

# MORAY COUNCIL

## Minute of Meeting of the Planning and Regulatory Services Committee

18 May 2021

### Various Locations via Video Conference

#### **PRESENT**

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

#### **APOLOGIES**

Apologies were intimated on behalf of Councillor Brown

#### **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 L MacDonald, Senior Planning Officer, Legal Services Manager and Mrs L Rowan, Committee Services Officer as Clerk to the Committee.

### **1. SEDERUNT**

The Chair stated that, although the sederunt did not reflect that Councillor Divers was a member of the Planning and Regulatory Services Committee, this was an error and Councillor Divers had been appointed to the Committee from 1 April 2021 and welcomed Councillor Divers back onto the Committee. This was noted.

### **2. 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 or any declarations of Member's interests in respect of any item on the agenda.

### **3. MINUTE OF THE PLANNING AND REGULATORY SERVICES COMMITTEE DATED 23 MARCH 2021**

Under reference to paragraph 6 of the minute of the meeting of the Planning and Regulatory Services Committee dated 23 March 2021, Councillor Feaver raised a point of accuracy and sought clarification from the Chair as to whether he had suggested holly as a variety of hedgerow. In response, the Chair stated that he had suggested holly and asked that the minute be updated to reflect this. This was agreed.

Thereafter the minute of the Planning and Regulatory Services Committee dated 23 March 2021 was submitted and approved subject to the inclusion of holly as a variety of hedgerow at paragraph 6 of the minute.

#### 4. WRITTEN QUESTIONS

The Committee noted that no written questions had been submitted.

#### 5. PLANNING APPLICATION 20/01251/MIN

##### Ward 2 – Keith and Cullen

##### **Proposed hard rock quarry and mineral processing area extraction area 1.99Ha at Backmuir Keith Moray AB55 5PE for Backmuir Trading Limited**

A report by the Appointed Officer recommended that, for reasons detailed in the report, planning permission be granted for an application for a proposed hard rock quarry and mineral processing area extraction area 1.99Ha at Backmuir Keith Moray AB55 5PE for Backmuir Trading Limited.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the site exceeds 2 hectares.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 20/01251/MIN subject to the following conditions and reasons:

1. Unless otherwise agreed in writing with the Council, as Planning Authority, the approval hereby granted is for a limited period only expiring 30 years from the date of this consent. This permission consists of a 29 year period for extraction with the final year to be solely for the purposes of site restoration and planting. If the quarry is exhausted sooner than this period, then the full restoration must be carried out within 12 months from when mineral extraction ceases.

**Reason:** In order that the Council, as Planning Authority may retain control over the use of the site and to ensure that further consideration can be given to the operation, effects and impact of the use approved herewith on the amenity and character of the area.

2. The quarries operations must be carried out in accordance with the updated Site Specific Management Plan, submitted in December 2020, and in particular the mitigation measures for environmental, amenity traffic, health and safety impacts arising from the quarrying operation.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

3. Prior to the commencement of works a detailed restoration and aftercare plan shall be submitted to and approved in writing by the Council, as Planning Authority (in consultation with SEPA) and all work shall be carried out in accordance with the said scheme.

The restoration and aftercare plan, must be based upon the approved Remediation Strategy and include;-

- a) detailed landscaping proposal identifying the specific number, species and location of tree and shrub planting so as to maximise biodiversity and

- replace felled trees;
- b) details of the specific wetland planting to enhance the biodiversity of the approved pond;
  - c) further mitigation and habitat enhancements recommended in the Habitat Survey namely a variety of bat/bird boxes;
  - d) details of any proposals for phased working and progressive restoration where possible;
  - e) measures to replace within 5 years of planting any trees that are damaged, become diseased or die.

**Reason:** To retain control over this temporary form of development and ensure that the site is appropriately restored in the interests of the protection of the environment.

- 4. The development shall not become operational until vehicle wheel cleansing facilities have been installed and brought into operation on the site, the design and siting of which shall be subject to the prior written approval of the Council, as Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority. Thereafter, the vehicle wheel cleansing facilities shall be in operation for the lifetime of the quarry.

**Reason:** To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

- 5. The 'control measures' identified in section 4 of the submitted Local Residential Amenity Impact Management Method Statement to mitigate the effect of quarrying on local residents, must be adhered to throughout the lifetime of the quarry.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

- 6. The 'control measures' identified in section 5 of the submitted Noise Management Method Statement to mitigate the effect of quarrying on local residents, must be adhered to throughout the lifetime of the quarry.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

- 7. The measures identified in the submitted Tree Protection Plan must be adhered to as the quarry is being established.

**Reason:** In order to ensure protection of neighbouring trees that add the biodiversity and visual screening of the quarry.

- 8. All quarry operations shall be carried out and permitted between 0800 - 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, notwithstanding the separate time periods in condition 9 as it specifically relates to blasting times. There shall be no quarry operations on Bank Holidays or National Holidays.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

9. During the normal daytime working hours defined in the above condition, the free-field Equivalent Continuous Noise Level (LAeq, 1h) for the mineral extraction, processing and dispatch of products, (excluding bund formation, soil and overburden handling activity, and drilling operations), shall not exceed the greater of 45dB(A) or 10 dB above the existing background sound level for operations, as measured at any existing noise sensitive property. The existing average background sound levels (L A 90) are confirmed in Tables 1.1 to 1.3 of the Noise Impact Assessment supporting document by Vibrock Limited, Shanakeil, Ilkeston Road, Heanor, Derbyshire, dated 9 February 2021, Report Ref. R21.10820/3/AF and titled "Assessment of Environmental Impact of Noise at Backmuir Quarry, Moray."

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

10. During the normal daytime working hours defined in the condition above, the free-field Equivalent Continuous Noise Level (LAeq, 1h) for the mineral extraction, processing and dispatch of products, in combination with drilling operations (and excluding bund formation, soil and overburden handling activity), shall not exceed 55dB(A), as measured at any existing noise sensitive property, and be limited to a period not exceeding 15 days in any calendar year.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

11. The proposed noise attenuation bunds shall be installed at the locations and heights as described in the supporting document drawing by Fairhurst, dated 10 February 2021, Drawing No. 135521/8106 and titled "Backmuir Quarry, Keith. Proposed Noise Attenuation Bund." Noise from soil and overburden handling and other works in connection with landscaping the noise attenuation bunds, 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. This proposed noise attenuation bunds shall be maintained throughout the lifetime of quarrying operations at the development.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

12. At the reasonable request of the Council, as 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 thereafter be forwarded to the Council, as Planning Authority. In the event that the results of the subsequent monitoring confirms noise levels exceeding that in the above noise limit conditions, further timeous mitigation measures will be required to be identified in a scheme agreed in writing by the Council, as Planning Authority, in consultation with the Environmental Health Manager, and

thereafter implemented.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area. Also to allow further controls to protect neighbouring amenity if required.

13. Prior to the commencement of any blasting operations a scheme for the monitoring of blasting including the location of monitoring points and equipment to be used shall be submitted to the Council, as Planning Authority for written approval. All blasting operations shall take place only in accordance with the scheme as approved or with such subsequent amendments as may receive the written approval of the Council, as Planning Authority.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

14. Ground vibration as a result of blasting operations at the development shall not exceed a peak particle velocity of 6 mms-1 at 95% of all blasts over a 12 month period, and no individual blast shall exceed a peak particle velocity of 10mms-1, as measured at vibration sensitive third party dwellings. The measurement shall be the maximum of 3 mutually perpendicular directions taken at the ground surface at any vibration sensitive third party dwelling.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

15. No blasting shall be carried out on the site except between the following times (1000 and 1200 hours) and (1400 and 1600 hours) Monday to Friday and (1000 and 1200 hours) on Saturday.

There shall be no blasting or drilling operations on Sundays, Bank Holidays or National Holidays.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

16. The above condition shall not apply in cases of emergency when it is considered necessary to carry out blasting operations in the interests of safety. The Council, as Planning Authority shall be notified in writing immediately of the nature and circumstances of any such event.

**Reason:** In order to ensure that, if necessary, blasting may take place in the interests of safe working.

17. Dust emissions associated with the development shall be suitably managed and mitigated by adhering to the submitted scheme in the supporting document by Fairhurst dated 14 September 2020 and titled "Backmuir Quarry Dust Management Method Statement, Project Reference 137251".

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

18. Notwithstanding the submitted details, no works shall commence until the following has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:

- a) Detailed drawings (Scale 1:500 minimum) showing the location, design specifications and timescale for the provision of a passing place on the public road, minimum length of 25 metres with 15 metre long tapers at each end and a minimum width of 6.0 metres with a minimum verge width to the rear of the passing place of 1.0 metres.
- b) Detailed drawings (Scale 1:500 minimum) showing the provision of a clear line of sight between the western end of the passing place and a point on the centreline of the development access 25 metres back from the edge of the public carriageway. The area of land between the public road, development access and sightline shall be kept clear of any obstruction above 1.0 metres in height measured from the level of the public carriageway for the lifetime of the development.
- c) Detailed drawings (Scale 1:500 minimum) showing the design specifications and timescale for the upgrading of the development access onto the public road for a minimum distance of 15 metres measured from the edge of the public carriageway and covering the widened area identified by the vehicle swept path analysis (Fairhurst drawing no 137521/1002 Rev A) and the provision of Hot Rolled Asphalt overlay on the entire width of the A43bH Backmuir Road for a minimum distance of 25 metres either side of the centreline of the development access.

Thereafter the passing place, access improvements, over-lay and sightline between the passing place and development access shall be provided in accordance with the approved details and agreed timescales.

**Reason:** To ensure provision of a safe and suitable access for vehicles, including the provision of a safe passing place and inter-visibility between the passing place and vehicles using the development access in the interests of road safety.

## **6. PLANNING APPLICATION 21/00115/APP**

### **Ward 2 – Keith and Cullen**

#### **Section 42 Planning Application for a variation of Condition 1 of Planning Permission ref 10/01801/MIN to extend duration of operations until 22nd September 2026 at Cairdshill Quarry, Keith, Moray, AB55 5PA for Tarmac Caledonian Ltd**

A report by the Appointed Officer recommended that, for reasons detailed in the report, planning permission be granted for an application for a Section 42 Planning Application for a variation of Condition 1 of Planning Permission ref 10/01801/MIN to extend duration of operations until 22nd September 2026 at Cairdshill Quarry, Keith Moray, AB55 5PA for Tarmac Caledonian 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 under the Hierarchy Regulations 2009 because the site area exceeds 2 ha.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 21/00115/APP subject to the following conditions and reasons:

1. The approval hereby granted is only for a limited period expiring on 22 September 2026.

**Reason:** In order that the Council, as Planning Authority may retain control over the use of the site and to ensure that further consideration can be given to the operation, effects and impact of the use approved herewith on the amenity and character of the area.

2. On expiry of the consent or completion of extraction, whichever is the sooner, all buildings, plant and machinery and other materials brought onto the site during extraction shall be removed and the site shall be restored in accordance with the approved plans within a period of 6 months to the satisfaction of the Council, as Planning Authority unless otherwise agreed.

**Reason:** In the interests of visual amenity and to ensure the proper reinstatement of the site.

3. Unless otherwise agreed with the Council, as Planning Authority an Aftercare Scheme, showing such steps as may be necessary to bring the site to the standard required for sustaining the restoration proposals (as detailed in accompanying drawing number C161/21 and the Landscape and Visual Report prepared by Pleydell Smithyman Ltd), shall be submitted for the approval of the Council, as Planning Authority not later than 1 year prior to the date on which it is expected that Condition 2 will be complied with and the Aftercare Scheme shall show:

- a) The steps to be taken and the period during which they are to be taken; and,
- b) That the aftercare of the site shall be carried out in accordance with the Aftercare Scheme.

**Reason:** In the interests of visual amenity and to ensure the proper reinstatement of the site.

4. Unless otherwise agreed with the Council, as Planning Authority:
  - a) The mobile plant and stockpiles shall be maintained in their present positions at the lowest level available in the view of the Council, as Planning Authority.
  - b) Stockpiles shall be no higher than 8 metres.

**Reason:** In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.

5. Unless otherwise agreed with the Council, as Planning Authority the annual rate of extraction shall not exceed 75,000 tonnes.

**Reason:** In order to retain control over the working of the site and its impact on the area.

6. Unless otherwise agreed with the Council, as Planning Authority all vehicles leaving the site shall turn right (east) towards the A96.

**Reason:** In the interests of road safety.

7. If in the view of the Council, as Planning Authority unacceptable amounts of material are carried onto the public road from the site then;
  - a) plans shall be submitted for the approval of the Council, as Planning Authority showing details of vehicle wheel washing facilities; and,
  - b) any wheel washing facilities approved shall be put in place, to the satisfaction of the Council, as Planning Authority, no later than 2 months from the date of their approval.

**Reason:** To ensure acceptable development that does not create any hazard to road users in the interests of road safety.

8. That, notwithstanding the provisions of Paragraphs 1a and 1b of Class 55 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, a planning application will be required for the installation of any further buildings (toilets etc.) not specified in this or any previous planning approvals and permitted development rights under this Class are hereby withdrawn.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

9. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) any proposal to install any additional plant or machinery at the site shall require planning consent.

**Reason:** In the interests of amenity and effective planning control and in order to control any processing of material on site.

10. Unless otherwise agreed by the Council, as Planning Authority, the development works shall be implemented in accordance with the blasting regime set out in document entitled "Cairdshill Quarry, Environmental Statement for Drilling and Blasting Operations dated 13 December 2010", prepared by Bam Ritchies, which was previously submitted for approval on 14 June 2011.

**Reason:** In order to control these effects of the working on the amenity of the area.

11. Ground vibration as a result of blasting operations to form borrow pits at the site shall not exceed a peak particle velocity of 10mms<sup>-1</sup> in 95% of all blasts and no individual blast shall exceed a peak particle velocity of 12mms<sup>-1</sup> as measured at vibration sensitive buildings. The measurement shall be the maximum of 3 mutually perpendicular directions taken at the ground surface at any vibration sensitive building.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.



12. Unless otherwise agreed by the Council, as Planning Authority, the development works shall be implemented in accordance with the dust regime set out in document entitled "Cairdshill Quarry, Environmental Statement for Drilling and Blasting Operations dated 13 December 2010", prepared by Bam Ritchies, which was previously submitted for approval on 14 June 2011.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

13. Unless otherwise agreed with the Council, as Planning Authority, noise emissions from the site shall not exceed the background level by more than 5 dBA measured at the nearest noise sensitive dwelling.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

14. Unless otherwise agreed with the Council, as Planning Authority there shall be no working at the site outwith the hours of 7 am to 6 pm on Mondays to Fridays and 7 am to 12.30 pm on Saturdays. Any occasional working which may be required outwith these hours shall be agreed, in advance, with the Council, as Planning Authority.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

15. Within 3 months of the date of this permission, a Site Specific Management Plan shall be submitted to and approved in writing by the Council, as Planning Authority. The Plan shall cover all site specific environmental sensitivities, pollution prevention and mitigation measures identified to avoid or minimise environmental effects including (but not limited to) groundwater, surface water, waste management, noise and dust impacts associated with the development.

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

**Reason:** In order to minimise the impacts of the mineral extraction works on the environment and ensure up-to-date operating and environmental standards on site.

## **7. PLANNING APPLICATION 21/00181/APP**

### **Ward 5 – Heldon And Laich**

#### **Section 42 Planning Application to Vary Condition 1 of Planning Permission 15/01768/APP to extend duration of working for a further 5 years Auchtertyre Quarry, Elgin, Moray for Tarmac Caledonian Ltd**

A report by the Appointed Officer recommended that, for reasons detailed in the report, planning permission be granted for an application for a Section 42 Planning Application to Vary Condition 1 of Planning Permission 15/01768/APP to extend duration of working for a further 5 years Auchtertyre Quarry, Elgin, Moray for Tarmac Caledonian 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 under the Council's Scheme of Delegation and also under the Hierarchy Regulations 2009 as it relates to mineral development on a site that exceeds 2ha.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 21/00181/APP subject to the following conditions and reasons:

1. The permission hereby granted shall be for a limited period only and shall cease on 28 February 2026 (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 4 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, to enable the Council, as planning authority 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 of the site and surrounding area together with securing removal of all site infrastructure used in the extraction process prior to embarking upon the restoration of the site.

- 2 As part of the development hereby approved:
  - a) the permission hereby granted is for the extraction of sand and gravel only;
  - b) there shall be no extraction of sand and gravel below the level (46m AOD) shown on the approved drawings (A052/00027 and 00028) or within any groundwater encountered;
  - c) notwithstanding the provisions of Class 55, Part 16 of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 as amended, no (fixed) buildings/structures, plant or machinery etc. shall be installed, erected or operated on the site without the prior written approval of the Council, as planning authority;
  - d) prior to expiry of the permission or upon completion of extraction, whichever is the sooner, all buildings/structures, plant and machinery including mobile plant and machinery, etc. shall be permanently removed from the site;
  - e) the extraction of sand and gravel shall proceed progressively in an easterly direction across the site (drawing A052/00024 refers);
  - f) sub-soil and top-soil shall be stripped and stored separately, in accordance with details which shall be submitted to and approved by the Council, as planning authority prior to the commencement of the

development regarding the location and maximum height of all stockpiles of stored soil materials (and where the latter should not exceed 6m as measured from the base level of the excavated quarry area (46m AOD as shown, drawings A052/ 00027 and 00028 refer));

- g) there shall be no washing or other processing of the extracted material on the site;
- h) all vehicles entering/leaving the site shall use the existing site access (as identified on drawing A052/00023);
- i) the annual rate of extraction shall not exceed 60,000 tonnes, and the operator shall maintain monthly records of output/production from the excavated area, to be made available to the Council, as planning authority at any time and on request;
- j) there shall be no working at the quarry outwith the hours of 07:30 - 17:00, Monday to Friday, and 07:30 - 12:00 noon, Saturdays unless with the prior written approval of Council, as planning authority;
- k) on expiry of the permission or completion of extraction, whichever is the sooner, the site shall be restored to agricultural grassland (see Condition 4).

**Reason:** To ensure the operation of the quarry continues to progress in an environmentally acceptable manner (and in accordance with the terms of previous permissions granted at the site) and in the interests of the amenities and appearance of the development and the surrounding area.

- 3 No development shall commence until a Site Specific Management Plan has been submitted to and approved in writing by the Council, as planning authority in consultation with SEPA. The plan shall cover all site specific environmental sensitivities, pollution prevention and mitigation measures identified to avoid or minimise environmental effects including (but not limited to) groundwater, surface water, waste management, noise and dust impacts associated with the development.

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

**Reason:** In order to minimise the impacts of the mineral extraction works on the environment and ensure up-to-date operating and environmental standards on site.

- 4 Notwithstanding the indicative final site restoration details shown on A052/00025 (which are not approved), at least one (1) year prior to mineral workings ceasing on the site and prior to any phased restoration works, a Site Specific Restoration and Aftercare Plan shall be submitted to and approved in writing by the Council, as planning authority in consultation with SEPA. The plan shall include (but not be limited to) the following information:

- proposals for phased working and progressive restoration;
- existing and proposed finished ground levels relative to a fixed datum;
- surface water drainage arrangements;

- details of any buffer strips between the works and any water features, wetlands or peatlands on site and other measures to minimise pollution;
- demonstration that the restoration proposals will not have a detrimental impact on the water environment, including groundwater quality and quantity and an assessment of the effect that any backfilling below the water table will have on groundwater flow;
- a programme for the completion of the restoration and subsequent maintenance arrangements.

Thereafter, all site restoration and aftercare works shall be implemented in accordance with the approved plan.

**Reason:** To retain control over this temporary form of development and ensure that the site is appropriately restored in the interests of the protection of the environment.

- 5 The site access onto the C3E Elgin - Pluscarden - Rafford Road shall be maintained at all times throughout the lifetime of the development (unless otherwise agreed in writing with the Council, as Planning Authority) in accordance with section 3.2 of the previously approved Junction Maintenance Scheme, namely:

- the junction will undergo weekly cleaning during operational periods at the quarry, and at the request of Moray Council;
- grass and other vegetation within the verges will be cut to ensure it does not encroach into the visibility splay;
- the ditch located within the southern verge will be cleared from time to time, and at the request of Moray Council, to ensure surface water is channelled from the access track into the ditch and away from the public road; and
- the road surface will be kept under review and where potholes develop, they will be repaired.

**Reason:** To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous materials and surface water in the vicinity of the access, an acceptable development in the interests of road safety and that use of the access does not create any hazard to other roads users.

## 8. 21/00286/PAN

### Proposed School Site at Glassgreen, Elgin

Under reference to paragraph 4 of the Minute of the meeting of this Committee dated 11 November 2014, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) was submitted on 2 March 2021 on behalf of Springfield Properties PLC.

During discussion, Councillor Divers referred to 20/00274/PAN that had been considered by the Committee on 15 September 2020 and raised the same concerns as he had on that occasion in relation to moving the existing 40 mph signage and "Welcome to Elgin" signage, as these are as causing a visibility obstruction to lorry drivers.

During further discussion, Councillor Feaver sought assurance that the proposal will not result in denser housing and reduced green space.

In response, Mrs MacDonald, Senior Planning Officer agreed to forward on these comments to the Developer.

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) consideration be given to moving the existing 40 mph signage and “Welcome to Elgin” signage as these are as causing a visibility obstruction to lorry drivers; and
  - b) assurance that the proposal will not result in denser housing and reduced green space; and
- (ii) 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. 21/00308/PAN**

### **Proposed Erection of a Unit for use Classes 4 (Business) 5 (General Industrial) and 6 (Storage And Distribution) with Maximum Floor Area of 15,000 Sqm, Associated Landscaping, Car Parking and Ancillary Work at Forres Enterprise Park, Forres**

Under reference to paragraph 4 of the Minute of the meeting of this Committee dated 11 November 2014, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) was submitted on 8 March 2021 on behalf of Highlands and Islands Enterprise.

During discussion, Councillor Feaver stated that the Forres Enterprise Park benefits from being surrounded by wooded areas and boundaries which can be used for recreational purposes however noted that the pathway that surrounds the Forres Enterprise Park is in poor repair and asked that consideration be given to a long term action plan to ensure maintenance of the recreational areas.

In response, Mr Smith, Principal Planning Officer agreed to forward on the comment to the Developer.

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) consideration be given to a long term action plan to ensure maintenance of the recreational areas; and

- (ii) 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.

## **10.21/00318/PAN**

### **South West Extension of Coble and Sand Quarry Comprising Circa 15 Hectares at Lossie Forest Quarry**

Under reference to paragraph 8 of the Minute of the meeting of this Committee dated 23 March 2021, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) was submitted on 9 March on behalf of Tennants (Elgin) Limited.

During her introduction, Mrs MacDonald, Senior Planning Officer advised that this proposal is almost identical to PAN (21/00186/PAN) that was considered by this Committee at it's last meeting on 23 March 2021 except that it includes the full extent of the access track to the west of the quarry works.

During discussion, Councillor Cowie sought assurance that the first 15 metres of the access road onto the main road will be surfaced.

In response, Mrs Anderson, Senior Engineer (Transportation) advised that this would be assessed when the planning application is received and upgrades sought if required.

Following consideration, the Committee agreed to note the terms of the report and raised no provisional views/relevant issues in relation to the proposed development

## **11. PROPOSALS FOR REGULATIONS ON LOCAL PLACE PLANS**

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to consider the proposals for regulations on Local Place Plans (LPP) and to agree the proposed response set out in Appendix 1 of the report to be submitted to the Scottish Government.

Following consideration, the Committee agreed:

- (i) to note the proposals for regulations on Local Place Plans published by the Scottish Government; and
- (ii) the response set out in Appendix 1 of the report be submitted to the Scottish Government.

## **12. NATIONAL PLANNING FRAMEWORK 4 – MINIMUM ALL TENURE LAND REQUIREMENT**

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to consider the proposals for setting minimum all tenure housing land requirements for planning authorities in National Planning Framework 4 and to agree the proposed response in Paragraph 4.5 of the report to be submitted to the Scottish Government, with additional evidence.

Following consideration, the Committee agreed:

- (i) to note the proposals for setting minimum all tenure housing land requirements in National Planning Framework 4; and
- (ii) the response set out in Paragraphs 4.4 to 4.6 of the report be discussed with Homes for Scotland and the Housing Market Partnership for submission to the Scottish Government, with additional evidence, before the deadline of 4 June 2021.

### **13. QUESTION TIME**

Councillor A McLean sought clarification as to whether neighbour notification takes place if a path is added to an existing housing development.

In response, the Development Management and Building Standards Manager advised that the neighbour notification process only takes place when a planning application is submitted.