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To: Councillor Donnelly, Convener; Councillor Carle, Vice-Convener; Councillor George Adam, the Lord Provost and Councillors Cormie, Delaney, Graham, Hutchison, Jaffrey, MacGregor, Malik, Nathan Morrison, Reynolds, Samarai, Sandy Stuart and Taylor.

Town House,
ABERDEEN 31 May 2016

PETITIONS COMMITTEE

The Members of the **PETITIONS COMMITTEE** are requested to meet in Committee Room 2 - Town House on **THURSDAY, 9 JUNE 2016 at 2.00 pm.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

PETITIONS TO BE CONSIDERED

1 **Impact of the AWPR on the Deeside Way in Milltimber** (Pages 3 - 30)

We the undersigned petition the council to enter into urgent discussions with Transport Scotland, Aberdeen Roads Ltd and other relevant parties to ensure the Deeside Way is not permanently re-routed in Milltimber and we propose that the Deeside Way should retain its original route, using a dedicated, non-vehicular bridge over the new Aberdeen Western Peripheral Route (AWPR).

Justification:

The Deeside Way runs from the centre of Aberdeen to Ballater, and is widely enjoyed by residents, visitors, walkers, cyclists and horse-riders. It is also used frequently for charity events. It follows the line of the Old Royal Deeside Railway and is now part of the official National Cycle Network. However, the pathway represents much more than connectivity; it is also part of our history and listed as a Heritage Pathway of Scotland.

We highlight the statement made by the Reporters following the AWPR Inquiry ('Report to the Scottish Ministers', published 2009), that the proposed diversion at the Deeside Way Right of Way would be less than ideal (Chapter 10.180). Hence, this petition supports the construction of a dedicated non-vehicular bridge over the AWPR, rather than using a diversion via Station Road. This would maintain high levels of safety for all users of the Deeside Way, and preserve the integrity of this Heritage Pathway.

GENERAL BUSINESS

- 2 Minute of Previous Meeting of 20 April 2016 (Pages 31 - 34)

To access the Information Bulletins for this Committee please use the following link:

[Petitions Committee Information Bulletins](http://committees.aberdeencity.gov.uk/ecCatDisplay.aspx?sched=doc&cat=13327&path=13004)

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Should you require any further information about this agenda, please contact Lynsey McBain on lymcbain@aberdeencity.gov.uk or telephone 01224 522123.

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BULLETIN REPORT

Name of Committee: Petitions Committee

Date of Meeting: 9 June 2016

Title of Report: AWPR Petition

Lead Officer: John Wilson

Author of Report: John Wilson

Summary of Purpose of Report

The petition entitled 'Impact of the AWPR on the Deeside Way in Milltimber' relates to a Made Order 'The A90 (Aberdeen Western Peripheral Route) Special Road (Extinguishment of Public diversion of the right-of-Way) Order 2010. This Order is one of many which was required for the delivery of the Aberdeen Western Peripheral Route (AWPR) project. The process which has been followed to implement the project's Orders has been rigorously examined and tested at Public Local Inquiry, at the Inner and Outer Courts of Session in Scotland and ultimately at the Supreme Court in London.

In the case of the Deeside Way, the above Order sets out the section of right-of-way to be extinguished and the new alternative section that has to be provided along Station Road.

Background;

The above diversion is part of the Aberdeen Western Peripheral Route (AWPR) Trunk Road project where the Scottish Ministers are the roads authority. The Scottish Ministers appointed Aberdeen City Council as Managing Agent to act as their agent under Section 4 of the Roads (Scotland) Act 1984 and carry out any of the Scottish Ministers functions as trunk roads authority in relation to the project.

The Promoters published various draft Orders for the project in 2006, 2007 and 2008. Their publication followed the development of the preferred route. These draft Orders include the draft A90 (Aberdeen Western Peripheral Route) Special Road (Extinguishment of Public Rights of Way) Order, published on 11 September 2007.

In accordance with the statutory process Public Notices advertising the publication of draft Orders and the associated Environmental Statement were placed in the Press and Journal and the Edinburgh Gazette to coincide with the

above publication dates indicating where the same could be inspected free of charge at a number of public building including council office and local libraries. Notices advertising the draft Orders were also erected on stakes at the locations directly affected by the promoted Scheme for a period of 6 weeks. In addition the draft Orders and Environmental Statement were published on the AWPR project website at that time. It should also be noted that a series of public exhibitions were held in October 2007 to illustrate the final proposal to the public and interested parties.

Objections to the right-of-way proposal was raised and considered at the public local inquiry. Specific discussion of the objections made is set out at paragraphs 6.272, 6.303 and 6.307 of the Report on the Public Local Inquiry, and the **findings of fact** relating to these objections are set out in paragraphs 10.179 and 10.180, accepting the justification for the proposed diversion.

10.179

“The promoted scheme generally includes adequate provision for cyclists and other NMUs in respect of access routes impacted by the Southern Leg. There would be adequate opportunity for cyclists and other NMUs following established access routes to safely cross the line of the route. However some journeys would be lengthened, and in some instances users would experience a loss of amenity compared to the current routes”.

10.180

“In particular, the proposed diversions at the Deeside RoW and Culter House Road would be less than ideal. We are satisfied, however that physical and technical constraints preclude the maintenance of these routes in their current form”.

The A90 (Aberdeen Western Peripheral Route) Special Road (Extinguishment of Public Rights of Way) Order 2010 has been approved and so powers are now in place to bring this right of way in to use in accordance with the project's construction programme. **The approved Right of Way is now in use.**

The information concerning the made order for The A90 (Aberdeen Western Peripheral Route) Special Road (Extinguishment of Public Rights of Way) Order 2010 is available at the project website. I would draw your attention to “plan ROW8” both in the accompanying schedule and drawings which you will find at the following web addresses;

<http://www.transport.gov.scot/system/files/documents/projects/AWPR/Made%20Orders/2010%20-%20March/Rights%20of%20Way/A90%20Ext%20ROW%20Order.pdf>

and

<http://www.transport.gov.scot/system/files/documents/projects/AWPR/Made%20Orders/2010%20-%20March/Rights%20of%20Way/ROW%201%20-%202009.pdf>

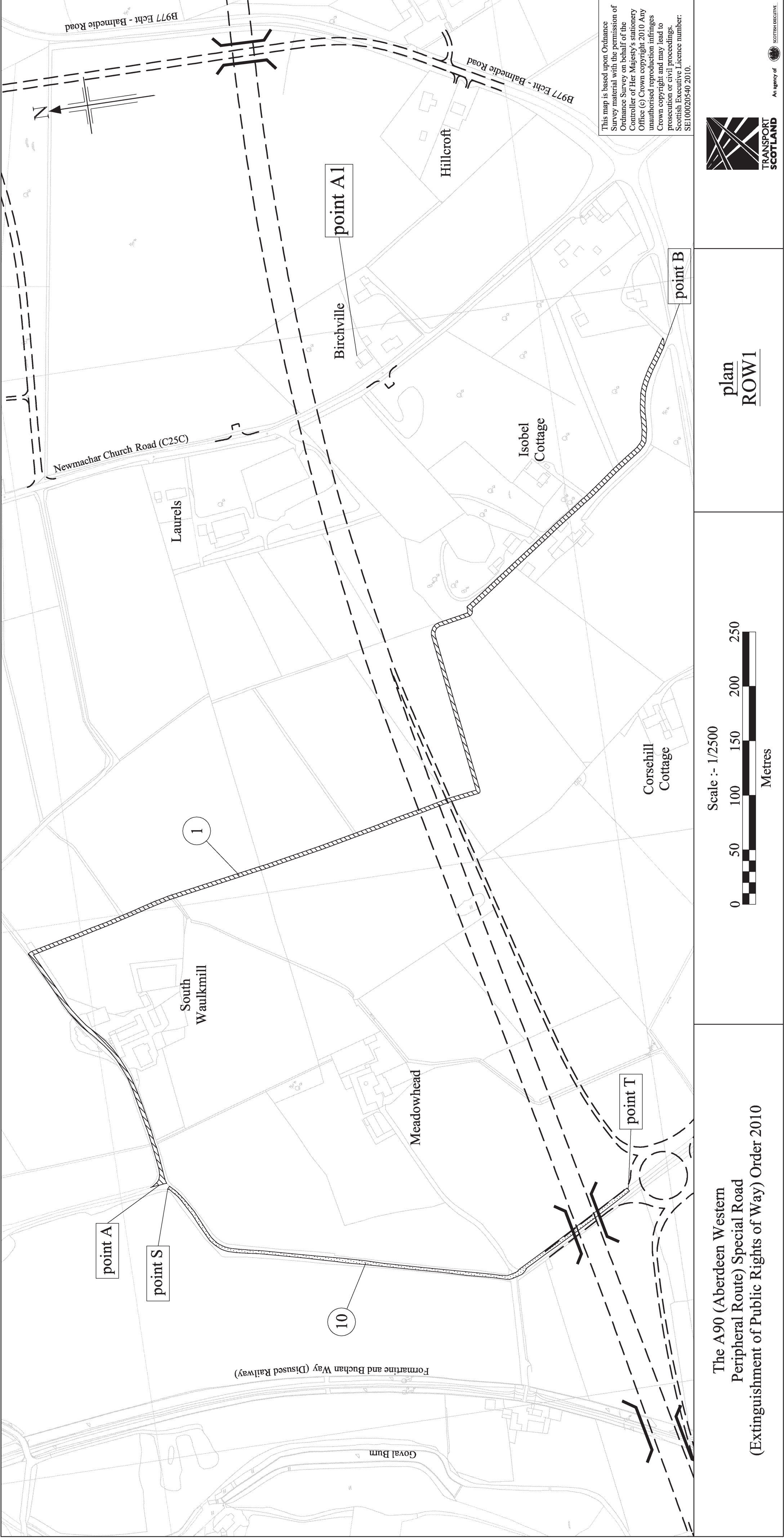
It should be noted that during the scheme's design development the AWPR proposal was designed such that the constructed AWPR would not impinge on any re-opening of the Deeside Line as a railway line (at a future date). The AWPR carriageway level is at a level below the existing Deeside Way such that if a new rail bridge was to be built, at a future date, it could be installed without any requirement to alter the AWPR carriageway level.

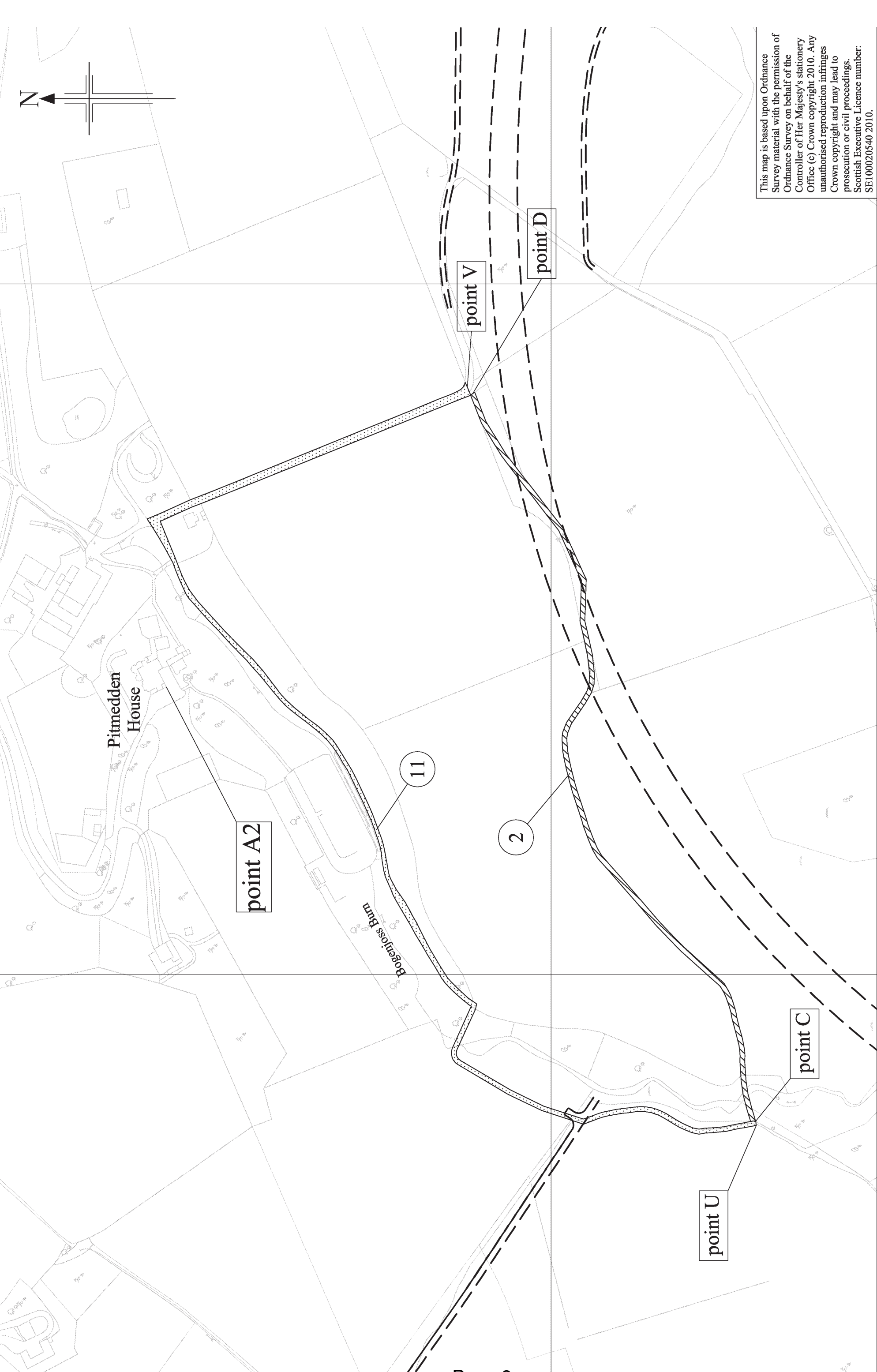
This was a design requirement set by both Council funding Partners.

The same principles apply to the AWPR where it crosses above the former Formartine to Buchan Railway line at Goval (north of the River Don).

It should also be noted that there are already a number of existing diversions between Aberdeen and Ballater, for example a number of private properties appear to have been built upon the former line at Peterculter necessitating a diversion for any non-motorised traffic.

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plan
ROW2



The A90 (Aberdeen Western Peripheral Route) Special Road
(Extinguishment of Public Rights of Way) Order 2010



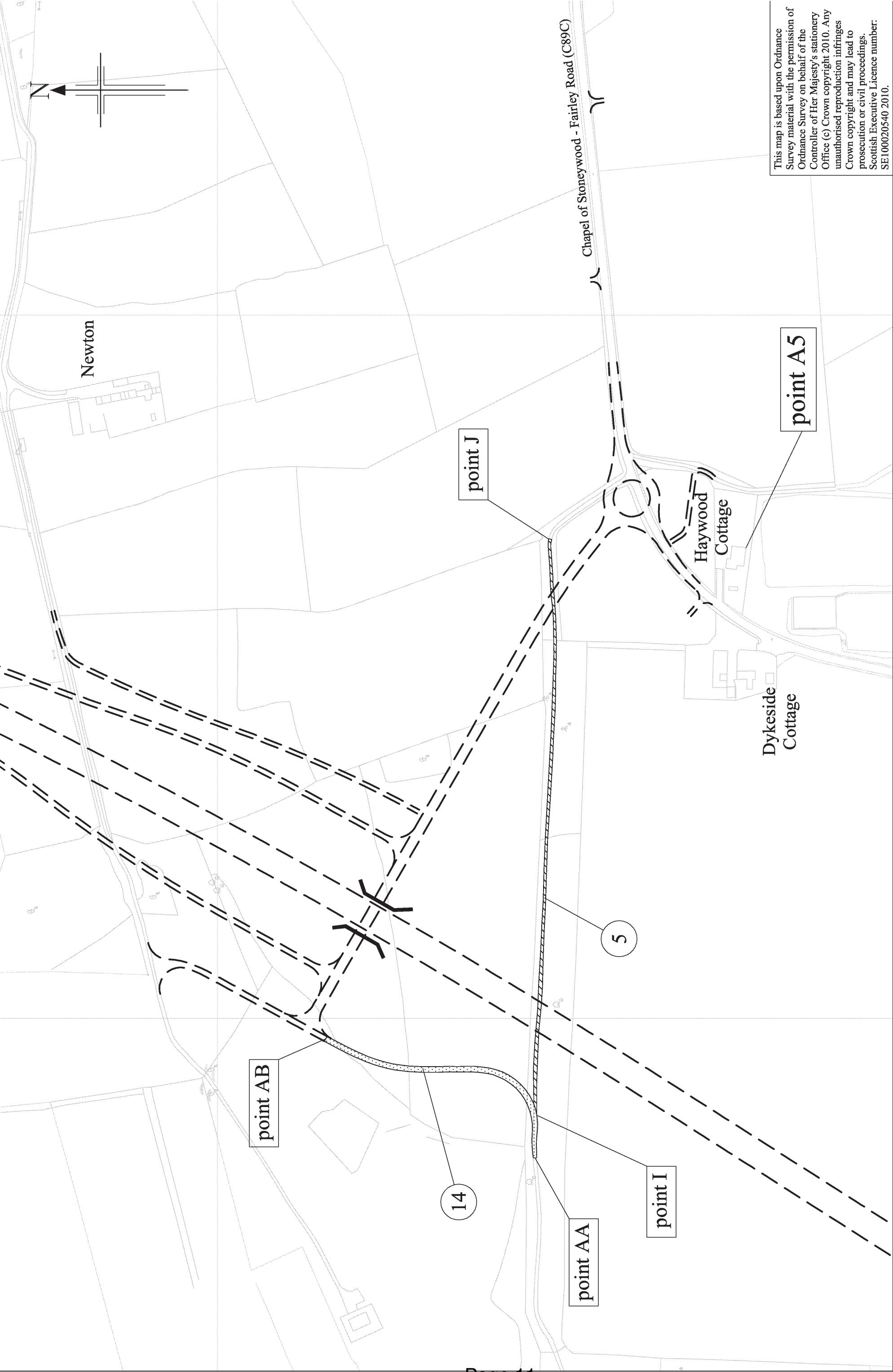
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plan
ROW3



The A90 (Aberdeen Western
Peripheral Route) Special Road
(Extinguishment of Public Rights of Way) Order 2010



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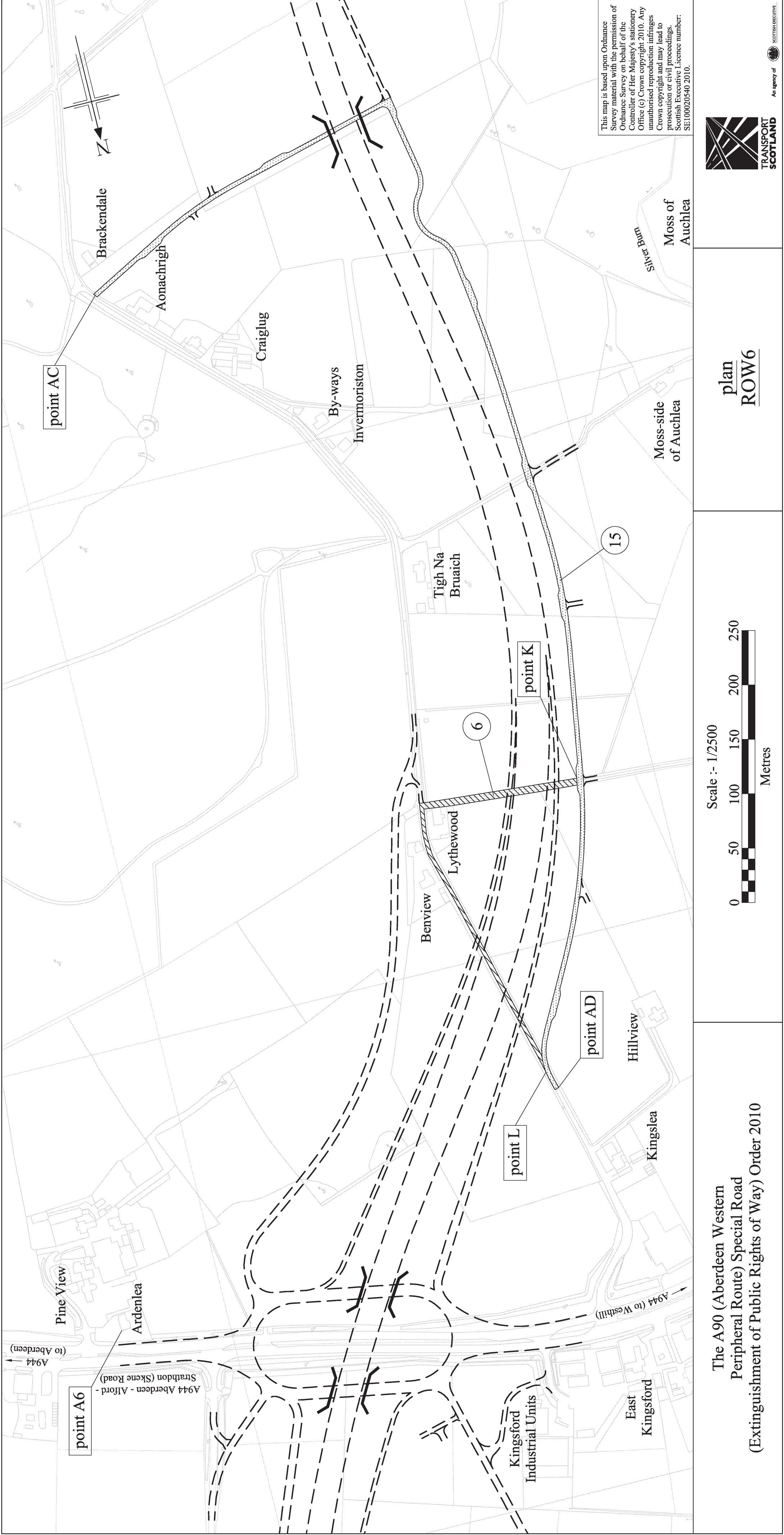


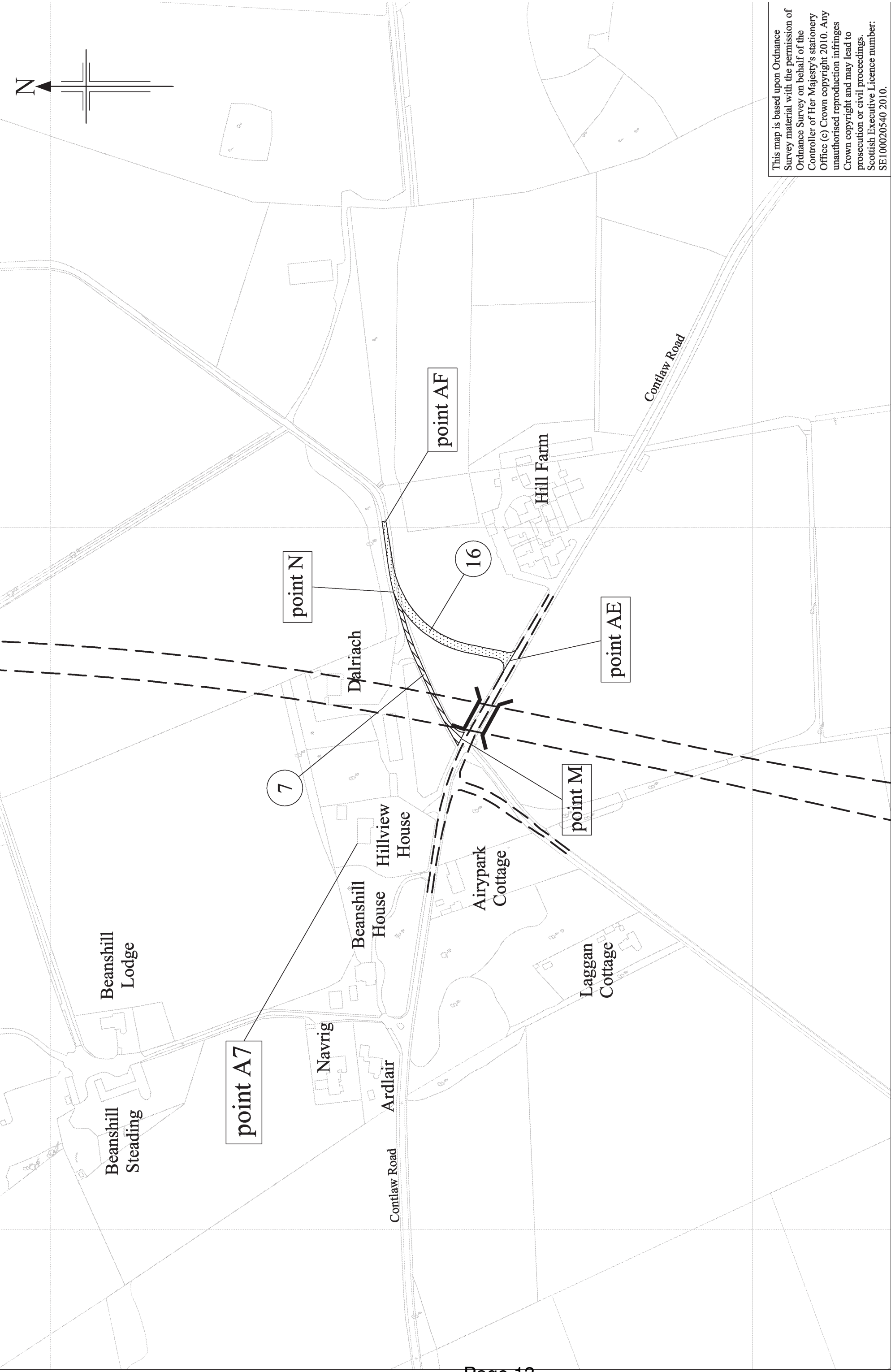
plan
ROW5

Scale :- 1/2500



The A90 (Aberdeen Western
Peripheral Route) Special Road
(Extinguishment of Public Rights of Way) Order 2010





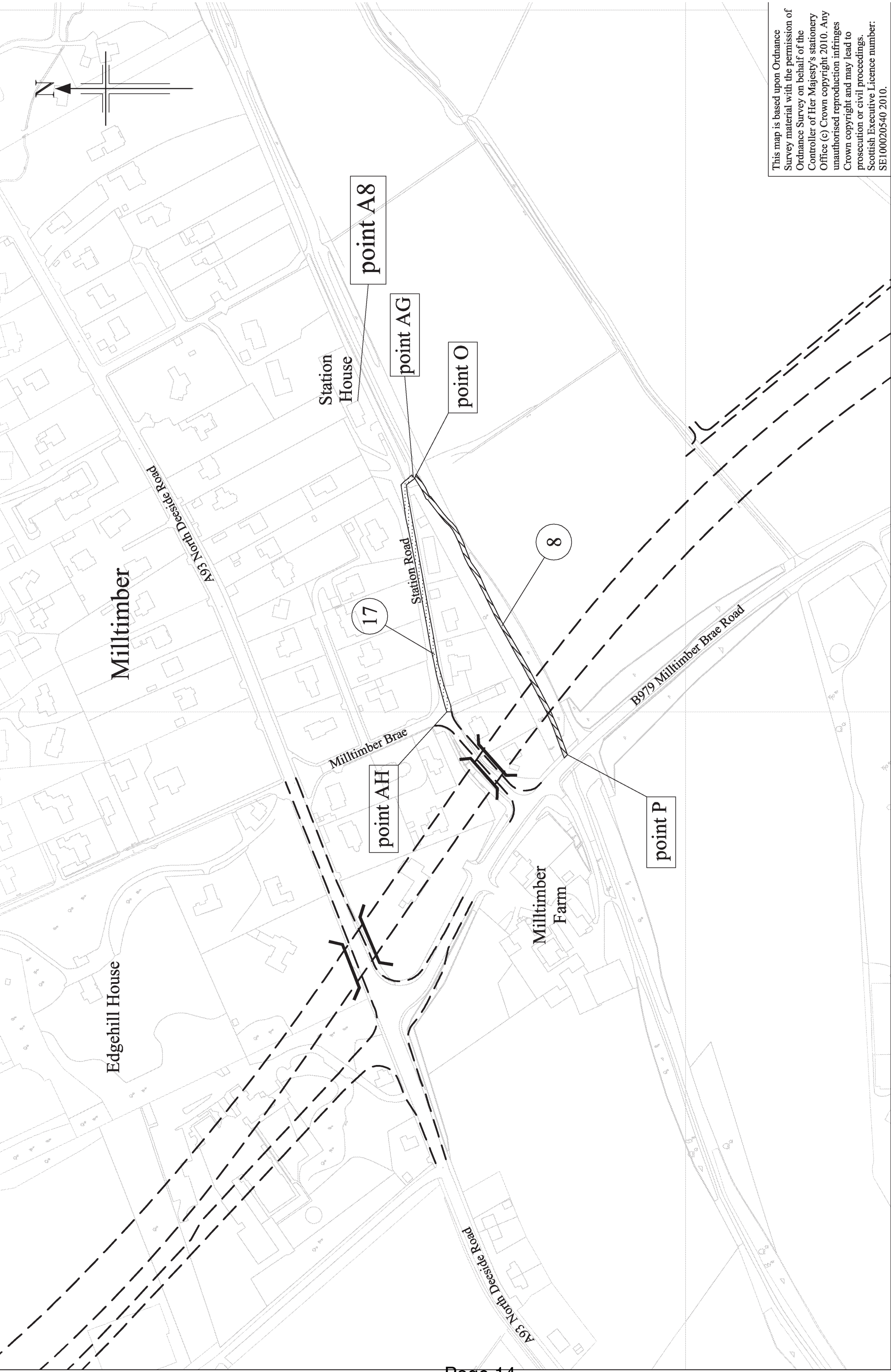
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plan
ROW7



The A90 (Aberdeen Western Peripheral Route) Special Road
(Extinguishment of Public Rights of Way) Order 2010



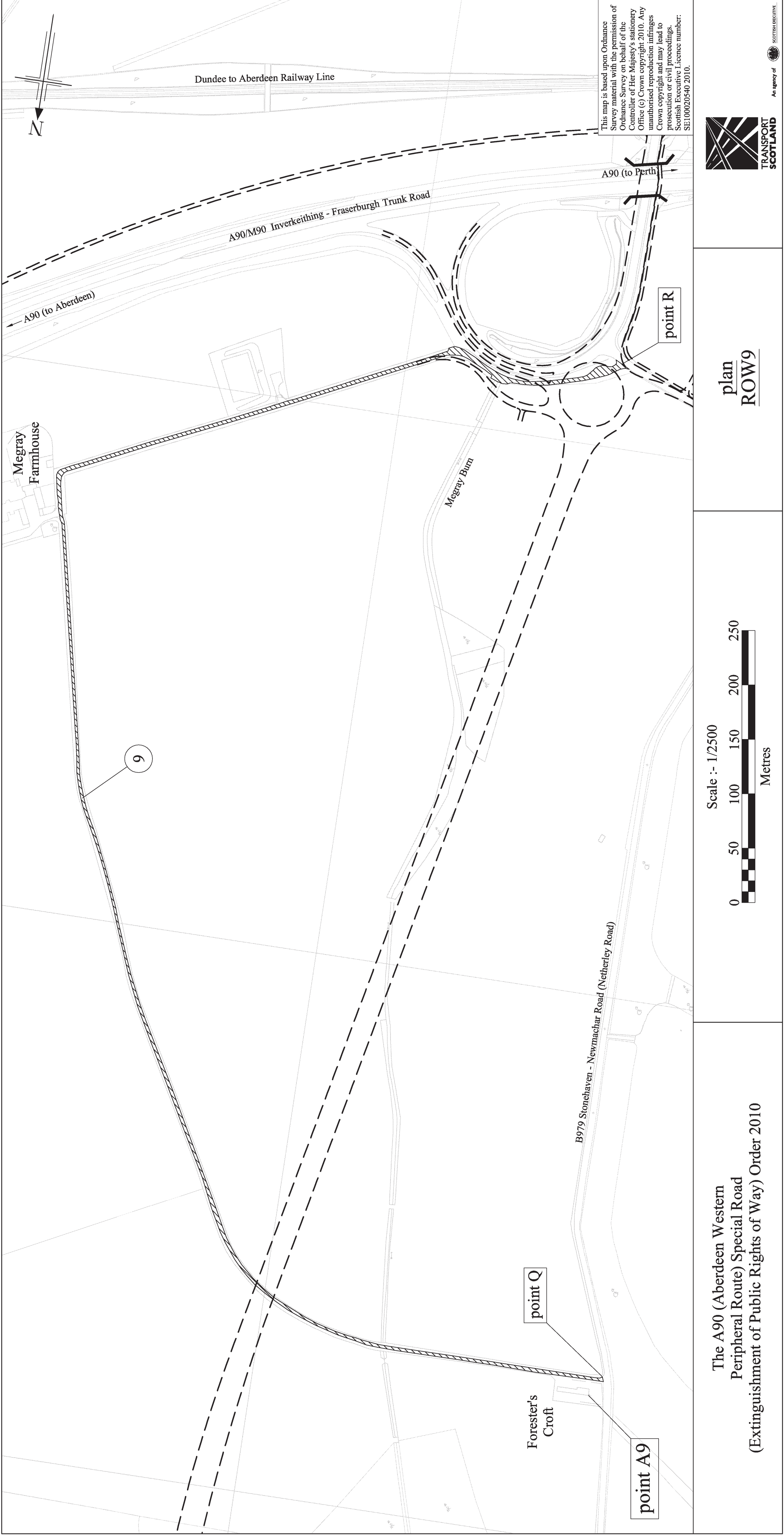
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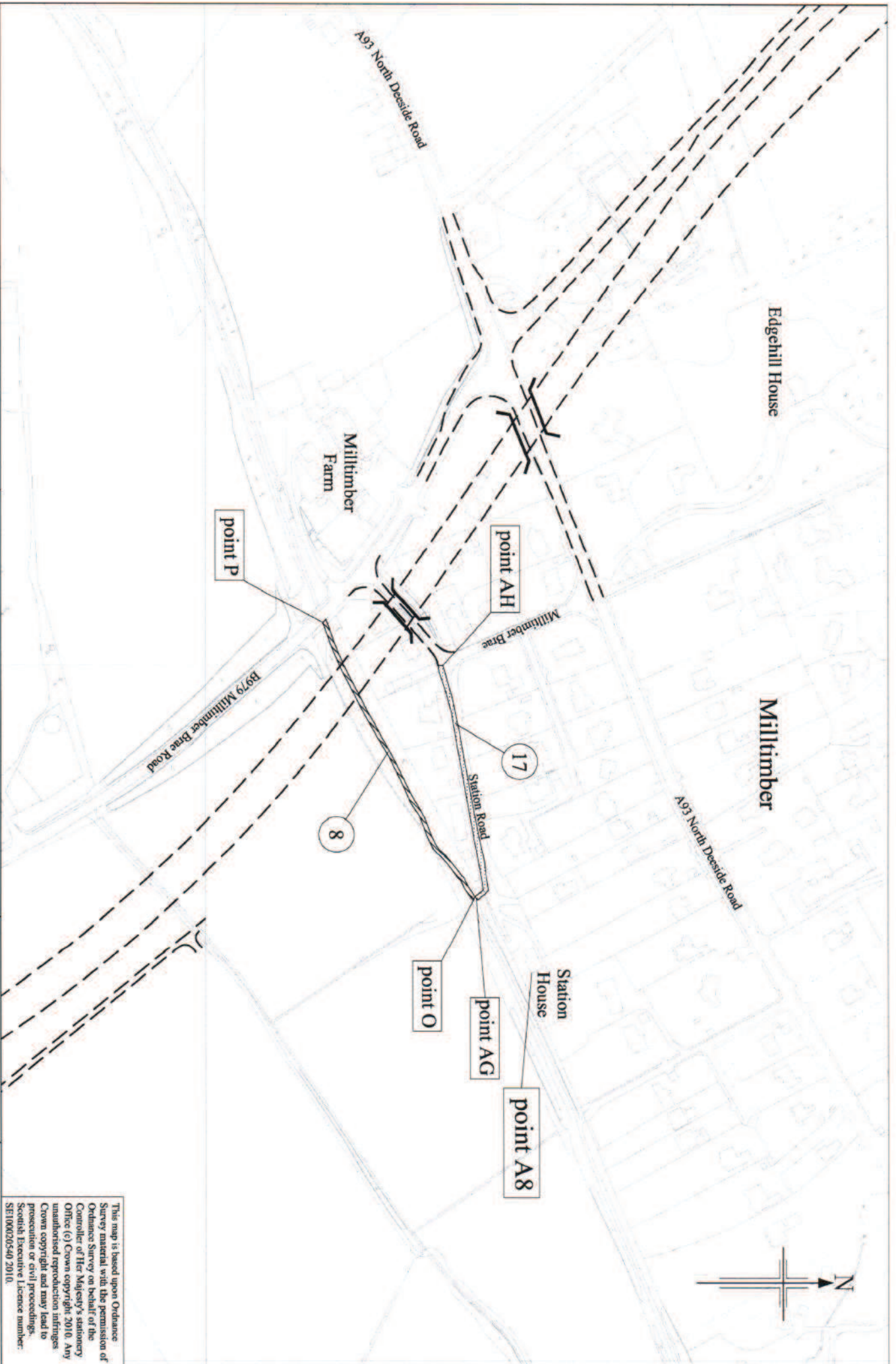
plan
ROW8



The A90 (Aberdeen Western
Peripheral Route) Special Road
(Extinguishment of Public Rights of Way) Order 2010



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The A90 (Aberdeen Western
Peripheral Route) Special Road
(Extinguishment of Public Rights of Way) Order 2010

Scale :- 1/2500



plan
ROW8



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**ACQUISITION OF LAND (AUTHORISATION PROCEDURE)
(SCOTLAND) ACT 1947**

**The A90 (Aberdeen Western Peripheral Route) Special Road
(Extinguishment of Public Rights of Way) Order 2010**

Made - - - - *11th March 2010*

Coming into force - - *31st March 2010*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 3 of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947(a) and all other powers enabling them to do so.

In accordance with section 3(1) of that Act, they are satisfied that suitable alternative rights of way will be provided, or that the provision of an alternative right of way is not required.

They have complied with all other provisions of section 3 of that Act.

Citation, commencement and interpretation

1.- (1) This Order may be cited as the A90 (Aberdeen Western Peripheral Route) Special Road (Extinguishment of Public Rights of Way) Order 2010 and comes into force on the 28th day after the day on which the A90 (Aberdeen Western Peripheral Route) Special Road Scheme 2010(b) is approved by resolution of the Scottish Parliament.

(2) In this Order “the plan folio” means the plan folio numbered RYC/G109/13/0751 and entitled “The A90 (Aberdeen Western Peripheral Route) Special Road (Extinguishment of Public Rights of Way) Order 2010 ”, signed with reference to this Order and deposited at the offices of Transport Scotland, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF.

Extinguishment of public right of way

2. The extinguishment of the public rights of way described in Schedule 1 are hereby ordered when the related new public rights of way, which the Scottish Ministers consider are suitable alternatives, described in Schedule 2 have been provided.
3. The extinguishment of the public right of way described in Schedule 3 is hereby ordered for which the provision of an alternative public right of way is not required.

(a) 1947 c.42. Section 3 was amended by the Town and Country Planning (Scotland) Act 1947 (c.53), Schedule 8; the Telecommunications Act 1984 (c.12), section 109, Schedule 4, paragraph 23, Schedule 5, paragraph 45; the Civil Aviation Act 1982 (c.16), Schedule 15, paragraph 2, and also by S.S.I. 1999/1820. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2010/79.

Statutory Undertakers

4. Where immediately before the date on which the foregoing public rights of way are extinguished under this Order there is on, over or under those public rights of way any apparatus belonging to a statutory undertaker, such statutory undertaker's rights in respect of such apparatus shall be preserved.

Subscribed by Ainslie McLaughlin being an officer of the Scottish Ministers at Glasgow on the 11th day of March 2010 before this witness Fred O'Hara, Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF.



 (witness)

SCHEDULE 1

Article 2

INTERPRETATION

In this Schedule –

“point A1” means the northern-most point of the existing building known as Birchville, Newmachar, Aberdeenshire, AB21 7XA;

“point A2” means a point located at the south-west corner of the existing building known as Pitmedden House, Dyce, Aberdeen, AB21 0HB;

“point A3” means the northern-most point of the existing building known as Bogenjoss House, Kirkhill Forest, Dyce, Aberdeen, AB21 0HE;

“point A4” means a point located at the south-west corner of the existing building known as Chapel Works, Bucksburn, Aberdeen, AB21 9TL;

“point A5” means a point located at the south-east corner of the existing building known as Haywood Cottage, Kingswells, Aberdeen, AB15 8SD;

“point A6” means a point located at the north-east corner of the existing building known as Ardenlea, Kingswells, Aberdeen, AB15 8RT;

“point A7” means a point located at the north-west corner of the existing building known as Hillview House, Contlaw Road, , Milltimber, Aberdeen, AB13 0EQ; and

“point A8” means the eastern-most point of the existing building known as Station House, Station Road, Milltimber, Aberdeen, AB13 0AL.

PUBLIC RIGHTS OF WAY TO BE EXTINGUISHED

1. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 780 metres or thereby west, north-west of point A1 in a generally easterly then east, north-easterly then southerly then easterly then southerly then south, south-easterly then east, south-easterly direction for a distance of 1.2 kilometres or thereby to a point 280 metres or thereby south of point A1 as shown by black and white hatching between points marked “point A” and “point B” and numbered “1” on plan ROW1 in the plan folio.
2. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 530 metres or thereby south, south-west of point A2 in a generally easterly then north-easterly then east, north-easterly, then east, south-easterly then easterly then east, north-easterly direction for a distance of 590 metres or thereby to a point 310 metres or thereby south-east of point A2 as shown by black and white hatching between points marked “point C” and “point D” and numbered “2” on plan ROW2 in the plan folio.
3. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 45 metres or thereby south of point A3 in a generally south-easterly then south, south-easterly direction for a distance of 255 metres or thereby to a point 290 metres or thereby south, south-east of point A3 as shown by black and white hatching between points marked “point E” and “point F” and numbered “3” on plan ROW3 in the plan folio.
4. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 205 metres or thereby east, north-east of point A4 in a generally easterly direction for a distance of 450 metres or thereby to a point 625 metres or thereby east of point A4 as shown by black and white

hatching between points marked “point G” and “point H” and numbered “4” on plan ROW4 in the plan folio.

5. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 430 metres or thereby west, north-west of point A5 in a generally easterly direction for a distance of 410 metres or thereby to a point 140 metres or thereby north of point A5 as shown by black and white hatching between points marked “point I” and “point J” and numbered “5” on plan ROW5 in the plan folio.
6. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 520 metres or thereby west, south-west of point A6 in a generally easterly then northerly then north, north westerly direction for a distance of 325 metres or thereby to a point 365 metres or thereby west, south-west of point A6 as shown by black and white hatching between points marked “point K” and “point L” and numbered “6” on plan ROW6 in the plan folio.
7. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 105 metres or thereby south-east of point A7 in a generally east, north-easterly direction for a distance of 115 metres or thereby to a point 180 metres or thereby east of point A7 as shown by black and white hatching between points marked “point M” and “point N” and numbered “7” on plan ROW 7 in the plan folio.
8. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 70 metres or thereby south-west of point A8 in a generally west, south-westerly direction for a distance of 230 metres or thereby to a point 295 metres or thereby west, south-west of point A8 as shown by black and white hatching between points marked “point O” and “point P” and numbered “8” on plan ROW8 in the plan folio.

SCHEDULE 2

Article 2

INTERPRETATION

In this Schedule “point A1”, “point A2”, “point A3”, “point A4”, “point A5”, “point A6”, “point A7” and “point A8” have the same meaning respectively as they have in Schedule 1.

ALTERNATIVE RIGHTS OF WAY TO BE PROVIDED

1. An alternative right of way, not being a right of way enjoyable by vehicular traffic, will be provided from a point 780 metres or thereby west, north-west of point A1 in a generally west, south-westerly then south, south-westerly then south, south-easterly direction for a distance of 475 metres or thereby to a point 805 metres or thereby west of point A1 as shown by stipple between points marked “point S” and “point T” and numbered “10” on plan ROW1 in the plan folio.
2. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 535 metres or thereby south, south-west of point A2 in a generally northerly then north, north-easterly then northerly then north, north-easterly then east, south-easterly then north-easterly then east, north-easterly then north-easterly then east, north-easterly then south, south-easterly direction for a distance of 950 metres or thereby to a point 310 metres south-east of point A2 as shown by stipple between points marked “point U” and “point V” and numbered “11” on plan ROW2 in the plan folio.
3. An alternative right of way, not being a right of way enjoyable by vehicular traffic, will be provided from a point 30 metres or thereby south, south-west of point A3 in a generally south-easterly, then southerly then easterly then north-easterly direction for a distance of 480 metres or thereby to a point 300 metres or thereby south, south-east of point A3 as shown by stipple between points marked “point W” and “point X” and numbered “12” on plan ROW3 in the plan folio.
4. An alternative right of way, not being a right of way enjoyable by vehicular traffic, will be provided from a point 650 metres or thereby east of point A4 in a generally northerly direction for a distance of 160 metres or thereby to a point 640 metres or thereby east of point A4 as shown by stipple between points marked “point Y” and “point Z” and numbered “13” on plan ROW4 in the plan folio.
5. An alternative right of way, not being a right of way enjoyable by vehicular traffic, will be provided from a point 460 metres or thereby west, north-west of point A5 in a generally easterly then north-easterly then northerly then north, north-easterly direction for a distance of 200 metres or thereby to a point 460 metres or thereby north-west of point A5 as shown by stipple between points marked “point AA” and “point AB” and numbered “14” on plan ROW5 in the plan folio.
6. An alternative right of way, not being a right of way enjoyable by vehicular traffic, will be provided from a point 755 metres or thereby south of point A6 in a generally west, south-westerly then northerly then north, north-easterly then northerly direction for a distance of 1.01 kilometres or thereby to a point 365 metres or thereby west south-west of point A6 as shown by stipple between points marked “point AC” and “point AD” and numbered “15” on plan ROW6 in the plan folio.
7. An alternative right of way, not being a right of way enjoyable by vehicular traffic will be provided from a point 170 metres or thereby south-east of point A7, in a generally northerly then north-easterly then easterly direction for a distance of 145 metres or thereby to a point 230 metres or thereby east of point A7 as shown by stipple between points marked “point AE” and “point AF” and numbered “16” on plan ROW7 in the plan folio.
8. An alternative right of way, not being a right of way enjoyable by vehicular traffic, will be provided from a point 65 metres or thereby south-west of point A8 in a generally north-westerly

then westerly direction for a distance of 175 metres or thereby to a point 230 metres or thereby west, south-west of point A8 as shown by stipple between points marked "point AG" and "point AH" and numbered "17" on plan ROW8 in the plan folio.

SCHEDULE 3

Article 3

INTERPRETATION

In this Schedule “point A9” means a point located at the north-west corner of the existing building known as Forester’s Croft, Stonehaven, Aberdeenshire, AB39 3QA.

PUBLIC RIGHT OF WAY TO BE EXTINGUISHED FOR WHICH AN ALTERNATIVE IS NOT REQUIRED

1. The public right of way, not being a right of way enjoyable by vehicular traffic, from a point 20 metres or thereby south, south-west of point A9 in a generally easterly then south-easterly then south, south-easterly then southerly, then west, south-westerly then west, north-westerly then west, south-westerly direction for a distance of 1.65 kilometres or thereby to a point 940 metres or thereby south of point A9 as shown by black and white hatching between points marked “point Q” and “point R” and numbered “9” on plan ROW9 in the plan folio.

The A90 (Aberdeen Western Peripheral Route) Special Road (Extinguishment of Public Rights of Way) Order 2010

SCALE

KEY PLAN _____ 1:20,000

ORDER PLAN : ROW1, ROW2, ROW3, ROW4,
ROW5, ROW6, ROW7,
ROW8, ROW9 _____ 1:2,500

LEGEND

ALTERNATIVE RIGHT OF WAY TO BE PROVIDED _____ 

RIGHT OF WAY TO BE EXTINGUISHED _____ 

ASSOCIATED ABERDEEN WESTERN PERIPHERAL ROUTE _____ 
ROAD PROPOSALS

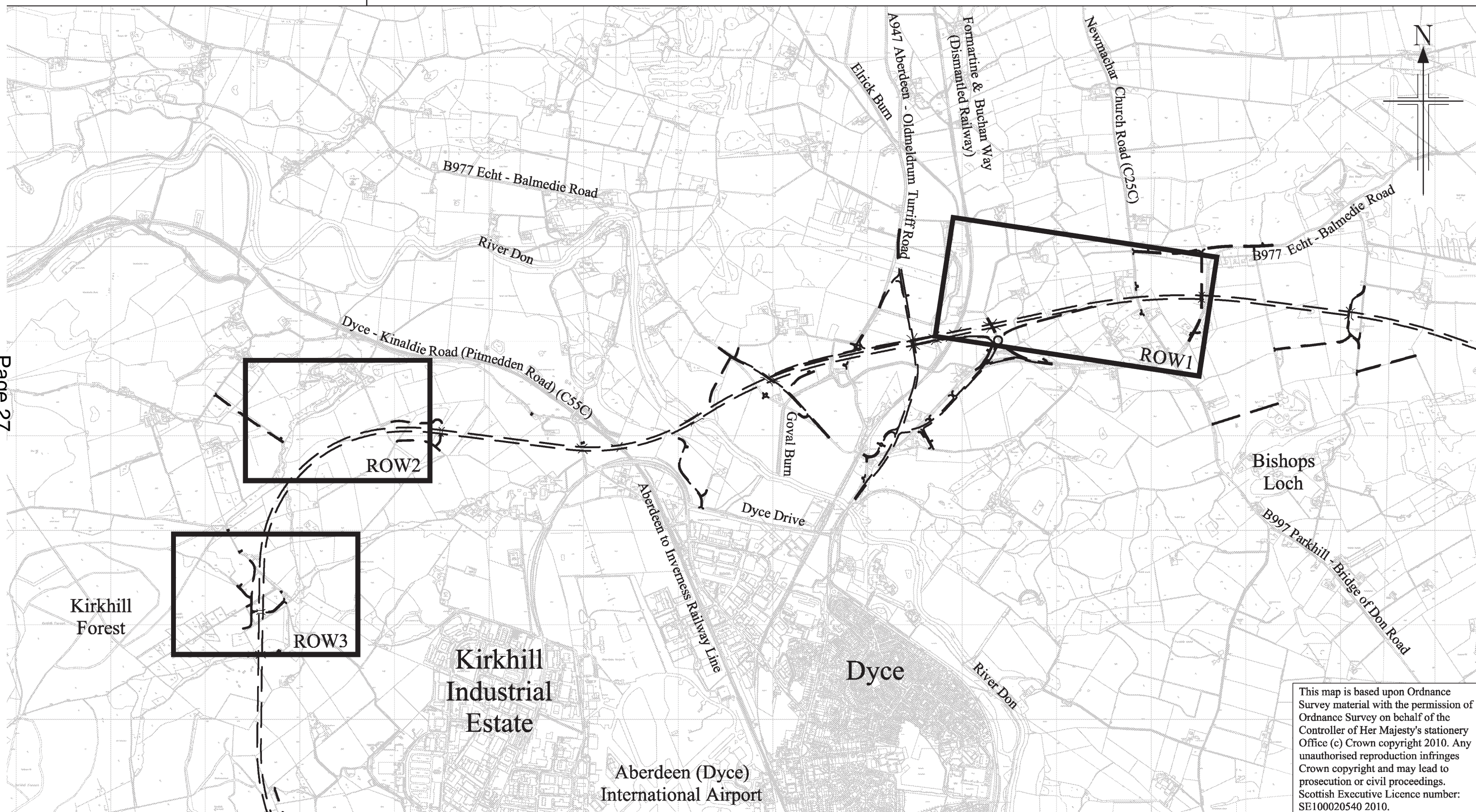


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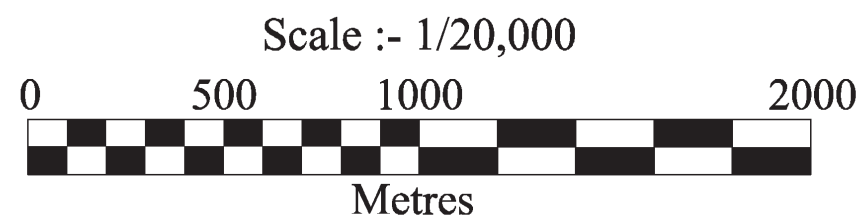
LEGEND

== == == == ASSOCIATED ABERDEEN WESTERN PERIPHERAL ROUTE ROAD PROPOSALS

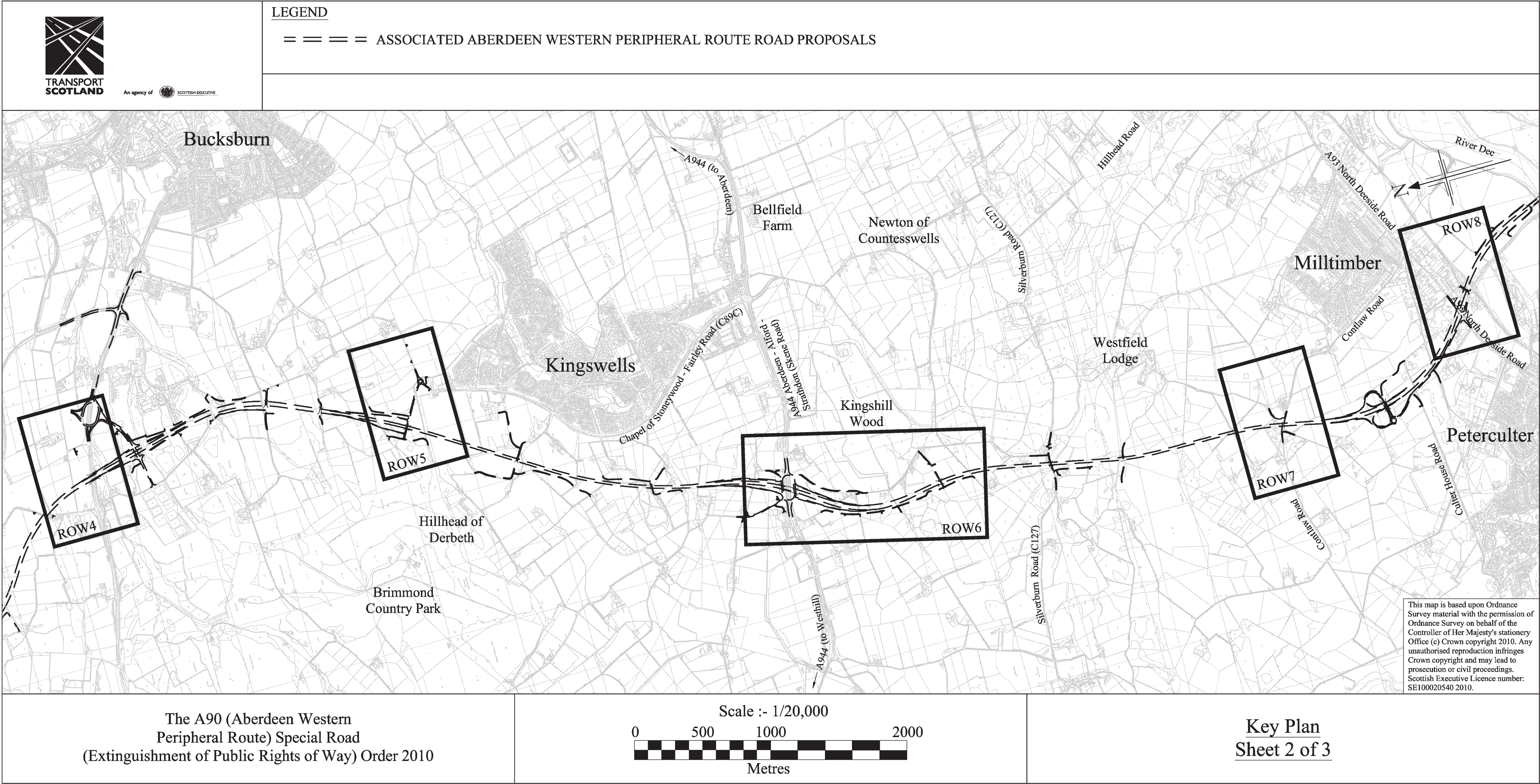


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The A90 (Aberdeen Western
Peripheral Route) Special Road
(Extinguishment of Public Rights of Way) Order 2010



Key Plan
Sheet 1 of 3





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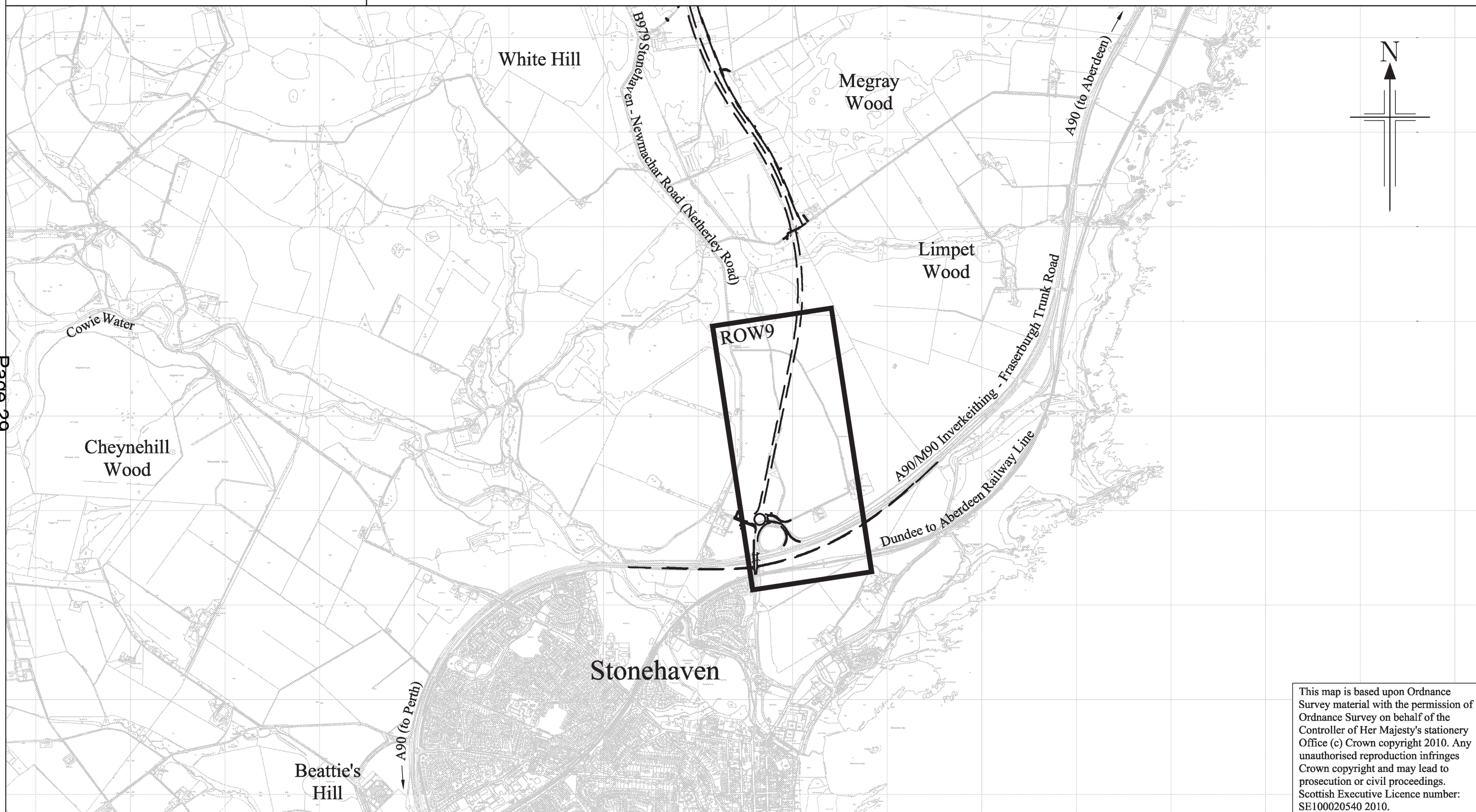


SCOTTISH EXECUTIVE

LEGEND

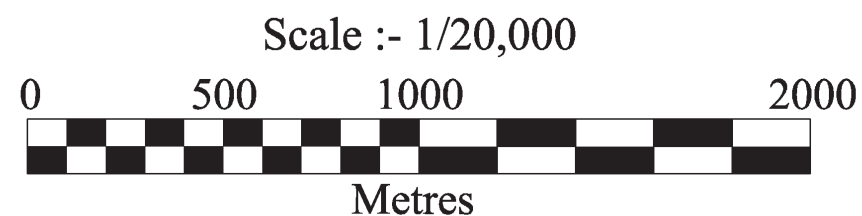


ASSOCIATED ABERDEEN WESTERN PERIPHERAL ROUTE ROAD PROPOSALS



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The A90 (Aberdeen Western
Peripheral Route) Special Road
(Extinguishment of Public Rights of Way) Order 2010



Key Plan
Sheet 3 of 3

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PETITIONS COMMITTEE

ABERDEEN, 20 April 2016. Minute of Meeting of the PETITIONS COMMITTEE.
Present:- Councillor Donnelly, Convener; Councillor Carle, Vice-Convener; Councillor George Adam, the Lord Provost and Councillors Cooney (as substitute for Councillor Nathan Morrison), Cormie, Finlayson (as substitute for Councillor Reynolds), Flynn (as substitute for Councillor Samarai), Graham, Hutchison, Jaffrey, MacGregor, Malik, Sandy Stuart, Taylor and Yuill (as substitute for Councillor Delaney).

OPENING REMARKS

1. The Convener proposed to take item 2 on the agenda first.

The Committee resolved:-
to take item 2 first.

FISHING BOATS AT COVE HARBOUR

2. The Committee had before it the following petition which had been submitted by Mr Jim Adam –

‘We the undersigned petition the Council to note the situation faced by the Cove Bay fisherman and the recent petition of over 11,000 signatures in respect of allowing the fishing boats to remain at Cove Bay Harbour.’

The Convener explained the process and invited the lead petitioner, Mr Adam to present his case to the Committee.

Mr Adam advised the Committee that the situation they were currently facing had started in April 2014 when letters warning of their presence on the harbour were received from the landowner. In December 2015 they received a writ from the landowners solicitors. Mr Adam continued by explaining the fishing history of Cove and presented to the Committee pictures of fisherman from the 1920’s right up to the present day site, showing the boulders and barriers which had been erected to restrict their access to the harbour. Mr Adam highlighted that restricting the access to the harbour was not only having an impact on fisherman’s livelihood but also on the accessibility for emergency vehicles.

Councillor Cooney spoke as a local member for Cove and highlighted the long standing fishing tradition in Cove and the heritage which was at stake.

Councillor Finlayson spoke as a local member for Cove and echoed Councillor Cooney’s concern on the situation and added that it was a conservation area and important to protect.

PETITIONS COMMITTEE

20 April 2016

Councillor Flynn spoke as a local member for Cove and echoed comments from both Councillor Cooney and Finlayson and advised he had been contacted by many people in the community about the current situation and wanted to do everything to support them.

Members then asked the Petitioner a number of questions which highlighted that the fishing community had a lot of support from the local community and worldwide. Mr Adam advised the Committee no mediation with the landowner had taken place so far.

Members then asked officers present a number of questions. Officer clarified the land ownership and current work to establish a vehicle right of way. Officers advised they had spoken with the Coastguard and other emergency services and whilst they can currently access the pier they were awaiting further clarification on other requirements for access.

The Committee resolved:-

- (i) to note the situation faced by the Cove Bay Fisherman and the recent petition of over 11,000 signatures, notes the current work being undertaken by ACC legal officers and refers this petition to the landowner involved and recommends that both parties work together to find an amicable solution;
- (ii) request a report to the Communities, Housing and Infrastructure Committee August meeting to investigate the viability of the Community using the Community Empowerment Bill to pursue the purchase of the land at the Harbour; and
- (iii) that the viability of adverse possession is included in the report.

AGENT OF CHANGE PRINCIPLE

3. The Committee had before it the following petition which had been submitted by Mr Craig Adams –

‘We the undersigned petition the Council to make representation to the Scottish Government, asking that they strengthen Scottish Planning Policy, by adopting the Agent of Change Principle, whereby the person who causes the change should be responsible for ameliorating any consequences of that change.’

The Convener explained the process and invited the lead petitioner, Mr Adams to present his case to the Committee.

Mr Adams advised the Committee on the definition of a ‘grassroots’ music venue and the contribution to the UK economy annually. He advised the Committee of the work he had undertaken on his own live music venue to ensure he complied with legislation but explained that currently any level of noise can be complained about. He highlighted that even when music venues invest money to ensure noise is reduced there was no guarantee that they wouldn’t be faced with closure if they could not further invest

PETITIONS COMMITTEE

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money into their venue soundproofing following a complaint by a new residential development in the area.

Members then asked the Petitioner a number of questions which highlighted that there were currently 7 grassroots music venues in Aberdeen, two of which had recently had noise complaints lodged against them. Mr Adam explained the financial implications venues face with a complaint and the difficulties in resolving them.

Members then asked officers present a number of questions. The Environmental Officer present advised the Committee that the Council have a statutory duty to investigate noise complaints but that most complaints can be solved amicably and officers are trained to look at the situations objectively. The Planning Officer present advised the Committee that mitigation of impact is looked at as part of the planning process and environmental health carry out noise impact assessments. If a potential noise nuisance is identified soundproofing would be put in as part of the planning conditions, or applications might even be refused if the noise could not be mitigated sufficiently.

The Committee resolved:-

- (i) to write to the Scottish Government and get clarity on the term 'Agent of Change' and how we could safeguard established music and cultural venues in the future;
- (ii) request that a report goes to the Communities, Housing and Infrastructure Committee August meeting to investigate the impact of adopting the Agent of Change principle as a Council; and
- (iii) instruct that officers report back to Councillor Yuill if it would be competent for Council to withdraw delegated powers from officers in relation to the Environmental Protection Act 1990 with respect to noise control at music venues so that noise complaints would be looked at by Council rather than officers.

MINUTE OF THE PREVIOUS MEETING OF 21 JANUARY 2016

4. The Committee had before it the minute of the previous meeting of 21 January 2016 for approval.

The Committee resolved:-

to approve the minute as a correct record.

-COUNCILLOR ALAN DONNELLY, Convener

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