

MORAY COUNCIL

MINUTE OF MEETING OF THE PLANNING & REGULATORY SERVICES COMMITTEE

TUESDAY 25 FEBRUARY 2020

COUNCIL CHAMBERS, ELGIN

PRESENT

Councillors Bremner (Chair), Taylor (Depute Chair), Alexander, Cowe, Cowie, Coy, Feaver, Laing, Macrae, A McLean and R McLean.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors Divers and Edwards.

ALSO PRESENT

Councillor Powell

IN ATTENDANCE

The Head of Economic Growth and Development, Development Management and Building Standards Manager, Mr N MacPherson, Principal Planning Officer, Mr R Smith, Principal Planning Officer, Strategic Planning and Development Manager, Mrs Anderson, Senior Engineer (Transport Development), Legal Services Manager and Mrs L Rowan, Committee Services Officer as Clerk to the Meeting.

1. DECLARATION OF GROUP DECISIONS AND MEMBER'S INTERESTS

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Laing advised that, in relation to Item 9d) 19/00156/S36 Rothies III Windfarm, Moray, she is the Secretary for the Rothies Community Council where community benefit is sometimes discussed however confirmed that she was not involved in any decision with regard to who benefits from the funds.

In response, the Legal Adviser advised that her view was that consideration of the community benefit fund is completely separate from consideration of the planning application and if Councillor Laing is content that she would not be compromised in any way then it is for her to decide whether to take part in the determination of the planning application.

On considering the advice from the Legal Adviser, Councillor Laing advised that she would remain in the meeting and take part in the debate.

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 other declarations of Member's interests in respect of any item on the agenda.

2. EXEMPT INFORMATION

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

<u>Paragraph No. of Minute</u>	<u>Paragraph No. of Schedule 7A</u>
23	6 and 9

3. MINUTE OF THE PLANNING AND REGULATORY SERVICES COMMITTEE DATED 10 DECEMBER 2019

The minute of the meeting of the Planning and Regulatory Services Committee dated 10 December 2019 was submitted and approved.

4. WRITTEN QUESTIONS

The Committee noted that no written questions had been submitted.

5. PLANNING APPLICATION 19/01192/APP

WARD 2: KEITH & CULLEN

3 bedroom bungalow with attached garage and off street parking on Plot 49, Strathisla Park, Keith for Morlich Homes Ltd

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for a 3 bedroom bungalow with attached garage and off street parking on Plot 49, Strathisla Park, Keith for Morlich Homes Ltd.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation as the application is on a housing site designated for 50 or more dwellings within the Development Plan, regardless of whether the application is for all or part of the site. The report also advised that Members of the Committee visited the site of the application on 21 February 2020.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 19/01192/APP subject to payment of Developer Obligations towards healthcare provision and the following conditions and reasons:

1. The width of the vehicular access shall be minimum 3.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The part of the access over the prospective public cycleway shall be to Moray Council specification and surfaced with bituminous macadam. Drop kerbs shall be provided across the access to the Moray Council specification.

Reason: To ensure acceptable infrastructure at the development access.

2. Two car parking spaces shall be provided within the site prior to the occupation or completion of the dwellinghouse, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.

3. New boundary walls/fences shall be set back to the rear of the existing (prospective) public cycleway.

Reason: To ensure acceptable development in the interests of road safety.

4. No boundary fences, hedges, walls or any other obstruction whatsoever over 0.6m in height (measured from the level of the road) and fronting onto the public road shall be within 3.4m from the edge of public carriageway.

Reason: To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

5. Prior to development commencing, details of measures to re-use water on site, which is stored within the rainwater harvesting tank and details of agreement with Scottish Water to accept surface water flows from the site into their infrastructure in Edindiach Road, shall be submitted to and agreed in writing with the Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.

Reason: To ensure surface water from the site is disposed of in a sustainable manner, which does not increase flood risk.

6. PLANNING APPLICATION 19/01401/APP

WARD 2: KEITH & CULLEN

19/01401/APP - Section 42 application to vary Condition 1, 7, 8 and 11 of planning permission 15/00271/APP to allow for the permanent retention of the contractors compound associated with the building of HVDC convertor station at Little Gibston, Blackhillock, Keith, Moray for SSE

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for a section 42 application to vary Condition 1, 7, 8 and 11 of planning permission 15/00271/APP to allow for the permanent retention of the contractors compound associated with the building of HVDC convertor station at Little Gibston, Blackhillock, Keith, Moray for SSE.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation as it is a major development as defined under the Hierarchy Regulations 2008 for industrial development where the site exceeds 2 hectares. The

report also advised that Members of the Committee visited the site of the application on 21 February 2020.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 19/01401/APP subject to the following conditions and reasons:

1. Unless otherwise agreed in writing by the Planning Authority, in consultation with the Environmental Health Manager, no activity audible from within the nearest noise sensitive property shall be permitted out with the hours of 0730 to 1800 hours, Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or public holidays.

Reason – In order to ensure that use of the compound out with normal working hours can be controlled as to prevent any unacceptable loss of amenity to neighbouring noise sensitive properties.

2. Beyond the conditions varied by this permission (1, 7, 8 and 11) the development must comply with all other conditions and requirements of planning permission 15/00271/APP approved on the 19 May 2015. This is inclusive of the need to maintain the visibility splay as approved and developed under condition 3 of planning permission 15/00271/APP.

Reason – In order to clarify which planning conditions remain extant from the original planning permission hereby varied under Section 42 of the Act and to ensure acceptable development that does not create any hazard to road users in the interests of road safety.

3. The development must be developed in accordance with the approved Proposed Site Plan' PSSE-19-109-3002 which seeks variations to the compound layout from that approved under planning permission 15/00271/APP.

Reason – In order to clarify which planning conditions remain extant from the original planning permission hereby varied under Section 42 of the Act.

7. PLANNING APPLICATION 19/01026/APP

WARD 3: BUCKIE

19/01026/APP - Construction of circular kiln building associated service building malt storage silos and conveyor gantries at The Maltings, 20 March Road, East Buckie, Moray for Boormalt

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for the construction of a circular kiln building, associated service building, malt storage, silos and conveyor gantries at The Maltings, 20 March Road, East Buckie, Moray for Boormalt.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation as the application has a gross floorspace where the combined buildings/structures exceeds 2000sqm. The report also advised that Members of the Committee visited the site of the application on 21 February 2020.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 19/01026/APP subject to the following conditions and reasons:

1. No development shall commence until a site-specific Construction Method Statement (CMS) has been submitted to and approved by the Council as Planning Authority. The CMS shall address all pollution prevention and environmental management issues related to the development and:
 - a) identify all risks and incorporate all detailed pollution prevention measures, site management and mitigation measures for all elements potentially capable of giving rise to pollution during all phases of the development;
 - b) consider and identify measures which shall include (but not be limited to):
 - i. the location and design of all temporary site construction SUDs arrangements to protect the water environment including measures to mitigate and guard against run-off from the site including run-off containing soil or sediment or other contaminants;
 - ii. on-site storage arrangements for pollutants
 - iii. timing of works, to include arrangements for heavy construction works to avoid periods of high rainfall;
 - iv. waste, to identify all waste streams and construction practices to minimise use of raw materials and maximise use of secondary aggregates and recycled or renewable materials; reduction, re-use and recycling where appropriate of waste material generated by the proposal and identify whether materials will likely be imported on or off the site; and;
 - v. environmental management to identify mechanisms to control and make all construction staff aware of environmental issues including details of emergency procedures, pollution response plans and provision of spillage kits.

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

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

2. The surface water drainage arrangements shall be carried out in accordance with the revised drainage scheme as submitted to Moray Council on 3 February 2020 and as shown on the drainage layout plan, drawing reference "GC22079-00-005".

Reason: In order to avoid any ambiguity regarding the revised onsite drainage arrangements.

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 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) full details of temporary arrangements to safeguard pedestrian movements during the construction period;
- f) full details of any temporary construction access;
- g) full details of any temporary closures or diversions;
- 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;

Details of the transport of any excavated soils and materials including proposed routes to and from the site, together with mitigation works to be agreed with the Roads Authority if required.

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

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

4. Noise emissions from the malting kilning plant and associated conveyor shall not exceed an equivalent continuous A-weighted sound pressure level (L_{Aeq}) of 61.5 dB, as measured externally at 1 metre from the malting kiln plant structure, and 67.9 dB as measured at 1 metre from the malting kiln conveyor. The measurement time period during any daytime (0700 to 2300 hours) shall be 1 hour and during any night-time period shall be 15 minutes.

Reason : In the interest of residential amenity to protect local residents from industrial noise

5. Unless otherwise agreed by the Planning Authority, in consultation with the Environmental Health Manager the proposed lighting for the development shall be installed and maintained in accordance with the details provided in the Artificial Lighting Impact Assessment supporting document by DIALUX, dated 10th July 2019 and titled Boormalt, 20 March Road, Buckie AB56 4BY New Circular Kiln and Malt Storage Silos, Artificial Lighting Impact Assessment.

Reason: In the interest of residential amenity to protect local residents from artificial light.

8. PLANNING APPLICATION 19/01184/APP

WARD 8: FORRES

19/01184/APP - Installation of SuDS basin at R3 Ferrylea, Forres, Moray for Springfield Properties PLC

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for the installation of a SuDS basin at R3 Ferrylea, Forres, Moray for Springfield Properties PLC.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation as it is a proposal on a site designated for 50 or more houses. The report also advised that Members of the Committee visited the site of the application on 21 February 2020.

During his introduction, Mr Smith, Principal Planning Officer advised that the last sentence on page 136 of the report under the heading of "Provision of SuDS Basin on Landscaped Area (H1, Forres R3)" which states "A condition is recommended requiring submission and approval of details of the landscape and tree planting" should be deleted. This was noted.

Councillor Feaver raised concern that the proposed SuDS basin was removing an open space which would not add biodiversity to the area and moved that the Committee refuse Planning Application 19/01184/APP as the proposal is contrary to policies E4 (Trees and Development), E5 (Open Spaces) and EP5 (Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)). This was seconded by Councillor Macrae.

Councillor A McLean agreed with the Appointed Officer in that the proposal complied with planning policy however acknowledged the need for additional screening around the SuDS basin and moved that the Committee grant planning permission in respect of Planning Application 19/01184/APP subject to the inclusion of a condition for additional planting and enhanced hedging to provide screening of the SuDS Basin to mitigate against the loss of woodland and open space. This was seconded by Councillor Coy.

On a division there voted:

For the Motion (3): Councillors Feaver, Macrae and R McLean

For the Amendment (8): Councillors A McLean, Coy, Alexander, Bremner, Cowe, Cowie, Laing and Taylor

Abstentions (0): Nil

Accordingly, the amendment became the finding of the Committee and it was agreed:

- (i) to note that the last sentence on page 136 of the report under the heading of "Provision of SuDS Basin on Landscaped Area (H1, Forres R3)" which states "A condition is recommended requiring submission and approval of details of the landscape and tree planting" should be deleted;
- (ii) to grant planning permission in respect of Planning Application 19/01184/APP subject to:
 - the inclusion of a condition for additional planting and enhanced hedging to provide screening of the SuDS Basin to mitigate against the loss of

woodland and open space; and

- the following conditions and reasons:

1. Notwithstanding the details submitted on Drawing No. FO(--) – ENG-223 Rev C, the proposed blinded hardcore finishing of the Lay-by and Access Path is not accepted. No part of the development shall commence until details have been submitted and approved by the Planning Authority in consultation with the Roads Authority confirming the finishing of the access and lay-by in a suitable surfacing to prevent loose material and water being deposited on the public road and footway e.g. a bound surface, grasscrete or similar.

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.

2. No development shall commence until a Tree Protection Plan has been submitted to and approved in writing by the Council (as Planning Authority). The Tree Protection Plan shall show the following:

- (a) the proposed design/layout of the development hereby approved (including accesses and services);
- (b) all trees to the north and those within the southern part of the site retained; and
- (c) the location and specification of protective fencing around those trees to the north and south of the site.

The protective fencing shall be put in place prior to any works commencing on site and be retained until the completion of development.

Reason – To ensure construction works do not adversely impact on the integrity of trees on or adjacent to the site that contribute amenity and character of the wider area.

3. No development shall commence until a Landscape Scheme (drawn to scale) is submitted to and approved by the Council, as Planning Authority. The Landscape Scheme shall show:

- (a) the location of existing trees and shrubs on the site; and
- (b) details of the numbers, species, position and sizes of all planting to be undertaken on the site, which must include suitable marginal plants within/around the SUDs basin, the beech hedge and rootballed trees (to be mixed native species, 'Standard' minimum height 2.5m) to infill the area between the basin and adjacent carriageway, Siwalik Hill to the west.

Thereafter, all planting, seeding or turfing forming part of the approved landscape scheme shall be carried out in the first planting and seeding seasons following completion of the SUDs basin. 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 mitigate for the loss of trees originally intended for this area and so that detailed consideration can be given to the landscaping of the site.

9. COST OF APPEALS

In response to an earlier comment in relation to the cost to the Council when an Applicant appeals against the decision of the Planning Authority, the Legal Adviser advised that, if the Committee refuse an application and an appeal is made, the Applicant can make a claim against the Council for costs associated to the appeal to the Directorate for Planning and Environmental Appeals (DPEA) however these are only awarded if the DPEA decide that the Council has acted unreasonably. In most cases, each party is responsible for the payment of their own legal costs.

The Legal Adviser further advised, with regard to the recent R3 Forres appeal, the Applicant has submitted a claim for recovery of their legal costs. The Council has put forward a strong argument to defend its position in relation to its reasons for refusal and this will be determined by the DPEA. The Legal Adviser advised that that is why Members are pressed to provide planning reasons when moving against the recommendation of Officers. This was noted.

10. PLANNING APPLICATION 19/01085/APP

WARD 5: HELDON & LAICH

19/01085/APP - Application under Section 42 to vary conditions 1-12, 14-16, 18, 20, 21, 23-25, 31, 32, 37, 38, 40, 41, 43-51, 53-58, 60- 62 and 65 of planning consent 17/00834/PPP to enable the development of different parts of the approved development within Area 1 through the phased submission of information relating to each phase for which development is sought and its necessary infrastructure, Elgin R11 Findrassie, Myreside Site and I8 Newfield, Findrassie, Elgin, Moray

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application under Section 42 to vary conditions 1-12, 14-16, 18, 20, 21, 23-25, 31, 32, 37, 38, 40, 41, 43-51, 53-58, 60- 62 and 65 of planning consent 17/00834/PPP to enable the development of different parts of the approved development within Area 1 through the phased submission of information relating to each phase for which development is sought and its necessary infrastructure, Elgin R11 Findrassie, Myreside Site and I8 Newfield, Findrassie, Elgin, Moray.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation as it is a major development as defined under the Hierarchy Regulations 2009 for a development with more than 50 houses, and the site area exceeds 2ha. The report also advised that Members of the Committee visited the site of the application on 21 February 2020.

Following consideration, the Committee agreed to:

- (i) delegate authority to the Head of Economic Growth and Development to issue the decision subject to no further representations being received following expiry

of the neighbour notification period;

- (ii) grant planning permission in respect of Planning Application 19/01085/APP subject to completion of a modified legal agreement regarding planning obligations and adoption of an “appropriate assessment” prior to issue, as set out in Appendix 2 of the report and the following conditions and reasons:

- 1 The approval hereby granted is for planning permission in principle which includes approval of the accompanying phasing plan (Findrassie Masterplan - Area 1: phasing plan (March 2020)) for the whole site. Prior to the commencement of each phase of the development approval of matters specified in conditions including the siting, design and external appearance of all building(s)/structure(s), the means of access thereto, route(s) to school(s) including walking and cycling infrastructure required to be delivered with each phase, drainage and landscaping within that phase as identified in the approved phasing plan shall be obtained from the Council, as Planning Authority. Thereafter the development shall be brought forward in phases in accordance with the approved phasing plan, unless otherwise agreed in writing by the Council as Planning Authority.

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

- 2 The planning permission in principle hereby granted for the proposed development shall be carried out only in accordance with the approved phasing Plan permitted by Condition 1 and details including detailed drawings (and other supporting information) which shall previously have been submitted to and approved by the Council, as Planning Authority in line with the matters specified for that phase of development. These drawings shall show the matters specified in Conditions 3 - 7 below.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 3 Plans, sections and elevations of all proposed residential and non-residential buildings including commercial buildings/structures (including plant and machinery and/or other apparatus) within the phase of development for which details are to be submitted for approval, together with the proposed method of conversion and external alteration of any existing building(s) (for example, proposals at Myreside Farm to form a local community hub) with details of the type and colour of all external materials and finishes shall be submitted in accordance with Condition 2 above.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 4 The proposed layout of each phase for which details are to be submitted for approval showing the exact location and siting of all buildings/structures to be provided within all boundaries of that phase(s), the means of access, areas for vehicle and other parking, off-site infrastructure requirements for walking and cycling route(s) to school(s), and the arrangements for the disposal of foul and surface water (i.e. a SUDS system or equivalent) shall be submitted in accordance with Condition 2 above.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 5 Details of the exact extent, type and finish of all other works including walls, fences and other means of enclosure and screening of each phase for which details are to be submitted for approval shall be submitted in accordance with Condition 2 above.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 6 Sections through each phase for which details are to be submitted for approval showing the development of that phase on its finished levels in relation to existing levels shall be submitted in accordance with Condition 2 above.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 7 Landscaping proposals for each phase for which details are to be submitted for approval showing any existing trees/shrubs/hedges to be retained or removed together with details of the arrangement to protect retained plantings and the type, position and number of all new planting to be undertaken together with detailed specifications for all hard-surfaced landscape materials shall be submitted in accordance with Condition 2 above.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 8 In pursuance of Condition 3 above, the required details for each phase for which details are to be submitted for approval shall:
 - a) provide for all (if any) buildings/structures within that phase, including, but not limited to, residential dwellings and non-residential/commercial premises including such premises to be located within the ground floor of buildings to be located along primary roads and/or at access to the site of the A941 Lossiemouth Road, to be designed in accordance with the Design Codes and principles (including common and specific (fundamental and potential) requirements) for all Character Zones within which the development hereby approved will be located, as defined and identified within the approved Supplementary Guidance: Findrassie Masterplan;
 - b) be accompanied by a Design Statement for that phase, to describe and demonstrate compliance with design and site layout place-making principles and the principles and Design Codes for development as included within the Findrassie Masterplan (in accordance with Policy PP3 Place-making of the Moray Local Development Plan 2015 and associated Supplementary Guidance: Urban Design and Supplementary Guidance: Findrassie Masterplan including any equivalent planning policy and/or supplementary guidance which supersedes or replaces the identified provisions of the development plan during the life-time of the permission hereby approved);

- c) include (in the cases of phases containing dwellinghouses) provision for a mix of residential housing types, sizes and tenures, and their integration with other uses within that and earlier approved phases of the development and with building designs, heights, streetscape, and palette of materials and colours to be used, etc. in accordance with the principles and Design Codes for development as included within the approved Supplementary Guidance: Findrassie Masterplan, etc.;
- d) provide (in the case of phases including dwellings) for 25% of the total number of dwellings within any application (house and flats/apartments, etc.) to be affordable housing, in accordance with details regarding the location, house mix and type, site layout arrangements, and timescale for the long- term management and delivery of such accommodation (in accordance with Policy H8 Affordable Housing of the Moray Local Development Plan 2015 and associated Supplementary Guidance: Urban Design and Supplementary Guidance: Findrassie Masterplan including any equivalent planning policy and/or supplementary guidance which supersedes or replaces the identified provisions of the development plan during the life-time of the permission hereby approved);
- e) provide (in the case of phases including dwellings) for 10% of the total number of private dwellings (house and flats/apartments, etc.) within each application to be provided as accessible housing and built to wheelchair accessible standards with at least 50% of the wheelchair accessible dwellings to be delivered as single-storey dwellings with no accommodation in the upper floor/roof space, in accordance with details regarding the location, house mix and type, site layout arrangements and timescale for the delivery of accessible housing (in accordance with Policy H9 Accessible Housing of the Moray Local Development Plan 2015 and associated Supplementary Guidance: Urban Design and Supplementary Guidance: Findrassie Masterplan (including any equivalent planning policy and/or supplementary guidance which supersedes or replaces the identified provisions of the development plan during the life-time of the permission hereby approved);
- f) include design specifications (including location, external appearance and material finishes) for, and measures to mitigate the impact of, all plant and machinery, including air conditioning units, air source heat pumps, ventilation and extraction systems, etc. within that phase, whether free-standing or externally mounted/affixed to buildings/structures.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified to ensure an acceptable form of development in the interests of the character, appearance and amenity of the development and the surrounding area.

- 9 In pursuance of Condition 4 above, for each phase for which details are to be submitted for approval the required details shall:
 - a) in terms of the siting and disposition of all buildings/structures within that phase and other features including provision for transportation (all modes), drainage, open space and landscaping:

- i. the development shall be designed in accordance with the Design Codes and principles (including common and specific (fundamental and potential) requirements) for all Character Zones within which the development hereby approved will be located, as defined and identified within the approved Supplementary Guidance: Findrassie Masterplan;
- ii. be accompanied by a Design Statement for that phase to describe and demonstrate compliance with design and site layout place-making principles and the principles and Design Codes for development as included within the Findrassie Masterplan (in accordance with Policy PP3 Place-making of the Moray Local Development Plan 2015 and associated Supplementary Guidance: Urban Design and Supplementary Guidance: Findrassie Masterplan including any equivalent planning policy and/or supplementary guidance which supersedes or replaces the identified provisions of the development plan during the life-time of the permission hereby approved). The Statement shall also address how the siting and design arrangements have been informed by the contextual analysis of the site and its surroundings, including how the design fits within the landscape framework and urban structure of the development (Findrassie Masterplan refers) and Policy PP3 Place-making of the Moray Local Development Plan 2015 and associated Supplementary Guidance: Urban Design and Supplementary Guidance: Findrassie Masterplan (including any equivalent planning policy and/or supplementary guidance which supersedes or replaces the identified provisions of the development plan during the life-time of the permission hereby approved);
- iii. where they are relevant to the phase of development applied for, include location and design specifications for
 - the location of all residential and non-residential including commercial development(s) to be provided,
 - the local community hub;
 - the primary school (a serviced 2.5ha site) together with playing fields and associated community facilities;
 - all proposed areas of open space taking account of the quality and quantity requirements for new open, in this case a minimum of 30% open space to be provided in accordance with Policy E5 Open Spaces and associated Supplementary Guidance: Urban Design and Supplementary Guidance: Findrassie Masterplan (including any equivalent planning policy and/or supplementary guidance which supersedes or replaces the identified provisions of the development plan during the life-time of the permission hereby approved);
 - all proposed play areas to be provided, including specifications for play equipment;
 - all proposed areas for allotments, including boundary enclosure and site layout and any standard of buildings to be provided;

- the proposed amphitheatre, including site sections relating to the formation of this feature;
- all sports pitches and proposed changing accommodation;
- the primary school;
- the siting of all waste storage, recycling and collections systems;
- all areas for landscaping, including advance landscaping and enclosing tree belts; and
- the siting of all development including proximity of development to, flood event levels, watercourses and existing electricity substation shall be in accordance with the requirements of Conditions 39, 40 and 53;

b) in terms of means of access and parking:

- i. provide for the phase of development to be accessed (by all transport modes) from the A941 Lossiemouth Road and/or, the U24E Covesea Road and/or the unclassified Myreside Road in accordance with the requirements of Conditions 16 - 25;
- ii. provide for the internal transport network arrangements for road, footpath and cycle networks within that phase to be provided in accordance with Moray Council specifications and the access strategy, movement and connectivity principles including regard to street structure and types (hierarchy) as incorporated within the Findrassie Masterplan, and in accordance with Conditions 25 - 29 and 31; and
- iii. provide for all parking arrangements within that phase to be in accordance with Moray Council standards and in accordance with the principles for parking as included in the Findrassie Masterplan, and in accordance with Condition 30;

c) in terms of drainage:

- i. provide for a public foul sewer connection for that phase of development in accordance with Condition 37; and
- ii. provide for the disposal of surface water using SUDs during both operational and construction stages of that phase of the development in accordance with Condition 38.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified to ensure an acceptable form of development in the interests of the character, appearance and amenity of the development and the surrounding area.

10 In pursuance of Condition 5 above, the required details to be submitted for each phase of development shall:

- provide for the location, design specifications and material finishes for all boundary treatments and means of enclosure to be provided within that phase of the development; and
- include a mix of boundary treatments, to be designed in accordance with the Design Codes and principles (including common and specific (fundamental and potential requirements) for all Character Zones within which the development hereby approved will be located, as defined and identified within the approved Supplementary Guidance: Findrassie Masterplan.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified to ensure an acceptable form of development in the interests of the character, appearance and amenity of the development and the surrounding area.

11 In pursuance of Condition 6 above, the required details to be submitted for each phase of the development shall:

- include all earth engineering including excavation, mounding and moulding operations, including cut and fill operations required to accommodate that phase of the development; and
- relate existing and finished (floor and/or ground) levels for that phase of the development to a fixed datum and the setting of that phase of development shall take account of the siting and setting requirements identified within Conditions 39, 40 and 53.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified to ensure an acceptable form of development in the interests of the character, appearance and amenity of the development and the surrounding area.

12 In pursuance of Condition 7 above, the required details to be submitted for each phase of the development shall:

- include a landscape scheme for hard and soft landscaping to be provided within that phase. For the former the scheme shall including the location, design specifications and colouration of all hard surfaced landscaping to be provided for soft landscaping, the scheme shall identify all planting to be retained or removed and all new planting together with the timescale and maintenance arrangements for all planting in accordance with Condition 41 and 42; and
- be designed in accordance with the Design Codes and principles (including common and specific (fundamental and potential requirements) for Character Zones within which the development as hereby approved will be located, as defined and identified within the approved Supplementary Guidance: Findrassie Masterplan and, as required by the Findrassie Masterplan, the scheme shall demonstrate how that phase of the development has been informed by the landscape framework therein; and

For phases P1, P2 and P3 and phases AP-W and AP-N an application for approval of matters pertaining to conditions 7, 41 and 42 shall be submitted to the Council, as planning authority prior to the completion of the 25th residential unit, and approved in writing by the Council, as planning authority prior to completion of the 100th residential unit.

For phase AP-E an application for approval of matters pertaining to conditions 7, 41 and 42 shall be submitted to the Council, as planning authority prior to the completion of the 25th residential unit, and approved in writing by the Council, as planning authority prior to completion of the 35th residential unit.

These applications shall include timescales for the provision of planting/seeding and open space within each phase on a pro rata basis in stages, based on the number of completed residential units. Once approved the landscape scheme shall be implemented strictly in accordance with the approved timescales unless otherwise agreed and in any event, planting/seeding of the areas identified shall be carried out no later than:

- P1 and P2, in accordance with the agreed timescales in stages prior to completion of the 175th, 350th and 500th residential unit; and for P3 prior to completion of the primary school site
- AP-E (adjacent to Lossiemouth Road) prior to completion of the 50th residential unit or by bare root planting season 2021/2022 (October 2020/ March 2021); and for AP-E (adjacent to the Elgin Substation) prior to commencement of development on phase E3
- AP-W prior to completion of the 150th residential unit or by bare root planting season 2022/23 (October 2022/ March 2023) or prior to the approval of an application for development on part or the whole of blocks D1-D4 (inclusive), whichever comes first
- AP-N prior to completion of the 265th residential unit or by bare root planting season 2024/25 (October 2024/ March 2025), or prior to the approval of an application for development on part or whole of blocks W1-W3 (inclusive) and N1-N9 (inclusive), whichever comes first

All maintenance arrangements which form part of the approved landscaping scheme as agreed shall be strictly adhered to.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified to ensure an acceptable form of development in the interests of the character, appearance and amenity of the development and the surrounding area.

- 13 In pursuance of Conditions 2 - 7, the requirements of all Conditions 14 - 65 as included below shall also apply to the development as hereby approved.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified to ensure an acceptable form of development in the interests of the character, appearance and amenity of the development and the surrounding area.

- 14 Notwithstanding the provisions of the Town & Country Planning (Use Classes) (Scotland) Order 1997 (or any Order revoking or re-enacting that Order), the permission relates solely to the development being provided in accordance with

the uses and Use Classes as stated within the formal description of the application and for no other use or purpose without the prior written approval of the Council, as Planning Authority. The permission hereby granted is solely for a development not exceeding 500 dwellings (houses and/or flat/apartments) and all use Class 1 (shop) uses including proposed facilities at the local community hub and at locations identified within the Findrassie Masterplan shall demonstrate that the nature of such retail activity is, at all times, in accordance with Policy R3 of the Moray Local Development Plan 2015 and the associated Supplementary Guidance: Findrassie Masterplan including any equivalent planning policy and/or supplementary guidance which supersedes or replaces the identified provisions of the development plan during the life-time of the permission hereby approved.

Reason: To ensure an acceptable form of development in accordance with the submitted particulars and to retain control over the identified uses as specified within the development including consideration of the effects and impacts of uses other than those hereby approved.

15 No more than 350 dwellings shall be occupied until:

- i) details (which may include evidence from Transport Scotland) have been submitted to and approved by the Council as Planning Authority to confirm that the Trunk Roads Authority has completed the upgrading and realignment of the A96 (T) Hardmuir to Fochabers section of the A96 Dualling programme; or
- ii) the works to the A96 East Road/Maisondieu Road/Pansport Road roundabout have been implemented generally in accordance with Goodson Associates Drawing reference P13779 SK001; or
- iii) a Transport Assessment or Addendum Report has been submitted to the Planning Authority and that any trunk road mitigation measures necessary to offset the impact of the area have thereafter been implemented in accordance with a timescale identified by the Transport Assessment to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reason: To ensure that the scale and operation of the proposed development beyond 350 dwellings does not adversely affect the safe and efficient operation of the A96 trunk road network.

16 No development shall commence on any phase of the development until the following has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority and where appropriate, the Head of Housing & Property:

- i) drawing(s) (scale 1:1000 minimum) showing the position of bus stops and 400 metre walking isochrones which cover all areas of that phase of the development and the A941 and Covesea Road;
- ii) drawing(s) (scale 1:500 minimum) showing:
 - a) positions of bus lay-bys on the A941 and bus stop infrastructure (shelters and flags) and/or bus stops on Covesea Road, where they

fall within the 400 metre walking isochrones for that phase; and bus stop infrastructure (shelters and flags) within the development;

- b) widening of bends on all bus routes to enable buses to pass each other without conflict;
- iii) timescales for the delivery of all bus stop infrastructure proposed for that phase of the development and on the A941 and Covesea Road where required for the development of that phase; and
- iv) evidence of a written agreement with local bus operators for the provision of bus services to serve that phase, including the extension/enhancement of existing bus services and/or the provision of new dedicated bus services to provide a minimum level of service operating from 7.00am to 6.00pm at a half hourly frequency, Monday to Friday inclusive, and from 8.00am to 6.00pm at an hourly service on Saturday, for a minimum duration of two years. Thereafter, the bus stops, bus lay-by, bus infrastructure and bus services shall be provided in accordance with the approved details and agreed timescales.

Reason: To ensure the satisfactory provision of public transport infrastructure to serve the development.

- 17 Prior to the commencement of any part of the development accessed from the A941 Elgin to Lossiemouth Road, detailed drawings (scale 1:500) shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority to show the location, design specifications and timescale for delivery of the southern access to the development on the A941 including the proposed design speed, visibility splay requirements and junction type. The design details shall be informed by a Stage 1/2 Road Safety Audit for the proposed junction and any other works proposed on the A941 e.g. bus laybys and pedestrian crossings, and the Road Safety Audit shall be included as part of the required details.

Thereafter, the development access, bus laybys and pedestrian crossings shall be provided in accordance with the approved details and agreed timescales.

Reason: To ensure the provision of a safe and suitable access, including for pedestrians and cyclists, to the development in the interests of road safety.

- 18 Prior to the commencement of the 50th unit accessed from the A941 Elgin to Lossiemouth Road, detailed drawings (scale 1:500) shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority to show the location, design specifications and timescale for delivery of the northern access to the development on the A941 including the proposed design speed, visibility splay requirements and junction type. The design details shall be informed by a Stage 1/2 Road Safety Audit for the proposed junction and any other works proposed on the A941 e.g. bus laybys and pedestrian crossings, and the Road Safety Audit shall be included as part of the required details.

Thereafter, the development access, bus laybys and pedestrian crossings shall be provided in accordance with the approved details and agreed timescales.

Reason: To ensure the provision of a safe and suitable access, including for pedestrians and cyclists, to the development in the interests of road safety.

- 19 No development shall commence on more than 50 housing units which are accessed from the A941 Elgin - Lossiemouth Road, until a second point of access and/or a route to enable an emergency access for use by all emergency vehicles, pedestrians and cyclists has been provided.

Reason: To ensure an acceptable alternative means of access to the development, including for the emergency services.

- 20 Prior to the commencement of any phase of the development accessed from the C24E Covesea Road, detailed drawings (scale 1:500) shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority to show the location, design specifications and timescale for delivery of all proposed accesses to the development on the C24E Covesea Road within that phase of development, including the proposed design speed, visibility splay requirements and junction type. The design details shall be informed by a Stage 1/2 Road Safety Audit for the proposed accesses and any other works proposed on Covesea Road e.g. bus stops and pedestrian crossings, and the Road Safety Audit shall be included as part of the required details.

Thereafter, the development accesses, bus stops and pedestrian crossings shall be provided in accordance with the approved details and agreed timescales.

Reason: To ensure the provision of a safe and suitable access, including for pedestrians and cyclists, to the development in the interest of road safety.

- 21 Prior to the commencement of any part of the development taking vehicular access from the C24E Covesea Road, detailed drawings (scale 1:500) shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority to show the location, design specifications and timescale for the upgrading of the C24E Covesea Road within the development to a 'Primary Route' with dedicated facilities for pedestrians/cyclists on both sides of the carriageway (at least one 3m cycleway) including the proposed design speed and details of the specifications for the widening, provision of roads drainage and re-construction of the existing carriageway. The design details shall be informed by a Stage 1/2 Road Safety Audit for the road improvements and any other works proposed on Covesea Road e.g. bus stops and pedestrian crossings, and the Road Safety Audit shall be included as part of the required details.

Thereafter, the upgrading of the road shall be provided in accordance with the approved details and agreed timescales.

Reason: To ensure the provision of a safe and suitable access, including for pedestrians and cyclists, to the development in the interest of road safety.

- 22 No development shall commence on more than 50 housing units which are accessed from the C24E Covesea Road, until a second point of access, onto the C24E Covesea Road and/or Greenfield Wynd, and/or a route to enable an

emergency access for use by all emergency vehicles, pedestrians and cyclists has been provided.

Reason: To ensure an acceptable alternative means of access to the development, including for the emergency services.

- 23 Prior to the operation of the northern access, as detailed in condition 18 of this decision notice, a detailed drawing (scale 1:500) shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority to show:
- i) the modifications to the A941/Myreside Road junction, design specifications and timescale for delivery of the junction modification to prevent vehicular access from the A941 onto Myreside Road;
 - ii) the proposed design for restricting vehicular access at the western end of Myreside Road; and
 - iii) written evidence to confirm that a Road Traffic Regulation Order has been secured to remove rights of access for motorised vehicles on the section of Myreside Road between the A941 and Myreside Farm Cottage.

Thereafter, unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority, the modification to the junction and the vehicular access arrangements shall be provided in accordance with the approved details and agreed timescales.

Reason: To ensure the provision of a safe and suitable access, including for pedestrians and cyclists, to the development in the interest of road safety.

- 24 Prior to the commencement of any part of the development (other than within phases E1, E2, E3, E4), as set out in the approved Findrassie Masterplan (2015) detailed drawings (scale 1:500) shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority to show the location, design specifications and timescale for the upgrading of the U39E Myreside Road within the development to a 'Primary Route' with dedicated facilities for pedestrians/ cyclists on both sides of the carriageway (at least one 3m cycleway) including the proposed design speed and details of the specifications for the widening, provision of roads drainage and re-construction of the existing carriageway. The design details shall be informed by a Stage 1/2 Road Safety Audit (RSA) for the road improvements and any other works proposed on Myreside Road e.g. bus stops and pedestrian crossings, and the Road Safety Audit shall be included as part of the required details.

Thereafter, the upgrading of the road shall be provided in accordance with the approved details and agreed timescales

Reason: To ensure the provision of a safe and suitable access, including for pedestrians and cyclists, to the development in the interest of road safety.

- 25 Prior to the commencement of any phase of the development, detailed drawings (scale 1:500) shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority to show the location, design specifications and timescale for delivery for the internal road network, including proposals for footways, cycleways, pedestrian/cycle crossing facilities, bus infrastructure, boundary treatments, and shared parking areas

within that phase of the development. The design details shall be informed by a Stage 1/2 Road Safety Audit (RSA) for the proposed road network and any other works proposed e.g. pedestrian crossings, and the Road Safety Audit shall be included as part of the required details.

Thereafter, the internal road network shall be provided in accordance with the approved details and agreed timescales.

Reason: To ensure acceptable infrastructure within the development to cater for movements by foot, including ambulant disabled persons, cycle, vehicle and public transport.

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

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

- 27 No walls or any other obstruction whatsoever over 0.6m measured from the level of the public carriageway shall be permitted within any 'forward visibility' areas or any visibility splays crossing plot boundaries within all areas of the residential development, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

Reason: To enable drivers of vehicles to have an acceptable clear forward visibility, in the interests of road safety for the proposed development and other road users.

- 28 Driveways over service verges shall be constructed to accommodate vehicles and shall be surfaced with bituminous macadam.

Reason: To ensure acceptable infrastructure is provided at the property accesses.

- 29 Houses requiring 2 parking spaces shall have a driveway length of 6.0m minimum in front of any garage to permit a second car to park, unless alternative parking arrangements are provided. No part of the driveway shall be included in the public road.

Reason: To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.

- 30 Parking provision shall be provided and made available for use at all times to the Moray Council Parking Standards for each class of development use together with provision for secure cycle parking and facilities for electric vehicle charging. The standards for parking as applied at the time of any application for development shall be in accordance with Policy T5 Parking Standards of the Moray Local Development Plan 2015 and any associated guidance setting out

the standards of parking including any equivalent planning policy and/or guidance which supersedes or replaces the identified provisions of the development plan during the life-time of the permission hereby approved.

Reason: To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.

- 31 a) Prior to the commencement of any part of the development, the following shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority, and Moray Access Manager:
- i) in accordance with Supplementary Guidance: Findrassie Masterplan principles to enhance connectivity between the proposed and existing development to the south,
- detailed drawings (scale 1:500 minimum) for that phase of development showing the location, design specifications and timescale for the provision of active travel corridors and connections between the development and Elgin Core Paths EG31 and EG33; and
 - drawings (scale 1:1000 minimum) showing an indicative network of active travel corridors including that phase of development and the remaining phases and connections to the existing/committed network in accordance with the principles set out in the Supplementary Guidance: Findrassie Masterplan.
- b) Prior to the completion of any residential or non-residential building within any phase of development, other than within phases E1 and E2, as set out in the approved Findrassie Masterplan (2015), the following shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority, and Moray Access Manager:
- i) detailed drawings (Scale 1:500 minimum) showing the location, design specifications and timescale for the provision of a cycleway connection alongside Covesea Road to the south of the development, linking to the existing cycleway or other cycle link to Moray Council adoption standards to provide a continuous adopted cycle route from the development to Sey Burn Wynd and Myreside Circle and extending to the existing remote cycle track at the Lossiemouth Road/Covesea Road junction.

Thereafter, the proposed foot and cycle connections, crossings and corridors shall be provided in accordance with the approved details and agreed timescales.

Reason: To ensure the provision of a safe and suitable access routes for pedestrians and cyclists both within and to/from the development, in the interest of road safety.

- 32 No works shall commence on any phase of the development until details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority regarding:

- a) A Construction Traffic Management Plan which shall include the following information:
- duration of works;
 - construction programme;
 - number of vehicle movements (i.e. materials, plant, staff, components);
 - anticipated schedule for delivery of materials and plant;
 - full details of construction traffic routes from the Strategic Road Network (A941/A96) to the site, including any proposals for temporary haul routes and routes to be used for the disposal of any materials from the site;
 - measures to be put in place to prevent material being deposited on the public road;
 - measures to be put in place to safeguard the movements of pedestrians;
 - traffic management measures to be put in place during works including any specific instructions to drivers; and
 - parking provision, loading and unloading areas for construction traffic.

and

- b) Details of any required/proposed temporary construction access which shall include the following information:
- a drawing (scale 1:500 minimum) regarding the location and design specifications of the proposed access(es);
 - specification of the materials used for the construction access(es);
 - all traffic management measures required to ensure safe operation of the construction access(es);
 - details, including materials, for the reinstatement of any temporary construction access(es); and
 - details regarding the timescale for the opening up and closure of any temporary access(es) together with the time period over which the temporary access(es) will be used.

Thereafter, the development of that phase(s) 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, road safety and the amenity of the area/adjacent properties.

- 33 Prior to the commencement of any part of the development, a detailed drawing (scale 1:500) shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority to show the location, design specifications and timescale for delivery of improvements to the capacity of the Morriston Road/Duffus Road junction (to 'no net detriment') through the provision of 'ghost island' right turn facility or introduction of traffic signal control, including proposals for pedestrian crossing and cycling facilities.

The design shall be informed by a Stage 1/2 Road Safety Audit for the proposed junction improvement and any other works proposed e.g. pedestrian crossings, and the Road Safety Audit shall be included as part of the required details.

Thereafter, the Morriston Road/Duffus Road junction improvements and pedestrian and cycle facilities shall be provided in accordance with the approved details and agreed timescales.

Reason: To ensure that the road network continues to operate safely and efficiently for the benefit of all road users, including for pedestrians and cyclists.

- 34 Prior to the commencement of any part of the development, details shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority with drawings, based on a topographical survey (scale 1:500) to show the location, design and specifications, of works to improve the operation and capacity at the North Street/Morriston Road traffic signal controlled junction (to 'no net detriment'), including proposals for pedestrian crossing and cycle facilities. The design shall be informed by a Stage 1/2 Road Safety Audit for the proposed junction improvement and any other works proposed e.g. pedestrian crossings, and the Road Safety Audit shall be included as part of the required details.

Reason: To ensure that the road network continues to operate safely and efficiently for the benefit of all road users, including for pedestrians and cyclists.

- 35 Prior to the commencement of the 50th dwelling (house and/or flat/apartment) OR prior to the commencement of any non-residential, including commercial development but excluding the proposed primary school and local community 'hub', the following shall be provided:

- i) written evidence to demonstrate control of the land through ownership or legal agreement to deliver the junction improvements at North Street/Morriston Road (Condition 34); and
- ii) written details of the timescale for delivery of junction improvements at North Street/Morriston Road.

Thereafter, and prior to the commencement of the 100th dwelling (house and/or flat/apartment) OR prior to the commencement of any non-residential, including commercial development but excluding the proposed primary school and local community 'hub', the North Street/Morriston Road junction improvements and pedestrian and cycle facilities shall be provided in accordance with the approved details and agreed timescales.

Reason: To ensure that the road network continues to operate safely and efficiently for the benefit of all road users, including for pedestrians and cyclists.

- 36 Prior to the commencement of any part of the development, a detailed drawing (scale 1:500) shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority to show the location, design specifications and timescale for delivery of improvements to the capacity of the Covesea Road/Lossmouth Road junction (to 'no net detriment') through the provision of traffic signal control, including proposals for pedestrian crossing and cycle facilities.

The design shall be informed by a Stage 1/2 Road Safety Audit for the proposed junction improvement and any other works proposed e.g. pedestrian crossings and the Road Safety Audit shall be included as part of the required details.

Thereafter, the Covesea Road/Lossmouth Road junction improvements and pedestrian and cycle facilities shall be provided in accordance with the approved details and agreed timescales.

Reason: To ensure that the road network continues to operate safely and efficiently for the benefit of all road users, including for pedestrians and cyclists.

- 37 No development on any phase of the development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with Scottish Water, SEPA and Moray Flood Risk Management where appropriate regarding a finalised foul drainage scheme for that phase of the development. The Scheme for each phase shall:

- a) provide for connection to the public foul drainage sewer network;
- b) be developed and designed in accordance with the submitted Drainage Assessment and Flood Risk Assessment;
- c) identify the location(s) and route(s) and time-scale(s) for the provision of all foul drainage infrastructure for that phase including pumping station and pipework both within the site, and between the site and the proposed point of connection to the foul drainage network;
- d) include the location, design specifications, external appearance and material finishes, and site layout arrangements including hardstanding areas and means of access to above ground buildings/structures or other apparatus to be provided within the phase(s) on which such pumping stations will be located as part of any required/proposed pumping station to be provided; and
- e) confirm the adopting authority or in perpetuity body for the foul drainage network.

Thereafter, the phase of development shall be provided in accordance with the approved foul drainage scheme details and connection to the public foul drainage sewer network shall be provided and made available for use prior to first occupation of the development unless temporary arrangements are agreed

in writing with the Council, as Planning Authority in consultation with Scottish Water and SEPA.

Reason: To ensure an acceptable form of development in terms of the provision and delivery of foul drainage infrastructure for the development.

38 No development shall commence on any phase until details have been submitted to and approved by the Council, as Planning Authority in consultation with SEPA and Moray Flood Risk Management and Scottish Water where appropriate regarding:

- a) a finalised surface water drainage scheme for the operation of that phase of the development. The Scheme shall include details of all sustainable (SUDs-based) drainage features to be provided within that phase including details of the location, design construction specifications, level(s) of treatment, supporting calculations and time-scale(s) for provision and maintenance of all (sustainable) surface water features, including roads drainage to be incorporated into the site layout and:
 - i) be developed and designed in accordance with the surface water design strategy as outlined in the submitted Drainage Assessment and Flood Risk Assessment (May 2017) together with technical guidance and requirements contained in The SUDs Manual (by CIRIA, C753), Sewers for Scotland 3 and SEPA guidance, Regulatory Method (WAT-RM-08) Sustainable Urban Drainage Systems (SUDS or SUD Systems)";
 - ii) be designed to manage storm water flows for storm events up to and including a 1 in 200-year flood event with surface water to be discharged after on-site attenuation at a controlled rate, not exceeding the greenfield run-off rate;
 - iii) include a site plan showing the proposed SUDS treatment train together with submission of Simple Index Approach calculations and, a detailed risk assessment where development has a high pollution hazard level;
 - iv) include information to demonstrate that no existing natural water bodies, for example Myreside Pond will be used as SUDS;
 - v) include cross- and long- sections to confirm the area and depth of all required/proposed SUDS basin(s) or other sustainable drainage features where proposed, with finished levels related to existing ground levels and a fixed datum;
 - vi) include details to manage and mitigate any overland flows in the event of flood events or drainage failure in excess of the capacity of the SUDs design/installed drainage network and ensure that such flows are not directed towards existing or proposed development;
 - vii) where the development area is sub-divided into separate parcels for development, address the integration of those separate parcels into the overall surface water drainage scheme arrangements for the development; and

- viii) confirm the adopting authority/authorities or in perpetuity body/bodies for all surface water drainage arrangements;

and

- b) a construction surface water management plan, to include the location, design specifications and time-scale(s) for provision of all required/proposed temporary site construction SUDs in order to demonstrate that surface water run-off from the site will be managed and not increase the risk of flooding during the construction phase of the development.

Thereafter, the development of that phase shall be implemented in accordance with the approved surface water drainage scheme details and all approved surface water drainage arrangements shall be provided and made operational prior to first use and occupation of that phase of the development

Reason: Details of the matters specified are insufficient (being based on an outline drainage and SUDS strategy) and/or are lacking from the submitted particulars and ensure an acceptable (and sustainable) form of development is provided and maintained and to provide for adequate protection from surface water run-off both during the operational and construction stages of the development.

39 As part of the proposed development:

- no development, or land raising, shall take place within the 1 in 200-year flood extent as shown in drawing 8246_401 Rev D as included in the submitted Drainage Assessment and Flood Risk Assessment for the PPP for mixed use development Findrassie Area 1 (May 2017) (by Ironside Farrar);
- finished floor levels shall be set 1m above the relevant 1 in 200-year flood level as shown in Appendix A, Addendum 1 of the submitted Drainage Assessment and Flood Risk Assessment for the PPP for mixed use development Findrassie Area 1 (May 2017) (by Ironside Farrar);
- for school development (and other most vulnerable land uses), finished floor levels shall be set 1m above the relevant 1 in 1000-year flood level as shown in Appendix C, Addendum 1 of the submitted Drainage Assessment and Flood Risk Assessment for the PPP for mixed use development Findrassie Area 1 (May 2017) (by Ironside Farrar); and
- For development in the vicinity of the culverts, finished floor levels should be set 1m above the relevant culvert blockage flood level as shown in Appendix E and G, Addendum 1 of the submitted Drainage Assessment and Flood Risk Assessment for the PPP for mixed use development Findrassie Area 1 (May 2017) (by Ironside Farrar). Reason: To protect people and property from flood risk in line with Scottish Planning Policy.

40 No development shall commence on any phase of the development until details have been submitted to and approved by the Council, as Planning Authority in consultation with SEPA regarding all proposed engineering activities to be undertaken within any part of the water environment as part of that phase. The details shall include:

- i) the location, and type including design specifications and timescales for all proposed engineering activities including watercourse crossings to be undertaken within the water environment and any cumulative impacts that may arise from development of other phases within this PPP;
- ii) a systematic table providing a detailed justification for each and all proposed engineering activities and identifying all measures to mitigate any adverse impact arising from such activity; and
- iii) all proposed watercourse crossings shall be designed to accept the 1 in 200-year flow.

Thereafter, the development shall be implemented in accordance with the approved water engineering activities.

Reason: To ensure adequate protection of the water environment.

41 No development shall commence on any phase of the development until details have been submitted to and approved by the Council, as Planning Authority regarding a detailed landscape scheme for that phase of the development. The scheme shall:

- a) identify the location of all existing trees/shrubs and hedgerows or other landscape features within that phase and identify those to be retained and those to be removed. The details shall address the implications of all required/proposed drainage and transportation infrastructure associated with that phase of the development. Applications for development of phasing zones P1 and P2 as set out in the approved Findrassie Masterplan (2015) should provide for the retention of the existing woodland created adjacent to Myreside Pond (and its incorporation into the open space area to be provided within the Hub + Central Open Space Character Zone within these phasing zones);
- b) include details of measures to protect existing trees, shrubs and hedgerows and other landscape features to be retained within that phase, before during and after construction activity;
- c) include details of the number, species, position, planting distances and sizes of all trees, shrubs and hedgerow planting to be provided within the site. All proposed planting details and specifications shall provide for the use of native species of local provenance. The scheme shall include all proposed areas of advance planting (including avenue/boulevard planting and enclosing woodland/tree belt planting areas located within the Lossiemouth Road, Employment, Sub-station, Duffus Road, Findrassie Woodland Edge and Northern Edge Character Zones, where applicable to that phase, in so far as such landscape planting is proposed as part of the development as hereby granted together with all planting proposed within

residential areas including play and open space areas within that phase in accordance with the Supplementary Guidance: Findrassie Masterplan;

- d) include details of the time-scale(s) for all proposed planting included within that phase of the scheme;
- e) include details of a management plan for the maintenance of all planting; and
- f) for all areas where earth moving, mounding and excavation is required/ proposed to form landscape and open space features, for example the amphitheatre within the central open space area or earth bund to enclose the sub-station (Condition 53), the scheme shall include details regarding the timescale for provision and location and design specifications, including cross and long-sections to describe the extent, area and height/depth of any proposed or resultant landscape feature with finished levels related to existing ground levels and a fixed datum.

Thereafter, the development of each phase shall be implemented in accordance with the approved landscape scheme details and maintained in accordance with the maintenance plan

Reason: Details of matters specified are lacking from the submitted particulars and ensure an acceptable form of development in the interests of the character, appearance and amenity of the development and the surrounding area.

- 42 In relation to the approved landscape scheme for the development, all trees shrubs and hedge planting which within a period of 5 years from planting, die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, numbers and species unless with the prior written consent of 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 character, appearance and amenity of the development and the surrounding area.

- 43 No development shall commence on any phase of the development until a written statement has been submitted to and approved by the Council, as Planning Authority in consultation with SNH and others where appropriate to describe and confirm all measures to mitigate the impact of that phase of the development upon the integrity of the internationally and nationally important Loch Spynie Special Protection Area, Ramsar site and Site of Special Scientific Interest. The statement details shall confirm all proposed mitigation measures to address:

- water quality and quantity during construction of the development of that phase;
- water quality and quantity during the operational life of the development of that phase; and
- water quality during any river engineering works associated with the development of that phase.

Thereafter, the development of that phase shall be implemented in accordance with the submitted statement details.

Reason: Details of the matters specified are lacking from this "in principle" application and to ensure the international and national status and integrity of Loch Spynie is not adversely affected by the development.

- 44 No development of any phase shall commence until the following have been submitted to and approved by the Council, as Planning Authority in consultation with SNH regarding:
- a) details to confirm the arrangements to undertake pre-construction surveys for all protected species recorded as using that phase of the site, to include the time-scale(s) for undertaking surveys and thereafter, the arrangements for reporting the results of the survey. Where any survey identifies protected species using that phase of the site, the survey results shall also identify all required/proposed measures to be implemented to mitigate the impact of the development upon any identified protected species;
 - b) the arrangements to undertake watching briefs for protected species during construction works together with the procedures to be adopted to mitigate the protected species where encountered during construction works; and
 - c) details to confirm all required/proposed measures to mitigate the impact of the development of that phase upon bat species.

Thereafter, the development shall be implemented in accordance with the approved protected species details including mitigation measures.

Reason: To ensure an acceptable form of development taking into account the need to afford protection to all protected species recorded as using the site, and in accordance with mitigation measures intimated within the submitted Ecological Appraisal (for Findrassie, 30/05/2017, by Neo Environmental).

- 45 No development shall commence until a site-specific Construction Environmental Management Plan (CEMP) for each phasing zone as set out in The approved Findrassie Masterplan (2015) has been submitted to and approved by the Council, as Planning Authority in consultation with SEPA, SNH and other agencies where appropriate. The CEMP shall identify all risks and detailed pollution prevention measures, site management and mitigation measures for all elements potentially capable of giving rise to pollution and be supported by drawing(s) showing the location of construction management features and, in addressing all pollution prevention and environmental management issues related to the development (including construction method, surface water and site waste management). The CEMP shall include the following information:
- a) a list of all construction activities that will be undertaken and the sequence of these, for example ground stripping;

- b) information to demonstrate that ground conditions are suitable for the temporary construction SUDS chosen. Confirmation shall be provided that the temporary construction SUDS are appropriately located in terms of the topography of the site. All SUDS shall be specifically designed for the purposes of construction and separately for final phase SUDS;
- c) the timing of the works, e.g. heavy construction works to be staged to avoid periods of heavy rainfall;
- d) environmental management structure including a hierarchy and contact details for responsible persons on site;
- e) details of how the environmental obligations of the site will be communicated to staff carrying out the works (e.g. delivery of toolbox talks), etc.;
- f) details of emergency procedures/pollution response plans in the event of a pollution event (particularly silt pollution prevention/discovery of silty water);
- g) provisions for pollution response plans in the event of an out of hours or weekend incident;
- h) SEPA's pollution hotline number 0800 80 70 60 should be included for the reporting of any environmental events;
- i) fuel and chemical storage provisions;
- j) identify any existing field drains as, if intercepted, this could provide a preferential pathway for contaminated run-off water;
- k) details of waste management, in the form of a site waste management plan which shall include information such as: Who will be responsible for the resource management, what types of waste will be generated, how the waste will be managed, how it will be reduced, reused or recycled, which contractors will be used to ensure the waste is correctly recycled or disposed of responsibly and legally, and how the quantity of waste generated by the project will be measured (with further information available in SEPA's document "A simple guide to Site Waste Management Plans");
- l) soil storage locations, concrete wash out areas, wheel wash stations;
- m) arrangements to mark out appropriately sized buffer strips around watercourses on/adjacent to the site and other sensitive features or appropriate mitigation proposed to protect these features;
- n) the principles of any relevant SEPA Guidance for Pollution Prevention shall be incorporated into the method statement rather than just referenced and supported by drawings showing the location of the above features; and
- o) in accordance with the Ecological Appraisal (for Findrassie, 30/05/2017, by Neo Environmental), confirm the details of all proposed/required

measures to mitigate potential impacts on local ecological receptors during the construction period.

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

Reason: To minimise the impacts of the development works upon the environment.

- 46 No development on any phase shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with SEPA to demonstrate that there are no private water supplies within 250m of the phase. The required details shall include:

- a) a map demonstrating that all existing groundwater abstractions are outwith a 100m radius of all excavations shallower than 1m, and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. (The survey information shall extend beyond the application site boundary where required to satisfy the specified radius distance); and
- b) if the minimum buffers are not achieved, a detailed site specific qualitative and/or quantitative risk assessment shall be submitted to identify and describe all required/proposed measures to mitigate the impact and effect of the development upon any existing groundwater abstraction source.

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

Reason: To minimise the impacts of the development works upon the environment.

- 47 No development of any phase of the development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with SEPA regarding a schedule to identify all required/proposed "green" measures that will be implemented on that phase of the site, including a drawing demonstrating the 10m buffer between any watercourse and the development together with the outcomes of investigation and details (location, design specification and timescale(s) for provision) of all proposed measures to be provided on the site including, for example, use of green roofs, rain water harvesting/sustainable water use measures, arrangements for re-naturalising/re-meandering of any water features within the site, etc.

Thereafter, the development of that phase shall be implemented in accordance with the approved green measures.

Reason: To ensure an acceptable form of development in accordance with the provisions of the approved Findrassie Masterplan and to ensure adequate protection of the water environment whilst contributing to and enhancing the natural environment.

- 48 No development on any phase shall commence until a Sustainability Statement for that phase has been submitted to and approved by the Council, as Planning Authority to identify all required/proposed measures to be incorporated into the development to address objectives contributing to reduction of greenhouse gas emissions. The Statement shall include a Sustainability Checklist in

accordance with Policy PP2 Climate Change and associated Supplementary Guidance: Climate Change of the Moray Local Plan 2015 and Supplementary Guidance: Findrassie Masterplan (including any equivalent planning policy and/or supplementary guidance which supersedes or replaces the identified provisions of the development plan during the life-time of the permission hereby approved).

Thereafter, the development of that phase shall be implemented in accordance with the approved sustainability measures identified in the required statement.

Reason: To ensure an acceptable form of development in accordance with sustainability objectives for development at Findrassie.

- 49 No development on any phase shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with SEPA to establish and demonstrate the potential or otherwise for district heating on that phase, to be met through connection to an existing district heating network or implementation of an on-site district heating network. Unless otherwise demonstrated through a feasibility study, the required details shall provide for:

- a) the inclusion of infrastructure (such as pipelines) within that phase of the site to enable connection to any district heating scheme/combined heat and power plant in the vicinity (and the subsequent requirement to connect when available) or;
- b) the safeguarding of land within that phase of the development for the future installation of infrastructure to enable connection to any district heating scheme/combined heat and power plant for the overall masterplan site (and the subsequent requirement to install such infrastructure and connect when available).

Reason: To demonstrate the consideration given to Scottish Planning Policy (2014) to include infrastructure to make best use of available local resources.

- 50 In respect of possible land contamination on the site, unless otherwise agreed in writing with Moray Council as Planning Authority, no development works on any phase of the development, other than those required to facilitate assessment and remediation of contamination, shall commence until the following have been carried out:

- i) full details of the methodology for assessment of land contamination at that phase of the site have been submitted to and accepted in writing by Moray Council, as Planning Authority;
- ii) the assessment works for that phase have been completed in full in accordance with the agreed details and a report submitted to and accepted in writing by Moray Council, as Planning Authority;
- iii) in the event that the assessment identifies the need for remediation or mitigation measures to ensure the suitability of that phase of the site for the proposed use, full details of the remediation methodology, including proposals for validation works, have been submitted to and accepted in

writing by Moray Council, as Planning Authority; thereafter these works will be implemented in full in accordance with the agreed details;

- iv) a full validation report has been submitted to and accepted in writing by Moray Council, as Planning Authority, which demonstrates that no pollutant linkages remain or are likely to occur.

Should any previously undiscovered contamination be encountered during the development of the site, then all works shall cease, and the Council, as Planning Authority should be contacted immediately to agree an appropriate course of action.

Reason: To safeguard the health and safety of the occupants of the properties, the building structures and the local environment from the effects of harmful ground contamination.

- 51 No phase of 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 for that phase 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 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. The PERD can be undertaken in line with the phases of development.

Reason: To safeguard and record the archaeological potential of the area.

- 52 Construction works 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 Saturday only, and at no other times outwith these permitted hours (including National Holidays) shall construction works be undertaken except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken outwith the permitted/stated hours of working.

Reason: To ensure an acceptable form of development in the interests of the amenities of the surrounding area, including neighbouring residential property.

- 53 No phase of development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager, regarding an updated noise impact assessment pursuant to Planning Advice Note PAN 1/2011 and the associated Technical Advice Note Assessment of Noise (TAN), in order to consider the amenity of future residential properties within that phase, in proximity to the existing Elgin sub-station. The assessment findings shall be reported in terms of BS 4142: 2014 Methods for rating and assessing industrial and commercial

sound, Noise Rating Curves (NR 20) for night-time, and NANR 45 night-time criteria. The measures to mitigate the impact of noise shall include prescription of "stand-off" distance between the sub-station and the location, design specifications and time-scale for provision of any required/proposed acoustic barrier (earth bund and/or fencing or similar).

Thereafter, any resulting noise mitigation arrangements shall be implemented in accordance with the approved details.

Reason: To ensure an acceptable form of development in the interests of the amenities of the surrounding area, including neighbouring residential property.

- 54 No development within any phase of development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager regarding details of any external lighting scheme(s) required/proposed for the development of that phase, excluding street lighting arrangements. Where the phase of development includes the proposed primary school building and associated external sports areas, any separate sports and recreation area or playing fields area and the proposed local community Hub, the details sought shall include (but are not limited to) the lighting issues for those elements. The required scheme shall:
- a) be designed to minimise the use of external lighting within and around the boundaries of the site, and the effects of light spills and glare upon the surrounding area beyond the site boundary;
 - b) provide details of all required/proposed external lighting arrangements, whether free-standing or affixed to buildings/structures or similar during both the construction and completed development; and
 - c) include the location and design specifications (including both candela and lux rating information) for all lighting to be installed and the time-periods for operation together with specifications for all mitigation measures to be introduced and designed to minimise the impact of lighting within and beyond the site boundary, for example, light hoods and louvres, orientation and angle of downward inclination of lamps, etc.

Thereafter, the external lighting arrangements shall be implemented within that phase, in accordance with the approved details and no further external lighting shall be provided, installed or used within that phase throughout the lifetime of the development except where otherwise agreed in writing with the Council, as Planning Authority.

Reason: To ensure an acceptable form of development in particular to minimise the potential for light pollution including light glare/spill and disturbance impacts upon the visual amenity and appearance of the surrounding area, including any existing or proposed neighbouring residential property.

- 55 No development shall commence on any phase until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager regarding a detailed Construction Noise Impact Assessment for that phase which shall:

- a) be based upon (but not limited to) procedures for good practice and workmanship, and noise management and control as advocated within relevant BS:5228 codes of practice for noise and, where necessary, vibration;
- b) identify all noise management and mitigation measures (including noise and where necessary vibration monitoring programmes) to be adopted during construction works for the development of that phase, to be based upon the appointed contractor's working practices and methods together with proposals to promote and establish community relations to address noise/vibration impacts at the closest neighbouring properties to that phase including any cumulative impacts from development of other phases, arrangements and procedures/protocols for reporting, handling and responding to complaints regarding noise where so received; and
- c) unless otherwise agreed in writing with the Council, as Planning Authority in consultation with the Environmental Health Manager, construction noise criteria for the permitted construction hours above shall be in accordance with the ABC method detailed in BS 5228-1 :2009 (Noise).

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

Reason: To ensure an acceptable form of development in the interests of the amenities of the surrounding area, including neighbouring residential property.

- 56 No development shall commence on any phase until a scheme to control dust during the construction phase for that phase of the development has been submitted and approved in writing by the Council, as Planning Authority in consultation with the Environmental Health Manager. The scheme shall identify any potential cumulative impacts that may arise from concurrent development of other phases.

Thereafter, the dust control arrangements shall be implemented on that phase in accordance with the approved details.

Reason: To ensure an acceptable form of development in the interests of the amenities of the surrounding area, including neighbouring residential property.

- 57 No development shall commence on any phase of the development until an assessment of air quality for the construction and operational phases of that phase of the development has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Environmental Health Manager. The scheme shall identify any potential cumulative impacts that may arise from concurrent development of other phases.

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

Reason: To ensure an acceptable form of development in the interests of the amenities of the surrounding area, including neighbouring residential property.

- 58 No development shall commence on any phase of the development until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager regarding a suitable assessment of road traffic noise arising for residential development within that phase of the development, as well as considering road traffic noise as it may affect existing residential development outwith the application site, pursuant to Planning Advice Note PAN 1/2011 and the associated Technical Advice Note Assessment of Noise (TAN). The scheme shall identify any potential cumulative impacts that may arise from the concurrent developments of other phases.

Thereafter, any resulting noise mitigation arrangements shall be implemented within that phase, in accordance with the approved details.

Reason: To ensure an acceptable form of development in the interests of the amenities of the surrounding area, including neighbouring residential property.

- 59 Prior to the school commencing a Noise Impact Assessment pursuant to Planning Advice Note PAN 1/2011 and the associated Technical Advice Note Assessment of Noise (TAN), shall be submitted and approved in writing by the Council, as Planning Authority in consultation with the Environmental Health Manager, detailing all noise sources associated with the construction and operational phases of the development. The Assessment shall also identify all measures (including their location, design specifications and external impact) to be adopted to mitigate the impact of noise emissions from the development.

Thereafter, any resulting noise mitigation arrangements shall be implemented in accordance with the approved details.

Reason: To ensure an acceptable form of development in the interests of the amenities of the surrounding area, including neighbouring residential property.

- 60 No development of the proposed primary school shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager regarding measures to suitably control cooking odours from any proposed kitchen ventilation/extraction system serving any proposed primary school associated with the development, including the installation and maintenance of any required/proposed ventilation/extraction system.

Thereafter, ventilation/extraction and odour control arrangements shall be implemented in accordance with the approved details.

Reason: To ensure an acceptable form of development in the interests of the amenities of the surrounding area, including neighbouring residential property.

- 61 No development shall commence for any proposed development/use within Use Class 3, 7, 8 and 10 until a Noise Impact Assessment pursuant to Planning Advice Note PAN 1/2011 and the associated Technical Advice Note Assessment of Noise (TAN) has been submitted and approved in writing by the Planning Authority, in consultation with the Environmental Health Manager, detailing all noise sources associated with the development. The Assessment shall also identify all measures (including their location, design specifications

and external impact) to be adopted to mitigate the impact of noise emissions from the development.

Thereafter, all resulting noise mitigation arrangements shall be implemented in accordance with the approved details.

Reason: To ensure an acceptable form of development in the interests of the amenities of the surrounding area, including neighbouring residential property.

- 62 No development shall commence for any proposed development/use within Use Class 3, 7, 8 and 10 until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager, regarding measures to suitably control cooking odours arising from any proposed development/use within Use Class 3, 7, 8 and 10, including the installation and maintenance of any required/proposed ventilation/extraction system.

Thereafter, the ventilation/extraction and odour control arrangements shall be implemented in accordance with the approved details.

Reason: To ensure an acceptable form of development in the interests of the amenities of the surrounding area, including neighbouring residential property.

- 63 **Fixed plant and machinery noise emissions** associated with any proposed development/use within Use Class 1, 2, 3 and 4 shall, between the daytime of 0700 to 2300 hours, not exceed **Noise Rating Curve (NR) 25**, as determined within a living apartment of the nearest noise sensitive property with the external window moderately open. This limit would apply and be determined over a one-hour duration within any day-time period.

Reason: To ensure an acceptable form of development in the interests of the amenities of the surrounding area, including neighbouring residential property.

- 64 **Fixed plant and machinery noise emissions** associated with any proposed development/use within Use Class 1, 2, 3 and 4 shall, between the night time of 2300 to 0700 hours, not exceed **Noise Rating Curve (NR) 20**, as determined within the bedroom of the nearest noise sensitive property with the external window moderately open. This limit would apply and be determined over a five-minute duration within any night-time period.

Reason: To ensure an acceptable form of development in the interests of the amenities of the surrounding area, including neighbouring residential property.

- 65 The woodland area adjacent to Myreside Pond shall be retained and incorporated into the proposed open space area within the Hub + Central Open Space Character Zone, and in the event of any loss of trees or woodland occurring over 0.1ha within a phase of the development area as hereby approved, no development within that phase shall commence until details have been submitted to the Council, as Planning Authority in consultation with Scottish Forestry regarding details of a compensatory woodland planting scheme (the Replanting Scheme) within Moray. The Replanting Scheme details shall:

- a) include specifications for

- i. on-site replanting;
 - ii. off-site compensatory planting;
 - iii. tree maintenance and protection to established planting; and
- b) comply with the requirements set out in the UK Forestry Standard (Forestry Commissions, 2011. ISBN 978-0-85538-830-0) and the associated guidelines to which it refers and include:
 - i. details of the location of the area to be planted;
 - ii. details of land owners and occupiers of the land to be planted;
 - iii. the nature, design and specification of the proposed woodland to be planted;
 - iv. details of all necessary consents for the Replanting Scheme and timescales within which each shall be obtained;
 - v. the phasing and associated timescales for implementing the Replanting Scheme; and
 - vi. proposals for the maintenance and establishment of the Replanting Scheme, including annual checks; protection from predation; replacement planting; fencing; ground preparation; and drainage, etc.

Thereafter, the development shall be implemented in accordance with the approved Replanting Scheme details, including the phasing and timescales as set out therein.

Reason: To ensure an acceptable development in the absence of details of the matters specified from the submission and to ensure an acceptable form of development where replacement or compensatory planting is provided where the development results in a loss of woodland.

11. PLANNING APPLICATION 19/00260/PPP

WARD 8: FORRES

19/00260/PPP - Proposed residential development comprising of 23 serviced house plots with associated access drainage infrastructure and landscaping on Site R4, Damhead, Kinloss, Forres, Moray for The Rhind 2008 Discretionary Trust

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for a proposed residential development comprising of 23 serviced house plots with associated access drainage infrastructure and landscaping on Site R4, Damhead, Kinloss, Forres, Moray for The Rhind 2008 Discretionary Trust.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation as the proposal for 5-49 dwellings is not in accordance with the development plan, and therefore falls out with the scope of the Council's delegation scheme. The report also advised that Members of the Committee visited the site of the application on 21 February 2020.

During discussion surrounding the Package Treatment Plant, clarification was sought in relation to the access arrangements to the Plant.

In response, the Development Management and Building Standards Manager advised that, if the Committee were minded to approve the application, an addition could be made to Condition 3 to include access arrangements for the servicing and maintenance of the communal shared Package Sewage Treatment Plant. This was agreed.

Thereafter, the Committee agreed to grant planning permission in respect of Planning Application 19/00260/PPP subject to:

- (i) conclusion of a (Section 75) legal agreement regarding developer obligations relating to primary education, healthcare, sports and recreation provision and affordable housing contribution;
- (ii) submission of a separate application for tree removal works under Regulation 9 of the Town and Country Planning (Tree Preservation Order and Trees in the Conservation Areas (Scotland) Regulations 2010); and
- (iii) the following conditions and reasons with an addition to condition 3 to include access arrangements for the servicing and maintenance of the communal shared Package Sewage Treatment Plant:
 - 1. The approval hereby granted is for planning permission in principle and prior to the commencement of the development approval of matters specified in conditions, including the siting, design and external appearance of the building(s) the means of access thereto, drainage, landscaping of the site and a phasing plan for the development shall be obtained from the Council, as Planning Authority.

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

- 2. The grant of planning permission in principle hereby granted for the proposed development shall be carried out only in accordance with detailed drawings and phasing plan which shall previously have been submitted to and approved by the Council, as Planning Authority. These drawings shall show the matters specified in conditions numbered 3-8 below.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 3. The proposed comprehensive layout of the whole site supported by an accompanying phasing plan shall be submitted in accordance with condition no. 2 above. The layout plan shall accord with the approved Masterplan drawing no. 2491/CC and show details of the following:
 - a) the exact position of the site boundaries and individual plots;
 - b) the means of access, and details of pedestrian links to and through the site;
 - c) details of all landscaping arrangements and future maintenance arrangements, which shall be in accordance with the approved Masterplan, Tree Survey Report DAMHEAD KINLOSS prepared by BOWLTS revised/dated October 2019, and Tree Retention Plan drawing number 2491;
 - d) details of all proposed earthworks;

- e) arrangements for the disposal of foul and surface water, which shall be in accordance with the Drainage Assessment by GMCSurveys dated September 2019, including access arrangements for servicing and maintenance of the communal shared Package Sewage Treatment Plant; and
- f) the phasing plan for the development detailing the timescales for provision of roads infrastructure, footpaths (on and off-site), foul and surface water drainage works and landscaping/tree planting for the communal areas and house plots.

The comprehensive layout plan of the site and phasing plan shall be submitted with the first application submitted for the approval of the matters specified in conditions specified by condition 2. Thereafter the development shall proceed in accordance with that approved phasing plan unless otherwise approved in writing by the Council, as Planning Authority.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 4. The proposed layout of each plot showing the exact position of plot boundaries, the position of all buildings, the means of access, areas for vehicle parking, arrangements for the disposal of foul and surface water (i.e. a SUDS system or equivalent) and landscaping shall be submitted in accordance with condition no. 2 above.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 5. Plans, sections and elevations of all buildings proposed with details of the type and colour of all external materials and finishes shall be submitted in accordance with condition no. 2 above.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 6. Details of the exact extent, type and finish of all other works including walls, fences and other means of enclosure and screening shall be submitted in accordance with condition no. 2 above.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 7. Sections through the site showing the development on its finished levels in relation to existing levels shall be submitted in accordance with condition no. 2 above.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 8. Landscaping proposals showing all existing trees/hedges/shrubs to be retained or removed together with details of the type, position and numbers of all planting to be undertaken, a programme of implementation and details of future maintenance arrangements shall be submitted in accordance with condition no. 2 above. All proposals must comply with the approved Masterplan, Tree

Survey Report DAMHEAD KINLOSS prepared by BOWLTS revised/dated October 2019, Topographic and Tree Survey Plan drawing number 0876_SUR_01_Rev Sheet 1 of 2, Tree Survey Results Appendix III Updated 28 October 2019 and Tree Retention Plan drawing number 2491.

Reason: As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

9. That for any subsequent detailed application or application for Matters Specified in Conditions relative to this approval, the layout, design and landscaping of the development hereby approved shall satisfy the following requirements:-
 - a) All development shall accord with the design principles set out in the approved Design Code dated October 2019; and
 - b) All dwellings shall be single or one and a-half storeys in design, as set out within the Design Code.

Reason: To ensure an acceptable form of development which relates satisfactorily to surrounding housing in terms of scale, design and character, and protects the amenity of neighbouring residents.

10. That for any subsequent detailed application or application for Matters Specified in Conditions relative to this approval, 3 accessible dwellings, the location of which is identified in the approved Masterplan shall be designed and built to wheelchair accessible standards (as defined in the Moray Council 'Accessible Housing' Supplementary Guidance). For the avoidance of doubt at least two of these wheelchair accessible units must be delivered as a single storey dwelling with no accommodation in the upper roof space, i.e. a bungalow. These applications shall include an Accessible Housing Compliance Statement and sufficiently detailed plans to demonstrate that these requirements have been met. No more than 15 house units shall be completed until the accessible units have been provided in accordance with the agreed arrangements. Thereafter the internal layout of this unit shall remain as built and approved in perpetuity unless otherwise agreed with the Council.

Reason: To ensure an acceptable form of development which provides accessible housing on the site.

11. Within 6 months prior to development commencing on any house plot or the roadway within the site, the results of pre-construction protected species surveys undertaken by a suitably qualified person shall be submitted to and approved by the Council, as Planning Authority, in consultation with Scottish Natural Heritage. In the event that protected species are discovered on or near the plot or road, no works shall take place in that area until appropriate mitigation measures have been agreed in consultation with Scottish Natural Heritage. Thereafter all works shall be carried out in accordance with these details.

Reason: To ensure the adequate protection of the protected species and minimise disturbance to nature conservation interests.

12. All foul and surface water drainage proposals shall be in accordance with the submitted Drainage Assessment by GMCSurveys dated September 2019 and

shall satisfy the following requirements:

- a) In relation to foul drainage, no development shall commence until written evidence has been submitted to and approved by the Council, as Planning Authority in consultation with SEPA, which confirms that the discharge from the proposed Package Sewage Treatment Plant into the Kinloss Burn meets required treatment levels and has been previously agreed and licenced by SEPA. Thereafter the development shall be implemented in accordance with these approved details and no house shall be occupied until these arrangements are in place and operational.
- b) In relation to surface water drainage, any subsequent detailed application or application for Matters Specified in Conditions relative to this approval for any house plot or the roadway within the site shall identify SUDs measures and a construction phase surface water management plan. Thereafter the development shall be implemented in accordance with these approved details.

Reason: To minimise the impacts of the development upon the water environment and to ensure the timeous provision of foul and surface water drainage infrastructure.

13. The proposed development is presently located within the 66 to 72 dB(A) MOD noise contours associated with the former RAF Kinloss. For any subsequent detailed application or application for matters specified in conditions relative to this approval, the applicant shall have regard to the MOD aircraft noise contours in place at that time and shall contact the Environmental Health Manager, Moray Council Offices, High Street, Elgin to confirm whether a detailed noise impact assessment (NIA) including noise mitigation measures will require to be submitted/approved in support of that application, in accordance with Planning Advice PAN 1/2011 and Local Plan Policy EP8. In the event that a Noise Impact Assessment and mitigation measures require to be submitted and approved any subsequent approved development shall be carried out in accordance with those approved details.

Reason: To ensure an acceptable form of development which protects the amenity of occupants against unacceptable aircraft noise disturbance.

14. No development shall commence until the construction on the section of road between the B9089 Burghead Road and the turning head at the end of Blackstob Way which provides vehicular access to the site, has been completed to Moray Council adoptable road specifications in accordance with the Road Construction Consent MC-RCC-0536 and has entered the associated RCC maintenance period.

Reason: to ensure acceptable infrastructure at the development access.

15. No development shall commence until:
 - a) A detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing a visibility splay 4.5 metres by 125m to the East and 4.5m by 95 metres to the West onto the B9089 Kinloss to Burghead Road, with all boundaries set back to a position behind the required visibility splay and a schedule of maintenance for the splay area, has been submitted to and approved by the Council, as

- Planning Authority in consultation with the Roads Authority; and
- b) The visibility splay has been provided in accordance with the approved drawing prior to works commencing.
 - c) Thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

Reason: To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

16. The width of the vehicular access road to be minimum 5 metres as detailed on Drawing No DH01-900-A. The access road shall be constructed to The Moray Council standards and specification for roads adoption, with 2.0m wide footway must be provided on at least one side of the road and either a 2 metre footway/ service verge on the opposite side. The footway and service verge provision shall be as shown on Drawing No: DH01-900-A, unless otherwise approved by the Planning Authority in Consultation with the Roads Authority.

Reason: To ensure acceptable infrastructure at the development access in the interests of road safety.

17. No development shall commence until evidence has been submitted to the Planning Authority to demonstrate that the Roads Construction Consent (RCC) statutory process has been completed for the detailed design of the off-site footpath and refuge island proposals shown on Drawing No: DH01-902-E.

Thereafter the off-site footway infrastructure shall be completed in accordance with the approved details prior to the occupation or completion of any house within the development, whichever is sooner.

Reason: To ensure acceptable infrastructure is provided on the route to the development in the interests of sustainable transport and road safety.

18. The width of each individual access will be a minimum of 3.0m and have a maximum gradient of 1 in 20 for the first 5.0m from the edge of the access road. Drop kerbs shall be provided across the access(es) to The Moray Council specification.

Reason: To ensure acceptable infrastructure at individual development accesses.

19. Driveways over service verges shall be constructed to accommodate vehicles and shall be surfaced with bituminous macadam.

Reason: To ensure acceptable infrastructure at individual development accesses.

20. Parking provision shall be as follows:
- 2 spaces for dwellings with 3 bedrooms or fewer;
 - 3 spaces for dwellings with 4 bedrooms or more

The car parking spaces shall be provided within each plot prior to occupation, or completion of each dwellinghouse, whichever is the sooner.

Reason: To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.

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

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

22. 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/accesses.

23. No works shall commence on site until a Construction Traffic Management Plan for each phase of the development 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:

- duration of works;
- construction programme including any phasing of the works and plots;
- number of vehicle movements (i.e. materials, plant, staff, components);
- anticipated schedule for delivery of materials and plant;
- full details of any temporary construction access;
- measures to be put in place to prevent material being deposited on the public road;
- measures to be put in place to safeguard the movements of pedestrians;
- traffic management measures to be put in place during works including any specific instructions to drivers; and
- 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.

24. No tree felling shall commence on site until a woodland planting scheme to compensate for the removal of 1.2 hectares of woodland from the site has been submitted to and approved in writing by the Council, as Planning Authority in consultation with Scottish Forestry. The replanting scheme must comply with the requirements set out in the UK Forestry Standard (Forestry Commissions,

2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers. The scheme submitted for approval must include:-

- a) details of the location of the area to be planted (which must be within Moray);
- b) details of land owners and occupiers of the land to be planted;
- c) the nature, design and specification of the proposed woodland to be planted (to be mixed native species, at minimum stock density of 1600 trees per hectare);
- d) details of all necessary consents for the Replanting Scheme and timescales within which each shall be obtained;
- e) the phasing and associated timescales for implementing the Replanting Scheme;
- f) proposals for the maintenance and establishment of the Replanting Scheme, including; annual checks; replacement planting; fencing; ground preparation; and drainage etc; and
- g) proposals for reporting to Moray Council on compliance with timescales for obtaining the Necessary Consents and thereafter implementation of the Replanting Scheme (to be carried out by a suitably qualified person(s) with relevant forestry qualifications, technical abilities and experience e.g. chartered forester).

The approved Replanting Scheme shall thereafter be implemented in full and in accordance with the phasing and timescales set out therein, unless otherwise agreed in writing by the Planning Authority in consultation with Scottish Forestry.

Reason: In order to ensure compensatory woodland planting is provided to mitigate for that lost as a result of the development.

25. Prior to the commencement of development, a scheme identifying all mitigation measures to safeguard existing CLH-PS assets on the site shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with Fisher German LLP (CLH-PS Authorised Agent). Thereafter, the development shall be carried out in accordance with these approved details.

Reason: To ensure that CLH-PS assets and infrastructure in the vicinity of the proposed foul water outfall pipe are adequately protected during the lifetime of the development.

12. PLANNING APPLICATION 20/00016/APP

WARD 8: FORRES

20/00016/APP - Amend condition 9(b) imposed on 19/00320/PPP to read as follows: All buildings shall have a maximum ridge height of 7.1m from finished floor level on Land To The North And West Of East And West Whins Findhorn Moray for Duneland Ltd

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application to amend condition 9(b) imposed on 19/00320/PPP to read as follows: All buildings shall have

a maximum ridge height of 7.1m from finished floor level on Land To The North And West Of East And West Whins Findhorn Moray for Duneland Ltd.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation because, at the meeting of 10 December 2019, it was agreed that all further applications related to application reference 19/00320/PPP be reported to committee.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 20/00016/APP subject to the modification of the existing S75 agreement and the following conditions and reasons:

1. Condition 9 as attached to the application for planning permission granted under formal decision notice 19/00320/PPP is hereby varied and shall be substituted by the following: "That for any subsequent detailed application/application for Matters Specified in Conditions relative to this approval, the layout, design and landscaping of the development hereby approved shall satisfy the following requirements:-
 - a) All development shall be in accordance with the design principles set out in the approved Masterplan (except that buildings shall not be limited to a maximum of 1 ½ storey).
 - b) All buildings shall have a maximum ridge height of 7.1m"

Reason: To ensure an acceptable form of development, which relates satisfactorily to surrounding housing in terms of scale, design and character, and protects the amenity of neighbouring residents.

2. The development hereby approved shall accord with all other conditions of planning permission granted under formal decision notice 19/00320/PPP approved on the 4 November 2019 for planning permission in principle.

Reason: To avoid any ambiguity regarding the terms of the consent.

13. SECTION 36 CONSENT

19/00156/S36 - Additional information submitted further to the initial EIA report relating to alternative proposed development consisting of erect 23 wind turbines of which 15 turbines of an overall height from base to tip not exceeding 149.9m and the remaining 8 turbines of an overall height from base to tip not exceeding 175m. Associated infrastructure includes external transformer housing, crane pads, turbine foundations, access tracks, 2 substations, underground electricity cables and anemometry mast at Rothes III Windfarm, Moray

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to consider a consultation received in relation to an Electricity Act 1989 application (which includes deemed planning permission) for a new windfarm. This Section of the Electricity Act relates to consenting onshore electricity generation. An additional consultation has been undertaken following submission of an Environmental Impact Assessment Report Additional Information for changes to the windform originally submitted.

Following consideration, the Committee agreed:

- i) to note the contents of the report, as set out in Appendix 1 of the report, including the conclusions regarding the planning merits of the EIA Additional Information which take into account the Moray Local Development Plan 2015 and all material considerations including the presence of existing neighbouring windfarms;
- ii) to respond to the further consultation request from the Scottish Government, maintaining an objection to the alternative proposed development on the basis of the recommendations set out in Appendix 1 of the report, in particular in terms of the considered unacceptable significant landscape and visual impacts that would arise from the position and height of proposed turbines on the site (including cumulative impact), transportation issues and the impact on tourism and recreational interests; and
- iii) that no additional comments on the proposal should be submitted in relation to the Additional Information.

14. PLANNING PERFORMANCE FRAMEWORK 2018/19

Councillor Taylor left the meeting during discussion of this item.

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that the Planning Performance Framework (PPF) for 2018/2019 was submitted to the Scottish Government on 31 July 2019, covering the period from 1 April 2018 to 31 March 2019. The report provided a summary of feedback received from the Scottish Government on 12 February 2020 with specific reference to the Performance Markers Report and Red, Amber, Green (RAG) ratings for the 2018/2019 submission.

The Committee joined the Chair in commending the work of the Planning Service on their excellent performance which resulted in green ratings across all markers and thereafter agreed to:

- (i) note the Planning Performance Framework submitted to the Scottish Government on 31 July 2019 as set out in Appendix 1 of the report;
- (ii) note the feedback report received from the Scottish Government on 12 February 2020 as set out in Appendix 2 of the report;
- (iii) authorise the Head of Economic Growth & Development to submit the Planning Performance Framework for 2019/2020 to the Scottish Government by the end of July 2020 (or any other date that may be set);
- (iv) note that the Planning Performance Framework will be reported to the first available Planning & Regulatory Services Committee following receipt of the feedback; and
- (v) note the Planning Performance Framework 2018/19 will be circulated to all developers, stakeholders and internal services seeking comment/feedback to assist with continuous improvement to be fed back into the PPF for 2019/20.

15. PERFORMANCE REPORT (ECONOMIC GROWTH AND DEVELOPMENT) – HALF YEAR TO SEPTEMBER 2019

Under reference to paragraph 5 of the Minute of the meeting of Moray Council dated 7 August 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the performance of the service for the period from 1 April 2019 to 30 September 2019.

The Committee welcomed the good performance within the report and joined the Chair in commending the work of the Welfare Benefits Team for their excellent performance in assisting clients claim benefit of which they are entitled and thereafter agreed to note:

- (i) performance of the Performance Indicators, Service Plan priorities and Complaints to the end of September 2019;and
- (ii) the actions being taken to improve performance where required.

16. THE PLANNING (SCOTLAND) ACT 2019

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to note the duties and requirements contained in the Planning (Scotland) Act 2019 and the timescales for bringing forward regulations and additional guidance.

Following consideration, the Committee agreed:

- (i) to note the requirements of the Planning (Scotland) Act 2019;
- (ii) to note that responses have been submitted to the Scottish Government in relation to both consultations on Planning Performance & Fees – 2019 and Reviewing & Extending Permitted Development Rights;
- (iii) that further reports are submitted to this Committee when regulations and further guidance are published; and
- (iv) that further reports are submitted to the Community Engagement Group and Community Planning Partnership when further information regarding Local Place Plans is published.

17. NATIONAL PLANNING FRAMEWORK 4

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to consider and agree the Council's response to the National Planning Framework (NPF) 4 Call for Ideas which has been published with a deadline for commenting of 31 March 2020.

During discussion surrounding the proposed response to the section in relation to how planning can enable development and investment in Moray's economy, it was noted that there was no mention of tourism in Moray which has a significant positive impact to the Moray economy.

In response, the Strategic Planning and Development Manager advised that he would include reference to the value of tourism in Moray in that section.

Thereafter, the Committee agreed:

- (i) to note the publication of the Call for Ideas to inform National Planning Framework 4;
- (ii) that the response set out in Appendix 1 be submitted to the Scottish Government subject to the inclusion of a reference to the value of tourism in Moray in the section “What does planning need to do to enable development and investment in our economy to benefit everyone?”; and
- (iii) that an event is held late March 2020 to inform the development of a Regional Spatial Strategy for Moray.

18. DEVELOPMENT PLAN SCHEME 2020 – MORAY LOCAL DEVELOPMENT PLAN 2020

Under reference to paragraph 10 of the Minute of the meeting of this Committee dated 29 January 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to consider the current timetable for the preparation of the Local Development Plan 2020 and agree that the Development Plan Scheme is submitted to the Scottish Government.

Following consideration, the Committee agreed the Development Plan Scheme 2020 for the Moray Local Development Plan 2020, as set out in Appendix 1 of the report and that the Scheme is submitted to the Scottish Government.

19. COMPENSATORY PLANTING

Under reference to paragraph 11 of the Minute of the meeting of this Committee dated 26 March 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to note the responses to the consultation on compensatory planning, approve the list of suitable planting sites and note future arrangements for compensatory planting.

Following consideration, the Committee agreed:

- (i) the proposed responses provided to the comments received to the public consultation, as set out in Appendix 1 of the report;
- (ii) the list of suitable compensatory planting sites, as set out in Appendix 2 of the report;
- (iii) to delegate authority to the Head of Economic Growth & Development to update the list of compensatory planting sites with suitable sites, in consultation with the Chair & Depute Chair of this Committee and relevant Ward Members;
- (iv) the priority system for implementation of compensatory planting funds, as set out in Appendix 3 of the report;

- (v) to note that an additional policy guidance note on compensatory planting will be submitted to a future meeting of this Committee; and
- (vi) to note that a training session will be arranged by Scottish Forestry for Elected Members and relevant services in respect of the Control of Woodland Removal Policy.

20. TREE PRESERVATION ORDER – MILTONHILL, KINLOSS

Under reference to paragraph 25 of the Minute of the meeting of this Committee dated 8 October 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to confirm the Tree Preservation Order at Miltonhill, Kinloss, without modification.

Following consideration, the Committee confirmed 'The Moray Council (Miltonhill, Kinloss) Tree Preservation Order (No 1) 2019' without modification.

21. REVIEW OF PLANNING ENFORCEMENT CHARTER AND UPDATE ON ENFORCEMENT

Under reference to paragraph 12 of the Minute of the meeting of this Committee dated 27 February 2018, a report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to review the Planning Enforcement Charter and provided an update on Planning Enforcement.

Following consideration, the Committee agreed:

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

22. QUESTION TIME

There were no questions raised.

23. FORMER GREENBRAE LANDFILL, CUMMINGSTON [PARA 6 AND 9]

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to consider removal of gas extraction equipment from Greenbrae Landfill and note the current actions of the owner and risks associated with such action.

Following consideration, the Committee:

- (i) agreed that the Council no longer requires to occupy the land at Greenbrae, Cummingston; and

- (ii) approved the removal of the existing gas extraction equipment from the land at Greenbrae Cummingston, with continued monitoring offsite for gas migration from the site.