

# MORAY COUNCIL

## Minute of Meeting of the Planning and Regulatory Services Committee

Tuesday, 15 August 2023

Council Chambers, Council Office, High Street, Elgin, IV30 1BX

### **PRESENT**

Councillor Neil Cameron, Councillor John Cowe, Councillor John Divers, Councillor Amber Dunbar, Councillor Jérémie Fernandes, Councillor Donald Gatt, Councillor David Gordon, Councillor Sandy Keith, Councillor Scott Lawrence, Councillor Marc Macrae, Councillor Paul McBain, Councillor Derek Ross, Councillor Draeyk Van Der Horn, Councillor Sonya Warren

### **APOLOGIES**

Councillor Theresa Coull

### **IN ATTENDANCE**

Head of Economic Growth and Development, Development Management and Building Standards Manager, Strategic Planning Development Manager, Neal MacPherson, Principal Planning Officer, Eily Webster, Principal Planning Officer, Legal Services Manager, Darren Westmacott, Planning Officer, Rowena MacDougall, Planning Officer, Katrina Martin, Senior Infrastructure Officer, Keith Henderson, Planning Officer, James Killeen, Engineer and the Democratic Services Manager.

#### **1. Chair**

The meeting was chaired by Councillor Gordon.

#### **2. Declaration of Group Decisions and Members Interests**

In terms of Standing Orders 21 and 23 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.

#### **3. Minute of Meeting of 30 May 2023**

The minute of the meeting of 30 May 2023 was submitted and approved subject to the following amendments being made:

1. The date of the previous minute is updated to reflect the correct meeting; and

2. Councillor Gatt is recorded as voting twice, however Councillor Gatt only voted once and Councillor Dunbar has been omitted from the list of those who voted. The change does not affect the vote numbers.

#### 4. Written Questions

The Committee noted that no written questions had been submitted.

#### 5. 23/00519/S37

##### **Electricity Act 1989 (As Amended) SECTION 37 Consultation for the Proposed New Electric Line Installed Above Ground with a Voltage of 123kv or more between Rothes III Wind Farm and Blackhillock On-Site Substation.**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a consultation request from the Scottish Government Energy Consents Unit had been received in respect of a Section 37 application and accompanying submissions for consent to construct and operate a 132 kilovolt overhead line reinforced between Rothes III windfarm and Blackhillock Electricity Substation had been received.

Mr MacPherson, Principal Planning Officer had, prior to the meeting, circulated additional recommended conditions to Members of the Committee and also highlighted a correction to condition 6, line 3 which should read with "community benefit" and not "socio economic benefit".

Following consideration the Committee agreed:

- i) to note the contents of the report including the conclusions made regarding the planning merits of the development, as detailed in Section 3;
- ii) that, in taking into account the National Planning Framework 4 (NPF4) Moray Local Development Plan 2020 (MLDP) and all relevant material considerations, Moray Council raise no objection to the Section 37 application, subject to the conditions and community benefit requests set out in Appendix 2 of the report alongside the additional recommended conditions circulated prior to the meeting ; and
- iii) Instructs the Head of Economic Growth and Development to advise the Energy Consents Unit of the decision of the Committee.

#### 6. 23/01021/PAN

##### **Proposed residential development of a maximum of 180 units including associated facilities landscaping infrastructure roads and drainage at R6 Dallas Dhu, Forres.**

Under reference to paragraph 4 of the Minute of the meeting of this Committee dated 11 November 2014, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application (PAN) was submitted on 16 June 2023.

During discussion, the Committee raised a number of concerns which they would wish to see addressed as the proposal is developed:

That the Developer:

- Access concerns - access off A940 busy and access into Dallas Dhu is tight
- Impact of increased traffic caused by the development on Mannachie Road - need to monitor traffic volumes and put in any necessary safety measures;
- consider the creation of a cycle path on Mannachie Road;
- possible impact on nearby rural roads being used as short cuts - in particular the link to the B9010 Dallas/Rafford Road;
- how any crossing of the Dava Way is addressed

In response, Andrew Miller, Senior Planning Officer agreed to forward the concerns of the Committee on the Applicant.

Thereafter, the Committee agreed:

- i) note the terms of the report and asked that the following provisional views/relevant issues be recorded and forwarded to the Applicant in order to inform the development of their proposed formal application for planning permission:

That the Developer considers:

- access concerns - access of A940 busy and access into Dallas Dhu is tight
  - Impact of increased traffic caused by the development on Mannachie Road - need to monitor traffic volumes and put in any necessary safety measures
  - the creation of a cycle path on Mannachie Road
  - possible impact on nearby rural roads being used as short cuts - in particular the link to the B9010 Dallas/Rafford road; and
  - how any crossing of the Dava Way is addressed.
- ii) that 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.

## **7. Planning Etc. (Scotland) Act 2006 - Scheme of Delegation Review 2023**

A report by the Depute Chief Executive (Economy, Environment and Finance) sought to review the existing adopted Scheme of Delegation approved on 29 January 2019 (para 11 of the minute refers). Th report advised that it is a requirement of The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 to prepare such a scheme of delegation at intervals of no greater than every five years.

Following consideration the Committee agreed:

- i) the revised Scheme of Delegation, as set out in Appendix 1 and submit to Scottish Government for adoption and that it be submitted to Scottish Government for adoption; and

- ii) to update the Scheme of Delegation in relation to S.37 consent consultations from the Energy Consent Unit, as set out in paragraph 5.2 of the report.

## **8. Moray Business Property Needs Study**

A report by the Depute Chief Executive (Economy, Environment and Finance) summarised the key findings of the Business Property Needs Study that was undertaken to provide up to date information and analysis of the current and projected demand for commercial land and buildings.

Following consideration the Committee agreed:

- i) to note the content of the Moray Business Property Needs Study in Appendix 1; and
- ii) that the Moray Business Property Needs Study (Appendix 1) is used as a material consideration in the determination of planning applications and to inform the development of the new Local Development Plan.

## **9. Employment Land Audit**

A report by the Depute Chief Executive (Economy, Environment and Finance) summarised the employment land supply in Moray and asks the Committee to agree the final version of the Moray Employment Land Audit 2023.

Following consideration the Committee agreed to:

- i) note the employment land supply in Moray; and
- ii) approve the finalised Moray Employment Land Audit 2023, as set out in Appendix 1 of the report.

## **10. Housing Land Audit**

A report by the Depute Chief Executive (Economy, Environment and Finance) summarised the housing land supply situation in Moray and asks the Committee to agree the final version of the Moray Housing Land Audit (HLA) 2023.

Following consideration the Committee agreed:

i)	to note the housing land supply in Moray;
ii)	the response to the consultation on the draft audit, as set out in para 4.4 of the report;
iii)	the finalised Moray Housing Land Audit 2023, as set out in Appendix 1 of the report; and
iv)	the early release of Keith LONG1 Nursery Fields to address a deficit in the effective land supply in the Keith Local Housing Market Area (LMHA).

## **11. Findrassie Masterplan**

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to agree the draft Findrassie Masterplan Update for public consultation.

Following consideration the Committee agreed:

- i) the draft Findrassie Masterplan Update for public consultation for a 12-week period;
- ii) agree that the comments received to the consultation and the Council's response to these, along with the final Masterplan will be reported back to a future meeting of this Committee for approval; and
- iii) agree that the draft Findrassie Masterplan Update is used as a material consideration in the determination of planning applications.

## **12. Keith Green Energy and Infrastructure Framework**

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to agree the draft Keith Green Energy and Infrastructure Framework for public consultation.

Following consideration, the Committee agreed:

- i) the draft Keith Green Energy and Infrastructure Framework, as set out in Appendix 1, for an 8-week public consultation;
- ii) to note that comments received to the consultation and the Council's response to these, along with the final Framework will be reported back to a future meeting of this Committee for approval; and
- iii) that the draft Keith Green Energy and Infrastructure Framework is used as a material consideration in the determination of planning applications.

## **13. Quality Audit Update**

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to approve the updated Quality Audit (QA) to align with the National Planning Framework 4 (NPF4) policy 14 Design, Quality and Place.

Following consideration the Committee agreed:

- i) to approve the updated Quality Audit to support the delivery of high quality successful places;
- ii) the updated Quality Audit will be a material consideration in the determination of planning applications; and

- iii) to note that the Quality Audit will form part of the committee reports on planning applications reported to this Committee.

#### **14. Developer Obligations Update**

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to note the update on developer obligations received and spent during the financial years of 2021/2022 and 2022/2023, provided an update on the Developer Obligations Supplementary Guidance (SG) review and sought approval for the appointment of external consultants to carry out a review of the methodology used to calculate mitigations identified for Education infrastructure.

Following consideration, the Committee agreed:

- i) to note the content of the report and the update on Developer Obligations received and spent during the financial years 2021/22 and 2022/23 as set out in Appendix 1;
- ii) to note the timeframe for the review of the Supplementary Guidance; and
- iii) the appointment of external consultants to carry out a third party review of the education methodology when the revised developer obligations supplementary guidance has been drafted.

#### **15. Question Time**

Under reference to paragraph 14 of the minute of the meeting of 30 May 2023 in which Councillor Gatt sought an update on the dualling of the A96, Councillor Macrae advised that as Chair of Economic Development and Infrastructure Services Committee, he had written to the Scottish Government seeking an update and had received a response which stated that the Scottish Government were as part of their commitment to improving the A96, work is continuing to progress the preparation stages of the A96 Dualling from Inverness to Nairn (including Nairn bypass) scheme.

Under reference to to paragraph 14 of the minute of the meeting of 30 May 2023, Councillor Gordon sought an update on the Corryhabbie which is a Corbett and where he had queried whether it should be a "landmark" hill.

A response from Carol Anderson, Landscape Consultant stated that Corryhabbie Hill lies in the Ben Rinnes Special Landscape Area. It does not form an isolated well-defined peak but more of a high point on an undulating upland ridge. This is why it was not identified as a 'landmark' hill and there is no reason to include it now. The scenic qualities of this ridge (and its importance in containing Glen Rinnes and the Dorenell wind farm) are noted in the Landscape Sensitivity Study description and constraints for Assessment Unit 13 Open Uplands with Steep Slopes in the report.