

**ABERDEENSHIRE COUNCIL**

**GARIOCH AREA COMMITTEE**

**GORDON HOUSE, INVERURIE ON 20 FEBRUARY 2018**

**Present:** Councillors F Hood (Chair), D Aitchison, N Baillie, L Berry, M Ewenson, M Ford, V Harper, D Lonchay, R McKail, A McKelvie, G Reid, H Smith, I Walker and J Whyte.

**Apology:** Councillor Leslie.

**Officers:** M J Cardno (Garioch Area Manager), A Overton (Senior Solicitor), B Strachan (Senior Planner), M Watt (Planner), J Hewitt (Planner), G Steel (Principal Engineer), M Jones (Rector, Inverurie Academy), L Paul (Head Teacher, Kemnay Academy), A Reid (Head Teacher, Westhill Academy), G Stevenson (Depute Head Teacher, Bennachie Campus) and A Cumming (Garioch Area Committee Officer).

**In Attendance:** W Chisholm (Scottish Fire & Rescue).

**1. DECLARATIONS OF MEMBERS' INTERESTS**

In accordance with the Scheme of Governance, the following interests were declared:-

- Item 5B Councillor Ewenson as she was part of the Community Council when the application was originally considered. She confirmed that she made no representation as an individual or as part of the Community Council and having applied the objective test decided to take a full part in determining the item;
- Item 5C Councillor Berry as the applicant is her brother-in-law's company. Councillor Berry left the Council Chamber whilst the application was determined; and
- Item 7 Councillor Baillie as he is a mentor for S6 pupils. Councillor Baillie explained that having applied the objective test he considered that had no interest to declare.

**2. RESOLUTIONS**

**A. 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.

### 3. MINUTE OF MEETING OF 30 JANUARY 2018

In accordance with Standing Order 7.1.1 the Committee **agreed** that the minute was a correct record of proceedings and it was duly signed by the Councillor presiding over the meeting.

### 4. SCOTTISH FIRE AND RESCUE SERVICE – LOCAL AREA UPDATE OCTOBER-DECEMBER 2017

A report by the Local Senior Officer, Aberdeenshire and Moray and Director of Business Services was circulated detailing the performance report for October to December 2017.

The Committee **agreed** to:

1. thank Officers for their good work in Garioch;
2. note the performance report relating to the period for October to December 2017; and
3. note any local operational matters arising, together with key resource issues, as detailed within appendices attached to the report.

### 5. PLANNING APPLICATIONS FOR CONSIDERATION

The following planning applications were considered along with any valid representations received and were dealt with as recorded in **Appendix A** to this Minute.

A.	APP/2017/2303	Change of use of public house to form bed and breakfast accommodation (Class 7) including alterations and extensions at Midmar Inn, Midmar	Grant
B.	APP/2017/3238	Construction of 400/275KV electricity substation and switchgear building surrounded by palisade security fence and formation of landscaping and access tracks without compliance with condition 1 (landscaping) of planning permission reference APP/2014/3443 at land to west of Wood of Middleton, Rothienorman	Recommend Grant to Formartine Area Committee
C.	APP/2017/2784	Erection of building for food and drink (use class 3) at Unit 5, Kingshill Commercial Park, Venture Drive, Arnhall Business Park, Westhill	Delegated Grant

### 6. APPEAL DECISIONS

#### A. CONVERSION OF CARE HOME TO FORM 17 RESIDENTIAL FLATS AT KIRKTON HOUSE, SKENE, WESTHILL (LRB 396)

A Local Review Body decision notice was circulated detailing the decision relating to an appeal regarding the removal of condition no. 6 from planning permission APP/2016/2830 at Kirkton House, Skene, Westhill.

The Committee **agreed** to note the decision of the Local Review Body to allow the appeal and remove condition no. 6 from planning permission APP/2016/2830.

## **B. COMMERCIAL DEVELOPMENT AT LAND AT THAINSTONE, INVERURIE DIRECTORATE OF PLANNING AND ENVIRONMENTAL APPEALS**

A Directorate of Planning and Environmental Appeals decision notice was circulated detailing the decision relating to an appeal against refusal of commercial development at land at Thainstone, Inverurie and the outcome of a claim for expenses.

The Committee **agreed** to note the decision of the Directorate of Planning and Environmental appeals to:-

1. allow the appeal and grant planning permission for commercial development at land at Thainstone, Inverurie; and
2. decline to make an award of expenses on the grounds that Aberdeenshire Council had not acted unreasonably

## **7. ANALYSIS OF ATTAINMENT AND ACHIEVEMENT OF YOUNG PEOPLE IN GARIOCH SECONDARY SCHOOLS IN ACCREDITED AWARDS, YEAR ENDING JUNE 2017**

As previously indicated, Cllr Baillie intimated that he is a mentor for S6 pupils, but explained that having applied the objective test that he had no interest to declare.

A report by the Director of Education and Children's Services was circulated detailing the attainment and achievement of pupils in Garioch Secondary Schools.

The Committee heard from the Head Teachers of the three secondary schools in Garioch about the work ongoing to develop and improve the attainment and achievement of their pupils.

The Committee **agreed** to:-

1. acknowledge the good work being done by staff, pupils and parents to achieve the level of attainment;
2. request that attainment information for Alford Academy, Meldrum Academy and Dyce Academy be circulated to Members because pupils from their Area attend these academies.

## **8. LITERACY STRATEGY**

A report by the Director of Education and Children's Services was circulated presenting the proposed Literacy Strategy and seeking comments to be forwarded to the Education and Children's Services Committee.

The Committee **agreed** to:-

1. note the Literacy Strategy; and
2. forward the following comments to the Education and Children's Services Committee:-
  - a) consideration should be given to involving the Prison Service in the strategy;
  - b) the strategy should take into account the needs of gypsy/travellers and refugees; and

- c) the strategy should link with Health and Social Care particularly in relation to mental health.

### 9. STATEMENT OF OUTSTANDING BUSINESS

A report by the Director of Education and Children's Services was circulated presenting the items of outstanding business for the Garioch Area Committee as at February 2018.

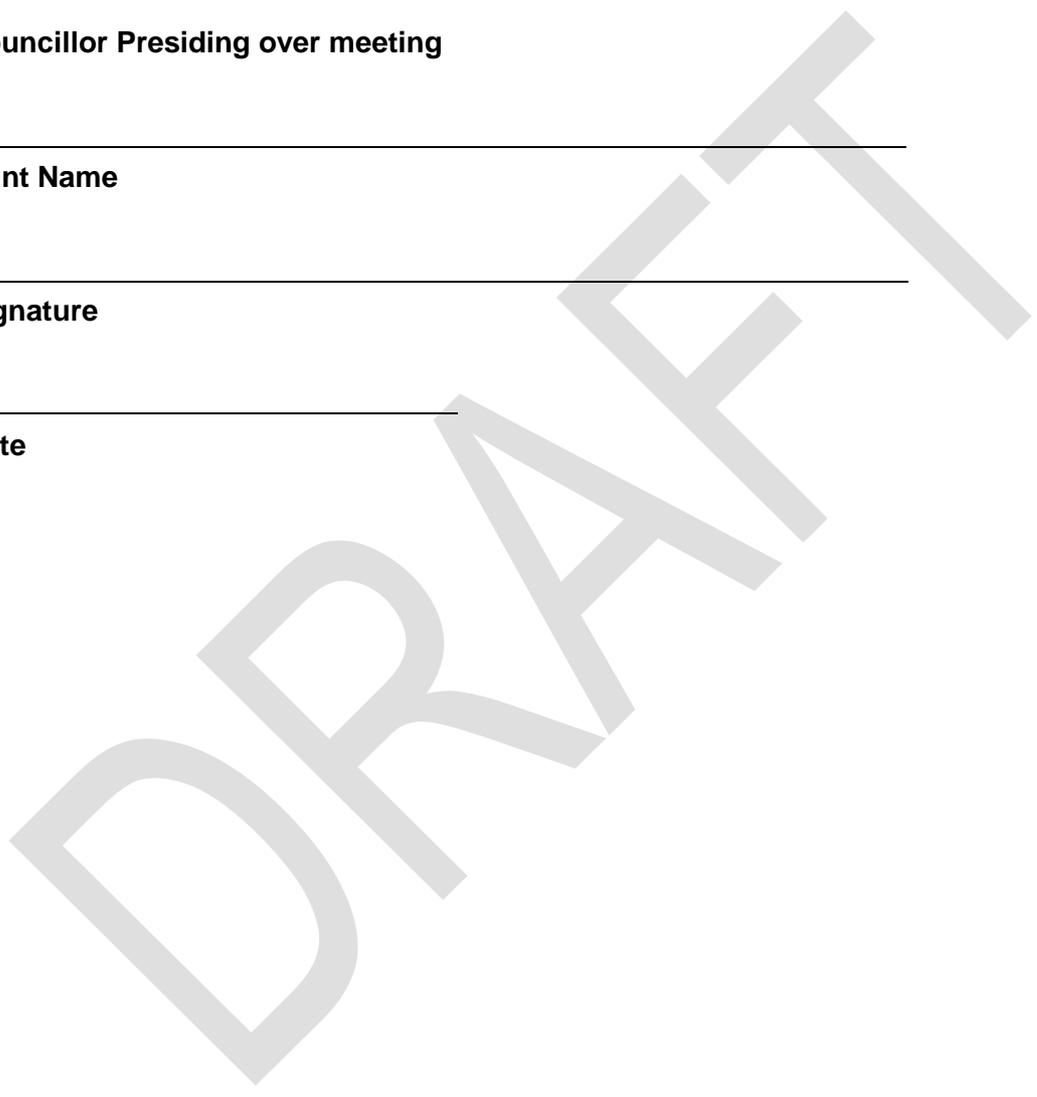
The Committee **agreed** to note the items of outstanding business as at February 2018.

#### Councillor Presiding over meeting

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**GARIOCH AREA COMMITTEE**

**20 FEBRUARY 2018**

**APPENDIX A**

**PLANNING APPLICATIONS FOR DETERMINATION**

**A. Reference No: APP/2017/2303**

**Full Planning Permission for change of use of public house to form bed and breakfast accommodation (Class 7) including alterations and extensions at Midmar Inn, Midmar, Aberdeenshire, AB51 7LX**

**Applicant: Mr David Cooper**  
**Agent: Matthew W Merchant**

The Planner confirmed that the application was for a change of use from a public house to a bed and breakfast on a site 3km west of the settlement of Echt. He confirmed that the public house had ceased trading in 2007 and the building was in a poor condition and the site overgrown. He confirmed that the application would see the removal of a number of previous extensions to be replaced by a new extension and that the new development would provide tourist accommodation and a residence for the owner. The Planner confirmed that Environmental Health had provided a response and was seeking a further condition relating to the private water supply.

The Planner explained that a previous application for the change of use to a residential development was refused a number of years before under a different Local Development Plan and policies. He confirmed that current policies did not offer the same opportunity to refuse the application. The Planner confirmed that there was a live 'community right to buy' on the property, but that this required a willing seller to be able to be triggered, which there was not. He confirmed that guidance clearly indicated that the right to buy could not prevent the applicant developing the site and therefore the change of use being approved.

Councillors sought clarification about parking, how the use can be controlled and the nature of guest accommodation. The Planner confirmed that the parking was the same as previously provided for the public house, that a new planning application would be required to allow the use to be purely residential and that there was 3 bedrooms, one en-suite and a shared bathroom.

Members sympathised with the community group that had the right to buy, but accepted that this did not stop development on site and was only able to be triggered if the owner wished to sell. They indicated that the site was untidy and the building was deteriorating and that the development would see the retention and redevelopment of the building. Some Members pointed out the difficulty in making country pubs viable and sustainable and were keen to see the building brought back in to use. Some Members had concerns about the proposed design of the extension, but the majority of Councillors were content with the development as proposed.

The Committee **agreed** to grant Full Planning Permission subject to the following conditions:-

1. 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 160 metres in a east direction and 133 metres in a west direction along the channel line of the public road has been provided from a point 2.4 metres measured at right angles

from the existing edge of the carriageway surface along the centre line of the approved access 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 shall be permanently retained thereafter and no visual obstruction of any kind shall 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.

2. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store area have been submitted to and approved in writing by the planning authority. The area shall be constructed behind any visibility splay and shall be designed so as to be accessible for refuse bin uplift and to prevent empty bins from being wind-blown. *The building shall not be occupied* unless the refuse bin uplift store area *has/have* been provided and surfaced in accordance with the approved details. 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.

3. The building hereby approved shall not be brought into use unless its access (first 5m of driveway, measured from edge of road or footway, to be fully paved), turning and parking areas (off-street parking for six cars) have been provide. Once provided, the access, turning and parking areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion and retention of the on-site facilities to an adequate standard in the interests of road safety.

4. 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.

5. 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 landscape features and vegetation to be retained.
- b) Protection measures for the landscape features to be retained.
- c) Existing and proposed finished levels.
- d) The location of new trees, shrubs, hedges, grassed areas

- e) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- f) The location, design and materials of all hard landscaping works including walls, fences, gates
- g) An indication of existing trees, shrubs and hedges to be removed.
- h) 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.

6. No works in connection with the development hereby approved shall commence unless details and colour of all the materials to be used in the external finish for the approved development have been submitted to and approved in writing by the planning authority. The extension shall not be brought into use unless the external finish has been applied in accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

7. The development hereby approved shall not be brought into use unless the recommendations in the bat survey (Countrywise Bat Survey Report v1 12/10/17) have been implemented in full.

Reason: In the interests of protecting and enhancing the biodiversity of the environment.

8. The proposed development shall not be brought into use unless a private water treatment system has been installed in accordance with the manufacturer's instructions. The system shall include a point of entry UV steriliser unit with pre-filter, and a pH correction filter. Once installed satisfactory samples must be submitted to the Environmental Health service. The private water treatment system shall thereafter be permanently retained.

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

### **Reason for Decision**

The proposed development accords with the development plan and there are no material considerations which indicate that permission should be refused.

**B. Reference No: APP/2017/3238**

**Full Planning Permission for construction of 400/275KV electricity substation and switchgear building surrounded by palisade security fence and formation of landscaping and access tacks without compliance with condition 1 (Landscaping) of Planning Permission Reference APP/2014/3443 at land to the West Of, Wood Of Middleton, Rothienorman, Inverurie, Aberdeenshire**

**Applicant: Scottish Hydro Electric**  
**Agent: JLL**

As previously indicated Councillor Ewenson declared an interest, but continued to take a full part in considering the application.

The Planner explained that the application was for a development contained within the National Planning Framework and required to be determined by Full Council, but that the development already had consent and the application was simply seeking an amendment to the condition relating to the landscaping. He explained that the application site was 200 metres from the boundary between Garioch and Formartine and that views on the application were sought for consideration by Formartine Area Committee and a view would then be provided for consideration by Full Council. The Planner confirmed that letters of representation had been received in relation to the application, but that they had been in relation to the principle of development rather than the amendment to the condition and therefore had not been considered material to the determination of this application. The Planner explained that the original condition required that planting be undertaken in the first planting season, but that the developer was seeking to amend this as it would take longer to complete the development and the planting could be damaged whilst works were continuing. The Planner confirmed that the timing of planting would be controlled through an agreed timetable and the amendment was considered to be acceptable.

The Committee **agreed** to confirm to Formartine Area Committee that it supports the recommendation of the Planning Service to grant Full Planning Permission subject to the conditions detailed below:-

**1) Landscaping Scheme**

That no works in connection with the development hereby approved shall take place 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:

- (i) Existing and proposed finished ground levels relative to a fixed datum point;
- (ii) The location of new trees, shrubs, hedges, grassed areas and water features;
- (iii) A schedule of plants to comprise species, plant sizes and proposed numbers and density;
- (iv) A programme for the completion and subsequent maintenance of the proposed landscaping

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

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

2) **Visibility Splays**

That no other development in connection with the permission hereby approved shall take place and the access hereby approved shall not be brought into use unless visibility of 160 metres in both directions along the public road has been provided from a point 2.4 metres measured at right angles from the existing carriageway surface along the centre line of the approved new access.

Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall 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.

3) **Parking Area**

That the development hereby approved shall not be occupied unless its parking area has been provided and surfaced with hard standing. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: In the interests of road safety.

4) **Water Sample**

That prior to the occupation of the building hereby approved on drawing number 49336063/1502 a satisfactory water sample be taken from the supply by Environmental Health. The cost of the analysis is to be borne by the applicant.

Reason: To ensure that a satisfactory water supply is provided.

5) **Surface Water**

That no development in connection with the planning permission hereby approved shall take place unless full details of the proposed means of disposal of surface water from the development have been submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, surface water shall be disposed of via the use of Sustainable Urban Drainage Systems and the development shall not be brought into use unless the agreed drainage system has been provided in its entirety.

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

6) **Site Waste Management Plan**

Prior to the commencement of any works a full site waste management plan shall be submitted for the written approval of the Planning Authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved plan.

Reason: To ensure that waste on the site is managed in a sustainable manner.

7) **CEMD**

At least two months prior to the commencement of any works a full site specific construction environmental management document (CEMD) must be submitted for the written approval of the Planning Authority in consultation with SEPA and all work shall be carried out in accordance with the approved plan. The CEMD should include a dedicated pollution prevention section.

Reason: To control pollution of air, land and water.

**Reason for Decision**

The proposal is consistent with the aims of the Aberdeenshire Local Development Plan 2017 in reducing carbon emissions and adapting to climate change, and contributes towards the Scottish Governments National Planning Framework goal of achieving 100% of Scotland's gross annual electricity consumption from renewable sources by 2020. The amendment of the condition would not alter the scheme to the extent that the development would be contrary to the Aberdeenshire Local Development Plan 2017.

**C. Reference No: APP/2017/2784**

**Full Planning Permission for the erection of building for food and drink (use class 3) at Unit 5, Kingshill Commercial Park, Venture Drive, Arnhall Business Park, Westhill, Aberdeenshire, AB32 6FQ**

**Applicant: Knight Property Group**  
**Agent: Savills (UK) Limited**

As previously indicated, Councillor Berry declared an interest and left the Council Chamber whilst the application was determined.

The Senior Planner explained that the application was for the erection of a class 3 use building within the Commercial Park which was allocated for class 4, 5 and 6 use. He confirmed that further discussions had taken place with the Health and Safety Executive regarding the size of the unit proposed and proximity to the nearby pipeline and that he was now seeking a delegated grant subject to the outcome of these discussions. He also confirmed that an amendment would require to be made to condition 11 to ensure that the gross floor area was less than 250 sqm.

The Senior Planner confirmed that consideration had been given to the impact on the town centre and justification had been provided by the applicant. He said that the small scale proposal would be an appropriate addition to service the business park.

The Committee **agreed:-**

1. that the reason for departing from the Aberdeen Local Development Plan 2017 is that there is considered to be limited prospect of the site being developed for use under Classes 4, 5 or 6 at the present time and the site could benefit from a more viable, alternative use which would be compatible with neighbouring land uses, not undermine the vitality and viability of Westhill Town Centre due to its limited scale, and not preclude a future grant of planning permission for the business or industrial use of the site. The proposed development complies with all other relevant policies of the Aberdeenshire Local Development Plan 2017 and there are no other material considerations which suggest that permission should be refused.

2. that authority to grant Full Planning Permission be delegated to the Head of Planning and Building Standards subject to:-
- i) further consultation with the Health and Safety Executive and any conditions resulting from this;
  - ii) the following conditions:-
    1. The erection of the building hereby approved shall not commence unless an Energy Statement applicable to that 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 the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments.

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 Aberdeenshire Council's Local Development Plan

2. The development hereby approved shall not be brought into use unless detailed floor plans and full details of proposed ventilation systems have been submitted to and approved in writing by the planning authority. Should the submitted details fail to demonstrate that the development shall not detract from the amenity of the nearest sensitive properties, then full details of proposed noise and odour attenuation and/or other mitigation measures shall be submitted for approval in writing by the planning authority. In the event that noise and odour attenuation and/or other mitigation measures are deemed to be required, the approved development shall not be brought into use unless the agreed noise and odour attenuation and/or other mitigation measures have been implemented in accordance with the details approved subject to this condition.

Reason: In the interests of the amenity of the nearest sensitive properties.

3. The development hereby approved shall not be brought into use unless a litter collection policy and plan for the development has been submitted to and approved in writing by the planning authority. All the measures identified in the approved policy and plan shall be in place and fully operational before the premises is brought into use. Thereafter

the premises shall not operate other than in complete accordance with the approved litter collection policy and plan unless otherwise agreed in writing by the planning authority.

Reason: In the interests of the amenities of the surrounding area.

4. The development hereby approved shall not be brought into use unless the vehicular and pedestrian access and all parking and turning areas have been provided and surfaced in accordance with the details shown on the approved plan. Once provided, the vehicular and pedestrian access and all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the provision of a means of access and turning space to an adequate standard in the interests of road safety, and to ensure the provision of car parking in accordance with current Car Parking Standards of Aberdeenshire Council.

5. The development hereby approved shall not be brought into use unless lighting for the development has been provided in accordance with the approved lighting design scheme by Trilux Lighting dated 16 October 2017. Lighting in the approved development shall thereafter be retained in accordance with both the approved scheme and the Guidance Notes for the Reduction of Obtrusive Light issued by the Institution of Lighting Professionals (GN01:2011). All non-essential lighting and illuminated advertisements shall be switched off between the hours of 23:00 and 07:00.

Reason: In order to minimise the amount of obtrusive lighting from the development in the interests of the visual amenity of the surrounding area.

6. The development hereby approved shall not be brought into use unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the Drainage Assessment by Fairhurst dated 13 October 2017, as provided with the application. The foul and surface water drainage systems 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.

7. The development hereby approved 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.

8. Within 9 months of the development hereby approved being brought into use, a Travel Plan for the development shall be 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. The Travel Plan shall thereafter be implemented in full and at all times whilst the development is occupied, unless otherwise agreed in writing by the planning authority.

Reason: In the interests of encouraging a more sustainable means of travel to and from the proposed development, in accordance with Scottish Planning Policy and PAN75, as to reduce dependency on the private car.

9. All soft and hard landscaping proposals shall be carried out in accordance with the approved landscaping 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 unless otherwise agreed in writing by the planning authority.

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.

10. The development hereby approved that lies within the Health and Safety Executive Inner Consultation Zone associated with the Forties Pipeline shall have a capacity not exceeding 99 occupants.

Reason: To ensure that the development accords with the Health and Safety Executive Planning Advice on Developments near Hazardous Installations, in the interests of public safety.

11. The development hereby approved shall have a gross floor area of less than 250 square metres in accordance with the approved plans.

Reason: To restrict the scale of development to that assessed not to present a significant impact on the vitality and viability of Westhill Town Centre; and to ensure that the development accords with the Health and Safety Executive Planning Advice on Developments near Hazardous Installations in the interests of public safety.