

## ABERDEENSHIRE COUNCIL

### INFRASTRUCTURE SERVICES COMMITTEE

WOODHILL HOUSE, ABERDEEN, 15 MARCH, 2018

**Present:** Councillors P J Argyle (Chair), J B Cox (Vice Chair), W A Agnew, D Aitchison, G Blackett, G W Carr, M J M Ewenson (as substitute for D P L G Lonchay), J Ingram, P K Johnston, J J Latham, I J Mollison, C R Pike, S W Smith, and R S Withey.

**Apologies:** Councillor D-P L G Lonchay.

**Officers:** Director of Infrastructure Services; Head of Service (Planning & Building Standards); Head of Service (Economic Development & Protective Services); Team Manager (Development Management), Planning and Building Standards; Energetica Development Manager; Projects Manager, Roads and Landscape Services; Strategic Transportation Manager, Transportation; Team Manager European Policy & Programmes; Accountancy Finance Manager; Senior Solicitor (Governance) (Mr M Ingram); and Committee Officer (Mrs S Rawlins).

#### 1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked members if they had any interests to declare in terms of the Councillors' Code of Conduct and the following interests were declared -

Councillor Blackett declared interest for Item 4 as her husband is the Chair of Marr Area Partnership and for Item 13 as her husband sits on the board of Visit Aberdeenshire. As the interests for both items were considered to be remote and insignificant and having regard to the purpose of each item, Councillor Blackett indicated her intention to participate in the discussion.

Councillor Withey declared an interest in agenda Item 19 as a former Council appointment to the North East of Scotland Preservation Trust. As the interests were considered to be remote and insignificant, and having regard to the purpose of that item, Councillor Withey indicated his intention to participate in the discussion.

#### 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 a 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 Items 19, 20 and 21, so as to avoid disclosure of exempt information of the classes described in the undernoted paragraphs of Part 1 of Schedule 7A of the Act.

Item No	Paragraph No of Schedule 7A
19	1, 4 & 6
20	8
21	8

### 3. MINUTE OF MEETING OF INFRASTRUCTURE SERVICES COMMITTEE OF 25 JANUARY, 2018

There had been circulated and was **approved** as a correct record, the Minute of the Meeting of the Infrastructure Service Committee of 25 January, 2018.

### 4. PRESENTATION – ABERDEENSHIRE RURAL PARTNERSHIP FEDERATION

The Chair, on behalf of the Committee, welcomed Mrs Dawn Brown, (Garioch Partnership), and Mr Duncan Leece, (Banffshire Partnership), to the meeting which thereafter heard a presentation on the Aberdeenshire Rural Partnership Federations physical areas; their service level agreements; what rural partnerships could do, including who they are able to offer support to and in what way their support can be delivered; mentoring and encouragement, developing community action plans, support for community groups which included specifics around two success stories relating to the Buchanhaven Harbour Group and the Braemar Care Project, the difference they make across Aberdeenshire concluding with the future of rural partnerships and the shared vision of the future.

The Chair, on behalf of the Committee, thanked Mrs Brown and Mr Leece for the informative presentation and for the work carried out by the Federation, recognising that the requirement and need for partnerships was likely to increase.

There was discussion regarding job aspects and inspirations; drawing down support from the Scottish Government funded initiatives and the third sector interface; the landscape of the nationals and accessing more funding; working with the Development Trusts Association of Scotland (DETAS) and Aberdeenshire Voluntary Action (AVA) and building capacity with projects to enable them to move on.

The Committee **agreed** to commend the Aberdeenshire Rural Partnerships Federation on a very informative presentation and the invaluable work that they carry out in Aberdeenshire.

### 5. FULL PLANNING PERMISSON FOR CHANGE OF USE OF FORMER PIGGERY TO TOURIST HOLIDAY PARK AT DOWRIEBURN, LAURENCEKIRK REFERENCE APP/2017/1165 AND FULL PLANNING PERMISSION OF RIVERSIDE PARK AT DOWRIEBURN, LAURENCEKIRK – REFERENCE APP/2017/2183

With reference to the Minute of the Meeting of the Kincardine and Mearns Area Committee of 28 February, 2018 (Item 7C), there had been circulated a report dated 28 February, 2018 by the Director of Infrastructure Services which sought consideration of applications for Full Planning Permission for change of use of former piggery to tourist holiday park

(APP/2017/1165) and Full Planning Permission for formation of Riverside Park (APP/2017/2183) at Dowerieburn, Laurencekirk.

The report advised that the Kincardine and Mearns Area Committee had referred the applications to the Infrastructure Services Committee, confirming their support for both applications subject to the conditions set out in the report.

The Team Manager (Development Management) introduced the report, and advised the Committee that the proposed development would offer potential economic and tourism benefits as well as remediation of what was considered to be an unsightly contaminated site. The principal planning issue for both applications was the acceptability of the proposed development in terms of Policy R2 Housing and employment proposals elsewhere in the countryside of the Aberdeenshire Local Development Plan (ALDP) 2017. The Team Manager further advised of an additional issue in relation to the acceptability of the impact of the proposals in terms of location as the proposal was not immediately well related to an existing settlement as per the requirements of Policy B3 Tourist Facilities, and would result in the loss of prime agricultural land as recognised within Policy PR1 Protecting important resources.

Having been advised that a request had been received to address the Committee prior to determination of the applications, the Committee heard from the Chair and Secretary of Mearns Community Council, objecting to the application.

When asked, Mr Rushbridge and Mrs Brown indicated that they felt they had been given a fair hearing.

During discussion the Committee sought advice on the road network suitability; the occupancy levels; the monitoring of the conditions attached to the applications; the views of the local residents and the scale of the development.

Having moved a motion which was not seconded requesting the Committee to defer determination of the applications pending a site visit to consider landscape development and visibility of the site, Councillor Johnston requested, as provided for in Standing Order 5.2.4, that the terms of his motion be recorded in the minute.

Thereafter, Councillor Carr moved, seconded by Cllr Latham, -

- (1) that the Committee REFUSE Full Planning Permission in respect of both applications for the following reason:-
  - (a) The proposed development was contrary to Policy B3 Tourist Facilities and Policy R2 Housing and employment proposals elsewhere in the countryside based on the scale of the development

As an amendment, Councillor Cox moved, seconded by Councillor Blackett,-

- (1) That the Committee endorse the decision of the Kincardine and Mearns Area Committee and delegate authority to the Head of Planning and Building Standards to GRANT Full Planning Permission in respect of both applications, subject to:-
  - (a) the conditions detailed in the officers report; and
  - (b) a review of condition 10 of APP/2017/1165 regarding refuse bin uplift store area.

Members of the Committee voted:-

- |                                   |      |  |
|-----------------------------------|------|--|
| for the motion by Councillor Carr | (4)  | Councillors Carr, Johnston, Latham and Ewenson.  |
| for the amendment                 | (10) | Councillors Argyle, Cox, Agnew, Aitchison, Blackett, Ingram, Mollison, Pike, Smith and Withey. |

The **amendment** was carried and the Committee **agreed**:-

- (1) to delegate authority to the Head of Planning and Building Standards to GRANT Full Planning Permission in respect of both applications subject to a review of condition 10 of APP/2017/1165 regarding refuse bin uplift store area and the following conditions -

**APP/2017/1165**

01. The holiday chalets/caravans hereby approved shall be used solely as temporary holiday letting accommodation and for no other purposes whatsoever including use as permanent residential units without the prior express grant of planning permission by the planning authority. The holiday chalets/caravans shall not be occupied as a person's sole or main residence and the owner of the holiday chalets/caravans shall maintain an up-to-date register of the name of each occupier of the holiday chalets/caravans on the site, their length of stay and their main home address and shall make this information available at all reasonable times to the planning authority.

Reason: The occupation of the holiday chalets/caravans as permanent residential units would not comply with the Council's Local Development Plan policies regarding residential development in this area.

02. No works in connection with the development hereby approved shall commence unless a scheme of soft landscaping works to be implemented around the perimeter of the proposed site 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 and grassed areas;
- (e) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- (f) An indication of existing trees, shrubs and hedges to be removed;
- (g) A programme for the implementation, completion and subsequent management of the proposed landscaping. The Landscaping Scheme MUST include timescales for the implementation of the works.

All soft 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.

03. No works in connection with the development hereby approved shall commence unless an Access Plan for continuing non-motorised public access has been submitted to and approved in writing by the planning authority. Details of the plan shall include:
- (a) The location of existing paths, including core paths and desire lines on or adjoining the site;
  - (b) The location and duration of temporary diversions during construction of the approved development;
  - (c) Details of new routes and proposed route changes;
  - (d) Path construction specifications;
  - (e) Details of structures, fittings and signage;
  - (f) Details of and timescales for the implementation and phasing of the path works;
  - (g) Details of the future maintenance of the proposed path(s);
  - (h) Written justification for the measures proposed.

The development shall be carried out in complete accordance with the approved Access Plan. For the avoidance of doubt, the Access Plan MUST include timescales for the implementation of the works.

Reason: To ensure the adequate provision of public access within and around the site.

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

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

05. No development in connection with the permission hereby granted shall commence unless the vehicular and pedestrian access has been provided and surfaced in accordance with the details shown on the drawing 1987\_PL\_010D. Once provided, the vehicular and pedestrian access shall thereafter be permanently retained as such.

Reason: To ensure the provision and retention of a means of access to an adequate standard in the interests of road safety.

06. No works in connection with the permission hereby granted shall commence unless passing places have been provided in accordance with Drawing Numbers 1987\_PL\_030 and 1987\_PL\_031, and surfaced in accordance with the Council's Standards for Road Construction Consent and Adoption in the locations shown on the approved plans.

Reason: To ensure the existing road network can accommodate the traffic likely to be associated with the proposed development in the interests of road safety.

07. The development hereby approved shall not be brought into use unless off-street car parking for 60 cars, surfaced in hardstanding materials are provided within the site. Once provided, the approved car parking shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the car parking to an appropriate standard and to ensure the retention of adequate off-street parking facilities within the site, all in the interests of road safety.

08. 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 120 metres in both directions 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.

09. No chalet/caravan hereby approved shall be occupied unless a turning area, measuring not less than 7.6 metres by 7.6 metres has been formed within the site. Once provided, the turning area shall thereafter be permanently retained as such.

Reason: To enable all vehicle movements onto or from the public road to be carried out in a forward gear in the interests of road safety.

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

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

11. Prior to occupation of the first unit, the developer shall provide an access path for pedestrian and cyclist use to allow connectivity to either of the settlements of Luthermuir or Laurencekirk. Full details of the proposed route shall be submitted to and approved in writing by the planning authority.

Reason: In order to ensure that the proposed development is well connected to existing infrastructure and public transportation.

12. Prior to the commencement of the development a travel plan shall be submitted to and approved in writing by the planning authority. The travel plan shall identify measures and incentives that are to be adopted to encourage more sustainable means of travel, including a draft user travel survey, and details of the system of management, monitoring, review and reporting of the travel plan implementation. The development shall not be brought into use unless the measures set out in its approved Travel Plan have been implemented in full.

The Travel Plan shall be subject to ongoing annual review for the first 5 years of the development. In line with these reviews, the travel plan shall be updated to report on progress and to identify any changes to the proposed measures for the remaining years of the process. The document updates shall be submitted to the Planning Authority for reference, review and acceptance.

Reason: To be consistent with the requirements of Scottish Planning Policy and to reduce the dependency on use of the private car.

13. No works in connection with the development hereby approved shall commence unless details of a permanent accessible nesting space for barn owls have been submitted to and approved in writing by the planning authority. The development shall not be brought into use unless the barn owl nesting space has been provided in accordance with the

approved details. Once provided, the nesting space shall thereafter be permanently retained.

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

14. No works in connection with the development hereby approved shall commence unless details of the design and location of a temporary barn owl nesting space have been submitted to and approved in writing by the planning authority. The barn owl nesting space shall be provided at least 30 days before any other works commence in connection with the development. Thereafter, the temporary nesting space shall not be subjected to direct disturbance and shall remain in place until nesting has finished in the nesting season immediately following the provision of the permanent barn owl nesting space required by condition number 13.

Reason: To secure the long-term protection of the species by maintaining continuity of occupation on-site.

15. No works in connection with the development hereby approved shall commence unless a detailed check of the site for active barn owl nests has been undertaken and written confirmation has been submitted to the planning authority that no birds will be harmed and that there are appropriate measures in place to protect nesting barn owls on the site. The check shall be undertaken not less than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation has been submitted to and approved in writing by the planning authority.

Reason: In the interest of safeguarding the habitat of the species and securing its long-term protection.

16. Subject to the conclusions of the required Barn Owl Survey required under condition 15 of this consent, where barn owls are identified to be nesting on site, no works in connection with the development hereby approved shall be carried out in the period between 1 March and 31 August in any year or at any time when barn owls are nesting on the site.

Reason: In the interests of safeguarding the habitat of the species and securing its long-term protection.

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

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

18. No works in connection with the development hereby approved shall commence unless an invasive non-native species protocol, including an associated management, maintenance and monitoring scheme, has been submitted to and approved in writing by the planning authority. The protocol shall detail the containment, control and removal of

Himalayan Balsam on the site. No other works in connection with the development hereby approved shall commence unless all the measures set out in the approved protocol have been carried out in accordance with the approved protocol.

Reason: To protect the natural environment and ensure that measures are put in place to prevent the spread of invasive non-native species.

19. No works in connection with the development hereby approved (other than the demolition of the existing buildings) shall commence unless a satisfactory investigation of the site has been undertaken in accordance with BS 10175:2011+A1:2013 - 'Investigation of Potentially Contaminated Sites - Code of Practice' and a report of that investigation has been submitted to and approved in writing by the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

20. No works in connection with the development hereby approved (other than the demolition of the existing buildings) shall commence unless a remedial scheme has been submitted to and approved in writing by the planning authority. The development hereby approved shall not be brought into use unless the approved scheme of remediation has been carried out in its entirety and a validation report has been submitted to and approved in writing by the planning authority. Any areas of hardstanding, clean cover or other such barriers within the application site boundary that are included within the approved scheme of remediation and are required to break one or more pollutant linkages shall be permanently retained as such and shall not be disturbed without the prior written approval of the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

21. No chalet/caravan hereby approved shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans Drainage Strategy 14152 and Drawing Ref: 14152/02/100 rev C. 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.

22. No works in connection with the development hereby approved including demolition, ground works and vegetation clearance shall commence unless a construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include the following:

- (a) Risk assessment of potentially damaging construction activities;
- (b) Identification of biodiversity protection zones;
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- (d) The location and timing of sensitive works to avoid harm to biodiversity features;
- (e) The times during construction when specialist ecologists need to be present on site to oversee works;
- (f) Responsible persons and lines of communication;
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- (h) Use of protective fences, exclusion barriers and warning signs.



All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP.

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

**APP/2017/2183**

01. No works in connection with the development hereby approved shall commence unless an Access Plan for continuing non-motorised public access has been submitted to and approved in writing by the planning authority. Details of the plan shall include:
- (a) The location of existing paths, including core paths and desire lines on or adjoining the site;
  - (b) The location and duration of temporary diversions during construction of the approved development;
  - (c) Details of new routes and proposed route changes;
  - (d) Path construction specifications;
  - (e) Details of structures, fittings and signage;
  - (f) Details of and timescales for the implementation and phasing of the path works;
  - (g) Details of the future maintenance of the proposed path(s);
  - (h) Written justification for the measures proposed.

The development shall be carried out in complete accordance with the approved Access Plan. For the avoidance of doubt, the Access Plan MUST include timescales for the implementation of the works.

Reason: To ensure the adequate provision of public access within and around the site.

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

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

03. No works in connection with the development hereby approved shall commence unless an invasive non-native species protocol, including an associated management, maintenance and monitoring scheme, has been submitted to and approved in writing by the planning authority. The protocol shall detail the containment, control and removal of Himalayan Balsam on the site. No other works in connection with the development hereby approved shall commence unless all the measures set out in the approved protocol have been carried out in accordance with the approved protocol.

Reason: To protect the natural environment and ensure that measures are put in place to prevent the spread of invasive non-native species.

04. No works in connection with the development hereby approved including demolition, ground works and vegetation clearance shall commence unless a construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include the following:

- (a) Risk assessment of potentially damaging construction activities;
- (b) Identification of biodiversity protection zones;
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- (d) The location and timing of sensitive works to avoid harm to biodiversity features;
- (e) The times during construction when specialist ecologists need to be present on site to oversee works;
- (f) Responsible persons and lines of communication;
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- (h) Use of protective fences, exclusion barriers and warning signs.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP.

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

05. 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) A tree survey in accordance with BS 5837:2012;
- (b) Existing landscape features and vegetation to be retained;
- (c) Protection measures for the landscape features to be retained;
- (d) Existing and proposed finished levels;
- (e) The location of new trees, shrubs, hedges, grassed areas and water features;
- (f) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- (g) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- (h) An indication of existing trees, shrubs and hedges to be removed;
- (i) 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.

06. No landraising shall take place within the 1 in 200 year flood extent as detailed in the Flood Risk Assessment by Envirocentre associated with APP/2017/1165.

Reason: In the interests of flood prevention and public safety.

07. No works in connection with the development hereby approved shall commence unless a satisfactory investigation of the site has been undertaken in accordance with BS 10175:2011+A1:2013 - 'Investigation of Potentially Contaminated Sites - Code of Practice' and a report of that investigation has been submitted to and approved in writing by the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

08. No works in connection with the development hereby approved shall commence unless a remedial scheme has been submitted to and approved in writing by the planning authority. The development hereby approved shall not be brought into use unless the approved scheme of remediation has been carried out in its entirety and a validation report has been submitted to and approved in writing by the planning authority. Any areas of hardstanding, clean cover or other such barriers within the application site boundary that are included within the approved scheme of remediation and are required to break one or more pollutant linkages shall be permanently retained as such and shall not be disturbed without the prior written approval of the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

- (2) the reason for departing from Aberdeenshire Local Development Plan 2017 as follows:

The development proposed will provide the opportunity for a tourist accommodation offering, which is compatible with its surroundings and aspirations of Aberdeenshire Local Development Plan 2017 Policies R2 Housing and employment proposals elsewhere in the countryside and B3 Tourist Facilities. The development will also remove an unsightly derelict group of buildings and structures in the countryside. Without a planning permission, the site would remain in this state and continue to deteriorate in the future as it has been established through the extensive planning history of this site that constraints related to contaminated land remediation requirements render the site unsuitable for small scale residential development.

## **6. INFRASTRUCTURE SERVICES QUARTER 3 2017-2018 PERFORMANCE REPORT AND SERVICE PLAN UPDATE (ABERDEENSHIRE PERFORMS)**

There had been circulated a report dated 19 February, 2018, by the Director of Infrastructure Services reporting on the Infrastructure Services Performance, (Quarter 3, 2017 – 2018) and the Service Plan update (Aberdeenshire Performs).

The Director of Infrastructure Services introduced the report explaining that more information on the figures contained in the report had been provided to Members, that Business Gateway had already met their appropriate opening target and that the Employment Support team was now at full complement. A review of the performance reporting template across all policy committees would take place on 19 April 2018.

The Committee **agreed** to:

- (1) acknowledge the good performance achieved October - December 2017 (Quarter 3);
- (2) note the publication of the complete October - December 2017 Performance Report and Service Plan Update on Ward Pages and on the Council's website;

- (3) note the progress made with the actions set out in the Infrastructure Services Service Plan 2017-2020; and
- (4) advise the Director to continue to report, by exception, to Committee quarterly on performance measures against service objectives and six monthly on progress in delivering all aspects of the service plan.

## 7. A947 ROUTE IMPROVEMENT STRATEGY UPDATE

There had been circulated a report dated 13 February, 2018, by the Director of Infrastructure Services on progress to date in taking forward actions identified within the A947 Route Improvement Strategy.

The Strategic Transportation Manager introduced the report, highlighting that the A947 Route Improvement Strategy (RIS) had been approved in 2016, which had outlined a long-term plan for improving the A947 over the next 20 years. The ultimate goal being to develop a route which was fit for the purpose, connecting communities along the route in a safe, effective and sustainable manner, whilst also supporting regeneration activity in north Aberdeenshire.

Members discussed the A96 Aberdeen to Inverness dualling project; the Aberdeen City Region Deal Strategic transport appraisal; the route upgrade and alignment; the slow moving vehicle laybys; the review of overtaking opportunities; junction improvement; localised route improvements and enforcement.

The Committee then considered the proposal contained in paragraph 2.33 of the report that the existing A947 Route Improvement Strategy Group move to a more formal Member/Officer Working Group (MOWG) to ensure progress continues to be made, and is visible, in terms of implementing elements of the A947 Route Improvement Strategy.

Thereafter, the Committee **agreed** to:

- (1) note the progress made to date in taking forward the actions identified within the A947 Route Improvement Strategy (RIS);
- (2) note that progression of certain elements of the RIS could be dependent on the final option agreed for the Eastern Section of the A96 Aberdeen to Inverness dualling project;
- (3) note that the outcomes of the RIS have been fed into the Aberdeen City Region Deal Strategic Transport Appraisal;
- (4) note that allocations within the Council's Capital Programme will be required in future years to allow for the delivery of the RIS;
- (5) the existing A947 RIS Group becoming a formal Member Officer Working Group (MOWG) arrangement;
- (6) the Membership of the MOWG include four members from the Banff and Buchan Area Committee, four members of the Formartine Area Committee, two members of the Garioch Area Committee and the Vice Chair of the Infrastructure Services Committee, and
- (7) an update on progress being reported back in 12 months.

## 8. SCOTTISH WATER – MAINTENANCE AGREEMENTS FOR SHARED DRAINAGE SYSTEMS

There had been circulated a report dated 16 February, 2018, by the Director of Infrastructure Services, proposing the adoption of a Memorandum of Understanding with Scottish Water and the making of subsequent individual agreements for the joint maintenance of surface water drainage systems in new housing developments.

The report explained that (1) under Section 7 of the *Sewerage (Scotland) Act 1968*, a roads authority and Scottish Water may enter into an agreement on the provision, management and maintenance of Sustainable Drainage Systems (SuDS), sewers and drains; (2) maintenance responsibility for surface water drainage from housing developments is split with Scottish Water being responsible for curtilage drainage while the responsibility for drainage of public roads rests with the roads authority, (3) agreements under Section 7 of the *Sewerage (Scotland) Act 1968* enable these systems to be combined and, through the sharing of costs, the maintenance burden is reduced for each party, (4) a Memorandum of Understanding (MoU) had been developed by members of the SCOTS Road Group, SCOTS Flood Group and Scottish Water and that individual maintenance agreements would be signed for each housing development following the principles in the MoU.

The Committee **agreed** to delegate authority to the Director of Infrastructure Services to approve the adoption of the Memorandum of Understanding with Scottish Water and the making of subsequent individual agreements for the joint maintenance of surface water drainage systems in new housing developments as appropriate.

## 9. REVIEW OF PASSENGER TRANSPORT NETWORK

There had been circulated a report dated 14 February, 2018, by the Director of Infrastructure Services on a proposed review of the supported bus service network and the associated re-appraisal of the relevant aspects of the Council's Passenger Transport Strategy and the establishment of a Member Officer Working Group (MOWG) to oversee the proposed review.

The report explained (1) that the last Aberdeenshire wide review of the supported bus network (fixed route and demand responsive) had been undertaken in 2013 following which the Infrastructure Services Committee at its meeting on 5 December 2013 (Item 8) had approved a Passenger Transport Strategy and the Council's Public Transport Policy Statement, (2) that since that time the network of passenger transport services had been subject to monitoring and amendment in response to changes in the commercial bus network, evolving travel needs and the requirement to achieve efficiency savings; (3) that a 'Total Transport Review', was currently being undertaken on a Community School Network (CSN) by CSN basis and, given the imperative to address significant budget pressures associated with school transport service delivery, the project had to date focussed almost exclusively on mainstream school transport provision, (4) that it was proposed to re-appraise the approved network typology to determine its current suitability, prior to determining the most effective network of services necessary to cater for identified travel needs, within the financial resources available to the Council and would include engagement with current and potential operators to ensure that a coherent, effective and affordable network emerges, and (5) that it was proposed to establish a Member Officer Working Group to oversee the review and report any recommended changes to the Passenger Transport Strategy and/or network of services to Committee in late 2018 in order that these can be incorporated into the forthcoming major procurement exercise of all supported local bus and mainstream primary and secondary school transport services in south Aberdeenshire, as well as the budget discussions for 2019/20 and beyond.

The Committee **agreed:-**

- (1) to note the proposed review of the supported bus service network and associated re-appraisal of the relevant aspects of the Council's Passenger Transport Strategy; and
- (2) to establish a Member Officer Working Group comprising Chair, Vice Chair and Opposition Spokesperson of the Infrastructure Services Committee, one member of the Communities Committee, appropriate Officers from Infrastructure Services, Education and Children's Services, Health and Social Care Partnership and Business Services together with key stakeholder representation from other bodies, as detailed in Section 2.8 to the report.

## 10. GARDENSTOWN LANDSLIP

There had been circulated a report dated 2 March, 2018, by the Director of Infrastructure Services on (1) development of the landslip at Harbour Road, Gardenstown, (2) measures put in place to provide access to properties for residents and businesses, (3) the appointment of a consultant to provide specialist advice and develop a solution to enable unrestricted use of the road by vehicles and non-motorised users, (4) ground investigation work commissioned to identify options for a permanent solution and to determine whether it was safe to open the road more fully or put in place interim measures to provide additional mitigation. The cost of remedial measures was estimated to be in the region of £1,500,000, for which no specific budget had been retained.

The Projects Manager, Roads and Landscape Services introduced the report and advised that there had been further slippage on 6 March, 2018.

The Committee discussed the impact of the landslip; the measures undertaken to assist residents and businesses of Gardenstown; the lack of funding support from the Scottish Government; the need to encourage local MP's and MSP's to become involved; the need to find a permanent solution to the issue and the good work being carried out by Officers.

Further discussion ensued with regards to funding and it was proposed that the Chair, on behalf of the Committee, should write to the Scottish Minister responsible for the roads network, to ask them to consider the issues faced and to seek financial assistance from the Scottish Government to assist the remediation efforts.

The Committee **agreed:**

- (1) to note the development of the landslip at Gardenstown and the approach going forward;
- (2) that the design and implementation of remediation measures to the Gardenstown landslip be funded from the Harbour, Coast Protection and Flooding capital budget;
- (3) that the Chair write to the Scottish Minister responsible for the roads network to request assistance with funding; and
- (4) that any Member of the Committee with contact with MSP's should encourage their support to secure funding from the Scottish Government.

## 11. CROVIE LANDSLIP

There had been circulated a report dated 2 March, 2018, by the Director of Infrastructure Services advising that the Crovie Landslip had been monitored since 2009, that movement along the outer edge of the road had accelerated in recent months and that the consultant

commissioned in November 2017 to assist with the development of a remedial scheme to mitigate against future movement had recommended soil nailing of the lower slope beneath the zone of recorded movement along the road. The report indicated that the estimated cost of the proposed work was in the region of £500,000 to £600,000 and there was no specific budget provision.

The Projects Manager, Roads and Landscape Services introduced the report and advised that any work carried out would lead to an element of disruption for residents and businesses.

Members made comment that a similar approach to that required for the landslip at Gardenstown would be needed.

The Committee **agreed**:-

- (1) to the preferred remediation option of soil nailing the lower slope; and
- (2) that the design and implementation of remediation measures to the Crovie landslip should be funded from the Harbour, Coast Protection and Flooding capital budget.

## **12. PORT MARINE SAFETY CODE – IMPROVING COMPLIANCE**

With reference to the Minute of Meeting of the Committee of 8 October 2009 (Item 25) when it had been agreed to adopt the Port Marine Safety Code requiring the authority to submit a signed statement to the Maritime and Coastguard Agency (MCA) every three years confirming compliance with the Code, there was circulated a report dated 2 March, 2018, by the Director of Infrastructure Services (1) explaining that an independent consultant had been appointed to perform an initial review of the Council's compliance with the Code which had highlighted issues where harbour operations were not currently fully compliant, (2) containing a proposed statement of compliance inclusive of timelines for proposed improvement actions for submission to the MCA, (3) proposing that an external independent person/organisation be appointed as the "Designated Person" in terms of the Code to provide independent assurance about the operation of the marine safety management system and to update the Council's Safety Code to strengthen links to other associated documents, such as Health and Safety Policies, (4) advising that the MCA had selected Macduff Harbour to undergo a Health Check in 2018 and, as part of that process, wished to speak to Members of the Committee, and (5) proposing that all Members of the Committee complete a day's training with the newly appointed Designated Person to familiarise themselves with the appointee and with the roles and responsibilities of the Committee as 'Duty Holder' under the Code.

The Projects Manager, Roads and Landscape Services introduced the report highlighting key points.

The Committee discussed the arrangements for the appointment of an independent Designated Person, the training to be provided to Members and the nomination of members to meet with the MCA as part of the Macduff Harbour health check.

Thereafter, the Committee **agreed** to:

- (1) acknowledge the Committee's role and responsibilities as appointed Duty Holder for Aberdeenshire Councils seven Harbours as outlined in the Port Marine Safety Code, A Guide to Good Practise on Port Marine Operations and Aberdeenshire Council's Port Marine Safety Code, revision 6, Appendix A;
- (2) approve the proposed Statement of Compliance return as outlined in Appendix B and instructed the Head of Roads, Landscape and Waste Services to submit the return to the Marine Coastguard Agency;

- (3) delegate authority to the Head of Roads, Landscape and Waste Services to appoint an independent Designated Person following an external tender process;
- (4) instruct the appointed Designated Person to review and revise Aberdeenshire Council's Port Marine Safety Code and Marine Safety Management System and submit a report to Infrastructure Services Committee seeking approval of the revised documentation;
- (5) appoint Councillors Cox and Findlater and one member from the opposition to participate in the Marine Coastguard Agency's Health Check of Macduff Harbour and instructed the Head of Roads, Landscape and Waste Services to facilitate arrangements for this;
- (6) instruct the Head of Roads, Landscape and Waste Services to arrange training for Committee Members with the appointed Designated Person prior to the Macduff Harbour Health Check to outline in more depth the Duty Holders responsibilities as set out in the Port Marine Safety Code; and
- (7) note minor changes to Aberdeenshire Council's Port Marine Safety Code regarding names of personnel in the Harbours Management Structure attached as Appendix D.

### **13. VISIT ABERDEENSHIRE SIX MONTHLY PROGRESS REPORT**

With reference to the Minute of Meeting of Aberdeenshire Council of 21 January, 2016 (Item 6, Page 998), when the Council had agreed to transfer its responsibilities for tourism marketing and product development and its tourism budget to the proposed new Aberdeen and Aberdeenshire Destination Management Organisation, there had been circulated a report dated 15 February, 2018, by the Director of Infrastructure Services, which provided the Committee with the most recent biannual report on progress of and activities undertaken by Visit Aberdeenshire, in the 2017/2018 financial year.

The Head of Service (Economic Development and Protective Services) introduced the report and highlighted the recent workshop that had taken place.

Members discussed the smaller Visit groups and how they fit into the structure; Visit Aberdeenshire providing support and advice to the smaller Visit groups; the sustainability of Visit Aberdeenshire; the governance of Visit Aberdeenshire and the representation of Aberdeenshire Council on the board; tourism being the key initiative; allocation of funding being an element of the next report to this Committee; Social Media presence and engagement and the Committee's scrutiny role regarding Visit Aberdeenshire.

The Committee **agreed** to:

- (1) instruct the Head of Economic Development and Protective Services to submit a further progress report to Committee within 6 months; and
- (2) instruct the Head of Economic Development and Protective Services to submit a further report in the Autumn, to cover the next 3 year period.

### **14. RESPONSE TO SCOTTISH GOVERNMENT CONSULTATION ON THE REGISTRATION AND LICENSING OF ANIMAL SANCTUARIES AND REHOMING ACTIVITIES IN SCOTLAND**

There had been circulated a report dated 9 February, 2018, by the Director of Infrastructure Services, on the use of delegated powers by reason of special urgency to respond to the Scottish Government's Consultation, "Registration and Licensing of Animal Sanctuaries and



Rehoming Activities in Scotland". The report advised that these premises and activities were not currently regulated and that the consultation considered amongst other things how thresholds for licencing and registration may be determined depending on the size of the undertaking and its associated activities and a suggestion that organisations such as the Scottish Society for the Prevention of Cruelty to Animals (SSPCA) be able to carry out inspections.

The Head of Service (Economic Development and Protective Services) introduced the report and explained that the deadline for the consultation response was 4 March, 2018 and, as it had been impractical to convene a meeting of the Committee before a decision was necessary, a response had been submitted by Officers on behalf of the Authority, utilising the delegated powers provided for within Section B of Part 2B of the List of Officers Powers, following consultation with the Chair, Vice Chair and Opposition Spokesperson.

The Committee **agreed** to note the use by officers of delegated powers as provided for in the Scheme of Governance by reason of special urgency in order to submit a Council response to the consultation on Registration and Licensing of Animal Sanctuaries and Rehoming Activities in Scotland.

## **15. POSITION PAPER - POST-BREXIT DEVELOPMENT FUNDING**

There had been circulated a report dated 16 February, 2018, by the Director of Infrastructure Services seeking approval of the Council's position on Post-Brexit Development Funding to replace the current European funding programmes. A draft position paper was set out in Appendix 1 to the report.

The Team Manager European Policy & Programmes introduced the report and explained that the report had been developed over a 6-9 month period based on analysis of existing strategic priorities, input from workshops with Area C and officers, input from stakeholders through an online survey and evaluation of past and current European Social and Investment Funds (ESIF) programmes to date.

Members discussed connectivity, unadopted roads, uncertainty surrounding Brexit, other funding streams and opportunities, communication being key and the need to engage with Ministers on the maintenance of funding.

The Committee **agreed**:

- (1) to approve the position paper detailed in Appendix 1 of the report as the Council's position on post-Brexit development funding; and
- (2) to commend the Team Manager European Policy & Programmes for the work carried out.

## **16. ENERGETICA PROGRAMME REVIEW**

There had been circulated a report dated 15 February, 2018, by the Director of Infrastructure Services on the progress of the Energetica Programme over its first 10 years with particular focus on the period 2014 to 2017. The appendices attached to the report provided more detailed information on the corridor performance focussing particularly on the Investment Support and Place & Project Marketing during the period 2014 to 2017.

The Head of Service (Economic Development and Protective Services) introduced the report and acknowledged the excellent work by the Energetica Development Manager and his team. A video highlighting key points of the programme was shown.

Discussion took place on the nine business parks within the Energetica Programme and the capacity they bring, the combination of industry and housing on some of the business parks, the intervention of transport, utilities, energy and low carbon solutions, the objective to grow the international trade of indigenous business and how it has developed to date.

The Committee **agreed**:

- (1) to note the progress to date of the Energetica programme; and
- (2) to note that future reports will be provided annually through Economic Development Inward Investment updates as previously agreed.

#### **17. NOMINATION TO OUTSIDE BODIES AND PARTNERSHIPS – NORTH SEA COMMISSION TRANSPORT THEMATIC GROUP AND NORTH EAST OF SCOTLAND PRESERVATION TRUST**

With reference to the Minute of Meeting of 25 January, 2018 (Item 6), there had been circulated a report dated 28 February, 2018, by the Director of Business Services, requesting the Committee's consideration, due to a review by the political administration of their nominated members, for the appointment of a representative to the North Sea Commission Transport Thematic Group and following the resignation of Councillor R Withey, a representative to the North East of Scotland Preservation Trust.

The Committee **agreed**:

- (1) to approve the nomination of Councillor Bill Howatson to the North Sea Commission Transport Thematic Group, and
- (2) to approve the nomination of Councillor Kille to the North East of Scotland Preservation Trust.

#### **18. EQUALITIES MAINSTREAMING AND OUTCOMES UPDATE REPORT**

There had been circulated a report dated 6 February, 2018, by the Director of Business Services on progress against the Equality Outcomes set in the Mainstreaming and Equalities Report 2017 – 2021 as detailed in Appendix 1 to the report.

The Committee **agreed** to acknowledge the Aberdeenshire Council Equalities Mainstreaming and Outcomes progress statement at Appendix 1.

#### **19. NORTH EAST OF SCOTLAND PRESERVATION TRUST (NESPT) LOAN REQUEST AND FINANCIAL ISSUES**

There had been circulated a report dated 9 February, 2018, by the Director of Infrastructure Services seeking approval of a long term loan and financial support to the North East of Scotland Preservation Trust (NESPT).

The Head of Service, Planning & Building Standards, introduced the report, outlining the regeneration schemes and the options explored by the NESPT with regard to financing, and responded to questions from Members relating to the proposed interest rate and securities for the loan.

The Committee **agreed:**

- (1) to approve the provision of a long term loan to NESPT on the terms and conditions detailed in the report;
- (2) to the proposed financial support to NESPT as set out in Paragraph 4.3 of the report; and
- (3) that the Head of Finance review the interest rate on the loan to determine if a lower rate could be offered.

## **20. INFRASTRUCTURE SERVICES KEY ACTIVITY, PROJECTS AND FORWARD PROCUREMENT PLAN FOR 2018/19**

There had been circulated a report dated 19 February, 2018, by the Director of Infrastructure Services seeking approval of the Infrastructure Services Key Activity, Projects and forward Procurement Plan for 2018/19.

The Director of Infrastructure Services introduced the report explaining that the Council was now in its second year of the new procurement arrangements contained in the Scheme of Governance. He highlighted the spend profile against the agreed budget and the projects which would require contracts to be put in place or renewed in the financial year 2018/2019. The Director concluded by confirming the procedure to be followed should the Committee be minded to reserve approval of the business case for any item on the Work Plan valued between £50,000 and £1 million.

Officers responded to questions from Members on how the market would be tested to confirm that the proposed contracts would deliver best value, options available to undertake further scrutiny, the estimated costs relating to the proposed Street Lighting contract and whether this included Christmas lights and funding allocated to the Stonehaven flood scheme.

Thereafter, the Committee **agreed to:**

- (1) approve the items on the Procurement Work Plan identified as falling within the remit of the Committee;
- (2) note that the Business Case for any item on the Procurement Work Plan where the value of the matter is between £50,000 and £1,000,000 would be approved by the relevant Chief Officer;
- (3) note that the Committee would receive the Business Case for approval for any item on the Procurement Work Plan which is within the Committee's remit and the value of the matter is over £1,000,000;
- (4) note that Appendix 3 set out the area specific items which were being reported for approval to Area Committees between 13 and 27 March 2018; and
- (5) the Director of Infrastructure Services providing an update to Members on the Street Lighting contract and whether it included Christmas Lights.

## ECONOMIC DEVELOPMENT AND PROTECTIVE SERVICES

### 21. CITY REGION DEAL – DIGITAL WORKSTREAM

With reference to the Minute of Meeting of the Committee of 25 January 2018 (Item 14), there had been circulated a report dated 5 March, 2018, by the Director of Infrastructure Services seeking approval of the updated Business Case for the City Region Deal digital programme.

The Director of Infrastructure Services introduced the report explaining that since the report have been circulated, notification had been received confirming that the Council's bid for funding from the Department for Digital, Culture, Media and Sport (DCMS) had been unsuccessful and seeking authority to proceed to identify alternative funding sources.

The Committee **agreed** to:

- (1) delegate authority to the Director of Infrastructure Services, following consultation with the Head of Finance, Chair, Vice Chair and Opposition spokesperson of the Committee, to approve the full Business Case and the Council's contribution towards the Local Full Fibre Network Project, subject to alternative funding sources being secured; and
- (2) approve the Council's contribution of up to £75,000 towards the development of Full Business Cases for both a Regional Data Exchange and a Regional Sensor Network.