

ABERDEENSHIRE COUNCIL**WOODHILL HOUSE, ABERDEEN, 30 APRIL, 2015**

Present: Councillors W A Agnew, D R Aitchison, Amanda J Allan, Anne M Allan, P J Argyle, P W Bellarby, A A Bews, G Blackett, A S Buchan, C C Buchan, G W Carr, R A Cassie, E H Chapman, R J Christie, G J Clark, K L Clark, L Clark, J B Cox, A J C Cullinane, I Davidson, J B Dick, A C Duncan, A Evison, K A Farquhar, M A Findlater, M A Ford, A Gardiner, J N Gifford, A S Grant, I W Gray, A Hendry, F C P Hood, W Howatson, M F Ingleby, J Ingram, P K Johnston, M C Kitts-Hayes, J J Latham, S M Lonchay, C R McKail, F McRae, T Malone, R J Merson, I J Mollison, C H Nelson, A K Norrie, P Oddie, G L Owen, H Partridge, L Pirie, S W Pratt, E A Robertson, M J Roy, W A C Shand, N J Smith, S W Smith, D Stewart, B H Stuart, I S Tait, R G Thomson, B A Topping, H W Vernal, I M Walker and J Webster.

Apologies: Councillors R Cowling, D A Ross, J J Strathdee and M Watt.

Officers: Chief Executive, Director of Business Services, Director of Communities, Director of Education and Children's Services, Director of Infrastructure Services, Head of Finance, Head of Legal and Governance, Head of Planning and Building Standards.

CHAIR

Councillor J Webster, Provost of the Council, presided.

ANNOUNCEMENTS

The Provost referred to recent awards achieved by the Council, including a COSLA Gold Award for the Aberdeenshire Library and Information Service and the Scottish Prison Service to create a ground-breaking library service in the new prison and young offenders' institution in Peterhead, and COSLA Bronze Awards in four other categories.

The Provost also paid tribute to Dr Christine Gore, Director of Business Services, who was attending her final meeting of the Council before taking up the post of Shared Strategic Director working across Cotswold District Council and West Oxfordshire District Council.

1. DECLARATION OF MEMBERS' INTERESTS

The Provost asked members if they had any interests to declare in terms of the Councillors' Code of Conduct. No interests were intimated.

2. PUBLIC SECTOR EQUALITY DUTY

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

3. MINUTES

The following Minutes of Meetings were considered and, in regard to delegated matters, were **approved** as correct records, and in relation to non-delegated matters the recommendations were **approved**.

- (1) Aberdeenshire Council on 12 March, 2015.
- (2) Local Review Body on 30 January, 2015.
- (3) Formartine Area Committee on 10 February, 2015.
- (4) Kincardine and Mearns Area Committee on 10 February, 2015.
- (5) Banff and Buchan Area Committee on 17 February, 2015.

Page 1586, Item 6, Local Review Body (LRB) Membership - It was noted that the Banff and Buchan Area Committee had been unable to appoint a substantive member to the LRB, and had **agreed** that the matter be referred to Full Council for consideration, and to request that Full Council seek a radical solution to the operational issues arising from the LRB. The Provost advised that the matter of a substantive member had now been resolved.

The Council **agreed** that a report on the operational issues arising from the Local Review Body be submitted to the Planning and Building Standards Member/Officer Working Group with the Chair and Vice Chair of the Local Review Body invited to attend.

- (6) Marr Area Committee on 17 February, 2015.
- (7) Scrutiny and Audit Committee on 19 February, 2015.
- (8) Buchan Area Committee on 24 February, 2015.
- (9) Buchan Area Committee (Special) on 24 February, 2015.
- (10) Garioch Area Committee on 24 February, 2015.
- (11) Social Work and Housing Committee on 26 February, 2015.
- (12) Local Review Body on 27 February, 2015.
- (13) Formartine Area Committee on 3 March, 2015.
- (14) Kincardine and Mearns Area Committee on 3 March, 2015.
- (15) Policy and Resources Committee on 5 March, 2015.
- (16) Banff and Buchan Area Committee on 10 March, 2015.
- (17) Marr Area Committee on 10 March, 2015.
- (18) Appeals Committee on 18 March, 2015.

- (19) Infrastructure Services Committee on 19 March, 2015.
- (20) Education, Learning and Leisure Committee on 26 March, 2015.

4. FULL PLANNING PERMISSION FOR RETROSPECTIVE CHANGE OF USE OF AGRICULTURAL LAND TO FORM 8 STANCE CARAVAN PARK (PERMANENT HALTING SITE FOR GYPSIES/TRAVELLERS, FORMATION OF ROAD, RECYCLING POINT, BUND AND BOUNDARY FENCING - LAND TO SOUTH WEST OF ESKVIEW FARM, ST. CYRUS (REFERENCE NO. APP/2014/3358)

AND

FULL PLANNING PERMISSION FOR RETROSPECTIVE CHANGE OF USE OF AGRICULTURAL LAND FOR TOURING GYPSIES/TRAVELLERS, ERECTION OF 2 STANCES, TOILET BLOCK, WASHROOM, PUMP STATION AND RECYCLING POINT, FORMATION OF ROAD AND BUND AND BOUNDARY FENCE - LAND TO SOUTH-WEST OF ESKVIEW FARM, ST. CYRUS (REFERENCE NO. APP/2014/3360)

With reference to the Minute of Meeting of the Kincardine and Mearns Area Committee of 24 March, 2015 (Item 16A), a report by the Director of Infrastructure Services had been circulated requesting consideration of two related applications for Full Planning Permission for the retrospective change of use of agricultural land to form an 8 stance caravan park (permanent halting site for gypsies/travellers), formation of a road, recycling point, bund and boundary fencing at land south west of Eskview Farm, St Cyrus, and Full Planning Permission for the retrospective change of use of agricultural land to a site for touring gypsies/travellers, erection of 2 stances, erection of toilet block, washroom, pump station and recycling point, formation of a road and bund and erection of boundary fencing at land adjacent to Eskview Farm, St Cyrus.

The report explained that this was a planning application which, in the opinion of the Director of Infrastructure Services, was considered to be of regional or national significance, and was referred to Council under the provisions of Section A17 of the Scheme of Delegation which reserved authority to the Full Council to determine planning applications in such circumstances.

The Head of Planning and Building Standards introduced the application and stated that it was confirmed by the submitted Flood Risk Assessment and by the consultation response from the Scottish Environment Protection Agency (SEPA) that the site of the development sat within the 1 in 200 year functional flood plain at this location and was subject to fluvial (River North Esk) and tidal flooding and also a combination of both. There was also evidence of pluvial (surface water) flooding. A drain/minor watercourse on the embankment to the north west side and travelling around the north side of the site also provided flood risk. SEPA objected in principle to both applications on the basis that they might place buildings and persons at flood risk contrary to Scottish Planning Policy (SPP) and Planning Advice Note (PAN) 69. The site lay within the undeveloped/sparsely developed functional floodplain. They stated that their position was unlikely to change as they did not consider that there was a technical solution and they had a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of this policy was the avoidance of flood risk in the first instance. They also objected on the grounds of foul drainage. There were also natural environment impacts in that the bund which had been constructed on the north west and north boundaries of the site, partly sat within the St. Cyrus and Kinnaber Links Site of Special Scientific Interest (SSSI). This was designated for its natural heritage interests of national importance (sand dunes, cliffs, grasslands and saltmarshes which support a diverse flora). Scottish Natural Heritage (SNH) had advised that the bund required to be removed and a full mitigation scheme for this removal and restoration plan for habitats affected be submitted for agreement. While there was an acknowledged need for Gypsy/Traveller site development, in the final assessment it

