road Policy.

The report explained that each of the policies would be taken to Area Committees in the last quarter of 2019 for consideration and following on from other policy development work, they would be put to key stakeholders with an intention for a report back to the Infrastructure Services Committee in early 2020.

Thereafter, the Committee **agreed**:

- (1) To acknowledge the important role that the framework of policies plays in delivering the overall strategic approach to transport at a local, regional and national level; and

- (2) to note the arrangements for the forthcoming review of the three key roads policies; Speed Limit Assessment Policy, Pedestrian Crossing Assessment Policy and Street Trading and Occupation of Road Policy as detailed in the report.

## **9. ROADS ASSET MANAGEMENT UPDATE**

With reference to the Minute of the Meeting of the Infrastructure Services Committee of 21 June 2018 (Item 10), where the Committee had agreed to receive an annual report on the condition of the Council's road infrastructure, and how the Council's most valuable physical asset was managed and maintained, there had been circulated a report dated 18 September 2019, by the Director of Infrastructure Services, which updated members on the conditions of roads-related infrastructure assets in Aberdeenshire and which assessed the various expenditure scenarios. and presented several investment scenarios for the Council's major road assets. The report explained that the investments options presented, and issues raised were in line with the nationally agreed approach to Roads Asset Management and were designed to assist Members with the decisions that required to be taken in the annual budget-setting process.

The Head of Service (Transportation) introduced the report and responded to Members questions on the longevity of works on carriageways and footways, impact of heavy vehicles on road networks including research work undertaken in this connection and potential for use of recyclable materials.

Thereafter, the Committee **agreed**:

- (1) to acknowledge the annual status and options report 2019 as presented as Appendix 1 to the report;
- (2) to acknowledge the estimated annual costs needed to maintain roads infrastructure in its current condition;
- (3) to consider the contents of the Status and Options Report 2019 when making decisions relating to the future management of the road network; and
- (4) to request that the Head of Service (Transportation) considers international research information available, relating to heavy/light vehicle impacts on roads.

## **10. STRATEGIC TRANSPORT UPDATE**

With reference to the Minute of the Infrastructure Services Committee meeting of 20 June 2019 (Item 11), there was circulated a report dated 18 September 2019 by the Director of Infrastructure Services which provided the Committee with updates on transportation projects across Aberdeenshire for the period between June and August 2019.

Thereafter, the Committee **agreed**:

- (1) to acknowledge the progress made with projects, activities and developments taken forward by Nestrans, external agencies and stakeholders as outlined in the report;
- (2) to receive further updates on the progress of both the implementation and delivery of the Aberdeenshire Local Transport Strategy (LTS) as appropriate; and
- (3) to note that an Officer would attend the National Transport Awards in London on 31 October 2019, following the Council's nomination under the category "Excellence in Cycling and Walking".

## 11. RESPONSE TO THE NATIONAL TRANSPORT STRATEGY DRAFT FOR CONSULTATION

There had been circulated a report, dated 18 September 2019, by the Director of Infrastructure Services seeking consideration of a draft response to the Scottish Government's National Transport Strategy. The report explained that the Scottish Government had published a consultative draft National Transport Strategy (NTS), setting out the Government's aims and priorities for the transport system in Scotland over the following 20 years and responses to the consultation were due by 23 October, 2019. The policy direction set by the NTS would go on to influence the direction of the new Regional Transport Strategy, aspects of the City Region Deal funded Strategic Transport Appraisal, and a future revision of Aberdeenshire's Local Transport Strategy.

The Head of Service (Transportation) introduced the report and the Committee **approved** the Council's response to the draft Strategy, as contained in the report, subject to the following considerations and amendments –

- (1) Trade, Connectivity and Freight – strengthen content to recognise the value of the fishing trade, including the fishing industry in Fraserburgh, and to make reference to the transportation of agricultural products;
- (2) include reference to the possibility of a Buchan rail line reopening;
- (3) page 235 - review wording on “fairness”;
- (4) page 237 - review wording on “environmental”;
- (5) Tourism - make reference to Donside corridor;
- (6) Linking our cities – provide clarity on the volume of traffic which would trigger investment;
- (7) Decline in bus use – seek to identify alternative options to deliver public transport in different ways; and
- (8) Aviation – include working with Scandinavian partners to look at decarbonising aviation.

## 12. THE TOBACCO AND PRIMARY MEDICAL SERVICES (SCOTLAND) ACT 2010 – ENFORCEMENT ACTION PROGRAMME

There had been circulated a report, dated 6 September 2019, seeking approval to continue the current programme of enforcement in relation to Tobacco and Nicotine Vaping Products (NVP) over the period 2019-20 to meet the Council's obligations under Section 26(1) of the Tobacco and Primary Medical Services (Scotland) Act 2010. The report explained that the programme consisted of maintaining a retail register, conducting test purchasing, education, information, prevention and intervention.

The Committee **agreed**:

- (1) that the Trading Standards Service undertake a programme of enforcement by way of advice and information to tobacco and nicotine vaping retailers, including the maintenance of the register of tobacco and nicotine vaping products and the prevention of sales to those under 18 years of age, a programme of inspection and surveillance, when necessary, of premises from which tobacco and nicotine vaping products are

sold (including through social media sites) and a thorough investigation of complaints received;

- (2) to approve Council operated test-purchasing exercises throughout Aberdeenshire, utilising volunteers who are a minimum of sixteen years of age; and
- (3) to endorse a Council programme of raising awareness of the legislation, particularly as it applies to purchases of tobacco by persons under 18 years of age and by members of the public proxy purchasing on behalf of persons under 18 years of age.

### **13. RESOURCES AND CIRCULAR ECONOMY COMMITMENT**

With reference to the Minute of Meeting of the Sustainability Committee of 22 May, 2019 (Item 9), there had been circulated a report dated 18 September, 2019 by the Director of Infrastructure Services seeking consideration and comment on a draft Resources and Circular Economy Commitment document, as contained in Appendix 1. The report explained that the document was intended to provide direction for the Council as it strived towards greater sustainability and responsibility in the way it considered, purchased and managed physical resources, and towards supporting a more circular economy and advised that consultation on the content of the Commitment document was taking place with all Policy Committees prior to a report being presented to Full Council seeking approval.

The Internal Waste Reduction Officer introduced the report, outlined the work undertaken in developing the Commitment document to give direction to and assist in the development of the Council's Environmental and Climate Change Policy and advised that the associated Framework document under development would also provide principles, expectations and guidance to all staff and Services.

Following discussion, the Committee requested that the word disposal be replaced with a suitable alternative and otherwise **endorsed** the draft Resources and Circular Economy Commitment as circulated.

### **14. NORTH SEA COMMISSION – VICE PRESIDENT TRAVEL**

Having previously declared an interest in this item, the Chair left the meeting and the Vice Chair took the Chair during consideration and determination thereof.

With reference to the Minute of Meeting of the Committee of 14 March, 2019 (Item 11) when Elected Member travel to Economic Development-related events had been approved, including North Sea Commission meetings, there was circulated a report dated 6 September, 2019 seeking approval of additional costs associated with the attendance of Councillor Argyle at meetings on behalf of the North Sea Commission Presidency following his appointment on 25 June, 2019 to the role of North Sea Commission Vice President.

The Committee **agreed** to authorise the attendance and incurring of associated costs, estimated at £1,800 per annum, of Councillor Argyle attending meetings in his role as North Sea Commission Vice President.

### **15. PARTNERSHIP REVIEW – NORTH AND SOUTH ABERDEENSHIRE LOCAL ACTION GROUPS**

There had been circulated a report dated 6 September, 2019 by the Director of Infrastructure Services seeking consideration and endorsement of the partnership and risk assessments undertaken in respect of the North Aberdeenshire Local Action Group and South Aberdeenshire Local Action Group, in line with the Council's Partnership Policy, and the Council's ongoing participation in those partnerships to March 2021. Appendices 5 and 6 of

the report, provided an overview of the projects supported to date by each of those partnership groups.

Following discussion, the Committee **agreed**:

- (1) to endorse the partnership reviews of the North Aberdeenshire and South Aberdeenshire Local Action Groups as set out in Appendices 1- 4 of the report;
- (2) that the Council continue to participate in those partnerships until at least March 2021;
- (3) that Appendices 5 and 6 attached to the report, providing an overview of projects supported by those partnership groups, be updated to include details of the Council areas associated with the specified projects and be recirculated to Members for their information; and
- (4) that future reports of this nature include a list of partners involved.

## **16. INFRASTRUCTURE SERVICES - FINANCIAL PERFORMANCE REPORT**

There had been circulated a report dated 26 September 2019 by the Director of Infrastructure Services providing revenue and capital budget monitoring information to 31 August 2019 for all budgets within the Committee's remit.

The Corporate Finance Manager introduced the report and advised that the report style used represented a new approach to the reporting of financial information with a focus on the management of expenditure against a phased budget which for 2019/20 was based on the previous year's expenditure profiles. She explained that the new reporting process builds on the Council's already robust financial governance and allowed financial performance and trends to be shown in a meaningful, fluid way to help facilitate discussion and provide better information for decision making in order to scrutinise, challenge and discuss emerging issues highlighted through the financial reporting, linking to service delivery and then agreeing a course of action.

Following discussion, the Committee **agreed**:

- (1) to note the revenue and capital budget monitoring information to 31 August 2019; and
- (2) to approve the budget movements as set out in Appendix 2 of the report.

## **17. PROPERTY INVESTMENT FUND – REQUEST TO INCREASE MAXIMUM GRANT RATE**

With reference to the Minute of Meeting of the Committee of 28 January, 2016 (Item 15) when the criteria and management of the Property Investment Fund, including maximum grant rates, had been approved, there was circulated a report dated 6 September, 2019 by the Director of Infrastructure Services seeking approval of an increase in the maximum grant rate in respect of a major scheme in Peterhead town centre.

Following discussion, the Committee **agreed**:

- (1) to approve a Stage 2 Property Investment Fund grant of £200,000 to Melcorpo Property Arc Cinema Ltd; and
- (2) that the detailed conditions relating to the grant be circulated to the Chair, Vice Chair and Opposition spokesperson of the Committee for information.

**ITEMS FOR NOTING**

- (a) Minute of the North East Scotland Fisheries Development Partnership of 15 February, 2019 (Appendix A).
- (b) Minute of the Strategic Development Planning Authority of 20 March, 2019 (Appendix B).
- (c) Minute of the Aberdeen City Region Deal Joint Committee of 2 May, 2019 (Appendix C).
- (d) Minute of the Waste Management Working Group of 8 May, 2019 (Appendix D).
- (e) Minute of the Fisheries Working Group of 15 May, 2019 (Appendix E).
- (f) Minute of the Northern Road Collaboration Joint Committee of 21 June, 2019 (Appendix F).

## APPENDIX A

### NORTH EAST SCOTLAND FISHERIES DEVELOPMENT PARTNERSHIP

COMMITTEE ROOM 5, WOODHILL HOUSE, ABERDEEN 15 FEBRUARY 2019

- Present:**
- Aberdeenshire Council**— Councillors J Cox (Chair), D Beagrie, C Buchan, A Kille and A Forsyth (Sub for G Reynolds)
  - Aberdeen City Council** – Councillors C Allard, A Donnelly and J Laing
  - Moray Council** – Councillor S Morrison (Sub for S Warren)
  - Member of Parliament** – D Duguid
  - Members of the Scottish Parliament** - S Turner (on behalf of P Chapman), M Foley (on behalf of M Watt) and R Merson (on behalf of S Stevenson)
  - Aberdeen Fish Producers Organisation** – D Anderson
  - North East of Scotland Fishermen’s Organisation** – A Birnie
  - Peterhead Port Authority** – S Brebner
  - Scottish Seafood Association** – J Buchan
  - Seafish Industry Authority** – I Land
  - Seafood Scotland** – D Fordyce and P Hughes
  - Scottish Enterprise** - G Ford
- Apologies:**
- Aberdeenshire Council – Councillor G Reynolds
  - Aberdeen City Council – Councillor R Houghton
  - Moray Council – Councillors M Macrae and S Warren
  - MEP - I Hudghton
  - MSPs - P Chapman, G Martin, S Stevenson and M Watt
  - Grampian Seafood Alliance: M Robertson
  - Scottish Enterprise – I Garrett
  - Scottish Fishermen’s Organisation – J Anderson
  - Scottish Pelagic Fishermen’s Association – I Gatt
  - Scottish Maritime Academy NESCOL – L Hope
- Officers:**
- D McDonald – Industry Support Executive, Aberdeenshire Council
  - A McLeod – Assistant Committee Officer, Aberdeenshire Council
  - A Reid – Team Manager, Business and Industry, Aberdeenshire Council

#### 1. WELCOME, INTRODUCTIONS AND DECLARATIONS OF INTEREST

The Chair welcomed all present to the meeting. Members were asked if they had any interests to declare in terms of the Councillors’ Code of Conduct and no declarations were intimated.

#### 2. PUBLIC SECTOR EQUALITY DUTY

In taking decisions on the undernoted items of business, the Partnership **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 and 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; and
- (2) to consider, where an equality impact assessment had been provided, its contents and to take those into consideration when reaching a decision.

Councillor Allard referred to a matter he had raised about the Public Sector Equality Duty by email and the Chair referred Councillor Allard to the advice which had been provided to him in writing recommending that the matter should be referred in writing through the appropriate channels.

### **3. MINUTE OF MEETING OF 2 NOVEMBER 2018**

The minute of meeting of 2 November 2018 was circulated and **approved** as a correct record. The Chair, on behalf of the Partnership gave his thanks to the Peterhead Authority for hosting the meeting and giving members a very interesting tour of the new Peterhead Fishmarket.

### **4. MATTERS ARISING**

Derek McDonald went through the action sheet from the last meeting advising on progress of each point:

- (1) it was noted that the issue of Anisakis was the subject of a bulletin report at item 8 on the agenda;
- (2) an update report (item 10) was provided on the agenda in respect of the Future-proof fisheries project;
- (3) the issue of business rates would be considered under item 9 of the agenda;
- (4) it was noted that the UK Fisheries Bill was progressing to the report stage and would have its third reading in due course.

### **5. PRESENTATION: TAC ALLOCATIONS FOR 2019 BY DR COBY NEEDLE, SEA FISHERIES PROGRAMME MANAGER, MARINE SCOTLAND SCIENCE**

The Chair welcomed Dr Coby Needle, Chief Fisheries Advisor for Scotland Marine Scotland Science, who gave a presentation to members on the scientific advice and final TAC (Total Allowable Catch) decisions for 2019. He outlined the background and gave an overview of the process, focusing on the reasons for TACs diverging from scientific advice. He confirmed that the advisory schedule for 2019 was consistent with 2018 and that research vessel surveys were ongoing throughout the year, with the information being collated by institutes throughout Europe. However, after March 2019 there would be changes to some processes which will require a series of EU/UK meetings. Dr Needle outlined statistics for the North Sea, with advice based on stocks attaining maximum sustainable yield (MSY). He highlighted the quota changes and the underlying rationale for the main commercial fish species, including the position on mackerel stock assessment and advice: three assessment methods are used, one of which – tagging – is relatively new. Stock estimates arising from the tagging methodology are not consistent with the two other longer established methods. A comprehensive scientific review is planned in April/May 2019 and a mackerel egg survey - a major study carried out triennially in the North Sea and NE Atlantic – will also be undertaken in 2019.

After a question and answer session, the Chair thanked Dr Needle for his highly detailed presentation.

## **6. PRESENTATION: CATCHING SECTOR UPDATE BY DAVID ANDERSON, CHIEF EXECUTIVE, ABERDEEN FISH PRODUCERS ORGANISATION**

The Chair welcomed Mr David Anderson, Chief Executive of Aberdeen Fish Producers Organisation who referred to the previous presentation and indicated that there had been a 35% and 30% decrease respectively in the 2019 North Sea catch quotas for cod and haddock, which would have an enormous impact on the fleet in the North East of Scotland. He confirmed that the landings in Peterhead in recent months had decreased. The fleet had benefitted from quota uplifts in previous years but fishermen were generally of the view that stocks of the main commercial species had declined in abundance by around 25%. He suggested that more investigation was required on the effects of global warming upon fish populations, including their distribution, as the sector was facing a very serious situation. The cuts to 2019 quotas for cod and haddock were the largest he had ever seen and were of great concern and required urgent consideration. He noted that even if the UK does indeed leave the EU as scheduled on 29 March, the UK will observe the quota settlements for the remainder of 2019 agreed in Brussels in December 2018. In relation to the proposed Fisheries Bill, it was likely that all existing EU regulations would be transposed into British law. He also suggested that a lack of clarity and a delay in decision-making would continue for some considerable time.

Mr David Duguid, MP was present and indicated that in respect of EU law, this would be transposed for the timescale of the implementation period – if the withdrawal agreement passes through parliament. He asked that members of the Partnership should contact him to take questions back to UK Government and he was willing to make representations and to seek answers. He also indicated that there was scope for the government to invest in the fishing industry to compensate for short term losses during the Brexit process, and advised that the Treasury had requested a 'shopping list' of what is needed to assist the sector. He had also consulted with the Scottish Fishermen's Federation in this regard. Finally, he confirmed that the Fisheries Bill was currently proposed to be enacted before 29 March 2019.

The Chair thanked Mr Anderson for his presentation and it was agreed that a list of action points would be compiled later in the meeting.

**Action Point 1: Derek McDonald to engage further with David Duguid MP to clarify how the fisheries sector can obtain support from UK Government to help address Brexit-related disruption/loss/opportunities.**

## **7. PRESENTATION: PROCESSING SECTOR UPDATE BY JIMMY BUCHAN, CHIEF EXECUTIVE, SCOTTISH SEAFOOD ASSOCIATION**

The Chair welcomed Mr Jimmy Buchan, Chief Executive, Scottish Seafood Association, who expressed concern that the current cuts in catching opportunities would badly affect profitability in the seafood processing industry and would directly and adversely affect many businesses in Aberdeen City and Aberdeenshire unless fish can be procured from other sources. He said that it was critical that businesses obtain the assurances they require to continue to trade and referred in particular to current concerns over councils' capacity to provide Export Health Certificates (EHCs) for seafood exports under a 'no-deal', and asked if councils had contingency plans in place.

Mr Buchan indicated that he had been advised today that UK Government had put in place funding for councils to ensure sufficient Environmental Health Officers were in place to deal with a major increase in demand for EHCs and asked if there was any further information about this. He asked what is being done to ensure that the industry is able to continue trading and referred to the need for businesses operating in the seafood industry to demonstrate regulatory compliance when the UK leaves the single market. In all these areas the support of the councils was critical. It was also important to find ways to promote careers in seafood and to encourage people to enter the industry and made a plea for further engagement between

councils and the industry to identify the challenges and seek to address them. Councillor Laing indicated that the Chief Executives had been in communication to draw up contingency plans at a number of levels, and that there had been numerous round table discussions on business rates. However, local authorities were facing exceptionally challenging budgetary issues and had very little flexibility for offering discretionary support measures for industry.

Mr Buchan referred to the substantial recent levels of investment in the fishing fleet which mirrored confidence in the catching sector. By comparison, processors were extremely uncertain over future profitability and the likelihood was that many businesses would go into 'survival mode' for the foreseeable future to preserve already thin margins. Fish prices have been at historic highs for over 12 months and there were fears that they were at unaffordable levels for many buyers.

David Duguid, MP referred to recent media reports suggesting that DEFRA had plans in place to address the issue of food health inspector capacity and suggested that representations should be made to the Scottish Government highlighting the urgency of this problem.

On extending Scotland's reach into overseas markets, Patrick Hughes, Chief Executive of Seafood Scotland, advised that detailed plans were in place to promote Scottish seafood in key international markets.

The Chair thanked all for an interesting discussion.

**Action Point 2a: Clarification to be sought on contingency measures for export health certification and linkage with/support from funds provided by UK Government for Brexit No-deal scenario and to support the industry going forward;**

**Action Point 2b: Need for effective engagement between the seafood industry and councils/food safety authorities to ensure challenges are being identified and addressed at earliest opportunity.**

## **8. BULLETIN: ANISAKIS**

There had been circulated a report dated 6 February, 2019 by the Director of Infrastructure Services, which provided Members with an update on the issue of the Anisakis parasite in whitefish species. The issue of Anisakis first arose during a visit to Whitelink Seafoods by members of the Council's Fisheries Working Group in September 2018 when the process used to screen fillets for the parasite was viewed and explained. After the factory visit, council officers contacted Marine Scotland Science to obtain further information on the prevalence and cause of Anisakis in Scottish waters and to ask whether the issue was the subject of any current research.

The issue was subsequently covered at NESFDP and raised by Stewart Stevenson MSP with Fergus Ewing, Scottish Government Cabinet Secretary for the Rural Economy. His response explained that evidence from several scientific studies across Europe had concluded that the prevalence and intensity of the parasite is largely determined by the population density of final hosts such as seals and dolphins. Based on this evidence, the effect of treatment of fish offal onboard fishing vessels (to sterilise sources of future parasitism) was, in the view of Scottish Government, likely to have no effect or only a very negligible effect upon Anisakis populations in wild commercial fish species in Scottish waters. The cost of installing and maintaining treatment facilities onboard fishing vessels was therefore unlikely to generate a commercial return in respect of higher prices paid for fish at the quayside.

After consideration, it was **agreed** to note information provided in the update.

## 9. BULLETIN: BUSINESS RATES FOR SEAFOOD PROCESSORS UPDATE

There had been circulated a report dated 6 February, 2019 by the Director of Infrastructure Services, giving details of a meeting secured by the Scottish Seafood Association in Aberdeen on 23 November, 2018 with Kate Forbes, MSP, Minister for Public Finance and the Digital Economy and attended by industry representatives, the Leader of Aberdeenshire Council and Co-Leaders of Aberdeen City Council, a representative from the Grampian Assessor's office and from the Seafish Industry Authority, civil servants and an Aberdeenshire Council officer.

During the meeting, industry representatives stated their case for active intervention to mitigate the high levels of business rates being borne within the seafood sector, particularly for modern and well-invested premises in Aberdeen City. The discussions broadened out to include the scope (and limitations) for rates relief from the two councils and the methodology employed by the Assessor to set rateable values (based on property rental comparators and the Scottish Assessors Association Industrial Properties Practice Note 1 which provides guidance on the valuation of factories, warehouses, workshops and stores). The Minister expressed her support for the industry and sought information on the wider challenges facing the sector above and beyond rates over the past decade.

On 27 November 2018, the Seafish Industry Authority published an updated briefing on business rates in NE Scotland. The analysis revealed that business rates paid by processors in Peterhead and Fraserburgh were broadly comparable to those paid in Humberside (£13 to £15 per m<sup>2</sup>). However rates in Aberdeen city were very much higher (£30 per m<sup>2</sup>).

Concern was expressed that, although the Minister was receptive at the meeting to the various issues raised, processors were still awaiting information on how the business rate burden could be mitigated, particularly in Aberdeen City. It was **agreed** that further talks should be sought between the industry and Kate Forbes, MSP to seek a resolution acceptable to processors.

**Action Point 3: Derek McDonald to provide such assistance as may be necessary to secure a further meeting between processing industry representatives and the minister, Kate Forbes, MSP on the issue of business rates.**

## 10. BULLETIN: FUTURE-PROOFING THE FISHERIES SECTOR PROJECT

There had been circulated a report dated 7 February, 2019 by the Director of Infrastructure Services, giving an update on a project being undertaken to help identify capacity constraints and 'future-proof' the fisheries sector in NE Scotland. The 'future-proofing' study was approved in principle as a 'commissioned project' by NESFLAG (NE Scotland Fisheries Local Action Group) and preparations had begun on a formal application to NESFLAG for financial support from the European Maritime and Fisheries Fund (EMFF) to fund the study. It was anticipated that a contractor would be appointed in April and that the final report would be published in late 2019. As a member of the project sub-group, Patrick Hughes noted the importance of the work which will be carried out during 2019 and funded by NESFLAG, Seafood Scotland and Opportunity North East.

Members **agreed** to note the progress of the project and requested sight of the Terms of Reference for the study.

**Action Point 4: Derek McDonald to provide NESFDP members with the Terms of Reference for the 'Future Proofing the Fisheries Sector' study**

## 11. INDUSTRY REPORTS AND ROUND TABLE ROUND-UP

The Partnership **noted** updates from the industry representatives in respect of their areas of responsibility and interest, which included information on the following:

- Seafish Scottish Summit 26/27 March, Aberdeen – a range of speakers and opportunities for networking
- Seafood Expo North America (SENA) – major seafood show 17-19 March in Boston
- Seafood Scotland Action Plan – publication imminent
- Seafood airfreight options post-Brexit being explored and discussions underway on priority channels for fresh seafood exports at Dover/ports (Seafood Scotland)
- NE Scotland Food Innovation Hub - funded by City Region Deal and Opportunity North East (ONE) – ONE to be invited to join NESFDP.

**Action Point 5: Derek McDonald to formally invite ONE to join NESFDP**

## 12. ANY OTHER BUSINESS

Following action Points **agreed**:

1: Derek McDonald to engage further with David Duguid MP to clarify how the fisheries sector can obtain support from UK Government to help address Brexit-related disruption/loss/opportunities.

2a: Clarification to be sought on contingency measures for export health certification and linkage with/support from funds provided by UK Government for Brexit No-deal scenario and to support the industry going forward;

2b: Need for effective engagement between the seafood industry and councils/food safety authorities to ensure challenges are being identified and addressed at earliest opportunity.

3: Derek McDonald to provide such assistance as may be necessary to secure a further meeting between processing industry representatives and the minister, Kate Forbes, MSP on the issue of business rates.

4: Derek McDonald to provide NESFDP members with the Terms of Reference for the 'Future Proofing the Fisheries Sector' study

5: Derek McDonald to write to invite ONE to join NESFDP

## 13. DATES OF 2019 MEETINGS

It was **agreed** that the following meetings would be held in 2019:

- a) 21 June 2019 in Committee Room 5, Woodhill House at 1.00 PM; and
- b) 1 November 2019 in Committee Room 5, Woodhill House at 1.00 PM.

## APPENDIX B

### STRATEGIC DEVELOPMENT PLANNING AUTHORITY

20 March 2019

ABERDEEN, 20 March 2019. Minute of Meeting of the STRATEGIC DEVELOPMENT PLANNING AUTHORITY.

**Present:** Councillor Marie Boulton, Chairperson; and Councillors Aitchison, Bell, Cooke, Forsyth (as a substitute for Councillor Topping), Graham, Johnston, Lonchay (as a substitute for Councillor Cox), Macdonald (as a substitute for Councillor Grant), Mair, Mollison (as a substitute for Councillor Latham) and Yuill.

**Apologies:** Councillors Cox, Grant, Latham and Topping.

**Officers:** **Strategic Planning Authority:** Ms C McArthur, Acting Team Leader, Ms S Lamont, Senior Planner, and Mr T Walsh, Senior Planner.  
**Aberdeen City Council:** Mrs G Beattie, Chief Officer, Strategic Place Planning, Mrs E Carlisle, Solicitor, Mr D Dunne, Policy and Strategy Manager, and Ms Vicki Johnstone, Trainee Solicitor.  
**Aberdeenshire Council:** Mr R Gray, Head of Planning and Building Standards and Mr B Stewart, Planning Service Manager, and Mr A Leil, Accountant.

#### 1. DECLARATION OF INTERESTS

There were no declarations of interest.

#### 2. MINUTE OF THE PREVIOUS MEETING OF 26 SEPTEMBER 2018 - FOR APPROVAL

The Authority had before it the minute of its previous meeting of 26 September 2018.

**The Authority resolved:**  
to approve the minute.

#### 3. ABERDEEN CITY AND SHIRE SDPA DEVELOPMENT PLAN SCHEME 2019

The Authority had before it a report which sought approval for a Development Plan Scheme for 2019.

**The report recommended:**

that the Strategic Development Planning Authority approve the Development Plan Scheme 2019 and its submission to Scottish Ministers.

Ms Sheena Lamont, Senior Planner, spoke to the report and advised that there was a statutory requirement to prepare a Development Plan Scheme at least annually and the last scheme had been submitted in March 2018.

She further advised that the Development Plan Scheme needed to set out the programme to prepare and review the Strategic Development Plan and what was involved at each stage, including opportunities for engagement.

**The Authority resolved:**

to approve the recommendation.

**4. SUBMISSION OF PROPOSED ABERDEEN CITY AND SHIRE STRATEGIC DEVELOPMENT FOR EXAMINATION IN PUBLIC**

The Authority had before it a report which sought (1) consideration and approval of the responses to representations on the Proposed Aberdeen City and Shire Strategic Development Plan; and (2) approval of the submission of the Proposed Strategic Development Plan to Scottish Ministers for Examination in Public.

**The report recommended:**

that the Strategic Development Planning Authority –

- (a) note the representations received on the Proposed Strategic Development Plan and associated supporting documents;
- (b) approve the Report of Conformity with Participation Statement (Appendix 2);
- (c) approve the “Schedule 4” Summaries of, and Responses to, Unresolved Issues (Appendix 4), subject to any de-minimis or minor drafting changes;
- (d) authorise the SDPA Officers to work with Scottish Natural Heritage to finalise the content of the Habitats Regulations Appraisal;
- (e) authorise the submission of the Proposed Strategic Development Plan and appropriate supporting documentation to the Scottish Ministers for Examination in Public; and
- (f) agree that any modifications to the supporting documents listed in paragraph 2.2 (with the exception of the Habitats Regulation Assessment) be considered by the SDPA following the Approval of the Proposed Strategic Development Plan by Scottish Ministers.

Ms Claire McArthur, Acting Team Leader, spoke to the report and reminded Members that the SDPA agreed the content of the Proposed Aberdeen City and Shire Strategic Development Plan (the “Proposed Plan”) on 24 August 2018 and that this decision had been subsequently ratified by Aberdeen City Council on 10 September 2018 and Aberdeenshire Council on 27 September 2018.

Ms McArthur further advised that representations on the Proposed Plan and associated supporting documents were invited over a ten-week period from 8 October to 17 December 2018 and that in total 67 representations were received from a range of individuals, organisations and developers. She provided an overview of the responses which were available on the Council’s website. Following Officer review of the representations she confirmed that no significant modifications were proposed in the Draft Schedule 4 forms and the only changes were of a minor nature and generally related to clarifications.

Finally, Ms McArthur advised of the next steps should the recommendations in the report be approved, but also of the steps should they not be approved.

The SDPA expressed regret regarding the limited ability to consider modifications to the Proposed Strategic Development Plan and that it is now passed to a Reporter, appointed by Scottish Ministers, to examine the Proposed Strategic Development Plan. Following completion of the Reporter’s examination a report of examination will be submitted to the Scottish Ministers for consideration.

**The Authority resolved:**

to approve the recommendation.

## **5. SDPA BUDGET 2019/2020 TO 2023/2024 - REPORT BY THE TREASURER**

The Authority had before it a report for members of the Authority to agree the Budget for 2019/2019 and to note the draft budgets for 2020/21 to 2023/2024 as outlined in Appendix 1 to the report.

### **The report recommended:**

that the Strategic Development Planning Authority –

- (a) agree the budget for 2019/20; and
- (b) note the provisional budgets for 2020/21 to 2023/24.

### **The Authority resolved:**

to approve the recommendation.

## **6. SDPA BUDGET MONITORING POSITION AS AT 31 JANUARY 2019 - REPORT BY THE TREASURER**

The Authority had before it a report which outlined the budget monitoring position as at 31 January 2019.

### **The report recommended:**

that the Strategic Development Planning Authority note the budget monitoring position as at 31 January 2019.

### **The Authority resolved:**

to approve the recommendation.

## **7. SDPA BULLETIN JANUARY 2019**

The Authority had before them a bulletin which provided a brief overview of strategic planning matters involving or relating to the work undertaken by the Strategic Development Planning Authority.

### **The Authority resolved:**

to note the bulletin report.

## **8. DATE OF FUTURE SDPA MEETINGS**

The Authority was advised that the scheduled meeting dates for the rest of 2019 were as follows:

- Friday 14 June 2019, 2pm at Woodhill
- Wednesday 25 September 2019, 2pm at Town House
- Friday 13 December 2019, 2pm at Woodhill

### **The Authority resolved:**

to note the meeting dates for 2019.

**- Councillor Marie Boulton, Chairperson.**

## APPENDIX C

# ABERDEEN CITY REGION DEAL:

Powering Tomorrow's World

## ABERDEEN CITY REGION DEAL JOINT COMMITTEE

2 MAY, 2019

**Present:** Councillors P J Argyle, J Gifford, and R Thomson (Aberdeenshire Council);

Councillors M Boulton, G Graham (as substitute for Cllr D Lumsden) and J Laing,(Aberdeen City Council); and

Professor S Logan, Mr P Machray; and Ms Jennifer Craw(as substitute for Sir Ian Wood (ONE).

**Apologies:** Cllr D Lumsden, Aberdeen City Council.

**In attendance:** A Scott, Chief Executive, Aberdeen City Council; J Savege, Chief Executive, Aberdeenshire Council; A Wood, Head of Finance, Aberdeenshire Council; E Wallace, Head of Transportation, Aberdeenshire Council; R Sweetnam, Head of Economic Development and Chief Officer, City Growth, Aberdeen City Council; I Meredith, Solicitor (Democratic Services), Aberdeenshire Council; J Richards-Wood, Programme Manager, Aberdeen City Council; W Robertson, Digital Programme Manager, Aberdeen City Council; R Dickson, Acting Director, NESTRANS; R Simpson, Head of Housing, Aberdeenshire Council; P Finch, Strategic Transport Manager, Aberdeenshire Council; M Booth, Senior Housing Strategy Officer, Aberdeen City Council; J Lovie, Accountant, (Aberdeenshire Council); and J McRobbie, Committee Officer, Aberdeenshire Council.

### 1. APPOINTMENT OF CHAIR AND VICE CHAIR

The Clerk indicated that , as first item of business, in terms of Standing Orders, and the rotation between the two Councils was the appointment of a Chair for the joint committee and requested nominations.

Councillor Laing moved, seconded by Councillor Argyle, that Councillor Gifford, of Aberdeenshire Council, Chair the Joint Committee for the City Region Deal. There being no further nominees, the Joint Committee **agreed** that Councillor Gifford be appointed Chair of the City Region Deal Joint Committee.

Cllr Gifford took the Chair and called for nominations for the appointment of Vice Chair for the City Region Deal Joint Committee.

Councillor Gifford moved, seconded by Councillor Bolton, that Councillor Laing, of Aberdeen City Council, be nominated as Vice Chair. There being no further nominations, the Joint Committee **agreed** that Councillor Laing be appointed Vice Chair of the City Region Deal Joint Committee.

## 2. SEDERUNT AND DECLARATION OF MEMBERS' INTERESTS

Apologies were intimated in respect of Councillor Lumsden, Aberdeen City Council, and Sir Ian Wood (ONE).

In terms of declaration of interest, in respect of item 5, Aberdeen City Region Deal Quarterly Update, Councillor Gifford declared an interest as his wife's company had submitted a bid for funding in terms of the OGTC, however, having applied the objective test, considered his interest to be remote and insignificant therefore he would take part in the item.

## 3. RESOLUTIONS

### (A) Public Sector Equality Duty

In making decisions on the following items of business, the Joint 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; and

(2) Where an Equality Impact Assessment was provided, to consider its content and take this into account when reaching a decision.

### (B) Exempt Information

The Joint Committee **agreed**, in terms of Sections 50A (4) and (5) of The Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of items 10 and 11, so as to avoid disclosure of exempt information of the class described in 6 of Part 1 of Schedule 7A of the Act.

## 4. MINUTE OF MEETING OF CITY REGION DEAL JOINT COMMITTEE OF 7 FEBRUARY 2019

The Joint Committee had before them and **approved** as a correct record, the Minute of Meeting of the Joint Committee of 7 February, 2017.

## 5. ABERDEEN CITY REGION DEAL QUARTERLY PROGRESS UPDATE

There had been circulated a report by the Programme Manager, providing an update on the City Region Deal (CRD) and its constituent workstreams, and in particular reporting on the January, 2019 meeting with Audit Scotland, as part of a national assessment, expected to be reported in Autumn, of all City Region Deals; the outcomes of an inclusive economic growth workshop for City Region Deal Leads, held in February, 2019 which had led to the review of the Equality and Human Rights Impact Assessment proforma; and the work to respond to the reporting requirements of the Scottish Government's grant letter.

The Joint Committee heard further from the Programme Manager that Audit Scotland, in comparing the City Region Deal with its peers, had been impressed at the significant level of private sector investment, (currently 59%); that feedback was awaited from the Scottish Government on the Oil & Gas Technology Centre (OGTC) point review conditions and two

Business Cases relating to the Digital Landscape project, but that this was not impacting on progress; of the approval of change requests to reprofile the timeline and budget for Digital Landscape; and that all actions, with the exception of Transport appraisal, now “green”.

There was discussion of the comparative level of private sector investment in other City Region Deal areas; and clarification was sought as to (a) the number of field trials which had been completed of the 50 planned and (b) what was meant by “well calls”, both in the Oil & Gas Technology Centre Innovation update.

The Joint Committee **agreed:-**

- (1) that officers provide clarification on the O&GTC queries; and
- (2) in all other respects to note the updates provided.

## **6. SCOTTISH GOVERNMENT ADDITIONAL INVESTMENT UPDATE**

There had been circulated a report dated 12 April, 2019, by Fiona Brown and David Torrance of Transport Scotland, providing an update on the projects being taken forward through the additional Scottish Government investment, covering progress on the Laurencekirk junction improvements, and investment in the rail network to improve services between Aberdeen and the Central Belt.

Having heard from the Acting Director, NESTRANS of Network Rail’s continuing exploration of options to reduce the journey time between Aberdeen and Glasgow and Edinburgh, and of a profitable round-table discussion of the matters when Aberdeen & Grampian Chamber of Commerce had hosted Bill Revie, Head of Rail, (Transport Scotland) at a recent meeting, the Joint Committee **agreed:-**

- (1) to welcome the junction improvements at Laurencekirk; and
- (2) to note in all other respects the terms of the report.

## **7. MEMORANDUM OF UNDERSTANDING – HOUSING**

There had been tabled a report dated 2 May, 2019 by the Senior Housing Strategy Officer, Aberdeen City Council, providing an update on the progress of the Memorandum of Understanding with the Scottish Government for an additional investment of £20M Infrastructure Funding, intended to release sites of strategic importance and provide 5-year certainty on the £130M affordable housing supply grant.

There was discussion of the positive conversations being progressed with the Scottish Government, seeking to rebrand the funds, currently available to developers as a loan, and with limited uptake nationally, to a more appropriate distribution.

Having heard assurances from Officers that the rebranded distribution proposals, if agreed, could be delivered by 31 March, 2021; that there was capacity in the local construction industry to build; and that the issue of housing did not fall under the current remit of the City Region Deal but had been reserved by both Councils, the Joint Committee **noted**, for their information, the terms of the report.

## **8. EQUALITY AND HUMAN RIGHTS IMPACT ASSESSMENT**

There had been circulated a report dated 2 May, 2019 by the Project Manager, requesting the consideration of an updated Equality and Human Rights Impact Assessment Form.

The Joint Committee heard from the Project Manager of a recent workshop presentation, commissioned by the Scottish Government for all city region deals in Scotland, delivered by

the Equalities Commission, which had highlighted opportunities for projects to contribute to equality outcomes.

Having noted that the newer City Region Deals were shaped to include Equality and Human Rights Impact Assessment (EHRIA) reporting and monitoring, and although this could not be retrospectively applied to Aberdeen City Region Deal, guidance was awaited from the Scottish Government on equality measures and that there were acknowledged areas within the Inclusive Economic Growth, and other areas of work which could be assessed as assisting in the progression of equalities and human rights, the Joint Committee **agreed:-**

- (1) to approve for immediate application the revised Equalities and Human Rights Impact Assessment proforma, as appended to the report;
- (2) that any new business cases specifically consider, in addition to any benefits which could be accrued for community benefit through the procurement process, equalities and human rights issues; and
- (3) that a training session for all members, including substitutes, be arranged for a future meeting date; and
- (4) to note that the statutory requirement to publish any EHRIA on Aberdeen City Council's website.

## **9. DIGITAL LANDSCAPE**

There had been circulated a report dated 2 May, 2019 by Wendy Robertson, Digital Lead, Aberdeen City Council, providing an update on the digital infrastructure projects within the innovation theme of the Aberdeen City Region Deal. The report presented a profile of the current provision, identified where the City Region Deal had contributed, and was to contribute to the roll out of service, highlighted areas of gaps, and reported suggestions to address the rural element, including the current Digital Scotland Superfast Broadband infrastructure upgrade programme and SSE Telecom backbone fibre provision along the key transport routes in Aberdeenshire, noting that all of the allocated funding had already been utilised.

Having welcomed the developments to-date in the City, there was discussion of (a) challenges in meeting rural provision, and the knock-on effect on the retail and tourism economy of any inability to accept cashless payments, in addition to the barriers for farmers accessing digital stock management applications, which could impair their participation as supplier as stores, moved more to source-identified products; (b) the terms of Spectrum radio frequency allocations for the provision of mobile and related services, linking to socio-economical community benefits with access to improved speeds, and potentially additional capacity and greater coverage; and (c) the potential to access additional funding streams to continue the rural works.

Officers advised that the Spectrum frequency allocations rested with the Westminster government, and that there had not yet been an award which stipulated the inclusion of harder to reach areas along with the more commercially lucrative and more densely populated areas.

The Joint Committee **agreed:-**

- (1) that representations be made to the Westminster Government that any future Spectrum allocations should stipulate a defined provision in the harder to reach, rural areas;
- (2) that officers look at other funding possibilities, including the Scottish Futures Trust;
- (3) that concerns be expressed that the Scottish Government's R100 programme had not worked as anticipated; and
- (4) in all other respects, to note the terms of the update.

## 10. CITY FUNDING UPDATE – QUARTER 4 2018/2019

There had been circulated a joint report dated 2 May, 2019 by the Head of Finance, Aberdeenshire Council, and the Project Manager, providing an update on the actual expenditure for the financial year 2018/19 and a forecast of spend for 2019/20.

The Joint Committee heard further from the Head of Finance of the reasons for slippage in some of the programmed expenditure, and of ongoing discussion with the Scottish Government on the timing of release of fund, needed to progress phased projects without detriment to the participating sectors.

There was discussion of the roll on and reprofiling of projects, and the parallel movement of supporting funds and the Joint Committee **agreed:-**

- (1) that officers continue discussions with the Government about the timing for the release of funds;
- (2) that clarification be provided as to whether the 2019/20 figures included sums identified as variances in the 2018/19 actual expenditure in all cases; and
- (3) in all other respects, to note the terms of the report.

## 11. CITY REGION DEAL FUNDING UPDATE

There had been circulated a report dated 2 May, 2019 by the Head of Finance, Aberdeenshire Council, providing an update on the City Region Deal funding, and highlighting, in particular, the Scottish Government's fundamental change in the operational workings of city region deal finances, including additional reporting requirements.

There was discussion as to the implication for projects, and for Council cashflow, as a result of Scottish Government reimbursement being moved to the end of each quarter, and the additional reporting requirements which made changes to previously accepted working practices. The Joint Committee heard from officers of continuing discussions to resolve the matter, and the willingness of both Councils' Chief Executives to escalate the discussions if needed.

The Joint Committee **agreed:-**

- (1) to note the updates provided and commend staff on their progression towards resolving the issue;
- (2) that members be provided with appropriate updates on the resolution of the issue; and
- (3) to note, in all other respects, the terms of the report.

## 12. DATE OF NEXT MEETING

The Joint Committee **noted** that the next meeting was to be held on Thursday, 29 August, 2019.

Councillor Jim Gifford, Chair

## APPENDIX D

### ABERDEENSHIRE COUNCIL

#### WASTE MANAGEMENT WORKING GROUP

COMMITTEE ROOM 4, WOODHILL HOUSE, ABERDEEN

8 MAY 2019

**Present:** Councillors Peter Argyle (Chair), Stephen Calder, Marion Ewenson, Paul Johnston, Anouk Kloppert, Ron McKail, Ian Mollison and Michael Roy

**Officers:** Ros Baxter, Waste Manager  
Matt Davis, Team Manager – Processing & Disposal  
Andrew Sheridan, Team Manager – Collections & Cleansing  
Kat Laakso, Strategic Development Officer  
Yvonne D’Ambruso, Waste Support Leader (Service Support & Dev)  
Claire Loney, Waste Support Leader (Collections & Cleansing North)  
Lesley Forrest, Waste Support Leader (Collections & Cleansing South)  
Sallie Antill, Waste Support Leader (Collections & Cleansing Central)  
Ian Milne, Waste Support Leader (Processing & Disposal)  
Darren Fryer, Waste Management Facilities Officer  
Susan Donald, Service Manager (Finance)  
Philip McKay, Head of Roads, Landscape Services & Waste (via Skype)  
Gordon Lyon, Marketing & Communications Officer  
Rebecca Duncan, Communications Assistant

#### 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:-

Councillor Paul Johnston, as Chair of CRNS.

#### 2. RESOLUTION – 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

#### 3. MINUTE OF MEETING OF THE WASTE MANAGEMENT WORKING GROUP OF 13 FEBRUARY 2019

All agreed the minutes from 13 February 2019 were an accurate record.

#### 4. WASTE STRATEGY FUNDING UPDATE – KAT LAAKSO

Zero Waste Scotland (ZWS) are unable to provide funding for Councils to comply with the Scottish Household Recycling Charter. There are concerns around how the Deposit Return Scheme (DRS) will affect kerbside collections. Further meetings are to be held to find out why it took so long for ZWS to provide an explanation.

If drinks containers are removed there will be less recyclables to collect. A waste analysis to this level of detail still has to be done therefore we don't know the scope of this as yet. Around 15,000 tonnes of mixed recycling including 10,000 tonnes of paper and card are collected. If every drinks container were removed it would amount to 2,000 tonnes, around 14% of mixed recycling. If DRS is successful and there will be less materials in the blue-lidded recycling bin, other materials could be added to the kerbside recycling service.

The three options available to the Council were outlined. Option 1 allows our options to remain open and won't exclude us from potential funding. However this would cause a significant delay and comes with significant cost. There is a risk of reputational damage if the publicised changes do not go ahead.

Option 2 uses existing bins in a 3 weekly cycle with week 1 being non-recyclable and week 2 and 3 recyclables. This allows us to make progress in the interim without risking compliance with future recycling charter. Implementation costs are minimal at £100k. This allows us to keep the existing bins with the same items being collected, it is only the frequency that is changing. There would also be less reputational damage. The disadvantage is the projections show limited impact on recycling rates and no income from paper and card. There are also some operational challenges with the recycling bin in the second recycling week being emptier.

Option 3 would mean limited reputational damage however the cost is significant and it would take 10 years to pay this back. It would also exclude us from future external funding.

The recommendation is to choose Option 2 which allows us to make changes.

Cllr Johnston asked if waste could be separated after delivery. This was looked into but separating paper and card is complicated, the paper quality poor and it isn't cost effective. It is a lot of investment for little return. There would be a high contamination rate which the market does not want. There could be potential for this in the future and it wouldn't be ruled out by going with Option 2.

Cllr Johnston asked if paper and card could be separated either by having a bag on top of the bin or a separate section within the bin. It was noted the City Council used to do this but they didn't get the same volume and capacity so they had to introduce a separate collection system.

Cllr Johnston suggested a separate section in the RCVs however this would mean changing the fleet. The low cost option would be to keep the fleet and bins and change the collection. Originally 10 different options were looked at however these options all required funding so this is an interim measure.

Cllr Johnston asked if a bag could be placed within the blue bin to make material easier to remove and to prevent contamination. This would still have to be sorted and there would be no advantage unless this could be done in-house. It would also add more plastic into the system.

Cllr Kloppert asked why recycling points were removed. These were removed as a saving as everyone has the facility at the kerbside and more people recycle when it's on their doorstep.

Cllr Argyle noted that Option 2 allows us to move things a bit further forward. Cllr Ewenson commented that Option 2 could be confusing as many people don't know what they're doing at the moment. Communicating any change is difficult but all that needs to be communicated is the change in frequency. This is a good opportunity to get the message out again about what is to be recycled. Cllr Johnston noted that Option 2 is the more flexible option and it means we can still apply for funding however we should revisit vehicle and kerbside sorts.

A thorough assessment was undertaken with the main element being the actual costing. Sorting waste at the kerbside is more expensive with more vehicles required. It is something that could be looked at again but it would be going back over old ground. Cllr Johnston commented that we need to speak to those who operate these systems  
**Action – RB/KL to look at this.**

Councillors agreed Option 2 is the preferred option.

The strategy is not just about kerbside, the Household Waste Recycling Centres (HWRC) now have new opening hours and will stop accepting tyres and asbestos in June.

There are more staff on site to help customers and trade waste is to be removed from recycling centres. This will be implemented in January 2020 although we are hoping to bring this forward.

The Communications Team are focusing on press coverage and have put leaflets and posters in recycling centres.

Cllr Roy asked if wheelbarrow tyres are banned from recycling centres. The ban is on vehicle tyres including those from JCB's, tractors etc. Bicycle and wheelbarrow tyres can go in the landfill skip. Cllr Johnston asked if this is in the A-Z **Action – KL to add to A-Z.**

## **5. WASTE STRATEGY COMMUNICATION PLAN – GORDON LYON**

The recent post regarding the change in kerbside collections was discussed. This post reached 40,000 people. It was highlighted that some Facebook comments have been helpful and whilst we will never fully convince everyone there has been a change of opinion in general. The benefit of social media is statistics can be recorded. Over 15,800 people have viewed the A-Z that was recently published.

The Communications Team have been busy with the new Waste Strategy consultation which has faced a change in timescales and a lack of funding.

Becca is leaving the team at the end of the week therefore we are looking to recruit as quickly as possible. Analysis is a significant part of our job.

Information from Facebook can influence content and although messages are fairly repetitive we need to help people understand why the Council are doing this. This is a complex area of communication and whilst many people are accepting and understanding there are people we may never reach.

There has been a lot of publicity through social media, local newspapers and through addressing our own staff. A roll out on fly tipping has begun with more information to be issued on contamination.

Our corporate page on Facebook has seen 20% growth in one year with over 20,000 followers. Content requires to be written in a way that is upfront and catches people's attention.

Facebook allows us to answer questions in real time. We will continue to build on this and monitor the number of visitors and how long they stay on our site. There has been good coverage across local papers, STV and seasonal campaigns. We realise recycling waste is one of the biggest priorities of the council and society in general.

There have only been 14 complaints in a year which speaks volumes about the information we put out. The press have been much less challenging, there has been less negativity and journalists and the media understand the issues and accept where we want to go.

There will be challenges surrounding the change in procedure for accepting trade waste but the council can't continue to subsidise private business.

The Litter Prevention Action Plan/Street Cleansing requires more work as there are challenges around developing material that the public can understand.

We need to support the Deposit Return Scheme (DRS) on a local basis.

Cllr Ewenson noticed on social media that people are making positive changes including ideas the Council haven't thought of. We need to build on that momentum.

Cllr Ewenson asked about the scheme where you pay £27 for the Council to collect 6 bags of garden waste. It was noted the Council do not offer this service. Cllr McKail asked if something could be written to say we don't offer this service. Cllr Roy confirmed information went out to that effect. **Action – Cllr Mollison to pass a copy of the email to AS.**

Cllr Kloppert asked about the recent social media post regarding the recycling bins. This post received a lot of feedback in a short space of time which presented some challenges. This is not a new procedure as we have always checked the content of bins, this is a new campaign. The papers have stated we will take away bins but there would be many steps to go through before this is done therefore we haven't done this and are unlikely to.

Cllr Johnston commented that we need to prevent negative comments gaining traction. We have seen a huge growth in our audience and we will continue to build on that. Cllr Johnston asked if we can advertise what other organisations are doing. Our Communication Strategy states we can only deal with our own business but we can share other organisation's content. Cllr Johnston felt the threat to take away bins could've been phrased softer.

Cllr Mollison felt if we opted to go with Option 2 it would be an easier if everyone in Aberdeenshire was on the same bin collection schedule. However this can't be done as it wouldn't be efficient to have all items coming into the transfer stations at once.

## **6. HWRC POLICY AND PROCEDURES AND OPTIONS TO BAN TRADE WASTE FROM HWRC'S – MATT DAVIS**

The Waste Strategy was approved by ISC in January.

The difference between a recycling centre and transfer station was highlighted with recycling centres open to the public, with no weighbridges, no charges and large skips. Waste transfer stations are not open to the public but are used for bulking up waste and mixed recycling. We are seeking to formalise arrangements but it requires a behaviour change as it is a recycling centre not a dump.

Funding has been provided for 15 full time equivalent staff who will help customers at recycling centres and encourage them to recycle.

Business waste is currently based on vehicle weight which is not a particularly effective system. It is hard to put a figure on illegal waste but an estimate would be 20%, potentially worth half a million. It's not easy to monitor as it's over such a large geographical area and customers lie about the origins of their waste. If control measures are put in one centre they need to be put in all 15 recycling centres and there is still a possibility of misuse. Our current measures were looked at along with other options including height barriers and automatic number plate recognition. We also spoke with other councils.

We currently help customers complete disclaimer forms, however the disclaimer forms are time-consuming and potentially in breach of GDPR regulations. An online permit system is proposed. A household can apply for a permit at any time. One permit book containing 12 permits will be issued per household. Permits can be used as often as required, it does not have to be spread out the year as one permit per month.

Business waste is a major problem with many customers abusing the system. The proposal is that those that can't use our collection service can use our Waste Transfer Stations on Tuesday, Wednesday and Thursday mornings.

The majority of customers won't be affected as they are householders. Cars, people carriers and 4x4's have unlimited access. If a van is hired for a house move or clearance and identification and documents are provided they will also have unlimited access. Vehicles that are banned include commercial, those over 3.5 tonnes, trailers which measure over 6x8 feet, vehicles with twin wheels or more than 4, tippers and tractors. Vehicles which require a permit are vans, pick-ups, mini buses, camper vans and trailers. You must be an Aberdeenshire resident and have the V5 with a council tax or utility bill. Trailers must be lawful with matching number plates.

Cllr Roy asked when the permit system comes into effect. This is to go for a consultation with area committees in June and if approved by ISC in August, it will be implemented in January 2020. The Council want to help local businesses with their trade waste. Cllr Roy asked if this would put more pressure on staff at recycling centres. It was noted this should reduce pressure as there will be less confrontations and any permit issues should be dealt with before households arrive on site.

Cllr Roy asked if it would be up to staff to determine if pick-ups and trailers are the approved size. Cllr Argyle advised the new system should make it a lot simpler. Cllr Roy commented this would require significant publicity. Our webpage will explain the procedure and there will be an online form. Many local authorities require pre-booking but we want to make it as easy as possible.

Cllr McKail queried if gypsy travellers were given more flexibility previously. Historically they were as there was a problem with fly tipping so it was better they used our sites but they will now be treated as any other business.

Cllr Mollison cited the queues at Westhill as an example and asked if traffic congestion is an issue. Queues should reduce as the permit system will be easier as staff won't need to complete disclaimer forms with the customer.

Cllr Johnston queried if the permit system will present possibilities for bad publicity. Some people only have certain sized trailers therefore people might perceive this as unhelpful however it was noted a special collection service is on offer.

Cllr Johnston asked if a de minimis has been set for small businesses. This was considered but they can still use the centres providing their vehicle type is permitted. A loophole has been left in the system which means that some traders could still get a permit book in they lie in the application form, however their visits would be reduced from potentially weekly to 12 per year. Cllr Ewenson queried those using their business vehicle for personal waste. If they can provide a letter from the company they can get a permit book. If a joinery van came in with grass for example we would allow this as it's clearly not business waste.

Cllr Ewenson noted there is not much difference between a 4x4 and a pick-up. The majority of pick-ups are for business use and they are taxed as such. Cllr Johnston requested the wording be changed on this **Action – MD to look into and provide an update.**

Cllr Johnston noted there are residents without a vehicle that may ask a neighbour to recycle on their behalf. If this isn't being done as a business its fine. Technically in law you are meant to dispose of your own waste but no one would know if you were taking in your neighbour's waste.

Cllr Kloppert asked if native non-invasive species will get collected. Some invasive species can go to landfill but some can't, for example Japanese knotweed which has to go to a specialist landfill. Cllr Kloppert raised the issue of fly tipping on someone's land. Technically this is trade waste but we have in the past had a degree of flexibility. It has been known for some landowners to remove waste from their land and to put it on Council land. This will be looked at on a case by case basis. We will work with landowners to put in preventative measures.

Cllr Roy asked if rhododendrons are banned. These are banned from garden waste but not residual. Cllr Roy noted this is not on the list in Procedure 1 **Action – MD to look at.**

## **7. LPAP AND STREET CLEANSING POLICY AND PROCEDURES – ANDY SHERIDAN**

The Council have a duty to keep the land and roads clean. A code of practice was developed in 2018. Part of the strategy was the Litter Prevention Action Plan which went to ISC. A Working Group was created with staff from Roads, Landscape, Planning, Education and Waste. The Street Cleansing Policy & Procedure is to go to Area Committee in August and then ISC in November.

Cllr Johnston asked who is responsible for waste in lay-bys etc. The Council are responsible for litter whether it is on trunk roads or A roads however we are not responsible for the AWPR. Cllr Johnston asked if this could be made explicit in any documentation **Action – AS to note.**

Cllr Kloppert asked why no women were part of the LPAP working group. Each service was asked to nominate a member of staff so there was no control over this. Cllr Argyle added that getting the right people was more important.

#### **8. DATE OF NEXT WASTE MANAGEMENT WORKING GROUP MEETING**

Wednesday 28 August 2019 at 10.00 in Committee Room 4, Woodhill House, Aberdeen

## APPENDIX E

### FISHERIES WORKING GROUP

#### BUCHAN HOUSE, PETERHEAD

WEDNESDAY, 15 MAY 2019

- Present:** Councillors I Sutherland (Chair), C C Buchan, M Findlater, S W Smith, D Mair (sub for A Kille); A Allan; Cllr Beagrie (sub for M Roy); P Johnston
- Apologies:** Cllr M Roy (Cllr D Beagrie deputising); Cllr A Kille (Cllr D Mair deputising)
- Officer:** Derek McDonald, Industry Support Executive (Rural and Maritime);

### 1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked members if they had any interests to declare in terms of the Councillors' Code of Conduct. Interests were intimated by Cllr Beagrie (NESFLAG support for Peterhead Seafood Festival), Cllr Iain Sutherland (Peterhead Business Improvement District) and Cllr Doreen Mair (Fraserburgh Harbour Commissioner in respect of NESFLAG support for Harbour projects)

### 2. PUBLIC SECTOR EQUALITY DUTY

In making decisions on the undernoted items of business, the Working Group **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.

### 3. MINUTE OF MEETING OF 23<sup>rd</sup> January 2019

The Minute was **agreed** as a correct record.

### 4. MATTERS ARISING

There were four action points from the last meeting. Derek McDonald provided a progress update on each point. There were no further matters arising.

The meeting was preceded by a visit to view the Kings Cross pelagic vessel. Members voiced their appreciation to Alex Wiseman for making time available to conduct the tour and answer their questions.

**Action point 1: Derek McDonald to contact Alex Wiseman to offer members' thanks.**

## **5. REPORT: REVIEW OF FISHERIES WORKING GROUP**

There had been circulated a report dated 7 May 2019 by the Head of Economic Development which advised Members that five council Working Groups managed by Economic Development Officers (including Fisheries Working Group) were under review, in part due to a reduced level of Committee Officer support due to an increase in other commitments and which had led to additional work for Economic Development officers. Furthermore a review of Fisheries Working Group (and Rural Affairs Working Group) had not been undertaken for some time (whereas there are regular reviews of NE Scotland Fisheries Development Partnership (NESFDP) and NE Scotland Agriculture Advisory Group (NESAAG), all of which are managed by Derek McDonald.

The report invited members to consider the following future options for FWG:

- a) Integrate FWG into NESFDP**
- b) Reduce the frequency of FWG meetings (currently 3 per annum)**
- c) Make alternative proposals**
- d) No change**

Members commented that stopping FWG would send the wrong message to coastal communities at this particular time; that the group provides a useful two-way communication channel with industry and coastal communities; that NESFDP is a wider and very different body to FWG and that NESFDP's view (eg in consultation responses such as the Economic Link to Fishing) does not always reflect the view of the council; that subsuming FWG into NESFDP could dilute the views of the council and that there was a definite need for FWG to inform Infrastructure Services Committee (ISC) on fisheries matters. Other members noted that FWG needed to be proactive and could play a useful role in devising a strategy to cover the whole seafood supply chain.

In conclusion, there was a clear and unanimous wish on the part of members for FWG to continue in its current form and with the same number of meetings per year. All agreed a recommendation should go forward to ISC for the group to be maintained and for Committee Officer support to be provided.

**Action point 2: Derek McDonald to advise the Head of Economic Development and the Principal Committee Services Officer of members' views**

## **6. BULLETIN: SCOTTISH GOVERNMENT FUTURE FISHERIES MANAGEMENT DISCUSSION PAPER**

There had been circulated a Bulletin report dated 7 May 2019 by the Head of Economic Development which summarised the discussion paper issued by Scottish Government on the high-level principles on future fisheries management in Scotland, following on from the input gathered from industry and stakeholders since November 2017. The discussion paper covered a broad range of issues including seafood levy raised in Scotland, Regional inshore fisheries groups, Scottish representation in international negotiations, marine science and its role in setting sustainable catch quotas, the merits of applying zonal attachment, fairer access to fishing opportunities, and the use of technology in fisheries management.

There was general agreement that the discussion document aligned broadly with the view of FWG and members suggested a letter should be sent to Scottish Government reaffirming its support. Members also commented on the need for science and industry to work more closely together to reach consensus on fish stocks and catch quotas in order to reduce the need for political influence and intervention in decision-making and for the voice of the industry in NE Scotland to be heard at UK and Scottish level.

**Action point 3: Derek McDonald to write to Scottish Government to convey FWG comments in response to Future Fisheries Management Discussion Paper**

## **7. NESFLAG UPDATE**

There had been circulated a NESFLAG Programme Update by Jamie Wilkinson, NESFLAG Coordinator, which provided a useful summary (as of May 2019) of all approved projects, their value and a brief description. The report also set out programme's overall priorities, budget and funds remaining.

Members were appreciative of the geographic and sectoral range of projects supported by NESFLAG. Several individual projects were described and discussed and their value in building community assets and capacity noted. Members commented that as the programme was entering its closing phase, plans were required for a successor programme to maintain momentum. Members were advised of the work currently underway by Marine Scotland to evaluate the current EMFF and FLAG programmes and learn lessons to improve the effectiveness of any future programme. It was agreed that a letter be prepared in consultation with the NESFLAG Coordinator in support of a similar programme post-Brexit.

After consideration, the Working Group **agreed** to note information provided in the update.

**Action point 4: Derek McDonald to liaise with NESFLAG Coordinator on letter of support**

## **8. BULLETIN: VERBAL UPDATES**

Verbal updates were provided on the proposed Southern Trench Marine Protected Area, on the Future-proofing Fisheries Study, on the forthcoming Scottish Skipper Expo (17-18 May 2019), on the Scottish Seafood Centre of Excellence project and on 'Changing Tides', the new Seafood Scotland Strategy and the Future-proofing fisheries study.

After consideration, the Working Group **agreed** to note information provided in the update.

## **9. ANY OTHER BUSINESS**

Members were invited to consider options for the next meeting of the group in September. A visit to Macduff was suggested to view the new ice machine at Macduff Harbour and also the renovations at the Macduff Marine Aquarium. A tour of NESFLAG-funded projects was also proposed for a future meeting.

**Action point 5: Derek McDonald to arrange next meeting/site visits**

## **10. DATE OF NEXT MEETING**

- 10am on 11 September 2019 in Banff/Macduff (tbc)

## APPENDIX F

### NORTHERN ROADS COLLABORATION JOINT COMMITTEE

ANGUS HOUSE, ANGUS COUNCIL, 21 JUNE 2019

- Councillors:** Councillors Ellen Morton, Argyll and Bute Council, Chair; Ross Grant and Michael Hutchison, Aberdeen City Council (both by Skype); Peter Argyle, and Anouk Kloppert (as substitute for Councillor David Aitchison) (by Skype) Aberdeenshire Council; Brenda Durno (Vice-Chair), and Ron Sturrock, Angus Council; Theresa Coull, Moray Council; and Allan Henderson and Trish Robertson, The Highland Council (both by Skype).
- Officers:** Doug Ritchie, Aberdeen City Council (via Skype); Ruth O'Hare, and Jan McRobbie, Aberdeenshire Council; Douglas Hill, Angus Council; Jim Smith, Argyll and Bute Council (via Skype); Murdo MacRitchie, Cohairle nan Eilean Siar (via Skype); Mark Atherton, Moray Council; Robin Pope and Tracey Urry, Highland Council; and Angus Bodie, The Improvement Service.
- Apologies:** Councillors David Aitchison, (Aberdeenshire Council); Roddy McCuish, (Argyll and Bute Council); Uisdean Robertson and Kenneth MacLeod, (Cohairle nan Eilean Siar); and Gordon Cowie, (Moray Council).

#### 1. WELCOME AND HOUSEKEEPING

Councillor Morton, Chair of the Committee, welcomed Members, via remote access, or in person, to Angus House, Forfar.

Housekeeping details were provided by Douglas Hill.

The Chair advised Members that Ewan Wallace, Lead Officer, was unable to attend and the Joint Committee **agreed** that good wishes for a speedy recovery be sent to Mr Wallace.

#### 2. SEDERUNT AND DECLARATION OF INTERESTS

Councillor Morton asked Members for declarations of interest.

No interests were declared.

#### 3. STATEMENT OF EQUALITIES

In making decisions on the following items of business, the Joint 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; and
- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

#### 4. APPOINTMENT OF CHAIR

With reference to the Minutes of Meeting of 18 May, 2018, (Item 3) and 1 March, 2019 (Item 9), there had been circulated a report dated 12 June, 2019 by the Lead Officer, requesting Members' consideration of an amendment to the Minute of Agreement to allow any appointed Chair or Vice-Chair of the Joint Committee to hold office for a second, or subsequent, time in any five-year period; the current Standing Orders (4.1) allows for the appointment to both roles for 12 months only.

The Joint Committee heard from Ms O Hare, Principal Solicitor, that all Member Authorities, having been surveyed, were supportive of the proposed amendment, and **agreed:-**

- (1) to note the positive conclusion of discussions with Member Authorities on the potential variation of Clause 4.3.5 of the Minute of Agreement to allow the Chair and Vice-Chair to hold office for a second or subsequent time in any consecutive five-year period;
- (2) that the Minute of Agreement be varied as detailed above;
- (3) that the Standing Orders for the Joint Committee be amended to reflect the said variation; and
- (4) that Councillor Morton be re-appointed to Chair of the Committee for the period to 20 June, 2020.

#### 5. MINUTE OF MEETING OF 1 MARCH, 2019

There had been circulated and was **approved** as a correct record, the Minute of Meeting of 1 March, 2019.

Arising out of discussion of the above, the Joint Committee heard further from Angus Bodie of the Improvement Service of the ongoing investigation by officers on the potential incorporation of plastic in road highway maintenance. A recent briefing had been provided to officers of the Joint Committee but had not been submitted for Members' consideration as there were no decisions to be made.

Mr Bodie reported that whilst SEPA had approved the process as an "end of waste licence" this was based on information provided by the company; this approval rested on the use of virgin plastic, not recyclates, and that any further assurances on the precise consistency of the product were masked by propriety and commercial sensitivities. The manufacturer's promotion was based on a "plastic bag equivalency", not necessarily 6.5 million plastic bags, or bottles, per se, as seemed to be the perception on social media. The Society of Chief Officers of Transportation, Scotland (SCOTS) were to discuss the matter at their meeting today, where consideration of issues such as forward maintenance implications would be considered, giving the differing melting points of different plastics and the need for bonding to the main asphalt ingredients, usage in core roads, strength issues, potential future leachate concern with associated implications for Councils as waste authorities. A bid was to be made to the Scottish Research Board to consider the process and this would be reported to a future meeting of the Committee.

Following a question about areas where pilot explorations were being undertaken with East Ayrshire and Dumfries & Galloway Councils, officers clarified that there had been, to date, no official test in Moray, although a local developer had used the process for a road on one of their schemes, which would never be considered for Adoption by the Council as roads authority.

There was discussion of the onward implications for development control decisions by Councils in schemes where roads may ultimately require to be adopted by Councils, and as to whether composition of material could be stipulated in planning conditions.

The Joint Committee **agreed:-**

- (1) that officers for each authority update as appropriate to each Council the briefing which had been provided to them, for consideration; and
- (2) that a further update be reported to a future meeting when appropriate.

## **6. NATIONAL ROADS COLLABORATION PROGRAMME UPDATE**

With reference to the Minute of Meeting of 1 March, 2019, (Item 7), there had been circulated a report dated 12 June, 2019 by Angus Bodie, the Roads Collaboration Programme, providing an update on national progress in terms of Roads Collaboration Programme (RCP). The report detailed developments in governance of joint working; progress made in terms of workforce development, including the continuing expansion of mature apprenticeships with Universities; progress with the Collaborative Network Management, coordinated by the Scottish Roads Network Management Forum to implement opportunities for joint working across trunk and local road boundaries, including consideration of shared depots across road authorities, and with Transport Scotland and any potential trunk roads contractors; and technical projects, including the SCOTS "Value in Local Roads" project, due for completion in July, 2018.

There was discussion of the relative progress made in other areas towards collaborative working, and the Joint Committee **agreed:-**

- (1) to note the progress on the National Roads Collaboration Programme as detailed in the report;
- (2) to commend officers supporting the Northern Roads Collaboration Joint Committee for their work in progressing the Joint Committee's evolution and achievements to date; and
- (3) that an update, including a presentation of up to 30 minutes, on the Value in Local Roads project findings, be scheduled for the September meeting of the Joint Committee.

## **7. PROPOSED CARRIAGEWAY RECYCLING AND RETEXTURING JOINT COLLABORATION CONTRACTS**

There had been circulated a report dated 12 June, 2019 by Derek Murray, Roads and Landscape Manager, Aberdeenshire Council, detailing recent discussions between Aberdeenshire, Angus, and Moray Councils on the potential, given the specialist nature of the work and limited contractor availability, to share contracts for recycling of roads and retexturing (usually either by shot blasting or high-pressure water jetting) of roads. It was reported that, due to timescales, separate contracts would continue for recycling in 2019, with a view to awarding a joint contract early in 2020, but that a joint retexturing contract was hoped to be awarded through Public Contracts Scotland in summer 2019, with works undertaken in summer/ autumn 2019. Although not a Northern Roads Collaboration project per se, this was reported as a good example of additional collaborative working. Having heard from representatives of Highland Council, the Joint Committee **agreed:-**

- (1) to note the collaborative working progressed to date in respect of retexturing and recycling of roads; and
- (2) that Highland Council's interest be included in this area of joint working.

## **8. STRATEGIC BUSINESS CASE FOR ROADS ASSET MANAGEMENT**

With reference to the Minute of Meeting of 1 March, 2019, (Item 6), there had been circulated a report dated 12 June, 2019 by Angus Bodie, Programme Manager, Roads Collaboration Programme, requesting Members' consideration of (a) a Strategic Business Case for wider collaboration in asset management and investment planning, recommending a two phase approach to the project implementation, allowing for a review by Members between Phases 1

and 2, and (b) shared funding of work, with the Roads Collaboration Programme providing half of this sum, at a total cost of £10,000, to support the collaborative process.

Having heard further from Mr Bodie that the island authorities of Orkney and Shetland, although not currently members of the Collaboration Joint Committee, may be interested in participating in this area of work, the Joint Committee **agreed**:-

- (1) to note the ongoing progress in considering opportunities to collaborate in asset management planning at operational and strategic levels;
- (2) that Orkney and Shetland Islands Councils be surveyed to determine their potential interest in participation;
- (3) to approve the Strategic Business Case as detailed in Appendix 1 to the report, recommending it to Member Authorities for support;
- (4) that Member Authorities be recommended to cover the funding gap for the work, as a share of the residual £5,000; and
- (5) that the Roads Collaboration Programme Manager report completion of Phase 1 to the project in due course.

## **9. REVIEW OF SUPPORT ARRANGEMENTS AND FINANCIAL MONITORING**

With reference to the Minute of Meeting of 18 May, 2018 (Item 6), there had been circulated a report dated 17 June, 2019 by the Lead Officer (a) requesting consideration of the support arrangements and (b) reporting financial spend at the end of the initial year of the Joint Committee and a projected budget for 2019/20.

Having noted the Officers' Group recommendation that Aberdeenshire Council continue as Lead Authority and provide legal and committee support, with financial support provided by Highland Council, the Joint Committee **agreed**:-

- (1) that Aberdeenshire Council continue as Lead Authority to the Joint Committee;
- (2) that the support arrangements, as approved on 18 May, 2018, and as detailed in the report, continue and to commend the officers on their work to date in supporting the ground-breaking, evolving, collaboration;
- (3) that the Lead Officer review support arrangements on an annual basis and report to the Joint Committee only in the event that changes are required; and
- (4) to note the financial position as reported in paragraphs 2.6 and 2.7 of the report.

## **10. CASUALTY UPDATE**

In the absence of Mr Wallace, consideration of this issue was deferred to the next meeting of the Joint Committee.

## **11. ANNUAL REPORT ON ACTIVITIES**

There had been circulated a report dated 18 June, 2019 by the Lead Officer, (a) providing for consideration a draft annual performance report, as required in terms of Clause 4.1.2 of the Joint Committee's Minute of Agreement and (b) recommending that the report be shared with all Partner Authorities for their consideration.

The Annual report on activities detailed areas which the Joint Committee had overseen since May 2018 and suggested areas that are likely to be considered in the coming period.

The Joint Committee **agreed** to commend the Annual Report to constituent Authorities as a correct record of working to-date and planned.

## 12. FUTURE ITEMS FOR CONSIDERATION AS AN AGENDA ITEM

The Joint Committee had noted from the Annual Report approved in Item 12 above, and previous discussions, that future areas of work would include:

- Continuing Joint Procurement intra-authority discussions;
- Scottish Roads Asset Management Plan; and
- The Strategic Timber Transport Fund (currently being discussed via CoSLA and the Scottish Minister);
- Cobble surface specialist repair issues (to be considered by Aberdeen City Council and of potential interest to other authorities, and the subject of a previous report to SCOTS);
- The potential security implications for Ports in the context of BREXIT;
- Continued consideration of the use of recycled plastics in road surfacing;
- Joint contractual agreements;
- Consideration of the “Value in Local Roads”; and
- Consideration of national transport infrastructure in support of the emerging National Transport Strategy.

In further discussion, issues relating to the extension of transport strategic funding beyond that for timber, and also the experience of authorities in working with Sustrans, the Joint Committee **agreed:-**

- (1) that matters for future consideration include the consideration of the extension of the strategic transport fund for timber to other industries (such as distilleries) which impact on the rural road network; and
- (2) that Councils which had experience of working with Sustrans share their experiences with Angus Council who were currently considering joint working with the organisation.

## 13. FUTURE MEETINGS – TO APPROVE AND CONSIDER

The Joint Committee considered the requirement to set meetings for autumn and winter 2019, and **agreed:-**

- (1) that the next meeting take place in Highland Council Headquarters, Inverness, on Friday 6 September, 2019, commencing at 2.00pm, to facilitate travel; and
- (2) that the winter meeting take place in Woodhill House, Aberdeen, Friday 29 November, 2019, commencing at 11.00 a.m.

Councillor Ellen Morton  
Chair