

# ABERDEENSHIRE COUNCIL

## SPECIAL MEETING

### VIRTUAL MEETING, 21 SEPTEMBER, 2022

**Present:** Councillors S Adams, D Aitchison, N Baillie, D Beagrie, A Bell, D Black, S Brown, A Buchan, L Carnie, R Cassie, Y Chou Turvey, J Cox, J Crawley, G Crowson, I Davidson, S Dickinson, E Durno, A Evison, M Ewenson, M Findlater, A Forsyth, J Goodhall, M Grant, G Hall, A Hassan, F Joji, D Keating, A Kloppert, G Lang, S Logan, Doreen Mair, T Mason, L McAllister, R McKail, L McWhinnie, R Menard, C Miller, J Nicol, G Owen, S Payne, G Petrie, H Powell, G Reid, G Reynolds, D Ritchie, A Ross, H Smith, S Smith, K Stelfox, M Sullivan, I Taylor, A Turner, C Victor, I Walker, J Whyte and R Withey.

**Apologies:** Councillors J Adams, W Agnew, G Blackett, S Burnett, G Carr, J Gifford, M James, P Johnston, L Knight, D Lonchay, David Mair, A Simpson, C Simpson, A Stirling, and R Withey.

**Officers:** Chief Executive, Director of Business Services, Director of Education and Children's Services, Director of Environment and Infrastructure Services, Chief Officer, Health and Social Care Partnership, Head of Legal and People, Head of Finance, Head of Planning and Economy and Principal Committee Services Officer.

### CHAIR

Councillor J Whyte, Provost of the Council, presided.

#### 1. DECLARATION OF MEMBERS' INTERESTS

The Provost asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct. The following declaration was intimated –

Item 3 - Aberdeenshire Local Development Plan 2022 – Councillor Nicol declared an interest in this item by virtue of having previously been involved in the Local Plan consultation process in 2020 and submitted representations objecting to the inclusion of sites OP1 and OP2 at Potterton and left the meeting and took no part in the item.

#### 2. STATEMENT ON EQUALITIES

In making decisions on the following items of business, the Council **agreed**, in terms of Section 149 of the Equality Act, 2010:-

- (1) to have due regard to the need to:-
  - (a) eliminate discrimination, harassment and victimisation;
  - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and

- (c) foster good relations between those who share a protected characteristic and persons who do not share it.
- (2) where an Integrated Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

### **3A. ADDITIONAL URGENT ITEM OF BUSINESS**

The Provost advised that in terms of Standing Order 4.1.2.c she had accepted an urgent item of business on the agenda as this was the first meeting of the Council following the death of Her Majesty Queen Elizabeth II and an appropriate time to make a statement on behalf of the Council.

Having heard from the Provost, the Leader of the Council and the Leader of the Opposition Coalition, the Council:

- (1) expressed great sadness at the death of Queen Elizabeth II, following a lifetime of commitment to Aberdeenshire and its folk;
- (2) acknowledged the close bond that existed between Queen Elizabeth II and Aberdeenshire who made her family home here, a Monarch, neighbour and friend;
- (3) welcomed that this steadfast commitment had continued throughout the years, including the opening of Woodhill House on her Silver Jubilee Year of 1977 alongside many other notable events across Aberdeenshire and indeed the whole of the North East of Scotland;
- (4) recognised the tributes from across Aberdeenshire that had been paid to Queen Elizabeth II, including strong public presence as her funeral cortege passed through her beloved Ballater, communities of Royal Deeside and Kincardine and Mearns on 11<sup>th</sup> September 2022;
- (5) thanked, Queen Elizabeth II, for her faithful commitment to duty, her devotion to Aberdeenshire and its people;
- (6) considered that those qualities were at the forefront of tributes from all sectors of society;
- (7) extended its condolences to His Majesty King Charles III, and to the entire Royal Family as they continued their commitment to Aberdeenshire; and
- (8) welcomed His Majesty King Charles III, and his son and heir Prince William the Duke of Rothesay, Earl of Carrick, Baron of Renfrew, Lord of the Isles, Prince and Great Steward of Scotland.

### **3. ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2022**

With reference to the Minute of Meeting of 14 January, 2021 (Item 8) when it had been agreed to submit the Proposed Local Development Plan 2020 to the Directorate of Planning and Environmental Appeals (DPEA) for Examination, there was circulated a report dated 29 August, 2022 by the Director of Environment and Infrastructure Services on the proposed modifications recommended by the Scottish Ministers appointed person as detailed in the "Report to Aberdeenshire Council on the Proposed Aberdeenshire Local Development Plan 2020 Examination" (Reporters' report) following public examination on representations to the proposed Plan and recommending that the Council agree an intention to adopt the

Aberdeenshire Local Development Plan 2022, as modified, following due process with effect from 24 October, 2022. The report (1) outlined the circumstances upon which authorities might depart from recommendations in the Reporter's report and the implications of doing so, (2) detailed comments received from Area Committees, together with Officers responses to those comments, following consideration of the Reporter's report as detailed in Appendix 1 to the report, (3) provided a summary of the Reporter's report on each issue considered at the Examination, including the specific modifications proposed by the Reporter at Appendix 2, and (4) contained a list of minor corrections to text not raised by consultees and not considered at the Examination and consequential modifications arising from the modifications promoted by the Reporter's report at Appendix 3.

The Provost advised that she had accepted for consideration at the meeting two late requests to speak in respect of this item of business from John Hopkins and Gwen Pirie, both of whom had submitted representations in respect of the proposed Plan, and the Council **agreed** to hear from speakers prior to determination of the matter.

The Council first heard from the Head of Planning and Economy who introduced the report and (1) outlined the extensive consultation process undertaken, (2) made reference to comments received from Area Committees and specific modifications proposed by the Reporter, (3) confirmed that no material changes were required to the Proposed Local Development Plan, and (4) recommended that the changes advocated by the Report of Examination be accepted and the Council agree the intention to adopt the Aberdeenshire Local Development Plan 2022. He responded to Members questions on the implications of not adopting the Plan at this stage, managing the form of development on sites P7/OP1 at Kintore, the vision for the regionally significant Food Hall proposed at Blackdog, the Integrated Impact Assessment undertaken in terms of the implications for communities and the cost of living situation, the potential impact of the additional development proposed for Banchory on local infrastructure, the River Dee and Deeside water resources, the meaning of the phrase "nominal capacity", issues with transport for sites allocated and confirmed that once adopted the Plan could not be amended.

Thereafter the Council heard from John Hopkins who outlined his concerns relating to roads and roads infrastructure around Potterton, existing infrastructure constraints, ability of the existing road network to support development, Strategic Transport Assessment carried out, current traffic volumes and incidents/accidents. In conclusion he requested that the development sites be removed from the Plan.

There were no questions from Members to John Hopkins.

The Council then heard from Gwen Pirie who also outlined her concerns relating to roads infrastructure, difficulty in gaining access to the Strategic Transport Assessment report and action plan identified as a requirement, material constraints and issues relating to the proposed development sites, impact on natural grasslands, carbon rich soils, ancient woodland, biodiversity and habitat not reflected in the Strategic Environmental Assessment and potential flooding issues.

There were no questions from Members to Gwen Pirie.

Following debate, the Council **agreed**:

- (1) to acknowledge the views of the Area Committees on the recommendations of the Reporter's Report as set out in Appendix 1 of the report;
- (2) its intention to adopt the Aberdeenshire Local Development Plan 2022;
- (3) to delegate authority to the Head of Planning and Economy to publish the modifications made and the Aberdeenshire Local Development Plan 2022 as modified;
- (4) to delegate authority to the Head of Planning and Economy to advertise the Council's intention to adopt the Aberdeenshire Local Development Plan 2022 as modified;
- (5) to delegate authority to the Head of Planning and Economy to send to Scottish Ministers copies of the documents listed in the report; and
- (6) to adopt the Aberdeenshire Local Development Plan 2022, to replace the Aberdeenshire Local Development Plan 2017, on 24 October 2022, unless otherwise directed by the Scottish Ministers following notification to them of the intention to so adopt.