

MORAY COUNCIL

Minute of Special Meeting of the Planning and Regulatory Services Committee

Tuesday, 18 December 2018

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

PRESENT

Councillor George Alexander, Councillor David Bremner, Councillor John Cowe, Councillor Gordon Cowie, Councillor Paula Coy, Councillor John Divers, Councillor Ryan Edwards, Councillor Claire Feaver, Councillor Louise Laing, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Amy Patience

APOLOGIES

Councillor Ray McLean

IN ATTENDANCE

The Head of Development Services, Mr N MacPherson, Principal Planning Officer, Mr G Templeton, Principal Planning Officer, Mr K Henderson, Planning Officer, Ms R MacDougall, Planning Officer, Mrs E Gordon, Planning Officer, Mr J Killeen, Engineer (Transport Development), Legal Services Manager (Property and Contracts) and Mrs L Rowan, Committee Services Officer as Clerk to the Meeting.

1. Declaration of Group Decisions and Members Interests

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

2. Variation Request for 18/00954/S36 - Construct and Operate an Offshore Windfarm within the Moray Firth, known as Moray West Windfarm

Under reference to paragraph 7 of the Minute of this Committee dated 18 December 2018 where the Moray Council agreed not to object to a proposed offshore windfarm development by Moray West Offshore Windfarm, a report by the Corporate Director (Economic Development, Planning and Infrastructure) asked the Committee to consider the consultation relating to a variation request accompanied with an addendum from Marine Scotland under the Electricity Act 1989 for a Section 36 consent relating to the proposed offshore windfarm.

Following consideration, the Committee agreed that the Committee responds to the consultation to raise no objection to the proposed variation to the offshore windfarm development and instructed Officers to respond to Marine Scotland to that effect.

3. Moray Local Development Plan 2020 - Moray Local Landscape Designations Review - Final Report

Under reference to paragraph 12 of the Minute of this Committee dated 18 September 2018, a report by the Corporate Director (Economic Development, Planning and Infrastructure) summarised the representations received in response to the Moray Local Landscape Designations Review that was issued for public consultation for a 6 week period which proposed a series of new candidate Special Landscape Areas (cSLA's).

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. that the proposed Special Landscape Area (SLA) designations replace the current Areas of Great Landscape Value (AGLV), Coastal Protection Zone (CPZ) and Pluscarden Area of Special Control, and be incorporated into the Proposed Moray Local Development Plan 2020; and
- iii. to delegate authority to the Head of Development Services to make the changes to the final version of the report based on the recommendations set out in Appendix 1 of the report.

4. Moray Town Centre Health Checks 2018

A report by the Corporate Director (Economic Development, Planning and Infrastructure) reported the key findings of the Moray Town Centre Health Check 2018 and asked the Committee to consider adopting the Moray Town Centre Health Check Report 2018 as a material consideration in future retail planning policy and planning application decision making.

The Committee joined the Chair in commending the work of Elgin BID, Lossiemouth Business Association and Lossiemouth Community Development Trust which has contributed to a very positive report in relation to Moray Town Centres and thereafter agreed to:

- i. note the findings of the Moray Town Centre Health Check Report 2018;
- ii. adopt the Moray Town Centre Health Check Report 2018, as set out in Appendix 1, as a material consideration in future retail planning policy and planning application decision making;
- iii. the publication of the Town Centre Health Check Report 2018 on the Planning and Development website pages; and
- iv. note that a report will be submitted to the Economic Development and Infrastructure Services Committee for them to consider and note the findings of the Town Centre Health Check Report 2018.

5. Moray Local Development Plan 2020-Proposed Plan

Councillor Laing left the meeting during discussion of this item.

Under reference to paragraph 3 of the Minute of this Committee dated 25 September 2018, a report by the Corporate Director (Economic Development, Planning and Infrastructure) asked the Committee to consider the content of the Proposed Moray Local Development Plan (LDP) 2020 and agree to issue the Proposed Plan for consultation.

During discussion surrounding Burn of Buckie which is designated ENV5, Councillor Cowie stated that 4 home owners in this area were struggling to sell their properties due to part of the land being designated as ENV5 and asked if the designation could be changed to white land.

In response Mr Templeton, Principal Planning Officer advised that a recent meeting had taken place with one of the home owners, Mr Henderson, Planning Officer and Douglas Ross, MSP in relation to changing the home owner's land from ENV5 designation to garden ground and that there was ongoing discussion with Development Management as to the best way forward. The home owner had been advised to raise an objection to the ENV5 designation in relation to his property during the consultation period and that this objection will be reflected in the paperwork submitted to the reporter for examination. This was considered to be the most appropriate way forward for consistency, as the site in question had been the subject of a retrospective planning application and subsequent refusal by the Moray Local Review Body.

Councillor Cowie, in noting the information provided by Mr Templeton, moved that the ground currently designated as ENV5 within the 4 properties near the Burn of Buckie be changed from ENV5 to white land. This was seconded by Councillor Macrae.

The Legal Adviser acknowledged that Councillor Cowie had local knowledge of the area in question however advised that the rest of the Committee must specifically know what area of land Councillor Cowie was referring to so that they could make an informed decision and asked that the specific area be shown to the Committee on a plan.

Mr Templeton provided the Committee with a plan and pointed out the 4 properties in question.

Councillor Patience, having noted the plan provided by Mr Templeton, was still unsure of the area in question and was therefore of the view that there was insufficient information available to make an informed decision in relation to changing the ENV5 designation within the 4 properties near the Burn of Buckie to white ground and moved that the proposed Moray LDP remain unchanged. This was seconded by Councillor Coy.

Councillor A McLean sought further clarification from Mr Templeton in relation to why the area of ground in question had remained ENV5 designation in the new plan given the issues surrounding the 4 properties in question.

In response, Mr Templeton advised that Officers had reflected the recent planning decision to refuse a retrospective planning application and subsequent LRB refusal in relation to one of the 4 properties in question. He further advised that the homeowner had been made aware of the opportunity to raise an objection to the ENV5 designation surrounding his property during the consultation period which in turn would be examined by a Reporter from the Directorate of Planning and

Environmental Appeals.

Councillor Alexander on hearing the advice from Mr Templeton moved that the plan remain unchanged and that local Councillors provide the relevant homeowners with the information provided by Mr Templeton.

Councillor Cowie, after considering the advice provided by Mr Templeton, agreed to withdraw his motion and stated that he would provide the relevant homeowners with information regarding the consultation process.

Thereafter, Councillors Patience and Alexander agreed to withdraw their amendments accordingly.

The Committee joined the Chair in commending Officers for the tremendous amount of work involved in producing the Moray Local Development Plan 2020 and thereafter agreed:

- i. the content of the Proposed Moray Local Development Plan 2020, representing the “settled view” of the Council;
- ii. to delegate authority to the Head of Development Services to make minor text changes and complete the remaining graphics for the Proposed Plan in consultation with the Chair and Depute Chair;
- iii. to delegate authority to the Head of Development Services to include the “A96 Dualling Hardmuir to Fochabers- Preferred option” in the appropriate plans and settlement statements;
- iv. to issue the Proposed Plan for a 10 week period of consultation;
- v. that a report on objections arising from the consultation be reported back to a future meeting of this Committee; and
- vi. that the Proposed Moray Local Development Plan 2020 be treated as a material consideration for development management purposes as of 1 February 2019.