

ABERDEENSHIRE COUNCIL

GARIOCH AREA COMMITTEE ON 22 NOVEMBER 2022

**HELD AS A HYBRID MEETING IN THE COUNCIL CHAMBER, GORDON HOUSE,
INVERURIE AND VIA TEAMS**

**(THE MEETING WAS STREAMED LIVE, AND A RECORDING OF THE PUBLIC SECTION
OF THE MEETING IS AVAILABLE TO THE GENERAL PUBLIC)**

Present: Councillors M Ewenson (Chair), N Baillie, J Gifford (Vice-Chair), M Grant, F Joji, D Keating, D Lonchay, T Mason, R McKail, C Miller, S Payne (for items 1 to 10 inclusive), G Reid, H Smith, I Walker and J Whyte

Officers: A Overton (Garioch Area Manager), J Joss (Senior Solicitor), H Atkinson (Senior Planner), R Johnson (Director of Business Services), L Findlay (Director of Education and Children's Services), A Wood (Director of Environment and Infrastructure Services), L Watson (Principal Engineer), T Morgan (Team Leader) and A Cumming (Area Committee Officer)

1. DECLARATION OF MEMBERS' INTERESTS

In accordance with the Councillors' Code of Conduct, no interests were declared or transparency statements made.

2. RESOLUTIONS

A. EQUALITIES

In line with the Council's legal duty under section 149 of the Equality Act 2010 the Committee **agreed**, in making decisions on the attached reports, that it shall have due regard to the need to:-

- (i) eliminate discrimination, harassment and victimisation;
- (ii) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
- (iii) foster good relations between those who share a protected characteristic and persons who do not share it.

B. EXEMPT ITEMS

The Committee **agreed** that, under Sections 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for the items listed below on account of the likely disclosure of exempt information of the classes described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act.

Item No.

12

Paragraph No.

9

3. MINUTE OF MEETING OF 1 NOVEMBER 2022

In accordance with Standing Order 7.1.1, the Committee **agreed** that the minute was a correct record of proceedings.

4. STATEMENT OF OUTSTANDING BUSINESS

A report by the Director of Education and Children's Services was circulated detailing the items of outstanding business as at 22 November 2022.

The Committee **agreed** to note the outstanding business as at 22 November 2022.

5. BUSINESS SERVICES' AREA COMMITTEE PERFORMANCE INDICATOR REPORT – MID-YEAR PROGRESS (APRIL 2022 – SEPTEMBER 2022)

A report by the Director of Business Services was circulated to provide the Garioch Area Committee with an update on progress in relation to Business Services performance indicators which support the Council Plan Priorities 2020-22.

The Director gave an overview of performance and highlighted key areas where targets had not been met providing the Committee with an explanation as to why the performance may have fallen short of expectations.

Members sought clarification around turnover of staff in the Contact Centre and how this was being addressed. The Director explained that the training for the Contact Centre made the staff very attractive to other services. Members asked questions on the impact of delay for housing benefit and whether this would result in hardship being faced by people. The Director assured the Committee that resources had been targeted to new applications so that they were receiving funds as soon as possible. He said that the change of circumstance applications were still being processed, but as they were already receiving funds it was less likely to have an impact. He indicated that an improvement would be expected for these statistics for the next quarter.

Members sought clarification about a number of measures. They stressed the importance of communications when making changes to service delivery to reduce the impact on the Contact Centre. Members requested that further information be provided regarding the pattern and length of Contact Centre calls.

The Committee **agreed** to:-

1. note progress made in relation to Business Services performance indicators relating to the Garioch Area;
2. instruct the Director of Business Services to continue to present reports on progress with performance indicators to the Committee on a six-monthly basis, in line with the Performance Management Framework, evidencing progress and performance supporting the Council Plan 2020-22; and
3. provide the following comments to the Business Services Directorate:-

The Garioch Area Committee

- would welcome the provision of absolute numbers alongside percentages for webchat information.
- requests that consideration be given to adding “claims not processed within the time, but still being processed” as a measure.
- requests that information be provided regarding the timing and duration of calls to the Contact Centre

6. EDUCATION AND CHILDREN’S SERVICES MID-YEAR PERFORMANCE MONITORING REPORT - APRIL 2022 – SEPTEMBER 2022 (COUNCIL PRIORITIES: AREA PLAN 2021-23

A report by the Director of Education and Children’s Services was circulated to provide an update on the progress with key Council Area outcome indicators from the Education & Children’s Services Directorate, to help demonstrate how the Service is delivering on the Aberdeenshire Council Plan Priorities (2020-2022) framework linked to the Garioch Area Plan (2021-2023). The report evidences progress through a reflection of the performance achieved during the first six months of the reporting year 2022/23 (April to September 2022), for the Committee’s consideration within their scrutiny and monitoring role.

The Director gave an overview of performance and drew attention to success of Community Learning and Development (CLD) events that had been held. Members sought clarification about a number of measures. Members who had attended the CLD event, agreed that it had been very successful and had resulted in positive participation, but questioned how outcomes from these events could be measured. Members considered that it would be better to split the CLD activity into events and lifelong learning.

The Committee **agreed** to

1. note the progress made during April to September 2022 towards achieving the Council Plan Priorities 2020-2022 linked to the Garioch Area Plan 2021-2023;
2. instruct the Director of Education & Children’s Services to continue to present performance reports to the Area Committee on a six-monthly basis, in line with the Performance Management Framework, evidencing progress and performance with delivery of the Council Plan linked to the Garioch Area Plan; and
3. Forward the following comments to the Education and Children’s Services Directorate:-

The Garioch Area Committee requests that consideration be given :-

- to splitting the Community Learning and Development activity to provide separate data for events and lifelong learning; and

- as to how outcomes from events can be measured

7. ENVIRONMENT AND INFRASTRUCTURE SERVICES PERFORMANCE UPDATE 1 APRIL 2022 – END OF SEPTEMBER 2022 (ABERDEENSHIRE PERFORMS)

A report by the Director of Environment and Infrastructure Services was circulated to provide the Garioch Area Committee with an update on key performance and outcome indicators which will help demonstrate how we are delivering the Council's strategic priorities in the Area. The report allows Elected Members to fulfil their scrutiny role and hold Officers to account for the performance of the service.

The Director gave an overview of the performance for the period concerned. He explained that some of the targets had been revised to make them more challenging and gave context to some of the information provided.

Members sought clarification for a number of measures. They welcomed the ambition of the Service in revising targets but expressed concern that these may be too challenging. They also highlighted the small differential that was evident between a green performance level and a red performance level for some of the measures and suggested that wider differentials would result in more stable reporting.

The Committee **agreed** to:-

1. note the performance made during the period 1 April – 30 September 2022;
2. instruct the Director of Environment & Infrastructure Services to continue to present performance reports to the Committee on a six-monthly basis in order to evidence progress with the delivery of the actions set out in the Garioch Area Plan; and
3. forward the following comments to the Environment and Infrastructure Directorate:-

The Garioch Area Committee requests that consideration be given to:-

- ensuring targets allow for some degree of variation (consider the range between green and red).
- an extra measure for “reducing the number of long term homeless”.

8. PLANNING APPLICATIONS FOR DETERMINATION

The following applications were considered and were dealt with as recorded in **Appendix A** to this Minute.

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|----|---------------|--|-------|
| 8. | APP/2022/1811 | Erection of Agricultural Building (Retrospective) at Land at Aquherton Farm, Adjacent to Trevarrion, Kintore | Grant |
|----|---------------|--|-------|

9. FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009 – LOCAL FLOOD RISK MANAGEMENT PLAN FOR THE NORTH EAST LOCAL PLAN DISTRICT 2022 – 2028

A report by the Director of Environment and Infrastructure Services was circulated to consider and provide comment on the Flood Risk Management actions to be identified in the North East Local Flood Risk Management Plan (LFRMP) for the period 2022-2028 (Cycle 2).

The Principal Engineer explained that report was going to Area Committees for comment before being considered by Infrastructure Services Committee. He explained that the work followed on from the flood risk consultation and identified locations in Aberdeenshire most affected by flood events. However, he stressed that there were sizable funding issues for flood prevention work with a considerable funding gap already for current projects under construction.

He confirmed that in order for further projects to be considered for funding they required to be included within the plan with indicative dates and funding arrangements, but that confirmation had not been given by the Scottish Government about how much funding might be available in future years.

Members noted the budgetary pressures and funding gap for current projects and stressed the need to write to the Scottish Government to highlight the importance of these schemes and the high-level flooding that was experienced in Aberdeenshire again. The Principal Engineer pointed out that all 32 Local Authorities would be competing for the pot of money and difficult decisions would be made. He pointed out that the Council was reliant for the provision of the bulk of funding from Scottish Government in order for the schemes to be progressed. He said that it was unlikely that funding would be available for all of the schemes.

Members raised a number of specific issues around Inverurie, Kemnay, Kintore which were responded to by the Officer. Members asked how an area like Sauchen could be taken into consideration. The Officer confirmed that there had been no reported issues in Sauchen over the recent flood event but that they would need to get involved in the National Flood Risk Assessment and public consultation process. He explained that the next opportunity would be in 2024. Members noted that there was an error in relation to section 422 that made reference to Ellon.

The Committee **agreed** to recommend to Infrastructure Services Committee:-

1. that Aberdeenshire Council write urgently to the Scottish Government providing detail of the impact of the recent flooding and stressing the need for prioritisation of the Aberdeenshire Schemes to see the schemes in Inverurie, Ballater and Stonehaven progressed; and
2. to also seek commitment from the Scottish Government to extend the current level of funding towards flood works for a longer term.

10. GARIOCH AREA PLAN 2020-23 –PROGRESS ON PROJECTS/ACTIONS

A report by the Director of Education and Children's Services was circulated to provide Garioch Area Committee with the agreed second update of 2022 on progress made in relation to projects/actions in the Garioch Area Plan.

The Area Manager indicated that actions that were reported as complete in June had now been removed and new projects had been added. She confirmed that further updates from Live Life Aberdeenshire had been received and would be circulated after the meeting.

The Committee **agreed** to:-

1. note the progress made in relation to the projects/actions contained within the Garioch Area Plan which supports the Council Plan 2020-22;
2. instruct the Area Manager (Garioch) to continue to present the twice-yearly progress reports to the Committee, in line with the Corporate Performance Management Framework;
3. note that the next Area Plan performance and progress report is scheduled for June 2023; and
4. request that the following information be provided to the Committee:-
 - feedback on why so little progress in relation to the increase in accommodation at Kemnay Academy and when can we expect to get this completed? (Ref 1.12)
 - feedback on what stopped the work at the Don Bridge and when will it go ahead? (Ref 2.12)
 - Planting of areas of biodiversity, shows 20% complete, but that it will be completed by end of March is this achievable? (Ref 3.09)
5. request that links to Scottish Government guidance for Place Plans be provided to Councillors; and
6. request that consideration be given to the next steps for Strategic Needs Assessments.

11. AREA COMMITTEE BUDGET 2022-23

A report by the Director of Education and Children's Services was circulated to present for consideration all the requests for funding received for the Area Initiative Fund by closing date 31 October 2022. It also updates the Committee on the current position with other parts of the Area Committee Budget and proposes reallocation to allow for effective spend across the entire fund.

The Committee **agreed** to:-

1. make the following awards:-

- Strathburn Parent Council (£2,000)
 - Garioch Sports Centre (£1,000)
 - Westhill & Elrick Community Council (2 applications (£5,000 and £950)); and
 - Inverurie Community Energy Society Ltd (£3,500).
2. transfer any funds required to facilitate Area Initiative awards from the Community Tree Project Fund (Strategic Budget);
 3. agree to the allocation of the remaining Strategic Budget (Cycle Project £6,944) towards the Inverurie Place Based Review Project; and
 4. agree that any remaining funds in the Small Grants Budget and Community Tree Project fund (Strategic Budget) not allocated by 28 February 2023 be awarded to the Inverurie Place Based Review Project.

12. PROPOSED DISPOSAL OF 1 BURNSIDE COTTAGES, LEYLODGE, KINTORE, AB51 0YJ

A report by the Director Business Services was circulated to seeking approval for the Council to lease and subsequently sell the semi-detached house known as 1 Burnside Cottages, Leylodge, Kintore.

The Committee discussed at some length the approach being proposed in this case and sought assurances from officers around the mitigation of risk and the robustness of the proposal. Officers confirmed that regular monitoring would be undertaken to ensure the agreement was being adhered to.

The Committee **agreed** to approve the disposal of 1 Burnside Cottages, Leylodge, Kintore by way of initial lease and subsequent sale on the terms detailed in section 3.7 of the report.

APPENDIX A

PLANNING APPLICATION FOR DETERMINATION

A. Reference No: APP/2022/1811

Full Planning Permission for Erection of Agricultural Building (Retrospective) at Land at Aquherton Farm, Adjacent to Trevarrison, Kintore, AB51 0XH

Applicant: Mr Campbell
Agent: John Wink Design

The Chair indicated that a request to speak had been received from the applicant's agent. The Committee **agreed** to hear from Ms Ross.

The Senior Planner explained that the application was seeking planning permission to regularise the erection of an agricultural shed that had been erected in April 2019. She explained that the shed sat in an open yard alongside a cluster of other buildings one of which had a Class 2 commercial use. She said that the design was typical of an agricultural building and the scale and design was appropriate for the location. She confirmed that there was no concerns about impact on residential amenity of neighbouring properties and that access, water and servicing provision was appropriate.

She indicated to Members that the development was the subject of enforcement action and had had an enforcement notice served upon it which sought to seize the use and remove the shed. She explained that as the shed had been in place since April 2019, the timescale for taking action was limited and the notice was to guard against not being able to take action should planning permission not be granted.

The Senior Planner also brought attention to a fence that had been erected around the northern boundary which was of a height and type more normally associated with a residential development. Members noted this concern and the concern about this being extended further and asked whether a condition to stop this was appropriate. The Senior Planner confirmed that the fence did not form part of the current application and would not have planning permission. She confirmed that if more fence were to be erected this would be an enforcement issue.

Members sought clarification as to what had changed since the previous applications on the site that were refused. The Senior Planner confirmed that the current application was for an agricultural use and the previous application was for a mechanics workshop.

The Chair invited Ms Jennifer Ross to address the Committee. Ms Ross stressed the need for the development to support the agricultural enterprise and confirmed that it would be used to store tools and repair farm machinery. She contended that the proposals were not out of character with the surrounding area. Members asked whether the business used contractors to carry out farm work. Ms Ross said that they did bring in labour but used the farm's own machinery. There were no further questions and the Chair thanked Ms Ross for her presentation.

Members were disappointed that the building had been erected without planning permission. However, they were content that the proposals were appropriate for the location and would not have a detrimental impact on neighbouring properties. The Senior Planner confirmed that if planning permission was granted, the enforcement notice would be withdrawn.

The Committee **agreed** to grant Full Planning Permission subject to the following condition:-

01. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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. The principle of the development is acceptable and established by Policy R2 Housing and employment development elsewhere in the countryside. Furthermore, the overall layout and design accords with Policy P1 Layout, siting and design of the Aberdeenshire Local Development Plan 2017.

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 accords with the Scottish Planning Policy principles of sustainable development. This carries significant material weight lending itself to an approval.

In assessing the proposed development there were no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal.