

MORAY COUNCIL

MINUTE OF MEETING OF THE PLANNING & REGULATORY SERVICES COMMITTEE

14 MARCH 2023

COUNCIL CHAMBERS, ELGIN

PRESENT

Councillors Gordon, Macrae, Cameron, Cowe, Divers, Dunbar, Fernandes, Gatt, Keith, Lawrence, Leadbitter, McBain, Ross, Van Der Horn and Warren

ALSO PRESENT

Councillor Harris

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

ALSO PRESENT BY INVITATION

Ms C Anderson, Carol Anderson Landscape Associates

1. DECLARATION OF GROUP DECISIONS AND MEMBER'S INTERESTS

In terms of Standing Order 21 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda.

Councillor Divers declared an interest in item 6 "Planning Application 21/01163/APP" as his son is employed by the developer and stated that he would leave the Chamber and take not part in the decision.

There were no other declarations of Member's interests in respect of any item on the agenda.

2. Minute of Meeting Dated 20 December 2022

The Minute of the meeting of the Planning and Regulatory Services Committee dated 20 December 2022 was submitted for approval.

Under reference to paragraph 7 of the Minute regarding planning application 22/00410/APP, the Chair stated that he had made a comment at the meeting in relation to the departure from policy regarding retail space with the proposal being 4 times more than that what is permitted and asked that this be minuted.

In response, the Clerk explained that a verbatim minute is not taken at Committee and that a comment like this would only be minuted if it changed the recommendation however agreed to review the minute and amend if necessary in conjunction with the Legal Adviser and the Chair.

Thereafter, the Committee agreed to approve the Minute of the meeting dated 20 December 2022 subject to any required change in relation to paragraph 7.

3. Written Questions

The Committee noted that no written questions had been submitted.

4. Planning Application 22/01488/APP

WARD 4: KEITH AND CULLEN

Proposed battery energy storage system and associated Infrastructure on Land adjacent to Electricity Substation, Westerton Road, Keith, Moray for Keith Renewables Limited

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for a proposed battery energy storage system and associated Infrastructure on Land adjacent to Electricity Substation, Westerton Road, Keith, Moray for Keith Renewables Limited.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as the application is a Major application as the proposal relates to electricity generation with a capacity of more than 20Mw. The report also advised that available Members of the Committee visited the site of the application on 9 March 2023.

Following consideration, the Committee agreed to grant planning permission, as recommended, in relation to Planning Application 22/01488/APP subject to the following conditions and reasons:

1. The development to which this permission relates must be began not later than the expiration of 5 years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. This permission shall endure for a period of 40 years from the date on which the site first connects to the grid network within which period the development shall cease to operate and cease to connect to the grid network and the site

shall be restored in accordance with a detailed decommissioning, restoration and aftercare statement to be approved in writing in advance by the Planning Authority. Written confirmation of the date of first connection to the grid network shall be provided to the Planning Authority within 1 month of this occurrence. For the avoidance of doubt the detailed decommissioning, restoration and aftercare plan shall provide detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include waste management proposals.

Reason: To ensure that the development is removed at the end of its use and to ensure the satisfactory restoration of the site.

3. No development shall commence until final details of all the proposed battery system and storage including the battery enclosure, transformers, grid compliance equipment, substation building and spares storage container have been submitted to and agreed in writing by the Planning Authority. For the avoidance of doubt the final installations shall not exceed the dimensions shown on approved plans 3057_DR_P_0006, 3057_DR_P_0007, 3057_DR_P_0008 and 3057_DR_P_0009 and shall be finished in white, grey or green. Where possible darker recessive tones shall be used. Thereafter only the approved details shall be implemented.

Reason: Insufficient details have been provided with the proposal.

4. No development shall commence until a pre-construction badger survey, in accordance with the recommendations contained in section 4.4.1 of the submitted report entitled 'Keith Battery Energy Storage System Ecological Impact Assessment' dated September 2022, has been undertaken and a report of survey has been submitted to, and approved in writing by the Planning Authority. The survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified and a species protection plan. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

Reason: To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

5. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the Planning Authority in consultation with the Environmental Health Manager. The plan shall include measures to minimise construction related noise, dust and artificial lighting and all proposals for construction phase waste management. Thereafter the development will be carried out in accordance with the agreed plan.

Reason: In order that environmental emissions are considered and managed at the construction phase, in order to protect local residents.

6. No development shall commence until details including location and specification of at least two artificial bird boxes to be placed on site have been submitted to and agreed in writing with the Planning Authority. Thereafter the

approved items shall be provided prior to the first use of the site hereby approved.

Reason: To secure biodiversity enhancements of the site.

7. No development shall commence until details including material, design and surface density of the proposed acoustic fence have been submitted to and approved in writing by the Planning Authority in consultation with the Environmental Health Manager. Unless otherwise agreed with the Planning Authority, a 3.5m high acoustic barrier with a surface density of at least 10kg/m² shall be provided on the southern and western elevation of the development as detailed in the submitted noise impact assessment by Arcus Consulting Limited, dated 6 October 2022, Report Ref: P4415_R1-V4 and titled "Arcus Consulting Noise Impact Assessment Report. Battery Storage Scheme in Keith" and approved plan 3057-DR-LAN_101. The fence shall be provided in accordance with the agreed details prior to the first use of the site and shall thereafter be installed and maintained throughout the lifetime of the development

Reason: To protect local residents from noise nuisance due to the operation of the development.

8. No development shall commence until details of the operational site lighting have been submitted to be agreed in writing by the Planning Authority, in consultation with the Environmental Health Manager. Thereafter, only the agreed lighting shall be installed and the agreed lighting details shall be maintained throughout the lifetime of the development.

Reason: To protect local residents from light nuisance due to the use of the development.

9. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and agreed in writing by the Planning Authority in consultation with the Roads Authority. Thereafter the development shall be carried out in accordance with the agreed CTMP at all times. For the avoidance of doubt the CTMP shall include as a minimum the following information:

- duration of works;
- construction programme;
- number of vehicle movements (i.e. materials, plant, staff, components);
- schedule for delivery of materials and plant;
- parking provision, loading and unloading areas for construction traffic;
- proposals to safeguard vulnerable pedestrians at and around Keith Primary School during the construction period;
- full details of temporary arrangements to safeguard pedestrian movements during the construction period;
- full details of any temporary access;
- measures to be put in place to prevent material being deposited on the public road;
- traffic management measures to be put in place during works including any specific instructions to drivers;
- full details of construction traffic routes from/to the site, including any proposals for temporary haul routes and routes to be used for the disposal of any materials from the site; and
- a programme of monitoring for all routes identified within the CTMP during

construction will be required.

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

10. No development shall commence until evidence of a satisfactory Wear and Tear Agreement has been submitted to and agreed in writing by the Planning Authority in consultation with the Roads Authority. The scope of the Wear and Tear Agreement shall be agreed with the Planning Authority in consultation with the Roads Authority and shall include a condition survey of the network undertaken jointly by the developer and a representative from the Council. The survey shall include the full extent of the agreed construction traffic route(s) (within Moray) between the site and the 'A' class road network. In addition, the Wear and Tear Agreement shall also include condition surveys of all roads identified as 'unsuitable' which must be agreed with the Planning Authority in consultation with the Roads Authority as a part of condition '9' above.

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

11. No development shall commence until evidence of a financial guarantee or bond or suitable equivalent and a Wear and Tear Agreement have been put in place to ensure the repair of the public road serving the site in the event that the road is not maintained in a safe condition during the construction phase of the development and to restore the road to its pre-development condition within 1 year of the development becoming operational has been submitted to and agreed in writing with the Planning Authority in consultation with the Transportation Authority. For the avoidance of doubt the agreement shall cover the section of the U35H Drum - Ardrone Road from the A96 to the site entrance as a minimum and all roads identified for off-site disposal of material/soil as in condition '9' above.

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

12. No development shall commence until:
 - i. a visibility splay 2.4 metres by 120 metres, with all boundaries set back to a position behind the required visibility splay, has been provided in both directions at the access onto the public road; and
 - ii. Thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway.

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

13. No development shall commence until three passing places to the Moray Council standards and specification have been constructed on the U35H Drum - Ardrone Road at the agreed locations shown on drawing no. 3057_DR_P_006 rev 1. Any existing ditch, watercourse or drain impacted by the proposed passing places shall be properly diverted/covered or piped according to the prior instructions of the Roads Maintenance Manager.

Reason: To enable drivers of vehicles to have adequate forward visibility to see approaching traffic and for two vehicles to safely pass each other ensuring the safety and free flow of traffic on the public road.

14. The access shall be formed to the following standard prior to the first use of the development hereby approved:
- The widening of the access track shall be carried out to accommodate vehicle swept paths in accordance with approved drawing 3057-DR-P-003 rev 2 with the access radii kerbed using splayed concrete kerbs to the Moray Council specification.
 - The vehicular access shall have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway; and
 - the first 5 m of the access track, measured from the edge of the public road, shall be constructed to the Moray Council specification and surfaced with bituminous macadam.
 - Any existing ditch, watercourse or drain under the site access shall be piped using a suitable diameter of pipe (300mm minimum), agreed with the Roads Maintenance Manager. The pipe shall be laid to a self-cleansing gradient and connected to an outfall.

Reason: To ensure the construction of an acceptable access in the interests of road safety and effective drainage infrastructure.

15. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.

Reason: To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the new access.

16. The rating level of noise associated with the development shall not exceed the rating levels detailed in tables 5 and 6 of the submitted Noise Impact Assessment by Arcus Consulting Limited, dated 6 October 2022, Report Ref:P4415_R1-V4 and titled "Arcus Consulting Ltd. Noise Impact Assessment Report. Battery Storage Scheme in Keith". For the avoidance of doubt, the rating level associated with this condition is defined within BS 4142: 2014 + A1:2019 Methods for rating and assessing industrial and commercial sound.

Reason: To protect local residents from noise nuisance due to the use of the development.

17. 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 outwith these permitted hours (including National Holidays) shall construction works be undertaken except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken outwith the permitted/stated hours of working.

Reason: To protect local residents from noise nuisance in ensuring the construction phase is restricted within permitted hours.

18. All landscaping works shall be carried out in accordance with the details shown on approved plan 3057- DR-LAN -101 in the first planting season following the first operation of the development hereby approved.

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 approved 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.

19. All foul and surface water drainage proposals shall be in accordance with the submitted Drainage Impact Assessment, dated September 2022.

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

20. The Planning Authority shall be provided with reports every 3 years from the date of first grid connection confirming that electricity has been imported and exported to the grid. If no electricity has been imported or exported to the grid by the development for a continuous period of 36 months, then unless otherwise agreed in writing with the Planning Authority, the development shall be removed and the site reinstated. Details of the proposed reinstatement shall be submitted for approval in writing to the Planning Authority within 2 months of either the equipment ceasing to be required or from the end of the 36 month period when it is not in operation, and the reinstatement work shall be completed within 3 months of the planning authority's approval of that proposed reinstatement scheme, or such other period agreed in writing by the Planning Authority.

Reason: To ensure that if the Development becomes redundant the equipment is removed from the site, in the interests of safety, amenity and environmental protection.

5. Planning Application 21/01163/APP

Councillor Divers, having declared an interest in this time, left the meeting at this juncture and took no part in its consideration.

Ward 7 – Elgin City South

Residential development landscaping and associated infrastructure at Glassgreen Village Phase 2 Elgin South, Elgin Moray for Springfield Properties PLC

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for a Residential development landscaping and associated infrastructure at Glassgreen Village Phase 2 Elgin South, Elgin Moray for Springfield Properties PLC.

The meeting noted that the application had been referred to Committee in terms of

the Scheme of Delegation as the proposal exceeds 50 house units and falls within the category of “major development” as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The report also advised that available Members of the Committee visited the site of the application on 9 March 2023.

During his introduction, Mr MacPherson, Principal Planning Officer advised that he had become aware of one error and one omission in the conditions in the report. In relation to Condition 8, he advised that the Applicant had agreed to provide 23 accessible units therefore 14 should now read 23. He further advised that, in order to comply with Policy PP1 (Placemaking) there should have been a condition added in relation to street naming and sought the agreement of the Committee to make these amendments. This was agreed.

During discussion in relation to electric vehicle charging points, it was queried if there were any electric vehicle charging points within the development that were not residential.

In response, Mr MacPherson, Principal Planning Officer advised that currently there are only residential electric vehicle charging points however suggested that an informative could be added asking that the Applicant give consideration to non-residential charging points within the development. This was agreed.

During further discussion in relation to the biodiversity management plan, clarification was sought on how planting areas would be managed particularly in relation to the use of chemical sprays and the cutting of wild flower meadows.

In response, Mr MacPherson, Principal Planning Officer suggested that an informative could be added to ensure that the detailed biodiversity management plan includes the cutting regime for wildflower meadow mixes. This was agreed.

Thereafter, the Committee agreed to grant planning permission, as recommended, in relation to Planning Application 22/01488/APP subject to:

- (i) a separate Section 75 legal agreement to see delivery of the Developer Obligations agreed;
 - (ii) the inclusion of an informative so that the Applicant can give consideration to non-residential charging points within the development;
 - (iii) the inclusion of an informative to ensure that the detailed biodiversity management plan includes the cutting regime for wildflower meadow mixes;
 - (iv) the following conditions and reasons with the following amendments:
 - Condition 8 to change the number of accessible units from 14 to 23;
 - Additional condition to be added in relation to the submission of a plan to the Council with details of proposed street naming of all streets within the proposed development.
1. The development to which this permission relates must be began not later than the expiration of 5 years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. Prior to occupation of the first dwelling a finalised landscaping maintenance schedule relating to the approved “LANDSCAPE PROPOSALS OVERALL PROPOSALS (1 of 2)” SPE 102.21 SL-01 Rev F. and “LANDSCAPE PROPOSALS OVERALL PROPOSALS (2 of 2)” SPE 102.21 SL-02 Rev F must be submitted to and approved in writing by the Council, as Planning Authority. Thereafter the landscaping must be implemented in accordance with the above approved plans and maintenance shall be carried out in accordance with the approved landscaping maintenance schedule.

Reason: In order to ensure the final landscape maintenance arrangements are agreed prior to occupation of the dwellings.

3. The play area and equipment hereby approved must be implemented as shown on plan MO05_SL_12 REV A ‘Play Area’ unless otherwise agreed in writing with the Council as Planning Authority.

Reason: In order to ensure the revised play area equipment specified is installed and to allow for any variations necessary.

4. Prior to development commencing, a phasing plan must be submitted to and approved in writing by the Council as Planning Authority detailing at what stages of build-out the various areas of structural planting, wider landscaping, street trees, bespoke benches, civic hard and soft landscaping and the play area will be provided. Thereafter the development hereby approved shall be progressed in accordance with the approved phasing plan unless otherwise approved by the Council as planning authority.

Reason: In order to ensure the landscaping and area are provided at an appropriate phase of the development.

5. No house or flat shall be occupied until the EV charging infrastructure associated with the parking for the unit has been provided and made available for connection of an EV charging unit. Thereafter the development shall be completed in accordance with the approved details as shown on Drawing No. MO05_SL_06 Revision D ‘EV Charging’. Beyond the details submitted however and prior to first occupation of any house unit, further details must be submitted to and approved by Moray Council showing:-
 - a) A plan or details of how the communal charging points would work, e.g., shared charging points, metered or one point per flat, no designated parking.
 - b) Confirmation of the charge rate (minimum 7kW).
 - c) Confirmation that charging points are all within 5m of vehicles parking.

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

6. No house or flat shall be occupied until the EV charging infrastructure associated with the parking for the unit has been provided and made available for connection of an EV charging unit. Thereafter the development shall be completed in accordance with the approved details as shown on Drawing No. MO05_SL_06 Revision D ‘EV Charging’.

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.

7. Unless otherwise agreed in writing with the Council as Planning Authority, the three 87sqm 'retail' units may host businesses falling within Classes 1 - Shops, Class 2 - Financial, professional and other services or Class 3 - Food and drink of The Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended (or as subsequently amended by future changes to Classes 1, 2 and 3 or their equivalent).

Reason: In order to be clear to the range of uses permissible within the shop units.

8. Unless otherwise agreed in writing with the Council as Planning Authority, the 23 accessible units as indicated in the Accessible Housing Statement, must be provided in full compliance with the Accessible Housing Guidance note contained on pages 41-42 of Moray Local Development Plan 2020.

Reason: To ensure the identified house units meet the required standard and design features to fulfil the accessible housing need for the development.

9. As part of the permission hereby granted, the 46 affordable house units (as identified on the 'Housing Type Allocation' plan MO05_SL_02 Rev D shall only be used for affordable housing purposes in accordance with the agreement(s) reached between the applicant/developer and Moray Council and/or any registered social landlord (e.g. housing association or similar) to enable the long term delivery of affordable housing on this site; and no house development shall commence beyond Phase 3 until details of the agreement(s) to confirm the arrangements for the delivery of the proposed affordable house units hereby approved shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason: To ensure an acceptable form of development in terms of the required provision and delivery of the affordable housing units proposed for this site wherein the benefits of such provision are passed on to serve the community in future years.

10. Unless otherwise agreed in writing with the Council as Planning Authority, the recommended ecological mitigation contained at para 4.1 and enhancement actions in para 4.2 of the "Crescent South, Elgin South, Extended Phase1 Habitat Survey and Biodiversity Action Plan must be adhered to prior to and during construction unless otherwise agreed in writing with the Council, as Planning Authority.

Prior to development commencing, as plan must be submitted to and approved by the Council as Planning Authority showing the intended locations of hedgehog access throughout the site.

Reason: In order to ensure the appropriate mitigation is undertaken to protect biodiversity upon the site.

11. Prior to occupation of the first dwelling, the specific details, locations and timing for provision of the public art bespoke carved/constructed benches must be submitted to and approved in writing by the Council, as Planning Authority. The details shall include that no less than four benches will be provided, two in the civic square area, and at least 2 elsewhere in the development. Thereafter the benches installed shall be maintained and if so instructed by Moray Council, made safe and replaced with another bench of a design and material approved by Moray Council as Planning Authority.

Reason: In order that consideration can be given to the specific design of park benches to be provided.

12. Unless otherwise agreed in writing with the Council, as Planning Authority, the development shall include a total of 47 affordable house units and a minimum of 14 accessible units, with the affordable units being provided no later than the completion of the 100th house unit upon the site.

Reason: In order to avoid any ambiguity regarding the terms of the consent, and to confirm the number of affordable and accessible housing units to be developed.

13. The approved bin and cycle storage must be fully installed prior to first occupation of any of the apartment blocks they serve.

Reason: In order to ensure the relevant amenities are in place prior to residential occupation occurring.

14. No part of this development, termed as Phase 1C, shall be occupied until:
 - a) details (which may include evidence from Transport Scotland) have been submitted to the Council, as Planning Authority to confirm that the Trunk Roads Authority has completed the upgrading and realignment of the A96 (T) Hardmuir to Fochabers section of the A96 Dualling programme;

OR

- b) a Transport Assessment for Phase 1C (as defined within the submitted Transport Assessment) has been submitted to the Council, as Planning Authority, and that any trunk road mitigation measures necessary to offset the impact of Phase 1C have thereafter been implemented in accordance with a timescale identified by the Transport Assessment to the satisfaction of the Council, as Planning Authority, in consultation with Transport Scotland.

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

15. Unless otherwise agreed with the Planning Authority, in consultation with the Environmental Health Manager, the air source heat pump at the proposed dwellings shall be the Daikin Altherma H Hybrid Outdoor Unit model EJHA04AAV3, confirmed by supporting email from the applicant to the Environmental Health Section on 1st October 2021 at 09:35 hours, and the sound power level of the unit shall not exceed 58.7 dB (A), as described in

page 7 of the supporting document titled "Daikin Altherma hydrosplit heat pump Product catalogue".

Reason: To ensure that the noise source limits can be controlled in the interests of protecting local amenity.

16. 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 construction activity likely to impact neighbouring amenity occurs at reasonable times and can be controlled.

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

Reason: To ensure that the construction phase is carried out so as to minimise impacts.

18. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

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

19. Prior to development commencing, a site specific waste management plan shall be submitted to and agreed in writing by the Council, as Planning Authority. The plan shall identify likely waste sources, provisions to maximise waste reduction and recycling, and waste separation at source during the construction and post construction phases of the development. Thereafter the development will be carried out in accordance with the agreed plan.

Reason: To ensure that waste is minimised during construction, in accordance with National Planning Framework 4 Policy 12 – Zero Waste.

20. The development hereby approved must be carried out in accordance with the “Phase 1C Elgin South Crescent South, Birnie Wood West & the Square Drainage Assessment Revision B” February 2023 and associated Drainage Layout plan MO05-ENG-600 Rev C. The drainage arrangements must be implemented.

Reason: To ensure that the revised drainage arrangements are implemented.

21. Prior to the commencement of any part of the development, the following details shall be submitted for approval in writing by the Planning Authority in Consultation with the Roads Authority:
- a) A phasing plan (Scale 1:1000 min) showing the extents of each phase of house building and road building (including new junctions onto the C2E Birnie Road and A941:
 - b) Details (Plan scale 1:1000 min) which demonstrates that no vehicular access shall be provided between the development and the existing development to the north (South Glassgreen), prior to the A941 site access and the 6.1m wide distributor road connection to the development being completed and opened to the public.
 - c) Timescales for the completion of the A941 site access junction and the 6.1m wide distributor road between the development the A941 junction.
 - d) A schedule of maintenance for the visibility splay areas at the site access junction onto the A941.

Thereafter, unless otherwise agreed in writing by the Planning Authority, the development shall be completed in accordance with the approved details and timescales. A visibility splay measuring 4.5m x 215m in both directions shall be provided at the new site access junction onto the A941 in accordance with the approved drawing and the visibility splay shall be maintained at all times free from any obstruction exceeding 0.26m metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

Reason: Provision of details currently lacking to ensure roads infrastructure is provided at an appropriate stage in the development in the interests of road safety and an acceptable form of development. To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

22. Notwithstanding the details submitted for the proposed Birnie Road Upgrades (Drawing MO05-ENG-550 Rev C) which are not accepted (Do not show the full extent of the works required i.e. including tie in details to the existing road at the north and south). No development shall commence until the following details have been submitted for approval in writing by the Planning Authority in consultation with the Roads Authority:
- a) Plans (Scale 1:500 min) which show the proposed Birnie Road widening and improvement works including the tie in details for the existing road at the northern and southern ends.

- b) Details (Plans scale 1:1000 min) showing any changes to the existing speed limits.
- c) Details of all changes/modifications to the design, to be informed by a Stage 1/2 Road Safety Audit, for the proposed junction and, any other works proposed on Birnie Road.
- d) A post construction review and Road Safety Audit for the section of Birnie Road between the southern extent of the proposed Birnie Road Improvements or site access visibility splay (whichever is furthest south) and the Birnie Road/Sandy Drive/Gleneagles Drive roundabout).
- e) Timescales for the completion of the Birnie Road Upgrades.

Thereafter, unless otherwise agreed in writing by the Planning Authority, the development shall be completed in accordance with the approved details and timescales.

Reason: Provision of details currently lacking to ensure roads infrastructure is provided at an appropriate stage in the development in the interests of road safety and an acceptable form of development.

23. Prior to any development works commencing, a schedule of maintenance for the visibility splay areas at the site access junctions onto the C2E Birnie Road and A941 shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority. Thereafter the development shall be completed in accordance with the approved details and visibility splays measuring 4.5m x 120m to the north and 4.5m x 215m to the south shall be provided at the new site access junctions onto the C2E Birnie Road and 4.5m by 215m in both directions at the site access junction onto the, prior to any works commencing on the respective site access junctions (except for those works associated with the provision of the visibility splay); and

Thereafter, the visibility splay shall be maintained at all times free from any obstruction exceeding 0.26m metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

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

24. Notwithstanding the details submitted for the site layout and cycle path, clarification is required such that, no development shall commence until the following details shall be submitted for approval in writing by the Planning Authority in Consultation with the Roads Authority:
- a) A Plan (Scale 1:1000min) showing the route of a 3 metre cycle path connecting from the existing cycle path at the southern boundary of the Crescent North development eastwards to its intersection with the 6.1m wide distributor road and then continuing eastwards between the 6.1m road and the advanced planting area and linking to the existing/committed cycle path network to the northeast within the South Glassgreen development.
 - b) Timescales for the completion of the cycle path.

Thereafter, unless otherwise agreed in writing by the Planning Authority the development shall be completed in accordance with the approved details and timescales.

Reason: Provision of details currently lacking or unclear from the submission, to ensure active travel infrastructure is provided at an appropriate stage in the development in the interests of road safety and an acceptable form of development.

25. Notwithstanding the details submitted for retaining walls adjacent to the public road on Plots 16 and 143 (Levels Layout Plans (Drawings EL(--)-ENG-300 and 301 Rev D)), which are not accepted. No development shall commence until the following details have been submitted for approval in writing by the Planning Authority in Consultation with the Roads Authority:

- a) Plan(s) (scale 1:500min) including the road levels and cross sections to demonstrate that no part of the public road shall be retained within the development.

Thereafter, unless otherwise agreed in writing by the Planning Authority the development shall be completed in accordance with the approved details and timescales.

Reason: Provision of details currently lacking or unclear from the submission in the interests of road safety and an acceptable form of development.

26. Notwithstanding the details submitted for the shared spaces, roads and paths within the square (including the east and south sides of the square), clarification of details between drawings MO05-ENG-500 Rev F (Adoption Layout), MO05_SL_01 Rev B (Site Layout), MO-05_SL_04 Rev C Roads Hierarchy) is required. No development shall commence until details (Plans scale 1:500 min) have been submitted for approval in writing by the Planning Authority in consultation with the Roads Authority which confirm the following:

- a) The extents of the roads (including paths/cycle paths/verges) to be provided on the east and south sides of the square as part of the current application.
- b) The extents of a continuous 3 metre wide (minimum) cycle path north-south including the section through the square and the road crossings to the north and south.

Thereafter unless otherwise agreed in writing by the Planning Authority the development shall be completed in accordance with the approved details.

Reason: Provision of details currently lacking or unclear from the submission to ensure an acceptable form of development, the provision of active travel infrastructure and in the interests of road safety.

27. Notwithstanding the details submitted for the refuse collection area for Plots 124-135 which are not acceptable (lack of a footway crossing of the swale to allow for collection of refuse from the roadside). No development shall commence until details (Plans scale 1:500 min) have been submitted for approval in writing by the Planning Authority which confirm the following:

Refuse collection arrangements for plots 124-135 which are accessible from the road side directly without crossing through the swale.

Thereafter the infrastructure required to facilitate the refuse collection arrangements shall be provided in accordance with the approved details.

Reason: The submission of additional information to ensure an acceptable form of development and the provision of infrastructure required for site servicing and refuse collection.

28. Notwithstanding the details submitted for parking associated with Plots (11, 10, 36, 102 and 140) which are unacceptable (visibility from parked vehicles, parking space dimensions and walls/fences/hedges) Prior to the commencement of development on plots (7 or 10), 11, 36, 68, 102, (140 or 146) details shall be submitted to demonstrate the provision of acceptable parking arrangements including visibility requirements and details to confirm wall/fence/hedging positions and dimensions and parking space dimensions.

Thereafter the development of the plots shall be completed in accordance with the approved details unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority.

Reason: The provision of details currently unacceptable or lacking from the submission to ensure adequate visibility is provided for vehicles entering the public road and parking is provided in accordance with the Moray Council Parking Standards and in the interests of road safety and an acceptable form of development.

29. Notwithstanding the details submitted for the roads and footways between plots 136-139 and 176-179 further clarification is required between drawings MO05-ENG-500 Rev F (Adoption Layout), MO05_SL_01 Rev B (Site Layout), MO-05_SL_04 Rev C Roads Hierarchy). No development shall commence until details (Plans scale 1:500 min) have been submitted for approval in writing by the Planning Authority in consultation with the Roads Authority which confirm the extents of the adoptable road to be provided including verges/footways. Thereafter unless otherwise agreed in writing by the Planning Authority the development shall be completed in accordance with the approved details.

Reason: Provision of details currently lacking or unclear from the submission to ensure an acceptable form of development, the provision of active travel infrastructure and in the interests of road safety.

30. No dwelling or retail unit shall be completed until the following details have been submitted for approval in writing by the Planning Authority in consultation with the Roads Authority and the Public Transport Unit Manager.
- a) Details (Plans 1:1000 min) showing the minimum extents of the roads and paths required in order to provide access for bus services.
 - b) Timescales for the completion of the minimum roads and paths infrastructure required and timescales for the commencement of the 100th house plot within the development.
 - c) Details (Plans 1:250 min and Specifications) showing the design or make and model of enclosed bus shelter and flags to be provided at the two bus stop locations within the development.

Thereafter, prior to the commencement of the 50th house plot within the development, evidence (written agreement with the Roads Authority) shall be

submitted to confirm the level of bus service provision to be provided. (Public Transport minimum service requirements shall be based on the provision of a service which connects the development to Elgin Town Centre, operates from 7.00am to 6.00pm, Monday to Friday inclusive, and from 8.00am to 6.00pm on Saturday and is based on a minimum frequency of 2 buses per hour and a minimum duration of two years or an equivalent to be agreed).

Thereafter, the bus stop infrastructure, roads required to access the infrastructure from the A941 and bus service(s) shall be provided in accordance with the approved details and timescales or prior to the commencement of the 100th house plot within the development.

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

31. No works shall commence on any area proposed for development until a Construction Traffic Management Plan for the respective area has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:
- a) duration of works;
 - b) construction programme;
 - c) estimated number of vehicle movements (i.e. materials, plant, staff, components);
 - d) anticipated schedule for delivery of materials and plant;
 - e) full details of any temporary construction access;
 - f) full details of construction traffic routes from the A941 and A96 to the site, including any proposals for temporary haul routes and routes to be used for the disposal of any materials from the site;
 - g) measures to be put in place to prevent material being deposited on the public road;
 - h) measures to be put in place to safeguard the movements of pedestrians;
 - i) traffic management measures to be put in place during works including any specific instructions to drivers; and
 - j) parking provision, loading and unloading areas for construction traffic.

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

Reason: To ensure an acceptable form of development in terms of the arrangements to manage.

32. No development shall commence until evidence has been submitted in writing to confirm that the statutory process (Traffic Regulation Order) required to relocate the existing 40mph speed limit on Birnie Road to the south of the proposed site access junction has been commenced. Thereafter, unless otherwise approved in writing by the Planning Authority in consultation with the Roads Authority, the site access junction shall not be completed or opened to the public until the statutory process and all works required to relocate the speed limit have been completed in accordance with the approved details.

Reason: In the interests of Road Safety.

33. Parking provision for houses shall be provided at the following rates:

- 1 Bedroom = 1 space
- 2 -3 Bedrooms = 2 spaces
- 4 or more bedrooms = 3 spaces

Parking for flats shall include provision for secure, weatherproof cycle storage for 1 cycle space per flat as a minimum. Parking shall be provided prior to the completion of each house or flat which it is associated with and thereafter retained and available for that purpose unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority.

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

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

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

35. No development shall commence until a Travel Information Pack, which sets out opportunities for travel by foot, cycle and public transport, has been submitted to, and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Travel Information Pack shall include:

- a) information on routes for pedestrians and cyclists to access local facilities;
- b) information on the provision of bus services serving the development;
- c) details of how to access personal Travel Planning and of incentives to travel by foot, cycle and public transport; and
- d) details of the programme for updating the Travel Information Pack as the development progress, to be carried out annually.

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

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

36. No development shall commence on any area proposed for development until details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority regarding the formation of any required/proposed construction access(es) (which includes any temporary access(es) to the area proposed for development from any public road. The details shall include:

- a) a drawing (scale 1:500 minimum) regarding the location and design specifications of the proposed access(es);
- b) specification of the materials used for the construction access(es);

- c) all traffic management measures required to ensure safe operation of the construction access(es);
- d) details including materials for the reinstatement of any temporary construction access(es); and
- e) details regarding the timescale for the opening up and closure of any temporary access(es) together with the time-period over which the temporary access(es) will be used.

Thereafter, the works shall be provided in accordance with the approved details.

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

37. Prior to occupation of the first dwelling or flat, a plan must be submitted to and approved in writing by the Council as Planning Authority for the proposed street naming of all streets within the proposed development.

Reason: In the interests of ensuring compliance with Policy PP1 Placemaking of the Moray Local Development Plan 2020.

Councillor Divers re-joined the meeting at this juncture.

6. 22/01652/PAN

Erection and operation of anaerobic digestion plant and associated infrastructure on land at Longmorn, Elgin

Under reference to paragraph 4 of the Minute of the meeting of the Planning and Regulatory Services 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) had been submitted on 8 November 2022 on behalf of Acorn Bioenergy.

Councillor Ross stated that he had attended the community meetings in relation to this proposal which were attended by members of the local community and the Developer and taken note of the concerns raised at the meeting with a view to raising them at the Committee.

Following discussion whereby several members of the Committee raised points of concern, the Committee asked that the following concerns be forwarded to the Applicant to inform the development of their proposed formal planning application:

- loss of prime agricultural land;
- large footprint of the development;
- access egress via A941;
- road safety on a fast pace of A941;
- stacking of tractors during harvest season as weigh bridge is very close to A941;
- increase in lorry movements through Rothes;
- The draff not being a waste product as it used by local farmers according to local farmers and NFU representatives;
- Gas flare;

- Bus stop at Benriach Cottages;
- Flood risk;
- The lack of definition of waste feed stock;
- productive agricultural land is being used to produce biomass for the digestive plant;
- How will methane be handled;
- Potential leaks of methane;
- Whether heat generated from production will be used;
- impact on wildlife, flora and fauna;
- Odour;
- wealth building;
- Sale of methane; and
- Change of landscape from rural to industrial landscape

In response, Mrs MacDonald, Senior Planning Officer agreed to pass these concerns on 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:
 - loss of prime agricultural land;
 - large footprint of the development;
 - access egress via A941;
 - road safety on a fast pace of A941;
 - stacking of tractors during harvest season as weigh bridge is very close to A941;
 - increase in lorry movements through Rothes;
 - The draff not being a waste product as it used by local farmers according to local farmers and NFU representatives;
 - Gas flare;
 - Bus stop at Benriach Cottages;
 - Flood risk;
 - The lack of definition of waste feed stock;
 - productive agricultural land is being used to produce biomass for the digestive plant;
 - How will methane be handled;
 - Potential leaks of methane;
 - Whether heat generated from production will be used;
 - impact on wildlife, flora and fauna;
 - Odour;
 - wealth building;
 - Sale of methane; and
 - Change of landscape from rural to industrial landscape; and
- (ii) that the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

Erection and operation of anaerobic digestion plant and associated infrastructure on land at Rathven, Buckie

Under reference to paragraph 4 of the Minute of the meeting of the Planning and Regulatory Services 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) had been submitted on 8 November 2022 on behalf of Acorn Bioenergy.

During discussion, the Committee asked that the following concerns be forwarded to the Applicant to inform the development of their proposal formal planning application:

- road traffic management on A98;
- traffic calming measures on A98;
- loss of prime agricultural land;
- surface water issues;
- protection of the Cairn;
- adequate consultation with the community;
- impact on wildlife, flora and fauna;
- whether heat generated from production will be used;
- whether developer obligations could be used for road safety improvements
- consideration be given to enhancing layby at the wood which is often used for fly tipping;
- concern that productive agricultural land is being used to produce biomass for the digestive plant;
- increase in lorry movements on Moray roads; and
- how much draff is available, how much is required by agriculture, how much extra is being produced from larger distilleries

In response, Mrs MacDonald, Senior Planning Officer agreed to pass these concerns on 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:

- road traffic management on A98;
- traffic calming measures on A98;
- loss of prime agricultural land;
- surface water issues;
- protection of the Cairn;
- adequate consultation with the community;
- impact on wildlife, flora and fauna;
- whether heat generated from production will be used;
- whether developer obligations could be used for road safety improvements
- consideration be given to enhancing layby at the wood which is often used for fly tipping;
- concern that productive agricultural land is being used to produce biomass for the digestive plant;
- increase in lorry movements on Moray roads; and

- how much draff is available, how much is required by agriculture, how much extra is being produced from larger distilleries; and
- (ii) that the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

8. 23/00206/PAN

Proposed installation of an energy storage facility including the siting of battery enclosures, power conversion units and transformers, a substation, hard-standing area, fencing, vehicular access, grid connection and ancillary works on land to west of Berryburn Substation, Moray

Under reference to paragraph 4 of the Minute of the meeting of the Planning and Regulatory Services 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) had been submitted on 6 February 2023 by Renewable Energy Systems Limited.

During discussion, the Committee asked that the following concerns be forwarded to the Applicant to inform the development of their proposal formal planning application:

- ensure fire prevention measures are in place; and
- ensure that the tenant farmer is consulted if fencing is to be adjusted

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:
- ensure fire prevention measures are in place; and
 - ensure that the tenant farmer is consulted if fencing is to be adjusted; and
- (ii) that the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

9. Planning Performance Framework 2021-22

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that the Planning Performance Framework (PPF) for 2021/22 had been submitted to the Scottish Government (SG) on 30 July 2022, covering the period from 1 April 2021 to 31 March 2022 and provided a summary of feedback received from the SG on 22 December 2022 with specific reference to the Performance Markers Report and Red, Amber, Green (RAG) ratings for the 2021/22 submission.

The Committee joined the Chair in commending the work of the Service in achieving 15 green awards for the fourth consecutive year and thereafter agreed to:

- (i) note the Planning Performance Framework submitted to the Scottish Government on 30 July 2022 (Appendix 1);
- (ii) note the feedback report received from the Scottish Government on 22 December 2022 (Appendix 2);
- (iii) authorise the Head of Economic Growth and Development to submit the Planning Performance Framework for 2022/2023 to the Scottish Government by the end of July 2023 (or any other date that may be set);
- (iv) note that the Planning Performance Framework will be reported to the first available Planning & Regulatory Services Committee following receipt of the feedback; and
- (v) note the Planning Performance Framework 2021/22 will be circulated to all developers, stakeholders and internal services seeking comment/feedback to assist with continuous improvement to be fed back into the PPF for 2022/2023.

10. National Planning Framework 4

Under reference to paragraph 9 of the Minute of the meeting of the Planning and Regulatory Services Committee on 1 March 2022, a report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to note publication and adoption of National Planning Framework (NPF) 4 which along with the Moray Local Development Plan (MLDP) 2020 forms the Development Plan for Moray development management purposes.

Following consideration, the Committee agreed:

- (i) to note publication and adoption of NPF4;
- (ii) to note that NPF4 along with the MLDP2020 now form the Development Plan for Moray for development management purposes;
- (iii) to note variances in national and local policy position and the additional guidance proposed in Appendix 1 be presented to future meetings of this Committee;
- (iv) to note that where there is a conflict between a policy in NPF4 and the MLDP2020, NPF4 will prevail until any new local policy position is agreed
- (v) to note the requirements set out in NPF4 for the next MLDP
- (vi) to note the transitional arrangements for the Development Plan;
- (vii) that a further report on Development Management validation requirements is considered at a future meeting of this Committee; and
- (viii) that a members briefing is arranged to allow further discussion on key issues highlighted in this report.

11. Moray Wind Energy Landscape Sensitivity Study

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to approve the Moray Wind Energy Landscape Sensitivity Study (LSS) 2023 as a material consideration for development management purposes and to withdraw the Moray Onshore Wind Energy (MOWE) Non-Statutory Guidance 2020 and the Moray Wind Energy Landscape Capacity Study (LCS) 2017.

At the invitation of the Chair, Councillor Harris read out a statement on behalf of the Upper Deveron Valley Working Group in support of the LSS which also highlighted the key areas of concern from constituents in the area.

The Committee joined the Chair in commending the work of Mrs Carol Anderson, Carol Anderson Landscape Associates for compiling a comprehensive study and thereafter agreed:

- (i) to approve the Moray Wind Energy Landscape Sensitivity Study (LSS), as set out in Appendix 1;
- (ii) to note that the LSS supersedes the Moray Onshore Wind Energy (MOWE) Non-Statutory Guidance 2020 and the Moray Wind Energy Landscape Capacity Study (LCS) 2017;
- (iii) that the LSS will be used as a material consideration in the determination of planning applications and to inform responses to Section 36 consultations;
- (iv) to note the steps proposed in Section 6 to consider and engage on the future potential for onshore wind energy in Moray;
- (v) that further work is carried out to consider opportunities for large scale onshore wind farms within the Regional Spatial Strategy; and
- (vi) to note Policy 11 *Energy* of National Planning Framework (NPF) 4 and agree that an economist is commissioned to consider and advise on how local economic benefits are maximised in future energy infrastructure proposals, including onshore wind.

12. Suspension of Standing Orders

The Chair sought the agreement of the Committee to suspend Standing Order 77 to allow the meeting to progress beyond 12:45 pm. This was agreed.

13. Creation and Operation of a Moray Trusted Trader Scheme

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to approve the creation and operation of a Moray Council branded Trusted Trader Scheme to allow Moray residents to search for Trading Standards vetted traders which would be accessible via any internet device or over the phone.

Following consideration, the Committee agreed to approve:

- (i) the creation and operation of a Moray Trusted Trader Scheme;

- (ii) the payment of a one off fee of £2,000 plus VAT set up fee to Trusted Directory Services Ltd (TDS), who will initially create and administer a Moray Trusted Trader Scheme;
- (iii) that the £2,000 fee is sourced from one off income streams made in to the 2022/23 Trading Standards budget as per Finance Section at 4c; and
- (iv) that the scheme is subsequently funded by members' annual subscription fees of £200, £70 of which would be returned to the Moray Council.

14. Question Time

Under reference to paragraph 12 of the Minute of the meeting dated 20 December 2022, Councillor Gatt stated that he had queried the cost of the coach hire for the site visits in December 2022. He stated that Officers had provided him with the cost prior to the meeting however wished that it be recorded.

In response, the Clerk advised that she would find out the cost of the coach after the meeting and record it in the Minute. The cost of the coach was £340.

Councillor Macrae sought an update on solar power from solar farms in Moray.

In response, Mr MacPherson, Principal Planning Officer advised that the Applicants are in ongoing discussion with the Planning Service in relation to conditions on the planning application.

Councillor Gatt queried whether officers could calculate the cost of the planning committee and if officers could publish the cost of each committee, specifically in relation to the time in officer costs, councillor costs and transportation costs.

In response, the Legal Adviser advised that the Council has an agreed structure which involved decision making by Committee. It would be difficult to work out the cost particularly in relation to Elected Members or indeed why Planning and Regulatory Services Committee should be singled out and reiterated that the Planning and Regulatory Services Committee is obliged to determine planning applications which is a statutory purpose.

In response, Councillor Gatt stated that he would consider this further and perhaps raise at a future meeting of Moray Council.

Councillor Warren made reference to the cost of living crisis and the increasing cost in construction materials and queried this was having an effect on the planning process and the town centre regeneration plan.

In response, the Head of Economic Growth and Development advised that there was an impact as the housing market had slowed down and that there was a decrease in building warrants and planning applications.