

ABERDEENSHIRE COUNCIL**GARIOCH AREA COMMITTEE****GORDON HOUSE, INVERURIE ON 21 APRIL 2015**

Present: Councillors F Hood (Chair), D Aitchison, A Allan, R Cowling, N Cullinane, M Ford, A Grant, S Lonchay, R McKail, P Oddie, B Stuart, H Vernal and I Walker.

Apologies: Councillor M Kitts-Hayes.

Officers: D Milne (Garioch Area Manager), S Munro (Solicitor), B Strachan (Senior Planner), Tim Stephen (Sport and Leisure Manager), Douglas Allan (Principal Officer, Landscape Services), Scott McBride (Engineer), Brian Duthie (Principal Building Surveyor), Rhona Jarvis (ASN Manager (SERO Inclusion), and A Cumming (Garioch Area Committee Officer).

1. DECLARATIONS OF MEMBERS' INTERESTS

In accordance with the Councillors' Code of Conduct the following interests were declared:-

Items 6A and 6B Councillor Stuart as a member of Friends of Inch Hospital and a Board Member of Inch Renewable Energy Consortium; and Councillor Lonchay as a member of Friends of Inch Hospital.

Item 6C Councillor Ford as the Agent for the application was the architect for his own recent house extension; Councillor Oddie as she is friendly with the Agent and her family; and Councillor Grant as she is friendly with the Applicant's family.

Councillors Stuart (Items 6A and 6B) and Councillor Ford (Item 6C) left the Chamber whilst the applications were considered. Councillors Lonchay, Oddie and Grant took a full part in considering the applications.

2. RESOLUTIONS**A. EQUALITIES**

In making decisions on the following items of business, the Committee **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 its decision.

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 certain items of business 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.	Paragraph No.
17	9
18	9

3. MINUTE OF MEETING OF 17 MARCH 2015

The Minute of Meeting of 17 March 2015 was approved as a correct record of proceedings.

4. INTIMATION OF PUBLIC QUESTION TIME

No public questions were intimated.

5. ABERDEENSHIRE PERFORMS

A. EDUCATION, LEARNING AND LEISURE

A report by the Director of Education and Children's Services was circulated presenting the performance information for the period October-December 2014.

The Committee **agreed** to:-

1. acknowledge and note those aspects of performance achieved during October - December 2014 highlighted as positive and referred to within paragraphs 2.3, 2.6, 2.7, 2.8 and 2.9 of the report;
2. note those measures where performance is below expectations during October - December 2014, referred to in paragraphs 2.6, 2.7, 2.8 and 2.9 of the report;
3. note the publication of the complete October - December 2014 Performance Report on Ward Pages;
4. advise the Director to continue to report, by exception, to Committee quarterly on performance measures against service objectives and six monthly on progress in delivering all aspects of the Service Plan and service improvement; and
5. request:
 - a) that Service provide information about unexplained absences as it is important that looked after children get the support they need and Councillors are made of aware of the reasons for the deterioration of performance. (Ref. S02 2.5a);
 - b) that the percentage of absence in mainstream pupils also be provided to give a comparison to that of looked after children. (Ref. S02 2.5a); and
 - c) that the Service focus efforts towards ensuring that looked after children get the necessary to support to achieve a positive destination. (Ref. SO2 2.2)

B. INFRASTRUCTURE SERVICES

A report by the Director of Infrastructure Services was circulated presenting the performance information for the period October-December 2014.

Members highlighted the opportunity for members of the public to report faults in street lighting through the website which allows user to identify the exact light on a map.

The Committee **agreed** to:-

1. acknowledge the good performance achieved October - December 2014 (Quarter 3) for the Garioch Area identified in Appendix 1 to the report;
2. consider those measures where performance is below expectations October - December 2014 for the Garioch Area as identified in Appendix 2 to the report;
3. note the publication of the complete October - December 2014 Performance Report for the Garioch Area on the Ward Pages and on the Council's website; and
4. advise the Director to continue to report, by exception, to the Area Committee quarterly on performance measures against service objectives and six monthly on progress in delivering all aspects of the Service Plan; and
5. request that the Environmental Health Service inspect premises below standard as frequently as possible until they achieve the required standards; and
6. to congratulate Development Management and Building Standards services for exceeding their targets.

6. PLANNING APPLICATIONS FOR DETERMINATION

The following planning applications were considered along with any valid representations received and was dealt with as recorded in **Appendix A** to this Minute.

Item	Reference	Application	Decision
A	APP/2014/2740	Erection of two wind turbines (hub height 64 m total height 99.5 m) and associated infrastructure including access road at Site to the North of Hill of Rothmaise, Rothienorman, Inverurie	Defer for Site Visit
B	APP/2014/2329	Erection of wind turbine (hub height 64.0 m, total height 99.5 m) forming extension to approved planning permission APP/2011/0855 for erection of 3 no. Enercon E70 wind turbines (hub height 64.0 m, total height 100.0 m) at Hill of Tillymorgan, Greystone, Fisherford, Rothienorman	Refuse
C	APP/2014/4382	Erection of office accommodation at land at Petmathen, Oyne	Defer for Site Visit

7. LANDSCAPE SERVICES REVENUE AND CAPITAL WORK PROGRAMME 2015/16

A report by the Director of Infrastructure Services was circulated presenting the area landscape maintenance and capital programme.

Members welcomed the report and highlighted the good work done by Landscape Services officers across Garioch. Members pointed out the works to playparks and asked how and when the playpark review was being implemented. The officer confirmed that a meeting was being held in the coming week to progress this. Members indicated some other projects for officers to consider for inclusion.

The Committee **agreed** to:-

1. approve the Area Landscape Maintenance and Capital Programme as detailed in the appendix to the report;
2. congratulate Officers on the excellent service they provide Communities across Garioch;
3. request that the Service give consideration to:
 - (a) upgrading the Newmachar War Memorial through renewal of the lettering on the Memorial itself, provision of fixings for wreaths and tidying up of general vegetation around the Memorial;
 - (b) the provision of baby swings at Burn Park, Blackburn;
 - (c) improving the fixings for wreaths at Insch War Memorial;
 - (d) the renewal of fencing at the playing fields at Lawsondale;
 - (e) any funds not utilised in Garioch for soft landscape maintenance being allocated to Uryside Park;
 - (f) repairing damage to the roundabout at Old Skene Road, Westhill and
 - (g) temporary works being done (in consultation with the Archaeology Service) to protect the Pictish stones at the Bass until they can be relocated.
4. suggest that press releases be provided to explain the grass cutting arrangements in Aberdeenshire; and
5. request that clarification be provided regarding the installation of grills over the access holes under the bridge that Davidson's Field.

8. INVERURIE AND PORT ELPHINSTONE CONSOLIDATED TRAFFIC MANAGEMENT REVIEW 2015

A report by the Director of Infrastructure Services was circulated recommending the Area Committee presenting the Inverurie and Port Elphinstone consolidated traffic management review 2015.

The Committee **agreed** to:

1. authorise the commencement of the statutory procedure for the making of the Aberdeenshire Council (Inverurie and Port Elphinstone Consolidated Traffic Management Order);
2. authorise the subsequent making of the Aberdeenshire Council (Inverurie and Port Elphinstone Consolidated Traffic Management) Order in the event that no valid objections are received or any received are resolved and withdrawn;

3. instruct the submission of a further report to Committee in the event that any valid objections received are not resolved and not withdrawn, or the proposals are amended following consideration of valid objections; and
4. authorise the Director of Infrastructure Services and the Director of Business Services to undertake the necessary procedure to promote the Traffic Order required for the above proposals.

9. ROAD MAINTENANCE PROGRAMME 2015/2016 GARIOCH AREA CARRIAGEWAY REINSTATEMENTS – CONTRACT NO. 1

A report by the Director of Infrastructure Services was circulated detailing responses to the tender and seeking approval of the tender submitted by Lightways (Contractors) Ltd.

The Committee **agreed** to approve the tender submitted by Lightways (Contractors) Ltd amounting to £115,596.67.

10. BRIDGES AND CULVERTS ANNUAL WORKS PROGRAMME (PUBLIC ROAD NETWORK) 2015/2016

A report by the Director of Infrastructure Services was circulated presenting the bridges and culverts works programme for 2015/16.

Members identified some issues for the service to consider with bridges in Garioch.

The Committee **agreed** to:-

1. approve the Area Bridges and Culverts Annual Works Programme (Public Road Network) for 2015/2016 as detailed in Appendix A (Main List) to the report;
2. request that an update be provided on progress of works at Bridge to South of Hatton of Fintray that crosses the Don; and
3. request that the Service investigate the fencing which has come down at the Bridge at Commercial Road, Inch.

11. PLANNED MAINTENANCE 2015-2018

A report by the Director of Infrastructure Services was circulated recommending the Area Committee to comment on the programme of planned Maintenance for 2015-2016 as detailed in the Appendix.

Members commented on the lack of projects in Garioch, but accepted that the projects were prioritised on the basis of need. They welcomed the projects identified for Garioch, suggested a further project for consideration and asked for information on the Comfort Partnership scheme.

The Committee **agreed** to:-

1. approve the programme of planned maintenance for 2015-2016; and
2. request:-
 - a) that consideration be given to refurbishment the multi-purpose court in Blackburn on the grounds that it will be required for use by Kinellar School whilst awaiting the development of the new School; and

- b) that information be given in relation to progress being made with Comfort Partnerships.

12. ALEHOUSEWELLS SCHOOL – INTERNAL ALTERATIONS CONTRACT 17925

A report by the Director of Infrastructure Services was circulated recommending the Area Committee to approve the internal alterations for Alehousewells School.

The Committee **agreed** to:

1. give approval of the project cost of £ 87,427.52 inclusive of Property costs detailed within the report; and
2. authorise acceptance of the tender submitted by KW Contractors (Abdn) Ltd in the confirmed tender amount of £ 81,327.92.

13. APPEAL DECISIONS

A. RYEHILL, OYNE, INSCH

A letter from the Directorate for Planning and Environmental Appeals was circulated detailing the outcome of an appeal against refusal of erection of dwellinghouse at Ryehill, Oyne, Inch,

The Committee **agreed** to note the decision of the Reporter to dismiss the appeal and refuse planning permission for erection of dwellinghouse at Ryehill, Oyne, Inch,

14. ABERDEENSHIRE'S SCHOOLS ENHANCED PROVISION: REPORT ON THE PROPOSAL FOR STATUTORY CONSULTATION FOR CRIMOND SCHOOL AND KELLANDS SCHOOL LEARNING (DYSLEXIA) UNITS

A report by the Director of Education and Children's Services was circulated recommending the Area Committee to note the contents of the Consultation Report, make comment on the proposals and make a recommendation to the Education, Learning and Leisure Committee on the adoption of the proposal.

The ASN Manager explained that the report gave details of the public consultation that took place with regard to proposals to change the delivery of additional learning needs from specific units to mainstream schools throughout Aberdeenshire. She accepted that the proposals had made some parents anxious, but reassured Councillors that the Service was prepared and resourced well to be able to provide the support within the pupil's own community. She also confirmed that a staffing review was taking place to ensure that the correct staff and training was in place to support the proposed model.

The Chair highlighted the equalities impact assessment which was very thorough and demonstrated that due regard had been taken of the impact on those with protected characteristics.

Some Members whilst accepting the desirability of the proposals, highlighted the level of concerns raised by parents through the consultation. They indicated that parents were sceptical that their children would receive the same level of support and were particularly concerned that the timescale was too short to ensure that the appropriate expertise would be in place. Some Members shared these concerns about the timescale and questioned whether the timescales detailed were achievable.

The ASN Manager explained that many of the concerns had come as a result of negative experiences that some children had had in their local schools. She explained that the model had to change as the current provision was not building capacity for pupils and accepted that targeted support would be required. She explained that the 2 units currently under review had been in place for 26 years and that current guidance indicated that individual needs should be met within the pupil's own school. She confirmed that the Service had given much consideration to the timing and resourcing of the proposals and explained that each child would be considered individually and their transition managed accordingly. She stressed the need for teachers in all schools to be appropriately trained and for excellent practice to be shared.

Some Councillors were supportive of the proposals and stressed the need for children with additional needs to feel accepted and part of their own community. They indicated that all classrooms should be dyslexia aware and highlighted that many schools were already very successful at integrating additional needs pupils within their classes. They accepted that parents would be anxious as the changes brought some uncertainty as to whether the provision for their children would be at the same level.

Some Members highlighted the current difficulties with recruitment and were concerned by the implications of putting further pressure on teachers.

The ASN Manager agreed that staffing would be key and explained that the new staffing model would ensure that the right levels of expertise were provided. She confirmed that support would continue to be targeted to greatest level of need, but that investment would be made in mainstream teachers to ensure that there was a skilled workforce. She assured that children would continue to be monitored and assessed and that the service was well aware of what worked well for pupils. She explained that nothing of what was being proposed was experimental, she said that much of the proposals were already embedded within schools, and this was further rolling out what was in place in many schools. She explained that this was why the Service was so certain that the proposals could be implemented within the proposed timescale.

However, although Councillors were reassured by the explanations, there still remained some concerns regarding the impact on the pupils already within the units and some Councillors felt that delaying the closure of the units until they had completed their allocated time would resolve some of the concerns. Councillors also indicated a wish to receive a report back on the progress made with implementation and suggested that Councillors monitor the situation in schools through discussions with Head Teachers.

Councillor Ford, seconded by Councillor Lonchay, moved that the Garioch Area Committee should recommend to the Education, Learning and Leisure Committee:-

- (a) acceptance of the need to move to the new model with best practice in all schools;
- (b) that support be put in place so that there is no further need to refer pupils to the dyslexia unit; and
- (c) that the dyslexia unit should only cease to exist when all the pupils currently attending have completed their allocated time in the unit.

As an amendment, Councillor McKail, seconded by Councillor Vernal, moved that the Garioch Area Committee should recommend to the Education, Learning and Leisure that the proposals set out in the report should be approved.

The Committee voted:-

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|-------------------|-----|-----------------------------------------------------------------------|
| For the motion | (7) | Councillors Hood, Cowling, Cullinane, Ford, Grant, Lonchay and Stuart |
| For the amendment | (6) | Councillors Aitchison, Allan, McKail, Oddie, Vernal and Walker |

Therefore the motion was carried and the Committee **agreed** to:-

1. note the contents of the Consultation Report as detailed in Appendix A to the report;
2. recommend to the Education, Learning and Leisure Committee:-
 - (a) acceptance of the need to move to the new model with best practice in all schools;
 - (b) that support be put in place so that there is no further need to refer pupils to the dyslexia unit; and
 - (c) that the dyslexia unit should only cease to exist when all the pupils currently attending have completed their allocated time in the unit.
3. request that an update report be provided to Garioch Area Committee in October 2016 regarding the implementation of the proposals.
4. encourage all Cllrs to raise the provision of support for additional support needs pupils with Head teachers regularly.

Some Members welcomed the proposals and were reassured that they could be achieved within the prescribed timescale, however, other Members expressed concerns regarding timescale, staffing and staff training, the effect of transition on pupils and that the concerns raised by parents had not been fully considered.

15. COMMUNITY COUNCIL GRANTS 2015/16

A report by the Director of Communities was circulated to Members detailing the Community Council Grants for 2015/16.

The Committee **agreed** to the allocation of Community Council administration grant for the Garioch Area for 2015/16, as detailed in the appendix to the report.

16. STATEMENT OF OUTSTANDING BUSINESS

A report by the Director of Communities was circulated presenting the items of outstanding business for the Garioch Area Committee as at April 2015.

The Committee **agreed** to note the items of outstanding business as at April 2015.

17. DISPOSAL OF BLYTHEWOOD HOUSE, PORT ELPHINSTONE, INVERURIE

A report by the Director of Infrastructure Services was circulated recommending Blythewood House, Inverurie be placed on the open market for sale.

The Committee **agreed** to defer consideration of the item in order to seek a private discussion with the Head of Housing regarding possible options for the use of the site prior to the report being brought back to Committee.

18. ACQUISITION OF INDUSTRIAL LAND AT THAINSTONE INVERURIE, FOR THE DEVELOPMENT OF A NEW KEY DEPOT AND BUSINESS UNITS

A report by the Director of Infrastructure Services was circulated requesting the Area Committee approved the acquisition of sites at Thainstone.

The Committee **agreed** to approve the acquisition of sites for a new key depot and for the development of business units at Thainstone, Inverurie on the terms detailed within the report.

GARIOCH AREA COMMITTEE**21 APRIL 2015****APPENDIX A****PLANNING APPLICATIONS FOR DETERMINATION****A. Reference No: APP/2014/2740**

Full Planning Permission for erection of two wind turbines (hub height 64m: total height 99.5m) and associated infrastructure including access road at site to the north of Hill Of Rothmaise, Rothienorman, Inverurie

Applicant: WPD Rothmaise Ltd
Agent: WPD Scotland Ltd

As previously indicated Councillors Stuart and Lonchay declared interests. Councillor Stuart left the Council Chamber whilst the application was considered, but Councillor Lonchay continued to take a full part in considering the application.

The Committee **agreed** to:-

1. defer consideration of the application for a site visit in order that Councillors can assess the impact of the proposals on the amenity of neighbouring properties and the landscape character of the area; and
2. hear from parties who have requested to address the Committee at the meeting following the site visit.

B. Reference No: APP/2014/2329

Full Planning Permission for erection of wind turbine (hub height 64.0m, total height 99.5m) forming extension to approved planning permission APP/2011/0855 for erection of 3 no. Enercon E70 wind turbines (hub height 64.0m, total height 100.0m) at Hill Of Tillymorgan, Greystone, Fisherford, Rothienorman

Applicant: IREC Ltd
Agent: Muirden Energy

As previously indicated Councillors Stuart and Lonchay declared interests. Councillor Stuart left the Council Chamber whilst the application was considered, but Councillor Lonchay continued to take a full part in considering the application.

Councillor Grant, seconded by Councillor McKail, moved that consideration of the application be deferred for a site visit in order that Councillors can assess the impact of the proposals on the amenity of neighbouring properties and the landscape character of the area.

As an amendment, Councillor Oddie, seconded by Councillor Lonchay, moved that the application be determined without visiting the site.

The Committee voted:-

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| For the motion | (4) | Councillors Ford, Grant, McKail and Vernal |
| For the amendment | (8) | Councillors Hood, Aitchison, Allan, Cowling, Cullinane, Lonchay, Oddie and Walker |

Councillor Stuart was absent from the division.

Therefore the amendment was carried and the Committee proceeded to determine the application.

The Senior Planner explained that the application had attracted a significant body of support with 18 letters of support and 15 letters of objection. He explained that the proposed wind turbine was an extension to the 3 turbine development already granted planning permission. He confirmed that there were a large number of wind turbines in the area and highlighted the objections to the application that had been submitted by the Ministry of Defence (MOD), National Air Traffic Service (NATS) and Environmental Health. He said that there were a considerable number of turbines in the area and no further capacity existed for further turbines and that the proposals would result in a significant impact on the landscape character. He explained that should the Committee be minded to support the application, it would require to be referred to the Scottish Government as a result of the objections from MOD and NATS.

Members asked whether there had been objections from MOD and NATS to the turbines granted consent. The Senior Planner indicated that he could not provide this information. Members asked whether applicants could negotiate with MOD and NATS to resolve their objections. The Senior Planner explained that there was potential for blanking of turbines, but was a time consuming negotiation process and the Service would advise that the application be refused and a new application submitted once the issues was resolved. Members asked why one extra wind turbine would cause an issue when three already have consent. The Chair indicated that this had been explained at a recent seminar and the trace registered on the screen becomes greater with more turbines and at a certain point the trace will resemble an aircraft at which point it is a problem for NATS and MOD.

Some Members felt that there were too many uncertainties and that further clarification as to the nature of the objection from MOD and NATS should be sought before taking a decision on the application. However, others considered that the landscape had reached saturation point, that the objections from MOD and NATS needed to be taken seriously and that refusal was the correct disposal for the application.

Councillor Grant, seconded by Councillor Lonchay, moved that consideration of the application be deferred in order that clarification be sought from the Ministry of Defence (MOD) and the National Air Traffic Services (NATS) as to the nature of their objections to the application.

As an amendment, Councillor Oddie, seconded by Councillor Cowling, moved that the application be refused for the reasons detailed in the report.

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| For the motion | (5) | Councillors Aitchison, Ford, Grant, Lonchay and Vernal |
| For the amendment | (7) | Councillors Hood, Allan, Cowling, Cullinane, McKail, Oddie and Walker |

Councillor Stuart was absent from the division.

Therefore, the amendment was carried and the Committee **agreed** to refuse Full Planning Permission for the following reasons:-

1. The proposed turbine in combination with already approved and proposed turbines in the surrounding area would have a significant cumulative impact, both sequentially (along the A96 when approaching from the west) and simultaneously, on landscape character and visual amenity. The application is therefore contrary to Policy 3 Development in the Countryside, SG Rural Development 2: Wind farms and medium to large wind turbines, Policy 12 Landscape Conservation and SG Landscape 1: Landscape Character of the Aberdeenshire Local Development Plan 2012.
2. The applicant has failed to provide a cumulative noise assessment and has therefore failed to demonstrate that the proposed turbine would not have a significant adverse effect on the amenity of dwellinghouses. The application is therefore contrary to Policy 3 Development in the Countryside, SG Rural Development 2: Wind farms and medium to large wind turbines, Policy 8 Layout, Siting and Design of New Development and SG LSD2: Layout, Siting and Design of New Development of the Aberdeenshire Local Development Plan 2012.
3. The proposed development would have an adverse effect on the safety of airspace and defence assets, by having an unacceptable technical impact on NATS radar and an unacceptable impact on the operations of Prestwick Centre Air Traffic Control, and causing unacceptable interference to the air defence radar at Buchan. The application is therefore contrary to Policy 3 Development in the Countryside, SG Rural Development 2: Wind Farms and Medium to Large Wind Turbines of the Aberdeenshire Local Development Plan 2012.
4. The proposed development would have an unacceptable impact on the setting of the Hill of Tillymorgan slate quarries, a regionally significant archaeological site. There are no imperative reasons of overriding public interest for the development and the applicant has not demonstrated that there are no alternative sites for the development. The application is therefore contrary to Policy 13 Protecting, Improving and Conserving the Historic Environment and SG Historic Environment 4: Archaeological Sites and Monuments of the Aberdeenshire Local Development Plan 2012.

C. Reference No: APP/2014/4382

Full Planning Permission for erection of office accommodation at land at Petmathen, Oyne

Applicant: A S Mosley & Co Ltd
Agent: Annie Kenyon Architects

As previously indicated Councillors Ford, Grant and Oddie declared interests for the item. Councillor Ford left the Council Chamber whilst the application was considered, Councillors Grant and Oddie continued to take a full part in considering the application.

The Committee **agreed** to:-

1. defer consideration of the application for a site visit in order that Councillors can view accessibility, tree issues and the scale of the proposed development in the context of its surroundings; and
2. hear from parties who have requested to address the Committee at the meeting following the site visit.