

ABERDEENSHIRE COUNCIL

BANFF AND BUCHAN AREA COMMITTEE, LEARNING ROOMS 1 AND 2, FRASERBURGH COMMUNITY AND SPORTS CENTRE, MACONOCHIE PLACE, FRASERBURGH 02 OCTOBER 2018

Present: Councillors A Kille (Chair) C C Buchan, R A Cassie, J B Cox, M A Findlater, G Reynolds, M J Roy and B A Topping

Apologies: Councillor D Mair

Officers: Mrs K F Wiles, Head of Legal and Governance; Ms F M Stewart, Senior Solicitor; Mr J Martin, Senior Planner; Mr S Murison, Senior Planner; Ms E Wood, Policy Officer; Mr D Anderson, Team Manager (Policy and Performance); Mrs E Reid, Team Leader (Housing); Mr P Blaxter, Team Leader (Planning); Ms K Southwell, Policy Planner; Mr R McCleary, Fraserburgh 2021 Coordinator; Ms E McCarron, Asset Disposal Surveyor and Mrs E M Farquhar, Area Committee Officer

1. DECLARATION OF MEMBERS' INTERESTS

The Chairman asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct.

Item 9 Councillor Topping **declared an interest** by virtue of the fact that he is a Director of Osprey Housing but, having applied the objective test, concluded that it was so remote and insignificant that he remained and participated in the item.

2. RESOLUTION

A. STATEMENT OF 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.

B. EXEMPT INFORMATION

The Committee **agreed** under Section 50A (4) and (5) of the local Government (Scotland) Act 1973, as amended, that the public and media representatives be excluded from the meeting for Items 12, 13, 14 and 15 of the business on the grounds that these items involved the likely disclosure of exempt information of the class described in Paragraphs 8 and 9 of Part 1 of Schedule 7A of the Act.

3. MINUTE OF MEETING OF 11 SEPTEMBER 2018

The minute of meeting of 11 September 2018 had been circulated.

The Committee **agreed to approve** the minute as a correct record of the meeting.

4. LIST OF OUTSTANDING BUSINESS AT 02 OCTOBER 2018

A list of outstanding business at 02 October 2018 had been circulated.

The Committee **noted**:

1. the list of outstanding business, and
2. that, now that the meeting of Councillors and Officers had taken place at the Wrack Woodlands, Banff, a meeting would be arranged with representatives of the Friends of Duff House, the landowner, and other stakeholders to have a fuller discussion and to get a general view of the potential for that area.

5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR GRANT OF STREET TRADER'S LICENCE

A report dated 24 August 2018 from the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a street trader's licence un respect of which the Chief Constable had objections and (2) detailed information relevant to the application.

The Committee heard the applicants and the Chief Constable's representative and thereafter **agreed** to grant the application as applied for.

6. REVISED PARTNERSHIP WORKING POLICY

A report dated 13 September 2018 from the Director of Business Services had been circulated to ask the Committee consider and provide comment on the draft policy.

The Committee **noted** the terms of the report and

1. **agreed** to make the following comments to be considered by the Business Services Committee in November when the final policy would be approved:
 - a) There seemed to be some duplication in different parts of the report in terms of arrangements for the Council dissolving/leaving a partnership,
 - b) The Committee was pleased that the new register would provide more transparency,
 - c) The new system needed to ensure that there would be triggers to remind officers that policies needed to be reviewed as in the past many reviews had not taken place.
2. **noted** the Partnership Working Procedure and assessments detailed in the report.

7. PLANNING APPLICATIONS FOR DECISION

The following planning applications were considered following a visit to the site on 25 September 2018 and dealt with as recorded in Appendix A to this minute.

A	Reference No APP/2018/1400	Listed Building Consent for Alterations and Extension to Dwellinghouse at Woodhead Cottage, Carnousie, Turriff
B	Reference No APP/2018/1411	Full Planning Permission for Alterations and Extension to Dwellinghouse (Renewal of Planning Permission APP/21014/4214) at Woodhead Cottage, Carnousie, Turriff

8. PLANNING APPLICATION FOR CONSIDERATION

The following planning application was considered, following a visit to the site and a Pre-Determination Hearing on 24 September 2018, and dealt with as recorded in Appendix A to this minute.

Reference No APP/2018/1891	Planning Permission in Principle - National Application for Construction of Onshore electrical transmission cables, comprising an onshore transition jointing pit, underground cables within a 6km (approximately) long cable corridor also including temporary construction compounds, access tracks, laydown areas and other associated works, Landing At Shoreline Within The Vicinity Of Redhythe Point Sandend Travelling South And Exiting Aberdeenshire At Cotton Hill Fordyce.
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9. STRATEGIC HOUSING INVESTMENT PLAN 2019-2024

A report dated 07 September 2018 from the Director of Infrastructure Services had been circulated to ask the Committee to consider and provide comments on the Draft Strategic Housing Investment Plan 2019-2024.

The Committee **agreed** to make the following comments for consideration by the Communities Committee:

The Committee welcomed what appeared to be quite ambitious targets in relation to new build housing, tackling homelessness and the attention to equalities issues. Concern was expressed that these may not come to fruition as last year's targets had not been met. The Committee therefore sought assurance that the targets set this year would be carried through.

10. ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2021 - MAIN ISSUES REPORT

A report dated 12 September 2018 from the Director of Infrastructure Services had been circulated to ask the Committee to consider Parts 1 and 2 of the proposed Main Issues Report 2019 as they affect the Banff and Buchan Area and to recommend any changes they wished to see included in the report.

The Committee:

1. **noted** the terms of the report, and
2. **agreed** to make the following recommendations to be included in the Main Issues Report before consideration by the Infrastructure Services Committee on 29 November 2018:
 - a) Consideration needs to be given to reviewing the coastal zone and providing more flexibility as it appears to be a constraint on some villages where development is needed,
 - b) Measures need to be put in place to capture any positive opportunities that may come about as a result of Brexit rather than just negative or unknown influences on land use planning
 - c) More should be done to promote the area for new business and industry,
 - d) Consideration should be given to the designation of employment land,
 - e) More employment land should be identified for Portsoy,
 - f) Mountblairy should have some sort of designation to allow residents to have the normal public services that other communities have.
 - g) The boundaries for Cairnbulg need to be re-drawn as they are now inaccurate as they appear to show the windfall site as open land, and
 - h) The protected area for port activities at Fraserburgh harbour was welcomed but account should be taken of the extra work from the Moray windfarm developments and land made available for possible extra activity.

11. HOUSING SERVICE QUARTERLY PERFORMANCE - EXCEPTION REPORTING APRIL-JUNE 2018 (ABERDEENSHIRE PERFORMS)

A report dated 17 September 2018 had been circulated to advise Committee of how the Service is performing against key performance measures and associated targets as set out in the Infrastructure Services Business plan.

The Committee:

1. **noted** the performance achieved in April-June 2018,
2. **noted** the measures where performance was below expectations in April-June 2018,
3. **noted** the publication of the complete April-June performance report on Ward Pages,
4. **agreed** to make the following comments to the Service:
 - a) The Committee was disappointed that no officer was in attendance to answer Members' questions,
 - b) The statistics appeared to show that there was a low demand for certain sheltered housing complexes and the Committee asked what the reasons were for the low take-up. For example, were people unhappy with the service being provided or was the rent too high? What positive steps were being taken to allocate units?

- c) The Committee asked that graphs displaying data should all be based at zero to allow a more realistic understanding of the figures,
 - d) The Committee expressed concern regarding the average re-let time for Council houses and further information was necessary on why this was taking so long. Other housing providers seemed to make a much quicker turnaround so the Committee asked what was being done to improve these statistics. There did not appear to be any comparator figures or a benchmark to allow comparisons. The Council had £3.6m in lost revenue from void properties. Improvement would ensure that people on waiting lists would be housed more quickly and would provide income to the Council.
 - e) More evidence was required in relation to the impact of universal credit on rent arrears.
5. requested that a Senior Officer attend Committee to answer questions when the next quarterly report is considered.

12. FRASERBURGH 2021 MEDIUM PRIORITY PROJECTS 18-20 HIGH STREET AND 22-30 HIGH STREET

A report dated 06 September 2018 from the Director of Infrastructure Services had been circulated to ask the Committee to consider and approve grant funding for the above two projects.

The Committee commended the team for their hard work and diligence in progressing this complex project and **agreed**:

- 1. to the grant funding, as detailed in the report, for the properties at 18-20 and 22-30 High Street, Fraserburgh, and
- 2. to delegate the final amount of grant award to the Head of Planning and Building Standards, subject to it being within 10% of the estimated costs contained in the report.

13. SALE OF LAND AT 21 SCOTSTOWN, BANFF

A report dated 03 September 2018 from the Director of Infrastructure Services had been circulated to ask the Committee to approve the sale of the above land.

The Committee **agreed** to approve the sale of land at 21 Scotstown, Banff on the terms stated in the report.

14. PROPOSAL FOR THE FUTURE USE/DISPOSAL OF VARIOUS PROPERTIES IN BANFF, FRASERBURGH AND MACDUFF

A report dated 12 September 2018 from the Director of Infrastructure Services had been circulated to ask the Committee to approve the proposed strategy for the disposal of properties.

The Committee **agreed** to approve the proposed strategy for the disposal of various properties in Banff, Fraserburgh and Macduff as detailed in the report.

**15. PROPOSED DISPOSAL OF LAND AND BUILDINGS AT LOWER DEVERONSIDE,
BANFF**

A report dated 17 September 2018 from the Director of Business Services had been circulated to ask the Committee to approve the officers' recommendations to place buildings on the open market for sale.

The Committee **agreed**:

1. to endorse officers' recommendations to place the enlarged site and buildings at Old Market Place and Canal Park, Banff on the open market for sale or lease,
2. to authorise officers to obtain a Common Good Order at the appropriate time, and
3. that officers report back to the Committee with details of the offers received.

Councillor Presiding over meeting

Print Name

Signature

Date

APPENDIX A

PLANNING APPLICATIONS FOR DECISION FOLLOWING VISITS TO THE SITES ON 25 SEPTEMBER 2018

7A REFERENCE NO APP/2018/1400

LISTED BUILDING CONSENT FOR ALTERATIONS AND EXTENSION TO DWELLINGHOUSE AT WOODHEAD COTTAGE, CARNOUSIE, TURRIFF

Applicant: Mr and Mrs Pat Steele
Agent: D K Meldrum Ltd

With reference No Branch 6A of the Minute of Meeting of 11 September 2018 and following a visit to the site on 25 September 2018, the Committee resumed consideration of a report from the Director of Infrastructure Services which had been circulated to seek determination of the above planning application by the Area Committee.

Councillor Cox, seconded by Councillor Reynolds **moved** that, in the event of receipt of a satisfactory bat survey, the application be delegated to the Head of Planning and Building Standards to approve on appropriate conditions.

As an amendment, Councillor Roy, seconded by Councillor Cassie **moved** that the application be refused for the following reasons:

1. The proposal is contrary to Policy HE1: Protecting Historic Building, Sites and Monuments of the Aberdeenshire Local Development Plan 2017 for reasons that the proposed extension would be visually dominant over the existing building, as the proposed extension fails to respect both the scale and style of the existing building, and as the completion of this proposal would result in an irreversible loss of historic fabric, all to the detriment of the character and integrity of this listed building.
2. The proposal is contrary to Policy E1: Natural Heritage of the Aberdeenshire Local Development Plan 2017 as there is insufficient information available to demonstrate that the proposal would have no impact on bats and their habitat or to determine that the tests required for the granting of a European Protected Species Licence by Scottish Natural Heritage are likely to be met, in the event that bats are present on site.

Members of the Committee voted:

For the motion	4	Councillors Findlater, Cox, Kille and Reynolds
For the amendment	4	Councillors Buchan, Cassie, Roy and Topping

The Chairman **exercised his casting vote** in favour of the motion and **declared the motion carried** in the following terms:

that, in the event of receipt of a satisfactory bat survey, the application be delegated to the Head of Planning and Building Standards to approve on appropriate conditions.

The Committee's reasons for departure from the valid Local Development Plan were that the proposed development would bring a derelict building back into use, nearby properties had been developed on a larger scale, the extension would be to the rear of the building so would not dominate the existing property, the setting was excellent and was not on the skyline.

7B REFERENCE NO APP/2018/1411

**FULL PLANNING PERMISSION FOR ALTERATIONS AND EXTENSION TO
DWELLINGHOUSE (RENEWAL OF PLANNING PERMISSION APP/2014/4214) AT
WOODHEAD COTTAGE, CARNOUSIE, TURRIFF**

Applicant: Mr and Mrs Pat Steele

Agent: D K Meldrum Ltd

With reference No Branch 6A of the Minute of Meeting of 11 September 2018 and following a visit to the site on 25 September 2018, the Committee resumed consideration of a report from the Director of Infrastructure Services which had been circulated to seek determination of the above planning application by the Area Committee.

Councillor Cox, seconded by Councillor Reynolds **moved** that, in the event of receipt of a satisfactory bat survey, the application be delegated to the Head of Planning and Building Standards to approve on appropriate conditions.

As an amendment, Councillor Roy, seconded by Councillor Cassie **moved** that the application be refused for the following reasons:

1. The proposal is contrary to Policy HE1: Protecting Historic Building, Sites and Monuments of the Aberdeenshire Local Development Plan 2017 for reasons that the proposed extension would be visually dominant over the existing building, as the proposed extension fails to respect both the scale and style of the existing building, and as the completion of this proposal would result in an irreversible loss of historic fabric, all to the detriment of the character and integrity of this listed building.
2. The proposal is contrary to Policy P1: Layout, Siting and Design of the Aberdeenshire Local Development Plan 2017 as, through its erosion of the character and integrity of this listed building, the proposal would not be welcoming through its visual appeal, nor would it create a sense of local identity or place.
3. The proposal is contrary to Policy E1: Natural Heritage of the Aberdeenshire Local Development Plan 2017 as there is insufficient information available to demonstrate that the proposal would have no impact on bats and their habitat or to determine that the tests required for the granting of a European Protected Species Licence by Scottish Natural Heritage are likely to be met, in the event that bats are present on site.

Members of the Committee voted:

For the motion	4	Councillors Findlater, Cox, Kille and Reynolds
For the amendment	4	Councillors Buchan, Cassie, Roy and Topping

The Chairman **exercised his casting vote** in favour of the motion and **declared the motion carried** in the following terms:

that, in the event of receipt of a satisfactory bat survey, the application be delegated to the Head of Planning and Building Standards to approve on appropriate conditions.

The Committee's reasons for departure from the valid Local Development Plan were that the proposed development would bring a derelict building back into use, nearby properties had been developed on a larger scale, the extension would be to the rear of the building so would not dominate the existing property, the setting was excellent and was not on the skyline.

8. PLANNING APPLICATION FOR CONSIDERATION

REFERENCE NO APP/2018/1891 - PLANNING PERMISSION IN PRINCIPLE - NATIONAL APPLICATION FOR CONSTRUCTION ON ONSHORE ELECTRICAL TRANSMISSION CABLES, COMPRISING AN ONSHORE TRANSITION JOINT PIT, UNDERGROUND CABLES WITHIN A 6KM (APPROXIMATELY) LONG CABLE CORRIDOR ALSO INCLUDING TEMPORARY CONSTRUCTION COMPOUNDS, ACCESS TRACKS, LAYDOWN AREA AND OTHER ASSOCIATED WORKS, LANDING AT SHORELINE WITHIN THE VICINITY OF REDHYTHE POINT SANDEND TRAVELLING SOUTH AND EXITING ABERDEENSHIRE AT COTTON HILL FORDYCE

Applicant: Mr James Grant, Moray Offshore Windfarm (West) Ltd, 5th Floor, 144 Morrison Street, Edinburgh, EH3 8EX.

Agent: Mr James Grant, Moray Offshore Windfarm (West) Ltd, 5th Floor, 144 Morrison Street, Edinburgh, EH3 8EX.

A report dated 25 September 2018 had been circulated seeking determination of the above planning application by the Area Committee

The Committee expressed its appreciation for the way in which the applicant had taken the wishes of the local community into account and **agreed** to recommend:

1. that Moray Offshore Windfarm (West) continue to consult with all stakeholders regularly on the progress of the project, and that all efforts be made to ensure that the Site of Special Scientific Interest (SSSI) and the coastal path network are protected, and
2. to Full Council on 22 November 2018 that the application be approved subject to the conditions listed below:
 - (1) Details of the specified matters listed below shall be submitted for consideration by the Planning Authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work along the cable route site shall begin until the written approval of the Planning Authority has been given and the development shall be carried out in accordance with that approval.

Specified matters:

- (a) Full details of the final route of the cables, with proposed micro siting limits. The proposed route shall demonstrate how impacts on the following have been avoided, or where avoidance is not possible, mitigated:
 - Wetlands, especially groundwater dependant terrestrial ecosystems (GWDTEs), which are types of wetlands protected by the Water Framework Directive;
 - Peatland;
 - Private water supplies;
 - Field drains;
 - Groundwater;
 - Engineering works in the water environment, including watercourse crossings;
 - Flood risk;
 - Listed Buildings;
 - Assessment of potentially contaminated sites identified in EIAR (for the finalised cable route) including investigations carried out in accordance

with *BS 10175:2011+A2:2017 – “Investigation of Potentially Contaminated Sites – Code of Practice”*, an appropriate remedial scheme, validation report and treatments of areas of hardstanding, clean cover or other such barriers.

- Recreational receptors, including walking or cycling routes and details of advance notice to users of any potential disruption;
 - Noise and vibration disturbance;
 - Coastal processes and beach profile.
- (b) Full details of all existing and proposed landscape features, including trees, shrubs or hedging to be retained and proposed throughout the cable route. Replacement and additional planting shall be locally native species of local provenance appropriate to the Banff and Buchan area. Details shall be provided on the reinstatement of walls, woodland, hedges, recreation routes and water courses.
- (c) A full pre-construction survey of protected mammals, within and adjacent to the site. This shall include any otter resting places within the corridor.
- (d) Full details of any temporary access tracks required along the cable route. This shall include a detailed scheme for the reinstatement of the tracks.
- (e) A Full Construction and Temporary Works Schedule including plans showing all construction and temporary works, including any borrow pits. The schedule shall take into account the following issues:
- Wetlands
 - Peatlands
 - Private Water Supplies
 - Engineering works in the water environment
 - Flood risk, including that in association with existing field drains
- (f) A full site specific Construction Environmental Management Plan (CEMP). The CEMP shall address the following issues:
- Schedule of Mitigation formed from the “Schedule of best practice and mitigation commitments” contained in the Environmental Impact Assessment Report for those elements that are not covered by a Construction Site Licence obtained from SEPA;
 - Site Waste Management Plan, including the disposal of any surplus material
 - Pollution Prevention measures, including those for the development once operational.
 - Schedule of Environmental Commitments
 - Sediment management
 - Environmental incidents
 - Water management plan (terrestrial and freshwater)
 - Wet weather management plan
 - Drainage plan for SUDS
 - Appropriate training in the CEMP and PPGs
 - References to relevant Method Statements
- (g) Full details of a programme of archaeological works in accordance with a written scheme of investigation.
- (h) A Phasing Plan outlining details of the phasing of all construction works of the cable route development. Thereafter, development shall be undertaken in accordance with this approved Phasing Plan.

- (i) Full details on the proposed construction access route(s) including the following:
- Vehicle swept paths for any abnormal load requirements;
 - Phasing plan(s) for the cable works which confirms road improvement works required prior to commencement;
 - Details of the construction access route to determine the locations of structures (e.g. bridges) and street furniture affected by any construction and/or abnormal load vehicle movements;
 - Road improvements/strengthening (either temporary or permanent) required;
 - Details confirming locations of cable road crossings and proposed works.
 - Trunk road interactions including relevant consenting processes.
 - Details of the access visibility splays for any temporary construction access junctions onto the public highway;
 - Measures taken to safeguard public access and safety where the construction corridor crosses any public footpaths, cycle ways or bridal paths.
- (j) A Full Mitigation Statement summarising all mitigation measures proposed at the cable route site.
- (k) Full details on proposed measures and mitigation to protect the Cullen to Stake Ness Coast Site of Special Scientific Interest (SSSI), to be prepared in consultation with Scottish Natural Heritage (SNH) and thereafter agreed by the Planning Authority. These will include coverage of the following matters:
- Where practicable, the preferred technique for the installation of infrastructure is assumed to be horizontal directional drilling (HDD), as long as this reduces the overall impacts on all features (biological and geological). A HDD method statement for works within the zone of influence (Zol) of the SSSI will be drawn up in consultation with SNH;
 - Should it prove necessary to use installation techniques other than HDD (e.g. open cut trenching), consultation will be undertaken with SNH throughout the detailed design process regarding the most appropriate approach, as well as to agree siting of infrastructure and temporary works areas;
 - A botanical assessment (National Vegetation Classification [NVC]) will be undertaken within the Zol along with surveys of the designated geological features and used to refine the exact construction methods and locations (both temporary and permanent) to avoid the best representative locations of the designated features. The potential to focus on areas where scrub encroachment (and / or other factors) is compromising the Favourable Conservation Status (FCS) of the SSSI will be considered along with a suite of bespoke mitigation and compensation measures if required; and
 - If works are required within the intertidal areas of the SSSI, further Phase 1 / Phase 2 intertidal surveys will be undertaken to ensure there are no effects upon SSSI features or other sensitive habitats and communities.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

- (2) That the construction operations are limited to 07.00 - 19.00 Monday to Friday and 07.00 - 13.00 on Saturdays only and on Public Holidays. Any night-time operations shall be subject to written details of the work times and any noise mitigation

measures purposed to be installed being approved by the Planning Department prior to the works commencing.

Reason: In order to protect the amenity of nearby and adjoining residents.

- (3) That within a period not less than 6 months prior to the ultimate cessation of operation, or an alternative timeframe as agreed in writing by the Planning Authority, a Decommissioning Plan is to be prepared in line with best practice at the time of preparation and submitted for the written approval of the Planning Authority in consultation with SEPA.

Reason: To ensure provision is in place to facilitate a move towards a “Circular Economy” and futureproof the development against future environmental requirements or considerations in the interests of the protection of the natural environment.

(b) The following Direction:

DIRECTION UNDER SECTION 59 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997:

That subsection (2)(a)(i) of section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall apply as respects the permission with the substitution for the period of 3 years referred to in that subsection of 5 years, as is considered appropriate by the Planning Authority in this instance on the basis of the scale of the development. The provisions of section 59(2) shall therefore be read as follows:

That this planning permission in principle shall lapse unless a further application or applications for approval of the matters specified in all condition(s) attached to this grant of planning permission in principle across the entire site has been made before whichever is the latest of the following:

- (i) The expiration of 5 years from the date of this grant of planning permission in principle;
- (ii) The expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;
- (iii) The expiration of 6 months from the date on which an appeal against such refusal was dismissed;

Pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.