



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
16 AUGUST 2022**

SUBJECT: MORAY COUNCIL ARCHAEOLOGY SERVICE 2021/22

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

1. REASON FOR REPORT

- 1.1 This report informs the Committee of the activity Aberdeenshire Archaeology Service has provided Moray Council for the period 1 April 2021 to 31 March 2022 through the presentation of the Moray Council Archaeology Shared Service Agreement Annual Report, as shown in **Appendix 1**.
- 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) Notes the content and high level of performance contained within the Moray Council Archaeology Shared Service Agreement Annual Report, as shown in Appendix 1;**
- (ii) Agrees that planning conditions requesting photographic surveys for historic recording purposes are no longer used and replaced with supporting information being submitted prior to determination.**

3. BACKGROUND

- 3.1 Since re-organisation in the 1990's Aberdeenshire Council has been providing an Archaeological Service to Moray Council. From 2009 Moray Council has entered into a Service Legal Agreement (SLA) for fixed 3 year periods with Aberdeenshire Council to deliver this service.
- 3.2 In April 2021 the Economic Growth, Housing & Environmental Sustainability Committee agreed to enter into a Shared Service Agreement with

Aberdeenshire Council to provide the Archaeological Service (par 9 minute refers).

- 3.3 The Archaeology Service has the role of protecting, managing and promoting the historic environment for Moray Council.

4. SUMMARY OF ANNUAL REPORT FOR 2021/2022

- 4.1 Despite the challenges presented by Covid-19 the Archaeology Service has continued, in the last year, to deliver its service to Moray Council without interruption. The processes and systems in place ensured the Service has good business continuity, and allowed the team to provide ongoing advice and support to for all planning related consultations.

- 4.2 During the course of the year the Archaeology Service responded to 232 planning applications and 98 other consultations (an increase of 14.5% on 2020/21), provided advice to developers and Council departments as required, responded to enquiries from the public, represented Moray Council on six National Groups and Boards, helped to develop various local and national policies which have a direct influence on the management of the historic environment for the area; and continued to maintain and expand the Historic Environment Record for Moray.

- 4.3 The performance has been good with 83.62% of planning applications responded to within 14 days, slighter slower than the previous year due to the increase in pre-application consultations.

5. PLANNING CONDITONS – HISTORIC RECORDING

- 5.1 One issue that has arisen over the last 12 months relates to the enforcement of planning conditions recommended by the Archaeology Service that relate to historic recording, which state the following:

“No demolition or other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All external and internal elevations of the buildings and structures together with the setting of the buildings and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number”.

Reason: To ensure that a historic record of the building is made for the inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments record.

- 5.2 All planning conditions that are imposed must comply with the six tests of circular 4/1998, one of which is enforceability. In one case work progressed

on the demolition of a dwelling without complying with the suspensive condition imposed. In these circumstances the historic record was lost and there was no way to enforce compliance with the condition. In light of this experience and following discussions with Aberdeenshire Archaeology Service as to how this can be prevented from re-occurring it has been agreed that this supporting information should be requested at validation and prior to an application being determined, as suspensive planning conditions are not enforceable in these circumstances. This approach will ensure that our historic recording will be more robust in future.

6. SUMMARY OF IMPLICATIONS

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

LDP is a vital aspect of supporting and facilitating the Council's priority for economic growth. The Plan also aims to deliver other key aspects of Moray 2026, including conservation and enhancement of our high quality natural and historic environment. The archaeology service supports these key aims.

(b) Policy and Legal

The archaeology service enables Moray Council to satisfy the relevant requirements of Our Place in Time – The Historic Environment Strategy for Scotland (2014), Scotland's Archaeology Strategy (2016) and National Planning Framework 3. The LDP is a statutory plan which brings together and helps deliver key aspects of Moray 2026 and other national and local plans, strategies and policies. The service is fundamental to complying with both national and local policies.

(c) Financial implications

None.

(d) Risk Implications

The archaeology service provides a service that enables our duties in relation to archaeology to be managed effectively and ensure clear and consistent approach to the implementation of the MLDP 2020 policies.

(e) Staffing Implications

None.

(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 and Finance), the Head of Economic Growth and Development, Strategic Planning & Development Manager, the Legal Services Manager, Condition Compliance Officer the Equal Opportunities Officer, the Principal Climate Change Strategy Officer, Design & Construction Manager, Consultancy Manager, Transportation Manager, Paul Connor (Principal Accountant) and Lissa Rowan (Committee Services Officer) have been consulted and comments received have been incorporated into the report.

7. CONCLUSION

7.1 The contents of the Moray Council Archaeology Shared Service Agreement Annual Report are welcomed with performance being kept at a high level supporting the delivery of the planning service. With regard to the imposition of planning conditions relation to recording our historic environment these will be replaced by supporting information being provided prior to determination.

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Background Papers: Moray Council Archaeology Service 2021/22 Shared
Service Agreement Annual Report

Ref: