

MORAY COUNCIL

MINUTE OF MEETING OF THE PLANNING & REGULATORY SERVICES COMMITTEE

19 DECEMBER 2023

COUNCIL CHAMBERS, ELGIN

PRESENT

Councillors Gordon (Chair), Macrae (Depute Chair), Coull, Cowe, Divers, Dunbar, Fernandes, Gatt, Keith, Lawrence, McBain, Ross and Warren

APOLOGIES

Councillors Cameron and Van Der Horn

IN ATTENDANCE

Head of Economic Growth and Development, Mr N MacPherson, Principal Planning Officer, Mr A Miller, Senior Planning Officer, Mrs L MacDonald, Senior Planning Officer, Ms Webster, Principal Planning Officer (Strategic Planning and Development), Mrs D Anderson, Senior Engineer (Transportation), Mr D Westmacott, Planning Officer, Mr R Anderson, Principal Environmental Health Officer, Legal Services Manager and Mrs L Rowan, Committee Services Officers as Clerk to the Committee.

1. Best Wishes

Councillor Cowe, Civic Leader advised the Committee that Councillor Cameron had recently been admitted to hospital with a sudden illness and the Committee joined Councillor Cowe in wishing Councillor Cameron a speedy recovery.

2. Declaration of Group Decisions and Member's Interests

In terms of Standing Order 21 and 23 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.

Councillor Divers declared an interest in Item 7 "Planning Application 23/00494/APP" as his son is employed by the Applicant, and stated that he would leave the chamber during discussion of this item and take no part in the decision.

There were no further declarations of Members interests in respect of any item on the agenda.

With regard to Item 7 “Planning Application 23/0049/APP”, Councillor Ross acknowledged that Speyside Community Council had made a representation on the application. He clarified that the role of the Community Council which is to represent the view of the community and not individual members and that he and Councillor Gordon had not taken part in any discussion at meetings between the Applicant and the Community Council in relation to this proposal. With regard to the representation made by Speyside Community Council, of which his wife is the Chair, Councillor Ross stated that this represented the view of the community and not any particular person and, after due consideration, stated that he would remain in the chamber and take part in the consideration of this item.

3. Resolution

The meeting resolved that in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of the items of business appearing at the relevant paragraphs of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

<u>Paragraph No. of Minute</u>	<u>Paragraph No. of Schedule 7A</u>
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19	12
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4. Minute of meeting dated 24 October 2023

The Minute of the meeting dated 24 October 2023 was submitted and approved.

5. Minute of meeting dated 26 June 2023

The Minute of the meeting dated 26 June 2023 was submitted and approved.

6. Written Questions

The Committee noted that no written questions had been submitted.

7. Planning Application 23/00494/APP

Councillor Divers, having declared an interest in this item, left the meeting at this juncture.

Councillor Warren joined the meeting at this juncture.

Ward 1 – Speyside Glenlivet

Erect 39 affordable homes at R2 Speyview, Aberlour, Moray for Springfield Properties PLC

The Committee had before it a report by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application to erect 39 affordable homes at R2 Speyview, Aberlour, Moray for Springfield Properties PLC.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as the Appointed Officer considers that, following the consultation process, it raises matters of wider community interest.

During his introduction, Mr MacPherson, Principal Planning Officer confirmed a change to condition 15 following further discussion with Transport Scotland which referenced various plans and documents regarding the proposed pedestrian crossings on the A95 which should be approved by Transport Scotland as well as the Council prior to any occupation. This was noted.

During discussion, the Committee raised a number of points in relation to the location of the development, particularly regarding the safety of junctions and crossing points given the speed of traffic on the A95.

Mrs Anderson, Senior Engineer (Transportation) advised that a Road Safety Audit would be carried out at an appropriate point during the development and that traffic calming measures would be introduced if required.

Councillor Ross stated that he was very concerned about the safety of the public when entering or leaving the development due to the speed of traffic on the A95. He also raised concerns in relation to active travel given the gradient of the route which would be challenging to walk given the distance of the development from the centre of Aberlour. He was of the view that the location of the site would leave people isolated and lonely due to the lack of public transport in the area, unless they had use of a vehicle. Councillor Ross noted that, since the Moray Local Development Plan had been adopted in 2020, the Council had also adopted National Planning Framework (NPF) 4 and was of the view that the proposal did not comply with policy 13 of NPF4 as there is no cycle path or designated route and no public transport on evenings or weekends. He also was of the view that the proposal did not comply with NPF4 policy 14 as the development was not well connected and residents would have to have use of a vehicle to access shops and services. Furthermore, he was of the view that the proposal did not comply with NPF4 policy 15 in terms of the requirements for 20 minute neighbourhoods. Councillor Ross therefore moved that the Committee refuse planning permission in relation to Planning Application 23/00494/APP for the reasons stated. This was seconded by Councillor Macrae.

Councillor Coull stated that Aberlour desperately needed affordable housing and was confident that the transportation issues would be addressed in due course and moved, as an amendment, that the Committee agree to grant planning permission in relation to Planning Application 23/00494/APP, as recommended by the Appointed Officer. This was seconded by Councillor Lawrence.

On a division there voted:

For the Motion (5): Councillors Ross, Macrae, Gatt, Keith and McBain

For the Amendment (7): Councillors Coull, Lawrence, Cowe, Dunbar, Fernandes, Gordon and Warren

Abstentions (0): Nil

Accordingly, the Amendment became the finding of the Meeting and the Committee agreed to grant planning permission, as recommended, in respect of Planning Application 23/00494/APP, subject to:

- (i) payment of developer obligations; and
- (ii) the following conditions and reasons with an amendment to condition 15 following further discussion from Transport Scotland in relation to the proposed pedestrian crossings on the A95 which should be approved by Transport Scotland as well as the Council prior to any occupation:

Conditions/Reasons

1. Prior to the commencement of development details of the affordable housing specification shall be submitted to and approved by the Council, as Planning Authority in consultation with the Housing Strategy and Development Manager regarding the detailed arrangements for the delivery and provision of the affordable housing on the site, which shall include confirmation of the identity of the organisation (or other similar agency) responsible for the provision and management of all affordable housing provided on the site for the lifetime of the development. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure all the residential units approved on site are affordable and managed accordingly.

2. All residential units within the development shall be provided and retained as affordable housing for the lifetime of the development unless otherwise agreed in writing with the Council as Planning Authority in consultation with the Housing Strategy & Development Manager.

Reason: To ensure an acceptable form of development in terms of the required provision and delivery of affordable housing.

3. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Council, as Planning Authority in consultation with the Environmental Health Manager. The plan shall include measures to minimise construction related noise, vibration, dust, and artificial lighting, a pollution prevention plan to protect the water environment, waste management plan and ecological mitigation plan.

Thereafter the development will be carried out in accordance with the agreed plan.

Reason: In order that potential polluting activities are considered and managed, to protect local residents and the environment.

4. Construction works (including vehicle movements) associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0800 - 1900 hours, Monday to Friday and 0800 - 1300 hours on Saturdays only, and at no other times out with these permitted hours (including National Holidays). The above construction hours shall apply, unless otherwise agreed in writing with the Planning Authority, and where so demonstrated exceptional operational constraints require limited periods of construction works to be undertaken out with the permitted construction hours.

Reason: To protect local residents from noise nuisance in ensuring the construction phase is restricted within permitted hours.

5. The air source heat pumps must be installed and maintained in accordance with the Microgeneration Scheme guidance: - MCS 020 MCS Planning Standards for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises.

Reason: To protect local residents from noise nuisance due to the use of the development.

6. No development shall commence until details of protection measures of existing private water supplies leading through the site (both during construction and for the lifetime of the development) have been submitted to and agreed in writing with the Council as Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details, unless otherwise agreed with the Planning Authority.

Reason: In order to safeguard the water supplies which serve the neighbouring houses.

7. No development shall commence until an amended Landscape and Biodiversity Plan has been submitted to and approved by the Council, as Planning Authority. This shall be closely based upon the Detailed Landscaping Layout drawing number AB02_L_01 Rev C and Landscape Management Plan number AB02_L_02, and show the following:

- (a) additional tree, shrub, and hedge planting along the active travel route to provide a buffer between the development and existing housing along the A95,
- (b) locations and specifications of bird and bat boxes (minimum, 6 of each) on the site, as recommended in the Preliminary Ecological Appraisal (update

- 2) prepared by Rachael Thwaites, Ecological Consultant dated 6 September 2023,
- (c) the time-scale(s) for all new planting, seeding and turfing to be undertaken on the site for each phase / character area on the site, and including the planting blocks to the south and east shown outwith the site boundary on the masterplan drawing contained within the accompanying document titled Design Statement July 2023 Rev A.

Thereafter, the landscaping arrangements shall be carried out in accordance with the approved details. 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 this Council as Planning Authority gives written consent to any variation of this planning condition.

Reason: To ensure the provision of an acceptable level of planting at the development in the interests of the amenity, to enhance biodiversity in the area, and to ensure 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.

8. The mitigation recommendations as detailed within the accompanying Badger Survey Report, prepared by Walking-the-Talk dated 15 September 2023, shall be fully implemented by the developer, unless otherwise agreed in writing by the Council, as Planning Authority.

Reason: To ensure that the development does not have an adverse impact on protected species or habitat and minimise disturbance to nature conservation interests and enhance biodiversity.

9. Unless otherwise agreed in writing with the Council as Planning Authority, the equipped play area shall be provided in accordance with the approved plans titled Phase 1 Play Area AB02-R_PL_10 Rev B and specification plan prepared by 'Produlic' dated 13/11/2023, reference 2311.40920 (SpeyviewAberlour_SpringfieldProperties PLC) prior to the commencement of the 20th residential unit on site. Thereafter the equipped play area shall be maintained in accordance with the details set out in the approved landscape management plan for the lifetime of the development.

Reason: To ensure the timeous provision of the play area.

10. Prior to the commencement of the 20th residential unit on site, finalised details of the public artwork and street-naming on the site, closely based upon the submitted drawings AB02-R_PL_09 C and 09 A Public Art, including timescale for provision shall be submitted to and approved to and approved by the Council, as Planning Authority. Thereafter the development shall be implemented in accordance with these approved details, plans and timescales, unless otherwise agreed by the Council.

Reason: To ensure distinctive urban form with public art to provide good orientation and navigation.

11. No development shall commence until a construction phase surface water management plan has been submitted to and approved by the Council, as Planning Authority in consultation with Moray Flood Risk Management. Thereafter the development shall be carried out in accordance with the agreed details.

Reason - To prevent surface water flooding and pollution during the course of the development and minimise risk to the River Spey SAC.

12. The surface water drainage arrangements detailed in the approved drawings and Drainage Strategy Report Rev C prepared by Springfield Properties shall be completed prior to the first occupation of any housing unit in the development or its completion whichever is the sooner, and thereafter maintained for the lifetime of the development in accordance with the approved Drainage Strategy, unless otherwise agreed by the Council, as Planning Authority.

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

13. No development shall commence until a Community Wealth Building Plan has been submitted to and approved in writing by the Council, as Planning Authority. This plan shall include measures, targets and monitoring for the following areas as appropriate:
 - (a) improving community resilience, reducing inequalities and maximising local job creation at the development (training, apprenticeships, etc.) and
 - (b) increasing spending within communities and ensuring the maximum use of local supply chains and services to be applied to the site.

The measures and monitoring shall thereafter be implemented in accordance with the plan unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: To support a new strategic approach to economic development that helps to build a wellbeing economy in accordance with National Planning Framework 4 Policy 25 - Community Wealth Building.

14. Prior to the commencement of any development hereby permitted (other than the formation of a temporary construction access and siting of the works compound to allow delivery of the new trunk road access junction), the new ghost island priority junction with the A95(T), generally as illustrated in the Cameron and Ross Drawing No. A1/1804741-1001 (Revision 4) Proposed A95 Improvements Layout, shall be constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that the standard of access layout complies with the current standards, and that the safety and free flow of traffic on the trunk road is not diminished.

15. Prior to occupation of any part of the development hereby permitted, a new active travel link, generally as illustrated in Springfield Properties Drawing No. AB02-ENG-602 (Revision B) *Active Travel Route Layout*, and associated works as generally illustrated in ECS Active Travel Review Appendix D: Drawing No. 23097_002 *Proposed Pedestrian Crossing – Forward Sight Distance* and Appendix E: Cameron and Ross Drawing No. A/1804741-1017 *Offsite Footpath Upgrades* shall be constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that facilities are provided for the pedestrians that are generated by the development and that they may access the existing footpath system without interfering with the safety and free flow of traffic on the trunk road.

16. Prior to occupation of any part of the development hereby permitted, new bus stop lay-bys on both sides of the A95(T), generally as illustrated in Cameron + Ross Drawing Numbers A1/180471 – 1002 (Revision 2) *Bus Stop Lay-by Layout (North of Proposed Junction)* and A1/180471 – 1003 (Revision 3) *Bus Stop Lay-by Layout (South of Proposed Junction)*, shall be constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

17. Prior to commencement of the development, details of the landscaping treatment along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. All landscaping shall be located such that it can be installed and maintained from within the development without requiring access to the trunk road.

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.

18. Prior to commencement of the development, details of the fencing / barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland and thereafter implemented prior to commencement of operation. The fencing / barrier proposals shall be located such that they can be erected and maintained from within the development without requiring access to the trunk road.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

19. 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.

20. No development shall commence until the follow details have been submitted for approval in writing by the Planning Authority in consultation with the Roads Authority:

- A Road Safety Audit / Safety Audit of the potential non-motorised user route(s) between the development and the A95(T) bridge over the Linn Burn. Prior to commencement the scope of the audit shall be submitted for approval in writing with the Moray Council Transport Development team.
- Details of the proposed mitigation measures to address any issues identified by the Road Safety Audit/Safety Audit.

Thereafter, the Road Safety Audit / Safety Audit and mitigation measures shall be completed in accordance with the approved details prior to the completion of any house within the development.

Reasons: To ensure acceptable development in the interests of road safety and the provision of details currently lacking from the submission.

21. Notwithstanding the details submitted on the adoption plan drawings (Drawing No AB02-ENG-515 Rev F) and Kerbing Plan (AB02-ENG-510 Rev F), which are contrary to the site plan (Drawing No. AB02-R_PL_01 Rev B), prior to the commencement of development the following details shall be submitted for the approval by the Planning Authority in consultation with the Roads Authority:

- a) Adoption Plan (Scale 1:500 minimum) showing a 3 metre cyclepath on the west side of the road leading south from the crossroads to the end of the adopted road.
- b) Details, including maintenance arrangements for hedges to be planted adjacent to parking spaces which shall be planted at least 1.0 metres from the edge of the parking space to readily enable access into and out of parked vehicles at all times.

Thereafter the development shall be constructed in accordance with the approved details.

Reasons:

- a) To ensure acceptable development through the provision of details currently lacking from the submission.
- b) To ensure an acceptable development in terms of parking provision and amenity of the area.

22. Notwithstanding the details of parking for Plots 21 and 22 (Type F – 4 Bed) shown on the site layout plan (Drawing AB02-R_PL_01 Rev B) which indicate a space for only 2 spaces per plot, no development shall commence until details (Site Layout Plan scale 1:500 min) has been submitted for approval in writing by the Planning Authority in consultation with the Roads Authority which confirms the location of a minimum of 3 parking spaces to serve each 4 bed

plot. Thereafter parking provision shall be provided and maintained for use in accordance with the approved site layout plan unless otherwise agreed in writing with Moray Council Transportation.

Reason: 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.

23. Notwithstanding the Travel Information Pack submitted, which is not accepted, prior to completion of the first house, a Travel Information Pack shall be submitted for approval in writing by the Planning Authority in consultation with the Roads Authority, which includes the following information:
- a) Information on routes for pedestrians and cyclists to access local facilities.
 - b) Information on the provision of bus services including demand responsive services serving the development.
 - c) Information on the availability and accessibility of local public car and ebike/cycle sharing schemes.
 - d) Details of the programme for updating the Travel Information Pack as the development progresses.

Thereafter the Travel Information Pack shall be provided to each dwelling upon first occupation from the date of first completion of any part of the residential development.

Reason: To ensure the provision of acceptable sustainable transport information through the provision of details currently lacking in the interests of reducing the impact of travel and transport on the environment.

24. Prior to the commencement of development the following shall be submitted for approval by the Planning Authority in consultation with the Roads Authority:
- a) A Construction Traffic Management Plan which includes details of any temporary site access arrangements, site compounds, lay down areas and site parking (Plan scale 1:500 minimum) and proposals to safeguard non-motorised road users;
 - b) Details (Plan scale 1:500) which show the provision of a temporary turning area, including details of the construction of the turning area, adjacent to Plots 35/36 to provide a turning facility for refuse collection vehicles and other visiting vehicles.

The approved Construction Traffic Management Plan must be complied with at all times. The works identified in b) shall be completed prior to completion or first occupation of any of the plots numbered 29 to 39 and shall be retained until such time that the road ends at Plots 35/36 and Plots 13/14/15/16 are connected via a loop road and available for use by visiting service vehicles.

Reasons:

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

- b) To ensure acceptable infrastructure to service the development through the provision of details currently lacking.
25. No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway.

Reason: To ensure acceptable development that does not create any hazard to road users in the interests of road safety.

26. The width of the individual vehicular accesses shall be 3.0m – 5.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The part of the access over the public footway shall be to The Moray Council specification and surfaced with bituminous macadam.

Reason: To ensure acceptable infrastructure at the individual development accesses.

Councillor Divers re-joined the meeting at this juncture

8. Planning Application 23/00994/APP

Ward 4 – Fochabers Lhanbryde

For the construction and operation of a 30 MW battery energy storage system including associated infrastructure at land to east of A941 Bishopmill, Elgin, Moray for Green Power Consultants Ltd

The Committee had before it a report by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for the construction and operation of a 30 MW battery energy storage system including associated infrastructure at land to east of A941 Bishopmill, Elgin, Moray for Green Power Consultants Ltd.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as the application is a Major application as the proposal relates to electricity generation with a capacity of more than 20MW.

Councillor Macrae considered the proposal to be a worthy departure from the Moray Local Development Plan 2020 as the Council moves towards net zero and welcomed the fire risk and safety information provided within the planning application and moved that the Committee grant planning permission, as recommended, in respect of Planning Application 23/00994/APP.

In relation to Condition 15 regarding protection of trees, Councillor Gatt sought clarification as to whether this protection was during construction of the development or the completion of the development after 40 years.

In response, Mr Miller advised that these protection measures would be during the construction process and suggested an update to condition 16 to reflect that any trees that die during the 40 year period of any consent are replaced during the appropriate planting season.

Councillor Gatt welcomed this suggestion and then went on to discuss the emergency response plan and fire risk assessment which the Applicant had agreed to develop once the battery products had been decided and queried whether, as there had been concerns about the safety of such developments, a condition could be added to ensure the fire risk assessment is in place prior to the operations commencing on the site.

In response, Mr Miller, Senior Planning Officer agreed to include a condition as suggested by Councillor Gatt.

Having considered the response from Mr Miller, Councillor Gatt agreed to second Councillor Macrae's motion subject to an amendment to condition 16 in relation to the protection of trees and the additional condition in relation to the fire risk assessment.

The Chair queried whether Councillor Macrae was content to include the amendment to condition 16 and the additional condition in his motion. Councillor Macrae agreed to this.

There being no-one otherwise minded, the Committee unanimously agreed to grant planning permission, as recommended, in respect of Planning Application 23/00994/APP subject to:

- an amendment to condition 16 to ensure that any trees that die during the 40 year period of the consent are replaced during the appropriate planting season;
 - an additional condition to ensure that the fire risk assessment is in place prior to the operations commencing on the site; and
 - the following conditions and reasons:
1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
 2. This permission shall endure for a period of 40 years from the date on which the site first connects to the grid network within which period the development shall cease to operate and cease to connect to the grid network and the site shall be restored in accordance with a detailed decommissioning, restoration and aftercare statement to be approved in writing in advance by the Planning Authority. Written confirmation of the date of first connection to the grid network shall be provided to the Planning Authority within 12 months of this occurrence.

For the avoidance of doubt the detailed decommissioning, restoration and aftercare plan shall provide detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provision which shall include waste management proposals.

Reason: To ensure that the development is removed at the end of its use and to ensure the satisfactory restoration of the site.

3. No development shall commence until final details of the material finishes of all buildings and plant including battery storage containers, as well as full details of the means of enclosure have been submitted to and agreed in writing by the Planning Authority. For the avoidance of doubt the battery storage containers shall be finished in grey or green as indicated in the submitted supporting information with the application. Where possible darker recessive tones shall be used. Thereafter only the approved details shall be implemented.

Reason: Insufficient details have been provided with the proposal.

4. 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 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 written scheme of investigation 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 brought into use 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:
 - i. a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land through ownership or provision of third party agreement) showing the visibility splay 4.5 metres by 215 metres in both directions at the access onto the A941 Lossiemouth - Elgin - Dufftown - Rhynie Road with all boundaries set back to a position behind the required visibility splay, and a schedule of maintenance for the splay area has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and
 - ii. thereafter the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and

- iii. thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.26 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

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 minimum interference to the safety and free flow of traffic on the public road through the provision of details currently lacking.

6. No water shall be permitted to drain or loose material be carried onto the public footway/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 new access.

7. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and agreed in writing by the Planning Authority in consultation with the Roads Authority. Thereafter the development shall be carried out in accordance with the agreed CTMP at all times. For the avoidance of doubt the CTMP shall include as a minimum the following information:

- duration of works;
- construction programme;
- number of vehicle movements (i.e. materials, plant, staff, components);
- schedule for delivery of materials and plant;
- parking provision, loading and unloading areas for construction traffic;
- full details of temporary arrangements to safeguard pedestrian movements during the construction period;
- full details of any temporary access;
- measures to be put in place to prevent material being deposited on the public road;
- traffic management measures to be put in place during works including any specific instructions to drivers.
- full details of construction traffic routes from/to the site, including any proposals for temporary haul routes and routes to be used for the disposal of any materials from the site;
- a programme of monitoring for all routes identified within the CTMP during construction will be required.

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

8. No works shall commence on site until a Method Statement setting out the working practices and detailed drawings related to underground cable laying in the vicinity of the U39E Myreside Road, A941 Lossiemouth – Elgin – Dufftown – Rhynie Road, Elgin – Lossiemouth cycle track and C24E Elgin - Westerfolds - Duffus Road has been submitted to and approved in writing by the Council as Planning Authority in consultation with the Roads Authority. Thereafter, the

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

Reason: To ensure acceptable working practices in the vicinity of the public infrastructure through the provision of details currently lacking.

9. Construction works (including vehicle movements) associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0800 - 1900 hours, Monday to Friday and 0800 - 1300 hours on Saturdays only, and at no other times outwith these permitted hours (including National Holidays) shall construction works be undertaken except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken outwith the permitted/stated hours of working.

Reason: To protect local residents from noise nuisance in ensuring the construction phase is restricted within permitted hours.

10. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Planning Authority in consultation with the Environmental Health Manager. The plan shall include:
- measures to minimise construction related noise, dust and artificial lighting;
 - a scheme for the management of surface water drainage during the construction process;
 - a scheme to ensure soils on and around the site are protected from unnecessary disturbance including erosion and compaction to minimise soil sealing.

Thereafter the development will be carried out in accordance with the agreed plan.

Reason: In order that environmental emissions are considered and managed at the construction phase, in order to protect local residents, the Sey Burn and soils on and around the site.

11. The rating level of noise associated with the development shall not exceed 41 dB at the nearest noise sensitive dwelling which is lawfully existing or has planning permission at the date of this permission . For the avoidance of doubt, the rating level associated with this condition is defined within BS 4142: 2014+A1:2019 Methods for rating and assessing industrial and commercial sound. The rating level in this condition will apply for either daytime (0700 to 2300 hours) or night time (2300 to 0700 hours) periods.

Reason: To protect local residents from noise nuisance due to the use of the development.

12. Unless otherwise agreed with the Planning Authority, a 4m high acoustic fence with a surface density of at least 10kg/m² shall be provided on the south east and south west elevations of the development as illustrated in Figure D.2, page 28 of the approved Noise Impact Assessment supporting document by Parker Jones Acoustics and titled "Land at Spynie Farms, Elgin, Moray, IV30 4LF. Noise Impact Assessment. 1st December 2023 Revision 1", as well as indicated in Drawing No. APA-612-DR-PL-003 Revision 4, dated 08/11/23 and titled "Proposed Site Layout". Prior to the use commencing, the final selected acoustic barrier in terms of chosen material, design, surface density shall be submitted in a plan and agreed in writing with the Council, as Planning Authority and shall thereafter be installed prior to the first use or completion of the battery storage scheme hereby approved (whichever is the soonest) and maintained throughout the lifetime of the development.

Reason: To protect local residents from noise nuisance due to the use of the development.

13. Prior to the development commencing details of the operational site lighting shall be submitted to and agreed in writing by the Planning Authority, in consultation with the Environmental Health Manager. Thereafter, the agreed lighting details shall be implemented as approved and maintained throughout the lifetime of the development.

Reason: To protect local residents from light nuisance due to the use of the development.

14. Prior to any development works commencing, a monitoring statement that demonstrates the measures taken/implemented to ensure compliance with the approved Community Wealth Building Plan (by AAH Consultants dated November 2023) shall be submitted to the Council, as Planning Authority for approval in writing. This shall include details of:

- the offer of community ownership including any marketing/promotion with the local community and community bodies;
- the name(s) of the body/bodies taking partial ownership and details of their respective share(s) (where there has been no uptake this should also be specified);
- (where there has been no demand for community ownership) details of alternative schemes as specified in section 2.20 of the approved Community Wealth Building Plan including any marketing/promotion with the local community and community bodies; and
- mechanisms to ensure community bodies/groups that do invest can withdraw from ownership if necessary.

Thereafter the development shall proceed in accordance with the approved details unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: To ensure that the measures detailed in the approved Community Wealth Building Statement have been implemented, in accordance with

National Planning Framework 4 Policy 11 – Energy and Policy 25 – Community Wealth Building.

15. All tree protection measures (i.e. herras fencing or equivalent) as shown in the approved Planting Plan (ref no. Elgin GP-23-02 01 Rev B) shall be provided prior to any development works commencing (including site clearance/preparation works) and thereafter be retained in full accordance with the approved details until completion of the development.

Reason: To ensure timeous provision of the approved tree protection measures.

16. All landscaping as shown in the approved Planting Plan (ref no. Elgin GP-23-02 01 Rev B) shall be provided in the first planting season after completion of the development or the first use of the battery storage scheme (whichever is the soonest). Thereafter the landscaping (including existing trees on the site) shall be maintained in accordance with the approved aftercare specified on the plan. Any trees or plants which (during the lifetime of this consent) 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 this Council (as Planning Authority) gives written consent to any variation of this planning condition.

Reason: In order 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.

17. The development hereby approved shall be implemented in full accordance with section 6 (Conclusions and Recommendations) of the approved Bat Activity Survey Report (ref: RDECO00060/180/01/B dated 9 June 2023) and section 6 (Conclusions and Recommendations) of the approved Preliminary Ecological Appraisal (ref: RDECO00060/173/01/B dated 9 June 2023).

Reason: In order to ensure that the development proceeds in accordance with the recommended mitigation measures of the approved ecological surveys.

18. All foul and surface water drainage proposals shall be in accordance with the approved Drainage Impact Assessment, dated September 2023.

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

19. The Planning Authority shall be provided with reports every 3 years from the date of first grid connection confirming that electricity has been imported and exported to the grid. If no electricity has been imported or exported to the grid by the development for a continuous period of 36 months, then unless otherwise agreed in writing with the Planning Authority, the development shall be removed and the site reinstated. Details of the proposed reinstatement shall be submitted for approval in writing to the Planning Authority within 2 months of either the equipment ceasing to be required or from the end of the 36 month

period when it is not in operation, and the reinstatement work shall be completed within 3 months of the Planning Authority's approval of that proposed reinstatement scheme, or such other period agreed in writing by the Planning Authority.

Reason: To ensure that if the Development becomes redundant the equipment is removed from the site, in the interests of safety, amenity and environmental protection.

20. Prior to development commencing, a detailed plan addressing the procedures and operations to tackle and extinguish a fire or other polluting incident at the battery storage facility hereby approved must be submitted to and approved in writing by the Council (as Planning Authority) in consultation with the Health and Safety Executive, the Building Standards Section of Moray Council and the Scottish Fire and Rescue Service. This plan must be incorporate the details submitted under the latest version of the applicant's Outline Safety Management Plan dated October 2023. Thereafter the development shall be operated in accordance with any recommendations contained in this plan.

Reason: In order to ensure full consideration can be given to the suitability of site for such a use, and to ensure that development has contingencies in place to minimise damage or risk to human health.

9. Planning Application 23/01227/AMC

Ward 1 – Speyside Glenlivet

Approval of Matters Specified in Conditions (1-32) of Planning Permission in Principle (21/01901/EIA) in respect of proposed 85,000 tonnes per annum malt production facility on land at Greens of Rothes, Rothes, Moray for Simpsons Malt Ltd

The Committee had before it a report by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for the approval of Matters Specified in Conditions (1-32) of Planning Permission in Principle (21/01901/EIA) in respect of proposed 85,000 tonnes per annum malt production facility on land at Greens of Rothes, Rothes, Moray for Simpsons Malt Ltd.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as the application relates to a previous major Planning Permission in Principle (PPiP) that was considered as a departure from the development plan at the time and thus subject to a statutory pre-determination hearing. However, as this application is for Approval of Matters Conditioned pertaining to that PPiP no further statutory pre-determination hearing is required.

During his introduction, Mr Miller, Senior Planning Officer advised of an error on page 103 of the report where the transportation informative refers to Speyside Community Council when it should read a Local Community Group. This was noted.

Following consideration, the Committee unanimously agreed to grant planning permission in respect of Planning Application 23/01227/AMC subject to:

- an amendment to the transportation informative to state a Local Community Group rather than the Speyside Community Council; and
 - the following conditions and reasons:
1. In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, the development to which this permission relates must be begun not later than whichever is the later of the following dates:-
 - (i) the expiration of 3 years from the date of the grant of planning permission in principal; or
 - (ii) the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved.

If the development has not commenced within this stated time-periods then this permission shall lapse.

Reason: The time limit condition is in accordance with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. All landscaping including woodland planting as shown in the approved plans (excluding that referred to in condition 4) shall be provided in the first planting season following the first use or completion of the first phase of the development (whichever is the soonest) and thereafter maintained in accordance with the approved Landscape Management Plan. 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 this Council (as Planning Authority) gives written consent to any variation of this planning condition.

Reason: For the avoidance of doubt and to ensure timeous delivery of landscaping.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development other than that permitted under this consent (including planning permission in principle ref. 21/01901/EIA) shall be undertaken within the area identified for safeguarding on approved plan titled 'SITE ACCESS JUNCTION, SAFE-GUARDED LAND FOR FUTURE FOOTWAY PROVISION' without the written consent of the Council, as Planning Authority.

Reason: To ensure the area identified for safeguarding is kept free of development that may impede the future provision of a public path, in the interests of providing infrastructure for sustainable and active travel.

4. Notwithstanding the details submitted for the proposed landscaping (Drawing No; L01 F 'Planting Strategy') which are not acceptable. No new planting (other than grass) shall be permitted within the area identified as 'SAFE-GUARDED LAND FOR FUTURE FOOTWAY PROVISION' on the plan titled 'SITE ACCESS JUNCTION, SAFE-GUARDED LAND FOR FUTURE FOOTWAY PROVISION' Until the following details have been submitted for approval in writing by the Planning Authority in consultation with the Roads Authority:

A detailed plan (Scale 1:500 min) showing the design of a continuous path (minimum width 2m), proposed landscaping and planting.

A maintenance schedule for the landscaping within the area of safeguarded land.

Thereafter, unless otherwise approved in writing by the Planning Authority, the landscaping within the safe-guarded land shall be maintained with monthly grass cutting or in accordance with the approved schedule for the lifetime of the development.

Reason: To ensure an acceptable development, safeguarding and maintenance of land for future path provision for non-motorised users, and the provision of additional details currently lacking from the submissions.

5. No part of the development shall be completed or become operational until evidence has been submitted to demonstrate that the statutory process to promote and implement any new speed limit(s) on the B9015 required as a consequence of the proposed development, have been completed by Moray Council.

Reason: To ensure an acceptable development through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

6. Notwithstanding the details submitted in the Site Traffic Management Plan. No works 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:
 - a) duration of works;
 - b) construction programme;

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.

7. The footway/footpath improvements between the development and Rothes shall be provided in accordance with the approved details prior to the completion of the development or the development becoming operational (whichever is soonest).

Reason: To ensure acceptable infrastructure is provided on route to the development in road safety terms.

8. Prior to completion of the site access or the access becoming operational a visibility splay measuring 4.5m x 137m to the west and 4.5m x 215m to the east shall be provided in accordance with the approved details.

Thereafter the visibility splay shall be maintained at all times with no obstructions over 0.26 metres in height measured from the nearest edge of the carriageway, and in accordance with a schedule of maintenance to be agreed in writing by the Council, as Planning 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.

9. No part of the development shall become operational until the parking and EV charging associated with it has been provided in accordance with the approved details. Thereafter, unless otherwise approved in writing by the Planning Authority the parking shall be retained and available for use at all times for that purpose.

Reason: To ensure the permanent availability of parking and the provision of infrastructure to support the use of low carbon transport in the interests of an acceptable development and road safety.

10. No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0 metre in height and fronting onto the public road shall be within 2.4 metres of the edge of the carriageway, measured from the level of the public carriageway, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

Reason: To enable drivers of vehicles leaving driveways 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.

11. Prior to their siting, details (i.e. elevations, floor plans and any drainage arrangements) of the proposed temporary portacabin offices as indicated on the approved plans shall be submitted to and approved in writing by the Council as Planning Authority along with timing for their provision and removal. Thereafter the portacabins shall be provided in accordance with the approved details unless otherwise agreed in writing with the Council (as Planning Authority).

Reason: To allow further consideration to be given to the temporary portacabins, details of which are lacking from the submission, and to ensure they are sited for a temporary period.

12. The development hereby approved shall be finished and maintained in

accordance with the material finishes indicated on the approved plans, unless otherwise agreed in writing with the Council.

Reason: To ensure material finishes are provided in accordance with the approved details, in the interests of the character and visual amenity of the surrounding area.

10. Planning Application 23/01906/APP

Mr MacPherson, Principal Planning Officer, left the meeting at this juncture.

Ward 4 – Fochabers Lhanbryde

Domestic extension at 37 Beils Brae Urquhart Elgin Moray for Mr Neal MacPherson

The Committee had before it a report by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for a domestic extension at 37 Beils Brae, Urquhart, Elgin, Moray for Mr Neal MacPherson.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as it is submitted by an Officer that is involved in the statutory planning process.

Following consideration, the Committee unanimously agreed to grant planning permission, as recommended, subject to the following conditions and reasons:

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. Two existing car parking spaces shall be retained within the site 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 residents/visitors/others in the interests of an acceptable development and road safety.

3. No development shall commence until the tree protection measures detailed in submitted Tree Protection Plan have been implemented in full. For the avoidance of doubt the tree protection barrier should comply with BS5837:2012.

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

Mr MacPherson, Principal Planning Officer re-joined the meeting at this juncture

11. Proposal of Application Notice – 23/02061/PAN

Under reference to paragraph 6 of the Minute of the meeting of this Committee dated 15 August 2023, the Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) informing that a Proposal of Application Notice (PAN) had been submitted on 21 November 2023 on behalf of Moray Council.

The Committee noted that a similar PAN had been considered by this Committee on 15 August 2023 however this updated PAN included student accommodation.

Councillor Lawrence welcomed the proposed student accommodation and asked that the Applicant give consideration to the provisional views/relevant issues raised by the Committee on 15 August 2023 including active travel considerations.

Thereafter, the Committee unanimously agreed:

- (i) to 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 Applicant give consideration to the provisional views/relevant issues raised by the Committee on 15 August 2023 including active travel considerations; and
- (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.

12. Planning Performance Framework 2022-23

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) informing that the Planning Performance Framework (PPF) for 2022/23 had been submitted to the Scottish Government (SG) on 27 July 2023, covering the period from 1 April 2022 to 31 March 2023. The report provided a summary of feedback received from the Scottish Government dated 20 October 2023 with specific reference to the Performance Markers Report and Red, Amber, Green (RAG) ratings for the 2022/2023 submission.

The Committee joined the Chair in congratulating the Planning Service for the outstanding performance set out in the report and thereafter unanimously agreed to:

- (i) note the Planning Performance Framework submitted to the Scottish Government on 27 July 2023 as set out in Appendix 1 of the report;
- (ii) note the feedback report received from the Scottish Government on 20 October 2023 as set out in Appendix 2 of the report;
- (iii) authorise the Head of Economic Growth and Development to submit the Planning Performance Framework for 2023/2024 to the Scottish Government by the end of July 2024 (or any other date that may be set);
- (iv) note that the Planning Performance Framework will be reported to the first available Planning and Regulatory Services Committee following receipt of the feedback; and
- (v) note the Planning Performance Framework 2022/23 will be circulated to all developers, stakeholders and internal services seeking comment/feedback to assist with continuous improvement to be fed back into the PPF for 2023/2024

13. Review of Enforcement Charter and Update on Enforcement

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) asking it to agree the revised Enforcement Charter and note the update on Planning Enforcement activity.

Following consideration, the Committee unanimously agreed:

- (i) to note the contents of the report; and
- (ii) the updated Enforcement Charter as set out in Appendix 1 of the report.

14. Planning Policy Guidance – Moray Local Development Plan

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) asking for approval of the stance taken on the National Planning Framework 4 (NPF4) policy 8 Green Belts and the updated planning policy guidance on NPF4 policy 17 Rural Homes to support the delivery of the Moray Local Development Plan.

Following consideration, the Committee unanimously agreed:

- (i) that NPF4 policy 8 Green Belts is not applicable within the Moray Local Development Plan boundary for the reasons set out in the report;
- (ii) to approve the updated planning policy guidance for policy 17 Rural Homes as set out in Appendix 1 of the report and agreed that this be used as a material consideration in the development management process; and

- (iii) that the policy stance on NPF4 policy 8 and the updated planning policy guidance on policy 17 Rural Homes is used to inform the development of the new Local Development Plan.

15. Development Plan Scheme 2024 – Moray Local Development Plan

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) asking for consideration of the current timetable for the preparation of the new Local Development Plan (LDP) 2027 and agreement for the submission of the Development Plan Scheme (DPS) and Participation Statement to the Scottish Government.

During her introduction, Ms Webster advised that a graphic on engagement had been omitted in error from the Participation Statement and that this would be circulated to the Committee prior to being submitted to the Scottish Government.

Following consideration, the Committee unanimously agreed that the DPS and Participation Statement for 2024, as set out in Appendix 1 of the report, and the Scheme be submitted to the Scottish Government, with the inclusion of the graphic on engagement.

16. Keith Green Energy and Infrastructure Framework

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) asking it to note the representations received to the draft Keith Green Energy and Infrastructure Framework and agree the Council's response to these and approve the final Framework.

Following consideration, the Committee unanimously agreed to:

- (i) note the representations received to the public consultation on the draft Keith Green Energy and Infrastructure Framework and agreed the Council's response to these, as set out in Section 4 of the report; and
- (ii) approve the final Keith Green Energy and Infrastructure Framework, as set out in Appendix 1 of the report, and agreed that this be used as a material consideration in the development management process and to inform the development of the new Local Development Plan.

17. Tree Preservation Orders

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) asking it to confirm the revocation of Tree Preservation Orders (TPOs) at Cowie Avenue/Fife Street (Dufftown) and Deskford, without modification.

Following consideration, the Committee unanimously agreed to:

- (i) note the representation received in response to the Moray Council (Cowie Avenue/Fife Street, Dufftown) Revocation of Tree Preservation Order 2023, as summarised in Para 4.1 of the report;
- (ii) confirm, without modification, Moray Council (Cowie Avenue/Fife Street, Dufftown) Revocation of Tree Preservation Order 2023; and
- (iii) confirm, without modification, Moray Council (Groups of Trees at Deskford, Buckie) Revocation of Tree Preservation Order 2023.

18. Food Law Enforcement Service Delivery Plan 2023-24

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) asking for approval of the Food Law Enforcement Service Delivery Plan 2023/2024.

Following consideration, the Committee unanimously agreed to approve the Food Law Enforcement Service Delivery Plan 2023/2024.

19. Question Time

Under reference to paragraph 4 of the Minute of this Committee dated 24 October 2023, Councillor Macrae queried whether further discussion had taken place with the Applicant in relation to the most appropriate access to the development.

In response, the Head of Economic Growth and Development advised that a meeting had taken place with Officers and the Applicant, a solution had been achieved and that a new application had recently been submitted.

Councillor Coull queried whether members of the Council could have training on National Planning Framework (NPF) 4.

In response, the Head of Economic Growth and Development agreed to arrange training for Members in relation to NPF4 and how it fits with the Moray Local Development Plan 2020.

20. Unauthorised Development at Residential Property in Tomintoul [Para12]

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) informing of a breach of a planning condition regarding the erection of an unauthorised fence causing a road safety hazard by obstructing a visibility splay at a road junction.

During his introduction, Mr MacPherson advised that, due to a recently submitted planning application to regulate the fence, a change to recommendation (i) had been circulated to the Committee prior to the meeting. This was noted.

Following consideration, the Committee unanimously agreed:

- (i) in the event the recently submitted planning application is either refused, or the proprietor refuses to down-take/reposition their fence, officers are authorised to issue Planning Enforcement Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997; the Enforcement Notice will require the owner of the property to remove or lower the unauthorised fence; and
- (ii) should the Notice not be complied with then authority is given to take direct action to remove or lower the fence.