

REPORT TO BUCHAN AREA COMMITTEE – 11th January 2022

REQUEST FOR COMMUNITY COUNCIL BOUNDARY CHANGE

1 Executive Summary/Recommendations

1.1 A request was received, by the Buchan Area Manager, for a boundary change from Mintlaw & District Community Council. This report provides the Committee with the Community Council's reasons for the request and, following a consultation exercise, the response from Deer Community Council.

1.2 The Committee is asked:

1.2.1 to note the reasons submitted for the request from Mintlaw & District Community Council, and the response received from Deer Community Council,

1.2.2 to consider the Area Manager's recommendation (at paragraph 3.18) that the request for a boundary change be accepted on the basis that the reasons for the request are reasonable and would not be detrimental to either Community Council, and

1.2.3 to determine if the request for a boundary change from Mintlaw & District Community Council should be accepted or refused

2 Decision Making Route

2.1 Area Committees have the power to determine whether revisions should be made in relation to requests from Community Council's for boundary changes.

2.2 The purpose of this report is to ask the Area Committee to consider a proposed amendment to Deer Community Council's boundary, following a request from Mintlaw & District Community Council. The attached map (Appendix 1) outlines the current boundary between Deer CC and Mintlaw CC, and the area proposed to transfer from Deer CC to Mintlaw CC if agreed. A consultation exercise has been carried out seeking the views of Deer CC and the residents that would be affected by the proposed change.

3 Discussion

3.1 A request was received from Mintlaw & District Community Council for a boundary change, based on the following justification –

“Northwoods Business Park Development on Balring road, which has been given Planning Permission in Principle, is situated just north of the Balring road, currently the northern boundary of Mintlaw Community Council. According to the proposal, put forward by the developer of the Business Park at the planning application stage, two of the initial occupants were to be an Aberdeenshire depot and Colaren Housing Offices and storage. Other businesses would be identified later. The Council depot would replace the existing depots in Mintlaw.

This Business Park will lead to increased traffic, pollution and noise. Planning permission has already been given to widen the Balring road up to the entrance of the site, which indicates the size and volume of the vehicles which are likely to be travelling to the site. The main residential and commercial area to be affected by the increased traffic etc is Mintlaw, given the proximity of the development to the village.

Mintlaw & District Community Council feel that to extend the northern boundary of the council to include the area to the north of Balring Road would give the Community Council a greater ability to influence any future developments on the site, as the area would then be within the Council zone. The Community Council can bring a considered insight to these developments, given their local knowledge and awareness of any impact on the infrastructure, employment and businesses in Mintlaw. The Community Council would also be in a stronger position to deal with any complaints from Mintlaw residents which may arise from issues related to the site. The involvement of the Community Council with such issues can often reassure residents that concerns are being addressed, as has been the case with other developments in the past.

Mintlaw & District Community Council has unanimously agreed that moving the boundary north would be the most appropriate way of safeguarding the interests of the residents of Mintlaw, and we hope that our neighbouring Council in Deer will share this view.”

- 3.2 The area in question is currently within Deer Community Council's boundary; the attached map outlines the exact extent of the proposed change and listed (within Appendix 2) are the five property addresses that are located within the area affected.
- 3.3 Having made Deer Community Council aware of the request, an email was received from their Secretary following the Community Council's Meeting on 13th May 2021 which outlined a number of questions (see Appendix 3a).
- 3.4 In response, the Area Manager suggested that, in the first instance and prior to formally opening the consultation period, she facilitate a joint meeting between the two Community Councils. On 23rd June 2021 the Area Manager and two representatives from each of the Community Council's met virtually for a preliminary discussion. At that meeting, representatives from Deer asked if the boundary change would impact on the catchment area for local schools. The following response was received from our Education colleagues and – as part of the email confirming to Deer that the consultation period was formally underway - forwarded on to Deer's Secretary on 20th August 2021 -

“The change to the community council boundary line wouldn’t have any impact on the pupil roll at Fetterangus School. Any changes to the school catchment boundary lines would require a statutory consultation to be carried out and Education & Children’s Services have no plans to make any further changes to the school catchment areas in the Mintlaw Cluster. The affected properties in the area of the proposed community council boundary change are zoned to Mintlaw Primary School.”

- 3.5 Following on from the preliminary discussion, on 23rd June, the following was received from Mintlaw & District Community Council and again forwarded on to Deer’s Secretary, via email, on 20th August 2021 –

Statement -

“The request by Mintlaw & District Community Council to have its northern boundary moved to incorporate the Mintlaw Business Park development, was made after considering the environmental impact of the development on Mintlaw, the nearest settlement.

The Community Council supported the planning application for Mintlaw Business Park, but past experience with an industrial site within the community proves that issues can and do arise resulting in complaints from residents. The Community Council feels that having Mintlaw Business Park within its boundary means they are in a stronger position to address concerns as/when they arise. This is particularly important given the number of proposed houses to be built on the Northwoods development, which is south of the Balring Road. ***With no developer’s obligation contribution arising from the Business Park there are no financial advantages to Mintlaw from this change of boundary.***

Over time settlements change and develop, none more so than Mintlaw with its expansion increasing almost daily, and as a Community Council we wish to be in a position where concerns can be addressed as they arise. ***There is no hidden Agenda behind this request, nor any other proposals in the pipeline MDCC is aware of. The CC simply wishes to adopt a common sense approach to what is viewed as a relatively simple, straight forward request.***

- 3.6 On 20th August 2021 the Area Manager wrote to Deer confirming that the consultation period was now formally underway and asking that the Community Council now consider the request from Mintlaw& District Community Council, and provides any comments and confirmation of whether or not there is agreement that the proposal should be progressed to change the boundary as proposed - by 4pm on Friday, 17th September 2021.
- 3.7 At that time, the Area Manager also (1) confirmed that, as part of the formal consultation, the Council would write to each of the residents of the five affected properties to seek their views, and (2) provided a response to each of the 15 questions previously submitted by Deer (see Appendix 3b).

- 3.8 With the consultation closing date of 17th September looming, the Area Manager received an email from Deer's Secretary, on 15th September, advising "... the boundary issue was a substantive item on the Deer Community Council Agenda of 9th September. Unfortunately, the meeting was inquorate. A number of our members are farmers and the weather was threatening to break, meaning that they were seriously up against the elements that evening, and therefore unable to attend our meeting. It has been agreed to take the matter up again as a substantive item on our November agenda, and we hope to have an agreed response to submit after that meeting."
- 3.9 The Area Manager, having noted that the boundary request was to be a substantive item on Deer's Agenda of 11th November, took the decision to delay reporting to the Area Committee and advised that the revised deadline would be 12noon on Monday, 15th November 2021.
- 3.10 As at 17th September 2021, the Area Manager noted that no responses had been received from the five affected residents.
- 3.11 On Thursday, 11th November 2021, Deer Community Council met and as promised the request from Mintlaw & District Community Council was a substantive item on their agenda. Following their meeting, the below response was received from Deer's Secretary –

"The matter was fully discussed, with serious concerns raised as to the validity of the request and I am instructed to make the following response.

We, the elected members of Deer Community Council, oppose any change to our Community Council boundary. Our primary concern is that boundaries established at least 30 years ago are well recognised by the local people and we believe these should be maintained as at present. A proposed change such as this would set an undesirable precedent and we, therefore, unanimously reject the proposal."

- 3.12 The Area Manager, having sought clarification as to 'the validity of the request', received the following response from Deer's Secretary on 19th November –

"When I used the word 'validity', it was in reference to the undernoted compelling concerns raised by Deer Community Council members, briefly below.

1. Why was it deemed at all necessary to move the boundary to accommodate a development adjacent to the existing boundary between Deer Community Council (Fetterangus district) and Mintlaw & District Community Council.
2. Why set a precedent of changing boundary lines for development purposes?

3. We, as representatives of Deer Community Council, have democratically, consistently, and effectively, represented residents throughout our Community Council area, from Ardallie to Bonnykelly, and Braeside to Fetterangus. We believe that should issues arise from this proposed development, we would deal with them in the same attentive and responsible manner, taking into account all aspects of such issues.
4. The two Deer representatives who attended the September meeting with the Area Manager and representatives from Mintlaw & District, understood that they would receive a) a minute of that meeting within a week of that evening, and b) the details of the planned consultation with residents neighbouring the development. To date, no such information has been received.
5. Questions put to that meeting from Deer members have yet to receive a full response - this continues to raise further concern.

The question of a boundary change was unanimously rejected by Deer Community Council members on Thursday 11th November 2021.”

3.13 In response to question (1) above, Mintlaw CC has explained their reasons in their Statement as made available to Deer CC in the email from the Area Manager dated 20th August 2021.

3.14 In response to question (2), as outlined in the Statement provided by Mintlaw, and as made available to Deer on 20th August –

“The Community Council feels that having Mintlaw Business Park within its boundary means they are in a stronger position to address concerns as/when they arise.”

Therefore, the Area Manager is of the opinion that no precedent will be set as any boundary change proposal is dealt with in its own right and is subject to consultation.

3.15 The Area Manager notes the comment made in (3) above.

3.16 In response to question (4) above, the Area Manager can confirm that no note of the preliminary discussion was provided. However, the Area Manager did explain to those present, at the meeting, that she would be writing to each of the five affected residents and would take into consideration any response(s) received when putting forward her recommendation to the Committee (this was confirmed in the email of 20th August 2021 to Deer, as stated above). Further, that should the Community Council wish to engage with the five affected residents also, that they were at liberty to do so should they so wish.

3.17 In response to question (5) above, the Area Manager can confirm that representatives from Deer asked if the boundary change would impact on the catchment area for local schools. As detailed in paragraph 3.4 above, a response was received from our Education colleagues and forwarded on to Deer’s Secretary on 20th August 2021.

- 3.18 In taking into account the Statements submitted by Mintlaw & District Community Council by way of justification for their request to change the boundary, and in taking into account the response received from Deer Community Council by way of their reason for refusing the request, it is the opinion of the Area Manager that the boundary change request is reasonable and recommends that it should be accepted. Whilst it is acknowledged that Deer Community Council are not supportive of the change, the reasons for the request are reasonable and Mintlaw Community Council have sought to reassure Deer Community Council that the change is for practical reasons only. Officers have established that, based on current policies, strategies and regulations, there should be no detriment to Deer Community Council, the residents and businesses impacted by the change or to other settlements within the Deer Community Council's catchment should the boundary be revised. The natural settlement boundaries of Mintlaw have changed over time as a result of planned residential, non-residential and infrastructure development and a Community Council boundary that reflects the current understood settlement boundary and is more reflective of the settlement profile in the current and proposed Local Development Plan is appropriate.
- 3.19 Should Committee be minded to approve the boundary change, the Area Manager will continue to support both Community Councils and encourage dialogue between them in matters which are pertinent to the boundaries the two Community Councils share.

4. Council Priorities, Implications and Risk

- 4.1 This report helps to support the Council Strategic Priorities: Our People and Our Environment.
- 4.2 The table below shows whether risks and implications apply if the recommendations are agreed.

Subject	Yes	No	N/A
Financial		X	
Staffing		X	
Equalities and Fairer Duty Scotland		X	
Children and Young People's Rights and Wellbeing		X	
Climate Change and Sustainability		X	
Health and Wellbeing		X	
Town Centre First			X

- 4.3 An Integrated Impact Assessment (IIA) has been carried out at the screening stage (IIA-000332) and no further detailed assessments are required. The residents and businesses impacted by the boundary change will continue to have representation from a Community Council and the statutory and Aberdeenshire Council defined arrangements for community councils, their roles and responsibilities remain unchanged by any boundary change.

- 4.4 There are no staffing implications directly arising from this report. The management of this budget will be undertaken within existing area management resources.
- 4.5 No risks have been identified as relevant to this matters on a Corporate Level [Corporate Risk Register](#)
- 4.6 No risks have been identified as relevant to this matters on a Strategic Level [Directorate Risk Register](#)
- 5 Scheme of Governance**
- 5.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make. They are satisfied that the report complies with the Scheme of Governance and relevant legislation.
- 5.2 The Committee is able to consider this item in terms of Section B.3.1 of the [List of Committee Powers in Part 2A](#) of the Scheme of Governance as it relates to changes to Community Council boundaries following any required consultation.

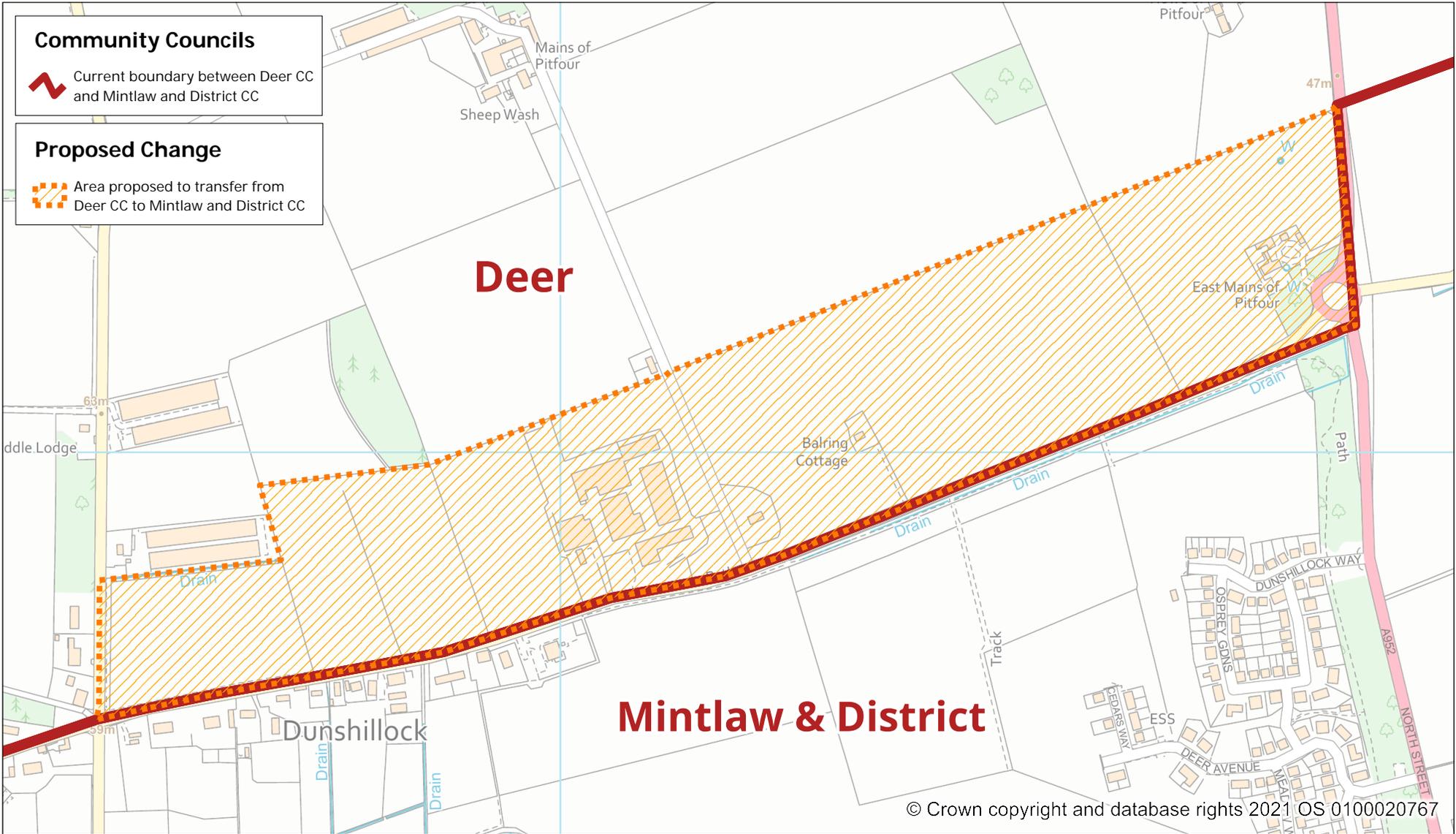
Ritchie Johnson, Director of Business Services

Report prepared by –
 Amanda Roe, Area Manager and Theresa Wood, Area Committee Officer
 21st December 2021

List of Appendices

Appendix 1	Map showing Proposed Boundary Change
Appendix 2	List of Affected Properties
Appendix 3a	List of Questions Received from Deer CC
Appendix 3b	List of Questions Received from Deer CC with Responses from Area Manager

Proposed Change to Community Council Boundary



Woodhill House
 Westburn Road
 Aberdeen
 AB16 5GB

Operator:	EGS
Department:	C&DS
Drawing No:	SR844958-1
Date: 07/05/2021	Scale: 1:6000



Tel: 03456 08 12 08
 Web: www.aberdeenshire.gov.uk
 E-mail: webmaster@aberdeenshire.gov.uk

Appendix 2

The 5 property addresses that are located within the area affected by the proposed Community Council boundary change:-

BALRING COTTAGE, MINTLAW, PETERHEAD, AB42 4JN

BALRING FARM, MINTLAW, PETERHEAD, AB42 4JN

BIOSUS ENERGY, BALRING FARM, MINTLAW, PETERHEAD, AB42 4JN

BEECHFIELD, DUNSHILLOCK, MINTLAW, PETERHEAD, AB42 4JN

EAST MAINS PITFOUR, MINTLAW, PETERHEAD, AB42 4EU

Appendix 3a

Questions received from Deer Community Council, on 1st June 2021, following the Community Council's Meeting on 13th May 2021 –

1. Is there a business case somewhere in this proposal that has not yet come to light?
2. Have the identified residents requested a change of boundary?
3. How will this benefit Mintlaw Community Council?
4. What detriment may be caused to Deer Community Council in the event of agreement?
5. With the proposed new Mintlaw Trading estate being on the North Side of the Balring Road would this re-zoning move it into Mintlaw CC?
6. Would the CC boundary change affect any Developer Obligations payments currently zoned for Fetterangus and not Mintlaw?
7. I have looked at the proposed boundary change and would like to know what benefit it would bring to Mintlaw CC?
8. And would there be any loss to Deer CC?
9. Have the residents in the area been consulted?
10. According to the councillors tonight the residents would be living in an industrial estate. Would they be happy?
11. Why have an industrial estate next to a new housing estate when the council could extend the Mintlaw Station industrial estate?
12. I know Councillor Ingram said that area had been designated for 600 houses, but would it not make sense to swap the areas?
13. The boundary is well recognised – why change it?
14. What is the hidden agenda in all this?
15. Who or what ultimately benefits?

Appendix 3b

Questions received from Deer Community Council, on 1st June 2021, following the Community Council's Meeting on 13th May 2021 –

With responses provided by Area Manager and forwarded on to Deer on 20th August 2021 –

1. Is there a business case somewhere in this proposal that has not yet come to light? – **Not that we are aware of**
2. Have the identified residents requested a change of boundary? – **No, please see Mintlaw's statement below**
3. How will this benefit Mintlaw Community Council? – **Please see Mintlaw's statement below**
4. What detriment may be caused to Deer Community Council in the event of agreement? – **No detriment to our knowledge**
5. With the proposed new Mintlaw Trading estate being on the North Side of the Balring Road would this re-zoning move it into Mintlaw CC? – **Yes, please see Mintlaw's statement below**
6. Would the CC boundary change affect any Developer Obligations payments currently zoned for Fetterangus and not Mintlaw? – **No, we have checked with our Developer Obligation colleagues and do not see any issues. Developer Obligations link to settlements and not Community Councils. However, where Developer Obligations are taken for a service (eg library services) that is not physically present in a community then these monies may be allocated to the closest settlement with the service and that we would anticipate the community would most likely use**
7. I have looked at the proposed boundary change and would like to know what benefit it would bring to Mintlaw CC? – **Please see Mintlaw's statement below**
8. And would there be any loss to Deer CC? – **Not to our knowledge**
9. Have the residents in the area been consulted? – **Letters will be issued to the affected residents and businesses which are currently within Deer CC boundary, but could be within the Mintlaw CC boundary should the boundary change be agreed, as part of the formal consultation process by Aberdeenshire Council. The CC where the residents/businesses are currently located may decide to also consult or engage with the residents and businesses to inform the CC's response to the formal consultation.**
10. According to the councillors tonight the residents would be living in an industrial estate. Would they be happy? – **The residents are living alongside a light industrial park. When the planning application was lodged for the purpose, standard procedures were followed and there were notifications to any neighbours as well as the CC. Responses to the planning application are publicly available on Aberdeenshire Council's website within the planning portal.**

11. Why have an industrial estate next to a new housing estate when the council could extend the Mintlaw Station industrial estate? - **The CC may wish to re-view the Council's current and proposed Local Development Plans which are available on the Council's website. The Local Development Plan is consulted upon and all comments, minutes of discussions with the Area Committee and other Committees are available.**
12. I know Councillor Ingram said that area had been designated for 600 houses, but would it not make sense to swap the areas? - **The site referred to, designated for housing, is already within the boundary of Mintlaw CC. The site that is within the proposed boundary change is not identified for housing.**
13. The boundary is well recognised – why change it? – **Please see Mintlaw's statement below**
14. What is the hidden agenda in all this? – **There is no hidden agenda, please see Mintlaw's statement below**
15. Who or what ultimately benefits? - **The residents and businesses should already be represented effectively by Deer CC and if the proposed boundary change is agreed, effective representation should continue through Mintlaw CC. However, there can be administrative benefits with a settlement boundary being coterminous with a CC boundary in a more urban setting.**

Following on from the preliminary discussion, on 23rd June, the following was received from Mintlaw & District Community Council and made available to Deer via email on 20th August 2021 –

Statement -

“The request by Mintlaw & District Community Council to have its northern boundary moved to incorporate the Mintlaw Business Park development, was made after considering the environmental impact of the development on Mintlaw, the nearest settlement.

The Community Council supported the planning application for Mintlaw Business Park, but past experience with an industrial site within the community proves that issues can and do arise resulting in complaints from residents. The Community Council feels that having Mintlaw Business Park within its boundary means they are in a stronger position to address concerns as/when they arise. This is particularly important given the number of proposed houses to be built on the Northwoods development, which is south of the Balring Road. ***With no developer's obligation contribution arising from the Business Park there are no financial advantages to Mintlaw from this change of boundary.***

Over time settlements change and develop, none more so than Mintlaw with its expansion increasing almost daily, and as a Community Council we wish to be in a position where concerns can be addressed as they arise. ***There is no hidden Agenda behind this request, nor any other proposals in the pipeline MDCC is aware of. The CC simply wishes to adopt a common sense approach to what is viewed as a relatively simple, straight forward request.***