

FORMARTINE AREA COMMITTEE

TUESDAY 8 JUNE 2021

Present: Councillors I Davidson (Chair), A Duncan, A Forsyth, J Gifford, A Hassan, P Johnston, A Kloppert, L McAllister, G Owen, E.A. Stirling, and I Taylor

Officers:- E Brown (Formartine Area Manager), J McRobbie (Area Committee Officer), A Gibbs (Acting Principal Solicitor), A Ramsay (Senior Planner), R McGregor, (Strategic Transport Officer), G Steel, (Roads Development and Transportation Principal Engineer), and L Gravener, (Strategic Policy Leader).

1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked Members if they had any interests to declare in terms of the Councillor's Code of Conduct.

Councillor Johnston declared an interest in Item 8, Aberdeenshire Council [Ingleside & B999, Pitmedden](Redetermination of Means of Exercise of Public Right of Passage) Order 2021, by virtue of being a Trustee of an organisation which may own some of the neighbouring land to the location, but indicated that, having applied the objective test, the interest was not clear and substantive and that he would remain and participate in the discussion.

2. RESOLUTION - EQUALITIES

The Committee **agreed**, in terms of Section 149 of the Equality Act, 2010:-

1. to have regard to the need to:-
 - (i) eliminate discrimination, harassment, and victimisation;
 - (ii) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (iii) foster good relations between those who share a protected characteristic and persons who do not share it.

3. MINUTE OF MEETING OF 18 May, 2021

There had been circulated the Minute of Meeting of 18 May 2021. It was **agreed** to approve the Minute as a correct record, subject to (a) the amendment of Item 1, Declaration of Interests, second paragraph to read "interest by reason of being a neighbour to the applicant"; and (b) the amendment of Item 8, the Formartine Area Plan, second paragraph to with the insertion of a comma between "course" and "it was reported" and a full stop after the word "supported".

4. LOCAL REVIEW BODY DECISION NOTICES

A. LRB 503 – APP/2020/0747– Site to the Rear of 11 High Street, Cuminestown, Turriff

There had been circulated and was **noted** a report by the Director of Infrastructure Services, indicating that the Local Review Body, at its meeting on 30 April, 2021 had determined to Refuse Full Planning Permission, in line with officer recommendations, for the erection of a dwelling house on a site to the rear of 11 High Street, Cuminestown, Turriff.

The salient points to be acknowledged by the Committee and the Service had been outlined within the information provided to the Members.

B. LRB 506 – APP/2020/1376 – Site at Slateheugh, Fyvie

There had been circulated and was **noted** a report by the Director of Infrastructure Services, indicating that the Local Review Body, at its meeting on 25 March, 2021 had determined, in line with officer recommendations, to Refuse Planning Permission in Principle for the erection of a dwelling house and garage on a site at Slateheugh, Fyvie.

The salient points to be acknowledged by the Committee and the Service had been outlined within the information provided to the Members.

C. LRB 506 – APP/2020/0730 – Land to the North West of Beechfield, Bridgend Terrace, Turriff

There had been circulated and was **noted** a report by the Director of Infrastructure Services, indicating that the Local Review Body, at its meeting on 25 March, 2021 had determined, in line with officer recommendations, to Refuse Full Planning Permission for the Erection of a Dwellinghouse and 2 Holiday Cottages on Land to the North West of Beechfield, Bridgend Terrace, Turriff.

The salient points to be acknowledged by the Committee and the Service had been outlined within the information provided to the Members.

5. PLANNING APPEAL NOTICE - FORMER PUBLIC CONVENIENCE, DUFF STREET, TURRIFF

There had been circulated a report by the Director of Infrastructure Services indicating a decision by the Scottish Government Reporter to allow an appeal and Grant Full Planning Permission for the Change of Use to Hot Food Take Away at the former public convenience, Duff Street, Turriff.

There was discussion of the processes undertaken by the Reporter and in particular the timings of his assessment of potential impacts on amenity and road safety. The Committee noted that, when weighing up material considerations, taking into account local concerns about amenity, for example, and when giving reasons for its decisions, this required to be robust and perhaps evidence led.

The salient points to be acknowledged by the Committee and the Service had been outlined within the information provided to the Members.

Thereafter, the Committee **agreed** to note the terms of the Appeal Notice and the Grant of Full Planning Permission by the Reporter.

6. DRAFT ENGAGEMENT AND PARTICIPATION POLICY 2021

There had been circulated a report dated 5 May, 2021 by the Director of Business Services, requesting Members' consideration of a draft engagement and participation policy.

Having noted that the Equalities Impact Assessment (EIA) incorrectly stated "gender" as one of the protected characteristics, where it should have said "sex", the Committee heard further from the Strategic Policy Leader as to the intention behind the policy revision, its context, and guidance which was to be developed to support the proposed policy.

There was discussion of the contents and the language used in the draft Policy and the Committee **agreed** that the undernoted comments be returned to the Business Services Committee:-

- (1) In respect of the policy itself,
 - (a) That a fundamental and radical approach is required;
 - (b) That the title needs to be reversed: Participation is necessary before engagement;
 - (c) Concerns that assurances that certain actions will be taken will depend on information being contained in the supporting Guidance – e.g., how to work with children and young people/ the elderly/ other hard to reach groups;
 - (d) That the guidance should set out examples of poor practice as case studies as well as good so that lessons can be learned;
 - (e) Concerns about the suggested length of the guidance: principles should be embedded in service approaches;
 - (f) That the policy be assessed by an external expert, and benchmarked with other authorities;
 - (g) To emphasise the need to provide feedback on the acceptance of, or explain the reasons why the Council is not able to pursue, certain courses of action, community will as identified via participation and engagement exercises;
 - (h) To be aware that consultation can become devalued if nothing is done with the output, or demonstration it has been considered;
 - (i) To recommend that the established processes and structures in Area Manager/ Area Office be used as the foundation and conduit for participation and engagement: there are already local area plans, local Community Impact Assessments, local Community Planning, and Place Standard information;
 - (j) Communities should be involved in considering, at the earliest opportunity, proposals shaped in cognisance of area views as expressed already in the above, not just driven by officer scenarios;
 - (k) Engagement should be coordinated with partners to maximise opportunities and avoid participation fatigue;

- (l) Processes should be sped up to ensure that consultation outputs are still relevant by the time of action;
 - (m) Co-decision making should be maximised;
 - (n) There is a need to establish how to monitor the effective and proper use of the policy: Counting the numbers of persons participating in a consultation is no guarantee of proper engagement, or that a policy is working;
 - (o) The focus should be on actions which the Council takes in response to community involvement: engagement needs to have results;
 - (p) There is a need to be cautious that some engagement benefits those who speak loudest and most;
 - (q) The document needs to reference the planning consultation process;
 - (r) That the language used in the policy needs to be reconsidered;
 - (s) That consideration should be given on how the Council can ensure that more people are able to influence decision-making;
 - (t) That assurance is required that the engagement methods are both accessible and broad ranging; and
 - (u) To suggest that engagement can be more inclusive and fun in the digital age; and
- (2) In respect of the document as presented:
- (a) That the cover image does not seem to immediately suggest community engagement;
 - (b) Page 54, Section 3.2: requires to be reworded to clarify the intention;
 - (c) Page 55: that the “we will implement” be removed as a hostage to fortune;
 - (d) Page 56: Needs to be expanded to include planning processes amongst the Community engagement at all levels which are cited;
 - (e) Page 63: the range of methods needed to ensure community engagement should stress the intent to utilise all mediums and maximise accessibility; and
 - (f) Page 64: the garnering of response only from those of a higher socio-economic status needs to be rectified and addressed whenever possible

7. AREA COMMITTEE BUDGET 2021-2022 – APPLICATION FOR FUNDING

With reference to the Minute of Meeting of 27 April, 2021 (Item 9), there had been circulated a report dated 21 May, 2021 by the Director of Business Services requesting Members’ consideration of an application for Area Grant funding from Methlick Community Council toward the construction and installation of a multi-use games area (MUGA) in Methlick.

The Committee **agreed** to award Methlick Community Council a grant of £10,000 towards the project.

8. ABERDEENSHIRE COUNCIL [INGLESIDE & B999, PITMEDDEN](REDETERMINATION OF MEANS OF EXERCISE OF PUBLIC RIGHT OF PASSAGE) ORDER 2021

There had been circulated a report dated 31 May, 2021, by the Director of Infrastructure Services, requesting that Members authorise the commencement of

the statutory consultation process relating to the redetermination of the Ingleside and B999 junction in Pitmedden.

The Chair reminded Members that whilst they might recall the planning application to which the proposed Roads Order related, the Area Committee was convened today as the Roads Authority, requiring the proposal and its recommendations to be looked afresh and impartially. The Committee's role was distinct from its role as Planning Authority, where it had to determine compliance with separate planning policy considerations. As Roads Authority, it was being asked to consider and authorise statutory procedures relating to the proposed Order.

The Chair indicated that a request to speak on the matter had been received and it was **agreed** to hear Mr. Colin Duncan on behalf of the community.

Members heard from officers the history and context of the proposed Order, being promoted by the Council as Roads Authority on behalf of a developer to enable the planning conditions relating to Site OP2, Bonnyton Farm, Pitmedden, granted on appeal, by the Scottish Government Reporter. The Acting Principal Solicitor clarified that, if the formal consultation was approved, the proposed Roads Order would be notified locally and nationally with a set period of time given for people to lodge objections. These would be considered by the Council's Transportation Service, and, as part of that process the Service would seek to address any objections received. If there were unresolved objections, the matter would go to the Scottish Ministers to determine. After the initiation of the public consultation the Council could decide to abandon the process of making the Order, if the objections warranted that course of action, and in terms of internal governance procedures, the Area Committee could also ask for the matter to be returned for its further consideration once the consultation period had expired, rather than delegate authority to officers to grant the Order or remit it to Scottish Ministers.

Members questioned the historical reasons for the original stopping up of the Ingleside and B999 access; safety issues which might arise if the works were approved; of the independently audited assessments which verified the safety of the proposal; and that the effect of the order was the changing of a stopped-up carriageway, currently accessible to pedestrians and cyclists, to full carriageway status.

The Committee heard from Mr. Duncan of the community's concerns that the process sounded like a *fait accompli*; of his disappointment that the original records for the closure of the road, as he understood it, on grounds of road safety, were no longer accessible; of his surprise that the policy requirement for settlements over 100 properties to have 2 access points had not been considered when the current scale of settlement was over 100 with a single access point; of anxiety in the community as to where any traffic mitigation, including pelican crossings, might be located effectively; that the proposed realignment and redirection would impose on a piece of land considered for the potential expansion of a car park; concerns on the agreed visibility splay and the ability for vehicles exiting the junction and encountering traffic coming north from Oldmeldrum; and the need for large vehicles such as refuse collection and delivery vehicles to cross the centre line of a carriageway which was the main route to the village primary school. He urged the Committee to refuse the commencement of formal consultation in support of the proposed Road Order.

There were no questions for Mr. Duncan and the Chair, on behalf of the Committee thanked Mr. Duncan for his contribution, and received confirmation that Mr. Duncan felt he had had a fair hearing.

There was further discussion of the matter, including the proposed mitigations, the timetable for implementation of safety measures which would require to be in place before any reopening would be enacted; the ability to allow the works without further parking orders to restrict parking; and the grounds on which the Area Committee could not authorise the consultation of the proposed Order.

There was consideration as to whether a site visit would increase the information available to assist Members in making their decision.

By roll call, there voted,

In favour of a site visit: (5)	Councillors Forsyth, Hassan, Johnston, Kloppert, and McAllister;
Against a site visit: (5)	Councillors Davidson, Duncan, Gifford, Stirling, and Taylor;
Absent from the division: (1)	Councillor Owen.

There being an equality of votes cast, the Chair used her casting vote and the Committee **agreed** that no site visit would be held.

Following due consideration of the proposal, the information available to it and having had to regard to Members' local knowledge, the Committee **agreed** to not authorise the commencement of the statutory procedure for the making of the Aberdeenshire Council, Ingleside & B999, Pitmedden (Redetermination of Means of Exercise of Public Right of Passage) Order 2021, as detailed in Appendix 1 and 2 of the report; on grounds of safety, as the proposal would have implications for an already busy part of the town, with a carpark, school, and shop in close proximity to the junction and its re-opening would exacerbate existing road safety problems in this part of Pitmedden.

9. STATEMENT OF OUTSTANDING BUSINESS

There had been circulated a report dated 26 May, 2021 by the Formartine Area Manager, updating on matters which had previously been discussed by the Committee but remained to be resolved.

The Committee heard further from the Area Manager in respect of Item 4, Roads, Bridges, Landscape, Flooding Works Programmes 2020-2021, (a) that the requested briefing on the prioritisation and use of funding had been closed, by the Committee's approval of the 2021-2022 workplan at its meeting on 18 May, 2021, and (b) that the requested consideration on the prioritisation of strategic bridges work have been overtaken by the approval, following consideration at Area Committee in 23 March 2021 and Infrastructure Services Committee in 13 May, 2021 of a policy for prioritisation.

The Committee **agreed**:-

- (1) To remove Item 4 from the Statement of Outstanding Business; and
- (2) To note, in all other respects, the terms of the report.