

MORAY COUNCIL

MINUTE OF MEETING OF THE PLANNING & REGULATORY SERVICES COMMITTEE

12 MARCH 2024

COUNCIL CHAMBERS, ELGIN

PRESENT

Councillor Coull, Councillor Cowe, Councillor Divers, Councillor Dunbar, Councillor Fernandes, Councillor Gatt, Councillor Gordon, Councillor Keith, Councillor Lawrence, Councillor Macrae, Councillor McBain, Councillor van der Horn, Councillor Warren

APOLOGIES

Councillor Cameron

IN ATTENDANCE

Head of Economic Growth and Development, Development Management and Building Standards Manager, Strategic Planning and Development Manager, Mr N MacPherson, Principal Planning Officer, Mr R Smith, Principal Planning Officer, Mrs L MacDonald, Senior Planning Officer, Ms E Webster, Principal Planning Officer (Strategic Planning and Development), Mrs D Anderson, Senior Engineer (Transportation), Mr K Henderson, Planning Officer, Legal Services Manager and Mrs L Rowan, Committee Services Officer as Clerk to the Committee.

1. Chair

Councillor Gordon, being Chair of the Planning and Regulatory Services Committee, chaired the meeting.

2. Declaration of Group Decisions and Member's Interests

In terms of Standing Orders 21 and 23 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons regarding 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. Minutes

The Minutes of the meeting dated 19 December 2023 and the Special meeting dated 15 February 2024 were submitted and approved.

4. Written Questions

The Committee noted that no written questions had been submitted.

5. Planning Applications 23/00892/APP, 23/00894/APP and 23/00895/APP

Ward 4 – Fochabers Lhanbryde

23/00892/APP - Construction and operation of an aerobic digestion facility and energy centre with associated landscaping and drainage works on Land approximately 150 Metres to the West of the Portgordon Maltings, Buckie for Grissan Engineering Services Ltd

23/00894/APP - Construction and operation of an aerobic digestion facility and energy centre with associated works on Land approximately 200 Metres to the West of the Portgordon Maltings, Buckie, Moray for Grissan Engineering Services Ltd

23/00895/APP - Construction and operation of an aerobic digestion facility and energy centre with associated works on Land approximately 250 Metres to the West of Portgordon Maltings, Buckie, Moray for Grissan Engineering Services Ltd

The Committee had before it 3 reports by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for 3 applications for the construction and operation of an aerobic digestion facility and energy centre with associated works on Land approximately 150 Metres, 200 Metres and 250 Metres to the West of Portgordon Maltings, Buckie, Moray for Grissan Engineering Services Ltd.

The Chair stated that Planning Applications 23/00892/APP, 23/00894/APP and 23/00895/APP would be considered together as they each relate to the Portgordon Maltings in Buckie however each recommendation would be taken separately once debated in full. This was noted.

The meeting noted that Planning Applications 23/00892/APP, 23/00894/APP and 23/00895/APP had been referred to Committee in terms of the Scheme of Delegation as the cumulative impact is of a scale similar to a major planning application.

During discussion, it was noted that archaeological works would be carried out prior to the commencement of any works associated with the development and it was queried whether any significant findings would be recorded and the schools informed as part of the pupils learning.

In response, Mr MacPherson, Principal Planning Officer advised that details of the archaeological works required prior to the commencement of work associated with the development were covered by Condition 4 and that he would pass on the comments of the Committee to Archaeological Services in Aberdeenshire Council.

Following consideration, the Committee unanimously agreed:

- (i) to note that the comments of the Committee in relation to any significant archaeological findings would be passed on to Archaeological Services in Aberdeenshire Council; and
- (ii) to grant planning permission, as recommended, in respect of Planning Applications 23/00892/APP, 23/00894/APP and 23/00895/APP subject to the following conditions and reasons:

23/00892/APP - Construction and operation of an aerobic digestion facility and energy centre with associated landscaping and drainage works on Land approximately 150 Metres to the West of the Portgordon Maltings, Buckie for Grissan Engineering Services Ltd

Conditions/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. Prior to the commencement of any part of the development details (scaled plans 1:500 min) shall be submitted for approval in writing by the Planning Authority in consultation with the Roads Authority for the provision of bend widening on the A990 at Bin View Terrace including any associated works necessary to modify road drainage, kerbing, services, signing and lining and repositioning of existing bus stop infrastructure associated with this. The road profile shall be modified to correct the camber for the new centreline and the full width of the road shall be resurfaced over the extent of the road widening. Thereafter the works shall be completed in accordance with the approved details prior to the completion of the development or the development becoming operational (whichever is soonest).

Reason: To ensure an acceptable infrastructure is provided on the route to/from the development in the interests of road safety.

3. 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;
- c) details for any Abnormal Indivisible Loads (AIL's) including route assessments;
- d) details for the removal/disposal of any bulk material from site including volume, type, destination and route;
- e) anticipated schedule for delivery of materials and plant;
- f) full details of any temporary construction access;
- g) measures to be put in place to prevent material being deposited on the public road;
- h) traffic management measures to be put in place during works including any specific instructions to drivers; and
- i) parking provision, loading and unloading areas for construction traffic.

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

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

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. The above should be undertaken initially as a trial trenching evaluation of 7-10% of the total proposed development site, to be carried out by a suitably qualified archaeological contractor.

5. 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.

6. No development shall commence until 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 (including vibration), dust and artificial lighting.

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.

7. The rating level of noise associated with the development on its own and/or in combination with the development 23/00894/APP and 23/00895/APP, shall not exceed the background sound level at the nearest noise sensitive dwelling which is lawfully existing or has planning permission at the date of this permission. The background sound level for the daytime (0700 to 2300 hours) and night-time hours (2300 to 0700 hours) associated with this consent has been identified within table 7 of the approved Noise Impact Assessment supporting document by Dice Environmental Acoustics, dated 31st July 2023 Ref:101072-R01, Version 1 and titled "Grissan, Portgordon Noise Impact Assessment".

For the avoidance of doubt, the rating level and background sound level associated with this condition are defined within BS 4142: 2014+A1:2019 Methods for rating and assessing industrial and commercial sound. The receptor locations for the background sound levels (stated as R1 to R4 in the above document) are identified in Section 1.2 of the Noise Impact Assessment supporting document by Ensafe Consultants, dated 28th September 2022 and titled "Noise Impact Assessment for Grissan Engineering Services Ltd At Portgordon (West). Document reference N 80109-1R1".

Reason: In order that noise from the development is controlled so as not to cause noise nuisance to local residents.

8. 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;
 - (b) increasing spending within communities and ensuring the maximum use of local supply chains and services;
 - (c) creation of new firms; and
 - (d) enabling community ownership of buildings and infrastructure.

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.

9. All planting and siting of bat and bird boxes as shown on the approved landscaping plan (submitted 1/9/23 drawing number 149101/8001) shall be undertaken in the first planting season following completion/occupation of the development. Any plants which, within a period of five years from the completion/occupation of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species.

Reason: In order to ensure an acceptable level of planting in the interests of the overall appearance and biodiversity levels within the site.

10. Prior to development commencing, all tree protection measures as detailed in the Tree Report by Forres Tree Services submitted in support of this planning application shall be put in place and the development shall be carried out in accordance with the good practice guidance contained within the Tree Report.

Reason: To protect the root systems of the trees which bound the site to the south.

11. All surface water drainage provision within the development shall be implemented in accordance with the details contained in the 'Drainage Impact Assessment, by Fairhursts, dated August 2023, document number 149101-DA-01_Rev 2 submitted in support of this proposal. The development hereby approved shall not be brought into use until it is connected to the approved drainage arrangements.

Reason: To ensure surface water from the house is disposed of in a sustainable manner.

12. The development shall be carried out in accordance with the mitigation measures contained within the Preliminary ecology appraisal survey report dated 28 August 2023, Ref: WTTPEA23-07, submitted in support of this planning application.

Reason: To ensure the development is carried out as sensitively as possible to minimise impact on the surrounding natural environment.

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 maintained throughout the lifetime of the development.

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

14. A construction phase surface water management plan shall be submitted a minimum of two months prior to the commencement of the development and shall be agreed in writing prior to work commencing with the Planning Authority in consultation with Moray Flood Risk Management. The plan shall include measures to prevent increased flood risk and to ensure heavily silted surface water does not enter any watercourse.

Thereafter, the development shall be carried out in accordance with the agreed details.

Reason: To prevent surface water flooding during the course of the development and minimise risk to adjacent watercourses.

23/00894/APP - Construction and operation of an aerobic digestion facility and energy centre with associated works on Land approximately 200 Metres to the West of the Portgordon Maltings, Buckie, Moray for Grissan Engineering Services Ltd

Conditions/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. Prior to the commencement of any part of the development details (scaled plans 1:500 min) shall be submitted for approval in writing by the Planning Authority in consultation with the Roads Authority for the provision of bend widening on the A990 at Bin View Terrace including any associated works necessary to modify road drainage, kerbing, services, signing and lining and repositioning of existing bus stop infrastructure associated with this. The road profile shall be modified to correct the camber for the new centreline and the full width of the road shall be resurfaced over the extent of the road widening. Thereafter the works shall be completed in accordance with the approved details prior to the completion of the development or the development becoming operational (whichever is soonest).

Reason: To ensure an acceptable infrastructure is provided on the route to/from the development in the interests of road safety.

3. 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;
- c) details for any Abnormal Indivisible Loads (AIL's) including route assessments;
- d) details for the removal/disposal of any bulk material from site including volume, type, destination and route;
- e) anticipated schedule for delivery of materials and plant;
- f) full details of any temporary construction access;
- g) measures to be put in place to prevent material being deposited on the public road;
- h) traffic management measures to be put in place during works including any specific instructions to drivers; and
- i) parking provision, loading and unloading areas for construction traffic.

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

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

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. The above should be undertaken initially as a trial trenching evaluation of 7-10% of the total proposed development site, to be carried out by a suitably qualified archaeological contractor.

5. 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.

6. No development shall commence until 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 (including vibration), dust and artificial lighting.

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.

7. The rating level of noise associated with the development on its own and/or in combination with the development 23/00892/APP and 23/00895/APP, shall not exceed the background sound level at the nearest noise sensitive dwelling which is lawfully existing or has planning permission at the date of this permission. The background sound level for the daytime (0700 to 2300 hours) and night-time hours (2300 to 0700 hours) associated with this consent has been identified within table 7 of the approved Noise Impact Assessment supporting document by Dice Environmental Acoustics, dated 31st July 2023 Ref:101072-R01, Version 1 and titled "Grissan, Portgordon Noise Impact Assessment".

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Reason: In order that noise from the development is controlled so as not to cause noise nuisance to local residents.

8. 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;
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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.

9. All planting and siting of bat and bird boxes as shown on the approved landscaping plan (submitted 1/9/23 drawing number 149101/8001) shall be undertaken in the first planting season following completion/occupation of the development. Any plants which, within a period of five years from the completion/occupation of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species.

Reason: In order to ensure an acceptable level of planting in the interests of the overall appearance and biodiversity levels within the site.

10. Prior to development commencing, all tree protection measures as detailed in the Tree Report by Forres Tree Services submitted in support of this planning application shall be put in place and the development shall be carried out in accordance with the good practice guidance contained within the Tree Report.

Reason: To protect the root systems of the trees which bound the site to the south.

11. All surface water drainage provision within the development shall be implemented in accordance with the details contained in the 'Drainage Impact Assessment, by Fairhursts, dated August 2023, document number 149101-DA-01_Rev 2 submitted in support of this proposal. The development hereby approved shall not be brought into use until it is connected to the approved drainage arrangements.

Reason: To ensure surface water from the house is disposed of in a sustainable manner.

12. The development shall be carried out in accordance with the mitigation measures contained within the Preliminary ecology appraisal survey report dated 28 August 2023, Ref: WTTPEA23-07, submitted in support of this planning application.

Reason: To ensure the development is carried out as sensitively as possible to minimise impact on the surrounding natural environment.

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 maintained throughout the lifetime of the development.

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

14. A construction phase surface water management plan shall be submitted a minimum of two months prior to the commencement of the development and shall be agreed in writing prior to work commencing with the Planning Authority in consultation with Moray Flood Risk Management. The plan shall include measures to prevent increased flood risk and to ensure heavily silted surface water does not enter any watercourse.

Thereafter the development shall be carried out in accordance with the agreed details.

Reason: To prevent surface water flooding during the course of the development and minimise risk to adjacent watercourses.

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where so demonstrated exceptional operational constraints require limited periods of construction works to be undertaken out with the permitted construction hours.

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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.

7. The rating level of noise associated with the development on its own and/or in combination with the development 23/00892/APP and 23/00894/APP, shall not exceed the background sound level at the nearest noise sensitive dwelling which is lawfully existing or has planning permission at the date of this permission. The background sound level for the daytime (0700 to 2300 hours) and night-time hours (2300 to 0700 hours) associated with this consent has been identified within table 7 of the approved Noise Impact Assessment supporting document by Dice Environmental Acoustics, dated 31st July 2023 Ref:101072-R01, Version 1 and titled "Grissan, Portgordon Noise Impact Assessment".

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- (c) creation of new firms; and
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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.

9. All planting and siting of bat and bird boxes as shown on the approved landscaping plan (submitted 1/9/23 drawing number 149101/8001) shall be undertaken in the first planting season following completion/occupation of the development. Any plants which, within a period of five years from the completion/occupation of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species.

Reason: In order to ensure an acceptable level of planting in the interests of the overall appearance and biodiversity levels within the site.

10. Prior to development commencing, all tree protection measures as detailed in the Tree Report by Forres Tree Services submitted in support of this planning application shall be put in place and the development shall be carried out in accordance with the good practice guidance contained within the Tree Report.

Reason: To protect the root systems of the trees which bound the site to the south.

11. All surface water drainage provision within the development shall be implemented in accordance with the details contained in the 'Drainage Impact Assessment, by Fairhursts, dated August 2023, document number 149101-DA-01_Rev2. submitted in support of this proposal. The development hereby approved shall not be brought into use until it is connected to the approved drainage arrangements.

Reason: To ensure surface water from the house is disposed of in a sustainable manner.

12. The development shall be carried out in accordance with the mitigation measures contained within the Preliminary ecology appraisal survey report dated 28 August 2023, Ref: WTTPEA23-07, submitted in support of this planning application.

Reason: To ensure the development is carried out as sensitively as possible to minimise impact on the surrounding natural environment.

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 maintained throughout the lifetime of the development.

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

14. A construction phase surface water management plan shall be submitted a minimum of two months prior to the commencement of the development and shall be agreed in writing prior to work commencing with the Planning Authority in consultation with Moray Flood Risk Management. The plan shall include measures to prevent increased flood risk and to ensure heavily silted surface water does not enter any watercourse.

Thereafter the development shall be carried out in accordance with the agreed details.

Reason: To prevent surface water flooding during the course of the development and minimise risk to adjacent watercourses.

6. Planning Applications 23/01848/APP, 23/01851/APP, 23/01852/APP, 23/01853/APP

23/01848/APP - Section 42 of the Town and Country Planning (Scotland) Act 1989 to amend condition 18 of planning permission 18/01046/EIA to amend construction working hours from within the vicinity of Redhythe Point in Aberdeenshire Council area to Whitehillock Farm, Keith, Moray for Moray Offshore Wind Farm (West) Limited

23/01851/APP - Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 7 of planning permission reference 21/01402/AMC, to amend working hours from the vicinity of Redhythe Point in Aberdeenshire Council area to Whitehillock Farm, Keith, Moray, AB55 5PH for Moray Offshore Windfarm (West) Ltd

23/01852/APP - Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 4 of planning permission reference 21/01561/AMC to amend construction working hours from within the vicinity of Redhythe Point in Aberdeenshire Council area to Whitehillock Farm, Keith, Moray for Moray Offshore Windfarm (West) Ltd

23/01853/APP - Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 7 of planning permission reference 21/01391/APP to amend construction working hours on land between Greenhill and Factors Park Plantation, Deskford, Cullen, Moray for Moray Offshore Windfarm (West) Ltd

The Committee had before it 4 reports by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for 4 applications to amend construction working hours from within the vicinity of Redhythe Point in

Aberdeenshire Council Area to Whitehillock Farm, Keith, Moray and land between Greenhill and Factors Park Plantation, Deskford, Cullen for Moray Offshore Wind Farm (West) Limited.

The Chair stated that Planning Applications 23/01848/APP, 23/01851/APP, 23/01852/APP and 23/01853/APP would be considered together as they each relate to the onshore electrical infrastructure under construction by Moray Offshore Wind Farm (West) Limited however each recommendation would be taken separately once debated in full. This was noted.

The meeting noted that Planning Applications 23/01848/APP, 23/01851/APP, 23/01852/APP and 23/01853/APP had been referred to Committee in terms of the Scheme of Delegation as the Section 42 relates to a National Development.

During discussion surrounding the use of roads around the development, it had been noted that the back roads to Blackhillock were being used by HGVs and vans which was causing upset to residents in that area and it was queried whether the Council could ensure that the transport associated with the development did not use these roads.

In response, Mr MacPherson, Principal Planning Officer advised that the majority of work for these proposals would be carried out at Whitehillock however suggested that the Construction Traffic Management Plan be reviewed and Moray West contacted in this regard. This was noted.

The Committee acknowledged that it was unusual for works to be undertaken 7 days a week however noted that it was hoped that the development would be completed by the end of the year.

Following consideration, the Chair moved that the Committee grant planning permission in respect of Planning Applications 23/01848/APP, 23/01851/APP, 23/01852/APP and 23/01853/APP subject to an amendment to condition 2 in Planning Application 23/01848/APP; condition 7 in Planning Application 23/01851/APP; Condition 4 in Planning Application 23/01852/APP and Condition 7 in Planning Application 23/01853/APP to reflect that work should not be carried out on Christmas Day and Boxing Day.

There being no-one otherwise minded, the Committee unanimously agreed:

- (i) to note that the Construction Traffic Management Plan would be reviewed and Moray West contact in relation to the use of back roads to Blackhillock; and
- (ii) to grant planning permission in respect of Planning Applications 23/01848/APP, 23/01851/APP, 23/01852/APP and 23/01853/APP subject to an amendment to condition 2 in Planning Application 23/01848/APP; condition 7 in Planning Application 23/01851/APP; Condition 4 in Planning Application 23/01852/APP and Condition 7 in Planning Application 23/01853/APP to reflect that work should not be carried out on Christmas Day and Boxing Day, and the following conditions and reasons:

23/01848/APP - Section 42 of the Town and Country Planning (Scotland) Act 1989 to amend condition 18 of planning permission 18/01046/EIA to amend construction working hours from within the vicinity of Redhythe Point in Aberdeenshire Council area to Whitehillock Farm, Keith, Moray for Moray Offshore Wind Farm (West) Limited

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. Construction works associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0700 – 1900 hours, Monday to Sunday (including National Holidays with the exception of Christmas Day and Boxing Day). No construction works shall be undertaken during any other times except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited period of construction works to be undertaken out with the permitted/stated hours of working.

Reason: In order to minimise the impact of construction works on the amenity of the surrounding area including local residents.

23/01851/APP - Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 7 of planning permission reference 21/01402/AMC, to amend working hours from the vicinity of Redhythe Point in Aberdeenshire Council area to Whitehillock Farm, Keith, Moray, AB55 5PH for Moray Offshore Windfarm (West) Ltd

1. Notwithstanding the submitted details, prior to the commencement of any development, a detailed Phasing Plan, Access Strategy and detailed Construction Programme for the development shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority. The Phasing Plan Access Strategy and Construction Programme shall include the details of all proposed routes for construction traffic and abnormal load deliveries and the locations of all proposed access points on the public road network, along with the timing of works at each location on the cable route.

Thereafter, all works shall be completed in accordance with the approved Phasing Plan and Construction Programme.

Reason: In order to ensure that the matters specified can be fully considered prior to the commencement of development.

2. The planning permission hereby granted for the proposed development shall be

carried out only in accordance with the approved Phasing Plan permitted by Condition 1 and the details, including detailed drawings (and other supporting information), shall previously have been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority in line with the matters specified for that phase of the development. These drawings and details shall show the matters specified in Conditions 3 and 4 below.

Reason: In order that detailed consideration can be given to the matters specified prior to the works commencing on each phase of the development.

3. In pursuance of Condition 2 above, for each phase of the development for which details are to be submitted for approval, the required details shall be:
 - a) Detailed drawing of the proposed temporary access routes for the phase and details of the number and size of construction vehicles using the access routes for that phase of development;
 - b) Detailed drawings of the improvements required to the public roads utilised by construction traffic and any abnormal load deliveries for the phase, which shall include but not be limited to the provision of new passing places, road widening and edge strengthening, all on ground over which the applicant has or can obtain control at location(s) and constructed in accordance with Moray Council specification;
 - c) Detailed drawings of the proposed access locations onto the public road for construction vehicles for the phase, including the required visibility splays, access specification and construction details, details of all earthworks and drainage provision and/or drainage diversion, details of proposed fencing/gates, signage and any required temporary traffic management, along with details of reinstatement works for any temporary access;
 - d) Details of the locations of all cable and haul road crossings within that phase of the development and the proposed works associated with the crossings, including but not limited to, the means of cable crossing e.g. directional drilling or open trench, means of access to works areas, details of the haul road crossings and any required temporary traffic management, and details of required reinstatement works;
 - e) Details of diversion routes for local footpaths during the construction period and associated signage (to be agreed with the Access Manager);
 - f) Detailed drawings of the locations of all cable joint access points, including their proximity to the public road and any public road drainage, and details of any temporary fencing or other measures to protect the users of the public road during the construction period;
 - g) A Construction Traffic Management Plan (CTMP), the details of which must include, parking provision for staff and loading/unloading, provision for the prevention of material being deposited onto the public road including wheel cleaning and for road sweeping at construction access(es) to the public road, a programme for monitoring and provisions for interim maintenance to be undertaken to ensure safe and suitable access is maintained for the construction access routes for the duration of the works will be required; and

- h) 'Before' road condition video and joint surveys. Thereafter, all works shall be completed in accordance with the approved details and with the Construction Traffic Management Plan.

Reason: In order to ensure that the matters specified can be fully considered prior to the commencement and to ensure acceptable infrastructure to enable access to the development and development that does not create any hazard to road users in the interests of road safety.

- 4. In pursuance of Condition 2 above, for each phase of the development where there is a requirement for Abnormal Load deliveries for which details are to be submitted for approval, the required details shall be:
 - a) A detailed survey of the Abnormal Load delivery route shall be carried out to determine the locations of structures (e.g. bridges) and street furniture affected by any construction and/or abnormal indivisible load vehicle movements;
 - b) Road improvements/strengthening (either temporary or permanent) required as a result of the survey prior to any movements of any construction and abnormal load traffic shall be completed; c) Abnormal Load Traffic Management Plan, details of which must include the methods of dealing with large and/or abnormal delivery vehicles, vehicle swept path analysis and the methods of marshalling and manoeuvring at junctions on the public road network; and
 - c) Evidence of the completion of an Abnormal load trial run(s) undertaken for the delivery route. Representatives from the Moray Council Transportation (Traffic), the Trunk Road Authority, Police Scotland and any other roads authorities where roads will form part of the route of the delivery must be invited to the trial run.

Thereafter, all works associated with the Abnormal Load Deliveries shall be completed in accordance with the approved details and the Abnormal Loads delivered in accordance with the Traffic Management Plan.

Reason: In order to ensure that the matters specified can be fully considered prior to the commencement and to ensure acceptable infrastructure to enable access to the development and development that does not create any hazard to road users in the interests of road safety.

- 5. Prior to commencement of development on any phase of the development, the following shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority: a. Evidence to confirm that a Section 96 'Wear and Tear' Agreement has been completed and agreed by the developer or their representative and the local Roads Authority, including a commitment to the undertaking of joint 'before' and 'after' road condition surveys, to ensure that the costs of works to repair damage to the public road as a result of construction traffic on the roads identified in Condition 1 will be met.

Reason: To ensure that any adverse impact on the condition of the public road, including roadside verges, attributable to the development traffic is identified and ameliorated.

6. At the start and end of each phase (as per condition 1) 'before' and 'after' condition video surveys of the proposed delivery and construction traffic routes shall be undertaken jointly with the Roads Authority and a copy of the survey provided to the Planning and Roads Authority.

Reason: To ensure that any adverse impact on the condition of the public road, including roadside verges, attributable to the development traffic is identified and ameliorated.

7. Construction works associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0700 – 1900 hours, Monday to Sunday (including National Holidays with the exception of Christmas Day and Boxing Day). No construction works shall be undertaken during any other times except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited period of construction works to be undertaken out with the permitted/stated hours of working.

Reason: In order to minimise the impact of construction works on the amenity of the surrounding area including local residents.

8. The developer shall implement in full the management, monitoring and mitigation provisions contained within the Construction Environmental Management Plan (CEMP) supporting document as they pertain to noise, vibration, dust, air quality and artificial lighting. For the avoidance of doubt, the supporting document is titled "Moray Offshore Wind Farm (West) Limited. OnTI Cable Route CEMP. Dated 3rd September 2021, Revision : 02. Document Name : 8460005-DAD-MWW- REP- 000006." as approved under 21/01402/AMC permitted on 2 March 2022.

Reason: In order to ensure the development minimises nuisance and disturbance to neighbouring properties.

9. The development must be carried out in accordance with the Private Water Supply Risk Assessment submitted in December 2021 inclusive of the proposed monitoring and mitigation. Where a supply is adversely affected by the works, short-term contingency arrangements shall be implemented and, where necessary, a permanent replacement adequate and wholesome supply shall be provided, e.g. connection to the public mains or provision of an alternative supply. The cost of short terms contingency arrangements, repair and if necessary, replacement costs for affected water supplies must be met by the applicant.

Reason: To ensure that an adequate and wholesome water supply to existing properties is maintained.

10. The development shall be carried out in full accordance with the approved

Written Scheme of Investigation (WSI) (OnTI Cable Route Written Scheme of Investigation 8460005-DAD-MWW-REP-000003 Revision 02, dated 3/9/21) submitted in relation to condition 24 of application 18/01046/EIA and that the programme of archaeological works as set out in the WSI is to be carried out in accordance with the approved Written Scheme of Investigation. 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.

11. The approval of conditions granted is upon the basis that subject to the further conditions above (including those seeking modification and final detailed design/layouts for the CTMP) the mitigation and all other measures contained within the Cable Route Mitigation Statement, Cable Route Phasing Plan and Landscape Plan are fully complied with.

Reason: To ensure the ecology and environment of the surrounding areas are protected during construction works and to ensure the tree protection and targeted tree felling is complied with.

23/01852/APP - Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 4 of planning permission reference 21/01561/AMC to amend construction working hours from within the vicinity of Redhythe Point in Aberdeenshire Council area to Whitehillock Farm, Keith, Moray for Moray Offshore Windfarm (West) Ltd

1. Prior to energisation of either the Moray West substation or cables, evidence shall be submitted to and approved in writing by Moray Council in consultation with Scotland Gas Networks to demonstrate that an assessment of the potential effects of inducing unacceptable levels of electrical alternating currents and voltage onto the SGN A06 high pressure gas transmission pipeline and associated equipment, has been carried out and a scheme of mitigation prepared to address any such effects as may be identified by that assessment.

Thereafter any mitigation identified as being required must be agreed in writing with Moray Council and if required fully implemented in accordance with the approved scheme of mitigation and be in place prior to energisation of either the Moray West substation or cables unless otherwise agreed in writing with the Moray Council in consultation with Scotland Gas Networks.

Reason: In order to ensure a mechanism is in place to assess and mitigate the effects of inducing alternating currents and voltage upon other utilities in the event they arise.

2. The development must be carried out in accordance with the Private Water Supply Risk Assessment submitted in December 2021 inclusive of the proposed monitoring and mitigation. Where a supply is adversely affected by the works, short-term contingency arrangements shall be implemented and, where necessary, a permanent replacement adequate and wholesome supply shall be provided, e.g. connection to the public mains or provision of an alternative supply.

Reason: To ensure that an adequate and wholesome water supply to existing properties is maintained.

3. The rating level of noise associated with the operation of the Moray West Substation development shall not exceed the background sound level by more than 5 dB (A) at any 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 and background sound level associated with this condition are defined within BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.

Reason: To protect local residents from noise nuisance due to the operation of the Moray West Substation.

4. Construction works associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0700 – 1900 hours, Monday to Sunday (including National Holidays with the exception of Christmas Day and Boxing Day). No construction works shall be undertaken during any other times except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited period of construction works to be undertaken out with the permitted/stated hours of working.

Reason: In order to minimise the impact of construction works on the amenity of the surrounding area including local residents.

5. The developer shall implement in full the management, monitoring and mitigation provisions contained within the Construction Environmental Management Plan supporting document as they pertain to noise, vibration, dust, air quality and artificial lighting. For the avoidance of doubt, the supporting document is titled "Moray Offshore Wind Farm (West) Limited. OnTI Substation Construction Environmental Management Plan. Dated 30th September 2021. Revision: 03 Document Name: 8460005-DAD-MWW- REP- 000014" as approved under planning permission 21/01561/AMC on 21 February 2022.

Reason: To ensure the construction phase is managed to prevent nuisance to local residents.

6. Unless otherwise agreed, the landscaping and compensatory planting shall be carried out in accordance with the updated Substation Landscape Plan General Arrangement Drawing number 201457_OPEN_MORW_SLP_SE01 Rev B. and

the details contained within the "Cable Route Tree Felling and Compensatory Planting Summary Report Revision 2" submitted on 21 December 2021 and as approved under 21/01561/AMC on 21 February 2022. The compensatory planting must be undertaken no later than the first planting season following electrification of the electricity substation (excluding any commissioning or testing of electrical plant). If within the first 5 years of the development becoming operational, any trees or shrubs die or are damaged, they must be replaced with a similar species and height of plant.

Reason: In order to ensure the appropriate landscaping and compensatory landscaping takes place.

7. If any design modifications are required to the design and layout of the electricity substation compound beyond the layout hereby approved, these must first be submitted to and approved by Moray Council in writing prior to electricity substation compound being constructed.

Reason: To ensure that any final design changes to the layout of the compound are considered.

8. Unless otherwise agreed with the Council, as Planning Authority the submitted Construction Traffic Management Plan, Onshore Substation Phasing Plan, Substation Layout Appearance and Lighting Plan and Substation Mitigation Statement submitted under planning permission 21/01561/AMC on 21 February 2022 to purify the conditions stated above must be complied with in full.

Reason: To ensure development is carried out sensitively and minimises the impact of development activity in line with the mitigation and imbedded design mitigation contained in the named documents.

23/01853/APP - Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 7 of planning permission reference 21/01391/APP to amend construction working hours on land between Greenhill and Factors Park Plantation, Deskford, Cullen, Moray for Moray Offshore Windfarm (West) Ltd

1. Notwithstanding the submitted details, prior to the commencement of any development, a detailed Phasing Plan, Access Strategy and detailed Construction Programme for the development shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority. The Phasing Plan, Access Strategy and Construction Programme shall include the details of all proposed routes for construction traffic and abnormal load deliveries and the locations of all proposed access points on the public road network, along with the timing of works at each location on the cable route.

Thereafter, all works shall be completed in accordance with the approved Phasing Plan and Construction Programme.

Reason: In order to ensure that the matters specified can be fully considered prior to the commencement of development.

2. The planning permission hereby granted for the proposed development shall be carried out only in accordance with the approved Phasing Plan permitted by Condition 1 and the details, including detailed drawings (and other supporting information), shall previously have been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority in line with the matters specified for that phase of the development. These drawings and details shall show the matters specified in Conditions 3 and 4 below.

Reason: In order that detailed consideration can be given to the matters specified prior to the works commencing on each phase of the development.

3. In pursuance of Condition 2 above, for each phase of the development for which details are to be submitted for approval, the required details shall be:
 - a) Detailed drawing of the proposed temporary access routes for the phase and details of the number and size of construction vehicles using the access routes for that phase of development;
 - b) Detailed drawings of the improvements required to the public roads utilised by construction traffic and any abnormal load deliveries for the phase, which shall include but not be limited to the provision of new passing places, road widening and edge strengthening, all on ground over which the applicant has or can obtain control at location(s) and constructed in accordance with Moray Council specification;
 - c) Detailed drawings of the proposed access locations onto the public road for construction vehicles for the phase, including the required visibility splays, access specification and construction details, details of all earthworks and drainage provision and/or drainage diversion, details of proposed fencing/gates, signage and any required temporary traffic management, along with details of reinstatement works for any temporary access;
 - d) Details of the locations of all cable and haul road crossings within that phase of the development and the proposed works associated with the crossings, including but not limited to, the means of cable crossing e.g. directional drilling or open trench, means of access to works areas, details of the haul road crossings and any required temporary traffic management, and details of required reinstatement works;
 - e) Details of diversion routes for local footpaths during the construction period and associated signage (to be agreed with the Access Manager);
 - f) Detailed drawings of the locations of all cable joint access points, including their proximity to the public road and any public road drainage, and details of any temporary fencing or other measures to protect the users of the public road during the construction period;
 - g) A Construction Traffic Management Plan, the details of which must include, parking provision for staff and loading/unloading, provision for the prevention of material being deposited onto the public road including wheel cleaning and for road sweeping at construction access(es) to the public road, a programme for monitoring and provisions for interim maintenance to be undertaken to ensure safe and suitable access is

- maintained for the construction access routes for the duration of the works will be required; and
- h) 'Before' road condition video and joint surveys. Thereafter, all works shall be completed in accordance with the approved details and with the Construction Traffic Management Plan.

Reason: In order to ensure that the matters specified can be fully considered prior to the commencement and to ensure acceptable infrastructure to enable access to the development and development that does not create any hazard to road users in the interests of road safety.

- 4. In pursuance of Condition 2 above, for each phase of the development where there is a requirement for Abnormal Load deliveries for which details are to be submitted for approval, the required details shall be:
 - a) A detailed survey of the Abnormal Load delivery route shall be carried out to determine the locations of structures (e.g. bridges) and street furniture affected by any construction and/or abnormal indivisible load vehicle movements;
 - b) Road improvements/strengthening (either temporary or permanent) required as a result of the survey prior to any movements of any construction and abnormal load traffic shall be completed;
 - c) Abnormal Load Traffic Management Plan, details of which must include the methods of dealing with large and/or abnormal delivery vehicles vehicle swept path analysis and the methods of marshalling and manoeuvring at junctions on the public road network; and
 - d) Evidence of the completion of an Abnormal load trial run(s) undertaken for the delivery route. Representatives from the Moray Council Transportation (Traffic), the Trunk Road Authority, Police Scotland and any other roads authorities where roads will form part of the route of the delivery must be invited to the trial run.

Thereafter, all works associated with the Abnormal Load Deliveries shall be completed in accordance with the approved details and the Abnormal Loads delivered in accordance with the Traffic Management Plan.

Reason: In order to ensure that the matters specified can be fully considered prior to the commencement and to ensure acceptable infrastructure to enable access to the development and development that does not create any hazard to road users in the interests of road safety.

- 5. Prior to commencement of development on any phase of the development, the following shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:
 - a. Evidence to confirm that a Section 96 'Wear and Tear' Agreement has been completed and agreed by the developer or their representative and the local Roads Authority, including a commitment to the undertaking of joint 'before' and 'after' road condition surveys, to ensure that the costs of

works to repair damage to the public road as a result of construction traffic on the roads identified in Condition 1 will be met.

Reason: To ensure that any adverse impact on the condition of the public road, including roadside verges, attributable to the development traffic is identified and ameliorated.

6. At the start and end of each phase (as per condition 1) 'before' and 'after' condition video surveys of the proposed delivery and construction traffic routes shall be undertaken jointly with the Roads Authority and a copy of the survey provided to the Planning and Roads Authority.

Reason: To ensure that any adverse impact on the condition of the public road, including roadside verges, attributable to the development traffic is identified and ameliorated.

7. Construction works associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0700 – 1900 hours, Monday to Sunday (including National Holidays with the exception of Christmas Day and Boxing Day). No construction works shall be undertaken during any other times except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited period of construction works to be undertaken out with the permitted/stated hours of working.

Reason: In order to minimise the impact of construction works on the amenity of the surrounding area including local residents.

8. The Construction Environmental Management Plan ("CEMP") shall be implemented and maintained throughout the construction phase and in accordance with the details provided in the supporting document, including Appendices, by Moray Offshore Wind Farm (West) Limited and titled "OnTI Cable Route Construction Environmental Management Plan, Document Name : 8460005-DAD-MWW-REP-000006 Revision:02, Status : Final, Date : 03-09-2021". As approved under planning permission 21/01391/APP on 21 February 2022.

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

9. 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 WSI will be provided throughout the implementation of the programme of archaeological works.

Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be 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.

10. Prior to development commencing, detailed drawings and cross sections of any above ground watercourse crossings, must be submitted to and approved in writing by Moray Council, as Planning Authority in consultation with SEPA and Moray Flood Risk Management. Thereafter the approved water course crossings must be developed in accordance with the approved plans unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: In order to ensure the finalised water crossing design can be given further consideration and to ensure no detriment to the water environment or flood risk occurs.

11. The development shall be carried out in accordance with all mitigation measures (including pre-development surveys) as identified in the OnTi Protected Species Baseline Survey Report (doc. name: 8460005-DAD-MWW-REP-000005 rev: 2 dated 3 September 2021) and appendices approved under planning permission 21/01391/APP approved on the 21 February 2022.

Reason: To ensure the ecology and environment of the surrounding areas are protected during construction works.

12. The compensatory planting as identified in the Cable Route Tree Felling and Compensatory Planting Summary Report (doc. name: 8460005-DAD-MWW-REP-000022 rev. 2 dated 21 December 2021) and appendices hereby approved under planning permission 21/01391/APP on 21 February 2022 shall be provided in full no later than the first planting season following the full electrification of the cable route and substation.

Reason: To ensure timeous delivery of the agreed compensatory tree planting.

13. That within a period not less than 6 months prior to the cessation of operations, or an alternative timeframe as agreed in writing by Moray Council, as Planning Authority, a decommissioning plan is to be prepared in line with best practice at the time of preparation and submitted for the written approval of Moray Council, as Planning Authority in consultation with SEPA and Aberdeenshire Council. The decommissioning of the development must thereafter be undertaken in accordance with the approved decommissioning plan.

Reason: To ensure provision is in place to facilitate a move towards a "Circular Economy" and future proof the development against future environmental requirements or considerations in the interests of the protection of the natural environment.

7. Planning Application 23/02019/AMC

Approval of the matters specified in condition 4 (layout of plot) condition 5 (plans sections and elevations) condition 6 (boundary treatments and other development) condition 7 (sections) condition 8 (landscaping), condition 10 (affordable housing) and condition 11 (enhanced accessibility) of 19/00320/PPP to provide 16 houses and associated cohousing buildings on Plot 8 9 11 12 And 13.1 On Land At North Whins The Park Findhorn Moray for Duneland Limited

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 the matters specified in condition 4 (layout of plot) condition 5 (plans sections and elevations) condition 6 (boundary treatments and other development) condition 7 (sections) condition 8 (landscaping), condition 10 (affordable housing) and condition 11 (enhanced accessibility) of 19/00320/PPP to provide 16 houses and associated cohousing buildings on Plot 8, 9, 11, 12, and 13.1 on land at North Whins, The Park, Findhorn, Moray for Duneland Limited.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as it was agreed at the meeting on 20 August 2019 that all further applications related to planning permission reference 19/00320/PPP be determined by the Planning and Regulatory Services Committee (paragraph 8 of the Minute refers).

During her introduction, Mrs MacDonald, Senior Planning Officer advised that only four plots for single houses (4,6,7 and 10), the plots for commercial units (plots 1-3) and plot 15 which is identified for a community facility have still to come forward for approval of matters specified in condition and, as these will be relatively small scale developments, sought agreement from the Committee that the remaining further applications for the North Whins be dealt with under delegated powers. This was agreed.

Following consideration, the Committee unanimously agreed:

- (i) that applications for approval of matters specified for the four remaining plots for single houses (4,6,7 and 10), the plots for commercial units (plots 1-3) and plot 15 which is identified for a community facility be dealt with under delegated powers; and
- (ii) to grant planning permission in respect of Planning Application 23/02019/AMC as recommended, subject to the following conditions and reasons:
 1. That the development to which the 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 principle; 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.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

2. 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 there under 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.

3. 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:
 - i. construction access routes
 - ii. traffic management
 - iii. construction hours / delivery restriction times
 - iv. program and duration
 - v. measures to be put in place to safeguard the movements of pedestrians

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.

4. Unit 619 as identified on approved plan A110 hereby approved shall, at all times, remain accessible housing as detailed in the submitted accessible housing compliance statement unless otherwise agreed with the Council, as Planning Authority.

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

5. As part of the permission hereby granted, units 616 and 626 hereby approved shall only be used for affordable housing purposes in accordance with the agreement(s) reached between the applicant/developer and Moray Council and/or any registered social landlord (e.g. housing association or similar) to enable the long term delivery of affordable housing on this site; and no

development shall commence until details of the agreement(s) to confirm the arrangements for the delivery of the proposed affordable accommodation hereby approved shall be submitted to and approved in writing by the Council, as Planning Authority.

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

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

6. All surface water proposals shall be implemented prior to completion of any unit hereby approved.

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

7. No trees shall be removed from the application site without the prior written approval of the planning authority.

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

8. All landscaping works shall be carried out in accordance with approved plan P-A110 unless otherwise agreed in writing with the planning authority details all planting, seeding or turfing shall be carried out in the first planting season following the first occupation of any of the units hereby approved. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless otherwise approved by the Council, as Planning Authority.

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

9. The development shall at all times be carried out in accordance with the Duneland, Findhorn Construction Environmental Management Plan as amended dated 1 November 2023.

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

8. Proposal of Application Notice – 24/00058/PAN

Proposed formation of quarry for the extraction and processing of sand and gravel and production of ready-mix concrete on land to the south-east of Dykeside Farm, Birnie, Elgin

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) informing that a Proposal of Application Notice (PAN) was submitted on 15 January 2024 by agents on behalf of Leith (Scotland) Limited.

During discussion surrounding the land on which the potential development was proposed, it was noted that the Applicant intends to return this land to agricultural use with mixed woodland and wetland and it was asked that Officers consider a condition to ensure this at the time of determination.

Following further discussion, the Committee asked that the Applicant consider the following concerns when submitting the formal planning application:

- Increase of HGV traffic in the area
- Proximity of the development to neighbouring properties
- The use of Countryside Around Towns and agricultural land for the proposal
- Dust permeating into the wider area from the development
- Potential flood risk
- How the land will be returned to agricultural use once the development is complete
- Impact on climate change and biodiversity

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:
 - Increase of HGV traffic in the area
 - Proximity of the development to neighbouring properties
 - The use of Countryside Around Towns and agricultural land for the proposal
 - Dust permeating into the wider area from the development
 - Potential flood risk
 - How the land will be returned to agricultural use once the development is complete
 - Impact on climate change and biodiversity
- (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.

9. Proposal of Application Notice – 24/00162/PAN

Revised proposal for the development of housing, associated landscape and infrastructure in the area identified in the Bilbohall Masterplan at R2 Bilbohall, Elgin

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) informing that a Proposal of Application Notice (PAN) was submitted on 30 January 2024 on behalf of Moray Council.

During discussion, the Committee noted that the double junction at Glenmoray Drive, Edgar Road and the Wards was very busy and asked that a Transport Management Plan be provided for during construction of the site and thereafter.

During further discussion it was noted that there may be a potential increase in the number of houses planned in the development and it was asked that consideration be given to school capacity in Elgin when submitting the planning application.

Thereafter, the Committee unanimously agreed:

(iii) 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:

- the provision of a Transport Management Plan for during and after the development;
- capacity in Elgin schools; and

(iv) 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.

10. Moray Local Development Plan 2020 - Monitoring Report 2023

Under reference to paragraph 14 of the Minute of the meeting of this Committee dated 16 November 2021, the Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) asking for consideration and approval of the Moray Local Development Plan Monitoring Report 2023.

During his introduction, Mr Henderson, Planning Officer advised that a few typos had been picked up in the Monitoring Report since the agenda had been published and that these would be corrected in the final document. This was noted.

Ms Webster, Principal Planning Officer (Strategic Planning and Development) provided a further update on developer obligations and offered a further training session on this. This was welcomed.

Following consideration, the Committee unanimously agreed:

- (i) to approve the Monitoring Report as set out in Appendix 1 and Appendix 2 subject to the correction of typos;

- (ii) to note that the Monitoring Report will be used to inform the Evidence Report for the Local Development Plan (LDP) 27; and
- (iii) that a further training session on Developer Obligations would be arranged for any Elected Members who require this.

11. Question Time

Councillor Warren asked how long developers are allowed to bring roads in a housing development up to an adoptable standard.

In response, Mrs Anderson, Senior Engineer (Transportation) advised that this depended on the scale of the development. She advised that developers apply for a Road Construction Consent which lasts for 3 years however developers can ask for this to be extended by 2 years. If not completed in that time then developers are encouraged to apply for Road Construction Consent again. There is then a maintenance period for 1 year that allows for any flaws in the road to be identified and then snagging needs to take place. Roads needs to be of an acceptable standard before people move in to residential developments. If a developer goes into liquidation and the development is not completed then the Council can call in and use the road bond so that the roads can be completed to an adoptable standard.

12. Retiral

The Chair stated that this would be the last meeting of the Planning and Regulatory Services Committee prior to the retiral of Jim Grant, Head of Economic Growth and Development and the Committee joined the Chair in wishing him well in his retirement and the future.