

ABERDEENSHIRE COUNCIL

BUCHAN AREA COMMITTEE

VIA SKYPE – 22ND JUNE 2021

Present: Councillors N Smith (Chair), D Beagrie (Vice Chair), A Allan, A Buchan, M Buchan, S Calder, A Fakley J Ingram, A Simpson, S Smith and I Sutherland

Officers: Amanda Roe, Buchan Area Manager (Business Services); Amanda de Candia, Solicitor (Business Services); Sally Wood, Senior Planner (Infrastructure Services); Maxine Booth, Quality Improvement Manager (Education and Children’s Services); Rachael Goldring, Learning Estates Team Leader (Education and Children’s Services); John MacLeod, Project Manager (Infrastructure Services); Neil Shirran, Project Co-ordinator (Infrastructure Services); Clarke Dalziel, Affordable Housing Officer (Infrastructure Services); and Theresa Wood, Area Committee Officer (Business Services)

**PRIDE OF BUCHAN AWARD NOMINATION –
JANICE MUTCH (MUTCH4LESS)**

The Chairman invited Councillor Ingram to put forward his nomination for a Pride of Buchan Award –

“I’m pleased and privileged to propose a Pride of Buchan award to Janice Mutch who uses the title Mutch4Less. This is a lady who lives in Stuartfield and over the past number of years has done a great deal of service to the community by raising money and donating to various charities. I believe she has raised the total of about £50,000 over the last 8-10 years and the list of charities that benefited from her efforts are endless . I think she is a shining example to many, and I think she is a person that would warrant and appreciate a Pride of Buchan Award, should that be the wish of the Committee”.

The Committee unanimously **agreed** that Janice Mutch be presented with a Pride of Buchan Award.

1. DECLARATIONS OF MEMBERS' INTEREST

The Chairman asked Members if they had any interests to declare in terms of the Councillors Code of Conduct –

- (1) Councillor I Sutherland for Item 10 by virtue of the Apex Church (Application 1) having made an application for grant funding and his son being a Pastor at Apex Church. In having a clear interest, Councillor Sutherland advised that he would leave the meeting and take no part in the discussion of Application 1, and
- (2) Councillor D Beagrie for Item 10 by virtue of having provided a letter of support for the Apex Church (Application 1) and in being a Feuars Manager and an application for grant funding having been submitted by the Buchanhaven Harbour Group (Application 8). In having a clear interest, Councillor Beagrie advised that she would leave the meeting and take no part in the discussion of Applications 1 and 8

2(a) STATEMENT ON EQUALITIES

In making decisions on the following items of business, the Committee **noted** the requirement, in terms of Section 149 of the Equality Act, 2010 –

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

2(b) RESOLUTION

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

Item No	Paragraph No of Schedule 7A
11	8
12	8
13	8

3. DRAFT MINUTE OF 1ST JUNE 2021

The Draft Minute of the Meeting of 1st June 2021 had been circulated and was **approved**.

4. NEW PLANNING APPLICATIONS

The Committee had before them reports by the Director of Infrastructure Services on planning applications for determination in terms of the Town and Country Planning (Scotland) Acts 1972 and 1997 and **agreed** to dispose of the applications as detailed in Appendix A attached to this Minute.

- (a) APP/2020/1745 Planning Permission in Principle for Erection of Dwellinghouse at Land at Bogs of Durie, Clola, Mintlaw
- (b) APP/2021/0133 Planning Permission in Principle for Erection of Dwellinghouse at Site adjacent to Mains of Park, Lonmay

5. MERGER OF DALES PARK AND MEETHILL SCHOOLS

A report by the Director of Education and Children's Services had been circulated asking that the Committee consider the consultation responses regarding the proposed merger of Dales Park and Meethill Schools into a new school at Peterhead Community Campus.

Following a lengthy discussion, the Committee **agreed** to put forward the following comments to the Education and Children's Services Committee:-

- (1) in relation to Meethill School, Members had differing views and did not come to a consensus, however, the following comments were put forward –
 - (a) that the current Meethill School be retained on site and not merged with Dales Park School and should not become part of Peterhead Community Campus for the following reasons (i) having listened to the views submitted by the parents and carers in response to the public consultation exercise, (ii) having noted the concerns raised in relation to road safety issues, including the distance and (iii) having noted the strong opposition to the merger and relocation given the current leadership and culture of Meethill School and that the school is “the heart of the community,
 - (b) we should listen to the local community and reject the proposal to close Meethill School and merge with Dales Park School at the new Community Campus, and reject recommendation 2.2 to continue to engage with the stakeholders of Meethill School regarding road safety and safe walking routes to school, for the following reasons (i) having taken note of the responses received to the consultations in that overwhelmingly it is the wish of the Meethill community that the amalgamation of the two schools should not take place given the increased travel distance, road safety concerns, the size of the new

campus will make it large and impersonal, children of different ages being together, staff being unwilling to teach in such a large environment, the loss of the sense of community currently provided at Meethill School, and concerns raised regarding the future use of the building and grounds should the school be vacated, and (ii) large schools do not always make for better schools

- (c) in commending the excellent report, concerns raised in relation to road safety and safe walking routes to school were noted, and the question was raised whether further consideration could be given to providing transportation for pupils in Primaries 1-3 who are not otherwise entitled to free transport,
 - (d) prior to the 'Save our School' Campaign, there was a sizable minority in favour of the proposal, and therefore, should the merge and relocation take place, it may be that some parents/carers will opt to request that their child(ren) attend the new Community Campus and not remain at Meethill School, putting capacity pressure on the new Campus,
 - (e) the educational experience for each child must remain the paramount priority in considering this proposal,
 - (f) whilst noting the schools' concerns, it was also noted this may be a one in a lifetime opportunity for Meethill to have a new build school, and consideration should be given to any negative results for Meethill pupils further down the line,
 - (g) in noting that Education Scotland accepts the proposal will let the Council make best use of its resources in terms of 'best value'; to highlight that difficult decisions have to be made, whilst they are affected by the views of the community, the wider picture is the regeneration of Peterhead, and the huge financial investment this represents. The mixed views are noted but the positive ones may have got lost and it is disappointing that more positive messages have not come through from the community, and
 - (h) to request that consideration be given to making an approach to Scottish Futures Trust to clarify if by removing Meethill from the proposal will have a negative impact on the delivery of the Community Campus project in terms of funding or the proposed timeline, and that any response be made available to the Buchan Area Committee Members for information
- (2) in relation to Dales Park School, that the Committee, as a whole, is happy with the proposals as put forward

At this point in the meeting the Chairman had to leave and gave his apologies. The Vice Chair took the Chair.

6. RELOCATION OF ANNA RITCHIE SCHOOL WITHIN PETERHEAD COMMUNITY CAMPUS

A report by the Director of Education and Children's Services had been circulated asking the Committee to consider the consultation responses regarding the relocation of Anna Ritchie School within Peterhead Community Campus.

The Committee **agreed**, having considered the formal consultation report, to provide the following comment to the Education and Children's Services Committee on 26th August 2021 –

That the Buchan Area Committee supports the recommendation to replace Anna Ritchie School discontinuing Additional Support Needs specialist education at its current location from August 2025, with replacement provision to be provided at the new Peterhead Community Campus from that date.

The Committee further **agreed** to request that the Area Manager, in consultation with Education Officers, arrange a visit to the Inverurie Campus for Buchan Area Members when appropriate, and that the option to visit the Inverurie Campus be extended to the parents/carers of pupils who attend Anna Ritchie School when appropriate.

7. TAXI AND PRIVATE HIRE CAR LICENSING REVIEW OF ADVERTISEMENT POLICY

A report by the Director of Business Services had been circulated advising the Committee on the review of the Council's Advertisement Policy for Taxi and Private Hire Cars, and seeking the views of the Area Committee on the draft policy contained within the appendix attached to the report.

The Committee **agreed** to support the proposed Policy on Taxi and Private Hire Advertising but to highlight that there is an environmental impact in not permitting magnetic advertisements as these are reusable and can be used seasonally.

8. BUCHAN AREA PLAN

A report by the Director of Business Services had been circulated to present the updated Buchan Area Plan; detailing the actions services will take in support of delivering the Strategic Priorities that are set out in the Council Plan 2020-22 and the Service Priorities which are set out in the Directorate Plans.

The Committee **agreed:-**

- (1) having acknowledged the updates to the Plan, to request –
 - (a) more outcomes in relation to Live Life Well priorities, and
 - (b) that where it states ‘text below will be integrated into visual diagram’ to request that Officers ensure these are populated prior to publication of the Plan
- (2) to request that an informal briefing on Life Live Aberdeenshire be scheduled for Buchan Members, to include an update on staff appointments,
- (3) to receive a briefing on the performance management arrangements following the consideration of the Aberdeenshire Performance Management Framework 2021 by Aberdeenshire Council, and
- (4) to receive a further update on the delivery of the Area Plan and an updated Action Plan no later than 5th October 2021

9. BUCHAN ANNUAL SCRUTINY REPORT 2020/2021

A report by the Director of Business Services had been circulated providing the Committee with an annual report outlining its scrutiny activity for 2020/2021.

The Committee **agreed:-**

- (1) to request that the following be considered for future inclusion –
 - (a) planning applications, and
 - (b) Community Council Forums
- (2) to welcome the introduction of an Outstanding Business List, and
- (3) to request that informal business details where external partners and community groups have also been involved

10. AREA COMMITTEE BUDGET 2021/2022 – AREA COMMITTEE GRANT SCHEME

A report by the Director of Business Services had been circulated asking the Committee to approve the allocation of the Area Committee Grant Scheme amounting to £61,500.

The Committee **agreed**:-

(1) to approve the following allocations –

Buchanhaven Heritage Group - £4,337
Longside Football Club - £4,500,
St Fergus Football Club - £5,000,
Strichen Community Park - £4,950,
New Deer Heritage Group - £2,403,
Kemp Hall Management Committee - £5,000,
Buchanhaven Harbour - £3,240,
Maud Railway Museum - £1,233,
Hatton Pitches - £2,500,
Mintlaw Menshed - £5,000,
Peterhead Civic Pride – £232, and
Boddam Community Council - £4,150 - on the proviso that the Community Council and Area Managers Office work together to establish (a) ownership of the hut and land, and (b) a 'Friends' group to develop the project

(2) in respect of the application from the Apex Church –

Councillor S Smith moved as a motion, seconded by Councillor Fakley, that the award of £5,000 be approved subject to all other funding being in place by September 2021 to ensure that the group can deliver the project by March 2022

As an amendment, Councillor Simpson, seconded by Councillor Ingram, moved that no award be made to the Apex Church on the basis that their accounts show that they hold a healthy balance of funds

For the motion (2) Councillors Fakley and S Smith

For the amendment (6) Councillors Allan, A Buchan, M Buchan, Calder, Ingram and Simpson

The amendment was therefore carried that no award be made to the Apex Church on the basis that their accounts show that they hold a healthy balance of funds

(3) the arrangements for a further call for applications to the Grant Scheme to be reported to the Buchan Area Committee on 5th October 2021

The Committee **agreed** to Suspend Standing Order 2.1.2 to allow the Committee to continue beyond 1pm.

**11. 18025 – PETERHEAD COMMUNITY CAMPUS –
DESIGN TEAM & CONSTRUCTION PARTNER –
PROCUREMENT APPROVAL FORM & DIRECTORATE SUPPLEMENTARY
PROCUREMENT PLAN**

A report by the Director of Business Services had been circulated relating to the next stage of the proposed Peterhead Community Campus project, and asking that the Committee approve the appended Procurement Approval Form (PAF) and updated Directorate Supplementary Procurement Plan.

The representing Officer apologised for the error at paragraph 2 which should read 'Buchan Area Committee is requested to'.

The Committee **agreed**:-

- (1) to approve the Procurement Approval Form attached as Appendix 1 to the report, and
- (2) to approve the Directorate Supplementary Procurement Plan, as detailed in Appendix 2 to the report, and note that these items will be added to the Directorate Procurement Plan as approved by Education and Children's Services Committee on 18th March 2021

**12. SUPPLEMENTARY DIRECTORATE PROCUREMENT PLAN –
PROCUREMENT APPROVAL**

A report by the Director of Business Services had been circulated seeking approval for amendment to the items brought to the Infrastructure Services Committee in respect of the increased Aden Rural Tourism Infrastructure Project scope and costs. This had followed-on from the successful funding application to the Visit Scotland Rural Tourism Infrastructure Fund.

The Committee **agreed**:-

- (1) to approve the items on the Supplementary Aden RTIF Project Procurement Plan and note that these items will be added to the Directorate Procurement Plan that was approved by the Buchan Area Committee,
- (2) not to reserve approval of the Procurement Approval Form,
- (3) to note that the Committee will receive the Procurement Approval Form for approval for any item on the Procurement Plan which is within the Committee's remit and the value of the matter is over £1,000,000,
- (4) to acknowledge the change in scope for the works at Aden Country Park and the increased project cost as detailed, and
- (5) not to reserve the award of the final contracts but that the Head of Infrastructure Services has the delegated powers to award the final contracts

13. SUPPLEMENTARY HOUSING AND BUILDING STANDARDS PROCUREMENT PLAN – PROCUREMENT APPROVAL FOR A NEW AFFORDABLE HOUSING PROJECT AT NEWLANDS ROAD, MINTLAW

A report by the Director of Infrastructure Services had been circulated seeking approval to add a supplementary item to the Housing and Building Standards Procurement Plan, as well as approval of the corresponding Procurement Approval Form, in respect of the procurement of works, goods and services, to deliver 73 social rented properties in Mintlaw.

The Committee **agreed**:-

- (1) to welcome the report and congratulate those involved in progressing the project forward,
- (2) to approve the item on the Supplementary Procurement Plan as detailed in Appendix 1 attached to the report and note that this item will be added to the Housing and Building Standards Procurement Plan approved by Communities Committee on 18th February 2021,
- (3) to approve the Procurement Approval Form attached as Appendix 3 to the report,
- (4) the land purchase cost as detailed as part of the project cost and instruct the Head of Legal and Governance, following consultation with Head of Housing, to conclude missives for the purchase of the land itemised in Appendix 3 attached to the report, and (5) not to reserve the award of the final contract but that the Head of Housing has the delegated powers to award the final contract

APPENDIX A

NEW PLANNING APPLICATIONS

4(a) **Planning Permission in Principle for Erection of Dwellinghouse at Land at Bogs of Durie, Clola, Mintlaw**

For: Harry Emslie Farmers, Brae of Coynach, Stuartfield

Per: Arcus Design Ltd, Mavisbank, Old Deer, Peterhead

Reference No: APP/2020/1745

In terms of Standing Order 6.5, the Area Manager had received one request to address the Committee in relation to this application from the Agent, Mr Philip Baxter.

The Committee was asked if they wished to hear the representation. The Committee unanimously **agreed**.

The Committee first heard from the Senior Planner, then heard from Mr Baxter as follows –

“Item 6.4 of the committee report states that two dwellinghouses have been granted as additions to this cluster. These are application references APP/2019/1197 and APP/2017/2141. However the latter application 2141 was not an additional dwelling house but an application to extend the time period of a previous approval APP/2014/4195, which was originally granted in the previous local plan in 2014. So I would not count this approval as an addition to the current local plan. The local plan allows for two additional dwellings to be added every 5 years at Durie and so far only one additional approval has been granted.

As the numbers will not be exceeded I am baffled as to why this application has to be referred to ISC as it is not in conflict with what the local plan sets out to achieve.

Siting and design - with regards item 6.5 of the committee report the proposal would be in keeping with the character of development within the existing cluster of properties. As can be seen from the plans the proposed plot fits in very well with the cluster and its access road is only an extension to the existing adjacent approval APP/2019/1197 which is situated just to the left of this proposal. It is marked as building plot on the Appendix 1 plan. This continuation would allow the development to be served with an access having the required standard of visibility and also reduce any additional traffic passing through the cluster.

With regards item 6.8 I have confirmed to the planning officer that due to the ground conditions in the area being unsuitable for a soakaway we are proposing drainage via a partial soakaway to the burn, similar to the adjacent site. I have asked the planner whether or not he requires an actual failed certificate to back this up but I have not received a response. This can be easily addressed.”

Having considered the detail before him, Councillor Ingram moved as a motion, seconded by Councillor Simpson, that being minded to Grant Planning Permission in Principle subject to the provision of appropriate foul and surface water drainage and relevant planning conditions, that the application be referred to Infrastructure Services Committee for a decision on the grounds that the proposal is an acceptable departure from the Local Development Plan on the basis of suitability of site.

As an amendment, Councillor S Smith, seconded by Councillor Allan, moved that the application be refused for the reasons stated in the report.

The Members of the Committee voted:-

For the motion	(5)	Councillors N Smith, Beagrie, M Buchan, Ingram and Simpson
For the amendment	(5)	Councillors Allan, Calder, Fakley, S Smith and Sutherland
Declined to vote	(1)	Councillor A Buchan

There being an equality of votes, the Chairman exercised his casting vote in favour of the motion and the Committee **agreed** that, being minded to Grant Planning Permission in Principle subject to the provision of appropriate foul and surface water drainage and relevant planning conditions, the application be referred to Infrastructure Services Committee for a decision on the grounds that the proposal is an acceptable departure from the Local Development Plan on the basis of suitability of site.

4(b) Planning Permission in Principle for Erection of Dwellinghouse at Site Adjacent to Mains of Park, Lonmay

For: Mr C Gibbins, per Agent

Per: Baxter Design Company, 1 The Square, Mintlaw

Reference No: APP/2021/0133

In terms of Standing Order 6.5, the Area Manager had received one request to address the Committee in relation to this application from the Agent, Mr Ryan Urquhart.

The Committee was asked if they wished to hear the representation. The Committee unanimously **agreed**.

The Committee first heard from the Senior Planner, then heard from Mr Urquhart as follows –

“We got testing carried out on the existing supply which is over at the farm to the West. It was done on capacity grounds and also for testing the quality which appeared satisfactory in the information that we got.

We had to ask permission from the owner to get infill pumps up there to test it, so the applicants had been speaking to the owner and it was from this understanding that the number of properties was less than what the objection the planners received had said there was, and also that the owner used to have his cattle trough up in the farm there. It is perhaps a bit concerning that an objection has come in saying there are multiple cattle troughs and more properties would be on official lines which means that we would need to investigate this further because we were given that information prior to the meeting.

In terms of the capacity, we were advised by Infill Pumps that a proposal could be put in place for a holding tank to be put on site for this new house which would then serve this new house and off the existing supply for Mains and Park house which is right next door - meaning they could have a shared holding tank that would be of sufficient capacity to allow showers, general laundry use throughout the day, and then they would slowly top up at night off the private water supply line. It wouldn't be the case that in the morning or evening when multiple people are using the private water supply, it wouldn't be drawn directly from that so it would be taken from the holding tank which would slowly fill itself up at night. This would certainly help in a capacity issue if that was a concern of Environmental Health.

There was also mention of another planning approval for a new house nearby. I'm not sure of the exact location that Sally referred to but if it is the house that is to the north of this application site (that was approved by Committee last year). That house actually has details submitted to be on its own private water supply. That was the information I believe that was submitted with a separate application which would be totally standalone by itself.

In terms of the principal development, there was a building before that partially blew down. The roof came off, and it was removed as a health and safety risk. Part of the footing there still remains from the redundant building and we have established that the principal building for the new house built on this site couldn't have fit within the ownership that is indicated by the blue lines in the plan."

Having considered the report and the comments made by the Agent, the Committee **agreed** to Refuse Planning Permission in Principle for the following reasons:-

01. The planning authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017.

The application is in conflict with the Aberdeenshire Local Development Plan 2017, in particular Policy R2 Housing and employment development elsewhere in the countryside, in that the proposed development fails to comply with any of the listed exceptions for development to be supported, including remediation of redundant brownfield opportunities, the site is neither brownfield nor redundant given it is a garden; it is not an addition to a cluster of at least 5 existing dwellinghouses; and it does not involve the replacement of an existing house or disused building as there is no building, and the replacement is not on the same site.

02. The application states that the dwellinghouse would be connected to a private water supply, but no details of this have been submitted. It is noted from the consultation from Environmental Health that it requires justification for not connecting to the public water supply, and if reasoned justification additional details of the private water supply, including details on quality and quantity. The application is contrary to Policy RD1 Providing suitable services as the application fails to demonstrate satisfactorily a suitable water supply to the proposed development.