

ABERDEENSHIRE COUNCIL

WOODHILL HOUSE, ABERDEEN, 26 SEPTEMBER, 2019

Present: Councillors K Adam, W Agnew, D Aitchison, A Allan, P Argyle, N Baillie, D Beagrie, L Berry, A Bews, R Bruce, C Buchan, M Buchan, S Calder, G Carr, R Cassie, I Davidson, S Dickinson, A Duncan, E Durno, A Evison, M Ewenson, A Fakley, M Findlater, M Ford, P Gibb, J Gifford, V Harper, A Hassan, F Hood, W Howatson, J Hutchison, M Ingleby, J Ingram, P Johnston, A Kloppert, A Kille, J Latham, S Leslie, D Lonchay, R McKail, A McKelvie, D Mair, I Mollison, G Owen, C Pike, G Reid, G Reynolds, D Robertson, M Roy, A Simpson, H Smith, N Smith, S Smith, A Stirling, I Sutherland, I Taylor, R Thomson, B Topping, I Walker, A Wallace, L Wilson, R Withey and J Whyte.

Apologies: Councillors A Buchan, Blackett, Cox, Forsyth, Partridge, Petrie (Maternity Leave) and Ross

Officers: Chief Executive, Director of Business Services, Director of Education and Children's Services, Director of Infrastructure Services, Chief Officer, Health and Social Care Partnership, Head of Finance, Head of Legal and Governance, Planning Service Manager (M Stewart) and Principal Committee Services Officer.

CHAIR

Councillor W Howatson, Provost of the Council, presided.

ANNOUNCEMENTS

Prior to consideration of the business of the meeting, the Provost congratulated James Ingleby, who had been honoured in the Queen's Birthday Honours List and awarded the Commander of the Royal Victorian Order for his services as Lord Lieutenant of Aberdeenshire.

The Provost also congratulated Mairi Forsyth (Peterhead Academy) who had been selected to play for the Scotland Women's Rugby squad in the forthcoming tour of South Africa, John Black (Meethill School) and Jamie Fairbairn (Banff Academy) who had both been shortlisted at the Scots Language Awards in the category of Teacher of the Year and Meethill School which had also been selected in the category of School of the Year.

The Provost further acknowledged awards of "Much Loved Park" to Aden Country Park and "Tree of the Year" to "The Peace Tree" at Dunnottar Church.

Finally, the Provost advised that nominations could now be submitted for the Inspiring Aberdeenshire Awards and voting in respect of the Aberdeenshire Architecture and Landscape Design Awards was now open and encouraged all interested parties to participate.

1. DECLARATION OF MEMBERS' INTERESTS

The Provost asked members if they had any interests to declare in terms of the Councillors' Code of Conduct and the following declarations were intimated:-

- (i) Item 4 – Councillor Ford given his stated views that Aberdeenshire Council's standing and reputation had been damaged by being associated with the site owner

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because of the site owners behaviour and left the meeting during consideration and determination thereof; and

- (ii) Item 12 – Councillor Evison as President of CoSLA but having applied the objective test concluded the interest to be remote and insignificant and would remain and participate.

2A. STATEMENT ON EQUALITIES

In making decisions on the following items of business, the Council **agreed**, in terms of Section 149 of the Equality Act, 2010:-

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

2B. EXEMPT INFORMATION

The Council **agreed**, in terms of Sections 50A (4) and (5) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting during consideration of Item 19 below so as to avoid disclosure of exempt information of the class described in paragraph 8 of Part 1 of Schedule 7A to the Act.

3. MINUTE OF MEETING OF ABERDEENSHIRE COUNCIL OF 27 JUNE, 2019

The Minute of Meeting of Aberdeenshire Council of 27 June, 2019, had been circulated, was **approved** as a correct record, and thereafter signed by the Chair.

4. PLANNING APPLICATION - APP/2018/1814 - ERECTION OF 550 DWELLINGHOUSES (UP TO 500 RESIDENTIAL UNITS AND A MINIMUM OF 50 LEISURE/RESORT UNITS), COMMUNITY FACILITIES (CLASS 10 NON-RESIDENTIAL INSTITUTIONS AND CLASS 11 ASSEMBLY AND LEISURE), DEVELOPMENT FALLING WITHIN CLASS 1 (SHOPS), CLASS 2 (FINANCIAL, PROFESSIONAL AND OTHER SERVICES), CLASS 3 (FOOD AND DRINK), LANDSCAPING AND SUPPORTING INFRASTRUCTURE AT LAND AT MENIE ESTATE, BALMEDIE, ABERDEENSHIRE

With reference to the Minute of Meeting of the Formartine Area Committee of 3 September, 2019 (Item 6A), a report dated 12 September, 2019 by the Director of Infrastructure Services had been circulated requesting consideration of an application for Planning Permission in Principle for the Erection of 550 Dwellinghouses (Up to 500 Residential Units and a minimum of 50 Leisure/Resort Units), Community Facilities (Class 10 Non-residential Institutions and Class 11 Assembly and Leisure), Development Falling Within Class 1 (Shops), Class 2 (Financial, Professional and Other Services), Class 3 (Food and Drink), Landscaping and Supporting Infrastructure at Land at Menie Estate, Balmedie, Aberdeenshire.

The report explained that this was an application for major development, which in the opinion of the Head of Planning and Environment was a significant departure from the Development Plan and in terms of Section A.11.1 of Part 2A List of Committee Powers and Section

C.2.1b of Part 2C Planning Delegations of the Scheme of Governance required to be determined by Full Council.

The Provost advised that a request to speak had been received from the applicant's agent and the Council **agreed** to hear from Mr McMurray and Ms Malone prior to determination of the application.

The Planning Service Manager then introduced the report, making reference to various elements of the application including size and location of the application site; planning history and proposed phasing of development as required by the original planning consent; related site allocation (OP3) within the Balmedie Settlement Statement in the current Local Development Plan which included specified phasing of the development; the hybrid nature of the application under consideration which included eight chapters (or phases) of development, six of which submitted with indicative details for in principle development and two (Parts 1A and 1B) submitted with full details; road access arrangements including public network capacity and confirmation that a grade separated junction was no longer required; proposed changes to the phasing of the development which required the application to be considered as a departure from the Local Development Plan; the applicant's justification for the proposed changes to the phasing of development related to changing economic circumstances and demand since the date of the original planning approval in 2008; the applicant's ongoing commitment to delivering elements of the original vision as components of future phases; the consideration and determination process for the application including a predetermination hearing, Area Committee consultation, consultee responses and public comments received; relevant national and local planning policies; and key material issues relating to the application. In conclusion, the application was recommended for delegated approval as a departure from the local development plan subject to a Direction and conditions detailed in the report.

On behalf of the applicant, the Council then heard from Mr McMurray and Ms Malone in support of the application. It was considered that all technical matters had now been addressed and the only determining issue in respect of the application was the justification for the change in phasing having regard to current circumstances. Reference was made to the organisation's commitment to continuing its investment and desire to see the next phase of development come to fruition and the region and tourism economy flourishing as a result. Details of the proposed Phase 2 mixed development proposals were provided together with further explanation of the proposed change in emphasis in respect of the phasing of the development with particular reference to hotel and holiday accommodation. In conclusion, the Council was requested to support the application.

Mr McMurray and Ms Malone responded to questions from Members on the transport impact assessment undertaken with particular reference to impact on Balmedie.

The Planning Service Manager also responded to questions from Members on commuted sums for affordable housing in terms of value and how and when this would be delivered, the loss of prime agricultural land, any environmental impact work undertaken by Scottish Natural Heritage prior to the land being purchased by the developer and any intervention required since that time, the traffic impact assessment undertaken including the impact of increased traffic on the local road network and on the village of Balmedie, and developer contributions towards education provision.

Following discussion, Councillor Gifford moved, seconded by Councillor Wallace, that Council agree that authority to grant planning permission in principle be delegated to the Head of Planning and Environment subject to (1) the satisfactory submission of a further Bat Survey; (2) the conclusion of a Section 75 Legal Agreement; and (3) the Direction and Planning conditions detailed in the report.

As an amendment, Councillor Thomson moved, seconded by Councillor Johnston, that Council refuse the application for reasons based on the development being a departure from the Local Development Plan and the extent of the Economic benefits that might be delivered were not sufficient to justify the departure.

Members of the Council voted:-

for the motion	(38)	Councillors Agnew, Argyle, Beagrie, Berry, Bruce, M Buchan, Carr, Davidson, Dickinson, Duncan, Fakley, Findlater, Gifford, Hood, Howatson, Hutchison, Ingleby, Ingram, Kille, Leslie, Lonchay, Mair, McKail, McKelvie, Mollison, Owen, Pike, Robertson, Roy, Simpson, H Smith, N Smith, Stirling, Sutherland, Taylor, Walker, Wallace and Withey.
for the amendment	(24)	Councillors Adam, Aitchison, Allan, Baillie, Bews, C Buchan, Calder, Cassie, Durno, Evison, Ewenson, Gibb, Harper, Hassan, Johnston, Kloppert, Latham, Reid, Reynolds, S Smith, Topping, Thomson, Whyte and Wilson.
absent from the vote	(1)	Councillor Ford.

The **motion** was carried and the Council **agreed**:

- (1) that authority to grant Planning Permission in Principle be delegated to the Head of Planning and Environment, subject to:-
 - (a) the satisfactory submission of a further Bat Survey;
 - (b) the conclusion of a Section 75 Legal Agreement; and
 - (c) the following Direction and Planning Conditions.

Direction

DIRECTION UNDER SECTION 59(5) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997:

Aberdeenshire Council hereby directs that application for approval of all matters specified in conditions to a grant of Planning Permission in Principle must be made before whichever is the latest of the following dates:

- (i) The expiration of 15 years beginning with the date of the planning permission in principle; or,
- (ii) The expiration of 6 months from the date on which an earlier application (Matters Specified in Condition) for the requisite approval was refused or dismissed following an appeal or review.
- (iii) The expiration of 6 months from the date on which an appeal against such refusal was dismissed.

In relation to any matter under parts (i) and (ii) above, only one application for approval of matters specified in conditions may be made after the expiration of the planning permission in principle.

The development hereby granted shall be begun before the expiration of 15 years from the final approval of the matters specified in conditions or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Conditions

- 01 With the exception of Chapters 1A and 1B, details of the specified matters listed below shall be submitted for consideration by the Planning Authority for each phase of the proposed development, in accordance with the timescales and other limitations identified in the relevant direction made under Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

No development in connection with each phase shall begin on the site unless all of the details listed in this condition have been submitted to and approved in writing by the Planning Authority for each phase. The development shall be carried out in complete accordance with the details approved in relation to this condition.

Specified matters:

- (a) A detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development, relative to existing levels and a fixed datum point;
- (b) Full details of the proposed means of disposal of foul and surface water from the development;
- (c) The siting, design, height and external materials of all buildings or structures;
- (d) The details of all roads, footpaths and cycleways throughout the development;
- (e) Details of any screen walls/fencing to be provided;
- (f) Measures to maximise environmental sustainability through design, orientation and planting or any other means;
- (g) Details of all landscaping, planting and screening associated with the development;
- (h) Details of the maintenance of all open space and treed areas not included in private house plots;
- (i) A tree survey identifying all existing trees proposed to be removed or retained;
- (j) A Badger Survey;
- (k) Full details of waste/recycling collection point.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

- 02 Concurrently with the submission of the first application for the approval of MSC, plans showing the proposed phasing of the development shall be submitted to and approved in writing by the Planning Authority. Following approval of this phasing scheme, the development shall be implemented in accordance with the approved scheme.

Reason: To ensure the timeous provision of, and to retain control over, the development.

- 03 The total number of houses hereby granted shall not exceed 550 units. No more than 500 of the 550 houses hereby granted shall be sold as private houses.

Reason: The development of further private housing on this site as permanent residential units would not comply with the Council's Local Development Plan policies regarding residential development in this area. Furthermore, to ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment, and to ensure that the scale and operation of the proposed development does not adversely affect the safe and efficient operation of the trunk road network.

- 04 The golf villas and leisure/resort units hereby approved shall be occupied on a holiday letting or fractional ownership basis only and for no other purposes whatsoever including use as permanent residential units without the prior express grant of planning permission by the Planning Authority. The golf villas and leisure/resort units shall not be occupied as a person's sole or main residence and the owner of the golf villas and leisure/resort units shall maintain an up-to-date register of the name of each occupier of the golf villas and leisure/resort units on the site, their length of stay and their main home address, and shall make this information available at all reasonable times to the Planning Authority.

Reason: The occupation of the golf villas and leisure/resort units as permanent residential units would not comply with the Council's Local Development Plan policies regarding residential development in this area and would undermine the economic and social benefits of the development.

- 05 No works in connection with the permission hereby approved shall commence, unless further details for the proposed scheme of compensatory tree planting outlined have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- (a) The location of the compensatory tree planting.
- (b) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- (c) A programme for the implementation, completion and subsequent management of the proposed compensatory tree planting. *(The agreed compensatory tree planting scheme MUST be comprehensive and include timescales for the implementation of the works)*

The compensatory tree planting shall be carried out in complete accordance with the approved scheme. Any planting which, within a period of 5 years from the completion of the compensatory tree planting, 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: In order to maintain woodland cover in accordance with the aims of local and national planning policies.

06 In accordance with condition 1 g), h) and i), no works in connection with each relevant phase of the development approved shall commence 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:

- (a) A tree survey in accordance with BS 5837:2012.
- (b) Existing landscape features and vegetation to be retained.
- (c) Protection measures for the landscape features to be retained.
- (d) Existing and proposed finished levels.
- (e) The location of new trees, shrubs, hedges, grassed areas and water features.
- (f) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- (g) The location, design and materials of all hard landscaping works including any *walls, fences, gates, street furniture and play equipment*.
- (h) An indication of existing trees, shrubs and hedges to be removed.
- (i) A programme for the implementation, completion and subsequent management of the proposed landscaping.

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.

07 No individual dwellinghouse or building hereby approved shall be erected unless an Energy Statement, which demonstrates that the proposed energy efficiency measures adhere to the highest standard of current building regulations applicable to that dwellinghouse or building, 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 2017.

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 Scottish Planning Policy and Policy C1 of the Aberdeenshire Local Development Plan 2017.

- 08 No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the Planning Authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought in to use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the Planning Authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

- 09 The proposed development shall be connected to the public water supply, as indicated in the submitted application, and shall not be connected to a private water supply without the separate express grant of planning permission by the Planning Authority.

Reason: To ensure the long-term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

- 10 No works on any phase of the development hereby approved shall commence unless a detailed site-specific Construction Method Statement has been submitted to and approved in writing by the Planning Authority. The Construction Method Statement shall include details of the proposed routing of construction traffic, temporary road openings, traffic management requirements and type and volume of traffic. Once agreed, all construction works on the site shall comply with the approved Construction Method Statement.

Reason: In the interests of protecting the environmental sensitivity of the site and its surroundings and to control environmental pollution.

- 11 No works in connection with each phase of the development hereby approved shall commence unless a Tree Protection Plan has been submitted to and approved in writing by the Planning Authority. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- (a) The location of the trees to be retained, their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction).
- (b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction).
- (c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas.
- (d) An Arboricultural Impact Assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation.
- (e) An Arboricultural Method Statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained.

- (f) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

No works in connection with the development, hereby approved, shall commence unless the tree protection measures have been implemented in full, in accordance with the approved tree protection plan. 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. No fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

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.

- 12 No works in connection with the development hereby approved shall commence unless full details for the implementation and delivery of the agreed Outdoor Access Management Plan for continuing and enhanced non-motorised public access has been submitted to and approved in writing by the Planning Authority. The development shall be carried out in complete accordance with the approved Outdoor Access Management Plan and timescales agreed.

Reason: To ensure the adequate provision of public access within and around the site.

- 13 No works in connection with the development hereby approved shall commence, unless a scheme of signage in respect of the Outdoor Access Management Plan strategy on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall include details of:
 - (a) The location of the proposed signage.
 - (b) The design and appearance of the proposed signage, including any structures and fittings.
 - (c) Timescales for and details of the implementation and phasing of the signage works.
 - (d) The proposed maintenance of the signage.

The signage shall be carried out in accordance with the approved scheme and shall be permanently retained thereafter.

Reason: To protect the proposed *public path network* on the site and in the interests of public access within and around the site.

- 14 The development hereby approved shall be carried out in accordance with the approved Ecological Impact Assessment, Version 1, 30 July 2018 and subsequent Mitigation and Management Plans – Supplementary Note, by Ironside Farrar Environmental Consultants, April 2019.

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

- 15 Prior to commencement of any works in relation to Chapter 1B, the approximate 40 metre culverted section of the channel referred to as 'Crossing C' within the Flood Risk Assessment [Fairhurst; Menie Estate Aberdeenshire; Flood Risk

Assessment; January 2019; Doc. No. 116740/G/W/03; Revision 2; Dated: 02/05/19] shall be removed and returned to open channel to the satisfaction of the Planning Authority in Consultation with SEPA and Infrastructure Services (Flood Protection).

Reason: In order to protect people and property from flood risk.

- 16 Finished floor levels (FFL) for all buildings within Phase 1B shall be set at a minimum elevation of the 0.5% annual exceedance probability (*AEP*) + climate change allowance flood level + 600mm freeboard, as stated within the Flood Risk Assessment based on the cross-section upstream of the built development (i.e. minimum FFL = 23.47m AOD).

Reason: in order to protect people and property from flood risk.

- 17 No land-raising or built development shall take place within the 0.5% annual exceedance probability (*AEP*) + climate change allowance floodplain, as defined on drawing [Fairhurst; Proposed 200 Year & 200 Year and CC Flood Extents; Dwg. No.16740/2108; Revision A; Dated: 18/04/19].

Reason: In order to protect people and property from flood risk.

- 18 As recommended within the Flood Risk Assessment [Fairhurst; Menie Estate Aberdeenshire; Flood Risk Assessment; January 2019; Doc. No. 116740/G/W/03; Revision 2; Dated: 02/05/19], no alterations to the bank levels within the vicinity of 'Crossing D', and no alterations to ground levels that would result in new flood-water flow-paths being introduced, shall be made.

Reason: In order to protect people and property from flood risk.

- 19 With the exception of Chapters 1A and 1B, no works in connection with the development hereby approved shall commence unless detailed, quantitative flood risk analysis/modelling has been undertaken for Chapters 2 to 8, and the results have been submitted to and approved in writing to by the Planning Authority. This should include appropriate drawings presenting the level and extent of the 0.5% annual exceedance probability (*AEP*) + climate change allowance floodplain.

Reason: In order to protect people and property from flood risk.

- 20 Buffer strips in line with Aberdeenshire Council's guidance shall be maintained in perpetuity around all watercourses/waterbodies.

Reason: In order to protect people and property from flood risk.

- 21 Prior to the commencement of any development related to Chapter 1A and 1B hereby approved, and as part of any future Matters Specified in Conditions (MSC) application for any further phase of the development hereby approved, full detailed surface water (SUDS) drainage design shall be submitted to and approved in writing by the Planning Authority. Details shall include appropriate drawings and calculations which address the following matters:

- (a) The Drainage Impact Assessment (DIA) for each phase of the development should include the detailed design of the proposed SUDS components (e.g. basin/swale sizing, surface water sewer layout, etc.).

- (b) Surface water should be suitably attenuated, with this attenuation designed for a minimum of a 1-in-30 year return period event + climate change allowance.
- (c) Further to the attenuation provided, surface water to be discharged to a watercourse shall be controlled to achieve limited discharge relative to the pre-development greenfield run-off rate.
- (d) It should be confirmed that surface water will not enter buildings based on a 1-in-200 year return period event + climate change allowance. This should be supported by appropriate drawings presenting ground levels and flow paths, as well as demonstrating how the 1-in-200 year return period event + climate change allowance flow will be conveyed to the detention basin area.
- (e) The surface water drainage system[s] shall be provided in accordance with the approved details and be permanently retained thereafter in accordance with the approved scheme.

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

- 22 No works in connection with the development hereby approved shall commence unless a plan/map showing all watercourses in their current condition (i.e. the shape of the watercourse at present – is it a canalised trench or natural bed and bank type?), in the context of the landscape and the siting of any proposed activity within or adjacent to the watercourse, have been submitted to and approved in writing to by the Planning Authority. For the avoidance of doubt, all crossings shall be formed by single span bridges. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that all proposed crossings will not impact on bed or bank of watercourses on site.

- 23 No works in connection with the development hereby approved shall commence until an assessment of potential environmental enhancement measures, including a map showing locations, have been submitted to and approved in writing by the Planning Authority. As part of the details of this assessment, and to ensure this development is an exemplary development, the following is required:

- (a) All SUDS features are to be biodiversity and ecologically enhancing (which excludes the use of storm cells on this rural non-constrained site).
- (b) All straightened watercourses should be re-naturalised.

Reason: In accordance with Aberdeenshire Local Development Plan Policy P1 and P2 and to ensure a high standard of place making.

- 24 No dwellinghouse hereby approved shall be occupied unless its access, driveway, parking and turning area has been provided and fully paved in accordance with the details shown on the approved plans and the drop kerb footway crossing has been formed at the new access. The first five metres of the driveway measured from the back of the footway/ carriageway shall be fully paved and shall have a maximum gradient not exceeding 1:20. Any access or driveway shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. Once provided, the access, driveway and parking area shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access, driveway and parking area to an adequate standard; to prevent the carriage of loose driveway material on to the public road and to ensure the retention of adequate off-street parking facilities, all in the interests of road safety.

- 25 No dwellinghouse hereby approved shall be occupied unless a Residential Travel Pack has been submitted to and approved in writing by the Planning Authority in consultation with Aberdeenshire Council Roads Development Team. All new homes shall be provided with the Travel Pack at the time of first occupation.

Reason: To promote the use of sustainable travel to all new residents.

- 26 Prior to completion of the internal loop road in Chapter 1A, an updated Public Transport Strategy shall be submitted to and approved in writing by the Planning Authority in consultation with Aberdeenshire Council Roads Development Team. The Strategy should detail which bus services will be diverted through the site as confirmed with a service provider, and the location and design of internal bus halts. The Strategy should be agreed in consultation with Aberdeenshire Council's Public Transport Unit and Roads Development Team and implemented prior to any further development beyond Phase 1B.

Reason: To deliver an acceptable level of public transport provision for future phases of development.

- 27 No works in connection with the development hereby approved shall commence until full details of new northbound and southbound bus lay-by's to be provided on the B977 in the vicinity of 'The Firs' property, with a direct footway link built to adoptable standard connecting to the internal Primary Road, have been submitted to and approved in writing to by the Planning Authority. The bus halts shall be designed and agreed in consultation with Aberdeenshire Council Public Transport Unit and Roads Development Team and implemented prior to occupation of the first dwellinghouse.

Reason: In order to ensure access to public transport services for residents at an agreed maximum walking distance of 650m, as referred to in Paragraph 4.5.5 of the Transport Assessment (Issue 4, 15/02/19).

- (2) the reason for the decision as follows:

The proposal is considered to comply in principle with the identified OP3 site allocation identified within the Aberdeenshire Local Development Plan 2017 settlement statement for Balmedie. The proposal continues to provide significant social and economic benefits to the locality and wider region, even when taking account of amendments made to the previous scheme envisaged for this site, to reflect the current local economic climate. Furthermore, the proposal and mitigation measures set out and contained therein are considered to be acceptable in terms of the relevant Policies contained within the Aberdeenshire Local Development Plan 2017.

5. PLANNING APPLICATION - APP/2019/0982 - NATIONAL ERECTION OF ELECTRICITY SUBSTATION COMPRISING PLATFORM AREA, CONTROL BUILDING, ASSOCIATED PLANT & INFRASTRUCTURE, ANCILLARY FACILITIES, LANDSCAPE WORKS AND ROAD ALTERATIONS AND IMPROVEMENTS AT SITE TO THE SOUTH OF NEWTON OF SANFORD, BODDAM, PETERHEAD, ABERDEENSHIRE

With reference to the Minute of Meeting of the Buchan Area Committee of 8 October, 2019 (Item 5A) a report dated 10 September, 2019 by the Director of Infrastructure Services had been circulated requesting consideration of an application for Full Planning Permission for erection of electricity substation comprising platform area, control building, associated plant and infrastructure, ancillary facilities, landscape works and road alterations and improvement works at Site to the South Of Newton Of Sanford, Boddam, Peterhead, Aberdeenshire.

The report explained that this was an application for national development which in terms of Section A.11.1 of Part 2A List of Committee Powers and Section C.1.1 of Part 2C Planning Delegations of the Scheme of Governance required to be determined by Full Council.

The Provost advised that a request to speak had been received from the applicant's agent and the Council **agreed** to hear from Mr Hart prior to determination of the application.

The Council heard from the Planning Service Manager on the detail of the proposed development including site location and layout, existing and proposed network connections, development footprint area together with associated structures, proposed improvements to the local road network, principal of the development, relevant national and local planning policies, previous planning approvals and key material considerations. The application was recommended for approval subject to the conditions detailed in the report.

The Council then heard from Mr Hart and Ms Gray on behalf of the applicant in support of the application. Mr Hart advised that Scottish Hydro Electric (SHE) was the Transmission licence holder in the north of Scotland and outlined the duties associated with that role. He explained that the proposed development formed an integral part of the reinforcements to the transmission network in the North East of Scotland. Reference was made to relevant national planning policy, site structures and layout, improvements proposed to the local road network to accommodate the access to the development, the voluntary environmental assessment submitted and associated mitigation measures proposed and the outcome of the CCTV survey of the proposed outfall point to clarify the capacity. In conclusion, he urged the Council to approve the application.

Mr Hart responded to questions from Members on the proposed scheduling and timescale for completion of the development and whether consultation had taken place with the Ministry of Defence on the potential impact of the development on the remote radar head at the former RAF Buchan.

The Council **agreed**:

- (1) to delegate authority to the Head of Planning and Environment to grant Full Planning Permission subject to consultation with the Ministry of Defence on any potential impact on the remote radar head at the former RAF Buchan and to the following conditions:

01 Landscaping Scheme

That no works in connection with the development hereby approved shall take place unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

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

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed in line with the phasing as set out within the approved scheme or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

02 Archaeology (WSI)

No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation 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 written scheme of investigation. The written scheme of investigation shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

03 CEMP

No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The CEMP shall include the following:

- (a) Risk assessment of potentially damaging construction activities;

- (b) Identification of biodiversity protection zones;
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- (d) The location and timing of sensitive works to avoid harm to biodiversity features;
- (e) The times during construction when specialist ecologists need to be present on site to oversee works;
- (f) Responsible persons and lines of communication;
- (g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person;
- (h) Use of protective fences, exclusion barriers and warning signs;
- (i) Details of lighting, both during construction and operation of the site.
- (j) Hours of operation during the construction period.

The CEMP must address the mitigation details contained within Appendix 2.1 'Schedule of Mitigation' of the Environmental Appraisal, dated April 2019.

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

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

Reason: In the interests of protecting the biodiversity of the environment, the amenity of the surrounding area and road safety.

04 Drainage

Prior to the commencement of any development on the site, a Finalised Drainage Scheme shall be submitted to the Planning Authority for approval.

The Finalised Drainage Scheme must reflect the details of the previously submitted scheme and the CCTV survey of existing drainage infrastructure. For the avoidance of doubt the previously submitted scheme is considered to comprise:

- (a) 'Proposed Peterhead 400kV Substation - Outline Drainage Assessment', SLR Ref: 428.04707.00011, SLR, dated July 2019
- (b) 'Proposed Peterhead 400kV Substation Proposed Drainage Layout', Drawing no. LT135_PEHE_0804_0003, dated 25.04.19.

Thereafter, the development shall be carried out in accordance with the amended drainage scheme unless otherwise agreed in writing with the Planning Authority.

The drainage scheme shall be retained in perpetuity.

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

05 Access

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

- (a) The maximum gradient of the first 5m of the new access (as measured from the edge of the public road) shall not exceed 1 in 20.
- (b) The first 5m of the new access (as measured from the edge of the public road) shall be fully paved.
- (c) Visibility Splays measuring 2.4m by 120.0m shall be formed on either side of the junction of the vehicular access with the public road. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

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

06 Parking

Prior to the occupancy or operation of the development, off-street parking for 5 cars, surfaced in hard standing materials shall be provided within the site.

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

07 Construction Traffic Management Plan

No works in connection with the permission hereby granted shall commence unless a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland (where the scheme would impact upon the Trunk Road network). The CTMP must include:

- (a) The proposed routing of all construction traffic.
- (b) Details of any traffic management measures proposed during construction (including signage). Traffic management measures must be undertaken by a recognised QA traffic management consultant.
- (c) Detail of any abnormal loads, including their routing

Thereafter, the development shall be carried out in accordance with the approved CTMP.

Reason: In the interests of road safety and to avoid degradation of the road and bridge network.

08 Wheel Washing

No development shall take place unless, details of wheel washing facilities (or an alternative appropriate solution as agreed, in writing, by the Planning Authority in consultation with Transport Scotland) are agreed, in writing, with the Planning Authority in consultation with Transport Scotland. The agreed plant and facilities shall be provided within the construction site and shall remain in place for the duration of the construction period, unless otherwise agreed, in writing, by the Planning Authority.

Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

DIRECTION UNDER SECTION 58 (2) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 as amended by Planning etc. (Scotland) Act 2006:

That subsection (1) of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall apply in respect of the permission, with the substitution of the period of three years referred to in that subsection with the period of five (5) years, as is considered appropriate by the Planning Authority in this instance on the basis of the scale of the development. The provisions of section 5(1) shall therefore be read as follows:

The planning permission is to lapse on the expiration of a period of five (5) years (beginning with the date on which the permission is granted) unless the development to which the permission relates is begun before that expiration.

(2) the reason for the decision as follows -

The proposal and mitigation measures set out and contained therein are considered to be acceptable in terms of the relevant Policies contained within the Aberdeenshire Local Development Plan 2017. The proposal is consistent with the Development Plan's aim of reducing carbon emissions and adapting to climate change. It also contributes to the Scottish Government's aim, as stated in National Planning Framework 3, of moving Scotland towards being a low carbon place.

6. ANNUAL ACCOUNTS 2018/19 FOR ABERDEENSHIRE COUNCIL AND ITS CHARITABLE TRUSTS AND THE INDEPENDENT AUDITOR'S REPORT TO COUNCILLORS 2018/19

A report dated 11 September, 2019 by the Head of Finance had been circulated together with the audited Annual Accounts for Aberdeenshire Council and its Charitable Trusts for the financial year 2018/19 and the report by the Council's External Auditors, Audit Scotland, following completion of the audit for the financial year 2018/19. The report contained a detailed action plan which identified areas requiring improvement and advised that a report on progress towards achieving the actions would be presented to the Audit Committee on 26 March 2020.

The Head of Finance introduced the report, thanked Members for their input and involvement in the annual accounts and advised that the Council's financial stewardship continued to be recognised as robust. The audit certificate was unmodified, providing assurance that the financial statements gave a true and fair view of the financial position of Aberdeenshire Council at 31 March 2019. He explained that a key aspect of preparing the annual accounts revolved

around the Council's annual governance statement and a section on the annual governance statement had been added as part of the Council's *How Good is our Governance* report which would be reported back through Audit Committee. He confirmed that the accounts had been signed off by the Council's Audit Committee on 19 September 2019 and made reference to the proposed actions identified in the Action Plan attached to the External Auditor's report.

The Council **agreed**:

- (1) to endorse the audited Annual Accounts 2018/19 for the Council's Charitable Trusts and the Independent Auditor's report;
- (2) to note the unmodified audit certificates for Aberdeenshire Council and its Charitable Trusts for 2018/19; and
- (3) to note that the Audit Committee would engage with Policy Committee Chairs and Policy Committees on the delivery of actions in the action plan.

7. FINANCIAL PERFORMANCE QUARTER 1 – REVENUE BUDGET

A report dated 13 September, 2019 by the Director of Business Services had been circulated seeking consideration and approval of the Council's financial performance position for revenue expenditure for Quarter 1 to 30 June 2019. The report advised that a new style of quarterly reporting had been adopted delivering a more progressive approach to financial performance reporting and would provide Policy Committees with information on actual expenditure compared to year to date budget allowing scrutiny on current performance, identification of any emerging issues to date and agreement on service delivery for the remainder of the year.

The Head of Finance introduced the report, explained that the new style reporting encouraged and promoted transparency of service delivery connected to financial performance and advised that, at the end of Quarter 1, Council spend was slightly less than 25% of total budget.

The Council **approved** the Council's financial performance position for revenue expenditure for Quarter 1 to 30 June 2019 as detailed in the report.

8. NON-HRA CAPITAL BUDGET 2019/20 Q1 PERFORMANCE REPORT & CAPITAL PLAN 2019-2034 UPDATE

There had been circulated a report dated 20 August 2019 by the Director of Business Services which (1) detailed expected expenditure and income on projects contained within the Council's Non-Housing Revenue Account (HRA) Capital Budget; (2) highlighted projects which showed variations requiring amendments to be made to the Capital Plan; (3) explained the arrangements for the transfer of budget between projects and consolidation of budgets relating to the Regeneration Project at Saltoun Square, Improved Disabled Access and Support for Learners, (4) advised that an expenditure budget line required to be added to the Capital Plan in respect of Town Centre projects along with matching grant to aid the monitoring of expenditure, and (5) sought approval for an increase in funding required to carry out upgrade works at Greenbanks Travellers Site in Banff.

The Head of Finance introduced the report and explained the change in reporting format to include actual spend, the addition of an expenditure line for Town Centre projects and funding options for the upgrade works at Greenbanks Travellers Site in Banff.

Having also heard from the Head of Property and Facilities Management on the increased costs associated with the Greenbanks Travellers Site which related to tenders received for

the works being higher than estimated, required scope changes for internal services and construction inflation costs, the Council **agreed**:-

- (1) to revisions to the capital budget for 2019/20 referred to at Appendix 1 and detailed in Appendix 2 of the report, giving new totals for expenditure and receipts & revenue financing of £168,106,000 and £52,320,000 respectively;
- (2) to revisions to the capital budget for future years, as detailed at Appendix 1 and Appendix 2 in the report;
- (3) to the transfer of budget between projects and consolidation of budgets as detailed at paragraphs 2.8 and 2.9 in the report;
- (4) to the allocation of additional budget of £168,000 to fund the Greenbanks Travellers Site project; and
- (5) to the revenue financing costs set out in paragraph 4.2 of the report.

9. COUNCIL PLAN 2017-2022 – ANNUAL PERFORMANCE REPORT 2018/19 (ABERDEENSHIRE PERFORMS)

With reference to the Minute of Meeting of the Council of 23 November 2017 (Item 10), a report dated 26 August 2019 by the Director of Business Services had been circulated summarising the performance of the Council in delivering the priority outcomes in the Council Plan, based on data such as key performance indicators, risks, financial management and resident surveys.

The Chief Executive provided an overview of the performance of the Council, which continued to show sustained improvement, and commented on the challenges ahead.

The Leader of the Council introduced the report highlighting the good services delivered, achievements, recognition and partnership working and members viewed a video presentation providing an overview of performance across the Council as a whole.

The Policy Committee Chairs then highlighted key achievements from 2018/19 and the focus for the current year.

The Council **agreed**:

- (1) to approve the Council Plan 2017-2022 Annual Performance Report 2018/19; and
- (2) to instruct the Chief Executive to report the performance of the Council Plan 2017-2022 in September 2020.

10. ABERDEENSHIRE HEALTH AND SOCIAL CARE PARTNERSHIP PERFORMANCE AND OUTCOMES FRAMEWORK: ANNUAL PERFORMANCE REPORT 2018/19

A report dated 29 August, 2019 by the Chief Officer, Aberdeenshire Health and Social Care Partnership, had been circulated on the publication of the Aberdeenshire Health and Social Care Partnership Annual Report for 2018/19. The report advised that Section 42 of the Public Bodies (Joint Working) (Scotland) Act 2014 required a performance report to be produced by integration authorities and published annually before 31 July on specific matters including (1) how the Partnership had performed against national Health and Wellbeing Outcomes, (2) a summary of financial performance for the current reporting year, (3) a description of

arrangements put in place to involve and consult with localities and an assessment of how they had contributed to the provision of services, and (4) details of any inspections carried out relating to the functions delegated to the Partnership by Healthcare Improvement Scotland and the Care Inspectorate.

The Chief Officer introduced the report, highlighting a number of positive achievements over the third year of operation together with challenges and priorities over the coming years.

The Council also heard from the Vice Chair of the Integration Joint Board (IJB), who congratulated the Chief Officer and his Team on their performance and achievements over 2018/19.

The Council **agreed** to:

- (1) acknowledge the publication of the Aberdeenshire Health and Social Care Partnership (HSCP) Annual Report for 2018 -19; and
- (2) acknowledge the achievements made by the Integration Joint Board in its third year of operation.

11. EQUALITIES MAINSTREAMING AND OUTCOMES PROGRESS REPORT 2019

With reference to the Minute of Meeting of the Council of 27 April, 2017 (Item 6), a report dated 21 August, 2019, by the Director of Business Services had been circulated advising of progress towards integrating equality into the work of the Council and presenting a summary of progress in respect of the current equalities outcomes and highlighting the actions to be taken over the next two years of the outcomes life cycle. The report referred to the specific duty under the Equality Act 2010 to publish a report on mainstreaming the equality duty and to demonstrate progress on equality outcomes.

The Council **agreed**:

- (1) to acknowledge the progress made towards meeting the Public Sector Equality Duty and specific duties in terms of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012; and
- (2) to delegate authority to the Director of Business Services to proof check and approve the amended Equality Mainstreaming & Outcomes Progress report 2017-2019 document prior to publication, following consultation with the Provost, Deputy Provost and Leader of the Opposition.

12. MEMBERS' EXPENSES RELATING TO COSLA BUSINESS

With reference to the Minute of Meeting of the Council of 21 January, 2016 (Item 4) there had been circulated a report dated 22 August, 2019 by the Director of Business Services proposing a review of the arrangements for payment of Members' expenses in connection with COSLA business.

The Council **agreed**:

- (1) to pay the travel and other expenses of Members of the Council –
 - (a) appointed to the position of Leader of Aberdeenshire Council for the purposes of attending COSLA Leaders meetings;

- (b) appointed to the COSLA Convention to attend all meetings of the Convention and the Excellence Awards;
- (c) appointed to attend any of the four COSLA Policy Boards;
- (d) to attend any other policy or short life working group as agreed through COSLA Leaders or the COSLA Convention, with nominations to be approved by the Business Services Committee on a case by case basis;
- (e) nominated through COSLA under the political group arrangement to participate in any policy body or other working group with nominations to be approved by the Business Services Committee on a case by case basis; and
- (f) appointed as substitutes in each case.

The Council will not pay travel expenses for attendance at political group meetings.

- (2) to delegate authority to the Business Services Committee to approve payment of Members' expenses in connection with COSLA business as detailed at 1 (d) and 1 (e) above.

13. AREA IMPROVEMENT WORKING GROUP – REPORT OF FINDINGS AND RECOMMENDATIONS

With reference to the Minute of Meeting of the Council of 22 November, 2018 (Item 11) there had been circulated a report dated 22 August, 2019 by the Director of Business Services seeking consideration of (1) the recommendations of the Area Improvement Working Group together with a proposed Action Plan to monitor progress on the delivery of agreed actions; and (2) a proposal to re-establish the Area Improvement Working Group with an amended remit to monitor progress towards delivering the actions contained in the Action Plan in relation to the cultural and behavioural aspects of area working so as to ensure implementation of the agreed actions; and to make recommendations, where necessary, to the Procedures Committee on any proposed improvements affecting the Scheme of Governance arising from the Action Plan.

The Council **agreed**:

- (1) to approve the recommendations of the Area Improvement Working Group as contained within Appendix 1 and the Action Plan as contained within Appendix 2 of the report; and
- (2) to re-establish the Area Improvement Working Group as proposed with an amended remit to allow it to monitor and ensure the implementation of the Action Plan, and to note that any further decision-making would be referred to the Procedures Committee.

14. TIMETABLE OF MEETINGS 2020/2021

A report dated 15 August 2019 by the Director of Business Services had been circulated requesting the Council to approve the timetable of meetings of the Council, Policy Committees, the Audit Committee, the Sustainability Committee and Area Committees for the period May 2020 to April 2021.

The Council **agreed** to approve the timetable of meetings of the Council, Policy Committees, the Audit Committee, the Sustainability Committee and Area Committees for the period May 2020 to April 2021 as set out in Appendix 1 of the report.

15. SCHEME OF GOVERNANCE

There had been circulated a report dated 11 September, 2019 by the Director of Business Services on (1) proposed amendments to the Scheme of Governance at Parts 1 (Standing Orders), 2A (List of Committee Powers), 2B (List of Officers Powers), 2C (List of Planning Delegations), 3 (Financial Regulations), 4C (Procurement Guidelines), 4D (Financial Delegations Tables), 4F (Member Promoted Issues Form and Guidance) and 4H (Glossary of Terms); and (2) a proposed addition to Part 4 in the form of Guidance on Petitions, following consideration of all of the proposals by the Procedures Committee at its meetings on 24 May and 6 September, 2019.

The Head of Legal and Governance introduced the report and responded to Members questions on the governance arrangements relating to Pupil Equity Funding, proposed threshold for submission of petitions and the definition of senior councillors.

Thereafter, Councillor Ford moved, seconded by Councillor Johnston, that the Council approve the recommendations contained in the report subject to the minimum signature threshold for valid petitions being set at 15 for all relevant Committees and Full Council.

As an amendment, Councillor Gifford moved, seconded by Councillor Argyle, that the Council approve the recommendations contained in the report including the minimum signature thresholds for valid petitions for Area Committees (50), Policy Committees (100) and Full Council (200).

As a further amendment, Councillor Thomson moved, seconded by Councillor Evison, that the Council approve the recommendations contained in the report including the minimum signature thresholds for valid petitions for Area Committees (15), Policy Committees (100) and Full Council (200) with the Chair having discretion across all relevant Committees and Full Council to accept lower numbers, in exceptional circumstances.

On a vote between the first amendment by Councillor Gifford and the second amendment by Councillor Thomson, Members of the Council voted:

for amendment by Councillor Gifford	(33)	Councillors Agnew, Argyle, Beagrie, Berry, Bruce, M Buchan, Carr, Dickinson, Ewenson, Fakley, Findlater, Gifford, Hassan, Hood, Howatson, Ingleby, Kille, Leslie, Mair, McKail, McKelvie, Mollison, Owen, Pike, Roy, Simpson, N Smith, Stirling, Sutherland, Taylor, Walker, Whyte and Withey.
for the amendment by Councillor Thomson	(24)	Councillors Adam, Aitchison, Allan, Baillie, Bews, Buchan, Cassie, Davidson, Duncan, Evison, Ford, Gibb, Harper, Ingram, Johnston, Kloppert, Lonchay, Reid, Reynolds, Robertson, S Smith, Topping, Thomson and Wilson.
declined to vote	(1)	Councillor Calder.
absent from the vote	(5)	Councillors Durno, Hutchison, Latham, H Smith and Wallace.

The amendment by Councillor Gifford was carried.

Thereafter on a vote between the motion and the amendment by Councillor Gifford, Members of the Council voted:

for the motion	(23)	Councillors Adam, Aitchison, Allan, Baillie, Bews, C Buchan, Calder, Cassie, Davidson, Evison, Ford, Harper, Ingram, Johnston, Kloppert, Leslie, Reid, Reynolds, Robertson, S Smith, Topping, Thomson and Wilson.
for the amendment by Councillor Gifford	(33)	Councillors Agnew, Argyle, Beagrie, Berry, Bruce, M Buchan, Carr, Dickinson, Ewenson, Fakley, Findlater, Gibb, Gifford, Hassan, Hood, Howatson, Ingleby, Kille, Lonchay, Mair, McKail, McKelvie, Mollison, Owen, Pike, Roy, N Smith, Stirling, Sutherland, Taylor, Walker, Whyte and Withey.
declined to vote	(2)	Councillors Duncan and Simpson.
absent from the vote	(5)	Councillors Durno, Hutchison, Latham, H Smith and Wallace.

The amendment by Councillor Gifford was carried and the Council **agreed**:

- (1) to approve the amendments to Part 4 of the Scheme of Governance in Appendices 6 and 7 with implementation on 27th September 2019;
- (2) to note the amendments to Parts 1, 2 and 3 of the Scheme of Governance and that a further report requesting approval would be reported to Full Council on 21st November 2019;
- (3) that further consideration be given to the current Officer delegations and expenditure approval process in respect of Pupil Equity Funding with a view to streamlining the process; and
- (4) that further clarification on the Senior Councillor definition in the Glossary of Terms be circulated to Members.

16. CLIMATE CHANGE EMERGENCY

With reference to the Minute of Meeting of the Infrastructure Services Committee of 22 August, 2019 (Item 14) there had been circulated a report dated 28 August, 2019 by the Director of Infrastructure Services seeking consideration of a decision by the Infrastructure Services Committee relating to the Scottish Government's climate change emergency declaration which had been referred, as provided for in the Council's Standing Orders at 5.5, to Full Council for final determination.

Councillor Argyle moved, seconded by Councillor Pike, that the Council confirm the decision of Infrastructure Services Committee to –

- (1) support COSLA and the Sustainable Scotland Network in their approach to the Scottish Government to seek direction and resources to support a national approach to the declared Climate Change Emergency for Scotland; and
- (2) reaffirm the Council's commitment to the Environmental and Climate Change Policy, the Council's target of 44% reduction by 2025 and the Carbon Budget process to achieve this.

As an amendment, Councillor Johnston moved, seconded by Councillor Reid, that the Council agree to -

- (1) support, the decision reached at COSLA and the Sustainable Scotland Network, to approach the Scottish Government, to seek resources and jointly lead a national approach to the declared Climate Change Emergency for Scotland; and
- (2) recognise the Council's commitment to the Environmental and Climate Change Policy and to recommend to Full Council, that Aberdeenshire Council declares a Climate Change Emergency, and to instruct Officers to report to all policy Committees, to review and renew the Council's targets.

Members of the Council voted:

for the motion	(33)	Councillors Argyle, Beagrie, Berry, Bruce, M Buchan, Carr, Davidson, Dickinson, Ewenson, Fakley, Findlater, Gibb, Gifford, Hood, Howatson, Ingleby, Kille, Leslie, Lonchay, McKail, McKelvie, Mollison, Owen, Pike, Roy, Simpson, N Smith, Stirling, Sutherland, Taylor, Walker, Whyte and Withey.
for the amendment	(21)	Councillors Adam, Aitchison, Allan, Baillie, Bews, C Buchan, Calder, Cassie, Duncan, Evison, Ford, Harper, Johnston, Kloppert, Reid, Reynolds, Robertson, S Smith, Thomson, Topping and Wilson.
declined to vote	(3)	Councillors Hassan, Ingram and Mair.
absent from the vote	(5)	Councillors Durno, Hutchison, Latham, H Smith and Wallace

The motion was carried and the Council **agreed** to confirm the decision of Infrastructure Services Committee to –

- (1) support COSLA and the Sustainable Scotland Network in their approach to the Scottish Government to seek direction and resources to support a national approach to the declared Climate Change Emergency for Scotland; and
- (2) reaffirm the Council's commitment to the Environmental and Climate Change Policy, the Council's target of 44% reduction by 2025 and the Carbon Budget process to achieve this.

In terms of Standing Order 5.2.6, Councillors Ford, Johnston and Topping requested that their dissent with regard to the foregoing decision be recorded.

17. REQUEST TO APPROVE REASONS FOR COUNCILLOR ABSENCE

A report by the Director of Business Services had been circulated seeking approval of the reasons for absence from Council meetings for a period exceeding six consecutive months in respect of Councillor Blackett, due to ill health, and Councillor Petrie, for maternity leave, noting that both Councillors would continue to be members of the authority during the approved period as provided for in Section 35 (1) of the Local Government (Scotland) Act 1973.

The Council **agreed**:

- (1) to approve the reasons for absence as set out in the report from Council meetings for a total period not exceeding 12 consecutive months for Councillor Gwyneth Petrie and Councillor Geva Blackett; and
- (2) to note that both Councillors would continue to be members of the authority during the approved period of absence.

18. VACANCY - VICE CHAIR OF COMMUNITIES COMMITTEE

A report dated 16 September, 2019 by the Director of Business Services had been circulated requesting that the Council take the necessary steps to fill the vacant position of Vice Chair of the Communities Committee following notification from Councillor Walker that she wished to resign from that role.

The Council **agreed**:

- (1) to acknowledge and thank Councillor Walker for her work in the role as Vice Chair of the Communities Committee;
- (2) that Councillor Roy be appointed as Vice Chair of the Communities Committee;
- (3) that Councillor Findlater be appointed to the resultant vacancy of Vice Chair of Business Services Committee; and
- (4) that Councillor Bruce be appointed to the resultant vacancy of Vice Chair of Education and Children's Services Committee.

19. PROCUREMENT - OFFICE SPACE STRATEGY

With reference to the Minute of Meeting of the Council of 26 April, 2018 (Item 9), there was circulated a report by the Director of Business Services seeking (1) the addition of an item to the Business Services Directorate Work Plan for the approval a two stage tender process to appoint a preferred contractor and conclude negotiations to agree a tender value for the Office Space Strategy projects including Woodhill House alterations and refurbishment and Inverurie Town Hall upgrade and new office extension; (2) approval of the revised business case at Appendix 2; (3) approval of capped expenses payment to the preferred contractor should the projects referred to not proceed to tender stage two; and (4) agreement that the Business Services Committee would consider any subsequent tender awards for approval.

The Council **agreed**:

- (1) to approve the addition of an item to the Business Services Directorate's Annual Work Plan 2019/20 for the approval a two stage tender process to appoint a preferred contractor and conclude negotiations to agree a tender value for Office Space Strategy

projects Woodhill House Alterations and Refurbishment and Inverurie Town Hall upgrade and new office extension;

- (2) to approve the Revised Business Case as detailed in Appendix B of the report, and resultant capital expenditure of £34,182,525;
- (3) to £50,000 capped expenses payment to preferred contractor should the projects detailed at (1) above not proceed to tender stage two; and
- (4) to note that the Business Services Committee would consider any subsequent tender awards for approval.