

ABERDEENSHIRE COUNCIL
FORMARTINE AREA COMMITTEE

THE KIRK CENTRE, STATION ROAD, ELLON, 20 NOVEMBER 2018

Present: Councillors I Davidson (Chair), I Taylor (Vice-Chair), S Duncan, A Forsyth, J Gifford, P Johnston, A Kloppert, G Owen, A Stirling and R Thomson

Apologies: Councillors K Adam, A Hassan

Officers: K Bond (Head of Customer Communication & Improvement), K Balina (Committee Officer, Formartine), M Ingram (Senior Solicitor, Legal and Governance), R Sturton (Chief Inspector, North Aberdeenshire Area Commander, Police Scotland), Alan W Davidson (Senior Planner, Infrastructure Services), R Hume (Planner, Infrastructure Services), J Hewitt (Planner, Infrastructure Services), A Alasoadura (Technician, Roads, Landscape Services & Waste), I Daniels (Principal Roads Engineer, Roads, Landscape Services & Waste), A Mackie (Acting Housing Manager (Tenancy Services, Housing), D Sutherland (Area Project Officer, Formartine)

1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked members if they had any interests to declare in terms of the Councillors' Code of Conduct.

Councillor Owen declared an interest in item 5A by virtue of being a director of The Formartine Partnership and advised that she would leave the meeting and take no part in the consideration of the item.

2. STATEMENT ON 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 a decision.

3. MINUTE OF MEETING 30 OCTOBER, 2018

The Committee had before them, and **approved** as a correct record, the minute of the meeting of 30 October, 2018.

4. POLICE SCOTLAND – PERFORMANCE MONITORING AND OPERATIONAL UPDATE

There had been circulated a report dated 6 November, 2018 by the Director of Business Services which informed members on how Police Scotland were performing locally in Formartine during the period April 2018 to September 2018, compared to the same in the previous year.

The North Aberdeenshire Area Commander was in attendance and provided an overview of the information contained within the performance report.

Thereafter the Committee:-

- (1) **noted** the performance monitoring information relating to the Aberdeenshire component of the North East Division of Police Scotland; and
- (2) **requested** a briefing/workshop session with the Police, Scottish Fire & Rescue Service, Housing and Aberdeenshire Health & Social Care Partnership on how to reduce the number of incidents in the Formartine area in relation to supporting people with particular vulnerabilities.

5. PLANNING APPLICATIONS FOR DETERMINATION

The following planning applications were considered along with any representations received in each case and were dealt with as recorded in **Appendix A**.

Reference	Description	Recommendation
A. APP/2017/2857 (Deferred from FAC 04.09.18)	Full Planning Permission for Installation of Wind Turbine (Hub Height 59m, Total Height 99.91m) with Access Track and Hardstanding at Land at Cardinghill, Ellon	Delegated Grant
B. APP/2018/1992	Full Planning Permission for Installation of Waste Water Tank at Site 8, Balmacassie Commercial Park, Ellon	Defer
C. APP/2018/2175	Full Planning Permission for Erection of Electricity Substation Comprising Platform Area, Control Building, Associated Plant and Infrastructure, Ancillary Facilities, Access Track and Landscape Works at Land to the West of Wood of Middleton, Rothienorman, Inverurie	Provided Views to Full Council

6. LOCAL REVIEW BODY DECISION NOTICE - LRB 425 APP/2018/1053

There had been circulated, and was **noted**, a Planning Appeal Decision Notice dated 9 October, 2018, advising that the Local Review Body upheld the decision and refused planning permission.

The salient points to be acknowledged by the Committee and the Service had been outlined within the information provided to the members.

7. PROPOSED TRAFFIC CALMING MEASURE (SPEED TABLE) IN C2C CULTERCULLEN, UDNY STATION

There had been circulated a report dated 18 October, 2018 by the Director of Infrastructure Services which provided detail of the proposed traffic calming measure (Speed Table) in Cultercullen, Udney Station.

The Technician introduced the report and responded to questions raised by Members in terms of a location of a speed table.

Following consideration of the information provided, the Committee:-

- (1) **approved** the Proposed Traffic Calming Measure (Speed table) in Cultercullen, Udney Station in Appendix 1 & 2;
- (2) **noted** the commencement of the statutory and public consultations for the Speed table in Cultercullen, Udney Station; and
- (3) authorised the works to go ahead if no valid objections are received.

8. HOUSING MANAGEMENT POLICY

There had been circulated a report dated 19 September, 2018 by the Head of Housing which sought comments on the draft policy in relation to Housing Management.

Members sought clarification on the terminology and tenants participation. The officer introduced the report and responded to questions raised by Members.

Following consideration of the information provided, the Committee:-

- (1) **noted** the draft policy; and
- (2) provided the following comments:
 - (a) to present the information in a more user-friendly way;
 - (b) to clarify a difference between neighbourhood disputes and neighbour disputes; and

(c) on the importance of tenant participation strategy.

9. ASSET TRANSFER – YTHAN CENTRE, STATION ROAD, ELLON

A report dated 1 November, 2018 from the Director of Business Services had been circulated to ask the Committee to approve the application from the Ellon Baptist Church (EBC) for the Asset Transfer of the Ythan Centre in Ellon.

The Area Project Officer detailed the report and responded to questions raised by Members.

Thereafter, the Committee:-

- (1) **approved** the application; and
- (2) **approved** that the annual rent should be set at £5185 per annum, which was below the market rental value.

10. AREA COMMITTEE BUDGET 2018-2019

A retrospective application had been received from the Balmedie Leisure Centre Association (SCIO) which sought a contribution towards improvement works to the reception area which included improvements to access for visitors.

After consideration of the information provided, the Committee **refused** the application.

11. STATEMENT OF OUTSTANDING BUSINESS

The Committee **noted** the report by the Formartine Area Manager, updating matters that had previously been discussed by the Committee but remained to be resolved.

The Committee further:-

- (1) **expressed** their disappointment that not all actions were being progressed by officers within an appropriate timescale;
- (2) **requested**, in relation to Item 4, further information on the methods for assessing Prime Agricultural Land;
- (3) **agreed** that officers brief members on the new model conditions and bring back a report to a future meeting; and
- (4) **welcomed** the opportunity for a briefing session to consider the North Corridor project (IJB/Aberdeen City).

APPENDIX A

5A. Reference No: APP/2017/2857

Full Planning Permission for Installation of Wind Turbine (Hub Height 59m, Total Height 99.91m) With Access Track and Hardstanding at Land at Cardinghill, Ellon

Applicant: Cardinghill Renewables Ltd
Agent: Farm Energy Consulting Ltd

As indicated within section 1 of the minute, Councillor Owen declared an interest and left the meeting whilst the application was considered.

There had been circulated a report dated 8 November, 2018, by the Director of Infrastructure Services which sought consideration of an application for full planning permission for installation of Wind Turbine.

The Senior Planner introduced the application which had previously been deferred to allow noise monitoring to be obtained. He then responded to questions raised by Members in relation to noise level, shadow flicker and the size of a turbine and its impact on the nearest properties.

Following a discussion, the Members **agreed** that the application be delegated to the Head of Planning subject to:-

- (1) a condition that the turbine can be programmed to deal with any potential issues caused by shadow flicker; and
- (2) the following conditions:
 - (a) Detailed assessment of the proposed mitigation measures to be submitted to the Planning Service for consultation with MoD and the removal of their objection within a 6 month period.
 - (b) Written confirmation being received by the Planning Authority from National Grid, NATS and Aberdeen International Airport indicating the withdrawal of their objections subject to the mitigation proposed by the applicant (including the payment of any sum in relation to radar blanking).
 - (c) Any conditions resulting from the matters raised in (a) and (b) above.
 - (d) The following conditions:
 1. The development shall be served in accordance with the approved drawings and the following details:
 - (a) The maximum gradient of the first 5m of the access road must not exceed 1 in 20.
 - (b) Prior to erection of turbine, the first 5m of access road (measured from edge of road or back of footway) to be fully paved.
 - (c) Prior to commencement of development, Visibility Splays, measuring 2.4m x 215m to be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.

- (d) Development shall not begin until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved in writing by the local Planning Authority. Development shall be carried out in accordance with the approved CTMP.

Reason: In order to ensure that the development is served by an appropriate standard of access and associated servicing in the interests of road safety.

2. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) 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 WSI. The WSI 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.

3. No works in connection with the development hereby approved shall commence unless a fully detailed scheme for the restoration of the site has been submitted to and approved in writing by the Planning Authority. The restoration of the site shall be carried out in complete accordance with the approved restoration scheme.

Reason: In the interests of visual amenity and landscape protection.

4. In the event that the wind turbine fails to produce electricity supplied to a local grid for a continuous period of 6 months then, unless such cessation is due to the turbine being under repair or replacement, the turbine shall be deemed to have ceased to be required and the turbine and all ancillary equipment shall be dismantled and removed from the site and the site fully restored in accordance with the approved restoration scheme.

Reason: In the interests of safety, amenity and environmental protection of the plant becoming redundant during or at the end of its life span.

5. The wind turbine shall not commence operation unless all soil, machinery, equipment and materials stockpiles associated with the construction of the turbine have been removed and the construction area restored to the satisfaction of the Planning Authority.

Reason: In the interests of visual amenity and landscape protection.

6. No works in connection with the development hereby approved shall commence unless details of the routes of all power cables and a ground reinstatement plan have been submitted to and approved in writing by the

Planning Authority. All cables shall be located underground and the ground thereafter restored in complete accordance with the approved restoration scheme.

Reason: In the interests of visual amenity and landscape protection.

7. No works in connection with the development hereby approved shall commence unless details of an ice detection system as set out in the Renewable Energy Systems report "Assessment of and Actions to Minimise Risk to the Public from Ice on Wind Turbines at Scottish Sites" dated 22 May 2001 (or suitable equivalent procedure supplied by the turbine manufacturer) have been submitted to and approved in writing by the Planning Authority. The details shall include the operational procedures for automatic or manual shut down, ice removal and protection of personnel including agricultural operators and any members of the public in the immediate vicinity. The turbine shall not become operational unless the approved ice protection system has been put in place and the ice protection system shall be retained for the duration of the operation of the development.

Reason: In the interests of public safety.

8. 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 and aftercare liabilities at the end of the period of this permission. The developer shall also provide an independent confirmation by a chartered surveyor (whose appointment for this task has been approved 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) either contain indexation provisions so that the specified amount of the guarantee shall be increased on each anniversary of the date of this permission by the same percentage increase in the General Index of Retail Prices (All Items) exclusive of mortgage interest published by or on behalf of HM Government between the date of this permission and such relevant anniversary or be reviewable to ensure that the specified amount of the guarantee always covers the value of the site restoration and aftercare liabilities;
- (d) come into effect on or before the date of commencement of development, and expire no earlier than 12 months after the end of the aftercare period.

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 to the satisfaction of the Planning Authority is in place to provide that any redundant wind turbine and ancillary equipment is removed from the site, in the interests of the safety and visual amenity of the area.

9. The wind turbine hereby approved shall not commence operation unless MoD-accredited aviation safety lighting consisting of 25 candela omnidirectional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration has been fitted at the highest practicable point on the hub height of the turbine. Once fitted, the aviation lighting shall be retained throughout the lifetime of the wind turbine.

Reason: In the interests of air safety.

10. No works in connection with the development hereby approved shall commence unless details of the finish and colour of the turbine and all externally visible components of the associated ancillary aspects of the proposal have been submitted to and approved in writing to by the Planning Authority. For the avoidance of doubt the wind turbine shall be finished in a non-reflective off-white/pale grey semi-matt finish and shall not display any advertising on any part of the turbine. The development shall be carried out in complete accordance with the approved details.

Reason: In the interests of the visual amenity of the area.

11. No works in connection with the development hereby approved shall commence unless a TV and radio reception mitigation plan for a 20km radius from the boundary of the development site has been submitted to and approved in writing by the Planning Authority:

- (a) The plan shall provide for a baseline TV and radio reception survey to be carried out prior to commencement of the construction of the wind turbine at the development site, the results of which shall be submitted to the Planning Authority.
- (b) Within 12 months of the commissioning of the development, any claim by any individual person regarding radio interference or TV picture loss or interference at their house, business premises or other building, shall be investigated by a suitably qualified engineer and the results submitted to the Planning Authority within one month of the conclusion of the investigation.
- (c) Should any impairment to the TV or radio signal be attributable to the wind turbine development, the developer shall remedy such impairment within an agreed timescale so that the standard of reception at the affected property is equivalent to baseline TV or radio reception.

Reason: To ensure that any adverse effect on TV or radio reception is rectified.

12. The rating level of noise immissions from the wind turbine forming the development (including the application of any tonal penalty) shall not exceed the values for the relevant integer wind speed set out in, or derived from, the table attached to this condition at any dwelling which is lawfully existing or has planning permission at the date of this permission. Where the level in the

table exceeds the lower fixed limit (35dB LA90, 10min. for daytime and quiet daytime hours, and 38dB LA90, 10min for night hours) and also exceeds the measured background noise level, LA90, 10min by 5dB or more, the permitted level will be the lower fixed limit or the background noise level plus 5dB, whichever is the greater. The turbine shall be designed to permit individually controlled operation or shut down at specified wind speeds and directions in order to facilitate compliance with noise criteria and:

- (a) The development shall not be commissioned unless the developer has submitted a list of independent consultants who may undertake compliance measurements in accordance with this condition and has received written approval from the Planning Authority of that list. Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority.
- (b) The development shall not be commissioned unless details regarding the tonality assessment carried out on the turbine and a copy of the standard detailing the assessment method have been submitted to and approved in writing by the Planning Authority. Where the tone level above audibility is 2dB or greater then a tonal penalty in accordance with figure 16 in the document "The Assessment and Rating of Noise from Wind Farms" (ETSU-R-97) shall be applied to the permitted noise levels set out in this condition.
- (c) The developer shall continuously log power production, wind speed and wind direction. These data shall be retained for a period of not less than 24 months and shall include the average wind speed in metres per second for each 10 minute period. The measuring periods shall be set to commence on the hour and in 10 minute increments thereafter. The wind speed shall be standardised to 10m height. The developer shall provide this information to the Planning Authority in an electronic spreadsheet (Microsoft Excel or other suitable format agreed with the Planning Authority) within 21 days of receipt in writing of a request to do so.
- (d) The developer shall employ an independent consultant approved by the Planning Authority to measure, at the developer's own expense, the level of noise emissions from the wind turbine within the first year of the operation of the turbine and every two years thereafter. The biennial noise emissions monitoring shall continue for the working life of the turbine unless the Planning Authority determines in writing that the period between noise monitoring surveys can be extended or that continued routine monitoring is no longer required. The development shall not be commissioned unless the procedure for measuring the noise emissions for the first year of operation has been approved in writing by the Planning Authority. Thereafter, all subsequent measurement procedures shall be agreed in writing with the Planning Authority prior to the commencement of each biennial monitoring survey. The developer shall provide a report detailing the results of the monitoring survey to the Planning Authority within 3 months of completion of the monitoring survey. Unless otherwise agreed in writing by the Planning Authority the turbine shall be switched off during part of the monitoring period to permit reliable background noise level data to be determined at the range of wind speeds from 4m/s to 12m/s.
- (e) Within 21 days from receipt of a written request from the Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the developer shall, at their expense, employ an independent consultant approved by the Planning Authority to investigate the cause of the complaint. The investigation shall

include measurement of the level of noise immissions from the wind turbine and measurement and analysis of amplitude modulation effects and any tonal component at the complainant's property. The written request from the Planning Authority shall set out the dates, times and locations to which the complaint relates and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component and/or amplitude modulation effects. Where the property to which a complaint is related is not listed in Table 1 attached to this condition, the developer shall agree in writing with the Planning Authority the noise limits from those listed in the table that shall be adopted at the complainant's property for compliance checking purposes. The proposed noise limits shall be those limits specified for a listed location which is likely to experience the most similar background noise environment to that experienced at the complainant's property. The chosen noise limits for the complainant's property shall be submitted to and approved in writing by the Planning Authority before the noise immissions assessment is carried out.

- (f) The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Planning Authority. The protocol shall include the proposed measurement location where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain amplitude modulation effects and/or a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Planning Authority under paragraph (e), and such others as the independent consultant considers likely to result in a breach of the noise limits.
- (g) Within 3 months of the date of the written request of the Planning Authority made under paragraph (e) the developer shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise immissions. Certificates of calibration of the instrumentation used to undertake the measurements shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

Reason: To ensure that noise limits are not exceeded and to enable prompt investigation of complaints in order to protect nearby residents from undue noise and disturbance from the development.

Reason for Decision

Subject to the agreement of suitable mitigation measures with the objecting consultees, which the Planning Service has been advised is feasible, (and subject to conditions) then the application meets the relevant requirements of the Aberdeenshire Local Development Plan 2017. The turbine can be adequately accommodated within the landscape without a material impact on the amenity of surrounding properties, and the visual impact is limited in an

area with a degree of capacity available for turbine development. It therefore broadly meets the requirements of Policy C2 Renewable Energy, and all other relevant policies for a proposal of this nature.

5B. Reference No: APP/2018/1992

Full Planning Permission for Installation of Waste Water Tank at Site 8, Balmacassie Commercial Park, Ellon

Applicant: Brewdog Plc
Agent: Taylor Design Services

There had been circulated a report dated 10 October, 2018 by the Director of Infrastructure Services, which sought consideration of an application for the full planning permission for installation of waste water tank at site 8, Balmacassie Commercial Park in Ellon.

The Planner reported on the detail of the application which was recommended for approval. During his presentation he made reference to the siting and size of a waste water tank; access to the tank; impact on the neighbourhood area and landscape; and business needs.

During discussion the Members sought clarification on how the tank will be filled and the traffic arrangements. It was confirmed that the applicant proposed to use the existing vehicle access tract that had been previously formed adjacent to the public road that currently facilitated the existing water tank.

Following discussion, the Committee **agreed** to defer consideration of the application for one cycle pending information on whether the tank will be filled using the existing pipework under the road and whether there would be increased traffic movements associated with filling and emptying the tank.

5C. Reference No: APP/2018/2175

Full Planning Permission for Erection of Electricity Substation Comprising Platform Area, Control Building, Associated Plant and Infrastructure, Ancillary Facilities, Access Track and Landscape Works at Land to the West of Wood of Middleton, Rothienorman, Inverurie, Aberdeenshire

Applicant: Scottish Hydro Electric Transmission Plc
Agent: None

The Planner confirmed that the application was a national development to increase transmission capacity to cope with the increase in electricity generation from renewable sources. He explained that application site lay in Formartine, but that as it was only 200 metres from the boundary with Garioch, the Garioch Area Committee had been consulted and its views had been presented for consideration by Formartine Area Committee.

The Planner also added that he had received a late request from SEPA to be consulted on the application regarding groundwater and that this had been done, but that no response had yet been received.

During discussion the Members sought clarification on the location; maintenance of SUDS basin; impact on the neighbourhood; road safety and traffic; private water supply. They also raised a concern in relation to proposed maintenance plan.

Following consideration of the information provided, the Committee **agreed** to recommend to Full Council, the officer recommendation to grant Full Planning Permission, subject to:-

a) its consideration of the following comments:-

- (1) to provide a maintenance plan for the SUDS basin;
- (2) a clarification should be sought that the Black Burn can accommodate the water from the SUDS basin;
- (3) on the importance of securing assurances on the monitoring of private water supplies;
- (4) on the importance of having a single point of contact from the developer as Community Liaison;
- (5) to consider and mitigate against the significant impact of the development on local roads and road safety, the importance of the developer being a good neighbour and the visual impact;
- (6) to consider all aspects of roads safety relating to the development, including introducing passing places and, in particular, the effect on local roads in the case of adverse events; and
- (7) a sentence should be changed on page 22 of the report "Councillor Thomson asked about the mitigation measures for the quality and quantity of water but was *advised* that the quality and quantity of water would be analysed and its frequency would be monitored, which would be secured via Planning Condition." Cllr Hood's statement on page 23 should also be reflected.

b) the following conditions:-

1. Landscaping Scheme

That no works in connection with the development hereby approved shall take place 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:

- (i) Existing and proposed finished ground levels relative to a fixed datum point;
- (ii) The location of new trees, shrubs, hedges, grassed areas and water features;
- (iii) A schedule of plants to comprise species, plant sizes and proposed numbers and density;
- (iv) A programme for the completion and subsequent maintenance of the proposed landscaping

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed in line with the phasing as

set out within the approved scheme or such other date as may be agreed in writing with the Planning Authority. 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.

Reason: To ensure the implementation 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.

2. Access

That no other development in connection with the permission hereby approved shall take place and the access hereby approved shall not be brought into use unless constructed in accordance with the following specification:

- (i) The maximum gradient of the first 10m of the new access (as measured from the edge of the public road) shall not exceed 1 in 20.
- (ii) The first 10m of the new access (as measured from the edge of the public road) shall be fully paved.
- (iii) Visibility Splays measuring 2.4m by 90.0m shall be formed on either side of the junction of the vehicular access with the public road.

Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

3. Parking

Prior to the occupancy or operation of the development, off-street parking for 6 cars, surfaced in hard standing materials shall be provided within the site.

Reason: In the interests of road safety, through ensuring the development provides adequate off-street parking.

4. 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:

- (i) Risk assessment of potentially damaging construction activities;
- (ii) Identification of biodiversity protection zones;
- (iii) 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);
- (iv) The location and timing of sensitive works to avoid harm to biodiversity features;

- (v) The times during construction when specialist ecologists need to be present on site to oversee works;
- (vi) Responsible persons and lines of communication;
- (vii) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- (viii) Use of protective fences, exclusion barriers and warning signs;
- (ix) A Construction Noise and Vibration Management Plan.

The CEMP must address the mitigation details contained within Appendix 3.1 'Schedule of Mitigation' of the Environmental Appraisal, dated September 2018.

In the event that the CEMP references other SHE Transmission documents, including (but not limited to) General Environmental Management Plans (GEMPs) or Species Protection Plans (SPPs), these plans must be also be submitted to Aberdeenshire Council for agreement as part of the wider CEMP.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP.

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

5. Private Water Supply Monitoring

No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a scheme detailing Private Water Supply Protection has been submitted to and approved in writing by the Planning Authority.

The scheme must contain details of monitoring works to be undertaken for the private water supplies identified within Appendix 6.1 'Private Water Supply Risk Assessment' of the Environmental Appraisal, dated September 2018 as requiring ongoing monitoring.

For the avoidance of doubt the identified Private Water Supplies are:

- PW1: 'Smithy Croft'
- PW2: 'Kinnivie'
- PW3: 'Westfield'

The monitoring works must include:

- a) A timescale for pre-construction monitoring
- b) A timescale for post-construction monitoring
- c) Details of the scope of monitoring (frequency, quantity, quality)

These references relate to the following drawing: 'Site Investigation and Cross Section Locations', Drawing No:PWS.1, Dated August 2018, which is contained within Appendix 6.1 'Private Water Supply Risk Assessment' of the Environmental Appraisal, dated September 2018. Thereafter, the development shall be carried out in accordance with the agreed monitoring scheme.

Reason: In the interests of protecting the amenity of nearby properties and in order to ensure the continuation of an appropriate water supply.

6. Noise Assessment

No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a revised Noise Assessment has been carried out as outlined in section 7.2.2 of Appendix 3.2 'Noise Impact Assessment', dated August 2018 of Environmental Appraisal, dated September 2018 and submitted to and agreed by the Planning Authority.

Should the revised assessment identify an adverse impact, mitigation measures must be identified and submitted to the Planning Authority for agreement. Thereafter the development must be completed and operated in accordance with said scheme.

Reason: In the interests of the amenity of the surrounding area.

7. Drainage

Prior to the operation of the development, the drainage scheme as approved must be delivered.

The approved drainage scheme is considered to comprise:

- (i) The drainage scheme outlined within Appendix 6.2 'Flood Risk and Drainage Assessment', dated August 2018 of the Environmental Appraisal, dated September 2018; and
- (ii) 'SWMP Overview', Drawing no. FRDA-3, Rev R1, dated June 2018 – as contained within Appendix 6.2 'Flood Risk and Drainage Assessment', dated August 2018 of the Environmental Appraisal, dated September 2018; Thereafter the drainage scheme shall be retained in perpetuity.

Reason: In the interests of ensuring the development site is adequately drained and does not have a negative impact upon water management.

Reason for Decision

The proposal and mitigation measures set out and contained therein are considered to be acceptable in terms of the relevant Policies contained within the Aberdeenshire Local Development Plan 2017. The proposal is consistent with the Development Plan's aim of reducing carbon emissions and adapting to climate change. It also contributes to the Scottish Government's National Planning Framework's aim to move Scotland towards creating a low carbon place.