

ABERDEENSHIRE COUNCIL

BUCHAN AREA COMMITTEE

VIA SKYPE – 22ND FEBRUARY 2022

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); Lauren Cowie, Principal Solicitor (Business Services); Alan Davidson, Senior Planner (Environment & Infrastructure Services); Stuart Murison, Senior Planner (Environment & Infrastructure Services); Piers Blaxter, Team Leader (Environment & Infrastructure Services); Suzanne Robertson, Regeneration Executive (Environment & Infrastructure Services); Nicola Murray, Team Leader (Environment & Infrastructure Services); Rachael Goldring, Learning Estates Team Leader (Education & Children's Services); Richard McKenzie, Passenger Transport Manager (Environment & Infrastructure Services); Mark Mitchell, Estates Programme Manager (Education & Children's Services); and Theresa Wood, Area Committee Officer (Business Services)

1. DECLARATION OF MEMBERS' INTERESTS

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

- (1) Councillor D Beagrie for Item 6 by virtue of being a volunteer at the Seafood Festival and Light-Up. In considering her interest to be remote and insignificant, Councillor Beagrie remained in the meeting for this item, and
- (2) Councillor I Sutherland for Item 6 by virtue of being a levy payer. In concluding that his interest was significant, Councillor Sutherland left the meeting for this item

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
10	8
11	8

3. DRAFT MINUTE OF 1st FEBRUARY 2022

The Draft Minute of 1st February 2022 had been circulated and was **approved**.

4. NEW PLANNING APPLICATIONS

The Committee had before them reports by the Director of Environment & 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/2021/2655 Planning Permission in Principle for Erection of Dwellinghouse at Site at Millbreck, Mintlaw
- (b) APP/2021/2556 Full Planning Permission for Erection of Battery Storage Facility (up to 50MW) and Associated Works at Land adjacent to Electricity Sub Station, Strichen
- (c) APP/2021/2681 National Development Erection of HVDC Electrical Converter Station and Associated Access Tracks, Drainage Works and Landscaping Including Enclosure on Site to North of Four Winds, Buckie Farm, Boddam

5. ABERDEENSHIRE DEVELOPMENT PLAN SCHEME 2022

A report by the Director of Environment & Infrastructure Services had been circulated advising that Aberdeenshire Council is required to prepare and submit to Scottish Ministers, at least annually, a Development Plan Scheme. The Committee was asked to consider, discuss and provide comment on the draft Development Plan Scheme 2022.

The Buchan Area Committee **agreed** to make no comment and recommend approval of the draft Development Plan Scheme 2022 to Infrastructure Services Committee.

6. BUSINESS IMPROVEMENT DISTRICTS – REDISCOVER PETERHEAD

A report by the Director of Environment & Infrastructure Services had been circulated advising that the 'Rediscover Peterhead' Business Improvement District (BID) Board had taken the decision to progress to re-election at the end of their inaugural five-year term. The purpose of the report was to consult the Buchan Area Committee on the continuation of the support for a BID within Peterhead, prior to consideration by the Infrastructure Services Committee on 10 March 2022.

Having heard from four Members, two having clearly confirmed their support, one Member giving their support but with caution and one Member confirming they are not supportive of the recommendation, it was **agreed** to put forward the differing views of the Buchan Area Committee to Infrastructure Services Committee as follows –

- (1) in being supportive of the principle of the continuation of the 'Rediscover Peterhead' BID for a second five-year term –
 - (a) having highlighted BID as an excellent example of community empowerment which affords local retailers a strong voice, and in recognising the work undertaken by BID and the positive impact that BID has had on Peterhead town centre particularly under such challenging circumstances, to commend those involved for the work achieved to date,
 - (b) whilst recognising that ultimately the re-election of BID is a decision that will be taken by the BID Stakeholders, that in the event of a positive Ballot outcome on the BID proposal to give the Committee's approval, and
 - (c) to caution that there is still a lot of work to be done and that in the event of a positive Ballot that some fresh approaches are needed from BID
- (2) in not being supportive of the principle of the continuation of the 'Rediscover Peterhead' BID for a second five-year term –
 - (a) having been in existence for five years, to note with concern that BID has not addressed the wider issues that affect the town centre, particularly around deprivation and regeneration

The Committee further **agreed** to request that the report to Infrastructure Services Committee includes the feedback provided by businesses at the pre-consultation stage to allow Members to gauge the comments of the Stakeholders.

7. ABERDEENSHIRE COUNCIL CARE AND REPAIR UPDATE 2020/21

A report by the Director of Environment & Infrastructure Services had been circulated advising that the purpose of the report was to raise awareness of the Care & Repair Service amongst Elected Members and to give a general overview of service provision, performance and future service development.

Having noted a reduction in client satisfaction, the Committee **agreed** to note that the Service is continually looking to make service improvements and new practises to streamline services provided.

8. 2021 BASED SCHOOL ROLL FORECASTS

A report by the Director of Education & Children's Services had been circulated advising that Aberdeenshire Council publishes School Roll Forecasts for all primary and secondary schools in Aberdeenshire on an annual basis.

Having noted the school roll projections for schools within Buchan, the Committee **agreed** to make the following comments to Education & Children's Services Committee –

- (1) to note with surprise that the projections for the Peterhead catchment area are forecasting a reduction but to note the comments offered by the representing Officer in relation to the impacts of Covid and Brexit,
- (2) to note with some concern the predictions for Kininmonth, and
- (3) having noted that Mintlaw Academy is expected to exceed published capacity for the next two academic sessions, to highlight the need for a review of the catchment areas and possible re-zoning exercise in the forthcoming years

9. STATEMENT OF OUTSTANDING BUSINESS AS AT 11TH FEBRUARY 2022

Having heard from the Area Manager, the Committee **agreed**:-

- (1) (2/2) Area Manager to pick-up with Coast Project Officer,
- (2) (2/3) Area Manager to check with Officers as to timescales in accessing the Agri-Environment Climate Change Scheme and seek a general update,
- (3) (3) Area Manager to seek a further update,
- (4) (14) Informal session took place on 15/2/22 – action to be removed, but to have a separate session with Ward 5 and Ward 6 Members to discuss the need for a community hub,
- (5) (15-1) action to be removed,

- (6) (15-4) action to be removed,
- (7) (16) Members have received the Briefing Note; Informal Meeting to be arranged in due course,
- (8) (17-2) to be arranged for 22/3/22,
- (9) (17-3) to be noted for next Ward 4 Meeting on 1/3/22,
- (10) (18-3) benches have now been delivered to Peterhead Civic Pride – action to be removed,
- (11) (18-5) in relation to Drummers Corner, to request that the Area Manager provide a finalisation timeline to Members and to request that a Civic Opening for Drummers Corner be arranged on its completion, and
- (12) (18-8) comments from Roads in relation to planning application now received and are being actioned. The tender process has commenced but is limited on how far it can go at present. In terms of a start date, still working to a date in April but this remains dependent on Planning / Roads issues and reaching an acceptable cost with a Contractor

10. ANNUAL PROCUREMENT PLAN 2022-2033 FOR ENVIRONMENT & INFRASTRUCTURE SERVICES – PROCUREMENT APPROVAL

A report by the Director of Environment & Infrastructure Services had been circulated advising that Directorates must report a Procurement Plan to their respective Committees annually in terms of the Scheme of Governance. This report covers Environment & Infrastructure related procurements with a contract value of £50,000 or more that are planned for 2022-2023 and which fall within the remit of the Area Committee.

The Committee **agreed:-**

- (1) to approve the items on the Procurement Plan identified as falling within the remit of the Committee,
- (2) not to reserve approval of the Procurement Approval Form,
- (3) in not reserving approval of the Procurement Approval Forms, that the Chief Officer has delegated authority to approve the Procurement Approval Forms and to award the final contracts for all of the items in the Procurement Plan, and
- (4) in relation to the Feasibility Study for Longate, Peterhead, to request that local Members be kept up-to-date with any detail

11. ANNUAL PROCUREMENT PLAN FOR EDUCATION AND CHILDREN'S SERVICES DIRECTORATE – PROCUREMENT APPROVAL

A report by the Director of Education and Children's Services had been circulated asking the Committee to approve the Education and Children's Services Procurement Work Plan in relation to the Buchan Area. The work plan seeks approval to progress a construction contract for the refurbishment of the Home Economics Department at Mintlaw Academy inclusive of works to demolish the non-linked temporary accommodation within the grounds of the Academy.

The Committee **agreed**:-

- (1) to approve the items on the Procurement Plan identified as falling within the remit of the Committee,
- (2) not to reserve approval of the Procurement Approval Form,
- (3) to acknowledge that the Head of Property and Facilities Management has delegated authority to award the final contracts, and
- (4) to request that on completion a visit to Mintlaw Academy be arranged for local Members to see the works undertaken

APPENDIX A

NEW PLANNING APPLICATIONS

- (a) **Planning Permission in Principle for
Erection of Dwellinghouse at Site at Millbreck, Mintlaw**
For: Mr A Cumming, 2 Yokieshill Cottage, Mintlaw
Per: Arcus Design Ltd, Mavisbank, Old Deer, Peterhead
Reference No: APP/2021/2655

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 -

“As can be seen in the report our application is for the redevelopment of a redundant brownfield site which is in line with Policy R2. However, this policy asks for the proposed site to be in the curtilage of the site it is proposed to replace. As can be seen from the SEPA flood maps the original site sits within a potential zone for flooding and so it only makes sense to relocate the site further up the hill to avoid any potential flood issues. The existing site being a former mill is sitting only a few meters from the adjacent burn and as we are seeing more flooding events taking place it would seem prudent to just relocate the site as opposed to carrying out further flood risk investigation, negotiations with SEPA and potential compensatory flood proposals which would involve substantial ground works. SEPA would no doubt prefer if we moved the site as well.

Contrary to the suggestion in paragraph 6.3 that there was a lack of a sequential assessment made in determining where the new site would go, we have located the site in the next nearest area outwith any potential flood risk. Paragraph 6.3 also goes on to say that this is the approach we should take i.e. “*on or immediately next to the site*”. The site is also in line with the existing row of cottages at Millbreck which the planner involved with the application noted made sense so I am confused as to where else we could relocate the site, without being out of policy and not forming a sensible development.

With regards paragraph 6.5 of the report suggesting that the proposed centralised siting of the dwelling is not in keeping with the existing pattern of development to the North, we would not intend to follow the exact pattern of development of the Millbreck Cottages as some of these cottages sit only a few feet from the public road and for obvious safety and noise issues we have allowed an adequate space for the

dwelling to be located away from the road whilst still forming part of a roadside presence. Not all houses in the group are situated close to the road.

There seems to be confusion here with one request for the house to be moved nearer the A952 to form a roadside presence as noted in Item 6.5 and the other to have it moved away from the road nearer to the ruin and flood plain. With regards to item 6.10 and the drainage tests a new test was submitted to the planning officer on the 15th February.

With regards to Item 6.11 although it is noted that the site is located on prime agricultural land this field is very small in nature like a paddock and has an awkward shape for modern farm machinery. This coupled with the fact that it sits on steeply sloping land and on a potential flood plain would limited it for growing a variety of crops so this would take it out of the Prime category. This justification has been accepted by the planning department in adjacent sites in the past.

Incidentally moving the site would free up the ruinous area and bring it back into farming use thus providing additional land.”

The Committee **agreed**:-

- (1) that authority to Grant Planning Permission in Principle be delegated to the Head of Planning and Economy subject to -
 - (a) the provision of a satisfactory drainage system, and
 - (b) relevant planning conditions, and
- (2) their reasons for departing from Local Development Plan as follows –
 - (a) in considering Policy R2, replacement on the original site is not suitable due to the flooding issues raised, and therefore the proposed site is a more acceptable location, and
 - (b) in considering Policy PR1, the site is on a steep gradient and is of minimal use as agricultural land

(b) **Full Planning Permission for Erection of Battery Storage Facility (up to 50MW) and Associated Works at Land Adjacent to Electricity Sub Station, Strichen**

For: Intelligent Land Investments Group Plc, 33 Bothwell Road, Hamilton

Per: Logan PM, Inverlair Farm, Tulloch, Roy Bridge

Reference No: APP/2021/2556

The Committee **agreed** to Grant Full Planning Permission subject to the following conditions:-

- 01 Noise from the development shall not exceed Noise Rating Curve 25 when measured within any habitable room of any noise sensitive dwelling.

Reason: To ensure that noise from the development does not result in undue loss of amenity for surrounding properties

- 02 All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme, schedule, arrangements and management programme generally as set out in drawing *J327/034/15112021*. 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 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.

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.

(c) **National Development Erection of HVDC Electrical Converter Station and Associated Access Tracks, Drainage Works and Landscaping Including Enclosure on Site to North of Four Winds, Buckie Farm, Boddam**

For: Scottish & Southern Electricity Networks (SSEN), Inveralmond House, 200 Dunkeld Road, Perth

Reference No: APP/2021/

The Committee **agreed** to confirm their support to Full Council on the proposal that authority to Grant be delegated to Head of Planning and Economy subject to –

- (a) the resolution of matters related to natural heritage, in consultation with Environment and Infrastructure Services (Environment Team – Natural Heritage);

- (b) the resolution of matters related to noise, in consultation with Environment and Infrastructure Services (Environmental Health); and
- (c) the following conditions:
 - (1) Details of the specified matters listed below shall be submitted for consideration by the Planning Authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work at either the substations site or the cable route site shall begin until the written approval of the Planning Authority has been given for the phase covering that site and the development shall be carried out in accordance with that approval.

Specified matters:

Substations Site Phase

- (a) Full details of the layout, siting, external appearance and finishing materials of the proposed substations. This should include the following:
 - 1. Buildings;
 - 2. Electrical installations;
 - 3. Walls, fences and other means of enclosure;
 - 4. Flood risk;
- (b) Full details of all existing and proposed landscape features, including trees, shrubs or hedging to be retained and proposed at the substations site. A Landscape Maintenance Plan should be provided which shall include short term landscape establishment and longer term ongoing maintenance. Replacement and additional planting should be locally native species of local provenance appropriate to the Buchan area.
- (c) A detailed levels survey of the substations site and cross sections showing the proposed finished platform levels relative to existing ground levels and a fixed datum point. This should include full details of the cut and fill works, bunding and earthworks proposed as part of the screening of the substations site with all bunding to be naturally contoured.
- (d) Full details of the proposed means of disposal of foul and surface water from the substations.
- (e) Full details of the proposed means of access to the substations site, including the required visibility splays, parking spaces, turning areas, laybys and passing places.

- (f) A Full Mitigation Statement summarising all mitigation measures proposed at the substations site.
- (g) A Route Access Report must be undertaken to establish that abnormal loads can be transported through the trunk roads network safely and agreed with Transport Scotland. The report shall detail any measures temporary or otherwise required to be carried out and should establish that the transportation will not damage any structure along the route path.
- (h) A full site specific Construction Environmental Management Plan (CEMP). The CEMP should address the following issues:
- Schedule of Environmental Commitments;
 - Pollution prevention measures;
 - Sediment management;
 - Environmental incidents;
 - Water management plan;
 - Wet weather management plan;
 - Site Waste Management Plan;
 - Drainage plan for SUDS for the substation site;
 - Appropriate training in the CEMP;
 - References to relevant Method Statements.
- (i) Full details of a programme of archaeological works in accordance with a written scheme of investigation.
- (j) A Noise Impact Assessment should be submitted in relation to the expected noise levels from the substations at the nearest noise sensitive properties.
- (k) Full details of all external lighting to be installed at the substations site.
- (l) Full details on the proposed construction access route(s) including the following:
- Vehicle swept paths for any abnormal load requirements;
 - Phasing plan(s) for the cable and sub-station works which confirms road improvement works required prior to commencement of each phase;
 - Details of the construction access route to determine the locations of structures (e.g. bridges) and street furniture affected by any construction and/or abnormal load vehicle movements;
 - Road improvements/strengthening (either temporary or permanent) required as a result of the survey;
 - Details confirming locations of cable road crossings and proposed works.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

- (2) That the construction operations are limited to 07.00-19.00 Monday to Friday and 07.00-13.00 on Saturdays only, unless otherwise agreed in writing with the Planning Authority. Any night-time operations should be subject to written details of the work times and any noise mitigation measures proposed to be installed being approved by the Planning Department prior to the works commencing.

Reason: In order to protect the amenity of nearby and adjoining residents.

Reason for Decision

Notwithstanding the conclusion of matters related to Natural Heritage and Noise, the proposed development is considered to comply with the relevant policies of the Aberdeenshire Local Development Plan 2017. The principle of development can be established as a National Development contained within National Planning Framework for Scotland 3 and on a site described within Policy PR2 of the Local Development Plan.