

MORAY COUNCIL

MINUTE OF MEETING OF THE PLANNING AND REGULATORY SERVICES COMMITTEE

1 MARCH 2022

VARIOUS LOCATIONS VIA VIDEO-CONFERENCE

PRESENT

Councillors Bremner (Chair), A McLean (Depute), Brown, Cowe, Cowie, Divers, Feaver, Macrae, R McLean, Nicol, Powell, Ross, Taylor and Warren.

ALSO PRESENT

Councillor Gatt for Item 6 "Planning Application 21/01777/APP" and Item 8 "22/00074/PAN".

IN ATTENDANCE

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 D Anderson, Senior Engineer (Transportation), Ms Webster, Senior Planning Officer (Strategic Planning and Development), Ms L MacDonald, Senior Planning Officer, Mrs E Gordon, Planning Officer, Ms R MacDougall, Planning Officer, Legal Services Manager and Mrs L Rowan, Committee Services Officer as Clerk to the Committee.

1. DECLARATION OF GROUP DECISIONS AND MEMBER'S INTERESTS

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

Councillor Divers declared an interest in Item 6b Planning Application 21/00304/APP and Item 6d Planning Application 21/00739/APP as his son is employed by the developer and stated that he would not take part in the consideration of these items. There were no further declarations of Member's interests in respect of any item on the agenda.

2. ORDER OF BUSINESS

The Chair sought the agreement of the Committee to vary the order of business and take item 6b) Planning Application 21/00304/APP and 6d) Planning Application 21/00739/APP together as both applications relate to each other. This was agreed.

3. 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>
22	13
23	13

4. MINUTES

The following minutes were submitted and approved:

- (i) Minute of the Meeting of the Planning and Regulatory Services Committee dated 18 January 2022;
- (ii) Minute of the Pre-determination Hearing dated 10 February 2022; and
- (iii) Minute of the Special Meeting of the Planning and Regulatory Services Committee dated 10 February 2022.

5. WRITTEN QUESTIONS

The Committee noted that no written questions had been submitted.

6. PLANNING APPLICATION 21/01777/APP

Ward 2 – Keith and Cullen

Installation of synchronous compensators with electrical connection to adjacent substation and associated infrastructure on Land Adjacent To Blackhillock Electricity Substation Keith Moray for TINZ Programme 1 ProjectCo 3 Limited

A report by the Appointed Officer recommended that, for reasons detailed within the report, planning permission be granted for an application for the installation of synchronous compensators with electrical connection to adjacent substation and associated infrastructure on Land adjacent to Blackhillock Electricity Substation, Keith, Moray for TINZ Programme 1 ProjectCo 3 Limited.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the application related to a development proposal where the overall site area exceeds 2 hectares.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 21/01777/APP subject to the following conditions and reasons:

1. Construction works (including vehicle movements) associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0800 - 1900 hours, Monday to Friday and 0800 - 1300 hours on Saturdays only, and at no other times out with these permitted hours (including National Holidays) 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 out with the permitted/stated hours of working.

Reason: In order that the times of construction operations are controlled to minimise noise disturbance to local residents.

2. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Council, as Planning Authority in consultation with the Environmental Health Manager. The plan shall include measures to minimise construction related noise, vibration, dust and artificial lighting. Thereafter the development will be carried out in accordance with the agreed plan.

Reason: In order that potential polluting activities are considered and managed, in order to protect local residents.

3. The rating level of noise associated with the development shall not exceed the background sound level at the nearest noise sensitive dwelling which is lawfully existing or has planning permission at the date of this permission. Measurement and assessment to demonstrate compliance with the rating level shall be undertaken in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.

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

4. Prior to the development commencing, a further detailed Noise Impact Assessment shall be submitted and agreed in writing with the Planning Authority, in consultation with the Environmental Health Manager, demonstrating that the predicted rating level of noise in the above condition 3 is to be met.

Reason: In order that the final design details are assessed to ensure that noise from the development is controlled so as not to cause noise nuisance to local residents.

5. Prior to the commencement of any part of the development, evidence shall be provided to confirm that a Bond or other financial security has been agreed by both parties (Developer and the Roads Authority) and put in place to cover the construction period of the development and to be called on in the event that the developer fails to meet their obligations under the Wear and Tear Agreement to maintain the road in a safe condition during the construction phase of the development and to restore the road to its original predevelopment condition within 1 year of the completion of construction or the development becoming operational. The bond/security shall relate to the full extent of the U43H Blackhillock Road from its junction with the A96 to the site access and is required to mitigate the potential risks from damage to the public road occurring during the construction phase of the development.

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

6. Prior to the commencement of any part of the development, the following must be submitted for approval by the Planning Authority:
 - a. Detailed proposals for undertaking trial runs and also delivery of abnormal indivisible loads, must be submitted for approval by the Planning Authority in consultation with Roads Authority. Details must include, measures proposed to protect the public road and structures, traffic management (including temporary waiting restrictions), vehicle holding areas and non-vehicular management during deliveries, time restrictions for deliveries i.e. outwith school arrival and departure times
 - b. Evidence that a Construction Traffic Management Plan (CTMP) has been completed and signed by both the developer and the Roads Authority.
 - c. Evidence that a 'Wear and Tear' agreement between the developer and the Roads Authority has been completed and signed by both parties (Developer and Roads Authority), must be submitted to the Planning Authority.
 - d. Detailed plans (1:200 min) of all temporary and permanent works proposed to the public road must be submitted and approved by the Planning Authority in consultation with the Roads Authority.
 - e. Detailed plans (1:200 min) of all works to accommodate the proposed abnormal indivisible deliveries must be submitted and approved by the Planning Authority in consultation with the Roads Authority.

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

Reason: To ensure an acceptable development in road safety terms through the provision of details currently lacking from the submission.

7. Prior to any abnormal indivisible load being delivered to the site:
 - a. All suspensive works approved through conditions (6 a,b,c,d,e), must be completed in accordance with the approved plans. Any works undertaken are to be permanent for the duration of the operation of the development unless otherwise agreed in writing with the Roads Authority.
 - b. Abnormal load trial run(s) must be undertaken after all mitigation works have been completed to confirm the works are acceptable and to identify any other restrictions not previously addressed and the frequency and location of abnormal load passing places/oncoming vehicle holding areas required. Representatives from Moray Council Transportation (Traffic), and Police Scotland must be invited to the trial run.

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

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

8. Prior to commencement of development, a Construction Traffic Management Plan (CTMP) is required which includes the detail of construction traffic movements to /from the site. The CTMP should also include the proposed route for any abnormal loads on the trunk road network. The CTMP must be approved by the trunk roads authority prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved.

Reason: To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network; and to maintain safety for both the trunk road traffic and the traffic moving to and from the development.

9. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the trunk road authority before delivery commences.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

10. No works shall commence on site until the applicant has undertaken numerical interference modelling to determine the interference levels on the Scotland Gas Networks' A06 pipeline from steady state and fault conditions of the electrical infrastructure associated with the proposed development, taking into consideration the nearby SGN pipeline and associated equipment. If required, the applicant shall also design appropriate mitigation to ensure that levels of AC and DC interference are within acceptable limits. The results of this modelling (and mitigation, if required) will be submitted for the prior written approval of Scotland Gas Networks and the Planning Authority before any work commences on site.

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

11. No works shall commence until a Transport Management Plan (TMP) has been submitted and agreed in writing by the Council, as Planning Authority in consultation with Scottish Hydro Electric Transmission plc (SHET). The TMP shall relate specifically to the use of the private road owned by SHET at Blackhillock, as identified as 'Access via Existing Access Road/Track', coloured black, ('the Access Road') in the applicant's Access Plan and must include details on the following:
- Proposed volume, frequency and type of vehicles intended to be using the Access Road, during construction and operation;
 - Required modifications to the Access Road where permitted to do so by SHET;
 - Proposed methods to record the Access Road condition, pre, during and post construction;
 - Monitoring of the Access Road condition during operational usage;
 - Proposed protocols to avoid blocking SHET's access requirements; and
 - Any other aspect deemed as a reasonable requirement to manage traffic flow on the Access Road, maintain the integrity of its condition and prevent SHET's inability to access and operate critical infrastructure at Blackhillock.

Reason: To ensure that any traffic associated with the development will not have a detrimental effect on the subject road which also serves critical national electricity infrastructure in the area, and that potential risks from damage to the road will be mitigated.

12. Prior to the commencement of any works, a construction environment management plan incorporating a site specific pollution prevention plan shall be

submitted to and approved in writing by the Council, as Planning Authority; and thereafter all work shall be carried out in accordance with the approved plan.

Reason: In order to prevent potential pollution of the environment and minimise impacts from construction works on the environment.

13. The ecological mitigation measures and biodiversity enhancements as detailed within the submitted Preliminary Ecological Appraisal (Section 4 refers), prepared by Envirocentre accompanying this application shall be fully implemented by the developer, unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: To ensure that the development does not have an adverse impact on protected species or habitat, minimise disturbance to nature conservation interests and enhance biodiversity.

14. No development shall commence until a revised landscape and biodiversity plan has been submitted to, and approved in writing by, the Council, as Planning Authority. This shall be closely based upon the submitted plan entitled Landscape and Biodiversity Enhancement Plan drawing number EH-LD-01 and Preliminary Ecological Appraisal (Section 4 refers), and show the following additional information:
 - (a) All soft landscaping and planting works, including plans and schedules detailing species, specifications and numbers of trees within each proposed woodland group and wildflower meadow areas;
 - (b) Details of the arrangements for the protection and long-term maintenance of all landscaped areas;
 - (c) Details and location of bird and bat boxes.

Thereafter the landscaping and biodiversity measures shall be implemented in accordance with these approved plans within the first planting season upon completion of the development. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council, as Planning Authority gives written consent to any variation of this planning condition.

Reason: In order to ensure an acceptable level of planting in the interests of the amenity and appearance of the surrounding countryside and to enhance biodiversity in the area.

15. No development shall commence until a Tree Protection Plan detailing measures to be taken to protect existing trees on the site during construction (as identified within the Tree Survey Plan drawing number 374822-GIS008 Rev A, as prepared by Envirocentre) has been submitted to and approved by the Council, as Planning Authority. Thereafter the protection measures shall be implemented prior to any development commencing within that part of the site and be retained until completion of the development.

Reason: To ensure an acceptable form of development is provided in accordance with the submitted landscape/biodiversity plan and tree survey, and that suitable protection is afforded to existing trees.

16. No development shall commence until detailed specifications of the colouration of the synchronous compensator and flywheel building and any other

enclosures on the site have been submitted to and approved in writing by the Council, as Planning Authority. This shall be a recessive tone to match the existing darker buildings and enclosures within the wider substation Beatrice complex, as outlined within the submitted Landscape & Visual Appraisal (section 7 refers), as prepared by Barton Wilmore accompanying this application. Thereafter all works shall be carried out in accordance with these approved details.

Reason: In order to ensure that the development integrates sensitively into the surrounding area and as these details are lacking from the application.

17. No development shall commence until scaled drawings (floorplan and elevations) of the final design of amenity building and foul drainage arrangements have been submitted to and approved in writing by the Council, as Planning Authority. Thereafter all works shall be carried in accordance with these approved details.

Reason: In order to ensure an acceptable form of development and as these details are lacking from the application.

18. The surface water drainage arrangements for the development shall be provided and maintained in accordance with the approved Drainage Impact Assessment dated January 2022 prepared by Envirocentre and plan entitled Beatrice 400kV Substation Civil General Arrangement Section (drawing no. J00875-C-003 Rev D), unless otherwise agreed by the Council, as Planning Authority. These shall be installed and operational prior to the completion of the development hereby approved.

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

7. PLANNING APPLICATION 21/01402/AMC

Ward 2 – Keith and Cullen

Approval of Matters Specified in Conditions 3-11 13-16 18 19 22-24 25(c)-(d) and 26-29 on planning consent 18/01046/EIA to construct onshore electrical transmission infrastructure comprising of a cable transition jointing bay underground cable circuits construction of substation to south of Keith with further connecting cabling to allow connection with existing transmission network From The Vicinity Of Redhythe Point In Aberdeenshire Council Area To Whitehillock Farm, Keith, Moray AB55 5PH for Moray Offshore Windfarm (West) Ltd

A report by the Appointed Officer recommended that, for reasons detailed within the report, planning permission be granted for an application for the approval of matters specified in conditions 3-11 13-16 18 19 22-24 25(c)-(d) and 26-29 on planning consent 18/01046/EIA to construct onshore electrical transmission infrastructure comprising of a cable transition jointing bay underground cable circuits construction of substation to south of Keith with further connecting cabling to allow connection with existing transmission network from the vicinity of Redhythe Point in Aberdeenshire Council area to Whitehillock Farm, Keith, Moray AB55 5PH for Moray Offshore Windfarm (West) Ltd.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation, as it relates to a previous national level Planning Permission in Principle (PPP) under National Planning Framework 3 (NPF3) where it is identified within national development 4 - High Voltage Electricity Network. However, as this application is for Approval of Matters Conditioned pertaining to that PPP, no further statutory pre-determination hearing is required.

During his introduction, Mr MacPherson, Principal Planning Officer advised that there had been recent interaction between SEPA and the Applicant and as such, condition 11 is no longer required. This was noted.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 21/00402/AMC subject to the removal of Condition 11 set out in the Appointed Officer's report and also subject to the following conditions and reasons:

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

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

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

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

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

3. In pursuance of Condition 2 above, for each phase of the development for which details are to be submitted for approval, the required details shall be:
 - a) Detailed drawing of the proposed temporary access routes for the phase and details of the number and size of construction vehicles using the access routes for that phase of development;
 - b) Detailed drawings of the improvements required to the public roads utilised by construction traffic and any abnormal load deliveries for the phase, which shall include but not be limited to the provision of new passing places, road widening and edge strengthening, all on ground over which the applicant has or can obtain control at location(s) and constructed in accordance with Moray Council specification;

- c) Detailed drawings of the proposed access locations onto the public road for construction vehicles for the phase, including the required visibility splays, access specification and construction details, details of all earthworks and drainage provision and/or drainage diversion, details of proposed fencing/gates, signage and any required temporary traffic management, along with details of reinstatement works for any temporary access;
- d) Details of the locations of all cable and haul road crossings within that phase of the development and the proposed works associated with the crossings, including but not limited to, the means of cable crossing e.g. directional drilling or open trench, means of access to works areas, details of the haul road crossings and any required temporary traffic management, and details of required reinstatement works;
- e) Details of diversion routes for local footpaths during the construction period and associated signage (to be agreed with the Access Manager);
- f) Detailed drawings of the locations of all cable joint access points, including their proximity to the public road and any public road drainage, and details of any temporary fencing or other measures to protect the users of the public road during the construction period;
- g) A Construction Traffic Management Plan (CTMP), the details of which must include, parking provision for staff and loading/unloading, provision for the prevention of material being deposited onto the public road including wheel cleaning and for road sweeping at construction access(es) to the public road, a programme for monitoring and provisions for interim maintenance to be undertaken to ensure safe and suitable access is maintained for the construction access routes for the duration of the works will be required;
- h) 'Before' road condition video and joint surveys.

Thereafter, all works shall be completed in accordance with the approved details and with the Construction Traffic Management Plan.

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

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

invited to the trial run.

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

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

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

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

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

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

7. Construction works (including vehicle movements) associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0700 - 1900 hours, Monday to Friday and 0700 - 1300 hours on Saturdays only, and at no other times out with 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 out with the permitted/stated hours of working.

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

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

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

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

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

10. The development shall be carried out in full accordance with the approved Written Scheme of Investigation (WSI) (*OnTI Cable Route Written Scheme of Investigation 8460005-DAD-MWW-REP-000003 Revision 02, dated 3/9/21*) submitted in relation to condition 24 of application 18/01046/EIA and that the programme of archaeological works as set out in the WSI is to be carried out in accordance with the approved Written Scheme of Investigation. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

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

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

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

8. PLANNING APPLICATION 21/00304/APP

Councillor Divers, having declared an interest in this item, took no part in the debate or decision.

Ward 4 – Fochabers Lhanbryde

Amended approved house types approved under ref 18/01209/APP from 16 private homes to 15 affordable homes on Plots 44 To 62 South Glassgreen Elgin South Elgin Moray for Springfield Properties PLC

A report by the Appointed Officer recommended that, for reasons detailed within the report, planning permission be granted for an application to amend approved house

types approved under ref 18/01209/APP from 16 private homes to 15 affordable homes on Plots 44 to 62 South Glassgreen, Elgin South, Elgin, Moray for Springfield Properties PLC.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the proposal (as a whole or in part) has previously been reported to Committee and the Appointed Officer considers that significant implications of this proposal in conjunction with 21/00739/APP have been made for Committee to reconsider the development.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 21/00304/APP subject to a modification of the existing Elgin South Section 75 Legal Agreement and the following conditions and reasons:

1. Unless otherwise agreed in writing with the Council, as Planning Authority, the site hereby approved shall not be developed as per 16/01244/APP or as modified by 18/01209/APP without prior written permission of the Council, as Planning Authority.

Reason: In order to avoid any ambiguity regarding the terms of the consent and to further control the delivery of affordable housing for this location.

2. The development hereby granted forms part of, and is related to, a development granted planning permission under formal decision notice 16/01244/APP dated 10 May 2018 wherein:
 - a) the terms and conditions as attached to the permission granted under formal decision notice 16/01244/APP and as amended under 18/01209/APP are hereby re-iterated and remain in force in so far as they relate to the development hereby approved, in particular Conditions 16-19, 22, 24, 27-28, 30, 40, 41, 50 (part a), and 52 inclusive (approved on 16 May 2019), including any details already approved thereunder to discharge the requirements of the identified conditions; and
 - b) no part of the development as hereby granted shall be exercised in conjunction with, or in addition to, the building design and plot layout details already approved for plots 44-46, 51-56 and 57-63.

Reason: To ensure a satisfactory form of development and that it progresses in accordance with the already approved and required details, and that only one permission is implemented.

3. Notwithstanding the details shown on Drawing EL02_PL_SL_05 Rev B for the proposed cyclepath, bin collection area and footpath access to the south for Plots 207-210 (which are not acceptable), no development works shall commence until a drawing (scale 1:200 min) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The plot boundary setback and cyclepath extended to provide a safe crossing and visibility for and of users. The bin collection area relocated to a suitable location at least 2 metres from the carriageway edge and the footpath access directly onto the carriageway to the south removed or removed and replaced with an access onto the cyclepath to the east.

Thereafter the proposals shall be completed in accordance with the approved details.

Reason: In the interests of an acceptable form of development and road safety through the provision of details currently lacking or unacceptable within the submission.

4. No development works shall commence until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority confirming the provision of, or location where a future Electric Vehicle (EV) charging unit(s) can be connected to an appropriate electricity supply, including details (written proposals and/or plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit; and thereafter the EV charging infrastructure shall be provided in accordance with the approved drawing and details prior to the first occupation of the dwelling house or flat.

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

5. Parking provision for houses shall be provided at the following rates:
1 Bedroom = 1 space
2 -3 Bedrooms = 2 spaces
4 or more bedrooms = 3 spaces

Parking for flats (Plots 207-214) shall be provided as shown on Drawing EL02_PL_SL_11 including provision of bicycle stores (with a minimum of 1 cycle space per flat) and 2 visitor parking spaces.

Parking shall be provided prior to the completion of each house or flat which it is associated with and thereafter retained and available for that purpose unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads 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.

6. No boundary fences, hedges, walls or any other obstruction whatsoever over 0.6m in height and fronting onto the public road shall be within 2.4m of the edge of the 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.

7. No works shall commence on any area proposed for development until a Construction Traffic Management Plan for the respective area has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:
 - a. duration of works;
 - b. construction programme;
 - c. number of vehicle movements (i.e. materials, plant, staff, components);
 - d. anticipated schedule for delivery of materials and plant;
 - e. full details of any temporary construction access;

- f. full details of construction traffic routes from the A941 and 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;
- g. measures to be put in place to prevent material being deposited on the public road;
- h. measures to be put in place to safeguard the movements of pedestrians;
- i. traffic management measures to be put in place during works including any specific instructions to drivers; and
- j. 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.

8. All landscaping shall be planted in the first planting season following completion of the houses, and maintained in accordance the submitted schedule of landscape maintenance. Any trees that are substantially damaged or die within 5 years of being planted must be replaced with a similar type and standard of tree.

Reason: To ensure that the approved landscaping are timeously carried out and properly maintained for the lifetime of the development, in a manner which will not adversely affect the development or character of the area.

9. PLANNING APPLICATION 21/00739/APP

Councillor Divers, having declared an interest in this item, took no part in the debate or decision.

Ward 7 – Elgin City South

Residential development of 53 dwellinghouses landscaping and associated infrastructure on Land At CF4 South Glassgreen Elgin Moray for Springfield Properties PLC

A report by the Appointed Officer recommended that, for reasons detailed within the report, planning permission be granted for an application for a residential development of 53 dwellinghouses, landscaping and associated infrastructure on land at CF4 South, Glassgreen, Elgin, Moray for Springfield Properties PLC.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the proposal exceeds 50 house units and falls within the category of “major development” as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 21/00739/APP subject to a new Section 75 Legal Agreement, a possible modification to the existing Elgin South Section 75 Legal Agreement, if required, to secure the relocation of the Glassgreen primary site and the following conditions and reasons:

1. Unless otherwise agreed in writing by the Council, as Planning Authority in

consultation with the Environmental Health Manager, the air source heat pump at the proposed dwellings shall be the Daikin Altherma H Hybrid Outdoor Unit model EJHA04AAV3, confirmed by supporting email from the applicant to the Environmental Health Section on 5th July 2021 at 17 :20 hours, and the sound power level of the unit shall not exceed 58.7 dB (A), as confirmed in Page 7 Product catalogue supporting document for the identified model.

Reason: In order to ensure the agreed type of air source heat pump is installed, for which the noise levels are known and agreed.

2. Construction works (including vehicle movements) associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0800 – 1900 hours, Monday to Friday and 0800 – 1300 hours on Saturdays only, and at no other times out with these permitted hours (including National Holidays) 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 out with the permitted/stated hours of working.

Reason: In order to ensure the amenity of neighbouring properties is not adversely affected.

3. No development works shall commence until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority confirming the provision of, or location where a future Electric Vehicle (EV) charging unit(s) can be connected to an appropriate electricity supply, including details (written proposals and/ or plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit; and thereafter the EV charging infrastructure shall be provided in accordance with the approved drawing and details prior to the first occupation of the dwelling house or flat.

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

4. Parking provision for houses shall be provided at the following rates:
 - a. 1 Bedroom = 1 space.
 - b. 2 -3 Bedrooms = 2 spaces.
 - c. 4 or more bedrooms = 3 spaces.

Parking for flats (Plots 401-408, 429-432 and 442-445) shall be provided as shown on Drawing EL02_PL_SL_16 including provision of 2 visitor car parking spaces and bicycle stores (with a minimum of 1 cycle space per flat). Parking shall be provided prior to the completion of each house or flat which it is associated with and thereafter retained and available for that purpose unless otherwise agreed in writing by the Planning Authority in consultation with the Roads 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.

5. No boundary fences, hedges, walls or any other obstruction whatsoever over

0.6m in height and fronting onto the public road shall be within 2.4m of the edge of the 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.

6. No works shall commence on any area proposed for development until a Construction Traffic Management Plan for the respective area has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:
 - a. duration of works;
 - b. construction programme;
 - c. number of vehicle movements (i.e. materials, plant, staff, components);
 - d. anticipated schedule for delivery of materials and plant;
 - e. full details of any temporary construction access;
 - f. full details of construction traffic routes from the A941 and 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;
 - g. measures to be put in place to prevent material being deposited on the public road;
 - h. measures to be put in place to safeguard the movements of pedestrians;
 - i. traffic management measures to be put in place during works including any specific instructions to drivers; and
 - j. 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.

7. No development shall commence until a Travel Information Pack, which sets out opportunities for travel by foot, cycle and public transport, has been submitted to, and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Travel Information Pack shall include:
 - a) information on routes for pedestrians and cyclists to access local facilities;
 - b) information on the provision of bus services serving the development;
 - c) details of how to access personal Travel Planning and of incentives to travel by foot, cycle and public transport; and
 - d) details of the programme for updating the Travel Information Pack as the development progress, to be carried out annually.

The approved Travel Information Pack shall thereafter be provided to each dwelling as they are completed from the date of first completion of any part of the residential development.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

8. Prior to the commencement of any part of the development accessed from the A941 Elgin to Dufftown Road, the following shall be submitted to and approved

by the Council, as Planning Authority in consultation with the Roads Authority:

- i) a detailed drawing (scale 1:500) showing the location, design specifications and timescale for delivery of the access to the development on the A941 including the proposed design speed, visibility splay requirements and junction type; and
- ii) details of all changes/modifications to the design, to be informed by a Stage 1/2 Road Safety Audit (RSA) for the proposed junction, and any other works proposed on the A941 e.g. bus laybys and pedestrian crossings.

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 interest of road safety through the provision of information currently lacking from the submission.

9. No development shall commence until the following details, including drawing(s) (scale 1:500 minimum) and timescales for delivery, have 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 for the junction design for the proposed access from the A941 to include provision for pedestrian access to southbound bus stop. Pedestrian access to the southbound bus stop shall be provided and maintained in accordance with the approved details and agreed timescales.

Reason: To ensure acceptable infrastructure is provided linking the development area to cater for movements by foot, cycle, vehicle and public transport through the provision of details not yet approved.

10. No development shall commence on any area proposed for development until details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority regarding the formation of any required/proposed construction access(es) (which includes any temporary access(es) to the area proposed for development from any public road. The details shall include:
 - a) a drawing (scale 1:500 minimum) regarding the location and design specifications of the proposed access(es);
 - b) specification of the materials used for the construction access(es);
 - c) all traffic management measures required to ensure safe operation of the construction access(es);
 - d) details including materials for the reinstatement of any temporary construction access(es); and
 - e) 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 works shall be provided 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.

11. The landscaping hereby approved must accord with the amended landscaping plan SPE 101.21 SL-11 dated 23 November 2021. Unless otherwise agreed

with the Council as Planning Authority, in addition to landscaping proposed on this landscaping plan, semi-mature indigenous trees must be added in the front curtilage of plots 435, 436, 412 and 413. All planting must be completed no later than the first planting season following completion of the final housing unit. 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. The landscaping hereby approved must also be maintained in accordance with the "Schedule of Services - Glassgreen Openspace and SuDs Infrastructure Maintenance Schedule" document submitted with the application.

Reason: In order to ensure the visual impact of parking on front curtilages is minimised by the presence of appropriate landscaping.

12. Further to the reference to the public art in the open space area on the southern side of the site referred to on Site Layout drawing EL02_PL_SL_13 Rev F prior to occupation of any dwellings, details of the public art must be submitted to and approved by Moray Council. The installation must thereafter be built in accordance with the approved details and completed prior to occupation of last housing unit.

Reason: In order to give further consideration to proposed public art installation and to ensure it is timely provided.

13. Unless otherwise agreed in writing with the Council, as Planning Authority in consultation with the Housing Strategy and Development Manager, the affordable housing approved under planning application 21/00304/APP must be completed no later than commencement of the 35th housing unit of this consent hereby approved. Similarly the 2 affordable units proposed within this site, must be also be provided no later than the 35th housing unit upon this site.

Reason: In order to ensure the timely provision of affordable housing associated with the development.

14. Prior to the commencement of any works, a Construction Environmental Management Plan incorporating a site specific pollution prevention plan shall be submitted to and approved in writing by the Council, as Planning Authority including a site specific pollution plan; and must include site specific mitigation measures to address dust, artificial light, vibration and noise impacts during construction and ecological management. Thereafter all work shall be carried out in accordance with the approved plan.

Reason: In order to prevent potential pollution of the environment and minimise impacts from construction works on the environment.

15. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme

of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

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

16. The development hereby approved for 53 house units will contribute towards the wider trigger set by Transport Scotland relevant to Elgin South planning permission 18/01209/APP whereby collectively no development beyond Phase 1A (295 residential units plus Moray Sports Centre and (Linkwood) Primary School as defined on drawing EL44_SL_09 Rev L) until:

a) details (which may include evidence from Transport Scotland) have been submitted to 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

b) a Transport Assessment for each sub-phase has been submitted to the Council, as Planning Authority and that any trunk road mitigation measures necessary to off-set the impact of the sub-phase have thereafter been implemented in accordance with a timescale identified by the Transport Assessment to the satisfaction of the Council, as Planning Authority in consultation with Transport Scotland.

Reason: To ensure that the scale of development beyond the development hereby approved in addition to Phase 1A of 18/01209/APP is supported by a Transport Assessment, and to ensure that the scale and operation of the proposed development beyond the development hereby approved in addition to Phase 1A of 18/01209/APP do not adversely affect the safe and efficient operation of the A96 trunk road network.

17. Prior to development commencing and further to the information accepted within the submitted Drainage Assessment, the following information must be submitted to and approved by the Council, as Planning Authority in consultation with the Moray Flood Risk Management Team.

a. details of the flood flows across the site illustrating that flood water would be contained within the new development and not put any property at flood risk

b. Confirmation that the existing system has the capacity to convey the additional flows from the new system and there is adequate attenuation within the existing system SuDS to store the additional surface water.

Reason: In order to confirm the appropriate design and capacity features are included in the drainage proposals for the development.

18. The environmental mitigation measure proposed on page 13 of the submitted "Extended Phase 1 Habitat Survey and Biodiversity Actions" dated May 2021 and he submitted "South Glassgreen Wildlife Enhancement and Mitigation Document" dated November 2021 must be complied as the site is developed. All bat and bird boxes, and other features must be in place in the first nesting

season following completion of the landscaping works and planting.

Reason: To ensure that any impact on the natural environment is kept to a minimum and to enhance the habitat for fauna following development being completed.

10. PLANNING APPLICATION 21/01615/EIA

Councillor Divers re-joined the meeting at this juncture.

Ward 4 – Fochabers Lhanbryde

South western extension of cobble and sand quarry at Lossie Forest Quarry Moray for Tennants (Elgin) Ltd

A report by the Appointed Officer recommended that, for reasons detailed within the report, planning permission be granted for an application for a south western extension of cobble and sand quarry at Lossie Forest Quarry, Moray for Tennants (Elgin) Ltd.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the application is a major development as defined by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008 (the Hierarchy Regulations) and the site exceeds 2ha.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 21/01615/EIA subject to the following conditions and reasons:

1. The permission hereby granted shall be for a limited period only and shall cease to have effect on 1 March 2037 (the 'cessation date') by which time and prior to that cessation date, the application site shall be cleared of all development approved or involved in implementing the terms of the permission hereby granted (including all mobile plant and machinery, any ancillary works, infrastructure, fixtures and fittings, etc.), and the site shall be re-instated in accordance with a restoration and aftercare scheme which shall previously have been submitted to and approved in writing by the Council, as Planning Authority (see Condition 14 & 15 below).

Reason: To ensure an acceptable form of development enabling the development to progress in accordance with the applicant's submitted particulars to allow for full extraction of available resources and site restoration thereafter, and to retain control over the use of the site and enable further consideration to be given to the operations, effects and impact of the use upon the amenity, character and appearance.

2. No development shall commence until evidence of a financial guarantee or bond or suitable equivalent has been put in place to ensure restoration of the site in accordance with conditions 14 and 15 below and has been submitted and agreed in writing with the Council, as Planning Authority.

Reason: To ensure adequate restoration of the site.

3. No development shall commence until the area of extraction hereby approved has been enclosed by a stock proof fence which shall be maintained thereafter to the satisfaction of the Planning Authority throughout the lifetime of the consent. For the avoidance of doubt there shall be no working whatsoever including the storage of materials or other items outwith this fence.

Reason: In the interests of the safety of the public and of livestock and in order to control the working of the site within the approved boundaries.

4. No development shall commence until details have been submitted to and approved in writing by the Council, as Planning Authority, regarding details of a woodland planting scheme (the Replanting Scheme) within Moray to compensate for the removal of existing woodland from the site in order to accommodate the development. All proposals shall be in accordance with the details contained in Section 11 of the Environmental Impact Assessment Report (EIAR) submitted with the application. The Replanting Scheme shall include:
 - details of the location of the areas to be planted;
 - details of trees to be retained within the site include the measures for their protection;
 - details of land owners and occupiers of the land to be planted;
 - the nature, design and specification of the proposed woodland to be planted;
 - details of all necessary consents for the Replanting Scheme and timescales within which each shall be obtained;
 - the phasing and associated timescales for implementing the Replanting Scheme; and
 - proposals for the maintenance and establishment of the Replanting Scheme, including annual checks; protection from predation; replacement planting; fencing; ground preparation; and drainage, etc. For the avoidance of doubt a technically competent professional(s) (e.g. chartered forester) with the required experience should inspect the Replanting Scheme at regular intervals (year 1, 5 and 10) to ensure that the trees are planted correctly, maintained to the required standard and ultimately established into woodland.

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

Reason: Details of the matters specified are lacking from the submission and to ensure an acceptable form of development where compensatory planting is provided where the development results in a loss of woodland.

5. No works in connection with the development hereby approved shall commence unless an Archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the WSI will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a Post-Excavation Research Design (PERD) for the analysis, publication and

dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

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

6. No development shall commence until a site specific Water Management Plan (WMP) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with SEPA. For the avoidance of doubt the WMP shall address the following matters:
- Management of general site surface water run off.
 - Flow balancing by sumps and pumping.
 - Control of particulates by settlement in sumps and lagoons.
 - Control of water chemistry.
 - Oil and scum removal.
 - Use of water in processing plant and treatment of effluent including vehicle washing water.
 - Containment of spillage from storage and processing areas.
 - Use of water in dust control.
 - Monitoring of groundwater levels.
 - Use of appropriate water to counteract groundwater lowering e.g. in nearby pools.
 - Regular cleaning and maintenance of water system; and thereafter, the development shall be carried out in accordance with the approved WMP.

Reason: To ensure adequate protection of the water environment.

7. No development shall commence until a site-specific Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Council, as Planning Authority in consultation with SEPA where appropriate. The CEMP shall address all pollution prevention and environmental management issues related to the development. Thereafter, the development shall be implemented in accordance with the approved CEMP details.

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

8. No development shall commence until the following details have been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:
- i. A design for the site access onto the B9103 including the left hand diverge, to address access surfacing, loose material and drainage issues.
 - ii. Resurfacing of the B9103 over its full width from the north of the site access to the south of the left hand diverge lane (approximately 50 metres).
 - iii. Measures to prevent loose material or water being deposited on the public road and mitigation measures to be put in place to deal with any occurrences.

Thereafter the works required shall be implemented in accordance with these approved details prior to the commencement of any operations to transport quarried materials from the development.

Reason: To ensure an acceptable development in road safety terms through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

9. A visibility splay 4.5m x 160m at the B9103 access in both directions shall be maintained for the operational life of quarrying works such that no vegetation within the visibility splay exceeds 0.6m in height.

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.

10. Except where otherwise provided for, or agreed and/or amended by the terms of this permission, the applicant/developer shall operate the development in accordance with the provisions of the application, the EIAR and the plans hereby approved including all plans contained in volume 3. For the avoidance of doubt this shall include compliance in full with all mitigation and monitoring measures listed in table 12.1 on pages 100 to 103 inclusive of volume 2 of the EIAR including:

- i) Cultural heritage;
- ii) Hydrology and hydrogeology;
- iii) Ecology;
- iv) Noise;
- v) Forestry;
- vi) Air quality;
- vii) Natural resource usage and waste management;
- viii) Dust Management Plan (technical appendix 5.1); and
- ix) Extractive Waste Management Plan (technical appendix 5.2) attached to the EIAR.

Reason: To ensure an acceptable form of development in accordance with the submitted particulars and in order to safeguard the amenities, character and appearance of the locality within which the proposal is located.

11. The approval hereby granted is purely for the extraction and removal of cobbles and sand, and other than for the screening/grading of extracted material there shall be no rock crushing, production of quarry related products or other processing.

Reason: For the avoidance of doubt, in order to minimise the effect of the workings hereby permitted on the environment and so that appropriate consideration may be given to any such activities.

12. Notwithstanding the provisions of Classes 55 and 56 of the Town & Country Planning (General Permitted) (Development) (Scotland) Order 1992 (as amended, or as revoked or re-enacted; with or without modification) no buildings, plant or machinery (other than the single wheeled shovel loader or excavator within the extraction area and/or similar fixed/mobile plant, machinery and buildings located with the processing area), shall be installed or operated within the site without the prior approval of the Council, as Planning Authority.

Reason: In order to retain effective control over future development within the application site so that it is carefully managed and does not result in over-development or adversely impact on the amenity or character of the area.

13. Where proposed, as part of extraction and/or site restoration operations, any proposed infilling including partial infill of excavated quarry voids shall only be undertaken using material sourced on the site and no part of the permission hereby granted shall authorise or permit at any time the removal of top or sub-soil from the site or the import of material from outwith the site.

Reason: To prevent pollution of the water environment.

14. Not less than 12 months prior to completion of mineral workings in each phase of development as detailed in the EIAR, details shall be submitted to and approved by the Planning Authority in consultation with SEPA (and others where appropriate) regarding:
- i. a detailed restoration plan and aftercare scheme for the extraction area hereby approved to include:
 - ii. the arrangement for the removal of all buildings and structures (both mobile and fixed plant, etc.) from each area;
 - iii. details of the finalised landform to be provided on site, including all water/pond areas and all areas of site mounding or moulding of excavated material to be retained or provided as part of the landform together with elevations, cross and long sections and existing and finished levels details (relative to a fixed datum) etc. to describe the finalised landform;
 - iv. the provisions for re-instatement for after-uses to include woodland, wetlands and habitat creation as proposed within the EIAR including sections and finished ground levels to show the finished profile of the re-instated ground;
 - v. landscaping and planting/seeding information associated with the proposed formation of all identified habitats;
 - vi. the arrangements for the monitoring and aftercare scheme (see Condition below) which shall specify all the steps to be taken and the time periods within which the steps will be taken; and thereafter, the restoration of the site and aftercare shall be carried out in accordance with the approved details. For the avoidance of doubt the restoration of phase 1 shall take place during phase 3 of the development and continue on a progressive basis throughout the lifetime of the development hereby approved.

Reason: To ensure that both the processing and extraction sites are appropriately restored in the interests of the protection of the environment and that the final landform and uses are in keeping with the existing amenities and appearance of the surrounding area, as these details are currently lacking from the application.

15. Following restoration works (whether for each individual Phase or upon completion of Phase 3, the approved restoration works within the site (Condition 14) shall be subject to a monitoring and aftercare scheme for a period of 5 years, the method statement and specification for which shall be submitted to and approved by the Council, as Planning Authority in consultation with SEPA and others as appropriate not less than 2 months prior to undertaking the restoration works. Thereafter, the agreed scheme shall be implemented in accordance with the agreed details and any seeding, trees or shrubs that die or become seriously damaged or diseased within 5 years of planting shall be removed and replaced by others of a similar size and species within the next planting season.

Reason: In order to monitor the condition of the site after restoration.

16. The oil storage tanks shall be protected as follows:
- i. The oil storage tank to be located on an impervious base and surrounded by the bund wall. The capacity of the bunded area should be equal to 110% of the storage tank volume.
 - ii. All valves and couplings to the tank should be included in the bunded area. Any delivery hose should be fitted with trigger type sprung handles and hung back in the bunded area after use.
 - iii. All vent pipes must be designed and positioned so that any overflow, through overfilling the tank, is discharged into the bunded area.
 - iv. All surface water or other water which accumulates within the bund should be removed by a manually controlled positive lift pump (e.g. a semi rotary hand pump) and not a gravity drain.
 - v. All drainage from the bunded area should be treated by an oil interceptor device, the design of which is approved by the Council, as planning authority in consultation with SEPA.

Reason: In the interests of amenity and public health so as to ensure that there is no contamination of adjoining land or watercourses arising out of accidental discharges or damage to the tanks.

17. All quarry operations shall be carried out and permitted between 0700 - 1800, Monday to Friday, and 0800 - 1300, Saturdays and at no other times without the prior written consent of the Council, as Planning Authority in consultation with the Environmental Health Manager.

Reason: In order that the times of quarry operations are controlled to minimise noise disturbance to local residents.

18. During the normal daytime working hours defined in condition 17, the free-field Equivalent Continuous Noise Level (LAeq,1h) for the period, excluding bund formation with soil and overburden handling activity, shall not exceed 45dB(A), as determined at any existing noise sensitive property.

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

19. Noise from soil and overburden handling and other works in connection with bund formation at the development shall not exceed the free-field Equivalent Continuous Noise level (LAeq,1h) of 70 dB(A) at any existing noise sensitive property and be limited to a period not exceeding 8 weeks in a year at any one property.

Reason: In order that noise from the bund formation phase of development is controlled and that the duration of this activity is limited in duration, so as not to cause noise nuisance to local residents.

20. At the reasonable request of the Planning Authority, following a complaint relating to noise from quarry operations at the development, the developer shall measure at its own expense, noise emissions as they relate to the permitted consent limits, having regard to measurement locations and methodologies as detailed in Planning Advice Note 'PAN50, Annex A: The Control of Noise at Surface Mineral Workings'. The results of such monitoring shall therefore be forwarded to the Planning Authority. In the event of a breach of noise limits a scheme of mitigation shall be brought into action and its implementation agreed with the Planning Authority.

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

21. For the avoidance of doubt the soil bund shall not exceed 3m in height at any point.

Reason: As no such details are included with the application and in order to ensure an acceptable form of development that does not adversely impact on the character of the surrounding area.

11. 22/00057/PAN

New maturation warehousing (21no 3-cell warehouses), filling store and disgorging unit (FSDU), wetlands, suds ponds, tree nursery and associated roads and services on land west of Glenrothes Distillery, Burnside Street, Rothes, Moray.

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) was submitted on 14 January 2022 on behalf of The Edrington Group.

During discussion, it was noted that there are several popular walking and recreation routes on the site as well as a lot of wildlife in the area and it was asked that this be protected.

During further discussion, concern was raised in relation to fungal blackening on local buildings and it was asked that consideration be given to the use of thermal oxidisers to tackle this.

It was noted that this is a large scale development and there was concern raised over the permanent loss of agricultural land which may impact wider food security and self-sufficiency and also an increase in traffic in Rothes which is already busy on the A941 through the village.

In response, Mr MacPherson, Principal Planning Officer agreed to forward these points to the Applicant.

Thereafter, the Committee agreed:

- (i) to note the terms of the report and asked that the following provisional views/relevant issues be recorded and forwarded to the Application in order to inform the development of their proposed formal application for planning permission:
- several popular walking and recreation routes exist in the site;
 - there is much wildlife in this locality which should be protected;
 - the increase in maturation warehousing and associated evaporation causing an increase in fungal blackening of local buildings should be considered. Mitigation such as thermal oxidisers to tackle this occurrence should be proposed;
 - concern about the large scale and permanent loss of agricultural land in this locality resulting from the proposed development. The loss of agricultural land impacts upon wider food security and self-sufficiency; and

- the traffic generated within Rothes would be a concern, which can already cause a bottleneck on the A941 running through the village.
- (ii) that the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

12. 22/00074/PAN

Proposed residential development landscaping and associated infrastructure at R1 Seafield Road, Cullen

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) was submitted on 18 January 2022 on behalf of Morlich Homes Limited.

During discussion surrounding the impact of the development on the area, concern was raised regarding the condition of the roads surrounding the development. It was also asked that consideration be given to installing traffic calming measures to prevent speeding on Seafield Road.

Also in relation to road safety, it was asked that consideration be given to maintaining a 30mph speed limit on the A98 until the B9018 junction.

The proposal of affordable housing in Cullen was welcomed and it was asked that this could be provided early in the development as affordable housing is in short supply.

In response, Mr Smith, Principal Planning Officer agreed to forward these points to the Applicant.

Thereafter, the Committee agreed:

- (i) to note the terms of the report and asked that the following provisional views/relevant issues be recorded and forwarded to the Applicant in order to inform the development of their proposed formal application for planning permission:
- concern raised regarding the condition of the roads surrounding the development;
 - consideration be given to traffic calming measures to prevent speeding on Seafield Road;
 - consideration be given to maintaining a 30mph speed limit on the A98 until the B9018 junction;
 - early provision of affordable housing which is in short supply in Cullen; and
- (ii) that the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

13. DRAFT NATIONAL PLANNING FRAMEWORK 4

Under reference to paragraph 8 of the Minute of the meeting of the Planning and Regulatory Services Committee dated 18 January 2022, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the publication and consultation on draft National Planning Framework 4 (NPF4) and

asked the Committee to agree the Council's proposed response set out in Appendix 1 of the report.

Following consideration, the Committee agreed:

- (i) to note publication of draft National Planning Framework 4, and
- (ii) the proposed response set out in Appendix 1 of the report to be submitted to the Scottish Government.

14. DRAFT LOCAL DEVELOPMENT PLAN REGULATIONS AND GUIDANCE

Under reference to paragraph 12 of the Minute of the meeting of the Planning and Regulatory Services Committee dated 18 May 2021, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the publication and consultation on draft Local Development Plan (LDP) Regulations and Guidance and asked the Committee to agree the proposed response set out in Appendix 2.

Following consideration, the Committee agreed:

- (i) to note publication of the draft Local Development Plan Regulations and Guidance and the extensive additional work arising as set out in Appendix 1 of the report;
- (ii) that the proposed response set out in Appendix 2 of the report be submitted to the Scottish Government;
- (iii) to note the budget pressure from 2023/24 onwards arising from new statutory planning procedures; and
- (iv) that an updated Development Plan Scheme and Participation Statement are reported to a meeting of this Committee in autumn 2022.

15. LOCAL PLACE PLANS

Under reference to paragraph 11 of the Minute of the meeting of the Planning and Regulatory Services Committee dated 18 May 2021, a report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to note publication of Local Place Plans Regulations 2021 and Planning Circular 1/2022 Local Place Plans (LPP) and consider the opportunities associated with supporting the preparation of LPP. Furthermore, it asked the Committee to agree to further reports being referred to the Community Planning Officers Group, Community Planning Partnership, Community Engagement Group and the Moray Council regarding the engagement opportunities associated within the new Local Development Plan (LDP) process including the preparation of LPP.

Following consideration, the Committee agreed:

- (i) to note the publication of Local Place Plans Regulations 2021 and Planning Circular 1/2022 Local Place Plans (LPP);

- (ii) to note the opportunities arising from the preparation of LPP including assisting the transition to net zero carbon and supporting community wealth building;
- (iii) to note the opportunity for the Council to take a targeted approach in enabling hard to reach groups to prepare an LPP for their area;
- (iv) to raise awareness of LPP within the community and issue an invitation to community groups in Autumn 2022 for them to express an interest in preparing LPP with the aim of targeting harder to reach groups;
- (v) that a further report on the implications for the Council arising from the preparation of LPP following the expressions of interest from community groups, including the benefits of a collaborative approach, will be reported to a future meeting of the Moray Council; and
- (vi) to note reports will also be prepared for the Community Planning Officers Group, Community Planning Partnership and Community Engagement Group to raise awareness of engagement requirements in the new LPP, opportunities for LPP and to gather views on working together to support the preparation of LPP and this will inform the report to the Moray Council.

16. OPEN SPACE STRATEGY AND PLAY SUFFICIENCY REGULATIONS

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the Scottish Government Consultation Paper on proposed regulations relating to the new duties on planning authorities to prepare Open Space Strategy and Play Sufficiency Assessments and agree the proposed response to the consultation paper.

Following consideration, the Committee agreed:

- (i) to note the content of the draft Town and Country Planning (Open Space Strategies) (Scotland) Regulations 2022 and draft Town and Country Planning (Play Sufficiency Assessment) (Scotland) Regulations 2022, and
- (ii) the proposed response to the Consultation paper set out in Appendix 1 of the report.

17. BROWNFIELD SITES

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the extent of brownfield sites in Moray and sought agreement that sites are assessed further and prioritised.

Following consideration, the Committee agreed:

- (i) to note the extent of brownfield sites identified;
- (ii) that sites are assessed against the criteria set out in paragraph 3.6 of the report and that a report will be considered at a future meeting of this Committee on prioritisation of sites.

18. PLACEMAKING - QUALITY AUDIT REVIEW

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to agree the revised Quality Audit (QA) in order to streamline the process and provide further clarity to applicants on the design improvements necessary for development proposals to comply with the Moray Local Development Plan 2020 (MLDP 2020) on Placemaking.

Following consideration, the Committee agreed:

- (i) to approve the revised Quality Audit to support the delivery of high quality places;
- (ii) the revised Quality Audit will be a material consideration in the determination of planning applications; and
- (iii) to note that the QA will form part of committee reports on planning applications reported to this Committee.

19. SECURING POSITIVE EFFECTS FOR BIODIVERSITY DRAFT GUIDANCE CONSULTATION

Under reference to paragraph 9 of the Minute of the meeting of the Planning and Regulatory Services Committee dated 8 February 2022, a report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to agree the proposed response to the Securing Positive Effects for Biodiversity Guidance consultation and for it to be submitted to NatureScot.

Following consideration, the Committee agreed:

- (i) to note the publication of Securing Positive Effects for Biodiversity Guidance for consultation; and
- (ii) the proposed response set out in Appendix 1 of the report.

20. REVIEW OF ENFORCEMENT CHARTER AND UPDATE ON ENFORCEMENT

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to agree the revised Enforcement Charter, last reviewed on 25 February 2020 and provided an update on Planning Enforcement.

Following consideration, the Committee agreed:

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

21. QUESTION TIME

There were no questions raised.

22. UNAUTHORISED ALTERATION WORKS TO A DWELLING WITHIN FINDOCHTY CONSERVATION AREA [PARA 13]

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of unauthorised alteration works that have been carried out to a property within the Findochty Conservation Area.

During discussion, Councillor Brown noted that there are 3 nearby properties with windows that do not comply with the Council's policy on the replacement of windows in a conservation area and stated that it was unfair, in his opinion, to ask that the windows in one property are replaced when others are not.

In response, the Development Management and Building Standards Manager advised that if the windows in the nearby properties had been installed more than 4 years ago then they were considered lawful.

The Legal Services Manager further advised that each case should be considered in its own merits and that the Council's adopted policies and guidelines should be adhered to.

Councillor Brown remained of the view that it was unfair to ask one individual to replace their windows when others had not been and moved that the Committee take no enforcement action based on equity. This was seconded by Councillor Macrae.

The Chair, as an amendment, moved that the Committee agree that a Planning Enforcement Notice is issued as per the recommendations printed in the report. This was seconded by Councillor Feaver.

On a division there voted:

For the Motion (5): Councillors Brown, Macrae, Cowe, Cowie and R McLean.

For the Amendment (9): Councillors Bremner, Feaver, Divers, A McLean, Nicol, Powell, Ross, Taylor and Warren

Abstentions (0): Nil

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

- (i) to Officers issuing a Planning Enforcement Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997;
- (ii) that the Enforcement Notice will require the owner of the property to replace the fitted uPVC windows on the front elevation of the property with sliding sash and case timber framed windows (painted white) within 5 years of the date the Enforcement Notice taking effect;
- (iii) that the notice requiring the fitting of the replacement windows remain as a charge on the property until all work in relation to this is satisfactorily completed; and

- (iv) that the offence should not to be referred to the Procurator Fiscal and that no direct action should be taken to secure compliance with the Notice.

23. UNAUTHORISED ERECTION OF FENCE AT RESIDENTIAL PROPERTY IN ELGIN [PARA 13]

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the unauthorised erection of a 1.8m timber fence in the front garden of a residential property in Elgin.

Following consideration, the Committee agreed:

- (i) to Officers issuing a Planning Enforcement Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997; the Enforcement Notice will require the owner of the fence to remove all of the 1.8m high timber fence from the front garden area of the takes effect; and
- (ii) that should the Notice not be complied with then authority is given to take direct action to remove the fence.