

## **ABERDEENSHIRE COUNCIL**

### **MARR AREA COMMITTEE**

#### **SKYPE MEETING, 4 MAY 2021**

**Present:** Councillor J Latham (Chair) , R Withey (Vice-Chair), P Argyle, G Blackett , R Bruce, E Durno, P Gibb, M Ingleby, G Petrie and A Ross (Items 1 to 13).

**Officers:** J Clark, Area Manager (Marr); L Cowie, Principal Solicitor; L Scott, Head Teacher, Aboyne Academy; M Milne, Head Teacher, Alford Academy; J Wight, Head Teacher, Banchory Academy; P Gaiter, Head Teacher, The Gordon Schools, Huntly; A Funk, Principal Roads Engineer; G Lee, Principal Engineer, Bridges; L Watson, Principal Engineer; A Cunningham, Landscape Services Officer; K Regan, Principal Officer; P Blaxter, Team Leader, Planning & Environment; A Wilkinson, Principal Engineer, Transportation; R Bailie, Civil Engineer; W McLaren, Senior Roads Engineer; N Mair, Senior Planner; and A McLeod, Area Committee Officer.

#### **1. DECLARATION OF MEMBERS' INTERESTS**

Councillor Argyle declared an interest in Item 14, being a Council representative on the group seeking planning permission, and confirmed that he would not participate in the item.

Councillor Blackett advised that she had an interest in item 5, by virtue of having represented her constituents in lobbying for the bridge works at Gairnshiel Bridge. Having applied the objective test, she had concluded that the interest was so remote and insignificant that she would remain and participate.

Councillor Bruce advised that she had an interest in Item 4, by virtue of her children forming part of the statistics contained within the report. Having applied the objective test, she had concluded that the interest was so remote and insignificant that she would remain and participate.

#### **2A. STATEMENT OF EQUALITIES**

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

(1) to have due regard to the need to:-

(a) eliminate discrimination, harassment and victimisation;

- (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
  - (c) foster good relations between those who share a protected characteristic and persons who do not share it; and
- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching a decision.

## 2B. RESOLUTION

The Committee **agreed**, in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, that the public and media representatives be excluded from the meeting for the following items of the business on the grounds that they involved the likely disclosure of exempt information of the class described in the relevant paragraphs of Part 1 of Schedule 7A of the Act.

**Item No.**  
16

**Paragraph No. of Schedule 7A**  
4

### 3. MINUTE OF MEETING OF MARR AREA COMMITTEE OF 30 MARCH 2021

The Committee had before them, and approved as a correct record, the Minute of Meeting of the Committee of 30 March, 2021.

### 4. ANALYSIS OF ATTAINMENT AND ACHIEVEMENT IN ACCREDITED AWARDS OF YOUNG PEOPLE IN MARR SECONDARY SCHOOLS UP TO 2019-2020

There had been submitted a report dated 1 April, 2021 by the Director of Education and Children's Services presenting an analysis of school attainment based on the set of data arising from qualifications taken by school leavers from Marr secondary schools up to session 2019-20.

The Committee heard from the head teachers of the four secondary schools, who paid tribute to their staff teams and fellow head teachers for their support over the recent extremely trying times during the pandemic. The majority of the young people in the schools had coped well and had been a credit to the schools. The staff had worked tirelessly, with very little down time and had to adapt and transition to move teaching and learning online. The main focus currently was one of wellbeing and recovery and looking to the future, with the greatest highlight being having staff and young people back together face to face safely.

After further discussion, the Committee:

1. **Agreed** to note the contents of the report to inform the Education & Children's Service's ongoing plans to support improvements in attainment and achievement in the schools concerned;

2. Paid tribute to the work of all the Head Teachers, their staff, pupils, parents and carers for their commitment and for working together to support each other through a very difficult period during the pandemic and lockdowns; and
3. In addition, the Chair, on behalf of the Committee, wished the two Head Teachers, who were due to retire in the summer, a very happy retirement.

## **5. ROADS, BRIDGES, HARBOURS, COAST & FLOODING, LANDSCAPE AND TRANSPORTATION WORKS PROGRAMMES 2021-22**

There had been submitted a report dated 24 March, 2021 by the Interim Director of Infrastructure Services which outlined the available funding and the proposed programme of works for Roads, Bridges, Harbours, Coast & Flooding, Landscape and Transportation.

The Principal Roads Engineer, Roads, Landscape and Waste, introduced the report and gave an overview of the proposed programme of works for 2021/22, and highlighted the challenges experienced during the 2020/21 year where much of the works had been delayed, and a hard winter had been a huge challenge in Marr, and going forward she asked for understanding for the challenge ahead in delivering the proposed programmes of works within the resources allocated, and noted that there was a backlog of works of at least a year.

Officers responded to issues raised by Members in relation to proposed works at various locations in Marr, including the need to keep residents informed of upcoming works which may result in temporary diversions or road closures, which must be balanced against the urgent need for repairs and works which may have been delayed.

The Committee **agreed**:

1. To approve the Works Programmes as detailed in Appendices A to E;
2. That thanks be given to officers for their efforts during the pandemic, in very challenging circumstances, and particularly during the winter period;
3. That more communications should be issued to highlight upcoming works to tackle the significant backlog of repairs to roads, as a result of the pandemic, to ensure that the public are kept well informed.

## **6. ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2021 – DEVELOPMENT PLAN SCHEME 2021**

There had been circulated a report by the Interim Director of Infrastructure Services asking the Committee to provide comments on the Draft Development Plan Scheme 2021, for submission to Infrastructure Services Committee.

The Team Leader, Planning and Environment introduced the report and explained that (1) the “Proposed Local Development Plan”, which represents the settled view of the Council, had been submitted to Scottish Ministers for examination on 12 March 2021; and (2) the Development Plan Scheme required to be published each year to inform stakeholders of the stage at which the Development Plan is currently, and to show the nature of the consultation being undertaken to inform its content.

After discussion, the Committee **agreed**:

1. To note the content of the draft Development Plan Scheme 2021 and that there would be no significant engagement with stakeholders in the coming year as it would be occupied by the Examination of the Proposed Local Development Plan;
2. To note that the Planning system is undergoing a transformation through the implementation of the Planning (Scotland) Act 2019, and the process for the next LDP will be outlined in a future Development Plan Scheme; and
3. To commend officers for the work undertaken in the production of the Development Plan Scheme 2021 and during the ongoing LDP process.

## **7. ROAD SAFETY AND ACTION PLAN**

There had been circulated a report dated 29 March, 2021 by the Interim Director of Infrastructure Services seeking comments from the Committee on the draft Road Safety and Action Plan to 2030, which would be submitted to the Infrastructure Services Committee for final approval.

The Principal Road Safety Engineer introduced the report and advised that Road Safety Framework to 2030 was recently published by Scottish Government and sets out a vision for Scotland to 2050 with interim casualty reduction targets to 2030, and advised that the draft Road Safety Plan and Action Plan detailed how the Council aims to meet or exceed these new targets. He noted that there was a downward trend in the number of fatalities on the Aberdeenshire local and trunk road network, however there was still significant investment to be made to ensure continued improvements were made going forward. He responded to issues raised by Members relating to the relationship between road casualties and deaths involving people from deprived neighbourhoods, the need to change expectations of employers around answering the phone whilst driving, the high proportion of drivers who exceed the speed limit on 20mph roads and the issue of road safety for horse riders.

Thereafter, the Committee **agreed** to provide the following comments on the draft Road Safety Plan and associated Action Plan:

1. To note the contents of the draft Road Safety Plan and associated Action Plan; and

2. To seek the inclusion of horse riders as a road user, in the Road Safety Plan, in view of the significant numbers of accidents involving horses and other road users.

#### **8. MEMBER PROMOTED ISSUE – U139K GLEBE PARK, BANCHORY – EXTENSION OF PROHIBITION OF WAITING**

There had been circulated a report dated 7 April, 2021<sup>2</sup> by the Interim Director of Infrastructure Services advising the Committee of a Member Promoted Issue (MPI) which had been submitted by Councillor Ross, seeking the extension of the Prohibition of Waiting restrictions on Glebe Park in Banchory and erection of a new road sign highlighting the carpark at Hanover Court.

Councillor Ross presented her MPI and advised that following a number of complaints from constituents that the access road to Glebe Park, Banchory had become almost impassable due to cars parking along the road, as a result of a new coffee shop and retail store opening. Despite the shop owners asking customers to use the customer car park, the public had continued to park on the road. The MPI was seeking an extension of the existing double yellow lines in order to stop inappropriate parking, and to allow access to residents and emergency vehicles.

The Senior Roads Engineer, Marr, advised the Committee that following receipt of the MPI, the Scottish Fire and Rescue Service, Police Scotland, Transportation's Policy Team and the Transportation's Road Safety Unit had been consulted on the proposals and were supportive of the proposal to extend the Prohibition of Waiting restriction on the north side of Glebe Park, as well as a reduced area of parking on the south side. It was noted that the issue of a new road sign at the carpark at Hanover Court could not be progressed as the carpark was private and not adopted by the Council's Roads Service.

After consideration, the Committee **agreed**:

1. To note the terms of the MPI, as detailed in Appendices 2 and 3;
2. To note the investigation and recommendations from Officers as outlined in the report and in Appendix 4;
3. To authorise the commencement of the statutory procedures for the making of the "The Aberdeenshire Council (Glebe Park, Banchory) (Traffic Management) Order, 2021";
4. To authorise the subsequent making of the above Order in the event that no valid objections are received, or any received are resolved and withdrawn; and

5. To instruct the submission of a further report to Committee in the event that any valid objections received are not resolved and not withdrawn, or the proposals are amended following consideration of valid objections.

## **9. COMMUNITY COUNCIL GRANTS FOR 2021/22**

There had been circulated a report dated 31 March, 2021 by the Interim Director of Infrastructure Services which sought consideration of the allocation of community council administration grants for the Marr Area for 2020/21.

The Area Manager introduced the report and advised the Committee that since the report was published it had been established that the final figures were under review due to the allocation of insurance costs, which may result in a slight redistribution of funds across the board.

Following discussion, the Committee **agreed**:

1. To approve the allocation of community council administration grants for the Marr Area for 2021/22 on the basis of a fixed grant of £300 supplemented by an additional amount based on the number of electors in each community council area; and
2. That following clarification of the allocation of insurance costs, it be delegated to the Area Manager, in consultation with the Chair and Vice-Chair to agree the final allocations of administration grants to the community councils in Marr for the 2020/21 year.

## **10. COMMUNITY COUNCIL BOUNDARY CONSULTATIONS**

There had been circulated a report dated 12 April, 2021 by the Interim Director of Infrastructure Services which asked the Committee to consider a number of proposed amendments to existing Community Council boundaries in Marr, following a consultation exercise to establish the views of the Community Councils and residents who would be affected by the proposals.

The Area Manager introduced the report and outlined the proposals and details of the consultation responses which had been received in respect of three boundary consultations in Marr, all of which had received the support of the respective community councils and the majority of views of the residents were in favour of the proposed changes.

After further discussion, the Committee **agreed** to approve the proposed revisions to the Community Council boundaries as contained in the report.

## **11. DISSOLUTION OF TAP O'NOTH COMMUNITY COUNCIL**

There had been circulated a report dated 12 April, 2021 by the Marr Area Manager advising that Tap O'Noth Community Council had been dissolved with immediate effect, following the resignation of all but one member.

The Committee **agreed** to acknowledge and note with regret that Tap O'Noth Community Council had dissolved, and to note that efforts would be made to engage with the community to generate interest in establishing a new Community Council as soon as possible.

## **12. AREA COMMITTEE BUDGET – SMALL GRANT APPLICATION**

There had been circulated a report dated 14 April, 2021 by the Interim Director of Infrastructure Services which sought consideration of an application for Area Committee Budget funding from Mesolithic Deeside.

The Area Manager introduced the report and outlined the details of the application which was before the Committee for consideration.

The Committee **agreed** to award up to £1,850 towards the cost of undertaking an archaeological test pit excavation at Kincardine O'Neil to Mesolithic Deeside.

## **13. ABERDEENSHIRE CHARITIES TRUST – ACT2 APPLICATIONS**

There had been circulated a report dated 14 April, 2021 by the Interim Director of Infrastructure Services which sought consideration of two applications for funding from the Aberdeenshire Charities Trust (ACT2).

The Area Manager introduced the report and advised that the funding sought would assist the applicant to deliver projects in line with the Trust purposes for Wards 15 and 16.

The Committee **agreed** to approve the following awards:

1. £989.08 of ACT2 funding (Ward 15: the prevention or relief of poverty; the relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage) to South West Aberdeenshire Citizens Advise Bureau (SWACAB); and
2. £989.08 of ACT2 funding (Ward 16: the prevention or relief of poverty; the relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage) to South West Aberdeenshire Citizens Advise Bureau (SWACAB).

#### 14. PLANNING APPLICATIONS FOR DETERMINATION

As referred to in item 1, Councillor Argyle left the meeting and took no part in this item.

The following planning application was considered along with any representations received and was dealt with as recorded in Appendix A to this minute.

Reference No	Address
(A) APP/2021/0186	Full Planning Permission for Formation of Car Park, Access and Footpath at Nethermains Cottage, Mid Beltie, Torphins

#### 15. APPEAL DECISION - APP/2020/1094 CLUD-110-2002 – CERTIFICATE OF LAWFUL USE FOR THE ADDITION AND PERMANENT RESIDENTIAL OCCUPATION OF 45 STATIC CARAVANS AND PERMANENT OCCUPATION OF EXISTING 25 STATIC AT CASTLEWOOD CARAVAN, STRACHAN, BANCHORY, AB31 6NQ

The Committee had before them, and **noted**, a Scottish Government Planning and Environmental Appeals Decision, dated 25 March, 2021, informing them of the decision of the Scottish Government Reporter to allow the appeal (in part) and grant a certificate of proposed lawful use for permanent occupation of 25 caravans for human habitation throughout the year at Castlewood Caravan, Strachan, Banchory, AB31 6NQ

#### 16. ABERDEENSHIRE CHARITIES TRUST (ACT2) APPLICATION

There had been circulated a report dated 12 April, 2021 by the Marr Area Manager, which sought consideration of an application for funding from the Aberdeenshire Charities Trust (ACT2).

The Committee **agreed** to approve an award of £500 of ACT2 funding (Ward 14: the advancement of education) to the applicant, and in addition that the applicant be requested to provide a short report on the benefits she hopes to gain from her course of study to develop her business.

**Councillor presiding over meeting**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

DRAFT

**APPENDIX A**  
**PLANNING APPLICATION**

**Reference No: APP/2021/0186 - Full Planning Permission Formation of Car Park, Access and Footpath at Land to North East of Nethermain's Cottage, Mid Beltie, Torphins**

<b>Applicant:</b>	<b>2D Developments Limited, Cruan, Auchattie, Banchory, Aberdeenshire, AB31 6PT</b>
<b>Agent:</b>	<b>No Agent</b>

There had been circulated a report dated 13 April, 2021 by the Head of Planning and Environment Service, which sought consideration of an application for full planning permission for the formation of a car park, access and footpath on land to the north east of Nethermain's Cottage, Mid Beltie, Torphins, which had been referred to the Committee as there had been valid objections from five or fewer individuals or bodies with separate postal addresses or premises, and at least two of the Local Ward Members in the Ward in which the development was proposed had requested that the application be referred to the Area Committee.

The Senior Planner reported on the proposal which was to form a car park, rectangular in shape with 24 parking spaces, including two disabled spaces, with a pedestrian path which would link from the car park, southwards, linking into the existing path which runs along the old railway line and north of the Beltie Burn. He confirmed that the main issues to be addressed in the determination of the application included the principle of the car park at this location, layout, siting and design and consideration of the technical elements of the proposal, noting that Roads Development objected to the proposal on grounds of road safety, primarily in relation to the location of the entrance to the car park and its proximity to the existing junction on the public road.

He confirmed that overall, it was accepted that the proposal would have wider community and long term benefits and the principle of development was generally acceptable. However, the access arrangements would present a road safety hazard, and regrettably the applicant was not willing to alter the proposal to allow Roads Development to remove their objection. As a result the proposal failed to comply with Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan and was recommended for refusal.

Thereafter, Councillor Gibb moved, seconded by Councillor Blackett, to GRANT Full Planning Permission, as a departure from Policy RD1 of the Aberdeenshire Local Development Plan 2017, subject to conditions requiring the vegetation to be maintained and cut back; the access to be made 5.5 m wide and tarred and a suitable gradient constructed, to comply with Roads Development Policy.

Reason for departure: The proposed access is located on a private road, in an area of low vehicle speed due to the local road network junctions and narrow bridge on the public road resulting in slow vehicle movements. Sufficient visibility is

considered to exist to allow safe movement to and from the car park. These measures are considered to mitigate the concerns in relation to the junction position in terms of its failure to comply with prescribed standards, and the proposal is supported as a departure from Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan (2017).

As an amendment, Councillor Bruce, seconded by Councillor Latham, moved that the Committee defer consideration of the application for further discussion between the Planning Service and applicant to seek a better siting for the entrance point to the site.

Members of the Committee voted:

For the motion (5) Councillors Blackett, Durno, Gibb, Ingleby and Withey.

For the amendment (3) Councillors Bruce, Latham and Petrie.

Thereafter, the motion was carried and the Committee **agreed:**

To GRANT Full Planning Permission, as a departure from Policy RD1 of the Aberdeenshire Local Development Plan 2017, subject to conditions requiring the vegetation to be maintained and cut back; the access to be made 5.5 m wide and tarred and a suitable gradient constructed, to comply with Roads Development Policy.

Reason for departure: The proposed access is located on a private road, in an area of low vehicle speed due to the local road network junctions and narrow bridge on the public road resulting in slow vehicle movements. Sufficient visibility is considered to exist to allow safe movement to and from the car park. These measures are considered to mitigate the concerns in relation to the junction position in terms of its failure to comply with prescribed standards, and the proposal is supported as a departure from Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan (2017).