

MORAY COUNCIL

Minute of Meeting of the Planning and Regulatory Services Committee

Tuesday, 31 May 2022

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

PRESENT

Councillor John Divers, Councillor Amber Dunbar, Councillor Donald Gatt, Councillor David Gordon, Councillor Sandy Keith, Councillor Scott Lawrence, Councillor Graham Leadbitter, Councillor Paul McBain, Councillor Bridget Mustard, Councillor Sonya Warren

APOLOGIES

Councillor Neil Cameron, Councillor John Cowe, Councillor Marc Macrae. It was noted that Councillors Cameron, Cowe and Macrae could not attend the meeting because of the need to attend to other Council business.

IN ATTENDANCE

Head of Economic Growth and Development, Development Management and Building Standards Manager, Mr R Smith, Principal Planning Officer, Mr A Miller, Senior Planning Officer, Strategic Planning and Development Manager, Ms Webster, Senior Planning Officer (Strategic Planning and Development), Ms R MacDougall, Planning Officer, Legal Services Manager and Mrs L Rowan, Committee Services Officer as Clerk to the Committee.

1 Chair

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

2 Declaration of Group Decisions and Members Interests

In terms of Standing Order 20 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

3 Resolution

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

4 Minutes

The Minutes of the Meeting of the Planning and Regulatory Services Committee dated 1 March 2022 and the Special Meeting of the Planning and Regulatory Services Committee dated 4 April 2022 were submitted and approved.

5 Written Questions

The Committee noted that no written questions had been submitted.

6 22/00523/PAN

Proposed battery energy storage system and associated infrastructure on land adjacent to electricity substation, Westerton Road, Keith, Moray

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) was submitted on 30 March 2022 by Keith Renewables Ltd.

During discussion surrounding the proposal, the following points were raised and the Development Management and Building Standards Manager agreed to pass these to the Developer for consideration when preparing to submit the planning application:

- ensure appropriate safety measures are taken in relation to fire/explosion risks as the proposal is close to playing fields and Keith Primary School;
- encourage public face to face consultations as Covid restrictions are easing.

Thereafter, the Committee agreed:

1. 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:
 - ensure appropriate safety measures are taken in relation to fire/explosion risks as the proposal is close to playing fields and Keith Primary School;
 - encourage public face to face consultations as Covid restrictions are easing; and
2. that the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

7 22/00631/PAN

Erection of warehouses (up to 50,000 sqm), land engineering (cut and fill), realignment of core burn and associated engineering and infrastructure works at land to south of Crisp Maltings, Portgordon, Buckie

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) was submitted on 24 April 2022 on behalf of William Grant and Sons Distillers Limited.

During discussion surrounding the proposal, the following points were raised and Mr Miller, Senior Planning Officer agreed to pass these on to the Developer for consideration before submitting the planning application:

- ensure appropriate safety measures are taken in relation to fire/explosion risks;
- ensure that security lighting does not have a negative impact on houses at Portgordon crossroads;
- mitigate against the displacement of wildlife;
- concern regarding realignment of the burn that flows through the site due to a serious flooding issue a few years ago;
- consideration be given to any displacement of any walk ways;
- ensure archaeological survey is completed;
- encourage public face to face consultations as Covid restrictions are easing including Buckie Community Council as the proposal is close to the Buckie border;
- consideration be given to the impact of increased vehicle movements and pressure on junctions, in particular the junction on the A98, and improve if need be;
- confirmation that the warehouses are being used for maturation.

The Legal Adviser advised that the Committee could suggest that face to face public consultation is carried out however the Developer is entitled to hold online consultations until the Covid regulations have been amended. This was noted.

Thereafter, the Committee agreed:-

1. 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:
 - ensure appropriate safety measures are taken in relation to fire/explosion risks
 - ensure that security lighting does not have a negative impact on houses at Portgordon crossroads;
 - mitigate against the displacement of wildlife;
 - concern regarding realignment of the burn that flows through the site due to a serious flooding issue a few years ago;
 - consideration be given to any displacement of any walk ways;
 - ensure archaeological survey is completed;
 - encourage public face to face consultations as Covid restrictions are easing including Buckie Community Council;
 - consideration be given to the impact of increased vehicle movements and pressure on junctions, in particular the junction on the A98, and improve if need be;
 - confirmation that the warehouses are being used for maturation; and

2. 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.

8 22/00067/S36

Install a battery energy storage system (BESS) with associated infrastructure at Blackhillock Electricity Substation, Keith

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to consider a proposed response to a consultation request from the Scottish Government Energy Consents Unit (ECU) in relation to an Electricity Act 1989 Section 36 application (which includes deemed planning permission) to install a Battery Energy Storage System of up to 300 megawatts and associated infrastructure at a site 400m to the southeast of the Blackhillock Electricity Substation, Keith.

Following consideration, the Committee agreed:

1. to note the contents of the report, as set out in Appendix 1, including the conclusions regarding the planning and wider merits of the proposed development; and
2. that, where taking into account the Moray Local Development Plan 2020 and all material considerations and subject to the conditions contained within Appendix 1, Moray Council does not object to the Section 36 application.

9 Planning Policy Guidance - Moray Local Development Plan 2020

Under reference to paragraph 13 of the Minute of the meeting of the Planning and Regulatory Services Committee dated 23 March 2021, a report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to approve planning policy guidance for policy DP1 Development Principles, DP7 Retail/Town Centre, PP3 Infrastructure Services and update previous planning policy guidance for EP7 Trees and Woodlands and EP10 Listed Buildings.

Following consideration, the Committee agreed:

1. to approve the planning policy guidance for the Moray Local Development Plan (MLDP) 2020 as set out in Appendix 1 of the report;
2. the planning policy guidance will be used as a material consideration in the determination of planning applications; and
3. to note that this planning policy guidance will be combined with the guidance approved by the Planning and Regulatory Services Committee in September and November 2020 and March 2021 into one document.

A report by the Depute Chief Executive (Economy, Environment and Finance) summarised the housing land supply situation in Moray and asked the Committee to agree the final version for the Moray Housing Land Audit 2022.

Following consideration, the Committee agreed:

1. to note the housing land supply in Moray;
2. the response to the consultation on the draft audit, as set out in Para 4.3 of the report; and
3. the finalised Moray Housing Land Audit 2022, as set out in Appendix 1 of the report.

11 Employment Land Audit 2022

A report by the Depute Chief Executive (Economy, Environment and Finance) summarised the employment land supply in Moray and asked the Committee to agree the final version of the Moray Employment Land Audit 2022.

Following consideration, the Committee agreed:

1. to note the employment land supply in Moray;
2. the responses set out in Section 4 of the report; and
3. to approve the finalised Moray Employment Land Audit 2022, as set out in Appendix 1 of the report.

12 Consultation on Proposed Changes to Fees Charged for Applications under the Electricity Act 1989

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to consider the consultation issued by the Scottish Government on the proposed changes to fees for applications submitted under the Electricity Act 1989.

Following consideration, the Committee agreed:

1. to note the contents of the consultation paper set out in Appendix 1 of the report; and
2. the consultation response to be sent to Scottish Government set out in para 5.2 of the report.

13 Question Time

Councillor Divers stated that it was his understanding that, when apologies are given for a Committee meeting, the reason was provided.

In response, the Legal Adviser advised that she was not aware that any Councillor had to provide a reason for absence however confirmed that the 3 Councillors who

had given apologies for today's meeting were on official Council business at the opening of the new Lossiemouth foot bridge.

Councillor Warren sought an update in relation to enforcing planning conditions and whether this was adequately staffed.

In response, the Development Management and Building Standards Manager advised that currently the Council had a Planning Officer who deals with any breaches of planning control and another Condition Compliance Officer however the wider team and consultees also support the Condition Compliance Officer and that there were no issues at this time.

The Legal Services Manager further confirmed that further detail in relation to enforcement is reported to the Committee via the Monitoring Report, the most recent being 1 March 2022.

14 Breach of Planning Control - Breach of Planning Conditions Land at Rafford, Forres

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of a breach of planning conditions at land at Rafford, Forres.

Following consideration, the Committee agreed:-

1. to Officers issuing a Breach of Condition Enforcement Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997;
2. that the Breach of Condition Enforcement Notice will require the developer to fully comply with conditions 1, 2, 3 and 11 of planning application reference number 18/01583/APP in relation to the provision of a passing place, visibility splay, bin storage and landscaping respectively; and
3. if required, authorise direct action to remedy the breach of conditions in relation to the provision of a passing place, visibility splay, bin storage and landscaping if the Enforcement Notice is not complied with within the specified time and recover costs from the developer.