

ABERDEENSHIRE COUNCIL

BUCHAN AREA COMMITTEE

VIA TEAMS – 19TH APRIL 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); Darren Ross, Team Manager, Planning (Environment & Infrastructure Services); James Hewitt, Planner (Environment & Infrastructure Services); Philip Leiper, Roads and Landscape Service Manager (Environment & Infrastructure Services); Stewart Ingram, Principal Roads Engineer (Environment & Infrastructure Services); Lee Watson, Principal Engineer (Environment & Infrastructure Services); Gavin Penman, Projects Manager (Environment & Infrastructure Services); Graham Lee, Principal Engineer (Environment & Infrastructure Services); Andrew McIntyre, Principal Landscape Officer (Environment & Infrastructure Services); Maxine Booth, Quality Improvement Manager (Education & Children's Services); Rachael Goldring, Learning Estates Team Leader (Education & Children's Services); Andrew Dick, Social Work Manager (Education & Children's Services); Steph Swales, Community Planning Officer (Business Services); Eleanor Morris, Area Project Officer (Business 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 9 by virtue of being Chair of Peterhead Together for Good. Having concluded that her interest is remote, Councillor Beagrie remained in the meeting

2. 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 Integrated Impact Assessment was provided, to consider its contents and take those into account when reaching its decision

3. DRAFT MINUTE OF 15TH MARCH 2022

The Draft Minute of 15th March 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) APP2021/2803 Full Planning Permission for Erection of Dwellinghouse and Garage at Plot 5, Land adjacent to Mount Pleasant, Inverugie
- (b) APP/2021/1712 Consultation under Section 36 of the Electricity Act 1989 for the Erection of a Solar PV Farm of 50MW Capacity and a Battery Energy Storage Facility at 20MW Capacity with Ancillary Development on Land at Kirkton, approx. 1.2km South East of St Fergus Village

5. PLANNING APPEAL – LAND AT 36-40 FERGUSON STREET, FETTERANGUS

The Committee **noted** the Appeal Decision Notice, Reference PPA-110-2424, which advised that the Planning and Environmental Appeals Division had dismissed the appeal and refused planning permission for the erection of a dwellinghouse at land at 36-40 Ferguson Street, Fetterangus.

6. ROADS, BRIDGES, CYCLING, WALKING & ROAD SAFETY, LANDSCAPE COAST & FLOODING AND HARBOURS WORKS PROGRAMMES 2022-23

A report by the Director of Environment & Infrastructure Services advised that the report outlined the available funding and the proposed programmes of works for Bridges, Cycling, Walking and Road Safety, Landscape Services, Coast & Flooding and Harbours, and the available funding for Roads. The report further advised that the programmes of works for Roads is still under development and will be presented to Committee separately.

Having heard from the Roads and Landscape Service Manager, and following a lengthy discussion, the Committee **agreed**:-

- (1) to welcome the report and thank the Officers involved for the work that they undertake,
- (2) to approve the proposals for allocating Revenue funding within the Buchan area for Roads, Bridges, Cycling, Walking & Road Safety, Landscape, Coast & Flooding and Harbours,
- (3) in respect of the proposals for Capital funding within the Buchan area, to make the following comments to Infrastructure Services Committee –
 - (a) in relation to potholes in particular but also other roads issues such as pavements and kerbsides -
 - (i) there is still a need to communicate more effectively with local Members, as to when works are being implemented, and the public so that they understand the Council's procedure for dealing with potholes and the prioritisation that is given to different types of roads; this should also include notification of road closures and to request that social media be more widely used in this respect; this is particularly pertinent to the imminent patching programme that is about to start throughout Aberdeenshire and to request that timescales and a programme of works be made available to the general public for their information, and
 - (ii) to request that a review of the criteria for the repairing of potholes be undertaken at the earliest opportunity,
 - (b) to note with concern the commitment that the Scottish Government made to 'upgrade every playpark in Scotland' but that there is no indication given as to the amount of money that has been allocated to Aberdeenshire, and how much will be apportioned to Buchan, and
 - (c) that there is a pressing need for a Cemetery in Mintlaw, Mintlaw now being the largest village in Aberdeenshire and which is outgrowing its status as a 'village', and
- (4) to make the following additional comments –
 - (a) to note that the Roads Service is again liaising with the Head Teacher at Clerkhill School in relation to the design of the proposed 'Layby at Cairntrodlie', and that Officers will keep local Members apprised of any progress made,
 - (b) to note that the 'West Road Traffic Island' is now complete,

- (c) in relation to 'Turfig of Shrub Beds' to request that Officers notify Members as to which areas are to be done and when,
- (d) to request that Officers advise local Members as to when the appointed Contractor will be on-site at Riverside Playpark, Peterhead,
- (e) to welcome the inclusion of the two proposed pedestrian crossings within Mintlaw within the programme, and to make a plea for them to be in-situ this Summer and before the schools go back in August,
- (f) to note the Committee's disappointment that the proposed 'Playparks for New Pitsligo and Strichen' are back on the reserve list, and
- (g) to highlight that there are ongoing issues which are hampering progress at Landale Gardens and to request that Officers assist the volunteers to the best of their ability

7. CLOSURE OF LONGHAVEN SCHOOL STATUTORY CONSULTATION

A report by the Director of Education and Children's Services had been circulated advising that the ongoing consultation proposing that the education provision at Longhaven School, which is currently mothballed, should be discontinued and that the catchment area should be reassigned to either Boddam School and/or Port Erroll School, had concluded and that the Committee should consider the formal consultation report attached as an appendix to the report.

Having considered the report, and having noted the recommendation in the consultation report at paragraph 14.2, the Buchan Area Committee **agreed** to confirm their support to the Education and Children's Services Committee to permanently close Longhaven School and re-assign its catchment to both Boddam School and Port Erroll School.

8. CORPORATE PARENTING ANNUAL REPORT 2020-2021

A report by the Director of Education and Children's Services had been circulated advising that Aberdeenshire Council is required to produce and report annually on its Corporate Parenting Plan. This report presents the progress made by Aberdeenshire Council and partners who work collaboratively to improve outcomes for care experienced young people, in the form of an annual report.

The Committee **agreed**:-

- (1) to welcome the report and recognise the valuable job that Aberdeenshire Council is doing as Corporate Parents,
- (2) to continue to support the Council's corporate parenting duties which involve listening to the voice of care experienced children and young people, and being proactive and determined in effort to act upon their wishes, and

- (3) to request that the next Annual Report comes to Area Committee's for comment before being presented to Education and Children's Services Committee

9. PETERHEAD LOCALITY PLAN ENDORSEMENT

A report by the Director of Business Services had been circulated asking the Committee to endorse the Peterhead Locality Plan, which was agreed by the Buchan Local Community Planning Group on 8th December 2021. The Locality Plan will provide additional support for communities who are experiencing poorer outcomes because of socio-economic inequality and disadvantage compared to other parts of Aberdeenshire and similar communities in Scotland, as highlighted in the Scottish Index of Multiple Deprivation.

The Committee **agreed**:-

- (1) to endorse the Peterhead Locality Plan, and
- (2) whilst recognising this is a live document, Members requested a different focus on the front cover of the Plan

10. CROWN ESTATE SCOTLAND FUND – BUCHAN COASTAL COMMUNITIES COMMISSIONING STRATEGY 2022-2027

A report by the Director of Business Services had been circulated providing an update on the Crown Estate Scotland Fund for Aberdeenshire Council, and the associated framework for managing the allocation of funds. The report requested the Committee to agree to a workshop to develop a commissioning strategy in support of the Buchan allocation of the fund.

The Committee **agreed**:-

- (1) the Buchan Coastal Communities Commissioning Strategy 2022-2027, and the recommended priority projects for Year 1, and
- (2) to delegate approval of individual commissions allocating funding Year 1 of £89,558 to the Buchan Area Manager following consultation with the Chair and Vice Chair

11. AREA COMMITTEE BUDGET 2022-2023

A report by the Director of Business Services had been circulated asking the Committee to agree the allocation process of the Area Committee budget for 2022/2023 amounting to £81,200.

The Committee **agreed**:-

- (1) to to make available a Brighter Buchan Initiative in 2022/2023 at a cost of £17,000,

- (2) that £1,000 be allocated to Buchan Development Partnership to deliver the 'Buchan in Bloom' scheme,
- (3) that £61,500 is devoted to the Area Committee Grant Scheme to be publicised and developed in tandem with Buchan Development Partnership, and
- (4) that the remaining £1,700 is retained as a contingency budget to cover hospitality and any unforeseen events, and that this sum be delegated to the Area Manager to disburse appropriately

12. STATEMENT OF OUTSTANDING BUSINESS AS AT 8TH APRIL 2022

The Committee **agreed**:-

- (1) Item 4 – to note verbal update,
- (2) Item 5, Recommendation 3 – to note verbal update,
- (3) Item 7 – to remove,
- (4) Item 10 – to note meeting now scheduled,
- (5) Item 11 – reported to BAC on 19/4/22 with next steps,
- (6) Item 13 – to be included as part of the Councillor Induction Programme, and any Member wishing a separate visit should contact the Area Manager,
- (7) Item 16, Recommendation 1 – letter now been sent so remove,
- (8) Item 16, Recommendation 2 – to note verbal update,
- (9) Item 16, Recommendation 5 – to note verbal update, and
- (10) Item 16, Recommendation 7 – to note that the briefing has been prepared

Following a discussion, it was further **agreed**:-

- (1) Item 2 – to request that the Area Manager clarify the position with the Access Officer,
- (2) Item 4 – to note that Peterhead Development Partnership's Constitution does not permit all 7 Peterhead Members to be on Peterhead Development Partnership, and that this should be reconsidered for the new Council; and to highlight that there is a requirement for more engagement with the local town centre community,
- (3) Item 12 – to highlight that this session has still to be scheduled and to again highlight that there is a requirement for more engagement with the local town centre community,
- (4) Item 16, Recommendation 5 – to highlight concern that the works continue to be sporadic, and that the surrounding area continues to be a concern in respect of deteriorating buildings, and
- (5) Item 16, Recommendation 8 – to note verbal update

APPENDIX A

NEW PLANNING APPLICATIONS

- (a) **Full Planning Permission for Erection of Dwellinghouse and Garage at Plot 5, Land Adjacent to Mount Pleasant, Inverugie**
For: Mrs S Baxter, 13 Spinney Lake, Lower Mill Estate, Somerford Keynes, Cirencester
Per: Arcus Design Ltd, Mavisbank, Old Deer, Peterhead
Reference No: APP/2021/2803

The Committee heard from Mr Darren Ross, Team Manager, Planning, who advised, before presenting the planning application, that “the Local Development Plan is technically out of date, as of 18th April 2022, but that this has no bearing on the recommendations before Committee today”.

The Monitoring Solicitor stated that in line with what Mr Ross advised in relation to the Local Development Plan, given it has now expired, the legal test is ever so slightly different. Now the Committee has to look as to whether the development contributes to sustainable development, and the presumption is it does if it would've met the Local Development Plan in 2017, and so the test is now - are there any adverse impacts that would weigh against that presumption of sustainable development.

Having heard from the Planning Team Manager, and the Monitoring Solicitor having clarified the Legal Test, the Committee **agreed**:-

- (1) to Grant Full Planning Permission subject to 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 development in connection with the permission hereby granted shall commence until the following has been provided:
- (i) a lay-by measuring 8.0 metres by 22.5 metres with 45° splays has been formed on the frontage of the site, in accordance with details that shall be first submitted to and approved in writing by the Planning Service. Once provided the lay-by shall be maintained as such at all times and remain free from obstructions. Construction shall be to a standard appropriate to the location and must be agreed in advance with Roads Development;
 - (ii) the provision of visibility splays, measuring 2.4m x 90m to be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.

Reason: In the interests of road safety.

03. The dwellinghouse hereby granted shall be occupied until the following has been provided within the curtilage pertaining to it:-
- (a) off street parking for three cars within each curtilage, all to be surfaced in hard standing materials, and thereafter retained in perpetuity;
 - (b) the first 5 metres of the access road measured back from the public road shall not exceed a gradient of 1 in 20 and shall be surfaced in hardstanding materials;
 - (c) a vehicle turning area, measuring no less than 7.6 by 7.6 metres, must be formed to enable all vehicles to enter and exit the site in a forward gear.

Reason: In the interests of road safety, to ensure vehicles can enter and exit the site in a forward gear, and to make sure that vehicles can be accommodated within the site with no overspill on to the public road.

4. The dwellinghouse hereby granted shall not be occupied unless a refuse bin uplift store area has been provided and surfaced on site in accordance with details that shall be first submitted to and approved in writing by the Planning Service. For the avoidance of any doubt it shall be secure enough to prevent empty bins from being wind blown and be positioned outwith visibility splays. Once the refuse bin uplift store area has been 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.

5. 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) Existing and proposed finished levels;
- d) The location of new trees, shrubs, hedges, grassed areas and water features;
- e) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- f) The location, design and materials of all hard landscaping works including walls, fences, and gates;
- g) An indication of existing trees, shrubs and hedges to be removed;
- h) A programme for the implementation, completion and subsequent management of the proposed landscaping.

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.

6. 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.

7. The dwellinghouse hereby granted shall not be occupied unless the proposed foul surface water drainage systems have been provided in accordance with the approved plans, drainage report by Arcus Design, and the Certificate for Proposed Foul Water Sub-Surface Soakaways by Grampian Geotechnical (Scotland) Ltd, 8th June 2016. 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.

- (2) the reason for departing from the Aberdeenshire Local Development Plan -

01. The planning authority considers that the application is for a development that that is not in accordance with the Aberdeenshire Local Development Plan 2017. Whilst the application is in conflict with Policy R2, as there is currently no capacity for additions to the existing housing cluster, and due to the size of the plot as proposed, it is noted that there is extant planning permission for a dwellinghouse on part of the plot, and that this application effectively seeks to supersede that permission, given, should this application be granted, that both cannot be implemented due to the siting of the house as proposed in relation to that previously granted. The result is that no additional houses can be built than what has already been granted. However, it is a Departure, as the previous planning permission was granted in 2015 (planning permission in principle), under the Aberdeenshire Local Development Plan 2012. A number of planning permissions have been granted under the Aberdeenshire Local Development Plan 2017, which remain extant, and have taken up the available capacity for additional houses within this existing cluster. The approval of this application is thus in conflict with Policy R2. However, given the previous application remains extant until March 2023, the granting of this application would not increase the number of houses overall, and therefore it is deemed that it should be supported as it does not change the status quo regarding the number of houses within this locality.

The similarity in design means there would be no significant change in the character of the area or landscape, in accordance with Policies P1 Layout, siting and design and E2 Landscape. The development would not pose a risk in terms of contaminated land or natural heritage and is sufficiently serviced in terms of access, drainage and water supply, subject to relevant conditions. There are no technical matters outstanding which warrants refusal of the planning application.

- (b) **Consultation under Section 36 of the Electricity Act 1989 for the Erection of a Solar PV Farm of 50MW Capacity and a Battery Energy Storage Facility at 20MW Capacity with Ancillary Development on Land at Kirkton, approx. 1.2km South East of St Fergus Village**
For: RPS Group, Elmwood House, 74 Boucher Road, Belfast
Reference No: APP/2021/1712

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 Paul McKernan, Technical Director for Planning.

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

The Committee first heard from the Planner, James Hewitt, then heard from Mr McKernan as follows:-

“Good morning, my name is Paul McKernan, I’m a representative of RPS who are the agents for the Kirkton Solar Farm application which is before Committee this morning for consultation. Also on the line is Mr Ronan Clarke from Elgin Energy who is the Project Manager for the proposed development. We thank you for allowing us the opportunity to address your Committee.

To provide a small bit of background, Elgin Energy are a long-established solar company and have a reputation for taking a development on in the right way. To date, they have delivered approximately 230 megawatts of solar energy with a further pipeline of almost one thousand megawatts across 60 projects in the UK and Ireland. They also have a further 3,000 megawatts at late stage development across the UK, Ireland and Australia.

Elgin Energy has a 90% planning success rate with their applications which is testimony to the fact that they do things correctly and we feel that this is borne out of the present application which has received an esteemed supplemental best series of environmental reports.

The project before council today is, we believe, a well thought-out and robust application which will make a significant contribution to Scotland’s Net Zero Carbon 2045 target and will create sufficient electricity to power 15,000 homes annually with clean, green electricity.

There are other benefits as the solar farm will improve biodiversity around the site and it will be clean, quiet and will emit zero carbon emissions. Both Mr Clarke and I are available to answer any questions from the Committee that emerge. Once again we thank you for your time today.”

Having taken into consideration all of the detail put before them, the Committee **agreed** that the application be referred to Infrastructure Services Committee for determination having confirmed the Buchan Area Committee’s support for the application by agreeing authority to respond to the Energy Consent Unit consultation with ‘No Objection’ subject to –

- (a) the conditions detailed in the report , and
- (b) the following issues being addressed or included within the report to Infrastructure Services Committee –
 - (i) more photos showing any potential impact on the nearby farmhouse; the visual impact the development may have on the houses at Inverquinzie which are above ground level and may also be affected by the glare from the panels; and North Kirkton Cemetery,
 - (ii) in relation to North Kirkton Cemetery, to request that the Applicant works with the Council to ensure that any works are paused whilst burials take place and that the cemetery is openly available at all times, and

- (iii) a request that should the track to the old cemetery be used by construction vehicles that an agreement be reached, before works start, for remuneration towards upgrading and restoration of the access track,
- (iv) to highlight concern that as a consultee, the Council is not made aware of the views/representations received from surrounding neighbours and does not actively seek local comment; this issue needs to be addressed,
- (v) clarification of any likely impact blown sand will have on the panels,
- (vi) clarification of the possible impact of glare on the main access road, and
- (vii) clarification as to whether the proposed site is considered to be prime agricultural land