

ABERDEENSHIRE COUNCIL

FORMARTINE AREA COMMITTEE

THE KIRK CENTRE, STATION ROAD, ELLON, 27 FEBRUARY 2018

Present: Councillors I Davidson (Chair), I Taylor (Vice-Chair), K Adam, S Duncan, A Forsyth, J Gifford, A Hassan, P Johnston (Items 4A to 12), A Kloppert, G Owen, A Stirling and R Thomson.

Officers: E Brown (Formartine Area Manager), C Young (Committee Officer, Formartine), M Ingram (Solicitor, Legal and Governance), A Ramsay (Senior Planner, Infrastructure Services), E Tully (Planner, Infrastructure Services), J Hewitt (Planner, Infrastructure Services), G Steel (Principal Engineer, Infrastructure Services), M Manson (Quality Improvement Officer, Education and Children's Services) and D Thomson (Stock Improvement Manager, Infrastructure Services).

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 Davidson declared an interest in Item 4B as she had spoken to persons who had submitted representations in relation to the application. However as she did not express a view, she did not feel this interest was clear and substantial and she indicated that she would take part in the debate of the item.

Councillor Johnston declared an interest in Item 9, in relation to the application from the Belhelvie Community Trust, as he was a founding trustee. Although he had not been involved in the application for funding, he felt this interest was clear and substantial and he indicated that he would not take part in the debate and would leave the chamber during discussions.

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.
- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching its decision.

b) Exempt Information

The Committee **agreed** that under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded

from the Meeting for Items 11 and 12 of the business on the grounds that they involved the likely disclosure of exempt information of the class described in Paragraphs 4 and 8 of Part 1 of Schedule 7A of the Act.

3. MINUTE OF MEETING OF 6 FEBRUARY 2018

The Committee had before them, and **approved** as a correct record, the minute of the meeting of 6 February, 2018.

4. PLANNING APPLICATIONS FOR DETERMINATION

The following planning applications were considered along with any objections and representations received in each case and were dealt with as recorded in **Appendix A**.

Reference	Description	Decision
A. APP/2017/2258	Full Planning Permission for Erection of 800kW Wind Turbine (84m Total Height, 60m Hub Height) and Associated Infrastructure at Land to South West of Blairfowl Farm, Fyvie, Turriff	Defer
B. APP/2017/2425	Full Planning Permission for Mineral Extraction (Sand and Gravel) and Associated Infrastructure at Muirtack, Ellon	Defer
C. APP/2017/3238	Full Planning Permission for Construction of 400/275KV Electricity Substation & 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 the West of Wood of Middleton, Rothienorman, Inverurie	Recommend Grant to Full Council

5. PLANNING APPEAL DECISION NOTICE – APP/2017/1057 – SITE OP1 LYING TO THE SOUTH EAST OF UDNY GREEN SCHOOL, UDNY GREEN, ELLON

There had been circulated, a Planning Appeal Decision Notice dated 8 February, 2018, advising that the reporter allowed the appeal and granted planning permission subject to the ten conditions listed in the decision notice.

The salient points to be acknowledged by the Committee and the Service had been outlined within the information provided to the members.

The members raised concern about the works access and whether it would impact the protected area within the Local Development Plan, as it was unclear which route would be taken. Officers undertook to feed these comments back to the developer.

Thereafter, the Committee **noted** the information provided.

6. LOCAL REVIEW BODY DECISION NOTICE 400 – PLANNING REF: APP/2017/1612 – SITE WEST OF HOSPITAL WOODS, AUCHTERLESS, TURRIFF

There had been circulated, a Local Review Body Decision Notice dated 13 February, 2018, advising of a decision to agree in part with the determination reviewed by it and refusing Planning Permission in Principle in accordance with the Appointed Officer's first reason for refusal as set out within the notice, but removing the second reason for refusal.

The salient points to be acknowledged by the Committee and the Service had been outlined within the information provided to the members.

Thereafter, the Committee **noted** the information provided.

7. LITERACY STRATEGY

There had been circulated a report dated 26 January, 2018 by the Director of Education and Children's Services which sought comments on the proposed Aberdeenshire Literacy Strategy.

During discussion, the members asked about outcomes; engagement with Parent Councils; best practice and networking; providing support and engaging with parents; and those who do not have English as their first language. It was also noted that the Big Blue Bus Project was not accessible across all of Aberdeenshire.

Thereafter, the Committee **noted** the information within the report and provided the following **comments** on the Aberdeenshire Literacy Strategy, to the Education and Children's Services Committee:-

- (1) How are outcomes measured and fed back to Area Committees? The Area Committee would like to have input into Performance Indicators,
- (2) An Action Plan is required to sit alongside the strategy and it would be helpful if this was a public document,
- (3) More information is required about how this strategy will be resourced within existing budgets and resources,
- (4) Clarity is required on whether Parent Councils will be required to contribute and, if they are, this raises concern,
- (5) All groups need to have the same access – for example Looked After Children; those within HMP; Gypsy Travellers; disabled persons,
- (6) It would be helpful to have more information on the wider impact of the strategy on the population of HMP,
- (7) More background is required on how successful this strategy is for parents and families – it would be helpful for ECS Committee to consider this,

- (8) The strategy needs to be more explicit in relation to cultural languages and what this term covers, and
- (9) Links are required to the Children's Reporter and the Mental Health Strategy.

8. MUNICIPAL BUILDINGS, TURRIFF, ASSET TRANSFER ADDENDUM – HIGH STREET TOILETS – TURRIFF AND DISTRICT HERITAGE SOCIETY (SCIO) (SC007970)

There had been a report dated 9 February, 2018 by the Director of Business Services which sought approval for the transfer of the High Street toilets in Turriff to the Turriff and District Heritage Society, as an addendum to the original Asset Transfer of the Municipal Buildings.

During discussion, the members thanked the Area Manager and her team as well as the Turriff and District Heritage Society, for the works carried out to bring this proposal forward, commenting that it was great news for Turriff and the surrounding area.

Thereafter the Committee:-

- (1) **approved** the Asset Transfer of the High Street toilets in Turriff to the Turriff and District Heritage Society as part of the original Asset Transfer, and
- (2) **noted** that the subject of the Asset Transfer was part of the Common Good.

9. AREA COMMITTEE BUDGET 2017-2018

With reference to the Minute of Meeting of this Committee of 21 March, 2017 (Item 11), at which the broad allocation of the Area Committee Budget for 2017-18 was agreed, there was circulated a report dated 9 February, 2018 by the Director of Business Services which detailed requests for funding that had been received from local groups.

Turriff District Agricultural Association

An application had been received from the Turriff District Agricultural Association, which sought a contribution towards the purchase of 'no waiting' cones for the Turriff Show.

After consideration of the information provided, the Committee **agreed to award £1,102.50** to the group. The members also **requested** that the group give consideration to making the cones available to other community groups at other times of the year.

Belhelvie Community Trust

An application had been received from the Belhelvie Community Trust, which sought a contribution towards the cost of installing an adequate and controllable heating system for the Sand Bothy.

After consideration of the information provided, the Committee **agreed to award £2,782** to the group.

Underspends

In noting that there was an underspend of £199.87 within the budget, and potential for committed projects to report further underspends in monies already allocated, the Committee **agreed** to **delegate** authority to the Area Manager to reallocate any underspends to the Formartine Partnership, towards ongoing projects that could utilise this residual funding.

10. STATEMENT OF OUTSTANDING BUSINESS

The Committee had before them and **noted** a report by the Formartine Area Manager, updating on matters that had previously been discussed by the Committee but remained to be resolved.

11. ACT 2 (ABERDEENSHIRE CHARITIES TRUST) APPLICATIONS

There was circulated a report dated 9 February, 2018 by the Director of Business Services which detailed applications that had been received for ACT2 (Aberdeenshire Charities Trust) funding.

The Committee agreed to:-

- (1) **Award £636.03** from ACT 2 (Ward 7: The relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage) to the Busy Bees Playgroup, and
- (2) **Award £500** from ACT 2 (Ward 8: The advancement of arts, heritage, culture or science) to Mr R Smith.

12. ANNUAL WORK PLAN FOR HOUSING

There was circulated a report dated 9 February, 2018 by the Director of Infrastructure Services which detailed the proposed Annual Work Plan for Housing for 2018/19.

After consideration of the information provide, the Committee:-

- (1) **noted** the Directorate Work Plan as detailed in Appendix 1 of the report, and
- (2) **approved** the one item on the Work Plan identified as falling within the remit of the Committee.

Councillor Presiding over meeting

Councillor Isobel Davidson

Print Name

Signature

20 March 2018

Date

APPENDIX A

4A. Reference No: APP/2017/2258

Full Planning Permission for Erection of 800kW Wind Turbine (84m Total Height, 60m Hub Height) and Associated Infrastructure at Land to South West of Blairfowl Farm, Fyvie, Turriff, Aberdeenshire, AB53 8PP

Applicant: Mr William Wyness
Agent: Green Cat Renewables Ltd

The Senior Planner introduced the application which was recommended for approval.

During discussion, the members asked about the response from the RSPB and questioned the distance from the proposed site to the nearest house.

Thereafter, the Committee **agreed** to **defer** consideration of the application pending:-

- (1) A site visit to view the site in terms of its proximity to Woodhead, in order to assess any visual impact and impact on amenity,
- (2) Further information in relation to the comments from RSPB, and
- (3) A colour document showing the distance of consented and built wind turbines in the area, to be emailed to members.

4B. Reference No: APP/2017/2425

Full Planning Permission for Mineral Extraction (Sand and Gravel) and Associated Infrastructure at Muirtack, Ellon, Aberdeenshire, AB41 8HX

Applicant: CHAP Group (Aberdeen) Ltd
Agent: Halliday Fraser Munro Planning

The Planner introduced the application which sought the views of the Formartine Area Committee ahead of determination by the Buchan Area Committee.

During discussion, the members asked about operational hours for the winter months; the distance from the proposed site to the nearest properties; for clarification over the reserves and how many years were likely for operation; for confirmation of the methodology used to determine land class; for further details of the proposed mitigation relating to water supplies and noise; for clarity around enforcement measures available; for further information about the impact on the surrounding roads network; and whether the site was to be floodlit.

Thereafter, the Committee **agreed** to **defer** consideration of the application pending:-

- (1) A site visit to view the proximity of the surrounding properties; the access road; and the proposed laybys,
- (2) Information on the distance from the site to the nearby properties,

- (3) Information from SDPA about reserves,
- (4) Clarification on working hours for winter months and whether the site was to be floodlit,
- (5) Further information regarding health issues and whether these have fully been considered within the equalities impact assessment, and
- (6) Further detail of the mitigation measures proposed by SEPA and Environmental Health.

The Committee further **agreed** that the Request to Speak by the agent would be carried forward to the next meeting.

4C. Reference No: APP/2017/3238

Full Planning Permission for Construction of 400/275KV Electricity Substation & 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 the West of , Wood of Middleton, Rothienorman, Inverurie, Aberdeenshire

Applicant: Scottish Hydro Electric
Agent: JLL

The Planner introduced the application which sought the views of the Formartine Area Committee ahead of determination by Full Council.

During discussion, the members sought clarification of why the application was to be determined by Full Council. It was explained that it was because it was a national application. The Committee **requested** that Legal & Governance refer to the appropriate Committee to ask for consideration that these types of amendments do not require to go back to Full Council.

Thereafter, the Committee **agreed** to **recommend to Full Council** that Full Planning Permission be granted, subject to the following conditions:-

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.