



Planning and Regulatory Services Committee

Tuesday, 28 May 2024

NOTICE IS HEREBY GIVEN that a Meeting of the **Planning and Regulatory Services Committee** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Tuesday, 28 May 2024** at **09:30**.

BUSINESS

1. **Sederunt**
2. **Declaration of Group Decisions and Members Interests ***
3. **Minute of meeting dated 12 March 2024** 7 - 40
4. **Written Questions ****
Guidance Note 41 - 42
5. **Planning Application - 23/02170/APP** 43 - 62
Report by Appointed Officer

Section 42 to vary conditions 11 and 12 of 22/01269/APP to allow operating hours of 0600hrs to 2300hrs, Monday to Saturday at Land Adjacent To Portgordon Maltings Buckie Moray for William Grant & Sons Distillers Ltd
6. **Planning Application - 24/00300/APP** 63 - 106
Report by Appointed Officer

Mixed use development of 38no one and two bedroom affordable flats 3no retail units a business enterprise hub and new public realm comprising a pedestrian route connecting South Street to High Street and a courtyard at 51, 53 And 59 - 61 South Street, The Jail House And Newmarket Bar High Street Elgin Moray for Robertson Property Ltd.

7. **Planning Applications 24/00301/LBC, 24/00302/CON, 24- 107 -
00303/CON and 24/00304/APP 124**
- Report by Appointed Officer
- Demolition of building to rear of listed market entrance and incorporate market entrance into proposed mixed use development at 57 - 61 South Street Elgin Moray IV30 1JZ for Robertson Property Ltd. (24/00301/LBC)
- Complete demolition (excluding listed market entrance) of 59 - 61 South Street, The Jail House And Newmarket Bar High Street Elgin Moray for Robertson Property Ltd. (24/00302/CON)
- Complete Demolition of 53 - 55 South Street Elgin Moray IV30 1JZ for Robertson Property Ltd (24/00303/CON)
- Complete Demolition of 53 - 55 South Street Elgin Moray IV30 1JZ for Robertson Property Ltd (24/00304/CON)
8. **Proposal of Application Notice - 24/00457/PAN 125 -
130**
- Report by Depute Chief Executive (Economy, Environment and Planning)
- Phase 1 Provide an operational 35MW electrolyser facility and Phase 2 a second operational 35MW electrolyser facility on land opposite Georgetown Farm, Ballindalloch, Moray.
9. **Investing in Planning - A consultation on resourcing 131 -
Scotland's planning system 216**
- Report by Depute Chief Executive (Economy, Environment and Finance)

Summary of Planning and Regulatory Services

Committee functions:

Town and Country Planning; Building Standards; Environmental Health; Trading Standards; Weights & Measures, Tree Preservation Orders, and Contaminated Land issues.

Watching the Meeting

You can watch the webcast live by going to:

http://www.moray.gov.uk/moray_standard/page_43661.html

Webcasts are available to view for 1 year following the meeting.

You can also attend the meeting in person, if you wish to do so, please come to the High Street entrance door and a member of staff will be let into the building.

GUIDANCE NOTES

- * **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

- ** **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

MORAY COUNCIL

Planning and Regulatory Services Committee

SEDERUNT

Councillor David Gordon (Chair)
Councillor Marc Macrae (Depute Chair)

Councillor Neil Cameron (Member)
Councillor Theresa Coull (Member)
Councillor John Cowe (Member)
Councillor John Divers (Member)
Councillor Amber Dunbar (Member)
Councillor Jérémie Fernandes (Member)
Councillor Donald Gatt (Member)
Councillor Sandy Keith (Member)
Councillor Scott Lawrence (Member)
Councillor Paul McBain (Member)
Councillor Draeyk van der Horn (Member)
Councillor Sonya Warren (Member)

Clerk Name:	Lissa Rowan
Clerk Telephone:	07765 741754
Clerk Email:	committee.services@moray.gov.uk

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.

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

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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.

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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.



**GUIDANCE NOTE PRODUCED FOR PLANNING AND REGULATORY SERVICES COMMITTEE
MEETING OF 28 MAY 2024**

REPORT ON APPLICATION

“Note for guidance of the Committee where the decision of the Planning and Regulatory Services Committee is contrary to the recommendations of the Depute Chief Executive (Economy, Environment and Finance) in respect to a Planning Application.”

Any Councillor putting forward a motion to refuse an application, contrary to recommendation, shall clearly state the reasons for refusal. These reasons should be based on policies contained in the approved National Planning Framework 4 (NPF4), Local Development Plan or some other material consideration. Time should be allowed to ensure that these reasons are carefully noted for minuting purposes.

Where Councillors put forward a motion to approve an application, contrary to recommendation, an indication should be given of any specific matters which should be subject of conditions along with reasons which should be based on policies in the approved Local Development Plan or some other appropriate consideration.

Note for guidance where the decision of the Planning and Regulatory Services Committee is to depart from the Development Plan (NFP4 and or Local Development Plan)

Where a Councillor is convinced that there is reason to depart from Development Plan policy; then the Councillor's reasons for making the motion should be clearly stated for minuting purposes. Any matters which should be subject to conditions drafted subsequently by the **Depute Chief Executive (Economy, Environment and Finance)** should be indicated. If the Committee remains of a mind to approve such an application then the whole matter will be subject to statutory procedures as apply. In such cases, Councillors should be aware that the application may require to be advertised as a departure and any objections reported to the next available meeting of the Planning and Regulatory Services Committee. It also may be necessary to convene a hearing to consider the views of objectors.

There are three potential consequences if Committee takes a decision where the proper procedures have not been followed in whole or in part. Firstly, the person aggrieved by a decision may apply to the Supreme Courts in Scotland for an Order either compelling the Council to act according to law, quashing the decision altogether or declaring a decision to be unlawful coupled with an order to prevent the decision being implemented. A referral to the Supreme Courts in these circumstances is known as applying for Judicial Review.

Secondly, in addition to the application for Judicial Review when questions of alleged failure, negligence or misconduct by individuals or local authorities in the management of public funds arise and are raised either by or with the External Auditor of the Council and where an individual can be blamed the sanctions available are:-

Censure of a Councillor or an Officer
Suspension of a Councillor for up to one year
Disqualification of a Councillor for up to five years

In the case of the Council being to blame, recommendations may be made to the Scottish Ministers about rectification of the authority's accounts. Ministers can make an order giving effect to these recommendations.

Thirdly, whilst the Ombudsman accepts that Planning authorities have the freedom to determine planning applications as they wish procedural impropriety may be interpreted as maladministration. This can also lead to recommendations by the Ombudsman that compensation be paid.

Consistent implementation of departure procedures maintains public confidence in the planning system and is consistent with the time and effort invested in preparing the **NPF4 and Local Development Plan**.

WARD 04_17

23/02170/APP
12th December 2023

Section 42 to vary conditions 11 and 12 of 22/01269/APP to allow operating hours of 0600hrs to 2300hrs, Monday to Saturday at Land Adjacent To Portgordon Maltings Buckie Moray for William Grant & Sons Distillers Ltd

Comments:

- The application is reported to Committee as it is a major application. Given that this is an application under section 42 of the planning act to vary the terms of an existing consent the pre application requirements for major applications are not required.
- The application was advertised for Neighbour Notification.
- No representations have been received.

Procedure:

- None.

Recommendation

Grant Planning Permission - Subject to the following:

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. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to an 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:
 - a) duration of works;
 - b) construction programme;
 - c) number of vehicle movements (i.e. materials, plant, staff, components);
 - d) schedule for delivery of materials and plant;

- e) parking provision, loading and unloading areas for construction traffic;
- f) full details of temporary arrangements to safeguard pedestrian movements during the construction period;
- g) full details of any temporary access;
- h) measures to be put in place to prevent material being deposited on the public road;
- i) traffic management measures to be put in place during works including any specific instructions to drivers;
- j) 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; and
- k) 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.

3. No development shall commence until evidence of a satisfactory Wear and Tear Agreement has been submitted to and agreed in writing by the Planning Authority in consultation with the Roads Authority. The scope of the Wear and Tear Agreement shall be agreed with the Planning Authority in consultation with the Roads Authority and shall include a condition survey of the network undertaken jointly by the developer and a representative from the Council. The survey shall include the full extent of the agreed construction traffic route(s) (within Moray) between the site and the 'A' class road network. In addition, the Wear and Tear Agreement shall also include condition surveys of all roads identified as 'unsuitable' which must be agreed with the Planning Authority in consultation with the Roads Authority as a part of condition '2' above.

Reason: To mitigate the potential risks from damage to the public road occurring during the construction phase of the development.

4. No development shall commence until evidence of a financial guarantee or bond or suitable equivalent and a Wear and Tear Agreement have been put in place to ensure the repair of the public road serving the site in the event that the road is not maintained in a safe condition during the construction phase of the development and to restore the road to its pre-development condition within 1 year of the development becoming operational has been submitted to and agreed in writing with the Council, as Planning Authority. For the avoidance of doubt the agreement shall cover the section of the A990 Enzie - Portgordon - Buckie Road from the A98 to the site entrance as a minimum and all roads identified for off-site disposal of material/soil as in condition '2' above.

Reason: To mitigate the potential risks from damage to the public road occurring during the construction phase of the development.

5. No development shall commence until:
 - a) a visibility splay 4.5 metres by 215 metres, with all boundaries set back to a position behind the required visibility splay, has been provided in both directions at the access onto the public road; and

- b) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway.
- c) additionally a forward visibility splay of 215m is required to maintain at the site entrance for the vehicles waiting on the main road to turn right into the site access. These vehicles must be able to see oncoming traffic and be seen by following traffic.

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

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. Two car parking spaces shall be provided within the site prior to the warehouse being completed or becoming operational and shall be maintained and available for use thereafter for 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 employees/visitors/others in the interests of an acceptable development and road safety.

8. No development shall commence until the following details for the provision of an Electric Vehicle (EV) charging space have been submitted for approval by the Planning Authority in consultation with the Roads Authority:

- A detailed drawing (scale 1:200) showing the type and specifications of the proposed EV charging units(s) to serve a minimum of 1 space with a minimum power output of 22Kw (Rapid Charger). EV charging unit is to be connected to an appropriate electricity supply and should include details (written proposals and plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit.

Thereafter the EV charging facilities shall be provided in accordance with the approved details prior to the development becoming operational or opened and maintained for use thereafter unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport, through the provision of details currently lacking from the submission.

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 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.

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 (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.

11. Unless otherwise agreed in writing with the Council as Planning Authority in consultation with the Environmental Health Manager, external operations or vehicle movements relating to the operation of the warehouses shall only take place between 0600 to 2300 hours Monday to Saturday and no external operations or vehicle movements shall take place on Sundays, Christmas Day or Boxing Day.

Reason: In order to minimise noise pollution in the interests of the amenity of neighbouring residents.

12. The rating level of noise associated with the development shall not exceed 43 dB at Core Farm and Parkside Cottages during the nighttime period permitted (0600 to 0700 hours). The rating level associated with this condition is defined within BS 4142: 2014 + A1:2019 Methods for rating and assessing industrial and commercial sound, and for the avoidance of doubt the reference time interval for the nighttime period is 15 minutes. The location of Core Farm and Parkside Cottages are shown with Appendix A of the Noise Impact Assessment approved document by LCP Acoustics, document reference 27374/3/1/8, dated 19 February 2024 and titled "External Activity Assessment. Report Prepared For William Grant & Sons Distillers Ltd, Portgordon Warehouse, 19 February 2024".

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

13. The rating level of noise associated with the development shall not exceed 44 dB at Core Farm and Parkside Cottages during the daytime period permitted (0700 to 2300 hours). The rating level associated with this condition is defined within BS 4142: 2014 + A1:2019 Methods for rating and assessing industrial and commercial sound, and for the avoidance of doubt the reference time interval for the daytime period is 1 hour. The location of Core Farm and Parkside Cottages are shown with Appendix A of the Noise Impact Assessment approved document

by LCP Acoustics, document reference 27374/3/1/8, dated 19 February 2024 and titled "External Activity Assessment. Report Prepared For William Grant & Sons Distillers Ltd, Portgordon Warehouse, 19 February 2024".

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

14. 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.

15. Prior to the commencement of development, an updated flood risk assessment on the detailed design of the channel realignment and bank reinforcement should be provided to the satisfaction of the Planning Authority in consultation with SEPA which demonstrates there is no increase in flood risk from the proposals. The submitted Portgordon Flood Risk Assessment REV03 enivreau water September 2022 and the drawings in Appendix B Outline Core Burn Re-alignment Channel Design Drawings CBEC eco engineering should be used as the basis for the detailed channel design.

Thereafter the development shall be carried out in accordance with the agreed detailed design of the channel realignment and bank reinforcement.

Reason: To ensure the channel realignment and bank reinforcement is designed to an acceptable standard in the interests of minimising flood risk to the site.

16. 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.

17. The surface water drainage arrangements for the development shall be provided and maintained in accordance with the approved Drainage Impact Assessment G & S Drainage Impact Assessment Rev B.docx, dated 29/11/22, prepared by Blyth and Blyth, unless otherwise agreed by the Council, as Planning Authority. These shall be installed and operational prior to the first use of the buildings hereby approved.

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

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

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

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any order revoking and re-enacting that order) no development specified in Article 3, Schedule 1, Part 3, Class 13 shall be carried out without the approval of the Council, as Planning Authority.

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

20. Prior to development commencing a landscape maintenance and woodland management plan (covering also the two meadow types and wetland fringe areas) shall be submitted to and agreed in writing with the planning authority. Thereafter the approved landscaping/woodland shall be maintained in accordance with the agreed details.

Reason: To ensure the landscaping is delivered, retained and maintained throughout the lifetime of the development.

21. Landscaping as detailed on the approved landscaping plan, shall be provided in the planting season following the completion or first use of the development (whichever is the soonest).

Reason: To ensure an acceptable scheme of landscaping is provided and maintained to aid the visual integration of the development and enhance habitat and biodiversity value of the site.

22. Prior to development commencing details including design, number, position and schedule for installation of bat and bird boxes to be provided adjacent to the SUDs ponds, shall be submitted to and agreed in writing with the Planning Authority. Thereafter the bat and bird boxes shall be erected in accordance with the agreed details and retained throughout the lifetime of the development.

Reason: To ensure the timeous provision of bat and bird boxes, in the interests of enhancing habitat provision across the site.

Reason(s) for Decision

The Council's reason(s) for making this decision are:-

The proposal accords with the provisions of the development plan and there are no material considerations that indicate otherwise.

List of Informatives:

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

A Building Warrant will be required for the proposals. Should you require further assistance please contact the Building Standards Duty Officer between 2pm and 4pm or telephone on 03001234561. No appointment is necessary. Alternatively e-mail buildingstandards@moray.gov.uk.

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

The applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. Advice on this matter can be obtained by emailing roadspermits@moray.gov.uk and reference to the following page on the Council web site Road Opening:
http://www.moray.gov.uk/moray_standard/page_79860.html.

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into their property.

The applicants shall be responsible for any necessary diversion of any utilities or drainage present at the locations where works are to be undertaken.

The applicants shall meet all costs of improvements to the road infrastructure, which are required as a result of the development.

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

THE SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:-

SEPA regulates several matters covered by this planning application including the proposed re-alignment of the Core Burn. We will address all matters relating to regulation when the appropriate regulatory application is made. It is an applicant's responsibility to ensure their proposals will meet all relevant regulatory requirements and they are working within regulatory guidelines. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. We consider it to be at the applicant's commercial risk if planning permission is granted for a development/process which cannot gain authorisation from us, or if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising.

- Additional information.
- Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website.
- Proposals which impact on the water environment may be regulated under The Water Environment (Controlled Activities) (Scotland) Regulations 2011. Refer applicants to CAR_a_practical_guide and our water permitting team at waterpermitting@sepa.org.uk.
- Proposals such as industrial processes which have air emissions, or intensive agriculture may require a permit under the Pollution Prevention and Control (Scotland) Regulations 2012 (PPC 2012). Refer applicants to the Pollution Prevention section of our website and our waste and industry team at wasteandindustry@sepa.org.uk.
- Proposals which involve the treatment, storage or disposal of waste may require a waste management licence under The Waste Management Licensing (Scotland) Regulations 2011. Refer applicants to the waste section of our website and our waste permitting team at wastepermitting@sepa.org.uk.

We welcome that you have recognised the Control of Major Accident Hazards Regulations 2015 (COMAH Regulations) will apply to your proposals and wish to provide the regulatory advice detailed below. If you have any queries on the COMAH process, please email wasteandindustry@sepa.org.uk.

- SEPA is aware of the existing Grissan lower tier COMAH establishment located nearby at the Portgordon Maltings, Buckie, Moray, AB56 5BU and the associated Hazardous Substance Consent application 22/01401/HAZ which is under determination. We recommend you ascertain whether the proposed development lies within a consultation distance set by HSE around a major hazard site and if it does, understand whether or how this could affect your layout. Perhaps this consultation has already been undertaken but we felt it best to bring this point to your attention.
- As the Regulations will apply, the Applicant must notify the COMAH Competent Authority (HSE and SEPA) within a reasonable period of time (normally taken to be between 3 and 6 months) prior to construction of the proposed development. At that time, the anticipated COMAH status of the site as a lower or upper tier establishment should be confirmed by providing a comparison of the proposed quantity of flammable substances to be stored against the qualifying thresholds described in Schedule 1 of the Regulations.

- Details of how to make a COMAH notification are available on the HSE website.
- Following notification, SEPA will expect the Applicant to submit an assessment of the environmental risks, demonstrating that 'All Measures Necessary' have been undertaken in relation to the potential for 'Major Accidents to the Environment'. The latest version of the guidance for undertaking such an assessment can be found on SEPA's website. The assessment submitted will need to include details of the procedural, design, and modelling arrangements proposed to address environmental risk and mitigate the potential impacts of a major accident to the environment. If the site is identified as upper tier under the COMAH Regulations, then the environmental risk assessment will need to be submitted as part of a Safety Report for the establishment.
- It is noted and welcomed that the proposed drainage system includes provisions for firewater containment. SEPA intend to contact the drainage consultants Blyth and Blyth directly to clarify certain points surrounding these proposals.
- The applicant should contact the local authority to discuss the need for a Hazardous Substances Consent. SEPA & HSE would expect to be consulted on any such application which is made.

SCOTTISH GAS NETWORKS have commented that:-

Please note that the pipeline in the vicinity of the proposed development is a Major Accident Hazard Pipeline in terms of the Pipelines Safety Regulations 1996. Please note the HSE guidance document L82:A Guide to the Pipelines Safety Regulations 1996, (<http://www.hse.gov.uk/pubns/books/l82.htm>), in particular the guidance on safety regulations 15 and 16 and the emergency plan under Regulation 25.

In addition, please note your requirements under HSE Document: PADHI: HSE's Land Use Planning Methodology (www.hse.gov.uk/landuseplanning/padhi.pdf) for any major accident hazard pipeline.

This pipeline is also legally protected by a Deed of Servitude which restricts building and other works within the servitude area (as described in the deed).

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
EC22743:PL:001	B	Location plan



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

23/02170/APP

53

Site Address:

Land To The South Of Crisp Maltings
Portgordon

Applicant Name:

William Grant & Sons Distillers Ltd

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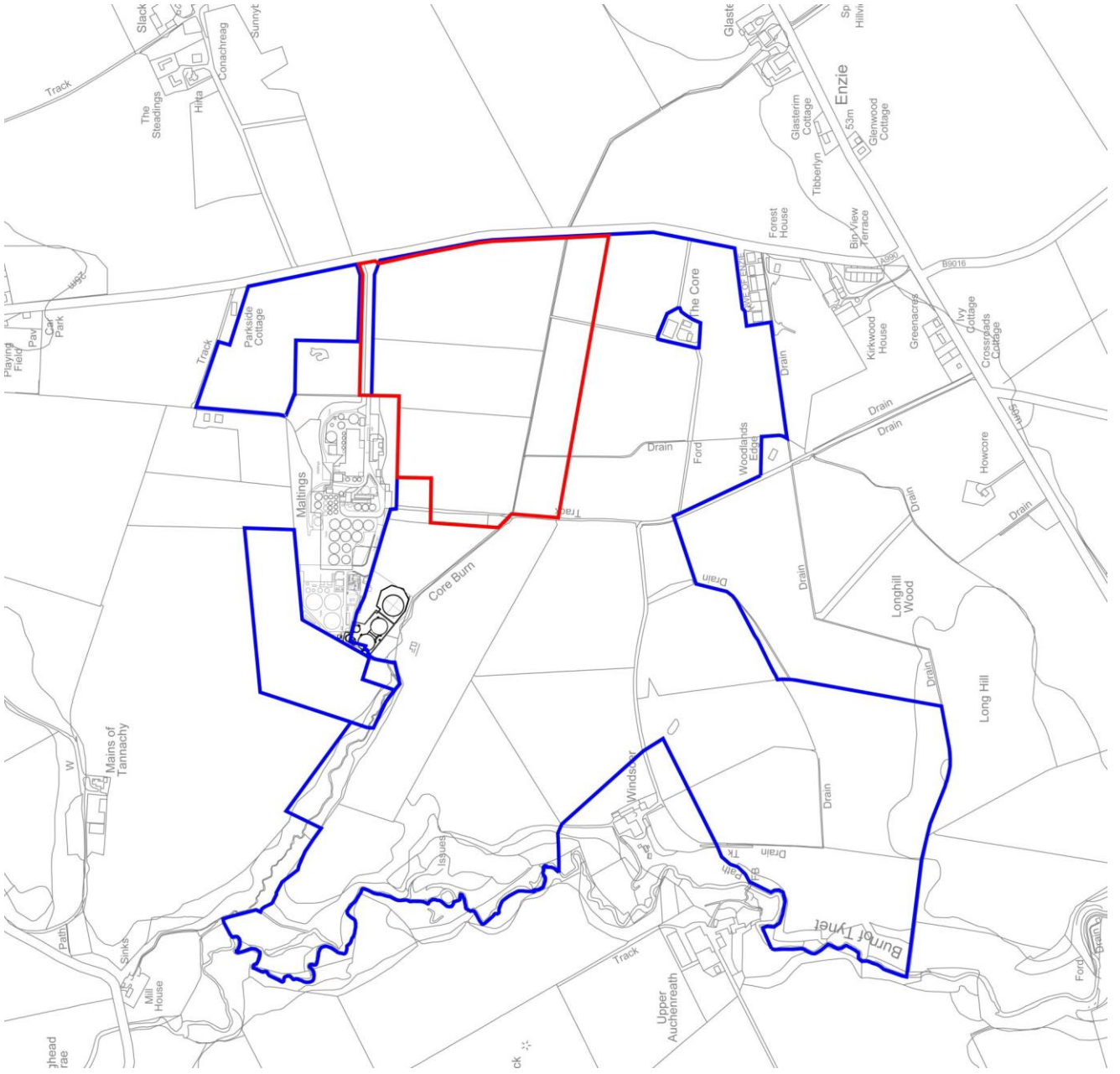
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Location Plan



Site Location



In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

1. THE PROPOSAL

- This is an application under section 42 of the Planning Act, which seeks to vary the terms of the existing planning permission for maturation warehousing to allow an extension of external operating hours from 0800 and 1900 hours, Monday to Friday and 0800 and 1300 hours, on Saturdays and no external operations or vehicle movements on bank/public holidays, to 0600 and 2300 hours, Monday to Saturday and no external operations or vehicle movements shall take place on Sundays, Christmas Day or Boxing Day.
- Conditions 11 and 12 of the original planning consent seek to control noise impact from the development.
- The applicants have outlined that this change in operating hours is being sought to match the operational hours of the warehouses to the distilleries. This will ensure full flexibility for production and ensure any spirit produced can be stored avoiding bottlenecks in the system.
- Condition 11 states:
“The rating level of noise associated with the development shall not exceed the background sound level by more than 5 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 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.
- Condition 12 states: “Unless otherwise agreed in writing with the Council as Planning Authority in consultation with the Environmental Health Manager, external operations or vehicle movements relating to the operation of the warehouses shall only take place between 08.00 and 19.00 hours, Monday to Friday and 8am and 1pm, on Saturdays, and no external operations or vehicle movements shall take place on bank/public holidays”.
- The original planning permission (22/01269/APP) granted on 21 December 2022, was for the erection of storage warehouses and ancillary development (amenity block sprinkler tank and pump house) land engineering (cut and fill), realignment of Core Burn and associated engineering and infrastructure works including access and sub-station.
- The applicants do not propose any other changes to the terms of the original planning permission. No additional traffic movements are proposed.

2. THE SITE

- The site lies to the south of the Crisp Maltings at Portgordon and is presently under construction, with the western most maturation warehouses having been completed and in use.
- The site is bounded by existing woodland and anaerobic digestion plant to the west, further open farmland with neighbouring houses beyond to the south and the A990 public road to the east.
- The nearest residential properties are located approx. 222m to the north at Parkside Cottages and 248m to the south at Core Farm.

3. HISTORY

On-site history:

23/01441/HAZ - Hazardous Substance Consent in relation to adjacent maturation warehousing approved 1 February 2024.

22/01269/APP - Erect storage warehouses and ancillary development (amenity block sprinkler tank and pump house), land engineering (cut and fill), realignment of Core Burn and associated engineering and infrastructure works including access and sub-station on land to South of Crisp Maltings, Buckie. Granted planning permission on 21 December 2022.

22/00632/SCN – Environmental impact assessment screening opinion issued confirming that this proposal does not constitute EIA development.

22/00631/PAN – Proposal of Application Notice for erection of warehouses (up to 50,000sqm), land engineering (cut and fill), realignment of Core Burn and associated engineering and infrastructure works on land to South of Crisp Maltings, Buckie. Response dated 6 May 2022 confirmed consultation arrangements and publicity event to be acceptable.

Land adjacent history:

There is no further planning history in relation to the proposed site, however, the following is a summary of the recent planning history for land adjacent to the site.

16/00353/APP - Erection of anaerobic digestion facility granted planning permission on 26 May 2016.

17/01536/APP - Erection of anaerobic digestion facility (extension to that granted via 16/00353/APP) granted planning permission on 14 December 2017.

20/00247/APP - Construction of four anaerobic digestion tanks, three feedstock tanks and associated infrastructure granted planning permission on 4 December 2020.

21/01605/APP - Application to Phase the development of the Coreside Anaerobic Digestion (AD) facility to demarcate the consented AD site into 2 phases with the addition of additional biomethane processing infrastructure granted planning permission on 2 December 2021.

22/01085/APP - Amend site layout as approved under reference 20/00247/APP at Phase 1 Coreside anaerobic digestion facility granted planning permission on 21 December 2022.

22/01086/APP - Amend site layout approved under ref 21/01605/APP granted planning permission on 20 December 2022.

22/01269/APP - Erect storage warehouses and ancillary development (amenity block sprinkler tank and pump house) land engineering (cut and fill), realignment of Core Burn and associated engineering and infrastructure works including access and sub-station granted planning permission on 20 December 2022.

22/01401/HAZ - Hazardous Substance Consent in relation to adjacent existing anaerobic digestion facility approved 29 November 2023.

22/01321/SCN – Environmental impact assessment screening opinion issued confirming that the proposed extension to the AD plant does not constitute EIA development.

4. POLICIES

National Planning Framework 4 policies

Policy 1 - Tackling the Climate

Policy 23 - Health and safety

Policy 26 - Business and industry

Policy 29 - Rural development

Moray Local Development Plan 2020 policies

PP2 - Sustainable Economic Growth

PP3 - Infrastructure and Services

DP1 - Development Principles

DP5 – Business and Industry

EP14 - Pollution Contamination Hazards

5. ADVERTISEMENTS

5.1 Advertised for Neighbour Notification purposes.

6. CONSULTATIONS

Environmental Health – No objections, subject to the amended conditions as recommended to ensure protection of the amenity of the nearest residential properties.

Transportation Section – No objections.

7. OBJECTIONS-REPRESENTATIONS

None.

8. OBSERVATIONS

8.1 Section 42 of the Town and Country Planning (Scotland) Act 1997 as amended allows applicants to apply to develop land without compliance with conditions previously attached to a planning consent. In determining such an application, the Council, as Planning Authority can only consider the conditions subject to which planning permission should be granted and may:

- grant permission unconditionally (i.e. remove the conditions attached to the planning consent);
- grant permission conditionally with differing conditions; or
- refuse the application (i.e. keep the conditions attached to the planning consent).

8.2 Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan, namely the adopted National Planning Framework 4 (NPF) and adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise.

8.3 The main planning issues are considered below:

8.4 Section 42 Application

In considering a Section 42 application the planning authority can only consider the conditions that are the subject of the application although this does not preclude consideration of the overall effect of granting a new permission. The effect of granting a Section 42 application is the creation of a new planning permission and therefore all conditions of the previous consent must be reiterated to have effect. In this case it is recommended that the noise condition 11 of the original permission is also varied and replaced by two conditions to cover nighttime and daytime working periods as recommended by Environmental Health, and all the other conditions are reiterated unchanged except for those that have been discharged in full.

8.5 Noise (NPF Policy 23 and MLDP EP14)

Condition 12 of the original consent controls when external operations and vehicle movements can take place within the site. The hours of operation contained within this original condition reflected the external hours of operation specified by the applicants at the time of the original application. The applicants have since reviewed operational requirements of the site, which has resulted in this change in operating hours being sought to match the operational hours of the warehouses to the distilleries. This will ensure full flexibility for production and ensure any spirit produced can be stored avoiding bottlenecks in the system.

8.6 A Noise Impact Assessment has been submitted in support of this application which identifies that the noise levels generated throughout the time periods requested (involving HGV movements and forklift truck activity) will fall within acceptable levels. The Environmental Health Service has reviewed and is content with this information and has raised no objection to the proposal to amend the wording of condition 12 to extend operating hours. It has further recommended that condition 11 of the original permission (which limits the level of noise experienced at the nearest noise sensitive dwelling) be varied and replaced by two conditions to cover nighttime and daytime working periods to aid noise monitoring/enforcement, as detailed in the recommendation.

8.7 **Remaining Conditions**

It is recommended that the remaining conditions of the original planning permission will be reiterated so that they continue to have effect. Any conditions which have been met and discharged such as those relating to archaeology, need not be repeated. Some conditions have been purified in part but are reiterated to ensure compliance throughout the lifetime of the development.

Conclusion

The proposed variation of conditions to allow for an extension of external operating hours beyond those hours already permitted is considered to be acceptable in this instance. Subject to the conditions as recommended Environmental Health have no concerns relating to the proposals and are content that it would allow for sufficient control of noise issues going forward.

As such the proposals are considered to be compliant with NPF policy 23 and MLDP policy EP14. For the avoidance of doubt, the recommendation reiterates all other conditions of the previous consent except for those that have been discharged in full. It is recommended that planning permission is granted.

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are: -

The proposal accords with the provisions of the development plan and there are no material considerations that indicate otherwise.

**Author/Contact
Officer:**

Iain T Drummond
Planning Officer

Ext: 01343 563607

**Beverly Smith
Development Management & Building Standards Manager**

24/00300/APP
22nd February 2024

Mixed use development of 38no one and two bedroom affordable flats 3no retail units a business enterprise hub and new public realm comprising a pedestrian route connecting South Street to High Street and a courtyard at 51, 53 And 59 - 61 South Street, The Jail House And Newmarket Bar High Street Elgin Moray for Robertson Property Ltd

Comments:

- A site visit has been carried out.
- Advertised as a project that would affect character of conservation area.
- 1 representation received.
- Referred to committee as the application raises matters of a wider community interest and planning significance.

Procedure:

- Determine this proposal prior to the associated conservation area consents 24/00302/CON, 24/00303/CON & 24/00304/CON.

Recommendation

Grant Planning Permission – Subject to the following:

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 development commencing, samples of all external finishes of the buildings (including details of the brickwork mortar and its finishing) and hard landscaping shall be submitted to and approved by the Council, as Planning Authority. Thereafter the development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Council.

Reason: To ensure that material finishes are suitable for the development hereby approved, in the interests of the character and appearance of the surrounding

conservation area.

3. 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 occupied or 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.

4. 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.

5. 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.

6. Prior to the first occupation of any part of the development hereby approved, finalised details of the public artwork based upon the information identified in section 6 of the approved Placemaking Statement, 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 that incorporates public art, details of which are lacking from this submission.

7. That all waste measures as identified in the submitted Planning Statement shall be provided in full to each residential unit prior to its occupation, with the communal bin stores (as identified in the approved site plan) being provided prior to the first use of the respective section of the development to which it relates. Thereafter the bin stores shall be maintained for use at all times unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: To ensure that suitable provision for waste, in accordance with National Planning Framework 4 Policy 12 – Zero waste.

8. All landscaping measures, as identified in drawing number 310SSE-LUC-XX-XX-DR-L-90-001 P05 and “Rain Garden Planting” plan hereby approved shall be provided in full accordance with the approved details in the first planning season following completion of the development. Thereafter 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: 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.

9. All measures identified in the approved Community Wealth Building statement shall be implemented during the course of the development, unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: To ensure that the development proceeds in accordance with the submitted Community Wealth Building statement, to ensure compliance with National Planning Framework 4 Policy 25 – Community wealth building.

10. Prior to the commencement of development, details shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the Road Authority, showing the design and location for the provision of secure, covered and enclosed cycle parking for a minimum of 38 cycles (plans scale 1:200 min). Thereafter the cycle parking shall be provided prior to the building being completed or becoming operational and shall be maintained and available for use thereafter for the lifetime of the building use unless otherwise agreed in writing by the Council, as Planning Authority.

Reason: In the interests of sustainable transport, the provision of cycle parking and the provision of details currently lacking from the submission.

11. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and agreed in writing by the Council, as 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:

- i. duration of works;
- ii. construction programme;
- iii. number of vehicle movements (i.e. materials, plant, staff, components);
- iv. types and sizes of construction vehicles accessing the site during the construction period (Depending on the size of vehicle accessing the site, vehicle swept paths may be required to confirm that sufficient manoeuvring space would be available and to confirm that vehicles would be able to enter and exit the site in a forward gear);
- v. schedule for delivery of materials and plant;
- vi. parking provision, loading and unloading areas for construction traffic;
- vii. full details of temporary arrangements to safeguard pedestrian movements on South Street during the construction period;
- viii. full details of any temporary access;
- ix. measures to be put in place to prevent material being deposited on the public road;
- x. traffic management measures to be put in place during works including any specific instructions to drivers;
- xi. 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 and
- xii. 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.

12. 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.

13. No development shall commence until details have been submitted to and approved in writing by the Council, as Planning Authority, in consultation with the Roads Authority, showing alterations to the existing road markings including the removal of part of the loading bay markings on South Street and the extension of double yellow markings at the widened access to the courtyard area, in accordance with The Traffic Signs Regulations and General Directions 2016; and thereafter the road markings shall be altered in accordance with the approved details once the required changes to the Elgin central area Traffic Regulation Order has been made.

Reason: To ensure acceptable infrastructure at the development access.

14. No development shall commence until details have been submitted to and approved in writing by the Council, as Planning Authority, in consultation with the Roads Authority, showing the details and locations of drop kerbs and tactile paving arrangement across modified and proposed accesses along the South Street to the Moray Council specification and thereafter the drop kerbs and tactile

paving shall be provided in accordance with the approved details prior to first use.
Reason: To ensure acceptable infrastructure at the development access.

15. Prior to the development becoming operational, access to the courtyard area shall be widened to accommodate vehicle swept paths of Council's Refuse Collection Vehicle in accordance with the submitted drawing No. 310SSE-CAM-XX-XX-SK-C-90-0250 dated 04.04.2024, with the first 5m of the access track, measured from the edge of the public carriageway constructed to the Moray Council specification and surfaced with bituminous macadam.

Reason: To ensure acceptable infrastructure at the development access.

16. All surface water drainage shall be provided in full accordance with the approved plans and Drainage Impact Assessment prior to completion of the development.

Reason: To ensure timeous provision of surface water drainage, in the interests of flood risk.

17. 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.

18. 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. 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.

19. The noise emissions associated with the development's plant and machinery shall not exceed Noise Rating Curve (NR) 25 between 0700-2300 hours, as determined within a living apartment of the nearest noise sensitive property with the window moderately open. This limit would apply and be determined over a minimum of 5 minutes duration. For the avoidance of doubt, unless otherwise agreed in writing with the Planning Authority, the development's plant and machinery is that listed in "Table 5-Plant Noise Sources" of the Noise Impact Assessment supporting document dated 15th May 2024 by New Acoustics Ltd, Report no. 7739-01-01, and titled "South Street Elgin. Noise Impact Assessment – Rev 02".

Reason: To protect local residents from noise nuisance arising from the

- development's plant.
20. The noise emissions associated with the development's plant and machinery shall not exceed Noise Rating Curve (NR) 20 between 2300-0700 hours, as determined within a bedroom of the nearest noise sensitive property with the window moderately open. This limit would apply and be determined over a minimum of 5 minutes duration. For the avoidance of doubt, unless otherwise agreed in writing with the Planning Authority, the development's plant and machinery is that listed in "Table 5-Plant Noise Sources" of the Noise Impact Assessment supporting document dated 15th May 2024 by New Acoustics Ltd, Report no. 7739-01-01, and titled "South Street Elgin. Noise Impact Assessment – Rev 02".

Reason: To protect local residents from noise nuisance arising from the development's plant.

21. The noise emissions associated with the development's SSE substation located at ground floor to the rear of "Core 5", as identified in "General Arrangement Ground Floor Plan, drawing no. 310SSE-OBE-ZZ-00-DR-A-97-0104PO9, Project 2893, dated March 2023" shall not exceed the low frequency noise reference curve in Table 2 and figure 1 of Document NANR 45 (Revision 1 Issued December 2011) and titled "Procedure for the assessment of low frequency noise complaints", for daytime (0700 to 2300 hours) and night-time (2300 to 0700 hours), as determined within a living apartment during daytime (0700 to 2300 hours) and bedroom during night-time (2300 to 0700 hours), of the nearest noise sensitive property. This limit would apply and be determined over a minimum of 5 minutes duration.

Reason: To protect local residents from noise nuisance arising from the development's plant.

22. The development shall not commence until a noise mitigation scheme has been submitted and agreed in writing with the Planning Authority in respect of the three residential ASHPs on Core 5 Roof and identified in the "Roof Plan, drawing no. 310SSE-OBE-ZZ-RF-DR-A-97-0108P10, Project 2893, dated March 2023" and demonstrating the overall sound power level of the three ASHP's shall be reduced from a predicted level 85 dB(A) to 60 dB(A). The agreed scheme shall thereafter be developed and maintained throughout the lifetime of the development to ensure this noise level is met.

Reason: To protect local residents from noise nuisance arising from the development's plant.

Reason(s) for Decision

The Council's reason(s) for making this decision are:-

The proposal complies with the development plan (namely National Planning Framework 4 and the Moray Local Development Plan 2020). It also accords with the aims of the Moray Economic Strategy and the Elgin City Centre Masterplan, both of which are material planning considerations. There are no other material considerations that indicate otherwise.

List of Informatives:

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

A Building Warrant will be required for the proposals. Should you require further assistance please contact the Building Standards Duty Officer between 2pm and 4pm or telephone on 03001234561. No appointment is necessary. Alternatively e-mail buildingstandards@moray.gov.uk

Comments from POLICE SCOTLAND are attached for your information.

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

Planning consent does not carry with it the right to carry out works within the public road boundary.

Technical Approval will be required for the widening of the access to the development. The applicant is obliged to apply for permission to modify the existing public road, in accordance with Section 48 of the Roads (Scotland) Act. The applicant will be required to provide technical information, including drawings and drainage calculations, a programme for the proposed works. Advice on this matter can be obtained by emailing Transport.Develop@moray.gov.uk

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into their property.

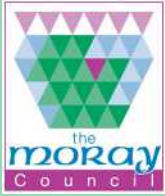
No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
310SSE-CAM-XX-XX-DR-C-90-0600	P03	Proposed site levels
310SSE-LUC-XX-XX-DR-L-90-001	P05	Landscape general arrangement
310SSE-LUC-XX-XX-DR-L-90-0200	P05	Hard landscaping
310SSE-LUC-XX-XX-DR-L-94-0400	P04	Soft landscaping
310SSE-OBE-ZZ-00-DR-A-97-0111	P03	Cycle storage
310SSE-OBE-ZZ-00-DR-A-97-109	P03	Fire strategy
310SSE-OBE-ZZ-00-DR-A-9700110	P03	Waste strategy
310SSE-OBE-ZZ-XX-DR-A-97-0207	P06	Proposed site elevations and sections 3
310SSE-OBE-ZZ-XX-DR-A-97-0208	P05	Proposed site elevations and sections 4
310SSE-OBE-ZZ-XX-DR-A-97-0209	P06	Proposed site elevations and sections 5
310SSE-OBE-ZZ-XX-DR-A-97-0210	P06	Proposed site elevations and sections 6
310SSE-OBE-ZZ-XX-DR-A-97-101	P03	Location plan
310SSE-OBE-ZZ-XX-DR-A-97-102	P03	Proposed demolition works
310SSE-CAM-XX-XX-DR-C-90-0450	P01	Drainage construction details
310SSE-CAM-XX-XX-DR-C-90-0401	P02	Drainage layout blue-green infrastructure
		Rain garden planting
310SSE-CAM-XX-XX-SR-C-90-046	P04	Pre - development impermeable areas
310SSE-OBE-ZZ-XX-DR-A-97-0103	P09	Proposed site plan
310SSE-CAM-XX-XX-DR-C-90-0400	P07	Drainage layout
310SSE-CAM-XX-XX-DR-C-90-0461	P06	Post development drainage hard standing area
310SSE-OBE-ZZ-01-DR-A-97-0105	P09	Proposed first floor
310SSE-OBE-ZZ-00-DR-A-97-104	P09	Proposed ground floor
310SSE-OBE-ZZ-02-DR-A-97-0106	P10	Proposed second floor
310SSE-OBE-ZZ-03-DR-A-97-107	P10	Proposed third floor
310SSE-OBE-ZZ-RF-DR-A-97-0108	P10	Roof plan
310SSE-CAM-XX-XX-DR-C-90-0200	P04	Roads layout
310SSE-OBE-ZZ-XX-DR-A-97-0205	P08	Proposed site elevations sections 1
310SSE-LUC-XX-XX-DR-L-90-0002	P02	Landscape sections
310SSE-OBE-ZZ-XX-DR-A-97-0206	P08	Proposed site elevations and sections 6
310SSE-RYB-Z0-XX-DR-N-960002	P03	External lighting
310SSE-CAM-XX-XX-DR-C-90-025 -	P01	Vehicle swept path of refuse vehicle

Supporting Documents

- Design and Access Statement
- Bat Survey
- Community Wealth Building Statement

- Environmental Management Plan
- Geotechnical Investigation Report
- Heritage Impact Appraisal
- Historic Building Report
- Landscape Maintenance Plan
- Placemaking Statement
- Site Traffic Management Plan
- Planning Statement
- Sustainability and Energy Statement
- Transport Statement
- Written Scheme of Investigation – Archaeology
- Carbon Reduction Statement
- Junner's Elgin Fabric Report
- Drainage Impact Assessment



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

24/00300/APP 24/00301/LBC 24/00302/CON

24/00303/CON & 24/00304/CON

Site Address:

**51, 53 And 59 - 61 South Street, The Jail House
And Newmarket Bar High Street**

Elgin

Applicant Name:

Robertson Property Ltd

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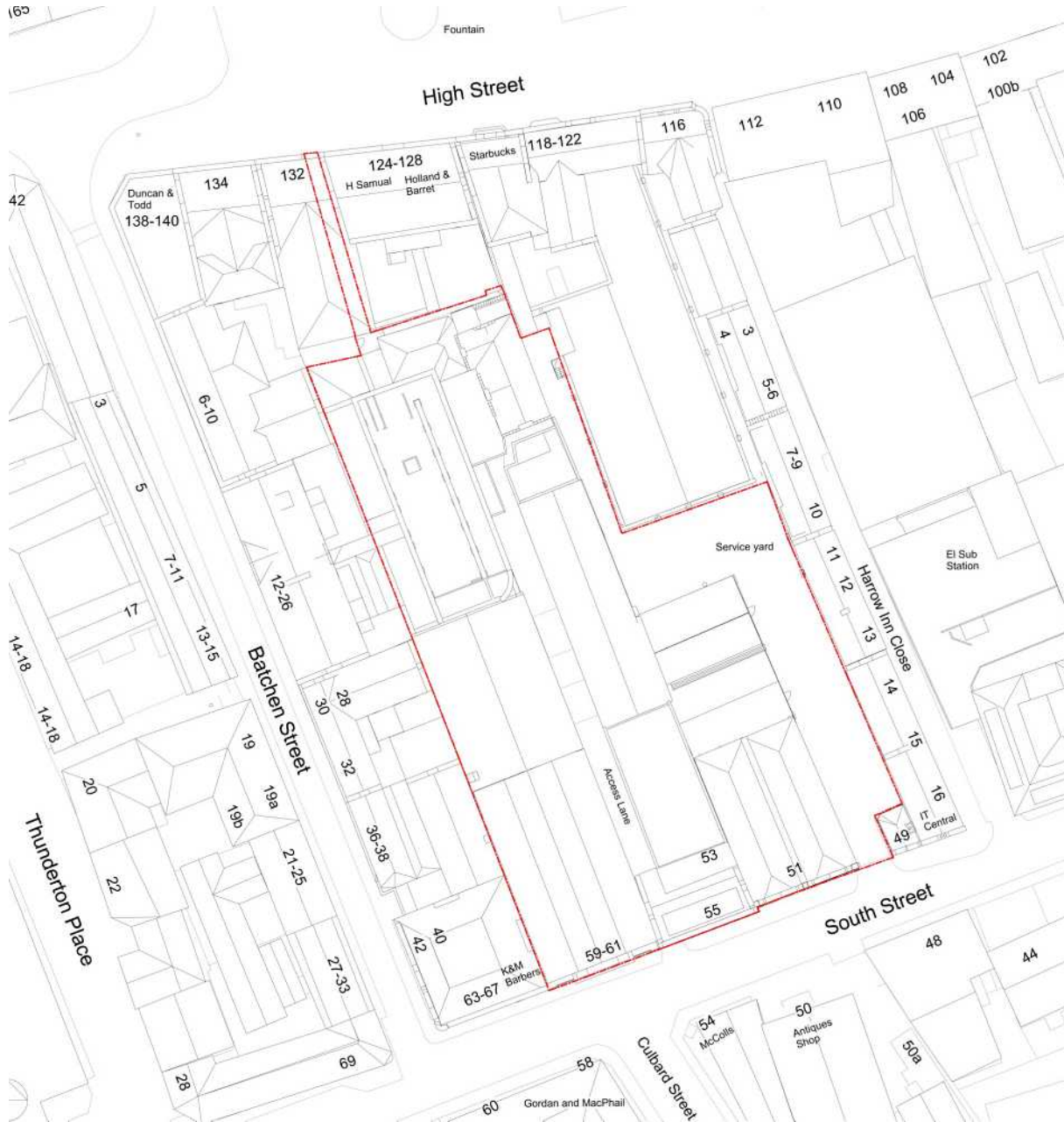
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Location Plan

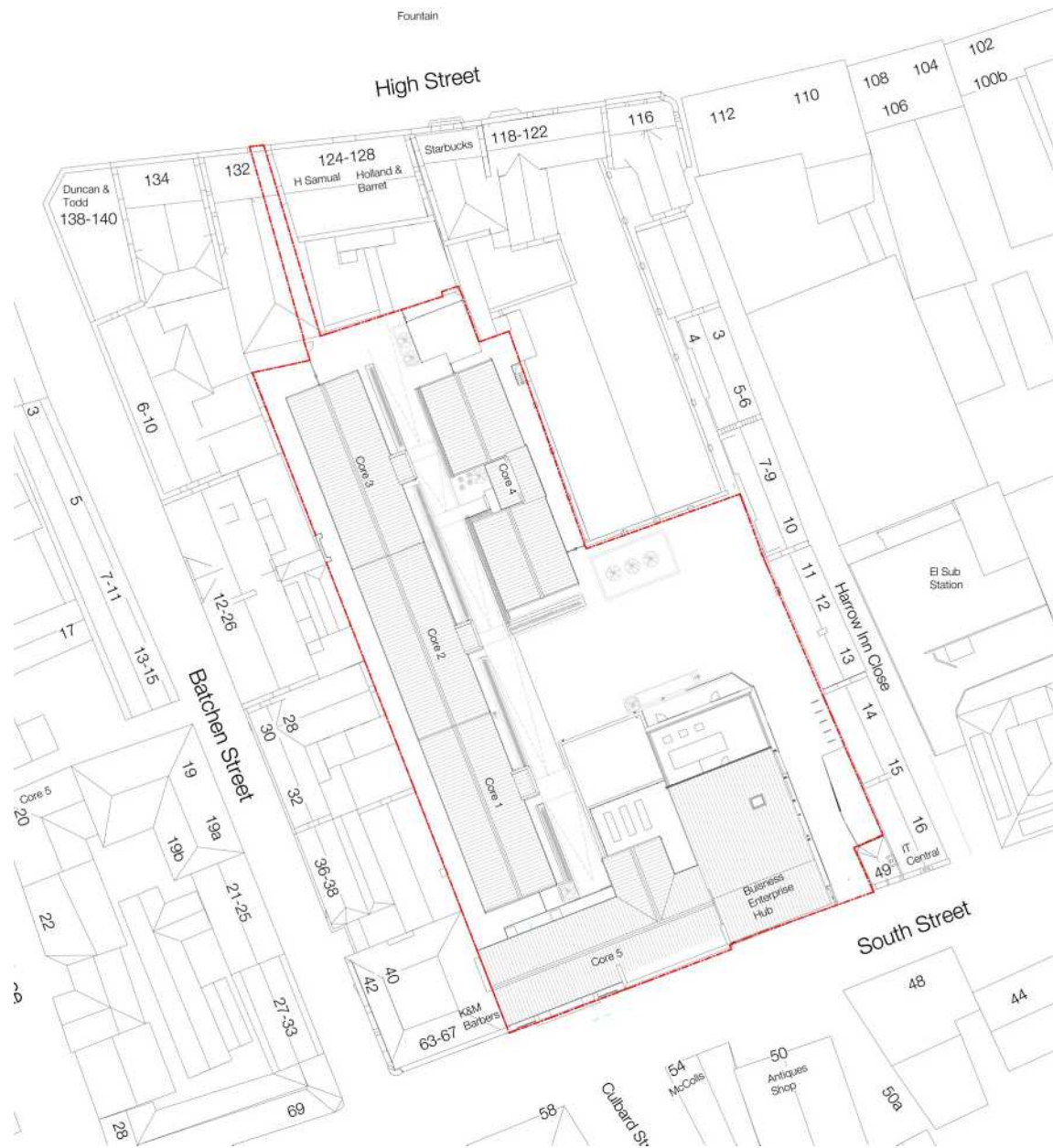


Site Location



Site Area: 0,100.

Site plan

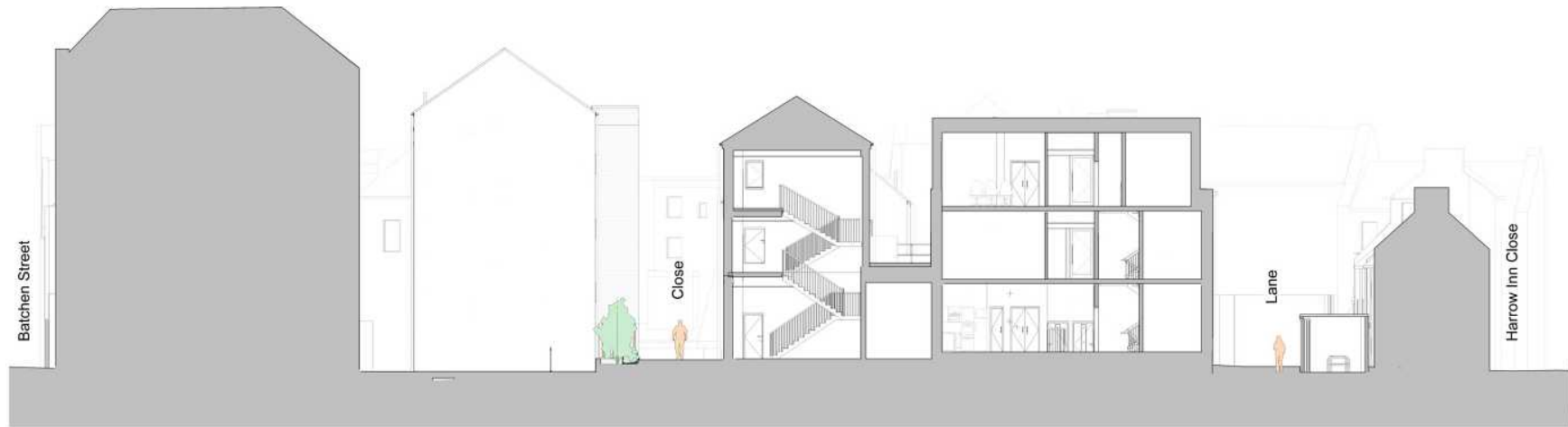


3D Model

- Business Enterprise Hub
- Residential - 12no. 1 bed flats
- 12no. 2 bed flats
- Residential - 6no. 2 bed flats
- Retail - 3 units (GF)
Residential - 8no. 1 bed flats



Site elevations

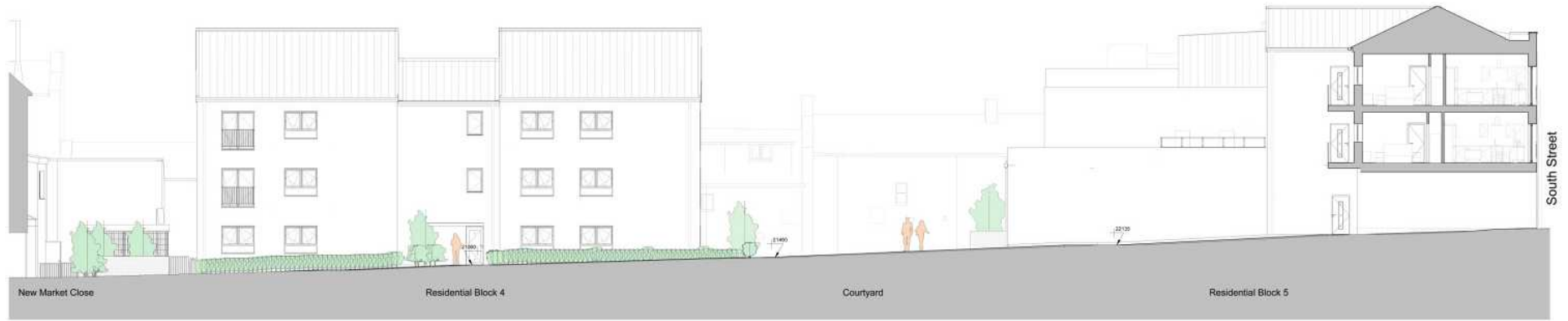


Section 1 - Looking North
1 : 100



Elevation 1 - South Street
1 : 100

Site elevations

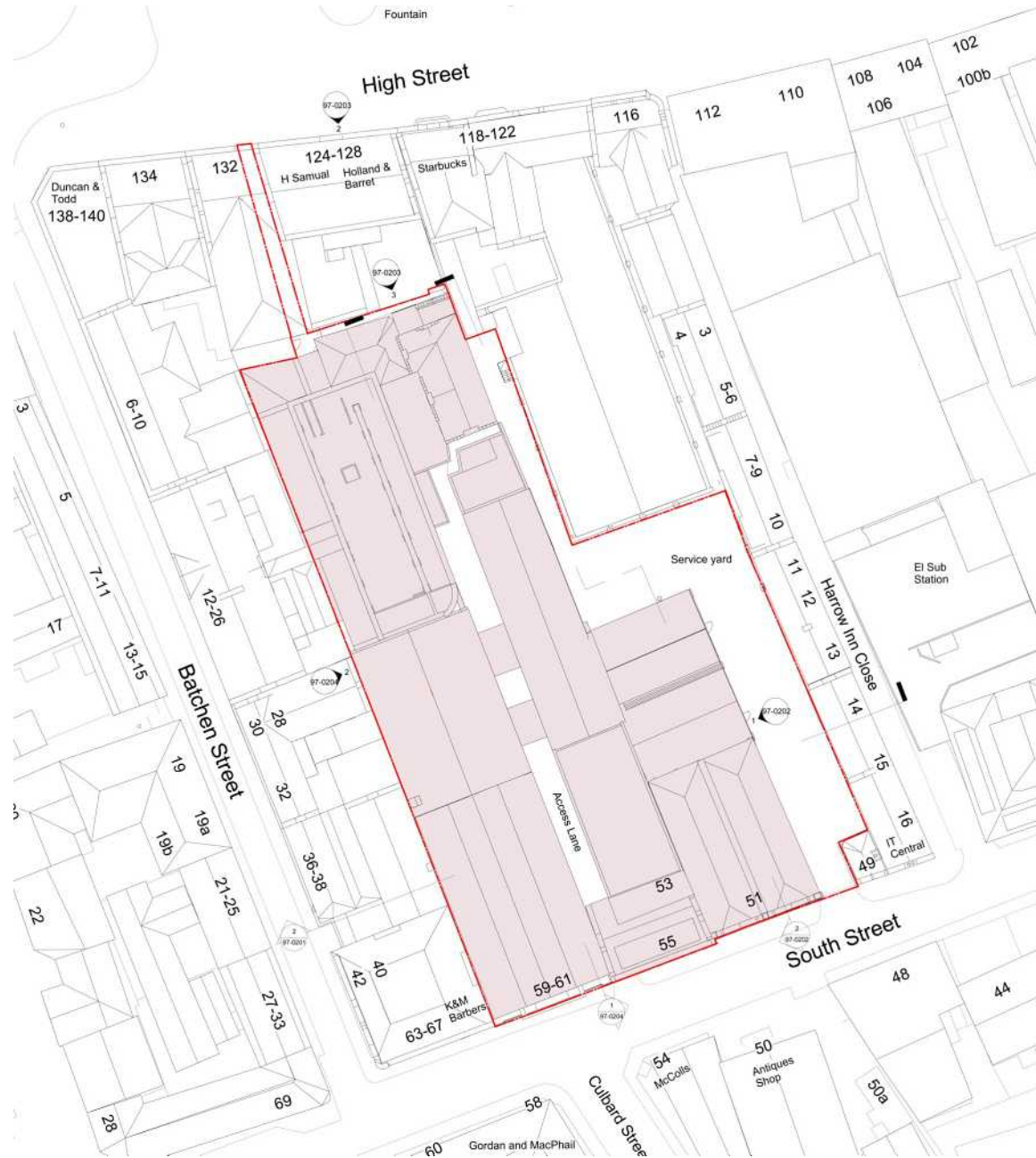


Section 7 - New Market Close Looking East
1 : 100

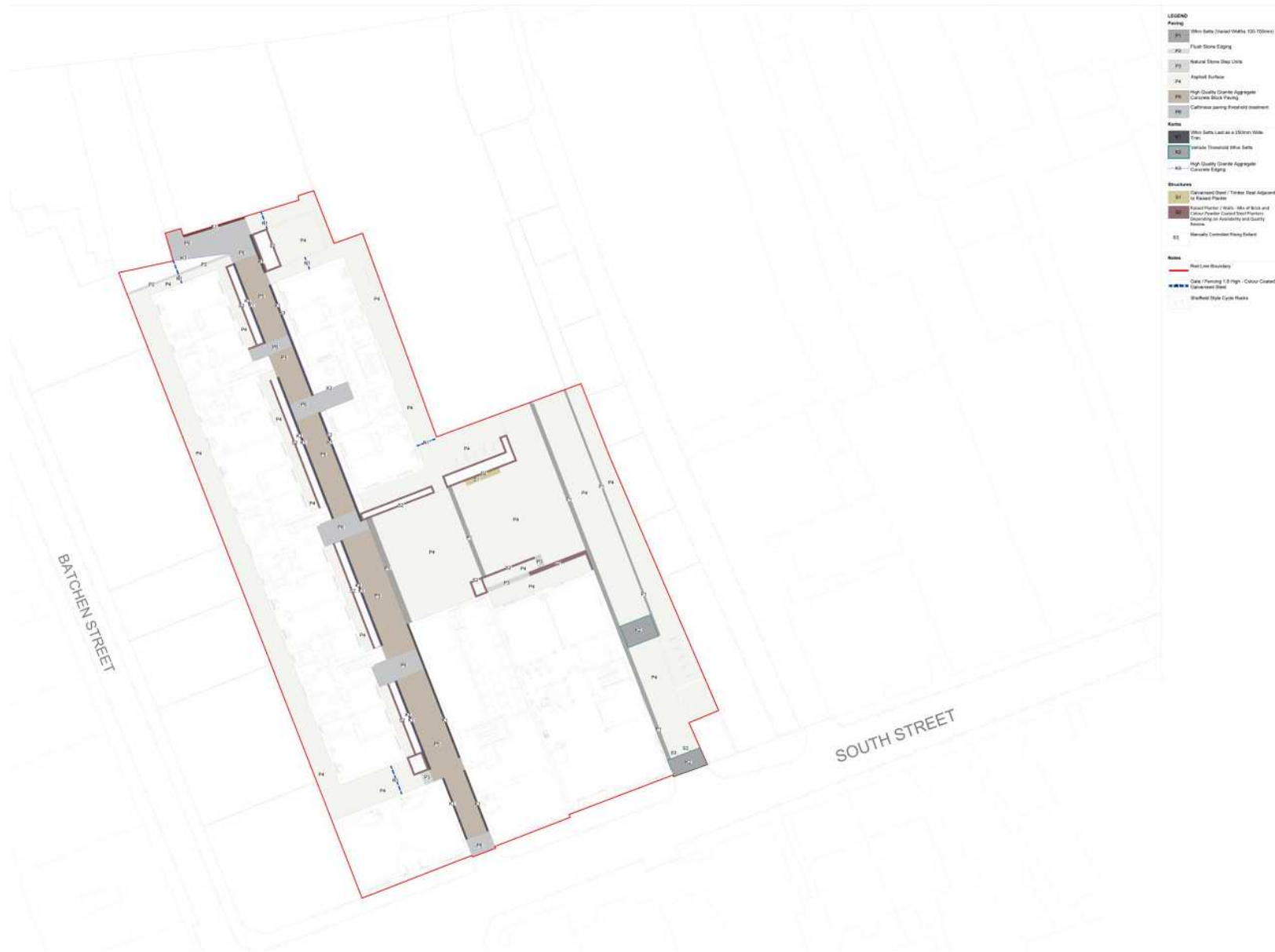


Section 8 - New Market Close Looking West
1 : 100

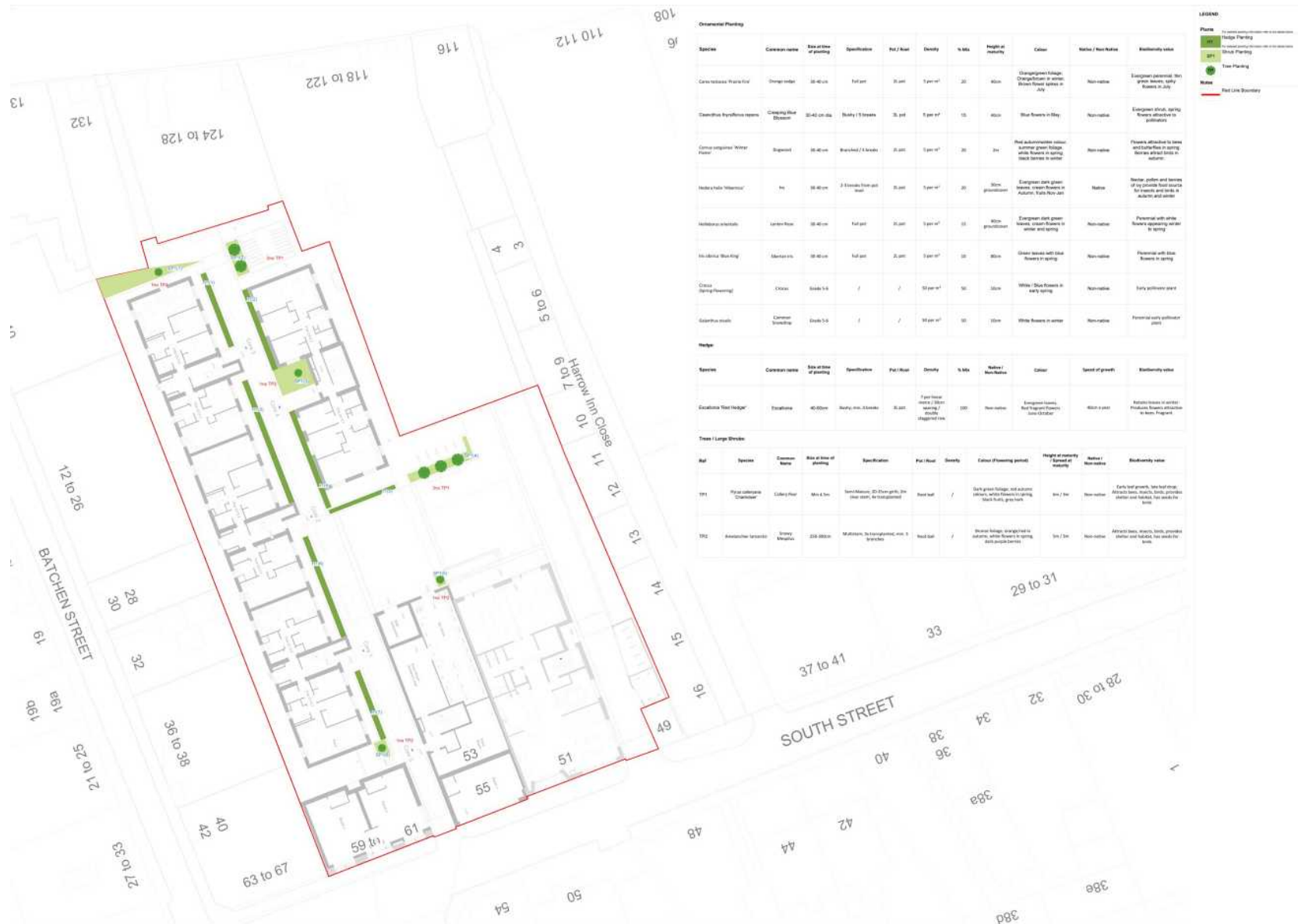
Demolition plan



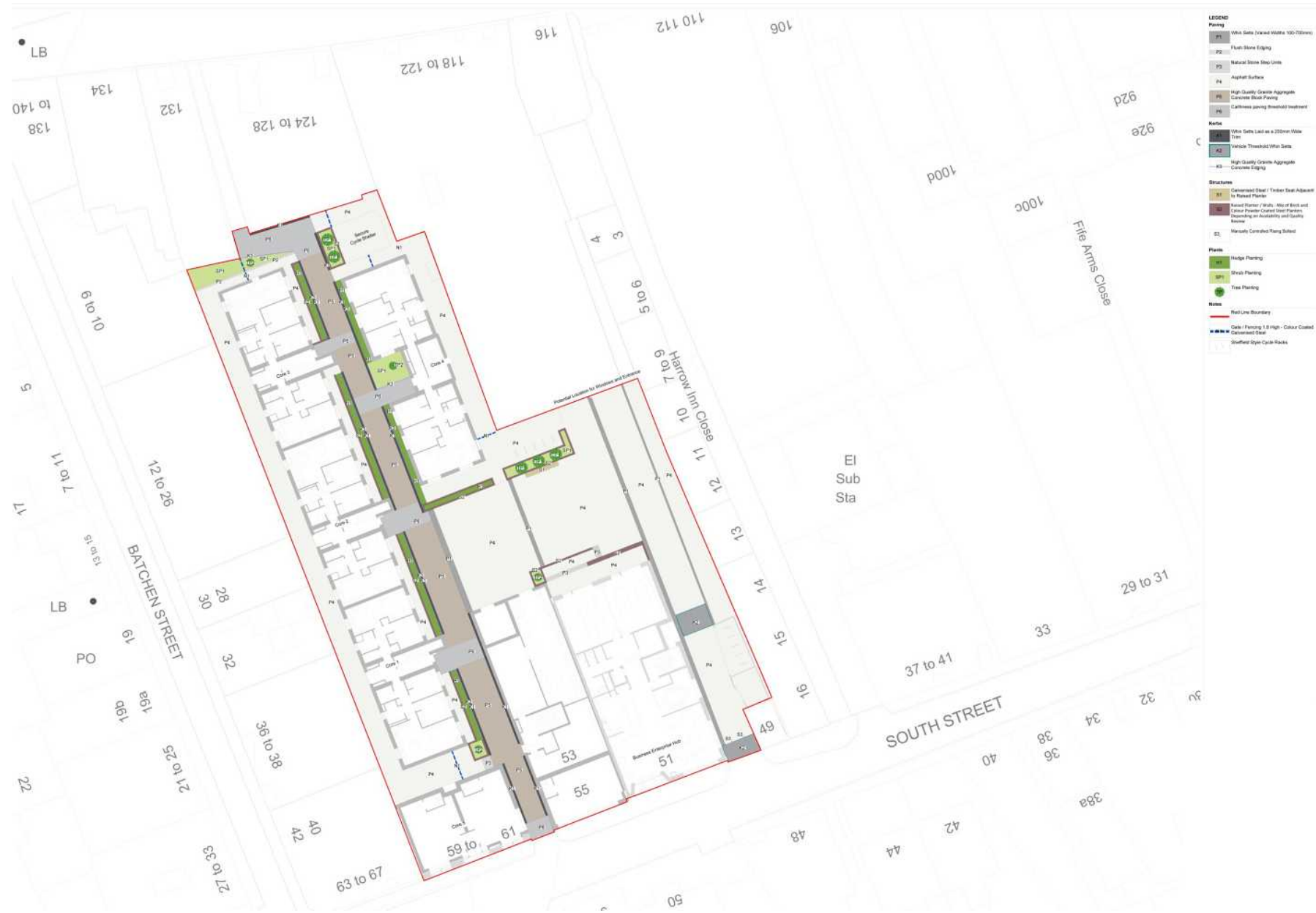
Hard landscaping



Soft landscaping



Landscape general arrangement



Landscape general arrangement

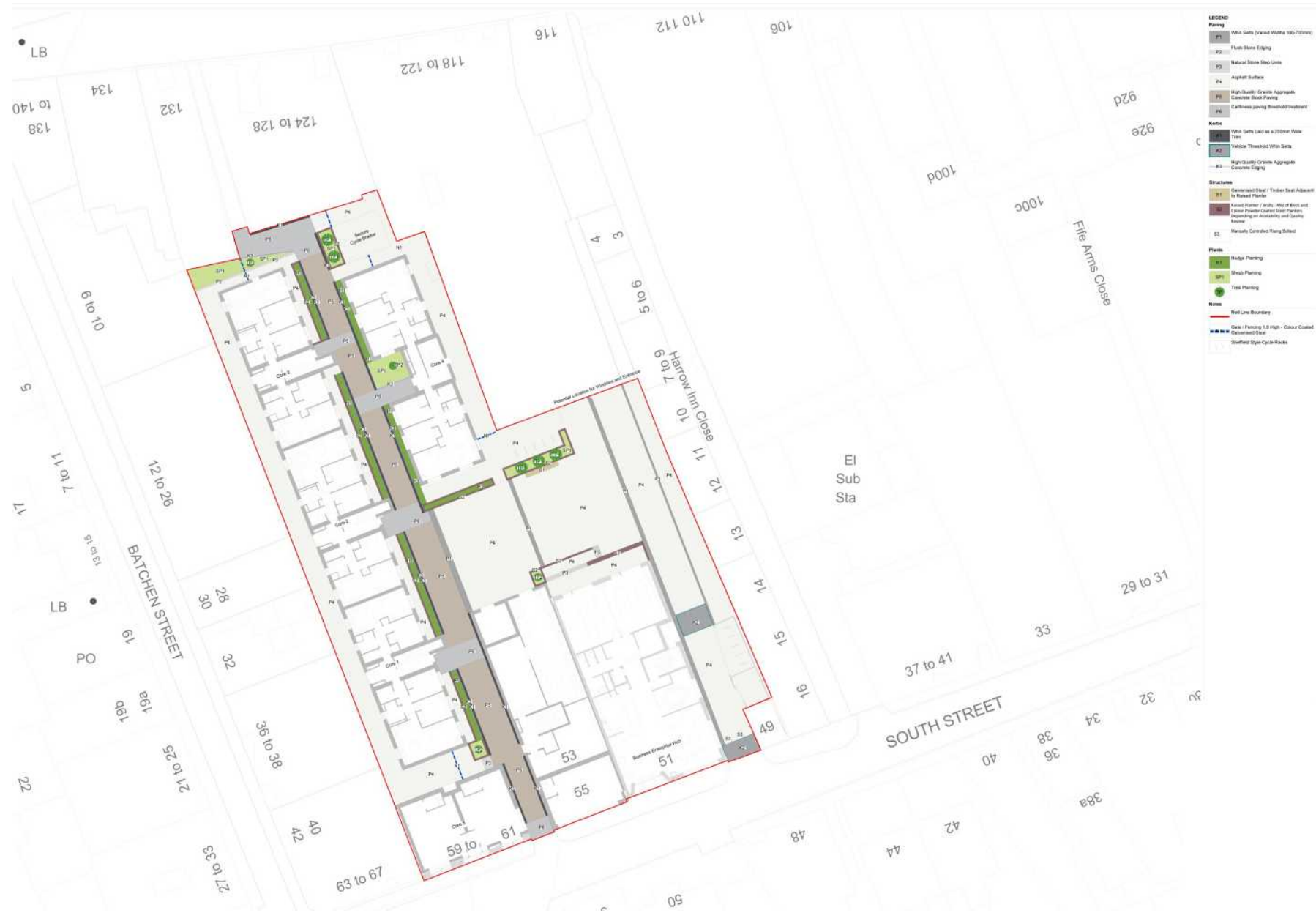


Photo location plan

South Street Redevelopment



Map Description: Arrows point in direction photograph was taken.

Scale: 1:1,000 @ A4



Photo 1—57-61 South Street from above



Photo 2—53— 55 South Street from above



Photo 3— 57—61 South Street



Photo 4—51 South Street



Photo 5— rear of 51 South Street



Photo 6—Newmarket



Photo 7—Jailhouse



In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

1. THE PROPOSAL

- A mixed use redevelopment in Elgin Town Centre comprising 38 affordable flats, 3 retail units, a business enterprise hub (linked to Moray College), and public realm works including the opening up of a close running between High Street and South Street.
- Demolition of all existing buildings on site apart from the listed archway at 57 South Street (covered under separate applications for Conservation Area Consent), comprising the following elements:
- **Business Enterprise Hub** (on site of 51 South Street)
 - 3 storeys in height with a shallow pitched roof.
 - Fronting to and access from South Street.
 - Finished in standing seam metal cladding with large expanses of glazing to the front.
 - A mix of white render and metal cladding to the sides and rear.
- **Mixed Use Building** (on site of 53 – 55 South Street)
 - A retail unit at ground floor fronting to South Street with bin store and plant room to rear.
 - 4 flats at upper floor levels.
 - 3 storeys in height with pitched roof.
 - Finished in brick to front and render to rear, with standing seam metal roof.
 - New pend formed at ground floor on western side of building to link to development to rear and High Street.
 - Together with adjacent mixed use building, metal external stairways and balconies to rear to access upper floor flats.
- **Mixed Use Building** (on site of 57 – 61 South Street)
 - 2 retail units at ground floor, both accessed via the archway.
 - 4 flats at upper floor levels, accessed via stairways as described above.
 - 3 storeys in height with pitched roof, positioned to rear of existing archway frontage to be retained.
 - Upper storeys of building would be set back from archway and finished in white render and standing seam metal roof.
- **Block of Flats** (on site of Jailhouse and rear of 57 – 61 South Street)
 - 24 flats arranged in a linear arrangement running parallel to rear of buildings on eastern side of Batchen Street.
 - 4 storey in height with pitched roof.
- **Block of Flats** (on site of Newmarket Bar)
 - 6 flats in a three storey block.

- **Public Realm Works**
 - Formation of a through route between High Street and South Street, utilising the Newmarket Close, running between the two blocks of flats and connecting to the pend formed as part of the mixed use building at 53 – 55 South Street.
 - Hard Landscaping – a mix of aggregate granite paving with Caithness paving along the proposed close, and a mix of asphalt with whin setts to the courtyard and access lane.
 - Soft Landscaping – area of rain garden and planters around close to be planted with a variety of species.

2. THE SITE

- A block of buildings, three of which front to South Street in Elgin Town Centre as follows:
 - 51 South Street (formerly Junner’s Toy Shop).
 - 53 – 55 South Street (Elgin Furniture and Carpet Centre and residential flats).
 - 57 – 61 South Street (latterly Junner’s Toy Shop).
 - Jailhouse (130 High Street).
 - Newmarket Bar (130 High Street).
- The site is located in the Elgin High Street Conservation Area, and 57 South Street (former market entrance) is a category C listed building.
- All buildings apart from 53-55 South Street have lain vacant for some time, with significant fire damage to the Jailhouse and Newmarket Bar.
- The surrounding area comprises a mix of uses typical of a dense, historic town centre.

3. HISTORY

The following pending applications are being considered alongside this application:

- **24/00301/LBC** – Listed Building Consent associated with this application for 57 – 61 South Street (for works adjacent to category C listed market entrance).
- **24/00302/CON** – Conservation Area Consent for complete demolition of 59 – 61 South Street (former market), The Jailhouse and Newmarket Bar buildings.
- **24/00303/CON** – Conservation Area Consent for complete demolition of 53-55 South Street.
- **24/00304/CON** – Conservation Area Consent for complete demolition of 51 South Street.

Related consents

17/00963/APP – Change of use of nightclub to 14 apartments at 130 High Street, Elgin (Jailhouse) granted planning permission under delegated powers on 1 March 2018, subject to legal agreement for developer obligations.

4. **POLICIES**

National Planning Framework 4

- 1 - Tackling the climate and nature crises
- 2 - Climate mitigation and adaptation
- 3 - Biodiversity
- 4 - Natural places
- 7 - Historic assets and places
- 9 - Brownfield, vacant and derelict land and empty buildings
- 12 - Zero waste
- 13 - Sustainable transport
- 14 - Design, quality and place
- 15 - Local living and 20 minute neighbourhoods
- 16 - Quality homes
- 18 - Infrastructure first
- 19 - Heating and cooling
- 20 - Blue and green infrastructure
- 22 - Flood risk and water management
- 23 - Health and safety
- 25 - Community wealth building
- 26 - Business and industry
- 27 - City, town, local and commercial centres
- 28 - Retail

Moray Local Development Plan 2020

- PP1 Placemaking
- PP2 Sustainable Economic Growth
- PP3 Infrastructure and Services
- DP1 Development Principles
- DP2 Housing
- DP5 Business and Industry
- DP7 Retail/Town Centres
- EP1 Natural Heritage Designations
- EP2 Biodiversity
- EP5 Open Space
- EP8 Historic Environment
- EP9 Conservation Areas
- EP10 Listed Buildings
- EP12 Management and Enhancement of the Water Environment
- EP13 Foul Drainage
- EP14 Pollution, Contamination & Hazards
- Elgin Settlement Statement - Elgin Town Centre

5. **ADVERTISEMENTS**

- 5.1 Advertised as an application affecting character or appearance of a conservation area under section 65 of the Planning (Listed Buildings and Conservation Areas (Scotland) Act 1997.

6. CONSULTATIONS

Contaminated Land – No objections.

Environmental Health – No objections subject to conditions requiring a detailed scheme of the proposed heating system for the residential flats, along with detail on noise emissions, limits on noise and construction hours and provision of Construction Environment Management Plan.

Transportation Manager – No objections subject to conditions in respect of cycle parking, and lining/reconfiguration of loading bays on South Street.

Moray Access Manager – No objections.

Developer Obligations – No obligations sought due to proposal being a town centre development.

Scottish Water – No objections, sufficient capacity in local network for water and sewerage connections.

Moray Flood Risk Management – Following amendments to surface water drainage arrangement, no objections.

Housing, Moray Council – No objections, advise that condition should be placed limiting development to affordable housing and to agree delivery with Housing section.

Aberdeenshire Archaeology – Request condition be applied requiring a written scheme of investigation to be undertaken, as well as recording of existing buildings on site.

Police Scotland Architectural Liaison Officer – No objections, noting that applicant/developer has already been in touch with ALO and have considered concerns previously raised. Informative notes provided for developer in respect of secured by designed standards.

Strategic Planning and Development – The proposal complies with all relevant planning policies. Its town centre location supports a concept of 20-minute neighbourhoods. The proposal would utilise an existing redundant site and supplement this with additional residential accommodation and business units to create a new distinct living/working area.

7. OBJECTIONS-REPRESENTATIONS

NOTE: Following the determination of this application, name and address details will be/have been removed (i.e. redacted) in accordance with the General Data Protection Regulations (paragraph 3 of Minute, Planning & Regulatory Services Committee 16 September 2014).

Mr Campbell Murray - No Address Provided. - R

Issue: Query about bats on site and where they will be accommodated.

Comment (PO): A survey undertaken details no bats are present in the remains of the Jailhouse/Newmarket Bar building. Further correspondence was undertaken with the ecologist following receipt of this comment and they have confirmed that no habitats are present, and the building is unlikely to be suitable for a bat habitat. Bats were noted flying over the site during the survey but were not present in any buildings subject to this proposal.

8. OBSERVATIONS

- 8.1 Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan, namely the adopted National Planning Framework 4 (NPF) and adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise.
- 8.2 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve or enhance the character or appearance of conservation areas.
- 8.3 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 8.4 The main planning issues are considered below:
- 8.5 **Town Centre Development – Retail, Business and Residential**
This site is located in Elgin Town Centre, as zoned in the Elgin Settlement Statement of the MLDP. The associated designation text states that a diverse mix of uses is encouraged/supported within the town centre including (but not limited to) retail, commercial and residential uses.
- 8.6 With specific reference to the retail elements of this proposal, NPF Policy 28 (Retail) and MLDP Policy DP7 (Town Centres/Retail) both continue the theme that town centres are the sequentially preferential location for retail development. This is referred to as the “Town Centre First” approach in NPF. By virtue of this sites location in the town centre, the proposal is compliant with the aforementioned policies.
- 8.7 Whilst there would be an overall loss of retail floor space within Elgin Town Centre as a result of this development, two of the buildings forming part of this proposal have been vacant for a number of years and the number of retail units would remain the same (3) albeit with a smaller floor space. Noting that a mix of uses is deemed necessary to ensure the vibrancy and vitality of town centres, the proposed retail offering subject to this application is suitable and not at odds with the retail planning policies.
- 8.8 Whilst not retail, the Business Enterprise Hub is a significant footfall generating use that is sequentially preferred to be located in a town centre, as directed by MLDP Policy DP5 (which requires office development that will attract significant numbers of people to comply with MLDP Policy DP7 Retail/Town Centres).

- 8.9 The residential elements of this proposal would see 38 town centre affordable residential units created. NPF Policy 27 supports town centre living, with MLDP Policy DP7 supporting town centre living above ground floor level. NPF Policy 16 (Quality Homes) part (f) states that development of new homes on sites not allocated for housing in the LDP will only be supported in limited circumstances specified in the policy. This proposal is considered to be in accordance with these requirements, noting the residential elements of this proposal:
- have an agreed timescale for build out (targeting March 2026 completion);
 - are consistent with the MLDP's spatial strategy and all other relevant planning policies; and
 - are for the delivery of less than 50 affordable homes that forms part of the Council's affordable housing plan (as well as the Housing Mix Project of the Moray Growth Deal).
- 8.10 NPF Policy 15 (Local living and 20 min neighbourhoods) requires development proposal to contribute to local living and requires consideration to be given to existing settlement pattern and the interconnectivity of new residential development with the surrounding area to ensure there is local access to various amenities. The town centre location of this site means there is easy access for residents to a multitude of amenities and services (shops, employment, health, childcare/education, green space/playgrounds, etc.) that would ensure the proposed flats accord with the ideals of this policy.
- 8.11 The uses forming part of this proposal would therefore not be at odds with the designation requirements and are considered suitable in principle.
- 8.12 **Brownfield Land**
NPF Policy 9 supports the sustainable reuse of brownfield land including vacant and derelict land and buildings. This proposal would see the redevelopment of a site that has largely lain vacant for a number of years. Whilst hidden to the rear of buildings, the Jailhouse and Newmarket bars are in a very poor state following a fire over 20 years ago. This proposal would provide significant regeneration of this portion of the town centre and contribute to its overall vitality and viability. Consideration is given to the sustainability of the proposal, including embodied carbon under Carbon Emissions and Climate Change below.
- 8.13 **Elgin City Centre Masterplan**
The Elgin City Centre Masterplan (ECCMP) was adopted by Moray Council in 2021 and is intended to create a land use framework to help support the economic recovery of Elgin City Centre. It identifies projects to prioritise the City Centre while making significant moves toward reducing its carbon footprint. Project CR3 (Bringing Vacant/Derelict Sites and Properties into Reuse) specifically refers to this site and contains a number of requirements for redevelopment of the site. These will be considered under pertinent topic headings in the foregoing observations, however overall the proposal is considered to satisfy the requirements of CR3.
- 8.14 This proposal is also supported by project CR6 (South Street) which proposes the transformation of South Street, including by means of redevelopment of redundant buildings and sites for a mix of uses.

- 8.15 The proposal therefore contributes to the vision and aspirations of the ECCMP.
- 8.16 **Moray Economic Strategy and Moray Growth Deal**
This proposal forms part of two projects identified in the Moray Growth Deal – namely the Business Enterprise Hub and Housing Mix Delivery projects. The Moray Growth Deal is identified as a key opportunity in the Moray Economic Strategy. Development proposals that support the Moray Economic Strategy to deliver sustainable economic growth will be supported under MLDP Policy PP2 where the quality of the natural and built environment is safeguarded, there is a locational need, and all impacts of the development are mitigated satisfactorily. The following evaluation gives consideration to the suitability of the project in terms of design and siting as well as impacts of the proposal and any necessary mitigation. The town centre location of this proposal is in accordance with the aims of the Housing Mix Delivery to provide affordable housing as well as town centre regeneration. Taking account of these considerations the proposal complies with MLDP Policy PP2.
- 8.17 **Placemaking, Design and Siting**
NPF Policy 14 (Design Quality and Place) seeks to ensure that development is well designed and makes successful places by adopting a design led approach and applying the place principle.
- 8.18 MLDP Policy PP1 (Placemaking) contains design criteria which all residential development must meet, with significant emphasis on placemaking, biodiversity and promoting health and well-being through good urban design. MLDP Policy DP1 (Development Principles) sets out the need for the scale, density and character of development to be appropriate to the surrounding area.
- 8.19 The applicant has submitted a detailed and comprehensive Design and Access Statement which considers the sites context and the design approach to this proposal. The proposal is made up of a number of units, and the design and siting of each one will be considered in turn:
- 8.20 59-61 South Street – this block would be developed to the rear of the category C listed archway/market entrance. It would be finished in a light white render and set back so that the sandstone archway remains the dominant feature on the street scene. Set next to a four storey stone and slate block, this building (alongside 53 & 55 South Street) would begin a stepping down of building heights from the corner of South Street and Batchen Street towards smaller two storey buildings at Harrow Inn Close. This building would be prominent from Culbard Street, however amongst the context of higher buildings in this area, can be adequately accommodated. A number of rooftops compete for the skyline in this area, and therefore the block would not be out of character with the scale and density other buildings in the location.
- 8.21 At ground floor level the frontage would utilise existing openings, preserving the special interest of the listed structure. To the side, windows on to the new close formed at no. 53-55 would provide a degree of natural surveillance to the close.

- 8.22 53-55 South Street – this block would be a full redevelopment, with the existing building demolished (considered under separate application for Conservation Area Consent). The proposed replacement building would be three storey, with a roof tying into to the adjacent building at no. 59-61. Its frontage would be formed of brickwork and would sit slightly behind the building line of the adjacent listed archway in Block 1. The use of brick provides a reference to the rear of the existing building (which largely comprises brickwork), whilst also introducing a new material that compliments the established pallet of materials in the surrounding conservation area (in particular sandstone).
- 8.23 This building would see a close/vennel formed in the western side at ground floor level, with a shop frontage forming the bulk and remainder of the ground floor façade. This arrangement copies that of the existing building, whilst also providing an active frontage to the ground floor level. At upper floors the formation of flats would see a symmetrical window arrangement, with Juliet balconies formed on all flats. Whilst this is not strictly a traditional window arrangement, it is considered suitable on the context of a modern building within a Conservation Area. Amendments have been made to the frontage to introduce a corbelled cornice at the head of the façade, recessed panels of blockwork between windows, as well as a smaller window arrangement at ground floor level. These amendments have result in a degree of relief to what was previously a relatively flat frontage.
- 8.24 51 South Street – this block would also be a full redevelopment, with the existing building demolished and a three storey building erecting to replace it, forming a Business Enterprise Hub. The building on site has an art deco style frontage and again, demolition is considered under the relevant application for Conservation Area Consent. The proposed replacement building would be finished in standing seam metal cladding on its frontage and upper floor, whilst the side and rear of the building would be finished in white render. Detailing on the frontage would create a clear entrance to the building, whilst also acknowledging the corning on the original building. Together with the slight recessing of the second (top) floor window and provision of a protruding rendered wall to the side, the overall arrangement of the building as now presented is considered to be a suitable modern building within the context of the historic conservation area. It would not detract from the surrounding older buildings.
- 8.25 Flats (Jailhouse and Newmarket) – The proposed blocks of flats would replace the fire damaged buildings at the centre of this site (to the rear of the High Street, Batchen Street and South Street), though part of four storey block of flats would overlap the footprint of the existing building at 59 – 61 South Street. The flats would be modern buildings, finished in mainly white render with area of different coloured rendered/brick detailing and a standing seam metal roof. Whilst relatively tall, the four and three storey blocks would not be out of place in a dense historic town centre. They would be largely screened by the proposed developments fronting to South Street as well as other buildings on Batchen Street and High Street. Although modern in appearance, the use of different coloured material details against a backdrop of white render would pay homage to the mix of different colours in the town centre.

- 8.26 **Public Realm Works** – In developing the site, in particular the provision of flats at the rear, the opportunity to form a close running between High Street and South Street has been taken. This area would be open to the public, enhancing permeability within the town centre whilst also reinforcing the historic settlement pattern of Elgin Town Centre. A variety of material finishes, and landscaping elements are proposed, alongside public art, to create an attractive public space in the town centre, whilst also providing a safe and pleasant access for residents of the proposed flats. Public artwork is indicated in the form of gates, as shown in the submitted Placemaking Statement. Final detail of this will be controlled by condition.
- 8.27 Overall, the collective elements of this proposal represent a significant redevelopment of a long-neglected part of Elgin Town Centre. New development in historic conservation areas does not have to mimic or replicate what previously existed, which in some respects can lead to poor imitations of traditional design. Difference and variety in new buildings can establish their own character, adding another layer of interest to the historic fabric of an area. The design approach of this proposal is a distinctive and modern design coherent with the wider urban environment and of a scale and density that is appropriate within the confines of the site. The development would enhance the overall appearance of the Elgin High Street Conservation Area in which it sits compared to the current condition of the site. The proposal is therefore considered to comply with NPF Policy 14, MLDP Policies PP1 and DP1 as well as the requirements of the ECCMP.
- 8.28 **Open Space**
NPF Policy 20 (Blue and green infrastructure) supports new development that incorporates green space, whilst MLDP Policy EP5 (Open Space) contains open space standards for new development to meet (in this case at least 15% of a site area should be open space). The site subject to this application is constrained, though an area of courtyard covering approximately 20% of the site area has been formed within the site. This will contain hard landscaping that will form public open space, with areas of planting proposed. This area meets with the numeric requirements of MLDP Policy EP5.
- 8.29 In terms of the quality of the open space provision, the space is well connected and accessible considered to create an attractive and appealing place to be as well as safe and welcoming and provides a suitable level of landscaping and planting to enhance biodiversity. Whilst the elements of the open space are not to a level that would be found and expected in a more suburban setting, the benefits of this development in terms of town centre regeneration outweigh this. The necessity for emergency and refuse vehicle access to the courtyard area has limited the extent to which planting, and street furniture could have been provided in the area.
- 8.30 Overall, the open space provision proposed as part of this development accords with NPF Policy 20 and MLDP Policy EP5.
- 8.31 **Impact on Historic Environment**
As prescribed in legislation, development within conservation areas must preserve or enhance its character. This is reflected in NPF Policy 7 (Historic assets and places) and MLDP Policy EP9 (Conservation Areas). In this case,

the foregoing evaluation notes that the overall impact of this proposals is considered to enhance the appearance of the Elgin High Street Conservation Area in which it sits, and therefore complies with these requirements.

- 8.32 Planning legislation also states that any development proposal must preserve or enhance the special interests of listed buildings and again, this is reflected in NPF Policy 7 and MLDP Policy EP10 (Listed Buildings). In this case, the category C listed archway/entrance will not be lost and incorporated into the scheme. The proposal would see new development to the immediate rear of this, however it is considered to be of a suitable scale and finish that ensure the listed feature remains the prominent element of this part of the development. The position of it relative to other frontages proposed on South Street as part of this proposal means it occupies the most forward and prominent position in the scheme. On this basis, the proposal is considered to preserve its special interest.
- 8.33 This proposal is also considered not to adversely affect the setting of listed buildings in close proximity to this site, in particular the buildings on Harrow Inn Close (all category C listed), the former Gordon Arms Hotel (category C listed), 128 – 136 High St (category B listed) and 56 – 68 South St (Gordon and MacPhail, category B listed).
- 8.34 **Archaeology**
The Archaeology service note that this proposal affects archaeological sites - namely the buildings subject to this application, a findspot of a medieval cross slab found in 1996, as well as the site being in the historic medieval core and conservation area of Elgin High Street. NPF Policy 7 and MLDP Policy EP8 (Historic Environment) both require archaeological surveys to be undertaken where development has the potential to impact on non-designated buried archaeology and/or historic buildings that may have archaeological significant that is not understood. In this case the Archaeology service have requested a written scheme of investigation and recording of existing buildings on site to be included in the local historic environment register. Subject to conditions requiring this, the proposal is considered to comply with these historic environment policies.
- 8.35 **Access and Parking**
NPF Policy 13 (Sustainable Transport) seeks to encourage, promote and facilitate development that prioritises sustainable travel. Part (d) of the policy states that proposals with low/no car parking will be supported particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled parking. MLDP Policies PP3 (Infrastructure and Services) and DP1 (Development Principles) require the provision of a safe entry/exit from new development, with appropriate infrastructure, parking, cycle parking and Electric Vehicle (EV) charging facilities.
- 8.36 The provisions of the ECCMP are also noted, with project CR3 identifying that there are limited opportunities for parking on this site and that priority will be given to cycle parking and storage facilities.

- 8.37 In this case the proposal does not include any car parking. This is considered suitable in this instance, taking into consideration the town centre location of this site, with subsequent proximity to services and amenities, as well as public transport links (including Elgin Bus and Train Stations). Space for cycle parking is proposed (although a condition is requested to requiring submission of further details of this parking).
- 8.38 Sufficient space is provided within the site for refuse vehicles to service the internal courtyard and access the bin stores. Conditions have been recommended by the Transportation Manager to requiring suitable alterations to the access area and lining on South Street to accommodate turning of refuse vehicles into the site.
- 8.39 Subject to conditions as recommended, the proposal is considered to be suitable in terms of NPF Policy 13 and is also not at odds with MLDP Policies PP3 and DP1.
- 8.40 **Waste**
NPF Policy 12 (Zero waste) requires all development that generates waste including residential properties, to detail how much waste will be generated and how it will be dealt with including means of segregation. This proposal shows space for bin storage provision for the residential flats, with bins provided to local authority standards including provision for segregation of recyclables. The submitted planning statement also states that each flat will be provided with internal recyclable waste containers in addition to general waste storage.
- 8.41 As part of the submitted Construction Environment Management Plan, construction waste will be managed in line with the waste hierarchy, ensuring the suitable storage (including segregation).
- 8.42 Subject to condition requiring the development to proceed in accordance with these details, the proposal is considered to comply with NPF Policy 12.
- 8.43 **Water and Drainage**
Scottish Water have confirmed that there is sufficient capacity in the local network for water supply and foul drainage connection. Connection to the Scottish Water Network ensures NPF Policy 22 (Flood risk and water management) and MLDP Policy EP13 (Foul Drainage).
- 8.44 All development must be served by a suitable drainage arrangement under the requirements of NPF Policy 22 and MLDP Policy 12 (Management and Enhancement of the Water Environment). NPF Policy 20 supports development that incorporates new blue infrastructure (which includes porous paving, sustainable urban drainage systems and rain gardens).
- 8.45 A Drainage Impact Assessment that accompanies this application notes the existing condition of the site is fully impermeable. The proposed surface water drainage scheme would see the introduction of attenuation and control of surface water run off which currently drains freely to the Scottish Water combined sewer. The retention schemes comprise bioretention systems including rain garden incorporate shallow landscaped depression in the site that allow for filtration through vegetation and underlying soils for collection, as well

as evaporation from temporary pooling of water at surface. The overall run off rate at present is 43.59 litres per second to the sewer during a 1 in 30 year storm event. The proposed attenuation within the site would decrease this run off rate to 5.3 litres per second, which is approximately 8 times less than the current rate. This will offer significant betterment to the existing sewers in Elgin.

8.46 Moray Flood Risk Management have raised no objections to this arrangement. The proposal is therefore considered to comply with NPF Policy 22 and MLDP Policy 12.

8.47 **Noise and Amenity**

NPF Policy 23 (Health and safety) states development proposals that are likely to raise unacceptable noise levels will not be supported, with MLDP Policy EP14 (Pollution, Contamination and Hazards) taking a similar position. The main consideration for noise is likely to be from the proposed communal heating system for the residential element of this scheme. A condition will be placed requiring a detailed scheme of heating to be submitted, alongside an assessment of the noise emissions of the system to ensure that residential amenity of the proposed residential flats will not be adversely affected. Limitations on noise of other plant and the substation will also be controlled by condition.

8.48 A Construction Environment Management Plan (CEMP) will be requested by condition to agree the proposed working methods to ensure any adverse impacts on the amenity and environment of the surrounding area are suitably mitigated. Construction hours will be restricted by condition limiting works to 0800 – 1900 weekdays, and 0800 – 1300 on Saturdays (excluding national holidays).

8.49 The Environmental Health service raised no objections subject to these conditions, and on this basis the proposal is considered to comply with NPF Policy 23 and MLDP Policy EP14.

8.50 **Carbon Emissions and Climate Change**

NPF Policy 1 (Tackling the climate and nature crises) requires all development to give significant consideration to the global climate and nature crises. In addressing the policy, the supporting Sustainability and Energy Statement notes that the buildings on site have been designed to meet current building regulations and ensure low u-values and airtight construction. Residential development be served by a local heat network to provide a highly efficient heating and hot water system via a centralised heating system utilising air source heat pumps. The system will also be designed to accommodate a future connection to a district heat network in Elgin should it progress. This approach to heating also ensures compliance with NPF Policy 19 (Heat and cooling) – which would enable future cost-effective connections to district heat network.

8.51 NPF Policy 2 (Climate mitigation and adaption) requires new development to be sited and designed to minimise lifecycle greenhouse gas emissions and adapt to current and future risks from climate change. The Above evaluation under NPF Policy 1 is pertinent to these points. The low u-values and low air permeability of the proposed development will ensure a steady internal temperature, meaning that heat generated in the buildings will be very slow to

escape in the winter, and outdoor heat will be equally slow to enter the buildings in the summer. This reduces the risk of overheating in the buildings.

- 8.52 A Carbon Reduction Statement has been submitted to address Policy 2 of NPF4. The document includes details of the methodology, the embodied carbon impacts, operational carbon, and carbon management and reporting. Further detail is provided on carbon sequestration, renewable energy and decarbonisation.
- 8.53 Following consultation with the Climate Change team, it is deemed that the submitted carbon statement is a competent response and satisfies the policy requirements and the associated guidance.
- 8.54 **Biodiversity**
Under NPF Policy 3 (Biodiversity) and MLDP Policy EP2 (Biodiversity), there is a requirement for all development to contribute to the enhancement of biodiversity, and this is echoed under MLDP Policy EP2. It is acknowledged that the site is currently a derelict site with a number of vacant buildings and limited biodiversity value. Therefore, any new landscaping features will enhance the current provision and should allow for limited but important biodiversity opportunities within this town centre site, ensuring compliance with NPF Policy 3 and MLDP Policy EP2.
- 8.55 **Bats**
Historic buildings can harbour roosts for bats a protected species under wildlife legislation. This is recognised under NPF Policy 4 (Natural places) and MLDP Policy EP1 (National Heritage Designations), both of which require developers to demonstrate development proposal do not adversely affect protected species and their habitats. A bat survey accompanying this proposal demonstrates there are no bats present in the buildings, though some bats were observed flying in the area during the survey period. This proposal is therefore not at odds with the aforementioned policies in respect of protected species.
- 8.56 **Housing/Affordable Housing**
Under NPF Policy 16 (Quality homes) and MLDP Policy DP2 (Housing), there is a requirement for all housing developments to contribute at least 25% of units towards affordable housing. In this case, all residential flats forming part of this proposal would be affordable housing. Subject to condition ensuring the development is retained as affordable housing in perpetuity, the proposal complies with NPF Policy 16 and MLDP Policy DP2 with regards to affordable housing requirements.
- 8.57 **Developer Obligations**
NPF Policy 18 (Infrastructure first) and MLDP Policy PP3 (Infrastructure and Services) alongside the Council's Supplementary Guidance on Developer Obligations, identify instances where developer obligations are necessary to mitigate the impact of a proposal on local services and infrastructure. The guidance states that development within town centres is not liable to provide any developer obligations. The Developer Obligations team have therefore not identified the need for any obligations to be sought as part of this proposal.

- 8.58 **Community Wealth Building**
NPF Policy 25 (Community wealth building) supports proposals that contribute to local or regional community wealth building strategies and those that are consistent with local economic proprieties. Guidance has also been prepared locally to ascertain instances where Community Wealth Building will be sought for a project, and this proposal falls within the realms of this guidance.
- 8.59 A Community Wealth Building Statement has been submitted by the applicant to demonstrate the economic impacts of the proposed development. This provides an overall picture of the applicant's approach to their social impact, and the overall procurement strategy including utilising the local supply chain, reporting mechanisms, investment in the workforce, local business support, and several work fair initiatives. There is detail contained within the report about community benefits including local projects that have benefited from the applicant's expertise and a statement on potential community ownership.
- 8.60 Following internal consultation with the Council's Community Wealth Building Officer, it is deemed that the submitted Community Wealth Building Statement is a competent response and satisfies the policy requirements and the associated guidance.

Conclusion

This proposal represents a significant investment for a wholesale redevelopment of part of Elgin Town Centre that has lain vacant for some years, and to some degree the fire damaged section have been a blight on its immediate surrounds. By creating a mix of uses that will add to the vitality and viability of the Town Centre and a form of development that its suitable for its historic context, this proposal complies with relevant planning policies, as well as the Elgin City Centre Masterplan, and is accordingly recommended for approval subject to conditions.

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are: -

The proposal complies with the development plan (namely National Planning Framework 4 and the Moray Local Development Plan 2020). It also accords with the aims of the Moray Economic Strategy and the Elgin City Centre Masterplan, both of which are material planning considerations. There are no other material considerations that indicate otherwise.

**Author/Contact
Officer:**

Andrew Miller
Senior Planning Officer

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**Neal Macpherson
Acting Development Management & Building Standards Manager**

WARD 07_17

24/00301/LBC
22nd February 2024

Demolition of building to rear of listed market entrance and incorporate market entrance into proposed mixed use development at 57 - 61 South Street Elgin Moray IV30 1JZ for Robertson Property Ltd.

Comments:

- A site visit has been carried out.
- Advertised under listed building and conservation area regulations.
- Category C listed building.
- 1 representation received.

Procedure:

- None

Recommendation

Grant Listed Building Consent for the following reason:

The proposed works are considered to preserve the special interest of the category C listed building in line with the requirements of section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, National Planning Framework 4 Policy 7 (Historic Environment) and the Moray Local Development Plan 2020 Policy EP10 (Listed Buildings).

List of Informatives:

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

A Building Warrant will be required for the proposals. Should you require further assistance please contact the Building Standards Duty Officer between 2pm and 4pm or telephone on 03001234561. No appointment is necessary. Alternatively e-mail buildingstandards@moray.gov.uk

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

Reference No. Version No.	Title/Description
310SSE-OBE-ZZ--3-DR-A-97-107 P06	Proposed third floor
310SSE-OBE-ZZ-01-DR-A-97-0105 P05	Proposed first floor
310SSE-OBE-ZZ-03-DR-A-97-107 P06	Proposed second floor
310SSE-OBE-ZZ-RF-DR-A-97-0108 P06	Roof plan
310SSE-OBE-02-DR-A-97--106 P06	Proposed ground floor
310SSE-OBE-ZZ-XX-DR-A-97-0103 P06	Site plan
310SSE-OBE-ZZ-XX-DR-A-97-0201 P06	Proposed site elevations and sections 6
310SSE-OBE-ZZ-XX-DR-A-97-0206 P06	Proposed site elevations and sections 2
310SSE-OBE-ZZ-XX-DR-A-97-0207 P06	Proposed site elevations and sections 3
310SSE-OBE-ZZ-XX-DR-A-97-0208 P05	Proposed site elevations and sections 4
310SSE-OBE-ZZ-XX-DR-A-97-0209 P06	Proposed site elevations and sections 1
310SSE-OBE-ZZ-XX-DR-A-97-0209 P06	Proposed site elevations and sections 5
310SSE-OBE-ZZ-XX-DR-A-97-0801 P02	Site - proposed 3D
310SSE-OBE-ZZ-XX-DR-A-97-0802 P03	Site - demolitions 3D
310SSE-OBE-ZZ-XX-DR-A-97-0803 P02	Site - cleared 3D
310SSE-OBE-ZZ-XX-DR-A-97-0115 P01	Location plan

24/00302/CON
22nd February 2024

Complete demolition (excluding listed market entrance) of 59 - 61 South Street, The Jail House And Newmarket Bar High Street Elgin Moray for Robertson Property Ltd

Comments:

- A site visit has been carried out.
- Advertised under listed building and conservation area regulations.
- In the Elgin High Street Conservation Area.
- 1 representation received.

Procedure:

- None

Recommendation

Grant Conservation Area Consent subject to the following:

Conditions/Reasons

1. No works of demolition shall take place until construction contracts have been entered into for the replacement development of the site and written evidence of this has been submitted to and approved in writing by this Council, as planning authority. The replacement development shall be for a scheme, which has a current (detailed) planning permission.

Reasons: In the interests of visual amenity; to ensure that the Council, as planning authority retains effective control over the timing of the development to avoid a gap following demolition in a prominent position in the Conservation Area.

2. 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 occupied or 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.

Reason(s) for Decision

The Council's reason(s) for making this decision are:-

Together with an acceptable supporting justification for demolition of the existing buildings, a related proposed replacement scheme is also considered to be acceptable (application 24/00300/APP) and subject to no demolition work being conducted until proof of contracts to carry out both demolition and the development are in place, the proposed demolition is considered to comply with the requirements of Historic Environment Policy for Scotland, National Planning Framework 4 Policy 7 (Historic Environment), the Moray Local Development Plan 2020 Policy EP9 (Listed Buildings) and guidance contained within Planning Advice Note 71 - Conservation Area Management.

List of Informatives:

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

A Building Warrant will be required for the proposals. Should you require further assistance please contact the Building Standards Duty Officer between 2pm and 4pm or telephone on 03001234561. No appointment is necessary. Alternatively e-mail buildingstandards@moray.gov.uk

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
310SSE-OBE-ZZ-XX-DR-A-97-0803 P02	Site - cleared 3D
310SSE-OBE-ZZ-XX-DR-A-97-0204 P02	Existing elevations and sections 4
310SSE-OBE-ZZ-XX-DR-A-97-0201 P02	Existing elevations and sections 1
310SSE-OBE-ZZ-XX-DR-A-97-0203 P03	Existing elevations and sections 3
310SSE-OBE-ZZ-XX-DR-A-97-0801 P02	Site - existing 3D
310SSE-OBE-ZZ-XX-DR-A-97-0114 P01	Location plan
310SSE-OBE-ZZ-XX-DR-A-97-0802 P03	Site - demolitions 3D
310SSE-OBE-ZZ-XX-DR-A-97-102 P03	Existing site plan
310SSE-OBE-ZZ-XX-DR-A-97-0202 P02	Existing elevations and sections 2

24/00303/CON
22nd February 2024

**Complete Demolition of 53 - 55 South Street Elgin Moray
IV30 1JZ
for Robertson Property Ltd**

Comments:

- A site visit has been carried out.
- Advertised under listed building and conservation area regulations.
- In the Elgin High Street Conservation Area.
- 1 representation received.

Procedure:

- None

Recommendation

Grant Conservation Area Consent subject to the following:

Conditions/Reasons

1. No works of demolition shall take place until construction contracts have been entered into for the replacement development of the site and written evidence of this has been submitted to and approved in writing by this Council, as planning authority. The replacement development shall be for a scheme, which has a current (detailed) planning permission.

Reasons: In the interests of visual amenity; to ensure that the Council, as planning authority retains effective control over the timing of the development to avoid a gap following demolition in a prominent position in the Conservation Area.

2. 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 occupied or 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.

Reason(s) for Decision

The Council's reason(s) for making this decision are:-

Together with an acceptable supporting justification for demolition of the existing buildings, a related proposed replacement scheme is also considered to be acceptable (application 24/00300/APP) and subject to no demolition work being conducted until proof of contracts to carry out both demolition and the development are in place, the proposed demolition is considered to comply with the requirements of Historic Environment Policy for Scotland, National Planning Framework 4 Policy 7 (Historic Environment), the Moray Local Development Plan 2020 Policy EP9 (Listed Buildings) and guidance contained within Planning Advice Note 71 - Conservation Area Management.

List of Informatives:

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

A Building Warrant will be required for the proposals. Should you require further assistance please contact the Building Standards Duty Officer between 2pm and 4pm or telephone on 03001234561. No appointment is necessary. Alternatively e-mail buildingstandards@moray.gov.uk

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
310SSE-OBE-ZZ-XX-DR-A-97-0203 P03	Existing elevations and sections 3
310SSE-OBE-ZZ-XX-DR-A-97-0113 P01	Location plan
310SSE-OBE-ZZ-XX-DR-A-97-0201 P02	Existing elevations and sections 1
310SSE-OBE-ZZ-XX-DR-A-97-0202 P02	Existing elevations and sections 2
310SSE-OBE-ZZ-XX-DR-A-97-0801 P02	Site - existing 3D
310SSE-OBE-ZZ-XX-DR-A-97-102 P03	Existing site plan
310SSE-OBE-ZZ-XX-DR-A-97-0802 P03	Site - demolitions 3D
310SSE-OBE-ZZ-XX-DR-A-97-0803 P02	Site - cleared 3D
310SSE-OBE-ZZ-XX-DR-A-97-0204 P02	Existing elevations and sections 4

24/00304/CON

22nd February 2024

Complete demolition of 51 South Street Elgin Moray IV30
1JZ for Robertson Property Ltd

Comments:

- A site visit has been carried out.
- Advertised under listed building and conservation area regulations.
- In the Elgin High Street Conservation Area.
- 2 representations received.

Procedure:

- None

Recommendation

Grant Conservation Area Consent subject to the following:

Conditions/Reasons

1. No works of demolition shall take place until construction contracts have been entered into for the replacement development of the site and written evidence of this has been submitted to and approved in writing by this Council, as planning authority. The replacement development shall be for a scheme, which has a current (detailed) planning permission.

Reasons: In the interests of visual amenity; to ensure that the Council, as planning authority retains effective control over the timing of the development to avoid a gap following demolition in a prominent position in the Conservation Area.

2. 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 occupied or 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.

Reason(s) for Decision

The Council's reason(s) for making this decision are:-

Together with an acceptable supporting justification for demolition of the existing buildings, a related proposed replacement scheme is also considered to be acceptable (application 24/00300/APP) and subject to no demolition work being conducted until proof of contracts to carry out both demolition and the development are in place, the proposed demolition is considered to comply with the requirements of Historic Environment Policy for Scotland, National Planning Framework 4 Policy 7 (Historic Environment), the Moray Local Development Plan 2020 Policy EP9 (Listed Buildings) and guidance contained within Planning Advice Note 71 - Conservation Area Management.

List of Informatives:

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

A Building Warrant will be required for the proposals. Should you require further assistance please contact the Building Standards Duty Officer between 2pm and 4pm or telephone on 03001234561. No appointment is necessary. Alternatively e-mail buildingstandards@moray.gov.uk

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
310SSE-OBE-ZZ-XX-DR-A-97-0201 P02	Existing elevations and sections 1
310SSE-OBE-ZZ-XX-DR-A-97-0802 P03	Site - demolitions 3D
310SSE-OBE-ZZ-XX-DR-A-97-102 P03	Existing site plan
310SSE-OBE-ZZ-XX-DR-A-97-0801 P02	Site - existing 3D
310SSE-OBE-ZZ-XX-DR-A-97-0112 P01	Location plan
310SSE-OBE-ZZ-XX-DR-A-97-0803 P02	Site - cleared 3D
310SSE-OBE-ZZ-XX-DR-A-97-0204 P02	Existing elevations and sections 4
310SSE-OBE-ZZ-XX-DR-A-97-0202 P02	Existing elevations and sections 2
310SSE-OBE-ZZ-XX-DR-A-97-0203 P03	Existing elevations and sections 3

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

1. THE PROPOSAL

- This report covers the historic environment consents required as part of the Elgin Town Centre South Street redevelopment being considered under planning application 24/00300/APP, and comprises the following applications:
 - **24/00301/LBC** – Listed building consent application for works to a Category C listed building (former market entrance) at 57 – 61 South Street, Elgin. This building will be retained with two retail units formed behind the façade at ground floor level and flats on two storeys above these.
 - **24/00302/CON** – Conservation Area Consent for complete demolition of 59 – 61 South Street, Elgin (former market), The Jailhouse and Newmarket Bar buildings.
 - **24/00303/CON** – Conservation Area Consent for complete demolition of 53-55 South Street, Elgin.
 - **24/00304/CON** – Conservation Area Consent for complete demolition of 51 South Street, Elgin.

2. THE SITE

- A block of buildings, three of which front to South Street in Elgin Town Centre as follows:
 - 51 South Street (formerly Junner's Toy Shop)
 - 53 – 55 South Street (Elgin Furniture and Carpet Centre and residential flats)
 - 57 – 61 South Street (latterly Junner's Toy Shop)
 - Jailhouse (130 High Street)
 - Newmarket Bar (130 High Street)
- The site is located in the Elgin High Street Conservation Area, and 57 South Street (former market entrance) is a category C listed building.
- All buildings apart from 53-55 South Street have lain vacant for some time, with significant fire damage to the Jailhouse and Newmarket Bar.
- The surrounding area comprises a mix of uses typical of a dense, historic town centre.

3. **HISTORY**

24/00300/APP – Planning permission for a mixed use development of 38 flats, 3 retail units and a business enterprise hub, as well as public realm works at 51 – 61 South Street and 130 High Street (Jailhouse and Newmarket Bar) pending consideration alongside this application.

17/00963/APP – Change of use of nightclub to 14 apartments at 130 High Street, Elgin (Jailhouse) granted planning permission under delegated powers on 1 March 2018, subject to legal agreement for developer obligations.

4. **POLICIES**

National Planning Framework 4 (NPF)

7 - Historic assets and places

Moray Local Development Plan 2020 (MLDP)

EP8 Historic Environment
EP9 Conservation Areas
EP10 Listed Buildings

5. **ADVERTISEMENTS**

5.1 All applications were advertised in the Northern Scot and Edinburgh Gazette under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

6. **CONSULTATIONS**

Historic Environment Scotland:

24/00301/LBC – No objections, welcome proposal to incorporate arch into development.

24/00302/CON – As a historic building that makes a positive contribution to the conservation area our preference would be for a solution that secures the retention of these characterful buildings as a positive part of a proposed development, if reasonably possible. Although we think the demolition of this building would represent a loss to the character of the conservation area, we accept the conclusions of the Existing Building Survey Report (2024) that the buildings are in very poor condition and beyond repair. We therefore conclude that the application has demonstrated that the structural condition of the buildings rules out their retention at reasonable cost.

24/00303/CON – As a historic building that makes a positive contribution to the conservation area, our preference would be for a solution that secures the retention of this characterful building as a positive part of a proposed

development, if reasonably possible. Although we think the demolition of this building would represent a loss to the character of the conservation area, we accept that the form of the building means that it would not be suitable for reuse as part of the wider proposed redevelopment. We also accept that it has been demonstrated that the façade could not be retained at a reasonable cost. Therefore, we are content that this application is consistent with relevant national policy. If your Council is minded to approve the proposals, we suggest that, where possible, materials such as stone are salvaged and reused elsewhere in the new buildings, and/or as boundary treatments elsewhere in the wider redevelopment scheme.

24/00304/CON – As a historic building that makes a positive contribution to the conservation area our preference would be for a solution that secures the façade retention of this characterful building as a positive part of a proposed development, if reasonably possible. Although we think the demolition of this building would represent a loss to the character of the conservation area, we accept the conclusions of the Existing Building Survey Report (2024) that it could not be retained and reused, or rebuilt, at a reasonable cost. Therefore, on balance, the application does not raise issues of national significance and we do not object to it.

Aberdeenshire Council Archaeology Service:

24/00302/CON, 24/00303/CON, 24/00304/CON – Request condition be applied requiring a written scheme of investigation to be undertaken, as well as recording of existing buildings on site.

7. **OBJECTIONS-REPRESENTATIONS**

NOTE: Following the determination of this application, name and address details will be/have been removed (i.e. redacted) in accordance with the General Data Protection Regulations (paragraph 3 of Minute, Planning & Regulatory Services Committee 16 September 2014).

The Architectural Heritage Society of Scotland (North East Group) – 15 Rutland Square, Edinburgh, EH1 2BE (comments made for 24/00301/LBC, 24/00302/CON, 24/00303/CON, 24/00304/CON).

Mr Edward Theaker – 10 McLachlan Gardens, Prestonpans, East Lothian (comments made for 24/00304/CON).

A summary of the comments received for each application as follows:

24/00301/LBC

Issue: Pleased to see retention and refurbishment of listed market entrance.

Comment (PO): Comment of support noted.

24/00302/CON

Issue: Heartened to see this proposal to replace a redundant and shabby part of central Elgin with a housing development which wish to respect the historic streetscapes including vennels and closes.

Comment (PO): Comment of support noted.

24/00303/CON and 24/00304/CON

Issue: Object to loss of buildings – these should be retained and refurbished as they constitute a significant part of the whole and are more than half of the streetscape of the site (to South Street). They hold cultural value in themselves as homely and familiar parts of Elgin.

Comment (PO): The applicant in support of the application has demonstrated that structural condition of these buildings prevents their retention at a reasonable cost, as noted in the observations below. The demolition would enable regeneration of a site that has in large lain vacant for a significant period.

8. OBSERVATIONS

- 8.1 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve or enhance the character or appearance of conservation areas. Under Sections 59(1) and 66 of 1997 Act, the determination of an application for demolition of a building in a conservation area shall have special regard to the desirability of preserving the building or any features of special architectural or historic interest it possesses.
- 8.2 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 8.3 The main planning issues are considered below:
- 8.4 **Listed Building Consent 24/00301/LBC – 57 South Street (Market Entrance)**
Listed Building Consent is required where works to a listed building are proposed. This is in addition to planning permission and is also necessary where internal works to listed buildings are proposed.
- 8.5 When considering applications for Listed Building Consent, the primary aim is to ensure the special interest of the listed building is preserved or enhanced. This is reflected in planning policy NPF Policy 7 (c) and MLDP Policy EP10.
- 8.6 Application 24/00301/LBC covers the market entrance at South Street (no 57), which is a category C listed building dating from 1851. This feature will be incorporated into the wider redevelopment of the South Street site. The proposal would see new development to the immediate rear of this, however it is considered to be of a suitable scale and finish that ensure the listed feature remains the prominent element of this part of the development. The position of its relative to other frontages proposed on South Street as part of this proposal means it occupies the most forward and prominent position in the scheme. Historic Environment Scotland (HES) have not objected to this application for Listed Building Consent, welcoming its retention as part of the wider redevelopment of the site.

- 8.7 On this basis, the proposal is considered to preserve the listed building's special interest, complying with NPF Policy 7 and MLDP Policy EP10. Approval of the Listed Building Consent 24/00301/LBC is therefore recommended.
- 8.8 **Conservation Area Consents – Background**
Conservation Area Consent is required for the complete or substantial demolition of non-listed buildings in conservation areas.
- 8.9 NPF Policy 7 (f) states that demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:
- i. reasonable efforts have been made to retain, repair and reuse the building;
 - ii. the building is of little townscape value;
 - iii. the structural condition of the building prevents its retention at a reasonable cost; or
 - iv. the form or location of the building makes its reuse extremely difficult.
- 8.10 Interim guidance on the Designation of Conservation Areas and Conservation Area Consent from HES notes that demolition can result in harm to the character or appearance of a conservation area, and planning authorities should consider the importance of the building to the character or appearance of any part of the conservation area and attempt to achieve retention where a building is of any value. It then states that consideration is given to criteria that is reflected in NPF Policy 7 (f) listed above.
- 8.11 MLDP Policy EP9 states that development proposals involving the demolition of buildings within a Conservation Area will be refused unless the building is of limited townscape value, its structural condition rules out retention at a reasonable cost, or its form or location makes its reuse extremely difficult. The demolition of a building for redevelopment will only be considered where there are acceptable proposals, and it can be demonstrated that a new building will preserve and enhance the character of the conservation area.
- 8.12 Planning Advice Note 71 (Conservation Area Management) states that conservation area consent for demolition will not normally be granted in the absence of a detailed application, approved in parallel, for the replacement development. This is to avoid the formation of gap sites and to ascertain that the development will enhance or preserve the character of the area.
- 8.13 Taking the above policies and legislative into account it, it is necessary to determine what the existing buildings contribute to the conservation area and consider any justification for demolition of the buildings subject to the conservation area consent applications submitted. A Heritage Appraisal, Existing Building Survey and Façade Study have been submitted by the applicant which considers these matters, and each application is considered as follows:

- 8.14 **24/00302/CON: 59 – 61 South Street, Elgin (former market), The Jailhouse and Newmarket Bar buildings**
As noted above, the market entrance/archway to South Street is to be retained. The building to the rear attached to this is considered to be a modern structure (and not listed) and thus has limited heritage value. Therefore, its loss is not considered to be significant and will not be of detriment to the conservation area.
- 8.15 The walls of the Market Arcade (Jailhouse) stand within the centre of the development site and are part of the original fabric of the market. It has been subject to substantial alterations when it was separated from the market entrance at South Street. Following a significant fire in the late 1990s, the building has been left exposed for over 25 years and has been subject to collapse over this period. Whilst the structure is evidential and still exists, the cost of retaining and incorporating this structure into the redevelopment would be disproportionate to its heritage value and would incur a punitive cost. One small part of the structure is to be retained as part of this proposal – a doorway that once led from Batchen Street.
- 8.16 The Newmarket Bar is constructed of traditional masonry with crow stepped gables, and attached to neighbouring properties to the north, east and south. Its orientation and form is typical of buildings on lanes that run perpendicular to the High Street to South Street. The building is in a severely dilapidated condition that is unsafe to enter, but from the exterior survey of the building it appears to have been significantly altered over the years to accommodate neighbouring development. The cost of retaining and incorporating this structure into the redevelopment would also be disproportionate to its heritage value and would incur a punitive cost.
- 8.17 The information submitted demonstrates that the structural condition of the buildings subject to this application rules out their retention at reasonable cost, satisfying NPF Policy 7 (f) part iii. HES have not objected in light of this. A suitable scheme for redevelopment of the site is being considered alongside this application (see 24/00300/APP).
- 8.18 **24/00303/CON – 53-55 South Street, Elgin**
The Heritage Appraisal identifies this building as contributing to the streetscape in a general sense, but its design lacks any character, having been altered in an unsatisfactory way with changes to window openings, use of UPVC windows and installation of a flat roofed dormer. This evaluation is for the front of the building, with the warehouse structure to the rear identified separately from the building mass to South Street. It concludes that its loss would have minimal impact on the heritage of South Street.
- 8.19 The Façade Study and Existing Building Survey considers this structure further in respect of the requirements of NPF Policy 7 (f). They note that the warehouse section to the rear of the building is not suitable for conversion to housing and would limit development to the rear of the site. With regard to the original building to South Street, the building has been considered for retention but presents issues by resulting in compromised layouts that would not be suitable for affordable housing providers. Stonework to the frontage has

suffered considerable erosion and though this can be replaced, it would entail significant cost.

- 8.20 Any renovation of the existing building to South Street would require significant structural interventions to ensure reuse and facilitation of adjacent development as part of the wider redevelopment scheme.
- 8.21 Overall, the supporting information concludes that the structural condition of the building would prevent retention of it at a reasonable cost as part of the wider redevelopment of the site. HES have not objected to this proposal in light of these considerations, but they do note that the existing building does make a positive contribution to the conservation area and has townscape value. Nonetheless, HES accept the form of the building means that it would not be suitable reuse as part of the proposed wider redevelopment of the site.
- 8.22 **24/00304/CON – 51 South Street, Elgin**
This building comprises a two-storey retail unit with an art deco style frontage finished in stone with large glazed expanses at ground and first floor levels and a pitched roof. The supporting information notes that the steel work within the building holds the stone frontage in place, with the frontage being a more recent addition dating from the early 1930s. This steel work is in a poor condition due to water ingress and would require the whole building to be dismantled as part of any façade retention. In addition, the stonework on the frontage is in a poor condition. As a result, the costs of reusing what stone could be salvaged as well as new stonework would be punitive.
- 8.23 Whilst the information submitted by the applicant suggests that the frontage is not of a particularly high quality compared with other art deco frontages, HES have advised that the building does make a positive contribution to the character of the conservation area. Nonetheless, HES accept the conclusion that the existing building/frontage could not be retained and reused, or rebuilt, at a reasonable cost as part of the proposed wider redevelopment of the site.

Conclusion - Conservation Area Consents

Given the considerations above, the information submitted with the applications suitably demonstrates that the structural condition of the relevant buildings proposed for demolition prevent their retention at a suitable cost. HES's position on all applications is also acknowledged.

Aberdeenshire Council Archaeology Service have requested a condition be placed on each consent requiring survey work to be undertaken. Each consent will be condition accordingly.

Given there is a suitable scheme proposed for the replacement of the demolished buildings (considered under application 24/00300/APP), the demolition proposed complies with NPF Policy 7 parts (f) and (g), as well as MLDP Policy EP9. Approval of Conservation Area Consent applications 24/00302/CON, 24/00303/CON and 24/00304/CON is recommended.

Recommendation – Approve:

- Listed Building Consent application 24/00301/LBC;
- Conservation Area Consent application 24/00302/CON;
- Conservation Area Consent application 24/00303/CON; and
- Conservation Area Consent application 24/00304/CON.

REASON(S) FOR DECISIONS

The Council's reason(s) for making these decisions are: -

24/00301/LBC – The proposed works are considered to preserve the special interest of the category C listed building in line with the requirements of section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, National Planning Framework 4 Policy 7 (Historic Environment) and the Moray Local Development Plan 2020 Policy EP10 (Listed Buildings).

24/00302/CON – Together with an acceptable supporting justification for demolition of the existing buildings, a related proposed replacement scheme is also considered to be acceptable (application 24/00300/APP) and subject to no demolition work being conducted until proof of contracts to carry out both demolition and the development are in place, the proposed demolition is considered to comply with the requirements of Historic Environment Policy for Scotland, National Planning Framework 4 Policy 7 (Historic Environment), the Moray Local Development Plan 2020 Policy EP9 (Listed Buildings) and guidance contained within Planning Advice Note 71 - Conservation Area Management.

24/00303/CON – Together with an acceptable supporting justification for demolition of the existing buildings, a related proposed replacement scheme is also considered to be acceptable (application 24/00300/APP) and subject to no demolition work being conducted until proof of contracts to carry out both demolition and the development are in place, the proposed demolition is considered to comply with the requirements of Historic Environment Policy for Scotland, National Planning Framework 4 Policy 7 (Historic Environment), the Moray Local Development Plan 2020 Policy EP9 (Listed Buildings) and guidance contained within Planning Advice Note 71 - Conservation Area Management.

24/00304/CON – Together with an acceptable supporting justification for demolition of the existing buildings, a related proposed replacement scheme is also considered to be acceptable (application 24/00300/APP) and subject to no demolition work being conducted until proof of contracts to carry out both demolition and the development are in place, the proposed demolition is considered to comply with the requirements of Historic Environment Policy for Scotland, National Planning Framework 4 Policy 7 (Historic Environment), the Moray Local Development Plan 2020 Policy EP9 (Listed Buildings) and guidance contained within Planning Advice Note 71 - Conservation Area Management.

**Author/Contact
Officer:**

Andrew Miller
Senior Planning Officer

Ext: 01343 563274

**Neal Machperson
Acting Development Management & Building Standards Manager**



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
28 MAY 2024**

**SUBJECT: 24/00457/PAN – PHASE 1 PROVIDE AN OPERATIONAL 35 MW
ELECTROLYSER FACILITY AND PHASE 2 A SECOND
OPERATIONAL 35MW ELECTROLYSER FACILITY ON LAND
OPPOSITE GEORGETOWN FARM, BALLINDALLOCH, MORAY**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 To inform the Committee that a Proposal of Application Notice (PAN) was submitted on 30 January 2024 on behalf of Storegga.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as a Planning Authority.

2. RECOMMENDATION

2.1 It is recommended that:

- (i) in noting the terms of this report, the Committee advise upon any provisional views/relevant issues that Members of this Committee (or any other Member(s) of the Council) wish to raise about the proposed development so that these matters can be recorded and thereafter fed back to the prospective applicant in order to inform the development of their proposed formal application for planning permission; and
- (ii) the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

3. BACKGROUND

- 3.1 Scottish Government has published guidance which encourages elected members to highlight any issues with a proposed development at the pre-

application stage which they would wish to see taken into account within any formal application for planning permission.

- 3.2 Following consideration by this Committee on 11 November 2014 it was agreed that any PAN received after this date would be reported to Committee to give Members of the Committee, and the Council, the opportunity to identify any key issues/provisional views about the proposed development and that these matters be reported back to applicant (paragraph 4 of the Minute refers).
- 3.3 This current report is not about the merits of the proposed development but rather, based on local knowledge of local issues and wider concerns, etc. Members are invited to identify any matters relevant to the proposal. These will be reported back to the prospective applicant for their information and attention, and to inform the development of the proposed application. It is also proposed that, for information, Members' comments be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.
- 3.4 This PAN relates to a proposal for a hydrogen production plant, with two phases forming two 35mW hydrogen electrolyser hydrogen production facilities in each phase, with associated infrastructure, landscaping and a single access onto the A95(T) (location within below **Appendix** plan). The proposal would necessitate a possible waste outfall to the Spey, and either abstraction or borehole water supply to provide water, which is the main resource required for process.
- 3.5 The proposed site sits within the Spey valley Special Landscape Area, on lower grade agricultural land. The site would occupy a gradually rising, open area of farmland south of the A95 (T) and would be bound to the south and east by existing woodland. The development would result in hydrogen being removed from site via HGV Tankers.
- 3.6 A formal response has been issued to the applicant's agent to confirm that the proposed arrangements for engaging with the local community are sufficient. The applicant proposes to consult with wider community via two local events and will consult various community councils. In this case the applicant's agent has been advised that no additional parties require to be notified with a copy of the PAN.
- 3.7 The regulations in relation PAC (The Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021) refers) now require a minimum of two public events for all PANs submitted after 1 October 2022. The final event is primarily about feedback on the views gathered during PAC. In this case, the PAN advises that public events will be held in Community Council area at times to be confirmed, with direct consultation to any neighbours within 1km of the site. Each event requires to be advertised locally in advance and allow an opportunity for feedback upon the proposal. For validation purposes for a major application, the applicant is required to submit a pre-application consultation report setting out the steps taken to consult with the local community together with details of comments

made on the proposal and how the applicant has responded to all comments made on the proposal in the development of the application.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Identifying key issues at an early stage to assist with front loading major planning applications is a vital aspect of supporting and facilitating the Council's priority for economic development in Moray.

(b) Policy and Legal

Scottish Government guidance on the role of councillors in pre-application procedures affords elected members the opportunity to offer general provisional views on forthcoming developments which are the subject of a PAN where the details of the development have yet to be finalised.

(c) Financial implications

None

(d) Risk Implications

None.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities/Socio Economic Impact

None.

(h) Climate Change and Biodiversity Impacts

None

(i) Consultations

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Development Management and Building Standards Manager, the Equal Opportunities Officer, the Strategic Planning & Delivery Manager, and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

Members of Moray Council who are not on this Committee have also been consulted and any views received on the proposal will be made known at the meeting.

5. CONCLUSION

- 5.1 The Council has received a PAN intimating that a formal application for planning permission will be submitted for a major development proposal, in this case for permission for a 35mW hydrogen production plant, with a second further phase providing a second similar hydrogen production plant. The Committee (and any other Member(s) of the Council) are asked to identify any provisional views/relevant issues which they would wish to see taken into account and inform the development of the proposal.**

Author of Report: Neal MacPherson, Acting Development Management & Building Standards Manager

Background Papers: 24/00457/PAN

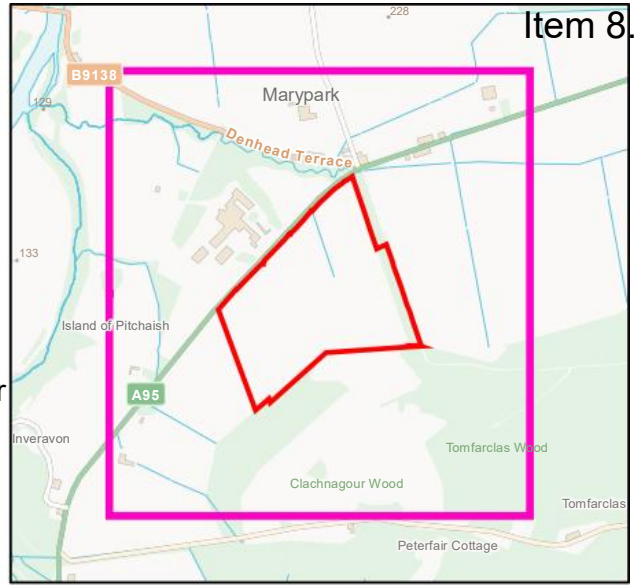


COMMITTEE SITE PLAN

Application Reference Number:

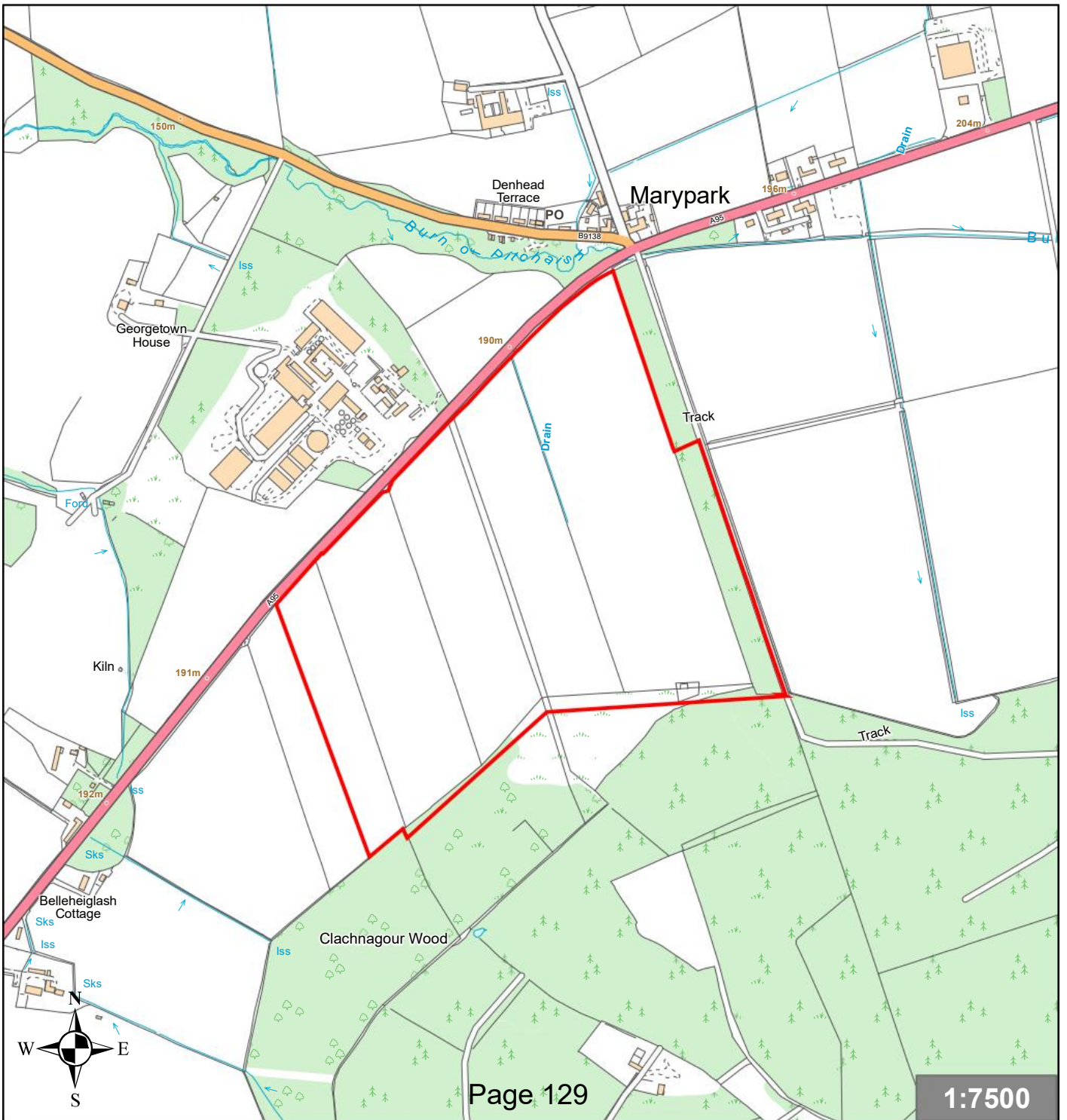
24/00457/PAN

Phase 1 provide an operational 35 MW electrolyser facility and Phase 2 a second operational 35M electrolyser facility on Land Opposite Georgetown Farm Ballindalloch



Item 8.

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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
28 MAY 2024**

**SUBJECT: INVESTING IN PLANNING – A CONSULTATION ON
RESOURCING SCOTLAND’S PLANNING SYSTEM**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 To inform and seek Committee approval to submit a response to the Scottish Government’s consultation on Investing in Planning and resourcing Scotland’s planning system.
- 1.2 This report is submitted to Committee in terms of Section III E (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as Planning Authority.

2. RECOMMENDATION

2.1 It is recommended that the Committee:-

- (i) **note and agree the response attached at Appendix 1 to be submitted to Scottish Government regarding the consultation on Investing in Planning – resourcing Scotland’s planning system; and**
- (ii) **note the National Planning Improvement Framework and revised timetable for submission.**

3. BACKGROUND

- 3.1 The Scottish Government is committed to working to ensure that the planning system is better equipped to deal with current and future challenges. The consultation sets out a range of options which have the potential to improve the capacity of the Scottish planning system with specific focus on local authorities. A set of short and medium actions have been set out to respond to current and future challenges facing the planning system by building resilience and strengthening cross sector collaboration.

- 3.2 The changes that have been put forward as options are to ensure the planning system operates effectively and in a way that is compatible with the Scottish Government's wider policy objectives for the planning system.
- 3.3 Since the planning fees were increased in April 2022 discussion has continued among Scottish Government, COSLA and Heads of Planning Scotland to identify how planning fees can move closer towards covering the full cost of their determination. A workshop was held in November 2023 attended by 50 cross sector stakeholders to identify practical solutions to support efficient and effective operation of the planning system.
- 3.4 Resourcing and skills were also a common theme that was raised throughout the preparation of National Planning Framework 4 (NPF4).

4. OPTIONS

- 4.1 The consultation, see **Appendix 2** sets out two options. The first option would be to make no changes and the system of setting planning fees by Scottish Government for all Local Planning Authorities would continue.
- 4.2 The second option considers proposals to be taken forward, how they can be implemented and delivery timescales. The ideas put forward cover the following proposals:
- A central planning hub to support authorities
 - Short term working group to look at proportionality of assessments
 - Taking stock of the use of processing agreements
 - Improved cross council working to better align consent
 - Developing templates for Section 75 agreements
 - Devolving power to authorities to locally set planning fees
 - Introduce an annual inflationary increase in planning fees
 - Increased discretionary charging including processing agreements, sites not allocated in the development plan and masterplan consent areas
 - Introducing fees for appeals
 - Service charge for submitting applications online
 - Considering the potential to alter the threshold for applications under the Electricity Act
 - Introduce a fee category for hydrogen projects
 - Increased fees for prior notifications and approval categories
 - Consistent approach to fees for shellfish farming
- 4.3 The key to ensuring the planning system is well resourced requires devolving power to planning authorities to set fees locally. This will enable individual planning authorities across Scotland to ensure staff resources and investment align with demand, driving forward a planning service that can deliver on local outcomes in a sustainable way.

- 4.4 The other proposal that has significant implications for resources relates to altering the threshold for energy related proposals determined under the Electricity Act. The threshold is currently set at 50MW for planning applications and anything above this is determined by the Energy Consent Unit (ECU), where the local planning authority are a consultee. Currently only half the fee paid by the applicant is received by the planning authority. If the threshold was raised this would result in more major planning applications being determined locally and receiving the full fee paid by the applicant.
- 4.5 **Appendix 1** provides responses to the 41 questions to put back to Scottish Government.

5. **NATIONAL PLANNING IMPROVEMENT FRAMEWORK UPDATE**

- 5.1 The background guidance and support materials for cohort 1 of the pilot was issued in early April 2024, **Appendix 3** attached. Moray has opted to be part of cohort 3 and commences in December. This will require the completion of the self-assessment template part of which will be informed by the submissions from cohort's 1 and 2. The template sets out 12 attributes to assess the performance of a planning authority covering:

- Sufficient resources and skills to maximise productivity
- Values and supported workforce
- Embedded continuous improvement
- Sound governance
- Effective leadership
- Robust policy and evidence base
- Makes best use of data and digital technology
- Effective and efficient decision-making
- Good customer care
- Effective engagement and collaboration with stakeholders and communities
- Delivery of sustainable, liveable and productive places,
- Supports the delivery of consented development

6. **SUMMARY OF IMPLICATIONS**

(a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The planning service is fundamental to supporting and facilitating the Council's Corporate and Community Planning objectives, prioritising economic growth and tackling the climate crises and safeguarding and enhancing biodiversity. The planning service aims to deliver other key objectives including the delivery of affordable housing, provision of land for employment purposes and conservation and enhancement of our high quality natural and historic environment. The Moray Local Development Plan is corporate document key to achieving these aims.

(b) **Policy and Legal**

The Town and County Planning (Scotland) Act 1997.

(c) Financial implications

There are no direct financial implications arising from this report.

(d) Risk Implications

There is a risk if this authority doesn't continue to drive change in terms of resourcing the planning service there will be an impact on supporting sustainable economic growth.

(e) Staffing Implications

No staff implications as a result of this report. However, staffing restrictions across all services across the Council intrinsic to the deliver the planning system would also need to remain well resourced.

(f) Property

None.

(g) Equalities/Socio Economic Impact

There are no equalities issues arising from this report.

(h) Climate Change and Biodiversity Impacts

None

(i) Consultations

Depute Chief Executive (Economy, Environment & Finance), Strategic Planning & Development Manager, the Legal Services Manager, Development Management & Building Standards Manager, Principal Climate Change Officer, the Equal Opportunities Officer, Principal Accountant, the Democratic Services Manager, have been consulted and comments received have been incorporated into the report.

7. CONCLUSION

7.1 The consultation Investing in Planning is an opportunity for Local Authorities to provide a consultation response to the Scottish Government setting out how the planning system can adapt to be more efficient, streamlined and sustainability in the long-term. Appendix 1 covers the responses in the consultation issued.

Author of Report: Neal MacPherson, Acting Development Management and Building Standards Manager

Background Papers:

Responding to this Consultation

We are inviting responses to this consultation by 31 May 2024 2024. Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space by accessing and responding to this consultation online at: <https://consult.gov.scot/local-government-and-communities/resourcing-scotlands-planning-system>. You can save and return to your responses while the consultation is still open.

If you are unable to respond using our consultation hub, please send your response, together with the Respondent Information Form, to: investinginplanning@gov.scot

or

Investing in Planning Consultation
 Planning, Architecture and Regeneration Division
 Scottish Government
 Area 2F South
 Victoria Quay
 Edinburgh EH6 6QQ

Handling your response

If you respond using the consultation hub, you will be directed to the "About You" page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise. To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>

Next steps

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be published at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email. An analysis report will also be made available.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at: investinginplanning@gov.scot.

Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work. You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision-making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

Respondent Information Form

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:
<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
- Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email Address

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
- Publish response only (without name)
- Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
- No

Summary of Consultation Questions

Question 1: Which assessments might benefit most from improved proportionality?

A – Transport, Flood Risk Assessments, socio-economic, carbon, biodiversity and community wealth building assessment would all benefit from national standard of proportionality and thresholds.

Question 2: To what extent do you agree that processing agreements are an effective tool for creating certainty in planning decision making timescales?

Partially agree

Please explain your view

A - Processing agreements are an effective tool in decision making timescales on the basis that they are regularly updated.

Question 3: Do you consider that current resourcing issues are impacting on the use of processing agreements?

Partially agree

Please explain your view

A – Processing agreements take up resources that can be directed to determining applications. Process agreements can sometimes be seen by developers to delay inevitable refusals, or (more often) support badly prepared submissions lacking in information.

Question 4: Would you be prepared to pay a discretionary fee to enter into a processing agreement?

Not relevant to LPA.

Please explain your view

Question 5: What additional actions can we take to improve certainty in the planning process?

A – Scope out levels of supporting information required to support a planning application. Stricter validation standards set at a national level consistent across all planning authorities would ensure sufficient information was present to enable an efficient and certain planning process. Masterplan Consent Areas and additional frontloading of planning applications via pre application planning advice.

Question 6: Do you have further ideas on opportunities for streamlining, alignment or standardisation?

A – Additional guidance to support the implementation of National Planning Framework 4. As all planning authorities are having to prepare their own guidance (as with MLDP's) this undermines the point of having a nationally consistent suite of policies.

Question 7: Are there any skills actions which you think should be prioritised?

A – Scheme viability and use of compulsory purchase orders. Development Management courses/learning at university needs to be improved, many graduates have minimal knowledge about the legal/assessment process. Urban design/placemaking, viability and site development economics, carbon and biodiversity are all skill sets which planners will need trained on and supported to utilise.

Question 8: Are there any skills actions not identified which you think would make a significant impact?

A – Achieving net carbon zero and biodiversity assessments.

Question 9: Do you think that the concept of a 'planning hub', modelled on the Building Standards Hub would support authorities and deliver improvement in the system?

Partially agree

Please explain your view

A – Technical specialists could be used to deliver improvements.

Question 10: Are there other ways a hub could add value and provide support in the short and longer term?

A – A hub could be used as a central training centre.

Question 11: Which of the options do you think is most suitable, and why?

- i. Within Scottish Government
- ii. Within public organisation
- iii. Within a host authority
- iv. Other
- v. No view

A – Within a host authority.

Question 12: How do you think a Planning Hub could be resourced?

A – A percentage of the planning fees based on how many each LPA receives and divided by type.

Question 13: Do you agree that planning fees should increase annually in line with inflation?

Strongly agree

Please explain your view

A – This would assist with increase in staff costs.

Question 14: Is a calculation based on the 12 month Consumer Price Index the most appropriate mechanism?

Strongly agree

Please explain your view

Question 15: Should an annual inflationary increase apply to:

- i. Individual fees and increments
- ii. Individual fees, increments and maximums
- iii. No view

A – ii)

Question 16: What would be your preferred approach to how planning fees are set in the future?

A – Devolve power to LPA's to set own fees.

Question 17: Are there key principles which should be set out in the event that fee setting powers are devolved to planning authorities?

A – The overall value of development could be a key principle in line with Building Standards fee calculations.

Question 18: What other processes that support the determination of a planning application could authorities be given powers to charge at their discretion?

A – A requirement for all major applications to be taken through a pre-application process and gate check before being validated. Powers and funding to outsource expert advice where necessary such as ecology, landscaping and arboriculture for example.

Question 19: Do think the circumstances where a refund can be requested is set out as part of any published information regarding the introduction of a discretionary charge?

A – No.

Question 20: Do you agree with the principle that authorities should have discretionary powers to increase fees for a proposal on an unallocated site within the development plan?

Agree

Please explain your view

A – Applications on unallocated site attract a higher level of representations and take more staff resources to assess.

Question 21: Do you agree that planning authorities should be able to recoup the costs of preparing a Masterplan Consent Area through discretionary charging?

Strongly agree

Please explain your view

A – Staff resources will be required to prepare masterplan consent area, which will in effect act as a planning decision and require similar (if not more) resources than a planning application.

Question 22: Do you agree with the types of appeals that should incur a fee?

Yes

Please explain your view

A – Staff resources are used to determine an appeal. Significant staff resources are required for LRB and any participation in appeals, particularly hearings/PLIs etc.

Question 23: Do you agree that setting the fee for applying to appeal the refusal of planning permission (to either DPEA or the planning authority) is set as a percentage of the original planning application fee?

Strongly agree

Please explain your view

A – This would be proportionate to the work required to deal with the appeal.

Question 24: If a percentage of fee approach to appeal charging was considered most appropriate, what level do you consider would be most appropriate to reflect volume of work by DPEA or the LRB?

30%

Please explain your view

A – To cover the administration and staff resources dealing with the appeal.

Question 25: Do you agree that an authority should consider waiving or reducing an appeal fee where they have offered such a waiver on the related planning application?

Strongly disagree

Please explain your view

A –The reasons for waving the planning fee are is out in fee regs, but should extend to the appeal process where additional work is generated.

Question 26: Do you have views on how a service charge for applying for planning permission or a building warrant online could be applied?

A – No as this needs to be covered by the main fee as we don't want to discourage online submissions.

Question 27: What other options are there to resource the operation and improvement of the eDevelopment service?

A – This needs to be funded through planning fees.

Question 28: Should the current threshold of 50MW for applications for electricity generation which are to be determined by authorities be altered?

Yes

Please explain your view

A – This would increase local decision-making and increase fees to LPA's.

Question 29: Should different thresholds apply to different types of generating stations?

No

Please explain your view

A – One threshold would make the process simpler to manage in terms of resources.

Question 30: What would be the resource implications of increasing the threshold for the determination of applications for onshore electricity generating stations?

A – The time taken on S.36 application consultation and planning application are similar and therefore having access to the full fee would support resourcing in the planning service.

Question 31: If Scottish Government were to make a voluntary contribution equivalent to a percentage of the offshore electricity fee to authorities, what level of contribution would be appropriate to support some recovery of costs? Please provide justification for your answer.

A – 75% to cover the staff resources required to make a robust consultation response.

Question 32: Should we introduce a new category of development for applications for hydrogen projects? If so, how should these fees be set/calculated?

Yes

Please explain your view

A – Fee based on power levels.

Question 33: Are there different considerations for hydrogen production when compared with proposals which are concerned only with storage and distribution?

Yes

Please explain your view

A – Beyond any specific building/safety standards, and the location of hydrogen storage/distribution, the other considerations would relate to sustainability of water resources being used to produce the hydrogen, impact on integrity of ground surface if using groundwater sources.

Question 34: Do you agree that the standard £100 which applies to most prior notification and approval applications is appropriate?

No

Please explain your view

A – This fee doesn't cover staff resources to process prior notifications, which can vary in scale of development – from windows in conservation areas to very large forestry developments.

Question 35: Are there particular PDR classes where you think the current fee should be amended? If so, please explain why that is considered to be the case.

A – The PDR for telecommunications, agricultural and forestry buildings (the latter having no upper limit in floor area), forestry and farm tracks.

Question 36: Would a reduction of the current fee (£200 per 0.1 hectare) be an appropriate approach to resolving this issue?

A - Yes

Question 37: What would you consider to be a reasonable fee for shellfish farm applications? (Please elaborate on your answer using an average shellfish farm development (5 x 220m twin-headline longlines at 20m spacing with 30m end moorings) as an example.)

A – Not relevant to Moray

Question 38: Which proposal would you most like to see implemented?

Please explain the reason for your answer.

A – Increasing the threshold for energy applications and devolving fees to the LPA.

Question 39: Do you have other comments on the cumulative impact of the proposals?

A – Phasing is important with the fee review being a high priority.

Question 40: Do you have other ideas to help resource the planning system? Please set out how you think the proposal could be resourced.

A – All bids for sites withing a LDP should be supported by a planning fee. Stop advertising planning applications in local press, whilst fees are recoverable in most instances, they entail significant cost and resources and are rarely read. This is combined with falling circulation of printed press.

Question 41: Please provide any information on the potential impacts of our proposals to assist with preparation of the following impact assessments:

A – No other comments

Business and Regulatory Impact Assessment

Equality Impact Assessment
Islands Communities Impact Assessment
Child Rights and Wellbeing Impact Assessment
Fairer Scotland Duty
Strategic Environmental Assessment

NATIONAL PLANNING IMPROVEMENT FRAMEWORK

Performance Assessment Template

Cohort 1

April 2024

1. Please use this document as a template for the self-assessment. If you can please state which planning authority you are and your lead officer below.

Planning Authority:	
Lead officer:	
Email:	
Phone number:	

2. Please use the below matrix when determining what score you are giving each attribute. We ask that if you score a 1 or 2 that you provide a good practice example, a separate template for this will be provided.

<input type="checkbox"/>	1	Making excellent progress	Consolidate Share learning with others
<input type="checkbox"/>	2	Making good progress	Build upon Increase ambition in targets Share learning with others
<input type="checkbox"/>	3	Making fair progress	Develop Increase ambition in targets Review and improve implementation
<input type="checkbox"/>	4	Making limited progress	Review Review ambition Review approach taken Inform NPI Learn from others
<input type="checkbox"/>	5	No progress	Prioritise Prioritise fundamental review and revisit approach taken. Engage with NPI Learn from others



A high performing planning authority needs to have the right number of people to do the work expected of it with the rights skills set. It also needs to have a strategy to ensure that it retains and recruits the right staff in the future. It supports staff to upskill and to be prepared for changes in policy, legislation, and new circumstances.

ATTRIBUTE 1: THIS PLANNING AUTHORITY HAS SUFFICIENT RESOURCES AND SKILLS TO MAXIMISE PRODUCTIVITY

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Does the planning authority have the sufficient level of staff to carry out all activities within the required timeframes?
- Does the planning authority have the ability to carry out all activities within the required timeframes with its current budget?
- Does the planning authority have the ability to carry out all activities within the required timeframes with its current income?
- Does the planning authority received responses from consultees within the prescribed timescale when assessing planning applications?
- Does the planning authority have the ability to access the appropriate advice, expertise, evidence and data it requires?

Narrative

Text here

ATTRIBUTE 2: THE PLANNING AUTHORITY HAS A VALUED AND SUPPORTED WORKFORCE

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Does the planning authority have a workforce planning strategy in place?
- Does the planning authority have the ability to support staff development and upskilling and send staff on relevant courses?
- Does the planning authority have a deliverable commitment to support staff health and wellbeing?

Narrative

Text here

Improvement Action Plan (People theme)

Attribute	Score (1=Making excellent progress, 5= No progress)
1. The planning authority has sufficient resources and skills to maximise productivity	
2. The planning authority has a value and supported workforce	

Based on the grading above, outline any areas of improvement that are required and by whom and their level of importance (High/ Medium/ Low) and by when (short/ medium/ long term).

Improvement Action What action will you take? What will the outcome be?	Owner	Importance High Medium Low	Timescale Short term – 1 year Medium term – 3 years Long term – 3+ years	Resources



A high performing planning authority has a positive culture through ensuring it has sound governance, effective leadership and a commitment to continuous improvement. The authority has an identified chief planner, who is supported by a strong leadership group to advise on decision-making, policy and operational management.

ATTRIBUTE 3: THIS PLANNING AUTHORITY HAS EMBEDDED CONTINUOUS IMPROVEMENT.

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Has the planning authority undertaken an annual assessment of its performance and acted upon areas previously identified as in need of improvement?
- Has the planning authority achieved recognition at relevant awards or through performance accreditation frameworks?
- Has the planning authority engaged in peer review, good practice exchange or improvement activities?
- Has the planning authority addressed any complaints upheld by the Scottish Public Services Ombudsman and have evidence of this and that it has learned from valid cases?

Narrative

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ATTRIBUTE 4: THE PLANNING AUTHORITY HAS SOUND GOVERNANCE

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Does the planning authority have an effective scheme of delegation in place?
- Have all councillors who exercise a planning function undergone statutory training and is there evidence of ongoing training for members?
- Have more than x % of officer recommendations have been overturned by councillors at committee or Local Review Body.

Narrative

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ATTRIBUTE 5: THE PLANNING AUTHORITY HAS EFFECTIVE LEADERSHIP

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Does the planning authority have an identified Chief Planning Officer in place?
- Does the Chief Planning Officer advise on corporate decision making and policy within the broader organisation?
- Is the planning authority's Chief Planning Officer a member of the Royal Town Planning Institute?
- Does the Chief Planning Officer advise and support external bodies through engagement in organisations' committees, advisory groups or working groups?
- Does the planning authority have a strong leadership team that supports a culture of continuous improvement?

Narrative

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Improvement Action Plan (Culture theme)

Attribute	Score (1=Making excellent progress, 5= No progress)
3. This Planning Authority has embedded continuous improvement	
4. This Planning Authority has sound governance	
5. This Planning Authority has effective leadership	

Based on the grading above, outline any areas of improvement that are required and by whom and their level of importance (High/ Medium/ Low) and by when (short/ medium/ long term).

Improvement Action What action will you take? What will the outcome be?	Owner	Importance High Medium Low	Timescale Short term – 1 year Medium term – 3 years Long term – 3+ years	Resources



A high performing planning authority needs to have an effective local development plan and other strategies in place to provide a vision for the future of the area. It needs to be able to set and deliver on policy ambitions and priorities by clearly informing decision making and providing certainty and predictability for communities, developers and investment. The authority's development management systems need to be effective in making the right decisions about development and be efficient as possible in doing this. The planning authority makes best use of digital technology and how it manages and uses data.

ATTRIBUTE 6: THE PLANNING AUTHORITY HAS A ROBUST POLICY AND EVIDENCE BASE

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Does the planning authority have an up to date Local Development Plan in place and/ or is on track to adoption?
- Does the planning authority have an up to date Regional Spatial Strategy in place/ or on track to adoption?
- Has the planning authority's Local Development Plan Evidence Report been approved by the Department of Planning and Environmental Appeals and/ or on track for approval?
- Have the application of the Local Development Plan's policies been found to be deficient at appeal or judicial review?

Narrative

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ATTRIBUTE 7: THE PLANNING AUTHORITY MAKES BEST USE OF DATA AND DIGITAL TECHNOLOGY

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Has the planning authority encouraged and promoted planning applications to be submitted through the e-development portal?
- Does the planning authority have a data governance strategy in place for the management of planning data?
- Does the planning authority have the ability to use interactive web-mapping, GIS and spatial data?
- Does the planning authority have the ability to use digital approaches to engagement, including website, social media and other platforms?

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ATTRIBUTE 8: THE PLANNING AUTHORITY HAS EFFECTIVE AND EFFICIENT DECISION MAKING PROCESSES

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Does the planning authority planning have the ability to make decisions on planning applications within the required timeframes?
- Are less than x% of planning decisions overturned at appeal or judicial review?
- Does the planning authority have an up to date Enforcement Charter in place?
- Does the planning authority have the ability to resolve enforcement cases?

Narrative

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Improvement Action Plan (Tools theme)

Attribute	Score (1=Making excellent progress, 5= No progress)
6. The planning authority has a robust policy and evidence base	
7. The planning authority makes best use of data and digital technology	
8. The planning authority has effective and efficient decision making processes	

Based on the grading above, outline any areas of improvement that are required and by whom and their level of importance (High/ Medium/ Low) and by when (short/ medium/ long term).

Improvement Action What action will you take? What will the outcome be?	Owner	Importance High Medium Low	Timescale Short term – 1 year Medium term – 3 years Long term – 3+ years	Resources



A high performing planning authority should ensure a wide range of people are involved in shaping their future places. Engagement should be fair and inclusive, early, collaborative, meaningful and proportionate and should include difficult to reach groups. The authority should engage with a wide range of partners at a national, regional and local level to ensure a joined-up approach and that links are made across policies and programmes. The planning authority should demonstrate good customer care, transparency and effective communication.

ATTRIBUTE 9: THE PLANNING AUTHORITY HAS GOOD CUSTOMER CARE

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Does the planning authority have the ability to offer pre-application advice where it is requested?
- Has the planning authority held regular engagement events with developers and communities?
- Do the results from the customer and stakeholder survey show that customers are satisfied with the service offer by the planning authority?

Narrative

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ATTRIBUTE 10: THE PLANNING AUTHORITY HAS EFFECTIVE ENGAGEMENT AND COLLABORATION WITH STAKEHOLDERS AND COMMUNITIES

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Does the planning authority have a community engagement strategy and infrastructure in place to ensure engagement is early, collaborative, meaningful and proportionate?
- Has the planning authority undertaken community engagement, for example consistent and effective use of the Place Standard Tool, to inform decision-making processes? Has the planning authority encouraged and promoted planning applications to be submitted through the e-development portal?
- Has the planning authority engaged with a good representation of the community including young people, gypsies and travellers, people with protected characteristics, including disability, race, age, sex and sexual orientation, and including people from a range of socio-economic backgrounds?
- Has the planning authority supported the production of Local Place Plans when requested?
- Do the results from the customer and stakeholder survey show that stakeholders are satisfied with their collaboration with the planning authority?

Narrative

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Improvement Action Plan (Engage theme)

Attribute	Score (1=Making excellent progress, 5= No progress)
9. This planning authority has good customer care	
10. The planning authority has effective engagement and collaboration with stakeholders and communities.	

Based on the grading above, outline any areas of improvement that are required and by whom and their level of importance (High/ Medium/ Low) and by when (short/ medium/ long term).

Improvement Action What action will you take? What will the outcome be?	Owner	Importance High Medium Low	Timescale Short term – 1 year Medium term – 3 years Long term – 3+ years	Resources



A high performing planning authority should demonstrate place leadership by taking a collaborative place-based approach in line with the Place Principle. It should use the Place and Wellbeing Outcomes in decision-making processes, to achieve the three spatial principles outlined in NPF4: Sustainable places, where we reduce emissions, restore and better connect biodiversity; Liveable places, where we can all live better, healthier lives; and Productive places, where we have a greener, fairer and more inclusive wellbeing economy. The planning authority should seek to ensure that there are no impediments to delivering agreed development.

ATTRIBUTE 11: THE PLANNING AUTHORITY SUPPORTS THE DELIVERY OF SUSTAINABLE, LIVEABLE AND PRODUCTIVE PLACES

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Is the planning authority aware of the [Place and Wellbeing Outcomes](#), the evidence that sits behind them and is it using them in decision-making processes?
- Has the planning authority identified tools and approaches to delivering sustainable, liveable and productive places and is implementing them?

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ATTRIBUTE 12: THE PLANNING AUTHORITY SUPPORTS THE DELIVERY OF CONSENTED DEVELOPMENT

Please consider the following when thinking about this attribute and how you have performed over the last year:

- Has the planning authority provided clear and proportionate expectations of Section 75 agreements and set these out in the LDP and pre-application discussions and they are concluded within 6 months of resolution to grant?
- Does the planning authority take a proportionate approach to imposing conditions?
- Does the planning authority have an ambitious local housing land requirement that exceeds the Minimum All Tenure Housing land requirements in NPF4 and is it on track to support delivery?
- Are the number of processing agreements the planning authority has agreed with applicants increasing?
- Does the planning authority have an effective delivery programme in place that supports the delivery of development on the ground?

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Improvement Action Plan (People theme)

Attribute	Score (1=Making excellent progress, 5= No progress)
11. The planning authority supports the delivery of sustainable, liveable and productive places	
12. This planning authority supports the delivery of appropriate development	

Based on the grading above, outline any areas of improvement that are required and by whom and their level of importance (High/ Medium/ Low) and by when (short/ medium/ long term).

Improvement Action What action will you take? What will the outcome be?	Owner	Importance High Medium Low	Timescale Short term – 1 year Medium term – 3 years Long term – 3+ years	Resources

Investing in Planning

A consultation on resourcing Scotland's planning system



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Foreword

Every day, planning makes a difference to all of our lives. It can enable good quality development, inspire and motivate people to get involved in shaping their neighbourhoods, and protect and enhance our environment. Planners have unique skillsets. They deploy a wide range of expertise: from creativity and imagination to analysis; decision making; problem solving; communication; negotiation; and practical delivery. Planning takes patience, hard work and integrity. Planners, and all those they work with, have an unparalleled opportunity to leave a positive and lasting legacy for generations to come.

Since taking on responsibility for planning last year, I have heard a lot about the challenges of resourcing the public sector planning service. Timescales for planning decisions are not improving despite lower numbers of new applications entering the system in recent months, and the capacity of local authority planning teams has reduced over time. This adds pressure to already challenging workloads, at a time when we need our planners to seize the opportunities for investment in our places and drive forward positive change.

In the coming year I will do all I can to bring people together to find solutions, so that planning can facilitate change, rather than being perceived as a barrier to investment.

As Minister for local government empowerment, as well as planning, I will work closely with COSLA to ensure this empowers local councils to make sustainable choices about future resource. We need to address a wide range of issues which are affecting capacity and to ensure that fees are more closely related to the cost of the services being provided. I am also determined to work with planners to look ahead to the future pipeline of professionals, and to encourage more people to choose planning as a career. My Ministerial colleagues recognise the challenges for the planning system too, and are working with me to help find solutions. However, the Scottish Government cannot achieve this on its own. A determined and collective effort will be required to make a measurable difference and put our planning profession on a stronger footing so we can all respond to the challenges ahead through a 'Team Scotland' approach.

This is an important consultation which will directly inform how we go about improving resourcing of the planning service, in the immediate future and for years to come. I would encourage everyone with an interest in the future of our places – and their role in supporting our economy, environment and people – to share their views and consider what contribution they can make to help us deliver change.

Joe FitzPatrick MSP, Minister for Local Government Empowerment and Planning

Shona Robison, Deputy First Minister and Cabinet Secretary for Finance

Planning is a key lever for delivering cross-government priorities and enabling development and infrastructure delivery. National Planning Framework 4 brings those priorities together in our plan for a fairer and greener future and local authorities are taking this forward in new plans for their areas. These plans will provide a collective vision for our future places and will help us all to deliver real change. We are committed to doing all we can to improve the capacity of planning authorities to provide a first class service and to enable investment. Given current financial challenges, and in the spirit of public service reform, now is the time to find creative solutions to resourcing challenges, including new ways of working in partnership with industry as well as communities.

Mairi Gougeon, Cabinet Secretary for Rural Affairs, Land Reform & the Islands

Rural and island areas need a planning system that recognises their specific and unique circumstances. We must recognise the importance of delivering housing and supporting rural business in our rural island areas, enabling us to tackle the challenges of depopulation. I hope this consultation will help us to find solutions to the specific challenges for resourcing that planning authorities in rural areas have to contend with, including higher development costs and recruitment challenges.

Màiri McAllan, Cabinet Secretary for Wellbeing Economy, Net Zero & Energy

Planning is a strong lever for ensuring we achieve net zero by 2045. National Planning Framework 4 places the climate and nature crises at the heart of our planning system and ensures that all planning decisions help us to meet our net zero ambitions. We have unprecedented opportunities for growing our wellbeing economy and to do that we need to ensure that authorities are resourced to help accelerate development and facilitate our green transition. In addition to ensuring planning processes are streamlined and efficient, it is vital that we find ways to ensure we have the right skills to support our transition. I would encourage all users of the planning system to contribute to this consultation.

Shirley Anne Somerville, Cabinet Secretary for Social Justice

Our communities need a planning system that gives a voice to everyone. Planning makes a vital contribution to delivering more warm and affordable homes, and its long-term perspective will ensure that we can accommodate the diverse needs of our changing population. This consultation is an excellent opportunity to find solutions to resourcing and capacity challenges, so that planning is better placed to help communities to shape their own places, and enables good quality development that helps to address longstanding inequalities in society.

An Efficient, Effective and Well-Resourced Planning System

1. The Scottish Government is committed to working with all stakeholders to ensure that the planning system is better equipped to deal with current and future challenges. We must build capacity and skills to enable good quality development that improves places, benefits our quality of life, and helps us grow a wellbeing economy and transition to net zero.
2. This consultation sets out a range of options which have the potential to improve the capacity of the Scottish planning system, in particular in planning authorities, in the coming years.
3. There is no simple answer to the challenge of resourcing planning – we live in financially constrained times and even if money was to be found, there is a complex set of circumstances to address. This consultation responds to current and future challenges, with a view to identifying actions that could improve the capacity of the planning system by helping build resilience and by strengthening cross sector collaboration.
4. Although money is not the sole solution, we need to ensure that planning authorities are financially resourced to deliver on our ambitions. Our [Scottish Budget 2024/25](#) sets out our spending plans to deliver against our three central missions of equality, opportunity and community. The economic conditions remain challenging as inflationary pressures continue on households, businesses and public services.
5. Working within this context, this consultation sets out a number of proposals which aim to increase the financial resources available to authorities.
6. We recognise that changes to planning application fees and the potential introduction of additional charges comes at a time when applicants have been affected by other increases to development costs due to the impacts of Brexit, the pandemic, the war in Ukraine and the cost of living crisis. National and local government have also been impacted by these events, and this adds to the case for urgently addressing a significant shortfall in funding to cover the costs of services provided.

Current Challenges

7. Work to improve resourcing in planning has been underway for some time. However, the planning system is now operating within a very different and challenging set of circumstances. Specific issues are covered in more detail in later sections, but a number of overarching issues frame the discussion.

8. **Local authorities continue to face financial pressure and planning services have not been immune to this, with reductions in budgets leading to reductions in staff.** [Research by RTPI Scotland](#) has shown that planning has experienced the largest reduction in expenditure out of every local authority service in Scotland since 2010/11 (expenditure has reduced by 28.6%). Planning departments have also seen a 16% reduction in their workforce, and it is now at its lowest level in 5 years – a total of 1205 members of staff in local authorities. The latest rise in fees has had a varying impact on planning authorities throughout Scotland. In many cases this has simply allowed existing posts to be retained rather than lost in response to budgetary constraints. Some planning authorities have seen reinvestment back into the service, and improved access to specialist skills, but the situation remains challenging. In 2020 [Skills Development Scotland](#) undertook research which identified that 550-600 planners would be required to meet replacement demand due to retirements and that an additional 130 planners would be required to cover a projected 11% growth in the planning sector up to 2030.
9. **There are growing demographic challenges for the planning workforce.** The RTPI Research shows that 39.6% of the planning workforce is reported to be older than 50 with reductions in the numbers of planners in younger age bands. Current trends show that those entering the sector will not meet the demand required. Negative headlines will have done little to help encourage new entrants to the system and are likely to be accelerating the loss of experienced staff from planning authorities. Staff retention in the public sector is a widely reported challenge (and in particular beyond the major cities), with a combination of ‘push’ and ‘pull’ factors ranging from planners having to deal with public criticism, often fuelled by social media, to better offers arising in the private sector. It should be noted that skills shortages are reported to extend beyond councils to include consultancies and the development sector.
10. **The wider jobs market for planning professionals is also challenging, with similar shortages in other parts of the UK and Ireland.** [National data compiled by the RTPI](#) suggests planners are increasingly employed in the private sector (50%), and that the number of planners working in the public sector across the UK reduced by a quarter between 2009 and 2020. Remuneration of professional planners has also not kept pace with inflation and is in sharp decline.
11. **Compounding these challenges, the development sector, business and industry are facing significant challenges arising from the economic context.** The construction sector has been particularly impacted by inflation, affecting the cost of materials, as well as a challenging labour market. The cost of living crisis has further exacerbated resourcing challenges, not least in terms of the impact it has had on day to day running costs. Business organisations have called for work to be done to accelerate the planning process to ensure there is a supportive context for development proposals, and to minimise delays and associated costs. Whilst in many cases planning authorities work positively with applicants, there is a recognition that resourcing remains the most significant barrier to progress in improving performance. Even if views and concerns are not necessarily borne out by statistical information which shows some improvement, perceptions have a direct influence on investor confidence.

12. **The pace of change is also a significant factor.** Particularly as a result of net zero commitments, planners are increasingly having to develop an understanding of new technologies and their impacts. Whilst the introduction of National Planning Framework 4 and its firm commitments to net zero may have accelerated this further during 2023, positive work is ongoing to develop a shared understanding of the policies which in turn will help to improve consistency as familiarity grows. The housing sector is also increasingly experiencing change and significant difficulties as a result of a wide range of factors, and this is adding to the pressure on planning authorities.

Moving Forward – A Shared Commitment to Change

13. There is consensus that action is now required. Whilst we have previously taken forward a number of initiatives to improve resourcing in the planning system, the time is right to develop this into a stronger and more coherent programme of work to tackle these challenges. This needs to include a range of solutions, from skills, recruitment and retention, to improved financial arrangements.

14. The [Verity House Agreement](#) and the [New Deal for Business](#) set out how the Scottish Government intends to work collaboratively with others to tackle: poverty; deliver a just transition to net zero; and provide sustainable public services. Each of these priorities encompasses a breadth of existing activity and flexibility will be required to maximise impact.

15. In the spirit of this commitment to collaborative working, on 20 November 2023 we hosted a cross sector workshop to identify practical solutions to support efficient and effective operation of the planning system. The [workshop outputs](#) include a series of actions and proposals which will help to address short term issues and build in longer term resilience. Some proposals can be taken forward collaboratively, and others are expanded on throughout this consultation. We are very grateful for the positive and collaborative approach and contributions to date, and will look to build on this as we move forward from this consultation to set out commitments and actions.

16. There will remain occasions where the Scottish Government's legitimate policy interests and those of local government or the business community (or parts of it) remain at odds. It is not realistic to think we will always be perfectly aligned, nor that stakeholders will always speak with one voice. However, we want to work together to identify solutions for the benefit of everyone, whether that be getting more skilled planners working in authorities, providing more certainty and better service to business and building trust in the decisions that are being taken.

17. Planning fees and additional charging can play an important role in ensuring the system is appropriately resourced. However, these are intended to cover the cost of delivering the service. We are keen to understand how additional resources can be brought into the system in order to support skills development and invest in longer term capacity.

18. The focus of this consultation is on the development management process. Local Development Plans set out how places will change into the future, including the long term vision for where development should and shouldn't happen. Development plans show where new homes and workplaces will be built, how services and facilities such as schools and travel will be provided, and identify the places and buildings we value and want to protect. They are produced for the benefit of all those who live, work, visit or want to invest in the area and it is the Scottish Government's view that for this reason preparation of development plans should be funded through the local government financial settlement.

Opportunities to Improve Planning Resourcing in Scotland

19. Part 1 of this document considers the potential to do things differently or 'work smarter'. Part 2 then explores options for leveraging in additional financial resources to better support the system and move towards full cost recovery. The proposals are options. We have invited comment on prioritisation and potential cumulative impact of such options. We are also very keen to hear further ideas for resourcing the planning system.

Figure 1: An Overview of Proposals within this Consultation

Ongoing Action
<ul style="list-style-type: none">▪ Introduction of Chief Planning Officers▪ Continued collaboration through High Level Group on Planning Performance, Applicant Stakeholder Group and Key Agency Group▪ Embed role of the National Planning Improvement Champion▪ Revamp performance monitoring through the introduction of the National Planning Improvement Framework▪ Digital innovation▪ Move to longer development plan review period▪ Extending permitted development rights▪ Introducing masterplan consent areas▪ Provision of student bursaries▪ Toolkit to encourage people into planning▪ Consider a graduate apprenticeship scheme▪ Encouraging practice based planning degrees▪ Developing a skills strategy for planning▪ Promotion of planning in schools▪ Training for elected members
New Proposals
<ul style="list-style-type: none">• A central planning hub to support authorities• Short term working group to look at proportionality of assessments• Taking stock of the use of processing agreements• Improved cross council working to better align consents• Developing templates for Section 75 agreements• Devolving power to authorities to locally set planning fees• Introducing an annual inflationary increase in planning fees• Increasing discretionary charging including processing agreements, sites not allocated in the development plan and masterplan consent areas• Introducing fees for appeals• Service charge for submitting applications online• Considering the potential to alter the threshold for applications under the Electricity Act• Introducing a fee category for hydrogen projects• Increased fees for prior notification and approval categories.• Consistent approach to fees for shellfish farming.

Part 1 Working Smarter

Collaboration

20. Planning has never been more important to Scotland's success. The potential of our places cannot be fully realised without the expertise and enthusiasm of a strong planning profession, working effectively together and respecting and understanding the pressures and challenges of different sectors and organisations. In Scotland the planning community has a long history of working collaboratively together and it is important that we continue to work in a transparent and open manner.
21. A number of established groups help us to make connections across various stakeholders, the Scottish Government is committed to working with local government in a constructive and collaborative way, in the spirit of cooperation and consensus building. The government is committed to the principle of regular and meaningful engagement and respecting local and national governments' democratic mandate. The [New Deal for Business](#) and the [Onshore Wind Sector Deal](#) are also excellent platforms for involving and working with business interests. Further collaboration with the private sector to deliver our actions will be essential.
22. The High Level Group, co-chaired by COSLA and the Minister for Local Government Empowerment and Planning, brings together a wide range of public sector interests and is supported by a sub-group comprising applicants from a range of business sectors. The Group has a particularly important role to play in overseeing a future work programme on resourcing.

Leadership

23. Within the Scottish Government, planning is recognised as a significant vehicle to lead positive change in society and achieve our economic, social and environmental goals. [National Planning Framework 4](#) has given greater recognition of the importance of planning to wider objectives including tackling poverty, and improving health and wellbeing, environment and place. It sets out our shared spatial strategy and aligns existing and future plans, strategies and funding programmes recognising objectives across government portfolios.
24. At a local level, the provisions in the Planning (Scotland) Act 2019 for Chief Planning Officers are to be commenced in Spring 2024, making it a statutory requirement for planning authorities to have a Chief Planning Officer. The role is intended to strengthen leadership and raise the profile of planning within local authorities. Guidance will be published alongside commencement setting out further details of the role.

Performance and Improvement

25. The performance of the planning system is an important priority for all stakeholders. Everyone has different ways of judging performance but ultimately, we all want a system which is timely, efficient and delivers the high quality development which we all need. Applicants can reasonably expect a better service if they are paying more for it. However, this is not necessarily a direct relationship, and we are some way behind recovering the full costs of processing applications.
26. Over the last decade, considerable work has gone into reporting on planning authority performance against a set of indicators agreed by the High Level Group. Whilst the preparation of [Planning Performance Frameworks](#) has been very beneficial, the approach is now at a level of maturity where the returns on the investment in time to report and monitor are diminishing. The time is right for a refreshed approach to improvement allowing us to move forward in a more action focused way.
27. In September 2023, Scotland's first [National Planning Improvement Champion](#) (NPIC) was appointed and is based within the Improvement Service. The Champion plays a vital role in supporting continual improvement within the planning system. The Champion is piloting a new approach to monitoring performance of the system with the introduction of the National Planning Improvement Framework (NPIF).
28. The key principles of the new framework are:
- **A renewed focus on improvement** - The improvement framework aims to use planning authorities' self-assessment to identify areas of improvement to inform an improvement action plan.
 - **Peer Collaborative Review** - Marking by Scottish Government will be replaced by peer review involving NPIC, other planning authorities and stakeholders.
 - **Measuring quality** - NPIF looks to incorporate indicators that better assess impacts, outcomes achieved, and the quality of the service provided.
 - **A high performing planning authority** - NPIF focusses on assessment against the attributes of a high performing planning authority such as having the tools to do the job; engagement; people; culture and place.
 - **Recognising dependencies** - NPIF aims to recognise that planning authorities depend on other people and organisations in delivering their service.
 - **Resources** - NPIF has been designed to be proportionate and not add to the demand on planning authorities' resources.

29. The NPIF will support a planning authority to assess their performance, identify areas of improvement and ascertain how best to action these to maximise their effectiveness and efficiency. It will support continual improvement and has been developed in the spirit of collaboration. This should assist authorities in identifying practical steps that can be taken to address their specific challenges. The Champion will have a central role in reviewing improvement plans and linking authorities with each other where similar improvement activities or outcomes are identified or highlighting and sharing good practice.

Digital Innovation

30. Digital technology can provide opportunities to improve the planning system through new systems and ways of working that can support efficiencies. The Scottish Government's Digital Programme was recently paused, as a result of the current challenges for capital budgets. However, significant progress has been made towards introducing new solutions and in the coming year we will use a small budget allocation to establish whether the new solution for payments can still be delivered in the immediate future. The existing [e-Development](#) platform will remain a priority for maintenance and upgrading. We will also put together a new, more targeted business case that will mean we are well placed to reopen the work at a future date, should funding become available.

31. Work on digital skills and innovation will be completed by the end of March and will be shared with a view to supporting planning authorities and others involved in the planning system. The Scottish Government and [RTPI Digital Skills Portal](#) provides a Scottish 'one stop' online platform designed to improve the confidence in digital skills amongst all planners, in their everyday roles. It allows individuals to start by assessing their skills and gives access to a range of digital learning and training resources relevant to development planning, development management and general operating.

32. We remain keen to make use of technology to improve efficiency within the system and future-proof our processes. Sharing of good practice between planning authorities, agencies and the private sector is encouraged.

System Changes

33. [Planning reform](#) has been ongoing since 2015, when an independent panel was convened to identify improvements in the system. The Planning (Scotland) Act 2019 took forward many of the recommendations identified by the panel, and National Planning Framework 4, adopted in 2023, provides a robust and consistent policy framework setting clear direction for decision making across Scotland. It is supported by a [Delivery Programme](#) which forms the basis of many of our ongoing reforms.

34. We continue to reform the system to improve processes and maximise efficiency, recognising that to achieve this, investment of time and energy upfront will still be required, including:

- New style local development plans have been introduced, including a longer maximum review cycle of 10 years to allow more time to focus on delivery of the plan. We know that significant resource is required by planning authorities and stakeholders, including community bodies, to introduce new plans and will continue to work with authorities and others to promote a proportionate approach for the first round of plans adopted in line with the changes introduced by the 2019 Act. Once those plans are in place, we fully expect that more time and resource will be available to support their delivery or wider services. New regulations on amendments to NPF and local development plans will provide more flexibility in the future.
- We have consulted on draft guidance about effective community engagement in local development planning, which can assist all involved in understanding where in the local development plan preparation process engagement can be most influential, and assist in prioritising resources appropriately.
- We have significantly extended permitted development rights, to remove certain applications from the planning system providing certainty for developers, and reducing processing for authorities and key agencies.
- Regulations and guidance on masterplan consent areas will assist authorities to front-load scrutiny and alignment of consents providing scope for developers to come forward with greater certainty of consent allowing them to raise necessary finance and get on site earlier.
- We recently re-commenced work to implement a new infrastructure levy under powers in the Planning (Scotland) Act 2019, which would provide authorities with an additional mechanism – alongside planning obligations – for seeking financial contributions towards infrastructure.
- Work on Compulsory Purchase Reform is also progressing, with the recent appointment of a Practitioner Group to advise on issues and potential solutions.

Proportionality

35. Stakeholders have raised concerns about the level of information required to support planning applications. Whilst NPF4 is still bedding down, a drive to improve proportionality at this stage could help to implement policies in an efficient, as well as more consistent and predictable way. We have heard from applicants that requirements can vary significantly between authorities and in some cases a precautionary approach can be taken which has the potential to generate additional time and costs for applicants, authorities and communities in providing and evaluating the evidence.

36. We therefore propose identifying and sharing best practice in proportionate approaches to information requirements. Key areas could include, but may not be limited to, examples of proportionate environmental, flood risk, transport and socio-economic benefit assessments and appraisals. The Onshore Wind Sector deal also sets out a commitment to collaborative working on proportionate Environment Impact Assessment Reports for wind farms.
37. The [Chief Planner](#) would be interested in hearing from practitioners with an interest in this area of work, with a view to convening a short life working group to contribute expertise and share examples of proportionate approaches. Experience from both planning authorities and applicants would be welcome. This work will be taken forward from summer 2024.

Question 1: Which assessments might benefit most from improved proportionality?

Certainty

38. We understand the critical importance of certainty to businesses and investors. Up to date, robust development plans, and streamlined systems and processes have a key role in providing some of that certainty.
39. In development management, applicants often cite certainty of decision making timescales to be more important than speed of decision making and [processing agreements](#) can be a useful project management tool. They create a shared understanding between all parties, supporting applicants, authorities and agencies to agree an appropriate and realistic application processing timetable.
40. We know that not all authorities offer this to applicants, and we are keen to gather views from all parties on the effectiveness of processing agreements in creating certainty.

Question 2: To what extent do you agree that processing agreements are an effective tool for creating certainty in planning decision making timescales?

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

Question 3: Do you consider that current resourcing issues are impacting on the use of processing agreements?

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

Question 4: Would you be prepared to pay a discretionary fee to enter into a processing agreement?

Yes | No view | No
Please explain your view

Question 5: What additional actions can we take to improve certainty in the planning process?

Streamlining, Alignment and Standardisation

41. Some efficiencies can be made by standardising approaches and using agreed templates, however it is important to balance the benefits of a consistent approach with our commitment to respecting local circumstances and enabling flexibility.
42. Better alignment of planning and other consenting regimes has long been an aspiration, but this can be difficult to achieve in practice due to the different legislative regimes and processes involved. Delegates at the November workshop noted that for one development an applicant may need a number of consents which all have different gateways into the Council. The idea was to provide improved cross council working to collectively 'say yes to good development quicker'. [SOLACE, COSLA and HOPS have committed to consider this proposal further – identifying and promoting good practice with the potential to carry out pilot projects with volunteer authorities/applicants.](#)
43. [Schemes of Delegation](#) set out planning authorities' approach to determining planning applications. They establish when certain decisions can be taken by officials instead of being considered by elected members of the authority at committee. Stakeholders have reported inconsistency across authorities and noted that they felt that in some cases Committee were dealing with very minor cases rather than those with more complex or controversial issues. It is a matter for individual authorities to set out a Scheme of Delegation that suits their circumstances, but [Heads of Planning Scotland will raise the issue with authorities.](#)
44. Applications involving section 75 planning obligations have significantly longer processing timescales and can be a major source of delay within the planning system. The majority of a section 75 legal agreement contains standard information. In order to provide more consistency and reduce the time involved in preparing Section 75 agreements stakeholders suggested that a standard template could be developed. [Heads of Planning Scotland and SOLAR have committed to working with the Applicant Stakeholder Group to agree and roll out a Section 75 template.](#)
45. The Enterprise Area Protocol has been recognised as providing tangible benefits and this has subsequently been adopted to support the emerging Green Free Ports. [There is scope to consider expanding this approach to other areas.](#) The protocol provides clarity and a shared understanding about the process and expectations of those involved in bringing forward development including authorities, agencies and applicants.

46. Work is underway to deliver the commitments in the [Onshore Wind Sector deal](#) relating to the standardisation of templates, such as Environmental Impact Assessment Reports, including reviewing baseline information requirements for the Environmental Impact Assessment for repowering wind farms and Section 36 consents and deemed planning permission, including conditions imposed on consents.

Question 6: Do you have further ideas on opportunities for streamlining, alignment or standardisation?

Skills, Recruitment and Retention

47. In order to deliver an effective, high-performing public sector planning service, there is a need to ensure that the planning workforce is equipped to meet the future demands that will be placed upon the sector. At present there are a number of interconnected pressures on the Scottish planning system including the increased complexity in planning applications and infrastructure delivery, resourcing pressures within authorities, and the challenges of recruitment and retention of staff at a time of increased demand for experienced planners, including in other sectors, such as renewable energy.

48. In 2020, Skills Development Scotland published research on [Skills in Planning](#). The report identified that, over a period of 10 to 15 years, 550-600 planners would be required to meet replacement demand, largely due to retirements, and that an additional 130 planners would be required to cover a projected 11% growth in the planning sector.

49. These challenges cannot be solved with one simple solution. Recognising the need for a multi-dimensional approach, in 2021 the High Level Group commissioned HOPS and RTPI to undertake a project to explore the options available to increase the number of people entering the planning profession in Scotland.

50. The [Future Planners](#) report, published July 2022, sets out a series of short, medium and longer term recommendations to increase the number of new entrants into planning authorities and other parts of the planning sector. The report's recommendations cover diverse areas of action including support for funded postgraduate opportunities to increase the number of people gaining planning qualifications; extending opportunities for students to gain relevant work experience; enabling universities to maintain the viability of RTPI-accredited planning courses and increase the number of home students where possible; as well as exploring possibilities to retain more international students in the workforce.

51. The Scottish Government has been working with HOPS, RTPi and other partners to progress the recommendations. Action taken to date includes:

- Publication of a [campaign toolkit](#) to give young people an insight into planning as a career option, encourage them to find out more about planning and increase interest and uptake of planning qualifications. The pack contains:
 - Links to promotional videos including YouTube shorts for use with social media
 - Social Media Graphics
 - A downloadable leaflet for use at careers fairs
 - Copy for social media channels
- SG funding for 10 x £2,000 RTPi bursaries for students undertaking post graduate planning degrees in Scottish planning schools in 2023/24. We intend to continue support for bursaries and will confirm arrangements as soon as possible.
- RTPi and the Scottish Government have promoted the case for a planning apprenticeship or practice-based planning degree and will continue to support delivery of such routes into the profession. At present there is only one undergraduate planning degree in Scotland, at Dundee University. The planning school at Dundee University and Fife Council have successfully piloted a model of practice-based study which has enabled a small number of individuals to complete an undergraduate degree while working part time within the planning authority. The university is taking forward plans to establish this model as a practice-based degree programme. The University of the West of Scotland is also actively seeking to start a new planning degree programme. We understand this course would be designed to facilitate individuals training as planners while working part time within the planning sector. We believe such practice-based models enabling employers to 'grow their own' future planners can add significant value and have the potential to achieve very similar positive outcomes to an apprenticeship. We will also continue to explore the benefits and potential of a graduate apprenticeship scheme in the future.
- There are three planning schools offering RTPi accredited degree courses in Scotland – Dundee, Heriot Watt and Glasgow. However, Dundee is the only university currently offering an undergraduate planning degree. The Minister for Local Government Empowerment and Planning wrote to planning schools in October 2023 to encourage their continued support for higher education in this discipline.

- We are also working with [Partners in Planning](#) to develop a skills strategy which will identify the specialist skills required to address the requirements of NPF4, and the wider skills required to ensure we have planners with the expertise to deliver on our ambitions for Scotland. In doing so, we are drawing on experience from the approach taken to developing a strategy for building standards. The new National Planning Improvement Framework will help collate data on workforce and skills requirements which will help inform the strategy for Scotland as a whole. We believe there would be benefit in working with partners to co-ordinate and promote skills development more proactively, bringing together and sharing the many sources of learning to support continuing improvement of skills and knowledge within the planning service.

52. Similar workforce challenges are being faced in other parts of the UK and we note that in England a Pathways into Planning graduate programme, funded by the Department for Levelling-Up, Housing and Communities and delivered by the Local Government Association with support from the Planning Advisory Service, has recently been set up. The programme aims to market planning as a career to graduates from all degree backgrounds and identify talented graduates to work in local government. Local authorities are able to employ graduates from this pool, offering a contract of at least 3 years in the first instance. Councils benefit from an educational bursary for each graduate, which can be used towards the cost of putting them through an RTPI-accredited apprenticeship or part time Master's degree. While this programme is currently unique to England, we are exploring the lessons that can be applied in the Scottish context.

53. Other ongoing and longer-term Future Planners report actions which are being taken forward by key partners include:

- continued work to extend opportunities for students at all levels to gain practical experience within a planning environment and embed work placements into university courses;
- further promotion of planning in secondary schools and further education colleges, and at universities and career fairs, and raising awareness of planning amongst students on related degree courses;
- making use of existing careers and skills platforms to promote planning careers;
- understanding how young people can be assisted with job applications and interview preparation;
- further research on how to retain more international students in the UK and making the case for Planning to be included in the UK list of 'shortage occupations' which qualify for a skilled worker visa, linking with wider Scottish Government work on talent attraction and student retention; and
- considering how career structures can be improved within public sector planning and looking at the interchangeability of roles and careers within local authorities.

54. The Scottish Government believes momentum on these actions must be maintained to help ensure more people are aware of planning and can choose planning as a rewarding career. Public sector partners and higher education institutions along with industry partners will need to continue to work together to maximise the impact of their respective roles in fostering collective solutions.

Question 7: Are there any skills actions which you think should be prioritised?

Question 8: Are there any skills actions not identified which you think would make a significant impact?

55. We recognise that elected members also have a crucial role in the decision-making process within the planning system, being a vital part of our democratic process by carrying out specific planning functions. It is essential that they have the knowledge and understanding to help them make decisions that are robust and sound in planning reason.

56. We have recently [consulted](#) on the introduction of mandatory training for elected members who will be involved in planning. We expect that the introduction of training will build confidence and trust in the decisions which are taken in planning. The consultation closed on 26 October, and we are currently considering the responses.

A Planning Hub

57. A recurring suggestion from stakeholders is the establishment of a central pool of staff or specialists that would be accessible to authorities to use as and when required to assist them with their planning functions. This idea was discussed at the resourcing workshop in November, with stakeholders highlighting the Building Standards Hub (BSH) as an example of good practice that could be transferable to planning. The Building Standards Hub pilot was hosted within a local authority (Fife Council). The Hub is intended to play a key role in supporting transformation and quality in building standards services across Scotland. The Building Standards Hub objectives are to:

- **Increase consistency** in the delivery of the verification service across all local authorities.
- **Increase capacity** to deliver across all types of construction work across Scotland.
- **Provide resilience** by providing access to additional resources, training and forward planning to ensure continuation of the service.
- **Drive efficiencies** and so response times to applications and the use of similar processes.
- **Ensure investment in skills and new technology** to drive innovation in service delivery.

58. Introducing such a hub for planning could provide much needed support and resilience for authorities in the coming years. Individual authorities would have differing needs at varying times, but a 'Planning Hub' could aim to act as a means for authorities to access skilled staff at short notice to help them to respond to a variety of pressures.

59. A central resource or hub could allow authorities to quickly and easily access a variety of specialist and technical skills to bolster and support their staff. The hub could play a variety of roles, providing flexibility to suit the individual circumstances and needs of authorities. It would be co-designed with planning authorities rather than centrally defined. We would expect that, in the short term, the hub would focus on providing support to help ensure the timely and informed determination of planning applications. Key priorities could include:

- Providing technical expertise and advice in new or evolving areas, such as energy, heat, biodiversity or climate adaptation.
- Providing technical support/advice on a topic where the Council has lost expertise.
- Providing additional support to process large or complex applications.
- Helping to provide some additional 'surge' capacity during a period of unexpected staff absence.
- Helping to embed good practice.
- Helping to build confidence and resilience within authorities by providing training, skills sharing and Continuing Professional Development (CPD) opportunities.

60. Once operational, the hub could have the potential to expand to further areas of performance and improvement support.

61. The idea of a having additional resource and/or training was also included as a commitment in the [Scottish Onshore Wind Sector Deal](#). The Onshore Wind sector and the Scottish Government have agreed to set out proposals for how additional resources and/or training can be accessed by statutory consultees when they are responding to onshore wind applications, and by decision makers when discharging pre-commencement planning conditions.

Question 9: Do you think that the concept of a 'planning hub', modelled on the Building Standards Hub would support authorities and deliver improvement in the system?

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

Question 10: Are there other ways a hub could add value and provide support in the short and longer term?

Hosting a Planning Hub

62. There are a number of options for hosting the hub:

- i. Within the Scottish Government.
This could provide a central position for the hub, ensuring that it has the support of Ministers and is recognised as a national resource for all authorities. Central positioning would also ensure that support is focussed on delivery of national priorities such as net zero, is impartial and maintains trust and the reputation of the planning system. Given Scottish Ministers' potential role in planning applications that are called in or recalled through the appeal process, however, it would be difficult to avoid conflicts of interest arising.
- ii. Within a public organisation.
A variety of public sector organisations could provide a host function for the hub. This would provide impartiality and there are less likely to be conflicts of interest. The host organisation may also be able to make connections and links with other similar work across other services and in related fields.
- iii. Within a host authority.
A volunteer authority could host the hub within their Council. This has worked successfully for the Building Standards Hub based within Fife Council. Hosting within a council gives benefits of the hub being delivered by an organisation which is closer to those involved in frontline services, adding value by allowing access to existing technology such as the Uniform case handling system. This will ensure those working within the hub can more easily support authorities effectively by identifying the right type of support and having direct access to the relevant information and an understanding of local authority processes and procedures.

Question 11: Which of the options do you think is most suitable, and why?

- i. Within Scottish Government
- ii. Within public organisation
- iii. Within a host authority
- iv. Other
- v. No view

Financing the Hub

63. The [Scottish Government Budget 2024/25](#) does not include any budget for establishing such a hub and authorities are not in a position to finance this from their current budgets. Therefore, should there be support for this proposal, an alternative means of financing would need to be identified. Some private sector stakeholders have stated that they would be willing to pay more to provide support for authorities. Private sector funding of the hub could be an option, but in practice may be hard to secure funds in a fair way.

64. Until we bottom out the specific role and demand for any potential hub, it is hard to estimate operational costs. Should there be support for this proposal, we will consider the likely levels of demand in more detail with Heads of Planning Scotland. As a benchmark, the estimated cost of the Building Standards Hub (as currently proposed) is approximately £1.2 million per annum with 10.5 FTE staff. The estimated total net cost over the three years 2024/25 to 2026/27 is £3.35 million. The funding for the new hub has been built into the design of the new fee structure for building verification work to be introduced from April 2024 that will run for three years. As this funding is generated by an increase in fees it will be paid for by all building warrant applicants.
65. The simplest and fairest method to fund the operation of the hub may be to increase each planning application fee to reflect the cost of the hub. Further work with COSLA and Heads of Planning would be required to consider this in detail, looking at how finance would be collected and administered and how much the cost would be.

Question 12: How do you think a Planning Hub could be resourced?

Part 2 – Raising Resources

Planning Fees

66. Statutory planning fees play an important, but limited, role in resourcing planning services. Fees reflect the general principle of larger developments paying higher fees, so that applicants rather than the taxpayer cover the cost of the service provided to determine applications. However, [previous research](#) from 2019 has shown that on average planning fees only cover 65% of the cost of determining applications.
67. Levels and types of planning applications continuously evolve in response to a wide range of factors. We have extended Permitted Development Rights, removing more minor applications from the system and ensuring that officers' time is spent on applications where they can add most value. Between 2013/14 and 2022/23, the number of major applications being determined reduced from 371 to 260 with the number of local non-householder applications reducing from 16,219 to 12,132 and householder applications reducing from 13,904 down to 12,591.
68. Changes to planning fees were implemented in 2014, 2017 and 2022. The most recent changes in [April 2022](#) increased planning fees in most case types by between 25% and 50%. Since then, Heads of Planning Scotland have been gathering information from authorities on the impact of that increase. The survey is not yet complete, but early responses indicate that most but not all authorities have seen some increase in income as a result of the fee increase. Although around a quarter of authorities have not seen a significant increase in income, the new fee levels may nevertheless have protected them from a reduction in income.
69. Some of the key findings from initial responses include:
- some authorities have implemented discretionary charges, and this is helping them to retain posts and fill vacancies;
 - recruitment is limited and extremely strong business cases are required to justify a decision to recruit due to severe budget pressures faced by Councils; and
 - additional planning fee income has been used in a variety of ways including filling posts; investing in IT software and hardware in order to make people and processes more efficient; maintaining training budgets; and procuring consultancy support to either assist with clearing application backlogs or to provide specialist support.
70. These findings demonstrate significant variations in the ways that planning authorities can utilise additional income in order to improve planning services.

71. We previously sought views on the introduction of refunds, rebates and other incentives for planning applications more generally in the [2019 Planning Performance and Fees Consultation](#). Many stakeholders, particularly applicants, argued that refunds should be introduced for planning applications where there has been an unreasonable delay in determining an application. Planning Authorities have previously expressed concern about the fairness of introducing refunds particularly where delays could lie outwith their control, for example, due to delays in responses from consultees or applicants. It is also recognised that potentially having to repay fees will add additional administrative burdens and costs to planning authorities and could introduce further complexity to the system through the need for arbitration. Introducing refunds would also potentially penalise those authorities who are currently under resourced having to return vital income which could ultimately result in further reductions in budget and staff numbers.
72. We currently do not consider that introducing a process for seeking a refund of a planning application fee is the right approach in delivering improvement in the planning service and in particular to improving determination timescales. In September 2023 the National Planning Improvement Champion was appointed. The role supports continuous improvement in the planning system. The Champion is in the process of piloting a new National Planning Improvement Framework which will support continuous improvement through local improvement plans.

Annual Inflationary Increase

73. Planning fees have not kept pace with inflation, and this has been felt more acutely in recent years. Fee increases have been made at irregular intervals, rather than reviewed on a regular basis to ensure they reflect their changing context.
74. So that the fee level does not fall behind, and to help planning authorities manage their costs, we propose that planning fees are automatically adjusted annually in line with inflation. An indexation mechanism calculated on the basis of the 12-month Consumer Price Index rate is proposed.

Question 13: Do you agree that planning fees should increase annually in line with inflation?

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

Question 14: Is a calculation based on the 12 month Consumer Price Index the most appropriate mechanism?

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

75. Planning fees are currently set in different ways. For instance, an application to amend or extend a dwelling house is £300, whereas an application to build a new dwelling house is charged on a per house basis at a rate of £600 per house for the first 10 houses, with that then dropping to £450 for houses between 11 and 49 and finally for each house over 50 it is £250. The maximum fee that can be applied is £150,000. Other types of development fees operate on the basis of the extent of floor space to be created or site area.
76. When it comes to applying an inflationary increase, we are keen to understand if there is support for the individual fees, increments and maximums to be increased.
77. Only increasing the individual fees and increments would potentially lead to more applications reaching the maximum fee quicker and may impact planning authorities' ability to recover their costs in determining applications.

Question 15: Should an annual inflationary increase apply to:

- i. Individual fees and increments
- ii. Individual fees, increments and maximums
- iii. No view

Locally Setting Planning Fees

78. In 2010, the consultation on Resourcing a High Quality Planning System sought views on alternative approaches to setting planning fees, including providing a mechanism for authorities to set their own fees. At that time there was a lack of support for the proposal, with respondents considering that different fees across the country may add confusion and may result in increased enquiries for authorities. It was also considered that there may be comparisons between authorities about fee levels versus service provided, particularly where higher fees are in place.
79. We are now, however, in a very different financial position and need to look at alternative options to increase resource. Through the [Verity House Agreement](#) and the [Scottish Budget 2024/25](#) we have committed to looking at planning fees as one area where Councils can be empowered by increased discretion to determine and set fees and charges locally.
80. Locally setting planning fees would allow each authority to set their fees in a way which could enable them to meet local needs and demand, achieve full cost recovery and increase accountability for the service they provide. Authorities could also set fees in a way which allows them to act as an economic development tool, for instance reducing or waiving the fee for certain types of development in order to act as an incentive and attract development and investment in that area. However, we would not wish to support the use of planning as a disincentive to development and investment by increasing planning fees to a level which is not economically viable.

81. Following the consultation, further work will be required to establish whether the Town and Country Planning (Scotland) Act 1997 provides sufficient scope to allow for any changes which are proposed through regulations or if changes to primary legislation would be needed. Any changes to primary legislation would potentially involve significantly longer timescales. Consideration will also need to be given to the process authorities may need to follow in setting and administering fees and how the ePlanning fee calculator remains up to date. There will also be impacts and interdependencies with other options presented in this consultation paper such as planning appeal fees, inflationary increases and proposals relating to hydrogen and shellfish farming.
82. There are various approaches which could be taken to provide authorities with greater control over the setting of planning fees and charges. For example, authorities could be given full discretion to set fees and charges, including fee categories, individual units of calculation, and if there are any maximum fees. This could potentially allow for them to depart from current principles such as, fees being paid on submission of the application, allowing for phased or deferred payments or for different payments to be made depending on the individual requirements of an application such as the need for legal agreements or other processes which are not applicable to all types of application.
83. Another approach could be that the principles contained within the current planning fee regulations are retained and authorities are given greater scope to set their own fees for each category of development including the individual increments and maximums. This would provide some level of certainty to applicants over the different categories of development and general principles which apply to all applications.
84. Alternatively, the Scottish Government could continue to set fee levels as is currently the case with authorities given greater scope to identify and implement services which are intended to facilitate the effective and efficient processing of applications which go beyond the current levels of service provided.
85. We are interested in hearing views from across planning stakeholders on alternative approaches to increasing authorities' discretion to set fees.

Question 16: What would be your preferred approach to how planning fees are set in the future?

Question 17: Are there key principles which should be set out in the event that fee setting powers are devolved to planning authorities?

Increasing Discretionary Charging

86. [The Town and Country Planning \(Fees for Applications\) Scotland Regulations 2022](#) give authorities the option to introduce charges for providing written confirmation of compliance with conditions, the non-material variation of a planning application, retrospective applications and to introduce charges for entering into pre-application discussions with an applicant. Since then, we have seen charging for pre-application discussions become standard practice across most authorities.
87. With the current financial situation, authorities are actively thinking about how best to increase income generation to better cover the services provided. Increasing discretionary charging powers would provide them with further opportunities to consider alternative approaches that suit local needs. We therefore propose to increase discretionary charging powers to cover other parts of the planning application process.
88. We consider that the introduction of any additional charges should focus on actions which support the efficient processing of planning applications. This will ensure there continues to be a strong link between what is paid, and the service directly provided. Charging should focus on areas where the authority can add real value to ensure that applications are determined effectively and efficiently, provide high levels of customer service, and that the post consent process does not delay the commencement of development. Additional flexibility for discretionary charging would ensure that authorities can act swiftly to introduce charging elements to the planning application process rather than requiring the Scottish Government to put in place legislation. We would expect that for any services which are introduced, that it should be clear what is being charged for, how the charge has been arrived at and any process which should be followed in the event that expectations are not being met.
89. We expect that applicants are likely to wish to see a refund issued if they have not received the service expected. Under current arrangements for introducing charges for pre-application discussions, authorities are required to publish information setting out what service a fee is being charged for, how the fees are to be calculated and under what circumstances an authority may consider waiving or reducing a fee. We consider that there is potential to introduce a requirement that authorities set out the circumstances whereby a refund may be requested.

Question 18: What other processes that support the determination of a planning application could authorities be given powers to charge at their discretion?

Question 19: Do think the circumstances where a refund can be requested is set out as part of any published information regarding the introduction of a discretionary charge?

Fee for Proposals on Unallocated Sites in the Development Plan

90. One idea from the November resourcing workshop was to investigate the potential of introducing an increased fee for a planning application for development which is not allocated within the development plan. Sites which have been allocated in the development plan have been subject to public consultation, scrutiny by the planning authority and consideration has been given to proposed uses. An authority is likely to have greater costs in determining unallocated sites due to the additional work required to identify what information is required to be submitted to support the application, what impact the proposed development may have and identifying any mitigation.
91. Not all types of development are allocated in the plan. For instance:
- rural housing in more remote and island communities is more likely to be brought forward using a windfall approach;
 - small and medium-sized enterprise housebuilders may also tend to focus on sites which are not allocated in the development plan; and
 - renewable energy developments may also not benefit from specific allocations.
92. Authorities would therefore need to be clear in what circumstances the increased fee is applied.

Question 20: Do you agree with the principle that authorities should have discretionary powers to increase fees for a proposal on an unallocated site within the development plan?

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

Masterplan Consent Areas

93. The Planning (Scotland) Act 2019 introduces Masterplan Consent Areas (MCA) as a new upfront consenting mechanism. This has significant potential to simplify planning within certain areas, strengthening investor confidence whilst still ensuring new developments are well located and designed. The Act provides that a planning authority can prepare a MCA 'scheme', with scope to give a range of types of consent, including planning permission, road construction consent, listed building consent and conservation area consent – where provided for in the particular MCA scheme. Development that is in line with the scheme could be brought forward without the need to apply for full planning permission.
94. Work on regulations and guidance is ongoing and a [separate consultation](#) is underway.
95. In order to put a MCA scheme in place, the planning authority will incur costs, for example through the need to analyse the site, consult, prepare a masterplan, and set out the type of development consented along with any necessary conditions.

96. The [2019 Planning Performance and Fees consultation](#) sought views on the principle of authorities being able to recoup their costs of establishing a MCA.
97. Taking account of the responses to the 2019 consultation, we consider that it is appropriate to allow authorities to set their own fees/charges in relation to MCAs. We propose to introduce additional provisions for discretionary charging to allow planning authorities to recoup their costs in establishing a MCA.
98. The cost of establishing a MCA will vary across the country due the different priorities and site specific requirements. Therefore, providing authorities flexibility in how they set any fees/charges for carrying out development in a MCA, allows for them to recover the costs. We expect that as part of a MCA scheme authorities will set out their costs in establishing the scheme. To recoup those costs, fees/charges expected to be paid by applicants looking to carry out development within a MCA should also be set out in the scheme, alongside the methodology of how such costs will be apportioned.
99. Authorities may also wish to consider charging for applications covering Approval of Matters Specified in Conditions (AMSCs) within the MCA scheme.

Question 21: Do you agree that planning authorities should be able to recoup the costs of preparing a Masterplan Consent Area through discretionary charging?

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

Resourcing Other Parts of the Planning System

Fees for Planning Appeals

100. The [2019 Planning Performance and Fees Consultation](#) sought the views of stakeholders on the principle of introducing fees for an applicant to appeal a refusal of planning permission. There was broad support (63%) for introducing fees for appealing planning decisions both to Scottish Ministers via Planning and Environmental Appeals Division (DPEA) and to a Local Review Body (LRB).
101. The consultation also sought views on the types of appeal which should be included and excluded for charges as well as whether the appeal fee should be refunded in the event of the appeal being successful.
102. The introduction of fees for appealing is not intended to inhibit access to justice or to discourage applicants from appealing planning decisions. The purpose is to ensure that public services are appropriately resourced to deliver the service expected by customers.
103. Any finalised proposals would need to take account of the responses to earlier parts of this consultation – particularly the potential for different fee levels being applicable across the country.

104. In the interest of consistency, it is proposed that the fee for appealing a planning decision is the same irrespective of whether the appeal is being considered by a Local Review Body or Scottish Ministers. This allows for variations in the approaches taken by authorities to their schemes of delegation and what decisions are taken by officers and committee, which ultimately determines the route for appeal.

Types of Appeal

105. The types of applications where we consider a fee should be payable for submitting an appeal (to DPEA or Local Review Body) are:

- Planning permission
- Retrospective permission
- Planning permission in principle
- Approval of matters specified in conditions
- Conditions
- Planning obligation/contribution/good neighbour agreements
- Advertisement consent
- Certificate of Lawful Use or Development
- Certificate of Appropriate Alternative Development
- Hazardous Substances Consent
- Prior Notification/Approval
- Tree Works Consent
- Review of old minerals permissions

106. We do not consider a fee should be payable for the following applications types:

- Non-determination
- Means of access etc. for disabled persons
- Listed Building Consent
- Conservation Area Consent

[Question 22: Do you agree with the types of appeals that should incur a fee?](#)

[Yes | no view | No](#)

[Please explain your view](#)

Fee Level

107. Approximately 50% of DPEA's workload relates to determining appeals. Other work includes Local Development Plan Examination and other non-planning case work such as Section 36 large scale renewables projects, Roads Orders and Compulsory Purchase Orders.

108. Figure 2 shows the approximate cost of determining DPEA appeals over the last 4 financial years:

Figure 2: DPEA Budget and number of appeals determined by DPEA and LRBs over last 4 years

	DPEA Total Budget	50% of budget for appeals	Number of planning appeals	Number of Appeals to LRB
2022/23	£4,153,061	£2,076,531	144	516
2021/22	£3,783,862	£1,891,931	182	481
2020/21	£3,609,098	£1,804,549	164	442
2019/20	£3,607,438	£1,803,719	152	506

109. Local Review Bodies determined 516 appeals in 2022/23 (average of 497 appeals over the last 4 years), which were determined in an average time of 16.7 weeks. In 64% of those cases the original decision was upheld. We do not hold information on costs of LRBs.

110. Fee levels could seek to achieve full cost recovery for the determination of planning appeals. However, based on the figures above, to achieve this for DPEA appeals, a flat fee in excess of £13,000 for every planning appeal would be required. This would be a disproportionate cost for the majority of appellants, and we do not consider it to be a viable or appropriate option.

111. To aim for partial cost recovery, we could set a universal fee. Figure 3 sets out a series of potential options for lower level fees and the likely level of income they would generate.

Figure 3: Flat rate appeal fee

Fee per appeal lodged	Projected income based on DPEA average appeal number of 160 appeals.	Projected Income for authorities based on LRB average number of 497
£100	£16,000	£49,700
£500	£80,000	£248,500
£1,000	£160,000	£497,000
£2,000	£320,000	£994,000
£5,000	£800,000	£2,485,000

112. A flat universal fee would mean that small and large scale proposals would attract the same fee – the cost would not reflect the volume of work required. The cost of administering such a scheme would also reduce any benefit from the introduction of fees.

113. Figure 3 shows that in most instances, the appeal fee would exceed the cost of the original planning application fee, for instance where an application to alter/extend a dwelling house is required, the fee is generally £300. In most of the examples above all of the proposed fees exceed that. In such cases, the appellant would be paying the same fee as a developer who has paid a fee of £150,000 to submit their planning application. We do not therefore consider this to be an equitable, practical or appropriate approach.

114. Another option would be to match the appeal fee to the hierarchy of development. All developments are categorised as national, major or local. However, the range and complexity of applications within one category can be significant. For example, the types of development which are classed as local can range from extending or making alterations to a dwelling house, to a development of 1-49 houses where the planning fee can vary between £600 and £23,500. The hierarchy also relates to certain procedural requirements and does not necessarily align with the planning application fees. Given that a local development can include developments of up to 49 houses, if one additional house was added to that application it would result in a potentially significant increase in the planning appeal fee. In such cases, a link with fees could therefore skew the scale and nature of applications, with unintended consequences. As a result, we do not consider that matching appeal fees to the hierarchy is an appropriate option as it does not accurately reflect the potential variations in the size and complexity of applications and therefore the cost involved in their determination.

115. A further option would be to charge a percentage of the application fee. This would address the issues identified above. It would provide a fair system which is equitable, transparent, ensures that the fee is proportionate to the proposed development, linked to the original fee and the likely resources required to determine the appeal. We therefore consider this to be the most appropriate way to set the level of appeal fee. This approach would also mirror the general principle under which planning fees operate, that the larger the development (and more significant cost involved in processing it) the higher the fee to better cover costs.

Question 23: Do you agree that setting the fee for applying to appeal the refusal of planning permission (to either DPEA or the planning authority) is set as a percentage of the original planning application fee?

[Strongly agree](#) | [Partially agree](#) | [No view](#) | [Partially disagree](#) | [Strongly disagree](#)
[Please explain your view](#)

116. Figure 4 shows, based on current application fees, the likely costs for an appellant based on various percentage scenarios. We do not intend to propose that the fee for appealing a refusal of planning permission should achieve full cost recovery as there are many variables which can affect this, including whether the appeal is determined by a Local Review Body or Scottish Ministers. Further, setting the appeal fee at a prohibitive level could raise issues regarding to access to justice. We also consider that the cost of determining an appeal would not be the same as the costs involved in the original determination of the application by the planning authority.

Figure 4: Breakdown of potential cost of appealing for different types of application					
Application/ Appeal Type	Planning Fee	Potential appeal cost based on percentage scenario			
		10%	20%	30%	40%
Planning Permission - Householder	£300	£30	£60	£90	£120
Single House	£600	£60	£120	£180	£240
Planning Application - Minimum	£500	£50	£100	£150	£200
Planning Application - Maximum	£150,000	£15,000	£30,000	£45,000	£60,000
Planning Permission in Principle - Minimum	£300	£30	£60	£90	£120
Planning Permission in Principle - Maximum	£75,000	£7,500	£15,000	£22,500	£30,000
Conditions	£100	£10	£20	£30	£40
Advertisement Consent	£300	£30	£60	£90	£120
Hazardous Substances	£600	£60	£120	£180	£240
	£1200	£120	£240	£360	£480
Prior Approval - £100	£100	£10	£20	£30	£40
Prior Approval - £500	£500	£50	£100	£150	£200

Question 24: If a percentage of fee approach to appeal charging was considered most appropriate, what level do you consider would be most appropriate to reflect volume of work by DPEA or the LRB?

10% | 20% | 30% | 40% | No view | Other
Please explain your view

117. Planning authorities also have the ability to waive or reduce the fee payable for submitting an application for planning permission. In order to exercise those powers, authorities are required to set out the circumstances whereby they will consider waiving or reducing the fee. We do not consider that a decision by an authority to waive or reduce a planning fee should impact on a fee payable to DPEA for appealing a refusal of planning permission. However, for appeals which are to be considered by a Local Review Body, we consider it appropriate for authorities to assess whether a similar reduction or waiver is appropriate for the appeal fee.

Question 25: Do you agree that an authority should consider waiving or reducing an appeal fee where they have offered such a waiver on the related planning application?

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

Digital Service Charge

118. Since 2016 we have operated the e-Development service that enables users to apply online for a variety of permissions including planning applications, building warrants and planning appeals.
119. Maintaining and improving an online application submission service is an important part of delivering an effective planning and building standards system. e-Development is currently jointly funded by Scottish Government, local authorities and planning authorities.
120. In the current financial climate, we are keen to explore new ways to fund the ongoing operation of eDevelopment, that reduces costs for authorities. One option could be to introduce a service charge. The charge could allow recovery of operational costs to help secure its long term sustainability as well as the potential to make longer term improvements to deliver efficiencies. Improvements could include helping to reduce the initial submission of invalid applications, allowing direct participation of statutory consultees in accessing applications and facilitating two way communication between applicants and local and planning authorities.
121. Further work would be required to investigate how to administer such a charge, but we would envisage that it could be collected alongside the planning application fee and/or building warrant fee. For planning we consider that there are three options for charging: a flat rate fee; a fee based on type of development (e.g. for planning - major, local or householder); or a percentage of the application fee. Similarly, as building standards fee rates are based on the value of works, we consider there are three options for charging: a flat rate fee; a fee based on the value of works; or a percentage of the application fee

Question 26: Do you have views on how a service charge for applying for planning permission or a building warrant online could be applied?

Question 27: What other options are there to resource the operation and improvement of the eDevelopment service?

Energy Generation

Onshore

122. Scottish Ministers are responsible for deciding applications to build, operate or modify onshore electricity generating stations with capacities exceeding 50 megawatts (MW), under powers contained in the [Electricity Act 1989](#). Applications concerning onshore electricity generating stations with capacities of 50 MW or less are decided by planning authorities under the Town and Country Planning (Scotland) Act 1997, as amended.

123. Tackling the climate change emergency has led to a significant increase in proposals for electricity generation and storage developments using energy from renewable sources. As technology has moved forward there has been a trend towards taller and more powerful wind turbines. This increase in capacity has meant that a greater proportion of applications are over the threshold for consideration under the Town and Country Planning Act 1997. Most wind farm proposals now include turbines greater than 180m in height with a generation capacity of 5-7MW each. A wind energy proposal comprising approximately 8 or 9 turbines is now likely to meet the 50MW threshold and require determination by Scottish Ministers.
124. This change in technology has shifted the balance of decision making with Scottish Ministers now determining a greater number/proportion of wind farm applications since the Electricity Act came into force in 1989. Our statistics show that the volume of applications made to Scottish Ministers has more than quadrupled over the last 20 years, with 15 applications made between 2001/03 and 70 applications made between 2021/23.
125. This shift has also impacted decision-making timescales. Our statistics show that, between 1 April 2022 and 31 March 2023, applications for new renewable electricity generating stations made under the Electricity Act 1989, which were not subject to a public local inquiry, took Scottish Ministers an average of 16.6 months to determine. This figure varied from 8 months for a solar energy park up to 22 months for a wind energy development. The equivalent planning application statistics for 2022/23 show that planning authorities took on average 24.6 weeks (approximately 6 months) to determine applications for 'major' renewable energy developments which were not subject to a processing agreement.
126. Under current arrangements, planning authorities are assigned a voluntary contribution, amounting to 50% of the fee paid to Scottish Ministers for applications made under the Electricity Act 1989, so that they can undertake work to consider the application as a statutory consultee. Increasing the threshold would have resourcing implications for planning authorities. They would receive the full fee for determining the planning application but would have additional work to process and determine the application.
127. The Scottish Government has committed to undertake work to explore the benefits and disadvantages of altering the threshold, and to explore the scope for planning authorities to determine more applications for onshore electricity generating stations. We welcome initial views through this consultation. This includes views on the resourcing implications arising from any change to the threshold, including the difference in workload arising were planning authorities to determine more such applications, rather than acting as a statutory consultee under the Electricity Act 1989.

[Question 28: Should the current threshold of 50MW for applications for electricity generation which are to be determined by authorities be altered?](#)

[Yes](#) | [No view](#) | [No](#)

[Please explain your view](#)

Question 29: Should different thresholds apply to different types of generating stations?

Yes | No view | No

Please explain your view

Question 30: What would be the resource implications of increasing the threshold for the determination of applications for onshore electricity generating stations?

Offshore

128. Scottish Ministers are responsible for deciding applications to construct, extend or operate a generating station with a generation capacity in excess of 1 megawatt (MW) situated in the Scottish territorial sea (out to 12 nautical miles (nm) from the shore), or with a generating capacity in excess of 50 MW in the Scottish Offshore Region (12 to 200 nm), under powers contained in the Electricity Act 1989.

129. Where a planning authority is responding to an invitation to comment on an application for offshore generating station, there are resource implications for the authority in undertaking the necessary work to comment on the application. Currently there is no recovery of costs for authorities for this work, unlike the voluntary contribution assigned to planning authorities for the consideration of onshore applications. Planning authorities have requested that the Scottish Government considers assigning a voluntary contribution of the fee for an application for offshore electricity generation to planning authorities who are asked to comment on such applications. We welcome further views through this consultation.

Question 31: If Scottish Government were to make a voluntary contribution equivalent to a percentage of the offshore electricity fee to authorities, what level of contribution would be appropriate to support some recovery of costs? Please provide justification for your answer.

Fee Categories for Hydrogen Projects

130. Low-carbon and zero emissions hydrogen development will play an important role in supporting the transition to net zero. It can provide a sustainable alternative to the burning of fossil fuels in transport and energy-intensive industries and can be stored to support the operation of the electricity grid. Scotland therefore has an ambition to produce 5 gigawatts (GW) of renewable and low carbon hydrogen by 2030, and 25 GW by 2045, and it is expected that new hydrogen production and storage facilities will be developed at scale.

131. Currently, the [Town and Country Planning \(Fees for Applications\) \(Scotland\) Regulations 2022](#) do not include a specific fee category for hydrogen projects. Initial feedback from planning authorities indicates that applications for hydrogen projects comprising facilities for the production and storage of hydrogen, are typically processed under the fee category for plant and machinery (category 13). It has, however, been suggested that there is benefit in providing greater clarity to help avoid any confusion and potential delay in the validation of planning applications.
132. Hydrogen projects can vary in complexity and are often subject to environmental impact assessment. Initial feedback has indicated mixed views on whether the level of fee charged under category 13 is appropriate and/or likely to cover costs linked to considering applications for hydrogen projects. We are therefore seeking views on the introduction of a new fee category for hydrogen projects.

Question 32: Should we introduce a new category of development for applications for hydrogen projects? If so, how should these fees be set/calculated?

Yes | No view | No
Please explain your view

Question 33: Are there different considerations for hydrogen production when compared with proposals which are concerned only with storage and distribution?

Yes | No view | No
Please explain your view

Prior Notification / Approval

133. Permitted development rights (“PDR”) refer to those forms of development which are granted planning permission through legislation, meaning they can be carried out without a planning application having to be submitted to (and approved by) the local authority. Specifically, PDR are contained within the [Town and Country Planning \(General Permitted Development\) \(Scotland\) Order 1992](#) (“the GPDO”).
134. By allowing development to be carried out without an application for planning permission, PDR can provide certainty to developers and save the time and expense associated with applying for planning permission. They can also reduce burdens on planning authorities, allowing them to focus resources on more complex and strategic cases. Since 2020 the Scottish Government has been taking forward new and extended PDR through a [phased review programme](#), with each phase of the review focussing on particular development types. Phase 3 is focussed primarily on PDR for renewable energy equipment: a public consultation was held in summer 2023 and we will be implementing the final measures shortly.

135. PDR are organised into a series of "classes" set out in the GPDO. Each class specifies the type (or types) of development for which planning permission is granted. Most classes of PDR are subject to conditions and limitations. These conditions may, for example, specify the maximum size or scale of what is permitted, restrict or dis-apply the rights in certain locations (e.g. conservation areas, National Scenic Areas etc.). In most cases, PDR allow development to be carried out without reference to the planning authority – provided the relevant PDR conditions are complied with. However, a small number of PDR are subject to a process known as “prior notification and prior approval”. Under this process, a developer must notify the planning authority, provide details of its proposed development and pay the relevant fee (as specified in the Fees Regulations). The authority then has an opportunity to indicate whether specific aspects of the development are acceptable.
136. The planning authority’s determination is limited to the particular matters specified in the relevant PDR class – for example, siting, design or appearance. In this sense, the process is lighter touch than a planning application because a narrower range of considerations can be taken into account. This is reflected in the fee levels for prior notification and approval applications: in most cases, the fee is £100 (this was increased from £78 in 2022). However, for some PDR classes subject to prior notification/approval (agricultural and forestry buildings/operations) there is no fee, while in others (conversion of agricultural buildings, fish farms, telecoms) the fee is £500.
137. Our view is that the prior notification and approval process strikes a sensible balance between the certainty offered by PDR, whilst providing planning authority oversight of key elements of a development in cases where a full planning application would be disproportionate. However, we are aware that some authorities have expressed concern that the fees for prior notification and approval applications do not reflect the level of work involved in determining them – and that in some cases this can be akin to a planning application. We would welcome views on whether this issue is more acute for certain PDR classes and why that is the case.

Question 34: Do you agree that the standard £100 which applies to most prior notification and approval applications is appropriate?

Yes | No view | No

Please explain your view

Question 35: Are there particular PDR classes where you think the current fee should be amended? If so, please explain why that is considered to be the case.

Shellfish Farming

138. The Scottish Government is supportive of the continued development of shellfish farming in Scotland, as is set out in the [Vision for Sustainable Aquaculture and Scotland's National Marine Plan](#). The sector can support the growth of rural and island economies through trade, investment and the provision of secure year round employment, as well as supporting the growth of the wider aquaculture supply chain. The range in size of shellfish farming businesses, from small family owned farms to multi-site operations, demonstrate the opportunities for both smaller entrants and larger established businesses to invest in shellfish farming.
139. The [Planning Performance and Fees consultation](#) in 2019 explored separate fees for fish and shellfish farms due to the differing nature of development. The majority of respondents had supported these changes, with some suggesting that fees for shellfish farms should be smaller as applications may generate less work in their determination compared to fin fish farms.
140. In [April 2022](#) changes were made to planning fees to move planning fees closer towards full cost recovery. The fee for shellfish farming applications were increased from £183 to £200 per 0.1 hectare (HA) of surface area and the seabed area element of the calculation (previously set at £63 per 0.1 hectare) was removed.
141. An unintended consequence of the new fee structure is that shellfish application fees have increased almost two-fold to that calculated under the previous fee's formula. This is due to a change in the way the site area for shellfish farms is being interpreted by local authorities. The shellfish farming sector have stated this increase has resulted in many businesses being unwilling to seek consents for new shellfish farms.
142. We have provided worked examples showing how the differing fee structures and area calculation methodologies result in different planning fee costs. The following examples are based on a 5 x 220m twin-headline longlines farm at 20m spacing with 30m end moorings:
- Pre April 2022 fee using original area calculation = £1,752
 - Post April 2022 fee using original area calculation = £400
 - Post April 2022 fee using new area calculation = £3,600
143. We consider that maintaining the current methodology and interpretation of site area would provide consistency and avoid a need to introduce a new methodology for both applicants and authorities to understand and adapt to.

144. Using the example provided above and the current methodology, a fee of £100 per 0.1 Ha would amount to a similar fee to that which was in place before April 2022. With the understanding that the current fee, £200 per 0.1 Ha, has resulted in a significant increase, it is proposed that the current fee level is reduced to encourage development of new shellfish farms, whilst ensuring we maintain an adequate level of cost recovery.

Question 36: Would a reduction of the current fee (£200 per 0.1 hectare) be an appropriate approach to resolving this issue?

Question 37: What would you consider to be a reasonable fee for shellfish farm applications? (Please elaborate on your answer using an average shellfish farm development (5 x 220m twin-headline longlines at 20m spacing with 30m end moorings) as an example.)

Cumulative Impact

145. The proposals in this consultation are options for consultation. They build on ideas identified in our stakeholder workshop, but are not exhaustive, and we are keen to hear of additional suggestions to resource the planning system.

146. We do not envisage that all proposals will be implemented and acknowledge that to do so could lead to significant additional costs for applicants. There are also likely to be costs for authorities in establishing new processes and systems – but this would be offset by increased income. We would therefore welcome your views on which proposals you think we should prioritise.

Question 38: Which proposal would you most like to see implemented?

Please explain the reason for your answer.

Question 39: Do you have other comments on the cumulative impact of the proposals?

Question 40: Do you have other ideas to help resource the planning system? Please set out how you think the proposal could be resourced.

Impact Assessments

147. This Consultation paper is accompanied by a number of impact assessments. Due to the wide ranging nature of the proposals included in the consultation paper there may be a need to complete more detailed impact assessments when taking forward specific proposals. We would therefore welcome any views on the proposals and in particular if there are any potential impacts which we need to consider.

Question 41: Please provide any information on the potential impacts of our proposals to assist with preparation of the following impact assessments:

Business and Regulatory Impact Assessment

Equality Impact Assessment

Islands Communities Impact Assessment

Children's Rights and Wellbeing Impact Assessment

Fairer Scotland Duty

Strategic Environmental Assessment

Annex A - Summary of Consultation Questions

Question 1: Which assessments might benefit most from improved proportionality?

Question 2: To what extent do you agree that processing agreements are an effective tool for creating certainty in planning decision making timescales?

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

Question 3: Do you consider that current resourcing issues are impacting on the use of processing agreements?

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

Question 4: Would you be prepared to pay a discretionary fee to enter into a processing agreement?

Yes | No view | No
Please explain your view

Question 5: What additional actions can we take to improve certainty in the planning process?

Question 6: Do you have further ideas on opportunities for streamlining, alignment or standardisation?

Question 7: Are there any skills actions which you think should be prioritised?

Question 8: Are there any skills actions not identified which you think would make a significant impact?

Question 9: Do you think that the concept of a 'planning hub', modelled on the Building Standards Hub would support authorities and deliver improvement in the system?

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

Question 10: Are there other ways a hub could add value and provide support in the short and longer term?

Question 11: Which of the options do you think is most suitable, and why?

- i. Within Scottish Government
- ii. Within public organisation
- iii. Within a host authority
- iv. Other
- v. No view

Question 12: How do you think a Planning Hub could be resourced?

Question 13: Do you agree that planning fees should increase annually in line with inflation?

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

Question 14: Is a calculation based on the 12 month Consumer Price Index the most appropriate mechanism?

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

Question 15: Should an annual inflationary increase apply to:

- i. Individual fees and increments
- ii. Individual fees, increments and maximums
- iii. No view

Question 16: What would be your preferred approach to how planning fees are set in the future?

Question 17: Are there key principles which should be set out in the event that fee setting powers are devolved to planning authorities?

Question 18: What other processes that support the determination of a planning application could authorities be given powers to charge at their discretion?

Question 19: Do think the circumstances where a refund can be requested is set out as part of any published information regarding the introduction of a discretionary charge?

Question 20: Do you agree with the principle that authorities should have discretionary powers to increase fees for a proposal on an unallocated site within the development plan?

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

Question 21: Do you agree that planning authorities should be able to recoup the costs of preparing a Masterplan Consent Area through discretionary charging?

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

Question 22: Do you agree with the types of appeals that should incur a fee?

Yes | no view | No
Please explain your view

Question 23: Do you agree that setting the fee for applying to appeal the refusal of planning permission (to either DPEA or the planning authority) is set as a percentage of the original planning application fee?

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

Question 24: If a percentage of fee approach to appeal charging was considered most appropriate, what level do you consider would be most appropriate to reflect volume of work by DPEA or the LRB?

10% | 20% | 30% | 40% | No view | Other
Please explain your view

Question 25: Do you agree that an authority should consider waiving or reducing an appeal fee where they have offered such a waiver on the related planning application?

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

Question 26: Do you have views on how a service charge for applying for planning permission or a building warrant online could be applied?

Question 27: What other options are there to resource the operation and improvement of the eDevelopment service?

Question 28: Should the current threshold of 50MW for applications for electricity generation which are to be determined by authorities be altered?

Yes | No view | No
Please explain your view

Question 29: Should different thresholds apply to different types of generating stations?

Yes | No view | No

Please explain your view

Question 30: What would be the resource implications of increasing the threshold for the determination of applications for onshore electricity generating stations?

Question 31: If Scottish Government were to make a voluntary contribution equivalent to a percentage of the offshore electricity fee to authorities, what level of contribution would be appropriate to support some recovery of costs? Please provide justification for your answer.

Question 32: Should we introduce a new category of development for applications for hydrogen projects? If so, how should these fees be set/calculated?

Yes | No view | No

Please explain your view

Question 33: Are there different considerations for hydrogen production when compared with proposals which are concerned only with storage and distribution?

Yes | No view | No

Please explain your view

Question 34: Do you agree that the standard £100 which applies to most prior notification and approval applications is appropriate?

Yes | No view | No

Please explain your view

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Please explain the reason for your answer.

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Equality Impact Assessment
Islands Communities Impact Assessment
Children's Rights and Wellbeing Impact Assessment
Fairer Scotland Duty
Strategic Environmental Assessment

Annex B - Responding to this Consultation

We are inviting responses to this consultation by 31 May 2024. Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space by accessing and responding to this consultation online at:

<https://consult.gov.scot/local-government-and-communities/resourcing-scotlands-planning-system>. You can save and return to your responses while the consultation is still open.

If you are unable to respond using our consultation hub, please send your response, together with the Respondent Information Form, to: investinginplanning@gov.scot

or

Investing in Planning Consultation
Planning, Architecture and Regeneration Division
Scottish Government
Area 2F South
Victoria Quay
Edinburgh EH6 6QQ

Handling your response

If you respond using the consultation hub, you will be directed to the "About You" page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise. To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>

Next steps

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be published at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email. An analysis report will also be made available.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at: investinginplanning@gov.scot.

Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work. You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision-making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

Respondent Information Form

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:
<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
- Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email Address

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
- Publish response only (without name)
- Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
- No



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