

BANFF AND BUCHAN AREA COMMITTEE

TUESDAY, 20TH FEBRUARY, 2024

Present: Councillors D Mair (Chair), R Menard (Vice-Chair), J Adams, S Adams, A Bell, R Cassie, J Cox, M Findlater, S Logan, and G Reynolds.

Officers: Angela Keith, (Area Manager, Banff and Buchan); Rob McIntosh, (Principal Solicitor – Developer Obligations and Infrastructure); Piers Blaxter, (Team Leader, (Planning Policy)); Lindsey Geddes, (Senior Planner); Jim Martin, (Senior Planner); Amanda de Candia, (Solicitor); and Jan McRobbie, (Area Committee Officer, Banff and Buchan).

In attendance:

Inspector Steven McDonald, Area Commander North Aberdeenshire, Police Scotland.

1 SEDERUNT AND DECLARATION OF MEMBERS' INTERESTS

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

There were no declarations of interest.

2 PUBLIC SECTOR EQUALITY DUTY

In taking decisions on the undernoted items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act 2010:-

- (1) to have due regard to the need to:-
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality and opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster good relations between those who share a protected characteristic and persons who do not share it, and
- (2) to consider, where an Integrated Impact Assessment has been provided, its contents and to take those into consideration when reaching a decision.

3 POLICE SCOTLAND - PERFORMANCE MONITORING AND OPERATIONAL UPDATE

There had been circulated a report dated 18 January by the Interim Director of Business Services, advising Members of how the police service is performing against key performance measures and associated targets, as set out in the Aberdeenshire Police Plan 2023-26, as approved by the Communities Committee.

The Chair, on behalf of the Committee, welcomed Inspector Steven McDonald, Area Commander North Aberdeenshire, Police Scotland, to the meeting.

Members heard from Inspector McDonald details of Police Scotland's delivery, from April 2023 to September 2023, on the six local priorities as identified in the Aberdeenshire Police Plan, with a particular emphasis on the Banff and Buchan area.

Inspector McDonald confirmed that this was the first iteration of the new area performance reporting, relying on data released by Police Scotland, and spoke of challenges in supporting mental health, where only one in five calls to the police resulted in a police report; of the area's above average performance in supporting and protecting victims of domestic abuse, directly and in partnership with other agencies; progress with the new Scottish model for child interviews, reducing trauma and providing better engagement; the Four D strategy in pursuit of county lines drug crime and the success of Operation Protector, including over 411 safeguarding visits and engagement with over 600 people at the various support hubs; of drug supply detections up 30% on the previous year; of the increase in antisocial behaviour, violence, and disorder compared to the previous year, but lower than the five year average, with the deployment of community officers in schools allowing the development of positive relationships and the ongoing engagement with licenced premises; of ongoing partnership work to achieve zero road fatalities, with a decrease from the previous year in both fatalities and serious injuries; and of acquisitive crime similar to the previous year, but an 18% reduction in fraud, especially electronic fraud, with the continued partnership working on public awareness, and increasing success for the cyber-enabled crime team in its fast interventions, being able to freeze and then retrieve funds which would previously have been lost to the victims of fraud. Whilst there were no concerns for counterterrorism in Banff and Buchan, the North Division continued to work in partnership arrangements for the St Fergus Gas Plant and Peterhead Power Station in Buchan.

There was discussion of the potential impact on recruitment of an additional investment and Members were advised that a proportion of the new recruits to the Police College would be allocated to the area, to address the current shortfall, but that numbers were yet to be confirmed. The removal of the pause on recruitment had been welcomed. In addition, Inspector McDonald spoke of the ongoing campaign for local recruitment, especially in rural areas.

Questions were asked on the processes to ensure that coercive domestic abuse, difficult to evidence, was pursued through the court system and assurances were provided on the tiered response options, ongoing interaction with agencies such as Grampian Woman's Aid and Rape Crisis, and the changes in legislation which made corroboration easier.

It was noted that greater clarity might be provided in the charts to highlight where figures reported were percentages.

Having considered the performance monitoring information as detailed in the Appendix to the report, the Committee **agreed**:-

- (1) to welcome the report, noting the change from previous Police Scotland Performance presentation; and

- (2) to note the Communities Committee request of the Divisional Commander to continue to report to Committee on performance measures against service objectives.

4 MINUTE OF MEETING OF 30 JANUARY 2024

There had been circulated and was **approved** as a correct record the Minute of Meeting of the Banff and Buchan Area Committee of 30 January 2024

5 STATEMENT OF OUTSTANDING BUSINESS

A report by the Area Manager was circulated detailing the items of outstanding business as at 13 February 2024.

Members heard from the Area Manager of the recommendation that Item 3, Housing Management Policy: Condensation, damp, and mould, be dismissed, following the informal session held on 13 February 2024.

The Committee **agreed**:-

- (1) that Item 3, Housing Management Policy: Condensation, damp, and mould be dismissed, having been assured at the informal session held on 13 February 2024; and
- (2) in all other respects to note the items of outstanding business as at 20 February 2024.

6 APP/2023/1109 - FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AT LAND AT NETHER CORTES FARM, FRASERBURGH REFUSE

There had been circulated a report dated 2 February 2024 by the Director of Environment & Infrastructure Services, requesting Members' consideration of an application following a site visit, for Full Planning Permission for Erection of Dwellinghouse at Land at Nether Cortes Farm, Fraserburgh, recommended for refusal as contrary to the Local Development Plan and National Planning Framework 4.

The Committee were advised that a request to speak had been made by Craig Fyvie, Baxter Design, on behalf of the applicant, and **agreed** to hear Mr. Fyvie.

Members heard from Mr. Martin, Senior Planner, of the site visit held on 13 February to the site, proposed as the location for a retirement succession house relating to the viable farming unit. He spoke of the elevated site, at a location 340 metres remote from the current farm hub, with a visual separation from the hub and also prominent when viewed from the A952. The application was therefore recommended for refusal as not meeting the required criteria of Policy R2 of the Local Development Plan and Policy 17 of the National Planning Framework.

There being no questions for officers, the Committee heard from Mr. Fyvie, agent, on behalf of the applicant. He stressed that although the report found the site to be

prominent, the design was noted as acceptable. From questions raised but not addressed at the site visit, Mr. Fyvie confirmed that the farm was 66 ha, and followed a system of crop rotation for its arable fields. A water main was accessible and Scottish Water had accepted the request to connect, and connection to mains electricity (SSE) was also possible.

Questions were asked of Mr. Fyvie regarding the location of the site in relation to the existing farm buildings; whether there had been any consideration of alternative sites less remote to the hub itself; the proportion of farm given over to livestock; and the status of the agricultural ground; and the apparent contradiction between the classification as retirement house in terms of the planning policy, but its requirement to have an operational overview over the fields of the farm.

There being no further questions, Mr. Fyvie confirmed that he had had a fair hearing.

There was discussion of the definition of immediate vicinity in terms of Policy R2 of ADLP23; the requirement for any retiring farmer to remain connected to the operation of the land; and the prominence of the new house at its elevated location, and options for mitigation by condition, were the application to be approved.

Members confirmed they had sufficient information to determine the application.

The Committee **agreed** to Delegate, to the Head of Planning and Economy, subject to appropriate conditions, including the approval of a scheme of landscaping, the GRANT of Full Planning Permission, as an acceptable Departure from Policy R2: Development Proposals Elsewhere in the Countryside, of ALDP23, and Policy 17: Rural homes, of NPF4.

7 APP/2023/0562 - FULL PLANNING PERMISSION FOR ERECTION OF 35 DWELLINGHOUSES AND ASSOCIATED INFRASTRUCTURE AT LAND TO THE NORTH OF CAIRN CLOSE, MEMSIE, FRASERBURGH DELEGATED GRANT

There had been circulated a report dated 6 February 2024 by the Director of Environment and Infrastructure Services, requesting Members' consideration of an application for Full Planning Permission for the Erection of 35 Dwellinghouses and Associated Infrastructure at Land to the North of Cairn Close, Memsie, Fraserburgh, recommended for delegated grant.

Members heard from Miss Geddes, Senior Planner, details of the siting of the proposal, on a relatively flat area of agricultural ground, close to the Doolie Burn, adjacent to, and sharing the current access of, an existing development by the same developer, with a scheme of landscaping proposed to mitigate the site, including its currently exposed northern side. Services were to be provided, including foul water drainage, with the upgrading of the current water treatment plant to be adopted by Scottish Water. Miss Geddes spoke of the detail of the proposed houses, following a variety of styles and pallet of materials, echoing those in the existing development at Cairn Close, and the network of paths, landscaped areas, and play area proposed on site. Offsite provision was to be made for bus stops with shelters, and a road crossing, with existing roadside footways extended to include the new bus stops.

Whilst the Local Development Plan 2023 had allocated an indicative 20 houses, policy allowed the consideration of more houses. These were presented as smaller sized

and were considered appropriate to the site. A viability statement from the developer had been accepted by officers, as exceptional circumstances, which would allocate a lower contribution to affordable housing as a commuted off-site payment. Developer obligations would have been sought towards healthcare and sports provision, but in this instance, it was accepted that no Developer Obligation monies would be pursued. Miss Geddes stressed that were the financial markets to change at any point, the Developer Obligations contributions could be reassessed.

Questions were asked of officers regarding the protocol for sharing a recent email with the Committee and following an adjournment, legal advice was given by Mrs De Candia, Solicitor.

Questions were asked of officers as to why the viability statement was withheld, being advised this was at the developer's specific request; the timescale for adoption of the water treatment plant, required before house occupation; the process for financial market monitoring and clawback of additional Developer Obligation monies, if appropriate; potential flooding issues from the Doolie Burn; safety and access issues on the proposed playground.

Members agreed they did not have enough information to determine the application and **agreed** to DEFER consideration of the matter for a site visit in order to consider the proposed access roads; proximity of play area; landscape; impact of Doolie Burn; and potential flooding.

8 APP/2023/1891- FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AT LAND AT NETHER BLAIRMAUD, BOYNDIE, BANFF REFUSE

There had been circulated a report dated 6 February 2024 by the Director of Environment and Infrastructure Services, requesting Members' consideration of an application for Full Planning Permission for the Erection of a Dwellinghouse at Land at Nether Blairmaud, Boyndie, Banff, recommended for refusal as contrary to the Local Development Plan and National Planning Framework 4.

Members heard from Mr. Martin, Senior Planner, of corrections to be made to the summary of the application on the title page of the report, and its description in Paragraph 9.2 of the report: the application was a departure from the Local Development Plan and had been advertised as such.

He spoke of the proposed house, on which no representations had been made, with the sole consultee response being proposed Roads conditions, should the application be approved. The application complied in principle with policies R2 of the Local Development Plan 2023, and 17 and 29 of NPF4 in so far as a case had been made for an essential worker, but the location was not at the farm hub, being 80 metres to the north, with a visual separation between the two.

Questions were asked of officers regarding the ownership of land to the left and right of the existing farm hub; whether there had been discussions with the applicant about an alternative site, closer to the farm hub; the justification for having an essential worker's house close to existing farm operations, given changes in farming practice; noise from the farm impacting on the dwelling; and the total size of the farm.

There was discussion of the acceptable proximity distance from the hub, given the policy gave no specific measurements; and the ambiguity of “immediate vicinity.”

Members confirmed they had sufficient information to determine the application.

The Committee **agreed** to Delegate, to the Head of Planning and Economy, the GRANT of Full Planning Permission, subject to appropriate conditions, for the reasons that 80 metres is considered within the immediate vicinity of the existing farm hub, and therefore the application conformed with ALDP 2023 Policy R2 Development Proposals Elsewhere in the Countryside and NPF4 Policy 29 Rural development.

9 ABERDEENSHIRE DEVELOPMENT PLAN SCHEME 2024

There had been circulated a report dated 8 January 2024 by the Director of Environment and Infrastructure Services requesting Members’ consideration of the Draft Local Plan Development Scheme, presenting the timetable and participation statement for the Local Development Plan anticipated to be adopted in 2029. Comments from Area Committees and public engagement were to be presented to the Infrastructure Services Committee on 16 May 2024 for approval of the Scheme.

Members heard from Mr. Blaxter of the outcome of engagement to date; slippage in timing of the publication of topic papers, now anticipated to be concluded by June 2024; evidence reports scheduled to be presented to Full Council in January 2025; the next stage of the plan, being the call for bids and ideas to start in early 2025, building on existing work by communities to develop Community Action Plans and other action plans; the need to address climate change and biodiversity; and the proposed establishment of youth fora in schools to increase valid engagement with youth.

There was discussion of the requirement to include renewable opportunities, and the overlap with Investment Zones, noting that energy projects were retained by Scottish Government as a national issue; the potential to identify concentrations of energy related development in National Planning Framework (NPF)4; the current status of the topic papers; the need to consider the Housing Strategy, anticipated to be submitted to Council in October 2024, in the new Local Development Plan; the need for the coastal policy to be reviewed; the requirement to have additional weighting to sites for health centres and other infrastructure; reconsideration of the definition of “immediate vicinity” in the context of housing for essential workers on a farm site; the location of future infrastructure being informed by the spatial strategy arising from the evidence reports, with the ideal being an accommodation of development without further investment; and the need to have cognisance of Local Place Plans as they evolved.

The Committee **agreed** that the Infrastructure Services Committee be urged to consider that the process needs to be timely.

Arising from consideration of the above, the Committee **agreed** that the undernoted comments be considered in the development of the content of the Local Development Plan when appropriate:-

- (1) to note that matters about renewables have been retained as national issues by the Scottish Government in NPF4;

- (2) to note that the Coastal Zone policy may be reviewed to significantly reduce the area included (previously from coast to nearest trunk road);
- (3) to request that the definition of criteria around essential workers and “vicinity” in terms of Policy R2 be considered; and
- (4) noting that spacial strategy arising from evidence reports will follow principle of Infrastructure First, to request that additional weight to be given to siting of surgeries etc as essential infrastructure.