

ABERDEENSHIRE COUNCIL

**BANFF AND BUCHAN AREA COMMITTEE
COUNTY HALL, LOW STREET, BANFF
TUESDAY 26 MAY 2015**

Present: Councillors J B Cox (Chair), C C Buchan, R A Cassie, M A Findlater, I W Gray, H Partridge, M J Roy, I S Tait and B A Topping.

Apologies: Councillor M Watt.

Officers: Miss M J Cardno, Area Manager; Mr M Ingram, Senior Solicitor; Mr J D Naismith, Principal Engineer; Mr J Martin, Senior Planner; Mr J Dawson, Senior Environmental Health Officer; Ms J Burgess, Team Leader (Estates); Ms W Forbes, Team Leader and Mrs V McCaskill, Committee Officer.

1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked members if they had any interests to declare in terms of the Councillors' Code of Conduct.

No Councillors' interests were stated.

2. RESOLUTIONS

A. STATEMENT OF EQUALITIES

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 was provided, to consider its contents and take those into account when reaching their decision.

B. EXEMPT INFORMATION

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

Item No	Paragraph No of Schedule 7A
12	9
13	9 and 10

MATTER OF URGENCY

The Chair admitted discussion of the possible closure of the Local Planning Service in Fraserburgh as a matter of urgency, since the closure could take place before the Committee was able to consider the issue at its next scheduled meeting.

After discussion, the Committee **agreed**:

- 1) to instruct officers to provide information to the Committee on the possible closure of Local Planning Service offices in Fraserburgh and put a halt on any proposal of closure or loss of service provision to the public until Councillors had a chance to be consulted in relation to the decision, and
- 2) to instruct officers to provide information to the Committee on the upcoming changes to Benefits Service provision in Banff.

3. MINUTE OF MEETING OF 5 MAY 2015

There had been circulated the Minute of Meeting of 5 May 2015.

The Committee **agreed**:

- 1) to instruct officers to amend the Minute in respect of Item 17E - Full Planning Permission (Major Development) for Erection of 52 Dwellinghouses with Associated Access Roads and Landscaping at Merryhillock Residential Development, Phase 1, Land to the West of Boothby Road, Fraserburgh, to read:

'The Committee agreed, in the event of satisfactory conclusion of Developer Contributions which reflected the original Masterplan, and necessarily included the provision of two football pitches, that the application be delegated to the Head of Planning and Building Standards to approve on the following conditions:- ', and
- 2) to approve the Minute as a correct record, subject to the amendment detailed above being made.

4. LIST OF OUTSTANDING BUSINESS AT 26 MAY 2015

There had been circulated as List of Outstanding Business which provided updates on outstanding Committee business as at 26 May 2015.

After discussion, the Committee **agreed**:

- 1) to instruct officers to investigate the possibility of holding a future meeting of the Committee at Duff House without any fee being charged to the Council and also the possibility of holding meetings at Fraserburgh Heritage Society and the Museum of Scottish Lighthouses, and
- 2) to **note** the List of Outstanding Business as at 26 May 2015.

5. EDUCATION SCOTLAND INSPECTION, ORDQUHILL SCHOOL

This item was withdrawn from the agenda.

6. FLOOD ALLEVIATION WORKS - FORDYCE FLOOD RELIEF CULVERT APPROVAL OF TENDER

There had been circulated a report dated 11 May 2015, by the Director of Infrastructure Services, which recommended the Committee to authorise the acceptance of the tender for Fordyce Flood Relief Culvert submitted by NRS Group Ltd amounting to £131,796.20, in accordance with section 5.3.19 (iii) of the Financial Regulations.

After discussion, the Committee **agreed**:

- 1) to authorise the acceptance of the tender for Fordyce Flood Relief Culvert submitted by NRS Group Ltd amounting to £131,796.20, in accordance with section 5.3.19 (iii) of the Financial Regulations, and
- 2) to instruct officers to arrange for Area Committee Members to visit Fordyce once the flood alleviation works were underway.

7. REVIEW OF TREE PRESERVATION ORDERS – PHASE 1

There had been circulated a report by the Director of Infrastructure Services which gave details of the Review of Tree Preservation Orders across Aberdeenshire and recommended the Committee to confirm the Tree Preservation (Revocation) Order 22 (B&BDC) (2014).

After discussion, the Committee **agreed** to confirm the Tree Preservation (Revocation) Order 22 (B&BDC) (2014).

8. DISABLED PERSONS PARKING PLACES

There had been circulated a report dated 16 April 2015, by the Director of Infrastructure Services, on the subject of Disabled Persons Parking Places.

After discussion, the Committee **agreed**:

- 1) to authorise the commencement of the statutory procedure for the making of the Aberdeenshire Council (Disabled Street Parking – Banff & Buchan Area) Order 2015,
- 2) to authorise the subsequent making of the Aberdeenshire Council (Disable Street Parking - Banff & Buchan Area) Order 2015, in the event that no valid objections are received, or any received are resolved and withdrawn,
- 3) to instruct the submission of a further report to Committee in the event that any valid objections received are not resolved and not withdrawn, or the proposals are amended following consideration of valid objections, and
- 4) to instruct officers to investigate whether signage is required at disabled parking bays in order to make them enforceable by the police and, if so, ensure that the necessary signage is erected.

9. FRASERBURGH HERITAGE CENTRE – ROOF REPAIRS

There had been circulated a report, by the Director of Infrastructure Services, concerning funding for repairs to the roof of Fraserburgh Heritage Centre.

After discussion, the Committee **agreed**:

- 1) to recommend to Policy & Resources Committee that the Council fund repairs to the roof of the Fraserburgh Heritage Centre as an exception to the terms of the lease of the Centre,
- 2) to recommend to Policy & Resources Committee that the initial repairs be completed with funding from the Repairs and Maintenance Fund and the building assessed, thereafter, to determine any longer term requirements, and
- 3) to instruct Council officers to assist Fraserburgh Heritage Society in exploring possible funding sources to undertake the permanent roof repairs.

10. PLANNING APPLICATION FOR DECISION FOLLOWING DEFERRAL FOR SITE VISITS

The following planning application was considered following a visit to the site by Members of the Committee on 19 May 2015 and dealt with as recorded in Appendix A to this minute.

A	Reference No APP/2013/2779	Full Planning Permission for Erection of 1 Wind Turbine (Hub Height 32 Metres) Total Height 45.5 Metres; Siting of Equipment Cabinet and Formation of Vehicular Access at Beechwood, Burnend, Forglen, Turriff
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11. PLANNING APPLICATIONS FOR CONSIDERATION

The following planning applications were considered and dealt with as recorded in Appendix A to this minute.

A	Reference No APP/2014/1974	Full Planning Permission for Erection of 3 Wind Turbines, Hub Height 55 Metres (Total Height 77 Metres), Formation of Access Track and Associated Infrastructure at Land 500 Metres East/South-East of Cairnandrew, Longmanhill, Banff
B	Reference No APP/2014/1469	Full Planning Permission for Erection of 1 Wind Turbine, Hub Height 34.4 Metres (Total Height 44.8 Metres) and Associated Infrastructure at Linganbo, King Edward, Banff
C	Reference No APP/2015/0512	Planning Permission in Principle for Erection of 3 Dwellings at Land Opposite Woodlands, King Edward, Banff

D	Reference No APP/2015/0478	Full Planning Permission – National for Construction of Onshore Electrical Transmission Cables, comprising an Onshore Transition Jointing Pit, Underground Cables within a 33km (approximately) long Cable Corridor and the Construction of 2 Substations Southwest of New Deer, also including Temporary Construction Compounds, Access Tracks, Laydown Areas and other Associated Works; Non Compliance with Condition 1 of Planning Permission in Principle Reference APP/2014/2430 at Landing at Inverboyndie Bay, Banff, travelling to Land West of Cairnbanno House, New Deer
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12. 2/3 WATER LANE, BANFF

There had been circulated a report, from the Director of Infrastructure Services, seeking the Committee's approval for the sale of the properties detailed above.

During discussion, Members of the Committee expressed concern that the report had come forward seeking approval for the sale of the properties but that no consultation on the disposal of the properties had been undertaken with Members beforehand.

Thereafter, the Committee **agreed** to approve the sale of 2 and 3 Water Lane, Banff, as detailed within the report.

13. MACDUFF, TARLAIR BUSINESS PARK INFRASTRUCTURE EXTENSION WORKS, PHASE 2, TENDER REPORT – CONTRACT 17652

There had been circulated a report, from the Director of Infrastructure Services, seeking approval of project costs and authorisation for acceptance of a tender submitted in relation to Macduff, Tarlair Business Park Infrastructure extension works.

After discussion, the Committee **agreed**:

- 1) to approve the project costs, as detailed within the report, and
- 2) to authorise the acceptance of the tender as detailed within the report.

APPENDIX A

PLANNING APPLICATIONS FOR CONSIDERATION/DECISION

10A. REFERENCE NO APP/2013/2779

FULL PLANNING PERMISSION FOR ERECTION OF 1 WIND TURBINE (HUG HEIGHT 32 METRES) TOTAL HEIGHT 45.5 METRES; SITING OF EQUIPMENT CABINET AND FORMATION OF VEHICULAR ACCESS AT BEECHWOOD, BURNEND, FORGLEN, TURRIFF

Applicant: A C Duncan & Co, Beechwood, Burnend, Forglen, Turriff
Agent: Enviko Ltd., Davidsons Mans, 10 Main Street, Edinburgh

With reference to Branch 19A of the Minute of Meeting of 5 May 2015, and following a visit to the site by Members of the Committee, the Committee resumed consideration of the above planning application which had been circulated seeking determination of the above planning application by the Area Committee.

After discussion, Councillor Gray, seconded by Councillor Cassie **moved** that the application be approved as the turbine would lie below the ridge line and the impact on the local area would be minimal.

As an amendment, Councillor Roy, seconded by Councillor Findlater, **moved** that the application be refused for the following reasons:

1. The proposed development is contrary to Policy 3: Development in the Countryside, and SG Rural Development2: Wind Farms and Medium to Large Wind Turbines, Policy 8: Layout, Siting and Design of New Development, and SG LSD 2: Layout, Siting and Design of New Development, and Policy 12: Landscape Character and SG Landscape 1: Landscape Character, as contained in the Aberdeenshire Local Development Plan 2012 in that:
 - a) The proposed turbine would have an adverse impact on the Deveron and Upper Ythan Valleys landscape character area due to being dominant and out of scale with the landscape, resulting in a noticeable change to it, and the further damage it would result to the landscape in conjunction with the other turbines already operational and consented to the south of the River Deveron in the area.

Members of the Committee voted:

For the motion	6	Councillors Buchan, Cassie, Cox, Gray, Partridge and Topping.
For the amendment	2	Councillors Findlater and Roy.
No vote	1	Councillor Tait

The Chairman **declared the motion carried** in the following terms:

That the application be delegated to the Head of Planning and Building Standards to approve on the appropriate conditions.

The Committee's reasons for departure from the valid Local Development Plan were that the

turbine would lie below the ridge line and the impact on the local area would be minimal.

11A. REFERENCE NO APP/2014/1974

FULL PLANNING PERMISSION FOR ERECTION OF 3 WIND TURBINES, HUB HEIGHT 55 METRES (TOTAL HEIGHT 77 METRES), FORMATION OF ACCESS TRACK AND ASSOCIATED INFRASTRUCTURE AT LAND 500 METRES EAST/SOUTH-EAST OF CAIRNANDREW, LONGMANHILL, BANFF

Applicant: Inicio-Fresco Ltd, Old Station, King Edward, Banff
Agent: 1 Stop Renewables, 46 Grayshill Road, Westfield Courtyard North, Cumbernauld

A report dated 6 May 2015, from the Director of Infrastructure Services, had been circulated seeking determination of the above application by the Area Committee.

The Committee heard from Mr Rod McGovern (agent), Mr Bob Ritchie (applicant), Rev Jim Cook and Mrs Eleanor Wilson (supporters) and Mr Jim Foot (objector).

Thereafter, Councillor Gray, seconded by Councillor Partridge, **moved** that consideration of the application be deferred until the next meeting of the Committee to enable Members of the Committee to visit the site of the application to enable them to better assess the potential impact of the proposed turbine on the surrounding area and observe the proximity of neighbouring properties to the proposed turbine site.

As an amendment, Councillor Findlater, seconded by Councillor Roy, **moved** that the application be refused for the following reasons:

1. The proposed development is contrary to Policy 3: Development in the Countryside, and SG Rural Development2: Wind Farms and Medium to Large Wind Turbines, Policy 8: Layout, Siting and Design of New Development, and SG LSD 2: Layout, Siting and Design of New Development, and Policy 12: Landscape Character and SG Landscape 1: Landscape Character, as contained in the Aberdeenshire Local Development Plan 2012 in that:

- a) the proposed turbine, in conjunction with consented and pending turbine applications, would result in adverse cumulative impacts to the detriment of the character and appearance of the local landscape; and
- b) the proposed turbine would have an adverse visual impact on the wider landscape.

Members of the Committee voted:

For the motion	6	Councillors Buchan, Cassie, Cox, Gray, Partridge and Topping.
For the amendment	3	Councillors Findlater, Roy and Tait.

The Chairman **declared the motion carried** in the following terms:

that consideration of the application be deferred until the next meeting of the Committee to enable Members of the Committee to visit the site of the application to enable them to better assess the potential impact of the proposed turbine on the surrounding area and observe the proximity of neighbouring properties to the proposed turbine site.

11B. REFERENCE NO APP/2014/1469**FULL PLANNING PERMISSION FOR ERECTION OF 1 WIND TURBINE, HUB HEIGHT 34.4 METRES (TOTAL HEIGHT 44.8 METRES) AND ASSOCIATED INFRASTRUCTURE AT LINGANBO, KING EDWARD, BANFF****Applicant: Mr M Ritchie, Per Agent****Agent: AE Associates, Cameron House, 26 Cupar Road, Auchtermuchty, Fife, KY14 7DD**

A report dated 11 May 2015, from the Director of Infrastructure Services, had been circulated seeking determination of the above application by the Area Committee.

The Committee heard from Mr Rod McGovern (agent) and Mr Bob Ritchie (applicant).

Thereafter, Councillor Partridge, seconded by Councillor Gray, **moved** that the application be approved as the turbine would provide power to the store which was due to be constructed on the site.

As an amendment, Councillor Findlater, seconded by Councillor Roy, **moved** that the application be refused for the following reasons:

1. The proposed turbine in combination with already approved and proposed turbines in the surrounding area would have a significant cumulative impact, both sequentially (along the A947 road to Banff and Macduff) and simultaneously, on landscape character and visual amenity. The application is therefore contrary to Policy 3 Development in the Countryside, SG Rural Development 2: Wind farms and medium to large wind turbines, and Policy 12 Landscape Conservation and SG Landscape 1: Landscape Character of the Aberdeenshire Local Development Plan 2012.

Members of the Committee voted:

For the motion	5	Councillors Buchan, Cassie, Gray, Partridge and Topping.
For the amendment	3	Councillors Cox, Findlater and Roy.
No vote	1	Councillor Tait.

The Chairman **declared the motion carried** in the following terms:

That the application be delegated to the Head of Planning and Building Standards to approve on the appropriate conditions.

The Committee's reason for departure from the valid Local Development Plan was that the turbine would provide power to the store on the site which had already received planning approval and which building work was due to commence on.

11C. REFERENCE NO APP/2015/0512**PERMISSION IN PRINCIPLE FOR ERECTION OF 3 DWELLINGHOUSES AT LAND OPPOSITE WOODLANDS, KING EDWARD, BANFF****Applicant: Mr & Mrs Strachan, Mill of Balmaud, King Edward, Banff****Agent: Mantell Ritchie, 27A High Street, Banff**

A report dated 30 April 2015, from the Director of Infrastructure Services, had been circulated seeking determination of the above application by the Area Committee.

The Committee heard from Mr Michael Ritchie (agent).

Thereafter, the Committee **agreed**:

- 1) that consideration of the application be deferred until the next meeting of the Committee to enable Members of the Committee to visit the site of the application to enable them to determine the extent of the property of the brownfield site, and
- 2) to instruct officers to provide a full report to the next meeting of the Committee detailing any environmental health issues relating to the former landfill site located 10m from the site.

11D. REFERENCE NO APP/2015/0478

FULL PLANNING PERMISSION – NATIONAL FOR CONSTRUCTION OF ONSHORE ELECTRICAL TRANSMISSION CABLES, COMPRISING AN ONSHORE TRANSITION JOINTING PIT, UNDERGROUND CABLES WITHIN A 33km (APPROXIMATELY) LONG CABLE CORRIDOR AND THE CONSTRUCTION OF 2 NO. SUBSTATIONS SOUTHWEST OF NEW DEER, ALSO INCLUDING TEMPORARY CONSTRUCTION COMPOUNDS, ACCESS TRACKS, LAYDOWN AREAS AND OTHER ASSOCIATED WORKS: NON COMPLIANCE WITH CONDITION 1 OF PLANNING PERMISSION IN PRINCIPLE REFERENCE APP/2014/2430 AT LANDING AT INVERBOYNDIE BAY, BANFF, TRAVELLING TO LAND WEST OF CAIRNBANNO HOUSE, NEW DEER

Applicant: Moray Offshore Renewables Limited (MORL)
Agent: No agent

A report dated 29 April 2015, from the Director of Infrastructure Services, had been circulated seeking 1) preliminary views from the Committee to be provided to Full Council for its consideration when determining the application on 18 June 2015 and 2) confirmation, in principle, of the Committee's support for the application.

During discussion, several Members of the Committee expressed their support for the application and no adverse comments were made.

Thereafter, the Committee **agreed** to confirm, in principle, their support for the application.