

ABERDEENSHIRE COUNCIL

BANFF AND BUCHAN AREA COMMITTEE - 07 SEPTEMBER 2021 ALL ATTENDANCE BY SKYPE

Present: Councillors D Mair (Chair), C Buchan, R A Cassie, J B Cox , M A Findlater, A Kille, G Reynolds, M J Roy and B A Topping

Apologies: Councillor H Partridge

Officers: Mrs A Keith, Area Manager; Mrs A de Candia, Solicitor; Mr J Martin, Senior Planner; Mr M Carle, Strategic Development Officer; Mr J Shaw, Mental Health and Learning Disability Manager; Mr J Duncan, Senior Engineer; and Mrs E M Farquhar, Area Committee Officer

ANNOUNCEMENT

The Chair, on behalf of the Committee made reference to two deserving winners of Inspiring Aberdeenshire Awards:

Ms Sharon Short, who had set up Portsoy Area Action Team to ensure that every home in Portsoy had information and a contact for assistance to obtain food and medicines if needed, was awarded the Covid-19 Response Award.

Mr John Anderson, very well known in his local community for his varied and innovative project work and volunteer work over many years, was awarded a Lifetime Achievement award.

1. DECLARATION OF MEMBERS' INTERESTS

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

No declarations were stated.

2. RESOLUTION 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 their decision.

3. MINUTE OF MEETING OF 17 AUGUST 2021

The draft minute of meeting of 17 August 2021 had been circulated.

The Committee **agreed to approve** the minute as a correct record of the meeting in accordance with Standing Order 7.1.1.

4. LIST OF OUTSTANDING BUSINESS AT 07 SEPTEMBER 2021

The list of outstanding business at 07 September 2021 had been circulated.

The Committee **noted** the outstanding business list including:

- Item 3 - Banff and Buchan Area Plan - Performance Indicators to be reported to the Area Committee on 28 September 2021 and an update on actions provided by the end of the year.
- Item 5 - Banff and Buchan Area Initiatives Fund - Informal meeting arranged for 14 September 2021 to allow discussion on potential allocation of the remaining funds.
- Item 6 - Banff and Buchan Area Initiatives Fund application - Informal meeting arranged for 21 September 2021 with representatives from the applicant's organisation and relevant Council officers.

5. PLANNING APPLICATION FOR DETERMINATION

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

Reference No APP/2021/0942	Planning Permission in Principle for the Erection of Dwellinghouse at Land at Hillhead of Pitullie, Sandhaven
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6. NORTH RESPITE PROVISION

A report dated 24 August 2021 from the Lead Officer, Aberdeenshire Health and Social Care Partnership had been circulated to provide an update respite provision in North Aberdeenshire.

The Committee considered the progress made and **agreed** :

1. to make the following comments to the service:
 - a) Noted that emergency respite had been taking place throughout the pandemic,
 - b) Requested that consultation continue with **all** service-users and their families and not just a few,

- c) Welcomed the offer to keep Elected Members in Banff and Buchan up to date on future progress,
 - d) Welcomed the opportunity to be kept up to date with the future plans for the use of the Robertson Road facility,
 - e) Welcomed the seriousness of Covid compliance, especially for people with learning disabilities,
 - f) Expressed concern about the cost and the difficulty of transport between the west of the Area and Peterhead,
 - g) Expressed concern about the lack of consistency in the IIA especially in relation to those parts marked with “neutral” when there were obvious negative impacts especially in areas of deprivation,
 - h) Expressed concern that no impact had been stated in terms of potential CO² emissions when service-users were being expected to travel further for respite,
 - i) More detail needed to be provided in the “evidence” sections of the IIA as comments such as “various discussions/surveys” did not provide the necessary detail or explanation,
 - j) IIAs in future reports need to be more detailed and more accurate in terms of impacts - very few will be “neutral”,
 - k) Expressed concern that although officers spoke of increasing choice and control for service-users, this could also increase inequality, and
2. that an informal session be arranged in 6 months to allow update and further discussion.

7. DRAFT LOCAL FLOOD RISK MANAGEMENT STRATEGIES AND PLAN FOR THE NORTH EAST LOCAL PLAN DISTRICT

A report dated 23 August 2021 from the Director of Infrastructure Services had been circulated to raise awareness and to encourage participation in the public consultation process of the prioritisation of Flood Risk management actions in the North East Local Plan District for Cycle 2 (2022-2028).

The Committee considered the nationally prioritised flood risk management actions as set out in the report and:

1. **agreed** to make the following comment to the Head of Roads, Landscape and Waste Services in relation to the proposed public consultation arrangements as set out in the report,

- The Service should ensure that the public consultation is widely advertised so that as many people as possible can take part.
2. **noted** that the Infrastructure Services Committee has given delegated authority to the Head of Roads, Landscape and Waste Services to respond to the public consultation on behalf of Aberdeenshire Council.
3. **agreed** that the following general comments be submitted to the Head of Roads, Landscape Services and Waste for consideration:
- a) More emphasis should be placed on dealing with wave over-topping as this is a big area of concern.
 - b) Scottish Water needs to ensure that all old water systems are updated/ replaced as they are currently unable to cope with the changing climate.
 - c) A management plan for the Kessock Burn needs to be agreed with the relevant landowners
 - d) All plans and strategies need timescales to ensure that there are meaningful outcomes.
 - e) Gullies and drains continually block across all areas in Banff and Buchan and, although some of this work has been hampered by the pandemic, Councillors wish to be assured that this backlog of work is being reduced.
 - f) Kinnaird Head to Broadsea in Fraserburgh is a very vulnerable area, with widespread erosion. Officers to highlight this area with Scottish Water at a regular monthly meeting.
 - g) More liaison needs to take place with the Planning Service about the practice of covering garden ground with non-porous surfaces which increases rainwater run-off that the rainwater drainage system has not been designed to accommodate.

Councillor Presiding over meeting

Print Name

Signature

Date

Appendix 1

PLANNING APPLICATION

5. REFERENCE NO APP/2021/0492

PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AT LAND AT HILLHEAD OF PITULLIE, SANDHAVEN

Applicant: Mr S Maitland
Agent: Arcus Design Ltd

A report dated 18 August 2021 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee, heard Mr Philip Baxter, applicant's agent, in support of the application.

Thereafter, Councillor Findlater, seconded by Councillor Cassie **moved** that the application be delegated to the Head of Planning and Environment to approve on appropriate conditions, including a condition to supply an up-to-date tree survey, as the application did comply with Policies R1 and R2 and was in accordance with the policy for replacement of an existing building.

As an amendment, Councillor Topping, seconded by Councillor Roy **moved** that the application be refused for the following reason:

The application does not comply with Policy R1: Special rural areas or Policy R2: Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017 as the structure earmarked for removal to be used as a basis for the provision of a new dwelling does not constitute a permanent building based on its physical construction, including lack of foundations nor does it represent a redundant site due to its temporary construction. The site also fails to meet any other exemption criteria contained within the same policies due to the isolated nature of the site which precludes the proposal from being considered as potential organic growth to a settlement or a suitable addition to an existing grouping of houses whilst is not required for an essential worker engaged in a primary industry nor to facilitate the retirement succession of a viable agricultural enterprise.

Members of the Committee voted:

For the motion	6	Councillors Buchan, Cassie, Cox, Findlater, Kille, Reynolds
For the amendment	3	Councillors Mair, Roy and Topping

The Chair **declared the motion carried** in the following terms:

that the application be delegated to the Head of Planning and Environment to approve on appropriate conditions, including a condition to supply an up-to-date tree survey, as the application did comply with Policies R1 and R2 and was in accordance with the policy for replacement of an existing building.

DRAFT