

MORAY COUNCIL

Minute of Meeting of the Planning and Regulatory Services Committee

23 March 2021

Various Locations via Video Conference

PRESENT

Councillors Bremner, A McLean, Brown, Cowe, Cowie, Feaver, Macrae, R McLean, Nicol, Powell, Taylor and Warren

APOLOGIES

Apologies were intimated on behalf of Councillors Edwards and Ross

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

1. MINUTE'S SILENCE

The Chair advised the Committee that there would be a minute's silence at noon to join the national reflection to remember those lost to Covid and that this would be observed should the Committee be ongoing at that time. This was unanimously agreed.

2. DECLARATION OF GROUP DECISIONS AND MEMBER'S INTERESTS

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Nicol, being Treasurer of the Rothes Community Council declared an interest in Item 11 20/01026/S36 during consideration of the item and took no part in the decision.

There were no other declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda

3. 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.

**4. MINUTE OF THE PLANNING AND REGULATORY SERVICES COMMITTEE
DATED 26 JANUARY 2021**

The Minute of the meeting of the Planning and Regulatory Services Committee dated 26 January 2021 was submitted and approved.

5. WRITTEN QUESTIONS

The Committee noted that no written questions had been submitted.

6. PLANNING APPLICATION 20/01613/APP

Ward 3 – Buckie

Substitution of approved house types approved ref 16/00620/APP on plots no 16, 19-25 and 28-31 on site at R6 Barhill Road, South Barhill Road, Buckie, Moray for Springfield Properties PLC

A report by the Appointed Officer recommended that, for reasons detailed in the report, planning permission be granted for an application for the substitution of approved house types approved ref 16/00620/APP on plots no 16, 19-25 and 28-31 on site at R6 Barhill Road, South Barhill Road, Buckie, Moray for Springfield Properties PLC.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation, as it relates to house types not previously considered in a larger development previously considered and approved by the Committee.

During discussion, Councillor Feaver noted that laurel hedging was to be used in the development and was of the opinion that, in order to pursue biodiversity, native or edible hedging should be used.

In response, Mr MacPherson, Principal Planning Officer advised that if the Committee wished to specify the type of hedging the Applicant should use, then a condition could be added to ensure this.

Councillor Brown stated that, in his opinion, laurel hedging was favourable as it is evergreen whereas native or edible hedging is not.

On considering the comments from Councillor Feaver and Brown, the Chair sought the agreement of the Committee to add a condition to reflect that hedgerows should be made up of a variety of native, edible and evergreen species including holly. This was agreed.

Following consideration, the Committee agreed to grant planning permission subject to the following conditions and reasons with the inclusion of an additional condition to reflect that hedgerows should be made up of a variety of native, edible and evergreen species including holly:

1. The development hereby approved forms part of, and is related to, the development granted planning permission under decision notice 16/00620/APP dated 28 March 2017. All the terms and conditions attached to that permission are hereby reiterated and remain in force insofar as they relate to the development hereby approved, including any details already approved to discharge conditions.

Reason: In order 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, the re-positioning of houses on plots being considered as an acceptable alternative to that already approved and not an addition thereto.

7. PLANNING APPLICATION 20/00905/APP

Ward 7 – Elgin City South

Proposed residential units (mix of affordable housing and care village) with associated access infrastructure landscaping and miscellaneous works on Sites R7, R2 And R3 Bilbohall, Elgin, Moray for Moray Council & Grampian Housing Association

A report by the Appointed Officer recommended that, for reasons detailed in the report, planning permission be granted for an application for proposed residential units (mix of affordable housing and care village) with associated access infrastructure landscaping and miscellaneous works on Sites R7, R2 And R3 Bilbohall, Elgin, Moray for Moray Council & Grampian Housing Association.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the application is a major application as defined under the Scottish Government's hierarchy of developments as it involves a development of more than 50 houses and the site area exceeds 2 hectares.

During discussion, Councillor R McLean sought clarification as to whether the green corridor coming from the west would remain or whether there would be a road through it.

In response, Mr Smith, Principal Planning Officer advised that there was a large area of landscaping proposed within the development including 3 ponds which would complement the wetland area however there would be a road through the existing green corridor.

On hearing the response from Mr Smith, Principal Planning Officer, Councillor R McLean moved that the Committee refuse Planning Application 20/00905/APP as the proposal will cause fragmentation of an existing habitat and does not comply with Policy EP2 (Biodiversity). This was seconded by Councillor Feaver.

Ms Webster, Principal Planning Officer (Strategic Planning and Development) advised that Nature Scot were consulted on the Application and are happy with the proposal as it stands and have raised no objection.

Councillor Bremner welcomed the proposal and moved that the Committee agree to approve Planning Application 20/00905/APP as recommended. This was seconded by Councillor A McLean.

On a division there voted:

For the Motion (5):	Councillors R McLean, Feaver, Brown, Macrae and Powell
For the Amendment (7):	Councillors Bremner, A McLean, Cowe, Cowie, Nicol, Taylor and Warren.
Abstentions (0):	Nil

Accordingly, the Amendment became the finding of the Committee and it was agreed to grant planning permission in respect of Planning Application 20/00905/APP subject to the:

- (i) completion of an appropriate legal agreement regarding payment of developer obligations relating to secondary education, health care and transport; and
- (ii) following conditions and reasons:
 1. Notwithstanding the submitted phasing plan, (GA-002 Revision C), no development shall commence until a revised phasing plan has been submitted to and approved in writing by the Council as Planning Authority. This plan shall show the delivery of the final section of spine road and the associated improvements to the Bilbohall road and signalised junction as part of phase 2. The development shall thereafter proceed in accordance with the approved phasing plan unless otherwise agreed in writing with the Council as Planning Authority

Reason: To ensure the timely delivery of landscaping, paths and infrastructure, including infrastructure necessary to provide a bus route through the site, and delivery of a phased development which integrates into the landscape.

2. No development shall commence until scaled plans detailing the route, design, gradient surfacing, drainage, timing of delivery, and maintenance arrangements for (a) the proposed section of upgrading of Core Path EG36 and (b) the connections across the land the east of the site at the Wards to connect onto existing Core Path EG37, (as shown on the approved Outdoor Access Plan dated February 2021 SK 200) have been submitted to and approved in writing by the Council as Planning Authority in consultation with the Access Manager. The paths shall thereafter be implemented in accordance with the approved details and the approved phasing plan unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the provision of safe and suitable access routes for pedestrians both within and to/from the development to the wider core path network and as these details were not included in full with the application.

3. Notwithstanding the submitted landscaping plans no development shall commence until a revised version of the Landscape Masterplan, Soft Landscape Specification, Planting Schedules and Maintenance Schedules, and the relevant landscape plans phase have been submitted to and approved in

writing by the Council as Planning Authority. These plans shall incorporate all of the currently proposed details along with the following additional details (unless otherwise agreed in writing by the Council as Planning Authority):

- Timescale for the delivery of the community orchard.
- Timescale for the delivery of planting within each character area.
- Planting along all routes to be semi-mature as defined in the Moray Local Development Plan tree technical specification.
- Hedging at plot 143 restricted to ensure clear visibility from the plot access point.
- Provision of low maintenance low boundary hedging/planting in the front gardens of Plots 241 -248 and 225 – 236 within the Lower Valley (R2) character area.
- Timescale for the delivery of biodiversity measures and details of the type and location of all proposed bat and bird boxes.
- Timescale for provision of paths.

All landscaping works shall be carried out and maintained thereafter in accordance with the approved details. 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 otherwise agreed in writing by the Council, as Planning Authority.

Reason: To ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area and in relation to bullet point 2 to ensure that planting provides a variety of approach along these routes and accentuates the street hierarchy in order to meet Place making design principles.

4. No development shall commence until details of the proposed equipped play areas, surfacing, equipment and its ongoing maintenance (scaled drawing 1:100 and equipment specification schedule) on the locations identified on the approved site plans within Site R2 and R3 have been submitted to and approved in writing by the Council, as Planning Authority. The equipped play areas shall make provision for all-abilities access including in relation to the surface finish, play equipment and seating/tables. The equipped play areas shall be provided in accordance with the approved details and be available for use prior to the occupation of 50% of residential units in each character area within sites R2 and R3, unless otherwise agreed in writing by the Council as Planning Authority.

Thereafter the play areas shall be maintained in accordance with the approved maintenance arrangements.

Reason: To ensure the adequate provision of equipped play areas and future maintenance.

5. No development shall commence on the R7 (The Firs) site until (a) a hibernating check for bats to be carried out during the November to April window in any year) has been carried out and (b) details of all mitigation set out in the approved Bat Survey dated October 2020 (including measures to ensure

the avoidance of light shining into bat foraging habitats during both construction and operation; and provision of bat boxes throughout this part of the site) have been drawn up. The details of these surveys/measures to be submitted to and approved in writing by the Planning Authority before any work commences on site. Thereafter work shall proceed in accordance with the approved details and no residential unit on the R7 site shall be occupied until the associated bat mitigation has been implemented in accordance with the approved details.

Reason: To ensure that European Protected Species are not adversely affected by development.

6. No development shall commence on site R7 (The Firs) until existing trees to be retained have been enclosed with protective fencing and thereafter protected during construction in accordance with the approved Tree Protection Plan) R7 Detail (drawing number 10949-LD-PLN-101 Revision B. These trees shall be retained thereafter on site throughout the lifetime of the development unless otherwise agreed in writing with the Planning Authority, with no other trees removed without the prior written approval of the Council as Planning Authority.

Reason: To ensure that the development is integrated into the surrounding landscape/townscape and that features of value to the local area are retained.

7. No development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Council as Planning Authority in consultation with the Environmental Health Manager. This plan shall include:
 - Site Waste Management Plan which should cover the management of soil on site
 - Construction Method Statement
 - Measures to ensure that there will be no pollution or discharge of sediment which may affect the Wards wildlife site
 - Measures for the reuse of turves and other environmental mitigation , including lighting proposals all as outlined in the embedded mitigation measures section of the approved Landscape and Visual Appraisal Appraisal Project No. 10949 document
 - Pre -construction badger survey
 - Measures to ensure that any felling or vegetation clearance works happen outside of the nesting bird season (typically March – August, inclusive)
 - Measures to minimise construction related noise, dust and artificial lighting

Thereafter construction shall proceed in accordance with the approved plan unless otherwise agreed in writing with the Council as Planning Authority.

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

8. No development shall commence until details of the colours of all street materials have been submitted to and approved in writing by the Council as Planning Authority. These details to reflect the requirement to provide variety between the streets and home-zones. Thereafter all works shall be carried out

in accordance with the approved details unless otherwise agreed in writing with the Council as Planning Authority.

Reason: In order to ensure that the development has variation in street detailing through the use of different materials and surfacing and reflects the distinctiveness between and in each character area and as these details are lacking from the application.

9. No development shall commence until details confirming the installation of fibre broadband connection for each residential unit have been submitted to and approved in writing by the Council as Planning Authority. Thereafter the development shall be carried out in accordance with these approved details, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure that residential units are served by appropriate high speed internet connections.

10. No development shall commence on the development until details of the design, height and finishes of retaining walls have been submitted to and approved in writing by the Council as Planning Authority. All boundaries shall thereafter be completed and retained in accordance with the approved plans unless otherwise agreed in writing with the Council as planning authority.

Reason: To ensure that the development integrates into the landscape.

11. No development shall commence on the development until details of the design and finishes of all covered cycle storage facilities have been submitted to and approved in writing by the Council as Planning Authority in consultation with the Transportation Manager. The facilities shall thereafter be completed in accordance with the approved plans prior to occupation of the units to which they relate unless otherwise agreed in writing with the Council as planning authority.

Reason: To ensure that suitable provision is made for cycle storage and to ensure that the development integrates into the landscape.

12. No development shall commence on Site R3 (Bilbohall South) or on the construction of pumping station until details of the design and finishes of the proposed pumping station and associated plant (including noise levels) and timetable for delivery have been submitted to and approved in writing by the Council as Planning Authority in consultation with the Environmental Health Manager. The infrastructure shall thereafter be completed in accordance with the approved plans before being brought into use.

Reason: To ensure an acceptable form of development as these details are lacking from the application.

13. No development shall commence on the development hereby approved until a detailed Arts Strategy (shall include street naming strategy) has been submitted to and approved by the Council as Planning Authority. This shall reflect the principles set out in the Bilbohall Arts Strategy dated January 2021

accompanying this application and include details of how the art will be delivered and a timetable for delivery. The strategy shall thereafter be implemented in accordance with the approved details and timetable unless otherwise agreed in writing with the Council as planning authority.

Reason: To ensure that the development integrates into the landscape and supports delivery of a distinctive place.

14. No development shall commence on site R2 (Edgar Road) until a scheme to provide protection against the ingress of harmful ground gases and/or vapours has been submitted to, and approved in writing by, the Council as Planning Authority. The scheme shall comply with relevant authoritative technical guidance and include the following:

- full technical specification of the gas/vapour protection measures to be installed;
- details of how the gas/vapour protection measures and workmanship will be verified, including details of independent verification by an appropriately qualified person.

Thereafter, no individual property shall be occupied until written confirmation has been issued by the Council as Planning Authority that all protection measures have been installed and independently verified in accordance with the agreed details.

Reason: To ensure that that gas/vapour protection measures are installed to the appropriate standard such that the development is safe from ingress of harmful gases/vapours.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any amendments to this order) Schedule 1, Part 1, Class 1A, 1B, 1C & 3A (erection of extension, conservatory, garage, summerhouse or any other outbuilding on plots/gardens) on Site R2 (Edgar Road) shall require the express consent of the Moray Council as Planning Authority.

Reason: To ensure that that gas/vapour protection measures are installed to the appropriate standard such that the development is safe from ingress of harmful gases/vapours.

16. No development shall commence until a revised Drainage Impact and Flood Risk Assessment has been submitted to and approved in writing by the Council as Planning Authority in consultation with the Flood Risk Management Team which shall collate in one single document all information provided including all calculations, design, maintenance, ground water abstraction details, supporting drawings, tests and calculations for all SUDS features, swales and rain gardens. This information shall also include detailed site specific sections through the SUDS pond and planting details which shall reflect the requirement to maximise biodiversity benefits.

Thereafter no residential unit shall be occupied until the surface water drainage arrangements serving it have been implemented in accordance with the approved details. The arrangements shall be maintained thereafter in accordance with the approved details throughout the lifetime of the development

Reason: To ensure that surface water drainage is provided timeously, complies with the principles of SUDS and in order to protect the water environment and to ensure the development enhances biodiversity.

17. No work shall commence on the construction of any residential unit until details of the proposed external finishes by way of samples/specifications have been submitted to and approved in writing by the Council as Planning Authority. These details to reflect the approach of the approved Placemaking Addendum dated January 2021. The units shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the development is integrated into the surrounding landscape/streetscape and supports delivery of a distinctive place.

18. No development shall commence on plots 239 to 242 and plots 274 to 279 of site R2 (Edgar Road) until details of the materials design and surface density of an acoustic barrier of at least 3.7m height at the Substation (comprised of a 2.2m high acoustic barrier on a 1.5m bund) on the location shown in the Landscape Boundary Treatments plan (Drawing number 10949-LD-PLN-250 Issue C and referenced in the Landscape Masterplan Key) have been submitted to and approved in writing by the Council as Planning Authority in consultation with the Environmental Health Manager. The acoustic barrier shall have a sound reduction index (R) of at least 20 dB in the 100 Hz third-octave band, as detailed in page 24 of the approved Noise Impact Assessment supporting document by AECOM Limited, 1 New York Street, Manchester, dated January 2021, Project number: 60620775 and titled "Bilbohall Masterplan. Planning Noise Report. Moray Council and Grampian Housing Association."

The barrier shall thereafter be installed in accordance with the approved details prior to the occupation of any units on plots 239-242 and 277-279 and maintained thereafter throughout the lifetime of the development hereby approved unless otherwise agreed with the Council as Planning Authority.

Reason: To ensure that there is no adverse impact or loss of amenity for adjacent properties and to satisfactorily mitigate any potential noise pollution.

19. No development shall commence on the western section of the spine road or phase 3 (Woodland Edge Character Area of Site R3 and Site R7 The Firs) of the approved development (as shown on the submitted phasing plan or as defined on any subsequent approved phasing plan approved under the terms of condition 1) until details of the materials, design and surface density of a 2 metre high acoustic barrier to be provided in the northern location shown in the Landscape Boundary Treatments plan (Drawing number 10949-LD-PLN-250 Issue C and referenced in the Landscape Masterplan Key) have been submitted to and approved in writing by the Council as Planning Authority in consultation with the Environmental Health Manager. These details shall meet all the requirements set out in Section 2.3 of the approved Noise Impact Assessment supporting document by AECOM Limited, 1 New York Street, Manchester, dated January 2021, Project number: 60620775 and titled

“Bilbohall Masterplan. Planning Noise Report. Moray Council and Grampian Housing Association.”

The barrier shall thereafter be installed in accordance with the approved plans before the north western part of the spine road is brought into use and retained/maintained thereafter throughout the lifetime of the development.

Reason: To ensure that there is no adverse impact or loss of amenity for existing and proposed residents in the area and to satisfactorily mitigate any potential noise pollution.

20. No development shall commence on plots 239, 240, 278 and 279 of site R2 until details of the construction of the units have been submitted to and approved in writing by the Council as Planning Authority, in consultation with the Environmental Health Manager. These details to reflect the requirement that light weight timber frame constructions shall not be provided as identified in the Noise Impact Assessment supporting document by AECOM Limited, 1 New York Street, Manchester, dated January 2021, Project number: 60620775 and titled “Bilbohall Masterplan. Planning Noise Report. Moray Council and Grampian Housing Association. The units shall thereafter be built in accordance with the approved details before they are occupied.

Reason: To ensure that there is no adverse impact or loss of amenity for these properties and to satisfactorily mitigate any potential noise pollution.

21. Unless otherwise agreed with the Council as Planning Authority, in consultation with the Environmental Health Manager, the housing development at plots 238 to 243, 269 to 284, and 128 to 132 shall be designed to ensure that parallel walls of living apartments separated by a distance of 1.7m (to the nearest 0.1m) or whole number multiples thereof are not constructed, as identified in the noise impact assessment supporting document by AECOM Limited, 1 New York Street, Manchester, dated January 2021, Project number: 60620775 and titled “Bilbohall Masterplan. Planning Noise Report. Moray Council and Grampian Housing Association.

The above mitigation measures shall be implemented and maintained throughout the lifetime of the development.

Reason: To ensure that there is no adverse impact or loss of amenity for adjacent properties and to satisfactorily mitigate any potential noise pollution.

22. Unless otherwise agreed with the Council as Planning Authority, in consultation with the Environmental Health Manager, all residential units on Plots 101,149-152,155,187-208, 213-240,248-252, 254-260, 265-266, 270-271, 305-308 shall have thermal double-glazing units provided in living apartment windows (living room/bedroom), which should achieve an acoustic performance of at least $R_w + C_{tr} = 25$ dB, as identified in “Table 14 Glazing/Ventilation Configuration” of the Noise Impact Assessment supporting document by AECOM Limited, 1 New York Street, Manchester, dated January 2021, Project number: 60620775 and titled “Bilbohall Masterplan. Planning Noise Report. Moray Council and Grampian Housing Association.

The above mitigation measures shall be implemented and maintained throughout the lifetime of the development.

Reason: To ensure that there is no adverse impact or loss of amenity for these properties and to satisfactorily mitigate any potential noise pollution.

23. Unless otherwise agreed with the Council as Planning Authority, in consultation with the Environmental Health Manager, all residential units on Plots 101,149-152,155,187-208, 213-240, 248-252, 254-260, 265-266, 270-271, 305-308 shall have acoustic trickle ventilation provided in living apartments windows (living room/bedroom), which should achieve an acoustic performance of at least $D_{n,e,w}$ 26 dB C_{tr} -1 dB, as identified in "Table 14 Glazing/Ventilation Configuration" of the Noise Impact Assessment supporting document by AECOM Limited, 1 New York Street, Manchester, dated January 2021, Project number: 60620775 and titled "Bilbohall Masterplan. Planning Noise Report. Moray Council and Grampian Housing Association." (Corrected and updated in e-mail dated 12/02/2021 from AECOM Limited to the Environmental Health Manager).

The above mitigation measures shall be implemented and maintained throughout the lifetime of the development.

Reason: To ensure that there is no adverse impact or loss of amenity for these properties and to satisfactorily mitigate any potential noise pollution.

24. Unless otherwise agreed with the Council as Planning Authority, in consultation with the Environmental Health Manager, there shall be no windows to living apartments (living room/bedroom) on the west side of housing development associated with Plots 241 and 279 of Site R2, as detailed in Section 5.4 of the Noise Impact Assessment supporting document by AECOM Limited, 1 New York Street, Manchester, dated January 2021, Project number: 60620775 and titled "Bilbohall Masterplan. Planning Noise Report. Moray Council and Grampian Housing Association", and further identified in the Landscape Boundary Treatments plan supporting document (Drawing number 10949-LD-PLN-250. Issue A).

Reason: To ensure that there is no adverse impact or loss of amenity for these properties and to satisfactorily mitigate any potential noise pollution

25. 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: To ensure that there is no adverse impact upon neighbouring properties, or loss of amenity.

26. The existing stone walls at the R7 (The Firs) site shall be retained or reinstated

in accordance with the approved site plan (Drawing number GA-301 Revision E) throughout the lifetime of the development hereby approved unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the development is integrated into the surrounding landscape/streetscape and retains features which contribute to the character of the area.

27. The development hereby approved shall be constructed in accordance with the approved site sections and levels plans unless otherwise agreed in writing with the Council as Planning Authority

Reason: To ensure that the development is integrated into the surrounding landscape/townscape.

28. Traffic calming proposals shall be implemented in accordance with the approved traffic calming diagram (and associated drawings J5143 -030 revision G and J5143-031 revision J) and the approved phasing plan unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the delivery of traffic calming measures in the interests of road safety and the amenity of residents in terms of mitigation of noise as considered in the noise impact assessment of the development.

29. All residential units within the development shall be provided and retained as affordable housing for the lifetime of the development unless otherwise agreed in writing with the Council as Planning Authority in consultation with the Housing Strategy & Development Manager.

Reason: To ensure an acceptable form of development in terms of the required provision and delivery of affordable housing.

30. No unit shall be occupied on site R7 (the Firs) until a footway link has been provided from the eastern part of the site through to Fairfield Avenue in the position shown on the approved site plan (Drawing number GA-301- E) to the west side of the road linking to Fairfield Avenue adjacent to 5 Fairfield Avenue. The link to be retained thereafter throughout the lifetime of the development hereby approved.

Reason: To ensure the provision of safe and suitable access routes for pedestrians.

31. No unit shall be occupied until its associated parking, cycle and bin storage provision has been implemented in accordance with the approved plans unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure that the development is adequately serviced.

32. No development shall commence on Phase 1 (R2 – Edgar Road site) of the development until the following has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority:

- i) drawing(s) (Scale 1:500 minimum) showing the positions of bus lay-bys/stops on the Spine Road including bus stop infrastructure (shelters and

- flags);
- ii) drawing(s) (Scale 1:250 minimum) showing the design of the Bus Gates to be installed at two locations on the Spine Road along with details of the specification and operation requirements of the Bus Gates;
 - iii) timescales for the delivery of the Bus Gates and bus stop infrastructure proposed for development; and
 - iv) prior to any work commencing in Phase 2 evidence of an agreement with local bus operators for the provision of bus services to serve the site, including the extension/enhancement of existing bus services and/or the provision of new dedicated bus services to provide a minimum level of service operating from 7.00am to 6.00pm at an hourly frequency Monday to Friday inclusive and from 8.00am to 6.00pm at an hourly service on Saturday, for a minimum duration of two years which shall commence within 90 days of the opening of the Spine Road through the site as a route for traffic (unless otherwise agreed in writing with the Council as Planning Authority).

Thereafter, the bus stops, bus infrastructure and bus services shall be provided in accordance with the approved details and agreed timescales unless otherwise agreed in writing with the Council as Planning Authority.

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

33. No development shall commence until the following has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:

- i) detailed drawings (Scale 1:500 minimum) showing the location, design specifications and timescale for delivery for the extension of Edgar Road to provide access to the site and the required amendments to the High School Access, including proposals for footways, cycle paths, pedestrian/cycle crossing facilities and boundary treatments. The design details shall be informed by a Stage 1/2 Road Safety Audit (RSA), for the proposed road extension and, any other works proposed e.g. pedestrian crossings and the Road Safety Audit shall be included as part of the required details.

Thereafter, the internal road network shall be provided in accordance with the approved details and agreed timescales unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the provision of a safe and suitable access, including for pedestrians and cyclists, to the development and to safeguard provision of vehicular access to the High School from Edgar Road, in the interest of road safety.

34. No development shall commence on Phase 2, 3 or 4 (Sites R3 and R7) of the development until the following has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority:

- i) a detailed drawings (Scale 1:500) showing the design specifications and timescale for delivery of the road and junction improvements (traffic signal control) at the Bilbohall Road Railway Bridge and including revisions to the road layout at the Mayne Road/Fleurs Road/Bilbohall Road/Wards Road junction to the north of the railway line which optimises facilities for

pedestrians and cyclists through provision of advanced cycle stop lines, controlled pedestrian crossings, additional/widened footways and a cycle path approaching the junction on the western side of Bilbohall Road. The design details shall be informed by a Stage 2 Road Safety Audit for the proposed road and junction improvements and shall be included as part of the required details; and

- ii) written evidence of all Road Traffic Regulation Orders being secured to remove rights of access for motorised vehicles and/or create one-way sections of road as required to support the road and junction improvements.

Thereafter, the road and junction improvements shall be provided in accordance with the approved details and agreed timescales unless otherwise agreed in writing with the Council as Planning Authority.

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.

35. No development shall commence until the following has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority detailed drawings (Scale 1:500) showing revisions to the alignment of the Spine Road to incorporate:

- i) enlarged traffic islands to provide crossing points for pedestrians and cyclists to the Moray Council specification;
- ii) widened sections of the footway on the western side of the Spine Road to ensure provision of continuous cycle routes of a minimum of 3 metres between the cycle paths within the landscaped areas in Sites R2 and R3 and the pedestrian/cycle crossing points on the Spine Road;
- iii) widening of the footway adjacent to Plots 219-224 to a minimum of 3 metres in width to provide a continuous cycle route from the access to R2 to the High School Access Road;
- iv) amendments to the access to R2 housing on the eastern side of the road to provide a priority for the cycle path over traffic turning into/out of the side road; and
- v) re-location of all pedestrian crossing points at the site accesses on the western side of the Spine Road to ensure provision of a direct and convenient route for pedestrians which follows desire lines.

The design shall be informed by a Stage 2 Road Safety Audit and vehicle swept path analysis and the Road Safety Audit shall be included as part of the required details.

Thereafter, the Spine Road and pedestrian and cycle facilities shall be provided in accordance with the approved details and Phasing Plan unless otherwise agreed in writing with the Council as planning authority.

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.

36. No development shall commence on Phase 1 (Site R2) until the following has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:

- i) a detailed drawing (Scale 1:500) showing revised vehicle swept path analysis for two cars passing each other in the vicinity of Plots 236 and 279 without overrunning the footway; and
- ii) a detailed drawing (Scale 1:500) showing the provision of a footway to the rear of the perpendicular parking spaces sited in the vicinity of Plots 201-204.

Thereafter, the development shall be provided in accordance with the approved details unless otherwise agreed in writing with the Council as planning authority.

Reason: To ensure provision of a road network within Site R2 which operates safely and efficiently for the benefit of all road users, including for pedestrians and cyclists.

37. No works shall commence on Phase 2 (Site R3) until the following has been 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 provision of a footway to the rear of the perpendicular parking spaces sited in the vicinity of Plots 191-202; and
- ii) a detailed drawing (Scale 1:500) showing the provision of a temporary pedestrian and cycle route between Site R3 and Bilbohall Road details along with details of the timescale for the provision of the temporary route.

Thereafter, the development shall be provided in accordance with the approved details unless otherwise agreed in writing with the Council as planning authority.

Reason: To ensure provision of a road network within Site R3 which operates safely and efficiently for the benefit of all road users, including for pedestrians and cyclists and to provide access for pedestrians and cyclists from Site R3 to the existing road network to the north of the site.

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

- a) A Construction Traffic Management Plan which shall include the following information:
 - duration of works;
 - construction programme;
 - number of vehicle movements (i.e. materials, plant, staff, components);
 - anticipated schedule for delivery of materials and plant;
 - full details of construction traffic routes from the Strategic Road Network (A941/A96) to the site, including any proposals for temporary haul routes and routes to be used for the disposal of any materials from the site. (Note Construction vehicles will not be permitted to access the site via the Railway Bridge to the north of the development, unless those vehicles are associated with the works

required for the upgrading and junction improvement at Bilbohall Road/Mayne Road/Fleurs Road/Wards Road);

- measures to be put in place to prevent material being deposited on the public road;
- measures to be put in place to safeguard the movements of pedestrians, in particular safeguarding movements to the play area to the west of Bilbohall Road;
- traffic management measures to be put in place during works including any specific instructions to drivers; and
- parking provision, loading and unloading areas for construction traffic.
- Details of how the plan will be managed and monitored.

And

b) Any temporary construction access which shall include the following information:

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

Thereafter, the construction of the development shall be implemented in accordance with the approved details, unless otherwise agreed with the Council, as Planning Authority in consultation with the Roads Authority.

Reason: To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site, road safety and the amenity of the area/adjacent properties

39. No boundary fences, hedges, walls or any other obstruction whatsoever over 0.9m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway, measured from the level of the public carriageway, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

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

40. No fences, planting/hedges, walls or any other obstruction whatsoever over 0.3m measured from the level of the public carriageway shall be permitted within any 'forward visibility' areas or any visibility splays crossing plot boundaries within all areas of the residential development, unless otherwise

agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

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

41. Parking provision for Phases 1 and 4 (Sites R2 and R7) shall be provided in accordance with the Parking Provision drawings 20197-GA-202 Rev A and 20197-GA-302 Rev A respectively and thereafter no house or flat shall be occupied until parking has been provided and made available for use by that house or flat. The parking arrangements shall be retained and maintained in perpetuity as parking spaces for use in conjunction with that house or flat hereby approved.

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

42. No development shall commence on Phase 2 (Site R3) until the following details for Car Club provision has been submitted for approval by the Planning Authority in consultation with the Roads Authority:
- Written evidence of an agreement with a registered Car Club provider to operate a minimum of two vehicles within the development;
 - Details of promotion of Car Club membership to tenants, including free/discounted membership to incentivise use of the Car Club; and
 - A program for the evaluation of the first five years of the operation of the Car Club to evaluate its effectiveness in reducing car ownership, including an annual parking survey to be undertaken by the Registered Social Landlord to an agreed scope.

Thereafter the Car Club shall be operated and evaluated in accordance with the approved details.

Reason: In the interests of an acceptable form of development and the provision of a Car Club service to support the use of lower parking standards within Site R3, through the provision of details currently lacking from the submission.

43. Parking provision for Phase 2 (Site R3) shall be provided in accordance with the Parking Provision drawing 20197-GA-102 Rev A and thereafter no house or flat shall be occupied until parking has been provided and made available for use by that house or flat. The parking arrangements shall be retained and maintained in perpetuity as parking spaces for use in conjunction with that house or flat hereby approved, unless;
- i) the annual surveys as set out in the approved Site R3 Parking Provision document provide evidence of parking demand exceeding parking supply; or
 - ii) the Car Club provider withdraws the service from within the site and no replacement provider is secured within 90 days unless otherwise agreed in writing by the Council, as Planning Authority.

Thereafter additional parking spaces shall be provided at locations where evidence of parking demand exceeding parking supply is identified within the abovementioned annual surveys, or in the case of the withdrawal of the Car club service, all additional parking spaces are provided in accordance with Drawing 20197-GA-102 Rev A within a period of six months from the date of the identification of the need for the additional parking spaces, unless otherwise agreed in writing with the Planning Authority in consultation with the Roads Authority. Thereafter the revised parking arrangements shall be retained and maintained in perpetuity as parking spaces for use in conjunction with that house or flat hereby approved unless otherwise agreed in writing with 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.

44. Prior to commencement of works for each phase of development the following details for Electric Vehicle charging provision shall be submitted for approval by the Planning Authority in consultation with the Roads Authority:

- Statement/specifications to confirm that the EV charging supply and cabling provisions for each plot will be suitable for the connection of a 7Kw 'Fast' type charging unit as a minimum.
- Design/specifications for the proposed mounting/installations to be provided for any future EV charging points which would not be mounted on a wall.

Thereafter the development shall be completed in accordance with the approved details before occupation of the unit to which the charging provision relates.

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 from the submission.

45. Driveways over service verges shall be constructed to accommodate vehicles and shall be surfaced in a hard material, for example bituminous macadam, or lock block pavements.

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

46. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any amendments to this order) all service strips along plot frontages shall be kept free from any obstruction and no amendments to the approved planting shall be permitted unless otherwise agreed in writing with the Council as planning authority.

Reason: To ensure an acceptable form of development and effective roads drainage infrastructure is provided and safeguarded.

8. 21/00186/PAN

South West Extension of Cobble and Sand Quarry Comprising Circa 15 Hectares at Lossie Forest Quarry

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) had been submitted on 11 February 2021 on behalf of Tennants (Elgin) Limited.

During her introduction, Ms MacDonald, Senior Planning Officer advised that a revised PAN for the same development has been received and will be brought to the next meeting of this Committee for consideration. This was noted.

Having considered the proposal, Councillor Feaver noted that the proposal is close to an established pond system therefore, in terms of biodiversity and wildlife, asked that the Applicant arrange for an ecological survey to be carried out.

In response, Ms MacDonald, Senior Planning Officer advised that a full environmental statement was expected with the planning application and that she would forward Councillor Feaver's comments on to the Applicant.

Thereafter, the Committee agreed:

- (i) to note a revised PAN for the same development has been received and will be brought to the next meeting of this Committee for consideration;
- (ii) to note the terms of the report and asked that the following provisional view/relevant issue be recorded and forwarded to the Applicant in order to inform the development of their proposed formal application for planning permission:
 - (a) with regard to biodiversity and wildlife, confirmation that an ecological survey will be carried out as the proposal is close to an established pond system;
- (iii) 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.

9. 20/01648/PAN

Proposed Residential Development, Landscaping and associated Infrastructure At R8 and Long 1, Buckie

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) had been submitted on 3 December 2020 on behalf of Springfield Properties PLC.

Having considered the proposal, Councillor Warren stated that the site in question was an isolated site with significant connectivity issues and that the development would add traffic pressure at the existing mini roundabout at St Andrews Square therefore asked that the Applicant be notified of her concerns and further asked that the Applicant give consideration to the provision of a parking space for a car club car.

Councillor Feaver advised that Councillor Eagle had asked that the Applicant consider the following points when submitting the planning application:

- transport pressure on St Peters Road to the south of the development which is putting strain on Netherha Road where traffic has to cross the same bridge (only one to the south of the A98 on West Church Street);
- Active Travel - consideration be given to a new pedestrian bridge or a new road bridge across the Burn of Buckie as currently members of the public are required to walk to the south of the town to cross the burn;
- 20 minute neighbourhoods - The closest shop to the area is a small corner shop on St Pauls Street which is approximately a 20 minute walk (one way) from the development so there is a requirement for a new shop in this area or near the Alba Road development.
- consideration be given to the provision of a community centre/hall/church as the new development appears to consist of only houses;
- Play parks – consideration be given for a suitably located play park whilst offering more for older children eg a small multi-sports pitch and an undercover meeting space for older young people

In response, Mr MacPherson, Principal Planning Officer advised that he would forward on these concerns 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:
 - (a) concern that this is an isolated site with limited connectivity routes;
 - (b) traffic pressure points at the mini roundabouts at St Andrews Square;
 - (c) consideration of parking for a car club car;
 - (d) transport pressure on St Peters Road to the south of the development which is putting strain on Netherha Road where traffic has to cross the same bridge (only one to the south of the A98 on West Church Street);
 - (e) Active Travel - consideration be given to a new pedestrian bridge or a new road bridge across the Burn of Buckie as currently members of the public are required to walk to the south of the town to cross the burn;
 - (f) 20 minute neighbourhoods - The closest shop to the area is a small corner shop on St Pauls Street which is approximately a 20 minute walk (one way) from the development so there is a requirement for a new shop in this area or near the Alba Road development.
 - (g) consideration be given to the provision of a community centre/hall/church as the new development appears to consist of only houses;
 - (h) Play parks – consideration be given for a suitably located play park whilst offering more for older children eg a small multi-sports pitch and an undercover meeting space for older young people;
- (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.

10. 20/01755/PAN

Aerospace Advanced Technology and Innovation Centre (Use Classes 4: Business, Class 5: General Industrial, Class 6: Storage And Distribution and Class 10: Non Residential Institution) on Land Adjacent to RAF Lossiemouth

Under reference to paragraph 5 of the Minute of the special meeting of the Planning and Regulatory Services Committee dated 8 December 2020, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) had been submitted on 16 November 2020 on behalf of Highlands and Islands Enterprise with a proposal to expand the red line boundary area to include additional land to the south of Drainie Road and extend the proposed uses to include Class 10: Non-Residential Institutions.

Following consideration, the Committee agreed:

- (i) to note the terms of the report in respect of a Proposal of Application Notice (PAN) for an Aerospace Advanced Technology and Innovation Centre on land adjacent to RAF Lossiemouth; and
- (ii) that there were no provisional views/relevant issues on the PAN from any Member of the Council.

11. 20/01770/PAN

Proposed Residential Development, Landscaping and Associated Development on Land at Glassgreen, Elgin

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) had been submitted on 23 December 2020 on behalf of Springfield Properties PLC.

Having considered the proposal, Councillor R McLean raised concern that a further access will be required to the A941.

In response, Ms MacDonald, Senior Planning Officer advised that she would pass on Councillor R McLean's comment 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:
 - a) concern that a further access will be required to A941;
- (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. 20/01026/S36

Proposed Wind Farm Extension (9 Turbines Up To 149.9m High) at Berry Burn Wind Farm, Dunphail, Forres, Moray

During consideration of this item, the Committee observed a minute's silence and joined the national reflection to remember those lost to Covid.

Councillor Nicol, being Treasurer of the Rothes Community Council declared an interest during consideration of this item and took no part in the decision.

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to consider the consultation received from the Energy Consents Unit (ECU) of the Scottish Government in relation to an Electricity Act 1989 Section 36 application (which includes deemed planning permission) for a new windfarm. This Section of the Electricity Act relates to consenting onshore electricity generation.

Having considered the proposal, Councillor Brown stated that he was surprised that Officers were recommending that the Committee raise no objection to the proposed wind farm extension as, in his opinion, the proposal did not comply with policies DP1 and DP9 for the following reasons:

- Significant adverse effect on views detailed on page 97 of the report which fails to comply with policy DP1 (Development Principles)
- The proposal will overwhelm the landscape as detailed on page 99 of the report which fails to comply with policy DP9 (Renewable Energy).

Councillor Brown therefore moved that the Committee object to the Section 36 Application as it breaches the above policies. This was seconded by Councillor R McLean.

The Legal Adviser advised that the Committee should be mindful of agreeing a position which is contrary to the recommendation of the Appointed Officer as this would trigger a Public Inquiry where Councillors Brown and R McLean would have to defend the Council's reasons for objecting to the proposal.

The Head of Economic Growth and Development further advised that Councillor Brown would have to mention in his motion the specific areas where he considered there was a significant cumulative impact as this will be required at the Public Inquiry. He further highlighted the significant cost to the Council if required to take part in a Public Inquiry.

Councillor Brown stated that the proposed wind turbines are 495ft which could be viewed from the Moray Firth. He stated that the proposal would be a significant cumulative impact to the landscape on views from the B9020 near Tor Castle and on views seen whilst travelling on the minor road between Dallas and Upper Knockando due to the existing wind farm. With regard to views from Carron and Upper Knockando, he noted that up to 9 turbines will be visible and probably above hub height given the distance of intervening forestry in views from Cottage Road near Upper Knockando and on views from the B9010 near Tor Castle the views would be a prominent feature on the skyline seen directly above the small settlement of Dallas. Councillor Brown was of the view that the proposal, in combination with the operational Berry Burn, Rothes I and II and Paul's Hill I and II wind farms would be a significant cumulative impact to the landscape of the area therefore moved that the Committee object to the Section 36 application 20/01023/S36 as the proposal breaches policies DP1 (Development Principles) and DP9 (Renewable Energy) of the Moray Local Development Plan (MLDP) 2020. This was seconded by Councillor

R McLean who stated that the effect of the proposal on the landscape would be evident across Moray.

Councillor A McLean agreed with the view of the Appointed Officer and moved that the Committee agree recommendations i) and ii) as printed within the report. This was seconded by Councillor Bremner.

On a division there voted:

For the Motion (5):	Councillors Brown, R McLean, Feaver, Macrae and Powell
For the Amendment (6):	Councillors A McLean, Bremner, Cowe, Cowie, Taylor and Warren.
Abstentions (0):	Nil

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

- i) to note the contents of the report, as set out in Appendix 1, including the conclusions about the planning and wider merits of the development (see Section 4 below) where taking into account the Moray Local Development Plan 2020 and all material considerations including the presence of an existing windfarm at Berryburn, it is recommended that subject to the conditions/informatives contained with Appendix 1, Moray Council does not object to the Section 36 application;
- ii) if the proposal is to be approved by the Energy Consents Unit, to seek further involvement in the formulation of any final list of conditions (such as those related to noise) and delegate authority to officers in this event.

13. PLANNING POLICY GUIDANCE – MORAY LOCAL DEVELOPMENT PLAN 2020

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to approve planning policy guidance on parking requirements for Primary Policy 1 (PP1) Placemaking, enabling development for EP10 Listed Buildings, a definition on technically unfeasible for policy EP7 Forestry, Woodlands and Trees, and a Placemaking Statement template.

During her introduction, the Principal Planning Officer (Strategic Planning and Development) advised the Committee of a typo on page one of the Planning Policy Guidance which should read side, not site. This was noted.

Following consideration, the Committee agreed:

- (i) to approve the planning policy guidance for the Moray Local Development Plan (MLDP) 2020 as set out in Appendix 1 of the report subject to the correction of a typo on page 1 which should read side, not site;
- (ii) that the planning policy guidance will be used as a material consideration in the determination of planning applications; and
- (iii) to note that this planning policy guidance will be combined with the guidance approved by this Committee in September and November 2020 into one document.

14. SUSPENSION OF STANDING ORDERS

Councillor Nicol re-joined the meeting at this juncture.

The Chair sought the agreement of the Committee to suspend Standing Order 75 to allow the meeting to continue beyond 12:45 pm. This was unanimously agreed.

15. DEVELOPMENT PLAN SCHEME 2021 – MORAY LOCAL DEVELOPMENT PLAN 2025

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to consider the current timetable for the preparation of the Local Development Plan (LDP) 2025 and to agree that the Development Plan Scheme (DPS) is submitted to the Scottish Government.

Following consideration, the Committee agreed:

- (i) the Development Plan Scheme for 2021, as set out In Appendix 1 of the report and that the Scheme is submitted to the Scottish Government;
- (ii) to note the new process for preparing local development plans and the need for evidence base to be completed to inform the Evidence Report to be drafted by January 2023; and
- (iii) that a members workshop is held in late 2021 to consider the implications arising from draft National Planning Framework 4 for the Moray Local Development Plan 2025.

16. INDICATIVE REGIONAL SPATIAL STRATEGY FOR MORAY

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to agree the revised indicative Regional Spatial Strategy (iRSS) for Moray to be submitted to the Scottish Government by the end of April 2021.

During his introduction, the Strategic Planning and Development Manager advised that there should be reference to the proposed pollination corridor along the A96 dualling route and that this would be added to the indicative Regional Spatial Strategy prior to submission to the Scottish Government. This was agreed.

During discussion, it was noted that improvements were required to Buckie Harbour to support the Offshore Renewable industry and it was queried whether consideration could be given to improving road connectivity and public transportation to the harbour as well as the installation of a strategic charging interlink.

In response, the Strategic Planning and Development Manager advised that he would have further consultation with Buckie Ward Members and the Transportation Service in this regard.

Thereafter, the Committee agreed:

- (i) to note the feedback to planning authorities on indicative Regional Spatial Strategies and the invitation to review and submit revised Strategies by the end of April 2021; and
- (ii) the revised indicative Regional Spatial Strategy in Appendix 1 subject to:
 - inclusion of reference to the proposed pollination corridor along the A96 dualling route; and
 - further consultation with Buckie Ward Members and the Transportation Service in relation to improving road connectivity and public transportation to the Harbour as well as the installation of a strategic charging interlink.

17. ELGIN SOUTH MASTERPLAN UPDATE 2021

Under reference to paragraph 6 of the Minute of the meeting of the Planning and A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to agree the draft Elgin South Masterplan Update for public consultation.

Following consideration, the Committee agreed:

- (i) the draft Elgin South Masterplan Update for public consultation;
- (ii) to note the remaining Traffic Modelling work and primary school ground conditions work which will inform the final version of the Masterplan; and
- (iii) that the consultation responses, the outcomes of traffic modelling and primary school ground conditions work are reported back to a future meeting of this Committee.

18. QUESTION TIME

There were no questions raised.

19. UNAUTHORISED ERECTION OF FENCE AT RESIDENTIAL PROPERTY IN ELGIN [PARA 12]

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the unauthorised erection of a fence on top of an existing 1.0m high wall at a residential property in Elgin.

Councillor R McLean noted that a fence requires planning permission however a hedge does not and, as the fence was only 80 cm, moved that no planning enforcement action be taken as it is not in the public's interest to do so. This was seconded by Councillor Brown.

Councillor A McLean noted that the reason for the recommended enforcement action was due to road safety which, in his opinion was in the public's interest therefore moved as an amendment that the Committee agree the recommendations as printed within the report. This was seconded by Councillor Cowie.

On a division there voted:

For the Motion (4):	Councillors R McLean, Brown, Macrae and Powell
For the Amendment (8):	Councillors A McLean, Cowie, Bremner, Cowe, Feaver, Nicol, Taylor and Warren.
Abstentions (0):	Nil

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

- (i) Officers would issue 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 timber fence extension to the existing wall along the entire length of the north boundary and the west boundary for at least 2.4 m back from the back of the footway and reduce the remaining fence to no more than 0.2m in height within 6 weeks from the date that the Enforcement Notice taking effect; and
- (ii) should the Notice not be complied with then authority is given to take direct action to remove the fence.