

## ABERDEENSHIRE COUNCIL

### KINCARDINE AND MEARNIS AREA COMMITTEE

COUNCIL CHAMBERS, VIEWMOUNT, ARDUTHIE ROAD,  
STONEHAVEN, 24 APRIL 2018

**Present:** W Agnew (Chair), I Mollison (Vice-Chair), G Carr, S Dickinson, A Evison, Provost W Howatson, J Hutchison, C Pike, D Robertson, S Wallace, L Wilson.

**Apology:** Councillor A Bews.

**Officers:** William Munro (Area Manager, Kincardine and Mearns), Karen McWilliam (Area Committee Officer, Kincardine and Mearns), Peter Robertson (Senior Solicitor, Legal and Governance), Gavin Penman (Projects Manager), Cheryl Roberts (Environment Planning Officer), Donald Macpherson (Structures Manager), Alexander Macleod (Housing Manager), Brian Strachan (Roads and Landscapes Services Manager), Gregor Spence (Senior Planning Officer), Ewan Wallace (Head of Transportation), John Gahagan (Estates Manager), Ewan Smith (Principal Roads Engineer), Jim Savege (Chief Executive).

**In Attendance:** Neil Reid (item 4 (1.2)), Stephen Pirie, AB Roger and Young (item 14 (a)),

#### 1. SEDERUNT AND DECLARATION OF MEMBERS' INTERESTS

The Chair asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct the following were intimated:

Councillor Carr declared an interest in Item 4 Area Committee Budget (1.2) by virtue of him being asked to endorse the group to a funder. Having applied the objective test he concluded the interest to be remote and insignificant. Therefore he would remain and participate in the item.

#### 2A. STATEMENT ON EQUALITIES

In making decisions on the following items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act, 2010:-

- (1) to have due regard to the need to:-
  - (a) eliminate discrimination, harassment and victimisation;
  - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
  - (c) foster good relations between those who share a protected characteristic and persons who do not share it.
- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

## **2B. RESOLUTION**

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

<b>Item No</b>	<b>Paragraph No of Schedule 7A</b>
15	6
16	6 and 9

### **3. MINUTE OF MEETING OF KINCARDINE AND MEARNS AREA COMMITTEE OF 20 MARCH 2018**

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 20 March 2018.

### **4. AREA COMMITTEE BUDGET 2018/2019**

A report by the Director of Infrastructure Services was circulated advising Members of the first applications to the Area Committee Budget for this financial year 2018/2019.

Members were advised by the Area Manager that three applications were being presented for consideration. The first was from the Auchenblae Defibrillator Group for £300 towards the cost of purchasing an external defibrillator for the Village Hall in Auchenblae. The total cost of the project was £1,224.72 and £924.72 had been raised by the community group.

An application had been received from the Memorial Park Group in Laurencekirk for £8,000 towards the purchase of a storage unit and toilet for the Memorial Park. The total cost of the project was £21,816.00 with £13,763.00 having been granted by the Tullo Twinshields Community Benefit Fund, subject to a lease from Aberdeenshire Council before September 2018. The Council have been supporting this group, firstly in its formation to become a constituted group, and secondly in taking forward a range of projects assembled through robust community engagement. There was a spokesperson in attendance to present the application.

Members were then advised of the application received from the Dickson Memorial Hall in Laurencekirk for hall refurbishment costs. The total project cost was £6,596.40 with half being met by hall funds already in place, and the remainder being sought from the Area Committee Budget. Members were advised that it was a very well used Hall and seen as a classic example of a community social enterprise, the profits raised through a range of commercial, cultural and social community events were enabling the sustainability of this facility. There had been a significant increase in use of the Hall since its renovation in 2010. The wooden floor was now in need of refurbishment, and some redecorating was also required to keep the Hall a venue of choice. The rationalisation of Council owned and run properties in Laurencekirk was impacting positively on the usage of other community run facilities.

The Committee then heard from Neil Reid in support of the application for the Memorial Park. The Committee sought clarification with regard to maintenance of the toilet facility and commended the Memorial Park Group for their proactive approach to improve the facilities for the community.

The Committee **agreed** to disburse the following grants from the Area Committee Budget (2018/2019):

- |   |                  |
|---|------------------|
| <b>1. Auchenblae Defibrillator Group -</b>      | <b>£300.00</b>   |
| <b>2. Laurencekirk, Memorial Park Group -</b>   | <b>£8,000.00</b> |
| <b>3. Dickson Memorial Hall, Laurencekirk -</b> | <b>£3,298.00</b> |

#### **5. FLOOD RISK AND COAST PROTECTION PROGRAMME OF MEASURES 2018/2019.**

A report by the Director of Infrastructure Services was circulated advising Members of the proposed Flood Management and Coast Protection Programme for 2018/2019.

The Projects Manager was in attendance to present the report and to answer any queries. Members sought clarification with regard to the Arbutnott drain works; Stonehaven Coastal Flood Protection Study; maintenance work for Marykirk; School Road, Luthermuir; and the pumping station for Stonehaven.

Members then **agreed** to:

1. Approve the Flood Management and Coast Protection Programme of Measures for 2018/2019 as detailed in Appendix A, as it relates to the Kincardine & Mearns Area,
2. Approve the schemes on the Reserve List of Measures within the Kincardine & Mearns Area, as detailed in Appendix A to the report,
3. Agree that schemes can be brought forward from the Reserve List in the order of priority in the event of slippage, provided that their inclusion does not result in the overall expenditure exceeding the allocated budget sum, and
4. Instruct officers to feedback on the following:
  - a. Fettercairn - vegetation clearance along channel.
  - b. Bridge of Kair - flood investigations.

#### **6. CONSERVATION AREA MANAGEMENT PLANS: AUCHENBLAE, KIRKTON OF FETTERESSO AND BENHOLM.**

A report by the Director of Infrastructure Services was circulated advising Members of the Conservation Plans for Auchenblae, Kirkton of Fetteresso and Benholm.

The Committee **agreed**, subject to agreement by Stonehaven, Mearns and Benholm and Johnshaven Community Council, to approve:

1. The Conservation Area Management Plans for the Auchenblae, Kirkton of Fetteresso and Benholm Conservation Area, and
2. The introduction of Article 4 Directions to control additional classes of development subject to approval by the Scottish Government.

## **7. 2018/2019 BRIDGE WORKS (ROAD NETWORK).**

A report by the Director of Infrastructure Services was circulated advising Members on the proposed Kincardine and Mearns Area Bridgeworks programme for 2018/2019.

The Structures Manager was in attendance to present the report and answer any queries. Members sought clarification with regard to timescales and works on the Jubilee Bridge in Inverbervie and were advised that the weight in motion work was currently going through the procurement process and that the parapet work was going through the design stage.

Members sought clarification with regard to Park Bridge and were advised that there was £10,000 available for surface works.

Members also sought clarification on the start date for the Nether Craigwell Bridge and were advised that it was currently at design stage.

The Committee **agreed** to:

1. Approve the Kincardine and Mearns Area 2018/2019 Bridgeworks programme (Road Network), as detailed in Appendix A to the report,
2. Note that approval for any Kincardine and Mearns Area based procurements over £50,000 will be sought within the Infrastructure Service 2018/2019 Procurement Plan,
3. Encourage officers to expedite the works on the Royal Arch in Fettercairn, working in partnership, where possible, with colleagues from Roads, and to feedback the timescale to Area Committee, and
4. Engage colleagues in Roads with regard to appropriately charging Aberdeen Roads Limited, for any damage caused by the AWPR on bridge infrastructure as well as roads.

## **8. KINCARDINE AND MEARN'S COMMUNITY COUNCIL GRANTS 2018/2019.**

A report by the Director of Infrastructure Services was circulated advising Members of the proposed disbursement of grant funding to the Kincardine and Mearns Community Councils.

The Committee **agreed** to the disbursement of Community Council grant funding for the 2018/2019 financial year as detailed in Appendix 1 of the report, on submission of signed audited accounts from Community Councils.

## **9. ASSET DISPOSAL AND REINVESTMENT.**

A report by the Director of Infrastructure Services was circulated advising Members of the proposed strategy to dispose of poorly performing assets on the Housing Revenue Account.

The Housing Manager was in attendance to present the report and to answer any queries.

After discussion the Committee **agreed** to forward the following comments to the Communities Committee for their consideration:

1. The proposed strategy to dispose of poorly performing assets on the Housing Revenue Account, to be approved on a case by case basis following the process set out in the report:

- a. Area Committees to be kept informed of any local proposals,
  - b. Ensure families are not disadvantaged by any potential disposal, and
  - c. Assemble further information on what is considered to be an exceptional circumstance.
2. The proposal to reinvest the proceeds from any disposals to enable the delivery of affordable housing in the local area:
    - a. Disposal and reinvestment should be kept as 'local' as possible.

## **10. KINCARDINE AND MEARNS COMMUNITY PLAN 2016 – 2019 SUMMARY MONITORING REPORT.**

A report by the Director of Infrastructure Services was circulated advising Members of the most recent progress report on the Kincardine and Mearns Community Plan.

The Area Manager and the Community Planning Officer were in attendance to present the report and to answer any queries.

The Area Manager introduced the report advising Members of the Local Outcome Improvement Priorities and also local priorities. Members were advised that current work had included collaborative working around wellbeing and isolation.

The Committee **agreed** to:

1. Note the progress of actions within the Kincardine and Mearns Community Plan 2016 – 2018,
2. Endorse the engagement programme for the next iteration of the Kincardine and Mearns Community Plan 2019 – 2021,
3. Instruct officers to progress Community Asset Transfers and lease arrangements with community groups in appropriate timescales,
4. Instigate further discussion with Pillar Kincardine and the Scottish Association for Mental Health for further sign posting opportunities,
5. Circulate the output from the Active Travel Seminar to Members,
6. Give more consideration to outcomes from joint meetings, and
7. Ensure the next quarterly report focused on outcomes.

## **11. SERVICE RESPONSE TO PETITIONS FROM LOCAL GROUPS RELATING TO WINTER MAINTENANCE.**

A report by the Director of Infrastructure Services was circulated advising Members of the issues raised through two petitions and the proposals to respond to the issues.

The Roads and Landscape Services Manager was in attendance to present the report and to answer any queries.

Members fully discussed the report and **agreed** to make the following recommendations to Infrastructure Services Committee:

1. Request that Officers from the Roads Service feedback the following comments as part of the overall winter review:
  - a. Consideration given to include the C34K at the end of the B9077, priority one, gritting route,
  - b. Consideration given to refilling the gritter from an Aberdeen City Depot,
  - c. Closer attention paid to ditching work to improve surface water issues,
  - d. Consider how alternative routes are judged when scoring priority routes,
2. Request that Officers from the Roads Service carry out a number of measures as identified in the report for inclusion in the winter review,
3. Request that future reports annotate maps being presented, to ensure issues are identified to specific areas,
4. An overall procedure and approach to be reviewed for dealing with Petitions and applied consistently across Aberdeenshire, learning from the early experiences and ensuring that information is relayed to those submitting the petition, and
5. Instruct Officers to feedback progress so far to the authors of the Petition.

#### **12. EDUCATION AND CHILDREN'S SERVICES QUARTERLY PERFORMANCE EXCEPTION REPORTING (OCTOBER – DECEMBER) 2017 ABERDEENSHIRE PERFORMS.**

A report by the Director of Education and Children's Services (ECS) was circulated advising Members of the most recent performance report relating to the Service.

The Committee **agreed** to:

1. Acknowledge the performance achieved October – December 2017, referred to in the report,
2. Suggest that future reports take cognisance of verbal updates made at Education Children's Services, reference was made to (SO4) – Supporting delivery of objectives 1-3 through a culture and ethos of continuous improvement, where an officer had given a more detailed account of performance at the ECS Committee, and
3. Instruct the Director of Education and Children's Services to continue to report, by exception, to Committee quarterly performance measures against Service objectives.

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

A report by the Director of Infrastructure Services was circulated advising Members of the most recent performance report relating to the Service.

The Committee agree to:

1. Acknowledge the good performance achieved October - December 2017 (Quarter 3),
2. Note progress of actions set out in the Infrastructure Services Service Plan 2017 – 2020, and

3. 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.

#### **14. 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 the **Appendix A** to this Minute.

<b>Reference Number</b>	<b>Address</b>
(A) APP/2017/3202	Full Planning Permission for Erection of Dwellinghouse at Land North East Of Parklands, Laurencekirk.

#### **15. OPTIONS FOR DEVELOPER CONTRIBUTIONS ASSOCIATED WITH SCHOOLHILL DEVELOPMENT.**

A report by the Director of Infrastructure Services was circulated advising Members of the proposal for Developer Contributions associated with Schoolhill.

The Committee agreed to:

1. Explore in more detail the infrastructure recommended for the use of the sustainable transport related Developer Contributions associated with the Schoolhill Development site,
2. Simultaneously look at alternative uses of this money within the available timeframe, and
3. Instruct officers to report back on the current and future status of the Park and Ride project.

#### **16. SALE OF MARYCULTER EAST SCHOOL.**

A report by the Director of Business Services was circulated advising Members of the proposal to sell Maryculter East School.

The Committee **agreed** to approve the sale of the Maryculter East School.

**KINCARDINE AND MEARNS AREA COMMITTEE, 24 APRIL 2018  
APPENDIX**

**PLANNING APPLICATIONS FOR DETERMINATION**

(A) **Reference No: Reference APP/2017/3202**

**Full Planning Permission for Erection of Dwellinghouse at Land North East Of Parklands, Laurencekirk, Aberdeenshire**

**Applicant: A & A Merchant, 4 Gourdon Holdings, Fettercairn, AB30 1PT**

**Agent: A B Roger & Young Ltd, 9 McGregor Street, Brechin, DD9 6AB**

A report by the Director of Infrastructure Services was circulated advising Members that the Committee was able to consider and take a decision on this item in terms of the Scheme of Governance as the application was being recommended for refusal but at least two Local Ward Members had requested that the application be referred to the Area Committee.

The Planning Officer advised that the main issue to be considered was around the definition of a 'Primary industry' and also in this regard the Planning Service did not feel the proposal was compliant with policy as it did not adequately represent an agricultural need case. An application for an essential worker's house was not justified as on site supervision was not required 24hrs a day and the provision of a dwellinghouse in the countryside was not considered essential to the operation of the business. Nor was it deemed detrimental to the business when the applicant lived within a short walk/drive to the stables. For these reasons the application could not be supported as the proposal did not meet the fundamental principle of development on the site and failed to meet with the criteria of Policy R2 Housing and employment development elsewhere in the countryside.

The Committee heard from Stephen Pirie, agent to the applicant in support of the application suggesting that the proposal did meet with policy as horse breeding was a primary industry in the countryside.

Councillor Wilson, seconded by Councillor Carr, moved to delegated authority to grant Full Planning Permission for the Erection of a Dwellinghouse at Land North East of Parklands, Laurencekirk. The reasons given were:

1. It was considered to comply with Policy R2 (Housing and employment development elsewhere in the countryside) as livestock breeding was considered to be a primary industry,
2. It was considered to be appropriate diversification in the countryside in terms of economic development and economic growth, and
3. The need for an essential worker as outlined in the supporting information from the Scottish Agriculture College around gestation and foaling of this rare breed.

As an amendment, Provost Howatson, seconded by Councillor Agnew, moved to refuse to grant Full Planning Permission for the Erection of a Dwellinghouse at Land North East of Parklands, Laurencekirk, in line with officer recommendation.



The Committee voted:

For the motion(6) Councillors Carr, Hutchison, Pike, Robertson, Wallace and Wilson.

For the amendment (5) Councillors Agnew, Dickinson, Evison, Provost Howatson and Councillor Mollison.

The motion was carried and the Committee agreed to delegated authority to grant Full Planning Permission for the Erection of a Dwellinghouse at Land North East of Parklands, Laurencekirk. The reasons given were:

1. It was considered to comply with Policy R2 (Housing and employment development elsewhere in the countryside) as livestock breeding was considered to be a primary industry,
2. It was considered to be appropriate diversification in the countryside in terms of economic development and economic growth, and
3. The need for an essential worker as outlined in the supporting information from the Scottish Agriculture College around gestation and foaling of this rare breed.