

## ABERDEENSHIRE COUNCIL

WOODHILL HOUSE, ABERDEEN, 5 MARCH, 2020

**Present:** Councillors K Adam, W Agnew, D Aitchison, A Allan, P Argyle, N Baillie, D Beagrie, L Berry, A Bews, G Blackett, R Bruce, C Buchan, S Calder, G Carr, R Cassie, J Cox, I Davidson, S Dickinson, A Duncan, E Durno, A Evison, M Ewenson, A Fakley, M Findlater, M Ford, A Forsyth, P Gibb, J Gifford, V Harper, A Hassan, F Hood, W Howatson, J Hutchison, M Ingleby, J Ingram, P Johnston, A Kloppert, J Latham, D Lonchay, R McKail, A McKelvie, D Mair, I Mollison, G Owen, H Partridge, G Petrie, C Pike, G Reid, G Reynolds, D Robertson, A Ross, M Roy, A Simpson, H Smith, N Smith, S Smith, A Stirling, I Sutherland, I Taylor, B Topping, I Walker, A Wallace, L Wilson, R Withey and J Whyte.

**Apologies:** Councillors A Buchan, M Buchan, A Kille, S Leslie and R Thomson.

**Officers:** Chief Executive, Director of Business Services, Director of Education and Children's Services, Chief Officer, Health and Social Care Partnership, Head of Planning and Environment, Head of Finance, Head of Legal and Governance and Principal Committee Services Officer.

Prior to the commencement of the business of the meeting, the Chief Executive commented on the recent death of Mrs Dawn Archer, wife of Mr Stephen Archer the Director of Infrastructure Services, and the Council extended its condolences and support to Mr Archer and his family.

### CHAIR

Councillor W Howatson, Provost of the Council, presided.

#### 1. DECLARATION OF MEMBERS' INTERESTS

The Provost asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct. The following declarations were intimated –

- (i) Item 5 – Councillors Dickinson and Evison given previous family connections with the Mackie Academy Rugby Club and having applied the objective test considered the interests to be remote and insignificant and would remain in the meeting;
- (ii) Item 5 - Councillor Whyte given a family connection to a bid site but having applied the objective test had concluded it was not clear and substantial and would remain in the meeting; and
- (iii) Item 6 – Councillors Cox and Johnston as licence holders and left the meeting during consideration and determination of the matter.

## 2. STATEMENT ON EQUALITIES

In making decisions on the following items of business, the Council **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.

## 3. MINUTE OF MEETING OF 13 FEBRUARY, 2020

The Minute of Meeting of Aberdeenshire Council of 13 February, 2020, had been circulated and was **approved** as a correct record subject to an amendment at Item 6, in terms of the motion and the decision paragraph by replacing the words “that the Chief Executive” with “to instruct the Chief Executive to”.

## 4. PLANNING APPLICATION APP/2019/2300 - FULL PLANNING PERMISSION FOR A NATIONAL DEVELOPMENT FOR THE ERECTION OF ELECTRICITY SUBSTATION COMPRISING PLATFORM AREA, CONTROL BUILDING, ASSOCIATED PLANT AND INFRASTRUCTURE, ANCILLARY FACILITIES, ACCESS TRACK AND LANDSCAPE WORKS ON LAND ADJACENT TO THE ST FERGUS GAS TERMINAL, ST FERGUS, PETERHEAD

There had been circulated a report dated 17 January, 2020 by the Director of Infrastructure Services on an application for full planning permission for the erection of electricity substation comprising platform area, control building, associated plant and infrastructure, ancillary facilities, access track and landscape works on land adjacent to the St Fergus gas terminal, St Fergus, Peterhead. The report advised that the application was for a national development and for that reason required to be determined by the Council, following consultation with the Buchan Area Committee.

The Head of Planning and Environment reported on the detail of the proposal and the Council **agreed**:

- (1) to grant Full Planning Permission, subject to:
  - (a) the following conditions:
    1. Contaminated Land

No works in connection with the development hereby approved shall commence unless an investigation of the site has been undertaken in accordance with BS 10175:2011+A2:2017 - ‘Investigation of Potentially Contaminated Sites – Code of Practice’ and a Report of that

investigation has been submitted to and approved in writing by the Planning Authority.

Where it is determined by the site investigation report that remediation of the site is required no works in connection with the development hereby approved shall commence unless a Remedial Scheme has been submitted to and approved in writing by the Planning Authority. The development hereby approved shall not be brought into use unless the approved Scheme of Remediation has been carried out in its entirety and a Validation Report has been submitted to and approved in writing by the Planning Authority.

Any areas of hardstanding, clean cover or other such barriers within the application site boundary that are included within the approved Scheme of Remediation and are required to break one or more pollutant linkages shall be permanently retained as such and shall not be disturbed without the prior written approval of the Planning Authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

## 2. Archaeology

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.

## 3. Landscaping

No works in connection with the development hereby approved shall commence unless a detailed scheme of hard and soft landscaping works, generally in accordance with Planting Mitigation drawing *JFLA\_SF\_PM\_001B dated October 2019 (page 31 of Environmental Appraisal)* has been submitted to and approved in writing by the Planning Authority.

Details of the Scheme shall include:

- Confirmed planting species mix;
- Confirmed locations of new planting including shrubs, trees;
- A schedule of planting to comprise plant sizes and proposed numbers and density;
- The location, design and materials of all hard landscaping works including perimeter/security fencing and any gates or other boundary treatments; and
- A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

#### 4. Drainage

The substation hereby approved shall not be brought into use unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plan LT197\_SFEG\_0804\_0002 Rev 01 dated 23.10.19 and included within the Drainage Impact Assessment. In accordance with this, there shall be no drainage connections into the trunk road drainage system. The foul and surface water drainage systems shall be permanently retained thereafter and maintained as appropriate and as approved.

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

#### 5. Construction Traffic Management Plan

No works in connection with the permission hereby granted shall commence unless a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland (where the scheme would impact upon the Trunk Road network). The CTMP must include:

- i) The proposed routing of all construction traffic.

- ii) Details of any traffic management measures proposed during construction (including signage).
- iii) Detail of any abnormal loads, including their routing.

Thereafter, the development shall be carried out in accordance with the approved CTMP, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of road safety and to avoid degradation of the road and bridge network.

## 6. CEMP

No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The CEMP shall include the following:

- i) Risk assessment of potentially damaging construction activities;
- ii) Identification of biodiversity protection zones;
- iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- iv) The location and timing of sensitive works to avoid harm to biodiversity features;
- v) The times during construction when specialist ecologists need to be present on site to oversee works;
- vi) Responsible persons and lines of communication;
- vii) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person;
- viii) Use of protective fences, exclusion barriers and warning signs;
- ix) Details of lighting, both during construction and operation of the site;
- x) Hours of operation during the construction period.

The CEMP must address the mitigation details contained within Table 4.1 'Mitigation Summary' of the Environmental Appraisal, dated September 2019.

In the event that the CEMP references other SHE Transmission documents, including (but not limited to) General Environmental Management Plans (GEMPs) or Species Protection Plans (SPPs), these plans must be also be submitted to Aberdeenshire Council for agreement as part of the wider CEMP.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of protecting the biodiversity of the environment, the amenity of the surrounding area and road safety.

## 7. Species Protection Plans

The proposal shall be carried out in accordance with the details contained within the Species Protection Plans (SPP) submitted in support of the application. For the avoidance of doubt the submitted SPPs are:

- i) Badger Species Protection Plan, SSE Networks, Ref: TG-NET-ENV-501, Revision: 1.01, Issue Date: March 2018.
- ii) Bird Species Protection Plan, SSE Networks, Ref: TG-NET-ENV-505, Revision: 1.01, Issue Date: May 2018.

Development shall be carried out in accordance with these documents unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of protecting biodiversity and more specifically protected species which are evident in the area.

## 8. Access Construction

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 *LT197\_SFEG\_0804\_0003 Revision 01 dated 3 October 2019 and prepared by Scottish and Southern Electricity Networks* 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.

## 9. Visibility Splays

No works in connection with the development hereby approved shall commence until full details of visibility splays of 4.5 metres by 215 metres at the junction of the proposed new access with the A90 trunk road have been submitted to and agreed in writing by the Planning Authority in consultation with Transport Scotland. Thereafter the development shall be carried out in full accordance with the approved details.

Reason: In order 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 and to ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.

## 10. Abnormal Loads

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 and 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 Authority 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.

## 11. Wheel Washing

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.

### (b) 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 five (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 subsection (1) shall therefore be read as follows:

The planning permission is to lapse on the expiration of a period of five (5) years (beginning with the date on which the permission is granted) unless the development to which the permission relates is begun before that expiration.

(2) the reason for the decision as follows -

The proposal and mitigation measures set out and contained therein are considered to be acceptable in terms of the relevant Policies contained within the Aberdeenshire Local Development Plan 2017. 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.

## 5. PROPOSED ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2020

There had been circulated a report dated 22 January, 2020 by the Director of Infrastructure Services seeking agreement on the content of the Proposed Aberdeenshire Local Development Plan 2020 as the settled view of the Council on planning policy and site allocations for the period 2021 to 2031 prior to public consultation. The report advised that detailed discussion and consultation had been undertaken with all six Area Committees and the Infrastructure Services Committee and outlined the next steps in terms of public consultation over an 8 week period, submission to and public examination of the Plan by the Scottish Government Directorate of Planning and Environmental Appeals followed by final approval and adoption of the Plan by the Authority. The report also highlighted outstanding issues which had arisen for Members' consideration.

The Head of Planning and Environment expressed his appreciation to all Members, staff and communities for their input in to developing the draft Plan and introduced the report making reference to the process followed, the influence of new planning legislation and outlined next steps.

The Provost advised that ten requests to speak had been received in respect of this item and the Council **agreed** to hear from speakers prior to consideration and determination of the matter.

The Council then heard from speakers as follows –

Mr David Wardrop of Wardrop Strategic Planning on behalf of Taylor Wimpey seeking the reintroduction of bid site KN027 for 300 homes north of Thistle Drive at Portlethen. Mr Wardrop made reference to the original surplus land allocations identified by Officers within the draft Plan, a perceived lack of housing land allocation within the current draft Plan presented, the potential for non compliance with the Strategic Development Plan in terms of housing allowance and the suitability of the bid site KN027 at Portlethen. In conclusion, he requested that the Council replace the perceived lost flexibility of housing land allocations in the draft Plan and, in doing so, reintroduce the site KN027 to the north of Portlethen to provide a broader choice of sites and better chance of delivery of new private and affordable homes in this part of Aberdeenshire.

Mr Wardrop then responded to a question from a Member relating to housing land allocation and the potential for non compliance with the Strategic Development Plan.

Ms Lesley Tierney of Lippe Architects and Planner on behalf of CHAP seeking the allocation of bid sites FR063 and FR064 at Auchterellon Farm, Ellon. She made



reference to Area Committee and Infrastructure Services Committee consideration of the site allocations, Transport Scotland comments on the proposals, Transportation Service feedback, estimated traffic generation figures and proposed housing allocation within the Ellon area. In conclusion, she asked the Council to support the inclusion of the sites within the Local Development Plan.

There were no questions from Members.

Mr Daniel Harrington of Thain, Harrington and Edwards on behalf of Cala Homes seeking the inclusion of bid site KN032 at Braehead Farm, Stonehaven. Reference was made to the location of the site, access arrangements, scale of the proposed development, range of house types, road improvements and submission of a draft masterplan. He also made reference to recent discussions with Mackie Academy Rugby Club on the potential to deliver new replacement pitch facilities as part of any development at Braehead. In conclusion, he highlighted the potential benefits associated with development on this site and urged the Council to support its inclusion in the Local Development Plan.

Mr Harrington then responded to Members' questions providing assurance that the development would not exacerbate any current flooding issues in Stonehaven and that the suggested arrangement with the Rugby Club would be subject to an agreed masterplan being in place in respect of development on this site.

Mr Daniel Harrington of Thain, Harrington and Edwards on behalf of Cala Homes seeking the inclusion of bid site KN109 at land at Causeyport, Portlethen. Reference was made to the location of the site, the proposed phasing of development on the site, services to be delivered, the strong demand for housing in that location, educational provision including accessible sports pitches, access arrangements and a potential future link to the Aberdeen Western Peripheral Route (AWPR).

Mr Harrington responded to questions from Members on any discussions with Transport Scotland regarding the potential future link to the AWPR, the current designation of the application site in the Local Development Plan, the number of residential units proposed, the potential contribution to educational provision and previous engagement with the public on the proposals.

Mr Peter Thain of Thain, Harrington and Edwards on behalf of Forbes Homes seeking the inclusion of bid site KN138 at Woodlands of Durris. Reference was made to the location of the site, referred to as an infill site between two developments, services and community facilities to be provided, density and design proposals, educational capacity within the area, potential improvements to access arrangements, lower density housing, demand for single storey accommodation and community facilities to be provided.

Mr Thain responded to a Member's question relating to the developer's approach to meeting the needs and demands of its customers.

Mr Andy Richards, a local resident, on bid site MR038 to the North of Hill of Banchory and its importance to the biodiversity of the community of Banchory. Reference was made to the planned expansion of the town, the local nature reserve to the North at the Loch of Leys, which had a high degree of biodiversity and provided habitat for a wide range of wildlife and insects some of which were included

on the Scottish Biodiversity list, and the potential impact of development on bid site MR038 on the nature reserve and adjacent woodland and hedges.

Mr Richards responded to questions from Members by confirming his request that no development take place on the bid site and that he was aware that a charitable trust had been set up to look after the Loch of Leys area.

Mr Michael Lorimer of Ryden on behalf of Forbes Homes seeking an increased allocation in respect of bid site MR061 at Glen O' Dee, Banchory from 40 units to 100 units. Reference was made to the long history of planning consents associated with the site, including enabling development for the redevelopment of the former A Listed Hospital Building. He advised that the main building had been destroyed by fire in 2016 and as a result there were significant costs associated with remediating the contaminated site prior to development. He also made reference to an assessment undertaken on the potential impact of any development on ancient woodland as requested by the Infrastructure Services Committee, consultees comments on development of the site and community support for the development.

Mr Lorimer responded to Members questions on the scale of the remedial work required, the need for increased housing allocation and how that could be accommodated on site, consultation with the local community council, options available to submit an application for a higher density development and associated risks, previous consents for development on the site, impact on the ancient woodland, existing contamination in and around trees on the site and the viability of a development of 40 units as proposed.

Mr Hugh Craigie on behalf of CHAP seeking the inclusion of bid site KN064 for a residential led mixed use development at Kincluny (Park Quarry). Reference was made to the Examination report on the Strategic Development Plan (SDP) which had resulted in an increased allocation of 1879 homes split evenly between the Shire and the City Councils. He considered that the Local Development Plan did not make sufficient provision to meet the increased SDP allocation within the Aberdeen Housing Market Area and also included a number of constrained sites which may not be deliverable. He suggested that there was a need for more housing sites to be included in the Plan and that bid site KN064, a brownfield site with no known technical constraints and effectively shovel ready, would assist in providing access to affordable housing in that location. He also advised that development of the site was not dependent on Park Bridge for access but that the development may provide an opportunity for the developer to provide a contribution towards repair work required.

Mr Craigie then responded to Members questions on the perceived lack of housing sites in the Local Development Plan, consultation undertaken with the community council on the proposals including any potential contribution towards repairs to Park Bridge, the required reinstatement of the quarry site for agricultural use and the interconnection between the two separate communities.

Mr Graeme Webster, site owner, seeking the inclusion of bid site FR088 at Parcock Quarry, Oldmeldrum for up to 10 houses in the Local Development Plan. He made reference to the Local Development Plan bids in Oldmeldrum and advised that this was the only bid proposing the provision of single storey homes and had the support of the local community council following a local place standard survey highlighting the need for such provision. Reference was also made to the site location, site

layout and proposed access arrangements and that no objections had been received to the proposed site allocation.

There were no questions from Members.

Ms Sarah Graham of Halliday, Fraser, Munro on behalf of Mr John McIntosh, site owner, seeking the inclusion of bid sites GR118 at Kinmuch and GR144 at Little Goval for up to 15 self build housing plots. She advised that there was a strong local demand for this type of housing and a lack of policy provision in this respect in the Local Development Plan. Both sites were considered suitable for sympathetic small scale development with no technical issues identified and appropriate site access achievable. In conclusion, she urged the Council to approve the inclusion of the sites in the Local Development Plan.

Ms Graham responded to a question from Members on the current status of the site at Little Goval which had been used as a temporary site compound for the AWPR.

The Head of Planning and Environment then responded to questions from Members on the appropriate allocation of housing sites in the Local Development Plan, clarification of wording relating to the link road at Cromleybank, policy on the density of development within the Local Development Plan, a discrepancy between green belt policy and the Kincardine and Mearns settlement statement which required correction and the text relating to Banchory Academy site R3 and requirement for developer contributions.

Thereafter, the Council determined proposals for the inclusion of bid sites in the Local Development Plan as follows -

Bid site FR063 and FR064 at Auchterellon Farm, Ellon

Councillor Wallace moved, seconded by Councillor Davidson, that Council reinstate sites FR063 and FR064 at Auchterellon Farm, Ellon in to the Proposed Local Development Plan 2020.

As an amendment, Councillor Gifford moved, seconded by Councillor Argyle, that the Council not include bid sites FR063 and FR064 at Auchterellon Farm, Ellon in the Proposed Local Development Plan 2020.

Members of the Council voted:-

for the motion

(29)

Councillors Adam, Baillie, Beagrie, Berry, Calder, Davidson, Dickinson, Findlater, Gibb, Harper, Hassan, Hutchison, Ingram, Mair, McKelvie, Mollison, Owen, Partridge, Petrie, Pike, Reynolds, Simpson, H Smith, Stirling, Taylor, Walker, Wallace, Wilson and Withey.

for the amendment (31) Councillors Agnew, Aitchison, Allan, Argyle, Bews, Blackett, Bruce, C Buchan, Carr, Cassie, Cox, Evison, Ewenson, Ford, Forsyth, Gifford, Hood, Howatson, Ingleby, Johnston, Kloppert, Latham, Lonchay, McKail, Reid, Robertson, Roy, N Smith, S Smith, Sutherland and Topping.

declined to vote (5) Councillors Duncan, Durno, Fakley, Ross and Whyte.

The amendment was carried and the Council **agreed** not to include bid sites FR063 and FR064 at Auchterellon Farm, Ellon in the Proposed Local Development Plan 2020.

Bid site KN138 at land at Woodlands of Durriss

Councillor Wallace moved, seconded by Councillor Pike, that Council include bid site KN138 for land at Woodlands of Durriss in the Proposed Local Development Plan 2020.

As an amendment, Councillor Argyle moved, seconded by Councillor Gifford, that the Council not include bid site KN138 for land at Woodlands of Durriss in the Proposed Local Development Plan 2020.

Members of the Council voted:-

for the motion (12) Councillors Baillie, Bews, Calder, Carr, Ingram, Mollison, Partridge, Pike, Walker, Wallace, Wilson and Withey.

for the amendment (52) Councillors Adam, Agnew, Aitchison, Allan, Argyle, Beagrie, Berry, Blackett, Bruce, C Buchan, Cassie, Cox, Davidson, Dickinson, Duncan, Durno, Evison, Ewenson, Fakley, Findlater, Ford, Forsyth, Gibb, Gifford, Harper, Hassan, Hood, Howatson, Hutchison, Ingleby, Johnston, Kloppert, Latham, Lonchay, Mair, McKail, McKelvie, Owen, Petrie, Reid, Reynolds, Robertson, Ross, Roy, Simpson, H Smith, N Smith, S Smith, Stirling, Sutherland, Taylor and Topping.

declined to vote (1) Councillor Whyte.

The amendment was carried and the Council **agreed** not to include bid site KN138 for land at Woodlands of Durris in the Proposed Local Development Plan 2020.

Bid site MR061 at Glen O' Dee

At this stage in the proceedings the Council agreed to suspend Standing Order 2.1.2 to allow the meeting to continue beyond 1pm.

Councillor Ross moved, seconded by Councillor Durno that the allocation in the Proposed Local Development Plan 2020 in respect of bid site MR061 at Glen O' Dee be increased from 40 units to 100 units.

As an amendment, Councillor Argyle moved, seconded by Councillor Ford, that the allocation in the Proposed Local Development Plan 2020 in respect of bid site MR061 at Glen O' Dee of 40 units be approved.

Members of the Council voted:-

for the motion	(25)	Councillors Baillie, Bews, C Buchan, Carr, Cox, Durno, Fakley, Findlater, Gibb, Harper, Ingram, Lonchay, Mair, McKelvie, Partridge, Petrie, Pike, Reid, Reynolds, Ross, N Smith, Sutherland, Wallace, Wilson and Withey.
for the amendment	(38)	Councillors Adam, Agnew, Aitchison, Allan, Argyle, Beagrie, Berry, Blackett, Bruce, Calder, Cassie, Davidson, Dickinson, Duncan, Evison, Ewenson, Ford, Forsyth, Gifford, Hassan, Howatson, Hood, Hutchison, Ingleby, Johnston, Kloppert, Latham, McKail, Mollison, Owen, Robertson, Roy, Simpson, H Smith, S Smith, Stirling, Taylor and Topping.
declined to vote	(2)	Councillors Walker and Whyte.

The amendment was carried and the Council **agreed** that the allocation in the Proposed Local Development Plan 2020 in respect of bid site MR061 at Glen O' Dee of 40 units be approved.

Discussion then took place on the potential impact of any new development on the provision of sports pitches in Stonehaven and the requirement for such proposals to provide replacement sports pitches to the satisfaction of the Council and Sport Scotland and it was acknowledged that this was an issue which could affect settlements across Aberdeenshire not just Stonehaven and should be addressed through an amendment to the Open Space Policy in the Proposed Local Development Plan 2020.

Thereafter, Councillor Argyle moved, seconded by Councillor Cox, that Council approve the recommendations in the report including an amendment to the Open Space Policy to address the potential impact of any new developments in settlements across Aberdeenshire on the provision of sports pitches.

As an amendment, Councillor Ford moved, seconded by Councillor Aitchison, that Council -

- (1) approve the recommendations in the report including an amendment to the Open Space Policy to address the potential impact of any new developments in settlements across Aberdeenshire on the provision of sports pitches; and
- (2) agree that the review of the Plan due to commence in 2021 is accelerated to the earliest possible date in accordance with statutory requirements so that changes to the Plan needed to address the climate change emergency can be made as soon as possible.

Members of the Council voted:-

for the motion	(35)	Councillors Agnew, Argyle, Beagrie, Berry, Bruce, Carr, Cox, Davidson, Dickinson, Ewenson, Fakley, Findlater, Gibb, Gifford, Hassan, Howatson, Hutchison, Ingleby, Latham, Lonchay, Mair, McKail, McKelvie, Mollison, Pike, Ross, Roy, Simpson, N Smith, Stirling, Sutherland, Taylor, Walker, Whyte and Withey.
for the amendment	(23)	Councillors Adam, Aitchison, Allan, Baillie, Bews, C Buchan, Calder, Cassie, Duncan, Durno, Evison, Ford, Forsyth, Harper, Ingram, Johnston, Kloppert, Petrie, Reid, Reynolds, S Smith, Topping and Wilson.
declined to vote	(1)	Councillor Wallace.
absent from the vote	(6)	Councillors Blackett, Hood, Owen Partridge, Robertson and H Smith.

The motion was carried and the Council **agreed**:

- (1) to approve the publication of the Proposed Local Development Plan for public consultation for a period of 8 weeks, as the settled view of the Council on these matters, subject to any minor changes required to be agreed by the Director of Infrastructure Services following consultation with Group Leaders and an amendment to the Open Space Policy to address the potential impact of any new developments in settlements across Aberdeenshire on the provision of sports pitches; and

- (2) to approve the publication for public consultation of the Strategic Environmental Assessment (SEA) - Environmental Report of the Proposed Local Development Plan for a period of 8 weeks, subject to any minor changes required to be agreed by the Director of Infrastructure Services following consultation with Group Leaders, published to support this Report.

Having proposed an amendment which was not seconded proposing that the Council not approve the publication of the Proposed Local Development Plan, Councillor Wallace requested, as provided for in Standing Order 5.2.4, that the terms of his amendment be recorded in the minute.

## **6. REVIEW OF LICENSING BOARD STRUCTURE IN ABERDEENSHIRE**

With reference to the Minute of Meeting of 21 November, 2020 (Item 12) there had been circulated a report by the Director of Business Services on the responses to the public consultation exercise undertaken and the views of the South and Central Licensing Boards in respect of the review of the Licensing Board structure in Aberdeenshire and proposing that the Council dissolve the current structure and establish a new single Licensing Board for Aberdeenshire.

The Head of Legal and Governance outlined the proposals and reported on comments received from the North Licensing Board where the majority view had been in favour of the officer recommendation and, for those who were not, the concern was around a loss of local knowledge.

Thereafter, Councillor Gifford moved, seconded by Councillor Argyle that Council approve the recommendations in the report to establish a single Licensing Board for Aberdeenshire with ten members and that a report be presented to the Aberdeenshire Council meeting on 18 March, 2020, with a view to seeking the election of Members to the new Board.

As an amendment, Councillor Topping moved, seconded by Councillor Calder, that the Council retain the three current divisional Licensing Boards.

Members of the Council voted:-

for the motion

(50)

Councillors Adam, Agnew, Aitchison, Argyle, Baillie, Beagrie, Berry, Bruce, Carr, Cassie, Davidson, Dickinson, Durno, Evison, Ewenson, Fakley, Findlater, Ford, Forsyth, Gibb, Gifford, Harper, Hassan, Howatson, Hutchison, Ingleby, Ingram, Kloppert, Latham, Mair, McKail, McKelvie, Mollison, Petrie, Pike, Reynolds, Robertson, Ross, Roy, Simpson, N Smith, S Smith, Stirling, Sutherland, Taylor, Walker, Wallace, Whyte, Wilson and Withey.

for the amendment	(4)	Councillors C Buchan, Calder, Duncan and Topping.
declined to vote	(1)	Councillor Lonchay.
absent from the vote	(10)	Councillors Allan, Bews, Blackett, Cox, Hood, Johnston, Owen, Partridge, Reid and H Smith.

The **motion** was carried and the Council **agreed**:

- (1) to reduce the current number of 3 Divisional Licensing Boards to one single Board for Aberdeenshire;
- (2) to revoke the decision of Council on 17 May 2007 to form three Divisional Boards, in North, Central and South Aberdeenshire under the Licensing (Scotland) Act 2005 ("the Act"), and dissolve the Divisional Boards from midnight on 28 April 2020;
- (3) to establish a single Licensing Board for Aberdeenshire known as the Aberdeenshire Licensing Board from 29 April 2020;
- (4) that the new Aberdeenshire Licensing Board have 10 members and a report be presented to the Council on 18 March, 2020, with a view to confirming those appointments;
- (5) that the first meeting of the Aberdeenshire Licensing Board take place on 29<sup>th</sup> April 2020 in Woodhill House, at which a future schedule of meetings for the Board would be considered and approved; and
- (6) to appoint the Head of Legal and Governance as Clerk to the Licensing Board with authority to delegate those functions to Depute Clerks.