

ABERDEENSHIRE COUNCIL

INFRASTRUCTURE SERVICES COMMITTEE

WOODHILL HOUSE, ABERDEEN, 16 JUNE, 2016

Present: Councillors S W Smith (Chair), R J Merson (Vice-Chair), W A Agnew, P J Argyle, G J Clark, J B Cox, A Gardiner, J Latham, S Lonchay (substituting for D A Aitchison), I J Mollison, C H Nelson, H Partridge, M Roy and B H Stuart.

Apologies: Councillor D A Aitchison.

Officers: Head of Service (Planning and Building Standards), Head of Service (Economic Development and Protective Services), Head of Service (Transportation), Head of Service (Roads and Landscape), Team Leader, Planning and Building Standards, Strategy Manager Transportation, Energetica Development Manager, Chief Accountant, Senior Solicitor (M Ingram) and Committee Officer (F Brown).

1. DECLARATION OF MEMBERS' INTERESTS

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

Councillor P J Argyle declared an interest in Item 7 as a substantive member of NESTRANS;

Councillor G J Clark declared an interest in Item 7 as a substantive member of NESTRANS;

Councillor J Latham declared an interest in Item 7 as a substitute member of NESTRANS;

Councillor I J Mollison declared an interest in Item 7 as a substitute member of NESTRANS;

Councillor S W Smith declared an interest in Item 7 as a substitute member of NESTRANS;
and

Councillor B H Stuart declared an interest in Item 10 as a member of the Federation of Small Businesses

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

PRESENTATION

3. ENERGETICA

The Chair introduced James Welsh, Energetica Development Manager who was in attendance to provide the Committee with an overview of Energetica a world class development corridor between Aberdeen and Peterhead and which offers exciting investment and growth opportunities for energy, engineering and technology organisations of all sizes.

The Energetica Development Manager advised the Committee that Energetica was an ideal location to work, live and visit as it is close to Europe's largest offshore oil and gas resources; it has access to the energy industry know-how and an established supply chain; it is well connected internationally by sea and air; it is investing significantly in transport infrastructure and offers an award-winning quality of life, all set in a stunning coastal environment.

The presentation included the Energetica Strategic Objectives; the Operational Activity, Marketing and Communications; and a Snapshot of the Corridor and Investment opportunities.

During a question and answer session the Energetica Development Manager advised the Committee that Energetica was competing on an international stage and would continue to promote the opportunities available for businesses coming to the North East of Scotland.

Following a request by the Committee the Energetica Development Manager agreed to circulate copies of the Energetica signage designs and signage construction to all members following the meeting.

Thereafter, the Committee **agreed**:

- (1) to thank the Energetica Development Manager for his very informative presentation; and
- (2) to request copies of the Energetica signage designs and construction be circulated to members of the Committee following the meeting.

PLANNING AND BUILDING STANDARDS

4. SUPPLEMENTARY GUIDANCE 8: ABERDEENSHIRE FORESTRY AND WOODLANDS STRATEGY 2016

With reference to the Minute of the Meeting of the Infrastructure Services Committee of 28 January, 2016 (Item 5, Page 1239) where the Committee had authorised a public consultation on the proposed Supplementary Guidance, there had been circulated a report dated 12 May, 2016 by the Director of Infrastructure Services which presented the outcome of the consultation on the Proposed Aberdeenshire Forestry and Woodland Strategy 2016. The Committee were asked to consider Appendix 1 to the report which contained the issues and actions paper summarising comments made during the consultation period and then make any additional comments before approving the revised Aberdeenshire Forestry and Woodlands Strategy 2016.

The Head of Service (Planning and Building Standards) introduced the report and advised the Committee that Appendix 1 to the report presented an issues and actions paper which summarised the points raised and the proposed actions to address those issues following the public consultation. It was further reported that Appendix 2 to the report presented the comments made by Area Committees and the proposed actions to address those comments.

After due consideration the Committee **agreed**:-

- (1) to note the outcomes of the consultation on the Proposed Aberdeenshire Forestry and Woodland Strategy 2016; and
- (2) To approve the revised Aberdeenshire Forestry and Woodland Strategy 2016 as the Supplementary Guidance that they wish to adopt, subject to revision in light of any comments received.

5. PROPOSED SUPPLEMENTARY GUIDANCE

There had been circulated a report by the Director of Infrastructure Services dated 24 April, 2016 which presented six pieces of revised Supplementary Guidance which would be used to support the Aberdeenshire Local Development Plan 2016 from the date of adoption and which included Affordable Housing; Regeneration Priority Area; Energetica; Coastal Zone; Local Nature Conservation Sites; Areas of Search and Safeguard for Minerals and the Committee were asked to approve following comments made by Area Committees as presented in Appendix 1 to the report.

The Head of Service (Planning and Building Standards) introduced the report and advised the Committee that the Local Development Plan 2016 was currently with the Scottish Ministers for examination and the report provided six pieces of revised Supplementary Guidance which would support the Local Development Plan 2016 as presented in Appendix 2 to the report.

The Committee were asked to note that one further piece of Supplementary Guidance had not been attached to the report as Developer Obligations guidance may require to be revised as a consequence of legal advice being sought following a Court of Session ruling to quash the Strategic Development Planning Authority's Supplementary Guidance on a Strategic Transport Fund. The Committee were asked to note that Developer Obligations Supplementary Guidance would be presented to a future Infrastructure Services Committee for consideration and approval.

During discussion the Committee queried the grounds for confidentiality for all Developer Obligations agreements and questioned why the delivery of affordable housing could not be more open and transparent and whether Aberdeenshire Council had any guidance on non-disclosure.

Following advice from the Senior Solicitor which highlighted that this was an Aberdeenshire Council policy position, the Committee requested that Legal Officers enter into dialogue with the Developer Obligations team and then provide a briefing note to members on why Developer Obligations negotiations cannot be made available to members.

After due consideration, the Committee **agreed**:-

- (1) To approve the revised Supplementary Guidance for use from the date of adoption of the Aberdeenshire Local Development plan 2016, subject to any changes that may be required following the conclusion of the Local Development Plan Examination; and
- (2) To request that legal officers provide a briefing note to members on the reasons why Developer Obligations negotiations cannot be made available to elected members.

GENERAL

6. INFRASTRUCTURE SERVICES QUARTERLY PERFORMANCE EXCEPTION REPORTING JANUARY – MARCH 2016 (QUARTER 4) ABERDEENSHIRE PERFORMS

With reference to the Minute of the Infrastructure Services Committee meeting of 14 May, 2015 (Item 7, Page 2069) where the Committee agreed to receive reports setting out performance against key measures every quarter and reports setting out progress against actions/projects in the service plan every six months, there had been circulated a report dated 24 May, 2016 by the Director of Infrastructure Services which sought to advise the Committee on the performance of Infrastructure Services during Quarter 4 (January – March, 2016 as assessed using performance indicators as set out in the Infrastructure Service Plan 2015 – 2018 and to highlight areas where performance was above expectations and where performance had fallen below expectations during that quarter.

The Head of Service (Planning and Building Standards) introduced the report and advised the Committee that Appendix 1 to the report presented 6 measures which had been able to demonstrate good performance as highlighted in Section 4.4 of the report and Appendix 2 to the report presented 8 measures which had shown performance which was below expectation in Quarter 4 as presented in Section 4.5 to the report.

After due consideration the Committee **agreed**:-

- (1) To acknowledge the good performance achieved from January to March 2016 (Quarter 4) as identified in Appendix 1 to the report;
- (2) That they had considered the measures where performance was below expectations from January to March 2016 as identified in Appendix 2 to the report;
- (3) To note the publication of the complete January to March 2016 Performance Report on the Ward Pages and on the Council's website; and
- (4) To advise the Director to continue to report, by exception, to the Committee quarterly on performance measures against service objectives and six monthly on progress in delivering all aspects of the service plan.

TRANSPORTATION

7. STRATEGIC TRANSPORT UPDATE

With reference to the Minute of the Infrastructure Services Committee of 17 March, 2016 (Item 14, Page 1478), there had been circulated a report dated 19 May, 2016 by the Director of Infrastructure Services which presented to the Committee progress and developments taken forward by external agencies and reported through Nestrans as presented in Appendix 1 to the report and an action update for the Local Transport Strategy (LTS).

The Head of Service (Transportation) introduced the report and advised the Committee that the report was presented to Committee every second cycle and provided updates on the Local Transport Strategy (LTS) update from March to June 2016.

The Head of Service (Transportation) then made specific to specific items in the report, namely:-

Section 2.7 reported that the Aberdeenshire Council and Nestrans were jointly working with the rail industry to work up scheme designs, demand forecasts, economic appraisal and a

business case for Kintore Station and Appendix 4 to the report presented the main business investment case submission being made to the Scottish Stations Fund Bid.

Section 2.8 to the report referred a decision by the Committee at their last meeting to lobby the Minister for Transport and Islands regarding access improvements for Inch Railway Station and it was reported that at a Nestrans meeting of 19 April, 2016 Network Rail had requested that Transport Scotland undertake a full assessment of accessibility at Inch Station.

While the Committee welcomed this update and looked forward to further updates following the assessment, they noted that any improvements would be relevant to the highly awaited junction at Laurencekirk and requested that the Chair should write to the Cabinet Secretary for Infrastructure, Investment and Cities to seek some clarification on the timescales for the earliest possible delivery of the Laurencekirk junction.

After due consideration the Committee **agreed**:-

- (1) Endorse the progress and developments taken through Nestrans and acknowledge the activities and developments being taken forward by external agencies and stakeholders as outlined in the report;
- (2) Agree to accept further updates on the progress of both the implementation and delivery of the Aberdeenshire Local Transport Strategy (LTS) as appropriate;
- (3) Welcome the progress with the work to deliver a new station at Kintore;
- (4) Acknowledge the stated commitment of Network Rail to undertake a re-assessment of accessibility at Inch Station and defer a decision to further lobby the Minister for Transport and the Islands until such time as the outcome of the assessment and agreed actions are known; and
- (5) That the Chair should write to the Cabinet Secretary for Infrastructure, Investment and Cities to seek clarity on the timescales for the earliest possible delivery of the Laurencekirk Junction.

8. FRASERBURGH, PETERHEAD AND ELLON TO ABERDEEN STRATEGIC TRANSPORT STUDY

With reference to the Minute of the Infrastructure Services Committee meeting of 12 May, 2016 (Item 7, Page 68) where the Committee considered a report setting out the key findings of the initial study into options along the Fraserburgh, Peterhead and Ellon to Aberdeen corridor, there had been circulated a report dated 23 May, 2016 by the Director of Infrastructure Services which presented comments from the Banff and Buchan Area Committee and the Buchan Area Committee as presented in Appendix 1 to the report and the Formartine Area Committee comments which were tabled as noted below:-

- (a) It is important to have a hybrid mix to resolve traffic issues, in particular to assist in providing a consistent travel time to allow persons to plan ahead;
- (b) It was important to ensure that this did not turn into a road versus rail situation;
- (c) Improved connectivity for the area is paramount, particularly within the Energetica corridor, and this is an opportunity to be innovative;
- (d) Road safety was very important and so any improved that could be made were welcomed;
- (e) A mixture of options would benefit the whole of the North East area;
- (f) Although a mixture of measures would be the best way forward, there are concerns that a suite of measures may be harder to implement;

- (g) There were benefits of using the historic track bed for a rail link from Aberdeen to Ellon as it would connect the area to Dyce and Newmachar;
- (h) If a rail link to Ellon was installed, it should be noted that there would likely be pressure to expand this further;
- (i) It would be helpful if links to the A947 Route Improvement Strategy could be referenced, as there could be opportunities for cross fertilisation;
- (j) It would be useful if Officers, at the appropriate time, could provide detail of options available through the City Region Deal, and
- (k) Rather than focusing on specific projects, an integrated solution should be sought for the whole area.

The Head of Service (Transportation) introduced the report and advised the Committee that the Formartine Area Committee comments had been tabled and as such the Committee were asked to also consider and approve their comments for onward submission to Nestrans.

Reference was then made to Appendix 1, Page 3 of the report where the first comment of the Buchan Area Committee should be amended by removing the word "roads" so as to read "*that Options 1 & 2 be taken forward as the preferred options and that in particular Option1 be further explored*".

After due consideration the Committee **agreed**:-

- (1) To consider and approve the comments from the Banff and Buchan and Buchan Area Committees as set out in Appendix 1 to the report for submission to Nestrans; and
- (2) To consider and approve the comments from the Formartine Area Committee as tabled at the meeting (a) to (k) above for submission to Nestrans.

ROADS, LANDSCAPE SERVICES AND WASTE MANAGEMENT

9. UPDATE ON THE WORK OF KIMO – SUMMARY KOMMUNENENES INTERNASJONALE MILJØORGANISASJON (KIMO)

There had been circulated a report by the Director of Infrastructure Services dated 6 June, 2016 which provided the Committee with a summary on the work of Kommunenenes Internasjonale Miljøorganisasjon (KIMO) for 2015 as presented in the Kimo Annual Report attached as Appendix 1 to the report.

The Head of Service (Roads, Landscape Services and Waste Management) introduced the report and advised the Committee that the report was an annual summary of the work being undertaken by KIMO during 2015 and Aberdeenshire Council's involvement along with 70 other Local Authorities drawn from seven countries with Northern Sea Coastlines.

The Head of Service (Roads, Landscape Services and Waste Management) drew the Committee's attention to specific areas of work, namely:--

- (1) Section 2.8 referred to the Fishing for Litter Scotland and Fishing for Litter South West which had seen fishing vessels participating in projects which had recovered 1,200 tonnes of marine litter from the sea which had included Peterhead and Fraserburgh;
- (2) Section 2.10 referred to KIMO being actively engaged in the effort to retain a UK Government funded Emergency Towing Vessel (ETV) in UK waters;
- (3) Section 2.13 referred to the launch of 'Pick up Three Pieces' initiative Aberdeenshire and Aberdeen City where school children have been made aware of sources of marine litter and the impact that has on sea life and 250 children had been issued with resource packs in schools and funding obtained through the postcode lottery had allowed officers to raise the profile of the campaign through social media;

- (4) Section 2.14 referred to the nets recycling programme in Scotland where a trial was underway to explore opportunities to introduce and net recycling programme in Scotland.

After due consideration, the Committee **agreed**:-

- (1) To consider and note the activities described in the KIMO International Annual Report for 2015 as presented in Appendix 1 to the report; and
- (2) To consider and note the activities of KIMO UK as presented in the report.

ECONOMIC DEVELOPMENT AND PROTECTIVE SERVICES

10. OPPORTUNITY NORTH EAST – UPDATE REPORT

With reference to the Minute of Aberdeenshire Council meeting of 16 December, 2015 (item 4, Page 1110) where the Council Co-Leader, Councillor Richard Thomson was appointed as the Council's representative to the new Opportunity North East (ONE) Board and the Minute of the Infrastructure Services Committee meeting of 28 January, 2016 (item 16, Page 1246) where the Committee had noted the establishment of ONE and agreed that a report on the work and development of ONE should be presented every six months, there had been submitted a report dated 18 May, 2016 by the Director of Infrastructure Services which provided an update on the progress of ONE and the areas of joint work with Aberdeenshire Council.

The Head of Service (Economic Development and Protective Services) introduced the report and advised the Committee that the report presented the progress on activities being undertaken by the ONE Board and the areas of joint work being undertaken with Aberdeenshire Council with further reports being presented to Committee every six months.

It was reported that the Committee had been invited to a presentation by the ONE Board on Friday 19 August, 2016 in the Council Chamber, Woodhill House, Aberdeen and Sir Ian Wood, Chairman of the Board would be in attendance.

The Committee welcomed the update but voiced concerns that updates would only be presented to Committee every six months. The Committee agreed that it would be helpful if Councillor Thomson as the Aberdeenshire representative on the ONE Board could provide a briefing note to members after each Board meeting to ensure everyone was aware of what was being taken forward.

During discussion the Committee made reference to Section 2.4 of the report and queried whether the membership of each of the four sector boards (Oil & Gas; Food, Drink and Agriculture; Life Sciences and Tourism) could be made available to members.

After due consideration, the Committee **agreed**:-

- (1) To note the development of Opportunity North East (ONE) and the areas of joint work with Aberdeenshire Council;
- (2) To seek that a further report on Opportunity North East work is provided to the Committee every six months; and
- (3) To ask Councillor Richard Thomson as the Aberdeenshire representative on the ONE Board to provide a report after the Board meetings to keep members' up-to-date with what was being taken forward; and

- (4) To request that officers provide a list of the membership of the four sector boards (Oil and Gas Board, Food Drink and Agriculture Board, Life Sciences Board and Tourism Board) as referred to in Section 2.4 of the report.

11. ENERGETICA: PROGRESS REPORT

With reference to the Minute of the Aberdeenshire Council meeting of 16 December, 2015 (Item 4, Page 1110) where Aberdeenshire Council agreed that regular updates on Energetica Activities should be presented to the Infrastructure Services Committee and would replace the six monthly updates which were previously contained within the ACSEF Progress Report, there had been submitted a report dated 19 May, 2016 by the Director of Infrastructure Services which presented the actions being undertaken and the progress being made under the Energetic Programme as presented in Section 2.3 to the report.

After due consideration, the Committee **agreed**:-

- (1) To note the actions being undertaken and the progress being made under the Energetica Programme; and
- (2) To seek a further progress report in six months.

12. DRAFT ECONOMIC DEVELOPMENT PRIORITIES 2016-2021

With reference to the Minute of the Infrastructure Services Committee meeting of 12 May, 2016 (Item 16, Page 1798) where the Committee endorsed the achievements and related action plan progress update of the Council's Economic Development Strategy which had run from 2011 to 2016, there had been submitted a report dated 18 May, 2016 by the Director of Infrastructure Services which presented a draft set of Economic Development Priorities for the Council for the period 2016/2021 as presented in Appendix 1 to the report.

The Head of Service (Economic Development and Protective Services) introduced the report and advised the Committee that there was a significant number of changes in the nature and structure of the regional economy as highlighted in Appendix 2 to the report and as such the Committee were asked to renew their approval of the Council's own objective for economic development in Aberdeenshire "*Our Economic Objective is for the Council to create the conditions for sustainable economic growth, diversification and regeneration within Aberdeenshire and the wider region*".

The report presented the key action areas for Aberdeenshire as presented in Appendix 1 to the report and it was reported that the key action areas would be presented to Area Committees for comment/approval to allow members to discuss the economic development priorities for 2016-2021.

During discussion the Committee made reference to the Aberdeenshire Council priorities being discussed at the Full Council meeting on 30 June, 2016 and as such the Draft Economic Development Priorities 2016-2021 could be approved in DRAFT but with the caveat that changes may be required.

After due consideration, the Committee **agreed**:-

- (1) Renew its approval of the Aberdeenshire Council's economic objective "*Our Economic Objective is for the Council to create the conditions for sustainable economic growth, diversification and regeneration within Aberdeenshire and the wider region*";

- (2) Adopt regional economic objectives as set out in Appendix 1, as those Aberdeenshire Council will take a lead role on;
- (3) Consider and comment on the draft Economic Development priorities, as presented in Appendix 1 to the report, taking into account the information contained within the Review of Aberdeenshire's economy as presented in Appendix 2 to the report;
- (4) Authorise Officers to present the draft Economic Development Priorities to the Area Committees for comment, prior to the development of an Action Plan to be approved by the Infrastructure Services Committee; and
- (5) Agree that Aberdeenshire Council priorities would be discussed at the Full Council meeting on 30 June, 2016.

13. LEADER PROGRAMME IMPLEMENTATION

With reference to the Minute of the Infrastructure Services Committee meeting of 16 June, 2016 (Item 13, Page 847) where the Committee agreed that Aberdeenshire Council would act as Lead Partner for the Aberdeenshire Fisheries Local Action Group (AFLAG), North Aberdeenshire Local Action Group NAFLAG) and South Aberdeenshire Local Action Group (SALAG) and provide necessary resources required to undertake those roles, there had been submitted a report dated 17 May, 2016 by the Director of Infrastructure Services which provided the Committee with guidance on changes to the terminology since Committee approval had been agreed which would mean that Lead Partners would now be referred to as Accountable Bodies and AFLAG had been replaced with the North East Scotland Fisheries Local Action Group (NESFLAG).

The Head of Service (Economic Development and Protective Services) introduced the report and advised the Committee that each LAG was an unincorporated association governed by a constitution and their members did not have limited liability which had meant members of each LAG had been reluctant to sign legally binding documents such as grant agreements or open themselves up to a slight risk attached to signing such documents which had proved difficult. As such it was proposed that the Aberdeenshire Council arrangement with LAGs be extended from acting as Lead Partner/Accountable Body to acting as an Agent of NALAG and SALAG to allow the Council to enter into contracts with grant applications on behalf of the LAGs therefore giving the LAG members with some degree of comfort in that Aberdeenshire Council as signatory would be responsible for enforcing the grant conditions for all applications.

It was reported that the proposed approach would not expose the Council to any additional risk as they would be acting as agent for the LAGs nor would it remove the theoretical risk attached to the LAG members as they would still be the named principals under the agreements.

After due consideration, the Committee **agreed**:-

- (1) To approve the Council to act as an Agent for the North and South Aberdeenshire Local Action Group as and when required to do so.