

ABERDEENSHIRE COUNCIL

BUCHAN AREA COMMITTEE

BUCHAN HOUSE, PETERHEAD, 13TH NOVEMBER 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); Iain Meredith, Solicitor - Governance (Business Services); Sally Wood, Senior Planner (Infrastructure Services); Andrew Murray, Senior Environmental Health Officer (Infrastructure Services); Douglas Newlands, Housing Manager (Infrastructure Services); Rhona Jarvis, Quality Improvement Officer (Education and Children's Services); Gwen Coull, Head Teacher (Education and Children's Services); and Theresa Wood, Area Committee Officer (Business Services)

1. DECLARATIONS OF MEMBERS' INTERESTS

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

- (1) Councillor I Sutherland declared an interest in Item 6 by virtue of his role as BID Manager, however, he concluded the interest to be remote and insignificant. Therefore, Councillor Sutherland advised he would remain and participate in this item, and
- (2) Councillor D Beagrie declared an interest in Item 9 by virtue of having corresponded with the Community Council Chairperson in relation to the reported project, however, she concluded the interest to be remote and insignificant. Therefore, Councillor Beagrie advised she would remain and participate in this item

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.

Item No	Paragraph No of Schedule 7A
10	8

3. MINUTE OF MEETING OF 9TH OCTOBER 2018

The Minute of the Meeting of 9th October 2018 had been circulated and was **approved**.

The Chairman advised the Committee that, with his agreement, Item 15 – Proposed Sale of Glenugie Business Centre and 53 Windmill Street, Peterhead – will now be reported to the next meeting of the Buchan Area Committee on 4th December 2018.

4. 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 A attached to this Minute.

- | | | |
|-----|---------------|--|
| (a) | APP/2018/1419 | Planning Permission in Principle for Erection of Dwellinghouse at Land adjacent to Mill of Gaval, Mintlaw |
| (b) | APP/2018/1769 | Full Planning Permission for Alterations to Dwellinghouse at 10 West Street, Strichen |
| (c) | APP/2018/1982 | Full Planning Permission for Continued Operation of Recycling Facility without Compliance with Condition 1 (Operating Hours) and Condition 2 (Hours of Delivery) of Planning Permission Reference APP/2011/3330 at Waste Recycling Centre, Hillhead of Auchreddie, near Mill of Greens, New Deer |

5. LOCAL REVIEW BODY DECISION NOTICE

The Committee **noted** Aberdeenshire Council's Local Review Body Decision Notice, Reference LRB 421, to agree with the determination reviewed by it and Refuse Planning Permission in Principle for the Erection of 3 Dwellinghouses at Captain's Cabin, Aulton Road, Cruden Bay.

6. HOUSING MANAGEMENT POLICY

A report by the Director of Infrastructure Services had been circulated advising that in May 2018 the Directorate Management Team of Business Services approved a process for reviewing existing policies within Aberdeenshire Council, and that under this process all existing policies should be subject to a full review within five years. The Committee was asked to comment on the Draft Policy in relation to Housing Management.

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

- (1) to request that Principle 3.15 (page 6) should be strengthened to reflect that there will be additional benefits to minimising void periods, such as reducing waiting lists whereby meeting the needs of our customers and tackling poverty and inequalities, and
- (2) having noted that Principle 3.4 (page 5) states that 'Tenant Participation will be embedded in everything the service does', to request that all tenants groups be consulted on this draft policy

7. EDUCATION SCOTLAND INSPECTION, PITFOUR PRIMARY SCHOOL

A report by the Director of Education and Children's Services had been circulated advising that in May 2018 HM Inspectors visited Pitfour School in Mintlaw. The Committee was asked to comment on the findings of the school inspection.

The Committee **agreed**:-

- (1) to welcome and congratulate the Head Teacher and staff on a good report,
- (2) to endorse the Services continuing efforts in support of its school in the Education Scotland inspection process and in the raising of standards of attainment and achievement in all aspects of school life, and
- (3) that further reports on Education Scotland school inspections be presented

8. PARENTAL INVOLVEMENT AND ENGAGEMENT STRATEGY 2018-2021 – “LEARNING TOGETHER IN ABERDEENSHIRE”

A report by the Director of Education and Children's Services had been circulated asking that the Committee discuss and make comment on the draft Parental Involvement and Engagement Strategy.

The Committee **agreed** to make the following comments to the Education and Children's Services Committee:-

- (1) in respect of the development of an Aberdeenshire Parents' Charter, that Officers be encouraged to use plain English throughout the document and not use jargon, and
- (2) to request that consideration be given to having nominated parent representatives on Aberdeenshire's Education and Children's Services Committee

9. COMMUNITY COUNCIL PROJECT GRANT APPLICATION BUCHAN EAST COMMUNITY COUNCIL – ST COMBS PATHWAY AND INFORMATION PANELS

A report by the Director of Business Services had been circulated asking that the Committee consider a Community Council Project Grant Application from Buchan East Community Council, on behalf of St Combs village, for funding towards the cost of creating a path and new steps and providing information panels near St Combs beach.

The Committee **agreed** to award up to £1,000 to Buchan East Community Council, on behalf of St Combs village, towards the creation of a pathway and provision of information panels at St Combs beach.

10. SUPPLEMENTARY DIRECTORATE WORK PLAN – PROCUREMENT APPROVAL

A report by the Director of Education and Children's Services had been circulated asking the Committee to approve rewiring works at Mintlaw Academy on the Supplementary Work Plan.

Having considered the Directorate Supplementary Work Plan as detailed in Appendix 1 attached to the report, the Committee **agreed** to approve the item on the Supplementary Work Plan and note that this item will be added to the Directorate Work Plan as previously approved by the Buchan Area Committee on 19th June 2018.

APPENDIX A

NEW PLANNING APPLICATIONS

(a) **Planning Permission in Principle for Erection of Dwellinghouse at Land adjacent to Mill of Gaval, Mintlaw**

For: Mr D Niven, c/o Agent

Per: Baxter Design Company, 1 The Square, Mintlaw

Reference No: APP/2018/1419

The Committee **agreed** to Refuse Planning Permission in Principle for the following reason:-

1. The application has not been supported by a Flood Risk Assessment, as per the requirements of Policy C4 Flooding, and as requested by the Flood Risk and Coast Protection Team. The level of flood risk cannot be fully assessed and the application subsequently fails to demonstrate that it is compliant with Policy C4 Flooding. As such the application fails to comply with the Aberdeenshire Local Development Plan 2017.

The Committee further **agreed** to request that a future application be permitted a free-go should it comply with the Scottish Government Fees for Applications Regulations.

(b) **Full Planning Permission for Alterations to Dwellinghouse at 10 West Street, Strichen**

For: Mr S Milne, 10 West Street, Strichen

Per: CR Smith Registered Office, Gardeners Street, Dunfermline, Fife

Reference No: APP/2018/1769

Councillor Ingram moved as a motion, seconded by Councillor N Smith, that the application be deferred for a site visit to consider how the proposed alterations fit within the surrounding area.

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

The Members of the Committee voted:-

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

for the amendment (3) Councillors Allan, Fakley and S Smith

declined to vote (1) Councillor A Buchan

The motion was therefore carried and the Committee **agreed** that the application be deferred for a site visit to allow the Members to consider how the proposed alterations fit within the surrounding area.

Having agreed to undertake a site visit, the Committee further **agreed** to request that a copy of the proposed window designs be made available at the next Buchan Area Committee meeting on 4th December 2018.

(c) **Full Planning Permission for Continued Operation of Recycling Facility without Compliance with Condition 1 (Operating Hours) and Condition 2 (Hours of Delivery) of Planning Permission Reference APP/2011/3330 at Waste Recycling Centre, Hillhead of Auchreddie, near Mill of Greens, New Deer**

For: Keenan Recycling Ltd, c/o Agent

Per: Baxter Design Company, 1 The Square, Mintlaw

Reference No: APP/2018/1982

In terms of Standing Order 6.5, the Area Manager had received two requests to address Committee in relation to this application from (1) the Applicant, Mr Gregor Keenan, Operations Manager, and (2) an objector, Mr Phil Hemsley.

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

The Committee heard from Mr Keenan –

“The Local Authority continues to be very successful in improving recycling rates. Legislation and greater public participation continue to drive demand for our services. The business growth has also been aided by Support for Aberdeenshire Business and now employs 60 people in the North East and 90 in total throughout Scotland.

The removal of the condition will allow us to process this waste in a more timeous manner in order to continue to accept the levels of waste currently generated and those anticipated in the future.

Demand for the compost is high but there is often a narrow window within which farmers can use it (after harvest, before ploughing). In order to meet this demand, it is vital to be able to deliver to, or allow farmers to collect at times that are convenient to them – this includes evenings, weekends and bank holidays. Farmers don't work 9-5, they often work late, and we need to change to meet service demand requirements.

What will be the effect of the proposed change? Processing waste more quickly and dispatching finished product from site to meet demand. The site will be able to continue to meet the demand for local recycling services.

What will remain the same? The hours of acceptance of waste will not change as a result of the application. The volume of waste accepted at the site will not be increased as a result of this application being approved. The throughput of the site is now approximately 60,000 tonnes per annum – this produces 40,000 tonnes of compost per annum (weight is lost through moisture loss etc during the composting process). There appeared to be a misunderstanding that the figure of 40,000 tonnes was in respect of waste accepted to the site. Objections suggested that there was capacity to increase our throughput by 25,000 tonnes per annum – this is not the case. The number of vehicle movements will not increase as a result of the application – the only difference will be that tractors taking compost during the summer may access the site later in the evenings. HGV's delivering waste to site will be the same volume and the hours will not change.

With regard to the request to have the Liaison Group Meetings reinstated. When the planners considered our development initially, Keenan Recycling offered to attend a Liaison Group which the Council would manage. We attended every meeting and feel that they were very valuable.

We note that many of the objections have been based on the misunderstanding that the removal of the condition will result in more traffic, deliveries of waste 24 hours, increased volumes of waste being accepted etc. We feel that many of these misunderstandings could have been clarified at the group in advance of the application.

We are mindful that there has not been a recent meeting of the Liaison Group and would therefore offer again to attend such meetings should the Council wish to revive the group.”

Following some questions, the Committee then heard from Mr Phil Hemsley –

“Myself and my family live at the property next door to the Keenan’s production plant. We have lived there for the past 30 years. Since the plant opened, my property has suffered loss of amenity. The planning permission being sought by the developer will bring further loss of amenity.

I have written a letter of objection and I hope that all Councillors have had an opportunity to read my concerns. I have been given 5 minutes to speak after which I understand that Councillors can ask questions if they wish.

Granting the planning permission that is being asked for will exasperate the problems that we already endure. The current permitted working hours are already extensive and have already been extended previously.

The volume of unpleasant smell’s that are produced by the process will be increased at my property both inside and outside of the house. The stink is present when the wind blows towards us. Because my property is at a lower level to the production site, when the wind falls light the air drains down towards my property bringing odour from the site with it. Production machinery can be heard when the smell is at its worst.

The existing noise can be already be heard inside our house and is a nuisance to me and my family. We can already hear production taking place during the night in the reception building and working all night outside will be intolerable, and cause us loss of sleep.

The noise survey that Keenan’s submitted were of calculated predictions of the noise level that might be expected at my property. These are not actual noise level readings outside a bedroom window, as set out in the existing planning limits. Readings taken by myself, from time to time, using my own equipment show levels well over the permitted noise levels but because I am using my own, perfectly reliable, meter these are unacceptable to the Environmental Health Department.

Speaking from experience; Aberdeenshire Environmental Health Officers are not available on a call out basis to attend outside of normal working hours in the event of an incident.

SEPA have an out of hours call out service, providing someone in our part of Scotland is available. Also I have been advised that SEPA’s remit is to look after the environment and not to look after the wellbeing of individuals.

Planning enforcement is not available outside of working hours.

It is clearly not right or fair to pass planning regulations that cannot be policed properly in the event of a breach of these conditions. Also it should be set out which agency is tasked with responsibility for policing particular conditions.

This application concerns a large number of residents in the area. There has been no public consultation whatsoever such as is expected from similar large multi-million pound businesses handling public contracts.

I have other concerns as set out in my letter to this committee and will be pleased to discuss them anytime.”

Following a detailed discussion, the Committee **agreed**:-

- (1) to defer consideration of the application to allow Members to undertake a site visit and familiarise themselves with the siting and operation of the business in relation to the neighbouring properties, and
- (2) to request that official noise level readings be undertaken from the nearest residential property and that the findings be made available at the next Buchan Area Committee meeting on 4th December 2018