

ABERDEENSHIRE COUNCIL

INFRASTRUCTURE SERVICES COMMITTEE

SKYPE MEETING, 21 JANUARY, 2021

Present: Councillors P Argyle (Chair), J Cox (Vice Chair), W Agnew, D Aitchison, G Carr, A Fakley, J Ingram, P Johnston, J Latham, I Mollison, G Reid, S Smith, I Taylor and R Withey.

In Attendance: Councillor M Ford for (Item 14).

Officers: Interim Director of Infrastructure Services, Head of Service (Planning & Environment), Head of Service (Transportation), Head of Service (Roads, Landscape Services and Waste Services), Head of Service (Economic Development & Protective Services), Planning Service Manager, (Planning and Environment, M Corley), Strategy Manager, (Transportation), Strategy Team Leader, (Transportation, C Menzies), Passenger Transport Manager, (Transportation), Team Manager, (Planning and Environment, D Ross), Team Manager, (Planning and Environment, N Stewart), Team Manager, (Planning and Environment, W Forbes), Team Manager, (Economic Development & Protective Services, M Brebner), Service Manager, (Economic Development & Protective Services), Corporate Finance Manager, Legal Service Manager, (Legal and People, R O'Hare) and Committee Officer (F Brown).

WELCOME

The Chair, on behalf of the Committee welcomed Alan Wood to his first meeting, following his recent appointment as Director of Infrastructure Services.

1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct and the following interests were intimated: –

- (1) Councillor Cox declared an interest in agenda **Item 21**, by virtue of being involved in the hospitality industry with organisations who had been awarded grants. As the report was for information only and no decisions were being made on individual grant funding, he concluded that he would remain and participate during consideration of that item.
- (2) Councillor Fakley declared an interest in agenda **Item 21**, by virtue of being a Trustee of a organisations that had received a Covid-19 resilience grant and who may wish to apply for grants again in the future. Having applied the objective test, he concluded that he would leave the meeting during consideration of that item.

- (3) Councillor Reid declared an interest in agenda **Item 21**, by virtue of being involved in the hospitality industry with organisations who had been awarded grants. As the report was for information only and no decisions were being made on individual grant funding, he concluded that he would remain and participate during consideration of that item.
- (4) Councillor Smith declared an interest in agenda **Item 21**, by virtue of being a Trustee for one of the organisations that had received Covid-19 funding. Having applied the objective test, the interest was considered to be remote and insignificant, therefore, he would remain and participate during consideration of that item.

2A. PUBLIC SECTOR EQUALITY DUTY

In making decisions on the following items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act 2010:-

- (1) to have due regard to the need to:-
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster good relations between those who share a protected characteristic and persons who do not share it.
- (2) where an Equality Impact Assessment is provided, to consider its contents and take those into account when reaching a decision.

2B. EXEMPT INFORMATION

The Committee **agreed** in terms of Sections 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, to exclude the public from the meeting during consideration of the item shown below so as to avoid disclosure of exempt information of the class described in undernoted paragraphs of Part 1 of Schedule 7A of the Act.

Item No
23

Paragraph No of Schedule 7A
1 & 6

3. MINUTE OF THE INFRASTRUCTURE SERVICES COMMITTEE MEETING OF 26 NOVEMBER, 2020

The Committee had before them, and **approved** as a correct record, the Minute of Infrastructure Services Committee meeting of 26 November, 2020.

4. OUTSTANDING BUSINESS

There was circulated a list of outstanding actions from previous meetings of the Infrastructure Services Committee, along with new items which had been deferred to future meetings of the Committee, as of 21 January 2020.

The Director introduced the report and the provided the Committee with a verbal update for each of the outstanding actions Items 1 to 8 below:

- Items 1, 7 and 8 would remain on the list.
- Items 2 and 6 were complete and could be removed from the list.
- Item 3 – Update would be provided to the Committee on 19 August 2021.
- Item 4 – Update would be provided to the Committee on 30 September 2021.
- Item 5 – Update would be provided to Committee on 25 November 2021.

Having considered the list of outstanding actions, the Committee **agreed to note** the current position in respect of actions arising at previous meetings.

5. EQUALITIES PRESENTATION.

The Chair advised the Committee that due to the amount of business being considered at the meeting, it was recommended that the Equalities Presentation be deferred to another date, identified as Wednesday 27 January 2021 at 2.00pm. Calendar invites had been issued and all members to attend that informal session.

The Committee **agreed** to the presentation being deferred to 27 January 2021 at 2.00 p.m.

6. FULL PLANNING PERMISSION FOR ERECTION OF 12 AFFORDABLE DWELLINGHOUSES AND FLATS AT LAND TO SOUTH OF KINBROOM HOUSE, ROTHENORMAN, INVERURIE, ABERDEENSHIRE – APP/2020/1480.

With reference to the Formartine Area Committee meeting of 8 December 2020 (Item 4A), where the Area Committee had resolved to approve the application in line with the recommendation of the Planning and Environment Service, there had been circulated a report dated 10 December 2020 by the Head of Service (Planning and Environment) which sought consideration of an application for Full Planning Permission, for the Erection of 12 Affordable Dwellinghouses and Flats at Land to the South of Kinbroom House, Rothienorman, Inverurie, Aberdeenshire – Reference: APP/2020/1480.

The report explained that the application had been considered by the Formartine Area Committee, who had agreed that the application should be referred to the Infrastructure Services Committee for final determination with the recommendation that the proposal should be delegated to the Head of Service (Planning and Environment) with authority to GRANT Full Planning Permission, subject to relevant planning conditions, on the grounds that the proposal would warrant a departure from Policy R2: Housing and employment development elsewhere in the countryside, as the housing would be provided as affordable housing and would meet an identified and unmet need for affordable housing within the settlement. The Formartine Area Committee had also determined that within the proposed New Local

Development Plan process there was greater certainty that the site would contribute to a sustainable strategy for the settlement in the longer term.

The Team Manager, Planning and Environment (D Ross) introduced the report and advised the Committee that the key issues associated with the application and which the Committee should consider would be (1) the principle of development, (2) the need for affordable housing in the locality, (3) public comment and representations and (4) technical issues such as drainage, education capacity and drainage capacity.

The proposed Local Development Plan (LDP) 2020 would see the application site designated as OP1 (for up to 12 houses), therefore the application in principle would not comply with the extant LDP however, would comply with the emerging LDP.

Following discussion, the Committee **agreed** to support the Officer's recommendation, that the application should be approved for the following reasons:

01. The Planning and Environment Service is of a view that the material considerations outlined within the Formartine Area Committee Report warrant a departure from Policy R2 Housing and employment development elsewhere in the countryside, in that the housing is provided as affordable housing and the housing would meet an identified and unmet need for affordable housing within the settlement. In addition, due to the Proposed Development Plan process there is greater certainty that the site can contribute to a sustainable strategy for the settlement in the longer term.

The Committee **agreed** to endorse the decision of the Formartine Area Committee, and that authority to GRANT should be delegated to the Head of the Planning and Environment Service subject to:

- a) Conclusion of Developer Obligations
- b) Conditions covering the following matters:

01. 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.

02. Waste water from the proposed development shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means 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. The development hereby approved shall not be occupied unless the proposed surface water drainage system has been provided in accordance with the approved plans and the Drainage Assessment

submitted by Fairhurst dated June 2020. The drainage system shall be permanently retained thereafter in accordance with the approved maintenance scheme.

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

04. No individual dwellinghouse hereby approved shall 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 the Council's planning policy - Policy C1 Using resources in buildings. The dwellinghouse 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 the Council's planning policy - Policy C1 Using resources in buildings.

05. 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.

06. The development shall be served in accordance with the approved drawings and the following details:

- (a) Prior to commencement of development, Visibility Splays, measuring 2.4m x 25m must be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.

- (b) No dwellinghouse hereby approved shall be occupied unless its driveway, turning and parking area has been provided and surfaced in accordance with the details shown on the approved plans. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: In order to ensure that the development is served by an appropriate standard of access and associated servicing in the interests of road safety.

07. No residential unit within the development shall be occupied unless all roads, footpaths, parking and turning areas within and serving that phase of the development have been completed to the level of bottoming and binder course, including the access bellmouth and all turning heads in accordance with the Council's Standards for Road Construction Consent and Adoption.

Reason: To ensure the provision of a means of access and turning space to an adequate standard in the interests of road safety.

7. FULL PLANNING PERMISSION FOR CHANGE OF USE AND CONVERSION, ALTERATIONS AND EXTENSION OF HOTELS AND HOSTELS (CLASS 7) TO 5 DWELLINGHOUSES (CLASS 9), ERECTION OF GARAGES AND ASSOCIATED WORKS AT THE LAIRHILLOCK LODGE, NETHERLEY, STONEHAVEN, AB39 3QS – REFERENCE: APP/2020/1111.

With reference to the Kincardine and Mearns Area Committee meeting of 27 October 2020 (Appendix A, Item C), where the Area Committee had resolved to approve the application in line with the recommendation of the Planning and Environment Service, there had been circulated a report dated 10 December 2020 by the Head of Service (Planning and Environment) which sought consideration of an application for Full Planning Permission for the Change of Use and Conversion, Alterations and Extension of Hotels and Hostels (Class 7) to 5 Dwellinghouse (Class 9), Erection of Garages and Associated Works at the Lairhillock Lodge, Netherley, Stonehaven, AB39 3QS – Reference: APP/2020/1111.

The Chair intimated that a request to speak had been received and the Committee **agreed** to hear from Mr Daniel Harrington, of Thain Harrington Edward Architecture & Planning, on behalf of the applicant.

The report explained that the application had been considered by the Kincardine and Mearns Area Committee, who had agreed that the application should be referred to the Infrastructure Services Committee for final determination with the recommendation that the application should be delegated to the Head of Service (Planning and Environment) to GRANT Full Planning Permission, subject to relevant planning conditions, on the grounds that departing from the Aberdeenshire Local Development Plan 2017, in respect of Policy B3: Tourist facilities would be acceptable as the proposal related to the redevelopment of a tourism accommodation business which had become economically unviable, with no realistic prospect of improvement due to the continuing decline in demand, which had been further exacerbated by the pandemic.

The Team Manager, Planning and Environment (N Stewart) introduced the report and advised the Committee that the key issues the Committee should consider were (1) the technical and environmental matters could be resolved under delegated matters as presented at 6.1 to report (2) there was agreement to provide one unit of affordable housing within the proposed development (3) the provision of a safe route to school was a delegated matter which had been raised by the Kincardine and Mearns Area Committee and brought forward, through agreement with the applicant, to deliver a safe route to Lairhillock Primary School and (4) there was a separate planning application which had been lodged, to demolish the Lairhillock Inn.

The principle policy issues related to the loss of tourist accommodation and while the policy sought to support tourism developments and to protect the unjustified loss of existing tourist facilities, the planning service considered that there was enough supporting information provided, by the applicant (a planning statement and financial accounts) which had been vetted by Economic Development colleagues who would support the proposed exit strategy for the business.

When considering the proposed reasons for departure, Officers were comfortable that it had been demonstrated that the business is/was unviable and since the time of the Area Committee report in late October 2020 as 12 months had passed in terms of marketing the property, the the reason for departure in respect of Policy B3: Tourist facilities could be removed from the final decision if approved.

The Planning Service would recommend the application as the departure from Policy R2: Housing and employment development elsewhere in the countryside, subject to delegated matters and conditions as presented at 6.1 to the report.

Mr Harrington then addressed the Committee and highlighted several issues which the applicant would like the Committee to consider when determining the application. The applicant had faced significant challenges with the reduction in oil prices and a reduction in business travel which had resulted in falling occupation since 2018, which was no longer sustainable. The guest house was suited to business trade which had been impacted by the development of the Aberdeen Western Peripheral Route (AWPR) and it had also faced significant competition within the North East due to a large number of hotels opening. The applicant had hoped to sell the guest house, however, having marketed the property for 12 months, that had not been unsuccessful. The applicant had resolved that the application site was suitable for small scale residential use and he hoped the Committee would support his proposal.

The Chair asked Mr Harrington to confirm that he had received a fair hearing. Mr Harrington confirmed that he had had a fair hearing and thanked Committee for allowing his request to speak.

Following discussion, the Committee **agreed** that the reason for departing from the Aberdeenshire Local Development Plan 2017 in respect of Policy R2: Housing and employment development elsewhere in the countryside, was the building had a large internal floor space and converting it into no more than 3 houses would result in units that would be more difficult to market in the current economic climate due to their size. As proposed the development would provide family sized homes, of a reasonable size, within proximity to Lairhillock primary school.

The Committee therefore **agreed** to support the Officer's recommendation, that authority to GRANT be delegated to the Head of Planning and Environment Service, subject to:

- a) Conclusion of Section 75/Developer Obligations;
 - b) provision of detailed surface and foul water drainage proposals.
 - c) Final agreement being reached with Infrastructure Services (Roads Development) regarding the details and delivery of a safe route to school and any required planning conditions in this respect; and
 - d) The following other planning conditions.
1. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority.

Details of the scheme shall include:

- a) Existing landscape features and vegetation to be retained;
- b) Protection measures for the landscape features to be retained;
- c) Existing and proposed finished levels;
- d) The location of new trees, shrubs, hedges, grassed areas and water features;
- e) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- f) The location, design and materials of all hard landscaping works including walls, fences, gates;
- g) An indication of existing trees, shrubs and hedges to be removed;
- h) 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.

2. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store area[s] have been submitted to and approved in writing by the Planning Authority. The area[s] shall be constructed behind any visibility splay and shall be designed to be accessible for refuse bin uplift and to prevent empty bins from being wind-blown. No dwellinghouse shall be occupied unless the refuse bin uplift store area has been provided and surfaced in accordance with the approved details. Once provided, the refuse bin uplift store area shall thereafter be permanently retained as such.

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

3. No dwellinghouse hereby approved shall be occupied unless a turning area has been provided in accordance with drawing reference A0-00-02 Rev E and 12 off-street parking spaces surfaced in hardstanding materials have been provided. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the provision of adequate on-site parking to ensure no obstruction to the free flow of traffic within the site and to enable all vehicle movements onto and from the public road to be carried out in a forward gear in the interest of road safety.

4. No dwellinghouse hereby approved shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved details. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

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

8. FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AT SITE AT BRIDGESTONE, MILLBRECK, CLOALA, MINTLAW – REFERENCE: APP/2020/1642

With reference to the Buchan Area Committee meeting of 1 December 2020 (Item 5D), where the Area Committee had resolved to approve the application, against the recommendation of the Planning and Environment Service, there was circulated a report, dated 8 December 2020 by the Head of Service (Planning and Environment) which sought consideration of an application for Full Planning Permission for the Erection of a Dwellinghouse at a Site at Bridgestone, Millbreck, Cloala, Mintlaw – Reference: APP/2020/1642.

The report explained that the application had been considered by the Buchan Area Committee, who had agreed that the application should be referred to the Infrastructure Services Committee for final determination with the recommendation that the proposal should be delegated to the Head of Service (Planning and Environment), to GRANT Full Planning Permission, subject to conditions, on the grounds that the proposal would, in their view, be an acceptable departure from the Local Development Plan, given that the development would complete the site and improve the amenity of the surrounding area.

The Team Manager, Planning and Environment (D Ross) introduced the report and advised the Committee that the proposed development was in the view of the Planning Service in significant conflict with Policy R2: Housing and employment development elsewhere in the countryside and as such the principle of development could not be supported. The Committee were asked to note that the wider site was defined as brownfield, but there had already been three dwellinghouses granted and built which was the maximum allowed under the policy. There was not any scope to add a further house within the current Plan period to the connected group of seven

houses close to the site as a housing group can only extend up to a maximum of 20%, with a maximum of two in the Development Plan Period. A housing group of seven would allow a cluster to be extended by one additional house only, which had been exceeded.

Following discussion, the Committee **agreed** to endorse the decision of the Buchan Area Committee and that authority to GRANT should be delegated to the Head of the Planning and Environment Service, subject to:

a) Conditions covering the following matters:

1. Roads
2. Public water connection
3. Foul and rainwater drainage
4. Carbon neutrality
5. Landscaping plan
6. Means of enclosure

9. NOTIFICATION UNDER ELECTRICITY ACT 1989 FOR SECTION 36 FOR THE CONSTRUCTION AND OPERATION OF WINDFARM AT CLASHINDARROCH II WINDFARM, LAND AT CLASHINDARROCH, FOREST, HUNTLY – REFERENCE: APP/2020/0049

With reference to the Marr Area Committee meeting of 15 December 2020 (Item 9A), where the Area Committee had resolved to support the Officers recommendation that Aberdeenshire Council should respond to the S36 Consultation, with an objection to the proposed development, there was circulated a report, dated 15 December 2020, by the Head of Service (Planning & Environment) which sought consideration of a consultation response to the Scottish Government, in respect of an application under Section 36 of the Electricity Act 1989 for the Construction and Operation of a Windfarm at Clashindarroch II Windfarm at Land at Clashindarroch, Forest, Huntly – Reference: APP/2020/0049.

The Chair intimated that two requests to speak had been received and the Committee **agreed** to hear from applicant's representative Alison Sidgwick in support of the development and Susan Shaw and Dominic Woodfield on behalf of Wildcat Haven who were supportive of the Officer's recommendation to object to the development.

Councillor Withey indicated that, for transparency, he wished to declare, and put on record, that he was one of the Council's Wildcat Champions but he did not feel that would preclude him in taking part in consideration of the application.

The Team Manager, Planning and Environment (W Forbes) introduced the report and reported on the details of the application. She advised the Committee that the Planning and Environment Service recommended that an objection be made to the Scottish Government on the grounds that when assessing the consultation against the relevant policies contained within the extant Aberdeenshire Local Development Plan 2017 (LDP), the proposal would give rise to a number of concerns as presented in 2.5 to 2.11 of the report.

It was further reported that Section 2.12 to 2.21 presented a summary of resolved issues which focused on core planning issues which related to the proposed development.

The Team Manager then provided the Committee with several verbal updates to the report: -

- (1) The Main Recommendation on the front page to the report should be amended to remove “Refer to Infrastructure Services Committee” with the Recommendation being “Object”.
- (2) Section 6.2.1 b should be amended to provide greater clarity “the proposed development would have a significant adverse impact upon the visual amenity of nearby popular hillwalking routes/points most notably significant local landmarks of Tap O Noth (VP4), The Buck (VP5), Clashmach (VP6) and the Correen Hills (VP12).
- (3) Section 6.2.1 c – reference to Milltown of Rothiemay (VP9) should be removed as that viewpoint was in Moray and Aberdeenshire Council policies would not apply.
- (4) Section 6.2.1. c - Remove reference to aviation lighting as that had been resolved with the applicants agreeing to reduce the number of visible lights required from 14 to 4 turbines and MOD lighting on 3 turbines. The Civil Aviation Authority had confirmed that that was acceptable to them and the matter was no longer a reason for objection on the grounds that the applicants had agreed to amend the proposals to address the predicted significant effects.
- (5) Section 6.2.1 c - the reason for objection should read as “The scale and location of the proposed development would result in unacceptable adverse visual impacts upon the dwellinghouses and settlements of Tillathrowie (VP1) and south east of Rhynie (on the lower slopes of the Correen Hills below VP12)”.
- (6) Section 6.2.3 – Add the following - ' most notably Tap O' Noth (VP4), The Buck (VP5), Clashmach (VP6) and Correen hills (VP12).

The Committee then heard from the applicant’s representative Ms Alison Sidgwick who had been involved in the project since that start of the Environmental Impact Assessment process (EIA) process in 2017 working on behalf of Vattenfall, the applicant and owner and operation of the existing Clashindarroch windfarm. Ms Sidgwick highlighted a number of issues which she wanted the Committee to consider when determining the application:

- (1) The application uses a lot of the existing infrastructure associated with Clashindarroch windfarm, such as the access track and areas used for the construction which was seen as a real advantage for the proposed development.
- (2) The issue of noise had been raised and the approach used for the application was to consider a candidate turbine and assess that against a worst case

scenario which was the usual approach in noise assessments taken for wind farms

- (3) Agreement had been reached with the Council's Environmental Health Officer in respect of a condition which was considered to be suitable to address the potential for unacceptable noise impact and the service did not object to the application
- (4) A condition may be required to curtail some of the turbines for certain wind conditions and that was something the applicant was prepared to accept
- (5) There was a lot of discussion through the EIA process about the location of the borrow pits and site visits were undertaken by the landscape architects to look at the potential impacts of the borrow pits and the impact of not having them onsite were also considered. On site borrow pits significantly reduce the onsite aggregate of use on the roads and the associated impact.
- (6) When considering the landscape impact of the proposed development, every turbine would be visible, however it was considered that the impact was relatively limited. The existing Clashindarroch turbines lie on land which is approximately 65 metres higher than the turbine positions of the proposed development and a comparative zone of theoretical visibility has been produced which showed where the visibility of the proposed development which would overlap with the visibility of the existing development with most of the new visibility lying to the North East of the site on elevated ground; and
- (7) UK and Scottish Governments had recently published documents which had identified the significant challenge that the UK and Scotland face in respect of the climate emergency and the need to meet net zero targets. The transition to net zero would provide significant opportunities for Scottish businesses with renewable industry studies projecting that onshore wind energy could support 30,000 jobs and power 20 million homes as well as securing £46 billion in new investment across the UK by 2035. When considering the challenge to meet net zero targets we must rethink how we produce power.

When asked, Ms Sidgwick confirmed that she had received a fair hearing and thanked the Committee for allowing her request to speak.

The Committee then heard from Ms Susan Shaw, on behalf of the conservation organisation Wildcat Haven who had lodged a formal objection to the proposed development with Scottish Ministers and who strongly supported the Officer's recommendation to object to the S36 consultation on the grounds that the Scottish Wildcat was now critically endangered and on the brink of extinction. The wildcat population present at Clashindarroch was possibly the last viable foothold and the wildcat's future was at stake when considering the use of the land. Ms Shaw stated that she believed there was an additional grounds for the objection, which would reflect the acute uncertainty about impacts on Scottish wildcats and while the precise number of the population remains a point of ongoing debate, she would submit that any analysis of the population at Clashindarroch was of national importance and critical to the survival of the species.

Ms Shaw stated that it was clear that:

- (1) Clashindarroch was not the only site available nationally for that type of wind energy installation and therefore there were alternative solutions likely to be satisfactory in terms of energy generation capacity.

- (2) The population of Scottish wildcat being placed at risk was highly vulnerable and of critical national importance; and
- (3) In accordance with the precautionary principle, there was a clear imperative to seek an alternative location for the development.

On behalf of her client Ms Shaw stated that her client was not against wind generation developments, but any such schemes must comply with policy and legal requirements and the Committee should consider whether it was the right development, in the right location and would it comply with key policy and statutory requirements.

When asked, Ms Shaw confirmed that she had received a fair hearing and thanked the Committee for allowing her request to speak.

Following discussion, the Committee **agreed** that Aberdeenshire Council should respond to the S36 Consultation with an Objection to the proposed development for the following reasons:

- (1) The proposed development is contrary to Aberdeenshire Local Development Plan Policy C2 (Renewable energy) and the associated Spatial Framework Mapping and Planning Advice 'Strategic Landscape Capacity Assessment for Wind Energy in Aberdeenshire' 2014 as:
 - a. the proposed development would, by virtue of its scale and location, cause adverse landscape and visual impacts in an area identified as having no underlying capacity for new wind energy developments of any scale (Outlying Hills and Ridges Landscape Character Type (formerly Moorland Plateaux Landscape Character Type and Grampian Outliers Landscape Character Area).
 - b. the proposed development would have a significant adverse impact upon the visual amenity of nearby popular hillwalking routes/points, most notably significant local landmarks of Tap O Noth (VP4), The Buck (VP5), Clashmach (VP6) and the Correen Hills (VP12).
 - c. The scale and location of the proposed development would result in unacceptable adverse visual impacts upon dwellinghouses and settlements of Tillathrowie (VP1), and south east of Rhynie (on the lower slopes of the Correen Hills below VP12).
- (2) The proposed development is contrary to Aberdeenshire Local Development Plan Policy E2 (Landscape) as there is insufficient information to determine that the development, specifically borrow pits, would not cause unacceptable effects on the landscape of the site or surrounding area.
- (3) The proposed development is contrary to Aberdeenshire Local Development Plan Policy E2 (Landscape) as the scale and location of the proposed wind turbines cause a sprawl of similar wind energy developments across the landscape. The scale and location of the proposed wind turbines create a sense of dominance in the landscape with a discordant and cluttered visual impact from various viewpoints, most notably most notably Tap O' Noth (VP4), The Buck (VP5), Clashmach (VP6) and Correen hills (VP12). The impact is not considered to be outweighed by any economic or carbon reduction benefits.

- (4) The proposed development is contrary to Aberdeenshire Local Development Plan Policy P4 (Hazardous and potentially polluting developments and contaminated land) as there is the potential for the development to cause noise pollution and nuisance when considered cumulatively with the adjacent Clashindarroch Wind Farm. No details of proposed mitigation to reduce the residual impact is provided.

10. FULL PLANNING PERMISSION FOR ERECTION OF 13 SHORT TERM LETTING ACCOMMODATION UNITS AND UPGRADING OF ACCESS AT SITE TO NORTH EAST OF BIRCH COTTAGE, RHYNIE, HUNTLY, AB54 4JA – REFERENCE: APP/2019/2549

With reference to the Marr Area Committee meeting of 24 November 2020 (Item 12A), where the Area Committee had resolved unanimously, to refer the application to the Infrastructure Services Committee for determination and to confirm their support as a departure from the Aberdeenshire Local Development Plan (2017), there was circulated a report dated 30 November 2020, by the Head of Service (Planning and Environment), which sought consideration of an application for Full Planning Permission for the Erection of 13 Short Term Letting Accommodation Units and Upgrading of Access at the Site to the North East of Birch Cottage, Rhynie, Huntly, AB54 4JA – Reference: APP/2019/2549.

The report explained that the application had been considered by the Marr Area Committee, who had agreed that the application should be referred to the Infrastructure Services Committee for final determination with the recommendation that Authority to GRANT Full Planning Permission be delegated to the Head of Service (Planning and Environment), subject to conditions.

The Team Manager (Planning and Environment, N Stewart) introduced the report and advised the Committee that the proposed development was at a former quarry site south of Rhynie, adjacent to the A97 Alford to Huntly road. The quarry activities ceased a long time ago and the quarry bowl had been infilled with the site and surroundings becoming naturalised. Two representations had been received, as presented in Appendix 4 to the report.

Mr Stewart confirmed there were a few technical and environmental issues to work through, namely, drainage, water supply, access and waste management, contaminated land, archaeology, trees and species and visual impact but he was able to confirm that the Planning Service were content that the issues had been resolved or would be subject to conditions if approved.

In response to questions raised, relating to car traffic, road safety, transport links at that location, and the potential for the provision of electric vehicle charging point on site, Mr Stewart confirmed that a condition could be included which would require the applicant to provide a travel plan, which would promote sustainable modes of transport.

Following discussion, the Committee **agreed** that the reason for departing from the Aberdeenshire Local Development Plan 2017, the proposal exceeds the definition of small scale development permissible within Policy R2, however the proposed tourist accommodation delivers remediation of a previously developed site, would be well related to the settlement of Rhynie, is of appropriate design and scale compatible to

its surroundings, and despite proposing a greater number of units than what Policy R2 would otherwise allow, would have increased benefits to the local economy through an increase in visitors and expenditure to the area. The application is therefore supported as a departure from Policy R2 Housing and business development in the countryside. The proposal is compliant with all other relevant Policies of the Aberdeenshire Local Development Plan (2017).

The Committee therefore **agreed** to endorse the decision of the Marr Area Committee and that authority to GRANT should be delegated to the Head of the Planning and Environment Service, subject to:

01. 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 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.

02. No works in connection with the permission hereby approved shall commence unless a tree management and tree protection plan has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
 - a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition, and construction).
 - b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition, and construction).
 - c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas.
 - d) An arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation.
 - e) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained.
 - f) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

- g) The location of the compensatory tree planting.
- h) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- i) A programme for the implementation, completion, and subsequent management of the proposed compensatory tree planting.

The tree management and tree protection plans shall be carried out in complete accordance with the approved scheme and any planting which, within a period of 10 years from the completion of the compensatory tree planting, 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. No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree protection plan. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

Reason: In order to maintain woodland cover in accordance with the aims of local and national planning policies and to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

03. The development hereby approved shall be carried out in strict accordance with the approved Ecological Appraisal prepared by Astell Associates, dated 25 February 2020.

Reason: In the interests of protecting the biodiversity of the environment.

04. No works in connection with the development hereby approved shall commence unless an archaeological walkover survey of the extant buildings and upstanding features on the application site has been undertaken and has been submitted to and approved in writing by the Planning Authority. The survey shall not be undertaken unless its scope has been approved in writing by the Planning Authority.

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

05. The proposed development shall not be brought into use unless the proposed private water treatment system has been installed in accordance with the approved details. Once installed the private water treatment system shall thereafter be permanently retained.

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

06. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a detailed check of the site for active birds' nests has been undertaken and written confirmation has been submitted to the

Planning Authority that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on the site. The check shall be undertaken no later than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation and protection measures have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved protection measures.

Reason: In the interest of safeguarding the habitat of local bird species.

07. Prior to the commencement of development, a lay-by as shown on RJM drawing 702-19 is to be formed on frontage of the site and the proposed vehicular access to be taken via this. Construction shall be to a standard appropriate to the location and must be agreed in advance with Roads Development.

Reason: To ensure the existing road network can accommodate the traffic likely to be associated with the proposed development in the interests of road safety.

08. The development hereby approved shall not be occupied unless its access, turning and parking area have been provided and surfaced in accordance with the details shown on the approved plans. Once provided, all parking and turning areas shall thereafter be permanently retained as such. The first five metres of the driveway measured from the back of the carriageway shall be fully paved and shall have a maximum gradient not exceeding 1:20. The access shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. Once provided, the access, driveway and parking area shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access, driveway and parking area to an adequate standard; to prevent the carriage of loose driveway material on to the public road and to ensure the retention of adequate off-street parking facilities, all in the interests of road safety.

09. No occupation of any unit within the development hereby approved shall take place unless the proposed foul and surface water drainage systems for that phase have been provided in accordance with the approved plans and the ground assessment & drainage recommendation report prepared by SA McGregor in November 2019. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved scheme.

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

10. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 160 metres in both directions along the channel line of the A97 has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the

approved new access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter, and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

11. The dwellings hereby approved shall be used solely as temporary holiday letting accommodation and for no other purposes whatsoever, including use as permanent residential units, without the prior express grant of planning permission by the Planning Authority. The dwellings shall not be occupied as a person's sole or main residence and the owner of the dwellings shall maintain an up-to-date register of the name of each occupier of the holiday chalets on the site, their length of stay and their main home address and shall make this information available at all reasonable times to the planning authority.

Reason: The occupation of the dwellings as permanent residential units would not comply with the Council's Local Development Plan policies regarding residential development in this area.

12. No part of the development hereby approved shall be brought into use unless a Travel Plan for the development has been submitted to and approved in writing by the planning authority. The Travel Plan shall encourage more sustainable means of travel to and from the site, through identifying available public transport, non-motorised travel options, and location of nearest publicly available electric vehicle charging points. Once agreed, the Travel Plan shall form part of the marketing and advertisement of the site and be displayed within each holiday let units to inform visitors of their sustainable travel options.

11. ABERDEENSHIRE COUNCIL ARCHAEOLOGY SERVICE STRATEGY REVIEW 2017-20 AND ARCHAEOLOGY SERVICE STRATEGY 2020-23

There had been circulated a report, dated 9 December 2020 by the Head of Service (Planning and Environment) which presented the work of the Archaeology Service, through the Archaeology Service Strategy Review 2017-20 as presented in Appendix 1 to the report and which sought approval of the Archaeology Service Strategy 2020-23 as presented in Appendix 2 to the report.

Having considered the content of the report, the Committee **agreed**:

- (1) to **acknowledge** the work of the Archaeology Service over the 2017-20 period to manage, protect and promote the historic environment of the region, as outlined in the Archaeology Service Strategy Review 2017-20 as presented in Appendix 1 to the report; and

- (2) to **agree** the proposed key priorities, aims and objectives of the Archaeology Service to manage, protect and promote the historic environment of North East Scotland, as shown in the draft Archaeology Service Strategy 2020-23 as presented in Appendix 2 to the report.

12. ABERDEENSHIRE COUNCIL NESBReC STRATEGY REVIEW 2017-20 AND NESBReC STRATEGY 2020-23

There had been circulated a report, dated 9 December 2020 by the Head of Service (Planning and Environment) which presented the work of the North East Scotland Biological Records Centre (NESBReC) through the NESBReC Strategy Review 2017-20 as presented in Appendix 1 to the report and which sought approval of the NESBReC Strategy 2020-23 as presented in Appendix 2 to the report.

Having considered the content of the report, the Committee **agreed**:

- (1) to **acknowledge** the work of NESBReC over the 2017-20 period to manage, protect, enhance, and promote the biodiversity of the region, as outlined in the NESBReC Strategy Review 2017-20 as presented in Appendix 1 to the report; and
- (2) to **agree** the proposed key priorities, aims and objectives of NESBReC to manage, protect, enhance and promote the biodiversity of North East Scotland, as shown in the draft NESBReC Strategy 2020-23 as presented in Appendix 2 to the report.

13. ABERDEENSHIRE COUNCIL RANGER SERVICE STRATEGY REVIEW 2017-20 AND SERVICE STRATEGY 2020-23

There had been circulated a report, dated 9 December 2020 by the Head of Service (Planning and Environment) which presented the work of the Ranger Service through the Ranger Service Strategy Review 2017-20 as presented in Appendix 1 to the report and which sought approval of the Ranger Service Strategy 2020-23 as presented in Appendix 2 to the report.

Having considered the content of the report, the Committee **agreed**:

- (1) to **acknowledge** the work of the Ranger Service over the 2017-20 period, to raise awareness of the natural and cultural heritage of the region and to protect and enhance its biodiversity, as outlined in the Ranger Service Strategy Review 2017-20 as presented in Appendix 1 to the report; and
- (2) to **agree** the proposed key priorities, aims and objectives of the Ranger Service to continue its role in the promotion and protection of Aberdeenshire's natural and cultural heritage as shown in the draft Ranger Service Strategy 2020-23 as presented in Appendix 2 to the report.

14. MEMBER PROMOTED ISSUE – WALKING AND CYCLING ON RURAL ROADS

There had been circulated report dated 11 January 2021, by the Head of Service (Transportation), following the submission of a Member Promoted Issue (MPI) by Councillor Ford, which sought the Committee's consideration of issues associated with Active Travel in the rural context, taking into account changes in behaviour during and post the Covid-19 pandemic.

Councillor Ford was then invited to address the Committee to introduce his MPI.

Councillor Ford started by advising the Committee of a connection to this item, which in terms of transparency he wished to record. Councillor Ford's wife was a member of Fintray Community Council. Having considered the interest, Councillor Ford determined that it was not significant, and he would remain and participate.

Councillor Ford then advised the Committee that the issue he wished to promote discussion on, was the impact Covid-19 has had on travel behaviours, and what feasible measures the Council could take to promote the continuation of increased cycling and walking on rural roads within Aberdeenshire, looking at active travel projects and considering the need to address speed limits.

Councillor Ford acknowledged countless changes brought on by the pandemic, with rapid changes on pre-existing trends which had been dramatically accelerated as a result with some positive developments. As part of any recovery strategy Councillor Ford suggested that the Council should support the continuation of those positive changes and to promote and support people in rural areas across Aberdeenshire to get out and walk and cycle where they live.

The combination of reduced traffic and people staying at home had suddenly generated a huge shift in how the local road network was being used, with significant amounts of active travel which was previously suppressed due to the amount to traffic on roads. A feasible approach would be to provide an active travel facility which would re-prioritise existing roads, to enable and support a change in the balance of use for those in favour of cycling or walking as they had been during lockdown.

Councillor Ford was happy to support the recommendations contained within the report and thanked Transportation Officers for an extremely comprehensive piece of work, on all the aspects that he had hoped would be covered when he submitted his MPI. One final point he wished to raise was he agreed with the approach of trialling the three green routes which had low traffic speeds, however, if the trial was going to work and be rolled out more widely, speed limits would need to be addressed as traffic speed would be a major deterrent for those wishing to use rural roads for cycling and walking safely. Councillor Ford requested that when the trial was reported back to Committee in the Autumn, that speed limits would be discussed.

The Chair intimated that a request to speak had been received and the Committee **agreed** to hear from Mr Roddy MacInnes, the Chair of Fintray Community Council.

The Committee then heard from Mr MacInnes on behalf of Fintray Community Council who wished to voice the positive aspects that lockdown had brought, in respect of exercise, access and safer roads and his plea that Aberdeenshire Council do all they could to support safer road use for all.

One of the most encouraging parts of lockdown was that it brought significant freedoms for communities, due to the very low traffic on the roads and the most encouraging part was that whole families could use the roads to walk and cycle as a group. As lockdown restrictions were lifted and traffic volumes increased, families no longer felt safe. The Community Council considered that there was a clear desire to have continued better and safer access to roads for alternative road users and the Community Council would urge the Committee to accept the recommendations in the report.

At this point, the Committee **agreed** to suspend Standing Order 2.1.3 to allow the meeting to continue after 1.00pm.

The Strategy Manager (Transportation) introduced the report and advised the Committee that the report highlighted the importance of active travel as a sustainable mode of transport and acknowledged the positive impact that active travel can have on individuals physical and mental health. The report provided some background to the change in travel behaviour, which noted changes during lockdown and presented some evidence from travel behaviour surveys. Recommendation 2.4 sought the Committee's support for the areas to promote and facilitate active travel and by agreeing to recommendation 2.4 it was reported that it would not commit the Council to any particular policy position as any change in policy would need to follow the process in terms of consultation and Committee approval. Finally, recommendation 2.5 sought approval for the trial based on the green routes initiative and Officers would seek to develop the three routes with a start date prior to the summer to take advantage of the milder weather.

When considering Section 4.36 to the report and the issue of Work Place Parking Levies, the Chair advised the Committee that he would be proposing alternative wording for Recommendation 2.4, namely "to acknowledge the areas that could be considered to support and facilitate rural active travel as set out in in paragraph 4.36 to the report, but not to progress with disincentives such as the work place parking levy".

During discussion, the Committee welcomed the report and the sustained shift towards active travel in the north east of Scotland. The trial of three green routes as presented in Section 4.37 to 4.41 to the report had previously been discussed at the Infrastructure Services Committee and the Committee welcomed the trial starting in the Spring with an update report being presented to Committee in the Autumn which would include consideration of speed limits.

Having considered the content of the report, the Committee **agreed**:

- (1) to **acknowledge** the MPI submitted by Councillor Ford as presented in Appendix 1 to the report.

- (2) to **acknowledge** the work undertaken to date by the Transportation Strategy Team to support rural active travel.
- (3) to **acknowledge** the changes in travel behaviour resulting from the Covid-19 pandemic and the effect on rural active travel.
- (4) to **acknowledge** the areas that could be considered to support and facilitate rural active travel as set out in in paragraph 4.36 to the report, but not to progress with disincentives such as the work place parking levy; and
- (5) to **agree** to the potential trial of walking and cycling friendly rural routes as discussed in paragraphs 4.37 to 4.41. to the report.

At this point in the proceedings, the Committee **agreed** to have a short break for lunch.

15. 'CLEAN SHEET REVIEW' OF THE SUPPORTED BUS NETWORK

With reference to the Minute of the Infrastructure Services Committee meeting of 12 March 2020 (Item 22), there was circulated a report, dated 11 January 2021, by the Head of Service (Transportation) which updated the Committee on the work of the Passenger Transport Network Review Member/Officer Working Group (MOWG), in particular, in relation to the proposed 'Clean Sheet Review' of the supported bus network and which also sought approval of a proposed revised approach for bus service delivery, with a timeline for implementation, which would involve the development of a Demand Responsive Transport (DRT) pilot project.

The Chair, on behalf of the Committee thanked the Passenger Transport Network Review Member/Officer Working Group for supporting the revised approach in progressing the 'Clean Sheet Review' of the Council's supported bus network

During discussion, the Committee sought, as part of the pilot, consideration of a timetabled operation across cross country routes which had been reduced by the framework, to be considered as part of the business model.

Having considered the content of the report, the Committee **agreed**:

- (1) to **acknowledge** the work undertaken by the Passenger Transport Network Review MOWG to date.
- (2) to **approve** a revised approach to supported bus service delivery as set out in Appendix 5 to the report; and
- (3) to **approve** a pilot DRT initiative be developed on the Deeside corridor and/or the Inverurie area, to evaluate the revised approach to supported bus service delivery.

16. A96 HUNTLY TO ABERDEEN PREFERRED ROUTE

With reference to the Infrastructure Services Committee meeting of 29 November 2018 (Item 6) and 20 June 2019 (Item 11) where the Committee had considered previous reports on the A96 dualling, there had been circulated a report dated 13 January 2021 by the Head of Service (Transportation), which invited the Committee to discuss and provide comments to Transport Scotland on the published Preferred Route Option for the proposed dualling of the A96m East of Huntly section.

The report explained that the purpose of the report was to allow the Committee to comment on the published preferred route option for the A96 dualling project on the East of Huntly to Aberdeen section, acknowledging that while the Council's position had been consistently welcoming of the proposed dualling, they had also made comment on the broad route alignments and detailed technical observations on the implication of different routes.

During discussion the Committee raised several comments, namely:

- (1) Missing from the analysis was the impact on the economy. Consideration should be given to the population, north of Inverurie and the amount of traffic using the AWPR as there would be little benefit if a lot of traffic was travelling south, and a more holistic approach to the route improvement should be built into the action plan.
- (2) When considering the carbon footprint, the Scottish Government should publish an initial carbon footprint figure of the development and update figures with each stage as a carbon budget.
- (3) As the consultation deadline was 15 February 2021, the Committee sought assurances that Area Committee comments would form part of the Council response.
- (4) The Council response would consider the impact on Inverurie town centre and the A947.
- (5) The response would consider non-motorised users.

Having considered the content of the report, the Committee **agreed**:

- (1) to **note** the publication by Transport Scotland of the preferred route option for the A96 dualling, East of Huntly to Aberdeen section.
- (2) to **comment** on the issues arising from the identified route as part of the Council's response to Transport Scotland; and
- (3) to **delegate** the final submission of the consultation response to the Interim Director of Infrastructure Services following consultation with the Committee Chair, Vice Chair and Opposition spokesperson for Infrastructure Services and engagement with Area Committees.

17. APPROVAL OF TRADE WASTE CHARGES 2021/22

There was circulated a report, dated 7 January 2021, by the Head of Service (Roads, Landscape Services and Waste Management), which sought approval for the revised Trade Waste Charges for 2021/22.

The report explained that Local Authorities had a statutory duty placed upon them, in relation to waste, and the three main aspects included (1) Litter Authority, (2) Waste Collection Authority (WCA) and (3) Waste Disposal Authority (WDA). Guidance for WCA and WDA were set out in sections 45-49 of the Environmental Protection Act 1990 (EPA) and with regard to the collection of commercial waste, there was no duty on the authority, to collect, until the owner of the waste had requested that the authority to do so, and it was then up to the authority to make a reasonable charge for the collection and disposal of waste collected, unless they considered it inappropriate to do so. Section 4.8 to the report presented the comparison charges for 2020/21, along with the proposed charges for 2021/22.

The Committee were asked to consider the future impact of a Deposit Return Scheme (DRS) for Scotland, which was due to come into effect in 2021 but had been delayed until July 2022. Section 4.9 to the report explained that the DRS may result in a further increase in processing costs for mixed recycling due to the removal of economically valuable materials (plastic bottles and cans) out of the current mixed recycling composition, leaving only materials such as paper, card, drinks cartons, plastic tubs, posts and trays which may cost more to process than at present and which may have to be passed on to achieve cost recovery. Due to them being in scope for the DRS, there would also be a significant reduction in the amount of glass bottles that the Council would collect from Trade Customers which was currently collected separately, with the income subsidising the collection costs at present.

Having considered the content of the report, the Committee **agreed**:

- (1) to **approve** the increase in Trade Waste Charges for 2021/22 as set out in paragraph 4.8 of the report, to aim for full cost recovery in line with Council Policy; and
- (2) to **note** potential future impacts of Deposit Return Scheme on Trade Waste Charges.

18. BRIDGES PRIORITISATION MODEL – STARTER PAPER

With reference to the Minute of the Meeting of the Infrastructure Service Committee meeting of 26 November 2020 (Item 7) where the Committee had the gross replacement cost of the bridge network, there had been circulated a report dated 14 January 2021 by the Head of Service (Roads, Landscape Services and Waste Management) which presented a starter paper, outlining a proposed bridges prioritisation model, including initial scenarios for differing investments levels and which sought Committee approval of the principles and agreement to progress with the development of a formal policy.

The Chair intimated that three requests to speak had been received and the Committee **agreed** to hear from Anne Shearer; Alan Holmes on behalf of the Park Bridge Action Group and Mark Ansell on behalf of Crathes, Drumoak and Durriss Community Council who all wished the Committee to consider the prioritisation criteria as set out in paragraph 4.22 to the report.

The Head of Service (Roads, Landscape Services and Waste Management) introduced the report and advised the Committee that the purpose of the report was to outline the prioritisation methodology to ensure that the allocated resources were

invested in the bridge network in the most beneficial manner, and if accepted detailed work would be undertaken to develop a formal policy, in accordance with Policy development and Review Framework under Part B, of the Scheme of Governance, involving consultation with Area Committees, prior to reporting back to the Infrastructure Services Committee for approval.

The Committee then heard from Ms Anne Shearer who suggested that the Committee should consider the allocation of council tax to support the investment in the bridge network as failing to maintain the bridge network was what she considered to be demonstrable neglect by the Council. The proposed increase in funding was welcomed, however, the prioritisation model was in her view flawed. Historic bridges ranked low in the prioritisation model, as they were attached to service life and when service life was reached they would require to be replaced, however, the age of asset was in her view more logical and she suggested that the Committee should consider a revised prioritisation model.

The Committee then heard from Alan Holmes, on behalf of the Park Bridge Action Group who suggested from the onset, that the prioritisation model needed to be correct as it would have an impact on other bridges and the model needed to look at the condition of the infrastructure to ensure the prioritisation model made sense. He suggested that low cost interventions were great, however there were concerns that lack of initial action would result in expensive repair works if they were not done as part of an emergency intervention approach.

The Committee then heard from Mr Mark Ansell, on behalf of the Crathes, Drumoak and Durrus Community Council who suggested the prioritisation model should be appropriate and accurate. Park Bridge had ranked lower on the prioritisation model; however, Mr Ansell was minded that the model should consider diversionary distance; network criticality; proven resilience and the remaining service life.

In response to some of the comments made, the Head of Service, (Roads, Landscape Services and Waste Management commented:

- (1) the purpose of a bridge was a road link, and it was not based on the road classification, as a road link being maintained was considered as critical.
- (2) service life was based on the remaining service life, at that time, and it would not disadvantage older bridges as it was not down to age.
- (3) it was difficult to maintain the bridge stock at £1.7 million but the investment would continue to maintain their assets.

During discussion, the Committee noted that the challenges faced when considering climate change, the size of vehicles, the volume of traffic and limited funding, which would mean that it was critical that there was a robust and objective prioritisation model. The Committee noted that the methodology was the first step to ensure that the Council could assess all the bridges within Aberdeenshire to invest in the existing bridge stock. Public opinion was also extremely important, and it was considered that public engagement should be undertaken.

Having considered the content of the report, the Committee **agreed:**

- (1) to **agree** the principles set out in the proposed bridges prioritisation model.

- (2) to **instruct** Officers to develop a formal policy that links to the prioritisation model, and report back to Committee for approval in line with the Policy Development and Review Framework in Part 4B of the Scheme of Governance; and
- (3) to **note** that an update paper would be presented to the Infrastructure Services Committee on 13 May 2021, following a public engagement exercise and consideration by each of the Area Committees.

19. SHARED PROSPERITY FUND

With reference to the Minute of the Meeting of the Infrastructure Services Committee of 23 January 2020 (Item 14), there was circulated a report, dated 6 January 2021, by the Head of Service (Economic Development & Protective Services), which set out the Council response to a Scottish Shared Prosperity Fund position paper published by the Scottish Government, which had been submitted by the Chair of the Infrastructure Services Committee, following consultation with the Vice Chair and Opposition Spokesperson as presented as Appendix 1 to the report, and which sought consideration and endorsement of the draft Council submission to the UK Parliament's Scottish Affairs Committee, call for evidence on the UK Shared Prosperity Fund as presented in Appendix 2 to the report.

Having considered the content of the report, the Committee **agreed**:

- (1) to **note** the response submitted to the Scottish Government on proposals for a Scottish Shared Prosperity Fund.
- (2) to **endorse** the proposed submission to the UK Parliament's Scottish Affairs Committee, call for evidence on the UK Shared Prosperity Fund; and
- (3) to **instruct** the Head of Economic Development and Protective Services to report back to Committee when further details of the proposals were available.

20. CROWN ESTATE SCOTLAND FUNDING

With reference to the Minute of the Meeting of the Infrastructure Services Committee meeting of 20 August 2020 (Item 11), there was circulated a report dated 16 December 2020, by the Head of Service (Economic Development & Protective Services), which sought the Committee's consideration for the establishment of a framework for the future use of Crown Estate Scotland funding, allocated to Aberdeenshire Council and which aimed to review previous awards of funding and to reallocate any underspends or uncommitted funding.

Having considered the content of the report, the Committee **agreed**:

- (1) to **approve** the reallocation of funding from decommitted projects to the future programme.
- (2) to **extend** the deadline to commit and spend Area allocations from the second Crown Estate allocation to 31 March 2022.

- (3) to **approve** the recommitment of £120,000 of Crown Estate Funding to the St Cyrus National Park Car Park and Newburgh Links Car Park initiatives.

21. UPDATE ON COVID-19 BUSINESS GRANTS

With reference to a verbal update to the Business Services Committee on 7 January 2021 (Item 5), there was circulated a report dated 14 January 2021, by the Head of Service (Planning & Environment), which updated the Committee on funding and support packages available to eligible businesses, with a particular focus on grant schemes which had been delivered by Aberdeenshire Council during the Covid-19 pandemic and which sought support for current and forthcoming schemes to provide additional support for businesses.

The report explained that the Scottish and UK governments had announced several different business support packages and all local authorities played an important role. The report provided the Committee with a general overview of the main funding and support packages available to businesses as presented in Section 4.4 to the report, with Officers developing proposals for the Aberdeenshire Discretionary Business Grant Fund prior to its launch the following week as presented in Section 4.6 to 4.8 to the report.

Having considered the content of the report, the Committee **agreed**:

- (1) to **acknowledge** the work undertaken by Aberdeenshire Council Officers to deliver grant funding to businesses across Aberdeenshire since March 2020; and
- (2) to **support** the Council's ongoing work to deliver the existing and proposed new business grant schemes that were being designed by the Scottish Government and the implications for Aberdeenshire Council in terms of its role administering some of those schemes.

22. FINANCIAL PERFORMANCE REPORTING TO 31 DECEMBER 2020

There was circulated a report dated 18 December 2020, by the Director of Business Services, which provided the Committee with the revenue and capital budget monitoring information, for budgets within their remit to 31 December 2020.

The report explained that the planned budget expenditure on service delivery to the end of December 2020 was £46.025 million, with the actual expenditure incurred within that period being £50.320 million. A breakdown of those figures was presented as Appendices 1a and 1b to the report and Section 4.3 highlighted several emerging issues which would be monitored throughout the financial year, as there was movement between Covid-19 lockdown phases as the service would continue to prioritise the services that it provided.

It was further reported that the Infrastructure Services revenue budget for 2020/2021 had been agreed on 18 March 2020 (Item 5) at £62.340 million, which had increased to £62.770 million as presented in Appendix 2 to the report, as a result of transfers from reserves and virements which required approval and their explanations as presented in Appendix 3 to the report.

Having considered the content of the report, the Committee **agreed**:

- (1) to **note** the revenue and capital budget monitoring to 31 December 2020; and
- (2) to **approve** the budget movements as set out in Appendix 2, with further details in Appendix 3 to the report.

23. KIMO UK SUPPORT

There was circulated a report, dated 7 January 2021, by the Head of Service (Roads, Landscape Services and Waste Management), which sought the Committee's consideration, for providing additional support to KIMO UK, to ensure KIMO UK could continue to prevent pollution and protect, preserve and enhance the seas and coastal waters of the North-East Atlantic and Baltic regions and co-ordinate their main project, Fishing for Litter.

Having considered the content of the report, the Committee **agreed**:

- (1) to **acknowledge** Aberdeenshire Council's responsibilities as Facilitators of KIMO UK.
- (2) to **approve** emergency funding of £60,000 (over and above the normal annual fees and contribution) from the Council to support KIMO UK for the period from 31 March 2021 to 30 September 2021.
- (3) to **instruct** the Head of Finance to retrospectively ratify KIMO UK's outstanding accounts.
- (4) to **acknowledge** that Officers would apply Aberdeenshire Council's Human Resources Policies and Procedures, in relation to the current KIMO UK Coordinator postholder.
- (5) to **instruct** Officers to provide an update report to Committee when appropriate.

ITEMS FOR NOTING

- (a) Minute of North East Scotland Agricultural Advisory Group Meeting of 27 November 2019 (**APPENDIX A**).
- (b) Minute of the North East Scotland Fisheries Development Partnership Meeting of 21 February 2020 (**APPENDIX B**).
- (c) Minute of Aberdeen City Region Deal Meeting of 21 August 2020 (**APPENDIX C**).
- (d) Minute of the Northern Roads Collaboration Joint Committee Meeting of 28 August 2020 (**APPENDIX D**).

- (e) Minute of the Waste Management Working Group Meeting of 2 September 2020 (**APPENDIX E**).
- (f) Minute of North East Scotland Agricultural Advisory Group Meeting of 23 September 2020 (**APPENDIX F**).
- (g) Minute of the Strategic Planning Development Authority Meeting of 23 September 2020 (**APPENDIX G**).

DRAFT