

MORAY COUNCIL

MINUTE OF MEETING OF THE PLANNING & REGULATORY SERVICES COMMITTEE

10 NOVEMBER 2020

REMOTE LOCATIONS VIA VIDEO CONFERENCE

PRESENT

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

APOLOGIES

Apologies were intimated on behalf of Councillors Edwards and Warren

IN ATTENDANCE

Head of Economic Growth and Development, Development Management and Building Standards Manager, Mr N MacPherson, Principal Planning Officer, Mr R Smith, Principal Planning Officer, Strategic Planning and Development Manager, Ms E Webster, Principal Planning Officer (Strategic Planning and Development), Mrs D Anderson, Mrs E Gordon, Planning Officer, Senior Engineer (Transportation), Ms L MacDonald, Senior Planning Officer, Legal Services Manager and Mrs L 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, there were no 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 Member's interests in respect of any item on the agenda.

2. MINUTES OF THE PLANNING AND REGULATORY SERVICES COMMITTEE DATED 15 SEPTEMBER 2020 AND 1 OCTOBER 2020

Under reference to paragraph 11 of the Minute of the Meeting of the Planning and Regulatory Services Committee dated 15 September 2020, Councillor Divers stated that there should be an amendment to recommendation (i) bullet point 3 which should read "the visibility of pedestrians using the pathway south of the island is a concern".

In response the Chair advised that the Minute would be amended accordingly and the Minute was subsequently agreed on this basis.

The Minute of the Special Meeting of the Planning and Regulatory Services Committee dated 1 October 2020 was submitted and approved.

3. WRITTEN QUESTIONS

The Committee noted that no written questions had been submitted.

4. PLANNING APPLICATION 20/00197/APP

WARD 1: SPEYSIDE GLENLIVET

Erection of whisky storage sheds at Viewfield Farm, Craigellachie, Aberlour Moray for Caley Casks

A report by the Appointed Officer recommended that, for reasons detailed in the report, planning permission be granted for an application for the erection of whisky storage sheds at Viewfield Farm, Craigellachie, Aberlour, Moray for Caley Casks.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the application is for a site with an area of 2 or more hectares.

During his introduction of the report, Mr Smith, Principal Planning Officer advised that there was a typo at condition 7 which should read “class 12” instead of class 13. This was noted.

Following consideration, the Committee agreed to grant planning permission, as recommended, in respect of Planning Application 20/00197/APP subject to:

- (i) an amendment to condition 7 which should read “class 12” instead of class 13; and
- (ii) the following conditions and reasons:
 - 1. No development shall commence until three passing places have been constructed on the U58H to the Moray Council’s standards and specifications, at the locations detailed on approved drawing A/190165/901 REV 2 (except for those works associated with the provision of the passing places).

Reason: To enable drivers of vehicles to have adequate forward visibility to see approaching traffic and for two vehicles to safely pass each other ensuring the safety and free flow of traffic on the public road.
 - 2. No development shall commence until the widening/improvement works at the junction of the U58H and the A95 has been provided to the Moray Council’s standards and specifications, in accordance approved drawing A/190165/901 REV 2 (except for those works associated with the provision of the junction improvement works).

Reason: To ensure acceptable development in the interests of road safety.
 - 3. Unless otherwise agreed in writing with the Council, as Planning Authority, in consultation with the Environmental Health Manager, deliveries and activities associated with the proposed storage use shall only be permitted between the hours of 0800 - 1630 Monday to Thursday and 0800 - 1230 on a Friday.

Reason: In order that activity associated with the use is undertaken during reasonable working hours, in the interests of the amenity of the surrounding area.

4. The rating level of noise associated with the use hereby granted shall not exceed the background sound level by more than 5 dB(A) at the nearest noise sensitive dwelling.

Any measurement and assessment to demonstrate compliance with the rating level shall be undertaken in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.

Reason: In order that any noise emissions from the activity hereby granted shall be within acceptable levels.

5. The operations on site shall be carried out in accordance with the method statement/phasing information dated 19th May 2020 from Ken Mathieson Architects hereby approved.

Reason: In order to ensure the development is carried out in accordance with the approved phasing and method details, in the interests of the amenity of neighbouring properties.

6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (or any order revoking and re-enacting that order) the approval hereby granted only relates to the use of the two proposed buildings as Whisky Cask Storage and for no other use or purpose without the prior approval of the Council, as Planning Authority.

Reason: In order to retain Local Authority control over the use of the site and to ensure that consideration can be given to the effects and impact of uses other than that approved herewith.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any order revoking and re-enacting that order) no development specified in Article 3, Schedule 1, Part 3, Class 12 shall be carried out without the approval of the Council, as Planning Authority.

Reason: In order to retain control over the use of the site and to ensure that consideration can be given to the effects and impact of uses other than that approved herewith.

8. Unless otherwise agreed in writing, no development shall commence until details of a landscaping scheme have been submitted to, and approved in writing by, the Planning Authority. This shall be closely based on the Landscape/ Biodiversity Enhancement Plan drawing number 2415 1-P07 A approved as part of this application and include the following information:-
 - i. Details of landscaping strips to be provided along the northern, eastern and southern boundary adjacent to the new buildings;
 - ii. Details of all soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree, shrub and wild flower area and planting densities. (For avoidance of doubt

- this shall only be native species trees, shrubs and wild flowers, and trees must be at least 1.5m in height); and
- iii. Details of the design, including materials, of any proposed retaining walls.

The landscaping works shall be carried out in accordance with the approved scheme. All planting and seeding as may be comprised in the approved details shall be carried out in the first planting and seeding season following the completion of development, unless otherwise stated in the approved scheme. Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In order to ensure an acceptable level of planting in the interests of the biodiversity, amenity and appearance of the surrounding countryside.

9. The surface water drainage arrangements for the development shall be provided and maintained in accordance with the approved Drainage Impact Assessment A/0190165 prepared by Cameron and Ross Consulting Engineers (Rev 2 dated October 2020), the Drainage Proposals Plan drawing number 190165-920 Rev 2 and Drainage Details Plan drawing number 190165-921, unless otherwise agreed by the Council, as Planning Authority. These shall be installed and operational prior to the first use of the building hereby approved.

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

10. No development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager regarding details of an external lighting scheme for the development (if proposed or required). The lighting scheme shall:
- a) be designed to minimise the use of external lighting within and around the boundaries of the site, and the effects of light spills and glare upon the surrounding area beyond the site boundary;
 - b) provide details of all required/proposed external lighting arrangements, whether free-standing or affixed to buildings/structures or similar during both the construction and operation of the development; and
 - c) include the location and design specifications (including both candela and lux rating information) for all lighting to be installed and the time- periods for operation together with specifications for all mitigation measures to be introduced and designed to minimise the impact of lighting within and beyond the site boundary (for example, light hoods and louvres, orientation and angle of downward inclination of lamps, self diming lights, etc.)

Thereafter, the external lighting arrangements shall be implemented in accordance with the approved details and no further external lighting shall be provided, installed or used throughout the lifetime of the development except where otherwise agreed in writing with the Council, as Planning Authority.

Reason: Details of the matters specified are lacking from the applicant's submission and to ensure an acceptable form of development in particular to minimise the potential for light pollution disturbance upon the visual amenity of the surrounding area and nearby residential properties.

11. That all tree protection measures on the development site shall be implemented in accordance with those detailed in the submitted Tree Survey Report (and enclosed Arboricultural Method Statement) prepared by Astell Associates dated 22 October 2020, and Tree Protection and Management Plan drawing number VFC-2010-TP, unless otherwise agreed in writing with this Council as Planning Authority. No trees shall be removed without the prior written consent of the Council, as Planning Authority.

Reason: In order to protect trees within the site.

5. PLANNING APPLICATION 20/00845/APP

WARD 2: KEITH & CULLEN

Change of use of agricultural land to create a secure dog walking field at The Lodge, Drybridge, Buckie, Moray for Mr Alasdair Bruce

A report by the Appointed Officer recommended that, for reasons detailed in the report, planning permission be granted for an application for a change of use of agricultural land to create a secure dog walking field at The Lodge, Drybridge, Buckie, Moray for Mr Alasdair Bruce.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as the application falls within the category of "major development" as defined within the Moray Council approved delegation scheme because the area of the proposed site exceeds 2 hectares.

Following consideration, the Committee agreed to grant planning permission, as recommended, in respect of Planning Application 20/00845/APP subject to the following conditions and reasons:

1. Notwithstanding the submitted details the development shall not be brought into use until:
 - i) a detailed drawing (scale 1:500 or 1:1000) showing visibility splays measuring 2.4 metres by 120 metres to the east, and 2.4 metres by 90 metres to the west, and a schedule of maintenance for the splay area have been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and
 - ii) the visibility splays have been provided in accordance with the approved details.

Thereafter the visibility splays shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway in accordance with the agreed schedule of maintenance throughout the lifetime of the development hereby approved

Reason: To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users through the provision of details currently lacking.

2. The development hereby approved shall not be brought into use until a passing place to the Moray Council standards and specification has been constructed on

the section of the C11L Drybridge – Deskford Road at the agreed location, located 85m to the west of the site access (Roads Construction Consent shall be required for this element).

Reason: To enable drivers of vehicles to have adequate forward visibility to see approaching traffic and for two vehicles to safely pass each other ensuring the safety and free flow of traffic on the public road.

3. The development hereby approved shall not be brought into use until the first 5m of the access track, as measured from the edge of the public carriageway, has been constructed to the Moray Council specification and surfaced with bituminous macadam. The width of the surfaced vehicular access shall be minimum 3.5 metres, and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway

Reason: To ensure acceptable infrastructure at the development access.

4. Unless otherwise agreed in writing with the Planning Authority, in consultation with the Environmental Health Manager, the use of the development shall be permitted between the hours of 0700 to 2000 hours only. The use of the development shall not be permitted on National Holidays (i.e. Easter Sunday, Good Friday, Christmas Day, Boxing Day and New Year's Day).

Reason: To ensure that the development is appropriate to the surrounding area and does not have an adverse impact upon neighbouring properties in the area

5. Unless otherwise agreed in writing with the Planning Authority, in consultation with the Environmental Health Manager, the development hereby approved shall be operated in accordance with the approved documents entitled "Rules of the Field" and "Outline of Planned Use" apart from the operational hours which shall be in accordance with condition 4.

Reason: to ensure that the development is appropriate to the surrounding area and does not have an adverse impact upon neighbouring properties in the area

6. There shall be no external lighting installed at the site.

Reason: to ensure that the development is appropriate to the surrounding area and does not have an adverse impact upon neighbouring properties in the area.

7. Any existing ditch, watercourse or drain under the site access shall be piped using a suitable diameter of pipe, agreed with the Roads Maintenance Manager (300mm minimum). The pipe shall be laid to a self-cleansing gradient and connected to an outfall.

Reason: To ensure the construction of an acceptable access in the interests of road safety and effective drainage infrastructure.

8. A minimum of three car parking spaces shall be provided within the site and made available for use by staff and customers throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the permanent availability of the level of parking necessary for staff/visitors/others in the interests of an acceptable development and road safety.

9. No water shall be permitted to drain or loose material be carried onto the public carriageway.

Reason: To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the access.

10. A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear and retained thereafter throughout the lifetime of the development hereby approved.

Reason: To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the public road.

6. PLANNING APPLICATION 20/00679/APP

WARD 4: FOCHABERS LHANBRYDE

Section 42 application to vary condition 11 (retention of trees on line A-B) and variation of condition 9 (Landscape) of planning permission ref 17/00808/APP for installation of photovoltaic solar panel farm and ancillary works 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 11 (retention of trees on line A-B) and variation of condition 9 (Landscape) of planning permission ref 17/00808/APP for installation of photovoltaic solar panel farm and ancillary works at Speyslaw Farm, Urquhart, Elgin, Moray for Elgin Energy EsCo Ltd.

The meeting noted that the application had been referred to Committee as the original application was previously reported to Committee and the appointed officer was of the view that significant amendments are proposed to this consent.

During his introduction, Mr MacPherson, Principal Planning Officer advised that the original planning application had been approved subject to a condition stating that the line of trees running through the development site should be retained. He further advised that the estate who owned the site had inadvertently removed the trees before the Applicant had taken control of the site. As such, the Applicant is now seeking to vary conditions 9 and 11 from the original planning consent by providing a suitable replacement to the removed trees. Having assessed the proposal against relevant policies within the Moray Local Development Plan (MLDP) 2020, Mr MacPherson remained of the view that, whilst it is regrettable that the trees had been removed, the application still complies with policy. He further noted that it is only possible to see the absence of the trees from the private track leading to the site and that it cannot be seen from the public road.

Councillor Feaver raised concern that the trees had been removed and queried whether the Council should be taking enforcement action as, in her opinion, the removal of trees indicated the start of construction. Councillor Feaver then drew the

Committee's attention to the Arcus Report which stated throughout that there would be no removal of hedges or trees to accommodate the solar panels, and that it was with this in mind that the previous planning application had been approved.

In response, Mr MacPherson advised that enforcement action cannot be taken unless development commences and that the felling of trees is not considered to be the commencement of development. He again advised that, although the removal of the trees was regrettable, the Committee had to consider the application before them which, with the absence of trees and replacement hedgerow, still complies with policies within the MLDP 2020.

At this point, Councillor Feaver left the meeting and took no further part in the decision of the planning application.

Thereafter, the Committee agreed to grant planning permission, as recommended, in respect of Planning Application 20/00679/APP subject to the following conditions and reasons:

1. This planning permission shall expire and cease to have effect after a period of 31 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 30 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 not be implemented except 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.

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.

Councillor Feaver re-joined the meeting at this juncture.

**7. 20/01220/PAN BATTERY ENERGY STORAGE SCHEME INCLUDING
CONTAINERISED BATTERY UNITS (27NO) INVERTERS AND
TRANSFORMERS MOUNTED IN SKIDS GRID CONNECTION CONTAINER
GRID CONNECTION COMPOUND WELFARE AND PARTS CONTAINERS
SECURITY COLUMNS WITH CCTV CAMERAS AND 2M HIGH SECURITY
FENCE ON LAND TO EAST OF KEITH SUBSTATION, WESTERTON
ROAD, KEITH**

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 22 September 2020 on behalf of Coronation Power Limited.

During discussion, Councillor Feaver noted that there was limited information available from the Applicant at this stage, particularly in relation to the storage of the batteries and asked that the planning application provide detail in regard to battery storage including any potential risk of chemical and noise pollution.

In response, Mrs MacDonald, Senior Planning Officer agreed to bring Councillor Feaver's request to the attention of the Applicant.

Thereafter, the Committee agreed:

- (i) to note the terms of the report, and asked that the Appointed Officer bring the following provisional views/relevant issues to the prospective applicant:
 - that the planning application provide detail in regard to battery storage including any potential risk of chemical and noise pollution;
- (ii) the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

8. PERFORMANCE REPORT (ECONOMIC GROWTH AND DEVELOPMENT SERVICES) – HALF YEAR TO MARCH 2020

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the performance of the service for the period from 1 October 2019 to 31 March 2020.

The Committee joined the Chair in commending Officers for the good performance detailed within the report and thereafter agreed to note:

- (i) performance of the Service Plan, Operational Performance Indicators and Complaints to the end of March 2020; and
- (ii) the actions being taken to improve performance where required.

9. BIODIVERSITY DUTY REPORTING 2018-2020

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to agree the content of the Biodiversity Duty Report for 2018-2020 and note the publication of the Edinburgh Declaration.

Following consideration the Committee agreed:

- (i) the content of the Biodiversity Duty Report 2018-2020 set out in Appendix 1 that will be issued to the Scottish Government; and
- (ii) to note the publication of the Edinburgh Declaration.

10. PLANNING POLICY GUIDANCE - MORAY LOCAL DEVELOPMENT PLAN 2020

Under reference to paragraph 16 of the Minute of the Meeting of this Committee dated 15 September 2020, a report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to approve planning policy guidance which will be used to clarify the requirements of Primary Policy 1 (PP1) Placemaking of the recently adopted Moray Local Development Plan (MLDP) 2020.

During her introduction, Ms Webster, Principal Planning Officer (Strategic Planning and Development) advised the Committee of an amendment to recommendation (i) to approve the planning policy guidance for the MLDP 2020 as set out in Appendix 1 of the report with the exception of the section on Parking featured on pages 39-40 as this will be subject to a separate report to a future meeting of this committee. This is as a result of a number of live applications which has highlighted a few scenarios and the Planning Service would like to reflect on the guidance with a view to providing as much clarity as possible on parking requirements. This was noted.

Thereafter, the Committee agreed:

- (i) to approve the planning policy guidance for the MLDP 2020 as set out in Appendix 1 of the report with the exception of the section on Parking featured on pages 39-40 as this will be subject to a separate report to a future meeting of this committee;

- (ii) the planning policy guidance will be used as a material consideration in the determination of planning applications;
- (iii) to delegate authority to the Head of Development Services to finalise graphics, clarify details on tree sizing with the Woodland Trust and update if necessary, and update the planning policy guidance with images/diagrams of good placemaking; and
- (iv) to note that this planning policy guidance will be combined with the guidance approved by the Planning & Regulatory Services Committee on 15 September 2020 into one document.

11. QUESTION TIME

There were no questions raised.