

**ABERDEENSHIRE COUNCIL**

**BUCHAN AREA COMMITTEE**

**BUCHAN HOUSE, PETERHEAD, 8<sup>TH</sup> MAY 2018**

**Present:** Councillors N Smith (Chair), D Beagrie (Vice Chair), A Allan, A Buchan, M Buchan, S Calder, A Fakley, J Ingram, A Simpson, S Smith and I Sutherland

**Officers:** Chris White, Buchan Area Manager (Business Services); Martin Ingram, Senior Solicitor - Governance (Business Services); Sally Wood, Senior Planner (Infrastructure Services); Elizabeth Tully, Planner (Infrastructure Services); Stuart Murison, Senior Planner (Infrastructure Services); David Naismith, Principal Engineer (Infrastructure Services); Christine Webster, Regeneration and Town Centres Manager (Infrastructure Services); Martin Hall, Strategy Manager – Transportation (Infrastructure Services); Lorna Hogg, Parking Officer – Transportation (Infrastructure Services); Craig Matheson, Principal Architect (Infrastructure Services); Kevin McDermott, CLD Team Leader (Education and Children's Services); and Theresa Wood, Area Committee Officer (Business Services)

**1. DECLARATIONS OF MEMBERS' INTERESTS**

In terms of the Councillors' Code of Conduct, the following Declarations of Interest were put forward –

- (1) Councillor J Ingram for Item 9 – Parking Management in Buchan – given that he sits on the Parking Management Member Officer Working Group. In confirming that his interest was not substantive, Councillor Ingram took part in the discussion of this item,
- (2) Councillor I Sutherland for Item 8 – Developing Excellence in our North Coast Communities: 6 Month Report - by virtue of being BID Manager in Peterhead town centre. In confirming that his interest was substantial, Councillor Sutherland left The Chamber for this discussion,
- (3) Councillor I Sutherland for Item 9 – Parking Management in Buchan - by virtue of being BID Manager in Peterhead town centre. In confirming that his interest was substantial, Councillor Sutherland left The Chamber for this discussion,
- (4) Councillor I Sutherland for Item 10 – Community Learning and Development Plan Refresh (2018-2021) – given that he is registered with Protocol (an Agency who supplies NESCOL). In confirming that his interest was not substantive, Councillor Sutherland took part in the discussion of this item,
- (5) Councillor I Sutherland for Item 11 – New Pitsligo Nursery Contract 17914 – given that he is a personal friend of one of the Directors of the appointed contractor. In confirming that his interest was clear and substantial, Councillor Sutherland left The Chamber for this discussion, and

- (6) Councillor A Simpson for Item 6(a) – Full Planning Permission for Erection of Ancillary Annex Accommodation at Ashyolds, Nethermuir, Maud – given that the applicant is known to Councillor Simpson. In confirming that her interest was clear and substantial, Councillor Simpson left The Chamber for this discussion

### **2(a) STATEMENT ON EQUALITIES**

In making decisions on the following items of business, the Committee **noted** the requirement, 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

### **2(b) 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>
11	10

### **3. MINUTE OF MEETING OF 17<sup>TH</sup> APRIL 2018**

The Minute of the Meeting of 17<sup>th</sup> April 2018 had been circulated and was **approved**.

### **4. NOTICE OF MOTION**

- (1) From Councillor S Calder –

“On 26<sup>th</sup> September 2017 Committee received the second six monthly report on progress of the Peterhead Regeneration Strategy ‘Vision and Action Plan September 2017 Progress Update’.

The third six monthly report was due in March 2018.

The Committee requests that the third Update Report is produced and presented as a matter of urgency.”

In terms of Standing Order 4.2.3, the Chairman advised the Committee that the Notice of Motion related to Item 8 on the Agenda – Developing Excellence in our North Coast Communities: 6 Month Report - and would be considered at that point.

## 5. DEFERRED PLANNING APPLICATIONS

With regard to the deferred planning applications, the Committee had before them reports by the Director of Infrastructure Services on planning applications for determination in terms of the Town and Country Planning (Scotland) Acts 1972 and 1997 and **agreed** to dispose of the applications as detailed in Appendix A attached to this Minute.

- (a) APP/2017/2425 Full Planning Permission for Mineral Extraction (Sand and Gravel) and Associated Infrastructure at Muirtack, Ellon
- (b) APP/2017/2745 Full Planning Permission for Erection of Dwellinghouse at Land at 45 High Street, New Deer

## 6. NEW PLANNING APPLICATIONS

The Committee had before them reports by the Director of Infrastructure Services on planning applications for determination in terms of the Town and Country Planning (Scotland) Acts 1972 and 1997 and **agreed** to dispose of the applications as detailed in Appendix B attached to this Minute.

- (a) APP/2017/3097 Full Planning Permission for Erection of Ancillary Annex Accommodation at Ashyolds, Nethermuir, Maud
- (b) APP/2018/0056 Full Planning Permission for Erection of Dwellinghouse and Shed Building at Site at Clayfold, Maud
- (c) APP/2018/0353 Planning Permission in Principle for Erection of Dwellinghouse at Site at Oldmill, Strichen
- (d) APP/2018/0623 Approval of Matters Specified in Conditions ... at Land at Inverboyndie Bay, Banff, Travelling to Land West of Cairnbanno House, New Deer
- (e) APP/2018/0624 Approval of Matters Specified in Conditions ... at Land West of Cairnbanno House, New Deer

## 7. REVIEW DECISION NOTICE

The Committee **noted** the Review Decision Notice, from Aberdeenshire Council Local Review Body, Reference LRB 407 APP/2017/2111, to agree with the determination reviewed by it and Refuse Full Planning Permission for Alterations and Change of Use from Steading to Class 4 (Business) at Auchnarie Steading, Strichen.

## 8. DEVELOPING EXCELLENCE IN OUR NORTH COAST COMMUNITIES – 6 MONTH REPORT

A report by the Director of Infrastructure Services had been circulated providing the Committee with a progress update in respect of the 'Peterhead Development Partnership – Vision and Action Plan'.

Having heard from the representing Officer, the Committee then heard Councillor Calder who spoke in support of his Notice of Motion. Councillor Calder further advised the Committee that, following the Agenda having been issued, he had emailed the representing Officer directly with a series of related questions.

The Committee **agreed** to request that the Regeneration and Town Centres Manager responds directly to Councillor Calder in respect of the various questions raised via email in relation to the above report.

The Committee further **agreed:-**

- (1) to request a further progress report in September 2018, subject to available staffing resources,
- (2) to request that the Director of Infrastructure Services considers altering the recommendation within future progress reports to 'discuss and comment' so as to allow the Area Committee to fully consider and scrutinise the Plan within a public setting,
- (3) that progress updates should continue to be provided avoiding the end of the financial year,
- (4) to request that a condensed version of the Plan be devised, to run alongside the main 'Vision and Action Plan', outlining achievable objectives with a timeline,
- (5) to request that the main 'Vision and Action Plan' be simplified, targets reconsidered and that consideration be given to providing job titles only and not naming designated Officers,
- (6) that the Peterhead Development Partnership be asked to consider potential projects to safeguard uncommitted funds, to specifically include sports, culture and leisure links to the proposed new Academy Campus,
- (7) to acknowledge that the support of the community and third sector agencies is vital in progressing regeneration,
- (8) in respect of Action 1.2 – to request that the Town Centre Impact Assessment be provided to Buchan Members for information,
- (9) in respect of Action 1.7 – to request sight of the Strategic Transport Appraisal as soon as possible,
- (10) in respect of Actions 1.8 and 1.9 – that the Peterhead Development Partnership be asked to consider the issue of tourism in general, including connections with Aalesund and the Town Trail,
- (11) in respect of Action 2.1 – to request that Members be advised as to when the first community meeting is scheduled with a view to progressing a cultural network/hub, and
- (12) in respect of Action 2.3 – to request that Officers encourage groups to come forward with ideas for green spaces in the town with the aim of resubmitting a funding application to 'Big Lottery'

## **9. PARKING MANAGEMENT IN BUCHAN**

A report by the Director of Infrastructure Services had been circulated advising that on 25<sup>th</sup> January the Infrastructure Services Committee had agreed that Officers should undertake the necessary procedures to consult on new tariffs within the current Pay and Display Car Parks in Aberdeenshire. The Committee was asked to consider and discuss options to amend tariffs and operation of off-street car parks to achieve a balanced Transportation Car Parking Revenue Budget.

Whilst acknowledging the need for the Transportation Car Parking Revenue Budget to be cost neutral, the Committee **agreed** to make the following comments to the Parking Management Member Officer Working Group and Infrastructure Services Committee:-

- (1) in respect of Option 1 – The removal of free periods – that the first one hour should remain free,
- (2) in respect of Option 2 – The standardisation of free periods – that Area Committee’s should remain in control of their own local areas thereby allowing them to respond to local situations,
- (3) in respect of Option 3 – The increasing of existing charging levels – the suggested tariffs for ‘0-2 Hours’ and ‘Up to 3 Hours’ as proposed are acceptable; however, consideration should be given to adopting one or possibly two tariffs for ‘Up to 10 Hours’, so that where it is £5, for example, that it be increased to no more than £7,
- (4) in respect of Option 4 – Extending charges in some form into more car parks in Aberdeenshire – that consideration be given to introducing Pay & Display within the car parks at York Street and South Road in Peterhead,
- (5) in respect of Option 5 – The review of hours of charging which vary across towns – to propose that this could be set at 3pm, 3.30pm or 4pm
- (6) that consideration be given to providing residential and trader permits within Peterhead town centre, to include the area surrounding York Street car park should this become a Pay & Display car park,
- (7) that Officers give due consideration as to whether there is a continued need for six bus parking spaces on South Road, Peterhead,
- (8) that better signage for directing persons to car parks in general be considered,
- (9) to request that signage within car parks be improved in terms of how payment can be made, and
- (10) to propose that no charges be introduced within the villages of Buchan where none currently exist

#### **10. COMMUNITY LEARNING AND DEVELOPMENT PLAN REFRESH (2018-2021)**

A report by the Director of Education and Children’s Services had been circulated asking the Committee to consider and comment on the proposed Improvement Priorities as identified by Aberdeenshire Learning Community Partnership for the three-year Community Learning and Development Plan for the period September 2018-August 2021.

The Committee **agreed** to make the following comments:-

- (1) to request that Officers consider simplifying the Plan, and
- (2) to suggest that wording such as ‘mental health’ is better replaced by wording such as ‘wellbeing’

The Committee further **agreed** to request that an informal session for Buchan Members be arranged to specifically consider Buchan’s priorities.

### **11. NEW PITSLIGO NURSERY, CONTRACT 17914**

A report by the Director of Business Services had been circulated detailing proposals for the nursery refurbishment of New Pitsligo School to comply with the requirements of 1140. The Committee was asked to consider the project cost and tender process.

The Committee **agreed**:-

- (1) to approve the overall project cost as detailed in the report,
- (2) to authorise acceptance of the best value tender as detailed in the report, and
- (3) to acknowledge the completion of Gateway Stage 3 and authorise the progression of the project to Gateway Stage 4, Construction

## APPENDIX A

### DEFERRED PLANNING APPLICATIONS

(a) **Full Planning Permission for Mineral Extraction (Sand and Gravel) and Associated Infrastructure at Muirtack, Ellon**

For: CHAP Group (Aberdeen) Ltd, per Agent, Halliday Fraser Munro Planning, Carden Church, 6 Carden Place, Aberdeen

**Reference No: APP/2017/2425**

In terms of Standing Order 6.5, the Area Manager had received three requests to address Committee in relation to this application; from (1) the Applicant – Mr H Craigie of CHAP Group supported by Halliday Fraser Munro and Fairhurst, (2) Mr S Bartlet, an objector, and (3) Mr R Urquhart, an objector.

The Chairman reminded the Committee that, at their previous meeting on Tuesday, 17<sup>th</sup> April 2018, they had agreed that in the light of the level of objection received in relation to this planning application they had deferred the application to undertake a site visit, and that they would hear the three requests to address Committee at the next Committee meeting at which time the application would be determined.

The Committee heard from the Planning Officer who reminded Members of the view of the Formartine Area Committee, as outlined in paragraphs 6.73 and 6.74 of the report, and that should the Buchan Area Committee be minded to Grant Full Planning Permission that the application would require to be referred to the Council's Infrastructure Services Committee for determination.

In addition, the Planning Officer advised that the SDPA initially estimated 42 years' reserve, however, the work undertaken has actually resulted in an amended estimate of slightly below the 10 year reserve, and it's the methodology in how the information has been assessed which has led to the change to the estimates.

In giving their initial response, the SDPA looked purely at applications approved since 2012, and how much material was estimated to be extracted. However, following the first Formartine Area Committee meeting, it became clear this included some hard rock. Further analysis was done, and, when looking at the length of permission as opposed to how much material was estimated for extraction, it is noted that many of the permissions given are due to run out in the next 5 years or so. Therefore, realistically there is not a solid 10/15 year reserve, albeit there is still no formal evidence to support either estimate. The Planning Officer concluded that there is an intention to undertake some work in the future.

The Committee first heard from Mr H Craigie of CHAP Group supported by Halliday Fraser Munro and Fairhurst –

“We welcome the officer's recommendation, and I will endeavour not to take your time by simply re-covering the issues addressed in the thorough and detailed Committee report. We do, however, wish to bring your attention to a couple of key points in relation to the application.

CHAP is seeking permission for this quarry as there is a clear and urgent need for sand and gravel within the Aberdeen market area. Sand in particular is becoming an increasingly scarce commodity but yet crucially remains a key component in construction projects with concrete and tarmacadam being 2 essential construction products dependent on sand as a key ingredient.

Two of the largest sand and gravel quarries in the area (Loch Hills at Parkhill, Dyce and Park Quarry at Drumoak) have almost depleted their sand and gravel resource. Sand is already being hauled up from the Edzell area for some of the large infrastructure projects, but for smaller scale contracts this is both economically unachievable and equally undesirable for a number of practical and environmental reasons.

It is difficult to predict with any degree of certainty both the current size of the sand and gravel landbank and the annual demand within the Aberdeen market area. Information is both inexact and commercially sensitive. The only viable assessment of current reserve size is a desktop review of consented sand and gravel quarries. Having undertaken this we estimate there to be 758,000 tonnes of consented sand and gravel reserve. Various surveys exist that offer different consumption rates but all pre-date the commencement of the series of major infrastructure projects underway in the north-east in the form of the AWPR, Aberdeen Harbour Expansion Project and the new exhibition centre, to name but three. Despite this, if the lowest figure is used it is still evident that the landbank falls short of the 10 year minimum supply target.

Empirically the evidence is however clearer as we, alongside all of our competitors, are actively seeking new sand and gravel resources, investing more effort than ever before in the search for new resources. Companies are tasking personnel solely to this cause, regularly advertising for sand resources and, as already mentioned, sand is being hauled longer distances than ever. It is also worth noting that our competitors are regularly purchasing sand from our Park Quarry – clearly they would not do so if they had suitable local resources of their own. The scarcity of sand, local to the Aberdeen market area, is only going to worsen with time; quite simply there are no large reserves left. Although only a small reserve, Muirtack offers one of the few remaining opportunities to extract sand locally.

The impact on those residents adjacent to the scheme have been a key consideration throughout the development of the proposal but an unavoidable fact is that quarries must be cited where the natural resource is present. Unlike almost all other types of business, we do not have free choice to decide where to locate.

CHAP Group is a locally owned and run business, which has a proven record of successfully operating quarries across Aberdeenshire for almost 40 years. Our only currently operational quarry is the previously mentioned Park Quarry, located immediately to the south of Drumoak. This larger-scale quarry, over 5 times of the Muirtack, operates immediately adjacent to the Special Area of Conservation designated River Dee, with minimal disruption to local residents and with almost zero complaints during its over 30 year lifespan. The resource at Park Quarry is almost depleted and accordingly it is essential that a replacement sand and gravel resource be found if CHAP is to continue quarrying operations in this area and maintain the employment of the 20+ members of staff directly involved in this part of our business. The need for a replacement resource has been heightened recently on the back of the business securing a 460,000 tonne order for sand and gravel supply to the Aberdeen Harbour Expansion project. This 2 year contract will see CHAP sprinting to the end of the Park resource. Without a new resource, we will clearly have no alternative but to cease our quarrying operations.

At the recent Formartine Committee meeting, objectors highlighted certain concerns they had and I'd like to take this opportunity to comment upon a couple of these.

It was suggested that the football pitch at the junction of the A952 was used regularly by Mintlaw Boys Club with players and supporters parking their cars along the side road. Since the Formartine meeting we have inspected the pitch and it is clearly evident that the pitch has not been used for many months.

As a company we have been searching for a new, viable resource for many years and this is the first planning application that we have made during this long and challenging search. Although small by quarrying standards, this site presents a particularly high quality sand resource and this combined with the difficulties experienced in finding alternative locations, encouraged us to proceed with the application. Every effort has been made to address issues of amenity for local residents and this is covered in detail within the supporting information. You will note that no objections remain from the technical consultees.”

The Committee then heard from Mr S Bartlet on behalf of –  
Himself and his wife Lorna Bartlet, Crackan View  
Alana Murray and Robert Stuart, Muirtack Old Farm House, Muirtack  
Mr & Mrs Smith, Muirtack Livery (Shannon Vale)  
Mr Duncan Thomson, The Smiddy Muirtack  
Mr & Mrs Cruickshank, Hillhead of Auchleuchries  
Mr & Mrs Reid, Renoir, Muirtack  
Mr & Mrs Cumming, Piggersbog  
Linda Duncan, Clamandwells

“My name is Scott Bartlet from Crackan View, which is at the east side of the quarry and not currently marked on the survey maps.

1<sup>st</sup> Point – Dust and Pollution –

Why is there not an earth bund around the whole site, to minimalise noise and dust pollution from the site. It has already been said at the Formartine council meeting that the noise levels will rise above the maximum stated decibel levels.

2<sup>nd</sup> Point – The Roads –

The only consideration that’s been put forward to planning is for the meeting of two lorries.

- 1- The roads close proximity to Joiners Croft would vibrate the house into a ruin.
- 2- No safety consideration has been made for other users of the Ardallie Community Pavilion – there is a hive of activities on during the week. - from the WRI, football matches for Ardallie FC & Ellon Amateurs FC.

Both Mintlaw Boys Club 2003 and Ellon Meadows use the facilities for football training - after school and during the day in school holidays.

Holiday training programmes are popular with bringing on talented youngsters. Presently the pitch is not being used due to drainage issues.

Both drop off and pick up times are extremely hectic during these events, there are on average 5-10 cars having to frequently park along the grass verge during events.

For the proposed amount of lorries, the road would need to be much wider with street lighting and pavements included as safe standing areas for the public.

- 3- The amount and positioning of the passing places proposed are also insufficient, with no line of site, from passing place to passing place.
- 4- This unclassified road that these lorries are proposing to use is not suitable for this constant heavy wear of 20 tonne lorries every 15 minutes.

- 5- The road at Joiner's Croft, Hillhead of Muirtack and Old Muirtack farm house is 3.2m wide. A 20 tonne lorry is 2.5m wide, and according to Police Scotland a safe passing distance for a cyclist or pedestrian is a minimum of 0.75m. That means every lorry that meets a pedestrian or cyclist would either need to drive on the verge or risk injury to the third parties.
- 6- There is also 2 school bus services that collect kids waiting on the grass verge – one for the primary and one for the academy.

### 3<sup>rd</sup> Point – Water

There are also huge concerns as to where the quarry's water source will come from.

There is water cisterns on the site which supplies the steading at Old Muirtack Farm House and it's neighbouring field. There is also a private well on the border of the proposed quarry supplying Millbuies and Renoir. Any bore hole or connection to the mains will have severe effects on the surrounding properties.

Our mains water supply at Crackan View is always lacking in pressure and frequently off 2-3 times per month.

There is nothing in this planning application that the local community can gain from. There is only the high risk to other road users. Noise and dust pollution to nearby residents including our local badgers.

According to statistics there is 28-40 years worth of sand and gravel in the area already. So there's obviously no demand for another quarry here.

We are a very close-knit community who travel on the road daily. We walk to the pavilion, walk our pets, ride the horses from the stables. Our kids are all safe to cycle and play, all without the threat of a 20 tonne lorry coming in 15 minutes.

I'm hoping that you see all the facts here today, and that rejecting this planning application is the only reasonable outcome."

The Committee then heard from Mr Ryan Urquhart on behalf of himself and Mrs Simpson, of Muirtack Schoolhouse –

"I will be outlining only some reasons as to why the many objectors feel this application should not be approved.

As pointed out by Formartine Members, the report states 14 round trips for vehicles using the quarry site but for clarity should state 28 trips along the unclassified road per day passing by 8 properties on the road side. This is an average and as stated the quarried material will be for sale on open market, so this doesn't account for any vehicles travelling to the site to buy material or the vehicles taking material offsite for additional sales.

Members that attended the site visit will have seen for themselves that the unclassified access road and Toll of Birness junctions quite simply won't cope with the additional traffic. The access road is around 4m wide on average from the A952 leading up to the site, the applicants have proposed a few passing places where we had marked their positions for members to see for themselves; many of the passing places are not inter-visible and does not alleviate any road safety risks posed. This is particularly dangerous at passing places numbered 5, 6 and

7 where property Joiner's Croft is barely 2m from the road edge and obstructs visibility lines for the increased traffic levels and collisions are most likely to occur. Some members may recall the major application that came before them for the Northwoods Business Park, where the existing road started at 6m wide tapering down to 4.7m over the length of the site and this was deemed unfit for this type of traffic and so a whole new road was proposed at about 7m wide and agreed as being fit for purpose. This is referenced in this quarry application where the access road within their site is shown at 7m wide to allow two vehicles of the required size to pass comfortably.

I further note that the original plans submitted showed one of the quarry vehicles passing a tractor and trailer, however, this showed that the vehicles would clash at even their widest passing places. Instead of widening the passing places they have simply re-submitted plans showing a smaller vehicle. This road serves many agricultural based properties, particularly sheep farming, as well as providing a link for the wider agricultural community so it needs to be proven that the working vehicles for the quarry would comfortably pass agricultural vehicles. Members that attended the site visit may have experienced this themselves as several large vehicles travelled the road during its duration.

Formartine Area Committee members also raised concerns over the maintenance of the road, it was described that a maintenance programme and fund would be entered into by the applicants and Road Department. The Roads Officer referenced that this was set up for the Ardlethen Quarry near Ellon to not only maintain the main road accessing the site but also some lower class and unclassified roads frequented by quarry vehicles. However, this is an unsuccessful example of this as I drove the Esslemont Farm to Ardlethen Road after Formartine Area Committee and the road is in a terrible state.

The 3m and 5m high bund heights were marked for the site visit for Members to see their heights and show the impact they will have on neighbours and the local landscape.

Questions were also raised over the noise assessment submitted with the application and objectors commissioned an independent noise consultant to provide comment on the assessment submitted. The main point of contention that we received from the consultant was the development WILL have a negative impact on properties nearby in terms of noise from the vehicles passing by their houses regularly, however, planning loopholes make it so that the assessments can disregard noise from certain elements, most notably the noise levels of traffic accessing the development from homes positioned along the access road. So although the consultant agreed that what is in the report is technically correct in meeting planning criteria, it does not form good development planning as it is kind of saying that everyone living along the access road must ignore the noise that will have an adverse impact on their lives.

I now refer to a quarry application that was refused in 2005 just off the Balmedie dual carriageway, due to adverse impact on a single neighbouring property as the applicants couldn't ignore that loophole because the access into the site bounded onto that house. This example shows that this type of development is not suitable being closely situated to residential properties.

Finally, being in the construction industry we have not heard of any dire need for new quarries and materials of this nature. We've asked around several local builders and suppliers who have not heard of the great need that the applicants are emphasising. As pointed out by Formartine Area Committee Members the evidence is purely from the applicants so we are to take their word for it, just as you will have to take my word on our own research.

In summary, quarry sites can be needed although there doesn't appear to be a dire need for this. This site is not in the right location at all, as the road won't cope."

Following a detailed discussion, the Committee unanimously **agreed** to Refuse Full Planning Permission for the following reasons:-

- (1) the proposal does not comply with Policy P1: Layout, siting and design on the grounds in that it will have a significant impact and will result in a loss of amenities to the local community due to its close proximity; also the increase in vehicle movements is of concern given the road is not suitable for this type of development, and
- (2) there is no proven need for the material to be extracted

(b) **Full Planning Permission for Erection of Dwellinghouse at Land at 45 High Street, New Deer**

For: Mr & Mrs R Christie, 45 High Street, New Deer

Per: Mantell Ritchie, 27A High Street, Banff

**Reference No: APP/2017/2745**

Councillor Ingram moved as a motion, seconded by Councillor Simpson, that authority to Grant Full Planning Permission be delegated to the Head of Planning and Building Standards subject to relevant planning conditions given that the application does comply with Policy P3: Infill and householder developments within settlements in that (a) the proposal will not encroach on the amenity of neighbouring land, and (b) the scale and density is appropriate as it is in keeping with other neighbouring backland development and the slope in the rear garden allows the proposed dwelling to be built into the site having little impact on the streetscene.

As an amendment, Councillor Fakley, seconded by Councillor Allan, moved that Full Planning Permission be Refused for the reasons stated in the report.

The Members of the Committee voted:-

for the motion (7) Councillors N Smith, Beagrie, A Buchan, M Buchan, Ingram, Simpson and S Smith

for the amendment (4) Councillors Allan, Calder, Fakley and Sutherland

The motion was therefore carried and the Committee **agreed**:-

- (1) that authority to Grant Full Planning Permission be delegated to the Head of Planning and Building Standards subject to relevant planning conditions, and
- (2) their reason for departing from the Local Development Plan as follows –
  - (a) in the opinion of the Committee, the application does comply with Policy P3: Infill and householder developments within settlements in that –
    - (i) the proposal will not encroach on the amenity of neighbouring land, and
    - (ii) the scale and density is appropriate as it is in keeping with other neighbouring backland development and the slope in the rear garden allows the proposed dwelling to be built into the site having little impact on the streetscene

## APPENDIX B

### NEW PLANNING APPLICATIONS

(a) **Full Planning Permission for Erection of Ancillary Annex Accommodation at Ashyolds, Nethermuir, Maud**

For: Mr David Roberts, Ashyolds, Nethermuir, Maud

Per: George Hadden, Architectural Agent, Freemont, Little Newton, Old Rayne, Inch

**Reference No: APP/2017/3097**

In terms of Standing Order 6.5, the Area Manager had received a request to address Committee in relation to this application from the Applicants, Mr and Mrs Roberts.

The Committee was asked if they wished to hear the representation. The Committee unanimously **agreed**.

The Committee first heard from the Senior Planner, then heard from Mrs Roberts as follows –

“I am the wife of the applicant for the proposed annex which has been brought forward as a temporary planning application through necessity following my parents decline in health.

While I realise ill health and homecare doesn't mean we can ignore planning policy we feel our application sits within policy whereby we are proposing an annex ancillary to the existing dwelling which will be completely reliant on our house for its function in that water, electricity and drainage are all supplied by our house; clothes washing from our house; as well as cooking and storage of possessions with the annex only providing sleeping, toilet, minimal kitchenette and lounge facilities.

The annex will allow both my husband and I to effectively care for my parents at home whilst allowing them both to retain a dignified level of independence. My mother who is registered disabled and 78 years old is reliant on a wheelchair for distance movement and this wheelchair is wider than standard and doesn't allow access to our existing house.

Due to my parents age and to try and show the annex is purely for the use of my parents we agreed by email on 2<sup>nd</sup> February to the Planning Departments request to allow for temporary permission and also agreed to any time period they felt appropriate on the understanding that once the need for the temporary structure had passed then the unit would be removed.

We also agreed to reduce the kitchen facility to only include a worktop for a toaster and a sink to allow minimal washing up, no mention of these endeavours to satisfy the Planning Departments concerns have been contained in the report read out today.

The location of the annex has also been queried, in that it is too far from the existing dwelling, however, as explained to the Planning Department the Annex has been positioned as close to the existing dwelling as possible without using the existing drive and parking areas which we currently use for the onsite Community Farm which both my husband and I run for vulnerable adults.

I feel this gives you a brief background as to the rationale behind the annex application and makes you aware we did respond to the Planning Departments concerns while compromising where possible. I therefore respectfully request that the Committee approve this application.”

Having considered the comments, the Committee **agreed** to defer consideration of the application to allow Members to undertake a site visit to ascertain the proposed layout for themselves.

(b) **Full Planning Permission for Erection of Dwellinghouse & Shed Building at Site at Clayfold, Maud**

For: Mr Peter Johnston, Clayfold, Maud

Per: Michael Ritchie, 27A High Street, Banff

**Reference No: APP/2018/0056**

In terms of Standing Order 6.5, the Area Manager had received a request to address Committee in relation to this application from the Agent, Mr Michael Ritchie.

The Committee was asked if they wished to hear the representation. The Committee unanimously **agreed**.

The Committee first heard from the Senior Planner, then heard from Mr Ritchie as follows –

“Councillors will recall this application in front of them a few months ago, and that the application was deferred for a site visit to see the location. It was agreed at that time that the site was too prominent.

The applicant has now resubmitted the application having relocated the house and shed. The house is for Mr Johnston to retire to; he is currently a Director of KP Plant, and the present house is tied to the business of KP Plant. Mr Johnston wants to retire from KP Plant and focus on agriculture.

KP Plant is a well-established business, and the new owner wants to keep running the business from the same location.

Mr Johnston wants to work 50 acres of agricultural land for grazing livestock, barley and grass seed, and for breeding Aberdeen Angus cattle. He needs his house to be on-site, and hopes to expand his agricultural business.

This new site is not so prominent.”

The Senior Planner advised that no application to remove the tie between the house and business had been received, and if such an application was received that it would likely be supported.

Having heard from the Agent, Councillor Ingram moved as a motion, seconded by Councillor S Smith, that authority to Grant Full Planning Permission be delegated to the Head of Planning and Building Standards subject to relevant planning conditions, given that the proposal is a departure from Policy R2: Housing and employment development elsewhere in the countryside given (a) this is an appropriate location for this type of development, (b) the proposed site is an ideal starter size for an agricultural business, and (c) the need for the presence of a worker on-site is essential for the operation of the proposed business; therefore there is sufficient justification to allow for a dwellinghouse for an essential agricultural worker

As an amendment, Councillor N Smith, seconded by Councillor A Buchan, moved that Full Planning Permission be Refused for the reasons stated in the report.

The Members of the Committee voted:-

for the motion (8) Councillors Beagrie, Allan, M Buchan, Calder, Fakley, Ingram, Simpson and S Smith

for the amendment (3) Councillors N Smith, A Buchan and Sutherland

The motion was therefore carried and the Committee **agreed**:-

- (1) that authority to Grant Full Planning Permission be delegated to the Head of Planning and Building Standards subject to relevant planning conditions, and
- (2) their reason for departing from the Local Development Plan as follows –
  - (a) the proposal is a departure from Policy R2: Housing and employment development elsewhere in the countryside given –
    - (i) this is an appropriate location for this type of development,
    - (ii) the proposed site is an ideal starter size for an agricultural business, and
    - (iii) the need for the presence of a worker on-site is essential for the operation of the proposed business; therefore there is sufficient justification to allow for a dwellinghouse for an essential agricultural worker
  - (c) **Planning Permission in Principle for Erection of Dwellinghouse at Site at Oldmill, Strichen**  
For: Mr D Fotheringham, c/o Baxter Design Company (Old Deer) Ltd,  
1 The Square, Mintlaw  
**Reference No: APP/2018/0353**

In terms of Standing Order 6.5, the Area Manager had received a request to address Committee in relation to this application from Mr Craig Fyvie, of Baxter Design, on behalf of the Applicant.

The Committee was asked if they wished to hear the representation. The Committee unanimously **agreed**.

The Committee first heard from the Senior Planner, then heard from Mr Fyvie as follows –

“My client, Mr Fotheringham, has farmed at Old Mill - which is 241ha in size - for most of his life and he is now in his 70's. Mr Fotheringham would now like to retire and pass on the farm accordingly, whilst still being able to offer advice to his successor as per the policy requirement.

In point 2.1 of the report, the distance to the farm is noted as 250m, however, the distance from the proposed site to the farm hub is only 195m.

Whilst every application is dealt with on its own merit, it is important to point out that our company has received approvals from the planning department for dwelling sites that were 288m and 225m from the farm hub respectively.

The site location was chosen because it is hidden from the main road by mature trees and already has a mature landscape. From the south west to the north east boundaries, tree planting has taken place which can be seen on site. It is also a peaceful location that is a sensible distance from the farm hub. We feel that the site is well within walking distance to the farm hub. Incidentally, walking distance does not appear to have been defined in the policy. We consider from the farm hub to be an acceptable distance and feel that the site position complies with policy P1, Layout, Siting and Design. We did offer to reduce the site by 15% however no response was received with regards to this proposal.

6.4 states that the farm is 112ha in size, however the correct figure is 241ha, which is contained in the viability report. 6.5 goes on to acknowledge the viability of the farm.

6.8 – we have not received any correspondence requesting the current address for my client. However, to clarify – my client currently lives on site in a caravan and has done so since November 2017.

The farm is to be left to a trustee of the farm who has worked for my client for over 27 years. Without going into detail, my client does not have a relationship with his son – there has been no contact for many years - therefore it is not in his interest or indeed the best interests of the farm to pass the business on to his son. None the less, succession will still be possible to a trustee.

My client would class his trustee like a son and believes he is the only person fully worthy to take on the farm. The future success of the farm could not be guaranteed or safeguarded if my client were to pass the farm on to a member of the family that is not capable of running a farm, and it is for that very reason that my client's trustee is to take on the farm.

The definition of a trustee is “an individual person or member of a board given control or powers of administration of property in trust with legal obligation to administer it solely for the purposes specified”. In short, my client's trustee has vast experience in farming and is the best person to succeed my client. He already has a wealth of knowledge in running different aspects of this farm.

The houses on the farm that are mentioned in 6.9 are on long term leases. This is neither unusual nor different to any other farm that has on site properties. To remove these tenants who are unable to afford their own houses creates a problem in itself. Rehousing two families in the area would not be a straight-forward task. If one of these houses did become available then there is potential for the trustee to reside here. The trustee is only 5 miles from the farm.

My client does wish to retire but in order to successfully pass on the farm he needs to remain relatively close at hand to advise his trustee in the day to day running of the site.

The site is within the farm land owned by my client and is no different in layout and siting to 2 previous applications that were approved by the planning department at Wester Cardno Farm and East Brownhill Farm. The proposed site equates to 0.3% of the whole farm.

The access road is taken through a very small part of the field to an existing road which links to the B9093. Roads have not objected to this access point. We feel it is a safe place to take the access point to the site.

Finally, I would note that there has been no objection made.

It is our hope that members would be able to support this application.”

Following a brief discussion, the Committee **agreed** to Refuse Planning Permission in Principle for the following reasons:-

- 01 The proposal is in conflict with the Aberdeenshire Local Development Plan 2017, in particular Policy R2 Housing and employment development elsewhere in the countryside and Policy P1 Layout, siting and design, due to the following reasons:
- (i) The principle of development is considered unacceptable on the basis that the successor is not a 'near relative' of the retiree
  - (ii) There is already the presence of two residential units on the farm, whilst these are on long-term lets, they are to persons not involved in the farm. Therefore, a new residential unit is not required as two units already exist which potentially could be used
  - (iii) The proposed house is for Mr Fotheringham who is seeking to retire away from the farm, but who wishes to live close by to provide a handover. Given that the farm has operated without either persons living on the farm, and that the provision of the house is ultimately to allow Mr Fotheringham to retire, it is considered that the proposal would not result in labour being present on the farm long term
  - (iv) The layout and siting of the proposal is inappropriate because it does not reflect a reasonable level of cohesion with the existing farm buildings, and renders a large portion of the land incapable of farming due to the size of the plot and due to the proposed access road dissecting the land
- (d) **Approval of Matters Specified in Conditions for Conditions 1 (q) (aa) (Cable Route Phase) of Planning Permission in Principle Reference APP/2015/0478 for National for Construction of Onshore Electrical Transmission Cables, Comprising an Onshore Transition Jointing Pit, Underground Cables within a 33km (approximately) Long Cable Corridor and the Construction of 2 No. Substations Southwest of New Deer, also Including Temporary Construction Compounds, Access Tracks, Laydown Areas and Other Associated Works at Landing at Inverboyndie Bay, Banff, Travelling to Land West of Cairnbanno House, New Deer**  
For: Moray Offshore Windfarm (East) Ltd  
**Reference No: APP/2018/0623**

In terms of Standing Order 6.5, the Area Manager had received a request to address Committee in relation to this application from the Applicant, Sarah Pirie for Moray East Offshore Windfarm.

The Committee was asked if they wished to hear the representation. The Committee unanimously **agreed**.

The Committee first heard from the Senior Planner who advised that the Committee is able to consider this item following a direction from Full Council upon determination of a preceding application for National Development whereby the Matters Specified in Conditions application has a significant impact on more than one Area. The application will therefore be determined by the Infrastructure Services Committee, following consultation with the relevant Area Committees – namely Buchan, Banff and Buchan and Formartine.

The Committee then heard from Sarah Pirie as follows –

“Since 2014 Moray East has changed its name from Moray Offshore Renewables to Moray East. Moray West is a separate project under separate governance and it is in its development phase unlike Moray East which is a pre-construction project.

Moray East is an offshore wind farm located in the outer Moray Firth which lands its electricity export cables at Inverboyndie Bay which then down to a new substation site 6km to the south west of New Deer.

Since 2014 Moray East has expended considerable effort to refine its proposals. This could not be finalised until we received a UK Government contract – known as a Contract for Difference - which enables the project to move forward and supply to the national grid. This contract sets the capacity of the wind farm and therefore the final project design.

The works before the Committee are not novel. Aberdeenshire hosts numerous offshore cables and pipelines coming ashore as well as strategic substation developments by the regional operator. Aberdeenshire already leads the way with two offshore wind farm projects already being built and connected off the Aberdeenshire Coast and under its land.

Moray East is, however, different due to its scale. It will generate 950MW which is broadly equivalent to Peterhead Power Station. Moray East will power 950,000 homes. It will cost less than half of offshore wind projects being built now in terms of its Contract for Difference with the UK Government.

Moray East also brings a scale of opportunity. It is more than twice the size of the Forth Crossing in terms of the investment in a nationally important infrastructure project.

At the landfall Moray East listened to the concerns of members in relation to the potential for amenity impacts to the local residents, recreational users of the beach and the caravan park. It undertook significant investigation works and located the landfall to the west to avoid unacceptable impacts. We will also use Horizontal Directional Drilling which will ensure that the recreational route and impacts on the SSSI are avoided in that area. All permanent infrastructure will be underground.

In relation to the cable route Moray East has worked closely with landowners to sensitively site the cables and minimise drainage impacts which was a concern raised by the Buchan Area Committee in 2014. In addition, we have avoided private water supplies, sensitive ecology and archaeology sites and tree felling other than in an area of commercial forestry. The permanent infrastructure will all be underground other than manhole covers at the joint bays and limited small markers for the route at some points.

Moray East is committed to working with the local communities in the construction phase of the project as it has done to date. Moray East has recently met with interested local community councils and the proposals have been brought forward taking on board comments and concerns from members and the local community.”

Following a brief discussion, the Committee **agreed** that the application be referred to the Infrastructure Services Committee for determination and confirmed their support for the proposal by agreeing to Grant the application, subject to the confirmation of formal addressing of the following:

- (a) SEPA confirmation of acceptability of updated CEMP, and
- (b) SEPA confirmation of acceptability of updated details on wetlands

The Committee confirmed their reason for the decision as follows -

The proposal and mitigation measures set out and contained therein are considered to be acceptable in terms of the relevant Policies contained within the Aberdeenshire Local Development Plan 2017 with regard to addressing the matters specified in conditions of extant Planning Permission in Principle application APP/2017/0478

- (e) **Approval of Matters Specified in Conditions for Conditions 1 (a) - (p) (Substation Site Phase) of Planning Permission in Principle Reference APP/2015/0478 for National Construction of Onshore Electrical Transmission Cables, Comprising an Onshore Transition Jointing Pit, Underground Cables Within a 33km (approximately) Long Cable Corridor and the Construction of 2 No. Substations Southwest of New Deer, also Including Temporary Construction Compounds, Access Tracks, Laydown Areas and Other Associated Works at Land West of Cairnbanno House, New Deer**  
For: Moray Offshore Windfarm (East) Ltd  
**Reference No: APP/2018/0624**

The Senior Planner advised that the Committee is able to consider this item following a direction from Full Council upon determination of a preceding application for National Development whereby the Matters Specified in Conditions application has a significant impact on more than one Area. It will therefore be determined by the Infrastructure Services Committee, following consultation with the relevant Area Committees – namely Buchan and Formartine

Following a brief discussion, the Committee **agreed** that the application be referred to the Infrastructure Services Committee for determination and confirmed their support for the proposal by agreeing to Grant the application, subject to the confirmation of formal addressing of the following:

- (a) SEPA confirmation of acceptability of updated information related to Private Water Supplies, Flood Risk, Drainage, GWDTE and the CEMP

The Committee confirmed their reason for the decision as follows:-

The proposal and mitigation measures set out and contained therein are considered to be acceptable in terms of the relevant Policies contained within the Aberdeenshire Local Development Plan 2017 with regard to addressing the matters specified in conditions of extant Planning Permission in Principle application APP/2017/0478