

ABERDEENSHIRE COUNCIL

BUCHAN AREA COMMITTEE

BUCHAN HOUSE, PETERHEAD, 4TH DECEMBER 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); Alan Davidson, Senior Planner (Infrastructure Services); Stuart Murison, Senior Planner (Infrastructure Services); Ailsa Anderson (via skype), Senior Policy Planner (Infrastructure Services); Andrew Murray, Senior Environmental Health Officer (Infrastructure Services); Maxine Booth (via skype), Quality Improvement Manager (Education and Children's Services); Lynne Gravener (via skype), Strategic Policy Leader (Business Services); Elaine McCarron (via skype), Asset Disposal Surveyor (Business Services); and Theresa Wood, Area Committee Officer (Business Services)

PRIDE OF BUCHAN AWARD – NEW DEER SCHOOL

The Chairman proposed that a Pride of Buchan Award be presented to New Deer School in recognition of the School having achieved 'Accelerated Reader Top Performing Primary School in Scotland'.

The Committee unanimously **agreed** that this was a great achievement and that the School be presented with a Pride of Buchan Award.

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 D Beagrie declared an interest in Item 8 by virtue of being Chairperson of Peterhead Area Community Trust, and advised that she would leave the meeting and take no part in this item,
- (2) Councillor A Fakley declared an interest in Item 8 by virtue of being a Trustee of Peterhead Area Community Trust, and advised that he would leave the meeting and take no part in this item,
- (3) 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
- (4) Councillor A Allan declared an interest in Item 4b given that she is related to one of the objectors, and advised that she would leave the meeting and take no part 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
11	9

3. MINUTE OF MEETING OF 13TH NOVEMBER 2018

The Minute of the Meeting of 13th November 2018 had been circulated and was **approved**.

4. 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/2018/1769 Full Planning Permission for Alterations to Dwellinghouse at 10 West Street, Strichen
- (b) 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. 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/2017/0016 Full Planning Permission for Erection of 3 Dwellinghouses and Formation of Landscaped Area at Land at High Street, St Combs
- (b) APP/2018/1737 Full Planning Permission for Alterations to Dwellinghouse at 57 North Street, Strichen
- (c) APP/2018/1831 Full Planning Permission for National for Installation of Underground HVDC Cables at Landing at Shoreline at Land to the South of Boddam, Peterhead, travelling to Site at Four Fields, Boddam, Peterhead

6. ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2021 – DRAFT DEVELOPMENT PLAN SCHEME 2019

A report by the Director of Infrastructure Services had been circulated asking the Committee to consider the draft Development Plan Scheme 2019, as contained in Appendix 1 of the report, and the list of consultees proposed as contained in Appendix 2 of the report.

The Committee **agreed** to recommend the following changes to Officers for consideration by Infrastructure Services Committee:-

- (1) in respect of the Draft Development Plan Scheme 2019 (Appendix 1) –
 - (a) that wording be added to the section titled ‘How to get involved – The Participation Statement’ to specifically outline how we will engage with young people, and
- (2) in respect of the List of Proposed Consultees (Appendix 2), that the following groups be included –
 - (a) Hatton Area Residents Association,
 - (b) Crimond Area Tenants & Residents Association,
 - (c) Aberdeenshire North Access Panel,
 - (d) Aberdeenshire South Access Panel, and
 - (e) any other relevant groups to ensure that the disabled community have been suitably consulted

7. 2018 BASED SCHOOL ROLL FORECASTS

A report by the Director of Education and Children’s Services had been circulated providing the Committee with the School Roll Forecasts for all primary and secondary schools in Aberdeenshire. The Committee was asked to consider the annual data.

Having noted the detail, specifically in relation to Buchan, the Committee **agreed** that given more development is proposed within Stuartfield, to request that careful monitoring be undertaken in relation to Stuartfield School.

8. DEVELOPER OBLIGATIONS FUNDING – PETERHEAD AREA COMMUNITY TRUST

A report by the Director of Business Services had been circulated advising that Peterhead Area Community Trust (PACT) had submitted a Project Request Form for Developer Obligation funding towards the Barclay Park Community Pavilion and Victoria Park Sports and Community Recreation Facilities Projects. In tandem with the Developer Obligations team, the Buchan Area Manager had agreed to allocate Developer Obligations funding to the projects. The Committee was asked to approve the allocation of funds.

The Committee **agreed** to welcome and approve the allocation of £219,488 of Developer Obligations funding to Peterhead Area Community Trust towards the provision of a new pavilion at Victoria Road Park and the refurbishment of the Barclay Park Pavilion.

9. COMMUNITY COUNCIL PROJECT GRANT APPLICATION – BODDAM COMMUNITY COUNCIL – NEW LAPTOP AND PRINTER

A report by the Director of Business Services had been circulated advising that Boddam Community Council had submitted an application for a grant towards the replacement of the laptop and printer that they use for Community Council business.

The Committee **agreed** to award up to £393 to Boddam Community Council towards the purchase of a laptop and printer.

10. BRITISH SIGN LANGUAGE IMPLEMENTATION PLAN 2018-2024

A report by the Director of Business Services had been circulated advising that the Aberdeenshire Council British Sign Language (BSL) Local Plan 2018-2024 was approved by Business Services Committee on 13th September 2018. At that time, the Committee requested that an implementation plan be developed and taken before Area Committee's for comment, before being reported to the Business Services Committee on 10th January 2019.

Having asked if there are any plans to use a BSL interpreter whilst recording Full Council and having been advised that a request can be made for a BSL interpreter should Full Council wish to use this Service, the Committee **agreed** to request that the Business Services Committee consider the use of a BSL interpreter at Full Council Meetings.

11. PROPOSED SALE OF GLENUGIE BUSINESS CENTRE AND 53 WINDMILL STREET, PETERHEAD

A report by the Director of Business Services had been circulated asking the Committee to consider the sale of Glenugie Business Centre and 53 Windmill Street, Peterhead.

The Committee **agreed**:-

- (1) to refuse the revised sale price as detailed in the report,
- (2) to recommend that the properties be demolished in part, with the traditional features being retained where possible, and that demolition be undertaken as soon as practicably possible,
- (3) to request that the granite be retained and marketed for resale, and
- (4) that careful consideration be given to the Council making use of the site, once cleared, possibly for affordable housing

APPENDIX A

DEFERRED PLANNING APPLICATIONS

- (a) **Full Planning Permission for Alterations to Dwellinghouse at 10 West Street, Strichen**
For: Mr S Milne, 10 West Street, Strichen
Per: C R Smith Registered Office, Gardeners Street, Dunfermline
Reference No: APP/2018/1769

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

- (a) The proposed installation of replacement windows on the principal elevation fails to demonstrate sensitivity to the character and appearance of the Strichen Conservation Area due to their colour, astragal detailing and opening. Ultimately, the proposal does not comply with Policy HE2 Protecting historic and cultural areas and Policy P3 Infill and householder developments within settlements (including home and work proposals) of the Aberdeenshire Local Development Plan 2017. Furthermore, it fails to accord with the guidance detailed in the Strichen Conservation Area Management Plan (2010). It is considered that the proposal will neither enhance or preserve the character and/or the appearance of the Strichen Conservation Area
- (b) **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: APP/2018/1982

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 Mel Keenan, (2) an objector, Mr Neil Stagg and (3) a second objector, Mr Phil Hemsley.

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

The Committee first heard from the Senior Planner, then heard from the Senior Environmental Health Officer who advised that he had attempted to take some noise readings, the day previous, from the boundary of the site in question. From this he had concluded that the site operations can be heard from nearby neighbouring properties but not at a level to cause a nuisance. Mr Murray advised that there are various noise barriers that can be implemented to better control noise issues should it be deemed necessary.

The Committee heard from Mr Mel Keenan as follows –

“We wish to thank the Councillors for taking time to visit our facility and see it in operation. The visit was useful for us and we trust for the Councillors who have now seen for themselves the distance the Recycling Facility is from any other dwellings, mostly farm or croft houses.

The whole site was running, outside and inside, with screening and shredding in the open air and processing taking place within the Reception Building. No site noise could be heard by any Keenan personnel at any of the properties visited. Councillors are of course now well placed to recall their own experience.

Notwithstanding the above findings I have asked myself, "is there anything more we can do to accommodate". Well my house is 30 yards from the east site boundary and in the line of the prevailing wind. On a still evening when standing outside my house I occasionally hear the bucket of a loading shovel being put down on the concrete when parking for any reason, this is a safety measure and is good practice (bucket down, hand brake on). We have issued instructions to shovel drivers to do this carefully and put the bucket down softly so as to work with the minimum of noise.

We will also restore the height of the bund between the site and the nearest sensitive receptor by raising it around one metre. This is the most effective sound barrier.

We are now issuing "A Good Driving Code" to all drivers who enter or leave the site using public roads. This is in addition to the approved Driver Training and Certification our own Drivers undergo.

Environmental Health recommendation for approval condition 1 states "Noise between 21.00 and 07.00 shall not exceed 40dBA (5 min) as measured outside the bedroom window of any noise sensitive dwelling." Environmental Health has in the past measured outside the window and we understand installed a metre inside the living room of the nearest sensitive receptor. No breaches were found. Environmental Health has the power to take such measurements at the bedroom window again at any time in the future.

For this application a stringent noise impact assessment focussing at the request of Environmental Health on known sources of noise such as the shredder has been conducted by an independent expert according to a methodology agreed in advance by Environmental Health for this application. No breaches have been found and none are allowed.

Flexibility of working hours and days will quite simply reduce the potential for odour.

There have been no objections from SEPA or Environmental Health. These consultees have a close working knowledge of the operation of the site gathered over many years and our careful observance of conditions or restrictions they may lay down from time to time.

The principal reason for this application is for Keenan Recycling to maintain and improve our service to surrounding Local Authorities and stakeholders namely the farming industry, the community and our employees. We pay time and a half for overtime and double time on a Sunday, therefore it is very costly to work longer hours than we need to, and we have nothing to gain by doing so. What we need is flexibility to work when it is necessary, we need flexibility to cope.

There are 60 staff employed at the site (90 in total in UK). Employment in the rural areas is hard to come by and is a great benefit to the local community. A very significant number of tradesmen, contractors and service providers also benefit from the economic activity created by our recycling. These benefits remain in Aberdeenshire unlike some Local Authorities which are compelled to send their material many miles away to be recycled."

The Committee heard from Mr Neil Stagg –

“I have owned my residence at Sunnyside of Slacks on the Greens Road for 25 years now.

I concur with the statements made by my neighbour Mr Hemsley back at the previous meeting.

This application before the Council now, by the tone of correspondence I have received over the past months, has clearly been encouraged by Council Planners and seeks the lifting of restrictions on the times of operation that were previously imposed by this Committee.

Further – Council Planners have indicated this would be retrospective and this would suggest an admission by Council Planners that the applicant has been breaching the operational restrictions already - as witnessed and reported on a number of occasions by myself and other neighbours.

The local Planning Enforcement Charter provides an instrument whereby certain breaches could be made acceptable retrospectively. That indicated to me and my neighbours that the Council have been well aware of breaches for some time – but did nothing about them.

As we all know, and I stated in the P&J following the last meeting, there is a clear business tie up here between the parties, in order to meet waste targets. Clearly, the Planners have had sympathy with the applicant's situation and, rather than enforce the conditions, have suggested that they submit an application to have the restrictions removed altogether.

In some of my own correspondence on this matter, the Planning Manager makes great play of the fact that “enforcement is a discretionary function.” Although this is strictly true, it looks like an abdication of the expectations of us neighbouring residents if planning conditions, once specifically imposed, are not effectively enforced.

The Liaison Group has not met for some years, but is to be re-formed. The fact is that, in terms of the planning agreement, regular meetings should have been taking place over a number of years, and the Council – again – failed to ensure that they did.

The Planners here seem to be applying a very light touch to the applicant's compliance (or lack of compliance) with existing planning conditions. This makes a mockery of previous decisions made by Councillors to preserve neighbour's amenities.

In respect of the Surveys and Reports:

I'm rejecting the noise report as I don't agree, as I stated in my submission. I'm a Chartered Engineer and worked for some years in acoustics and vibration control. One can make a noise survey in many directions.

The Environmental Health Officers have made a few inane comments about noise testing, but generally have no objections to the lifting of all operational restrictions. That puzzles me.

You see, we need to live there – and for years now have had to put up with the nuisance noises into the evenings as well as the frequent stench (that frequently comes along of a Sunday evening when obviously “material is undergoing process up at that plant”. More lately increased traffic and we've now noticed waste material being dispatched on Sundays.

The current controls are all we have to limit these issues and if they were properly enforced already would go a long way to making this facility more bearable and assimilate with the neighbouring residents.

And now to lose these last remaining controls altogether, in order that Council can meet its waste targets, would leave us fully exposed to all the noise, stench and traffic. Unfortunately complaints fall on deaf ears with no Officers available.

Thank you to the Councillors for the site inspections last week. But I'm of the opinion, what you saw and heard (and did not smell) is not what we've had to put up with for the past 12+ years. There was no smell and the plant was tidy and quiet.

Finally, Mr Archer's insert in the P&J back on the 8th that "the proposals would not give rise to unacceptable levels of impact on the local residents" - let me quietly answer this way Mr Chairman – I can confirm that myself and the many other families that live in the surrounding area know better and completely disagree."

The Committee finally heard from Mr Phil Hemsley –

"I agree with the comments made by Mr Stagg.

1 - in my opinion, the Keenan site was not operating as it does normally at the time of your visit and therefore this was not a true representation of a typical operational day.

There were no deliveries of material in or out of the site, from the lorries and tractors that are usually operating there. Vehicles were being turned away from the site during the visit. Neither was there the stream of cars and smaller commercial vehicles that normally access the site.

2 – Noise - you were shown a shredder operating on site, with the inference being that this was the equipment that was causing the noise nuisance. It would have been obvious to all that the machine, as it was demonstrated, was not creating excessive noise. Other plant and machinery that is normally on site was noticeable by its absence.

My objection to the application does not cite a particular piece of equipment operating in any particular location on the site. There is already machinery noise coming from the site that can be heard inside our house and we can also hear heavy vehicle engine noise and clanging buckets which can be heard inside the house. This takes place when the site is operating on a typical operational day. There is no doubt that if planning permission is granted the extra noise created will continue throughout the night.

3 – Smell - as the plant was not operating as normal for the site visit the unpleasant smells that are produced by the process were reduced.

We noticed that in the days leading up to the site visit, the site was cleared of the raw material that can normally be seen lying around and that the site was cleaned up ready for your visit.

There will be additional unpleasant smells for us if this application is granted.

The report to the Buchan Area Committee - paragraph 6.10 - fails to report that actual noise readings were not obtained from the nearest receptor location and in fact readings quoted are estimates. The noise impact assessment methodology is disputed and I consider it flawed as explained in my original letter of objection.

The report to the Buchan Area Committee - paragraph 6.14 – I disagree with this paragraph's remarks regarding SEPA and the PPC permit. It is not unreasonable for the Planning Service to restrict operational hours to control odour when it involves lack of amenity for a property, as in this instance. SEPA are a separate agency and will be first to tell you that it is not in their

remit to protect property amenity. That is the business of the Planning Service in the same way as the Environmental Health's remit is to protect the health of the population. The Environmental Health also has a regularity role to play after the odour leaves the site. To deny this would be an abdication of their responsibility.

The report to the Buchan Area Committee - paragraph 6.17 - current large and articulated vehicular movements on site are quoted in the report. Please note that for each movement into the site there is also a reciprocal movement out of the site. Therefore the stated movements must be doubled. This is a total of 92 heavy vehicle movements per day or approximately 8 per hour based on a 12 hour working day. In addition there are numerous car and light commercial vehicle movements that are ongoing when the site is open.

If the planning application is granted, then it will result in the loss of amenity for my property and create an ongoing nuisance at my family residence."

Following a lengthy discussion, Councillor S Smith moved as a motion, seconded by Councillor Ingram, that Full Planning Permission be Granted subject to (1) a temporary trial period of 12 months in an effort to ensure that the amenity of nearby neighbours is not further affected given the concerns raised in relation to odour and noise nuisance, (2) the requirement for 4-monthly Liaison Committee Meetings to take place between the applicant, Council Officers and nearby neighbours to allow an opportunity for any issues to be discussed and addressed, (3) quarterly monitoring reports being submitted to the Buchan Area Committee detailing any complaints received in relation to the operation of the facility, and (4) the conditions as detailed within the report.

As an amendment, Councillor M Buchan, seconded by Councillor Fakley, moved that Full Planning Permission be Refused given the negative effect the proposal will have on the local community.

The Members of the Committee voted:-

for the motion (5) Councillors N Smith, Beagrie, Ingram, Simpson and S Smith

for the amendment (5) Councillor A Buchan, M Buchan, Calder, Fakley and Sutherland

There being an equality of votes, the Chairman **agreed** to exercise his casting vote in favour of the motion. The motion was therefore carried as follows:-

That Full Planning Permission be Granted subject to –

- (1) a temporary trial period of 12 months in an effort to ensure that the amenity of nearby neighbours is not further affected given the concerns raised in relation to odour and noise nuisance,
- (2) the requirement for 4-monthly Liaison Committee Meetings to take place between the applicant, Council Officers and nearby neighbours to allow an opportunity for any issues to be discussed and addressed,
- (3) quarterly monitoring reports being submitted to the Buchan Area Committee detailing any complaints received by the Council in relation to the operation of the facility, and
- (4) the following conditions –

01. Noise generated between the hours of 21:00 and 07:00 hours shall not exceed 40dBA(5min) as measured outside the bedroom window of any noise sensitive dwelling.

Reason: To ensure that noise from the site does not result in undue loss of amenity for surrounding properties.

02. The applicant, or other subsequent operator of the site, will carry out and submit the results of monitoring of noise levels, between 21:00 and 07:00 hours, at locations stated in paragraph 5.1 (page 10 of 39) of the submitted Noise Impact Assessment, 3 months from the date of this planning permission and thereafter every 12 months, to demonstrate compliance with Condition 1 above. Within 2 months of the monitoring event of the noise levels the results shall be submitted to the Planning Authority.

Reason: To ensure that noise from the site does not result in undue loss of amenity for surrounding properties.

03. Within 3 months from the date of this planning permission the perimeter bund must be reinstated to the previously approved height as shown in the approved site section plan received 10 October 2018.

Reason: To ensure that noise from the site does not result in undue loss of amenity for surrounding properties.

04. The recommendations contained within the submitted Noise Impact Assessment under paragraph 6.5 must be undertaken within 3 months of the date of this planning permission.

Reason: To ensure that noise from the site does not result in undue loss of amenity for surrounding properties.

Reason for Decision -

01. The removal of condition 1 (restriction of onsite operational hours) and 2 (restriction on times of deliveries to/from site) of planning permission APP/2011/3330, subject to condition is considered acceptable, as demonstrated through the submission of a Noise Impact Assessment, that the noise level is within acceptable thresholds. Given the scale of operations it is considered that there would be no unacceptable impacts upon local amenity. The proposed development is not in conflict with the Aberdeenshire Local Development Plan 2017 in particular policies P1 Layout, siting and design and R2 Housing and employment development elsewhere in the countryside.

APPENDIX B

NEW PLANNING APPLICATIONS

(a) **Full Planning Permission for Erection of 3 Dwellinghouses and Formation of Landscaped Area at Land at High Street, St Combs**

For: Claymore Homes, Bridgend, Longside, Peterhead

Per: Baxter Design Company (Old Deer) Ltd, 1 The Square, Mintlaw

Reference No: APP/2017/0016

The Committee **agreed** that authority to Grant Full Planning Permission be delegated to the Head of Planning and Building Standards subject to:-

(a) The conclusion of Developer Obligations; and

(b) The following conditions -

01. The dwellinghouse hereby approved shall not be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:

- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
- b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2017.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy C1 of the Aberdeenshire Local Development Plan 2017.

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

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

03. That the surface water drainage shall be in accordance with the approved plans and drainage proposal (As per Baxter Design Company Proposed Plans, Drawing No. 16233-P1 AM12 - 25/11/16), and should not be occupied unless the approved drainage system has been implemented in this form, unless otherwise agreed in writing with the Planning Authority. Following provision of the drainage system it shall thereafter be maintained by the developers or their successors, in accordance with the approved maintenance regime.'

Reason: 'In order to ensure that adequate drainage facilities are provided, and maintained, in the interests of the amenity of the area.'

04. The development shall be served in accordance with the approved drawings and the following details:
- a) The maximum gradient of the first 5m of the new access must not exceed 1 in 20.
 - b) Garage door must not overhang the footway at any point in its travel.
 - (b) Prior to the commencement of development, Visibility Splays, measuring 2.4m by 45m shall be formed on either side of the junction of the vehicular access with the public road. The visibility splays formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.
 - (c) Prior to the occupancy of the development a suitable vehicle turning area, measuring not less than 7.6m x 7.6m, must be formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear.

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

05. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

06. No works in connection with the development hereby approved shall commence unless details of the proposed means of enclosure to be erected on each of the full boundary of the sites have been submitted to and approved in writing by the planning authority. The boundary treatment hereby approved shall not be brought into use unless the means of enclosure have been erected in accordance with the approved details. Once erected, the means of enclosure shall thereafter be permanently retained in accordance with the approved details.

Reason: In the interests of the residential amenities of the neighbouring property/occupants of the approved development and the visual amenities of the area.

Reason for departing from the Aberdeenshire Local Development Plan 2017 -

There is a locational requirement for the properties within the coastal zone and there will be social and economic benefits of the erection of 3 houses within an area in need of local housing. The local housing will in turn help to sustain population levels and provide existing services in the area with more business. There would be no impact on the natural coastal process or habitats within the area. Furthermore the proposal partially meets the criteria for organic growth throughout St Combs. It is therefore considered the proposal complies with Policy R1 and R2, the St Combs Settlement Statement and other relevant Policies contained within the Aberdeenshire Local Development Plan 2017.

(b) **Full Planning Permission for Alterations to Dwellinghouse at 57 North Street, Strichen**

For: Mr I Cruden, 57 North Street, Strichen

Per: C R Smith, C R Smith Registered Office, Gardeners Street, Dunfermline

Reference No: APP/2018/1737

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

01. The proposed development is unacceptable as it is in conflict with Historic Environment Scotland Policy and the Aberdeenshire Local Development Plan given that there is no window condition survey submitted in support of the proposal to establish whether the existing windows can be retained without or without repair. Furthermore, the replacement upvc windows and door would negatively impact on the character and appearance of the property, the street and the wider Strichen Conservation Area. As a result the proposal is contrary to the principles of Policy P1 Layout siting and design and Policy HE2 Protecting historic and cultural areas and other relevant policies within the Aberdeenshire Local Development Plan 2017. Furthermore, the proposal is also contrary to Historic Environment Scotland Policy and the Managing Change in the Historic Environment Series, including Windows, and Doors.

(c) **Full Planning Permission for National for Installation of Underground HVDC Cables at Landing at Shoreline at Land to the South of Boddam, Peterhead, travelling to Site at Four Fields, Boddam, Peterhead**

For: North Connect KS, Serviceboks 603, Lundsiden, N-4606 Kristiansand, Norway

Per: Affric Ltd, Lochview Office, Loch Duntelchaig, Farr, Inverness, IV2 6AW

Reference: APP/2018/1831

In terms of Standing Order 6.5, the Area Manager had received a request to address Committee in relation to this application from Ms Fiona Henderson for North Connect.

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

The Committee having heard from the Senior Planner, then heard from Ms Henderson –

“This application is important for the local area. We have carried out an environmental impact assessment to make sure we get it right, and have put a lot of work into selecting the route. We have worked closely with the Planning Department and Marine Scotland to ensure we have a high quality development.

We are happy with the consent conditions. There will be a number of contractors employed to carry out the work.

When complete, this project will provide electricity for both Norway and the UK, providing more renewables on the grid. The project is being undertaken with no public money, but the public will benefit.”

Having noted the detail, the Buchan Area Committee **agreed** to welcome and confirm their support for the proposal and recommend to Full Council that Full Planning Permission be Granted subject to the following conditions –

1. That no works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into operation unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the Planning Authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

2. No works in connection with the development hereby approved shall commence until the following details have been submitted to, and agreed in writing by the Planning Authority in consultation with SEPA:
 - Full details of the working levels adjacent to all watercourses, including confirmation of pre development ground levels, confirmation that ground levels adjacent to watercourses are not to be altered other than the temporary access road approaches and confirmation that all levels will be reinstated to previous levels after completion of the project;
 - Full details of 10m buffer zones along all watercourses including confirmation that all materials, bunding and temporary structures other than the temporary access road approaches, are located outwith these buffer zones;
 - Full details, including back up measures, of the techniques and methodology proposed to temporarily divert watercourses crossed by the proposed cable route.

Thereafter, the development shall be carried out in full accordance with the approved details.

Reason: In order to ensure the protection of watercourses within the vicinity of the development in the interests of protecting the natural environment.

3. That no works in connection with the creation of the temporary site access road from the A90 trunk road to the HDD landfall site shall commence until full details of proposed temporary culverted bridges navigating watercourses have been provided to and agreed in writing by the Planning Authority in consultation with SEPA. These culverts should be designed in line with SEPA’s Good Culvert Design Guidelines, ensuring that:
 - The culvert should maintain the natural channel width.

- The soffit level should be higher than the natural bank height.
- The culvert should be buried with the invert buried below the present bed level to maintain the present natural bed level, slope and material.

The culverts shall thereafter be installed in complete accordance with the approved details.

Reason: In order to ensure that accesses and culverts are appropriately designed in the interests of protecting the natural environment.

4. That no works in connection with the development hereby approved shall commence until such time as full details of all measures and mitigation identified to ensure that there is no increase in flood risk associated with surface water runoff in the immediate vicinity and downstream has been submitted to and agreed in writing by the Planning Authority in consultation with SEPA. The development shall thereafter be carried out in full accordance with the approved details.

Reason: In order to ensure flood risk can be appropriately managed in the interests of the amenity of the area.

5. No development shall take place unless, a full site specific Construction Environmental Management Plan (CEMP) has been submitted to and agreed, in writing, by the Planning Authority in consultation with SEPA and identified consultees. The CEMP should address and include the following details:

- Traffic Management Plan
- Incident Response and Reporting Procedure
- Schedule of Mitigation
- Site Waste Management Plan
- Dust Management Plan
- Drainage Management Plan or CAR Pollution Prevention Plan as appropriate
- Construction Communications Plan
- Species Specific Mitigation and Protected Species Management Plans
- Spill Response Plan
- Noise and Vibration Management Plan.
- Pollution Prevention Plan
- Copies of Consents and Licenses
- Path/walkway re-routing

Thereafter the proposed development shall be carried out in full accordance with the approved details.

Reason: In the interests of the amenity of the area and protecting the natural habitat.

6. That within a period not less than 2 years prior to the ultimate cessation of operation, or an alternative timeframe as agreed in writing by the Planning Authority, a Decommissioning and Restoration 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 that the site is appropriately restored and that provision is in place to facilitate a move towards a "Circular Economy", in the interests of the protection of the natural and water environment.

7. That no works in connection with the development hereby approved shall commence until the following details have been submitted to and agreed in writing by the Planning Authority in consultation with RSPB and SNH.

- Breeding Bird Protection Plan
- Pre works bird nesting survey
- Confirmation of exclusion zones around identified nesting areas
- Phasing and work timings in relation to ornithology

The development shall thereafter be carried out in full accordance with the approved details.

Reason: In the interests of the amenity of the area and protecting the natural habitat.

8. Prior to the commencement of any abnormal load deliveries to the site, the proposed route for any abnormal loads on the trunk road network must be approved by the Planning Authority in consultation with Transport Scotland.

Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved prior to any abnormal load deliveries.

Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, this is also to be approved by the Planning Service in consultation with Transport Scotland before delivery commences.

Reason: To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development and to ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.

9. No development shall take place on site unless, a Construction Stage Traffic Management Plan has been submitted to and approved, in writing, by the Planning Authority in consultation with Transport Scotland. The Traffic Management Plan shall include details relating to:

- a) Traffic Management measures including accommodation works to manage construction traffic
- b) Measures to minimise traffic impacts on existing road users
- c) Measures to accommodate pedestrians and cyclists
- d) Details of temporary signage
- e) Details of construction vehicle routing.

The developer shall conform with the agreed Construction Stage Traffic Management Plan and shall then carry out the works in line with the agreed specification and all construction traffic associated with the development shall conform to the requirements of the agreed plan.

Reason: To maintain the safety and free flow of the trunk road network and for traffic moving to and from the development in the interests of road safety.

10. That no works in connection with the development hereby approved shall commence until full details of the layout, type and construction methods for a proposed new junction connecting to the A90 trunk road, constructed generally in accordance with drawing *NCGEN-NCT-Z-YX-003-01 dated 10 July 2018 and prepared by Allen Gordon* have been submitted to and agreed in writing by the Planning Authority in consultation with Transport Scotland.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

11. No development shall take place unless, details of wheel washing facilities (or an alternative appropriate solution as agreed, in writing, by the Planning Authority in consultation with Transport Scotland) are agreed, in writing, with the Planning Authority in consultation with Transport Scotland. The agreed plant and facilities shall be provided within the construction site and shall remain in place for the duration of the construction period, unless otherwise agreed, in writing, by the Planning Authority.

Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

and the following Direction –

DIRECTION UNDER SECTION 58 (2) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 as amended by Planning etc. (Scotland) Act 2006:

That subsection (1) of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall apply in respect of the permission with the substitution of the period of three years referred to in that subsection with the period of four (4) 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 5(1) shall therefore be read as follows:

The planning permission is to lapse on the expiration of a period of four (4) years (beginning with the date on which the permission is granted) unless the development to which the permission relates is begun before that expiration.

Reason for Decision –

That the proposal is consistent with the Development Plan's aims of reducing carbon emissions and adapting to climate change. It also contributes to the Scottish Government's National Planning Framework's aim to move Scotland towards creating a low carbon place.