

ABERDEENSHIRE COUNCIL

MARR AREA COMMITTEE

SKYPE MEETING, 25 MAY 2021

Present: Councillor J Latham (Chair) , R Withey (Vice-Chair), P Argyle, R Bruce, E Durno, P Gibb (Items 1 to 9B), M Ingleby, G Petrie and A Ross (Items 1 to 9B).

In attendance: Station Commander C Westwood, Scottish Fire & Rescue Service

Apologies: Councillor G Blackett

Officers: J Clark, Area Manager (Marr); L Cowie, Principal Solicitor; L Gravener, Strategic Policy Leader, Customer and Digital Services; S Murison, Senior Planner; N Mair, Senior Planner; K Fraser, Engineer, Transportation; Alasdair Macdonald, Roads Development and Transportation Principal Engineer; John Gahagan, Estates Manager, Property & Facilities; and A McLeod, Area Committee Officer.

1. DECLARATION OF MEMBERS' INTERESTS

Councillor Durno declared an interest in Item 9A by virtue of a family member being a paid employer of the applicant, and confirmed that she would not participate in the item.

Councillor Bruce declared an interest in Item 8 by virtue of her employer being the registered office and Company Secretary for Braemar Community Ltd, and confirmed that she would not participate in the item.

Councillor Ingleby advised that she had an interest in Item 9C by virtue of her sister having previously lived in Beldornie Castle. 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.	Paragraph No. of Schedule 7A
10	9
11	9

3. MINUTE OF MEETING OF MARR AREA COMMITTEE OF 4 MAY 2021

The Committee had before them, and approved as a correct record, the Minute of Meeting of the Committee of 4 May, 2021.

4. SCOTTISH FIRE AND RESCUE SERVICE – MARR AREA COMMITTEE PERFORMANCE REPORT – 1 JANUARY 2021 TO 31 MARCH 2021

There had been submitted a report dated 10 May, 2021 by the by the Local Senior Officer, Scottish Fire and Rescue Service, and the Director of Business Services, which provided information on how the Scottish Fire and Rescue Service had performed locally in Marr against key performance measures and associated targets, as set out in the Aberdeenshire Local Fire and Rescue Plan and Marr Multi-Member Ward Plan, during the period from 1 January to 31 March 2021.

The Committee heard from the Station Manager on Scottish Fire and Rescue Service activity in Marr. He highlighted salient points and responded to issues raised in relation to assisting with affecting entry to premises, managed fires on moorlands and updated Members on establishment figures in Marr.

The Committee **agreed** to:

1. Acknowledge the performance report relating to the period 1 January to 31 March 2021; and
2. Acknowledge local operational matters arising, together with key resource issues, as detailed within the appendix to the report.

5. DRAFT ENGAGEMENT AND PARTICIPATION POLICY 2021

There had been submitted a report dated 5 May, 2021 by the Director of Business Services which provided an update on progress with developing an Engagement and Participation Policy for Aberdeenshire and seeking comments from the Committee on the draft policy, with the draft policy being presented to Business Services Committee in September 2021, following the submission of comments from the Area Committees and the public consultation process.

The Strategic Policy Leader, Customer and Digital Services introduced the report and outlined how the Council currently works with communities across Aberdeenshire to ensure they have influence over local decision making and advised that the policy seeks to improve engagement processes and outcomes through encouraging a consistent approach and continual learning through evaluation, and through expanding the range of engagement methods used.

After consideration, the Committee **agreed** to:

1. provide the following comments in relation to the draft Engagement and Participation Policy –
 - (a) The Committee would welcome some further consideration of the extent to which the public wish to be engaged in participatory budgeting and other engagement exercises, and the degree to which they wish to be engaged, and methods of reaching more difficult to reach groups for their input and feedback; and
2. Note the development of guidance to support implementation of the Engagement and Participation Policy.

6. MARR AREA PLAN 2021-2023

There had been submitted a report dated 4 May, 2021 by the Director of Infrastructure Services which presented the Marr Area Plan, which detailed the actions services would take in support of delivering the Strategic Priorities that were set out in the Council Plan 2020-22, the Service Priorities which were set out in the Directorate Plans and the local priorities.

The Area Manager introduced the report and noted that this was the first iteration of the Area Plan, and further information would be developed in relation to performance management reporting and financial information to allow for the Committee to carry out a role of monitoring and scrutiny. She responded to issues raised by Members in relation to (1) a proposed further round of Community Impact Assessments, (2) a reference in the Plan to Drumoak, which is not in Marr; (c) the reshaping of care and the implications for the community; (d) aspirations for a service point for the

Banchory Library, (e) links within the report not activated, (f) comments relating to the delivery of broadband, (g) issues with the school estate, (h) omission of works to provide a culvert under the Tarland road, (i) omission of car park works at Balmellan car park, (j) consideration of further recycling facilities at Braemar and Ballater, (k) an additional speed survey unit for Marr, (l) making the Crathie public toilets winter ready.

Furthermore, the Committee noted the concerns raised by Councillor Gibb in various aspects which had been excluded from the Marr Area Plan, including works which had been previously approved and without the inclusion of these items, he was unable to support the Marr Area Plan as presented.

After further consideration, the Committee, by a majority, **agreed**:

1. to approve the Marr Area Plan 2021-2023 attached as Appendix 1 to the report;
2. to acknowledge the ongoing work to develop the required area performance reporting framework;
3. to acknowledge that the report was the first iteration of the Area Plan and that the Action Plan would be updated by Services;
4. to receive a report on the delivery of the Area Plan and an updated Action Plan before the end of 2021;
5. that the Area Manager should raise the following issues with the relevant services in order to seek further information or clarification on a number of projects, including:
 - (a) more details on reshaping care;
 - (b) Aboyne Primary – more detail on the type of new toilet facilities being provided;
 - (c) Inclusion of repairs to culvert under Tarland Road;
 - (d) Request a new service point in Banchory Library;
 - (e) Committee would like more involvement in setting priorities and performance indicators;
 - (f) Seeking mid project reviews of projects within Service Plans, to ensure that work is on track;
 - (g) Balmellan car park improvements;
 - (h) Recycling facilities in Ballater and Braemar;
 - (i) Additional speed survey unit for Marr;
 - (j) Crathie toilets to be made winter ready.

7. AREA COMMITTEE BUDGET – SMALL GRANT APPLICATIONS

There had been submitted a report dated 12 May, 2021 by the Director of Infrastructure Services, which sought consideration of two applications for Area Committee Budget funding from the Huntly Hairst and St Margaret's, Braemar.

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

The Committee **agreed** to award:

1. up to £2,000 to Huntly Hairst towards the cost of the Huntly Hairst festival;
and
2. up to £1,300 to St Margaret's, Braemar towards the cost of signage for the building at St Margaret's, Braemar.

8. ABERDEEN CHARITIES TRUST – ACT2 APPLICATIONS

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

There had been submitted a report dated 21 April, 2021 by the Director of Infrastructure Services which sought consideration of an application for funding from the Aberdeenshire Charities Trust (ACT2).

The Area Manager introduced the report and advised that, having been assessed by officers from Legal & People and Finance it was not considered that the application met the purposes set out in the Trust.

The Committee **agreed** to refuse the application, as it did not meet the purposes set out in the Trust.

9. PLANNING APPLICATIONS FOR DETERMINATION

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/2020/2149	Planning Permission in Principle for Residential Development at Land to North and West of Squirrel Lodge, Upper Lochton, Banchory

(B) APP/2021/0736	Approval of Matters Specified in Conditions for Condition 1a) (Layout and Siting), b) (External Appearance and Materials), c) (Landscaping and Tree Protection Plan), d) (Levels and Cross Sections), e) (Disposal of Foul and Surface Water), f) (Access, Parking/Vehicle Turning Area), g) (Pedestrian Routes) of Previously Approved Planning Permission in Principle APP/2017/1919 Erection of 5 Dwellinghouses at Land West of Raemoir Road, Banchory
(C) ENQ/2021/0466	Consultation Request from Moray Council, Garbet Wind Farm, 5.5km South East of Dufftown, Moray (Aberdeenshire Marr Border)

During consideration of item 9B the Committee agreed to Suspend Standing Order 2.1.2 to allow the meeting to continue beyond 1.00pm.

During consideration of item 9C, the Chair lost connection to the meeting and the Vice-Chair took the Chair for this item and item 10. The Chair returned to the meeting during item 10.

10. HAUGHTON CARAVAN PARK LEASE

There had been submitted a report dated 12 May, 2021 by the Director of Business Services, seeking approval to enter into a lease for the Haughton Caravan Park, on terms and conditions as detailed in the report.

Having heard from Estates Manager, Property & Facilities, the Committee **agreed** to approve a lease to the party noted at 4.5.1 on the terms set out within the report.

11. SALE OF PROPERTY AT RICHMOND AVENUE, RHYNIE

There had been submitted a report dated 11 May, 2021 by the Director of Business Services seeking approval of the sale of a property at Richmond Avenue, Rhynie, on terms set out within the report.

Having heard from the Estates Manager, Property & Facilities, the Committee **agreed** to approve the sale of the property at Richmond Avenue, Rhynie to the party set out at 4.1 of the report, on the terms set out in section 4.6 of the report.

Councillor presiding over meeting

Print Name

Signature

Date

APPENDIX A
PLANNING APPLICATIONS

(A) Reference No: APP/2020/2149 - Planning Permission in Principle for Residential Development at Land to North and West of Squirrel Lodge, Upper Lochton, Banchory

Applicant: Ande Burnett, Per Agent
Agent: North Banchory Company, Banchory Business Centre, Burn O'Bennie Road, Banchory, AB31 5ZU

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

There had been circulated a report dated 6 May, 2021 by the Director of Infrastructure Services, which sought consideration of an application for planning permission in principle for a residential development at Land to the North and West of Squirrel Lodge, Upper Lochton, Banchory, which had been referred to the Committee as there had been valid objections from six or more individuals or bodies with separate postal addresses or premises, and there was an unresolved objection from Banchory Community Council.

The Senior Planner (N Mair) reported on the proposal, highlighted the planning history of the site, confirmed the key issues in determining the application, which related to the principle of erecting new dwellinghouses on the site and the impact this would have upon the character, amenity and overall context of the area. He responded to issues raised by Members in relation to roads development and potential traffic issues on the Recycling Centre Road and access to each plot. He concluded that the proposal was considered to be compliant with Policy P3 Infill and householder developments within settlements (including home and work proposals of the Aberdeenshire Local Development Plan 2017) and was recommended for approval.

Thereafter, Councillor Gibb moved, seconded by Councillor Ross, to REFUSE Planning Permission in Principle, as the proposal does not comply with Policies P3 and PRD1 of the Aberdeenshire Local Development Plan 2017, based on the proposed density being too high and issues related to access and egress.

As an amendment, Councillor Argyle, seconded by Councillor Withey, moved that the Committee delegate the GRANT of Planning Permission in Principle to the Head of Planning and Environment Service, subject to the conditions contained within the report.

Members of the Committee voted:

For the motion (2) Councillors Gibb and Ross.

For the amendment (6) Councillors Argyle, Bruce, Ingleby, Latham, Petrie and Withey.

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

That authority to GRANT be delegated to the Head of Planning and Environment Service subject to:-

01. Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No development shall begin on the site unless all of the details listed in this condition have been submitted to and approved in writing by the planning authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.

Specified matters:

- (a) Full details of the layout and siting of the proposed development, for the avoidance of doubt the level of development is limited to a maximum of 5 dwellinghouses;
- (b) Full details of the external appearance and finishing materials of the proposed development;
- (c) A landscaping scheme and tree protection plan including proposed landscape features, including trees to be retained and planted;
- (d) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point;
- (e) Full details of the proposed means of disposal of foul and surface water from the development, and details of treatment of any field drains or run-off from adjacent land;
- (f) Full details of the proposed access to the development including visibility splays where appropriate;
- (g) Full details of the proposed car parking/vehicle turning area for the development;
- (h) Full detail of the proposed refuse uplift area;
- (i) Full details of a Safe Route to School.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. 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 Policy C1 of the Aberdeenshire Local Development Plan 2017.

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

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

- 03. No dwellinghouse hereby approved shall be occupied unless its driveway, parking and turning area has been provided and fully paved for the proposed dwellinghouse in accordance with details to be submitted under condition 1 part g. The maximum gradient of the 5m of the new access must not exceed 1:20 and the first 5m of access (measured from the edge of the road) is to be fully paved. Any proposed garages must be set back at least 6m from the rear of the footway. 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. Parking space, surfaced in hard standing materials shall be provided within the site in accordance with the Council's Car Parking Standards. A suitable vehicle turning area, measuring not less than 7.6m by 7.6m, must be formed within the site to enable all vehicle movements onto or from the public road in forward gear. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

- 04. No dwelling shall be occupied until a Safe Route to School is provided in accordance with details to be submitted under condition 1 part i). The route and specification of this footpath link shall be agreed in consultation with Roads Development. Depending on timescale's for delivery, this could be delivered through linking into the masterplan (Phase 2c) or independently.

Reason: To ensure safe access for pedestrians.

- 05. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility splays are provided in accordance with details to be submitted under condition 1 part f. Visibility of 90 metres in both directions along the channel line of the public road 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 each approved 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.

06. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store areas have been submitted to and approved in writing by the planning authority in accordance with details to be submitted under condition 1 part h. The area shall be constructed behind any visibility splay and shall be designed so as 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.

07. No works in connection with the development hereby approved shall commence unless a tree protection plan has been submitted to and approved in writing by the planning authority in accordance with the details to be submitted under condition 1 part c. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and 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.

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 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.

08. 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 unless otherwise agreed with 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.

09. 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.

10. No dwellinghouse hereby approved shall be occupied unless the proposed surface water drainage systems have been provided in accordance with details to be submitted under condition 1 part e. The foul and surface water drainage systems shall be installed in accordance with the approved details and once formed shall be permanently retained thereafter in accordance with the approved maintenance scheme. The submission shall include:

- a) Drainage statement - this must include a drawing indicating drainage proposals for the whole site, including sizing calculations and construction details of the proposed soakaways prepared in accordance with BRE Digest 365, with consideration made to the location of the soakaways to ensure a minimum distance of 5m from any building foundations or boundaries.
- b) A statement on how future maintenance of the proposed drainage system will be performed and confirmation of who will be responsible;
- c) Confirmation that any existing site or field drainage will be located and suitably altered, if indeed disturbed.

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

11.2 Reason for Decision

01. The planning authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The development is considered to form an appropriate addition to Banchory on the edge of the settlement and is not considered to result in any adverse landscape, visual or amenity impacts. The proposal is therefore considered to comply with all relevant policies and the requirements of the settlement statement as contained within the Aberdeenshire Local Development Plan (2017).

For noting:-

Part 2C (Planning Delegations) states at Section C.3.2b for Local Development, that following consultation with the Chair and Vice-Chair of the determining Committee, the Head of Planning and Environment Service can refuse planning applications for which Section 75 Agreements are not completed or Developer Obligations are not paid within four months from the date of the Committee at which the application is determined. Local Ward Members shall be notified of any such refusal.

Please note that this power may be exercised in respect of the application which is the subject of this report if the application is approved by the Committee.

(B) Reference Number APP/2021/0736 - Approval of Matters Specified in Conditions for Condition 1 a) (Layout and Siting), b) (External Appearance and Materials), c) (Landscaping and Tree Protection Plan), d) (Levels and Cross Sections), e) (Disposal of Foul and Surface Water), f) (Access, Parking/Vehicle Turning Area), g) (Pedestrian Routes) of Previously Approved Planning Permission in Principle APP/2017/1919 Erection of 5 Dwellinghouses at Land West of Raemoir Road, Banchory, Aberdeenshire

Applicant: Forbes Homes Ltd, Land West of Raemoir Road,
Banchory, Aberdeenshire
Agent: THE Architecture + Planning, 24 North Silver Street,
Aberdeen, AB10 1RL

There had been circulated a report dated 10 May, 2021 by the Director of Infrastructure Services, which sought consideration of an application for approval of Matters Specified in Conditions (MSC) relating to planning permission in principle (PPP) APP/2017/1919, which had been referred to the Committee as there had been valid objections from six or more individuals or bodies with separate postal addresses or premises.

The Chair intimated that two requests to speak had been received and the Committee **agreed** to hear from the applicant's agent and an objector, and they were brought in to join the meeting at this point.

The Senior Planner (N Mair) reported on the application, confirmed that the application was identical to an application previously submitted in 2020, which was presented to the Marr Area Committee on 9 March 2021, and was refused on the

basis of road safety concerns regarding the pinch point access to the site being unsafe, contrary to Policy PR1 Providing suitable services. He advised that the new application aimed to provide additional information in the form of a swept path analysis, to address safety concerns raised previously by the Committee. He concluded by advising that the principle of development for 5 dwellings on the site had already been established, and in the opinion of the Planning Service the proposal was acceptable in terms of design, siting and layout, landscaping proposals and materials, and the Planning Service consider that sufficient information had been submitted to fulfil the requirements of the conditions of the original Planning Permission in Principle consent, and the Matters Specified in Conditions proposals were therefore acceptable, and the application was therefore recommended for approval.

In accordance with Standing Order 2.1.2 of the Scheme of Governance, the Committee **agreed** to Suspend Standing Orders in order to continue the meeting beyond 1.00pm.

The Committee then heard from Mr D Harrington, agent for the applicant, in support of the application, who confirmed that the application had been resubmitted and to address the concerns of the Committee on 9 March, 2021 a swept path analysis had been provided, which showed that the site could be accessed by both refuse vehicles and fire services, the area of shared surface was in line with common traffic calming features and pedestrians and cyclists would be visible on entry and exit from the site. The road had been designed to comply with Council policy and meets the requirements of Policy RD1. The design of the narrowing of the entrance provides priority over a defined area for pedestrians. The applicant has committed to a Roads construction consent process. The ecological survey had been refreshed to ensure that there had been no change in circumstances, and a drainage scheme had been designed with a connection to be provided to the public sewage and surface water network and conditions require that the drainage must be installed prior to the occupation of the dwellings. He concluded by asking the Committee to support the application.

Mr Harrington responded to questions from Members and confirmed that he felt he had been given a fair hearing.

The Committee then heard from Dr M McCrone, who advised that he was the owner of Corrennie, the house to the east of the development, and he had addressed the Committee at the previous meeting when the application was refused, due to unsafe access and the Committee also had significant concerns regarding the drainage and other aspects of the application. He reminded Members that this was a fresh application and he advised that the proposal to route the drainage from the development through his front garden was of extreme concern. Outline planning permission was granted on the basis of drainage being routed along the private road to the north of Corrennie, and it would have been expected that this route would have been maintained at the detailed planning permission stage. However, this was not the case and the applicant was now insistent on routing the sewer through the front garden of Corrennie, stating that the original route along the private road to the north was unviable. Dr McCrone had commissioned his own expert drainage engineer report which showed that going through his garden was not a viable option

and it would seriously impact on the trees of Corrennie and a neighbouring property, as well as sterilising a strip of ground at least 6 metres wide by over 70 metres in length, in effect completely destroying the front garden of Corrennie. Scottish Water had concurred with this view and would expect drainage to be laid elsewhere. He advised that the Planners report stated that the developer must show that there is a viable route for surface and foul water drainage, and requires to be in place prior to planning permission being granted. He considered that the developer had not fulfilled this condition, as full details had not been provided to allow the Committee to conclude that an appropriate solution exists and no assessment of the environmental impacts of any proposed solution have been made, and for all these reasons the application should be refused. He also questioned the ground in the ownership of the developer in respect of the access point to the site, and therefore the accuracy of the information that had been provided to the Planning service within the application. He considered that the previous refusal based on an unsafe access was well founded and suggested that the application should again be refused. He concluded by asking if the Committee was still minded to grant permission, despite the numerous concerns of residents in the area, that a condition should be imposed ensuring that any agreed drainage route is in place prior to any commencement of any development on the site, not just prior to the occupation of the properties.

Dr McCrone responded to questions from Members and thereafter confirmed that he felt he had been given a fair hearing, other than re-iterating that this was a fresh application and has to comply with all the appropriate clauses of the outline planning permission previously accepted by the Committee.

Councillor Gibb moved, seconded by Councillor Ross that the Committee should defer consideration of the application for a site visit.

As an amendment, Councillor Petrie, seconded by Councillor Argyle, moved that the Committee should not defer for a site visit and should proceed to determine the application.

Members of the Committee voted:

For the motion (2) Councillors Gibb and Ross.

For the amendment (7) Councillors Argyle, Bruce, Durno, Ingleby, Latham, Petrie and Withey.

The amendment was carried and the Committee **agreed** to not defer for a site visit and to proceed to determine the application.

Following further consideration of the application, Councillor Gibb moved, seconded by Councillor Ross, that the Committee REFUSE the application, based on it failing to comply with Policy RD1 of the Aberdeenshire Local Development Plan 2017, as the pinch point of access does not demonstrate safe access for pedestrians and cyclists.

As an amendment, Councillor Petrie, seconded by Councillor Withey, moved that the Committee GRANT Matters Specified in Conditions, subject to the conditions contained in the report.

Members of the Committee voted:

For the motion (2) Councillors Gibb and Ross.

For the amendment (7) Councillors Argyle, Bruce, Durno, Ingleby, Latham, Petrie and Withey.

The amendment was carried and the Committee **agreed** to:

GRANT approval of Matters Specified in Conditions, subject to the following condition:-

01. No dwellinghouse hereby approved shall be occupied unless the proposed foul and surface water drainage system has been provided in accordance with the approved plans and Drainage Report carried out by Fairhurst updated in February 2021, unless otherwise agreed with the Planning Service. The foul and surface water 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.

11.2 Reason for Decision

01. The planning authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The proposal meets the requirements of the conditions detailed in the description of development and complies with all relevant policies of the Aberdeenshire Local Development (2017).

In terms of Paragraph 5.2.6 of Part 1 of the Scheme of Governance, Councillor Ross requested that her dissent be recorded, with regard to the foregoing decision.

(C) ENQ/2021/0466 Consultation Request from Moray Council – Garbet Wind Farm, 5.5km south east of Dufftown, Moray (Aberdeenshire Marr Border)

There had been submitted a report dated 12 May, 2021 by the Director of Infrastructure Services, which sought the views of the Committee, for submission to the Infrastructure Services Committee, on a consultation request from Moray Council for a proposed development at Garbet Wind Farm, 5.5km south east of Dufftown, Moray, seeking full planning permission for the installation an operation of a wind farm comprising 7 turbines (up to 190m tall to blade tip) with a generating capacity of up to 46.2MW, an electricity storage facility with a maximum capacity of 3MW and associated infrastructure located within the Moray Council area.

The Senior Planner (S Murison) introduced the report and confirmed that due to the location of the application adjacent to and immediately outwith the Aberdeenshire boundary, Aberdeenshire Council had been consulted on the planning application by Moray Council. He indicated that the Planning Service had sought comments from a number of consultees to provide some assessment of the proposal as it might affect Aberdeenshire's interests and highlighted a number of issues which had been raised in relation to environmental risks, potential impacts upon an A Listed building, landscape and visual impact issues and concerns around potential archaeological impacts.

He highlighted the concerns with regard to the extent and nature of potential impacts upon Aberdeenshire, notably from a landscape and visual impact perspective. The proposed development would be visually significant in that 190m high wind turbines have the potential to be seen in clear weather conditions over notable distances and seven of the structures would have a direct visual effect on observers in this part of Aberdeenshire and would directly influence the perceived landscape character of the area concerned.

After consideration, the Committee **agreed:**

1. To note the contents of the report;
2. To provide the following comments to Infrastructure Services Committee on the proposed development (Moray ref. 21/00020/EIA) –
 - (a) To express concerns regarding the cumulative impact of the development, which would add to and intensify the existing effects on the area, from a landscape and visual impact perspective;
 - (b) To support the concerns raised in the officer report, which highlighted an anticipated significant landscape and visual impact and concerns regarding the suitability of the Cultural Heritage and Archaeology Assessment; and
3. To request that Aberdeenshire Council be consulted on any relevant additional information or addendums to the Environmental Impact Assessment Report or further appeal processes if relevant in order that the Council can fully consider any changes to the proposal and assess impacts upon Aberdeenshire.