

Aberdeenshire
COUNCIL



GARIOCH AREA COMMITTEE

TUESDAY, 23 APRIL 2024 at 9.30 am

Your attendance is requested at a meeting of the **GARIOCH AREA COMMITTEE** to be held in **COUNCIL CHAMBER - GORDON HOUSE, BLACKHALL ROAD, INVERURIE, AB51 3WA (WITH VIRTUAL ATTENDANCE)**, on **TUESDAY, 23 APRIL 2024**, at **9.30 am**

This meeting will be live streamed and a recording of the public part of the meeting will be made publicly available at a later date.

17 April 2024

Ann Overton
Area Manager

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

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B U S I N E S S

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| 1 | Declaration of Members' Interests | |
| 2A | Public Sector Equality Duty
Consider, and if so desired, adopt the following resolution:- | 4 |
| | (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 Integrated Impact Assessment is provided, to consider its contents and take those into account when reaching a decision. | |
| 2B | Exempt Information

Consider, and if so decided, adopt the following resolution:- “That under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Item(s) of business below, on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant paragraphs of Part 1 of Schedule 7A of the Act.” | |
| 3 | Minute of Meeting | 5 - 9 |
| 4 | Statement of Outstanding Business | 10 - 17 |

ENVIRONMENT AND INFRASTRUCTURE SERVICES

- | | | |
|---|---|----------|
| 5 | Approval of Matters Specified in Conditions for Conditions 1 (a) Siting, Design, Layout, External Appearance, Finishing Materials; (b) Design Statement; (c) Landscaping; (d) Levels Survey and Site Sections; (e) Means of Access; (f) Car Parking and Turning Areas; (g) Footpaths to B994 and B987, including Bus Stops; (h) Flood Risk Assessment; (i) Details of Water Bodies, including Method Statements; (j) Foul and Surface Water Disposal; (k) Waste Management Plan of Planning Permission in Principle APP/2017/0288 at Land Beside Woodside Croft, Midmil, Kintore (APP/2023/0872) and Full Planning Permission for Formation of Drainage Channel and Accompanying Landscaping in | 18 - 164 |
|---|---|----------|

Association with Adjoining Development at land at Midmill,
Kintore (APP/2023/1132)

- | | | |
|---|---|-----------|
| 6 | Full Planning Permission for Erection of 2 Dwellinghouses and Formation of Vehicular Access at Site West to Lynwood, Chapel of Garioch, Inverurie (APP/2024/0077) | 165 - 178 |
|---|---|-----------|

BUSINESS SERVICES

- | | | |
|---|--|-----------|
| 7 | Draft Aberdeenshire Community Resilience Framework | 179 - 199 |
| 8 | Draft Donations Policy | 200 - 212 |
| 9 | Draft Heating Policy | 213 - 230 |

EDUCATION AND CHILDREN'S SERVICES

- | | | |
|----|----------------------------------|-----------|
| 10 | Community Council Grants 2024-25 | 231 - 239 |
|----|----------------------------------|-----------|

ITEMS WHICH THE COMMITTEE MAY WISH TO CONSIDER WITH THE PRESS AND PUBLIC EXCLUDED

BUSINESS SERVICES

- | | | |
|----|---|-----------|
| 11 | Business Services Directorate - Award Approval Inverurie - Souterford Road Waste Transfer Station - New Drainage Works
<i>Exempt under paragraph 10</i> | 240 - 250 |
|----|---|-----------|

Paragraph 10 - Identity of tenderer for supply of goods or services.

PUBLIC SECTOR EQUALITY DUTY – GUIDANCE FOR MEMBERS

What is the duty?

In making decisions on the attached reports, Members are reminded of their legal duty under section 149 of the Equality Act 2010 to have due regard to the need to:-

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

The “protected characteristics” under the legislation are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; and (in relation to point (i) above only) marriage and civil partnership.

How can Members discharge the duty?

To ‘have due regard’ means that in making decisions, Members must consciously consider the need to do the three things set out above. This requires a conscious approach and state of mind. The duty must influence the final decision.

However, it is not a duty to achieve a particular result (e.g. to eliminate unlawful racial discrimination or to promote good relations between persons of different racial groups). It is a duty to have due regard to the need to achieve these goals.

How much regard is ‘due’ will depend upon the circumstances and in particular on the relevance of the needs to the decision in question. The greater the relevance and potential impact that a decision may have on people with protected characteristics, the higher the regard required by the duty.

What does this mean for Committee/Full Council decisions?

Members are directed to the section in reports headed ‘Council Priorities, Implications and Risk’. This will indicate whether or not an Integrated Impact Assessment (IIA) has been carried out as part of the development of the proposals and, if so, what the outcome of that assessment is.

An IIA will be appended to a report where it is likely, amongst other things, that the action recommended in the report could have a differential impact (either positive or negative) upon people from different protected groups. The report author will have assessed whether or not an IIA is required. If one is not required, the report author will explain why that is.

Where an IIA is provided, Members should consider its contents and take those into account when reaching their decision. Members should also be satisfied that the assessment is sufficiently robust and that they have enough of an understanding of the issues to be able to discharge their legal duty satisfactorily.

For more detailed guidance please refer to the following link:-

<https://www.equalityhumanrights.com/en/equality-act/equality-act-2010>

GARIOCH AREA COMMITTEE

TUESDAY, 19TH MARCH, 2024

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

In Attendance: Ann Overton (Area Manager (Garioch)), Jill Joss (Senior Solicitor), Helen Atkinson (Senior Planner), Elaine McCarron (Asset Disposal Surveyor), Joanna Stewart (Strategy Development Officer) and Alison Cumming (Area Committee Officer)

1 DECLARATION OF MEMBERS' INTERESTS

In accordance with the Councillors' Code of Conduct the following transparency statement was made:-

Item 5 - Cllr Gifford indicated that he was a former business associate of the objector to the application.

2A PUBLIC SECTOR EQUALITY DUTY

In line with the Council's legal duty under section 149 of the Equality Act 2010 the Committee **agreed**:-

1. in making decisions, that it shall have due regard to the need to:-
 - (i) eliminate discrimination, harassment and victimisation;
 - (ii) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (iii) foster good relations between those who share a protected characteristic and persons who do not share it.
2. where an Integrated Impact Assessment was provided, to consider its contents and take these into account when reaching a decision.

2B EXEMPT INFORMATION

The Committee **agreed**, in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting during consideration of the items specified below so as to avoid disclosure of exempt information of the classes described in the undernoted paragraphs of Part 1 of Schedule 7A of the Act.

Item No
7

Paragraph No. of Schedule 7A
9

3 MINUTE OF MEETING

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

4 STATEMENT OF OUTSTANDING BUSINESS

A report by the Director of Education and Children's Services was circulated detailing the items of outstanding business as at 19 March 2024.

The Committee **agreed** to note the items of outstanding business as at 19 March 2024.

5 ERECTION OF TEMPORARY MACHINERY AND EQUIPMENT STORAGE BUILDING (USE CLASS 6) (RETROSPECTIVE) AT TILLYCAIRN CASTLE, MILLBANK, SAUCHEN, AB51 7RX (APP/2023/1789)

The Senior Planner explained that the application was seeking a further temporary permission for a storage shed close to the category A listed Tillycairn Castle. She explained that the site was not a brownfield site and did not have a business allocation and was therefore not supported through relevant policies. She explained that the temporary nature of the proposals was considered to mean that there would not be a long-term adverse impact on the listed building and that the applicant had provided a supporting statement to evidence that other sites had been explored but had been outwith the finances of the business. She said that the Planning Service therefore considered that the application could be supported as an appropriate departure from policy.

Members sought clarification about the history of the site, the enforcement action taken and noted the fact that it was a second temporary permission. They clarified that the conditions attached to any permission would be successful in reinstating the site. Members asked for confirmation that the type of buildings being erected were appropriate for temporary use. The Senior Planner confirmed that it did not involve blockwork and was a frame and cladding with limited foundations.

Some members were concerned at the length of time the business had already been on site and pointed out that by the time a second temporary permission expired it would have been operating there for almost nine years. They expressed concerns that many of the issues currently stopping the business from operating from an appropriate location would be the same in three years time. They were concerned about the impact of the large shed and business operation on the setting and character of the listed building and considered that even though this was proposed as a temporary permission this was an unacceptable impact on the character and setting of the castle.

Other Members accepted that the temporary nature of the proposals would limit the impact on the listed building and, on balance, make the permission agreeable but wanted to make sure that any grant of planning permission would not compromise future decisions. There was a clear assertion that this period of permission would be the extent of time appropriate for this use on this site.

Councillor Lonchay, seconded by Councillor Ewenson, moved that Full Planning Permission be refused on the grounds that the siting of the proposed storage shed in close proximity to Tillycairn Castle will have an adverse impact on the setting of the Category A listed building. The proposal is therefore not in accordance with NPF4 Policy 7 Historical assets and places, NPF4 Policy 26 Business and industry and NPF4 Policy 29 Rural development alongside ALDP 2023 Policy P1 Layout, siting and design, Policy HE1 Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings) and Policy R2 Development Proposals Elsewhere in the Countryside.

As an amendment, Councillor Joji, seconded by Councillor Walker moved to agree the reason for departure and grant Full Planning Permission subject to the conditions detailed in the report.

The Committee voted:-

For the motion (8) Councillors Ewenson, Gifford, Grant, Lonchay, Mason, Miller, Payne and Reid

For the amendment (6) Councillors Baillie, Joji, Keating, Smith, Walker and Whyte

Councillor McKail was absent from the division.

Therefore, the motion was carried, and the Committee **agreed** to refuse Full planning Permission on the grounds that the siting of the proposed storage shed in close proximity to Tillycairn Castle will have an adverse impact on the setting of the Category A listed building. The proposal is therefore not in accordance with NPF4 Policy 7 Historical assets and places, NPF4 Policy 26 Business and industry and NPF4 Policy 29 Rural development alongside ALDP 2023 Policy P1 Layout, siting and design, Policy HE1 Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings) and Policy R2 Development Proposals Elsewhere in the Countryside.

6 AREA COMMITTEE BUDGET 2024/25

A report by the Director of Education and Children's Services was circulated providing information about awards made from the Area Committee Budget funds for the last financial year and seeking approval for allocations to the various funds for the 2024/25 financial year

The Area Manager presented the report and highlighted the range of projects funded in the previous financial year and the funding that had been levered in from other

sources to achieve these. She pointed out the feedback provided by the organisations involved and the fact that this was now embedded as part of the award process.

Members welcomed the report and in particular the feedback provided by groups. They considered the projects proposed for funding from the Strategic Budget and agreed to continue with the three strands of funding. Members asked about the potential for more flexibility around year end to allow projects to have more time to be realised and make the spend more achievable for community groups. The Area Manager indicated that she was in dialogue with Directors and Finance Officers to look at opportunities to make the funding more flexible. Members welcomed this and added their support to encourage this to be realised as soon as possible.

The committee **agreed**:

1. that the 2024-25, £71,200 budget be allocated as follows:-
 - a. £5,000 towards a Small Grants Fund;
 - b. £36,200 towards an Area Initiatives Fund; and
 - c. £30,000 towards a Strategic Budget.
2. that the general Small Grants Fund be set at a maximum grant of £500 per application and will be managed in accordance with the criteria in Appendix 1;
3. that authority to approve grants up to £500 from the Small Grants Fund be delegated to the Area Manager subject to an update of the awards being provided informally to Councillors on a quarterly basis;
4. that the Area Initiatives Fund:-
 - Has a maximum grant of £5,000 except for festive lights, which is £1,750;
 - Will fund up to 50% of the total project cost (up to the maximum grant) except for energy efficiency in community facilities projects where up to 75% will be funded;
 - Sets two dates for closure of applications (31st May and 31st October) with the opportunity for emergency applications to be brought outwith these dates if required; and
 - Be considered under the revised criteria detailed in Appendix 1.
5. that Strategic Budget applications should meet the following requirements:-
 1. Projects should advance or be aligned with the Council Priorities and Council Plan at the time of the application;
 2. Projects should be of significant benefit to the local area
 3. Projects should be identified through local community planning processes or demonstrate that relevant community consultation has taken place; and
 4. Not be used to provide budget to fund council service delivery that was removed by a Full Council or a Policy Committee decision or when a

service does not have enough budget availability to provide the same level of previous service delivery

6. to make the following allocations from the Strategic Budget:-
 - £6,000 towards Community Action Plans;
 - £3,000 towards Local Place Plans with specific delegation to the Area Manager to make awards in line with the criteria already published on the Council website;
 - £5,000 towards School Parking Buddies and to delegate to the Area Manager to progress Kemnay and Elrick schools as a pilot and to give consideration to appropriate safety measures at Kellands school; and
 - £5,000 towards the provision of a further football pitch in Kintore.
7. that every opportunity should be taken to promote and advertise the funds available;
8. to note the allocations for all three budgets for the 2023-24 financial year as detailed in Appendix 2;
9. to note the feedback received from some of the projects funded by Area Initiatives fund in 2023-24 as detailed in Appendix 4 and that the provision of feedback be included within the requirements of the award; and
10. to support the Area Manager to continue to seek flexibility to allow community projects to run over the end of the Council financial year.

7 DISPOSAL OF 9 SCOTSMILL COURT, BLACKBURN

A report by the Director of Business Services was circulated providing details of offers made for the property at 9 Scotsmill Court, Blackburn and recommendation approval of one of the offers received.

The committee **agreed** to:-

1. approve the sale of 9 Scotsmill Court, Blackburn to the preferred bidder and instruct Officers to conclude a sale for the price referred to in section 3.4 of the report; and
2. delegate to the Head of Property and Facilities to progress the sale with the other party should the preferred bidder be unable to complete the sale.

GARIOCH AREA COMMITTEE STATEMENT OF OUTSTANDING BUSINESS AS AT 23 APRIL 2024

NO	TITLE	MOST RECENT UPDATE	TIMESCALE
1.	Supplementary Housing Work Plan and Business Case – Procurement Approval for Works at Littlewood Court, Kemnay	A report is being prepared by appointed specialist environmental consultant ' <i>SEED Environmental</i> ' for issue to SEPA presenting the facts. There are small levels of oil remaining in BH201, BH202 and BH204 but that there is no product or detections measured anywhere else or migrating off site. The intention being to agree that the remaining impacts are not a risk to groundwater and surface water receptors and as such the matter can be closed off.	June 2024
2.	Committee Review Process Stage 2: Workshop to Consider Toilet Provision in Garioch	No further update.	May 2024
3.	2024/2025 Environment and Infrastructure Services Procurement Plan	No further update	March 2025

ORIGINAL DECISIONS AND PREVIOUS UPDATES PROVIDED TO THE COMMITTEE

No	COMMITTEE DATE	DECISION	RESPONSIBLE OFFICER	TIMESCALE
1a.	8 October 2019 (item 9)	Supplementary Housing Work Plan and Business Case Request that reports be provided:- 1. detailing the costs an implications and remedial work required following the investigation works; and 2. giving a comparison business case for alternative heating sources for Littlewood Court, Kemnay (Completed and discharged 1/12/20)	Infrastructure Services (Matthew MacAulay)	February 2020
1b	6 October 2020 (Item 4)	Request that Officers provide an update in relation to the progress with a feasibility and options appraisal to replace the oil heating system (Littlewood Court)	Infrastructure Services (Matthew MacAulay)	November 2020
1c	13 December 2022 (Item 4)	Request that information regarding the reinstatement of the grounds following the works at Littlewood Court be provided.	Environment and Infrastructure Services (Siobhonn Martin)	Timescale to be confirmed
DATE		OFFICER UPDATE		RESPONSE FROM COMMITTEE
12 November 2019		(1) a further meeting was held last Friday of the Littlewood Oil Spill Project Team chaired by the Area Manager attended by various Council colleagues from Environmental Health, Property, Housing, Legal etc. At present further investigation and testing works are being progressed and an implementation plan for any proposed remedial works has yet to be determined. Subject to completion of this exercise estimated costs should be available from Property for any proposed remedial works (2) Housing has instructed Property to undertake a feasibility and options appraisal to replace the oil heating system.		Noted
14 January 2020		Report expected in February 2020		Noted

17 March 2020	Update report provided on 17 March 2020.	Agreed to retain for further progress to be reported.
21 April 2020	Update indicating that work would be delayed due to Covid 19.	Noted
23 June 2020	Until Covid 19 restrictions are lifted the remediation works in the business case approved at the March Committee are on hold as the contractor is unable visit the site. It could be a number of months therefore until there is anything to update.	Noted
25 August 2020	<p>The oil remediation contractor is now on site and has set up their equipment which will remove the oil contamination by extracting it from the ground water where it has accumulated. This is progressing as planned, and we should get a fuller update at our next progress meeting on 20th August. We have allowed up to 12 weeks for this work, although it may not take that long. Property is managing the contractor and is being advised by a specialist consultant and our Environmental Health team.</p> <p>Soil samples taken on site indicate that there is no surface contamination except in the area immediately around the fill pipe and the majority of that material was removed from site in 2019. Remaining works are to make good this area.</p> <p>Further tests were carried out at sub-soil level just off site last week and we anticipate a report and any recommendations for action at our next progress meeting. These tests were put on hold in March due to the COVID 19 restrictions being in place.</p> <p>The accumulation of hydrocarbons in the public storm water drainage at the corner of the site and at the tributary to the Don continue to be monitored with oil absorbing booms being inspected weekly and replaced as required.</p> <p>A tenant has raised a number of concerns. Health Protection Scotland and NHS Grampian are satisfied there is no risk to residents arising from the contamination but we are continuing to engage with the tenant, and this is being led by EH. The COVID 19 restrictions are hampering our efforts in this regard as EH are prepared to carry out some additional monitoring inside the relevant flat to provide reassurance, but that is currently not possible.</p>	Noted
6 October 2020	This issue is being dealt with across a number of Council Services. Environmental Health, Housing and Property are working together and taking a proactive approach to the issue. A joint	Update requested on option appraisal for

	briefing note was circulated to members on 25 September. A further update will be sought in December 2020/January 2021.	alternative heating system
10 November 2020	Progress update including feasibility study and options appraisal to replace the oil heating system (Littlewood Court) will be provided by Officers in December 2020	Noted
1 December 2020	A briefing note regarding options appraisal for heating sources for Littlewood Court was circulated to Councillors on 17 November 2020. Proposal to remove element 2 from the original decision as completed. Item 1 will continue to be monitored and remain on the statement until situation has been resolved.	Noted and agreed
12 January 2021	A briefing note regarding the remediation works at Littlewood Court was circulated to Councillors on 14 December 2020. A further update will be sought for March 2021 meeting.	Noted
16 March 2021	A briefing note regarding the remediation works at Littlewood Court was circulated to Councillors on 3 March 2021. A further update will be sought for June 2021 meeting.	Noted
1 June 2021	A briefing note regarding the remediation works at Littlewood Court was circulated to Councillors on 17 May 2021. A further update will be sought for August 2021 meeting.	Noted
24 August 2021	A briefing note regarding the remediation works at Littlewood Court was circulated to Councillors on 10 August 2021. A further update will be sought in 6 months to verify that the continued monitoring can be concluded.	Noted
22 February 2022	A briefing note dated 14 January was circulated to Councillors. A further update will be sought for March.	Noted
15 March 2022	An update on progress was provided to Councillors on 3 March 2022. A further update will be sought for the June meeting.	Noted
7 June 2022	The latest set of investigation results are awaited from the lab so a briefing note will now be provided before the meeting on 28 June 2022.	Noted
28 June 2022	A briefing note was circulated to Councillors on 17 June 2022 indicated that final monitoring will take place over the summer months	Noted

6 September 2022	<p>The contractor has completed the last of the proposed 3 rounds of monitoring at Littlewood court. Throughout this monitoring period, they did not recover free phase oil in any of the wells onsite.</p> <p>Once they have the analytical data back from the last round, which is due this week, they need to compile all of the data from the remediation and monitoring into a report and present to SEPA for comment.</p> <p>Whether we are able to close out the job based on the data will need to be assessed once we have the latest set of data in and agreed with SEPA</p>	Noted
1 November 2022	<p>The contractor has received the final data from the last set of samples and they were clean, which is consistent with previous data. A final report will be finalised and issued to the council scientific officer in advance of being issued to SEPA for its agreement to close out the site. Once SEPA confirms its position, we will seek to discharge this item.</p>	Noted
13 December 2022	<p>SEPA has indicated that it requires two more rounds of monitoring to take place.</p>	Noted and requested that information regarding the reinstatement of the grounds following the works at Littlewood Court be provided.
31 January 2023	<p>Two more rounds of testing are due to take place and these are expected to be completed by end of March. At this point the contractor will return to remove the boreholes that are in place and the ground will be made good. The reinstatement is expected to be completed by the end of April 2023.</p>	Noted
18 April 2023	<p>Discussions continue with SEPA regarding the closure of operations on the site. A further update will be provided in May 2023.</p>	Noted
9 May 2023	<p>A further sample was collected on 26 April 2023 and results are expected in 2-3 weeks. A further update will be provided at the next meeting.</p>	Noted
30 May 2023	<p>Confirmation has been received that one further test to confirm the oil levels will be required for SEPA to sign off. Timescales for this have yet to be confirmed so a further update will be sought for the June meeting of the Committee.</p>	Noted and timescale changed to

	Verbally updated that the test results not expected until late June.	June/August 2023 for reporting back.
29 August 2023	Testing has identified that further testing will be required before sign off. A further update will be provided for the October meeting.	Noted
10 October 2023	Contractor will be presenting latest the findings to SEPA shortly. Based on the emergence of further product at specific boreholes it will be difficult to justify a low-risk scenario without further investigation. The discussion with SEPA will review findings and implications including the duration of works onsite and the effect to the residents. It is anticipated SEPA will expect further investigation to justify the remaining impacts are not a risk to offsite groundwater and surface water receptors. A further update will be provided in December 2023.	Noted
5 December 2023	Officers will be looking to arrange a meeting with SEPA before the end of the year. This meeting will look to conclude the final remedial works required for closing out the project. A further update with an agreed timescale will be provided in February 2024.	Noted
6 February 2024	Request that information about the meeting held with SEPA in December be included within the next update regarding Littlewood Court.	Noted and update sought.
27 February 2024	Following discussion with SEPA at the end of last year it was agreed that a further round of tests should be provided to determine conclusion of the oil remediation at Littlewood court. Samples were taken on 13 February 2024 which have been sent to a laboratory for testing, the results currently take between 4-6 weeks. As such April 2024 is the target for a report and conclusion strategy agreement with SEPA.	Noted

No	COMMITTEE DATE	DECISION	RESPONSIBLE OFFICER	TIMESCALE
2.	31 January 2023 (Item 10)	Instruct the Area Manager (Garioch), following consultation with the relevant Directors and Heads of Service, to facilitate the reporting, as soon as is reasonably practicable, of the outcome of the Committee Review Process to Services and to the relevant Policy Committees.	Ann Overton	Awaiting timescale
DATE		OFFICER UPDATE		RESPONSE FROM COMMITTEE

14 March 2023	The Area Manager confirmed that she had arranged a meeting at the end of March with the Directors and Chief Officer of IJB and had provided them with a proposed timetable for reporting through to Policy Committees.	Noted
18 April 2023	The Area Manager provided a verbal update explaining that she had engaged with Directors about the process for reporting through to Policy Committee and would now be providing a report to Strategic Leadership Team detailing the process and timescales.	Noted
9 May 2023	The Area Manager provided a verbal update at the April meeting stating that she had engaged with Directors about the process for reporting through to Policy Committee and would now be providing a report to Strategic Leadership Team. A further update will be provided at the next meeting on 30 May 2023.	Noted
30 May 2023	The Area Manager provided a verbal update confirming that she had met with Directors and reported to Strategic Leadership Team the previous week and was now preparing a draft report for Full Council setting out the information, identifying next steps and providing a reporting timetable. She indicated that a report is expected to Full Council in June.	Noted
20 June 2023	Update following reporting to Full Council on 29 June 2023 will be provided in August 2023	Noted
29 August 2023	In accordance with FC instructions nominations have been received for the 8 members who will be on the Member Officer Working Group. The meetings are scheduled for August, September and October.	Noted
19 September 2023	A further update on progress will be provided following the completion of the first three meetings of the working group.	Noted
5 December 2023	The next two meetings are scheduled for 24 November and 6 December and the Group has agreed that a meeting in January will be required. The scope has been agreed, a 2-stage consultation with the public has been agreed and a draft policy is to be considered in January. The Area Manager indicated that the December meeting had been cancelled and that there was ongoing work to prepare for a consultation that would commence in January 2024.	Noted
16 January 2024	The Area Manager gave a verbal update on the development of the toilet policy. She indicated that the first engagement survey would be released shortly.	Noted

19 March 2024	The Working Group met on 1 st March. Officers are developing the draft policy and procedure for agreement by the Member Officer Working Group before going to Business Services Committee meeting in April. The next update will be provided following the Business Services Committee meeting.	Noted
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No	COMMITTEE DATE	DECISION	RESPONSIBLE OFFICER	TIMESCALE
3.	27 February 2024 (Item 9)	To instruct the Director of E&IS to provide appropriate progress updates on the items in the procurement plan via informal bulletin to the Committee and Area Manager and to report with a full update on the Garioch items in the E&IS annual procurement plan 2024/25 with the first report to the Committee relating the 2025/26 E&IS Procurement Plan.	Alan Wood	March 2025
DATE		OFFICER UPDATE		RESPONSE FROM COMMITTEE



Garioch Area Committee Report - 23 April 2024

Reference No: [APP/2023/0872](#)

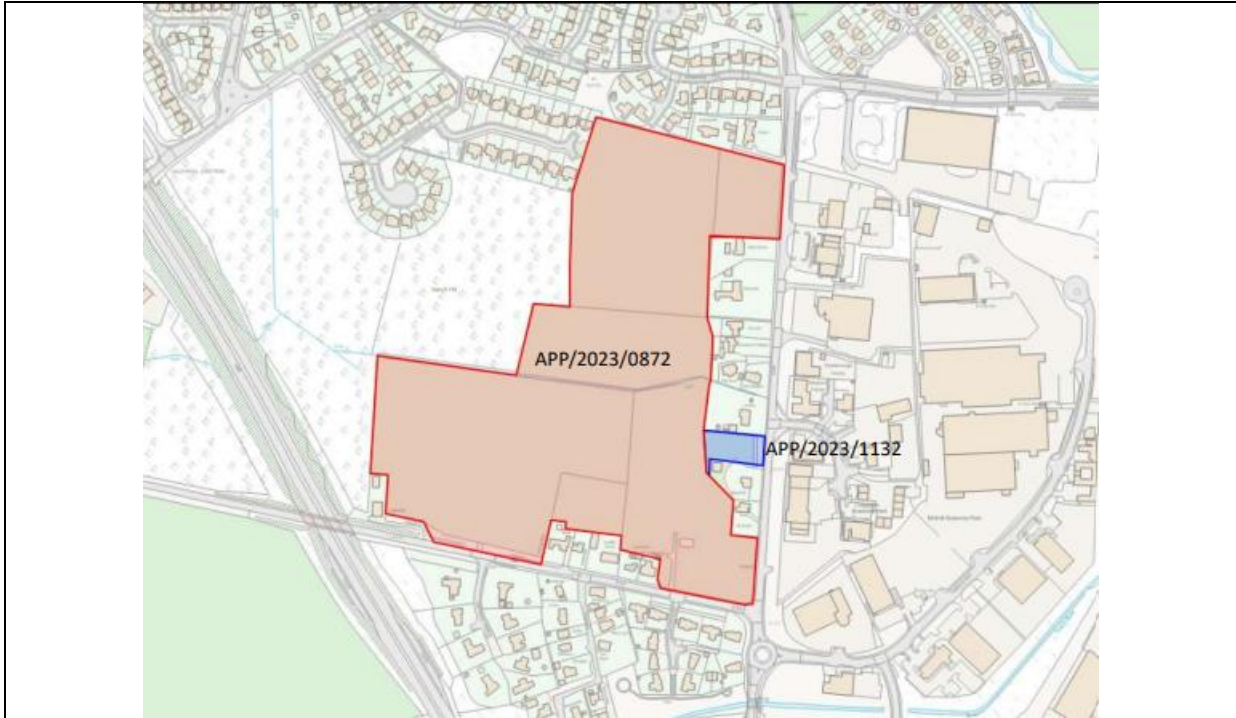
Approval of Matters Specified in Conditions for Conditions 1 (a) Siting, Design, Layout, External Appearance, Finishing Materials; (b) Design Statement; (c) Landscaping; (d) Levels Survey and Site Sections; (e) Means of Access; (f) Car Parking and Turning Areas; (g) Footpaths to B994 and B987, including Bus Stops; (h) Flood Risk Assessment; (i) Details of Water Bodies, including Method Statements; (j) Foul and Surface Water Disposal; (k) Waste Management Plan of Planning Permission in Principle APP/2017/0288 at Land Beside Woodside Croft, Midmill, Kintore, Aberdeenshire

Applicant:	Scotia Homes Ltd
Agent:	No Agent
Grid Ref:	E:378965 N:815018
Ward No. and Name:	W12 - East Garioch
Application Type:	Approval of Matters Specified in Conditions
Representations	74
Consultations	13
Relevant Proposals Map Designations:	OP2 (Woodside Croft), OP6 (land adjacent to Woodside Croft) and R1 reserved land for a town park at Gauch Hill
Complies with Development Plans:	No
Main Recommendation	Grant

Reference No: [APP/2023/1132](#)

Full Planning Permission For Formation of Drainage Channel and Accompanying Landscaping in Association with Adjoining Development at Land At Midmill, Kintore, Aberdeenshire

Applicant:	Scotia Homes Ltd
Agent:	No Agent
Grid Ref:	E:379129 N:814921
Ward No. and Name:	W12 - East Garioch
Application Type:	Full Planning Permission
Representations	0
Consultations	5
Relevant Proposals Map Designations:	None
Complies with Development Plans:	Yes
Main Recommendation	Grant



NOT TO SCALE

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1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1f of Part 2C Planning Delegations of the Scheme of Governance as there is an unresolved objection from a consultee relating to APP/2023/0872.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 It should be noted that this report seeks to determine two applications. The main body of the report relates to the determination of application APP/2023/0872 as detailed below. The second application is APP/2023/1132 and this relates to a small parcel of land to the immediate east of the main application site. APP/2023/1132 relates to drainage works that essentially enable a continuation of the works proposed under the matters specified in conditions (MSC) application. As the land subject to APP/2023/1132 was not within the boundary of the original planning permission in principle boundary it cannot be included in the MSC application. APP/2023/0872 seeks approval of a number of matters specified in the conditions of an earlier planning permission in principle (APP/2017/0288). The site has a substantial planning history dating back to 2004 and a number of relevant planning applications as detailed below. The southernmost and largest part of the site which abuts the B994 is allocated as OP2. The northeast part of the application site where it abuts the B987 and Priors (a residential property) is allocated as OP6. The remaining intervening land is allocated in LDP2023 as R1 which is reserved land for a town park at Gauch Hill. The OP2 allocation (Woodside Croft) is for 150 homes to enable the development of Gauch Hill Town Park and the OP6 (land adjacent to Woodside Croft) is for 24 affordable homes.
- 2.2 Specific conditions covered by this application are:

Condition 1 ((a) Siting, Design, Layout, External Appearance, Finishing Materials; (b) Design Statement; (c) Landscaping; (d) Levels Survey and Site Sections; (e) Means of Access; (f) Car Parking and Turning Areas; (g) Footpaths to B994 and B987, including Bus Stops; (h) Flood Risk Assessment; (i) Details of Water Bodies, including Method Statements; (j) Foul and Surface Water Disposal; (k) Waste Management Plan).
- 2.3 OP2 and R1 allocations within LDP2023 extend to approximately 11.1ha. The site is bisected roughly at its mid-point by a shallow ditch or watercourse that enters from Gauch Hill Woods in the west and exits through the garden of a domestic property on the eastern boundary. Site levels vary across such a large area with a high point of 65.4m in the north-west corner, 61.4m where the watercourse enters the site and 59.6m where it exits and otherwise undulates between approximately 60.0m - 61.6m across the remaining land.

To the north and north-west of the site are established residential areas, with two pedestrian access points from Sunnyside View and Melrose Place. The remaining western boundary is shared with Gauch Hill Woods. A single dwellinghouse is found in the south-west corner, beyond which is the A96 trunk road. The B994 Kemnay Road makes up part of the southern boundary along with five detached dwellinghouses with gardens backing on to the application site. Several dwellinghouses are also found along the eastern boundary, beyond which is the B987.

- 2.4 A key element of the proposed development and rationale for allocation of the site is to enable the delivery of a new town park for Kintore (as required by the R1 allocation). This is captured in the legal agreement that sits with the planning permission in principle. As part of this application, full details of the location, landscaping, recreational provision, pavilion, access, and parking has been submitted. The town park is centrally located within site with the edge of Gauch Hill Wood forming its western boundary. The rear garden boundaries of houses on the B987 that back on to the application site abut the eastern boundary of the proposed town park (The Nook, Woodend Cottage, Ryvoan, Hacienda and Pine Grove). Housing is proposed to the immediate north and south of the town park. The full extent of the town park is 3.51ha. Conveyance swales, pavilion and associated car parking are proposed at the southern end of the town park and playpark is included along the western boundary. SUDS infrastructure is also proposed to the north and south of the town park.
- 2.5 The residential element of the proposal has two component parts and comprises of 159 dwellings in total extending from the north of the application site to the B994 public road in the south. A total of 126 dwellings are proposed in the southern part of the site with the remaining 33 (plot nos. 127-169) dwellings being in the northern part of the site. The layout is a linear pattern of connecting streets. Vehicle access is taken from a new roundabout at the south-east corner, a new junction is proposed circa. 210m to the west of the roundabout on the B994 (near Harthills View) and another at the northeastern part of the site off the B987 to the north of Pine Grove. 10% of the dwellings (17 in total) will be affordable homes to reflect the requirements of the Section 75 Agreement.
- 2.6 The proposed dwellinghouses are a variety of house types that are contemporary in appearance and mix of mostly detached, with some semi-detached units. Proposed dwellings range from 1- 5 bedrooms and these includes cottage flats. All house types are a maximum of 1¾ storey in height and the palette of materials is distinctive with the use of white drydash mixed with black grey coloured horizontal timber cladding and anthracite windows and doors. Suitably orientated plots will have solar PV panels. Boundary treatments will be a mix of hedging to principal elevations and 1.8m fencing to enclose most private garden ground. Hedging and planting will also be used to define boundaries within the site.
- 2.7 Permeability through the site is provided by the creation of footpath links along the site's western boundary into Gauch Hill Woods which enable access from

the housing (to the north of plot no. 65 and to the south of plot nos. 53-54). Several links are also shown along the site's western boundary that provide pedestrian access to Gauch Hill Woods. The layout also includes pedestrian links along the northern boundary. In between plot nos. 156 and 159 a pedestrian pathway would link to Sunnyside View and to the west of plot no. 154 a route is provided to link to the land in Melrose Place. Pedestrian links are also provided along the western side of the town park creating an ease of movement within the site and connections to the pavilion building and playpark.

- 2.8 The town park comprises of a number of distinct elements. Firstly, a formal, flexible 120m x 120m sports square which can accommodate several configurations of sports pitches. Secondly, a new sports pavilion which now comprises of two multi-functional spaces, store area, accessible shower, WC's and parking for 20 vehicles (including an accessible space). A playpark to the north of the pavilion building is also proposed which will include more informal creative play opportunities. This area will feature the formation of mounds to help delineate this area, timber poles, stepping logs, balancing logs, slides, stepping stones and boulders are also included. Informal recreation spaces are also proposed.
- 2.9 Landscaping is a significant feature of the site with planting opportunities being taken within the residential areas in the form of hedging and new native tree planting where space allows. Denser tree planting is also a feature of the layout where the site interfaces with the existing road network, long grass and bulb planting is also included. Proposed wet meadow grass is proposed within the swales to the east of the pavilion building and within the route of the redirected drainage channel.
- 2.10 Parking to the required standard is provided within the curtilage of each dwellinghouse with some dwellings also being provided with detached garages. Visitor spaces are provided across the development.

Planning history

- 2.11 The relevant planning history for the site is detailed below:

APP/2004/3532 – planning permission in principle for a residential development as enabling development for a town park and associated facilities
Granted 20 February 2015

APP/2015/1189 – matters specified in conditions, conditions: 1 (Specified Matters), 2 (Phasing Plan), 4 (Staggered Traffic Signals), 7 (Bridges), 8 (Hard and Soft Landscaping), 9 (CEMP: Biodiversity) and 10 (Energy Statement) of Planning Permission in Principle Application APP/2004/3532 for Residential Development as Enabling Development for a Town Park and Associated Facilities
Withdrawn 16 February 2017

APP/2017/0288 – planning permission in principle for a residential development as enabling development for a Town Park and associated facilities: non-compliance with condition 4 of planning permission reference APP/2004/3532
Granted 15 March 2019

APP/2019/2554 – full planning permission for formation of a roundabout to replace existing B987 / B994 road junction
Granted 2 April 2020

APP/2020/2025 – full planning permission for formation of a SUDS basin in association with adjoining development
Approved 8 June 2021

APP/2020/1999 – MSC relating Condition 1 ((a) Siting, Design, Layout, External Appearance, Finishing Materials; (b) Design Statement; (c) Landscaping; (d) Levels Survey and Site Sections; (e) Means of Access including Visibility Splays, Development Access Junction Design; (f) Car Parking and Turning Areas; (g) Footpaths to B994 and B987, including Bus Stops; (h) Flood Risk Assessment; (i) Details of Water Bodies, including Method Statements; (j) Foul and Surface Water Disposal; (k) Waste Management Plan) of Planning Permission in Principle Reference APP/2017/0288 Residential Development as Enabling Development for a Town Park and Associated Facilities: Non Compliance with Condition 4 of Planning Permission Reference APP/2004/3532
Refused 22 June 2021

This decision was subsequently dismissed at appeal (DPEA reference PPA-110-2417) 7 April 2022

APP/2021/0422 – modification of planning obligation for APP/2004/3532
Refused 22 June 2021

Supporting information

- 2.12 A range of supporting information has been received which is summarised below:

Biodiversity Action Plan (April 2023) Echoes Ecology Ltd.

Has been produced to provide mitigation recommendations for the impacts caused by the proposed development and to enhance the biodiversity within the site.

Channel re-alignment: design vision (August 2023) Fairhurst

Provides supporting information on the engineering works for the re-alignment and restoration of approximately 0.3km of an unnamed channel which is planned as part of this wider residential development.

Construction Environmental Management Plan (October 2023) Fairhurst

Sets out the general environmental principles to be followed, mitigation measures to be adopted and management arrangements to ensure the effective implementation of these measures. The CEMP covers issues such as good housekeeping, pest control, safety and site signage, noise and vibration, dust and air pollution, water pollution and waste management.

Design and Access Statement (July 2023) Halliday Fraser Munro

Introduces the site's location, planning history, site and contextual analysis, concept, proposal. The statement summarises that the proposal has been designed with landscaping and pedestrian connectivity from the outset and provides a strong sense of place through the creation of welcoming surroundings, connections with nature and designed recreation spaces for all ages and abilities.

Drainage Assessment (May 2023) Fairhurst

Provides an overview of the existing drainage, foul drainage and surface water drainage, hydraulic control, maintenance and construction phase sustainable urban drainage.

Flood Risk Assessment (May 2023) Fairhurst

Gives an overview of planning policy, existing site conditions, proposed development, sources of flood risk information, potential sources of flood risk and flood risk analysis. The assessment concludes that with recommended mitigation measures in place the site is at low risk of flooding from all sources.

Landscape Planting and Maintenance Proposals (May 2023) Brindley Associates

Gives an overview of planting notes and general management, landscape maintenance and management initiatives such as removal of litter, grass cutting, maintenance of trees as well as a maintenance schedule.

Outdoor Access Plan (November 2023) Scotia Homes

Seeks to establish the outdoor access baseline affected by the development, identify predicted development impact and potential enhancements on the outdoor access baseline, identify new routes and enhanced access opportunities and identify diversions required during the construction phase.

Pedestrian Crossing Assessment (March 2021) Fairhurst

This was undertaken in relation to the earlier MSC application following concerns by Roads Development with respect to the location of the proposed development access into the Midmill development site and its proximity to the existing pedestrian crossing island on the B994. The assessment includes details of traffic calming measures to be installed along the B994 to include a splitter island and a drop kerb crossing with tactile paving. The report also recommends a flashing speed warning sign.

Planning Statement re proposed pavilion (October 2023) Scotia Homes

Provides a review of the planning history and the Section 75 requirements for the pavilion layout/function, public consultation responses and revisions to the

internal layout of the pavilion and the proposed amendments to the Section 75 trigger for the delivery of the pavilion.

Preliminary Ecological Appraisal (February 2023) Echoes Ecology Ltd.

The appraisal seeks to record any changes in the broad habitat types across the site and assess their importance, assess the likely presence of protected and notable species since the initial survey, provide an update on ecological constraints and to make recommendations with respect to further ecological surveys that may be required.

Street Engineering Review and Quality Audit (April 2023) Fairhurst

This document sets out the design considerations given with regard to the vehicle access to, from and through the site, including pedestrian accessibility, street design, parking provision, surface materials and buried services.

Transport Assessment (May 2023) Fairhurst

This document provides an overview of planning policy context, site accessibility, development proposals, trip generation and distribution, traffic impact assessment and residential travel plan framework. The assessment concludes that the site's location and characteristics meet with local, regional and national policies on sustainable development, and no specific traffic or transport impacts will arise from the development.

Tree Report (May 2023) Black Hill Ecology

This is an updated tree survey to that submitted in support of planning application APP/2020/1999. The report provides the results of tree survey work on trees on or adjacent to the site, detailing the root protection areas of the trees in relation to the proposed development.

Waste Management Plan (May 2023) Scotia

Identifies potential waste streams during the construction phase and identifies that waste streams will be managed through a combination of re-use, recycling or disposal. Site waste management is also considered in the plan to ensure resource efficiency. Storage of materials and waste will be segregated on site.

3. Representations

3.1 A total of 74 valid representations (4 support/2 neutral/68 objection) have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:

- *The layout does not deliver the town park requirements of 3.8ha*
- *What is proposed is insufficient and consideration should be given to a multi-use sports court, play park, skatepark, outdoor gym, picnic area and fit for purpose pavilion.*
- *There should be a buffer between Gauch Hill Woods and house plot nos. 53 – 65.*
- *There is insufficient variety in the dwelling type proposed as lack of option for the elderly or disabled.*

- *Lack of consultation undertaken with respect to the nature of the town park.*
- *Kintore lacks the basic amenities to support this level of housing.*
- *The development results in the loss of widely used greenspace.*
- *The design and layout is too dense.*
- *Impact on road safety.*
- *Traffic calming measures should be introduced.*
- *Lack of footpaths linking the parking area at the pavilion to the play park.*
- *Playpark equipment should be inclusive.*
- *Insufficient car parking to serve the pavilion building.*
- *Pavilion building has insufficient storage space.*
- *Noise impact.*
- *Flooding.*
- *Schools are already at capacity.*
- *Overlooking of existing neighbouring dwellings.*
- *Overshadowing of existing neighbouring dwellings.*

The representations in support of the proposal indicate that this is way overdue, and the developer is simply delivering the requirements of the LDP2023.

An objection was also received from the Woodland Trust Scotland. It advises of its objection due to the risk of deterioration of the ecological condition of Gauch Hill Wood. It comments that when land use is intensified such as in this situation, woodland plant and animal populations are exposed to environmental impacts outside of the woodland. The objection goes on to suggest that a buffer zone of at least 50m to prevent adverse impacts such as pollution and disturbance and ensure avoidance of root damage should be secured.

4. Consultations

- 4.1 **Education and Children's Services** advises that the 150 dwellings are factored into the school roll forecast and adding these additional 9 dwellings to the forecast with the new build out rates will increase the projected roll. Accordingly, due to the limited capacity at Kemnay Academy, mitigation will be required, and Developer contributions have been secured towards this.
- 4.2 **Environment and Infrastructure Services (Archaeology)** has no comment to make on the application.
- 4.3 **Environment and Infrastructure Services (Environmental Health)** has no comment to make on the application.
- 4.4 **Environment and Infrastructure Services (Flood Risk and Coast Protection)** advises of no issue with the development on the grounds of flood risk or with the drainage layout proposals with the site. It does advise however of having seen evidence from a CCTV survey of the poor condition and capacity of receiving pipework to the east of the site. The comments

acknowledge that the proposals are to connect into a culverted watercourse which the Service accept is outwith the developer's direct control, but such issues need to be resolved, initially by engagement with stakeholders/landowners of the affected sites. The Service has since received further information on the condition of the culvert and notes that the development would be bypassing the collapsed rubble section and connecting beyond this section. On this basis no objections are raised.

- 4.5 **Environment and Infrastructure Services (Housing Strategy)** has no objection to the proposal. Its response notes that 17 units will be delivered for social rent and this fulfils the original Section 75 Agreement. It is anticipated that the affordable housing contribution will be delivered before the completion of the 136th open market unit. It is also noted that the ground floor flats and the properties with ground floor bedrooms/bathrooms may help to assist with in meeting the housing needs of households with particular needs.
- 4.6 **Environment and Infrastructure Services (Natural Environment)** has no objection to the proposal and is satisfied that the development secures an appropriate landscape scheme and biodiversity gain. The Service does raise concerns about proposed gardens backing onto woodland which is generally not considered a good long-term solution for management and maintenance.
- 4.7 **Environment and Infrastructure Services (Roads Development)** advises it has no objection subject to conditions. Observations have been made regarding the long-term viability of the southern SUDS basin as this is 1m below water table. It is noted that this is not infrastructure that would be adopted by Aberdeenshire Council and it is therefore recommended that an informative be placed on any approval to ensure that the drainage proposals are viable and will be vested in Scottish Water upon completion.
- 4.8 **Environment and Infrastructure Services (Waste Management)** advises of the Services waste strategy and that the developer needs to take this into account.
- 4.9 **Legal and People (Developer obligations)** advises that as this is a MSC application the development is covered by the original Section 75 Agreement and no further contribution is required.
- 4.10 **Kintore & District Community Council** objects to the proposal. The grounds of the objection are i) insufficient car parking spaces for the pavilion, ii) pavilion does not have sufficient associated storage space, iii) provision of playpark equipment is minimal and iv) lack of community involvement for the residents of Kintore.
- 4.11 **SEPA** has no objection having received additional information regarding the channel re-alignment design vision which illustrates that an acceptable watercourse alignment can be achieved.
- 4.12 **Scottish Water** advises of no objection.

- 4.13 **Transport Scotland** comments that it does not propose to advise against the grant of permission.

In relation to the smaller planning application (APP/2023/1132) the following consultation responses have also been received.

- 4.14 **Environment and Infrastructure Services (Archaeology)** notes no archaeological finds or features within the proposed development site, it is adjacent to a large area where recent archaeological investigation revealed evidence of prehistoric human activity. This is indicative of the potential for previously unrecorded archaeology to survive within the proposed development site. Accordingly a condition is requested to secure a programme of archaeological works.
- 4.15 **Environment and Infrastructure Services (Flood Risk and Coast Protection)** advises of no objection.
- 4.16 **National Gas Transmission** advises that the proposed development has been found to not affect any of National Gas Transmission plc's apparatus.
- 4.17 **Neos Networks** advises that the developer will need to get in touch should the works proposed impact on its apparatus.
- 4.18 **Scotia Gas Networks** advises that the developer will need to get in touch should the works proposed impact on pipes owned by SGN noting medium pressure mains pipes running up the B987.

5. Relevant Planning Policies

5.1 National Planning Framework 4 (NPF4)

Scotland's fourth National Planning Framework (NPF4) is a long term plan looking to 2045 that guides spatial development, sets out national planning policies, designates national developments and highlights regional spatial priorities. It is part of the development plan, and so influences planning decisions across Scotland.

On 13 February 2023 (0900am) Scottish Ministers adopted and published National Planning Framework 4 (NPF4), meaning that it is in force and National Planning Framework 3 and Scottish Planning Policy are superseded from that date and time. This will also have the effect that all strategic development plans and any supplementary guidance issued in connection with them cease to have effect on that date. As such the Aberdeen City and Shire Strategic Development Plan 2020 has now ceased to have effect. The NPF4 now forms part of the development plan along with the Aberdeenshire Local Development Plan 2023.

Policy 1 Tackling the climate and nature crises
Policy 3 Biodiversity
Policy 6 Forestry, woodland and trees

Policy 12 Zero waste
Policy 13 Sustainable transport
Policy 14 Design, quality and place
Policy 15 Local living and 20 minute neighbourhood
Policy 16 Quality homes
Policy 18 Infrastructure first
Policy 20 Blue and green infrastructure
Policy 21 Play, recreation and sport
Policy 22 Flood risk and water management
Policy 23 Health and safety
Policy 25 Community wealth building

5.2 Aberdeenshire Local Development Plan 2023

On 13 January 2023 the Aberdeenshire Local Development Plan 2023 was adopted.

Policy H1 Housing Land
Policy H2 Affordable Housing
Policy P1: Layout, siting and design
Policy P2 Open Space and Access in New Development
Policy P4 Hazardous and Potentially Polluting Developments and Contaminated Land
Policy E1 Natural Heritage
Policy E3 Forestry and Woodland
Policy PR3 Reuse, Recycling and Waste
Policy C4 Flooding
Policy RD1 Providing Suitable Services
Policy RD2 Developer Obligations

5.3 Other Material Considerations

Development Brief for Public Open Space and Enabling Development at Gauch Hill, Kintore agreed by Garioch Area Committee November 2006

Kintore Settlement Statement - OP2 Woodside Croft, Town Park

PA2023-08 Planning Advice - Landscaping Design
PA2023-10 Planning Advice - Securing positive effects for biodiversity
PA2023-12 Planning Advice - Outdoor Access and Development
PA2023-20 Planning Advice - Trees and Development

The planning history and associated legal agreement signed under Section 75 must be a significant material consideration in the determination of this application. In particular, the requirements set out in planning permission in principle granted under APP/2017/0288 and the Reporters decision relative to APP/2020/1999.

6. Discussion

- 6.1 This report primarily focuses on the main application APP/2023/0872 which seeks approval of the matters specified in conditions that relate to planning permission in principle granted under APP/2017/0288. The tandem application (APP/2023/1132) for drainage works must also be granted before the entire development can proceed.
- 6.2 The key planning issues in the determination of the main application are compliance with the matters specified in section 2.2 above as these determine the scope of this application since planning permission in principle has already been granted.

Background

- 6.3 The justification for the allocation of the sites around Gauch Hill in the Aberdeenshire Local Plan 2006 were to facilitate the development of a town sized park within the settlement boundary of Kintore that could only realistically be developed with associated residential development to enable its creation. The whole Gauch Hill land area was thus designated as P2, although no specific location or extent for the town park was identified. The Development Brief agreed in November 2006 fulfilled this role by identifying a preferred location to the north-east of the allocated site that was approximately 4.5ha in size and considered to be substantial enough to allow for the development of sports pitches, associated parking, a large play area, semi-formal areas and a pavilion.
- 6.4 As the Development Brief recognised, there were a number of different landowners involved at this time and as a consequence there were a number of separate planning applications lodged. Many of these were in the system for a number of years before an application (APP/2004/3532) eventually gained planning permission in principle in 2015; the rest of the applications were withdrawn. As an in-principle application, the 2004 approved drawings and decision did not provide certainty of the location of the town park. However, conditions and the legal agreement signed at this stage fixed a number of important land use requirements as detailed below. The plan appended to the legal agreement also identified a position for the town park located centrally within the site. The Section 75 requirements being;
- the town park must be a minimum of 3.8ha in size with 3.513ha from the developer and 0.287ha as a Council contribution;
 - 3 acres (1.214ha) to be for the provision of a cricket square;
 - A pavilion (specification provided), parking and access must be provided within a budget of £250,000 (this figure increased by an amount equal to the Retail Price index from 1 January 2009); and
 - Affordable housing is to be provided at 10%.
- 6.5 In 2015 an application was lodged for the matters specified in conditions based on the 2004 permission (APP/2015/1189). This broadly met all the necessary requirements with a centrally located town park, pavilion and

cricket square, 150 dwellinghouses and 10% affordable units. Ultimately, the developer in this instance was unable to provide a suitable access arrangement that complied with conditions and the application was withdrawn.

- 6.6 In 2017, an application (APP/2017/0288) was lodged to vary the condition that required a signalised junction at the B987 / B994 to allow flexibility in the access solution. It was known that the likely solution was to be a new roundabout and details of this were considered in recommending approval of the application, which was granted in March 2019. The application for a roundabout (APP/2019/2554) was subsequently granted in April 2020 following determination at Garioch Area Committee and this consent remains extant with a lawful start being noted.

Location of Town Park

- 6.7 The location of the town park has been consistently represented in the 2012 and 2017 LDP as being the entire area north of the existing watercourse and this is largely unchanged in the LDP2023. However, these settlement statements do not accurately reflect the position within the legal agreement that shows the town park in a more central location with housing to the north and south of the park area. This plan was the basis for the 2015 application (which, as explained above was subsequently withdrawn).
- 6.8 In the consideration of APP/2020/1999 (the last MSC application) the proposed town park was sited to the south west of the site. This application was refused by Garioch Area Committee 1 June 2021 and the reason for refusal was;

The revised location of the town park is further from the town centre which is not desirable for a town park and the 3.8 ha is no longer proposed to be a single piece of land; and taking out the 0.287 ha of land contributed by the Council, which is now remote from the proposed Town Park, couldn't be considered to be part of the Town Park anymore, the remaining area of land would equate to 3.5 hectares, which results in further erosion of the previously agreed Town Park area in the Section 75 Agreement. The application is therefore not considered to comply with Policy P1 Layout, siting and design of the Aberdeenshire Local Development Plan 2017 and the vision in the Development Brief 2006.

- 6.9 The developers subsequently appealed this decision and it was dismissed. In her consideration of the appeal the Reporter advises that (para. 99), '...I share the council's concerns that the open space may not be able to function as a town park in the form it is proposed and would be less than was anticipated when the planning permission in principle was approved and importantly when the legal agreement was secured.'

Appeal decision

- 6.10 In considering the appeal decision further (PPA-110-2417) the Reporter set out some key conclusions and these are that,

- The Town Park should be a single large area extending to a minimum of 3.5ha excluding SUDS, it must include a sports pitch, a changing area and a car park, and informal recreation space.
- The Council's land within Gauchhill Woods cannot be included in the open space calculation for the site.
- The proposed alternative site to the south would have an overall negative effect on accessibility of the town park to pedestrians or wheeled access users.

6.11 The Reporter's decision is a material planning consideration and sets out the parameters as to what any future planning application should seek to deliver, i.e. a Town Park of 3.5ha to include a sports pitch, changing area and informal recreation space and this should not include SUDS.

Extent of town park

6.12 The size of the town park is a matter that must be clarified as it is another contentious issue. As highlighted above, the designations in the Local Development Plan are significant, but the stipulations in the legal agreement are the minimum requirements a developer must abide by and maximum requirement Aberdeenshire Council can demand. This is with the caveat that these figures (as indeed any aspect of the legal agreement) can be amended through a formal variation. An application to vary the legal agreement was considered under APP/2021/0422. The Section 75A application (APP/2021/0422) sought to make a number of amendments to the legal agreement which amongst other things included a proposal to amend the extent and location of the park from 3.513ha to 2.591ha. This application was also refused for the same reasons as those given for APP/2020/1999 (see para. 6.8).

6.13 It is noted that historic figures of 4.5ha are quoted by Kintore and District Community Council, but the figure of 3.8ha, with 3.513ha contribution from the developer are the extents agreed within the existing legal agreement. In her consideration of the appeal at para. 27 the Reporter states that, 'I consider the town park would be the 3.513 ha of land in the centre of the appeal site as shown on the plan attached to the legal agreement which incorporates a sports pitch, changing facilities and a car park.' Referring again to the appeal decision (para. 41), the Reporter concluded that the town park should be "...a minimum size of at least 3.5ha excluding any dual function SUDS facilities."

6.14 Detailed examination of the individual components of the town park now proposed show the overall area to be 3.51ha. This is comprised of:

- a (120m x 120m (1.44ha) formal multi-use sports area,
- pavilion and parking spaces, and
- 15, 541 sqm of land to be conveyed to Aberdeenshire Council.

6.15 The proposed layout now sees the multi-use sports areas located centrally at the narrowest part of the overall site. There is a conveyance swale to the immediate north of the multi-use sports area. Informal recreation space and a

children's playpark are also provided along the site's western boundary. To the immediate south of the multi-use sports area would be the redirected watercourse which crosses the site in an east-west direction. The redirected watercourse would be channelled in between properties known as Lindale and Mayfield on the site's eastern boundary. The layout includes two conveyance swales to the immediate south of the redirected watercourse. Finally, to the south-west of the multi-use sports area is the pavilion and associated car parking. The proposed arrangement does meet the requirements of the Section 75 and the appeal decision in terms of size with the developer providing a space equal to 3.51ha. The space does provide the multi-use sports area, and pavilion and in this respect is acceptable in delivering the recreational aspect envisaged as part of the development. Due again to historic agreement, Aberdeenshire Council will be taking on maintenance of the sports area, pavilion and peripheral land in line with its contractual obligations. Agreement has been reached with the developer on the extent of the land to be conveyed and will be covered in the varied legal agreement.

- 6.16 Along the western side of the multi-use sports area are walkways that run in a north-south direction and some landscaping which is adjacent to Gauch Hill Woods. There will be number of pedestrian links to continue to provide access to Gauch Hill Woods from the site and the pavilion is also connected to these pedestrian routes. The layout also includes SUDS infrastructure in the form of conveyance swales and detention basin to the immediate south of the redirected watercourse and to the immediate north of the multi-use sports area. Both features will be shallow basins and will not have the standard, more engineered appearance of some SUDS infrastructure which are often enclosed and inaccessible. The design of the SUDS measures that are incorporated into this proposal will be gently sided and landscaped depressions in the ground which are designed to be inviting to users and provide attractive areas of open space within the development. Their siting also means that they will be overlooked by properties. As the basin must also operate as part of the drainage infrastructure for the site, there will be periods where it will hold water after heavy rainfall. For the avoidance of doubt the SUDS infrastructure is not included in the overall town park calculations (Figure 21. Design & Access Statement) and this reflects the view that the Reporter provided that the SUDS should be excluded from the overall calculations of the town park. Overall, the development provides 48, 241sqm. of open space which includes the town park, shared space and landscaped areas across the site, including the SUDS, which is in excess of the required 40% required of a major development. The use of an area of Council land within Gauch Hill Woods to make up some of the open space is not a feature of the application this time, being discounted by the Reporter as part of the planning appeal.
- 6.17 The watercourse is currently a linear ditch feature that cuts across the centre of the site before disappearing into the garden of 'Lindale' in the east. The site and property have a history of flooding and works proposed as part of the development of the site aim to rectify this. The form of the new watercourse is more natural and a sinuous channel that will be enhanced with appropriate planting along the buffer to each side. The new watercourse will have one

bridge installed which will link with the pedestrian routes proposed along the western side of the site. A section of the watercourse to the east is still proposed to be culverted south of 'Lindale'. As detailed at para. 6.1 a small section of this watercourse is outwith the main application site and is considered under application APP/2023/1132. Overall, this arrangement is considered to be a significant improvement on the current situation, will minimise flood risk and increase biodiversity in accordance with LDP2023 policy C4 Flooding and E1 Natural Heritage as well NPF4 policy 3 Biodiversity, policy 20 Blue and green infrastructure, policy 22 Flood risk and water management.

- 6.18 Overall, the Planning Service is satisfied that the layout satisfies the requirements of the Section 75 Agreement in terms of the area of space and functions. The inclusion of the SUDS and redirected watercourse as part of the overall layout is seen as an opportunity for an exemplar green / blue piece of infrastructure that will be a valuable asset and an integral part of the open space on the site.
- 6.19 It is also the view of the Planning Service the approach that this application has taken to the creation of the town park, being a more central and complete space, closer to the town centre also successfully deals with the reasons for refusal given on APP/2020/1999 and the subsequent appeal decision PPA-110-2417.

Matters specified in conditions

- 6.20 The scope of this application is restricted to the matters which the developer has submitted details for, and these are outlined in section 2.2 above. The layout essentially creates two areas of housing to the north and south of the multi-sports area. The northern part of the site proposes 33 dwellings with the remaining 126 sited to the south of the SUDS and pavilion. As detailed at paras. 2.1 and 2.3 the whole site is subject to three allocations in the Kintore Settlement Statement. The dwellings proposed within the northern part of the site are subject to the OP6 (land adjacent to Woodside Croft) and R1 allocations. OP6 is allocated for 24 affordable homes and the Settlement Statement states that development should follow completion of a Town Park (R1). Within the part of application site which is allocated as OP6 proposes 13 dwellings are proposed (plot nos.127-130 and 163- 169). This a shortfall of 9 dwellings when considering the new OP6 allocation. It is also noted that the proposal seeks to position the affordable housing at plot nos. 53 – 65 which are outwith the OP6 allocation. The land to the west of the OP6 allocation which is bound by Sunnyside View to the north and Birch Wood to the west forms part of the larger R1 allocation. The R1 allocation being land reserved for a town park at Gauch Hill. The whole of the R1 allocation is circa. 41, 529sqm. The area of the R1 allocation which this proposal seeks to develop for dwellings is circa. 12, 023sqm. which is equal to 29% of the R1 allocation. This needs to be assessed as a departure from LDP2023 as is the development of private homes across the OP6 site. The departures are considered in more detail at para. 6.45.

- 6.21 The requirements for the Town Park in terms of its size and facilities is set out at para. 6.13. As detailed at paras. 6.12-19 the Planning Service is satisfied that the requirements of the Town Park have been satisfied. In meeting these requirements not all of the R2 allocation is utilised meaning that some of this space (12,023sqm.) is utilised for housing with access being taken through the OP6 allocation. In addition to the town park the OP2 part of the site is allocated for 150 homes. Within the OP2 part of the application site 126 dwellings are proposed falling below the OP2 allocation of 150, but in any event it is only an indicative number for the site subject to a suitable layout and design. Across the OP2 and OP6 LDP2023 allocations it is anticipated that a total of 174 homes could be delivered. This application proposes 159 dwellings across these two allocations (including part of the R2 allocation).
- 6.22 Having provided an overview of what is proposed each of the matters specified in conditions, which this application seeks to discharge are now considered in turn.

Condition 1 (a) Siting, design, layout, external appearance, finishing materials and 1 (b) Design Statement

- 6.23 The layout respects existing properties around the site edge with all separation distances approximately 9m from shared boundaries. Existing housing facing the B987 and B994 have a variety of boundary treatments and new plots will require to provide fencing for privacy for established and new residents alike. The developer was advised to avoid new housing backing on to Gauch Hill Woods. Plot nos. 53 to 65 (along part of the site's western boundary) do face Gauch Hill Woods with a intervening strip being incorporated into the layout which increases from 3m in width at its southern end (behind plot no. 53) to 10m in width at the northern end (to the rear of plot no. 65). This is an issue that was raised by the Natural Environment team in its consultation response. Such layouts are not considered to be a good long term solution for management and maintenance. In response to this concern the applicant has advised that there is limited scope to move the houses in this location or to remove them. The landscape plan shows this strip is to be structure tree planting. The width of the strip is considered to be sufficiently wide to allow future maintenance. Equally, the length of the gardens to the rear of plot nos. 53-65 are at least 9m which is sufficient to ensure that they would not become dominated by structure tree planting as proposed. The Planning Service acknowledges that this is perhaps a weaker element of the overall layout. To rearrange the dwellings so that gables were to face Gauch Hill Woods would also be problematic resulting in more hard landscaping and gables facing the street which isn't a satisfactory design solution either. On balance the Planning Service is of view that the arrangement of dwellings adjacent to Gauch Hill Woods is an acceptable design solution. Structure tree planting can be accommodated, and the area is of sufficient width to enable the necessary maintenance so as to avoid an issue with the dwellings and the landscaping.
- 6.24 The proposed dwellinghouses themselves are a contemporary mix of mostly 1¾ storey houses with a modern interpretation of the vernacular. House types

have strong gable features and steeply pitched roofs, often leading to rear extensions that appear as lean-tos. Semi-detached properties have a symmetry in terms of doors and pattern of glazing. The mix of materials across the site, and especially the use of dark coloured horizontal timber linings when matched with the white render, will result in a striking and distinctive development. The developer has adopted similar approaches to a site at Foveran, Aberdeenshire and Croy in the Highlands. The Planning Service welcomes innovative design and the 'whole site' approach to the development of the site which respects its unique context and requirements. The Design and Access Statement outlines the design led approach to the site and the Planning Service concludes that the proposed development demonstrates the six qualities of successful places, namely:

- Distinctive with a sense of local identity
- Safe and pleasant
- Welcoming through visual appeal
- Adaptable to future needs
- Resource efficient in terms of resources; and
- Well connected.

- 6.25 The proposed development is therefore considered to comply with the requirements of NPF4 Policy 16 Quality Homes, Policy 14 Design, quality and place and LDP2023 Policy P1: Layout, siting and design of new development, and adequately satisfies the condition requirements of Condition 1 (a) and (b).

Condition 1c – landscaping

- 6.26 Landscaping is evident throughout the development with substantial use of hedging as a boundary feature to the front of properties, grass verges and shrub and tree planting in appropriate locations. Root protection for existing trees has been considered through a tree survey and tree protection plan. Around the town park there are areas of planting and open space with associated footpath links. As detailed at para. 6.16 there are SUDS basins included in the layout. Within these areas and the drainage channel that runs to the north of the larger SUDS basin wet meadow grasslands are proposed as well as native shrub planting that is tolerant of wet conditions. There are also trees proposed within some of the front gardens of dwellings as well as low formal hedgerows to define private garden ground. The southern part of the site is denser in terms of the site layout but open space is to include tree planting. Bulb planting is also proposed across the site. The quality and variety of landscaping proposed satisfies the requirements of condition 1 (c) and demonstrates compliance with LDP2023 Policy P1 Layout, siting and design and NPF4 Policy 14 Design, quality and place alongside Planning Advice PA2023-08 Landscaping Design.
- 6.27 The application site for the continuation of the watercourse to the east of the main application site (APP/2023/1132) lies outside of the allocated OP2 site within a piece of infill land with no designation. As such Policy P3: Infill and householder developments within settlements (including home and work proposals) is relevant. This supports development as long as it respects the

scale, density and character of its surroundings and will not erode the character or amenity of the surrounding area. In this case, the application for the proposed watercourse continuation and ancillary equipment along with the service access and landscaping will be part of the wider new residential development and indistinguishable from it. As such it is considered that the proposal will not impact negatively on the character or amenity of the area and therefore complies with LDP2033 Policy P3, RD1 Providing Suitable Services and NPF4 Policy 22 Flood risk and water management, and adequately satisfies the condition requirements of Condition 1 (c).

(d) Levels Survey and site section

- 6.28 The application has been submitted with detailed levels plans which shows that post development the site would remain relatively flat with no significant change to levels aside from the SUDS infrastructure. The required sections have also been submitted to meet the requirements of condition 1(d) of APP/2017/0288.

(e) Means of access including visibility splays; development access junction design, (f) Car parking and turning areas, (g) Footpaths to B994 and B987, including bus stops

- 6.29 Detailed commentary is provided below on the requirements of conditions 1(e), (f) and (g) but an overview of what is proposed more generally is necessary.
- 6.30 Firstly, it is noted in the planning history that approval had been granted under APP/2019/2554 for the construction of the roundabout (2 April 2020). The proposed roundabout within the southeastern part of the site provides a principal route into southern part the development at the junction of the B994 and B987 and is included within this planning application.
- 6.31 Two other vehicular access points are proposed. A vehicle access is proposed off the B994, to the site's southern boundary and located to the immediate west of a property known as Windyedge. This provides a second point of access to the southern part of the development, aside from the roundabout access. The other access is off the B987 and is midpoint between properties known as Pine Grove and Priors, both of which face the B987. The proposed layout demonstrates footpath connections to the B994 near plot no. 5 and in front of plot nos. 36-40. At the northern part of the site a footpath connection is proposed to the B987 which runs parallel to the southern curtilage boundary of plot nos. 129 -130. Further footpath connections are included to link through with the established residential development to the north in Sunnyside View. Footpaths are included in the open space and links are also provided to continue access into Gauch Hill Woods.
- 6.32 Details of the proposed bus stops are provided on drawing no. 115035/1001 Rev G (Roads layout). This demonstrates that bus stops are to be relocated to take account of the proposed roundabout. The bus stop to serve buses travelling in an easterly direction along the B994 is to be relocated in front of

Wayside and on the opposite side of the B994 (westerly direction traffic) the bus stop is to be located 25m from the corner of the junction of the B994 and Shandwick. It is also proposed to relocate bus stops on the B987 with the shelter serving northbound traffic being relocated circa. 70m north in front of Rockville. On the opposite side, the shelter serving southbound traffic is also to be moved a similar distance north.

- 6.33 Internal roads swept path analysis and a Street Engineering Review and Quality Audit have all been considered by Roads Development, along with detailed examination of other technical documents. Individual houses are provided with sufficient parking to serve the property based on the number of bedrooms. Visitor spaces are also provided throughout the development that reflect Council standards. Twenty spaces (including one accessible space) are provided to serve the proposed pavilion. A Waste Management Plan has been submitted.

(e) Means of access including visibility splays; development access junction design

- 6.34 The application has been submitted with detailed layout plans which include the required visibility splays and junction designs. Roads Development has not raised any objection to this detail. In this respect the information submitted is sufficiently detailed to satisfy the requirements of condition 1 (e) of APP/2017/0288.

(f) Car parking and turning areas

- 6.35 As detailed at para. 6.33 the plans include details of car parking throughout the site as well as a parking schedule. Roads Development do not raise any objection to the level of car parking provided throughout the development as it will adequately serve both the residential development and the pavilion. The Planning Service is of the view that sufficient information has been provided to meet the requirements of condition 1 (f) of APP/2017/0288.

(g) Footpaths to B994 and B987, including bus stops

- 6.36 Further commentary is provided at para. 6.31 on the footpath connections that are included in the overall site layout. Details of the proposed bus stops are also provided at para. 6.32. Roads Development has not raised any objection to this arrangement or the bus stop relocations and again the Planning Service is satisfied that sufficient information has been provided to meet the requirements of condition 1 (g) of APP/2017/0288.

(h) Flood Risk Assessment

- 6.37 There is a history of localised flooding within the site and 'Lindale' from the existing ditch. The extensive drainage proposals and solutions proposed by the developer aim to deal with such issues to prevent reoccurrence and a Flood Risk Assessment (FRA) has been submitted in support of the application. As previously indicated, Flood Risk and Coast Protection had

requested that evidence be submitted to demonstrate that efforts are being made to improve the condition of the receiving pipework east of the site. Further information has now been submitted that demonstrates that this development would be connecting into the existing drainage system beyond a collapsed rubble section that CCTV investigations have discovered. Flood Risk and Coast Protection has confirmed that this is acceptable.

- 6.38 Following the submission of additional information in the form of a channel re-alignment design vision SEPA has no objection to the proposal. Furthermore, with the submission of additional information the Planning Service is satisfied that the requirements of condition 1 (h) of APP/2017/0288 has been met.

(i) Details of water bodies, including Method Statements

- 6.39 The FRA includes details of water bodies. The submitted Drainage Assessment provides further information and an operation and maintenance schedule of the surface water system. The Planning Service is satisfied that the requirements of condition 1 (i) of APP/2017/0288 has been met.

Technical matters

- 6.40 The developer will be connecting to the public main water network and public foul drainage network. Taking all of the above technical matters into consideration and information submitted to deal with the MSC submissions, the Planning Service is satisfied that the proposed development complies with Policy RD1: Providing suitable services and NPF4 Policy 18 Infrastructure First.

Other matters

Ecology and biodiversity

- 6.41 The site has been subject to an Ecological Appraisal which included the completion of a Phase 1 habitat survey. The habitat survey notes the majority of the site is semi-improved neutral grassland with areas of scattered scrub and mixed scattered trees. The appraisal and habitat survey found limited habitat for reptiles and nesting birds. A Biodiversity Action Plan has been submitted detailing mitigation for the impacts caused by the development and to enhance the biodiversity value within the site. The habitat creation includes a variety of habitats such as woodlands, wildflower grasslands and wetlands as well as linear features including native species-rich hedgerows. A biodiversity metric calculation has also been completed along with plans that indicate the provision of a 'hedgehog highway' within the domestic gardens and all of these measures are welcome.
- 6.42 It is noted that the Woodland Trust Scotland has objected to the proposal and its comments are summarised at para. 3.1. Whilst the Woodland Trust Scotland comments are welcomed it is not a statutory consultee on an application of this nature. In its comments it seeks a buffer zone of at least 50m to prevent adverse impacts such as pollution and disturbance and ensure

avoidance of root damage to the site's western boundary. There is no requirement within the OP2 allocation text to secure such a buffer zone. To create a buffer zone of 50m in width at the point where houses are sitting parallel to the boundary with Gauch Hill Woods would remove an area of circa. 6000 sqm. from the development site which is significant given the other requirements of the site development. A Tree Survey and Tree Protection Plan has been submitted showing that tree protection fencing is to be installed along the site's western boundary, with the exception of the part of the western boundary that abuts houses in Birch Wood.

- 6.43 It is noted that Natural Environment has concerns about the siting of plot nos. 53 -65 along the western boundary with Gauch Hill. Its consultation response notes that gardens backing onto woodland are not generally a good long-term solution for management and maintenance which echoes some of the comments that Woodland Trust Scotland raises. This issue is considered further at para. 6.23 and the Planning Service acknowledge that this is perhaps a weaker part of the layout. However, when this is considered in the context of the wider site and the site allocation requirements on balance this aspect of the proposal is acceptable. More generally, Natural Environment has considered the additional information submitted and is supportive of the findings and recommendations of the appraisals undertaken and the Biodiversity Action Plan. Notwithstanding a specific comment in terms of the inter-relationship of plot nos. 53-65 the Planning Service is satisfied that the proposal generally accords with LDP2023 Policy P1 Layout, siting and design, PR1 Protecting Important Resources and NPF4 Policy 3 Biodiversity.

Legal agreement

- 6.44 The package of developer obligations and affordable housing was agreed during determination of the planning permission in principle application and covered in the registered legal agreement. Informal discussions have been held between the Council's Principal Developer Obligations Officer and Solicitor and the developer during the assessment of this application. The current Section 75 Agreement secures the delivery of the pavilion upon completion of the 50th unit. Through discussions with Scotia Homes it has been agreed that the delivery of the pavilion will be by the 89th unit, which would be at the end of Phase 2 which ties in with completion of phase 2 of the development and the construction programme for the development. It has also been agreed that additional provision shall be built into revisions to the Section 75 Agreement. These revisions would be in the form of a contribution to be payable in security for the delivery of the pavilion at an agreed rate payable from the 50th dwelling to 89th agreement to cover the contributions for the pavilion. This would result in the Council being in receipt of funds that could be used if for some reason the pavilion weren't to be delivered by Scotia Homes albeit it is their intention to deliver it.
- 6.45 It should be noted that changes to Section 75A (1) of the Town and Country Planning (Scotland) Act 1997, as brought in by the Planning (Scotland) Act 2019 in November 2020, provides that a planning obligation may be modified either by agreement between parties and the Planning Authority or by

application and this is reflected in the Council's Scheme of Governance. Given the terms of the Act there is no need for formal application to modify or change a Section 75 Agreement albeit any agreement would need to reflect the decision of the committee. This would not have been the case when the earlier application (APP/2020/1999) was determined hence the submission of the other application (APP/2021/0422) for modifications to the Section 75 Agreement.

Response to representations

- 6.46 The majority of points raised in the representations have been considered in the main body of this assessment. For clarity, the requirements of the development have been set out at para. 6.13 and the Planning Service is satisfied that these requirements have been met. There has been some criticism of the pavilion building, and the developer has responded to this with amended plans. The amended plans show revisions to the internal space to show two areas of multi-function space that offer a more flexible space but can still be used for changing areas. A store area has also been included in the layout. These amendments show a commitment on the developer's part to respond to the comments received. The Community Council has also expressed the view that the pavilion is not served by sufficient car parking. As detailed throughout this report 20 spaces are provided for the pavilion and Roads Development is of the view that this is an appropriate number of spaces. It is noted that there are banks of visitor spaces provided throughout the development with 7 visitor spaces to the immediate south of the pavilion. A further 8 visitor spaces are also provided within 100m of the pavilion. The Planning Service is content with the parking provision. To seek to provide more than standards require would not be supporting measures to reduce the need to travel and promote walking, cycling and public transport which goes against principles embedded in our LDP and NPF4.
- 6.47 Since the submission of this application Scotia Homes has undertaken a further consultation event with the community (7th September 2023). Scotia Homes also acknowledge the aspirations of some of the community for a skate park. There is no requirement in the legal agreement for the delivery of such infrastructure. Scotia Homes has advised that they are willing to work with the community to help facilitate this. Scotia Homes has also suggested the establishment of a Community Liaison Group should this application be approved, which they would be part of along with the Community Council and could be used as a vehicle to establish and deliver future community projects within the town park. The formation of such a group is outwith the scope of this planning application but is welcomed by the Planning Service and it is noted this has been used successfully at other Scotia Homes developments.

Departure from LDP2023

- 6.48 As noted throughout this assessment the proposal does result in a number of departures and these are summarised below for clarity;
- I) Use of part of R1 for housing,

- II) Use of OP2 for town park,
 - III) Lack of affordable housing within the OP6 allocation, and
 - IV) Requirements of the Development Brief.
- 6.49 The Planning Service acknowledges that the proposal does not wholly accord with LDP2023 and this would not be unusual given that the site does have three distinct LDP allocations.
- 6.50 The proposed layout means that a proportion of the R1 allocation, for the delivery of the town park is to be developed for housing. The land to be used for housing at this part of the site is equal to 29% of the R1 allocation and 12, 023 sqm. The proposed layout results in the northernmost part of the R1 allocation, where it bounds existing properties in Sunnyside View (to the north) and Birch Wood (to the west) being housing. This siting of housing in this area is clearly compatible with the established housing along the northern and western boundaries and in this respect is acceptable.
- 6.51 At the northernmost part of the OP2 (Woodside Croft, Town Park) allocation where it adjoins the R1 allocation some of the proposed town park encroaches into the OP2 allocation. This part is circa. 8100 sqm. in total with the whole of the OP2 allocation being 65, 400 sqm. This is the equivalent of 12% of the OP2 allocation. It can be seen that the proposal utilises the northernmost part of the R1 allocation to deliver housing as a continuation of the OP6 allocation (land adjacent to Woodside Croft) and on the flip side uses the northernmost part of the OP2 allocation (Woodside Croft, Town Park) for the delivery of some of the town park.
- 6.52 Overall, this arrangement is not considered to be harmful to wider area or significantly deviate from the spirit of these allocations which collectively seek to deliver a high quality housing development with the enabling town park being central to this.
- 6.53 In considering point iii) as set out at para. 6.48 the OP6 allocation is for 24 affordable units and this is a new LDP2023 allocation. The overall planning permission in principle, encompassing the OP6 allocation only requires that the developer deliver 10% of affordable units across the site which is clearly lower than the level that the new OP6 allocation is seeking to deliver. Given that this application is only for the approval of matters specified in conditions any determination is bound by the terms of the accompanying Section 75 Agreement thus requiring 10% across the original planning permission in principle. There is no scope through the determination of this MSC application to secure more affordable housing over and above the Section 75 Agreement requirements.
- 6.54 The development does secure the provision of 17 affordable units that are located at plot nos. 53 - 65. Housing Strategy has not raised any objection to this aspect of the proposal. The proposal does provide a range of property sizes in its fulfilment of the affordable housing requirement (8No. x1 bedroom flats, 2No. x2 bedroom houses, 5No. 3 bedroom houses and x2No. 4 bedroom houses). Given the planning history, terms set out in the historical

Section 75 Agreement and the nature of this application i.e. MSC there is no scope for the Planning Service to secure any further affordable housing units. It is accepted that there is an inconsistency between the LDP2023 aspirations for the OP6 element of the wider site and the planning permission in principle. Having regard to the planning history the Planning Service is of the view that this too is a suitable departure.

- 6.55 Finally, consideration should be given to the Development Brief which was approved in November 2006. The Development Brief for Public Open Space and Enabling Development at Gauch Hill offers guidance on the form of development in the Gauch Hill area and refers specifically to the concept of the 'town park'. The document provides some general site requirements and zonings/diagrams were included to illustrate how the site could come forward. In her decision notice the Reporter makes it clear that, 'Despite its age the development brief remains a relevant consideration...' She does however make a point of stating that the terms of the Section 75 Agreement entered in 2015 do not fully reflect the Development Brief but were clearly considered to be acceptable to the Council at the time. In her summation the Reporter also states that, '.... there are differences between the development plan allocation, the development brief aspirations and the actual open space provision agreed within the 2015 legal agreement.' She also goes on to say that, 'It is not disputed that the Council relaxed some of the requirements of the brief, and the development plan, when concluding the legal agreement in 2015.'
- 6.56 It is the view of the Planning Service that the Development Brief is a material consideration, and it is for the decision maker to determine how much weight to give to the document. It remains a valid document and has not been updated or superseded by a Master Plan. The legal agreement entered into in 2015 does deviate from the Development Brief and as the Reporter recognises these differences were clearly acceptable to the Council at the point the Section 75 Agreement was secured. Having regard to the planning history since the approval of the 2006 brief it is the view of the Planning Service that again, this is a suitable departure. The proposal clearly delivers the requirements as set out in the 2015 Section 75 Agreement secured well after the approval of the 2006 brief and does respond to the appeal decision. Overall, the proposal is considered to be acceptable and a suitable departure from the aspirations of the Development Brief.

Conclusion

- 6.57 A town park for Kintore has been a long-held aspiration to meet the demands of a population that has grown considerably in the last 20 years and is planned to grow further. The planning history for the Gauch Hill area is almost as old with numerous attempts to get planning permission for development over the years. Even once planning permission in principle was secured, its implementation through the detailed stages of the process has been challenging. Having worked through these challenges, a proposal that delivers on the need for a community recreation space and pavilion along with an attractive residential development is ready to be determined as it is

considered to be appropriately sited and designed. All technical information required to demonstrate compliance with the approval of matters specified has also been satisfied.

- 6.58 The Planning Service has worked with the developer to ensure that the unique site requirements have been considered and historic commitments honoured as far as possible. The proposed development is considered to draw together the various elements and components that will be an asset to the community and desirable place to live. Following the refusal of APP/2020/1999 and subsequent dismissal at appeal the developer has sought to address the reasons for refusal which primarily related to the town park siting and form.
- 6.59 The Planning Service acknowledge that the arrangement is a departure from LDP2023 and consideration is given in paras. 6.45-53 as to why the identified departures are suitable. Overall, the proposal delivers a successful layout that takes onboard key placemaking principles to create good quality places. The layout also delivers the town park albeit not wholly within the R2 allocation. What is proposed meets the terms of the Section 75 Agreement and will result in an attractive, multi-functional town park that will be an attractive space that promotes people's health, happiness and wellbeing.
- 6.60 The Planning Service is satisfied that the appeal decision has been appropriately responded to. The Planning Service is satisfied that within the scope of the matters specified, the development meets the relevant policies of both LDP2023 and NPF4 and can be supported.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Implications and Risk

- 8.1 An integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.
- 8.4 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

9. Departures, Notifications and Referrals

9.1 Development Plan Departures

Development Brief for Public Open Space and Enabling Development at Gauch Hill

LDP2023 Appendix 7D – Settlement Statement - Garioch

Allocation OP2 - Woodside Croft, Town Park
Allocation OP6 – Land adjacent to Woodside Croft
Allocation R1 – for a town park at Gauch Hill

- 9.2 The main application (APP/2023/0872) is a Departure from the valid Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.
- 9.3 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 9.4 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

10. Recommendations

APP/2023/0872

10.1 **GRANT Full Planning Permission subject to the following conditions:-**

01. Prior to the commencement of the development hereby approved, details of the pedestrian bridge shown on approved drawing no 11394-HFM-ZZ-ZZ-DR-A-P00 001 (P14) and its phasing shall be submitted to and approved in writing by the Planning Authority. Thereafter the bridge shall be installed in accordance with the approved details and shall be retained in perpetuity.

Reason: In order to facilitate pedestrian access around and between the different areas comprising Kintore Town Park.

02. That prior to the construction of any dwellinghouse, the following details must be submitted to and approved in writing by the Planning Authority:
- (a) details of all the children's play equipment and materials of the play areas;
 - (b) a detailed scheme for the phased implementation of the said equipment and surfacing; and

- (c) details of the long term management of the play equipment and surfacing.

The equipment and play areas shall be implemented on site and maintained thereafter in complete accordance with the approved details. In any event play all play equipment shall be fully implemented prior to completion of the 150th dwellinghouse on the site.

Reason: In the interests of the ensuring the timeous provision of suitable play equipment in the areas of open space in the interests of the amenity of the area.

03. Prior to the removal of the existing traffic calming island on the B994, the works as generally shown on drawing no. 115035/1112 dated 12/03/2021 and contained within the Fairhurst B994 Pedestrian Crossing Assessment shall be completed in their entirety to the satisfaction of the Planning Authority.

Reason: To retain appropriate traffic calming of the B994 in the interests of public safety.

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order the garages shown on the approved plans shall be permanently retained as such and shall not be altered in any way under the terms of Schedule 1 to that Order without an express grant of planning permission from the planning authority.

Reason: To ensure the retention of adequate off-street parking facilities within the site in the interests of road safety.

05. The works hereby approved shall be carried out in accordance with Fairhurst Drainage Assessment (dated September 2020) and the Maintenance Schedule (Appendix D).

Reason: To ensure that adequate drainage infrastructure is installed and maintenance requirements are fulfilled thereafter.

06. The works hereby approved shall be carried out in accordance the Biodiversity Action Plan (Echoes Ecology Ltd - dated 1 December 2023) and the Management Schedule contained therein.

Reason: To ensure that appropriate biodiversity measures are delivered and maintained throughout the lifetime of the development.

07. The works hereby approved shall be carried out in accordance the updated Black Hill Ecology Tree Report and the recommendations contained therein. For the avoidance of doubt prior to works commencing on site the tree protection fencing as detailed on drawing no. BHE_TPP_160719_1 Rev 4 and BHE_TPP_160719_2 Rev 4 shall be fully installed and retained for the

duration of the construction phases closest to the site's western boundary with Gauch Hill Woods. The position and construction of protective fencing around the retained trees is to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

Reason: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

08. All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. 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. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management 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.

09. The development hereby approved shall be carried out in strict accordance with the approved Brindley Associates Landscape Planting and Maintenance Proposals (May 2023).

Reason: To ensure the implementation and management 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.

10. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the Planning Authority. The Energy Statement shall include the following items:
- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
 - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2023.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in National Planning Framework 4 Policy 2 and Policy C1 of the Aberdeenshire Local Development Plan 2023.

10.2 That the Committee agree the reason for departing from the Development Plan.

The proposed development does not accord with the LDP2023 Appendix 7d - Kintore Settlement Statement by reason of the siting of housing and the town park relative to the OP2, OP6 and R1 allocations and the affordable housing provision required of OP6 allocation. The proposed development does provide the key community facilities and would result in a successful layout that takes onboard key placemaking principles to create good quality places. In all other regards, the development is considered to accord with relevant policies of the Aberdeenshire Local Development Plan 2023, NPF4 and the matters specified in conditions relating to planning permission in principle under APP/2017/0288.

APP/2023/1172

10.3 GRANT Full Planning Permission subject to the following conditions:-

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

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

02. All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. 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. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management 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.

03. 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 occupied 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.

10.4 Reason for Decision

The Planning Authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2023 and NPF4. The proposed development of a SUDS pond and landscaping will have no adverse impact on the character or amenity of the area in accordance with LDP2023 Policy P3: Infill and householder developments within settlements (including home and work proposals), Policy C4 Flooding and Policy RD1 Providing Suitable Services and will help facilitate delivery of an allocated site. The development is also in accordance with NPF4 Policy 18 Infrastructure First, Policy 20 Blue and green infrastructure, Policy 22 Flood risk and water management.

Alan Wood
Director of Environment and Infrastructure Services
Author of Report: Helen Atkinson
Report Date: 10 April 2024

From: secretary.kdcc@gmail.com
Sent: 25 January 2024 15:06
To: Helen Atkinson
Cc: Planning Online
Subject: RE: APP/2023/0872 - Midmill, Kintore

You don't often get email from secretary.kdcc@gmail.com. [Learn why this is important](#)

Good afternoon Helen

We have considered the recent updated submission and wish to continue our objection on several grounds.

The number of parking spaces (20) around the pavilion is still, in our opinion, insufficient for the potential attendees for, for example a couple of teams of whatever sporting discipline or if say a group had a fundraising event.

The pavilion does not appear to have any storage facilities that groups could securely keep their equipment in when they are not being utilised.

We take onboard the provision of play equipment envisaged in their last presentation but feel all things considered they are offering the very minimum they can provide as part of their legal obligation and we do not consider that the addition of this amount of houses should be permitted without a more substantial input to the Town Park for Kintore for the residents of Kintore. This is supposed to be an enabling development but doesn't appear to be fit for purpose.

In one of their presentation slides they included the following points, the highlighted section does not give us any reassurance what the community in Kintore will benefit from as yet to be identified and we really cannot support until fuller details are available.

Town Park Initial Conclusions

- Pavilion
- Play Area
- Transfer Area to Aberdeenshire Council
- Then identify favoured options going forward

We would also be interested in the s75 when it is agreed.

Moir
Chair KDCC

APP 2023 0872 Kintore Town Park MSC application

The revised MSC application is an improvement on the previous application, APP/2020/1999 and APP/2020/0422. It has a single-area town park in a location nearer to the centre of Kintore. Although the submission describes the town park area as 3.53 ha, rather than the 3.8 ha specified by the Garioch Area Committee. It also states two football pitches for the green space, Kintore is amply supported already by four football pitches, the largest is a stone's throw from this proposal, other sporting facilities should be considered as per our feedback from the community.

Public engagement and consultation

However, the application is a development to enable the establishment of a town park for the Kintore community in 2023 and beyond. It needs to stand or fail on the acceptability of the town park to the Kintore community. It was established by Council Officer. on 21 Oct 2004 in a Commentary on Local Plan with reference to Policy Gen\12 applied to APP/2004/3532, the original application for planning permission in principle: "This site is designated a Project Area Site P2 (town park) in the proposals for Kintore and is therefore protected from development which may prejudice the implementation of that open space scheme."

Note that KDCC's response to the publication of the Gauchhill Open Space brief in August 2006 included the following:

"The issue of community facilities and public open space has largely been ignored.

To accommodate the new school an independent full size football pitch and all the tennis courts have been destroyed. The football pitch was also used as a recreation space by the School during term time. Two children's playparks have been removed. A large open space used, inter alia, for Kintore Galas has been built over. Aberdeenshire Council hold the view that the all weather sports facility to be provided with the new school will compensate for these losses. Given that the facility is designed for either seven a side football or tennis, and that the two activities will be mutually exclusive, this arrangement represents a downgrading of outdoor sports and recreation facilities. This flies in the face of Policy 16 on page 39 of Aberdeen and Aberdeenshire Structure Plan 2001-2016 (NEST). "Local plans shall set out policies to protect open space and playing fields and to encourage the provision of new sports and recreation facilities"

The only beneficiaries of the housing explosion in Kintore are the Developers in terms of business, Aberdeenshire Council in terms of increasing local tax revenue and landowners who have sold land for housing development. The losers are the Kintore residents who are suffering progressive deprivation as the ratio of outdoor amenity area to population declines."

The community needs to be consulted on this consultation. It is very disappointing that this was not done by Live Life Aberdeenshire in the preparation of their 2020 report "*Outdoor Facilities Network Plan – Kemnay*" (which also included references to Kintore).

In an email from the Garioch Area manager to the KDCC Chair on 28 April 2022, she said "I am delighted that KDCC want to be part of how that site could be developed. My position with Scotia will be that community engagement and a partnership approach with KDCC and other community stakeholders will be essential as part of the best way to bring the site forward." During the Garioch Area Committee meeting on Tuesday 11th May 2021 the Area Manager, Ann Overton, commented that "the GAC meeting was not an opportunity for reconsulting the community. ...It was noted that the community was last consulted in 2006. If the current application was refused, it would then be appropriate to consult the community, identify their current requirements and update the LDP accordingly."

In an email to Tim Stephen of Live Life Aberdeenshire on 20 April 2022, Cllr Glen Reid said:


"With the recent decision of the Scottish Reporter to uphold our decision to refuse the Town Park due to its inadequate provision/size and location, KDCC would like the community to be involved in what could be done here.

We have recently had amazingly positive community engagement in consultations around the cycle path to Kemnay and the recent proposed boundary change between Kintore and Inverurie Community Councils.

A similar consultation, following a meeting, about realistic sports and leisure provision that could be provided by a revised TP application, would be great. We need to ensure that what is provided meets the requirements of the community, as well as being deliverable. It may be that planning would have to be involved in this process as well.

I am making this request on behalf of the KDCC and I look forward to hearing from you."

The latest progress report on the Garioch Area Plan states the council's, and presumably LLA's, view on the sports provision for Kintore town park:

2.02 New build Midmill Changing Pavilion and pitches				
ACTION DESCRIPTION	STATUS	PROGRESS	DUE DATE	LATEST NOTE
Open spaces that encourage active, healthy lifestyles - new build Midmill Changing Pavilion and pitches	 Overdue	0%	31-Mar-2022	The Developer has now indicated an interest in reapplying for planning permission - which may then lead to negotiations about this project recommencing shortly.

Such negotiations should involve the Kintore community, in line with the GAP priorities:

“Priority 1 - Stronger, Empowered Communities will be achieved with the following outcomes

- Communities are empowered and supported to develop and deliver a vision for their local area
- Communities are well informed, involved in decision-making and take a responsibility in delivery of local actions and priorities.
- Stronger local resilient communities through the contribution of volunteers.
- Our Communities feel empowered and enabled

A formal consultation of the Kintore community needs to be made to determine the community requirements for a town park, and whether the current proposals are acceptable. This needs to be done as part of the decision process on this application.

Town Park Pavilion and parking.

No details of the proposed pavilion have been supplied with this application. We assume that the design is the same as that proposed in APP/2020/1999 and APP/2021/0422. The comments we made to the Appeal Reporter on the pavilion are therefore still applicable, see appendix.

We are concerned that the pavilion design is inadequate to support the operation of sports on the town park. All other council-designed pavilions we have seen in Garioch have one or more large steel containers standing next to them to contain sports equipment not possible to store in the pavilion itself. Such a container at the Kintore town park will reduce the proposed 18 space car park to 15 spaces at best. This is totally inadequate for any sports venue. The car park at Davidson Park has more than 18 spaces, and relies on an additional overspill car park for parking, see photos:



The developer states that the car park “could act as overspill parking when needed”. We are concerned that it will always be used by residents and their visitors for day-to-day parking, as it is accessed by the same access road as the housing estate.

We also note that pavilions, such as the similar one on the Kintore school field are poorly maintained and are usually unoccupied except for training or sports events. In our response on sports facilities, we suggested that a town park pavilion should include a social centre, such as a café and/or bar, as a means of increasing building use and generating income to support maintenance. Such a development could be assisted by funding obtained by the community from Sports Scotland, Lottery Funds, etc. This should be possible if supported by Live Life Aberdeenshire.

Other issues

The developer's design and access statement refer to "other supporting documents submitted alongside this planning application for further information." We are concerned that not all relevant documentation has yet been made available on the public portal. No details of a revised s.5 agreement are available.

We have other comments to make on housing and accessibility issues based on statements in the design and access statement and the submitted drawings, such as the lack of accessible housing proposed for the estate.

However, we would like to reserve our right to comment on these details later when all relevant material has been provided and reviewed.

Appendix. Extract from KDCC response to Appeal Reporter regarding pavilion design.

The Scotia [01 July 2019](#) meeting minutes also record [the revised specification of the sports area](#), and show that the pavilion design was contracted out to the developer to the Principal Architect in the Council's Property & Facilities Management:

1.10	<p>The Town Park area should be 3.513ha.</p> <p>The sports area of the Town Park will be a min 120m x 120m (1.4ha) flat grassed area suitable for multipurpose sports. The general Landscaping beyond / surrounding this area will be confirmed by the Council from a design, place making, biodiversity, and maintenance perspective.</p> <p>█ has issued an Outline Landscape Specification for the Town Park prepared by █ Landscape Architect. █ to review and provide feedback.</p>
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1.5	<p>Following discussion, it was agreed that the preferred way of delivering the Pavilion would be for the Council, █, to take the lead on the architectural design, and effectively provide a design service for Scotia. The design would be based on a Brief prepared by █ - informed by the SportsScotland guidance aligned to the Section 75 requirements.</p> <p>█ to generate a Scope of Works and fee proposal. The proposal should be staged through planning, building warrant, and construction elements. Scotia will then effectively appoint Aberdeenshire Council and consultancy design fees will be charged against the project \$75 budget.</p> <p>█ will be the main point of contact for the Council regarding the pavilion.</p> <p>█ to issue the Topographical survey, and any other useful drawings and reports to █.</p> <p>Scotia will still be anticipate being responsible for the construction delivery of the pavilion and car parking etc on site, in order to maintain control over quality and cost.</p>
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with [the council benefitting financially from the development](#):

3.2	<p>The costs associated with the Council providing architectural services for the design of the pavilion would be charged to Scotia.</p>
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It is inevitable that the close involvement of the Legal, Planning and Business Services groups of Aberdeenshire Council in the development, however unintentionally, have coloured their judgment about the merits and drawbacks of the proposals.

The July 2019 minutes also record a misleading statement about community consultation about the Town Park:

1.4	<p>█ queried whom the primary parties consulted on the decision to change the Town Park function were, and █ advised it was primarily the Member's, local sports groups, and key Council Services dept's. The Community Council were not specifically involved in these recent consultations, but should have awareness via Member's.</p>
1.4	<p>█ confirmed that the Council felt that a more than adequate level of consultation had taken place both internally, and within the community. Further public consultation by Scotia Homes would not be required.</p>

This does not correspond with the fact that there was **no** consultation with the Kintore community, local sports groups or the community council by the developer, the Council or Live Life Aberdeenshire.

Comments for Planning Application APP/2023/0872

Application Summary

Application Number: APP/2023/0872

Address: Land Beside Woodside Croft Midmill Kintore Aberdeenshire

Proposal: Conditions 1 (a) Siting, Design, Layout, External Appearance, Finishing Materials; (b) Design Statement; (c) Landscaping; (d) Levels Survey and Site Sections; (e) Means of Access; (f) Car Parking and Turning Areas; (g) Footpaths to B994 and B987, including Bus Stops; (h) Flood Risk Assessment; (i) Details of Water Bodies, including Method Statements; (j) Foul and Surface Water Disposal; (k) Waste Management Plan of Planning Permission in Principle APP/2017/0288

Case Officer: Helen Atkinson

Customer Details

Name: Mr IAN GOSHAWK

Address: 20 WYNESS WAY KINTORE INVERURIE

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The actual design of the housing development by Scotia Homes is fine. I have visited their recent development in Oldmeldrum, Chapel view Park which has visually attractive houses, well designed streets which fits in very well with the whole town but even more so with the immediate neighbourhood. The Kintore development appears to be of the same high standard.

The big debating point which has received dozens of comments and suggestions on social media is the use and design of the large parkland area, including whether this should be mainly for kids/young adults or adults.

The only things that have been ruled out are a play park (we have two reasonable ones already) and bowling club which we already have.

Suggestions have mainly been tennis courts, skate park, toilets and all weather football pitch.

Just leaving the area as a grass park would be unacceptable to most Kintore residents. The council cannot maintain existing grassed areas around the town and this would be no different.

There are already two all weather football pitches in Kintore, but what most residents do not know is that as they are both school pitches the general public even children attending the two schools cannot have general access to the pitches, which especially during school holidays is a disgraceful waste of a costly Kintore resource.

The ease and cost of upkeep is a major factor so grass is a no no. Skate parks are expensive to build but very easy to maintain, but probably more popular with boys than girls. The Kemnay park is well used but our own kids have to be driven there and back. This would be a popular option for younger kids up to young adults.

Toilets are essential. Again another disgrace pointed out to me by my 13 year old son and 14 year old daughter is that there are NO public toilets in Kintore. The planned building must have toilets.

My own personal preference would then be tennis courts, again very easy to maintain with an annual power wash. My son has pointed out a problem of vandalism of the tennis nets at other courts. I am however aware of plastic type nets that are much tougher than usual and nets that are easy to put up and down and then stored in the clubhouse. I have played tennis since aged 8 and after rugby I found it to be the best sport for fitness, enjoyment, self discipline, camaraderie and good manners, (the onus on honesty when calling "out" and doubles play). Tennis is not taught to any kind of an adequate standard at local schools and most kids including my own do not really understand what an excellent sport tennis is. A local club with proper kids coaching would be a tremendous asset to the town.

There is a further option of a football pitch with a tennis court included. I believe this was intended for Kintore primary schools rebuilt football pitch but it did not happen.

Full consultation with the Kintore community is essential before a final decision is made. This is the last significantly sized flat area of land left to be built on in Kintore and the Council must get it right. There are a number of options that would be acceptable, there is no "right choice" to satisfy everyone except I would assume a public toilet. There are however a number of wrong choices including no toilet and a large grassed area.

Comments for Planning Application APP/2023/0872

Application Summary

Application Number: APP/2023/0872

Address: Land Beside Woodside Croft Midmill Kintore Aberdeenshire

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Case Officer: Helen Atkinson

Customer Details

Name: Mr Kenneth McEwen

Address: Savik Hill Of Balbithan, U68c B977 Near Waterside To C68c At Beechfield Cottage, Kintore, Aberdeenshire AB51 0UQ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My understanding of the development that planning application APP/2023/0872 refers to, is that it was to be a 'Town Park enabling development'. In other words its prime purpose was to deliver a Town Park for Kintore.

As Kintore lacks many of the facilities that could be expected for one of Aberdeenshire's ten largest towns, this is the opportunity to provide a public park befitting a town of Kintore's status. It is therefore disappointing to note that the size of the park element has shrunk from 4.5 ha in 2006, to 3.8 ha and now in this planning application APP/2023/0872 it appears to be a little over 3.5 ha.

The Town Park brief offered Kintore the promise of public open space with sports and recreation facilities in easy walking distance of the town centre. The brief specifically says that the town park should be a single large open space with a large play area, semi-formal area and that it should allow for future expansion of sports facilities.

In 2015, the Garioch Partnership undertook a consultation to create an Action Plan for Kintore. The consultation included a live session in the public hall. This plan highlighted the need for a community sports centre and community hub, like the AXIS Centre in Newmachar. The report also called for a skatepark for our younger residents, a community garden and a nature reserve.

Eight years on there has been no progress in providing any of this. The Town Park Enabling

Development is surely the opportunity to address some of these unfulfilled requirements?

The Town Park enabling development looks like our last chance to satisfy some of these needs in Kintore. The other open space is Tuach Hill. However, the slopes of Tuach Hill are privately-owned farmland.

I think the informal landscaped open space for the people of Kintore to meet and enjoy the outdoors is perhaps the most important element of the Town Park, alongside the play area for youngsters.

I am not convinced that more football fields are the most pressing requirement. For example, youngsters from Kintore are cycling on busy roads to the skatepark in Kemnay. It would be safer and better for the lack of a skatepark to be addressed in Kintore itself. There is still a feeling that Kintore lost out when the tennis courts were sacrificed for the building of the new Kintore Primary School. Is the Town Park an opportunity to address this lack?

I am also concerned about the mix of housing proposed. I note the provision for affordable housing. But, I am concerned a the apparent lack of accessible housing. How many of the houses will feature access ramps front and rear? How many have wheelchair-width doors and rooms and corridors with manoeuvring space for wheelchairs?

Also there appears to be a total lack of single-level properties. At a time when disabled access is supposed to be a priority and we have a continuing trend of an ageing population, these seem to be glaring omissions in such a prominent housing development.

Comments for Planning Application APP/2023/0872

Application Summary

Application Number: APP/2023/0872

Address: Land Beside Woodside Croft Midmill Kintore Aberdeenshire

Proposal: Conditions 1 (a) Siting, Design, Layout, External Appearance, Finishing Materials; (b) Design Statement; (c) Landscaping; (d) Levels Survey and Site Sections; (e) Means of Access; (f) Car Parking and Turning Areas; (g) Footpaths to B994 and B987, including Bus Stops; (h) Flood Risk Assessment; (i) Details of Water Bodies, including Method Statements; (j) Foul and Surface Water Disposal; (k) Waste Management Plan of Planning Permission in Principle APP/2017/0288
Case Officer: Helen Atkinson

Customer Details

Name: Mr Jim Reid

Address: Deer Park JOHNS FOREST Kintore, Inverurie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I feel that the size of the Town Park, the facilities shown, including the football pitches and the play park are not in keeping with what the people of Kintore wish to have in the way of facilities,

The size of the Pavilion is not suitable for Football Teams and keeping equipment there is not the parking places suitable for the amount of parents cars who will park and watch during a game .

Nor is the parking suitable for the amount of potential spectators arriving to watch, this could potentially cause issues with residents, drivers parking on speed humps and on pavements which is dangerous with a housing scheme designed for young families.

The people of Kintore have not had the opportunity to have their say and what they want on this 'enabling development' by way of a Public Consultation. The development should be rejected and the developer should have to resubmit 2 planning applications, one for the housing the other for the Town Park and allow the general public to have their say.

Comments for Planning Application APP/2023/0872

Application Summary

Application Number: APP/2023/0872

Address: Land Beside Woodside Croft Midmill Kintore Aberdeenshire

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Case Officer: Helen Atkinson

Customer Details

Name: Miss Kim Wataon

Address: Taluslande Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: The plan in principal does not meet the requirements needed for the social welfare of the residents of Kintore.

More need to be provided to sustain the amount of residents currently in Kintore, for example a community centre, tennis courts, skate park etc to cater for the current residents of the village.

We are all for expansion but basic recreational needs must be addressed to provide facilities for all age groups before this happens.

Many travel outside the village to facilitate these facilities when they really should be catered for and provided within the village with the current population.

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Mrs Katrina Allan

Address: 19 Wyness Grove Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I do not believe that these proposals deliver what is required of them in terms of a town park, following previous applications. A square of grass at less than 1.5 Ha and a small pavilion and playpark, with no proper outdoor leisure facilities, is insufficient for a development of this size, in a town that is already under-resourced in this respect. The totality of what is being presented as the town park - but is not truly a town park given the layout - is 3.53 Ha, which is smaller than the 3.8 Ha which I understand was originally planned.

The development is clearly geared towards families, which will bring an increase in children and young people who require a range of facilities on their doorstep for equal ease of access (not all families have the means to transport their children to and from facilities), to reduce environmental impact (transport to and from facilities should be minimised), and to encourage healthy, active living - as per Policy 15 of NPF4.

Kintore is rapidly becoming one of those towns that are simply a mass of residential properties with insufficient amenities and facilities to properly support the community, which leads to a number of socioeconomic challenges. The development and the wider community require and deserve a proper town park, one which includes a multi-purpose sports court, a properly equipped playpark, a skate park, an 'outdoor gym', a picnic area, and a fit-for-purpose pavilion. A patch of grass with a small pavilion is entirely insufficient and something that Kintore already has.

I also object on the grounds that the development appears not to have sufficient properties which

cater to the elderly or disabled buyer on the private market, as no single-storey properties other than ground floor cottage flats seem to be planned. The requirement to provide affordable housing at a proportion of 10% (17 properties as noted in the 'Housing Response') is positive, but it is concerning that it appears that those with specific needs are either bound to the ground floor of a two-storey property, or only have an option of a ground-floor flat.

Comments for Planning Application APP/2023/0872

Application Summary

Application Number: APP/2023/0872

Address: Land Beside Woodside Croft Midmill Kintore Aberdeenshire

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Case Officer: Helen Atkinson

Customer Details

Name: Mrs Anna Gilbert

Address: Teach Park Kintore INVERURIE

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I'd like to OBJECT to the the planning application APP/2023/0872 On the basis that the town park provided is inadequate.

The provision of the town park for Kintore is key to this application. The village has few recreational facilities, and its population size means it deserves more. Kintore has been waiting for the delivery of this town park for some time.

Twenty years ago Kintore was a much smaller village it lost tennis courts in the re building of Kintore Primary school, and a number of housing estates later they haven't been returned.

Now the village is bigger, we need even more. I note from the site plan provided in this application, that the town park originally due in the 2006 development brief to be 4.5ha big, is now only 3.5ha small. Not a good start. And no, the other green areas around the housing don't count for our purposes but are normal soften expectations of a large housing developers to provide, we'd like our 4.5ha restored please.

We need adult outdoor gym equipment, a skate park, a better park for children with more play equipment to suit older age group children, we need robust picnic tables and other seating to help enjoy the outdoors. While a grass pitch is welcome, we need more, much more. Kintore is long overdue of some serious money being spent on it.

And access to the park too needs to be good with safe cycle and walking routes and plenty parking for those that live further outwith the town or on the edges with parking for those with babies and young children and the disabled being provided for too. Again I note from the site plan provided in this application there are only 18 spaces, how does this provide for match day parking? Davidson Park at Port Elphinstone has 55. And one disabled space is an error surely? Pick them up on these parking errors please.

I urge a rethink of this application. This shouldn't be an application for housing with a small field a small pavilion and minimal parking grudgingly attached as an afterthought. This should be the provision of a magnificent, copious, full of joy, well overdue town park with space to help provide healthy outdoor multiple sports and sociable spaces for our now huge village, and the developer can fit houses on the periphery. The town park needs to be the main event.

Seeing as this isn't yet what is proposed. I urge this application to be rejected.

Comments for Planning Application APP/2023/0872

Application Summary

Application Number: APP/2023/0872

Address: Land Beside Woodside Croft Midmill Kintore Aberdeenshire

Proposal: Conditions 1 (a) Siting, Design, Layout, External Appearance, Finishing Materials; (b) Design Statement; (c) Landscaping; (d) Levels Survey and Site Sections; (e) Means of Access; (f) Car Parking and Turning Areas; (g) Footpaths to B994 and B987, including Bus Stops; (h) Flood Risk Assessment; (i) Details of Water Bodies, including Method Statements; (j) Foul and Surface Water Disposal; (k) Waste Management Plan of Planning Permission in Principle APP/2017/0288

Case Officer: Helen Atkinson

Customer Details

Name: Mrs Janine Cracknell

Address: Greenhayes 29 School Road Inverurie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I run the Kintore Additional Needs Parent Support Group and am responding on behalf of parents/carers of children with additional support needs.

Looking at the plans for the Town Park there does not appear to be footpaths linking the parking area at the pavillion to the play area. This would make it very difficult/unsafe to push a wheelchair or a buggy from a disabled parking space to the play park and into Gauchill Woods. The application does not detail the play equipment to be provided, we would hope that there will be swings etc suitable for older children and those in wheelchairs.

Comments for Planning Application APP/2023/0872

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Case Officer: Helen Atkinson

Customer Details

Name: Mr Trevor McIntosh

Address: 15 Elm Way, Kintore, Inverurie, AB51 0UP Inverurie

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Kintore has been let down massively over the past 20 years... allowing multiple housing developers build residential properties and failing to balance the size of the town with equal public amenities.

If you look at other towns in the NE of similar size (Banff, Huntly, Turriff etc). They have swimming pools, supermarkets, sports centres, tennis courts etc etc... The council seems to think Kintore is a suburb of Inverurie and not a town in its own right.

Letting yet another developer off the hook when it comes to the communities best interest simply cannot be allowed.

In terms of the pace in question, i would say there is no need for further open green space, or football pitches. I would like to see the following:

1. A modern play-park with climbing frames, swings, shoot etc (the one near the school is dated, and the one near co-op is limited).
2. Outdoor basketball hoop / half court
3. Skateboard park / ramps etc
4. With the rest of the area, a nice outdoor walking area - with a path, and flowerbeds etc - where children can ride bikes and people can enjoy a walk - with park benches etc...

Give us something our children can enjoy - not just another big square of grass... lets be honest there is a massive grass field next to the school already.

Comments for Planning Application APP/2023/0872

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Case Officer: Helen Atkinson

Customer Details

Name: Mrs Wilma Walker

Address: Shirradale, Tuach Road, Kintore, Aberdeenshire AB51 0UZ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Unclear as to what is to be provided in terms of provision - too small for two football pitches and does not recognise the wider needs of the community. Area too small for whole community use. What had been offered is unacceptable. The pavilion and parking limits activities.

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Mrs Margaret Lindsay

Address: 7 Allandale Gardens Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: There seems little intention on giving Kintore residents the town park they deserve for the size it is with further development. Area of park downsized and in a less accessible area for older folk to walk. Nevertheless, tennis courts, basketball skateboard/bmx track, something for all ages in Kintore are needed not just football area for the younger folk. Compared to many other towns we have been poorly served with facilities. To thrive as a community we deserve to be better served.¹

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Mr Robert Lindsay

Address: 7 Allandale Gardens, Kintore Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The leisure facilities planned for this development are extremely disappointing to say the least. YET AGAIN Kintore gets very little consideration in the needs of the community. Apart from the park being too small the last thing we need is another football field. Perhaps Tennis Courts, Basketball, Skateboarding, picnics tables, pond, exercising installations. IT WOULD BE GOOD TO SEE ABERDEENSHIRE COUNCIL LISTEN TO THE COMMUNITY MORE AND PAY LESS ATTENTION TO DEVELOPERS.

Comments for Planning Application APP/2023/0872

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Case Officer: Helen Atkinson

Customer Details

Name: Mr sean wilson

Address: 11 Henderson Crescent Kintore Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This proposal is wholly inadequate

This will not satisfy the needs of the community, will not address needs of young people with the community leading to extra travel outwith kintore to fulfil these needs

A similar skate park like Alford next to dry ski slope would be a start and well at tennis courts or similar

This proposal is the bare minimum and is wholly and unreversedly rejected

Comments for Planning Application APP/2023/0872

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Case Officer: Helen Atkinson

Customer Details

Name: Mrs Moira Ann Moran

Address: Camiestone Croft Thainstone Inverurie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The submitted plans do not appear to meet the brief for the Enabling Development for the town scale park that was promised. The area of green space has been reduced from the original plan although in a better location. It therefore does not meet the 40% green space requirement as required.

There is insufficient parking provision and visitors would park in surrounding streets. Should for example the open space be used for football games the pavilion appears to be too small to cope with the team numbers associated with that.

It is not clear what the access routes are that connect to the existing woodland to provide connectivity.

Comments for Planning Application APP/2023/0872

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Case Officer: Helen Atkinson

Customer Details

Name: Mr Ethan Forsyth

Address: 60 Kingsfield Road Kintore Inverurie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: After looking at the current plans in detail I fail to see how this provides any meaningful amenities to a village that is already finding itself below par in comparison to other similar, local villages. The housing is bound to bring more families to the village, however the proposed "Town Park" does not provide adequately for children and families. Although there are benefits to green space this can already be found within the village, for example at the play park beside Kintore Primary school. There must be more consideration given to the needs of the community. At present there is very little that encourages participation in sports other than football or running. Other sports/interests should be considered, for example rugby, skating/bmx-ing, tennis, badminton. There are many children in the village having to travel outwith to participate in these sports/activities so surely having a facility like this would bring real benefit to the whole community, especially those currently unable to travel to facility in other areas (particularly given the current public transport service on offer in Kintore).

Comments for Planning Application APP/2023/0872

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Case Officer: Helen Atkinson

Customer Details

Name: Miss Vicky Ironside

Address: 14 Brae Crescent Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this. There's absolutely NOTHING in Kintore for kids of any age. Not even a decent play park! Design a proper play park/skatepark or anything for the children. It might stop some of the teens hanging around the co-op intimidating people who enter the shop. And as for a bus stop, what's the point! The bus service in Kintore has gone from half decent to absolutely diabolical!!

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Mrs Jennifer Fraser

Address: 32 Castleview Avenue Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I don't believe the site proposal adequately meets the needs of the village of Kintore. The ear marked space is not big enough, the parking proposed is inadequate, this brings a number of problems not least a safety issue for children visiting the proposed recreational site crossing congested roads due to overflow from the carpark. Kintore is a large village and would benefit hugely from some diversity in terms of access to leisure activities for example basketball, netball, tennis or a skatepark in addition to more space for football.

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Mrs Leanne Kitchener

Address: 11 Sunnyside view Kintore Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed plans for the town park are unacceptable. With the volume of houses to be built this only caters for a tiny portion of the community and does not add any amenities for the growing population of Kintore. You have an opportunity to have a meaningful impact to the community and are planning the bare minimum. I object wholeheartedly to these plans.

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Mrs Susan Duthie

Address: 33 Birch Wood Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The townpark has shrunk significantly in size compared to initial plans-the size of the town park does not fulfil the requirements of the village. The developer have not consulted the public in what the best use of the townpark would be. The council have a policy which states that any development should have 40% of good quality open space, but this development would only allow for 30%. To go from a townpark size of 4.5ha to 3.513ha is unacceptable. There has been no consideration for how the townpark will be used, and the impact additional traffic and noise will impact the immediately surrounding areas of Ceann Torr Park and Birch Wood.

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Mr Andrew Taylor

Address: 20 Hallforest Drive Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The current proposal for the community space outlined fails to deliver improved facilities for the town. There are very limited recreational facilities in Kintore, the 10th largest community in Aberdeenshire, and additional new facilities should be considered such as a skatepark, tennis / padel courts, or play area with different facilities to the ones in the town's current play parks. A broader consultation of options with the KCC would be recommended. There is also unlikely to be sufficient parking next to the pavilion which is likely to be partly used by local residents and therefore not fully available to people coming to use the town park.

Comments for Planning Application APP/2023/0872

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Case Officer: Helen Atkinson

Customer Details

Name: Mrs Mary Ritchie

Address: Olybos, 10 Craighbank, Kintore, Aberdeenshire AB51 0UF

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My objection to planning application 2023/0872 is because the area provided for the town park, alongside the major housing development, seems to be in contravention of the Council's own policy Open Space and Access in New Development where it states "We will generally expect 40% of each major development site to be devoted to good quality open space. In each case the actual proportion will take account of the location, function and characteristics of the development proposal and site; the function of the open space proposed; and, where appropriate, the function and characteristics of existing open space in the area." 3.5ha (the area of the proposed town park) is only 30% of the overall 11.5 ha of the total site area. While the developer claims that there is 4.63 ha of public open green space in the site, I contend that green spaces among the houses and at the end of street do not qualify as "good quality open space". I also cannot find any application for specific planning permission for the town park, pavilion and parking. It seems to be assumed that what will be provided is two (somewhat small) football pitches and play equipment but, given that there are several football pitches already in the village, perhaps consideration should be given to alternative types of recreation. When our family was growing up in Kintore in the 80's and 90's, they had access to far more leisure amenities than are now currently available in the village - or should I say town, because Kintore has grown so much in the last 30 years? There were tennis courts available (which were well used) as well as far more open space simply for bairns to run around and play. Has there been any form of official public consultation to find out what recreational provision Kintore residents would like to see within the village? There are lots of other leisure activities beyond football. The same argument should be applied to the provision of play equipment - which age group will that be aimed at? I would also be

keen to see that the access from the proposed development to the woods at Gauchhill continues to be good because so many local people use that area as a circular walk and, as house developments continue around Kintore, the availability of places to go for exercise and fresh air is getting less.

Comments for Planning Application APP/2023/0872

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Case Officer: Helen Atkinson

Customer Details

Name: Ms Malaina Taylor

Address: 21 Elm Way Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: If more houses are built which house families, more facilities will be needed to offer and access safe spaces for leisure facilities.

Original plans indicated that this was what was going to be put in place but a grassy space is not going to be the right space for all ages and activities. More public consultation should be sought before this plan goes ahead.

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Mrs Lynsey Ross

Address: Muirfield Lodge Kinellar Aberdeenshire

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This appears to be a great opportunity to respond to the significant needs of the Kintore community. However, I do not believe the proposed plans will serve the community well. We already have a green space near Kintore Primary which is poorly maintained. It is disappointing to see the council taking little time and interest to really address the long term ongoing needs.

With a community of growing families further facilities to encourage positive time spent together is so needed. Tennis courts and skate park appear to be a couple of suggestions.

It is imperative that this continued growing community is supported with the appropriate facilities. These current plans fall far short of this.

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Miss abbi bennett

Address: 4 Birch Wood Inverurie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Hello, I work with primary school pupils from the Kintore area between the ages of 5 and 11. The children in the area have brought to my attention that they feel there is a lack of useful outdoor facilities for them to use, specifically older children from primary 5 upwards who may not want to play in play parks anymore.

Over the past few months myself and multiple children have been putting plans in place to reach out the council in order to discuss the possibility of a skatepark in our local area. These children have got little freedom when it comes to travelling to other neighbourhoods to use similar facilities, whether they lack the money or the transport to do so. Building a skatepark in this location could do amazing things for our community by giving children a new space to engage and learn new skills.

The new skatepark in Banchory can be taken as a brilliant example. Since opening last October, Banchory skatepark has received brilliant feedback from those in and around Banchory. The new space helped children become more active outdoors, make new friends and improve on valuable skills as well as just being able to have fun! Not only are skateparks suitable for children but there are a huge number of adults that participate in sports like skateboarding and bmx. Having a new skatepark could increase the amount of people who are visiting the town whether it be adults or children, thus hopefully improving the footfall in local businesses like The Hummingbird or The Crafty Cafe.

I understand that football is a much loved sport among all ages but kintore has already got multiple sufficient spaces to play football. As well as already under-used football space I feel like the pavilion we already have looks neglected and could use with being improved and then would become a sufficient building as it is.

I have a lot to say on this matter and I hope that the possibility of a skatepark can be explored as I know how much it would mean to the children in kintore to know that people are listening to them.

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Mr MICHAEL ANDERSON

Address: 17 McFADDEN PARK KINTORE

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sirs

With reference to APP/2023/0872, please can you clearly register my objection to this application. The objection does not refer to the principle of housing on the site, but my objection refers to the Town Park Provision and the lack of detail available to myself and all the other residents in Kintore & surrounding area.

The residents have had no formal consultation on what will be provided as a "Town Park". There are a number of opinions as you would expect and I attended a recent meeting on the Kintore Community Council to hear these for myself.

I must say that there are some fantastic suggestions and that the approval should not proceed at this stage until more clarity is provided and also a Public Consultation to allow people to contribute.

Many Residents don't know what is happening with this application and I fear that the cart before the horse scenario is where we find ourselves, and a missed opportunity for many should not be rushed through for the sake of some more time to consult.

This application in its various forms has been ongoing for many years and I personally believe to get it right and not waste this opportunity would be the best action any interested local resident could hope for.

I thank you for registering my objections.

Best Regards

Michael Anderson

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Mr John Fullerton

Address: 13 Craigbank, Kintore Inverurie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

I object to this application for the following reasons

The area proposed is inadequate for facilities required.

There are no proposals for activities other than football such as tennis.

No play equipment has been specified such as swings and schutes.

Inadequate car parking facilities

From: [Sylvia Coutts](#) on behalf of [Planning](#)
To: [Planning Online](#)
Subject: FW: Objection - Application APP/2023/0872
Date: 12 July 2023 13:52:27

Hi

Please register as rep

Regards
Sylvia

Sylvia Coutts
Admin Support Officer
Aberdeenshire Council
IS Embedded Planning Admin Team
Planning and Economy
Environment and Infrastructure Services
Aberdeenshire Council

Telephone No: 01467 539425 Reception – Telephone No: 01467 534333
Alternative email address: planningadmin@aberdeenshire.gov.uk
Please note office working hours: Monday – Friday 8.45am – 5pm.

Website: <https://www.aberdeenshire.gov.uk/planning/>

Keep up to date online with any changes to Planning and Building Standards Services including those related to Covid 19

Your feedback is important to us and helps us to improve our service – we value your comments.

Note: If your email is a Freedom of Information request, please resend to foi@aberdeenshire.gov.uk

-----Original Message-----

From: Irene <[REDACTED]>
Sent: 12 July 2023 13:43
To: Planning <planning@aberdeenshire.gov.uk>; Helen Atkinson <helen.atkinson@aberdeenshire.gov.uk>
Subject: Objection - Application APP/2023/0872

Subject: Strengthening Objection to Planning Application APP/2023/0872: Town Park Provision

Dear sir/madam

I am writing to register my objection to the planning application APP/2023/0872, specifically concerning the Town Park Provision. I would like to emphasize that my objection does not pertain to the principle of housing on the site but rather focuses on the lack of sufficient detail and consultation regarding the proposed Town Park, which affects all residents in Kintore and its surrounding area.

Firstly, it is crucial to highlight that there has been no formal consultation with the residents regarding what will be provided as a "Town Park." As a concerned member of the community, I recognise that there are multiple opinions and suggestions regarding the park's design and amenities. At a recent meeting held by the Kintore Community Council held to gain a better understanding of everyone's thoughts, there were some great suggestions and points raised. However, it is evident that more clarity and transparency are required before granting approval for this application.

Many residents, including myself, remain uninformed about the details of this application. It is disconcerting to

witness a situation wherein decisions are being made without adequate public awareness or input. I strongly believe that rushing through this application without allowing for a thorough public consultation would be a missed opportunity for the community.

Considering the prolonged duration of this application's various forms over the years, it is importance to get it right. Kintore is a great place to live and a comprehensive and inclusive consultation process would ensure that the Town Park meets the needs and aspirations of the residents, while also maximising the potential benefits for all stakeholders involved.

I request that you take my objections into consideration and prioritise a public consultation process, allowing residents to contribute their valuable insights and ideas. This additional time for consultation would allow everyone the opportunity to voice their opinions and ideas and create a Town Park that truly enhances our community.

Thank you for registering my objections. I trust that you will seriously evaluate the concerns raised by myself and other residents, ensuring that the final decision regarding this planning application is based on a thorough and transparent assessment.

Yours sincerely,

Irene Bruce
17 McFadden Park, Kintore



Sent from my iPhone

From: [Helen Atkinson](#)
To: [Planning Online](#)
Subject: FW: APP/2023/0872
Date: 13 July 2023 11:21:48
Attachments: [image001.png](#)

Please can this be dealt with as a rep

Kind regards

Helen

Helen Atkinson
Senior Planner (Development Management)
Planning and Economy
Environment and Infrastructure Services

Email: helen.atkinson@aberdeenshire.gov.uk
Telephone: 01467 469880
Website: <https://www.aberdeenshire.gov.uk/planning/>

Please note I work 9 day fortnight with every 2nd Monday being taken off.

Please remember to submit all planning applications, including revised drawings and additional supporting information via the [National ePlanning Portal](#)

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Freedom of Information request: Please send your enquiry to foi@aberdeenshire.gov.uk



From: Elizabeth Chrystall [REDACTED]
Sent: Thursday, July 13, 2023 11:14 AM
To: Helen Atkinson <helen.atkinson@aberdeenshire.gov.uk>
Cc: Planning <planning@aberdeenshire.gov.uk>
Subject: APP/2023/0872

I refer to the above application relating to a site at Midmill, Kintore and must object to the proposal for a simple grassed area with a pavilion as part of this development. There is already a

large grassy area in Kintore with an underused and poorly maintained pavilion. The park area, immediately behind the primary school is also underused. Creating another similar area without a particular function such as tennis courts, a skatepark or similar is futile.

There is already a problem in the village with young people finding unpopular and, in some cases, illegal ways of passing their time so a focus on provision of suitable and attractive alternatives would be far more appropriate in such close proximity to the large number of family homes proposed.

Elizabeth Chrystall
35 Henderson Drive
Kintore
AB51 0FB

Sent from [Mail](#) for Windows

From: [Helen Atkinson](#)
To: [Planning Online](#)
Subject: FW: APP/2023/0872
Date: 13 July 2023 11:22:55
Attachments: [image001.png](#)

Please can this be dealt with as a rep

Kind regards

Helen

Helen Atkinson
Senior Planner (Development Management)
Planning and Economy
Environment and Infrastructure Services

Email: helen.atkinson@aberdeenshire.gov.uk
Telephone: 01467 469880
Website: <https://www.aberdeenshire.gov.uk/planning/>

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From [REDACTED]
Sent: Wednesday, July 12, 2023 9:58 PM
To: Helen Atkinson <helen.atkinson@aberdeenshire.gov.uk>
Subject: FW: APP/2023/0872

Sent from my Galaxy

----- Original message -----

From: 
Date: 12/07/2023 21:46 (GMT+00:00)
To: helen.atkinson@aberdeenahire.gov.uk
Cc: planning@aberseenshire.gov.uk
Subject: APP/2023/0872

I am opposed to the above kintore development without the inclusion of community facilities.

Kintore has a population of around 5000 and seriously lacks facilities for that number of people. The population would go up substantially for the village. Which is acceptable with the right facilities added. The proposal is for family homes and families need community facilities.

1. Kintore needs a full size all year round football pitch. There are 300 children who would benefit from this, and this would likely increase substantially with more houses. The current pitch at midmill is not playable in winter and the club are likely going to lose it within 6months due to sepa demands. The new astro at midmill primary is not full size.

This would also be used by adults and teens.

2. A skatepark would be something for teens who spend their time wandering or not going out due to lack of options.

3. Outdoor exercise equipment.

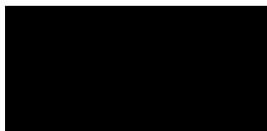
4. A clubhouse that could be multifunctional.

5. Ideally there would be a leisure centre, costly, but would be well used by all.

Greenspace and parks that can be utilised.

Kind regards

Joanne O'Connor
9 hawthorne way
Kintore
Ab510sr



From: [Helen Atkinson](#)
To: [Planning Online](#)
Subject: FW: APP/2023/0872 - Kintore Town Park
Date: 13 July 2023 11:23:27
Attachments: [image001.png](#)

Please can this be dealt with as a rep

Kind regards

Helen

Helen Atkinson
Senior Planner (Development Management)
Planning and Economy
Environment and Infrastructure Services

Email: helen.atkinson@aberdeenshire.gov.uk
Telephone: 01467 469880
Website: <https://www.aberdeenshire.gov.uk/planning/>

Please note I work 9 day fortnight with every 2nd Monday being taken off.

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Website: <https://www.aberdeenshire.gov.uk/planning/>
Keep up to date online with any changes to Planning Services.

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Freedom of Information request: Please send your enquiry to foi@aberdeenshire.gov.uk



From: Donna Cowie [REDACTED]
Sent: Wednesday, July 12, 2023 9:37 PM
To: Helen Atkinson <helen.atkinson@aberdeenshire.gov.uk>
Cc: Planning <planning@aberdeenshire.gov.uk>
Subject: APP/2023/0872 - Kintore Town Park

Good Evening Helen,

I am writing to you in relation to the above reference planning application for the housing estate and town park proposed at Land Beside Woodside Croft Midmill Kintore Aberdeenshire.

While I have no objection to the new houses being proposed, I do have an objection to the town park and the road layout proposed.

Firstly, the town park is currently shown as a large grass area. There is already a large grass area in the midmill area, based at the kintore football club playing fields. The proposed town park needs to include facilities for children in the form of a playpark, skate park and / or other. There are no play park facilities at the midmill side of Kintore for children to use currently. Children would need to cross both the B994 main road, plus either Gauchhill Road or School Road to access playparks at Kintore primary or Midmill primary - both busy roads and significant distance from their own homes. The proposed housing includes a number of 2-storey homes which will undoubtedly attract families with children. The house builders need to support the community by providing facilities for these families.

Secondly, the proposed new junction at the B994/B987/new road is unclear and further consideration is needed for a safe, appropriate junction. This is a busy junction with heavy traffic. There is already a mini roundabout c.20m from the junction so careful consideration is required to manage the existing traffic with the increased traffic from the housing estate. Ideally removing the access road to the housing estate entirely and creating another access point further down the B987 road.

In addition to this, enhanced traffic measures should be considered on the B994 road for the safety of existing personnel in Midmill and new residents.

I trust the above is clear and my objections will be considered as part of the planning application process.

Kind Regards
Donna Cowie

Shandwick, Midmill, Kintore AB51 0XA

From: campaigning@woodlandtrust.org.uk
To: [Planning Online](#)
Cc: campaigning@woodlandtrust.org.uk
Subject: FAO Helen Atkinson - Woodland Trust comments on application APP/2023/0872
Date: 13 July 2023 11:57:17
Attachments: [Woodland Trust comments on application APP-2023-0872.pdf](#)

Dear Helen,

Thank you for the opportunity to comment on the above application; please find attached the Woodland Trust's response.

Kind regards,
Nicole Moses

Nicole Moses
Campaigner - Woods Under Threat

Email: campaigning@woodlandtrust.org.uk

[Woodland Trust, Kempton Way, Grantham, Lincolnshire, NG31 6LL](#)
[0330 333 3300](tel:03303333300)
woodlandtrust.org.uk



Woodland Trust



Stand up for trees

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Registered Office: Kempton Way, Grantham, Lincolnshire, NG31 6LL.

<http://www.woodlandtrust.org.uk>

Aberdeenshire Council
Viewmount
Arduthie Road
Stonehaven
AB39 2DQ

13th July 2023

Dear Helen Atkinson,

Reference: APP/2023/0872

Proposal: Conditions 1 (a) Siting, Design, Layout, External Appearance, Finishing Materials; (b) Design Statement; (c) Landscaping; (d) Levels Survey and Site Sections; (e) Means of Access; (f) Car Parking and Turning Areas; (g) Footpaths to B994 and B987, including Bus Stops; (h) Flood Risk Assessment; (i) Details of Water Bodies, including Method Statements; (j) Foul and Surface Water Disposal; (k) Waste Management Plan of Planning Permission in Principle APP/2017/0288 | Land Beside Woodside Croft Midmill Kintore Aberdeenshire

Objection – impact to Gauch Hill Wood

The Woodland Trust is the UK's leading woodland conservation charity. We have four main aims: ensuring no further loss of ancient woodland, restoring and improving woodland biodiversity, increasing new native woodland creation and increasing people's understanding and enjoyment of woodland.

We own over 1,000 sites across the UK, covering over 30,000 hectares (ha). In Scotland we own and care for around 60 sites covering in excess of 11,300ha which include the 4,000ha Glen Finglas estate and significant urban forestry holdings in Glenrothes and Livingston. We combine the promotion of public access with forestry, farming and conservation of the natural and cultural heritage. We have over 500,000 members and supporters.

We are an evidence-led organisation, using existing policy and our conservation and planning expertise to assess the impacts of development on ancient woodland and ancient and veteran trees. Planning responses submitted by the Trust are based on a review of the information provided as part of the application to the local authority.

Damage to LEPO Woodland

The Trust objects to this planning application due to the risk of deterioration of the ecological condition of Gauch Hill Wood (grid ref: NJ7871615002), a Long-Established woodland of Plantation Origin (LEPO) designated on NatureScot's Ancient Woodland Inventory (AWI). Our main concerns relate to:

- Intensification of human activity and recreational disturbance.
- Fragmentation of the woodland from adjacent semi-natural habitats.

Noise, light and dust pollution.
Threats to long-term retention of trees from increased safety concerns.
Adverse hydrological impacts.
Potential introduction of invasive non-native species to the woodland.
Potential for increased boundary issues.
Cumulative effect of the above impacts resulting in long-term deterioration.

Ancient Woodland

NatureScot's Ancient Woodland Inventory¹ has three main categories of woodland, all of which are of value for their biodiversity and cultural value by virtue of their antiquity:

Ancient Woodland (1a or 2a) - Interpreted as semi-natural woodland from maps of 1750 (1a) or 1860 (2a) and continuously wooded to the present day. If planted with non-native species during the 20th century they are referred to as Plantations on Ancient Woodland Sites (PAWS).

Long Established of Plantation Origin (1b or 2b) - Interpreted as plantation from maps of 1750 (1b) or 1860 (2b) and continuously wooded since. Many of these sites have developed semi-natural characteristics, especially the oldest ones, which may be as rich as Ancient Woodland.

Other woodlands on 'Roy' woodland sites (3) - Shown as unwooded on the 1st edition maps but as woodland on the Roy maps. Such sites have, at most, had only a short break in continuity of woodland cover and may still retain features of Ancient Woodland.

As detailed within the AWI, LEPO woodland can develop important characteristics and be considered as rich as ancient woodland. Where LEPO woodland sites are also recorded on the Native Woodland Survey of Scotland, it is likely that such sites will have a majority native canopy cover and should therefore be protected in line with national planning policy.

National Planning Policy

Scottish Government adopted the National Planning Framework 4 (NPF4) on 13th February 2023. Policy 6 (Forestry, woodland and trees) states the following:

"b) Development proposals will not be supported where they will result in:

- i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition
- ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
- iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;

¹ <https://www.nature.scot/doc/guide-understanding-scottish-ancient-woodland-inventory-awi>

Local Planning Policy

The Council should also have regard for Policies E1 (Natural Heritage) and E3 (Forestry and Woodland) of the Aberdeenshire Local Development Plan 2023 with respect to the protection of the natural environment.

Impacts to LEPO woodland

This application is for a large-scale residential development adjacent to an area of LEPO woodland. We are therefore concerned about the following potential detrimental impacts:

Intensification of the recreational activity of humans and their pets can result in disturbance to breeding birds, vegetation damage, trampling, litter, and fire damage.

Fragmentation as a result of the separation of adjacent semi-natural habitats, such as small wooded areas, hedgerows, individual trees and wetland habitats.

Noise, light and dust pollution occurring from adjacent development, during both construction and operational phases.

Where the wood edge overhangs public areas, trees can become safety issues and be indiscriminately lopped/felled, resulting in a reduction of the woodland canopy and threatening the long-term retention of such trees.

Adverse hydrological impacts can occur where the introduction of hard-standing areas and water run-offs affect the quality and quantity of surface and ground water. This can result in the introduction of harmful pollutants/contaminants into the woodland.

Development can provide a source of non-native and/or invasive plant species and aids their colonisation of the woodland;

Where gardens abut woodland or the site is readily accessible to nearby housing, it gives the opportunity for garden waste to be dumped in woodland and for adjacent landowners to extend garden areas into the woodland. It can also create pressure to fell boundary trees because of shade and leaf fall and interference with TV reception. It also forces boundary trees to be put into tree safety inspection zones resulting costs for neighbours and increasingly comprehensive felling.

When land use is intensified such as in this situation, woodland plant and animal populations are exposed to environmental impacts from the outside of a woodland. In particular, the habitats become more vulnerable to the outside influences, or edge effects, that result from the adjacent land's change of use. These can impact cumulatively on LEPO woodland - this is much more damaging than individual effects.

We note that the Preliminary Ecological Appraisal (PEA) as outlined in the Construction Environmental Management Plan (CEMP) has not been submitted to accompany this development. We ask that this report is published to the planning portal for assessment.

Mitigation

Detrimental edge effects have been shown to penetrate woodland causing changes in woodland characteristics that extend up to three times the canopy height in from the forest edges. As such, it is necessary for mitigation to be considered to alleviate such impacts.

Potential mitigation approaches for the protection of LEPO woodland are outlined in our Planners' Manual². Such approaches would help ensure that the development meets policy requirement and guidance, including:

- Measures to control noise, dust and other forms of water and airborne pollution.
- Sympathetic design and use of appropriate lighting to avoid light pollution.
- Producing and funding an access management plan for the woodland, and/or providing alternative natural greenspace to reduce additional visitor pressure.
- Implementation of an appropriate monitoring plan to ensure that proposed measures are effective over the long term and accompanied by contingencies should any conservation objectives not be met.
- Adhering to BS 5837:2012 to provide adequate tree and root protection.
- Retaining and enhancing natural habitats around LEPO woodland to improve connectivity with the surrounding landscape.
- Introduction of sympathetic management for neglected woodlands or trees.

Buffering

Buffering LEPO woodland can be an ideal mitigation measure as buffer zones can be used to establish distance between the development and habitat, which helps to alleviate harmful impacts, while also creating new areas of habitat around the woodland. This development should allow for a buffer zone of at least 50 metres to prevent adverse impacts such as pollution and disturbance and ensure avoidance of root damage.

The buffer should be planted before construction commences on site. HERAS fencing fitted with acoustic and dust screening measures should also be put in place during construction to ensure that the buffer zone does not suffer from encroachment of construction vehicles/stockpiles, and to limit the effects of other indirect impacts.

Conclusion

The Trust objects to this planning application on the basis of indirect impacts to LEPO woodland. The applicant should seek to ensure that the adjacent woodland is sufficiently protected by providing a suitable buffer zone to the development. Where appropriate mitigation is not achievable then the application should not be taken forward.

Any development that has adverse ecological impacts on LEPO woodland should not be supported by the Council in line with the recently updated NPF4 and the Local Development Plan unless the applicant is able to demonstrate that loss and deterioration will be avoided.

If you would like clarification of any of the points raised above, then please do not hesitate to contact us via campaigning@woodlandtrust.org.uk.

² <https://www.woodlandtrust.org.uk/media/46447/planning-for-ancient-woodland-and-veteran-trees.pdf>

Yours sincerely,

Nicole Moses
Campaigner – Woods Under Threat
Woods Under Threat Team

From: [Helen Atkinson](#)
To: [Planning Online](#)
Subject: FW: APP/2023/0872
Date: 13 July 2023 16:01:04
Attachments: [image001.png](#)

Please can you treat this as a rep too

Kind regards

Helen

Helen Atkinson
Senior Planner (Development Management)
Planning and Economy
Environment and Infrastructure Services

Email: helen.atkinson@aberdeenshire.gov.uk
Telephone: 01467 469880
Website: <https://www.aberdeenshire.gov.uk/planning/>

Please note I work 9 day fortnight with every 2nd Monday being taken off.

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Website: <https://www.aberdeenshire.gov.uk/planning/>
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Freedom of Information request: Please send your enquiry to foi@aberdeenshire.gov.uk



From: Helen Lovelady [REDACTED]
Sent: Thursday, July 13, 2023 3:52 PM
To: Helen Atkinson <helen.atkinson@aberdeenshire.gov.uk>
Cc: Planning <planning@aberdeenshire.gov.uk>
Subject: APP/2023/0872

Dear Ms Atkinson,

I am writing to voice my concerns over the proposed development at Midmill, Kintore. I understand that with the new train station and growing population, Kintore will very likely be developed, that makes sense, however, I am greatly troubled at the pressure to add more houses to a compact area, without providing recognising the positive impact of 'nature' and social provision to the people and children of Kintore.

The area proposed has long been an area where people have walked by themselves, with dogs or ridden bikes. It has been such a great area to meet people and make new friends. I've had some amazing conversations with people, just because we have bumped into each other whilst out walking.

The social part of the community is vital to our wellbeing and this is why I believe, the proposed 'Town Park' is simply not enough. The town of Kintore needs more, for existing and future generations. When I look at nearby towns, they have so much more accessible green areas, skate parks, tennis courts etc. Why should Kintore lose out to such amenities?

Looking at the plans, I am also concerned about other factors:

*The number of parking spaces proposed. If there are going to be events on, more spaces will be required. When there is something on at the school playing field, the school car park is full, and cars are parked along School Road. I am a resident of Birch Wood and we already have problems with people parking along the initial part of the street, up to the corner. This has been brought to the attention of the council before, with no helpful result. My concern is that this will worsen with inadequate parking.

*The road that is proposed to be built opposite the Sainsbury's/Rebecca Carr entrance/exit. This brings concern, as this area can be quite busy, especially at certain times of the day.

* The roundabout proposed near the existing roundabout by Tumulus way. A bigger plan needs to be thought of regarding the amount of traffic that comes to and from this area. It is a main thoroughfare for traffic from Kemnay and Kintore, who wish to travel towards Aberdeen. There are also HGV's that regularly use these roads. I don't see how two roundabouts, so close together, will help the traffic flow.

Better access onto the A96 needs to be considered. There are often tailbacks along the B987, due to the amount of traffic already heading along the A96 towards Aberdeen, usually at speed. I recognise these latter points are likely too late to be considered, but felt I needed to add them.

I believe an open minded approach (along with Kintore Community Council), needs to be taken into the future development of Kintore, so that it becomes a thriving, positive community, making positive changes for current residents and generations to come.

Kind Regards,
Helen Lovelady
15 Birch Wood
Kintore
AB51 0QN

From: [REDACTED]
To: [Helen Atkinson](#)
Cc: [Planning Online](#)
Subject: APP 2023 0872 representation
Date: 13 July 2023 16:41:25
Attachments: [APP 2023 0872 objection pd.pdf](#)

I submitted an online comment, but the notification indicated that my comments had been truncated, so I have submitted them as a letter of representation. See attached.

Paul Davison

[Sangara, Fullerton Farm, Thainstone, Kintore, Inverurie, Aberdeenshire, AB51 0YR](#)

[REDACTED]

Sangara, Fullerton Farm,
Thainstone, Kintore, Inverurie,
Aberdeenshire. AB510YR

13 July 2023

APP/2023/0872 Kintore Town Park enabling development

Dear Ms Atkinson,

APP/2023/0872 is an enabling development for a Kintore town park. Its prime purpose is to deliver a Town Park for Kintore. This was established by approval of planning permission in principle in 2015.

The 2006 development brief states the town park should be "capable of accommodating "sports pitches, associated parking, a large play area, semi-formal areas and a pavilion. ..The sports provision and other elements should be related to current need within the area and planned in association with the community." It is unfortunate that the town park design has only been discussed between the council and the developer, and hasn't involved the community. It would appear that the majority public opinion in Kintore now is that the town park as proposed in APP/2023/0872 site plans and design and access statement does not meet the community's current requirements.

The proposed 120m x 120m grass square is insufficient to accommodate two full-size football pitches of the size we already have at Midmill, and does not meet the desires of a significant section of the community who consider outdoor tennis courts and/or a skateboard park would be more appropriate for our schoolchildren and adults. The LLA don't seem to have considered other options to the 20m square grass pitch - as they haven't consulted the Kintore community. Since 2006 Kintore has acquired three full-size football pitches with changing rooms, two artificial-surface multipitches and a rough grass football pitch, and lost its previous outdoor tennis courts. The proposed pavilion and car park are inadequate to support two football teams, officials, coaches and parents in any case, and would inevitably result in overflow parking in the new estate.

Outdoor tennis courts and a suitable pavilion and car park, both smaller than those required for 4 football teams could be built for not much more than the proposed expenditure on the grass pitches and football pavilion. A tennis club model of the type used in Aboyne, Banchory and Westhill would meet the strategies of Tennis Scotland, NESLTA and Kintore's own LTA tennis coach, to promote tennis as a sport benefitting our schoolchildren (and adults).

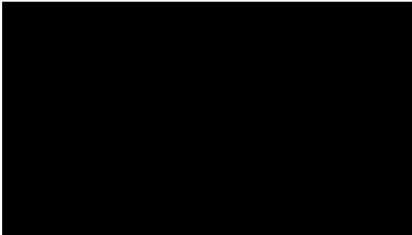
The 2015 Community Action Plan for Kintore, made following consultations made by the Garioch Partnership, highlighted the need for a community sports centre and community hub, like the AXIS Centre in Newmachar, and called for a skate park for our youths. Skateboard parks can be enjoyed by one person or many, and tennis played by a minimum of two players, not the 22 required for football. As skateboard parks and tennis courts have popular local support it is likely that the interested groups would apply for fundraising from the several sources available to provide any additional funding required on top of the developer's obligation to build their facilities. Tennis courts with a clubhouse and a skateboard park would provide more opportunity for people of all ages, but mainly teenagers, to mix socially in a safe and friendly environment.

The developer is now proposing a town plan 3.513 ha big, a reduction from the 3.8 ha proposed in 2020, and a big reduction from the 4.5 ha set out in the 2006 development brief. A minimum size 3.8 ha was size specified by the Garioch Area Committee in 2015, and was a condition of

approval of the planning permission in principle. This condition was removed by the council when they revised the planning permission in principle in 2019, because they said the minimum size specification of 3.8 ha was now part of the s.75 legal agreement between the developer and the council. This means that the town park must be a minimum size of 3.6 ha, not the 3.513 ha proposed in the application.

The Town Park enabling development is surely the opportunity to provide the community with the benefits a proper town park provides. The current proposals in APP/2023/0872 will not provide that, and as this is an enabling development to deliver a Kintore town park, planning permission should be refused.

Yours sincerely,



Dr Paul Davison

Ms. Helen Atkinson
Planning Service
Aberdeenshire Council
Gordon House
Blackhall Road,
Inverurie, AB51 3WA

From: [Helen Atkinson](#)
To: [Planning Online](#)
Subject: FW: APP/2023/0872 Town Park Enabling Development
Date: 14 July 2023 08:51:27
Attachments: [APP 2023 0872 objection BAD.pdf](#)
[image001.png](#)

Please treat me as a rep

Kind regards

Helen

Helen Atkinson
Senior Planner (Development Management)
Planning and Economy
Environment and Infrastructure Services

Email: helen.atkinson@aberdeenshire.gov.uk
Telephone: 01467 469880
Website: <https://www.aberdeenshire.gov.uk/planning/>

Please note I work 9 day fortnight with every 2nd Monday being taken off.

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Freedom of Information request: Please send your enquiry to foi@aberdeenshire.gov.uk



Sent: Thursday, July 13, 2023 8:45 PM
To: Helen Atkinson <helen.atkinson@aberdeenshire.gov.uk>
Cc: Planning <planning@aberdeenshire.gov.uk>
Subject: APP/2023/0872 Town Park Enabling Development

Ms Atkinson,

Pease find attached my objection to APP/2023/0872, the enabling development for the Kintore Town Park

Bridget Davison

📧 Sangara, Fullerton Farm, Thainstone, Kintore, Inverurie, Aberdeenshire, AB51 0YR



Sangara, Fullerton Farm,
Thainstone, Kintore, Inverurie,
Aberdeenshire. AB510YR

13 July 2023

APP/2023/0872 Kintore Town Park enabling development

Dear Ms Atkinson,

The site plan shows that vehicular access to the town park is made from the proposed roundabout on the B994/B987 via an estate access road which forms the boundary between the open space and the housing. The town park car park is next to the road. It is inevitable that visitors to and residents of the houses in the adjacent streets will use the car park if space is not available at their properties –indeed the design and access statement states this. The car park has 18 spaces, reduced from the 20-space car park proposed in 2020. This is totally inadequate for the traffic expected if there is football practice or football games on pitches on the grass square. Davidson Park has 55 parking spaces and is regularly full. Any sports operation on the pitches will require additional equipment to that which can be stored in the pavilion, Every similar pavilion in Garioch has an ISO shipping container next to it to store the equipment needed. The inevitable requirement for a container here will reduce the parking capacity even more or reduce the available open space.

The proposed 120m grass square area only appears to be suitable for use as two small football pitches, and therefore generally unavailable for use by other sports. The Sports Scotland pitch strategy three visions where sport is more widely available to all, where sporting talent is recognised and nurtured, and achieving and sustaining world class performances in sport. As we have adequate provision for football games and football training already in Kintore, it would be appropriate to provide facilities for another popular sport, such as tennis or skateboarding/BMX sports. Funding should generally be available to supplement any additional costs above the level of the developer's obligation.

Nature Scotland's *Developing Open Space Standards* states "the over-provision of certain types of open space either as a result of planning policy promoting these typologies (for example, equipped play areas) or simply because they are easy to specify and cost (for example, Multi-Use Games Areas). PAN 65 states: "The planning system performs two key functions in relation to open space: protecting areas that are valuable and valued; and ensuring provision of appropriate quality in, or within easy reach of, new development." The provision of tennis courts and/or a skateboard park in the Kintore town park could eliminate any concerns about not meeting the requirements of these two standards by providing another grass pitch.

The eleven properties at the west end of the housing estate have gardens that butt right up to the trees at Gauchhill wood. These are likely to be harmful to the trees and to wildlife in the woods; there should be a significant buffer zone, say 20-30 m of the woods, where no houses or gardens should encroach, as recommended by the Woodland Trust. This would avoid the problems experienced in the Beech Wood houses where branches overhang their gardens and have required extensive tree surgery and tree removal.

The design and access statement states that only 10% of the total 169 houses will be 'affordable homes', i.e. 17 affordable homes, as this is all the section 75 agreement requires. However only a few of these, believed to be 8, will be single floor cottage flats. There is no indication as to how many of these flats or other houses will be accessible by wheelchair or compliant with government's Age, Home and Community strategy. There should be more consideration for accommodation for older people with accessibility needs.

As this is an enabling development to deliver a town park for the Kintore community and the Kintore community haven't been consulted on the current needs for the town park, this application only allows us to accept or reject the third party proposals. As the proposed arrangements clearly don't meet our needs, I prefer the status quo, which offers 11.7ha of open space for recreation alongside Gauchhill wood, and, in particular dog-walking. The popularity of this use is shown by the strong desire lines across the site, which have been accepted by the community council as candidates for adoption by Aberdeenshire Council as core paths if this development doesn't go ahead. The developer responded "No" to the question: "Are you proposing any change to public paths, public rights of way or affecting any public right of access?" on the application form. The design and access statement highlights the pedestrian links to

Gauchhill woods, shows informal pedestrian path links to the housing to the north of the site, and a route to the NE to link to Tuach Hill, as specified in the 2019 Open Space audit, but the pedestrian link to the SE, to the Tuach Burn and Midmill industrial estate paths is inadequate. However the development will also remove the existing informal network of paths, and the paths connecting the existing open space with the east and the south. The experience of walking on the site will be much diminished for many people if this application is approved.

Therefore please refuse this application.

Yours sincerely,



Bridget Davison

Ms. Helen Atkinson
Planning Service
Aberdeenshire Council
Gordon House
Blackhall Road,
Inverurie, AB51 3WA

From: [Helen Atkinson](#)
To: [Planning Online](#)
Subject: FW: Kintore Town Park
Date: 14 July 2023 09:00:25

Please treat me as a rep

Kind regards

Helen

Helen Atkinson
Senior Planner (Development Management)
Planning and Economy
Environment and Infrastructure Services

Email: helen.atkinson@aberdeenshire.gov.uk
Telephone: 01467 469880
Website: <https://www.aberdeenshire.gov.uk/planning/>


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Sent: Thursday, July 13, 2023 4:34 PM
To: Helen Atkinson <helen.atkinson@aberdeenshire.gov.uk>
Cc: planning@aberdeenshire.gov.uk
Subject: Re: Kintore Town Park

>
> APP/2023/0872
>
> I object to the idea that a town park is a stretch of grassland (if that)
>
> We need investment into the people that will use the area, an outdoor gym, space for clubs (e.g the use of Kellands has both rugby and cricket) tennis courts that have been promised to be returned and a skate park/bike track should all be part of the planning for a town park suitable for the size of the town that Kintore is swiftly becoming.
>
> There is little for younger people in the area and the over use of the tiny play park near Hallforest Place shows the demand is there.
>
> Also, our spaces cater for younger people, we need to invest in the older children. They already have to be bussed to the nearby academy rather than have their own academy in the village, despite the fact we have not one, but 2 primaries! The route for them to reach spaces in Kemnay or Inverurie makes it precarious for them to get there without getting on the roads. If they were given the opportunity for recreational spaces in the village it

would prove a draw for others to come and spend time/money in the area.

>

> If possible, I would like a response to this email address of what the future plans may be after the closing date for the application.

>

> Kind regards,

>

> Sarah Heathcote

21 Price Close

Kintore

Aberdeenshire

Ab51 0ns

From: [Helen Atkinson](#)
To: [Planning Online](#)
Subject: FW: APP/2023/0872
Date: 14 July 2023 08:59:46

Please add address to this rep - received in time : -)

Kind regards

Helen

Helen Atkinson
Senior Planner (Development Management)
Planning and Economy
Environment and Infrastructure Services

Email: helen.atkinson@aberdeenshire.gov.uk
Telephone: 01467 469880
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-----Original Message-----

Sent: Thursday, July 13, 2023 6:11 PM
To: Helen Atkinson <helen.atkinson@aberdeenshire.gov.uk>
Cc: Planning <planning@aberdeenshire.gov.uk>
Subject: Re: APP/2023/0872

* email edit - Address added

Mrs Gwen Urquhart
10 Kingsfield Road
Kintore
Inverurie
Aberdeenshire
AB510UB

>

> Good afternoon,

>

> Following a review of the proposed town park plans, I reject these current plans as the grass area allocated for sports is not sufficient.

>

> Additional areas should be allocated for the opportunity of the community to fundraise to erect a skate park or other permanent feature.

>

- > I would like to highlight the fact that this is due to be the LAST green space available for development within Kintore.
- > The council have the responsibility to ensure land is allocated and used wisely for the Community. Thus with the Community having the majority say as to how it is used.
- >
- > The overall area allocated is insufficient to accommodate the growing village. There has also been no foresight with regards to allocating an area easily accessible for an Academy, sporting amenities, petrol station.
- >
- > Kind regards
- > Gwen Urquhart

From: [Helen Atkinson](#)
To: [Planning Online](#)
Subject: FW: Planning Objection at Kintore Town Park 2032/0872
Date: 13 July 2023 17:07:33
Attachments: [image001.png](#)

Please action – think she missed her address of first email

Kind regards

Helen

Helen Atkinson
Senior Planner (Development Management)
Planning and Economy
Environment and Infrastructure Services

Email: helen.atkinson@aberdeenshire.gov.uk
Telephone: 01467 469880
Website: <https://www.aberdeenshire.gov.uk/planning/>

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Sent: Thursday, July 13, 2023 4:18 PM
To: Helen Atkinson <helen.atkinson@aberdeenshire.gov.uk>
Subject: Re: Planning Objection at Kintore Town Park 2032/0872

Home address Included

On Thu, 13 Jul 2023 at 14:31, [REDACTED]

FAO Helen Atkinson and the Planning Team

I object to the above current Kintore Town planing proposals.

I would definitely not like to see another football pitch. We already have a pitch with plenty of parking spaces already at Midmill next to C&M McDonald car sales.

I would like to suggest 2/4 tennis courts with a pavilion so that a local tennis club could be set up. This would cater for the young and old tennis fans in the Kintore area.

I would also like to suggest an allocated green space eg picnic area with wooden benches/tables and shrubs/trees. This would allow all ages of the local community to enjoy the Town Park - not just those interested sport related activities.

Yours faithfully

Linda McIntosh , 3 Harthills View, Kintore, Aberdeenshire AB51 0SH

From: [Helen Atkinson](#)
To: [Planning Online](#)
Subject: INVALID REP APP/2023/0872
Date: 14 July 2023 14:33:17
Attachments: [10588197-Public Comment-INVALID REP - NO POSTAL ADDRESS - THOMSON, KENNY.pdf](#)
[image001.png](#)

Please can you make this rep valid – the chap has left a voicemail message advising his address

5 Newlands Drive
Kintore
AB51 0AF

Kind regards

Helen

Helen Atkinson
Senior Planner (Development Management)
Planning and Economy
Environment and Infrastructure Services

Email: helen.atkinson@aberdeenshire.gov.uk
Telephone: 01467 469880
Website: <https://www.aberdeenshire.gov.uk/planning/>

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Freedom of Information request: Please send your enquiry to foi@aberdeenshire.gov.uk



From: helen.atkinson@aberdeenshire.gov.uk <helen.atkinson@aberdeenshire.gov.uk>
Sent: Friday, July 14, 2023 2:25 PM
To: Helen Atkinson <helen.atkinson@aberdeenshire.gov.uk>
Subject: IDOX EDRMS: 'Email to Me'

From: [Helen Atkinson](#)
To: [Planning Online](#)
Subject: FW: APP/2023/0872
Date: 14 July 2023 08:59:14
Attachments: [image002.png](#)
[image001.png](#)

Please treat me as a rep too....

Kind regards

Helen

Helen Atkinson
Senior Planner (Development Management)
Planning and Economy
Environment and Infrastructure Services

Email: helen.atkinson@aberdeenshire.gov.uk
Telephone: 01467 469880
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Freedom of Information request: Please send your enquiry to foi@aberdeenshire.gov.uk



From: [REDACTED]
Sent: Thursday, July 13, 2023 8:24 PM
To: Helen Atkinson <helen.atkinson@aberdeenshire.gov.uk>
Cc: [REDACTED]
<planning@aberdeenshire.gov.uk>
Subject: APP/2023/0872

Today is the deadline day for submissions relative to the above application.

Below are a few observations from me, from my experiences of what's happened over the years.

The Comm Council tried hard to get an Academy in Kintore. It adds status to a town and provides opportunities for e.g. recreational facilities and a swimming pool.

Kintore lost out on that, with Kemnay Secondary expanded and the old Inverurie one replaced by a fantastic building (incl a swimming pool). So, end of story re a pool here then.

However, Kintore got another (really good) Primary school and the possibility of a pedestrian and cycle track to Kemnay Academy is being explored, I believe!

To get to the point though!

120m x 120m is not a large open space (ave size of a UK football pitch), so that dictates its usage. Some debate was had as to whether that area should include the suds. Sorry, I can't recall the outcome.!

The generosity of the McDonalds (garage), who own the land, and Pitbee (turf suppliers) got us the grass pitches at Midmill. Arguably and combined with those at or near the school, there's enough football facilities!

More debate was had regarding the pavilion, which will be single storey. An early request (by the Community Council) was that the foundations and walls be made strong enough to add a further storey if thought necessary in the future (maybe a function facility etc) - not supported though.!

However, someone else has suggested public toilets in the area. With a bit of creative thinking by the planners / developers, maybe something could be agreed for the pavilion toilets to be 24 hour accessible to the public, whilst not compromising the security of the building itself.

So, and going back to past requests for facilities. With limited space, a skate park perhaps, in an area as far away from the houses as possible to limit disturbance.

Tennis courts have been high on wish lists, since the original 2 courts were sacrificed to make way for the new school (Kintore Primary) and not replaced. There were plenty of people showing an interest when we last asked whether courts would be used.

Having seen and been impressed with outdoor gym equipment in other towns (Nairn in particular readily springs to mind) and not requiring much of the available land, surely it's a possibility, as is a running track/s and for the same reason.

It's not a big space, so realism required, but the above, small scale additions may be possible. Also, squeeze in a basketball court maybe.??!

Please add these comments, from a Kintore resident and past Community Councillor member

Thanks

Kenny Thomson



Comments for Planning Application APP/2023/0872

Application Summary

Application Number: APP/2023/0872

Address: Land Beside Woodside Croft Midmill Kintore Aberdeenshire

Proposal: Conditions 1 (a) Siting, Design, Layout, External Appearance, Finishing Materials; (b) Design Statement; (c) Landscaping; (d) Levels Survey and Site Sections; (e) Means of Access; (f) Car Parking and Turning Areas; (g) Footpaths to B994 and B987, including Bus Stops; (h) Flood Risk Assessment; (i) Details of Water Bodies, including Method Statements; (j) Foul and Surface Water Disposal; (k) Waste Management Plan of Planning Permission in Principle APP/2017/0288

Case Officer: Helen Atkinson

Customer Details

Name: Mrs Louise Young

Address: 11 Wyness Place Kintore

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Hello, I don't object to the land being used for residential housing but I do object to the lack of bungalows on the plans. Are there any bungalows in the plans? I feel there is a real lack of suitable housing for the older gen/grandparents who would like to move to the village or for the ageing residents who perhaps want to down size and move to a single story house...I think the village could really benefit from having a broader range of residents. Seems to be mostly families with working parents. Attracting the older generation would surely benefit the local businesses too (day time trade) and be great for families to have grandparents closer by so they can help each other out. Bungalows get sold so quickly here that there is clearly a demand for them in the village.

Comments for Planning Application APP/2023/0872

Application Summary

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Proposal: Conditions 1 (a) Siting, Design, Layout, External Appearance, Finishing Materials; (b) Design Statement; (c) Landscaping; (d) Levels Survey and Site Sections; (e) Means of Access; (f) Car Parking and Turning Areas; (g) Footpaths to B994 and B987, including Bus Stops; (h) Flood Risk Assessment; (i) Details of Water Bodies, including Method Statements; (j) Foul and Surface Water Disposal; (k) Waste Management Plan of Planning Permission in Principle APP/2017/0288

Case Officer: Helen Atkinson

Customer Details

Name: Mr Paul Young

Address: 6 Golfview Road Bieldside Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: It's about time this site stopped being a political football and was developed to deliver the community facilities for Kintore.

Comments for Planning Application APP/2023/0872

Application Summary

Application Number: APP/2023/0872

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Case Officer: Helen Atkinson

Customer Details

Name: Mrs Margaret Lindsay

Address: 7 Allandale Gardens Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: When looking at housing development that has been allowed by the council over the past 10 and more years I feel the community has been badly served. Not even mentioning the debacle of our supposed central town park..there is a lack of variety in types of housing. There seems no thought to an aging population who need single story housing the lack of which has pushed up the prices of 3/3bedroomed bungalows so high that downsizing is made difficult for those with larger family houses. Many have been lured into Kintore by previous plans of higher education school, better shopping facilities etc. More though should go into a balanced development of Kintore.

Comments for Planning Application APP/2023/0872

Application Summary

Application Number: APP/2023/0872

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Case Officer: Helen Atkinson

Customer Details

Name: Mr Martyn Blackburn

Address: 2 Price Close Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this proposal as I feel there has been no public consultation with the local community to decide what we actually feel our community would want to utilise this space. Personally I would like to see a modern play park for the youngest generation- toddlers to juniors, as opposed to facilities for solely aimed at teenagers and above.

Comments for Planning Application APP/2023/0872

Application Summary

Application Number: APP/2023/0872

Address: Land Beside Woodside Croft Midmill Kintore Aberdeenshire

Proposal: Conditions 1 (a) Siting, Design, Layout, External Appearance, Finishing Materials; (b) Design Statement; (c) Landscaping; (d) Levels Survey and Site Sections; (e) Means of Access; (f) Car Parking and Turning Areas; (g) Footpaths to B994 and B987, including Bus Stops; (h) Flood Risk Assessment; (i) Details of Water Bodies, including Method Statements; (j) Foul and Surface Water Disposal; (k) Waste Management Plan of Planning Permission in Principle APP/2017/0288

Case Officer: Helen Atkinson

Customer Details

Name: Ms Lynsey Nicol

Address: Iona Cottage Midmill, Kintore Inverurie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this development for several reasons.

The first regards the Pedestrian Crossing Assessment, which I consider to be inaccurate. It only took into account 9 properties. There are 37 houses that are located at the south side of the B994, the traffic island is too far up for the majority of those that cross on a daily basis. Also the assessment of pedestrian usage was conducted in the depths of winter, February of 2021, during Covid restrictions. This factor will have affected results considerably.

The survey does not seem to address the possibility of pedestrians crossing in the opposite direction. The houses proposed will no doubt have families, and many of those will want to cross the B994 to access the Midmill football field.

The speed restrictions are rarely adhered to, it is extremely dangerous trying to cross. I have witnessed on several occasions cars passing on the wrong side of the traffic island so as to not slow down. For this reason, I would highly recommend a Puffin crossing over a Zebra crossing.

A second issue are the plans are very vague regarding the junction of the B994 and the B987. Being the main road into Kintore and a main route to Kemnay, this needs much more clarity.

An issue which does not seem to have been addressed at all is consideration about access to education for these new houses. Kemnay Academy is over capacity and will be unable to cope

with a sudden influx of many more pupils.

The town park. There has been no public consultation for the residents of Kintore, whom this park is for, and it now appears to be too late for that. Building a park without talking to the people who want to use it, is senseless.

Obviously Kintore want, and deserve, a Town Park - but one that serves our needs. The pavilion is too small by far. The parking facilities are completely inadequate, so those using the park will most likely park on those new residential streets. There is also no provision for public toilets.

The area is currently in constant use by walkers, dog walkers and children. It is full of wildlife and wildflowers. It provides access to the Gaughhill Woods from all directions. Retaining some of the perimeter of this wild area, with proper accessibility, would be a huge boon to the many that use this area. A playpark for younger children would be most welcome. There is a lot of support for tennis courts, and also a multi-wheel area for older kids. It needs to serve all of Kintore.

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Mrs Amy Forsyth

Address: 60 Kingsfield Road Kintore Inverurie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The developer hasn't given true consideration to the needs of the community. There needs to be more consultation with members of the community to find out what is needed, not just the bare minimum of the expectations on the developer.

Comments for Planning Application APP/2023/0872

Application Summary

Application Number: APP/2023/0872

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Proposal: Conditions 1 (a) Siting, Design, Layout, External Appearance, Finishing Materials; (b) Design Statement; (c) Landscaping; (d) Levels Survey and Site Sections; (e) Means of Access; (f) Car Parking and Turning Areas; (g) Footpaths to B994 and B987, including Bus Stops; (h) Flood Risk Assessment; (i) Details of Water Bodies, including Method Statements; (j) Foul and Surface Water Disposal; (k) Waste Management Plan of Planning Permission in Principle APP/2017/0288

Case Officer: Helen Atkinson

Customer Details

Name: Mr Mark zhang

Address: 40 Birch Wood Kintore Inverurie

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: More public parking spaces are needed for town park. It will also need more facilities for people of Kintore, such as tennis court with lights, allotment etc.

Comments for Planning Application APP/2023/0872

Application Summary

Application Number: APP/2023/0872

Address: Land Beside Woodside Croft Midmill Kintore Aberdeenshire

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Case Officer: Helen Atkinson

Customer Details

Name: Mrs Louise Young

Address: 11 Wyness Place Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: If I recall correctly, when the original plans came out for this housing estate it included a skate or play park or similar, but this seems to have been replaced with a large patch of grass. Many children will reside in the new housing estate and will have to cross one of 2 busy roads (Gauchill road or School road) to access either Kintore play park or the play facilities at Midmill school. For a village the size of Kintore, we have a total lack of facilities for families and older children, therefore a skate park, tennis courts or similar would seem a more appropriate option. I appreciate these come with maintenance costs, but I don't believe the housebuilders should be permitted to build more family houses in a village that is already short on facilities. Perhaps if they were catering to the older generation and building mostly 2 to 3 bedroom bungalows, these plans would be acceptable, but it appears most of the housing is aimed at families. I'm sure the housebuilders stand to make huge profits from this development. I believe it is only right that some of that money should be invested into the community space to counterbalance the negative impact of additional residents putting strain on our already limited facilities.

Comments for Planning Application APP/2023/0872

Application Summary

Application Number: APP/2023/0872

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Proposal: Conditions 1 (a) Siting, Design, Layout, External Appearance, Finishing Materials; (b) Design Statement; (c) Landscaping; (d) Levels Survey and Site Sections; (e) Means of Access; (f) Car Parking and Turning Areas; (g) Footpaths to B994 and B987, including Bus Stops; (h) Flood Risk Assessment; (i) Details of Water Bodies, including Method Statements; (j) Foul and Surface Water Disposal; (k) Waste Management Plan of Planning Permission in Principle APP/2017/0288

Case Officer: Helen Atkinson

Customer Details

Name: Mr Donald Paterson

Address: Wester Tillybin Cottage Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Kintore is lacking play and activity space for children and teenagers, an appropriate playspace, skate park, basketball or football area would be a much better solution. Appropriate sized parking area, and picnic areas.

Comments for Planning Application APP/2023/0872

Application Summary

Application Number: APP/2023/0872

Address: Land Beside Woodside Croft Midmill Kintore Aberdeenshire

Proposal: Conditions 1 (a) Siting, Design, Layout, External Appearance, Finishing Materials; (b) Design Statement; (c) Landscaping; (d) Levels Survey and Site Sections; (e) Means of Access; (f) Car Parking and Turning Areas; (g) Footpaths to B994 and B987, including Bus Stops; (h) Flood Risk Assessment; (i) Details of Water Bodies, including Method Statements; (j) Foul and Surface Water Disposal; (k) Waste Management Plan of Planning Permission in Principle APP/2017/0288

Case Officer: Helen Atkinson

Customer Details

Name: Mr Angus Cameron

Address: The firs midmill Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: More facilities for the size of town are required rather than an open space. The tennis courts that were removed to make way for the school carpark have never been reinstated. Use of the AstroTurf at the school was mentioned during this plans but is not freely accessible. A skate park or other facilities for the youth of the town with consultation with them is needed.

Comments for Planning Application APP/2023/0872

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Case Officer: Helen Atkinson

Customer Details

Name: Mrs Lillian Paterson

Address: Wester Tillybin Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is a shocking example of not wishing to truly generate a supported community. The present facilities in the village are inadequate for the volume of users, if building more housing creates further pressure on existing services and facilities it is a failure on the part of the council to allow this to happen. In the proposed plans there is nothing to support avoidance of social issues which are already being seen at present, these can be navigated by creating a space that has a variety of equipment for all ages appropriate to occupy themselves. If we do not support an environment such as this, what else can we expect but antisocial behaviour as there is not a platform provided to release mentally or physically for the youth of the village.

A multifaceted facility that incorporated a ninja assault course for older children, a traditional playpark for younger children, a small bump track, skatepark, basketball area, exercise equipment, picnic seating with partially under cover area, grassy space and possibly a tennis court would be an asset to the whole community and utilised by all generations. The current proposal is not forward looking, and the community is unhappy with the poor effort in making the space truly beneficial.

There are also health and safety issues in the fact that any children in newly developed houses would have to cross several roads to access the current feeble park facility.

Come on council, I believe you can do better than this, be accountable, make your community proud, we will back you all the way if you can lead us and not let the developers steam roll you into something mediocre!! Look to Western Australia for their community spaces, they are inspirational and on multiple trips I have witnessed their use and the care that is taken of these valued spaces.

Warm Regards,
Lillian Paterson

Comments for Planning Application APP/2023/0872

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Case Officer: Helen Atkinson

Customer Details

Name: Mr Sean Wyness

Address: 44 Forest Road Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I fully support this application for this long overdue facility for the town of Kintore. Since the original zoning of almost 20 years ago, a generation of the community has missed out on the community facilities this development will bring.

Kintore and District Community Council's response appears to focus on the make-up of the Town Park. It is my understanding that the developers of the site are obliged to deliver the required area of land, pavilion, etc, as per the Section 75 legal agreement, to Aberdeenshire Council.

The ultimate use of the open space area is outwith the remit of the developers and should not be considered as a grounds for delay or refusal.

Comments for Planning Application APP/2023/0872

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Case Officer: Helen Atkinson

Customer Details

Name: Mr Graeme Hay

Address: 4 Mill Road Port Elphinstone Inverurie

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support this application in its fullest and in particular the delivery of the long awaited Town Park. This cannot be delayed any longer and we have a Developer who is delivering what is required under the Section 75 associated with the application and as agreed with Aberdeenshire Council., that being an area for use as a Town Park. Therefore the Community Council cannot object on the grounds of what is being provided within the Town Park as this is outwith the Developers control.

Comments for Planning Application APP/2023/0872

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Case Officer: Helen Atkinson

Customer Details

Name: Ms Amy Sheldon

Address: Leylodge Schoolhouse Kintore Inverurie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the proposal in its current form as it appears that the proposers have reneged on their original promise to provide the neighbourhood with amenities.

A plain area of grass is a poor excuse of an amenity to the people of Kintore and surrounding areas. The houses to be built are family homes. Kintore has 2 primary schools and fills 70% of Kemnay Academy with teenagers yet there are no adequate amenities for this age group.

The swing parks currently provided are only sufficient for toddlers. We need something more, like tennis courts, a skate/bmx park, pool/pond area. Or at least a more adventurous and imaginative swing park on par with kemnay/inverurie/huntly etc. Even Monymusk is better provided for than Kintore, and with a much smaller population.

This is just greed on the house builders side to take so much and provide so little. They must do better.

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Case Officer: Helen Atkinson

Customer Details

Name: Mr Steve Kitchener

Address: 11 Sunnyside view Kintore Inverurie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: At present I do not believe that the proposal for the community space outlined best serves our needs. There should be consultation with the Kintore community to see how best to use this space. In my opinion a large multiwheel skatepark would allow many more children (and some adults) who do not enjoy or play football regularly a place to go and exercise with friends. A skate park would not take up the full space either allowing for perhaps tennis courts / athletics tracks etc. We already have several large green spaces which accommodate football pitches and I do not see the need for any further. Yes skate parks can be costly but Banchory and Ellon have proved that the funds can be raised by a number of means. I also don't think that there is enough parking next to the pavilion which may lead to congestion on the surrounding streets.

Comments for Planning Application APP/2023/0872

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Case Officer: Helen Atkinson

Customer Details

Name: Mr Howard Moles

Address: 8 Wyness Place Kintore Inverurie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: If I recall correctly, when the original plans came out for this housing estate it included a skate or play park or similar, but this seems to have been replaced with a large patch of grass. Many children will reside in the new housing estate and will have to cross one of 2 busy roads (Gauchill road or School road) to access either Kintore play park or the play facilities at Midmill school. For a village the size of Kintore, we have a total lack of facilities for families and older children, therefore a skate park, tennis courts or similar would seem a more appropriate option. I appreciate these come with maintenance costs, but I don't believe the housebuilders should be permitted to build more family houses in a village that is already short on facilities. It appears most of the housing is aimed at families. I'm sure the house builders stand to make handsome profits from this development. I believe it is only right that some of that money should be invested into the community space to counterbalance the negative impact of additional residents putting strain on our already limited facilities.

Comments for Planning Application APP/2023/0872

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Case Officer: Helen Atkinson

Customer Details

Name: Mrs Sophie Halliwell

Address: 3 Hallforest Avenue Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: These plans do not take into consideration the needs or wants of the locality.

Kintore is once again being treated as a small village and not a formal royal borough.

These plans are being pushed through without much consultation or input of the local residents, so please take this objection.

Comments for Planning Application APP/2023/0872

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Case Officer: Helen Atkinson

Customer Details

Name: Miss Rebecca Linden

Address: 15 Carnie Brae Inverurie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the proposal because there is a shortage of facilities in kintore already and there's a lack of green space this land is known for flooding and kemnay academy is already over capacity without adding more kids to the school I think that roads and adding something for the younger children would be more beneficial to kintore instead of houses which will all be crammed together and be an eyesore for neighbours and overpriced

Comments for Planning Application APP/2023/0872

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Case Officer: Helen Atkinson

Customer Details

Name: Mr Ian Ross

Address: Idlewilde Midmill Kintore

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to OBJECT to this development.

Nowhere in the application documents has the applicant explained that this development is necessary. Grants are available for creating sports facilities, community facilities and play parks.

Loss of Privacy, views and amenity

My property will be negatively affected by noise, overlooking, overshadowing, smells, light pollution, loss views, loss of privacy by this development.

At most points within my garden I will be overlooked by 2nd floor bedroom windows.

Side windows on plots 53 54 overlook our garden and rear of our house including our bedroom window.

Rear windows of plot 48 face and overlook my property directly. Upstairs windows of plots 49 through to 52 face my property.

Top floor rooms of plot 66, 67 overlook my property.

That is 9 properties adjacent overlooking my property,

I use my garden with my telescope to observe the night sky and this development will cause light pollution with streetlights and garden floodlights and so on.

We also like gardening and will be overlooked while outside on our property.

I have amateur radio transmitting equipment and a licence to lawfully operate it. Nearby houses will cause electromagnetic interference to me from domestic electronic equipment. Similarly some of the nearby plots may find that their domestic equipment has insufficient radio frequency immunity to reject RF signals.

Damage to the Natural environment.

Gauchill Wood is already hemmed in by housing to the north and east, including the loss of some open heathland where "Birchwood" development was built, historically the site of Kintore's cricket ground, and the A96 to the West.

This proposal places additional housing hard along the southern border. A short time before the Storm of November 2021 a number of large trees around the edge of "birchwood" were felled. This, I would suggest, contributed to greater wind damage when the storms came blowing from the north.

The plots in the south west corner, beside our outbuilding are right up against the current edge of the woodland. (Plots 53 to 65) Again, this will lead to problems as described by the Natural environment comment already returned within the application.

There is no buffer zone between the woodland and development areas. The same is true along the southern edge of the woodland.

Over the last 20 years I have seen fewer deer, fewer red squirrels and fewer badgers in this area as the population of Kintore exploded and the frequency of dog walkers within the woodland increased. Deer were a common sight, now they are absent from the wood.

This development, being so close up against the woodland will need to specify what measures are being taken to prevent damage from artificial light and from proximity to humans. (See Measure 18 of NPF4 policy 3(c) <https://www.nature.scot/doc/developing-nature-guidance>)

I do not see anything in the application that outlines how the development will mitigate the damage to the wood from the development. Including from light pollution. There is artificial lighting along the north edge of the woodland and in "birchwood" area. This development will surround it by artificial light completely.

Copied from the Nature Scotland website Measure 18 of NPF4 policy 3(c)

"Some of the biodiversity measures enhancing wildlife will themselves benefit from additional

measures to safeguard the animals supported.

Well planned wildlife friendly lighting will minimise its use and seek to avoid lighting natural habitats (especially woodland, grassland, ponds and bat foraging territories), with light shields or buffer zones of bushes, hedges and green screens used to keep light from these sensitive environments. Lighting duration can also be limited to necessary times (through use of sensors and timers), and LED bulbs specified that utilise light wavelengths that are less disruptive to wildlife (especially bats) and less attractive to night time invertebrates.

Benefits to Nature

Artificial lighting, whether from outdoor lights or cast from lights within buildings, can negatively impact a large number of species either through attracting species or displacing natural movement to their detriment. Nocturnal mammals and bats in particular are known to be affected by artificial light that disrupts movement and foraging behaviour. Ongoing research on nocturnal insects such as moths has shown artificial lighting, including modern LED lights are affecting foraging behaviour and predation of a number of different invertebrate groups.

Key Requirements

The consideration of wildlife friendly lighting is appropriate for most development, but particularly those larger developments incorporating external lights. Where lighting is necessary, lights should be shielded away from important habitat areas. This requires assessing lighting from both external and internal light sources, and modelling the fall of lighting on to any areas supporting biodiversity.

Plan the placement of screens, barriers, light shields and LED lights with wildlife friendly wave lengths, and consider the placement of lights in buildings and fittings and shades that will lesson light cast out of windows. Sensors to dim or switch off external and internal lights when not necessary can be considered where security concerns allow.

A plan with a clear statement recording the lighting actions taken is required so that future site managers can maintain and keep these features in place, and consider mitigating any changed or new lighting in the future. An overall site plan showing areas that are badly effected by light should identify future priorities for mitigation.

Future Management

Lighting must be regularly inspected along with the mitigation measures to ensure that light pollution is minimised and that lights are functional with repairs carried out promptly. Where vegetation is used to screen areas from artificial light this needs to be maintained to remain effective, and dead or diseased vegetation replaced. The details of the lighting plan and principles to be followed must be kept up to date, the installed system maintained to manufacturer's specifications, and owner or site factor aware of these requirements.

Complementary Measures

Wildlife friendly lighting can complement most of the measures benefiting wildlife, but will be particularly important where some vulnerable species such as bats are found. This includes wildlife ditches and swales (measure 20), biodiverse SuDs ponds (measure 21), ponds for wildlife (measure 22) and rivers and burns (measure 23). These are prime foraging areas for bats, particularly species like Daubenton's bat that rely heavily on feeding on semiaquatic insects. Log piles (measure 8), hibernacula (measure 9), hedgehog homes (measure 12), bird, owl and bat boxes (measures 13 to 15) and wildlife towers (measure 17) should be shielded from artificial light as this can reduce the likelihood of their use and disrupt movement, foraging, hunting ability and behaviour of their prey.

Orchards (measure 3), hedgerows (measure 7), wildflower meadows (measure 2) and woodland and scrub (measure 4) can support many nocturnal invertebrates and their nocturnal predators, and are all sensitive to artificial light. Pollinator friendly plants (measure 1) and living roofs seeking to encourage pollinators (measure 5) can all benefit from wildlife friendly lighting to encourage nocturnal pollinators. Green screens and walls (measure 6) can be used to create screens to block artificial light and protect more sensitive habitats.

Nature Notes

Our understanding of the effects of artificial light on a wide range of species is still growing, with research on invertebrates showing serious impacts on populations in illuminated areas. The significance of impacts is still to be fully understood, but it is important to ensure the enhancements achieved by other measures are not undone through poorly designed lighting. Where biodiversity interests are already present, artificial lighting used during the construction phase should also adhere to the same wildlife friendly principles."

The development should be reduced in scope to keep a buffer zone between the development and the existing woodland. The current "buffer zone" is insufficient and looks to be about 3m in places where a footpath is. Since the farmer stopped growing crops some 5 years ago, the western part of the fields are rewilding with willow, and silver birch saplings growing.

Form of the "Town Park"

From the wording of the application the point of the development is to 'enable a town park'. What Scotia homes have in their plan is a 120m x 120m bit of grass and small pavilion. Elsewhere in the design and access document they speak about "community facilities" without showing where these are on their plans or what form they take.

Kintore already has playing fields beside Kintore Primary, and Kintore FC have their football pitches beside C&M McDonald at Broomhill. How is a 120m x 120m area of grass, and a small

playpark area supposed to be a "Town Park"?

Could Kintore Summer Festival or other events be hosted there? No, because there are only 19 parking spaces. On a smaller scale this isn't enough facilities to host any sort of community sporting or social event. If we are supposed to use sustainable travel, does that mean that the other teams need to travel by public service bus? Hiring a bus to transport team and parents could be sustainable but there is no parking for a visiting team buses.

Kintore facilities

The land for Kintore Academy and Community Campus beside Midmill School was re-allocated for more housing, the education department stated they did not need it. Yet, their response to this development states that 'mitigation is required' because Kemnay Academy is over capacity.

NPF4 mentions the 20 minutes living idea.

'1 'Liveable Places' includes specific Policy for Local Living and 20-Minute Neighbourhoods (Policy 15) with Policy Intent to 'encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options'

In the summer they could cycle, but that is a significant journey by bicycle for a child along a 4 mile unlit cycle route likely ungritted in winter.

Integration of Low Cost homes.

Why are the "Low Cost" homes not spread out throughout the development which would increase social cohesion? Why is the developer clumping them all together in one corner of the site?

Regards

Ian Ross

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Mrs Catriona Skinner

Address: 42 Hallforest Avenue Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I do not think that this application should be agreed as it does not enhance the provision of amenities to the local community as promised by the developers. The area is desperately needing areas for young people to be purposefully engaged and this does not appear to even have football pitch lines. The community requires tennis courts, a skate park or park gym equipment to engage in outdoor activity.

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Case Officer: Helen Atkinson

Customer Details

Name: Miss Kirsty Cumming

Address: 17 Castlefield Gardens Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Kintore is in need of some sports facilities for the growing number of residents a skate Park,basketball Court would be something that would get used by many children.There is not a great deal of facilities for the youth of the town.The nearest facilities is Kemnay where they have a skate park,a better play park and a tennis court.Kintore doesn't need another grass pitch.

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Case Officer: Helen Atkinson

Customer Details

Name: Mrs Hope Harley

Address: 1 McFadden Kintore

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As a resident of Kintore and a teacher working locally I object to this proposal on the grounds that it does not add adequate facilities to serve the houses or benefit wider Kintore residents. The facilities in Kintore are already meagre for the amount of residents, especially children. As a teacher and mother I know first hand the impact the lack of facilities has on our young people and families and this plan would only worsen this. I do not see how this plan benefits Kintore at all!

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Case Officer: Helen Atkinson

Customer Details

Name: Mrs Lucy Petrie

Address: 20 castlepark grove Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We need more facilities for the children of Kintore. We already have many grass areas for them to play, but no facilities like a gym / community building or skatepark / tennis courts I believe we need more for the community to grow in such a way.

Comments for Planning Application APP/2023/0872

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Case Officer: Helen Atkinson

Customer Details

Name: Mrs Jennifer Moloney

Address: 16 Castlepark Grove Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The plans appear to be altered from the initial application with the removal of facilities like a skate park or play park or similar. The proposal is not fit for the families it will accommodate with children having to cross busy, main roads to get to the nearest play park. Applications of this nature should enhance the towns facilities, not diminish or match what is already available. The development should support the community and not put additional strain on the already limited facilities in the area. In its current format, this proposal will add strain to the local facilities and therefore I object to it.

Comments for Planning Application APP/2023/0872

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Case Officer: Helen Atkinson

Customer Details

Name: Ms Kirsty Murray

Address: 22 Henderson Crescent Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As many other locals have raised, I believe that this proposal does not have the best interest of the community using this space. Discussed alternative ideas include play park, skate park, football pitch along with others.

Comments for Planning Application APP/2023/0872

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Application Number: APP/2023/0872

Address: Land Beside Woodside Croft Midmill Kintore Aberdeenshire

Proposal: Conditions 1 (a) Siting, Design, Layout, External Appearance, Finishing Materials; (b) Design Statement; (c) Landscaping; (d) Levels Survey and Site Sections; (e) Means of Access; (f) Car Parking and Turning Areas; (g) Footpaths to B994 and B987, including Bus Stops; (h) Flood Risk Assessment; (i) Details of Water Bodies, including Method Statements; (j) Foul and Surface Water Disposal; (k) Waste Management Plan of Planning Permission in Principle APP/2017/0288
Case Officer: Helen Atkinson

Customer Details

Name: Mrs Kirsten Morrison

Address: 21 Birch Wood Inverurie

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Kintore is severely lacking in facilities for children/teenagers and what is being offered as a 'town park' is not satisfactory for the amount of houses being proposed and the fact that these houses, are on the whole family houses and therefore adding more children to Kintore. Kemnay Academy is also well over capacity and therefore will be unable to meet the demands of more students moving into the catchment area. New housing should not even be being considered without addressing the infrastructure and resources needed in the area.

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Mr Andrew Richardson

Address: 16 PRICE DRIVE KINTORE INVERURIE

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Kintore is a large town with limited facilities for the community. If the intention is to increase the size of the town further it is vital what little space is wasted with empty green space and a pokey little park for small children.

I strongly believe that the council and builders should put a bit more imagination into the development of these spaces. Kintore already had green space for football etc and so I would like to see something for older kids adults such as a basketball court, tennis courts or something of that nature.

This current plan should be refused and revisited for the benefit of the local community. Developers should be forced to invest more in these spaces rather than the cheapest possible option.

Thanks

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Dr Alison McCall

Address: 30 East Park Road, Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This plan appears to add houses to Kintore without adding amenities. This will put stress on the existing amenities.

New houses should only be built if the plan includes a play park for children, something for older children, such as a skatepark, and an amenity area such as an outdoor gym.

Comments for Planning Application APP/2023/0872

Application Summary

Application Number: APP/2023/0872

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Case Officer: Helen Atkinson

Customer Details

Name: Mrs Diana Gormley

Address: Richmond Kingsfield Road Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed public park is completely insufficient for the population of Kintore at the minute, never mind with the added residents of the new development. A larger public park with facilities such as a skate park and basketball court would contribute significantly to the wellbeing of local residents and reduce antisocial behaviour. Kintore has a larger population than Kemnay but has completely inferior public amenities.

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Dr David Carnegie

Address: 41 FOREST ROAD, KINTORE KINTORE Inverurie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This proposal falls far short of what residents of Kintore were initially promised. No sporting facilities whatsoever, just more houses.

Formally, I object on the grounds that:

1. Local amenity will be diminished (you are proposing to build over the current widely used 'green' space).
2. The design and layout of residential units is far too dense for the proposed infrastructure.
3. Environmental impact will be negative as the plans represent a loss of quasi-wild greenspace.
4. Road Safety does not appear to have been considered. Children in the new houses will have to cross main roads to reach amenities like parks and schools.
5. There is no additional local infrastructure proposed in this plan at all. Kintore is already badly let down by lack of facilities per capita and this will exacerbate this further.

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Miss Michelle Reid

Address: 2 Castlevue Avenue Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Given the number of new family houses planned for Kintore, surely our children deserve an outside space which is useable and appealing to them. Kintore already has a large population of young families and children and not enough facilities. As a parent of 2 young children I find myself having to commute to other towns and villages to find appropriate outside spaces for them to enjoy. I would like to see a tennis court/basketball court/football pitch/skate park and a well equipped play park. The community of Kintore deserves better.

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Mr Graeme Pyle

Address: 9 Wyness Way Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The park is just an open space with no provision for the community such as play park, skate park or games courts.

Cheers

Graeme

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Mrs stephanie kydd

Address: 38 Hallforest Avenue Kintore Inverurie

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment:Kintore is expanding more and more with many houses being built and more applications being submitted however there are no amenities provided to support the number of people coming into the area. There is very little for teenagers and young adults (and possibly older) to do so they wander the streets causing distress to older residents who have lived in the village for many many years. If it is to go ahead this development has to provide some amenities for the locals for example, outdoor tennis courts, outdoor gym, indoor fitness facilities, skate park, amenities that the locals can use and it would keep kids entertained rather than roaming the streets.

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Mr Brian Davidson

Address: 47 Northern Road Kintore Inverurie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: For a village the size of Kintore, we have a total lack of facilities for families and older children, therefore a skate park, tennis courts or similar would seem a more appropriate option.

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Mrs Tracey Smith

Address: Ratch-hill Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We need more space for the children of Kintore to actually have something to do. There are numerous green spaces within Kintore already that they can adapt to play games,. We have been promised leisure spaces for the children since I moved here (12 years ago) and it keeps getting pushed to the background and now seems to have been changed altogether.

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Mr Paul Johnstone

Address: 25 Hallforest Avenue Kintore Inverurie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Kintore has grown so much over the last 20 years and is about to grow in size again. Kintore needs a full size football pitch with changing facilities (as the one we have hasn't been looked after by the council and is in a state of disrepair), skate park and tennis courts to give residents and young people something to do. The local community football club Kintore United FC have 200 local young people playing football every week and struggle to get a pitch to play on. Kemnay and Inverurie have those options but not us. Please do not overlook this again as I feel it could be our last chance to get these facilities. The house builders always get away with putting in the minimum requirements and it's just not on.

If as a community we need to fund raise to get what the majority of us want then we will do this.

Again please help Kintore gain the facilities it sorely needs and deserves!

Thank you.

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Mrs Nancy Jardine

Address: Ashfield 39 School Road Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposals as available for public viewing are nowhere near sufficient for the needs of Kintore Community. The population has risen over the last two decades and public use facilities have been eroded (the e.g. the tennis courts of the early 1990s were never replaced after the current Kintore Primary School was built).

We need more relevant leisure and sporting facilities for youths in Kintore not more houses.

A general park area for older residents to walk around, and to meet in (with occasional seating) would also be beneficial to the health of people of the community.

We have plenty of housing but not leisure facilities for the approx. 5000 residents of Kintore.

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Mr Alexander Henderson

Address: Boat farm Bridge road Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The area is too small , no room has been made for tennis court , badminton , small children play area etc . For the population of Kintore , which is expanding continuously it is totally insuitable

Comments for Planning Application APP/2023/0872

Application Summary

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Case Officer: Helen Atkinson

Customer Details

Name: Mrs Melanie McDonald

Address: 43 Henderson drive Kintore

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The amount of house already in kintore is over populated, from the shops, facilities for children, adults. There is not enough green space, sports facilities, space for clubs to run.

The amount of children in the village getting in trouble now and causing trouble is getting worse.

This is a huge part of the village not having places for children to go . There is no way the village can facilitate more houses

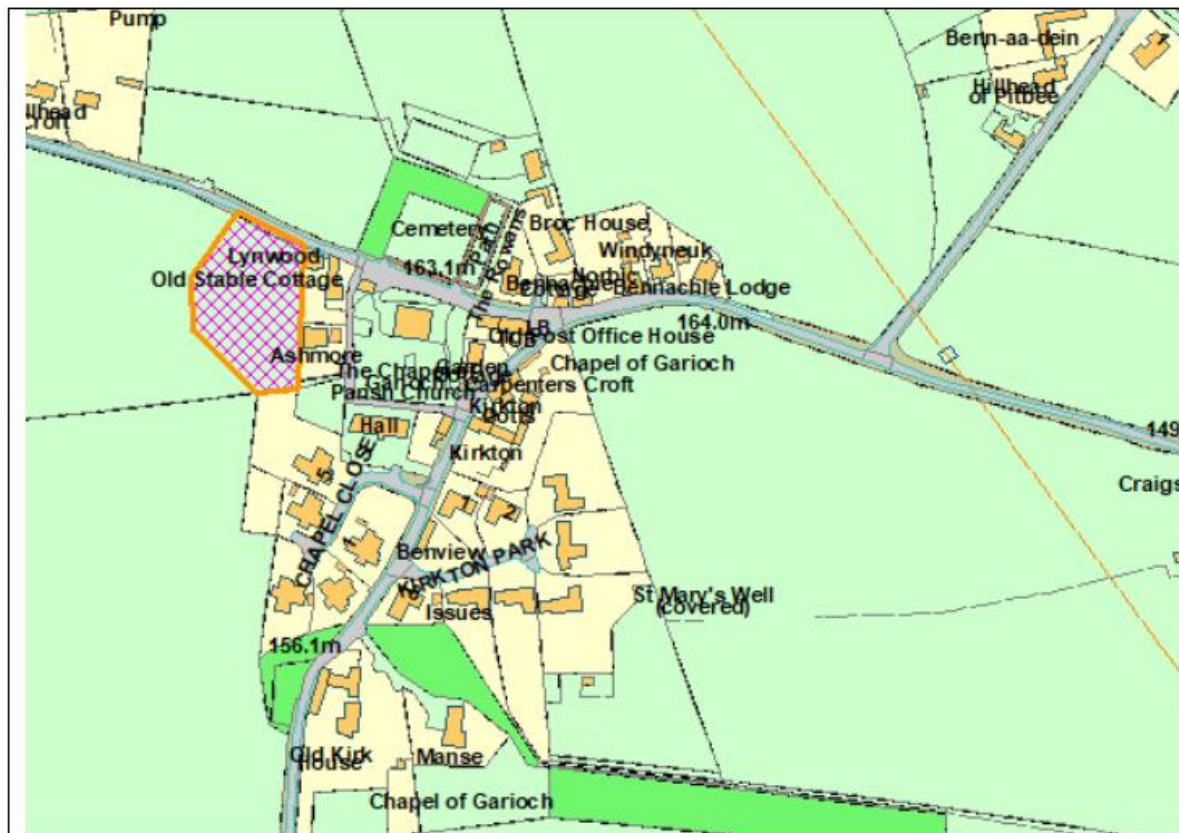
Garioch Area Committee Report - 23 April 2024

Reference No: APP/2024/0077

Full Planning Permission for Erection of 2 Dwellinghouses and Formation of Vehicular Access, at Site West to Lynwood, Chapel of Garioch, Inverurie, Aberdeenshire

Applicant: Cairnrowan Custom Homes
Agent: Cairnrowan Custom Homes Ltd

Grid Ref: E:371535 N:824177
Ward No. and Name: W10 - West Garioch
Application Type: Full Planning Permission
Representations: 0
Consultations: 4
Relevant Proposals Map Designations: Accessible Rural Area
Complies with Development Plans: No
Main Recommendation: Grant



NOT TO SCALE

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1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1c of Part 2C Planning Delegations of the Scheme of Governance as the application for development is a departure from the Development Plan and is recommended for approval.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 Full Planning Permission is sought for the erection of two dwellinghouses and the formation of vehicular access at a site west of Lynwood, Chapel of Garioch, Inverurie.
- 2.2 The site lies west of the existing settlement of Chapel of Garioch and is on the south side of the C120 public road. The site is 0.46ha in extent and is open farmland. There is open agricultural land to the west and south-west of the site. East of the site there are two residential properties, known as Lynwood and Ashmore and to the south of the site there is the rear garden ground of the residential property No.5 Chapel Close. North of the site and across the C120 public road, there is a row of residential properties with modern detached dwellinghouses of differing architectural styles and materials.
- 2.3 The application site benefits from an existing planning permission in principle approval under APP/2014/1362, approved on 3 November 2016 for three dwellinghouses. The matters specified in conditions were approved under APP/2019/2422 on 15 January 2020. The access to the site has been formed and therefore the site benefits from an extant consent. The proposal is to reduce the number of plots from three to two and to change the house type. The proposal retains the 1½ storey house type design and retains the ridge height of the houses at 7.9m. The proposal retains the material finishes being a white K-rend render and natural timber vertical linings for the walls and natural slate roofing for the main pitched roof section of the proposed two dwellinghouses. The proposed design for both dwellinghouses introduces a flat roof link section to a pitched roof garage building with an anthracite grey profile metal sheet roof. The ridge height of the garage building on Plot 1 and Plot 2 would be 6m and 6.6m respectively. The design introduces a number of small rooflights and natural granite finish to the walls mainly on the front elevation of the dwellinghouses and to sections of the side and rear elevations. The windows and doors would be dusty grey alu-clad and the rainwater goods would be Lindab aluminium.
- 2.4 The proposed site layout retains the site access from the C120, the 2m wide footway along the north frontage of the site and the landscaped strip and 1.2m

wide footpath along the east side of the site. The post and wire fence along the west, south and east boundaries are retained in the new layout. It is proposed that the two dwellinghouses will be connected to the public water supply network. Both dwellinghouses would be served by an individual drainage treatment plants with discharge to foul soakaways with surface water soakaways also contained within each plot area. A bin store area would be situated at the entrance to the site.

Planning history

2.5 The relevant planning history for the site is detailed below.

APP/2019/2422 Matters Specified in Conditions for condition 1 ((a) Layout and Siting, (b) External Appearance, Finishing Materials, (c) Existing and Proposed Landscaping, (d) Levels Survey, Site Sections, (f) Access, (g) Parking/Turning Area, (h) Boundary Treatments of Planning Permission APP/2014/1362 for Erection of 3no dwellinghouses Including Access, Drainage and Amenity Area, approved 15 January 2020. The access to the site has been formed.

APP/2014/1362 Planning permission in principle for Erection of 3 No. dwellinghouses, approved 3 November 2016.

Supporting information

2.6 A range of supporting information has been submitted with the application and is detailed below:

Planning Statement (Deborah Anderson Architect) - January 2024
Provides an overview of the planning history, site appraisal, precedent, materials, planning policies and material considerations.

Drainage Impact Assessment (Cameron + Ross Consulting Civil and Structural Engineers) - February 2024
Provides an overview of existing site conditions, proposed development, foul drainage proposals, surface water proposals, assessment of flood risk and future maintenance.

3. Representations

3.1 No valid letters of representation have been received.

4. Consultations

4.1 **Business Services (Developer Obligations)** advises that contributions have been secured for this application via S69 Legal Agreement (Upfront Payment) under APP/2014/1362 which will offset to the current application. Therefore, in this instance, no additional contribution is required.

- 4.2 **Environment and Infrastructure Services (Environmental Health)** has no objection to the application and requires a condition regarding the air source heat pump to be attached to the planning consent.
- 4.3 **Environment and Infrastructure Services (Roads Development)** advises it has no objection to the proposal subject to the relevant conditions and advisories from APP/2014/1362 be included with any planning permission.
- 4.4 **Scottish Water** has no objections to the proposal, however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced.

5. Relevant Planning Policies

5.1 National Planning Framework 4 (NPF4)

Scotland's fourth National Planning Framework (NPF4) is a long term plan looking to 2045 that guides spatial development, sets out national planning policies, designates national developments and highlights regional spatial priorities. It is part of the development plan, and so influences planning decisions across Scotland.

On 13 February 2023 (0900am) Scottish Ministers adopted and published National Planning Framework 4 (NPF4), meaning that it is in force and National Planning Framework 3 and Scottish Planning Policy are superseded from that date and time. This will also have the effect that all strategic development plans and any supplementary guidance issued in connection with them cease to have effect on that date. As such the Aberdeen City and Shire Strategic Development Plan 2020 has now ceased to have effect. The NPF4 now forms part of the development plan along with the Aberdeenshire Local Development Plan 2023.

Policy 11 Energy
Policy 14 Design, quality and place
Policy 16 Quality homes
Policy 17 Rural homes
Policy 22 Flood risk and water management
Policy 23 Health and safety

5.2 Aberdeenshire Local Development Plan 2023

On 13 January 2023 the Aberdeenshire Local Development Plan 2023 was adopted.

Policy P1 Layout, Siting and Design
Policy P4 Hazardous and Potentially Polluting Developments and Contaminated Land
Policy C2 Renewable Energy
Policy R2 Development Proposals Elsewhere in the Countryside
Policy RD1 Providing Suitable Services

Policy RD2 Developer Obligations

5.3 Other Material Considerations

Planning advice PA2023-11 Development in the Countryside Policies R1 and R2 including Organic Growth of Settlements
Appendix 7D - Settlement Statements - Garioch

6. Discussion

- 6.1 The key planning issues to be discussed in the determination of this application are the principle of the development, the layout, siting and design of the proposal and its potential impact on the amenity of the surrounding area.

Principle of development

- 6.2 In considering the principle of this development NPF4 Policy 17 Rural homes and LDP2023 Policy R2 Development Proposals Elsewhere in the Countryside are applicable. Both sets of policies seek to support the delivery of high quality sustainable rural homes in the right location. LDP2023 notes that Policy R2 promotes a pattern of development that is considered to be appropriate to the 'accessible' and 'rural' character of the area and has specific criteria that need to be fulfilled in order for a new dwelling to be supported.
- 6.3 Since the approval of applications APP/2014/1362 and APP/2019/2422, both LDP2023 and NPF4 have been adopted which creates a different Development Plan framework for the determination of applications. In respect of this application, there have been some significant changes to the relevant policies.
- 6.4 It is noted that the site is outwith the settlement boundary of Chapel of Garioch and within the accessible rural area. The previous planning permission in principle was allowed as suitable organic growth which was supportable at the time of determination. In considering this principle again, LDP2023 Policy R2 (para. R2.11) states that we will support small-scale organic growth in identified settlements. Identified settlements are detailed in Table 1 List of Identified Settlements within PA2023-11 Planning Advice Development in the Countryside. Chapel of Garioch is not identified as a settlement suitable for organic growth. It is also noted in Policy R2 when considering organic growth that, 'In the accessible rural area only settlements without an opportunity site for housing will be considered under this policy.' Appendix 7D Settlement Statements - Garioch notes that Chapel of Garioch has an opportunity site (OP1 - Land at Pitbee for 10 homes). As Chapel of Garioch is not an identified settlement suitable for organic growth, it has an opportunity site allocation and is located within the accessible rural area, the principle of the development cannot be supported by LDP2023 Policy R2.

- 6.5 That said the site does benefit from an extant permission for three plots. It is noted in the planning history that planning permission in principle was granted under APP/2014/1362 and the necessary matters specified in condition approvals were granted under APP/2019/2422. As works have started on the implementation these consents this can be continued to be implemented should the applicant wish.
- 6.6 This application seeks to decrease the development to just two plots making these bigger than the three previously approved, hence reducing the visual impact and infrastructure needed to support the two plots. Having regard to the planning history, which includes evidence of a lawful start on the implementation of the approvals, which is a material consideration, the Planning Service is content that this proposal can be treated as an appropriate departure.

Layout, siting and design

- 6.7 LDP2023 Policy P1 Layout, Siting and Design and NPF4 Policy 14 Design, quality and place emphasise the importance of good design in developments and aim to ensure that all new developments demonstrate compliance with the six qualities of a successful place and advises that development should be appropriately designed and scaled, with no amenity impacts to others.
- 6.8 The proposal retains the 1½ storey house design of the previously approved house type and there is no change to the ridge height of the houses which remains at 7.9m. The proposed design for both dwellinghouses introduces a flat roof link section to a pitched roof garage building and introduces a number of small rooflights and natural granite finish to the walls mainly on the front elevation of the dwellinghouses and to sections of the side and rear elevations.
- 6.9 The layout, siting and design of the proposed houses on Plots 1 and 2 incorporates both traditional and contemporary features and is considered to be appropriate for the site. The designs would generally align with the scale and mass of the surrounding residential properties and would be sympathetic to the character of the residential neighbourhood. The proposed material finishes, being part traditional natural stone and slate with part render and timber linings, would present visually appealing homes to the residential streetscape. The layouts and house orientation also provide for adequate garden ground to the west and south of the proposed houses which would be commensurate with the amenity needs of houses of this size. Adequate off road car parking is also available for each property.
- 6.10 The proposed site layout retains the site access from the C120, the 2m wide footway along the north frontage of the site and the landscaped strip and 1.2m wide footpath along the east side of the site. The post and wire fence along the west, south and east boundaries are retained in the new layout. It is proposed that the two dwellinghouses will be connected to the public water supply network. Both dwellinghouses would be served by an individual drainage treatment plant with discharge to foul soakaways with surface water

soakaways also contained within each plot area. A bin store area would be situated at the entrance to the site.

- 6.11 With regard to residential amenity, the proposal would not raise any concerns in respect of neighbouring amenity. Due to the position and orientation of the two proposed detached dwellinghouses on the application site and the retention of the landscaped strip and footpath along the east side of the site, there would be an adequate separation distance between the proposed houses and the two existing houses to the east of the site. There is not considered to be any significant additional overlooking or overshadowing as a result of the change in house layout and design when considered against the previous approval.
- 6.12 Overall, the proposal is acceptable in terms of the layout, siting and design and its relation with the neighbouring residential properties and it therefore complies with LDP2023 Policy P1 and NPF4 Policy 14.

Renewable energy

- 6.13 The proposal includes the installation of air source heat pumps (ASHP) to both houses. This is welcomed as an appropriate domestic installation to make use of renewable energy. NPF4 Policy 11 Energy and LDP2023 Policy C2 Renewable Energy support renewable energy developments, which are in appropriate sites and of the appropriate design. There are noise emissions associated with an ASHP which need to be assessed when considering residential amenity. LDP2023 Policy P4 Hazardous and Potentially Polluting Developments and Contaminated Land advises that developments that could cause significant pollution, create a significant nuisance (for example through impacts on air quality or noise), would not be supported. NPF4 Policy 23 Health and safety states that development proposals that are likely to raise unacceptable noise issues will not be supported. Environment Health was consulted and following discussions with the applicant has no objection subject to a condition being included on any approval to limit noise from the ASHP.
- 6.14 The proposal complies with LDP2023 Policy C2 and Policy P4 and NPF4 Policy 11 and Policy 23.

Technical matters

- 6.15 LDP2023 Policy RD1 Providing Suitable Services advises that we will only allow development that is located and designed to take advantage of or incorporate the services, facilities and infrastructure necessary to support it. These matters include road access, waste management provision, water supply, wastewater connections and treatment, and other elements as may be appropriate in the circumstances.
- 6.16 Roads Development raised no objections to the proposal, subject to standard conditions and advisory notes being attached to any approval given.

- 6.17 LDP2023 Policy RD1 advises that we will support development when the developer satisfactorily meets the required standards for water, wastewater and surface-water drainage servicing in the new development. NPF4 Policy 22 Flood risk and water management advises that development proposals will be supported if they can be connected to the public water mains.
- 6.18 The proposed dwellinghouses would connect to the public water supply network. Scottish Water was consulted and raised no objections to the proposed public water supply connection. Scottish Water advised that there is no public Scottish Water wastewater infrastructure within the vicinity of the development site and the applicant is advised to investigate private treatment options. The dwellinghouses would make private drainage arrangements through the installation of a private treatment plant and foul water soakaway which are shown on the proposed site plan. The application was supported by a suitable drainage report, and therefore, in this instance, private drainage arrangements are acceptable. The development is considered to be able to be adequately serviced in terms of water supply and wastewater in compliance with LDP2023 Policy RD1 and NPF4 Policy 22.

Developer Obligations

- 6.19 LDP2023 Policy RD2 Developer Obligations advises that whereby itself or cumulatively, development would give rise to the need for new or improved infrastructure or services, and this is not to be directly provided as an integral part of the development, planning obligations or other appropriate means to secure such provision may need to be put in place. Business Services (Developer Obligations) confirmed that Developer Obligations are not required as contributions have been secured for this application via S69 Legal Agreement (Upfront Payment) under APP/2014/1362 which will be applied to the current application. The proposal therefore complies with LDP2023 Policy RD2.

Conclusion

- 6.20 It is noted in para. 6.3 that the Development Plan has changed considerably when dealing with applications for organic growth with LDP2023 Policy R2 no longer supportive of organic growth at sites within the accessible rural area. An outline of these policy changes is given in para. 6.4. Notwithstanding the shift in the position that LDP2023 now takes the site does benefit from an extant planning approval for three dwellings and this demonstrates that the principle of residential development has already been established. This is a material planning consideration, and it would be correct to give weight to this in the determination of this application.
- 6.21 Putting the matter of the principle aside the revised layout and all technical matters are considered to be acceptable and in compliance with LDP2023 Policy P1 Layout, Siting and Design, Policy P4 Hazardous and Potentially Polluting Developments and Contaminated Land, Policy C2 Renewable Energy, Policy RD1 Providing Suitable Services and Policy RD2 Developer Obligations and NPF4 Policy 14 Design, quality and place, Policy 16 Quality

homes, Policy 11 Energy, Policy 22 Flood risk and water management and Policy 23 Health and safety.

- 6.22 Returning to the principle and having regard to the planning history, the extant consent and the fact that all other matters relating to this proposal are acceptable the Planning Service is of the view that the proposal represents a departure that can be supported. It is therefore recommended that planning permission be approved subject to conditions.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Implications and Risk

- 8.1 An integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.
- 8.4 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

9. Departures, Notifications and Referrals

9.1 Development Plan Departures

LDP2023 Policy R2: Development Proposals Elsewhere in the Countryside
NPF4 Policy 17: Rural Homes

- 9.2 The application is a Departure from the valid Development Plan and has been advertised as such. The period for receiving representations has expired.
- 9.3 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.

9.4 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

10. **Recommendation**

10.1 **GRANT Full Planning Permission subject to the following conditions:-**

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

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

02. 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 landscape features and vegetation to be retained.
- ii. The location of new trees, shrubs, hedges and grassed areas.
- iii. A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- iv. The location, design and materials of all hard landscaping works including walls, fences and gates.
- v. An indication of existing trees, shrubs and hedges to be removed.
- vi. 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 during the planting season immediately following the commencement of the development 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.

03. Prior to the occupation of any of the dwellinghouses hereby approved, a detailed maintenance scheme, including details of who is to be responsible for maintenance of the open space and landscaping throughout the site including the public path / squirrel pathway and

associated landscape strip, shall be provided for the written approval of the Planning Authority. Maintenance works shall thereafter be carried out in accordance with the scheme agreed in perpetuity, unless an amended scheme is first agreed in writing with the Planning Authority.

Reason: To ensure a satisfactory maintenance scheme is implemented for the landscaped areas.

04. That no dwellinghouse in the development hereby approved shall be occupied unless the footpath and public amenity area shown on drawing 23-010-031 F has been provided on site in accordance with the approved plan. The public path shall be surfaced in a material that shall be subject of the prior written approval of the Planning Authority.

Reason: In the interests of amenity of residential properties and the visual amenities of the area.

05. That no residential dwelling in this development shall be occupied unless all roads, footpaths, parking and turning areas within and serving the development have been completed to the level of bottoming and bitmac base course, including the access bellmouth and all turning heads to the current Aberdeenshire Council road construction standards or such other standard that may be subject of the prior agreement in writing with the Planning Authority. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the provision of a means of access and turning space to an adequate standard in the interests of road safety.

06. 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 must not exceed 1 in 20.
 - b) That no dwellinghouse hereby approved shall be occupied unless its driveway, parking and turning area has been provided and surfaced to a standard of not less than 100mm of bottoming and 50mm of bitmac or to such other standard or with such other hard wearing material as shall be first agreed, in writing, with the Planning Authority. No driveway shall exceed a 1:10 gradient and once provided, all parking and turning areas shall thereafter be permanently retained as such.
 - c) Prior to commencement of development, visibility splays measuring 2.4m x 59m 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) Prior to occupancy of development a refuse bin uplift store area shall be constructed (behind any visibility splay) so as to be

accessible for bin uplift and shall be secure enough to prevent empty bins from being wind blown. Details must be submitted to Roads Development for approval.

- e) The junction that the proposed vehicular access forms with the public road to be kerbed to radii of 5.0m, the minimum width at the throat of the bell mouth so formed to be 4.0m. The area within the bell mouth and for a minimum distance of 5.0m from the public road carriageway, to be constructed in accordance with the Council's Specification appropriate to the type of traffic which will use the access, and shall be surfaced with dense bitumen macadam or asphalt.

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.

- 07. That the proposed foul and surface water drainage systems shall be carried out in accordance with the approved plans and no dwellinghouse hereby approved shall be occupied unless the approved drainage system has been implemented in this form, unless otherwise agreed in writing with the Planning Authority. Following provision of the drainage system it shall thereafter be maintained by the developers or their successors in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and maintained, in the interests of the amenity of the area

- 08. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the Planning Authority. The Energy Statement shall include the following items:
 - a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
 - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2023.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in National Planning Framework 4 Policy 2 and Policy C1 of the Aberdeenshire Local Development Plan 2023.

09. The development hereby approved shall connect to the public water supply and the dwellinghouse shall not be occupied unless the connections is fully operational and accords with the requirements of Scottish Water.

Reason: To ensure that adequate water supply is provided to serve the development in the interest of the amenity of the area.

10. That the route of the former bridle way which runs on an east - west course through the southern portion of the site connecting into the agricultural land over the west boundary shall be safeguarded for future use. Details of the proposed safeguarded route shall be submitted for the approval in writing by the Planning Authority and no dwellinghouse shall be occupied unless the route has been safeguarded to the satisfaction of the Planning Authority.

Reason: To ensure that the development does not restrict potential future access routes to the wider countryside in the interests of amenity.

11. The front boundary onto the C120 public road shall be marked by a natural stone wall, the design of which shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the agreed design shall be implemented on site prior to the occupation of the first dwellinghouse.

Reason: In the interests of the character and appearance of the development and the surrounding area.

12. That from the date of this permission, all stone walls existing along the site perimeters and within the site area shall be retained in their entirety. Stone walls shall only be altered or removed with the prior approval in writing of the Planning Authority.

Reason: In the interests of retaining these important landscape features and in the interests of biodiversity.

13. Noise from air source heat pumps (ASHPs) shall not exceed Noise Rating (NR) Curve 25 when measured over a Leq1min (dB) within any habitable room of any noise sensitive dwelling with an open window for ventilation.

Reason: To ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

10.2 That the Committee agree the reason for departing from the Development Plan.

The proposal is contrary to NPF4 Policy 17 Rural Homes and LDP2023 Policy R2: Development Proposals Elsewhere in the Countryside in that it fails to meet any of the policy criteria for new housing in the countryside. However, having regard to the recent planning history and extant planning permission which establishes the principle of development on this site, and the appropriate layout, siting and design the application represents a suitable departure.

Alan Wood
Director of Environment and Infrastructure Services
Author of Report: Jane Whytock-Celeste
Report Date: 1 April 2024

REPORT TO GARIOCH AREA COMMITTEE 23RD APRIL 2024

DRAFT ABERDEENSHIRE COMMUNITY RESILIENCE FRAMEWORK

1 Executive Summary/Recommendations

- 1.1 Following the Winter Storms of 2021/22 and other emergency responses which have followed, the resulting debriefing exercises recommended that Aberdeenshire Council develop a Community Resilience Strategy that sets out the need for individual, household, family, and community resilience, and what can be expected of the Council, Communities and other Emergency Responders. A draft Aberdeenshire Community Resilience Framework has been developed to provide this clarity. It is this draft Framework which is before Committee today for consideration and comment.
- 1.2 **The Committee is recommended to consider, discuss and provide comments on the draft Aberdeenshire Community Resilience Framework at Appendix 1 to the Communities Committee.**

2 Decision Making Route

- 2.1 Following the winter storms of 21/22 a key recommendation which came out of the debrief and Community Engagement Report was as follows:
'It is recommended that Aberdeenshire Council develop a Community Resilience Strategy that sets out the need for individual, household, family, and community resilience, what can be expected of the Council and Communities'.
- 2.2 The proposal for the development of a Community Resilience Framework went to Full Council on 29th September 2022 and was accepted. The draft Aberdeenshire Community Resilience Framework is the resulting document.
- 2.3 The draft Aberdeenshire Council Resilience Framework is the product of extensive engagement with community resilience groups in Aberdeenshire, input from a cross-service working group that encompassed representatives from emergency responders, feedback from the Community Resilience Conference which took place on 2nd October 2022 and best practice identified elsewhere.
- 2.4 The draft Framework went to Communities Committee on [8th February 2024](#) where it was agreed that the document could go forward to Area Committees for consultation, along with consultation with Community Councils led by Area Teams.

3 Discussion

- 3.1 Committee is invited to consider and comment on the draft Aberdeenshire Community Resilience Framework which is attached as Appendix 1 to this Report.

3.2 Area Officers will consult with Community Councils for their views on the draft Framework, as per minute of Communities Committee [8th February 2024](#) . Their responses will also be fed back to the Communities Committee.

3.3 It is proposed that the draft Aberdeenshire Community Resilience Framework is then taken back to the Communities Committee, where consultation comments will be brought back to Committee for consideration and approval.

3.4 The purpose of the draft Aberdeenshire Council Community Resilience Framework is to collectively enhance resilience by:

- Defining the role of Aberdeenshire Council and Responders before, during and after an emergency.
- Developing a strategic set of objectives to enhance community resilience.
- Fostering stronger partnerships between community groups, practitioners and responders.
- Developing the capability and capacity of individuals, households, families and communities to be more resilient.
- Increase connectedness between individuals, households, neighbours and families.
- Guiding future resilience-thinking and practice for Aberdeenshire.

3.5 When the draft Framework has been finalised and approved it will be supported with Advice and Guidance Notes which are accessible to Council staff, responders and communities including:

- Community Councils – Insurance FAQ’s
- Community Resilience Plan Advice Note and Template
- Emergency Household Plan Advice Note and Template
- Funding
- Generators
- Telecoms Resilience Document
- Individual Preparedness
- Setting up a resilience Group
- Ideas for resilience activities
- How to set up a community hub
- Supporting vulnerable people
- Flooding – roles and responsibilities.

4 Council Priorities, Implications and Risk

4.1 This report helps deliver the Strategic Priority ‘Resilient Communities’ within the Pillar ‘Our Environment’

Pillar	Priority
Our People	Learning for Life Health & Wellbeing

Our Environment	Climate Change Resilient Communities
Our Economy	Economic Growth Infrastructure and public assets

4.2 The table below shows whether risks and implications apply if the recommendation(s) is (are) agreed.

Subject	Yes	No	N/A
Financial			x
Staffing			x
Equalities and Fairer Duty Scotland			x
Children and Young People's Rights and Wellbeing			x
Climate Change and Sustainability	IIA attached as Appendix 2		
Health and Wellbeing			x
Town Centre First			x

4.3 There are no staffing or financial implications.

4.4 An integrated impact assessment has been carried out as part of the development of the proposals set out above. It is included as **Appendix 2** and there are two positive impacts (Community and Council Resilience).

4.5 The following Risks have been identified as relevant to this matter on a Corporate Level:

- [ACORP010](#) Environmental challenges e.g. extreme weather events, climate change – The Aberdeenshire Community Resilience Framework helps to mitigate the impacts to this risk on communities by increasing individual and community resilience.

The following Risks have been identified as relevant to this matter on a Strategic Level:

- [BSSR002](#) Communities are confident, resilient and inclusive. Individuals feel secure and in control of their circumstances.

5 Scheme of Governance

5.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

- 5.2 The Committee is able to consider and take a decision on this item in terms of Section B.1.2 of the List of Committee Powers in Part 2A of the Scheme of Governance as it relates to considering and providing comments to Services and any other appropriate Committee on any matter or policy which impacts its Area.

Rob Simpson
Director of Business Services

Report prepared by Aimi Blueman, Community Resilience Project Officer and Neil Cameron, Emergency Planning Officer
Date: 20th March 2024

List of Appendices

Appendix 1 – Draft Aberdeenshire Community Resilience Framework
Appendix 2 – Integrated Impact Assessment

Aberdeenshire Community Resilience Framework



Aberdeenshire in common with many communities across the country has faced several significant crisis events over the last decade where our collective response has been challenged; Storms Desmond and Frank in late 2015 and early 2016, our response to significant global events such as COVID-19, the tragic train derailment in August 2020 and most recently the winter storms of 2022/2023.

While each event is different, they all share common factors, which can happen with or without warning, Emergency services, and the Council can be stretched with competing demands for resources and a willingness by many people, be they volunteers or responders to step forward to help is vital.

This Framework document is designed to set out how we can collectively enhance resilience in Aberdeenshire over the next five years.



WHAT IS RESILIENCE?

Following the winter storms of 2022/23 there were excellent examples of resilience across Aberdeenshire both at an individual level and at a community level. There were examples where individuals or communities may have wanted to do more but weren't sure how they could best contribute.

Traditionally resilience has been viewed through the lens of services that the council, other responders, or community groups can provide.

However, the winter storms of 2021/2022 taught us that responders can also be affected by an emergency and as individuals and households we may need to be resilient ourselves.

Reflecting on those emergency events we recognise that across Aberdeenshire we need to collectively enhance resilience at Individual, Household, Family and Community levels.

Resilience can be thought of as the rungs of a ladder. The bottom rung is having individuals who are resilient, who have the basics skills and knowledge to manage on their own until help arrives, or the emergency is resolved. Those who live together can use their shared skills to make their home more resilient and using networks of friends and families to help each other manage. Finally, resilient individuals, households and families can come together with others to be resilient communities.

The Scottish Government¹ define resilience as:

“ Communities and individuals harnessing resources and expertise to help themselves prepare for, respond to and recover from emergencies, in a way that complements the work of the emergency responders”.



PURPOSE

The purpose of the Aberdeenshire Council Community Resilience Framework is to collectively enhance resilience by:

- Defining the role of Aberdeenshire Council and Responders before, during and after an emergency
- developing a strategic set of objectives to enhance community resilience
- fostering stronger partnerships between community groups, practitioners and responders
- developing the capability and capacity of individuals, households, families and communities to be more resilient
- increasing connectedness between individuals, households, neighbours and families
- guiding future resilience thinking and practice for Aberdeenshire.

BENEFITS

By having a Community Resilience Framework for Aberdeenshire, we will be able to:

- clarify the role of responders and their scope in developing resilience activities
- having a clear set of engagement principles for the Council
- develop policies and programmes that specifically enhance resilience activities in Aberdeenshire, offering opportunities for communities to influence emergency related outcomes
- lay the groundwork for an effective response and a strong and rapid recovery after an emergency event.

LINKS TO EXISTING PLANS OR FRAMEWORKS

Improving resilience is already identified by partners across Aberdeenshire as a key area of concern.

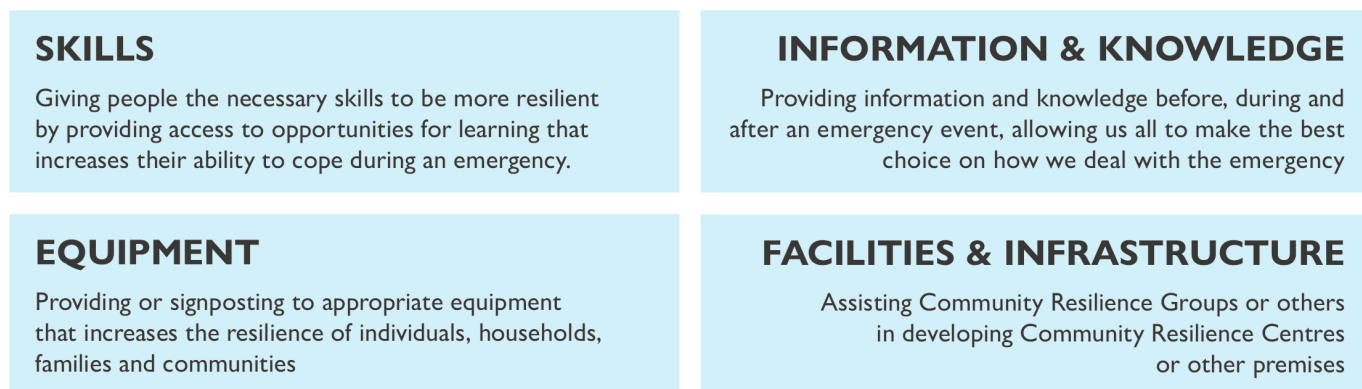
- Aberdeenshire Council Plan
 - Resilient Communities
 - Health & Wellbeing
 - Climate Change
- Aberdeenshire Local Policing Plan 2020/23
- Community Planning Partnership
 - Connected and cohesive communities
- SFRS Aberdeenshire Local Plan 2021
- NHS Grampian Strategic Plan 2022-2023
- Aberdeenshire H&SCP Strategic Plan 2020 to 2025
- Your area | Scottish Fire and Rescue Service (firescotland.gov.uk)

OUR PRINCIPLES

We recognise that in most emergencies Community Resilience is delivered by those closest to the event and our role as responders is to give individuals and groups the tools, they need to be most effective and operate as enablers. We will do this by:



We will deliver this across Aberdeenshire by focusing on Skills, Information & Knowledge, Equipment, Facilities & Infrastructure



ONE SIZE DOESN'T SUIT ALL

A CONTINUUM OF ENGAGEMENT

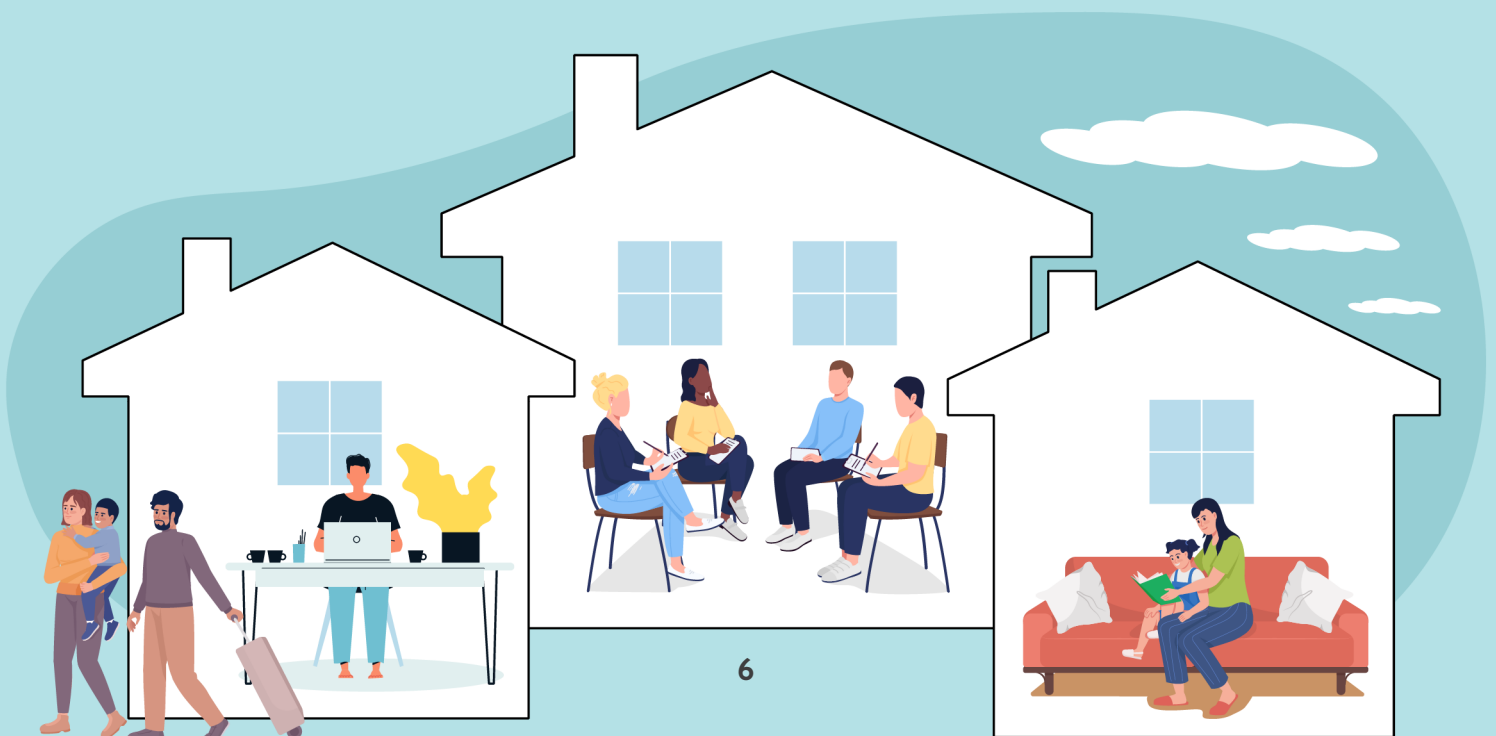
Individuals, Households, Families and Communities have competing priorities for their time, money, and energy and planning for something that may never happen isn't high on most people's list of personal priorities. Families also have differing levels of financial resources.

Consequently, one of the principles behind this Strategy is to enable individuals, households, families, and communities undertake as much preparation and preparedness as they are comfortable with. It will support everyone to take small steps towards preparedness. As people become increasingly engaged, they can access many other opportunities to connect with their community and enhance their resilience.

By facilitating a range of opportunities, some of which are entirely driven by the community, Aberdeenshire Council can connect with diverse interests and build resilience with different individuals and groups at different levels. By enabling individuals and organisations to decide what resilience solution is best for them, greater ownership of the outcome is produced. To achieve this, we will use existing networks as well as seeking out new partnerships.

Some people will have an affinity towards preparedness and will engage in activities that require significant time or money such as joining a Community Resilience Group or investing in strengthening their home. Others, perhaps the majority, will have minimal interest in preparedness and simply follow social media pages or sign up for warning alerts.

Volunteer time is precious, and this strategy is designed to support each person's preferred level of engagement as being right for them. The responsibility of Aberdeenshire Council and our partners is to provide a way for everyone to engage in a way that is appropriate for their interest and needs.

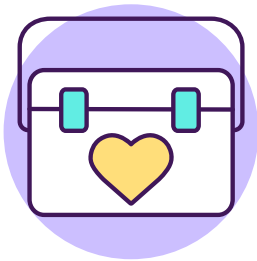


COMMUNITY RESILIENCE TOOLS

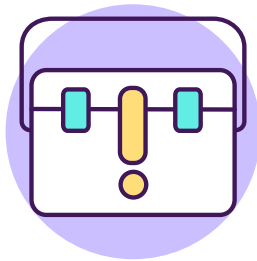
WHAT WE ARE ALREADY DOING

TOOLS FOR BUILDING CAPABILITY

When starting their resilience journey individuals, households, families and groups often feel overwhelmed. There can be many challenges and difficulties. In Aberdeenshire we have begun work to simplify the approach to resilience by producing a suite of documents that make it easy to develop resilience arrangements at any level. In addition to accessing information, we will instigate the following:



Household Emergency Packs for distribution in an emergency



Community Resilience Packs for use by Council and Community Responders



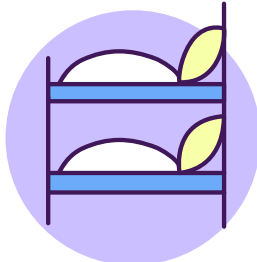
Develop Technical Communications Solutions



An example of already established resilience projects is the Publicly Accessible Defibrillator Scheme which is supported by Aberdeenshire Council. These devices are commonplace on Council buildings across Aberdeenshire and allow the public access to life saving equipment in an emergency.



Develop a series of guidance documents to help Community Groups set themselves up to be Resilient



Review our approach to the provision of council Rest Centres



Explore a Facilities Improvement Project to improve resilience infrastructure across Aberdeenshire

TOOLS FOR BUILDING CAPACITY

Building Capacity is about supporting anything that increases the knowledge, skills, resources and abilities of individuals and groups to develop resilience activities. In partnership with SSEN, Aberdeenshire Council has earmarked funding to allow Community Groups to bid for funds to establish resilience projects. Following Community Feedback, we are establishing a Skills Development Project as individuals may be more resilient during an emergency if they had basic skills in the following:



Digital skills for
Community Groups



Winter Driving



First Aid



Interpreting weather
warnings



Flood Prevention
Workshops



Basic Household
Maintenance



Sharing information
on other training
opportunities, which
would improve resilience

TOOLS FOR INCREASING CONNECTEDNESS & CO-OPERATION

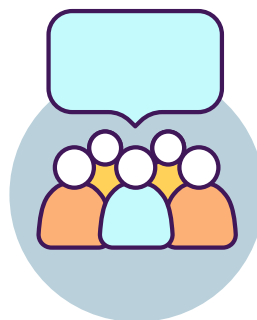
Through our post 2021 and 2022 Winter Storms engagement we established that while there was lots of good resilience practice many groups were unaware the experiences of their neighbours. We know that volunteer time is precious so we will:



Develop ways of sharing good resilience practice on a regular basis



Develop a dedicated resilience website for Aberdeenshire



Host an annual Resilience Conference to make it easier for individuals and groups to be active.

Increasing level of engagement

	Informed	Involved	Collaborative	Shared Leadership
Increasing Capability	Sign up to your local Community Resilience Social Media Page	Attend a skills development course e.g. winter driving	Set up a Community Resilience Group	
Increasing Capacity	Seek Emergency Preparedness Info Sign up for emergency text alerts	Purchase an Emergency Kit	Work with neighbouring community groups to increase the reach of projects	
Increasing Connectedness and Co-operation		Attend Resilience Briefing Conference	Groups have established Welfare Hubs	Present at a Resilience Conference

WHAT CAN YOU EXPECT FROM ABERDEENSHIRE COUNCIL?

When an emergency occurs help will first be provided to those who need it most. Most of us will be prepared and able to cope on our own for some time. The better prepared we are as individuals, households, and families the greater the opportunity we will have to help others that do not have the same ability to cope.

Before an emergency we will:

- Provide consistent, easily accessible guidance on how to prepare for and be more resilient during an emergency
- Suggest reasonable ways where you can take steps to protect your home
- Work with Community Groups to help them develop their Resilience Plans for local areas
- Where possible provide information in advance of an emergency occurring particularly in relation to weather events
- Publish our Plans

During an emergency we will:

- Warn and inform those affected by the emergency
- Focus our response on the most vulnerable
- With partners prioritise where resources will go
- Establish Rest Centres for individuals displaced by an emergency
- Support Community Resilience Groups who choose to assist in the response
- Support the Emergency Services

Following and emergency we will:

- Learn from the collective experiences of all those involved
- Share the learning
- Promote recovery



THE EMERGENCY SERVICES (Police Scotland, Scottish Fire & Rescue Service, Scottish Ambulance Service) WILL

Roles and Responsibilities – Police

- Protect life
- Co-ordinate the multi-agency response in the absence of alternative co-ordination arrangements being agreed
- Protect and preserve the scene and investigate the incident
- Prevent crime and disorder
- Collate and disseminate casualty information

Roles and Responsibilities – Fire

- Save Life
- Protect the Environment
- Provide assistance in support of local communities
- Render humanitarian aid

Roles and Responsibilities – Ambulance

- Save Life and prevent further suffering
- Facilitate Patient Triage
- Provide casualty treatment and transport to the most appropriate facility
- Co-ordinate all health resources supporting the incident



WHAT CAN I EXPECT FROM UTILITY COMPANIES

All utility companies have arrangements in place to support communities when disruption occurs. Like other responders it can take time for supplies to be restored or help to arrive. We strongly suggest that those who consider themselves vulnerable register as 'Priority Services Customers' with SSEN, Scottish Water and SGN.

You can register for all three PSR Schemes at one place 'Psrsotland.com'. Individuals can, households can, families can, communities can:

- Sign up for alerts from the Met Office, SEPA and Aberdeenshire Council
- Prepare a basic household resilience kit
- Improve your understanding of resilience
- Prepare a Home Emergency Plan
- Learn new skills to aid you in an emergency
- Prepare a Community Resilience Plan



WHERE CAN I FIND OUT MORE?

Fire Safety Advice – including how what to do in a power cut

Register as a Priority Services Customer with your utility companies

Developing an Emergency Plan

SEPA Flood Advice

Aberdeenshire Council

Integrated Impact Assessment

Community Resilience Framework

Assessment ID	IIA-001793
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1. Overview

This document has been generated from information entered into the Integrated Impact Assessment system.

Assess Aberdeenshire Council Community Resilience Framework which is designed to collectively enhance resilience by:

- Defining the role of Aberdeenshire Council and Responders before, during and after an emergency
- developing a strategic set of objectives to enhance community resilience
- fostering stronger partnerships between community groups practitioners and responders
- developing the capability and capacity of individuals, households, families and communities to be more resilient
- increasing connectedness between individuals, households, neighbours and families
- guiding future resilience thinking and practice for Aberdeenshire

During screening 1 of 10 questions indicated that detailed assessments were required, the screening questions and their answers are listed in the next section. This led to 1 out of 5 detailed impact assessments being completed. The assessments required are:

- Sustainability and Climate Change

In total there are 2 positive impacts as part of this activity. There are 0 negative impacts, all impacts have been mitigated.

A detailed action plan with 0 points has been provided.

This assessment has been approved by mary.beattie@aberdeenshire.gov.uk.

The remainder of this document sets out the details of all completed impact assessments.

2. Screening

Could your activity / proposal / policy cause an impact in one (or more) of the identified town centres?	No
Would this activity / proposal / policy have consequences for the health and wellbeing of the population in the affected communities?	No
Does the activity / proposal / policy have the potential to affect greenhouse gas emissions (CO2e) in the Council or community and / or the procurement, use or disposal of physical resources?	No
Does the activity / proposal / policy have the potential to affect the resilience to extreme weather events and/or a changing climate of Aberdeenshire Council or community?	Yes
Does the activity / proposal / policy have the potential to affect the environment, wildlife or biodiversity?	No
Does the activity / proposal / policy have an impact on people and / or groups with protected characteristics?	No
Is this activity / proposal / policy of strategic importance for the council?	No
Does this activity / proposal / policy impact on inequality of outcome?	No
Does this activity / proposal / policy have an impact on children / young people's rights?	No
Does this activity / proposal / policy have an impact on children / young people's wellbeing?	No

3. Impact Assessments

Children's Rights and Wellbeing	Not Required
Climate Change and Sustainability	No Negative Impacts Identified
Equalities and Fairer Scotland Duty	Not Required
Health Inequalities	Not Required
Town Centre's First	Not Required

4. Sustainability and Climate Change Impact Assessment

4.1. Emissions and Resources

Indicator	Positive	Neutral	Negative	Unknown
Consumption of energy		Yes		
Energy efficiency		Yes		
Energy source		Yes		
Low carbon transition		Yes		
Consumption of physical resources		Yes		
Waste and circularity		Yes		
Circular economy transition		Yes		
Economic and social transition		Yes		

4.2. Biodiversity and Resilience

Indicator	Positive	Neutral	Negative	Unknown
Quality of environment		Yes		
Quantity of environment		Yes		
Wildlife and biodiversity		Yes		
Infrastructure resilience		Yes		
Council resilience	Yes			
Community resilience	Yes			
Adaptation		Yes		

4.3. Positive Impacts

Impact Area	Impact
Council resilience	Council Resilience improves as Community Resilience increases, More resilient communities reduce the impact on Council Resources enabling more effective resilience where needed and enabling cost efficiencies
Community resilience	Aberdeenshire Community Resilience Framework is designed to improve personal and community resilience. It offers support and advice on resilience structures and how community resilience fits into this bigger picture. The Supporting documents offer Community Groups advice on how to improve community resilience

4.4. Evidence

Type	Source	It says?	It Means?
Internal Consultation	Working Group	How to improve clarity on roles and responsibilities	Role and responsibilities are clarified which improves resilience overall

Type	Source	It says?	It Means?
External Consultation	Consultation with Community Groups	Clarity needed on Roles and Responsibilities; support/training/advice needed on improving community resilience	Framework and supporting documents developed clarifies roles and responsibilities, supporting documents will help improve community (and individual) resilience.

4.5. Overall Outcome

No Negative Impacts Identified.

All outcomes are either neutral or positive

REPORT TO GARIOCH AREA COMMITTEE – 23 APRIL 2024

DONATIONS POLICY

1 Executive Summary/Recommendations

1.1 Internal Audit has conducted a review of Trusts and Common Good Funds with a final report being published on 28 February 2023, and presented to the Audit Committee on 22 March 2023 ([Item 6 - Appendix F](#)). The Chief Internal Auditor advised that the report provided a positive outcome and that substantial assurance had been provided over what was classed as a minor risk area. The report identified 2 recommendations, 1 of which related to donations as follows:

- Strategic Finance should review and update briefing note on donations in order to ensure consistent and transparent treatment, as part of the ongoing work on Financial Regulations.

1.2 In response to Internal Audit's recommendations, a Donations Policy, and accompanying procedures, have been developed to ensure consistent and transparent treatment of donations across the Council.

2 The Committee is recommended to:

1. **consider and comment on the draft Donations Policy, as set out in Appendix 1; and**
2. **note the accompanying Donations Operational Procedures, as set out in Appendix 2.**

3 Decision Making Route

3.1 The report sets out the draft Donations Policy for Area Committee consideration and comment. In accordance with the Policy Development and Review Framework, the Area Committee is asked to consider and comment, following which the final Policy will be presented to the Business Services Committee for approval.

3.2 The report was shared with the Director of Business Services and the Head of Finance for comment and feedback.

3.3 In line with the Scheme of Governance, reports will be presented to Business Services Committee on an annual basis, confirming the policies delegated to the Committee. The next update will incorporate the Donations Policy.

4 Discussion

- 4.1 The Donations Policy has been developed, with input from colleagues in finance, legal and Live Life Aberdeenshire (LLA) to ensure that a consistent and transparent approach is in place.
- 4.2 Within LLA, there are already policies in place for managing heritage materials as part of the Council’s collections within Museum Services. The Donations Policy has been developed to complement this and does not replace this, but instead sets out a specific policy for dealing with cash donations.
- 4.3 A donation may take various forms and can be received through a number of methods including online, in person, regular “giving” or “gifting” or as a legacy. The timing of donations and amount received can also vary, therefore it is important to have a clear policy, supported by operational procedures, to ensure all are accounted for on a consistent and comparable basis, whilst managing any potential risks to the Council.
- 4.4 Detailed operational procedures have been developed, which incorporate the need for a Donations Register and annual reporting on donations received and how they have been spent.

5 Council Priorities, Implications and Risk

- 5.1 This report helps deliver all six of the Council’s Strategic Priorities and the underlying principle of “right people, right places, right time”.

Pillar	Priority
Our People	Learning for Life Health & Wellbeing
Our Environment	Climate Change Resilient Communities
Our Economy	Economic Growth Infrastructure and public assets

- 5.2 The table below shows whether risks and implications apply if the recommendation is agreed.

Subject	Yes	No	N/A
Financial			X
Staffing			X
Equalities and Fairer Duty Scotland		X	
Children and Young People’s Rights and Wellbeing		X	
Climate Change and Sustainability		X	
Health & Wellbeing		X	
Town Centre First		X	

- 5.3 There are no direct financial or staffing implications arising from this report.

- 5.4 The screening section as part of Stage One of the Integrated Impact Assessment process has not identified the requirement for any further detailed assessments to be undertaken. This report is for Committee to discuss and approve the Donations Policy. There will be no direct impact as a result of this report.
- 5.5 The following Risk has been identified as relevant to this matter on a Corporate Level: Budget Pressures ([Corporate Risk Register](#)).
- ACORP005 Working with other organisations (e.g. supply chains, outsourcing and partnership working)
 - ACORP006 Reputation management (including social media)
- 5.6 There are no risks that have been identified as relevant to this matter on a Strategic Level.

6. Scheme of Governance

- 6.1 The Head of Finance and Monitoring Officer within Business Services has been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the [Scheme of Governance](#) and relevant legislation.
- 6.2 The Committee is able to consider and comment on this item in terms of Section B.1.2 of the List of Committee Powers in Part 2A of the Scheme of Governance, to consider, comment on, make recommendations to the Policy Committee on any policy which impacts its Area.

Rob Simpson,
Director of Business Services

Prepared by: Karlyn Watt, Strategic Finance Manager
Date: April 2024

List of Appendices

Appendix 1: Draft Donations Policy
Appendix 2: Draft Donations Procedures

Business Services

Donations Received Policy

DRAFT

Document

Version	Status	Date
1.0	DRAFT	

1. Purpose and scope

- 1.1 The Council may from time to time be offered donations from individuals or organisations. The purpose of this policy is to provide guidance on the acceptance and oversight of such donations.
- 1.2 The scope of the policy is monetary donations.
- 1.3 Donations of objects and other heritage material to the Council's Museum Service and Archives do not fall within the scope of this policy and are instead covered by the Collections Development Policy.

2. Definitions

- 2.1 A "donation" is a gift for which no direct benefit is sought. A donation may take various forms and can be received through several methods – online, in person, regular "giving" or "gifting" or as a legacy.

3. Legal Framework

- 3.1 Section 85 (Acceptance of gifts of property) of the Local Government Act states:

'A Local Authority may accept, hold, and administer –

- a *For the purpose of discharging any of their functions, gifts of property, whether heritable or moveable, made for that purpose; or*
- b *For the benefit of the inhabitants of their area or of some part of it, gifts made for that purpose.*

And may execute any work (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section.'

4. General Donations Principles

- 4.1. The Council will only accept donations that benefit the community. All donations received are only used to enhance the services of Aberdeenshire Council, and do not replace statutory responsibilities.
- 4.2. The Council will not take donations if they could be seen to interfere with regulatory duties.
- 4.3. Donation agreements will not restrict the Councils ability to carry out its duties fairly and ethically.
- 4.4. Donations will be accepted from those that are consistent with the Councils strategic priorities as set out within the Council Plan. The Council may seek advice to ensure donors support mutual goals.
- 4.5. Council representatives (officers and elected members) will not personally benefit from donations, and any benefits, pecuniary or otherwise, should help the community, not individuals. Officers must declare conflicts of interest.
- 4.6. Donations will be recorded under the donor's name.
- 4.7. It will for the Council to decide if donors will be acknowledged in its publicity. The donor reserves the right to remain anonymous.
- 4.8. Donations are not subject to VAT as this is income which is freely given with no strings attached and treated by the Council as a gift.

5. Acceptance of Donations

- 5.1. The Council has the discretion to decline donations from any organisation or individual.
- 5.2. The final decision for declining donations up to the value of £10,000 is delegated to the Head of Finance. Any donations over £10,000 which are declined should be approved by the Head of Finance, in consultation with the Chief Executive and the Leader.

- 5.3. The Council may refuse a donation if the donor's activities or proposals do not align with the Council's strategic priorities or could harm the community.
- 5.4. Potential donation arrangements will be assessed by the Service contacted about the donation for real or perceived conflicts of interest and offers may be declined if the donor's involvement could compromise the Council's role, image, or if the donor were to gain or be perceived to gain undue advantages from Council decisions.
- 5.5. Donations cannot be solicited or accepted from political parties or used for political purposes.
- 5.6. The Council will not make agreements with donors facing regulatory actions from the Council.
- 5.7. Donations will not be accepted for services that are the Council's statutory obligation and can only be used to enhance the services that the Council provides, and not replace statutory responsibilities.
- 5.8. Donations that must be refused include:
 - Those that come from an illegal source or with an illegal condition (for example where the donation has come from terrorist or other criminal activity)
 - Is from a donor who does not have the mental ability to decide to donate. This is sometimes called lack of capacity.
- 5.9. Regardless of whether a declaration has been made or not, donations will not be accepted from individuals where the Council has reason to believe that a donor may be experiencing vulnerable circumstances and that accepting the donation would be ethically wrong and/ or harmful to the donor.
- 5.10. Donations that may need to be refused:
 - Is for purposes that fall outside the Council's purpose.
 - Would result in a valid legal claim or risk of claim against the Council if it was accepted.
 - Would result in additional costs to the Council.
 - Has features or conditions that may undermine the Council's independence.
 - Would bring unacceptable burdens that outweigh its benefit to the Council.
 - May involve unacceptable private benefit to an individual or organisation.

- 5.11. If the donor expects benefits, like marketing opportunities, this will be treated as a business arrangement under the Councils Commercial Sponsorship Policy.
- 5.12. Donations may be directed to specific services or events at the Councils discretion, considering the donor's intended purpose.
- 5.13. Where cash donations are received, for example in collection boxes, these should be clearly signposted as such within the venue, including how these donations plan to be spent.
- 5.14. Donated income is freely given with no strings attached and as such is treated as a gift.
- 5.15. The Council's Policy is to include a 14 day "cooling off" period to allow the donor to change their mind. After such time, the donation is considered complete and non-returnable.
- 5.16. It is solely for the Council to determine how the donation is to be administered, and what expenditure is permitted, providing that all decisions are consistent with this Policy.
- 5.17. The Council will maintain a register of all Donations received.
- 5.18. Strategic Finance will provide quarterly briefing note to Members for inclusion on ward pages and a full report annually to the Policy Committee on the donations received and how these have been used.

Business Services

Donations Received Operational Procedures

DRAFT

Document

Version	Status	Date
1.0		

1. Introduction

- 1.1 These procedures should be read in conjunction with the Council’s Donations Policy.
- 1.2 These procedures fall within the general delegations to Chief Executive, Directors, Chief Officers of the Integration Joint Board, Areas Managers and the Heads of Services (“the Chief Officers”) – subject to the General Provisions and Limitations, the Chief Officers are authorised to “Apply for, acknowledge receipt of, accept, administer and properly allocate and account for grants and monies received by the Council from external bodies” (para A26 of Scheme of Governance).

2. Procedures for Donations

- 2.1 If a potential donor approaches the Council, the following procedure should be followed:
- An assessment of the donation should be carried out in accordance with Donations Policy to determine whether the donation should be accepted, in accordance with the Checklist at Appendix A. This should be completed via the Online Form available on the Finance Hub [LINK TO BE PROVIDED IN FINAL VERSION]
 - If it is assessed that the donation should be accepted, authorisation for accepting the donation must be as follows:

Value of Donation	Authorised to Approve
<£1,000	Responsible Officer/ Budget Holder
£1,001 - £10,000	Chief Officer of the Service, in consultation with the Finance Business Partner
£10,001 - £50,000	Head of Finance
>£50,001	Policy Committee/Council

- 2.2 Where a decision is made to decline a donation, the completed form should be forwarded by the Service to the Head of Finance, and approved as follows:

Value of Donation	Authorised to Approve
< £10,000	Head of Finance
> £10,000	Head of Finance, in consultation with the Chief Executive and the Leader

- 2.3 Where cash donations are received, for example in collection boxes, these should be separately identified as a group of donations within the donations register and financial ledger cost centre to be separately identified.
- 2.4 Where donations are sought for the acquisition and purchase of items and are collected for this purposes, these should be separately identified within the donations register and financial ledger cost centre to be separately identified.
- 2.5 The Donation should be recorded on the Councils Donation Register with a discrete Reference No.
- 2.6 The Donations Register will include the following information:
- The value of the donation;
 - The source of the donation;
 - Any scheduled reporting requirements;
 - The purpose of the donation (if any);
 - The Responsible Person/ Budget Holder for the Administration of the donation;
 - The financial code that the donation is received to (this should be the relevant service cost centre and subjective **6405**).

Appendix A – Checklist for Assessment of Donations

	Response
Details of the Donation	
1.1 Name on donor	
1.2 Value of donation	
1.3 Source of the donation	
1.4 Contact details of donor <ul style="list-style-type: none"> • E-mail address • Telephone number • Address 	
1.5 Does the donor want to remain anonymous? (if so, the name will only be used to process payment)	
1.6 What specific service/ activity does the donor which the money to be allocated to (if any)?	
1.7 Are there any specific reporting requirements?	
1.8 Name of Responsible Person/ Budget Holder and Job Title	
1.9 Financial code that the donation is to be received to?	Xxxxxxx 6405
Assessment of the Donation	
2.1 How will the donation benefit the community?	
2.2 How will the donation enhance the services of Aberdeenshire Council?	
2.3 Have you confirmed that the donation is not replacing the Council's statutory responsibilities?	
2.4 Have you confirmed that the donation does not restrict the Council's ability to carry out its duties fairly and ethically?	
2.5 Which of the Council's strategic priorities does the donation align to?	
2.6 Perform a check against the individuals involved to confirm there is no known illegal activities, corruption or money laundering. Refer to attached guidance "Know your donor – key questions" Tool 6.pdf (publishing.service.gov.uk)	

2.7	Are you aware of any circumstances that would indicate that the Donor is experiencing vulnerable circumstances? Refer to attached guidance "Responding to the needs of people in vulnerable circumstances" Chartered Institute of Fundraising - Treating donors fairly (ciof.org.uk)	
2.8	Does any Officer directly involved with the donation or service in receipt of the donation have any potential conflict of interest? If so, has this been recorded on the Donations Register.	
Conclusion		
3.1	Should the Council accept the donation?	Yes/ No
3.2	If Yes, obtain the required authority in accordance with Para 2.1	
3.3	If Yes, record details on Donations Register.	
3.4	If No, obtain the required authority in accordance with Para 2.2	
3.5	If No, respond to Donor with reasons for rejection in line with Policy.	

Signed as Approved

Date of Approval

REPORT TO GARIOCH AREA COMMITTEE – 23 APRIL 2024

DRAFT HEATING POLICY

1 Executive Summary

- 1.1 This report provides an update to the Area Committee on progress with the development and implementation of Aberdeenshire Council's new Heating Policy. It contains the latest version of the policy document, with comments incorporated from the recently completed consultation exercise, as well as an implementation programme.

2 Recommendations

The Committee is recommended to:

1. consider and comment on the progress with development and implementation of the proposed Aberdeenshire Council Heating Policy; and
2. provide comments on the draft Heating Policy document to Business Services Committee.

3 Decision Making Route

- 3.1 On 29 September 2022 the Aberdeenshire Council Route Map to 2030 and Beyond was approved by Full Council ([Item 14](#)). In order to meet a 75% reduction in emissions by 2030, this Route Map committed Officers to reporting against an annual Carbon Budget, with a Carbon Reduction Target for each Service. For the 2024/25 Carbon Budget, which was approved on 22 February 2024 ([Item 6](#)), Business Services was informed its Carbon Reduction Target would be 1,600 tCO₂e (tonnes of carbon dioxide equivalent)
- 3.2 In December 2023, when considering what to include for its Service in the 2024/25 Carbon Budget, Officers in Property and Facilities Management (P&FM) decided to explore the concept of a Council-wide Heating Policy.
- 3.3 The draft Policy was developed initially by the Engineering team in P&FM and issued for comments to the Sustainability and Climate Change team and P&FM Service Managers in late January 2024. Comments were incorporated, and the final draft Heating Policy document was issued for consultation to the Trade Union Joint Secretaries on 19 February 2024. The results of this consultation were received on 22 March 2024 and incorporated into the latest version of the proposed Heating Policy document which is attached as **Appendix 1**.
- 3.4 The development, governance, and implementation of this Heating Policy follows the 'Scheme of Governance Part 4B - Policy Development and Review Framework' document. This means the proposed Policy will need to go to the

six Area Committees and then Business Services Committee for final approval. In February 2024, a programme was prepared to reflect this route – see **Appendix 2**.

3.5 The programme in **Appendix 2** states an intention to go to the Sustainability Committee in May 2024 but this meeting has now been cancelled. Bringing this Policy before Sustainability Committee was always an optional measure, but not required as part of the Policy Development and Review Framework process noted in paragraph 3.4 above. Therefore, no additional changes or delays are needed to the programme – the overall timeline will not be affected.

4 Discussion

4.1 In line with other Local Authorities, the creation and implementation of a formal Heating Policy by Aberdeenshire Council should unlock significant savings through the prevention of energy waste. Services will be supported on this focus with tools and advice, but ultimately empowered at a site level to take direct action and apply best practice.

4.2 Ensuring heating is being operated within the most appropriate schedules and setpoints to meet operational needs, and identifying and tackling persistent overheating, should mean the release of cost and carbon savings with minimal investment.

4.3 The Policy is intended to be ready for communication in June 2024 after passing appropriate approvals. The Policy will however need support from all leadership levels to deliver the forecast benefits.

4.4 The Energy team in P&FM has calculated the Heating Policy will provide estimated Carbon Savings of 923 tCO₂e (tonnes of carbon dioxide equivalent) in both 2024/25 and 2025/26, making it a key component of the Carbon Budget for Business Services in these years. This ties-in with the estimated timescales for development and implementation of the Heating Policy. It is likely to take until June 2024 for full approval and launch. There will then be an 18-month period for the behaviour change it formalises to take effect, which would fall equally between the two financial years.

5 Council Priorities, Implications and Risk

5.1

Pillar	Priority
Our People	<ul style="list-style-type: none"> • Learning for Life • Health & Wellbeing
Our Environment	<ul style="list-style-type: none"> • Climate Change • Resilient Communities
Our Economy	<ul style="list-style-type: none"> • Economic Growth • Infrastructure and public assets

5.2 The table below shows whether risks and implications apply if the recommendations are agreed.

Subject	Yes	No	N/A
Financial	X		
Staffing			X
Equalities and Fairer Duty Scotland			X
Children and Young People's Rights and Wellbeing			X
Climate Change and Sustainability	X		
Health and Wellbeing			X
Town Centre First			X

5.3 As reported in the Carbon Budget paper to Full Council [2024 02 22](#) , the estimated Annual Cost Saving for this Heating Policy is £700,000.

5.4 There are no direct staffing implications arising from this Heating Policy,

5.5 As there is an impact on Sustainability and Climate Change with this Heating Policy, an Integrated Impact Assessment (IIA) has been carried-out, reviewed and approved. Refer **Appendix 3**. There are positive impacts from this Heating Policy in the following areas:

- Reduces energy consumption;
- Improves energy efficiency;
- Reduces amount of carbon being used by the specific building and Council as a whole;
- Reduces consumption of physical resources; and
- Reduces waste.

5.6 The following Risks in the [Corporate Risk Register](#) have been identified as relevant to this matter on a Corporate Level. However, it is acknowledged that working towards a 75% reduction in Council owned emissions has the potential to impact upon any number of areas across the Council risk portfolio.

- Risk ID ACORP010 as it relates to environmental challenges;
- Risk ID ACORP006 as it relates to reputation management; and
- Risk ID ACORP001 as it relates to budget pressure.

The following Risk in the [Directorate Risk Registers](#) has been identified as relevant to this matter on a Strategic Level:

- Risk ID ISSR010 as it relates to Climate Change.

The above risks could be mitigated against with sufficient communication and engagement on the progress Aberdeenshire Council is making with regards to this Heating Policy and how it relates to wider objectives on climate change mitigation and the Carbon Budget.

6 Scheme of Governance

- 6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comment to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.
- 6.2 The Committee is able to consider this item in terms of Section B 11.1 of the List of Committee Powers in Part 2A of the Scheme of Governance as it relates to considering and commenting on proposals to amend Council policy and/or develop Council policy in line with the Policy Development and Review Framework and make recommendations to the relevant Policy Committee.

Rob Simpson
Director of Business Services

Report prepared by Iain Wylie, Engineering Services Manager
27 March 2024

List of Appendices –

- Appendix 1 - Draft Heating Policy**
- Appendix 2 - Programme for implementation of Heating Policy**
- Appendix 3 - Integrated Impact Assessment (IIA)**

Appendix 1 – Draft Heating Policy

HEATING POLICY: GUIDANCE FOR THE APPROPRIATE USE OF HEATING AND VENTILATION IN ABERDEENSHIRE COUNCIL PROPERTIES

1 Introduction

- 1.1 Although guidance around energy use in Aberdeenshire Council properties has existed for a number of years, this Heating Policy document formalises this earlier work by providing a set of clear limits for the use of heating, to ensure overheating and energy waste is minimised, while at the same time maintaining appropriate comfort levels.
- 1.2 By 2045 Aberdeenshire Council aims to be Net Zero, and by 2030 is targeting a 75% reduction in emissions (from the baseline in 2010). A successful implementation of this Heating Policy is an important part of the Council's strategy towards meeting these targets.

2 Heating – Regulatory Framework

- 2.1 The Health and Safety Executive recommends a minimum indoor working temperature of 16°C if office based, or 13°C if work involves rigorous physical effort.
- 2.2 For most aspects of the working environment, the Workplace (Health, Safety and Welfare) Regulations 1992 lay down certain requirements. Regulation 7 deals specifically with the temperature in indoor workplaces and states that: *During working hours, the temperature in all workplaces inside buildings shall be reasonable.* The application of the regulation is dependent on the nature of the workplace, e.g. school, office, or warehouse.
- 2.3 Minimum temperatures in Education buildings are outlined in School Premises (General Requirements and Standards) (Scotland) Regulations 1967. It states teaching spaces should have a minimum temperature of 17°C.
- 2.4 While excess temperature can be as uncomfortable as low temperature there is no legal upper limit, however, for schools there is some guidance on overheating in Building Bulletin 101 (BB101): Guidelines on ventilation, thermal comfort and indoor air quality in schools, 2018.

3 Temperature Levels

- 3.1 Table 1 defines the proposed heating levels for various building types found throughout the Council's non-domestic estate. These temperatures are in accordance with legislation and are based on guidance from the Carbon Trust, the Chartered Institute of Building Service Engineers (CIBSE), and the Health and Safety Executive (HSE).

Table 1: Heat levels by building type.

Building Type	Temperature
Office Space	18°C - 21°C
School Classroom / Office / Dining	18°C - 21°C
School Corridor / Gymnasium*	16°C - 18°C
Nursery School	20°C - 23°C
Additional Support for Learning School	20°C - 23°C
Toilets/Cloakrooms	18 - 20°C
Enclosed Industrial Depot/Workshop	16°C
Store	16°C
Library	20°C - 22°C
Sports Centre – Changing Room	21°C - 25°C
Sports Centre – Sports Hall	16°C - 18°C
Sports Centre – Pool Area	28°C - 30°C
Museum	20°C - 22°C
Care Home / Sheltered Housing	21°C - 23°C
Halls	18°C - 21°C
Community Centre	18°C - 22°C

* When being used for physical activity. Space may be temporarily redefined as a classroom, e.g. during exams.

- 3.2 Heating shall not normally be provided to the temperature levels stated in Table 1 where the building is solely in use by cleaners, tradespeople, and caretaking staff working outside of core hours (HSE guidance states that if work involves rigorous physical effort, the temperature should be at least 13°C).
- 3.3 It is recognised that there may at times be a requirement for some buildings, or particular zones within buildings, where specific heating or cooling requirements means temperatures are set outwith agreed ranges. When such a requirement is identified, prior engagement and approval is required with the Head of Property Services and Engineering Services Manager, in advance of altering setpoints or time schedules. Any applied variation requires definition of new settings, areas in scope, and justification, and for this detail to be recorded for future reference.
- 3.4 Table 1 indicates the range of operational temperatures during the heating season for specific categories of building. These will be applied unless subject to contractual or operational necessity. The lower temperatures defined are likely to be experienced only occasionally, particularly around opening and closing hours of buildings. Normal temperatures should be maintained around the average of the upper and lower figures.
- 3.5 If the lower limit of these temperatures is not being achieved during non-heating season, the heating may be turned on until the lower limit is achieved.

- 3.6 If a building has exceeded the upper limit of any parameter listed above and heating is still on, steps should be taken to adjust setpoint and schedules. It is not appropriate to leave heating on and solely manage high temperature through increased ventilation, such as opening windows / doors.
- 3.7 Where individual air conditioning units are installed as an addition to a building's heating and ventilation system, the lower end set point, controlling the air conditioning, should be no less than 5°C above the heating parameters in Table 1 - to ensure that both heating and cooling systems do not run in conflict.

4 Implementation

- 4.1 A building with an operational heating system should be able to achieve the parameters outlined in Table 1. Ultimate responsibility for ensuring adherence to these limits is with the Head of Service controlling the financial code which pays for the heating for the site. This is delegated to the Responsible Premises Officer (RPO) for each property, with the individual nominated by the relevant Service.
- 4.2 Although the RPO is expected to ensure the heating operates within the limits in Table 1, it does not mean that person is responsible for "pushing the buttons", rather ensuring that buttons are pushed.
- 4.3 RPOs must develop a record of standard settings and schedules – i.e. a list of instructions to enable others to make changes in their absence (format to be agreed).
- 4.4 Where Building Management Systems (BMS) / Heating systems are operated remotely by the Energy Management Team, responsibility for identifying and reporting over- or under-heating primarily sits with the RPO at each site.
- 4.5 The Property & Facility Management (P&FM) team will provide support where required to help identify issues that can be addressed by building occupants, as well as those requiring specialist input.
- 4.6 Where operational considerations conflict with this policy, such as allowing children access to outside space in nurseries, sites should take steps to minimise energy wastage as much as possible.

5 Heating Times and Season

- 5.1 Core heating hours are typically Monday to Friday 08:00 to 16:00 for educational buildings and Monday to Friday 08:00 to 17:00 hours for offices. Heating systems shall operate to attain temperature values as stated in Table 1 during these core heating hours.
- 5.2 Additional schedules before occupation are not required in BMS controlled sites as they automatically compensate and should come on earlier if

required. No schedule should continue once building occupancy ends. N.B. When unoccupied, systems should be left in "Auto" to ensure frost protection remains active.

- 5.3 For other facilities with non-standard operating patterns, e.g. Depots, Halls, and Community Centres, or parts of schools with community access, the RPO for that premises shall advise the Head of Service for P&FM and Engineering Services Manager of exceptions to core hours by emailing a completed Change Request form (format to be agreed). Where required, heating times shall reflect operational requirements. To help minimise energy wastage wherever possible a new Change Request form is required for every time an exception is requested, although a single notification can cover multiple incidences for one building or cluster.
- 5.4 Heating Season currently runs from the second Monday in September to the second Monday in May. If there is a subsequent announcement of different dates for Heating Season, this policy will apply to the new dates.
- 5.5 If the internal temperature is too high at any time during Heating Season, the site's heating may be turned off or reduced. This is particularly relevant up until the October break. And in the weeks at the end of Heating Season, the site's heating may be turned off early, or reduced if internal temperatures are above the range in Table 1.
- 5.6 Outwith Heating Season, where the minimum temperature is below those in Table 1, heating may be turned on, but the Energy Management Team must be informed.
- 5.7 While operation of Hot Water systems is not covered by this Heating Policy, they should follow the same principles of minimising waste contained herein. If water is needed outside or normal occupancy (e.g. for cleaning) tanks should only be heated when water is required, or for Legionella control.

6 Portable Heaters

- 6.1 Portable heaters confuse building heating control systems and usually result in colder overall temperatures as the main systems will be held-off. The use of portable heating is not permitted, unless maintenance teams have identified a system failure that prevents target temperatures being reached – see Item 6.2. Use of unauthorised localised space heating shall be reported to the Energy Team (method of reporting to be agreed).
- 6.2 Aberdeenshire Council's maintenance partners have business continuity provisions to make appropriate full or temporary repairs. Where there is a partial or total system failure during Heating Season, this should be reported as a matter of urgency via the standard reporting channels. Where heating cannot be restored, portable heating shall be provided, based on advice from technical teams.

- 6.3 In cases where additional ventilation is required to maintain CO₂ limits, but this prevents target temperatures being reached, sites must actively manage the balance between ventilation and temperature. Guidance and procedures are available here: <https://www.gov.scot/publications/coronavirus-covid-19-ventilation-guidance/>

7 Exclusions

- 7.1 While recommended swimming pool temperatures are identified in Table 1, these are site-specific buildings. As such, it is not appropriate to tie them to overly restrictive parameters beyond stating that attempts should be made to operate them as efficiently as possible, in line with current industry guidelines. In order to reduce the amount of energy being consumed by swimming pools, pool covers must be used at the end of each day and at weekends or holiday periods where the pool is not in use.
- 7.2 Council properties being used as emergency refuge centres should operate systems as efficiently as circumstances allow.
- 7.3 Some Council buildings, such as libraries, may get utilised as “Warm Spaces”. In these the guidance to prevent overheating and waste should still be followed for whatever target temperature range is agreed. Heating schedules should be checked and updated regularly to ensure that they remain appropriate to Service needs. If no specific target has been agreed, the values in Table 1 – libraries are 20°C - 22°C – shall apply.
- 7.4 Maintenance activities (e.g. new flooring, post-leak drying) require abnormal setpoints and schedules. These should be applied for the shortest possible period before reverting to standard settings.
- 7.5 ICT shall manage heating and cooling in areas containing its equipment in line with its technical requirements. Where possible any heating or cooling it requires shall not impact beyond their spaces.

8 Severe Weather

- 8.1 Severely cold weather presents a significant risk to buildings’ operational abilities and frozen water pipes can lead to bursts, forcing sites to be closed. Therefore, it is important to maintain an appropriate level of frost protection in all buildings.
- 8.2 Where a site does not have frost protection, this needs to be identified and it may be deemed necessary to turn the heating on to manual control to override the timeclock and ensure the heating is running.

9 Logging and Reporting

- 9.1 Heating setpoints and times as detailed in Table 1 will be agreed and recorded for each property (refer Item 4.3). An estate-wide database of settings will be created and maintained as a reference point in future reviews

and assessments. Any authorised deviations will be updated to ensure an auditable record of heating times and settings exists demonstrating the appropriate level of authorisation.

- 9.2 When deviations from the levels in Table 1 are identified, and no authorisation is in place, resetting will be undertaken automatically by P&FM and/or Contractors.

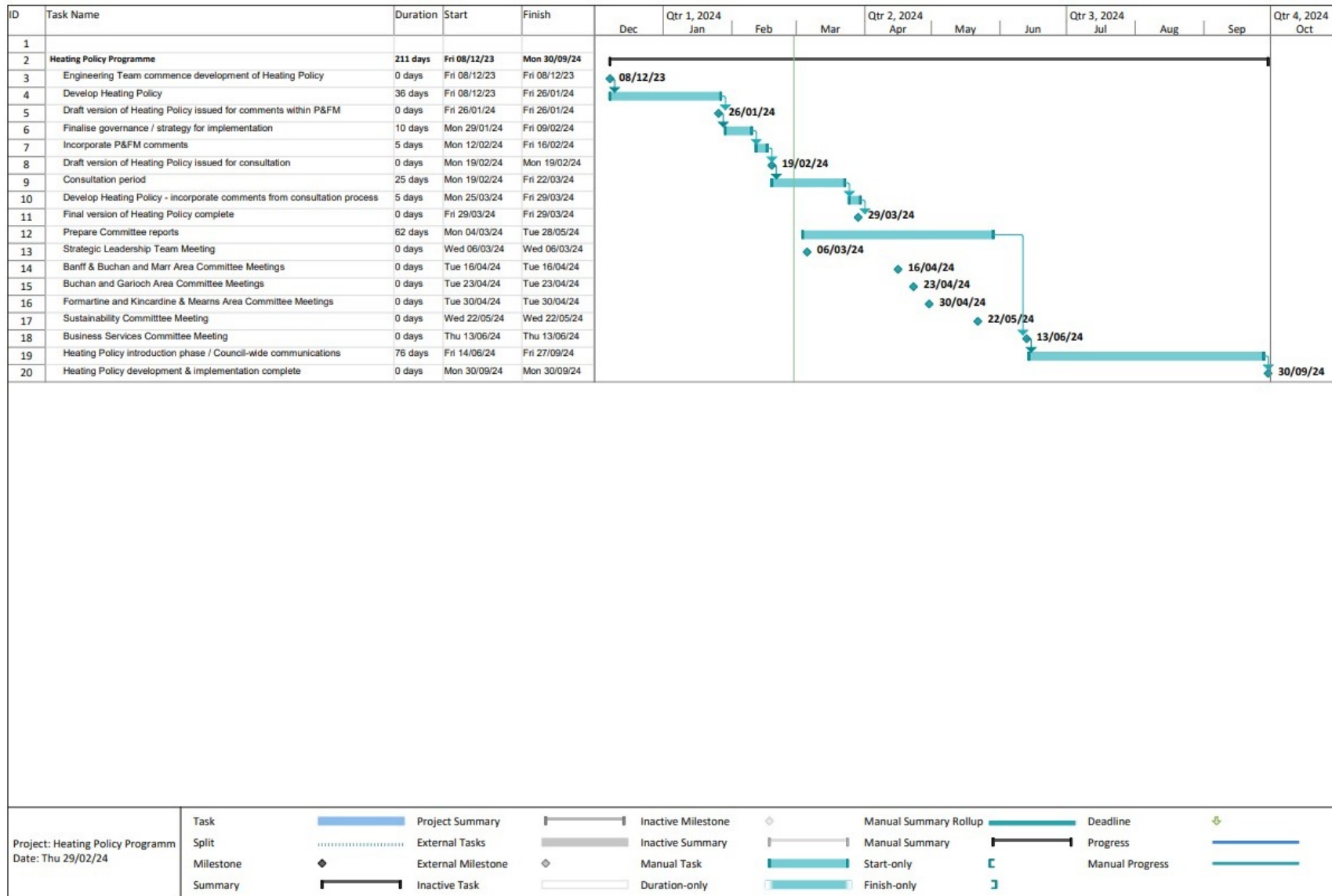
10 Roles & Responsibilities

- 10.1 In order to embed the proposed Heating Policy across the Council it is important that roles and responsibilities are clearly defined. Table 2 sets out the responsibilities identified to date, along with the suggested responsible parties for each action.

10.2 Table 2: Roles and Responsibilities

Title	Roles & Responsibilities
Property & Facilities Management (P&FM)	<ul style="list-style-type: none"> • Overall responsibility for implementation and oversight of the Heating Policy • Approving changes to core hours or temperatures • Provision of support for RPO • Implementation of projects to improve energy efficiency
Energy Management Team	<ul style="list-style-type: none"> • Record changes to core hours or temperatures • Monitoring compliance with Heating Policy with associated reporting • Conducting energy audits as required with identification and development of projects to improve energy efficiency
Heads of Service (All Directorates)	<ul style="list-style-type: none"> • Ensuring that Heating Policy is being followed
Responsible Premises Officer (RPO)	<ul style="list-style-type: none"> • Local monitoring to ensure guidance being followed. • Verifying that pool covers are being used overnight and at weekends / holidays • Assisting in identifying energy efficiency opportunities • Ensuring record of heating set points and times is kept for that property
Facility Management / Janitorial Staff / Duty Officers	<ul style="list-style-type: none"> • Recording heating set points and times • Ensuring pool covers are in place • Assisting in identifying energy efficiency opportunities
All staff	<ul style="list-style-type: none"> • Following the Heating Policy and only requesting changes where absolutely necessary • Closing doors and windows at the end of the day • Not adjusting locally set thermostats unnecessarily • Reporting over- or under-heating to RPOs

Appendix 2 - Programme for implementation of Heating Policy



Aberdeenshire Council

Integrated Impact Assessment

Heating Policy

Assessment ID	IIA-002089
Lead Author	Iain Wylie
Service Reviewers	Emma Plunkett
Subject Matter Experts	Claudia Cowie
Approved By	Allan Whyte
Approved On	Tuesday April 09, 2024
Publication Date	Tuesday April 09, 2024

1. Overview

This document has been generated from information entered into the Integrated Impact Assessment system.

Understand the impact of the Council's proposed Heating Policy

During screening 1 of 10 questions indicated that detailed assessments were required, the screening questions and their answers are listed in the next section. This led to 1 out of 5 detailed impact assessments being completed. The assessments required are:

- Sustainability and Climate Change

In total there are 5 positive impacts as part of this activity. There are 0 negative impacts, all impacts have been mitigated.

A detailed action plan with 1 points has been provided.

This assessment has been approved by allan.whyte@aberdeenshire.gov.uk.

The remainder of this document sets out the details of all completed impact assessments.

2. Screening

Could your activity / proposal / policy cause an impact in one (or more) of the identified town centres?	No
Would this activity / proposal / policy have consequences for the health and wellbeing of the population in the affected communities?	No
Does the activity / proposal / policy have the potential to affect greenhouse gas emissions (CO2e) in the Council or community and / or the procurement, use or disposal of physical resources?	Yes
Does the activity / proposal / policy have the potential to affect the resilience to extreme weather events and/or a changing climate of Aberdeenshire Council or community?	No
Does the activity / proposal / policy have the potential to affect the environment, wildlife or biodiversity?	No
Does the activity / proposal / policy have an impact on people and / or groups with protected characteristics?	No
Is this activity / proposal / policy of strategic importance for the council?	No
Does this activity / proposal / policy impact on inequality of outcome?	No
Does this activity / proposal / policy have an impact on children / young people's rights?	No
Does this activity / proposal / policy have an impact on children / young people's wellbeing?	No

3. Impact Assessments

Children's Rights and Wellbeing	Not Required
Climate Change and Sustainability	No Negative Impacts Identified
Equalities and Fairer Scotland Duty	Not Required
Health Inequalities	Not Required
Town Centre's First	Not Required

4. Sustainability and Climate Change Impact Assessment

4.1. Emissions and Resources

Indicator	Positive	Neutral	Negative	Unknown
Consumption of energy	Yes			
Energy efficiency	Yes			
Energy source		Yes		
Low carbon transition	Yes			
Consumption of physical resources	Yes			
Waste and circularity	Yes			
Circular economy transition		Yes		
Economic and social transition		Yes		

4.2. Biodiversity and Resilience

Indicator	Positive	Neutral	Negative	Unknown
Quality of environment		Yes		
Quantity of environment		Yes		
Wildlife and biodiversity		Yes		
Infrastructure resilience		Yes		
Council resilience		Yes		
Community resilience		Yes		
Adaptation		Yes		

4.3. Positive Impacts

Impact Area	Impact
Consumption of energy	Reduces energy consumption
Energy efficiency	Improves energy efficiency.
Low carbon transition	Reduces amount of carbon being used by the specific building and Council as a whole.
Consumption of physical resources	Reduces consumption of physical resources
Waste and circularity	Reduces waste

4.4. Evidence

Type	Source	It says?	It Means?
Internal Consultation	Trade Unions Joint Secretaries	No comment	No objection from Unions to this Policy
External Consultation	Highland Council	Estimated 5% saving through introduction of their Heating Policy	Similar will be expected with Aberdeenshire Council

4.5. Overall Outcome

No Negative Impacts Identified.

There are only positive impacts from this proposed Heating Policy - reduction in energy use, lower utility bills, lower carbon emissions.

5. Action Plan

Planned Action	Details
Implement policy across Council once approved	<p>Lead Officer Iain Wylie</p> <p>Repeating Activity No</p> <p>Planned Start Friday June 14, 2024</p> <p>Planned Finish Friday September 27, 2024</p> <p>Expected Outcome Successful implementation</p> <p>Resource Implications None</p>



REPORT TO GARIOCH AREA COMMITTEE - TUESDAY, 23 APRIL 2024

COMMUNITY COUNCIL GRANTS 2024-25

1 Executive Summary/Recommendations

1.1 This report outlines the breakdown for the allocation of the Garioch Community Council Grants for 2024-25 and seeks approval for the proposed allocations.

1.2 The Committee is recommended to consider and agree the proposed allocations for Community Council Grants for the period 1 April 2024 to 31 March 2025

2 Decision Making Route

2.1 The Committee has the power to consider and allocate grants to Community Councils within approved budgets as per B.1.1 and B.3.2 of part 2A of the Scheme of Governance.

2.2 Each of the six administrative areas has flexibility in deciding how to allocate their sum within its area. In May 2019, Garioch Area Committee reconsidered the allocations and agreed to set the fixed grant at a rate of £800 plus a per capita amount for the remaining funds. The Committee has continued to allocate funds on this basis in subsequent years.

3 Discussion

3.1 Each year, the Council grants funding to Community Councils towards their administrative costs and local projects. The budget for Aberdeenshire for 2024-25 is £67,900.

3.2 The costs of data protection registration (£40 per Community Council) and an amount for election expenses are top sliced from the budget with the £40 Data Protection Fee being added to the grant to each Community Council when released.

3.3 In previous years, the Council has paid the amount for standard insurance cover with additional insurance payments being deducted from the grant before release. However, the Council no longer has any role in the payment of Community Council insurance and this process is now totally the responsibility of individual Community Councils. All Community Councils were advised at the beginning of the year to allow them time to contact the current insurer or seek alternative cover to meet their needs. There was also a meeting hosted with the current insurer to allow Community Councils to have a group discussion and seek clarification about issues and concerns that they may have had.

- 3.4 As there is no longer a requirement for an amount to be top sliced for insurance, it is proposed that the base budget for all Community Councils be increased by £100 to provide a fixed increase for all Community Councils (this is expected to cover the costs of standard cover for this year, but there is no intention to increase this amount in coming years).
- 3.5 Therefore, the balance will now be allocated to Areas on the basis of a fixed lump sum of £400 per Community Council (68 currently operational) plus an amount per elector for the remaining balance. The breakdown is provided as **Appendix 1**.

Single Election 2024

- 3.6 In 2024, Aberdeenshire Council is holding its first single election date election for Community Councils. This will allow a more coordinated approach to promoting and marketing Community Councils. Officers are currently working on a wide-ranging communication strategy that is seeking to include radio, video and audio clips for social media alongside more traditional promotion materials. In order to achieve this, amendments have been made to the elements to be top sliced. For this year, it is proposed to combine previous amounts for events, elections, and the budget increase, to provide funding to undertake the election including resourcing of the election process itself. The amount for this single year to be allocated for elections is £5,000. It is envisaged that this will be for a single year with future years election expenses being built up over the three-year interim period.
- 3.6.1 It should be noted that the single election date will require a change in procedures for Community Councils as all Community Councillors will stand down at once and a new Community Council will be formed following the election where enough nominations are received to exceed the minimum. Where nominations exceed the maximum numbers, ballots will be held to elect the Community Councillors. Where nominations fall below the minimum numbers the Community Council cannot form and a second call for nominations will be done as soon as possible.
- 3.6.2 Community Councils will hold an inaugural meeting as soon as possible at the completion of the election process which will agree their constitution, appoint office bearers and set meeting dates. This will allow the Community Councils to get up and running quickly following the election. Detailed information regarding the new election process and timescales was circulated to Community Councils in February and this is attached as **Appendix 3** for information.
- 3.6.3 Within the briefing note it proposes a change to co-options to be part of a pilot running alongside the new election process. This would allow for automatic move from co-opted membership to full membership after a defined period of time. This allows the Community Council to better manage their membership between elections and reduce the need for interim elections to take place.

Events

- 3.7 The events budget was largely unspent last year as the networking event arranged for November was cancelled due to low numbers. It is planned to undertake induction training with Community Councils following the election process, but this is likely to be delivered online reducing the costs and requiring no budget to be allocated for this year.

Garioch Allocation

- 3.8 The allocation of the budget to central costs and to each area are given in **Appendix 1** to this report.
- 3.9 The Garioch allocation of the Community Council budget is £10,573. In previous years the Garioch allocation of the Community Council budget has been done on the basis of £800 plus a per elector amount for the remaining balance. In order to take account of the changes to insurance and provide this across the board at the same amount, it is proposed that the base amount be increased by £100 to £900 and the remaining balance distributed on a per elector basis. This is expected to cover the insurance costs for the standard cover previously provided, but this will be a change that is proposed to be retained (budget allowing), but not increased in coming years.
- 3.10 The breakdown of allocations for Garioch Community Councils is attached as **Appendix 2**.
- 3.11 There continues to be 9 active Community Councils in Garioch with the only area not currently represented by a Community Council being Kinellar. It has not reformed since separating from a Community Council with Hatton of Fintray and no approach has been made in the past year to indicate a wish to move towards re-establishing a Community Council in its own right. If the community submits a petition to instigate the process to seek nominations, and the Community Council was successfully reformed, the Community Council would receive the funds held in safe keeping for it since the dissolution. It would be allocated an administration grant in line with the agreed allocation on a pro rata basis. This would result in a potential overspend of up to a maximum of £950 for the financial year in which the Community Council reformed.

4 Council Priorities, Implications and Risk

- 4.1 The funding of Community Councils through this report will meet a number of Council priorities under Our Environment - Resilient Communities in ensuring that we support communities to help themselves and encourage and assist in the delivery of community priorities and to promote greater participation by communities in decisions that impact them

Pillar	Priority
Our People	Learning for Life Health & Wellbeing
Our Environment	Climate Change Resilient Communities
Our Economy	Economic Growth Infrastructure and public assets

4.2 The table below shows whether risks and implications apply if the recommendation is agreed.

Subject	Yes	No	N/A
Financial	X		
Staffing		X	
Equalities and Fairer Duty Scotland			X
Children and Young People's Rights and Wellbeing			X
Climate Change and Sustainability			X
Health and Wellbeing			X
Town Centre First			X

4.3 The funds for Community Councils come from the 24/25 Revenue Budget for Area Managers.

4.4 The screening section as part of Stage One of the Integrated Impact Assessment process has not identified the requirement for any further detailed assessments to be undertaken on the basis that the funding of community Councils will allow communities as a whole to be supported and there would not be specific implications for any of the protected characteristics.

4.5 The following Risks have been identified as relevant to this matter on a Corporate Level: Budget Pressures ACORP001; Working with other organisations ACORP005. ([Corporate Risk Register](#)).

No risks have been identified as relevant to this matter on a Strategic Level ([Directorate Risk Registers](#)).

5 Scheme of Governance

5.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

5.2 The Committee has the power to consider and allocate grants to Community Councils within approved budgets as per B.1.1 and B.3.2 of part 2A of the Scheme of Governance

Laurence Findlay

Director of Education and Children's Services

Report prepared by Alison Cumming, Area Committee Officer (Garioch)

10 April 2024

List of Appendices –

Appendix 1 – Aberdeenshire Allocations

Appendix 2 - Garioch Community Council Allocations

Appendix 3 – Single Election Briefing

Community Council (CC) Summary 2024-25

	2023/24 Budget	2024/25 Budget
Overall Budget allocation	66,200	67,900
Less Insurance	(5,848)	0
Less Community Council Election and Expenses	(1,140)	(5,000)
Less Data Protection fees.	(2,720)	(2,720)
Community Events Allocation	(2,000)	0
Value to be paid direct to Community Councils	<u>54,492</u>	<u>60,180</u>
Project Grant	0	0
Fixed Grant (Each CC receives a Fixed value)	20,700	27,200
Variable Grant (Formula driven)	33,944	32,980
Equals the above value paid direct to CC	<u>54,644</u>	<u>60,180</u>

Area Committee splits

No		2023/24 Electorate	2024/25 Electorate	Admin Grant Fixed	Variable Grant Per Elector	Total Grant Per Area
12	Banff & Buchan	26,288	26,162	4,800.00	4,284.00	9,084.00
9	Buchan	32,115	32,231	3,600.00	5,277.00	8,877.00
11	Formartine	33,886	34,100	4,400.00	5,583.00	9,983.00
9	Garioch	41,840	42,596	3,600.00	6,973.00	10,573.00
12	Kincardine and Mearns	36,671	37,064	4,800.00	6,068.00	10,868.00
15	Marr	29,024	29,287	6,000.00	4,795.00	10,795.00
68		<u>199,824</u>	<u>201,440</u>	<u>27,200.00</u>	<u>32,980.00</u>	<u>60,180.00</u>

Garioch Breakdown

<u>Community Council splits</u>		Administration Grant				
		2023/24	2024/25	Admin Grant	Variable Grant	Total Grant
		Electorate	Electorate	Fixed	Per Elector	Per Area
				(£)	(£)	(£)
Garioch - Education and Childrens Services						
1	Bennachie	5,276	5341	£900.00	£310.00	£1,210.00
2	Cluny Midmar & Monymusk	2,127	2142	£900.00	£124.00	£1,024.00
3	Echt & Skene	1,466	1463	£900.00	£85.00	£985.00
4	Fintray	589	589	£900.00	£34.00	£934.00
5	Inverurie	12,456	12581	£900.00	£730.00	£1,630.00
6	Kemnay	3,636	3681	£900.00	£214.00	£1,114.00
7	Kintore & District	4,112	4186	£900.00	£243.00	£1,143.00
8	Newmachar	3,349	3432	£900.00	£199.00	£1,099.00
9	Westhill & Elrick	9,129	9181	£900.00	£534.00	£1,434.00
		41,840	42,596	£8,100.00	£2,473.00	£10,573.00



Introduction of a Single Election Date – Implementation Plans

The revised Scheme for the Establishment of Community Councils approved in 2021 included the introduction of a single election date to be implemented in 2024. This means that a full election for every Community Council in Aberdeenshire will be held on a single date in 2024, and every three years thereafter. This will provide a consistent Aberdeenshire-wide approach, be more efficient and allow for increased publicity to generate interest in getting involved with Community Councils.

Election Timing: To try to avoid clashing with local and national elections, it is proposed that Community Council elections will be held in late summer/early autumn, after the school summer holidays and before October half-term.

		Proposed 2024 dates
Call for nominations (15 working days)	August	Monday 19 August 2024
Close of nominations	September	Sunday 8 September 2024
18 September 2024 - Current Community Councillors stand down at Midnight		
Ballot (if required)	September	Thursday 19 September
20 September 2024 – Count takes place		
Inaugural meeting (first meeting of new CC)	September/October	By 11 October 2024

If any Community Councils receive less than the minimum required nominations, a second call for nominations will be issued following the October holidays.

All existing Community Councillors would stand down at 12 midnight on Wednesday, 18 September 2024. All candidates elected, including those elected unopposed, would start in post as Community Councillors following the declaration at the completion of the count on Friday 20 September 2024.

Inaugural Meetings: AGMs will be separated from the election process and instead an “inaugural meeting” will be held following elections. At the inaugural meeting, the Community Council will approve its constitution, confirm meeting dates for the year and appoint office bearers (if there are changes to the office bearers it will be necessary for Community Councils to ensure they have appropriate banking forms for completion to amend signatories on the bank account, handing over of equipment and files). It will also provide an opportunity for Members to introduce themselves and highlight the knowledge, skills and experience they bring to the table. The Returning Officer or their nominee will Chair the meeting until a Chair is elected.

Implications for AGMs: Community Councils would continue to hold their AGMs in May/June to consider the Community Council’s annual report and independently verified statement of accounts. Following election at the inaugural meeting, office bearers may continue in post until the next set of elections/inaugural meeting or may be elected/re-elected annually at the AGM, at the discretion of the Community Council and in line with its constitution.

Communications Plan/Publicity: The elections will be widely promoted including through the Council website, social media including video case studies, and news media. Community Councils will be expected to promote elections in their areas and will be equipped with tools to help through the use of template posters for printing or use on social media.

Election Roles and Responsibilities:

Area Offices/Election Team will organise:

- Public Notice and Aberdeenshire-wide promotion of elections
- Election administration including ballot venue/arrangements.
- Inaugural meeting including venue and agenda (in liaison with existing CC secretary)
- Online induction training

Community Councils will arrange:

- Local promotion of elections
- Handover arrangements for bank accounts, equipment etc.

Vacancies between elections: If vacancies arise in the years between elections these can be filled by co-option as long as (a) the Community Council's membership is not below the minimum required and (b) the number of co-opted Members does not make up more than $\frac{1}{4}$ of the Community Council's maximum membership number. (For example, a Community Council with a minimum membership of 5 and maximum of 10, with 7 elected members may co-opt up to 2 members).

If a Community Council has filled all its co-option places, but is becoming low in numbers it is possible to hold an interim election. This can be done at any time in discussion with the Area Office. If the Community Council has interested parties and is not low in numbers, it may be possible that they are associate members in the short term.

In order to streamline this process and to reduce the need for interim elections, Officers have been considering the potential for automatic regularisation (co-options becoming a full member automatically) after a defined period of time. This would then free up co-option places to allow the Community Council to continue with its business without having to have extra elections which can be disruptive to the Community Council business. This is being trialled as part of the new procedures for the single election to see how well it works before changes to the Scheme are proposed.

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