

MORAY COUNCIL

MINUTE OF THE SPECIAL MEETING OF THE PLANNING AND REGULATORY SERVICES COMMITTEE

8 DECEMBER 2020

REMOTE LOCATIONS VIA VIDEO CONFERENCE

PRESENT

Councillors Bremner (Chair), Brown, Cowie, Coy, Divers, Feaver, Macrae, A McLean, Nicol, Powell and Warren.

APOLOGIES

Apologies were intimated on behalf of Councillors Cowe, Edwards and R McLean.

IN ATTENDANCE

Head of Economic Growth and Development, Development Management and Building Services Manager, Mr MacPherson, Principal Planning Officer, Mr Smith, Principal Planning Officer, Mrs Anderson, Senior Engineer (Transport Development), Legal Services Manager and Mrs Rowan, Committee Services Officer as Clerk to the Meeting.

1. DECLARATION OF GROUP DECISIONS AND MEMBER'S INTERESTS

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Divers declared a personal interest in Planning Application 19/01080/APP (Item 4 on the Agenda) as his son is employed by the Applicant.

There were no other declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Members interests in respect of any item on the agenda.

2. PLANNING APPLICATION 20/01196/APP

Ward 4: Fochabers Lhanbryde

Section 42 application to vary condition 1 (period of consent for solar PV farm) on 17/00808/APP at Speyslaw Farm, Urquhart, Elgin, Moray for Elgin Energy EsCo Ltd

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for a Section 42 application to vary condition 1 (period of consent for solar PV farm) on 17/00808/APP at Speyslaw Farm, Urquhart, Elgin, Moray for Elgin Energy EsCo Ltd.

The Committee noted that the application had been referred to Committee in terms of the Scheme of Delegation as the application is a major application which was previously reported to Committee and the Appointed Officer considers that significant amendments are proposed to the consent.

Following consideration, the Committee agreed to grant planning permission, as recommended, in respect of Planning Application 20/01196/APP subject to the following conditions and reasons:

1. This planning permission shall expire and cease to have effect after a period of 41 years from the date when electricity is first exported from any of the approved solar panels to the electricity grid network (the "First Export Date"). Upon the expiration of a period of 40 years from the First Export Date, the solar panels shall be decommissioned and removed from the site, with all decommissioning and restoration works undertaken in accordance with the terms of condition 3 of this permission. Written confirmation of the First Export Date shall be submitted in writing to the Council, as Planning Authority within one month of the said date.

Reason: In recognition of the temporary nature of the proposed development and to secure removal.

2. Following the First Export Date, a continuous record of information regarding the monthly supply of electricity to the national grid from each array within the development hereby granted shall be maintained and retained for a period of at least 24 months. The information shall be made available to the Council, as Planning Authority within one month of any request being made.

In the event that any array(s) installed and commissioned fail(s) to supply electricity on a commercial basis to the grid for a continuous period of 6 months, or is no longer required, the array(s) in question shall be deemed to have ceased to be required. Under such circumstances, the array(s) along with all ancillary equipment, fixtures and fittings no longer required in connection with the retained array(s) shall, within 3 months of the end of the said continuous six month period or when ceasing to be required, be dismantled and removed from the site and the surrounding land shall be re-instated in accordance with a re-instatement scheme which shall previously have been submitted to and approved by the Council, as Planning Authority.

Reason: To ensure that any redundant or non-functioning solar array(s) and ancillary equipment, etc. is/are removed from the site in the interests of public safety, amenity and environmental protection and to ensure acceptable arrangements for the reinstatement of the ground are provided.

3. No development shall commence until a draft Decommissioning and Restoration Plan (DRP) for the site has been submitted to, and approved in writing by the Council, as Planning Authority in consultation with SNH and SEPA. Thereafter:
 - a) no later than 3 years prior to the decommissioning of the development, the draft DRP shall be reviewed by the Solar Farm Operator and a copy

submitted to the Council, as Planning Authority for their written approval, in consultation with SNH and SEPA; and

- b) no later than 12 months prior to the decommissioning of the development, a detailed DRP, based upon the principles of the approved draft DRP, shall be submitted to, and approved in writing by, the Council, as Planning Authority, in consultation with SNH and SEPA and thereafter, the detailed DRP shall be implemented in accordance with the approved details.

The DRP shall include the removal of all above-ground elements of the development, the treatment of ground surfaces, management and timing of the works, environmental management provisions and a traffic management plan to address any traffic impact issues during the decommissioning period.

Reason: To ensure that the decommissioning of the development and restoration of the site are carried out in an appropriate and environmentally acceptable manner.

- 4. No development shall commence until details have been submitted to and approved in writing by the Council, as Planning Authority regarding evidence of a bond or other similar financial provision to be put in place to cover all decommissioning and site restoration costs on the expiry of the permission or where all solar arrays cease to be required, whichever is the sooner. The required bond or equivalent shall:
 - I. be based on the DRP (as required by Condition 3); and
 - II. include documentary evidence to demonstrate that the amount of the bond or financial provision is sufficient to meet the full estimated costs of decommissioning, including dismantling, removal, disposal, site restoration, remediation and all other incidental works and professional costs; and
 - III. include details to ensure that the proposed financial arrangements will be maintained and be subject to periodic review throughout the lifetime of the development. The review period shall be not less than 5 yearly intervals from commencement of the development, or such other period as may be agreed in writing with the Council, as Planning Authority and the findings of the review shall be submitted to and approved by the Council, as Planning Authority.

Thereafter, the development shall not commence until written evidence has been provided to the Council, as Planning Authority to confirm that the approved bond or financial provision arrangement has been put in place.

Reason: To ensure that sufficient funds are available to address the expected full costs of decommissioning and re-instatement and restoration of the site.

- 5. No development shall commence until details have been submitted to and approved by the Council, as Planning Authority regarding:
 - I. the make, model, design and power rating of the solar panels to be used together with evidence to confirm that the energy generation capacity (output) of the development is not greater than 50MW;

- II. the arrangement and layout of all solar panels to be installed; and
- III. the design specifications and external material finishes and colour of the substation and inverter stations. Both the substation and inverter stations shall be finished in green or other similar recessive colour and shall have a mat, non-reflective, finish.

All details shall be in accordance with the details shown on approved drawing WSP-0832-GA-600-ST-242 PO8. The development shall be implemented in accordance with the approved details.

Reason: Details of the matters specified are lacking from the submission and to ensure an acceptable form of development in landscape, visual and environmental impacts.

- 6. No development shall commence until a Habitat Management Plan (HMP) has been submitted to, and approved in writing by, the Council, as Planning Authority in consultation with SNH and RSPB. The HMP shall provide for measures to protect and manage habitat and species within and adjoining the application site and include:
 - I. the identification of management methods and opportunities to mitigate for any adverse impacts on sensitive habitats as identified in the Extended Phase One Habitat and Protected Species Survey, the Breeding Bird Survey or other documentation as submitted and/or approved as part of the permission hereby granted;
 - II. a breeding bird protection plan; and
 - III. targeted management for corn bunting and lapwing species and other farmland wildlife.

Thereafter the development shall be implemented in accordance with the approved HMP details.

Reason: To protect and enhance the nature conservation interests of the area, including the management of vegetation and woodland on the site, mitigate any effects on breeding birds and their habitat and avoid adverse effects on other identified species of nature conservation interest.

- 7. No development or works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which shall be submitted to and approved by the Council, as Planning Authority in consultation with Aberdeenshire Archaeology Service. The scheme shall provide for a trial trenching evaluation within part of the site area i.e. within Field 3 as defined on Figure 1 of the applicant's submitted "Historic Environment Desk-Based Assessment NGR: NJ2853 6663, Report No. 1191, v.1.0, May 2017 (by Foundations Archaeology) and a watching brief over ground-breaking works. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council, as Planning Authority and Aberdeenshire Archaeology Service.

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

8. No development or work shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:
- I. duration of works;
 - II. construction programme;
 - III. number of vehicle movements (i.e. materials, plant, staff, components);
 - IV. anticipated schedule for delivery of materials and plant;
 - V. full details of any temporary construction access;
 - VI. route of construction and delivery traffic between the site and the A96;
 - VII. measures to be put in place to prevent material being deposited on the public road; measures to be put in place to safeguard the movements of pedestrians;
 - VIII. traffic management measures to be put in place during works including any specific instructions to drivers; and
 - IX. parking provision, loading and unloading areas for construction traffic.

Thereafter, the development shall be implemented in accordance with the approved details.

Reason: To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site.

9. All landscaping works shall be carried out in accordance with the details contained in the submitted Landscape and Visual Impact Assessment and approved plan WSP-0832-GA-600-ST-242 PO8.

Prior to any development commencing, a scheme for the planting of a hedgerow of native species between points A and B on approved plan WSP-0832-GA-600-ST-242 PO8, which specifies the location, spacing and species of the hedgerow, shall be submitted to and approved in writing by the Council, as Planning Authority.

All planting, seeding or turfing forming part of the approved landscape schemes shall be carried out not later than the end of the first planting and seeding seasons following the commencement of development.

Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless otherwise approved by the Council, as Planning Authority.

Reason: To ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.

10. The rating level of noise emitted from the proposed development shall, at all times, not exceed the existing background sound level by more than 5dB. The noise levels shall be determined at the nearest noise sensitive premises. Measurements and assessments shall be made according to BS 4142: 2014 Method for rating and assessing industrial and commercial sound.

Reason: In the interests of residential amenity.

3. PLANNING APPLICATION 19/01080/APP

Councillor Divers, having declared an interest in this item, took no part in the determination of this planning application.

Ward 4: Fochabers Lhanbryde

Residential development and associated infrastructure at R1 St Andrews Terrace Lhanbryde Moray for Springfield Properties PLC

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for a residential development and associated infrastructure at R1, St Andrews Terrace, Lhanbryde, Moray for Springfield Properties PLC.

The Committee noted that the application had been referred to Committee in terms of the Scheme of Delegation as the application is on a housing site designated for 50 or more dwellings within the Development Plan and is a major planning application.

Following lengthy discussion whereby Officers responded to questions from the Committee with regard to the specifics of the planning application, Councillor Coy moved that the Committee agree to grant planning permission, as recommended, in respect of Planning Application 19/01080/APP. This was seconded by Councillor Macrae.

There being no-one otherwise minded, the Committee agreed to grant planning permission, as recommended, in respect of Planning Application 19/01080/APP subject to:

- (i) the completion of a (Section 75) legal agreement regarding developer obligations relating to healthcare prior to the issue of consent; and
- (ii) the following conditions and reasons:
 1. 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 Council, as 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 WSI will be provided throughout the implementation of the programme of archaeological

works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a Post-Excavation Research Design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the Council, as 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.

2. No development shall commence until full details (including scaled elevation drawings) of the proposed 'key buildings' identified in the placemaking statement received on 25 November 2020 and drawing LH01_PL_07 have been submitted to and approved in writing by the Council, as Planning Authority. For the avoidance of doubt the key buildings shall reflect the house types approved as part of the application. Thereafter development shall not proceed except in accordance with the approved details.

Reason: To ensure that the proposals harmonise with the character of the development and the wider area and because no such details were included with the application.

3. Notwithstanding the submitted landscaping plans no development shall commence until additional plans have been submitted to and approved in writing by the Council, as planning authority incorporating all the currently proposed details along with all measures identified in the submitted placemaking statement received on 25 November 2020 and the biodiversity plan received on 2 October. For the avoidance of doubt the revised plans shall include:
 - Details of all measures to provide distinctive planting in each character area;
 - Full specification for the proposed woodland paths;
 - A full maintenance schedule including woodland areas;
 - Full details (scaled drawings 1:50) of the proposed entrance walls which shall be constructed in stone;
 - Written details of sizes of trees and shrub planting to be semi-mature plants and not heavy standard as noted on the submitted drawings;
 - Details of the type and location of all proposed bat and bird boxes and timing of provision;
 - A method statement for the creation of the proposed wetland areas and a maintenance schedule.

Thereafter all landscaping works shall be carried out in accordance with the approved details. Unless otherwise agreed as part of the approved details all planting, seeding or turfing shall be carried out in the first planting season following the first occupation of any of the units hereby approved. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless otherwise approved by the Council, as Planning Authority.

Reason: To ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area and because no such information was included with the application.

4. No development shall commence until details of the landscaping treatment along the trunk road boundary has been submitted to, and approved by, the Council, as Planning Authority, after consultation with Transport Scotland. Thereafter the approved details shall be implemented in full prior to the first occupation of any part of the development.

Reason: To ensure that there will be no distraction to drivers on the trunk road, and that the safety of the traffic on the trunk road will not be diminished.

5. No development shall commence until a Peat Management Plan, demonstrating avoidance of areas of deep peat and details of quantities and appropriate reuse of excavated peat and any mitigation or restoration proposals, has been submitted to and approved in writing by the Council, as Planning Authority in consultation with SEPA, and thereafter shall be implemented in full on site.

Reason: In order to minimise disturbance of peat and ensure the appropriate reuse and management of peat on site.

6. No development shall commence until details of measures to protect and enhance the M9 habitat (as identified in the submitted Lhanbryde Development Site: Badger and GWDTE survey by Highland Ecology and Development Services) have been submitted to and approved in writing by the Council, as Planning Authority in consultation with SEPA. Thereafter development shall not proceed except in accordance with these approved details.

Reason: To protect the water environment.

7. No development shall commence until a Badger Mitigation Plan has been submitted to and approved in writing by the Council, as Planning Authority. For the avoidance of doubt the plan shall allow for the channelling of badgers around the site. The construction of the development shall be implemented in accordance with the approved Badger Mitigation Plan.

Reason: To minimise the potential conflict with badgers during construction.

8. As part of the development hereby approved, the accessible housing units shall be provided in line with the detail in accordance with the Moray Council's DP2 Policy Guidance Note on Accessible Housing. Prior to any development commencing, a compliance statement, along with detailed floor plans at a suitable scale, which demonstrate compliance with the Policy Guidance, shall be submitted to and approved in writing by the Council, as Planning Authority. Thereafter, the accommodation as identified shall, at all times, remain as accessible housing and remain capable for adaptation for accessible housing needs unless otherwise agreed with the Council, as Planning Authority. For the avoidance of doubt 10% of the private housing units hereby approved shall be

accessible units. Furthermore evidence must be provided that level access to each unit can be achieved from parking to an external door within 15m.

Reason: To ensure an acceptable form of development in terms of the required provision and delivery of accessible housing within the site as required and defined in terms of current planning policy and associated supplementary planning guidance.

9. The 19 units identified as affordable housing on approved plan LH01_PL_01 revision L shall only be used for affordable housing purposes in accordance with the agreement(s) reached between the applicant/developer and Moray Council and/or any registered social landlord (e.g. housing association or similar) to enable the long term delivery of affordable housing on this site; and no development shall commence until details of the agreement(s) to confirm the arrangements for the delivery of the proposed affordable accommodation hereby approved shall be submitted to and approved in writing by the Council, as Planning Authority.

Thereafter, the development shall be implemented in accordance with the approved details.

Reason: To ensure an acceptable form of development in terms of the required provision and delivery of the affordable housing accommodation proposed for this site wherein the benefits of such provision are passed on to serve the community in future years.

10. No trees other than those identified for removal in the submitted Arboricultural Impact Assessment/Method Statement by Urban-Arb Arboricultural Consultants and Tree Protection Plan rev B sheets 1-3 shall be removed without the prior written approval of the Council, as planning authority.

Reason: In order to ensure tree removal is adequately controlled.

11. No development shall commence until the tree protection measures detailed in the submitted Arboricultural Impact Assessment/Method Statement by Urban-Arb Arboricultural and Tree Protection Plan rev B sheets 1-3 have been implemented in full.

Reason: In order to ensure adequate measures to protect retained trees are in place.

12. Notwithstanding submitted drawing 1706.16352 (ExampleDesign_SpringfieldP) no development shall commence until full details (scaled drawing 1:100 and equipment specification schedule) of an equipped play area as identified on approved plan LH01_PL_01 revision L including the maintenance arrangements have been submitted to and approved in writing by the Council, as Planning Authority. The equipped play area shall make provision for all-abilities access including in relation to the surface finish, play equipment and seating. The equipped play area shall be provided in accordance with the approved details and be available for use prior to the occupation of the 25th unit hereby approved. Thereafter the play area shall be maintained in accordance with the approved maintenance arrangements.

Reason: To ensure the adequate provision of an equipped play area and its future maintenance.

13. No development shall commence until details confirming the installation of fibre broadband connection for each residential unit (to be provided prior to occupation of each unit) have been submitted to and approved in writing by the Council, as Planning Authority. Thereafter, the development shall be implemented in accordance with these approved details, unless otherwise agreed in writing by the Council, as Planning Authority.

Reason: To ensure the residential units hereby approved are served by appropriate high speed internet connections, in accordance with policy PP3 – Infrastructure and Services of the Moray Local Development Plan 2020.

14. No development shall commence until details (scaled drawings) of a safe and suitable connection from the site to the existing cycle path on the north side of St Andrews Road have been submitted to and approved in writing by the Council, as Planning Authority. The connection shall be provided prior to the completion of any house or flat.

Reason: To ensure adequate connectivity to and through the site.

15. Notwithstanding the details submitted within the Transport Assessment on Drawing No 180980-900 (which is not accepted). No development shall commence until the following details have been submitted and approved in writing by the Council, as Planning Authority in Consultation with the Roads Authority:
 - i. Details (Plan 1:500) for two new bus stops (one in each direction) on St Andrews Road (including road markings or laybys as required, shelters and flags); and
 - ii. A Road Safety Audit (Stage 1/2) which has been carried out in accordance with the requirements set out in the Design Manual for Roads and Bridges taking account of the proposed bus stops and site access. The proposals shall be revised to take account of any agreed mitigation and thereafter the bus stops and any other agreed mitigation required shall be provided in accordance with the approved details prior to the completion of any house or flat.

Reason: To ensure adequate provision is made for accessibility to public transport, the provision of details lacking from the submission and in the interests of road safety.

16. No development shall commence until details comprising a Root Protection Plan have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The root protection measures shall be installed in accordance with the agreed Root Protection Plan. No trees shall be planted within 5.0m of the edge of the public road carriageway unless agreed root protection is provided.

Reason: To prevent root interference that could compromise the public road carriageway (and the utilities contained therein) thereby ensuring acceptable infrastructure at the development access, in the interests of road safety.

17. Notwithstanding the parking details submitted on the Parking Provision EV Charging Drawings LH01_PL_ 8, 9 and 10 (which are not accepted), no development shall commence until the following details have been submitted for approval by the Council, as Planning Authority in consultation with the Roads Authority:

- Details (Plan 1:200) showing the provision of electric vehicle charging infrastructure at a rate of 1 per flat for Plots 3-10 and parking spaces accessible within 5 metres.
- Statement/specifications to confirm that the EV charging supply and cabling provision for each plot will be suitable for the connection of a 7Kw 'Fast' type charging unit as a minimum.
- Design/specifications for the proposed mounting/installations to be provided for any future EV charging points which shall not be mounted on a wall/within a garage.

Thereafter the development shall be completed in accordance with the approved details, the parking and EV charging provision associated with each house or flat shall be completed prior to occupation and shall be maintained and available for this purpose unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

Reason: In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport, through the provision of details currently lacking from the submission.

18. Notwithstanding the parking details shown on plan LH01_PL_01 revision L. No development shall commence until the following details have been submitted for approval by the Council, as Planning Authority in consultation with the Roads Authority:

- i. a plan (1:500) showing the provision of 3 parking spaces for plot 12 (Type F);
- ii. a plan showing 2 additional lay-by type parking spaces at a location to be agreed on the north side of the site access road between Plot 22 and the 'Kickabout area' (as shown on Drawing LH01_PL_05).

Thereafter the development shall be completed in accordance with the approved details and parking provision associated with each house or flat shall be completed prior to the occupation of said house or flat and maintained for this purpose unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

Reason: Submission of additional information to ensure adequate provision is made for car parking within the development, and to ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.

19. Prior to the completion of any house or flat the footway on the south of St Andrews Road connecting the site access with the existing footway to the east of the site must be completed and available for use by the public.

Reason: To ensure adequate provision for non-vehicular road users in the interests of road safety.

20. A visibility splay of 4.5m x 160m to the west and 4.5m x 90m to the right (as shown on Drawing No. LH01-ENG-700 Rev) shall be provided in accordance with the approved drawing prior to any works commencing on the access (except for those works associated with the provision of the visibility splay); and
- i. a schedule of maintenance for the visibility splay shall be provided prior to the access becoming operational; and
 - ii. the visibility splay shall be maintained at all times free from any obstruction exceeding 0.26m metres above the level of the carriageway in accordance with the agreed schedule of maintenance, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

Reason: To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

21. Driveways over service verges shall be constructed to accommodate vehicles and shall be surfaced with bituminous macadam unless otherwise agreed with the Council, as Planning Authority in consultation with the Roads Authority.

Reason: To ensure acceptable infrastructure is provided at the property accesses.

22. No works shall commence on site until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The CTMP shall include as a minimum the following information:

- Details of any temporary construction access from the public road;
- Duration of works;
- Construction programme;
- Details of construction traffic routes to the site;
- Measures to be put in place to prevent material being deposited on the public road, monitoring and arrangements to clean the road if necessary;
- Traffic management measures to be put in place during works including any specific instructions to drivers;
- Parking provision for site staff;

- Drop-off and turning provision for delivery vehicles to ensure entry and exit in a forward gear;
- Hours of operation and restrictions during school arrival and departure times from the existing housing; and
- Arrangements for providing residents with information on works, points of contact for liaison and emergencies.

Thereafter, the development works shall proceed in accordance with the approved details, unless otherwise approved in writing by the Council, as Planning Authority in consultation with the Roads Authority.

Reason: To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site, road safety and the amenity of the area/adjacent properties.

23. The development shall meet the following requirements:

- a) Except for the formation of a single access route, there should be no built development – including any land-raising – within the area shown as being at risk of flooding in Figure 10 (p28) of the Flood Risk Assessment (1601 – Lhanbryde, Moray, FRA Aug 19) by Kaya Consulting. (Note SEPA advises that while there should be no built development including land raising, this area should be sustainably managed).
- b) No development shall commence until the detailed design of the access route, including provision of compensatory storage and flood relief culverts has been agreed in writing with the Council, as Planning Authority in consultation with SEPA and thereafter the agreed details shall be implemented in full on site.

Reason: To protect people and property from flood risk in line with Scottish Planning Policy.

24. Prior to the first occupation of any unit hereby approved the acoustic barrier shall be installed at the location as described in Figure 4, page 11 of the Noise Impact Assessment supporting document by Charlie Fleming Associates Ltd, 5 Salt pans, Charlestown, Fife KY11 3EB, dated 20 September 2019, and titled "Report on Road Traffic Sound For Springfield Properties At St Andrews Road, Lhanbryde, Elgin, Moray". Thereafter, the approved barrier (or a suitable equivalent approved in writing by the Council, as Planning Authority in consultation with the Environmental Health Authority and the Trunk Roads Authority) shall be retained during the lifetime of the development.

Reason: To prevent noise nuisance.

25. Prior to the first occupation of any units defined as plots 71-77 hereby approved a post and wire fence shall be provided along the eastern boundary of the site.

Reason: In the interests of the amenity of the surrounding area.

26. Notwithstanding the details noted on approved drawings 2016/D/PL/01 (D type), 2016FF_901 (FF type) and 2019AA_901 the feature cladding on each elevation of these houses shall have a vertical orientation rather than a

horizontal orientation as detailed on the plans.

Reason: In order to ensure all elements of the development harmonise regardless of tenure.

27. Notwithstanding the details noted in the placemaking statement received on 25 November and the material conditions drawing reference LH01_PL_04 revision F, the render colour for the Coxton View Character Areas identified in the foregoing shall not be white and shall instead be altered to cream or another pale colour to be agreed in writing with the Council, as Planning Authority prior to the commencement of any unit in this character area.

Reason: In order to create a strong sense of place.

28. All surface water drainage proposals shall be in accordance with the submitted report 'Drainage Strategy Report, St Andrews Road, Lhanbryde'. All measures for the management of surface water shall be implemented in full prior to the first occupation of any residential unit hereby approved. Maintenance shall be in accordance with the measures set out in the maintenance document received on 23 November 2020.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

29. There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing trunk road drainage network is not affected

30. No development shall commence until details of the proposed foul pumping station including elevations of all works, means of enclosures and associated plant (including noise levels) have been submitted to, and approved by the Council, as Planning Authority, in consultation with Environmental Health. Thereafter the approved details shall be implemented in full prior to the first occupation of any part of the development.

Reason: To ensure an acceptable form of development as these details are lacking from the application.

4. PROPOSAL OF APPLICATION NOTICE 20/01267/PAN

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice had been submitted on 28 September 2020 by EnergieKontor UK Ltd for a proposed wind farm comprising approximately 9 turbines (up to 200m tip height) associated track, substation, energy store, crane pad, borrow pits, meteorological mast and temporary compound on site 5.5km southeast of Dufftown, Moray

During discussion, Councillor Feaver stated that she had been contacted by a number of people in relation to this PAN regarding the following:

- the cumulative impact of the wind farm considering the other wind farms already in the area;

- the effect of the wind farm on biodiversity;
- the effect it may have to the black grouse and raptor population;
- the tunnel effect of turbines given there is a windfarm development on one side of the road and another proposed on the other side of the road;
- the nearby Auchindoun castle;
- surface water due to the burn that runs through the site;
- how the turbines will affect the dark sky discovery site given they are 200m in height;
- how the wind farm will affect tourism;
- Co2 emissions due to the peat extraction with regard to the tracks and turbines.

In response, Mr MacPherson, Principle Planning Officer agreed to forward these observations to the Developer.

Thereafter, the Committee agreed:

- i) to note the terms of the report and asked that the Developer take the following provisional views/relevant issues into consideration to inform the development of their proposal formal application for planning permission:
 - the cumulative impact of the wind farm considering the other wind farms already in the area;
 - the effect of the wind farm on biodiversity;
 - the effect it may have to the black grouse and raptor population;
 - the tunnel effect of turbines given there is a windfarm development on one side of the road and another proposed on the other side of the road;
 - the nearby Auchindoun castle;
 - surface water due to the burn that runs through the site;
 - how the turbines will affect the dark sky discovery site given they are 200m in height;
 - how the wind farm will affect tourism;
 - Co2 emissions due to the peat extraction with regard to the tracks and turbines; and
- ii) that matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

5. PROPOSAL OF APPLICATION NOTICE 20/01545PAN

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) had been submitted on 16 November 2020 on behalf of Highlands and Islands Enterprise for an aerospace advanced technology and innovation centre (use class 4: business, class 5: general industrial and class 6: storage and distribution) on land adjacent to RAF Lossiemouth.

During discussion, the Committee welcomed the PAN and the opportunities it will bring to Moray in terms of the economy and employment however noted that the land was classed as prime agricultural land and asked that consideration be given to wildlife and any impact there may be on neighbouring properties.

In response, Mr Smith, Principle Planning Officer advised that he would forward these observations to the Developer.

Thereafter, the Committee agreed:

- i) to note the terms of the report and asked that the Developer take the following provisional views/relevant issues into consideration to inform the development of their proposal formal application for planning permission:
 - note that the land is currently classed as prime agricultural land;
 - wildlife; and
 - impact on neighbouring properties
- ii) that matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.