

ABERDEENSHIRE COUNCIL

BUCHAN AREA COMMITTEE

HYBRID MEETING – 6TH SEPTEMBER 2022

- Present:** Councillors D Beagrie (Chair), A Simpson (Vice Chair), A Buchan, G Crowson, G Hall, M James, D Mair, L McWhinnie, H Powell (Items 1 to 9 incl), C Simpson and S Smith
- Officers:** Amanda Roe, Buchan Area Manager (Business Services); Lauren Cowie, Principal Solicitor (Business Services); Sally Wood, Senior Planner, Planning (Environment & Infrastructure Services); James Hewitt, Planner (Environmental & Infrastructure Services); Fiona Reid, Senior Policy Planner (Environmental & Infrastructure Services); Mrinmoyee Nath, Policy Planner (Environmental & Infrastructure Services); Natalie Wood, Principal Engineer (Environmental & Infrastructure Services); Jonathan Sharp, Senior Roads Engineer (Environmental & Infrastructure Services); Ewan Wallace, Head of Environment and Sustainability (Environmental & Infrastructure Services); Caroline Roff, Waste Team Leader (Environmental & Infrastructure Services); Ruth O'Hare, Legal Services Manager (Business Services); and Theresa Wood, Area Committee Officer (Business Services)

PRIDE OF BUCHAN NOMINATION – STUART PRATT

The Chair invited Councillor Crowson to put forward his nomination for a Pride of Buchan Award –

“I would like to nominate Stuart Pratt, of New Pitsligo, to receive a Pride of Buchan Award for his 45 years service in the 1st New Pitsligo Boys Brigade.

Stuart Pratt started volunteering in 1977 before becoming an Officer in 1979. He has been involved with the Junior & Company section. He stepped down as Captain in 2021, a position he had held for many years then finishing off as Officer in Charge of the Juniors.

Over the years he has taken the boys away on residential trips. He has also been involved in the Battalion Executive Committee representing the Juniors. He has only decided to step down due to ill health.

Although the nomination is for his time spent in the Boys Brigade I think it is also worth mentioning that Stuart Pratt has been a long time elder in his Church which has seen him involved in many charitable duties including hosting sponsored walks at his home and providing food and refreshments.

Stuart Pratt was also a long serving Aberdeenshire Councillor.

It is primarily for the Long Service to the Boys Brigade but also the charitable nature of Stuart Pratt that I put this nomination forward.”

The Chair thanked Councillor Crowson for his nomination, and asked the Committee if they were happy to support the nomination.

The Committee unanimously **agreed** that Stuart Pratt be awarded a Pride of Buchan Certificate in recognition of his Long Service to the Boys Brigade.

BUCHAN'S 'GOOD NEWS STORIES' SEGMENT

The Chair put forward the following –

‘Congratulations’ to the Buchan Peterson Pipe Band who recently achieved – ‘Grade 2 World Champions and Champions of Champions for Drumming and as A Band’

Cancer Research UK Relay for Life Peterhead having raised £115,792.97 this year and in total have raised £2.5 million

Peterhead Scottish Week in having achieved their 60th Year Celebration, and having made this year another fantastic Scottish Week to remember, and

Finally, ‘Congratulations’ to our young people and teachers at both Peterhead and Mintlaw Academy’s following the fantastic range of qualifications achieved this year. Mention must be made of those achievers who followed the traditional route, resulting in one of our young persons having secured himself a place at Oxford University. The past year also saw an increase in the number of pupils undertaking Foundation Apprenticeships, which has resulted in improved attainment and outcomes for those participating #NoWrongPath

The Committee **agreed** to request that the Area Manager write a letter of congratulations to each of the above on behalf of the Committee.

1. DECLARATION OF MEMBERS’ INTERESTS

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

- (1) Councillor M James for Item 5 by virtue of being involved previously by submitting bids for former clients. However, having applied the objective test he concluded that he had no interest to declare and no personal gains from the approval of the Local Development Plan. Councillor James stayed and took part in the decision of this item.

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

3. DRAFT MINUTE OF 28TH JUNE 2022

The Draft Minute of 28th June 2022 had been circulated and was **approved**.

4. NEW PLANNING APPLICATIONS

The Committee had before them reports by the Director of Environmental & 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/2022/0655 Planning Permission in Principle for Erection of Dwellinghouse at Land to the North of Eastview, Stuartfield
- (b) APP/2022/0972 Full Planning Permission for Erection of 2 Dwellinghouses at Plots 26 & 27, Millburn Rise Development, High Street, St Combs
- (c) APP/2022/1168 Consultation under Section 36 of the Electricity Act 1989 for the Consultation under Section 36 for Erection of a Solar PV Park and Battery Storage Including Inverter Housings, CCTV, Security Fencing, Soft Landscaping, Access Tracks, Substation and Ancillary Works on Land at Frodo Farm, Crimond
- (d) APP/2022/1363 Full Planning Permission for Erection of Dwellinghouse at Site adjacent Burnside View, Peterhead

5. ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2022

A report by the Director of Environmental and Infrastructure Services had been circulated presenting the Draft Aberdeenshire Local Development Plan (LDP) 2022, and incorporating the findings of the Scottish Government Reporter following the public examination on representations to the Proposed LDP 2020. The Committee was asked to consider the conclusions reached in the Examination Report.

Following this, Full Council, at a Meeting on 21st September 2022, will be asked to make a decision to advise Scottish Ministers of the Plan that they wish to adopt. This will be the settled view of the Council on the LDP 2022.

Having noted the Reporter's report and the proposed non-notifiable modifications, the Committee **agreed** to advise Full Council of the Buchan Area Committee's support to accept the findings of the Scottish Government Reporter.

6. ROADS CAPITAL WORKS 2022-23

A report by the Director of Environmental and Infrastructure Services had been circulated asking the Committee to note the proposal agreed by Infrastructure Services Committee on 8th June 2022 for the Service to develop a method for identifying and prioritising roads related capital works schemes, and to note the roads related capital works programmes for 2022-23.

Following a detailed discussion, the Committee **agreed**:-

- (1) to note that data driven processes will be developed for producing and prioritising roads related capital works programmes,
- (2) to note that the Service will move to a live and transparent method of scheme identification and prioritisation to replace annual roads maintenance works programme reporting,
- (3) to note that road asset maintenance will be considered across Aberdeenshire as a whole,
- (4) in giving due recognition to our smaller settlements also, that the 'Use of the Town Centre First Principle' should be replaced with 'Place Principle',
- (5) in relation to the draft Questionnaire, which will allow Members to inform the Service of factors that should be considered when assigning a roads maintenance hierarchy designation to a section of road or footway, to provide the following comments -
 - (a) there is a statement asking if 'The maintenance priority of a road should be enhanced if the road is part of a bus route'; in addition, the same should apply to the footways,
 - (b) to request that the questionnaire be distributed throughout our communities also,
 - (c) that some of the questions are too broad and may be seen as 'leading',
 - (d) that many of the questions relate to 'now' and that consideration should be given to turning some of the questions around, ie 'how many would use ... if ... were in-place?'

- (6) to note the agreed programmes of roads related capital works for 2022-23, but to highlight that consultation with Area Committee's has been lacking, particularly in light of having new Members, and to request that an informal session be arranged with relevant Officers to discuss what has been agreed

The Committee **agreed** to Suspend Standing Order 2.1.2 to continue business beyond 1pm.

7. ABERDEENSHIRE COUNCIL ROUTE MAP 2030 AND BEYOND

A report by the Director of Environmental and Infrastructure Services had been circulated containing the draft of Aberdeenshire Council's Route Map 2030 and Beyond which has been developed by Consultants with the support of Aberdeenshire Council Officers. The report went to Sustainability Committee on 15th June 2022 (Item 6), at which time an amendment to the recommendation was put forward in that the report be presented to all Area Committees for consideration and comments.

Following a detailed discussion, the Committee **agreed**:-

- (1) to welcome and recommend to Full Council approval of the Aberdeenshire Council Route Map 2030 and Beyond, and
- (2) to note the amendments to the estimated Capital investment which have been made since the 15th June 2022 Sustainability Committee

8. HOUSEHOLD RECYCLING CENTRE HYBRID BOOKING SYSTEM PROPOSAL

A report by the Director of Environmental and Infrastructure Services had been circulated following a report presented to Infrastructure Services Committee on 20th January 2022 (Item 12). At that time the Committee agreed that the Member Officer Working Group be requested to give further consideration to a customisation of the service, on a site by site basis, and seek to provide further opportunities for users of the service and to report back to Infrastructure Services Committee. The report outlined the proposal of a hybrid booking system.

The Committee **agreed** to submit the following comments to the Council's Waste Service and Infrastructure Services Committee:-

- (1) in relation to the booking system at Peterhead there were differing views, therefore -

Councillor James put forward as a motion, seconded by Councillor Beagrie, that the booking system at Peterhead should be removed

As an amendment, Councillor Crowson, seconded by Councillor Mair, moved that the booking system should be retained on week days with no requirement to book at the weekends

The Members of the Committee voted –

For the motion	(6)	Councillors Beagrie, Buchan, Hall, James, Powell and C Simpson
For the amendment	(2)	Councillors Crowson and Mair
Declined to vote	(3)	Councillors A Simpson, McWhinnie and Smith

The motion was therefore carried and the Committee **agreed** that the booking system at Peterhead should be removed

- (2) to recommend that all booking systems across Aberdeenshire be removed,
- (3) that should the decision be taken to go ahead and undertake a trial of a hybrid booking system, that 12 months may be excessive,
- (4) to request that consideration be given to putting a system in place that recognises if vehicle registrations are trade or private vehicles, and
- (5) having considered the detail from the survey, to request that Officers provide a breakdown, preferably by area, of the figures for satisfied and dis-satisfied customers

9. HYBRID MEETING ARRANGEMENTS

A report by the Director of Business Services had been circulated seeking the Committee's feedback on future arrangements for hybrid meetings, with a view to informing the report to Full Council on 29th September on the wider review of hybrid meeting options. In particular the report seeks views from the Committee on what hybrid solution they would wish to see in Buchan House, and also views on the ongoing livestreaming of meetings.

The Committee **agreed** to make the following comments to Full Council on the future arrangements for hybrid meetings of the Buchan Area Committee:-

- (1) to confirm that Buchan Area Committee Members are satisfied with the hybrid set-up that is currently in-place for the meetings of the Buchan Area Committee,

- (2) given that the current system is working well, that there be only minimal spend (up to £250) on additional resources,
- (3) in recognising the additional staffing resources required for livestreaming meetings, that detail of viewing figures be included in the report to Full Council, and that should the viewing figures not justify the additional resources required for livestreaming that consideration be given to reverting back to making recordings of meetings available after Council and Committee meetings, and
- (4) to recommend that the general public be permitted to again attend meetings of the Buchan Area Committee in-person

Further, the Committee **agreed** to thank the Area Team for their work involved to date to ensure the smooth running and delivery of the Buchan Area Committee meetings.

10. ANNUAL SCRUTINY & IMPROVEMENT REPORT 2021-2022

A report by the Director of Business Services had been circulated advising that The Scrutiny and Improvement at Aberdeenshire Guidance in Part 4 of the Scheme of Governance requires each Committee to consider an Annual Scrutiny and Improvement Report. The report includes highlights of key scrutiny activity undertaken by the Committee over the past year and outlines areas for inclusion in the scrutiny programme for the coming year.

The Committee **agreed**:-

- (1) to request that the same report be taken back before the Buchan Area Committee to include detail of Members attendance,
- (2) to request 6-monthly reports to the Buchan Area Committee, again including detail of Members attendance,
- (3) in recognising that some of the informal business had been scheduled prior to the new Members taking up their roles, to request informal sessions with LLA and Tackling Poverty be scheduled, and
- (4) to note the proposed programme of scrutiny activity for 22-23

11. STATEMENT OF OUTSTANDING BUSINESS AS AT 26TH AUGUST 2022

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

- (1) to remove the actions as recommended in the Statement,

- (2) in terms of Action 7 which relates to EV Charging, there is now Council wide consideration of the feasibility of partnering with private sector and potentially other Councils to act as a charge point network operator; agreed that this action be removed and, as matters progress, that the Committee seek an informal briefing by way of an update,
- (3) in relation to Action 14 (2), having been provided with a quite complicated formula to explain the calculations, agreed that the action be removed and that an updated figure be provided in the next performance report,
- (4) in relation to Action 3, agreed to remove as it is linked to Action 10; in relation to Action 10, Committee will receive funding updates relating to Levelling Up Funding, Heritage Lottery Funding etc,
- (5) in relation to Action 6, that this be removed now that we have a confirmed date,
- (6) in relation to Action 16, that this be removed now that an update has been provided,
- (7) in relation to Action 13 (d), that this be removed now that the play equipment is operational, and
- (8) that Drummers Corner remain on until the project is complete and that a review process with Officers be undertaken thereafter

APPENDIX A

NEW PLANNING APPLICATIONS

- (a) **Planning Permission in Principle For Erection of Dwellinghouse at Land To The North Of Eastview, Stuartfield**
For: Mr Kyle Fowlie, Eastview, Stuartfield
Per: Arcus Design Ltd, Mavisbank, Old Deer, Peterhead
Reference No: APP/2022/0655

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 –

“What we have before us is an application for a house in the garden of an existing house recently constructed by the applicants Mum & Dad.

Kyle Fowlie the applicant wishes to build a dwelling house within his parent’s garden . Contrary to the reasons for refusal the site is located in a brownfield site and is not greenfield.

The site is also located within an established group of at least 8 houses with the proposed site fitting into the landscape and capable of accommodating a new dwelling as confirmed in items 6.8 & 6.9 of the report. Unfortunately the map on page 1 does not show all of these houses as it is out of date.

As noted in the report, Scottish Planning Policy ensures that development is located in suitable sustainable locations to offer a prosperous economy, homes, jobs and a good living environment.

This site would offer exactly that to the applicant as it would offer an affordable house located next to his family. This site would only be a short distance from Stuartfield and connected to the village with a tarred footpath. The new dwelling would be designed to meet the latest building regulations and like his parents house would use sustainable technologies to power the dwelling including a ground source heat pump thus vastly reducing Carbon dioxide production.

As noted in item 5.4 of the report the current Local Plan becomes out of date however as members may be aware this plan allowed for houses to be built within 200m of Stuartfield and also houses to be added to Cohesive groups as well. Also as members will be aware these policies will be removed in this area when the new Local Plan gets adopted later this year.

Historically Local Plans have been produced with a 5 year life cycle and within this 5 year cycles policies have to deliver certain numbers of housing stock both within and outside settlements to meet the Strategic Development Plan. So as the current plan is almost 6 months passed its 5 year period housing numbers are potentially falling behind. We believe due to the delay in adoption of the new Local Plan to maintain an adequate supply this site should be approved , more so as the two policies that allowed additional growth outside Stuartfield are being removed placing strain on meeting the Strategic Plan.

The benefits in approving this development in our opinion outweigh any adverse impacts which is a criteria of Scottish Planning Policy when Local Plans surpass their intended period. This is noted in paragraph 6.1.

This is especially the case as there will be no more housing allowed through some existing countryside policies in the future. Limiting development to only brownfield sites outside settlements or housing land within settlements.

This can limit the choice and deliverability of housing for first time buyers if they wish to build a new home as they may only have a choice of one developer in each settlement, particularly the smaller ones.

As this application is for a single sustainable house within garden ground and will be an affordable house for the applicant the applicant would be pleased if you could support his proposals. There has been no objection to the application.”

Having considered the application, the Committee **agreed** to Refuse Planning Permission in Principle for the following reasons:-

01. The principle of development for a dwellinghouse on the site is in conflict with Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017, in that the principle of a dwellinghouse cannot be established as the capacity for the small-scale growth of the Appendix 4 settlement of Stuartfield has already been taken during the current plan period. The proposal does not otherwise meet any of the other eligibility criteria under Policy R2.

The proposed development was assessed against the Scottish Planning Policy principles of sustainable development however the proposal does not accord with those principles, as it is a greenfield site and would undermine the deliverability of the housing allocations in Stuartfield and dwellings granted under the small-scale organic growth criterion, and it does not accord with the policies of the Aberdeenshire Local Development Plan 2017 and therefore cannot be considered to contribute to sustainable development.

- (b) **Full Planning Permission For Erection of 2 Dwellinghouses at Plots 26 & 27, Millburn Rise Development, High Street, St Combs**
For: Claymore Homes Ltd, Aden Business Park, Newlands Road, Mintlaw
Reference No: APP/2022/0972

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

- (a) the conclusion of Developer Obligations; and,
- (b) the following conditions:-

01. No dwellinghouse hereby granted shall be occupied until the following has been provided within the curtilage pertaining to that dwellinghouse: -

- a) off street parking for two 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 drop kerb footway crossing must be formed at the new driveway.

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.

02. No individual dwellinghouse hereby granted 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.

03. No dwellinghouse hereby granted shall be occupied until the boundary enclosures are completed in full in accordance with details that shall be first submitted to and approved in writing by the Planning Authority. Once erected the means of enclosure shall thereafter be permanently retained in accordance with the approved details.

Reason: In the interests of residential amenity, the visual amenities of the area, and for the purposes of clarification.

04. 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.

05. Waste water from the proposed development shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means 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.

06. The dwellinghouses hereby granted shall not be occupied unless it is connected to the surface water drainage system as detailed and granted in planning application APP/2019/1364 namely in accordance with the approved plans and Drainage Assessment Report by GMC Surveys dated October 2018.

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 policies contained in the Local Development Plan 2017 remain compliant with the principles of sustainable development as guided by the SPP and therefore provide an appropriate basis for the determination of this application.

In assessing this application, whilst it is in conflict with the policies contained within the Local Development Plan 2017, it is of note the intention to allocate the site in the emerging plan (2022). Whilst the 2022 Plan is still premature, and not the settled view of the Council, it nevertheless does set out the intentions. In considering the development granted adjacent to the site, the residential development granted for nineteen houses plus land for four affordable units, it is deemed that the addition of two houses, which would be within walking distance of the settlement of St Combs, and be served by the infrastructure (roads, footpath, and SuDS) granted under application APP/2019/1364, would not be unsustainable, and therefore this proposal is effectively infill. The granting of this application would not prejudice the emerging 2022 Development Plan, and even if the intended allocation was not to be adopted as the settled view, the addition of two houses would in any case not appear out of place, and would be a relative small addition, given the adjacent development on three sides (to the west, south and east). So much so, that externally the development would not be discernible within the wider landscape.

On the balance of the above considerations it is deemed that the principle of development can be supported when assessed against Scottish Planning Policy, as a minor Departure, as it would not prejudice the emerging 2022 Development Plan due to the developments siting and layout when assessed against the wider residential development which surrounds it.

In assessing the proposed development against the wider policies of SPP and the LDP 2017 and any other material considerations, there were no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal.

The layout, siting and design are such that the development will be in-keeping and not cause an adverse impact upon residential amenity, in compliance with Policy P1 Layout, siting and design of the Aberdeenshire Local Development Plan 2017.

- (c) **Consultation under Section 36 of the Electricity Act 1989 for the Consultation under Section 36 for Erection of a Solar SV Park and Battery Storage Including Inverter Housings, CCTV, Security Fencing, Soft Landscaping, Access Tracks, Substation and Ancillary Works on Land At Frodo Farm, Crimond, Aberdeenshire**
 For: Green Energy International Ltd, Trinity House, Newby Road, Stockport
Reference No: APP/2022/1168

In terms of Standing Order 6.5, the Area Manager had received one request to address the Committee in relation to this application from Mr Mathew Baylay, Associate Director (Planning) for Green Energy International (Applicants).

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

The Committee first heard from the Planner, then heard from Mr Baylay –

“I would normally use this time to tell you about our proposal, but the planning officer, James has very kindly done that for me. So today I would rather tell you why. Three years ago, this week in fact, I stood before you to discuss the neighbouring Bilbo Solar Farm planning application which is set to begin construction soon. Since then, we have seen the global implications of a coronavirus pandemic, war breaking out in Europe and we’ve entered into a global energy crisis.

So what’s changed in the intermediate period?

Three years ago we highlighted how Britain experienced its hottest day on record as temperatures exceeded 38C. This summer we experienced temperatures in excess of 40C – Two degrees in three years.

Three years ago we noted how a month’s worth of rain fell in just 24 hours across parts of the UK. A year later we had the wettest winter on record and this year, the driest summer on record.

Three years ago we discussed how downtime at three major power stations meant lights went out for large swathes of the UK. This year, as energy security and unprecedented prices fill the headlines – businesses are closing and individuals needing to ration electricity.

And sadly three years ago Iceland lost its first-ever glacier to climate change. This year Scientists have confirmed that the melting of the Greenland Ice Cap is now inevitable and the sea level will rise by at least 27cm.

There are no simple answers to the environmental crisis this planet faces but we have to do something.

There are no quick fixes to the energy security situation this country faces but together we have to try.

The world is 'STILL' changing – Global warming is here to stay, we have to adapt.

Here in Scotland you've shown fantastic courage, embracing the construction of wind turbines, hydro-electric schemes and tidal power on an unprecedented scale. Solar sits quietly in the background generating electricity whilst the natural environment lies fallow. Together these renewable sources are piecing together the jigsaw of a diverse and carbon neutral future.

Of all the residents consulted through the energy consents unit - No objections
 Of the statutory consultees responses - No objections
 Aberdeenshire LPA – no objections - have kindly recommend approval of the project.
 From a planning perspective, this site works.

It will power over 18,000 homes or 24000 EVs for 40 years
 It will make a carbon reduction of over 1,000,000 tonnes over the lifetime of the project.
 It will aid energy security here in Scotland and across the UK.
 From a technical perspective, this site works.

Significant biodiversity enhancement of the land
 Improved highways with passing points proposed
 Sheep will continue to graze the land
 On a local level this site works.

Over the last two hundred years humans have proven that we can change the climate – and we've changed it for the worse.

We are living on this planet as if we had another one to go to. A doomsday future is not inevitable, but without immediate drastic action, our prospects are poor.

So as you take this decision today, please keep in mind that the next generation will have to live with the consequences far longer than the rest of us."

Having considered the content of the application, the Committee **agreed** that the application be referred to the Infrastructure Services Committee for determination with the Buchan Area Committee's support for the application in having agreed authority to respond to the Energy Consents Unit consultation with NO OBJECTION subject to -

- 1) the resolution of the Environmental Health Objection
- 2) the resolution of the Roads Development Objection
- 3) the following Conditions:-

1. Duration of Consent

The consent is for a period of 40 years from the date of First Commissioning.

Written confirmation of the date of Final Commissioning shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after that date.

Reason: To define the duration of the consent.

2. Commencement of Development

The Commencement of the Development shall be no later than three years from the date of this consent, or in substitution such other period as the Scottish Ministers may hereafter direct in writing.

Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month before that date.

Reason: In accordance with s58 of the Town and Country Planning (Scotland) Act 1997. To avoid uncertainty and ensure that the consent is implemented within a reasonable period.

3. Restoration Scheme

- (i) The Development will cease to generate electricity by no later than the date falling 40 years from the Date of Final Commissioning.
The total period for decommissioning and restoration of the Site in accordance with this condition shall not exceed 18 months after the date of cessation of electricity generation by the Development without prior written approval of the Scottish Ministers in consultation with the Planning Authority.

- (ii) There shall be no Commencement of Development unless and until a decommissioning, restoration and aftercare strategy has been submitted to and approved in writing by the Planning Authority. The strategy shall include measures for the decommissioning of the Development, restoration and aftercare of the site and will include, without limitation, proposals for the removal of the above ground elements of the Development, confirmation of the status of subterranean elements of the development (retention, removal or other such proposal), the treatment of ground surfaces, the management and timing of the works and environmental management provisions.
- (iii) No later than twelve months prior to decommissioning of the Development or the expiration of this consent (whichever is the earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted to the Planning Authority for written approval. The detailed decommissioning, restoration and aftercare plan will provide updated and detailed proposals for the removal of above ground elements of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions.
It should include (but shall not be limited to):
 - a) a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
 - b) details of the formation of new features required to facilitate the decommissioning and restoration including but not limited to: the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
 - c) a dust management plan;
 - d) details of measures to be taken to prevent loose or deleterious material being deposited on the road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
 - e) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
 - f) soil storage and management;
 - g) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
 - h) sewage disposal and treatment;
 - i) temporary site illumination;

- j) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays; and
 - k) details of watercourse crossings
- (iv) The Development shall be decommissioned, site restored, and aftercare thereafter undertaken in accordance with the detailed decommissioning, restoration and aftercare plan as approved, unless otherwise agreed in writing in advance with the Planning Authority.

Reason: To ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

4. Restoration Bond

No works in connection with the development hereby approved shall commence unless the developer has provided to the planning authority written details of the guarantee or other financial provision that is proposed to be put in place to cover all site restoration liabilities at the end of the period of this permission (as per condition 1 of this notice). The developer shall also provide an independent confirmation by a chartered surveyor or other suitable qualified professional (whose appointment for this task has been approved in writing by the planning authority) that the amount of the guarantee or financial provision so proposed is sufficient to meet the full estimated costs of dismantling, removal, disposal, site restoration, remediation aftercare liabilities and incidental work as well as associated professional costs. No works shall commence on site unless written confirmation has been given by the planning authority that the proposed guarantee is satisfactory, and the developer has confirmed in writing to the planning authority that the guarantee has been put in place. The guarantee or other financial provision must:

- a) be granted in favour of the Council as planning authority;
- b) be from a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
- c) The value of the financial provision shall be reviewed by a suitably qualified independent professional every five years and increased or decreased to take account of any variation in costs of compliance with restoration and aftercare obligations;
- d) come into effect on or before the date of commencement of development and expire no earlier than completion of site restoration and aftercare liabilities.

In the event that the guarantee becomes invalid for any reason, no operations shall be carried out in connection with the development hereby approved unless a replacement guarantee, completed in accordance with the terms of this condition has been submitted to, and approved in writing by the planning authority.

Reason: To ensure financial security for the cost of the site reinstatement and aftercare liabilities is in place in the interests of the visual amenity of the area and environmental protection.

5. Construction Environment Management Plan (CEMP)

No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a Construction Environmental Management Plan ("CEMP") has been submitted to and approved in writing by the planning authority.

The CEMP shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of biodiversity protection zones;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works; Agreed.
- f) Responsible persons and lines of communication (including named contacts);
- g) The role and responsibilities on site of the environmental clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Site Waste Management Plan, including details of any peat excavation.
- j) Species Protection Plans (SPP) detailing working measures to be undertaken in order to prevent disturbance or harm to protected species (including badgers, bats and breeding birds) and any mitigation measures which may be required.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of protecting the biodiversity of the environment.

6. Landscaping

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) An indication of existing trees, shrubs and hedges to be removed;
- f) The location, species details and timing of planting identified in order to mitigate the impact of glint and glare;
- g) The location of and full details of any planting associated with biodiversity enhancement measures;
- 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.

7. Construction Traffic Management Plan (CTMP)

No works in connection with the permission hereby granted shall commence unless a named contact, responsible for the implementation of the Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with the approved CTMP.

The approved CTMP is considered to comprise:
Construction Traffic Management Plan, ADL Traffic, dated Feb 2022

Reason: In the interests of road safety and to avoid degradation of the road and bridge network.

8. Programme of Archaeological Works

No works in connection with the development hereby approved shall commence unless a written scheme of archaeological investigation has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved scheme.

The written scheme of investigation shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works.

Should the archaeological works reveal the need for post-excavation analysis the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority.

The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

Reason for Decision

The proposal as assessed against National, Strategic and Local Planning Policy is considered to be acceptable. Whilst a degree of localised visual harm is likely to occur, the benefits of the development in terms of renewable energy production and biodiversity enhancement would outweigh such harm on a wider scale.

(d) **Full Planning Permission For Erection of Dwellinghouse at Site Adjacent Burnside View, Peterhead**

For: Mr Andrew Ritchie, C/O Ecotech Architecture

Per: Ecotech Architecture, 7 Wallace Way, Fraserburgh

Reference No: APP/2022/1363

In terms of Standing Order 6.5, the Area Manager had received one request to address the Committee in relation to this application from Mr Steven Rollo, Consultant working on behalf of the Agent, Ecotech Architecture.

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 Rollo –

“Thank you Chair and Committee for giving me the chance to speak. I would just like to make a start by saying there has been a lot of discussion about the situation we are in with the previous local plan now being out of date and the new one not being enforced yet, so it is an unfortunate situation. But within the scenario there is a natural process to follow, and that process is to go with the Scottish planning policy, which states that applications should be recommended for approval if they are sustainable. So, we feel that we cannot see how the planners can continuously reference a local development plan that is now out of date and the new one is not enforced, when there is clear guidance on how things should be processed.

So, I would just like to move on to the reasons for refusal which Sally just spoke about. There are four of them.

The first one is just what I have mentioned in presumption of sustainable development as a significant consideration. It says that the proposed development plan was assessed against the Scottish planning policy, and they don't think it was sustainable due to the fact there is a lack of connections, alternative modes of travel to car with a lack of public transport connections. Well, that is not true. The burnside path that goes from this plot into Peterhead is probably the most used cycle and pedestrian path access to the countryside and Peterhead. It is a very popular pathway, and it is used constantly and would be an excellent link to Peterhead. There is new major access into the new development at Green Acre across the road. It is just waiting to be put in place whenever a certain number of houses are built so there will be good crossing links and safe crossing links. The site is within walking distance to Peterhead and for the planners to say that there is no public transport is false as well, because in the Green Acre development, which is very close, all the roads there have been designed up as bus routes because I designed them. So, I know that for a fact. I think it will probably be that the buses will be introduced further on just as the housing development is completed. So that is all for number one.

And the second one is to say that the house does not form part of a cluster. I think the photographs really do not give the correct view of the number of actual buildings and properties that are here clustered together. And for the fact that 'Park View' was approved in 2018, when the reasons for refusal state that there is not a connection... well it actually uses the same entrance and exit as the 'Burnside Farm' in the curtilage of that plot, even though it is just the access plot that bounds onto the curtilage of 'Burnside Farm'. There are seven buildings in Burnside Farm. There is I think 9 connecting further west, a total of 15 buildings or possibly even more.

And the third reason. There's a lot of talk about this 'gap' that's left, it's actually part of 'Burnside Views' garden which is the applicants Mum and Dad's garden, so it doesn't form part of a farm or an agricultural holding. It is just part of 'Burnside Views' garden.

So number 4 is that it doesn't accord with the local development plan 2017. In our opinion, that plan is no longer in place, and it cannot be referenced."

Having considered the application, and having heard from Mr Rollo, Councillor James moved as a motion, seconded by Councillor Powell, that Full Planning Permission be Granted subject to relevant planning conditions.

As an amendment, Councillor Smith, seconded by Councillor Mair, moved that Full Planning Permission be Refused for the reasons outlined in the report.

The Members of the Committee voted:-

For the motion	(3)	Councillors Beagrie, James and Powell
For the amendment	(7)	Councillors A Simpson, Crowson, Hall, Mair, McWhinnie, C Simpson and Smith
Declined to vote	(1)	Councillor A Buchan

The amendment was therefore carried and the Committee **agreed** to Refuse Full Planning Permission for the following reasons:-

01. The presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits.

The proposed development was assessed against the Scottish Planning Policy principles of sustainable development. However, adverse impacts significantly and demonstrably outweigh the benefits of the proposal. The site is Greenfield development, and with lack of connections, alternative modes of travel to the car, with a lack of public transport connections and footpaths.

02. The proposed development is in conflict with the Aberdeenshire Local Development Plan 2017, as it does not constitute an appropriate addition to an existing cluster. It is not well related to a group of at least 5 existing houses, due to the curtilage separations that exist between the properties to the west. The application meets none of the other exemptions listed under Policy R2 Housing and employment development elsewhere in the countryside, and is therefore in conflict with the Development Plan.
03. The application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017, as the layout of the site boundary would negatively impact the character of the area through the creation of a gap site that could not be viably used for its current agricultural use. It would therefore fail to comply with Policy P1 Layout, siting and design.
04. The application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017, as the proposed dwellinghouse would be poorly connected to local public transport connections, despite its close proximity to a settlement, and without safe pedestrian links, noting that the site is currently separated from Peterhead by a Trunk road. The proposal therefore fails to comply with Policy P1 Layout, siting and design.