

ABERDEENSHIRE COUNCIL

KINCARDINE AND MEARN'S AREA COMMITTEE

KINCARDINE AND MEARN'S AREA COMMITTEE

SKYPE MEETING ONLY

**(RECORDING TO BE MADE AVAILABLE TO GENERAL PUBLIC),
TUESDAY 29 JUNE 2021**

Present: Councillors Wendy Agnew (Chair), Ian Mollison (Vice-Chair), Alastair Bews, George Carr, Sarah Dickinson, Jeff Hutchison, Colin Pike, Dennis Robertson.

Apologies: Provost William Howatson, Councillors Alison Evison, Sandy Wallace and Leigh Wilson.

Officers: Bruce Stewart (Area Manager, Kincardine and Mearns), Emma Storey (Area Committee Officer, Kincardine and Mearns), Lauren Cowie (Principal Solicitor, Legal and People), Robert McGregor (Strategic Transport Officer, Transportation), Alasdair MacDonald (Roads Development), Peter MacCallum (Roads Development Manager) and Paul Williamson (Senior Planner).

In Attendance: Brian Hegarty for ESB Asset Development (Item 8A) and Andrew Fido for Savills (Item 8A).

1. DECLARATION OF MEMBERS' INTERESTS

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

Councillor Robertson, item 6 being a member of the Sub Licensing Committee however having applied the objective test concluded that he would remain and take part.

2. STATEMENT ON 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.

- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching its decision.

3. MINUTE OF MEETING OF KINCARDINE AND MEARN'S AREA COMMITTEE OF 8 JUNE 2021

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 8 June 2021.

4. STATEMENT OF OUTSTANDING BUSINESS

A report by the Director of Infrastructure Services had been circulated presenting the outstanding business for Kincardine and Mearns Area Committee as of 29 June 2021.

The Committee **noted** the updates provided for the items on the Statement of Outstanding Business Members and requested with regards to item 1, Traffic Management Review that timescales be provided in the next update along with a site visit. Item 2, Members requested further information with regards to a future Hillside report.

5. KINCARDINE AND MEARN'S SCRUTINY REPORT

A report from the Director of Infrastructure Services was circulated to present to the Committee the annual report outlining scrutiny activity during 2020/21 for the Kincardine and Mearns Area Committee.

The Committee heard from the Area Manager who outlined the report. The Committee considered and **agreed** the report and had no further comments on the activities detailed in the report.

6. REVIEW OF TAXI AND PRIVATE HIRE CAR ADVERTISING POLICY

A report by the Director of Infrastructure 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, however, Councillor Pike wished his comment noted that he did not support any advertising on taxis.

7. ABERDEENSHIRE COUNCIL B979 URYSIDE (REDETERMINATION OF MEANS OF EXERCISE OF PUBLIC RIGHT OF PASSAGE) ORDER 2021

A report from the Director of Infrastructure Services had been circulated to ask the Committee to authorise the commencement of the statutory procedures to promote a Roads Order to redetermine the rights of passage on a road in the Stonehaven area. The Transport Officer introduced the report and outlined the process and sought questions from Members. Members fully discussed the report and queried the process along with access for agricultural vehicles, the sub-standard junction and layout and what would be considered a valid objection. Members heard that if not approved at Area Committee, the process would conclude and that there was no appeal process.

Councillor Hutchison seconded by Councillor Pike **moved** not to commence the Statutory Roads Procedure due to departing from roads standards and the poor visibility splays, and narrowing of the road for agricultural vehicles.

As an amendment Councillor Dickinson seconded by Councillor Robertson **moved** to support Officers recommendation.

For the motion (5) Councillors Agnew, Bews, Carr, Hutchison and Pike.

For the amendment (3) Councillors Dickinson, Mollison and Robertson.

The motion was carried and the Committee **agreed** not to authorise the commencement of the statutory procedure for the making of the Aberdeenshire Council B979 Uryside (Redetermination of Means of Exercise of Public Right of Passage) Order 2021.

APPLICATIONS FOR DETERMINATION

The following planning applications were considered along with any objections and representations received in each case and were dealt with as recorded in the **Appendix A** to this Minute.

Reference Number	Address
(A) APP/2018/0993	Full Planning Permission for Erection of 11 Wind Turbines, Formation of Access Tracks, Hardstandings, Substation, Control Building, Met Mast, Borrow Pit, Associated Infrastructure and Temporary Construction Compound at Craigneil Windfarm, Land to the North and North East of Hillside, Rickarton, Stonehaven
(B) APP/2021/0914	Full Planning Permission for Erection of 3 Dwellinghouses at Land at Nether Cheyne, Fetteresso, Stonehaven

**KINCARDINE AND MEARNS AREA COMMITTEE, 29 JUNE 2021
APPENDIX A**

PLANNING APPLICATIONS FOR DETERMINATION

(A) Reference No: APP/2018/0993

Full Planning Permission for Erection of 11 Wind Turbines, Formation of Access Tracks, Hardstandings, Substation, Control Building, Met Mast, Borrow Pit, Associated Infrastructure and Temporary Construction Compound at Craigneil Windfarm, Land to the North and North East of Hillside, Rickarton, Stonehaven

Applicant: ESB Asset Development UK Limited, Inovo Building, 121 George Street, Glasgow, G1 1RD

Agent: Savills UK Ltd, Wessex House, Priors Walk, Wimborne, BH21 1PB

A report by the Director of Infrastructure Services was circulated advising Members that the Committee was able to consider and take a decision on this item in terms of the Scheme of Governance as the application was for major development.

This application was initially put before the Area Committee for determination on 8 December 2020 and was deferred to allow for a site visit which took place on 22 June 2021.

The Chair advised Members that a request to speak had been received, Members agreed to hear from the applicant, Brian Hegarty for ESB Asset Development. Also present on the call to answer any technical questions was Andrew Fido for Savills.

The Senior Planning Officer introduced the application which was recommended for approval and advised the application was for the erection of 11 Wind Turbines. The wind turbines collectively known as Craigneil Wind Farm would be located on the A947 'Slug Road' which runs between Stonehaven and Banchory. The proposal had been assessed in terms of its impacts on the road infrastructure, residential amenity and landscape and visual impact. The majority of concerns raised by objectors had been addressed and any potential adverse impacts could be controlled by planning conditions. It was considered that on balance, the proposal would have some adverse visual impacts, the impacts whilst of some concern would not be unacceptable in the context of the wider landscape character area.

Members sought further clarification on a number of points including potential shadow flicker affecting the surrounding properties, Red Kite breeding grounds located close by and the availability of a community fund. The Senior Planner confirmed that landscape impacts were considered on balance to be acceptable. The Legal Officer confirmed that any economic benefits were not a material consideration and the application should be considered on its own merit.

The Committee heard from Brian Hegarty in support of the application. The Committee heard of the consultation which had taken place within the community, including residents, community groups and Community Councils and that no objections had been received from any statutory consultee.

Members sought further clarification on Red Kites, the suitability of the site and potential shadow flicker. Members heard with regards to the suitability of the site that the landscape area had physical characteristics that showed capacity for a wind farm and that this location was set back from any special landscape areas, with regards to the potential collision risk to Red Kites, numbers were very low and further enhancement would be put in place to improve the situation. Members queried radar mitigation and heard that safeguards were in place and protected by planning conditions.

Members fully discussed the report and Councillor Robertson seconded by Councillor Mollison **moved** to support Officers recommendation.

As an amendment Councillor Agnew seconded by Councillor Hutchison **moved** to refuse the planning application namely for the reasons stated below;

1. The development as proposed is contrary to Policy C2 Renewable Energy, spatial framework for wind energy in that: (a) the site is out with the areas of 'Strategic Capacity for Small, Medium and Large wind turbines' as shown on the 'Shaping Kincardine and Mearns' mapping page 24 of the extant Aberdeenshire Local Development Plan (ALDP); (b) the site is out with areas designated (ALDP) mapping page 74 as having strategic landscape capacity for wind turbine over 15 metres development; (c) the development as proposed does not comply with Group 3 Areas (page 74), having regard to its adverse scale and nature, adverse cumulative effect, and its unacceptable significant adverse effects upon amenity of dwelling houses.
2. The development as proposed is contrary to (ALDP) Policy E1, Natural Heritage, in that the identified potential for its adverse impact upon protected species, such as Red kites, Hen Harriers, and others, is increased by the proximity of north east, one of four, approximate core breeding areas of red kite population in Scotland as identified at Figure 1 in the Scottish Natural Heritage Commissioned Report No.904; (b) it has not been demonstrated that mitigation measures to reduce bird strikes alongside a breeding bird programme could or would materially mitigate the potential for a locally significant impact upon Red Kites;(c) it has not been demonstrated that the development is required for imperative reasons for overriding public interest.
3. The development as proposed would have a visually adverse impact locally and upon the landscape adjacent to a tourist route to and from Stonehaven and Deeside and would be visually intrusive from other important visitor viewpoints such as the War Memorial at Stonehaven, having regard to overbearing height and cumulative impact

For the motion (4) Councillors Carr, Dickinson, Mollison, Robertson.

For the amendment (4) Councillors Agnew, Bews, Hutchison and Pike.

The Chair had the casting vote and the amendment was carried.

The Committee **agreed** to refuse full Planning Permission for Erection of 11 Wind Turbines Formation of Access Tracks, Hardstandings, Substation, Control Building, Met Mast, Borrow Pit, Associated Infrastructure and Temporary Construction Compound at Craigneil Windfarm, Land to the North and North East of Hillside, Rickarton, Stonehaven. The reasons given were as follows;

4. The development as proposed is contrary to Policy C2 Renewable Energy, spatial framework for wind energy in that: (a) the site is out with the areas of 'Strategic Capacity for Small, Medium and Large wind turbines' as shown on the 'Shaping Kincardine and Mearns' mapping page 24 of the extant Aberdeenshire Local Development Plan (ALDP); (b) the site is out with areas designated (ALDP) mapping page 74 as having strategic landscape capacity for wind turbine over 15 metres development; (c) the development as proposed does not comply with Group 3 Areas (page 74), having regard to its adverse scale and nature, adverse cumulative effect, and its unacceptable significant adverse effects upon amenity of dwelling houses.
5. The development as proposed is contrary to (ALDP) Policy E1, Natural Heritage, in that the identified potential for its adverse impact upon protected species, such as Red kites, Hen Harriers, and others, is increased by the proximity of north east, one of four, approximate core breeding areas of red kite population in Scotland as identified at Figure 1 in the Scottish Natural Heritage Commissioned Report No.904; (b) it has not been demonstrated that mitigation measures to reduce bird strikes alongside a breeding bird programme could or would materially mitigate the potential for a locally significant impact upon Red Kites;(c) it has not been demonstrated that the development is required for imperative reasons for overriding public interest.
6. The development as proposed would have a visually adverse impact locally and upon the landscape adjacent to a tourist route to and from Stonehaven and Deeside and would be visually intrusive from other important visitor viewpoints such as the War Memorial at Stonehaven, having regard to overbearing height and cumulative impact

(B) Reference No: APP/2021/0914

Full Planning Permission for Erection of 3 Dwellinghouses at Land at Nether Cheyne, Fetteresso, Stonehaven

Applicant: Mr Richard Bruce, 1 Westfield Lane, Stonehaven, AB39 2FN
Agent: RJM Architectural Design, 8 North Street, Inverurie, AB51 4QR

A report by the Director of Infrastructure Services was circulated advising Members that the Committee was able to consider and take a decision on this item in terms of the Scheme of Governance as there have been valid objections from six or more individuals or bodies with separate postal addresses or premises.

The Senior Planner introduced the report and outlined that the proposal relates to the redevelopment of an existing brownfield site with three detached dwelling houses. The proposed layout and design are reflective of the character of the site and in keeping with a countryside location. All technical matters have been satisfactorily addressed. As such, it is considered that the proposal is fully compliant with Policy R2: Housing and employment development elsewhere in the countryside, Policy P1: Layout, siting and design, Policy RD1: Providing suitable services and Policy E2: Landscape.

The Committee **agreed** that the authority to grant be delegated to the Head of Planning and Environment Service subject to:-

- (i) Satisfactory conclusion of developer obligations whether upfront or through a Section 75 legal agreement;
- (ii) The following conditions -

01. 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.

02. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store area has been submitted to and approved in writing by the planning authority. 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.

03. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

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

The Landscaping Scheme MUST include timescales for the implementation of the works.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

04. No works in connection with the development hereby approved shall commence unless details of the proposed means of enclosure to be plots have been submitted to and approved in writing by the planning authority. No dwelling house hereby approved shall not be brought into use unless the

means of enclosure have been erected in accordance with the approved details. Once erected, the means of enclosure shall thereafter be permanently retained in accordance with the approved details.

Reason: In the interests of the residential amenities of the occupants of the approved development and the visual amenities of the area.

05. No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All external and internal elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.

06. No dwelling house hereby approved shall be occupied until passing places measuring 10m x 2.5m with 5m splays have been provided in the location shown on the approved drawings. Construction shall be to a standard appropriate to the location and shall be agreed in advance with Roads Development.

Reason: To assist the free flow of traffic along the private road in the interests of road and public safety.

07. No dwellinghouse hereby approved shall be occupied unless its driveway, turning area (measuring no less than 7.6m x 7.6m) and parking area (3 spaces) has been provided and surfaced in hard standing materials. 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.

08. 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.

09. No dwellinghouse hereby approved shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the ground assessment and drainage recommendations report by S.A. McGregor dated 20th April 2021. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

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

Reason for Decision

The planning authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The proposal relates to the redevelopment of an existing brownfield site with three detached dwelling houses. The proposed layout and design of this reflects the character of the site and is in keeping with a countryside location in accordance with Policy R2: Housing and employment development elsewhere in the countryside, Policy P1: Layout, siting and design, Policy RD1: Providing suitable services and Policy E2: Landscape.