

MORAY COUNCIL

Minute of Meeting of the Moray Council Emergency Cabinet

Wednesday, 03 June 2020

Various Locations via Video-conference

PRESENT

Councillor George Alexander, Councillor John Divers, Councillor Tim Eagle, Councillor Donald Gatt, Councillor Graham Leadbitter, Councillor Shona Morrison, Councillor Derek Ross

APOLOGIES

Councillor Bremner substituting for Councillor Leadbitter for items 4 and 6, Councillor Brown substituting for Councillor Gatt for items 4, 5, 6 and 7, Councillor Edwards substituting for Councillor Ross for items 4, 5 and 6 and Councillor Feaver substituting for Councillor Eagle for items 4, 5 and 6

IN ATTENDANCE

Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Mr N MacPherson, Principal Planning Officer, Mr G Templeton, Strategic Planning and Development Manager Development Services, Head of Strategy, Governance and Performance and Mrs L Rowan, Committee Services Officer as Clerk to the meeting.

1 Chair

Councillor Morrison, being Chair of the Emergency Cabinet, chaired the meeting.

2 Declaration of Group Decisions and Members Interests

In terms of Standing Order 20 and the Councillor's 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.

3 Minute of Meeting dated 14 May 2020

The minute of the meeting of the Moray Council Emergency Cabinet dated 14 May 2020 was submitted and approved.

4 Planning Application 19/01649/AMC

Councillors Morrison, Alexander, Bremner, Brown, Divers, Edwards and Feaver took

part in the consideration of this item.

Ward 8: Forbes

Approval of Matters Specified in conditions 3 (overall layout), 7 (sections) and 8 (landscaping) of 19/00320/PPP at Land To The North And West Of East And West Whins Findhorn Moray for Duneland Limited.

Under reference to paragraph 8 of the Minute of the Meeting of the Planning and Regulatory Services Committee dated 20 August 2019, a report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for approval of matters specified in conditions 3 (overall layout), 7 (sections) and 8 (landscaping) of 19/00320/PPP at land to the North and West of East and West Whins, Findhorn, Moray for Duneland Limited.

It was noted that the application could have been determined by the Appointed Officer under the recently revised scheme of delegation however would previously have been reported to the Planning and Regulatory Services Committee as it had been agreed at the meeting on 20 August 2019 that all further applications related to reference 19/00320/PPP be reported to the Planning and Regulatory Services Committee. As the Planning and Regulatory Services Committee is suspended, the application had been brought to the Emergency Cabinet under the agreed revised delegation scheme as it had been called in for determination by a member of the Emergency Cabinet.

Following consideration, the Emergency Cabinet agreed to grant planning permission in respect of Planning Application 19/01649/AMC subject to completion of a S75 minute of agreement prior to issue of planning consent and the following conditions and reasons:

1. The development hereby granted forms part of, and is related to, the development granted planning permission under formal decision notice 19/00320/PPP dated 4 November 2019 wherein the terms and conditions as attached to that permission are hereby reiterated and remain in force in so far as they relate to the development hereby approved, in particular Conditions 10-20 inclusive, including any details already approved thereunder to discharge the requirements of the identified conditions.

Reason: To ensure an acceptable form of development and that it progresses in accordance with the already approved and required details.

2. No development shall commence until all the tree protection measures have been implemented as detailed on the approved Tree Protection Plan sheet 1 of 1. Thereafter the measures shall be retained as approved throughout the construction period.

Reason: To ensure the protection of existing trees during the construction period.

3. Development shall not proceed except in accordance with the Construction Traffic Management Plan North Whins 1.1 dated 11 March 2020.

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

4. Development shall not proceed except in accordance the Written Scheme of Investigation for Proposed Archaeological Work at Land to the North and West of East and West Whins, Findhorn, Moray dated 14 January 2020. 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 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.

5. No development shall commence until a site specific updated Construction Environmental Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. Thereafter development shall not proceed except in accordance with the approved plan. For the avoidance of doubt the details shall be in accordance with the approved Construction Environmental Management Plan North Whins 1.1 dated 1 April 2020 and all appendices.

Reason: In order to minimise the impacts of the development works upon the environment.

6. Development shall not proceed except in accordance with the Drainage Impact Assessment 134482 – North Whins, Findhorn.

Reason: In order to minimise the impacts of the development works upon the environment.

7. The landscaping measures detailed on approved plan A110-REVC shall be implemented in full in accordance with the 'Delivery Schedule' set out on the approved plan. For the avoidance of doubt no development shall commence until all works listed as 'pre-commencement' have been completed. Where works are associated with a specific phase the work required in each phase shall be completed in the first planting season following commencement of development on any unit within that phase. 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: To ensure that the proposed landscaping is timeously provided.

8. No trees other than those identified for removal in the approved site and landscaping plan A110 - REVB shall be removed without the prior written approval of the planning authority.

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

5 Economy, Environment and Finance Service Response to Covid 19

Councillors Morrison, Leadbitter, Alexander, Brown, Divers, Edwards and Feaver took part in the consideration of this item.

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Cabinet of the services within the Economy, Environment and Finance portfolio that have been developed and delivered during the COVID 19 pandemic to

provide the response to the incident or to ensure continuity of critical council services.

The Emergency Cabinet joined the Council Leader in paying tribute to staff across all services for their efforts in continuing to provide vital services for the people of Moray during the COVID 19 pandemic, in particular Waste Management, Trading Standards, Economic Development and Environmental Health.

Thereafter, the Emergency Cabinet agreed to note the services within the Economy, Environment and Finance portfolio that have been developed and delivered during the COVID 19 pandemic to provide the response to the incident or to ensure continuity of critical council services.

6 Moray Local Development Plan 2020 Examination Report

Councillors Morrison, Alexander, Bremner, Brown, Divers, Edwards and Feaver took part in the consideration of this item.

Under reference to paragraph 4 of the minute of the meeting of the Planning and Regulatory Services Committee dated 25 June 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) summarised the conclusions of the Examination Report for the Proposed Moray Local Development Plan (MLDP) 2020, which was published on 19 May 2020 and asked the Emergency Cabinet to note and agree the modifications arising from the Examination Report and agree the proposal to publish the "Notice of Intention to Adopt the Plan" in mid- June 2020 with the aim of adopting the Plan on or before the 30 July 2020.

During discussion surrounding planning for wind energy, it was queried whether Elected Members and Officers could meet to discuss the future proposals with regard to wind energy which would feature in the National Planning Framework 4 so that this proposals can be fed back to Communities as means of keeping them informed of future proposals for Moray.

In response, the Strategic Planning and Development Manager welcomed this suggestion and further suggested that discussions include other areas of planning such as accessible housing, placemaking and health planning.

The Emergency Cabinet joined the Chair in commending the work of the Planning Service in preparing such an extensive document and thereafter agreed:

- i. to note the recommended modifications to the Proposed Moray Local Development Plan 2020 as a result of the Examination of the Plan;
- ii. to note that the majority of modifications are those put forward by the Council to address objections received to the Proposed Moray Local Development Plan 2020;
- iii. that the modifications are made to the Moray Local Development Plan 2020 and that the Council publish the Notice of Intention to Adopt the Plan with a view to adopting the Plan on or before 30 July 2020;
- iv. that all parts of the Moray Local Development Plan 2020 as modified will be a material planning consideration for development management purposes as of

15 June 2020 and will then replace the Moray Local Development Plan 2015 when adopted on or before 30 July 2020; and

- v. that Elected Members and Officers meet to discuss input into the National Planning Framework 4.

7 Formal Sign Off of Children's Services Plan 2020-23

Councillors Morrison, Leadbitter, Alexander, Brown, Divers, Eagle and Ross took part in the consideration of this item.

Under reference to paragraph 18 of the minute of the meeting of the Children and Young People's Services Committee dated 4 March 2020, a report by the Chief Executive requested that the Cabinet formally sign off the 2020-23 Children's Services Plan.

Following consideration, the Emergency Cabinet agreed to formally sign off the 2020-23 Children's Services Plan as set out in Appendix 1 of the report, for the Council's interests therein.

8 Question Time

Councillor Ross queried whether consideration had been given to employing retired school teachers should the need be required when schools eventually reopen.

In response the Depute Chief Executive (Education, Communities and Organisational Development) advised that no detailed work plan had been made however if teaching staff are required then the usual recruitment process would be followed.