

ABERDEENSHIRE COUNCIL

MARR AREA COMMITTEE

ALFORD PUBLIC HALL, ALFORD, 29 JANUARY, 2019

Present: Councillors M Ingleby (Chair), J Latham (Vice Chair), P Argyle, G Blackett, R Bruce, E Durno, P Gibb, and G Petrie.

Apologies: Councillors A Ross and R Withey.

Officers: J Clark, Area Manager (Marr); R Hulme, Location Manager; J Strathdee, Location Manager; F McCallum, Hard FM Manager (by Skype); N Mair, Senior Planner; E Tully, Planner; J Joss, Senior Solicitor; and K Macleod, Area Committee Officer (Marr).

In Attendance: C Westwood, Station Manager, Scottish Fire and Rescue Service.

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 Blackett declared an interest in item 7B by virtue of having discussed the application at a Cairngorms National Park Authority (CNPA) meeting; however, as the matter was a consultation, having applied the objective test, she advised that she would remain and participate in the item.

Councillor Argyle advised that he and Councillor Latham had not been present at the CNPA meeting.

During consideration of item 7A, Councillor Argyle stated that he had a connection to the item by virtue of having previously lived at Woodfield and having been a tenant of the MacRobert Trust; however, as this had been some years ago, having applied the objective test, he concluded he had no interest to declare.

2A. 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; and
- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching a decision.

2B. RESOLUTION

The Committee **agreed**, in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, that the public and media representatives be excluded from

the meeting for the following item of the business on the grounds that it involved the likely disclosure of exempt information of the class described in the relevant paragraph of Part 1 of Schedule 7A of the Act.

Item No.
8

Paragraph No. of Schedule 7A
8

3. MINUTE OF MEETING OF MARR AREA COMMITTEE OF 18 DECEMBER, 2018

The Committee had before them, and **approved** as a correct record, the Minute of Meeting of the Committee of 18 December, 2018.

4. SCOTTISH FIRE AND RESCUE SERVICE – MARR AREA COMMITTEE PERFORMANCE REPORT FOR QUARTER 3, 1 OCTOBER TO 31 DECEMBER, 2018

There had been circulated a joint report by the Local Senior Officer (Aberdeenshire and Moray), Scottish Fire and Rescue Service, and the Director of Business Services which advised how the Scottish Fire and Rescue Service had performed locally in Marr against key performance measures and associated targets, as set out in the Aberdeenshire Local Fire and Rescue Plan and Marr Multi-Member Ward Plan, during the period from October to December, 2018.

The Station Manager reported on Scottish Fire and Rescue Service activity locally and responded to Members' questions on Crash Live events, locations of road traffic collisions, and tracing perpetrators of deliberate fires. It was also suggested to the Station Manager that the Fife Arms may present an opportunity for recruitment of retained firefighters in Braemar.

Thereafter, the Committee **agreed**:-

- (1) to acknowledge the performance report relating to the period from October to December, 2018; and
- (2) to acknowledge local operational matters arising, together with key resource issues, as detailed within appendices to the report.

5. ABERDEENSHIRE HEALTH AND SOCIAL CARE PARTNERSHIP (H&SCP) PERFORMANCE AND OUTCOMES FRAMEWORK QUARTER 2 REPORTING – JULY TO SEPTEMBER, 2018

There had been circulated a report dated 13 December, 2018, by the Partnership Manager (South), Aberdeenshire Health and Social Care Partnership, which provided information on Health and Social Care Partnership performance during the period from July to September, 2018, as reported to the Integration Joint Board on 12 December, 2018 (item 15), together with further information on local performance in the Marr area.

The Location Manager (R Hulme) provided further information on factors affecting the measures on delayed discharge and emergency department attendance; highlighted that Aberdeenshire was in the top ten partnerships for 12 out of 19 national indicators; and commented that national indicators 4 (adults supported at home who agreed their health and social care services seemed to be well coordinated) and 8 (carers who felt supported in their caring role) were affected by low sample sizes which did not entirely consist of carers or those receiving care. In response to a query, it was advised that more accurate information on carers was expected to be obtained through consultation on the new carers' strategy.

The Committee **agreed**:-

- (1) to note the content of the Integration Joint Board Quarter 2 Performance Report; and

- (2) to request further information on why data was not available for national indicators 10, 21, 22 and 23 in Appendix A3 to the report.

6. AREA COMMITTEE BUDGET – SMALL GRANT APPLICATIONS

There had been circulated a report dated 11 January, 2019, by the Director of Infrastructure Services, which sought consideration of applications for Area Committee Budget funding from Alford Heritage Centre and Museum, Active Schools Alford, Banchory Lawn Tennis Club, Deeside Rugby Football Club, and Alford Christmas Festival Committee.

After due consideration, the Committee **agreed**:-

- (1) to approve an award of up to £700 to Alford Heritage Centre and Museum towards the cost of a new museum display on 'Local Legends: Past and Present';
- (2) to approve an award of up to £1,000 to Active Schools Alford towards the cost of after school/lunchtime physical activity sessions for primary and secondary pupils, and to request that the service submit a report on project outcomes and achievements;
- (3) to approve an award of up to £750 to Banchory Lawn Tennis Club towards the cost of a defibrillator at Burnett Park;
- (4) to approve an award of up to £2,000 to Deeside Rugby Football Club towards the cost of a replacement catering wagon; and
- (5) to approve an award of up to £2,000 to Alford Christmas Festival Committee towards the cost of festive lights.

7. PLANNING APPLICATIONS

The following planning application and consultation request were considered and dealt with as recorded in **Appendix A** to this minute.

Reference Number	Address
(A) APP/2018/2399	Approval of Matters Specified in Conditions for Conditions of Planning Permission in Principle Reference APP/2015/2029 for Demolition of Steading, Erection of 3 Dwellinghouses and Garages and Change of Use of Agricultural Land to Domestic Garden Ground) at Land at Woodfield, Tarland
(B) APP/2018/2480	Notification under Electricity Act 1989 for Section 36 - Consultation Request for Installation of Windfarm Comprising up to 26 Wind Turbines of up to 149.9m to Tip Height and Associated Infrastructure at Glendye Windfarm, Fasque and Glendye Estates, Site to the North of Inch of Arnhall, Edzell Woods

8. USE OF DELEGATED POWERS BY CHIEF OFFICER TO ADD AN ITEM TO BUSINESS SERVICES DIRECTORATE WORK PLAN BY REASON OF SPECIAL URGENCY

There had been circulated a report dated 11 January, 2019, by the Director of Infrastructure Services, which advised the Committee of the use of delegated powers by the Area Manager (Marr), by reason of special urgency, to add an item to the Business Services Directorate Work Plan.

The Hard FM Manager introduced the report and responded to questions from Members.

Thereafter, the Committee **agreed**:-

- (1) to note the use by the Area Manager (Marr) of delegated powers, as provided in Part 2B, Section B of the Scheme of Governance, by reason of special urgency as detailed in the report and appendices; and
- (2) to request that officers urgently ensure the site which was the subject of the works was safe and secured.

Councillor presiding over meeting

Councillor Moira Ingleby

Print Name

Signature

19 February 2019

Date

APPENDIX A

PLANNING APPLICATIONS

- (A) **Reference No: APP/2018/2399 – Approval of Matters Specified in Conditions For Conditions 1 (a) Layout and Siting, (b) External Appearance and Finishing Materials, (c) Site Levels, (d) Disposal of Foul and Surface Water, (e) Proposed Access including Visibility Splays, (f) Car Parking/Vehicle Turning, (g) Private Water Supply of Planning Permission in Principle Reference APP/2015/2029 for Demolition of Steading, Erection of 3 Dwellinghouses and Garages and Change of Use of Agricultural Land to Domestic Garden Ground) at Land at Woodfield, Tarland, Aberdeenshire**

Applicant: The MacRobert Trust, Estate Office, Cromar, Tarland, AB34 4UD
Agent: Gerry Robb Architectural Design Services, Bridgend, Bridgeview Road, Aboyne, AB34 5HB

With reference to the Minute of Meeting of the Committee of 29 September, 2015 (item 9A), when the Committee had approved a grant of planning permission in principle for three dwellings on the site (APP/2015/2029) and requested that follow on applications be referred to the Area Committee for determination, there had been circulated a report dated 7 January, 2019, which sought consideration of an application for matters specified in conditions of the planning permission in principle consent.

The Senior Planner reported on the details of the application, which was recommended for approval, and made reference to the principle of development having been established; the design, finishing materials, and boundary treatments; technical information submitted demonstrating compliance with policy and meeting the conditions; and the good quality design of the proposed development. In response to a query on outstanding conditions, the Senior Planner explained that all conditions did not have to be addressed through the same MSC application but must be satisfied before the consent could be implemented.

Following discussion, the Committee **agreed:-**

- (1) to grant consent of the Matters Specified in Conditions; and
- (2) that the reason for the decision be as follows:-

The proposed three dwellings are of a good standard of design respecting the local vernacular, and services such as drainage, water supply, vehicular access have all been demonstrated to be acceptable. The proposal therefore satisfies the requirements of the relevant conditions of the original planning permission in principle (APP/2015/2029) and complies with the relevant policies of the Aberdeenshire Local Development Plan (2017).

- (B) **Reference No: APP/2018/2480 – Notification under Electricity Act 1989 For Section 36 - Consultation Request for Installation of Windfarm Comprising up to 26 Wind Turbines of up to 149.9m to Tip Height and Associated Infrastructure at Glendye Windfarm, Fasque and Glendye Estates, Site to the North of Inch of Arnhall, Edzell Woods**

Applicant: Coriolis Energy, Suite 406-407 Baltic Chambers, 50 Wellington Street, Glasgow, G2 6HJ
Agent: Scottish Government, Energy Consent Unit, 4th Floor, 5 Atlantic Quay, 150 Broomielaw, Glasgow, G2 8LU

There had been circulated a report by the Director of Infrastructure Services which advised that the Scottish Government had consulted the Council in respect of an application under

Section 36 of the Electricity Act 1989 for the installation of 26 wind turbines and associated infrastructure. The Head of Planning and Building Standards had decided not to exercise his delegated power in the particular case and had referred the matter to the Kincardine and Mearns and Marr Area Committees to give views to the Infrastructure Services Committee, prior to that Committee being asked to agree the Council's response to the consultation.

Having heard that requests to speak had been received, the Committee **agreed** to hear from James Baird, Coriolis Energy, the applicant, and Rob Strachan, who wished the Council to object to the application.

The Planner introduced the report and advised that Kincardine and Mearns Area Committee had agreed the officers' recommendation to refer the application to Infrastructure Services Committee with a recommendation to object to the application. It was also clarified that 11.2.1(b) of the report should read "it has not been demonstrated that the proposed development would not have a detrimental impact upon aircraft and aviation". The Planner provided a brief overview of the proposed development and advised that the main body, including 26 turbines and the majority of infrastructure, was in the Marr area and the access track and link to the B966 were within Kincardine and Mearns. The Planner outlined the reasons for the recommendation to object, as detailed in the report, which related to the principle of the development, the landscape and visual impact, the impact on the Cairn O' Mount Scheduled Monument, and two technical matters. Members were also shown visualisations from key viewpoints.

Members then asked questions in relation to pylons; the process for Section 36 applications with regard to consideration of representations; funding to be set aside for decommissioning; information available on the incompatibility of the site for wind energy development prior to the application; visibility from Queen's Drive, Tarland; and the Cairngorms National Park Authority's position.

The Committee then heard from James Baird, Coriolis Energy who made reference to targets for an 80% reduction of greenhouse gases by 2050 and presumption in favour of development which contributed to sustainable development. Addressing the reasons for objection within the report, he indicated that the aviation issue and reasons four and five were resolvable; highlighted that Historic Environment Scotland had not objected; and commented on very few developments being impact free in terms of visual and landscape impact. He further referred to economic benefits during construction, operation, and decommissioning, and opportunities for shared ownership and a community benefit fund. He asked the Committee to weigh up the environmental and socio-economic benefits before accepting the recommendation.

Members then asked Mr Baird questions in relation to visibility from Queen's Drive Tarland; continuation of traditional land management including heather burning; the reason for selection of the site; decommissioning; and objections from the Ministry of Defence, NATS and Aberdeen Airport. After responding to Members, Mr Baird confirmed that he felt he had been given a fair hearing.

The Committee also heard from Rob Strachan who explained that he was a local resident, member of the windfarm action group, and commander of Clan Strachan, and that he objected to the proposed development. He made reference to Clan Strachan's association with the area, encouraging visitors, and the development directly impacting ability to sell the area; there being many objections including from the three local community councils; imposition of the development on the landscape and community going against democracy; and the possibility of overhead pylons. He recommended that the Committee object to the windfarm in the strongest possible terms. Mr Strachan then confirmed that he felt he had been given a fair hearing.

After due consideration, the Committee **agreed**:-

- (1) that the application be referred to the Infrastructure Services Committee with a recommendation to object to the proposed development; and
- (2) that the reason for the decision be as follows:-
 - (1) The proposed development is contrary to Aberdeenshire Local Development Plan Policy C2 (Renewable energy) and the associated Spatial Framework Mapping and Planning Advice 'Strategic Landscape Capacity Assessment for Wind Energy in Aberdeenshire' 2014 as:
 - (a) the proposed development site lies within an area with no underlying capacity for new wind energy developments beyond a domestic scale (over 15m in height) by virtue of the site being located within the Moorland Plateau and Mounth Landscape Character Area; an area of significant protection due to its sensitive landscape, high visual prominence, high wilderness and recreational value.
 - (b) it has not been demonstrated that the proposed development would not have a detrimental impact upon aircraft and aviation as it has not been demonstrated that the application of a 'blanking' area over the turbines detected by radar would be effective in removing the significant effects.
 - (c) the EIAR has underestimated the potential landscape and visual impacts of the proposed development, which is considered to be incongruous and inappropriate for this setting, from popular hillwalking routes/points.
 - (2) The proposed development is contrary to Aberdeenshire Local Development Plan Policy E2 (Landscape) and Supplementary Guidance 9 Special Landscape Areas, as there are unacceptable effects on the natural landscape and upon the Clachnaben and Forest of Birse and Braes of the Mearns Special Landscape Areas (SLAs) and the rolling, undeveloped moorland, distinctive hill profiles with commanding views and wilderness/naturalness qualities which give rise to their designation by virtue of the development's location and scale. The proposed development is considered to be incongruous, inappropriate and incompatible with the surrounding area and landscape designations. These effects are not considered to be outweighed by any economic or carbon reduction benefits.
 - (3) The proposed development is contrary to Aberdeenshire Local Development Plan Policy E2 (Landscape) and Policy HE1 (Protecting historic buildings, sites and monuments) as there would be an unacceptable impact to the Cairn O' Mount Scheduled Monument through the location and scale of the development and the cumulative visual effects with existing wind energy developments.
 - (4) The proposed development cannot be considered to comply with Aberdeenshire Local Development Plan Policy P4 (Hazardous and potentially polluting developments and contaminated land) as it has not been demonstrated that there would be no pollution or nuisance caused upon the private water supplies within the vicinity.
 - (5) The proposed development cannot be considered to comply with Aberdeenshire Local Development Plan Policy PR1 (Protecting important resources) as it has not been demonstrated that there would be no adverse impacts on Groundwater Dependant Terrestrial Ecosystems within the area.