



Planning and Regulatory Services Committee

Tuesday, 12 March 2024

NOTICE IS HEREBY GIVEN that a Meeting of the **Planning and Regulatory Services Committee** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Tuesday, 12 March 2024** at **09:30**.

BUSINESS

1. **Sederunt**
2. **Declaration of Group Decisions and Members Interests ***
3. **Minutes**
- 3a. **Minute of the meeting held 19 December 2023** **7 - 34**
- 3b. **Minute of the Special Meeting held 15 February 2024** **35 - 64**
4. **Written Questions ****
- Guidance Note** **65 - 66**
5. **Planning Applications 23/00892/APP, 23/00894/APP and 23/00895/APP** **67 - 116**

Report by Appointed Officer

Construction and operation of an aerobic digestion facility and energy centre with associated landscaping and drainage works on Land Approximately 150 Metres To The West Of The Portgordon Maltings, Buckie for Grissan Engineering Services Ltd (23/00892/APP)

Construction and operation of an aerobic digestion facility and energy centre with associated works Land Approximately 200 Metres To The West Of The Portgordon Maltings, Buckie Moray for Grissan Engineering Services Ltd (23/00894/APP)

Construction and operation of an aerobic digestion facility and energy centre with associated works Land Approximately 250 Metres To The West Of Portgordon Maltings Buckie Moray for Grissan Engineering Services Ltd (23/00895/APP)

6. **Planning applications 23/01848/APP, 23/01851/APP, 23/01852/APP and 23/01853/APP** **117 - 156**
- Report by Appointed Officer
 Section 42 of the Town and Country Planning (Scotland) Act 1989 to amend condition 18 of planning permission 18/01046/EIA to amend construction working hours From Within The Vicinity Of Redhythe Point In Aberdeenshire Council Area To Whitehillock Farm Keith Moray for Moray Offshore Wind Farm (West) Limited
 Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 7 of planning permission reference 21/01402/AMC, to amend working hours From The Vicinity Of Redhythe Point In Aberdeenshire Council Area To Whitehillock Farm Keith Moray AB55 5PH for Moray Offshore Windfarm (West) Ltd
 Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 4 of planning permission reference 21/01561/AMC to amend construction working hours From Within the Vicinity Of Redhythe Point In Aberdeenshire Council Area To Whitehillock Farm Keith Moray for Moray Offshore Windfarm (West) Ltd
 Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 7 of planning permission reference 21/01391/APP to amend construction working hours on Land Between Greenhill And Factors Park Plantation Deskford Cullen Moray for Moray Offshore Windfarm (West) Ltd
7. **Planning Application 23/02019/AMC** **157 - 178**
- Report by Appointed Officer
 Approval of the matters specified in condition 4 (layout of plot) condition 5 (plans sections and elevations) condition 6 (boundary treatments and other development) condition 7 (sections) condition 8 (landscaping), condition 10 (affordable housing) and condition 11 (enhanced accessibility) of 19/00320/PPP to provide 16 houses and associated cohousing buildings on Plot 8, 9, 11, 12 And 13.1 On Land At North Whins, The Park, Findhorn, Moray for Duneland Limited
8. **Proposal of Application Notice - 24/00058/PAN** **179 - 184**
- Report by Depute Chief Executive (Economy, Environment and Finance)
 Proposed formation of quarry for the processing of sand and gravel and production of ready-mix concrete on land to the south-east of Dykeside Farm, Birne, Elgin
9. **Proposal of Application Notice - 24/00162/PAN** **185 - 190**
- Report by Depute Chief Executive (Economy, Environment and Finance)
 Revised proposal for the development of housing associated landscape and infrastructure in the area identified in the Bilbohall Masterplan at R2 Bilbohall, Elgin
10. **Moray Local Development Plan 2020 - Monitoring Report 2023** **191 - 272**
- Report by Depute Chief Executive (Economy, Environment and Finance)

11. **Question Time *****

Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration.

Summary of Planning and Regulatory Services

Committee functions:

Town and Country Planning; Building Standards; Environmental Health; Trading Standards; Weights & Measures, Tree Preservation Orders, and Contaminated Land issues.

Watching the Meeting

You can watch the webcast live by going to:

http://www.moray.gov.uk/moray_standard/page_43661.html

Webcasts are available to view for 1 year following the meeting.

You can also attend the meeting in person, if you wish to do so, please come to the High Street entrance door and a member of staff will be let into the building.

GUIDANCE NOTES

* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

** **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

*** **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

MORAY COUNCIL

Planning and Regulatory Services Committee

SEDERUNT

Councillor David Gordon (Chair)
Councillor Marc Macrae (Depute Chair)

Councillor Neil Cameron (Member)
Councillor Theresa Coull (Member)
Councillor John Cowe (Member)
Councillor John Divers (Member)
Councillor Amber Dunbar (Member)
Councillor Jérémie Fernandes (Member)
Councillor Donald Gatt (Member)
Councillor Sandy Keith (Member)
Councillor Scott Lawrence (Member)
Councillor Paul McBain (Member)
Councillor Draeyk van der Horn (Member)
Councillor Sonya Warren (Member)

Clerk Name:	Lissa Rowan
Clerk Telephone:	07765 741754
Clerk Email:	committee.services@moray.gov.uk

MORAY COUNCIL

**MINUTE OF MEETING OF THE PLANNING & REGULATORY SERVICES
COMMITTEE**

19 DECEMBER 2023

COUNCIL CHAMBERS, ELGIN

PRESENT

Councillors Gordon (Chair), Macrae (Depute Chair), Coull, Cowe, Divers, Dunbar, Fernandes, Gatt, Keith, Lawrence, McBain, Ross and Warren

APOLOGIES

Councillors Cameron and Van Der Horn

IN ATTENDANCE

Head of Economic Growth and Development, Mr N MacPherson, Principal Planning Officer, Mr A Miller, Senior Planning Officer, Mrs L MacDonald, Senior Planning Officer, Ms Webster, Principal Planning Officer (Strategic Planning and Development), Mrs D Anderson, Senior Engineer (Transportation), Mr D Westmacott, Planning Officer, Mr R Anderson, Principal Environmental Health Officer, Legal Services Manager and Mrs L Rowan, Committee Services Officers as Clerk to the Committee.

1. Best Wishes

Councillor Cowe, Civic Leader advised the Committee that Councillor Cameron had recently been admitted to hospital with a sudden illness and the Committee joined Councillor Cowe in wishing Councillor Cameron a speedy recovery.

2. Declaration of Group Decisions and Member's Interests

In terms of Standing Order 21 and 23 and the Councillor's 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 7 "Planning Application 23/00494/APP" as his son is employed by the Applicant, and stated that he would leave the chamber during discussion of this item and take no part in the decision.

There were no further declarations of Members interests in respect of any item on the agenda.

With regard to Item 7 “Planning Application 23/0049/APP”, Councillor Ross acknowledged that Speyside Community Council had made a representation on the application. He clarified that the role of the Community Council which is to represent the view of the community and not individual members and that he and Councillor Gordon had not taken part in any discussion at meetings between the Applicant and the Community Council in relation to this proposal. With regard to the representation made by Speyside Community Council, of which his wife is the Chair, Councillor Ross stated that this represented the view of the community and not any particular person and, after due consideration, stated that he would remain in the chamber and take part in the consideration of this item.

3. Resolution

The meeting resolved that in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of the items of business appearing at the relevant paragraphs of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

<u>Paragraph No. of Minute</u>	<u>Paragraph No. of Schedule 7A</u>
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19	12
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4. Minute of meeting dated 24 October 2023

The Minute of the meeting dated 24 October 2023 was submitted and approved.

5. Minute of meeting dated 26 June 2023

The Minute of the meeting dated 26 June 2023 was submitted and approved.

6. Written Questions

The Committee noted that no written questions had been submitted.

7. Planning Application 23/00494/APP

Councillor Divers, having declared an interest in this item, left the meeting at this juncture.

Councillor Warren joined the meeting at this juncture.

Ward 1 – Speyside Glenlivet

Erect 39 affordable homes at R2 Speyview, Aberlour, Moray for Springfield Properties PLC

The Committee had before it a report by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application to erect 39 affordable homes at R2 Speyview, Aberlour, 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 Appointed Officer considers that, following the consultation process, it raises matters of wider community interest.

During his introduction, Mr MacPherson, Principal Planning Officer confirmed a change to condition 15 following further discussion with Transport Scotland which referenced various plans and documents regarding the proposed pedestrian crossings on the A95 which should be approved by Transport Scotland as well as the Council prior to any occupation. This was noted.

During discussion, the Committee raised a number of points in relation to the location of the development, particularly regarding the safety of junctions and crossing points given the speed of traffic on the A95.

Mrs Anderson, Senior Engineer (Transportation) advised that a Road Safety Audit would be carried out at an appropriate point during the development and that traffic calming measures would be introduced if required.

Councillor Ross stated that he was very concerned about the safety of the public when entering or leaving the development due to the speed of traffic on the A95. He also raised concerns in relation to active travel given the gradient of the route which would be challenging to walk given the distance of the development from the centre of Aberlour. He was of the view that the location of the site would leave people isolated and lonely due to the lack of public transport in the area, unless they had use of a vehicle. Councillor Ross noted that, since the Moray Local Development Plan had been adopted in 2020, the Council had also adopted National Planning Framework (NPF) 4 and was of the view that the proposal did not comply with policy 13 of NPF4 as there is no cycle path or designated route and no public transport on evenings or weekends. He also was of the view that the proposal did not comply with NPF4 policy 14 as the development was not well connected and residents would have to have use of a vehicle to access shops and services. Furthermore, he was of the view that the proposal did not comply with NPF4 policy 15 in terms of the requirements for 20 minute neighbourhoods. Councillor Ross therefore moved that the Committee refuse planning permission in relation to Planning Application 23/00494/APP for the reasons stated. This was seconded by Councillor Macrae.

Councillor Coull stated that Aberlour desperately needed affordable housing and was confident that the transportation issues would be addressed in due course and moved, as an amendment, that the Committee agree to grant planning permission in relation to Planning Application 23/00494/APP, as recommended by the Appointed Officer. This was seconded by Councillor Lawrence.

On a division there voted:

For the Motion (5): Councillors Ross, Macrae, Gatt, Keith and McBain

For the Amendment (7): Councillors Coull, Lawrence, Cowe, Dunbar, Fernandes, Gordon and Warren

Abstentions (0): Nil

Accordingly, the Amendment became the finding of the Meeting and the Committee agreed to grant planning permission, as recommended, in respect of Planning Application 23/00494/APP, subject to:

- (i) payment of developer obligations; and
- (ii) the following conditions and reasons with an amendment to condition 15 following further discussion from Transport Scotland in relation to the proposed pedestrian crossings on the A95 which should be approved by Transport Scotland as well as the Council prior to any occupation:

Conditions/Reasons

1. Prior to the commencement of development details of the affordable housing specification shall be submitted to and approved by the Council, as Planning Authority in consultation with the Housing Strategy and Development Manager regarding the detailed arrangements for the delivery and provision of the affordable housing on the site, which shall include confirmation of the identity of the organisation (or other similar agency) responsible for the provision and management of all affordable housing provided on the site for the lifetime of the development. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure all the residential units approved on site are affordable and managed accordingly.

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

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

3. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Council, as Planning Authority in consultation with the Environmental Health Manager. The plan shall include measures to minimise construction related noise, vibration, dust, and artificial lighting, a pollution prevention plan to protect the water environment, waste management plan and ecological mitigation plan.

Thereafter the development will be carried out in accordance with the agreed plan.

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

4. 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). The above construction hours shall apply, unless otherwise agreed in writing with the Planning Authority, and where so demonstrated exceptional operational constraints require limited periods of construction works to be undertaken out with the permitted construction hours.

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

5. The air source heat pumps must be installed and maintained in accordance with the Microgeneration Scheme guidance: - MCS 020 MCS Planning Standards for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises.

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

6. No development shall commence until details of protection measures of existing private water supplies leading through the site (both during construction and for the lifetime of the development) have been submitted to and agreed in writing with the Council as Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details, unless otherwise agreed with the Planning Authority.

Reason: In order to safeguard the water supplies which serve the neighbouring houses.

7. No development shall commence until an amended Landscape and Biodiversity Plan has been submitted to and approved by the Council, as Planning Authority. This shall be closely based upon the Detailed Landscaping Layout drawing number AB02_L_01 Rev C and Landscape Management Plan number AB02_L_02, and show the following:

- (a) additional tree, shrub, and hedge planting along the active travel route to provide a buffer between the development and existing housing along the A95,
- (b) locations and specifications of bird and bat boxes (minimum, 6 of each) on the site, as recommended in the Preliminary Ecological Appraisal (update

- 2) prepared by Rachael Thwaites, Ecological Consultant dated 6 September 2023,
- (c) the time-scale(s) for all new planting, seeding and turfing to be undertaken on the site for each phase / character area on the site, and including the planting blocks to the south and east shown outwith the site boundary on the masterplan drawing contained within the accompanying document titled Design Statement July 2023 Rev A.

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

Reason: To ensure the provision of an acceptable level of planting at the development in the interests of the amenity, to enhance biodiversity in the area, and to ensure 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.

8. The mitigation recommendations as detailed within the accompanying Badger Survey Report, prepared by Walking-the-Talk dated 15 September 2023, shall be fully implemented by the developer, unless otherwise agreed in writing by the Council, as Planning Authority.

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

9. Unless otherwise agreed in writing with the Council as Planning Authority, the equipped play area shall be provided in accordance with the approved plans titled Phase 1 Play Area AB02-R_PL_10 Rev B and specification plan prepared by 'Produlic' dated 13/11/2023, reference 2311.40920 (SpeyviewAberlour_SpringfieldProperties PLC) prior to the commencement of the 20th residential unit on site. Thereafter the equipped play area shall be maintained in accordance with the details set out in the approved landscape management plan for the lifetime of the development.

Reason: To ensure the timeous provision of the play area.

10. Prior to the commencement of the 20th residential unit on site, finalised details of the public artwork and street-naming on the site, closely based upon the submitted drawings AB02-R_PL_09 C and 09 A Public Art, including timescale for provision shall be submitted to and approved to and approved by the Council, as Planning Authority. Thereafter the development shall be implemented in accordance with these approved details, plans and timescales, unless otherwise agreed by the Council.

Reason: To ensure distinctive urban form with public art to provide good orientation and navigation.

11. No development shall commence until a construction phase surface water management plan has been submitted to and approved by the Council, as Planning Authority in consultation with Moray Flood Risk Management. Thereafter the development shall be carried out in accordance with the agreed details.

Reason - To prevent surface water flooding and pollution during the course of the development and minimise risk to the River Spey SAC.

12. The surface water drainage arrangements detailed in the approved drawings and Drainage Strategy Report Rev C prepared by Springfield Properties shall be completed prior to the first occupation of any housing unit in the development or its completion whichever is the sooner, and thereafter maintained for the lifetime of the development in accordance with the approved Drainage Strategy, unless otherwise agreed by the Council, as Planning Authority.

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

13. No development shall commence until a Community Wealth Building Plan has been submitted to and approved in writing by the Council, as Planning Authority. This plan shall include measures, targets and monitoring for the following areas as appropriate:
 - (a) improving community resilience, reducing inequalities and maximising local job creation at the development (training, apprenticeships, etc.) and
 - (b) increasing spending within communities and ensuring the maximum use of local supply chains and services to be applied to the site.

The measures and monitoring shall thereafter be implemented in accordance with the plan unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: To support a new strategic approach to economic development that helps to build a wellbeing economy in accordance with National Planning Framework 4 Policy 25 - Community Wealth Building.

14. Prior to the commencement of any development hereby permitted (other than the formation of a temporary construction access and siting of the works compound to allow delivery of the new trunk road access junction), the new ghost island priority junction with the A95(T), generally as illustrated in the Cameron and Ross Drawing No. A1/1804741-1001 (Revision 4) Proposed A95 Improvements Layout, shall be constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that the standard of access layout complies with the current standards, and that the safety and free flow of traffic on the trunk road is not diminished.

15. Prior to occupation of any part of the development hereby permitted, a new active travel link, generally as illustrated in Springfield Properties Drawing No. AB02-ENG-602 (Revision B) *Active Travel Route Layout*, and associated works as generally illustrated in ECS Active Travel Review Appendix D: Drawing No. 23097_002 *Proposed Pedestrian Crossing – Forward Sight Distance* and Appendix E: Cameron and Ross Drawing No. A/1804741-1017 *Offsite Footpath Upgrades* shall be constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that facilities are provided for the pedestrians that are generated by the development and that they may access the existing footpath system without interfering with the safety and free flow of traffic on the trunk road.

16. Prior to occupation of any part of the development hereby permitted, new bus stop lay-bys on both sides of the A95(T), generally as illustrated in Cameron + Ross Drawing Numbers A1/180471 – 1002 (Revision 2) *Bus Stop Lay-by Layout (North of Proposed Junction)* and A1/180471 – 1003 (Revision 3) *Bus Stop Lay-by Layout (South of Proposed Junction)*, shall be constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

17. Prior to commencement of the development, details of the landscaping treatment along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. All landscaping shall be located such that it can be installed and maintained from within the development without requiring access to the trunk road.

Reason: To ensure that there will be no distraction to drivers on the Trunk Road and that the safety of the traffic on the Trunk Road will not be diminished.

18. Prior to commencement of the development, details of the fencing / barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland and thereafter implemented prior to commencement of operation. The fencing / barrier proposals shall be located such that they can be erected and maintained from within the development without requiring access to the trunk road.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

19. There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing trunk road drainage network is not affected.

20. No development shall commence until the follow details have been submitted for approval in writing by the Planning Authority in consultation with the Roads Authority:

- A Road Safety Audit / Safety Audit of the potential non-motorised user route(s) between the development and the A95(T) bridge over the Linn Burn. Prior to commencement the scope of the audit shall be submitted for approval in writing with the Moray Council Transport Development team.
- Details of the proposed mitigation measures to address any issues identified by the Road Safety Audit/Safety Audit.

Thereafter, the Road Safety Audit / Safety Audit and mitigation measures shall be completed in accordance with the approved details prior to the completion of any house within the development.

Reasons: To ensure acceptable development in the interests of road safety and the provision of details currently lacking from the submission.

21. Notwithstanding the details submitted on the adoption plan drawings (Drawing No AB02-ENG-515 Rev F) and Kerbing Plan (AB02-ENG-510 Rev F), which are contrary to the site plan (Drawing No. AB02-R_PL_01 Rev B), prior to the commencement of development the following details shall be submitted for the approval by the Planning Authority in consultation with the Roads Authority:

- a) Adoption Plan (Scale 1:500 minimum) showing a 3 metre cyclepath on the west side of the road leading south from the crossroads to the end of the adopted road.
- b) Details, including maintenance arrangements for hedges to be planted adjacent to parking spaces which shall be planted at least 1.0 metres from the edge of the parking space to readily enable access into and out of parked vehicles at all times.

Thereafter the development shall be constructed in accordance with the approved details.

Reasons:

- a) To ensure acceptable development through the provision of details currently lacking from the submission.
- b) To ensure an acceptable development in terms of parking provision and amenity of the area.

22. Notwithstanding the details of parking for Plots 21 and 22 (Type F – 4 Bed) shown on the site layout plan (Drawing AB02-R_PL_01 Rev B) which indicate a space for only 2 spaces per plot, no development shall commence until details (Site Layout Plan scale 1:500 min) has been submitted for approval in writing by the Planning Authority in consultation with the Roads Authority which confirms the location of a minimum of 3 parking spaces to serve each 4 bed

plot. Thereafter parking provision shall be provided and maintained for use in accordance with the approved site layout plan unless otherwise agreed in writing with Moray Council Transportation.

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.

23. Notwithstanding the Travel Information Pack submitted, which is not accepted, prior to completion of the first house, a Travel Information Pack shall be submitted for approval in writing by the Planning Authority in consultation with the Roads Authority, which includes the following information:
- a) Information on routes for pedestrians and cyclists to access local facilities.
 - b) Information on the provision of bus services including demand responsive services serving the development.
 - c) Information on the availability and accessibility of local public car and ebike/cycle sharing schemes.
 - d) Details of the programme for updating the Travel Information Pack as the development progresses.

Thereafter the Travel Information Pack shall be provided to each dwelling upon first occupation from the date of first completion of any part of the residential development.

Reason: To ensure the provision of acceptable sustainable transport information through the provision of details currently lacking in the interests of reducing the impact of travel and transport on the environment.

24. Prior to the commencement of development the following shall be submitted for approval by the Planning Authority in consultation with the Roads Authority:
- a) A Construction Traffic Management Plan which includes details of any temporary site access arrangements, site compounds, lay down areas and site parking (Plan scale 1:500 minimum) and proposals to safeguard non-motorised road users;
 - b) Details (Plan scale 1:500) which show the provision of a temporary turning area, including details of the construction of the turning area, adjacent to Plots 35/36 to provide a turning facility for refuse collection vehicles and other visiting vehicles.

The approved Construction Traffic Management Plan must be complied with at all times. The works identified in b) shall be completed prior to completion or first occupation of any of the plots numbered 29 to 39 and shall be retained until such time that the road ends at Plots 35/36 and Plots 13/14/15/16 are connected via a loop road and available for use by visiting service vehicles.

Reasons:

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

- b) To ensure acceptable infrastructure to service the development through the provision of details currently lacking.
25. No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway.

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

26. The width of the individual vehicular accesses shall be 3.0m – 5.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The part of the access over the public footway shall be to The Moray Council specification and surfaced with bituminous macadam.

Reason: To ensure acceptable infrastructure at the individual development accesses.

Councillor Divers re-joined the meeting at this juncture

8. Planning Application 23/00994/APP

Ward 4 – Fochabers Lhanbryde

For the construction and operation of a 30 MW battery energy storage system including associated infrastructure at land to east of A941 Bishopmill, Elgin, Moray for Green Power Consultants Ltd

The Committee had before it a report by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for the construction and operation of a 30 MW battery energy storage system including associated infrastructure at land to east of A941 Bishopmill, Elgin, Moray for Green Power Consultants Ltd.

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.

Councillor Macrae considered the proposal to be a worthy departure from the Moray Local Development Plan 2020 as the Council moves towards net zero and welcomed the fire risk and safety information provided within the planning application and moved that the Committee grant planning permission, as recommended, in respect of Planning Application 23/00994/APP.

In relation to Condition 15 regarding protection of trees, Councillor Gatt sought clarification as to whether this protection was during construction of the development or the completion of the development after 40 years.

In response, Mr Miller advised that these protection measures would be during the construction process and suggested an update to condition 16 to reflect that any trees that die during the 40 year period of any consent are replaced during the appropriate planting season.

Councillor Gatt welcomed this suggestion and then went on to discuss the emergency response plan and fire risk assessment which the Applicant had agreed to develop once the battery products had been decided and queried whether, as there had been concerns about the safety of such developments, a condition could be added to ensure the fire risk assessment is in place prior to the operations commencing on the site.

In response, Mr Miller, Senior Planning Officer agreed to include a condition as suggested by Councillor Gatt.

Having considered the response from Mr Miller, Councillor Gatt agreed to second Councillor Macrae's motion subject to an amendment to condition 16 in relation to the protection of trees and the additional condition in relation to the fire risk assessment.

The Chair queried whether Councillor Macrae was content to include the amendment to condition 16 and the additional condition in his motion. Councillor Macrae agreed to this.

There being no-one otherwise minded, the Committee unanimously agreed to grant planning permission, as recommended, in respect of Planning Application 23/00994/APP subject to:

- an amendment to condition 16 to ensure that any trees that die during the 40 year period of the consent are replaced during the appropriate planting season;
- an additional condition to ensure that the fire risk assessment is in place prior to the operations commencing on the site; and
- the following conditions and reasons:
 1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the 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 12 months 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 provision 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 the material finishes of all buildings and plant including battery storage containers, as well as full details of the means of enclosure have been submitted to and agreed in writing by the Planning Authority. For the avoidance of doubt the battery storage containers shall be finished in grey or green as indicated in the submitted supporting information with the application. 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 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 brought into use unless a Post-Excavation Research Design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the Planning Authority. The PERD shall be carried out in complete accordance with the approved details.

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

5. No development shall commence until:
 - i. a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land through ownership or provision of third party agreement) showing the visibility splay 4.5 metres by 215 metres in both directions at the access onto the A941 Lossiemouth - Elgin - Dufftown - Rhynie Road with all boundaries set back to a position behind the required visibility splay, and a schedule of maintenance for the splay area has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and
 - ii. thereafter the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and

- iii. thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.26 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 minimum interference to the safety and free flow of traffic on the public road through the provision of details currently lacking.

6. 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.

7. 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;
- 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;
- 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.

8. No works shall commence on site until a Method Statement setting out the working practices and detailed drawings related to underground cable laying in the vicinity of the U39E Myreside Road, A941 Lossiemouth – Elgin – Dufftown – Rhynie Road, Elgin – Lossiemouth cycle track and C24E Elgin - Westerfolds - Duffus Road has been submitted to and approved in writing by the Council as Planning Authority in consultation with the Roads Authority. Thereafter, the

development works shall proceed in accordance with the approved details, unless otherwise approved in writing by the Planning Authority in consultation with the Roads Authority.

Reason: To ensure acceptable working practices in the vicinity of the public infrastructure through the provision of details currently lacking.

9. 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.

10. 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, dust and artificial lighting;
 - a scheme for the management of surface water drainage during the construction process;
 - a scheme to ensure soils on and around the site are protected from unnecessary disturbance including erosion and compaction to minimise soil sealing.

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, the Sey Burn and soils on and around the site.

11. The rating level of noise associated with the development shall not exceed 41 dB at the nearest noise sensitive dwelling which is lawfully existing or has planning permission at the date of this permission . 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. The rating level in this condition will apply for either daytime (0700 to 2300 hours) or night time (2300 to 0700 hours) periods.

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

12. Unless otherwise agreed with the Planning Authority, a 4m high acoustic fence with a surface density of at least 10kg/m² shall be provided on the south east and south west elevations of the development as illustrated in Figure D.2, page 28 of the approved Noise Impact Assessment supporting document by Parker Jones Acoustics and titled "Land at Spynie Farms, Elgin, Moray, IV30 4LF. Noise Impact Assessment. 1st December 2023 Revision 1", as well as indicated in Drawing No. APA-612-DR-PL-003 Revision 4, dated 08/11/23 and titled "Proposed Site Layout". Prior to the use commencing, the final selected acoustic barrier in terms of chosen material, design, surface density shall be submitted in a plan and agreed in writing with the Council, as Planning Authority and shall thereafter be installed prior to the first use or completion of the battery storage scheme hereby approved (whichever is the soonest) and maintained throughout the lifetime of the development.

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

13. Prior to the development commencing details of the operational site lighting shall be submitted to and agreed in writing by the Planning Authority, in consultation with the Environmental Health Manager. Thereafter, the agreed lighting details shall be implemented as approved and maintained throughout the lifetime of the development.

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

14. Prior to any development works commencing, a monitoring statement that demonstrates the measures taken/implemented to ensure compliance with the approved Community Wealth Building Plan (by AAH Consultants dated November 2023) shall be submitted to the Council, as Planning Authority for approval in writing. This shall include details of:

- the offer of community ownership including any marketing/promotion with the local community and community bodies;
- the name(s) of the body/bodies taking partial ownership and details of their respective share(s) (where there has been no uptake this should also be specified);
- (where there has been no demand for community ownership) details of alternative schemes as specified in section 2.20 of the approved Community Wealth Building Plan including any marketing/promotion with the local community and community bodies; and
- mechanisms to ensure community bodies/groups that do invest can withdraw from ownership if necessary.

Thereafter the development shall proceed in accordance with the approved details unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: To ensure that the measures detailed in the approved Community Wealth Building Statement have been implemented, in accordance with

National Planning Framework 4 Policy 11 – Energy and Policy 25 – Community Wealth Building.

15. All tree protection measures (i.e. herras fencing or equivalent) as shown in the approved Planting Plan (ref no. Elgin GP-23-02 01 Rev B) shall be provided prior to any development works commencing (including site clearance/preparation works) and thereafter be retained in full accordance with the approved details until completion of the development.

Reason: To ensure timeous provision of the approved tree protection measures.

16. All landscaping as shown in the approved Planting Plan (ref no. Elgin GP-23-02 01 Rev B) shall be provided in the first planting season after completion of the development or the first use of the battery storage scheme (whichever is the soonest). Thereafter the landscaping (including existing trees on the site) shall be maintained in accordance with the approved aftercare specified on the plan. Any trees or plants which (during the lifetime of this consent) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning Authority) gives written consent to any variation of this planning condition.

Reason: In order to ensure 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.

17. The development hereby approved shall be implemented in full accordance with section 6 (Conclusions and Recommendations) of the approved Bat Activity Survey Report (ref: RDECO00060/180/01/B dated 9 June 2023) and section 6 (Conclusions and Recommendations) of the approved Preliminary Ecological Appraisal (ref: RDECO00060/173/01/B dated 9 June 2023).

Reason: In order to ensure that the development proceeds in accordance with the recommended mitigation measures of the approved ecological surveys.

18. All foul and surface water drainage proposals shall be in accordance with the approved Drainage Impact Assessment, dated September 2023.

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

19. 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.

20. Prior to development commencing, a detailed plan addressing the procedures and operations to tackle and extinguish a fire or other polluting incident at the battery storage facility hereby approved must be submitted to and approved in writing by the Council (as Planning Authority) in consultation with the Health and Safety Executive, the Building Standards Section of Moray Council and the Scottish Fire and Rescue Service. This plan must be incorporate the details submitted under the latest version of the applicant's Outline Safety Management Plan dated October 2023. Thereafter the development shall be operated in accordance with any recommendations contained in this plan.

Reason: In order to ensure full consideration can be given to the suitability of site for such a use, and to ensure that development has contingencies in place to minimise damage or risk to human health.

9. Planning Application 23/01227/AMC

Ward 1 – Speyside Glenlivet

Approval of Matters Specified in Conditions (1-32) of Planning Permission in Principle (21/01901/EIA) in respect of proposed 85,000 tonnes per annum malt production facility on land at Greens of Rothes, Rothes, Moray for Simpsons Malt Ltd

The Committee had before it a report by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for the approval of Matters Specified in Conditions (1-32) of Planning Permission in Principle (21/01901/EIA) in respect of proposed 85,000 tonnes per annum malt production facility on land at Greens of Rothes, Rothes, Moray for Simpsons Malt Ltd.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as the application relates to a previous major Planning Permission in Principle (PPiP) that was considered as a departure from the development plan at the time and thus subject to a statutory pre-determination hearing. However, as this application is for Approval of Matters Conditioned pertaining to that PPiP no further statutory pre-determination hearing is required.

During his introduction, Mr Miller, Senior Planning Officer advised of an error on page 103 of the report where the transportation informative refers to Speyside Community Council when it should read a Local Community Group. This was noted.

Following consideration, the Committee unanimously agreed to grant planning permission in respect of Planning Application 23/01227/AMC subject to:

- an amendment to the transportation informative to state a Local Community Group rather than the Speyside Community Council; and
 - the following conditions and reasons:
1. In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, the development to which this permission relates must be begun not later than whichever is the later of the following dates:-
 - (i) the expiration of 3 years from the date of the grant of planning permission in principal; or
 - (ii) the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved.

If the development has not commenced within this stated time-periods then this permission shall lapse.

Reason: The time limit condition is in accordance with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. All landscaping including woodland planting as shown in the approved plans (excluding that referred to in condition 4) shall be provided in the first planting season following the first use or completion of the first phase of the development (whichever is the soonest) and thereafter maintained in accordance with the approved Landscape Management Plan. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning Authority) gives written consent to any variation of this planning condition.

Reason: For the avoidance of doubt and to ensure timeous delivery of landscaping.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development other than that permitted under this consent (including planning permission in principle ref. 21/01901/EIA) shall be undertaken within the area identified for safeguarding on approved plan titled 'SITE ACCESS JUNCTION, SAFE-GUARDED LAND FOR FUTURE FOOTWAY PROVISION' without the written consent of the Council, as Planning Authority.

Reason: To ensure the area identified for safeguarding is kept free of development that may impede the future provision of a public path, in the interests of providing infrastructure for sustainable and active travel.

4. Notwithstanding the details submitted for the proposed landscaping (Drawing No; L01 F 'Planting Strategy') which are not acceptable. No new planting (other than grass) shall be permitted within the area identified as 'SAFE-GUARDED LAND FOR FUTURE FOOTWAY PROVISION' on the plan titled 'SITE ACCESS JUNCTION, SAFE-GUARDED LAND FOR FUTURE FOOTWAY PROVISION' Until the following details have been submitted for approval in writing by the Planning Authority in consultation with the Roads Authority:

A detailed plan (Scale 1:500 min) showing the design of a continuous path (minimum width 2m), proposed landscaping and planting.

A maintenance schedule for the landscaping within the area of safeguarded land.

Thereafter, unless otherwise approved in writing by the Planning Authority, the landscaping within the safe-guarded land shall be maintained with monthly grass cutting or in accordance with the approved schedule for the lifetime of the development.

Reason: To ensure an acceptable development, safeguarding and maintenance of land for future path provision for non-motorised users, and the provision of additional details currently lacking from the submissions.

5. No part of the development shall be completed or become operational until evidence has been submitted to demonstrate that the statutory process to promote and implement any new speed limit(s) on the B9015 required as a consequence of the proposed development, have been completed by Moray Council.

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

6. Notwithstanding the details submitted in the Site Traffic Management Plan. No works shall commence on site until a Construction Traffic Management Plan 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;

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

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

7. The footway/footpath improvements between the development and Rothes shall be provided in accordance with the approved details prior to the completion of the development or the development becoming operational (whichever is soonest).

Reason: To ensure acceptable infrastructure is provided on route to the development in road safety terms.

8. Prior to completion of the site access or the access becoming operational a visibility splay measuring 4.5m x 137m to the west and 4.5m x 215m to the east shall be provided in accordance with the approved details.

Thereafter the visibility splay shall be maintained at all times with no obstructions over 0.26 metres in height measured from the nearest edge of the carriageway, and in accordance with a schedule of maintenance to be agreed in writing by the Council, as Planning Authority.

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.

9. No part of the development shall become operational until the parking and EV charging associated with it has been provided in accordance with the approved details. Thereafter, unless otherwise approved in writing by the Planning Authority the parking shall be retained and available for use at all times for that purpose.

Reason: To ensure the permanent availability of parking and the provision of infrastructure to support the use of low carbon transport in the interests of an acceptable development and road safety.

10. No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0 metre in height and fronting onto the public road shall be within 2.4 metres of the edge of the carriageway, measured from the level of the public carriageway, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

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

11. Prior to their siting, details (i.e. elevations, floor plans and any drainage arrangements) of the proposed temporary portacabin offices as indicated on the approved plans shall be submitted to and approved in writing by the Council as Planning Authority along with timing for their provision and removal. Thereafter the portacabins shall be provided in accordance with the approved details unless otherwise agreed in writing with the Council (as Planning Authority).

Reason: To allow further consideration to be given to the temporary portacabins, details of which are lacking from the submission, and to ensure they are sited for a temporary period.

12. The development hereby approved shall be finished and maintained in

accordance with the material finishes indicated on the approved plans, unless otherwise agreed in writing with the Council.

Reason: To ensure material finishes are provided in accordance with the approved details, in the interests of the character and visual amenity of the surrounding area.

10. Planning Application 23/01906/APP

Mr MacPherson, Principal Planning Officer, left the meeting at this juncture.

Ward 4 – Fochabers Lhanbryde

Domestic extension at 37 Beils Brae Urquhart Elgin Moray for Mr Neal MacPherson

The Committee had before it a report by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for a domestic extension at 37 Beils Brae, Urquhart, Elgin, Moray for Mr Neal MacPherson.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as it is submitted by an Officer that is involved in the statutory planning process.

Following consideration, the Committee unanimously agreed to grant planning permission, as recommended, subject to the following conditions and reasons:

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the 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. Two existing car parking spaces shall be retained within the site throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning 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.

3. No development shall commence until the tree protection measures detailed in submitted Tree Protection Plan have been implemented in full. For the avoidance of doubt the tree protection barrier should comply with BS5837:2012.

Reason: In order to ensure adequate measures to protect retained trees are in place.

Mr MacPherson, Principal Planning Officer re-joined the meeting at this juncture

11. Proposal of Application Notice – 23/02061/PAN

Under reference to paragraph 6 of the Minute of the meeting of this Committee dated 15 August 2023, the Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) informing that a Proposal of Application Notice (PAN) had been submitted on 21 November 2023 on behalf of Moray Council.

The Committee noted that a similar PAN had been considered by this Committee on 15 August 2023 however this updated PAN included student accommodation.

Councillor Lawrence welcomed the proposed student accommodation and asked that the Applicant give consideration to the provisional views/relevant issues raised by the Committee on 15 August 2023 including active travel considerations.

Thereafter, the Committee unanimously 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:
 - that the Applicant give consideration to the provisional views/relevant issues raised by the Committee on 15 August 2023 including active travel considerations; 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.

12. Planning Performance Framework 2022-23

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) informing that the Planning Performance Framework (PPF) for 2022/23 had been submitted to the Scottish Government (SG) on 27 July 2023, covering the period from 1 April 2022 to 31 March 2023. The report provided a summary of feedback received from the Scottish Government dated 20 October 2023 with specific reference to the Performance Markers Report and Red, Amber, Green (RAG) ratings for the 2022/2023 submission.

The Committee joined the Chair in congratulating the Planning Service for the outstanding performance set out in the report and thereafter unanimously agreed to:

- (i) note the Planning Performance Framework submitted to the Scottish Government on 27 July 2023 as set out in Appendix 1 of the report;
- (ii) note the feedback report received from the Scottish Government on 20 October 2023 as set out in Appendix 2 of the report;
- (iii) authorise the Head of Economic Growth and Development to submit the Planning Performance Framework for 2023/2024 to the Scottish Government by the end of July 2024 (or any other date that may be set);
- (iv) note that the Planning Performance Framework will be reported to the first available Planning and Regulatory Services Committee following receipt of the feedback; and
- (v) note the Planning Performance Framework 2022/23 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 2023/2024

13. Review of Enforcement Charter and Update on Enforcement

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) asking it to agree the revised Enforcement Charter and note the update on Planning Enforcement activity.

Following consideration, the Committee unanimously agreed:

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

14. Planning Policy Guidance – Moray Local Development Plan

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) asking for approval of the stance taken on the National Planning Framework 4 (NPF4) policy 8 Green Belts and the updated planning policy guidance on NPF4 policy 17 Rural Homes to support the delivery of the Moray Local Development Plan.

Following consideration, the Committee unanimously agreed:

- (i) that NPF4 policy 8 Green Belts is not applicable within the Moray Local Development Plan boundary for the reasons set out in the report;
- (ii) to approve the updated planning policy guidance for policy 17 Rural Homes as set out in Appendix 1 of the report and agreed that this be used as a material consideration in the development management process; and

- (iii) that the policy stance on NPF4 policy 8 and the updated planning policy guidance on policy 17 Rural Homes is used to inform the development of the new Local Development Plan.

15. Development Plan Scheme 2024 – Moray Local Development Plan

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) asking for consideration of the current timetable for the preparation of the new Local Development Plan (LDP) 2027 and agreement for the submission of the Development Plan Scheme (DPS) and Participation Statement to the Scottish Government.

During her introduction, Ms Webster advised that a graphic on engagement had been omitted in error from the Participation Statement and that this would be circulated to the Committee prior to being submitted the Scottish Government.

Following consideration, the Committee unanimously agreed that the DPS and Participation Statement for 2024, as set out in Appendix 1 of the report, and the Scheme be submitted to the Scottish Government, with the inclusion of the graphic on engagement.

16. Keith Green Energy and Infrastructure Framework

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) asking it to note the representations received to the draft Keith Green Energy and Infrastructure Framework and agree the Council's response to these and approve the final Framework.

Following consideration, the Committee unanimously agreed to:

- (i) note the representations received to the public consultation on the draft Keith Green Energy and Infrastructure Framework and agreed the Council's response to these, as set out in Section 4 of the report; and
- (ii) approve the final Keith Green Energy and Infrastructure Framework, as set out in Appendix 1 of the report, and agreed that this be used as a material consideration in the development management process and to inform the development of the new Local Development Plan.

17. Tree Preservation Orders

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) asking it to confirm the revocation of Tree Preservation Orders (TPOs) at Cowie Avenue/Fife Street (Dufftown) and Deskford, without modification.

Following consideration, the Committee unanimously agreed to:

- (i) note the representation received in response to the Moray Council (Cowie Avenue/Fife Street, Dufftown) Revocation of Tree Preservation Order 2023, as summarised in Para 4.1 of the report;
- (ii) confirm, without modification, Moray Council (Cowie Avenue/Fife Street, Dufftown) Revocation of Tree Preservation Order 2023; and
- (iii) confirm, without modification, Moray Council (Groups of Trees at Deskford, Buckie) Revocation of Tree Preservation Order 2023.

18. Food Law Enforcement Service Delivery Plan 2023-24

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) asking for approval of the Food Law Enforcement Service Delivery Plan 2023/2024.

Following consideration, the Committee unanimously agreed to approve the Food Law Enforcement Service Delivery Plan 2023/2024.

19. Question Time

Under reference to paragraph 4 of the Minute of this Committee dated 24 October 2023, Councillor Macrae queried whether further discussion had taken place with the Applicant in relation to the most appropriate access to the development.

In response, the Head of Economic Growth and Development advised that a meeting had taken place with Officers and the Applicant, a solution had been achieved and that a new application had recently been submitted.

Councillor Coull queried whether members of the Council could have training on National Planning Framework (NPF) 4.

In response, the Head of Economic Growth and Development agreed to arrange training for Members in relation to NPF4 and how it fits with the Moray Local Development Plan 2020.

20. Unauthorised Development at Residential Property in Tomintoul [Para12]

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) informing of a breach of a planning condition regarding the erection of an unauthorised fence causing a road safety hazard by obstructing a visibility splay at a road junction.

During his introduction, Mr MacPherson advised that, due to a recently submitted planning application to regulate the fence, a change to recommendation (i) had been circulated to the Committee prior to the meeting. This was noted.

Following consideration, the Committee unanimously agreed:

- (i) in the event the recently submitted planning application is either refused, or the proprietor refuses to down-take/reposition their fence, officers are authorised to issue Planning Enforcement Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997; the Enforcement Notice will require the owner of the property to remove or lower the unauthorised fence; and
- (ii) should the Notice not be complied with then authority is given to take direct action to remove or lower the fence.

MORAY COUNCIL

MINUTE OF THE SPECIAL MEETING OF THE PLANNING AND REGULATORY SERVICES COMMITTEE

15 FEBRUARY 2024

COUNCIL CHAMBERS, ELGIN

PRESENT

Councillor Cowe, Councillor Divers, Councillor Dunbar, Councillor Fernandes, Councillor Gatt, Councillor Gordon, Councillor Keith, Councillor Lawrence, Councillor Macrae, Councillor McBain, Councillor van der Horn, Councillor Warren

APOLOGIES

Councillor Cameron, Councillor Coull

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

1. CHAIR

Councillor Gordon, being Chair of the Planning and Regulatory Services Committee, chaired the meeting.

2. DECLARATION OF GROUP DECISIONS AND MEMBER'S INTERESTS

In terms of Standing Orders 21 and 23 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 5 "Planning Application 23/02157/APP" as his son is employed by the Applicant, and stated that he would leave the chamber during discussion of this item and take no part in the decision.

There were no further declarations of Members interests in respect of any item on the agenda.

3. EXEMPT INFORMATION

The meeting resolved that in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of the items of business

appearing at the relevant paragraphs of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

Minute Paragraph	Paragraph Number of Schedule 7A
8	12 - Information relating to instructions to counsel any opinion of counsel and any advice received, information obtained or action to be taken in connection with any legal proceedings

4. PLANNING APPLICATION 23/01165/APP

Ward 1 – Speyside Glenlivet

S42 to vary condition 3 and condition 20 of the original planning consent ref 21/00020/EIA at Garbet Windfarm Site, 5.5km Southeast of Dufftown, Moray for Energiekontor

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for a S42 to vary condition 3 and condition 20 of the original planning consent ref 21/00020/EIA at Garbet Windfarm Site, 5.5km Southeast of Dufftown, Moray for Energiekontor.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as the application is a major planning application.

The Chair confirmed that the monument erected in memory of Dr Grant who made the hill track adjacent to the new track leading to the windfarm will be preserved and will not be removed.

Following consideration, the Committee unanimously agreed to grant planning permission, as recommended, in respect of Planning Application 23/01165/APP subject to the following conditions and reasons:

Other than in relation to conditions 3 and 20, all other conditions referring to the 'EIA report', related to Environment Impact Assessment documents submitted and approved in relation to the consent permitted under DPEA reference PPA-300-2066 determined on 26 September 2022. In relation to variation sought, the Ministry of Defence have sought two further conditions (30 & 31).

1. Length of planning permission

Unless otherwise agreed in writing with the planning authority, the permission hereby granted shall endure for a period no longer than 35 years from the date of final commissioning, after which the development shall cease to export electricity to the national grid, and shall be decommissioned in accordance with the details otherwise approved elsewhere within this planning permission. The date of final commissioning shall be as informed to the planning authority in writing or 18 months from the date of this planning permission, whichever is the sooner.

Reason: to avoid uncertainty and ensure that the permission is implemented within a reasonable period, and to allow the planning authority to monitor compliance with the other conditions imposed.

2. Expiry of planning permission

This planning permission will lapse on the expiration of a period of five years from the date of this planning permission, unless the development has been started within that period.

Reason: to apply a reasonable time limit for the implementation of the planning permission.

3. Height of Turbines

For the avoidance of doubt, the maximum height of the turbines hereby approved is 200 metres to blade tip.

Reason: to ensure that the development is carried out in accordance with the approved details.

4. Turbine details

No turbines shall be erected on the site until the definitive type/model of all turbines including details of the hub height, blade length and blade tip height, external finishes and colour, together with any further assessments as may be required in order to demonstrate to the reasonable satisfaction of the planning authority that the turbines conform to the impacts of the candidate turbine assessed in the EIA report, have been submitted to and approved in writing by the planning authority. The approved details shall be implemented.

Furthermore:-

- a) all wind turbine blades shall rotate in the same direction;
- b) no part of the development shall display any name, logo, sign or other advertisement other than as specified in the application, unless approved in advance in writing by the planning authority or if required by law; and
- c) the wind turbines shall be constructed and operated in accordance with the approved details and shall be maintained in the approved colour, free from external rust, staining or discolouration, until such time as the development is decommissioned.

Reason: to ensure that the environmental impacts of the turbines forming part of the development conform to the impacts of the candidate turbine assessed in the EIA report and in the interests of the visual amenity of the area.

5. Substation

No construction of the substation or compound shall commence until final details of the external appearance, dimensions, surface materials and boundary treatment of each, including the means of foul water disposal and water supply have been submitted to and approved in writing by the planning authority. The sub-station and compound (including associated infrastructure) shall thereafter be constructed in accordance with the approved details.

Reason: to ensure that the environmental impacts of the sub-station and the compound forming part of the development conform to the impacts assessed in the EIA report and in the interests of visual amenity.

6. Battery Storage facility

No construction of the battery storage facility shall commence until final details of its external appearance, dimensions, surface materials and boundary treatment, including the means of foul water disposal and water supply have been submitted to and approved in writing by the planning authority. The battery storage facility (including associated infrastructure) shall be constructed in accordance with the approved details.

Reason: to ensure that the environmental impacts of the battery storage facility forming part of the development conform to the impacts assessed in the EIA report and in the interests of visual amenity.

7. Transportation

Prior to the commencement of any part of the development, the following must be submitted to and approved in writing by the planning authority in consultation with the roads authority:

- a) detailed proposals for undertaking trial runs and also delivery of abnormal indivisible loads. Details must include, measures proposed to protect the public road and structures, traffic management (including temporary waiting restrictions), vehicle holding areas and non-vehicular management during deliveries, time restrictions for deliveries i.e. outwith school arrival and departure times.
- b) evidence that a construction traffic management plan (CTMP) has been completed and signed by both the developer and the roads authority. The CTMP must cover the duration of the development and include methods of dealing with large and abnormal delivery vehicles. The plan shall also include the methods of marshalling and manoeuvring at junctions on the public road network, any temporary traffic waiting restriction requirements, all modifications to the road network and traffic management arrangements, routes for deliveries to and from the site, and routes which must not be used by development traffic (construction or staff) to access the site. A programme of monitoring for all routes identified in the CTMP during construction will be required.
- c) evidence that a wear and tear agreement between the developer and the roads authority has been completed and signed by both parties. The wear and tear agreement must include a condition survey of the network undertaken jointly by the developer and a representative from the roads authority. The survey must 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 roads authority.
- d) evidence shall be provided to confirm that a bond or other financial security has been agreed by the developer and the roads authority and put in place to cover the construction period of the development and to be called upon in the event that the developer fails to meet its obligations under the wear and tear agreement to maintain the road in a safe condition during the construction phase of the development and to restore the road to its original predevelopment condition within 1 year of the completion of construction or the development becoming operational, whichever is the earlier. The bond/security shall relate to the full extent of the U94bH Burnside of Markie Road within the Moray Council area and is required to mitigate the potential risks from damage to the public road occurring during the construction phase of the development.

- e) detailed plans (1:200 minimum) of all temporary and permanent works proposed to the public roads including details of any works required to listed structures and any other heritage assets affected by deliveries to the development. Details for any areas of road widening and new passing places must also include drainage details to accommodate the additional road surface area. Specific trees to be removed to accommodate the road widening and passing places on the public road network leading to the site should also be identified. Details of where an equivalent number will be planted should also be included.
- f) detailed plans (1:200 minimum) of all works to accommodate the proposed abnormal indivisible deliveries. Details for any areas of road widening and new passing places must also include drainage details to accommodate the additional road surface area. Specific trees to be removed to accommodate the road widening and passing places on the public road network leading to the site should also be identified. Details of where an equivalent number will be planted should also be included.

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

Reason: to ensure that the development is acceptable in road safety terms and to mitigate the environmental impact.

8. Road works

Prior to the commencement of construction and deliveries, including any abnormal indivisible loads, all suspensive works approved through condition 7 must be completed in accordance with the approved details and plans. Any works undertaken are to be permanent for the duration of the operation of the development unless otherwise agreed in writing with the planning authority in consultation with the roads authority.

On completion of the works but prior to the commencement of deliveries, including any abnormal indivisible loads, abnormal load trial run(s) must be undertaken to confirm the works are acceptable and to identify any other restrictions not previously addressed and the frequency and location of abnormal load passing places/oncoming vehicle holding areas required. Representatives from Moray Council Transportation (Traffic), Aberdeenshire Council and Police Scotland must be invited to the trial run. Thereafter, the development shall be completed in accordance with the approved details and plans.

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

9. Temporary over-run areas

Prior to completion of the development, all areas of temporary over-run must be reinstated to an appropriate standard.

Reason: to ensure restoration at the end of the construction period to mitigate the environmental impact.

10. Environmental Clerk of Works

- a) No development shall commence until the planning authority has, in consultation with NatureScot, approved in writing the terms of the

appointment of an independent environmental clerk of works (ECoW). The terms of appointment shall:

- i. impose a duty to monitor compliance with the mitigation identified in chapter 15 Schedule of Mitigation of volume I of the EIA Report; the construction environmental management plan; and the habitat management plan;
 - ii. require the ECoW to report to the developer's nominated construction project manager and the planning authority any incidences of noncompliance with the mitigation measures referred to at i) above at the earliest practical opportunity;
 - iii. require the ECoW to direct the micro-siting and placement of the turbines, buildings, tracks, hardstanding, and other ancillary infrastructure in accordance with the micro-siting condition;
 - iv. require the ECoW to submit a monthly report to the planning authority summarising works undertaken on site and incidents of micro siting;
 - v. require the ECoW to advise on adequate protection of nature conservation interests on the site and be responsible for checks for protected species before and during construction; and
 - vi. require the ECoW to attend frequent meetings as set out in the habitat management plan.
- b) The ECoW shall be appointed on the approved terms prior to the commencement of development, throughout any period of construction activity and during any period of post construction restoration works.

Reason: to secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the development.

11. Environmental Clerk of Works (Decommissioning)

No later than six months prior to decommissioning of the development or the expiration of this permission (whichever is the earlier), details of the terms of appointment of an independent environmental clerk of works throughout the decommissioning, restoration and aftercare phases of the development shall be submitted in writing to the planning authority for approval in writing. The environmental clerk of works shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the development.

Reason: to secure effective compliance with the environmental mitigation and management measures associated with the development during decommissioning.

12. Habitat Management Plan

Prior to the commencement of development and further to the mitigation and enhancement contained within the outline habitat management plan hereby approved, a consolidated and detailed habitat management plan must be submitted to the planning authority for approval in writing, incorporating:-

- a) the constitution of the habitat management plan steering group, including as a minimum the developer, the landowner, NatureScot, and the Deveron, Bogie and Isla Rivers Trust;
- b) the remit of the habitat management plan steering group including how changes to the plan will be made and approved;

- c) a fishery management plan including additional baseline electrofishing and kick sampling to be conducted before, during and two years post construction;
- d) frequent site meetings with the ECoW appointed in accordance with condition 10 preconstruction, during and on completion of construction;
- e) consolidation of the proposed ornithological mitigation with existing agri-environmental management schemes already in place particularly in relation to wading birds and peatland restoration;
- f) further investigation and implementation of measures to reduce the required excavation in construction of crane hardstandings. This may be by adoption of alternative construction methods or other means;
- g) the construction programme duration which is likely to be 12 to 18 months;
- h) a peat management plan including details of alternatives to stripping the shallow peaty layer in the temporary construction compound; active intervention measures to promote swift revegetation including details of the slope and how the hydrology of the reinstated peat will be addressed and monitored; water table depth and resulting soil pore space saturation which will require monitoring and active intervention if the water table is lower than required; and
- i) blanket bog restoration: further details of location, methods, materials, monitoring and aftercare in relation to blanket bog restoration required.

Thereafter, the development shall be completed in accordance with the approved details. No development shall commence unless and until the habitat management plan steering group has been established.

Reason: to minimise potential impacts on fish fauna, birds and peat and to ensure the appropriate management of peat habitats and reuse of peat.

13. Drainage

Unless otherwise agreed with the planning authority in writing, a finalised drainage impact assessment, showing the following must be submitted to and approved in writing by the planning authority (in consultation with Moray Flood Risk Management Team) prior to completion of all water crossing and turbine foundation pads. The drainage impact assessment should be based upon the designed drainage mitigation contained in Chapters 8 and 15 of volume I of the EIA report and detail the following:

- a) plans submitted with the definitive track and turbine pad layout of the drainage system for both the construction phase and the final site layout once micro-siting allowances have been made;
- b) the drainage system should be designed to a 1:30 year return period (including 35% climate change), without surcharging, if attenuation is used the system must drain completely within 24 hours;
- c) demonstrate that the post development run-off rate does not exceed the predevelopment run-off rate, or increase the risk of flooding to the surrounding land;
- d) confirm that drainage is not redirected to allow surface water draining from one catchment to drain into a different catchment either at construction phase or completion;
- e) instead of the culverts shown in Figure 3.5 'Typical Watercourse Crossing' of the EIA report, watercourse crossings to be oversized, bottomless arched culverts or traditional style bridges are to be used; and

- f) the Deveron District Salmon Fishery Board are be consulted on any instream works before work progresses and specifically on the design of all waterway crossings.

Reason: to ensure all the necessary flood prevention measures are in place and to ensure that protection of the water environment is maintained throughout the construction, operation and decommissioning of the development.

14. Access Management Plan

Prior to commencement of development an access management plan must be submitted to and approved in writing by the planning authority in consultation with the Moray Access Manager and the Moray Local Outdoor Access Forum. Thereafter the approved access management plan shall be adhered to and implemented within the timescales set out.

Reason: to ensure that public access is secured throughout the life of the development.

15. Construction Environmental Management Plan

No development shall commence until a construction environmental management plan, incorporating a construction method statement and the proposed precautions and mitigation detailed in chapter 15 Schedule of Mitigation Table 15.1 of volume I of the EIA report, has been submitted to and approved in writing by the planning authority in consultation with the Scottish Environment Protection Agency.

Reason: to ensure all the necessary mitigation measures as set out in the EIA Report are implemented properly.

16. Construction Hours

- a) Construction work shall only take place on the site between the hours of 0700 to 1800 on Monday to Friday inclusive and 0700 to 1300 on Saturdays, with no construction work taking place on a Sunday or on national public holidays or bank holidays. Outwith these specified hours, development on the site shall be limited to concrete pouring if started within those hours, turbine erection, maintenance, emergency works, dust suppression, and the testing of plant and equipment, unless otherwise approved in advance in writing by the planning authority. The developer shall notify the planning authority of such works if carried out outside the permitted hours within two working days of their occurrence.
- b) Heavy Goods Vehicles (HGV) movements to and from the site (excluding abnormal loads) during construction of the wind farm shall be limited to 0700 to 1900 Monday to Friday, and 0700 to 1600 on Saturdays, with no HGV movements to or from site taking place on a Sunday or on national public holidays or bank holidays unless otherwise agreed in writing by the planning authority.
- c) Turbine delivery may be made out with these construction hours, where necessary, and as agreed in writing in advance with the planning authority. For the avoidance of doubt the public holidays or bank holidays are detailed as follows:
 - New Year's Day, if it is not a Sunday or, if it is a Sunday, 3rd January;
 - 2nd January, if it is not a Sunday or, if it is a Sunday, 3rd January;
 - Good Friday;

- The first Monday in May;
- The first Monday in August;
- 30th November, if it is not a Saturday or Sunday or, if it is a Saturday or Sunday, the first Monday following that day;
- Christmas Day, if it is not a Sunday or if it is a Sunday, 27th December; and
- Boxing Day, if it is not a Sunday or, if it is a Sunday, the 27th December.

Reason: to ensure that construction activity minimises the impact on surrounding neighbours.

17. Wind Farm Noise

The rating level of noise immissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty and amplitude modulation (AM) penalty), when determined in accordance with the attached guidance notes, shall not exceed the values for the relevant integer wind speed set out in or derived from Table 1 attached to these conditions and:

- within 21 days from receipt of a written request of the planning authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant and provide a written protocol to be approved by the planning authority. The protocol shall describe the procedure to assess the level and character of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached guidance notes. The written request from the planning authority shall set out as far as possible the time or meteorological conditions to which the complaint relates and time or conditions relating to tonal noise or AM if applicable. - Measurements to assess compliance with the noise limits shall be undertaken in accordance with the assessment protocol which shall be approved in writing by the planning authority.
- the wind farm operator shall provide to the planning authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the protocol within two months of the date of the approval of the protocol by the local authority unless otherwise agreed by the planning authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements and analysis, such data to be provided in a format to be agreed with the planning authority. Certificates of calibration of the equipment shall be submitted to the planning authority with the report.
- where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 5 of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's initial assessment unless otherwise agreed by the Planning Authority.

Table 1: At all times – Noise limits expressed in dB LA90, 10 minute and apply for standardised 10 m height wind speeds up to 10 m/s as determined within the site averaged over 10 minute periods.

Location	Standardised Wind Speed at 10m height in m/s averaged over 10 minute periods, Sound Pressure Levels in dB, LA90 10min									
	4	5	6	7	8	9	10	11	12	
Property Name										

H1 Easter Braetown	25	30	32	32	32	32	32	32	32
H2 Wester Braetown	25	30	32	32	32	32	32	32	32
H3 Dumeath	16	21	23	23	23	23	23	23	23
H4 Backside Farm	21	26	28	28	28	28	28	28	28
H5 Ballochford	17	22	24	24	24	24	24	24	24
H6 Bellcherrie	20	25	27	27	27	27	27	27	27

Table 2: Coordinate locations of the dwelling listed in Table 1.

LOCATION	Easting	Northing
Easter Braetown	339688	839028
Wester Braetown	339423	838865
Dumeath	342236	837129
Backside Farm	341085	836165
Ballochford	336007	833656
Bellcherrie	340060	834097

Note to Table 2: The geographical coordinate references are provided for the purpose of identifying the general location of the dwelling to which the noise limits apply.

Guidance notes for noise condition

These notes are to be read with and form part of the planning condition on noise. The measured data is to be split into bins as described below. The rating level in each bin is the arithmetic sum of the wind farm noise level, any tonal penalty applied in accordance with Note 3 and any AM penalty applied in accordance with Note 4. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI). IOAGPG is "A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise" or any update of that report current at the time of measurement. The IOA Metric is "A Method for Rating Amplitude Modulation in Wind Turbine Noise" dated 9th August 2016 or any update of that current at the time of measurement.

Note 1 – Data collection

- a) Values of the LA90,10-minute noise index should be measured in accordance with the IOAGPG. Measurements shall be undertaken in such a manner to enable a tonal penalty to be calculated and to allow an AM penalty to be calculated for selected periods where a tonal or AM assessment is required.
- b) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second (m/s) and mean wind direction in degrees from north in each successive 10-minutes period in a manner to be agreed in writing with the planning authority. The wind speed at turbine hub height shall be "standardised" to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data which are correlated with the noise measurements determined as valid. The wind farm operator shall continuously log arithmetic mean nacelle anemometer wind speed, mean nacelle orientation, mean wind direction as measured at the nacelle, arithmetic mean rotor RPM and whether each wind turbine is running normally during each successive 10-minutes period for each wind

turbine on the wind farm. All 10- minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Universal Time (UT).

Note 2 – Data analysis

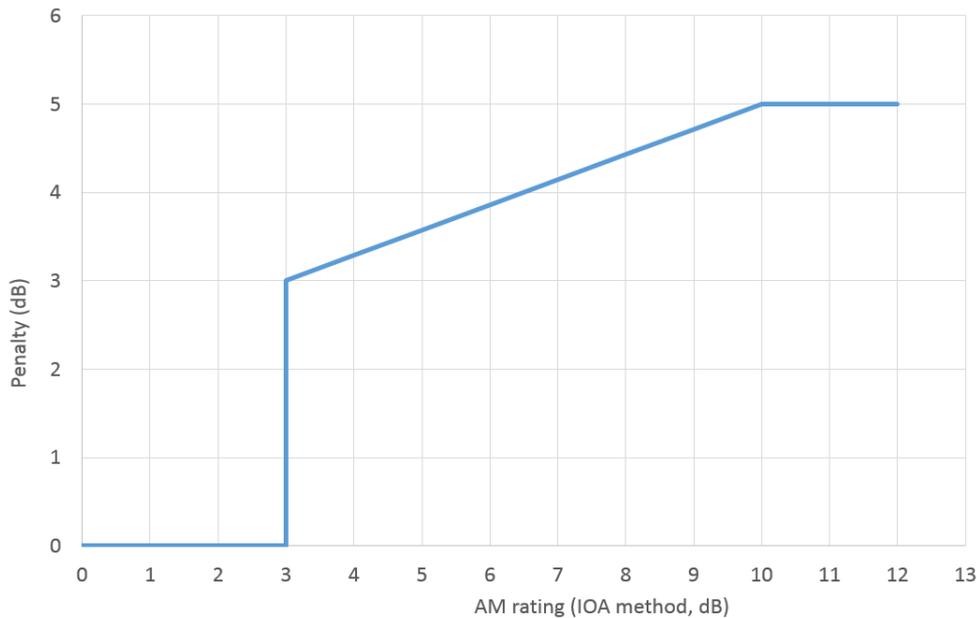
- a) The independent consultant shall identify a sub set of data having had regard to:-
- the conditions (including time of day and corresponding wind directions and speeds) at times in which complaints were recorded;
 - the nature/description recorded in the complaints if available;
 - information contained in the written request from the local planning authority;
 - likely propagation effects (downwind conditions or otherwise); and
 - the results of the tonality/AM analysis where relevant. In cases where it is possible to identify patterns of clearly different conditions in which complaints have arisen additional sub sets may be considered provided this does not introduce unreasonable complexity in the analysis and can be justified by the independent consultant.
- b) Within each of the sub set(s) of data identified, data shall be placed into separate 1 m/s wide wind speed bins.

Note 3 – Tonal penalty

- a) Where, in accordance with the protocol, the noise contains or is likely to contain a tonal component, a tonal audibility shall be calculated for each ten-minute period using the following procedure.
- b) For each 10-minute period for which a tonal assessment is required this shall be performed on noise immissions during two minutes of each 10-minute period. The two minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure").
- c) For each of the two-minute samples the tone level above audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted. Where data for a ten-minute period are corrupted, that period shall be removed from the tonal analysis.
- d) The tone level above audibility for each 10-minute period shall be placed in the appropriate data sub set and wind speed bin.

Note 4 – AM penalty

- a) Where, in accordance with the protocol, the noise contains or is likely to contain AM, an AM penalty shall be calculated for each ten-minute period using the following procedure.
- b) For each 10-minute interval for which an AM assessment is required this shall be performed in accordance with the IOA Metric. The value of AM for each ten-minute period shall be converted to a penalty in decibels in accordance with the graph below and the penalty shall be placed in the appropriate data sub set and wind speed bin. Where a penalty is zero it should be placed in the bin in the same way.



Note 5 – Calculation of rating level

- a) The LA90 sound pressure level for each data sub set and wind speed bin is the arithmetic mean of all the 10 minute sound pressure levels within that data sub set and wind speed bin except where data has been excluded for reasons which should be clearly identified by the independent consultant. The tonal penalty for each bin is the arithmetic mean of the separate 10 minute tonal audibility levels in the bin converted to a penalty in accordance with Fig 17 on page 104 of ETSU-R-97. The AM penalty for each bin is the arithmetic mean of the AM penalties in the bin. - The assessment level in each bin is normally the arithmetic sum of the bin LA90, the bin tonal penalty and the bin AM penalty except where the AM penalty and the tonal penalty relate to the same characteristic (e.g. amplitude modulated tones) when the sum of both penalties may overly penalise the characteristics of the noise. Such cases should be identified and only the larger of the AM or tonal penalty should be applied.
- b) If the assessment level in every bin lies at or below the values set out in the table(s) attached to the conditions then no further action is necessary. In the event that the assessment level is above the limit(s) set out in the tables attached to the noise conditions in any bin, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only. Correction for background noise need only be undertaken for those wind speed bins where the assessment level is above the limit.
- c) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such periods as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:
 - i. Repeating the steps in Note 1, with the wind farm switched off, and determining the background noise (L3) in each bin as required in the protocol. At the discretion of the consultant and provided there is no reason to believe background noise would vary with wind direction, background noise in bins where there is insufficient data can be assumed to be the same as that in other bins at the same wind speed.

- ii. The wind farm noise (L1) in each bin shall then be calculated as follows where L2 6 5 4 a; "0 i 3 ,, C II CL 2 1 0 0 1 2 3 4 5 6 7 8 9 10 11 12 13 AM rating (IOA method, dB) is the measured level with turbines running but without the addition of any tonal nor AM penalty:

$$L_1 = 10 \log \left[10^{L_2/10} - 10^{L_3/10} \right]$$

- iii. The rating level shall be calculated by adding the tonal and AM penalties to the derived wind farm noise L1 in that bin.
- iv. If the rating level after adjustment for background noise contribution and adjustment for tonal and AM penalties in every bin lies at or below the values set out in the Tables attached to the condition at all wind speeds then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Table(s) attached to the condition then the development fails to comply with the planning condition in the circumstances represented by that bin.

Reason: to ensure noise emanating from the windfarm, including amplitude modulation should it occur, can be controlled and kept to an acceptable level.

18. Noise measurements

Prior to the commencement of development full details of the proposed wind turbines (including the power rating, sound power levels, and tonality assessment carried out on the selected turbine) shall be submitted to and approved by the planning authority. Thereafter only the approved turbines can be erected on the site unless with the written consent of the planning authority.

An independent consultant, approved by the planning authority, shall be employed to measure and where necessary calculate, at the developer's expense, the level of noise emissions from the wind turbines within the first year of operation. The measurement procedures, which may include filtering data according to wind direction, shall be agreed with the planning authority prior to commencement of operation. The measurements shall be carried out in accordance with the approved procedures. The results of any measurement exercise shall be forwarded to the planning authority as soon as practicable after the completion of the monitoring exercise.

Reason: to ensure adequate noise data is collected to aid future safeguard to neighbouring properties for noise amenity.

19. Borrow Pit Conditions

- i. Prior to the commencing of any blasting operations for the formation of borrow pits associated with the development, a scheme for the monitoring of blasting including the location of monitoring points and equipment to be used shall be submitted to the planning authority for written approval. All blasting operations shall take place only in accordance with the scheme as approved or with subsequent amendments as may be approved in writing by the planning authority.
- ii. In the event of the formation of borrow pits, blasting times shall be restricted as follows:

- a) No blasting shall be carried out on the site except between the following times (1000 and 1200 hours) and (1400 and 1600 hours) on Mondays to Fridays and (1000 and 1200 hours) on Saturdays.
 - b) There shall be no blasting or drilling operations on Sundays, national public holidays or bank holidays (as defined in condition 16).
 - c) The above requirement shall not apply in cases of emergency when it is considered necessary to carry out blasting operations in the interests of safety. The planning authority shall be notified in writing immediately of the nature and circumstances of any such event.
- iii. Ground vibration as a result of blasting operations to form borrow pits at the site shall not exceed a peak particle velocity of 6mms-1 in 95% of all blasts and no individual blast shall exceed a peak particle velocity of 12mms-1 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.
 - iv. At the reasonable request of the planning authority, following a complaint relating to vibration from blasting operations to form borrow pits, the developer shall measure at its own expense ground vibration to ensure compliance with the above condition. The results of such monitoring shall thereafter be forwarded to the planning authority.

Reason: to ensure that any blasting is carried out safely and so as to minimise the impact on neighbouring amenity.

20. Micro-siting

- a) All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the locations shown in Figure 1.1 Site Layout. The location of the wind turbines, compounds, areas of hardstanding and tracks may be varied (micro-sited) within the site subject to the following, unless otherwise approved in advance in writing by the planning authority:
 - i. no wind turbine, building, mast, tracks, hardstanding or other ancillary infrastructure shall be moved more than 100 metres from the position shown within the Figure 1.1 Site Layout. If any micro-siting is sought, it must first of all be approved in writing by the planning authority (in consultation with the Ministry of Defence - Safeguarding).
 - ii. the exceptions to this will relate to tracks between T4 to T7 where micro-siting allowance can extend beyond 100m to ensure tracks can be moved onto shallower peat.
 - iii. all micro-siting permissible under this condition must be approved in advance in writing by the ECoW appointed in accordance with condition 10.
 - iv. for any micro-siting of turbines which results in an increase in altitude of more than 5m from the approved position, a prior request for approval in writing must be made to the planning authority (in consultation with the Ministry of Defence, Safeguarding). Such a request must be accompanied by an updated and comparative ZTV plan and wireline montages as required by the planning authority. No such micro-siting can take place without the written approval of the planning authority.
- b) No later than two months after the date of final commissioning, an updated site plan shall be submitted to the planning authority showing the final position of all wind turbines, anemometry masts, areas of

hardstanding, tracks and associated infrastructure forming part of the development. The plan must also specify areas where micro-siting has taken place and, for each instance, be accompanied by the ECoW or the planning authority's written approval, as applicable.

Reason: to ensure that micro-siting decisions take account of environmental impacts and local ground conditions, including existing infrastructure.

21. Buffer zones

The buffer zones around groundwater abstractions and watercourses identified on Figure 8.6 Constraints of the EIA report shall be implemented in full throughout the construction, operation and decommissioning of the development.

The groundwater abstractions buffer zone shall be 100 metres for all development with excavations or intrusions less than 1 metre depth. The buffer zone shall be 250 metres for all development with excavations or intrusions greater than 1 metre depth.

There shall be no development, machinery movement or operations within the buffer zones without the agreement of the planning authority in consultation with the Scottish Environment Protection Agency. The buffer zone around the groundwater abstraction areas shall be demarcated on the ground during construction.

Reason: to prevent potential unacceptable impacts on groundwater abstractions.

22. Shadow flicker

At the reasonable request of the planning authority following a complaint, the developer shall investigate and instigate appropriate mitigation measures to minimise the effects of shadow flicker.

Reason: to ensure mitigation can be pursued and instigated in the event of such a complaint being received.

23. Restoration of borrow pits

Prior to the construction of the final turbine, a finalised restoration plan for any borrow pits used on site, including the programme and timescales for the restoration, must be submitted to, and approved in writing by the planning authority in consultation with the Scottish Environment Protection Agency. Thereafter the restoration shall be carried out in accordance with the plan.

Reason: to ensure the restoration of borrow pit(s) at the end of the construction period to mitigate the environmental impact.

24. Mitigation

The development shall be developed in accordance with the schedule of mitigation as specified in chapter 15 Schedule of Mitigation Table 15.1 of volume I of the EIA report. The measures contained within, must be carried out in accordance with the submitted information contained within the EIA Report or as required by other conditions of this permission.

Reason: to ensure the various mitigation measures proposed and collated within the EIA Report in Table 15.1 are met.

25. Aviation Lighting

Prior to commencing construction of any wind turbine generators, or deploying any construction equipment or temporal structure(s) 50 metres or more in height (above ground level) an aviation lighting scheme must be submitted to the planning authority for approval in conjunction with the Ministry of Defence defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as deemed necessary for aviation safety by the Ministry of Defence.

This should set out:

- a) details of any construction equipment and temporal structures with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with; and
- b) the locations and heights of all wind turbine generators and any anemometry mast featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used. [specify shielded lights as per the lighting strategy]

Thereafter, the developer must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.

Reason: to maintain aviation safety.

26. Aviation Charting and Safety Management

The developer must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:

- a) the date of the commencement of the erection of wind turbine generators;
- b) the maximum height of any construction equipment to be used in the erection of the wind turbines;
- c) the date any wind turbine generators are brought into use; and
- d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

Reason: To maintain aviation safety.

27. Decommissioning, Restoration and Aftercare

- a) The development will cease to generate electricity by no later than the date falling 35 years from the date of final commissioning. The total period for decommissioning and restoration of the site in accordance with this condition shall not exceed 37 years from the date of final commissioning without prior written approval of the planning authority.
- b) Prior to the commencement of development an outline decommissioning,

restoration and aftercare method statement shall be submitted to and approved in writing by the planning authority in consultation with the Scottish Environment Protection Agency. The method statement shall include measures for the decommissioning of the development, restoration and aftercare of the site and will include, without limitation, proposals for the removal of the PPA-300-2066 42 above ground elements of the development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions.

- c) No later than one year prior to decommissioning of the development or the expiration of the 35 year period of operation (whichever is the earlier) a detailed decommissioning, restoration and aftercare method statement, based upon the principles of the approved outline decommissioning, restoration and aftercare method statement, shall be submitted to the planning authority for written approval in consultation with the Scottish Environment Protection Agency. The detailed decommissioning, restoration and aftercare method statement will provide updated and detailed proposals for the removal of above ground elements of the development, the treatment of ground surfaces, the management and timing of the works and environment management provisions.
- d) The development shall be decommissioned, site restored and aftercare thereafter undertaken in accordance with the detailed decommissioning, restoration and aftercare method statement as approved, unless otherwise agreed in writing in advance with the planning authority in consultation with Scottish Environment Protection Agency.

Reason: to ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

28. Financial Guarantee

- a) No development shall commence unless and until a bond or other form of financial guarantee in terms acceptable to the planning authority, acting reasonably, which secures the cost of performance of all decommissioning, restoration and aftercare obligations referred to in condition immediately above is submitted to the planning authority.
- b) The value of the financial guarantee shall be agreed between the developer and the planning authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations referred to in condition 27 above.
- c) The financial guarantee shall be maintained in favour of the planning authority until the date of completion of all decommissioning, restoration and aftercare obligations referred to in condition 27 above.
- d) The value of the financial guarantee shall be reviewed by agreement between the developer and the planning authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional no less than every five years and increased or

decreased to take account of any variation in costs of compliance with decommissioning, restoration and aftercare obligations and best practice prevailing at the time of each review.

- e) The landowner of the development site shall be entitled to be a joint beneficiary with the planning authority under the foregoing financial guarantee. The terms of the landowner's involvement will be subject to the approval of the planning authority acting reasonably and thereafter will be set out in the financial guarantee documentation.

Reason: to ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the developer.

29. Reduced lighting scheme

Unless otherwise agreed in writing with the planning authority, prior to development commencing a proposed lighting scheme based on the lighting strategy detailed in appendix 6.4 of the EIA report, together with a report detailing the investigations into a reduced lighting scheme and the measures that can be taken (or evidence of why they cannot be achieved), must be submitted to and approved in writing by the planning authority in consultation with the Ministry of Defence Windfarm Safeguarding and the Civil Aviation Authority. Thereafter the lighting scheme must be implemented in accordance with the approved scheme.

Reason: to ensure that only the minimum necessary lighting requirements are developed and to allow for further consideration of the lighting proposals.

30. No development shall commence unless and until an Air Traffic Control Radar Mitigation Scheme to address the impact of the wind turbines upon air safety has been submitted to and approved in writing by Moray Council in conjunction with the Ministry of Defence (MOD).

The Air Traffic Control Radar Mitigation Scheme (ATCRMS) is a scheme designed to mitigate the impact of the development upon the operation of the Primary Surveillance Radar at RAF Lossiemouth ("the Radar") and the air traffic control operations of the MOD which are reliant upon the Radar. The ATCRMS shall set out the appropriate measures to be implemented to mitigate the impact of the development on the Radar and shall be in place for the lifetime of the development provided the Radar remains in operation.

The development shall be implemented strictly in accordance with the details set out in the approved ATCRMS.

Reason: in order to ensure that the appropriate mitigation measures are in place prior to the windfarm becoming operational.

31. No wind turbine erected as part of this development shall be permitted to rotate its rotor blades about its horizontal axis, other than for the purpose of testing radar mitigation for this development for specific periods as defined in the approved Air Traffic Control Radar Mitigation Scheme (ATCRMS) or otherwise arranged in accordance with provisions contained in the approved ATCRMS, until:

- a) those mitigation measures required to be implemented prior to any wind turbine being permitted to rotate its rotor blades about its horizontal axis as set out in the approved ATRMS have been implemented; and
- b) any performance criteria specified in the approved ATRMS and which the approved ATRMS requires to have been satisfied prior to any wind turbine being permitted to rotate its rotor blades about its horizontal axis have been satisfied and Moray Council as Planning Authority, in conjunction with the Ministry of Defence, have confirmed this in writing.

Thereafter the development shall be operated strictly in accordance with the details set out in the approved ATRMS for the lifetime of the development, provided the Radar remains in operation.

Reason: in order to ensure that the appropriate mitigation measures are in place prior to the windfarm becoming operational.

5. PLANNING APPLICATION 23/02157/APP

Councillor Divers, having declared an interest in this item, left the meeting at this juncture and took no part in the decision.

Ward 4 – Fochabers Lhanbryde

Vary condition 19 of 19/01080/APP to permit construction of footpath prior to occupation of any dwelling unit on Land At St Andrews Terrace, Lhanbryde, 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 to vary condition 19 of 19/01080/APP to permit construction of footpath prior to occupation of any dwelling unit on Land At St Andrews Terrace, Lhanbryde, Moray for Springfield Properties PLC.

During her introduction, Mrs MacDonald, Senior Planning Officer advised that, although the report stated that Transport Scotland had not made any comment, a response has now been received asking that the conditions on the original consent be reiterated. This was noted.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as it is a major application.

Following consideration, the Committee unanimously agreed to grant planning permission in respect of Planning Application 23/02157/APP subject to the following conditions and reasons:

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the 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. 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 Council, as planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the WSI will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be 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 Council, as 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.

3. No development shall commence until full details (including scaled elevation drawings) of the proposed 'key buildings' identified in the placemaking statement received on 25 November 2020 and drawing LH01_PL_07 have been submitted to and approved in writing by the Council, as Planning Authority. For the avoidance of doubt the key buildings shall reflect the house types approved as part of the application. Thereafter development shall not proceed except in accordance with the approved details.

Reason: To ensure that the proposals harmonise with the character of the development and the wider area and because no such details were included with the application.

4. Notwithstanding the submitted landscaping plans no development shall commence until additional plans have been submitted to and approved in writing by the Council, as planning authority incorporating all the currently proposed details along with all measures identified in the submitted placemaking statement received on 25 November 2020 and the biodiversity plan received on 2 October. For the avoidance of doubt the revised plans shall include:
 - Details of all measures to provide distinctive planting in each character area;
 - Full specification for the proposed woodland paths;
 - A full maintenance schedule including woodland areas;
 - Full details (scaled drawings 1:50) of the proposed entrance walls which shall be constructed in stone;
 - Written details of sizes of trees and shrub planting to be semi-mature plants and not heavy standard as noted on the submitted drawings;
 - Details of the type and location of all proposed bat and bird boxes and timing of provision; and
 - A method statement for the creation of the proposed wetland areas and a maintenance schedule.

Thereafter all landscaping works shall be carried out in accordance with the approved details. Unless otherwise agreed as part of the approved details all planting, seeding or turfing shall be carried out in the first planting season following the first occupation of any of the units 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 and because no such information was included with the application.

5. No development shall commence until details of the landscaping treatment along the trunk road boundary has been submitted to, and approved by, the Council, as Planning Authority, after consultation with Transport Scotland. Thereafter the approved details shall be implemented in full prior to the first occupation of any part of the development.

Reason: To ensure that there will be no distraction to drivers on the trunk road, and that the safety of the traffic on the trunk road will not be diminished.

6. No development shall commence until a Peat Management Plan, demonstrating avoidance of areas of deep peat and details of quantities and appropriate reuse of excavated peat and any mitigation or restoration proposals, has been submitted to and approved in writing by the Council, as Planning Authority in consultation with SEPA, and thereafter shall be implemented in full on site.

Reason: In order to minimise disturbance of peat and ensure the appropriate reuse and management of peat on site.

7. No development shall commence until details of measures to protect and enhance the M9 habitat (as identified in the submitted Lhanbryde Development Site: Badger and GWDTE survey by Highland Ecology and Development Services) have been submitted to and approved in writing by the Council, as Planning Authority in consultation with SEPA. Thereafter development shall not proceed except in accordance with these approved details.

Reason: To protect the water environment.

8. No development shall commence until a Badger Mitigation Plan has been submitted to and approved in writing by the Council, as Planning Authority. For the avoidance of doubt the plan shall allow for the channelling of badgers around the site. The construction of the development shall be implemented in accordance with the approved Badger Mitigation Plan.

Reason: To minimise the potential conflict with badgers during construction.

9. As part of the development hereby approved, the accessible housing units shall be provided in line with the detail in accordance with the Moray Council's DP2 Policy Guidance Note on Accessible Housing. Prior to any development commencing, a compliance statement, along with detailed floor plans at a suitable scale, which demonstrate compliance with the Policy Guidance, shall be submitted to and approved in writing by the Council, as Planning Authority. Thereafter, the accommodation as identified shall, at all times, remain as accessible housing and remain capable for adaptation for accessible housing needs unless otherwise agreed with the Council, as Planning Authority. For the avoidance of doubt 10% of the private housing units hereby approved shall be

accessible units. Furthermore, evidence must be provided that level access to each unit can be achieved from parking to an external door within 15m.

Reason: To ensure an acceptable form of development in terms of the required provision and delivery of accessible housing within the site as required and defined in terms of current planning policy and associated supplementary planning guidance.

10. The 19 units identified as affordable housing on approved plan LH01_PL_01 revision L 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 development shall commence until details of the agreement(s) to confirm the arrangements for the delivery of the proposed affordable accommodation 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 accommodation proposed for this site wherein the benefits of such provision are passed on to serve the community in future years.

11. No trees other than those identified for removal in the submitted Arboricultural Impact Assessment/Method Statement by Urban-Arb Arboricultural Consultants and Tree Protection Plan rev B sheets 1-3 shall be removed without the prior written approval of the Council, as planning authority.

Reason: In order to ensure tree removal is adequately controlled.

12. No development shall commence until the tree protection measures detailed in the submitted Arboricultural Impact Assessment/Method Statement by Urban-Arb Arboricultural and Tree Protection Plan rev B sheets 1-3 have been implemented in full.

Reason: In order to ensure adequate measures to protect retained trees are in place.

13. Notwithstanding submitted drawing 1706.16352 (ExampleDesign_SpringfieldP) no development shall commence until full details (scaled drawing 1:100 and equipment specification schedule) of an equipped play area as identified on approved plan LH01_PL_01 revision L including the maintenance arrangements have been submitted to and approved in writing by the Council, as Planning Authority. The equipped play area shall make provision for all-abilities access including in relation to the surface finish, play equipment and seating. The equipped play area shall be provided in accordance with the approved details and be available for use prior to the occupation of the 25th unit hereby approved. Thereafter the play area shall be maintained in accordance with the approved maintenance arrangements.

Reason: To ensure the adequate provision of an equipped play area and its future maintenance.

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

Reason: To ensure the residential units hereby approved are served by appropriate high speed internet connections, in accordance with policy PP3 - Infrastructure and Services of the Moray Local Development Plan 2020.

15. No development shall commence until details (scaled drawings) of a safe and suitable connection from the site to the existing cycle path on the north side of St Andrews Road have been submitted to and approved in writing by the Council, as Planning Authority. The connection shall be provided prior to the completion of any house or flat.

Reason: To ensure adequate connectivity to and through the site.

16. Notwithstanding the details submitted within the Transport Assessment on Drawing No 180980-900 (which is not accepted), no development shall commence until the following details have been submitted and approved in writing by the Council, as Planning Authority in Consultation with the Roads Authority:
- i. Details (Plan 1:500) for two new bus stops (one in each direction) on St Andrews Road (including road markings or laybys as required, shelters and flags); and
 - ii. A Road Safety Audit (Stage 1/2) which has been carried out in accordance with the requirements set out in the Design Manual for Roads and Bridges taking account of the proposed bus stops and site access. The proposals shall be revised to take account of any agreed mitigation and thereafter the bus stops and any other agreed mitigation required shall be provided in accordance with the approved details prior to the completion of any house or flat.

Reason: To ensure adequate provision is made for accessibility to public transport, the provision of details lacking from the submission and in the interests of road safety.

17. No development shall commence until details comprising a Root Protection Plan have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The root protection measures shall be installed in accordance with the agreed Root Protection Plan. No trees shall be planted within 5.0m of the edge of the public road carriageway unless agreed root protection is provided.

Reason: To prevent root interference that could compromise the public road carriageway (and the utilities contained therein) thereby ensuring acceptable infrastructure at the development access, in the interests of road safety.

18. Notwithstanding the parking details submitted on the Parking Provision EV Charging Drawings LH01_PL_ 8, 9 and 10 (which are not accepted), no

development shall commence until the following details have been submitted for approval by the Council, as Planning Authority in consultation with the Roads Authority:

- Details (Plan 1:200) showing the provision of electric vehicle charging infrastructure at a rate of 1 per flat for Plots 3-10 and parking spaces accessible within 5 metres.
- Statement/specifications to confirm that the EV charging supply and cabling provision for each plot will be suitable for the connection of a 7Kw 'Fast' type charging unit as a minimum.
- Design/specifications for the proposed mounting/installations to be provided for any future EV charging points which shall not be mounted on a wall/within a garage.

Thereafter the development shall be completed in accordance with the approved details, the parking and EV charging provision associated with each house or flat shall be completed prior to occupation and shall be maintained and available for this purpose unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

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.

19. Notwithstanding the parking details shown on plan LH01_PL_01 revision L, no development shall commence until the following details have been submitted for approval by the Council, as Planning Authority in consultation with the Roads Authority:
- i. a plan (1:500) showing the provision of 3 parking spaces for plot 12 (Type F); and
 - ii. a plan showing 2 additional lay-by type parking spaces at a location to be agreed on the north side of the site access road between Plot 22 and the 'Kickabout area' (as shown on Drawing LH01_PL_05).

Thereafter the development shall be completed in accordance with the approved details and parking provision associated with each house or flat shall be completed prior to the occupation of said house or flat and maintained for this purpose unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

Reason: Submission of additional information to ensure adequate provision is made for car parking within the development, and 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.

20. Prior to the first occupation of any house or flat the footway on the south of St Andrews Road connecting the site access with the existing footway to the east of the site must be completed and available for use by the public.

Reason: To ensure adequate provision for non-vehicular road users in the interests of road safety.

21. A visibility splay of 4.5m x 160m to the west and 4.5m x 90m to the right (as shown on Drawing No. LH01-ENG-700 Rev) shall be provided in accordance with the approved drawing prior to any works commencing on the access

- (except for those works associated with the provision of the visibility splay); and
- i. a schedule of maintenance for the visibility splay shall be provided prior to the access becoming operational; and
 - ii. 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, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

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.

22. Driveways over service verges shall be constructed to accommodate vehicles and shall be surfaced with bituminous macadam unless otherwise agreed with the Council, as Planning Authority in consultation with the Roads Authority.

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

23. No works shall commence on site until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The CTMP shall include as a minimum the following information:

- Details of any temporary construction access from the public road;
- Duration of works;
- Construction programme;
- Details of construction traffic routes to the site;
- Measures to be put in place to prevent material being deposited on the public road, monitoring and arrangements to clean the road if necessary;
- Traffic management measures to be put in place during works including any specific instructions to drivers;
- Parking provision for site staff;
- Drop-off and turning provision for delivery vehicles to ensure entry and exit in a forward gear;
- Hours of operation and restrictions during school arrival and departure times from the existing housing; and
- Arrangements for providing residents with information on works, points of contact for liaison and emergencies.

Thereafter, the development works shall proceed in accordance with the approved details, unless otherwise approved in writing by the Council, as Planning Authority in consultation with the Roads Authority.

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

24. The development shall meet the following requirements:
- a) Except for the formation of a single access route, there should be no built development - including any land-raising - within the area shown as being at risk of flooding in Figure 10 (p28) of the Flood Risk Assessment (1601 - Lhanbryde, Moray, FRA Aug 19) by Kaya Consulting. (Note SEPA advises that while there should be no built development including land raising, this area should be sustainably managed).

- b) No development shall commence until the detailed design of the access route, including provision of compensatory storage and flood relief culverts has been agreed in writing with the Council, as Planning Authority in consultation with SEPA and thereafter the agreed details shall be implemented in full on site.

Reason: To protect people and property from flood risk in line with Scottish Planning Policy.

25. Prior to the first occupation of any unit hereby approved the acoustic barrier shall be installed at the location as described in Figure 4, page 11 of the Noise Impact Assessment supporting document by Charlie Fleming Associates Ltd, 5 Salt pans, Charlestown, Fife KY11 3EB, dated 20 September 2019, and titled "Report on Road Traffic Sound For Springfield Properties At St Andrews Road, Lhanbryde, Elgin, Moray". Thereafter, the approved barrier (or a suitable equivalent approved in writing by the Council, as Planning Authority in consultation with the Environmental Health Authority and the Trunk Roads Authority) shall be retained during the lifetime of the development.

Reason: To prevent noise nuisance.

26. Prior to the first occupation of any units defined as plots 71-77 hereby approved a post and wire fence shall be provided along the eastern boundary of the site.

Reason: In the interests of the amenity of the surrounding area.

27. Notwithstanding the details noted on approved drawings 2016/D/PL/01 (D type), 2016FF_901 (FF type) and 2019AA_901 the feature cladding on each elevation of these houses shall have a vertical orientation rather than a horizontal orientation as detailed on the plans.

Reason: In order to ensure all elements of the development harmonise regardless of tenure.

28. Notwithstanding the details noted in the placemaking statement received on 25 November and the material conditions drawing reference LH01_PL_04 revision F, the render colour for the Coxtan View Character Areas identified in the foregoing shall not be white and shall instead be altered to cream or another pale colour to be agreed in writing with the Council, as Planning Authority prior to the commencement of any unit in this character area.

Reason: In order to create a strong sense of place.

29. All surface water drainage proposals shall be in accordance with the submitted report 'Drainage Strategy Report, St Andrews Road, Lhanbryde'. All measures for the management of surface water shall be implemented in full prior to the first occupation of any residential unit hereby approved. Maintenance shall be in accordance with the measures set out in the maintenance document received on 23 November 2020.

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

30. There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing trunk road drainage network is not affected.

31. No development shall commence until details of the proposed foul pumping station including elevations of all works, means of enclosures and associated plant (including noise levels) have been submitted to, and approved by the Council, as Planning Authority, in consultation with Environmental Health. Thereafter the approved details shall be implemented in full prior to the first occupation of any part of the development.

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

Councillor Divers re-joined the meeting at this juncture.

6. Proposal of Application Notice – 24/00001/PAN

Proposed construction and installation of a battery energy storage system (BESS) with a generating capacity of up to 50 megawatts and associated infrastructure on land to the west of Keith Substation, Westerton Road, Keith

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) informing that a Proposal of Application Notice (PAN) was submitted on 22 December 2023 on behalf of Keith Storage Solutions Ltd.

Councillor Gatt thanked Officers for the map which had been circulated to the Committee that outlined all the similar proposals in the area and raised concern at the number of proposed developments of battery energy storage systems in this area and queried whether the Applicant had considered any other sites. He also raised concern as to how the Scottish Fire and Rescue Service (SFRS) would be able to respond to any fires on the site.

Councillor Macrae shared the concern of Councillor Gatt in relation to the intensification of batter storage in Keith and asked that the Applicant consult with the SFRS and the Health and Safety Executive during the application preparation process.

Thereafter, the Committee unanimously 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:
 - ask the Applicant if any other sites were considered and why this particular site has been chosen, given the intensification of battery storage in Keith;
 - consultation take place with the SFRS and Health and Safety Executive during the application preparation process; 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.

7. Proposal of Application Notice – 23/02233/PAN

Part retrospective application for construction of agricultural road, initial hard rock mineral extraction and mineral processing and construction of temporary junction. Part new application for hard rock quarry processing area, new access junction and creation of ecological/bio diversity buffer and associated ancillary quarry infrastructure (including but not limited to office, wheel wash, perimeter bunding, welfare and landscaping) at Rosarie Quarry, Keith.

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) informing that a Proposal of Application Notice (PAN) was submitted on 21 December 2023 on behalf of Backmuir Trading Limited.

Councillor Gatt noted that the proposal is adjacent to the A95 which is a very busy road not in the best condition and that the proposal would contribute to the volume of traffic on this road and asked that the Applicant consider mitigating factors to address the increase in traffic volume onto this already busy road.

The Development Management and Building Standards Manager confirmed that Transport Scotland would be a statutory consultee on any planning application received.

Thereafter, the Committee unanimously 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;
- consider mitigating factors to address the increase in traffic volume onto the A95 as a result of the development; 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. Breach of Planning Conditions at site in Fochabers [Para 12]

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) informing of a breach of planning conditions relating to landscaping.

During discussion surrounding the Woodland Creation/Tree Landscaping Plan, it was queried whether this could include the planting of evergreen trees.

In response, the Development Management and Building Standards Manager advised that she would ask the Applicant to consider including evergreen trees in the Woodland Creation/Tree Landscaping Plan.

Thereafter, the Committee unanimously agreed:

- (i) to Officers issuing a Planning Enforcement Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997; the Enforcement Notice will require persons with an interest in the land to comply with the outstanding planning condition;
- (ii) that should the Notice not be complied with then authority is given to take direct action to implement the planning condition; and
- (iii) that the Applicant be asked to consider including evergreen trees in the Woodland Creation/Tree Landscaping Plan.



**GUIDANCE NOTE PRODUCED FOR PLANNING AND REGULATORY SERVICES COMMITTEE
MEETING OF 12 MARCH 2024**

REPORT ON APPLICATION

“Note for guidance of the Committee where the decision of the Planning and Regulatory Services Committee is contrary to the recommendations of the Depute Chief Executive (Economy, Environment and Finance) in respect to a Planning Application.”

Any Councillor putting forward a motion to refuse an application, contrary to recommendation, shall clearly state the reasons for refusal. These reasons should be based on policies contained in the approved National Planning Framework 4 (NPF4), Local Development Plan or some other material consideration. Time should be allowed to ensure that these reasons are carefully noted for minuting purposes.

Where Councillors put forward a motion to approve an application, contrary to recommendation, an indication should be given of any specific matters which should be subject of conditions along with reasons which should be based on policies in the approved Local Development Plan or some other appropriate consideration.

Note for guidance where the decision of the Planning and Regulatory Services Committee is to depart from the Development Plan (NFP4 and or Local Development Plan)

Where a Councillor is convinced that there is reason to depart from Development Plan policy; then the Councillor's reasons for making the motion should be clearly stated for minuting purposes. Any matters which should be subject to conditions drafted subsequently by the **Depute Chief Executive (Economy, Environment and Finance)** should be indicated. If the Committee remains of a mind to approve such an application then the whole matter will be subject to statutory procedures as apply. In such cases, Councillors should be aware that the application may require to be advertised as a departure and any objections reported to the next available meeting of the Planning and Regulatory Services Committee. It also may be necessary to convene a hearing to consider the views of objectors.

There are three potential consequences if Committee takes a decision where the proper procedures have not been followed in whole or in part. Firstly, the person aggrieved by a decision may apply to the Supreme Courts in Scotland for an Order either compelling the Council to act according to law, quashing the decision altogether or declaring a decision to be unlawful coupled with an order to prevent the decision being implemented. A referral to the Supreme Courts in these circumstances is known as applying for Judicial Review.

Secondly, in addition to the application for Judicial Review when questions of alleged failure, negligence or misconduct by individuals or local authorities in the management of public funds arise and are raised either by or with the External Auditor of the Council and where an individual can be blamed the sanctions available are:-

Censure of a Councillor or an Officer
Suspension of a Councillor for up to one year
Disqualification of a Councillor for up to five years

In the case of the Council being to blame, recommendations may be made to the Scottish Ministers about rectification of the authority's accounts. Ministers can make an order giving effect to these recommendations.

Thirdly, whilst the Ombudsman accepts that Planning authorities have the freedom to determine planning applications as they wish procedural impropriety may be interpreted as maladministration. This can also lead to recommendations by the Ombudsman that compensation be paid.

Consistent implementation of departure procedures maintains public confidence in the planning system and is consistent with the time and effort invested in preparing the **NPF4 and Local Development Plan**.

WARD 04_17

23/00892/APP
6th June 2023

Construction and operation of an aerobic digestion facility and energy centre with associated landscaping and drainage works on Land Approximately 150 Metres To The West Of The Portgordon Maltings Buckie for Grissan Engineering Services Ltd

Comments:

- A site visit will have been carried out.
- This application is being considered in conjunction with planning applications 23/00894/APP & 23/00895/APP, whereby together the cumulative impact is of a scale similar to a major planning application.
- Advertised for neighbour notification purposes – notification not possible because no premises are situated on land to which notification can be sent.
- Advertised as a development of a Class specified in Schedule 3 of the Development Management Regulations 2013.
- No representations have been received.

Procedure:

- Determine planning application 23/00892/APP first as this includes necessary infrastructure to support development of 23/002894/APP & 23/00895/APP.

Recommendation

Grant Planning Permission – Subject to the following:

Conditions/Reasons

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the 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 the commencement of any part of the development details (scaled plans 1:500 min) shall be submitted for approval in writing by the Planning Authority in consultation with the Roads Authority for the provision of bend widening on the A990 at Bin View Terrace including any associated works necessary to modify

road drainage, kerbing, services, signing and lining and repositioning of existing bus stop infrastructure associated with this. The road profile shall be modified to correct the camber for the new centreline and the full width of the road shall be resurfaced over the extent of the road widening. Thereafter the works shall be completed in accordance with the approved details prior to the completion of the development or the development becoming operational (whichever is soonest).

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

3. No works shall commence on site until a Construction Traffic Management Plan 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) details for any Abnormal Indivisible Loads (AIL's) including route assessments;
 - d) details for the removal/disposal of any bulk material from site including volume, type, destination and route;
 - e) anticipated schedule for delivery of materials and plant;
 - f) full details of any temporary construction access;
 - g) measures to be put in place to prevent material being deposited on the public road;
 - h) traffic management measures to be put in place during works including any specific instructions to drivers; and
 - i) parking provision, loading and unloading areas for construction traffic.

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

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

4. 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 brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area. The above should be undertaken initially as a trial trenching evaluation of 7-10% of the total proposed development site, to be carried out by a suitably qualified archaeological contractor.

5. 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). The above construction hours shall apply, unless otherwise agreed in writing with the Planning Authority, and where so demonstrated exceptional operational constraints require limited periods of construction works to be undertaken out with the permitted construction hours.

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

6. No development shall commence until 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 (including vibration), dust and artificial lighting.

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.

7. The rating level of noise associated with the development on its own and/or in combination with the development 23/00894/APP and 23/00895/APP, shall not exceed the background sound level at the nearest noise sensitive dwelling which is lawfully existing or has planning permission at the date of this permission. The background sound level for the daytime (0700 to 2300 hours) and night-time hours (2300 to 0700 hours) associated with this consent has been identified within table 7 of the approved Noise Impact Assessment supporting document by Dice Environmental Acoustics, dated 31st July 2023 Ref:101072-R01, Version 1 and titled "Grissan, Portgordon Noise Impact Assessment".

For the avoidance of doubt, the rating level and background sound level associated with this condition are defined within BS 4142: 2014+A1:2019 Methods for rating and assessing industrial and commercial sound. The receptor locations for the background sound levels (stated as R1 to R4 in the above document) are identified in Section 1.2 of the Noise Impact Assessment supporting document by Ensafe Consultants, dated 28th September 2022 and titled "Noise Impact Assessment for Grissan Engineering Services Ltd At Portgordon (West). Document reference N 80109-1R1".

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

8. No development shall commence until a Community Wealth Building Plan has been submitted to and approved in writing by the Council as Planning Authority. This plan shall include measures, targets and monitoring for the following areas as appropriate;
 - (a) improving community resilience, reducing inequalities and maximising local job creation;
 - (b) increasing spending within communities and ensuring the maximum use of local supply chains and services;
 - (c) creation of new firms; and
 - (d) enabling community ownership of buildings and infrastructure.

The measures and monitoring shall thereafter be implemented in accordance with the plan unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: To support a new strategic approach to economic development that helps to build a wellbeing economy in accordance with National Planning Framework 4 Policy 25 - Community Wealth Building.

9. All planting and siting of bat and bird boxes as shown on the approved landscaping plan (submitted 1/9/23 drawing number 149101/8001) shall be undertaken in the first planting season following completion/occupation of the development. Any plants which, within a period of five years from the completion/occupation of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species.

Reason: In order to ensure an acceptable level of planting in the interests of the overall appearance and biodiversity levels within the site.

10. Prior to development commencing, all tree protection measures as detailed in the Tree Report by Forres Tree Services submitted in support of this planning application shall be put in place and the development shall be carried out in accordance with the good practice guidance contained within the Tree Report.

Reason: To protect the root systems of the trees which bound the site to the south.

11. All surface water drainage provision within the development shall be implemented in accordance with the details contained in the 'Drainage Impact Assessment, by Fairhursts, dated August 2023, document number 149101-DA-01_Rev 2 submitted in support of this proposal. The development hereby approved shall not be brought into use until it is connected to the approved drainage arrangements.

Reason: To ensure surface water from the house is disposed of in a sustainable manner.

12. The development shall be carried out in accordance with the mitigation measures contained within the Preliminary ecology appraisal survey report dated 28 August 2023, Ref: WTTPEA23-07, submitted in support of this planning application.

Reason: To ensure the development is carried out as sensitively as possible to minimise impact on the surrounding natural environment.

13. Prior to the development commencing details of the operational site lighting shall be submitted to and agreed in writing by the Planning Authority, in consultation with the Environmental Health Manager. Thereafter, the agreed lighting details shall be maintained throughout the lifetime of the development.

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

14. A construction phase surface water management plan shall be submitted a minimum of two months prior to the commencement of the development and shall be agreed in writing prior to work commencing with the Planning Authority in consultation with Moray Flood Risk Management. The plan shall include measures to prevent increased flood risk and to ensure heavily silted surface water does not enter any watercourse.

Thereafter, the development shall be carried out in accordance with the agreed details.

Reason: To prevent surface water flooding during the course of the development and minimise risk to adjacent watercourses.

Reason(s) for Decision

The Council's reason(s) for making this decision are:-

The proposal accords with the provisions of the development plan and there are no material considerations that indicate otherwise. The development is in keeping with and does not expand the existing complex of buildings and structures at Portgordon to an unacceptable level, sitting within lower land and a discrete location. The benefits in terms carbon savings and use of spend distillery bi-product support various aims within National Planning Framework 4 and Moray Local Development 2020.

List of Informatives:

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

A Building Warrant will be required for the proposals. Should you require further assistance please contact the Building Standards Duty Officer between 2pm and 4pm or telephone on 03001234561. No appointment is necessary. Alternatively e-mail buildingstandards@moray.gov.uk.

THE TRANSPORTATION MANAGER has commented that:-

Before commencing development, the applicant is obliged to apply for permission to modify the existing public road, in accordance with Section 56 of the Roads (Scotland) Act. The applicant will be required to provide technical information, including drawings and drainage calculations, a programme for the proposed works. Advice on the application process can be obtained by emailing transport.develop@moray.gov.uk.

Construction Consent shall include a CCTV survey of all existing roads drainage to be adopted and core samples to determine the construction depths and materials of the existing road. The requirement for a Road Safety Audit for the modifications to the existing public road will be determined through the Roads Construction Consent process or subsequent to the road construction prior to any road adoption.

Planning consent does not carry with it the right to carry out works within the public road boundary and the applicant is obliged to contact the Transportation Manager for road opening permit in accordance with the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road.

If required, street furniture which needs to be repositioned will be at the expense of the developer. In addition any existing roadside ditch may require a pipe or culvert. Advice on these matters can be obtained by e-mailing transport.develop@moray.gov.uk.

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

The applicant shall ensure that their operations do not adversely affect any Public Utilities, which should be contacted prior to commencement of operations.

The applicants shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

The Transportation Manager must always be contacted before any works commence. This includes any temporary access, which should be agreed with the Roads Authority prior to work commencing on it.

THE REGIONAL ARCHAEOLOGIST, has commented that:-

Works by archaeological organisation

Any archaeological survey, watching brief or archaeological works required by a condition attached to this planning permission must be undertaken by a suitably qualified archaeological organisation.

Written Scheme of Investigation (WSI)

A written specification produced by the appointed Chartered Institute for Archaeologists (CIfA) member archaeological contractor on behalf of the applicant which outlines in detail the proposed scheme of archaeological investigation. It

should detail what archaeological works will be carried out and how; how any encountered archaeological remains will be dealt with; how any updates to the WSI will be provided; the reporting process; and the potential for post-excavation requirement. The WSI must be submitted to the planning authority for approval before being implemented. The contents of the WSI must conform to the relevant national and ClfA standards and guidance.

THE ENVIRONMENTAL HEALTH MANAGER, DEVELOPMENT SERVICES, has commented that:-

All digestates, liquid and solid, from the site shall be produced and certified to 'PAS 110: Specification for whole digestate, separated liquor and separated fibre derived from the anaerobic digestion of source-segregated biodegradable materials.'

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
149101/0001	E	Proposed overall site plan
149101/0050		Gas upgrader general arrangement
149101/0051		Gas flare general arrangement
149101/0052		Grid entry general arrangement
149101/0101		Location plan
149101/0102		Proposed site plan
149101/0104		Site sections
149101/0105		Building elevations
149101/8001		Landscaping Plan
149101/6000		Flooding and Drainage

Information to accompany decision:

Drainage Impact Assessment, by Fairhursts, dated February 2023, document number 149101-DA-01.

Tree Report by Forres Tree Services submitted in support of this planning application.

Preliminary ecology appraisal survey report dated 28 August 2023, Ref: WTTPEA23-07.

23/00894/APP
6th June 2023

Construction and operation of an aerobic digestion facility and energy centre with associated works Land Approximately 200 Metres To The West Of The Portgordon Maltings Buckie Moray for Grissan Engineering Services Ltd

Comments:

- A site visit will have been carried out.
- This application is being considered in conjunction with planning applications 23/00892/APP & 23/00895/APP, whereby together the cumulative impact is of a scale similar to a major planning application.
- Advertised for neighbour notification purposes – notification not possible because no premises are situated on land to which notification can be sent.
- Advertised as a development of a Class specified in Schedule 3 of the Development Management Regulations 2013.
- No representations have been received.

Procedure:

- None.

Recommendation

Grant Planning Permission – Subject to the following:

Conditions/Reasons

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the 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 the commencement of any part of the development details (scaled plans 1:500 min) shall be submitted for approval in writing by the Planning Authority in consultation with the Roads Authority for the provision of bend widening on the A990 at Bin View Terrace including any associated works necessary to modify road drainage, kerbing, services, signing and lining and repositioning of existing

bus stop infrastructure associated with this. The road profile shall be modified to correct the camber for the new centreline and the full width of the road shall be resurfaced over the extent of the road widening. Thereafter the works shall be completed in accordance with the approved details prior to the completion of the development or the development becoming operational (whichever is soonest).

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

3. No works shall commence on site until a Construction Traffic Management Plan 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) details for any Abnormal Indivisible Loads (AIL's) including route assessments;
 - d) details for the removal/disposal of any bulk material from site including volume, type, destination and route;
 - e) anticipated schedule for delivery of materials and plant;
 - f) full details of any temporary construction access;
 - g) measures to be put in place to prevent material being deposited on the public road;
 - h) traffic management measures to be put in place during works including any specific instructions to drivers; and
 - i) parking provision, loading and unloading areas for construction traffic.

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

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

4. 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 brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area. The above should be undertaken initially as a trial trenching evaluation of 7-10% of the

total proposed development site, to be carried out by a suitably qualified archaeological contractor.

5. 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). The above construction hours shall apply, unless otherwise agreed in writing with the Planning Authority, and where so demonstrated exceptional operational constraints require limited periods of construction works to be undertaken out with the permitted construction hours.

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

6. No development shall commence until 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 (including vibration), dust and artificial lighting.

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.

7. The rating level of noise associated with the development on its own and/or in combination with the development 23/00892/APP and 23/00895/APP, shall not exceed the background sound level at the nearest noise sensitive dwelling which is lawfully existing or has planning permission at the date of this permission. The background sound level for the daytime (0700 to 2300 hours) and night-time hours (2300 to 0700 hours) associated with this consent has been identified within table 7 of the approved Noise Impact Assessment supporting document by Dice Environmental Acoustics, dated 31st July 2023 Ref:101072-R01, Version 1 and titled "Grissan, Portgordon Noise Impact Assessment".

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

8. No development shall commence until a Community Wealth Building Plan has been submitted to and approved in writing by the Council as Planning Authority.

This plan shall include measures, targets and monitoring for the following areas as appropriate

- (a) improving community resilience, reducing inequalities and maximising local job creation;
- (b) increasing spending within communities and ensuring the maximum use of local supply chains and services;
- (c) creation of new firms; and
- (d) enabling community ownership of buildings and infrastructure.

The measures and monitoring shall thereafter be implemented in accordance with the plan unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: To support a new strategic approach to economic development that helps to build a wellbeing economy in accordance with National Planning Framework 4 Policy 25 - Community Wealth Building.

9. All planting and siting of bat and bird boxes as shown on the approved landscaping plan (submitted 1/9/23 drawing number 149101/8001) shall be undertaken in the first planting season following completion/occupation of the development. Any plants which, within a period of five years from the completion/occupation of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species.

Reason: In order to ensure an acceptable level of planting in the interests of the overall appearance and biodiversity levels within the site.

10. Prior to development commencing, all tree protection measures as detailed in the Tree Report by Forres Tree Services submitted in support of this planning application shall be put in place and the development shall be carried out in accordance with the good practice guidance contained within the Tree Report.

Reason: To protect the root systems of the trees which bound the site to the south.

11. All surface water drainage provision within the development shall be implemented in accordance with the details contained in the 'Drainage Impact Assessment, by Fairhursts, dated August 2023, document number 149101-DA-01_Rev 2 submitted in support of this proposal. The development hereby approved shall not be brought into use until it is connected to the approved drainage arrangements.

Reason: To ensure surface water from the house is disposed of in a sustainable manner.

12. The development shall be carried out in accordance with the mitigation measures contained within the Preliminary ecology appraisal survey report dated 28 August 2023, Ref: WTTPEA23-07, submitted in support of this planning application.

Reason: To ensure the development is carried out as sensitively as possible to minimise impact on the surrounding natural environment.

13. Prior to the development commencing details of the operational site lighting shall be submitted to and agreed in writing by the Planning Authority, in consultation with the Environmental Health Manager. Thereafter, the agreed lighting details shall be maintained throughout the lifetime of the development.

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

14. A construction phase surface water management plan shall be submitted a minimum of two months prior to the commencement of the development and shall be agreed in writing prior to work commencing with the Planning Authority in consultation with Moray Flood Risk Management. The plan shall include measures to prevent increased flood risk and to ensure heavily silted surface water does not enter any watercourse.

Thereafter the development shall be carried out in accordance with the agreed details.

Reason: To prevent surface water flooding during the course of the development and minimise risk to adjacent watercourses.

Reason(s) for Decision

The Council's reason(s) for making this decision are:-

The proposal accords with the provisions of the development plan and there are no material considerations that indicate otherwise. The development is in keeping with and does not expand the existing complex of buildings and structures at Portgordon to an unacceptable level, sitting within lower land and a discrete location. The benefits in terms carbon savings and use of spend distillery bi-product support various aims within National Planning Framework 4 and Moray Local Development 2020.

List of Informatives:

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

A Building Warrant will be required for the proposals. Should you require further assistance please contact the Building Standards Duty Officer between 2pm and 4pm or telephone on 03001234561. No appointment is necessary. Alternatively e-mail buildingstandards@moray.gov.uk.

THE TRANSPORTATION MANAGER has commented that:-

Before commencing development the applicant is obliged to apply for permission to modify the existing public road, in accordance with Section 56 of the Roads

(Scotland) Act. The applicant will be required to provide technical information, including drawings and drainage calculations, a programme for the proposed works. Advice on the application process can be obtained by emailing transport.develop@moray.gov.uk.

Construction Consent shall include a CCTV survey of all existing roads drainage to be adopted and core samples to determine the construction depths and materials of the existing road. The requirement for a Road Safety Audit for the modifications to the existing public road will be determined through the Roads Construction Consent process or subsequent to the road construction prior to any road adoption.

Planning consent does not carry with it the right to carry out works within the public road boundary and the applicant is obliged to contact the Transportation Manager for road opening permit in accordance with the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road.

If required, street furniture which needs to be repositioned will be at the expense of the developer. In addition, any existing roadside ditch may require a pipe or culvert. Advice on these matters can be obtained by e-mailing transport.develop@moray.gov.uk.

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

The applicant shall ensure that their operations do not adversely affect any Public Utilities, which should be contacted prior to commencement of operations.

The applicants shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

The Transportation Manager must always be contacted before any works commence. This includes any temporary access, which should be agreed with the Roads Authority prior to work commencing on it.

THE REGIONAL ARCHAEOLOGIST, has commented that:-

Works by archaeological organisation

Any archaeological survey, watching brief or archaeological works required by a condition attached to this planning permission must be undertaken by a suitably qualified archaeological organisation.

Written Scheme of Investigation (WSI)

A written specification produced by the appointed Chartered Institute for Archaeologists (CIfA) member archaeological contractor on behalf of the applicant which outlines in detail the proposed scheme of archaeological investigation. It should detail what archaeological works will be carried out and how; how any encountered archaeological remains will be dealt with; how any updates to the WSI will be provided; the reporting process; and the potential for post-excavation requirement. The WSI must be submitted to the planning authority for approval

before being implemented. The contents of the WSI must conform to the relevant national and ClfA standards and guidance.

THE ENVIRONMENTAL HEALTH MANAGER, DEVELOPMENT SERVICES, has commented that:-

All digestates, liquid and solid, from the site shall be produced and certified to 'PAS 110: Specification for whole digestate, separated liquor and separated fibre derived from the anaerobic digestion of source-segregated biodegradable materials'.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
149101/0201		Location plan
149101/0050		Gas upgrader details
149101/0052		Grid Entry Unit
149101/0202		Proposed site plan
149101/0204		Site sections
149101/0001	E	Proposed overall site plan
149101/6000		Flooding and Drainage
149101/8001		Landscaping Plan

Information to accompany decision:

Drainage Impact Assessment, by Fairhursts, dated February 2023, document number 149101-DA-01

Tree Report by Forres Tree Services submitted in support of this planning application.

Preliminary ecology appraisal survey report dated 28 August 2023, Ref: WTTPEA23-07

23/00895/APP
6th June 2023

Construction and operation of an aerobic digestion facility and energy centre with associated works Land Approximately 250 Metres To The West Of Portgordon Maltings Buckie Moray for Grissan Engineering Services Ltd

Comments:

- A site visit will have been carried out.
- This application is being considered in conjunction with planning applications 23/00892/APP & 23/00894/APP, whereby together the cumulative impact is of a scale similar to a major planning application.
- Advertised for neighbour notification purposes – notification not possible because no premises are situated on land to which notification can be sent.
- Advertised as a development of a Class specified in Schedule 3 of the Development Management Regulations 2013.
- No representations have been received.

Procedure:

- None.

Recommendation

Grant Planning Permission – Subject to the following:

Conditions/Reasons

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the 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 the commencement of any part of the development details (scaled plans 1:500 min) shall be submitted for approval in writing by the Planning Authority in consultation with the Roads Authority for the provision of bend widening on the A990 at Bin View Terrace including any associated works necessary to modify

road drainage, kerbing, services, signing and lining and repositioning of existing bus stop infrastructure associated with this. The road profile shall be modified to correct the camber for the new centreline and the full width of the road shall be resurfaced over the extent of the road widening. Thereafter the works shall be completed in accordance with the approved details prior to the completion of the development or the development becoming operational (whichever is soonest).

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

3. No works shall commence on site until a Construction Traffic Management Plan 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) details for any Abnormal Indivisible Loads (AIL's) including route assessments;
 - d) details for the removal/disposal of any bulk material from site including volume, type, destination and route;
 - e) anticipated schedule for delivery of materials and plant;
 - f) full details of any temporary construction access;
 - g) measures to be put in place to prevent material being deposited on the public road;
 - h) traffic management measures to be put in place during works including any specific instructions to drivers; and
 - i) parking provision, loading and unloading areas for construction traffic.

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

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

4. 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 brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area. The above should be undertaken initially as a trial trenching evaluation of 7-10% of the total proposed development site, to be carried out by a suitably qualified archaeological contractor.

5. 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). The above construction hours shall apply, unless otherwise agreed in writing with the Planning Authority, and where so demonstrated exceptional operational constraints require limited periods of construction works to be undertaken out with the permitted construction hours.

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

6. No development shall commence until 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 (including vibration), dust and artificial lighting.

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.

7. The rating level of noise associated with the development on its own and/or in combination with the development 23/00892/APP and 23/00894/APP, shall not exceed the background sound level at the nearest noise sensitive dwelling which is lawfully existing or has planning permission at the date of this permission. The background sound level for the daytime (0700 to 2300 hours) and night-time hours (2300 to 0700 hours) associated with this consent has been identified within table 7 of the approved Noise Impact Assessment supporting document by Dice Environmental Acoustics, dated 31st July 2023 Ref:101072-R01, Version 1 and titled "Grissan, Portgordon Noise Impact Assessment".

For the avoidance of doubt, the rating level and background sound level associated with this condition are defined within BS 4142: 2014+A1:2019 Methods for rating and assessing industrial and commercial sound. The receptor locations for the background sound levels (stated as R1 to R4 in the above document) are identified in Section 1.2 of the Noise Impact Assessment supporting document by Ensafe Consultants, dated 28th September 2022 and titled "Noise Impact Assessment for Grissan Engineering Services Ltd At Portgordon (West). Document reference N 80109-1R1".

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

8. No development shall commence until a Community Wealth Building Plan has been submitted to and approved in writing by the Council as Planning Authority. This plan shall include measures, targets and monitoring for the following areas as appropriate;
 - (a) improving community resilience, reducing inequalities and maximising local job creation;
 - (b) increasing spending within communities and ensuring the maximum use of local supply chains and services;
 - (c) creation of new firms; and
 - (d) enabling community ownership of buildings and infrastructure.

The measures and monitoring shall thereafter be implemented in accordance with the plan unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: To support a new strategic approach to economic development that helps to build a wellbeing economy in accordance with National Planning Framework 4 Policy 25 - Community Wealth Building.

9. All planting and siting of bat and bird boxes as shown on the approved landscaping plan (submitted 1/9/23 drawing number 149101/8001) shall be undertaken in the first planting season following completion/occupation of the development. Any plants which, within a period of five years from the completion/occupation of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species.

Reason: In order to ensure an acceptable level of planting in the interests of the overall appearance and biodiversity levels within the site.

10. Prior to development commencing, all tree protection measures as detailed in the Tree Report by Forres Tree Services submitted in support of this planning application shall be put in place and the development shall be carried out in accordance with the good practice guidance contained within the Tree Report.

Reason: To protect the root systems of the trees which bound the site to the south.

11. All surface water drainage provision within the development shall be implemented in accordance with the details contained in the 'Drainage Impact Assessment, by Fairhursts, dated August 2023, document number 149101-DA-01_Rev2. submitted in support of this proposal. The development hereby approved shall not be brought into use until it is connected to the approved drainage arrangements.

Reason: To ensure surface water from the house is disposed of in a sustainable manner.

12. The development shall be carried out in accordance with the mitigation measures contained within the Preliminary ecology appraisal survey report dated 28 August 2023, Ref: WTTPEA23-07, submitted in support of this planning application.

Reason: To ensure the development is carried out as sensitively as possible to minimise impact on the surrounding natural environment.

13. Prior to the development commencing details of the operational site lighting shall be submitted to and agreed in writing by the Planning Authority, in consultation with the Environmental Health Manager. Thereafter, the agreed lighting details shall be maintained throughout the lifetime of the development.

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

14. A construction phase surface water management plan shall be submitted a minimum of two months prior to the commencement of the development and shall be agreed in writing prior to work commencing with the Planning Authority in consultation with Moray Flood Risk Management. The plan shall include measures to prevent increased flood risk and to ensure heavily silted surface water does not enter any watercourse.

Thereafter the development shall be carried out in accordance with the agreed details.

Reason: To prevent surface water flooding during the course of the development and minimise risk to adjacent watercourses.

Reason(s) for Decision

The Council's reason(s) for making this decision are:-

The proposal accords with the provisions of the development plan and there are no material considerations that indicate otherwise. The development is in keeping with and does not expand the existing complex of buildings and structures at Portgordon to an unacceptable level, sitting within lower land and a discrete location. The benefits in terms carbon savings and use of spend distillery bi-product support various aims within National Planning Framework 4 and Moray Local Development 2020.

List of Informatives:

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

A Building Warrant will be required for the proposals. Should you require further assistance please contact the Building Standards Duty Officer between 2pm and 4pm or telephone on 03001234561. No appointment is necessary. Alternatively e-mail buildingstandards@moray.gov.uk.

THE TRANSPORTATION MANAGER has commented that:-

Before commencing development the applicant is obliged to apply for permission to modify the existing public road, in accordance with Section 56 of the Roads

(Scotland) Act. The applicant will be required to provide technical information, including drawings and drainage calculations, a programme for the proposed works. Advice on the application process can be obtained by emailing transport.develop@moray.gov.uk.

Construction Consent shall include a CCTV survey of all existing roads drainage to be adopted and core samples to determine the construction depths and materials of the existing road. The requirement for a Road Safety Audit for the modifications to the existing public road will be determined through the Roads Construction Consent process or subsequent to the road construction prior to any road adoption.

Planning consent does not carry with it the right to carry out works within the public road boundary and the applicant is obliged to contact the Transportation Manager for road opening permit in accordance with the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road.

If required, street furniture which needs to be repositioned will be at the expense of the developer. In addition any existing roadside ditch may require a pipe or culvert. Advice on these matters can be obtained by e-mailing transport.develop@moray.gov.uk.

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

The applicant shall ensure that their operations do not adversely affect any Public Utilities, which should be contacted prior to commencement of operations.

The applicants shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

The Transportation Manager must always be contacted before any works commence. This includes any temporary access, which should be agreed with the Roads Authority prior to work commencing on it.

THE REGIONAL ARCHAEOLOGIST, has commented that:-

Works by archaeological organisation

Any archaeological survey, watching brief or archaeological works required by a condition attached to this planning permission must be undertaken by a suitably qualified archaeological organisation.

Written Scheme of Investigation (WSI)

A written specification produced by the appointed Chartered Institute for Archaeologists (CIfA) member archaeological contractor on behalf of the applicant which outlines in detail the proposed scheme of archaeological investigation. It should detail what archaeological works will be carried out and how; how any encountered archaeological remains will be dealt with; how any updates to the WSI will be provided; the reporting process; and the potential for post-excavation requirement. The WSI must be submitted to the planning authority for approval

before being implemented. The contents of the WSI must conform to the relevant national and ClfA standards and guidance.

THE ENVIRONMENTAL HEALTH MANAGER, DEVELOPMENT SERVICES, has commented that:-

All digestates, liquid and solid, from the site shall be produced and certified to 'PAS 110: Specification for whole digestate, separated liquor and separated fibre derived from the anaerobic digestion of source-segregated biodegradable materials.'

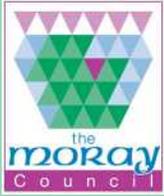
LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
149101/0301		Location plan
149101/0050		Gas upgrader general arrangements
149101/0052		Grid entry unit general arrangement
149101/0302		Proposed site plan
149101/0304		Site sections
149101/0001	E	Proposed overall site plan
149101/6000		Flooding and Drainage
149101/8001		Landscaping Plan

Information to accompany decision:

Drainage Impact Assessment, by Fairhursts, dated February 2023, document number 149101-DA-01.

Tree Report by Forres Tree Services submitted in support of this planning application.

Preliminary ecology appraisal survey report dated 28 August 2023, Ref: WTTPEA23-07.



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

23/00892/APP 23/00894/APP & 23/00895/APP

Site Address:

**Land To The West Of Portgordon Maltings
Buckie**

Applicant Name:

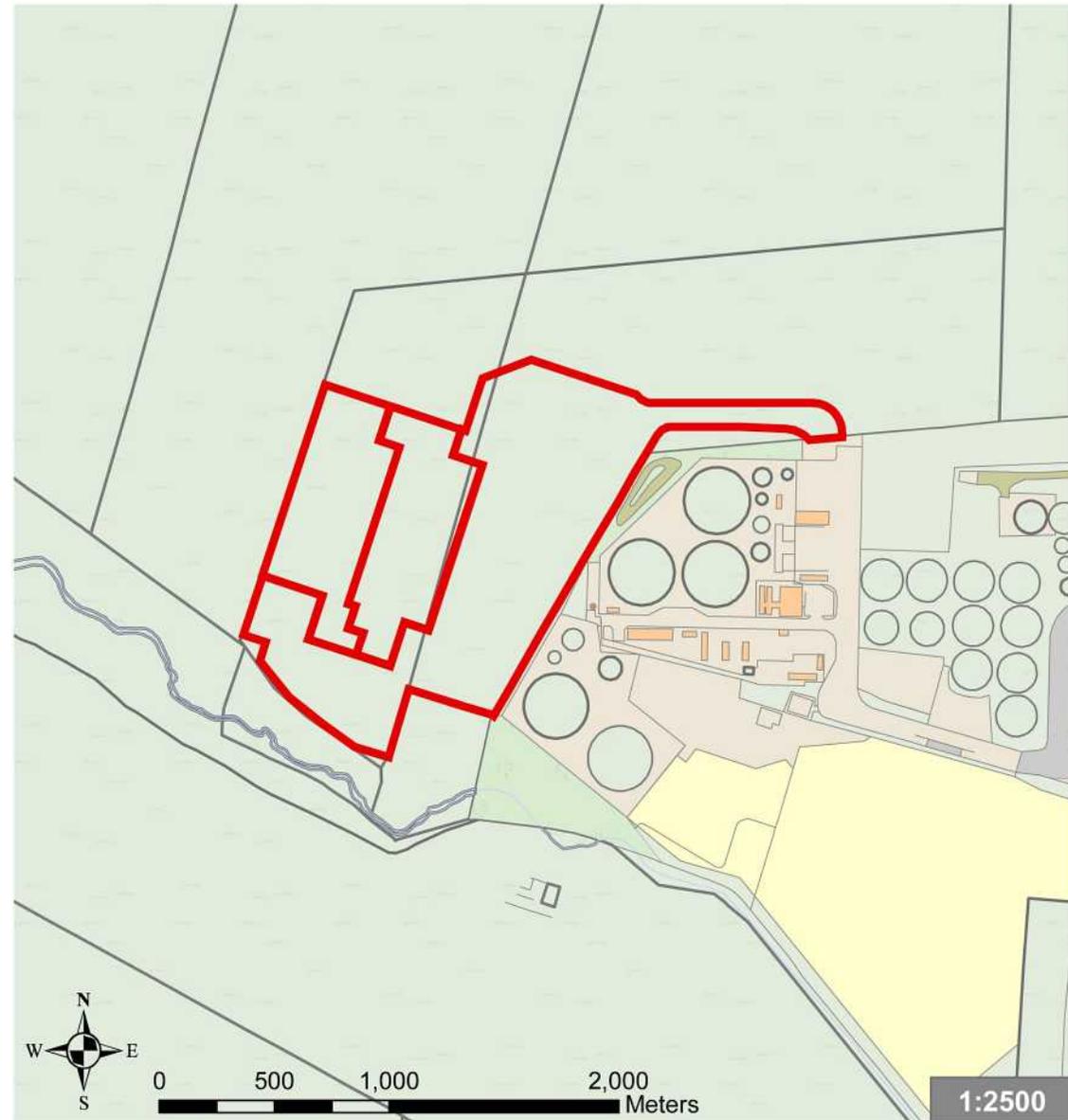
Grissan Engineering Services Ltd

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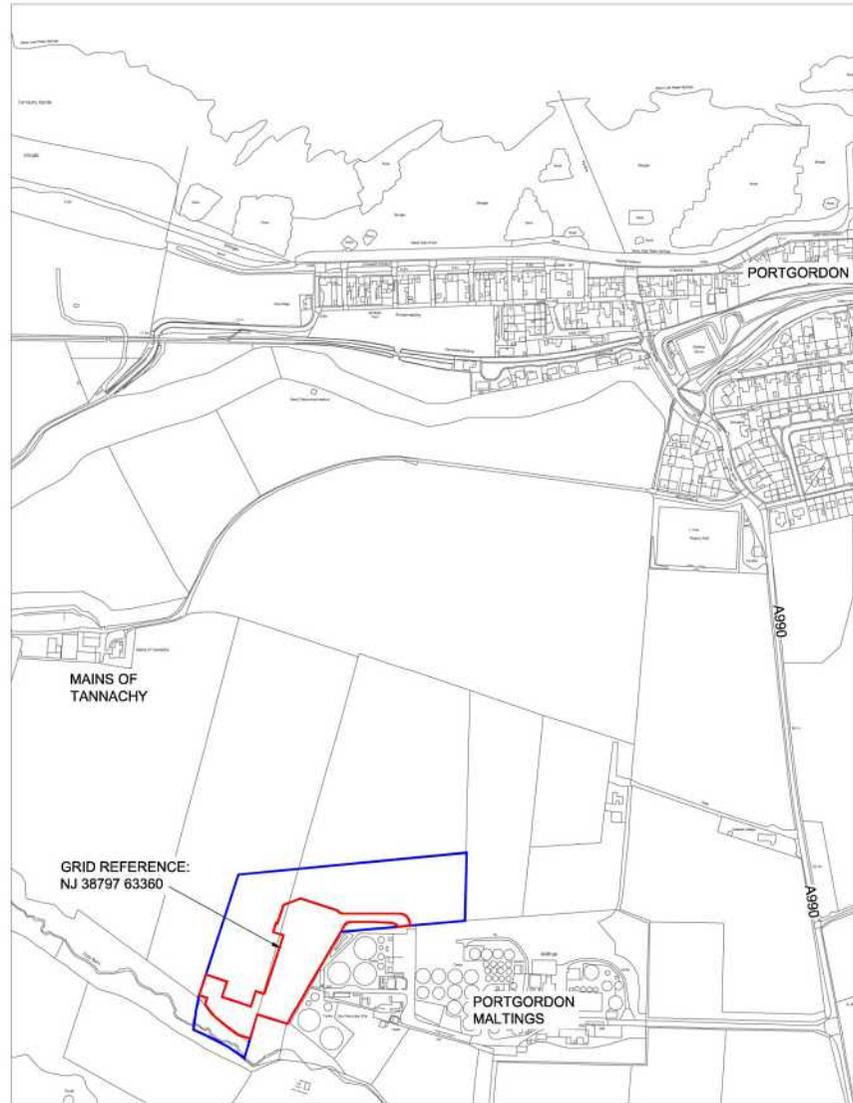
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Location Plan

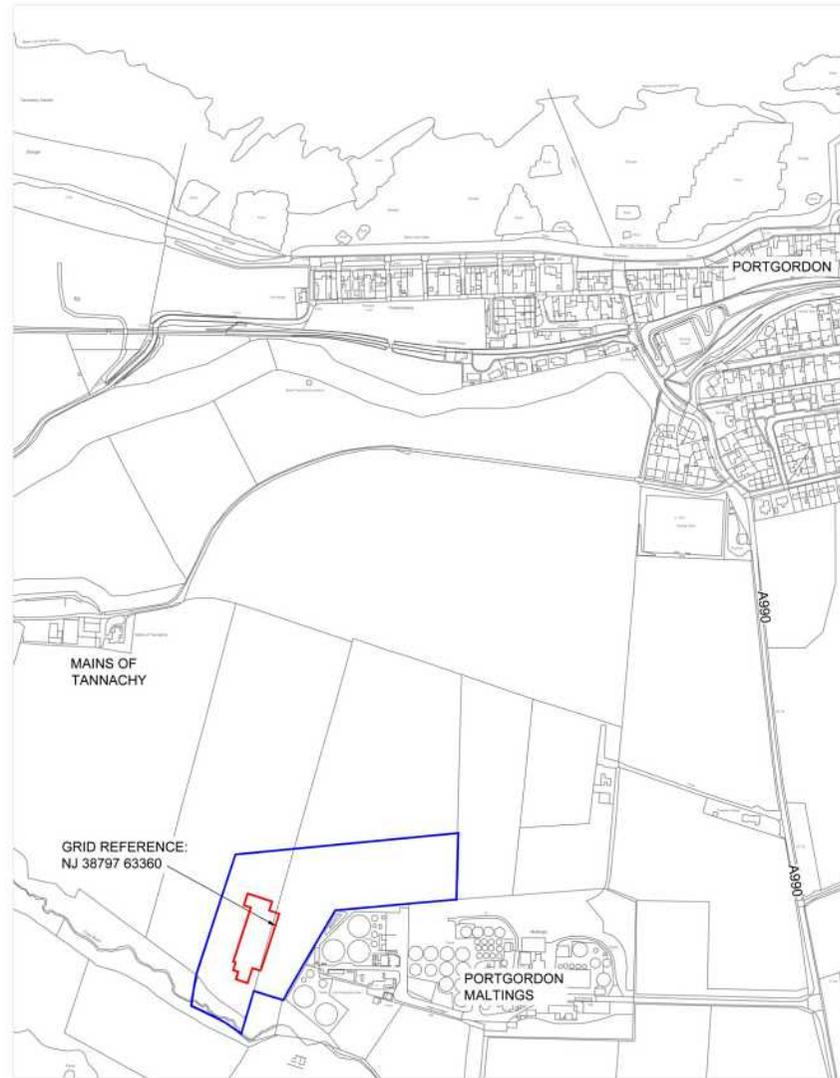


23/00892/APP—Location Plan



SITE LOCATION PLAN
SCALE 1:5,000

23/00894/APP—Location Plan



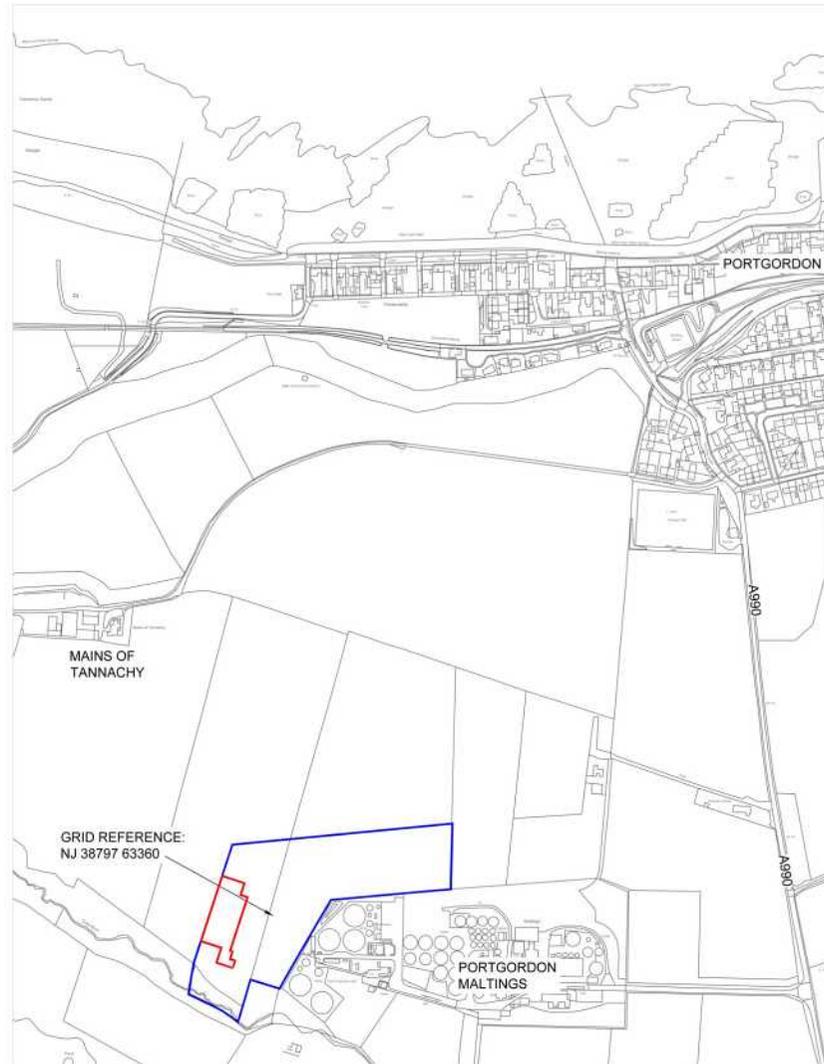
SITE LOCATION PLAN
SCALE 1:5,000

23/00894/APP—Site Plan



PROPOSED SITE PLAN
SCALE 1:500

23/00895/APP—Location Plan



SITE LOCATION PLAN
SCALE 1:5,000

23/00895/APP—Site Plan



Photo Location plan

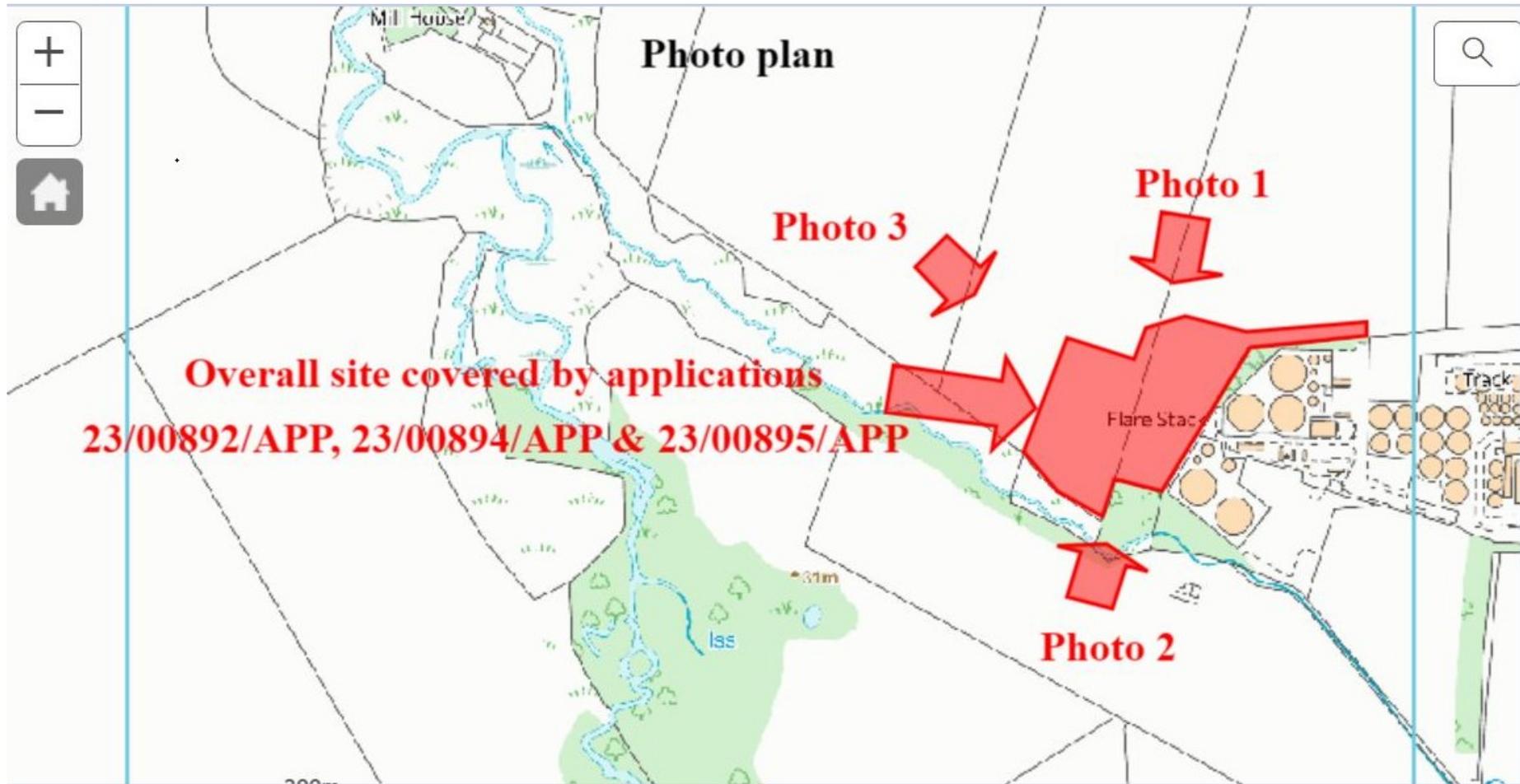


Photo 1



Photo 2



Photo 3



Photomontage — View South from A990 at Portgordon



Photomontage — View South from A990 at Parkside Cottage



**PLANNING APPLICATION: 23/00892/APP,
23/00894/APP & 23/00895/APP**

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

1. THE PROPOSAL

- This proposal is for the extension of an existing anaerobic digestion (AD) plant which lies adjacent to Crisp Maltings at Portgordon. The applicants have advised that the development proposal has been divided into three separate planning applications to comply with and benefit from the Scottish Governments Green Gas Support Scheme Regulations 2021. Given that the three applications are directly adjacent to one and other and effectively form three phases of one larger extension to the existing AD plant, the cumulative impact of the development has been assessed as a whole. This report covers all three planning applications but with three separate recommendations.
- As a whole the development consists of the siting of six 32m diameter digester tanks measuring 16.9m in height, four smaller ancillary tanks, two measuring 12m in diameter and 14m in height and two at 8.5m in diameter and 6m in height. All the tanks are located within the proposed containment bund, which consists of a 2.5m high concrete wall. The proposals also include, two draft bunkers for the delivery of draft into the digesters, two adjacent draft silos, measuring 5m in diameter by 11.5m in height, a control building measuring 19.6m by 10.4m by 4.6m high for employees to monitor the plant, a 10m tall flare, gas upgraders/entry units, which resemble steel storage containers and are generally no more than 3m in height, and underground propane tank, site access turning and parking for cars and Heavy Goods Vehicles (HGV)s, drainage swale and SUDs basin and landscaping. All of the tanks, buildings and plant are to be finished in dark green to match the existing plant.
- For clarity, application 23/00892/APP relates to much of the infrastructure such as control building, draff silos, gas upgrader, flare, drainage swale and two of the larger digester tanks. 23/00894/APP relates to two other larger digester tanks, gas upgrader and grid entry unit. 23/00895/APP – hosts the final two large digester tanks, a gas upgrader and grid entry unit.
- An extensive amount of supporting information has been submitted in support of the proposals which in brief summary outlines that the proposal is intended to compliment and run in the same manner as the existing AD plant, which takes in distillery by-product (either draff, spent lees, pot ale or pot ale syrup) from Speyside Distilleries, processes this in the digesters to produce bio methane, which is then injected back into the national gas grid via the injector on site. Any waste from this process is then sold as fertiliser or discharged via the existing sea outfall which is monitored by SEPA.

- On their existing site the applicants also have a biogas fuelling point which fuels HGVs which run on the biogas produced on site. The applicant has outlined that it is their intention to operate all HGVs serving the site on biogas, however, to date, due to supply chain issues with biogas HGVs it has only been possible to obtain 26 HGVs. This should increase significantly to approx. 300 HGVs by 2028. In addition, the applicants also have a combined heat and power unit on their existing site, which can convert the biogas to heat and electricity, where the heat is used in the digestion process and electricity is used to run the plant and can also be exported to the national grid. In terms of scale of production, the proposed development will produce up to 12MW of renewable energy, which is equivalent to powering approximately 18000 homes.
- The applicants have provided a Preliminary Ecological Survey, Carbon Impact Assessment, Tree Survey, Noise Impact Assessment, Landscape and Visual Appraisal, Odour Assessment, Air Quality Assessment, Community Wealth Building Plan, Transport Statement, Drainage Assessment, Flood Risk Assessment and Planning Statement in support of the proposals.

2. THE SITE

- The site as a whole covers an area of land just under 2 hectares and consists of agricultural grazing land, which lies immediately to the west of the existing grouping of industrial operations, including the existing AD plant, Crisp Maltings and maturation warehousing which is presently under construction. To the south of the site lies a small belt of woodland which surrounds the Core Burn. To the west and north of the site is open farmland.
- Access to the site is proposed via the main access which serves the adjacent maltings, maturation warehousing and AD plant and will be taken through the existing AD plant site.
- The site is not covered by any specific designation within Moray Local Development Plan, nor does it lie within any national or local environmental designation and is not classified as prime agricultural land. According to the SEPA flood maps the southern portion of the site is subject to flood risk from the Core Burn.
- The nearest residential properties lie 370m to the northwest at Mains of Tannachy, 440m to the north east at Parkside Cottage and 465m to the south at Windsoer.

3. HISTORY

22/01321/SCN – Environmental impact assessment screening opinion issued confirming that this proposal does not constitute EIA development.

There is no further planning history in relation to the proposed site, however, the following is a summary of the recent planning history for land adjacent to the site.

16/00353/APP - Erection of anaerobic digestion facility granted planning permission on 26 May 2016.

17/01536/APP - Erection of anaerobic digestion facility (extension to that granted via 16/00353/APP) granted planning permission on 14 December 2017.

20/00247/APP - Construction of four anaerobic digestion tanks, three feedstock tanks and associated infrastructure granted planning permission on 4 December 2020.

21/01605/APP - Application to Phase the development of the Coreside Anaerobic Digestion (AD) facility to demarcate the consented AD site into 2 phases with the addition of additional biomethane processing infrastructure granted planning permission on 2 December 2021.

22/01085/APP - Amend site layout as approved under reference 20/00247/APP at Phase 1 Coreside anaerobic digestion facility granted planning permission on 21 December 2022.

22/01086/APP - Amend site layout approved under ref 21/01605/APP granted planning permission on 20 December 2022.

22/01269/APP - Erect storage warehouses and ancillary development (amenity block sprinkler tank and pump house) land engineering (cut and fill), realignment of Core Burn and associated engineering and infrastructure works including access and sub-station granted planning permission on 20 December 2022.

22/01401/HAZ - Hazardous Substance Consent in relation to adjacent existing anaerobic digestion facility approved 29 November 2023.

23/01441/HAZ - Hazardous Substance Consent in relation to adjacent maturation warehousing approved 1 February 2024.

4. POLICIES

National Planning Framework 4

NPF1 - Tackling the climate and nature crises

NPF2 - Climate mitigation and adaptation

NPF3 - Biodiversity

NPF4 - Natural places

NPF5 - Soils

NPF6 - Forestry, woodland and trees

NPF7 - Historic assets and places

NPF11 - Energy

NPF12 - Zero waste
NPF13 - Sustainable transport
NPF14 - Design, quality and place
NPF18 - Infrastructure first
NPF22 - Flood risk and water management
NPF23 - Health and safety
NPF25 - Community wealth building
NPF26 - Business and industry

Moray Local Development Plan 2020

PP2 Sustainable Economic Growth
PP3 Infrastructure and Services
DP1 Development Principles
DP9 Renewable Energy
EP1 Natural Heritage Designation
EP2 Biodiversity
EP7 Forestry Woodland and Trees
EP8 Historic Environment
EP12 Management and Enhancement of the Water Environment
EP14 Pollution Contamination Hazards

5. ADVERTISEMENTS

- 5.1 Advertised for neighbour notification purposes and as a development of a Class specified in Schedule 3 of the Development Management Regulations 2013.

6. CONSULTATIONS

Contaminated Land – No objections.

Scottish Water – No objections.

Transportation Manager – No objection subject to conditions and informatives being attached to the consent. The conditions relate to the widening of the A990 at Bin View Terrace, leading down from the junction with the A98 and require a construction traffic management plan.

Archaeology – No objections, subject to condition relating to archaeological investigation and recording of any finds. Archaeological investigation is ongoing on the site at present.

SEPA – No objections in relation to flood risk following a review of the flood risk assessment submitted in support of the application. Also confirmed that the proposed bund is considered to be appropriate for spillage containment and the existing AD plant is a lower tier COMAH establishment where HSE & SEPA are the joint Competent Authority.

Moray Flood Risk Management – No objections subject to condition relating to adherence with the submitted Drainage Impact Assessment.

Environmental Health – No objections subject to conditions relating to constructions activity, operating hours, site lighting, construction environmental management plan and operational noise limits.

Health and Safety Executive – No objections.

Strategic Planning & Delivery – Comments provided in relation to development plan policy on Climate change, Renewable energy, environment, economy and infrastructure.

7. OBJECTIONS-REPRESENTATIONS

None received.

8. OBSERVATIONS

- 8.1 Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. National Planning Framework 4 (NPF) and the adopted Moral Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise.
- 8.2 The main planning issues are considered below:
- 8.3 **Environmental Impact Assessment**
The applicants sought a screening opinion (22/01321/SCN) prior to the submission of these planning applications, which concluded that the proposal constitutes Schedule 2 development in relation to the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. Taking into account the characteristics of the development including its nature and scale, the location of the development, and the characteristics of its likely potential impact, the proposal is considered unlikely to result in significant (and complex) environmental effects and the proposal is not an EIA development.
- 8.4 **Principle of the development (NPF4 – 1, 2, 11, 26 MLDP- PP2, DP9)**
Development plan policies strongly encourage proposals that involve the production of green energy and the creation of circular economies. Policies also allow for the extension of existing rural businesses, subject to ensuring the proposal does not result in unacceptable visual impact, harm the environment or neighbouring amenity levels and can be adequately served in terms of infrastructure. All of these aspects are discussed further below.
- 8.5 In this case the proposed development will result in the production of significant quantities of green energy from the processing of distillery by-product, with the spent digestate being used as fertiliser to grow crops to thereafter be used in the distilling industry completing the distilling circular economy. The extending of the existing AD operations allows the proposed development to take advantage of existing infrastructure that is already in place. The site is at a key location in the distilling process, where feedstocks can be efficiently obtained and the HGVs which are heavily utilised in the distilling process can be fuelled

whilst visiting the site. Excess gas can also be used in the adjacent CHP plant to help fuel the adjacent maltings with the remainder being used to boost the national gas network, from the high-pressure gas injection point located within the existing AD plant site.

- 8.6 Overall the general principle of the proposal is welcomed, subject to ensuring the key policy aspects outlined below are addressed.
- 8.7 **Climate Change (NPF4 – 1, 2, 11 MLDP- PP2, DP1, DP9)**
Development plan policies aim to encourage, promote and facilitate development that address the global climate and nature crisis and that significant weight will be given to proposal that achieve this.
- 8.8 In this case the applicants have provided a detailed carbon impact assessment, which in very brief, simplified terms identifies that the purpose in of the existing and proposed AD plants is to be a key factor in enabling the distilling sector in Scotland to achieve its net zero aspirations by 2040. The existing AD plant offsets approximately 200,000 tonnes of CO2 emissions per year, which will increase should this proposal gain consent. In terms of embodied carbon associated with the construction of the proposed project, the calculations provided detail that this will equate to around 2100 tonnes to establish this development, which when compared to the operation of the existing and proposed AD plant would take the equivalent of 5-7 days to off-set. This is a very short pay back period and highlights the significant contributions of the existing and proposed plant in tackling climate change.
- 8.9 In terms of the overall efficiency of the proposed plant, there are several fundamental aspects of this site and the operation of the plant which contribute towards the high efficiency and green credentials. The location of the plant is ideal for efficient delivery of distillery by-product from distilleries throughout Moray, which minimises distances travelled by HGVs in the overall process. For the avoidance of doubt, confidential information has been by the applicants which indicates the distilleries which provide by-product to the site and this give confidence to the carbon calculations provided in support of the proposals. In addition to this, the site has a feed into the high-pressure gas network on the existing site and this avoids the need to transport gas off site with HGVs to injection points elsewhere. The existing site also contains a combined heat and power (CHP) unit, which can convert the gas produced to electricity, which runs the plant and can export to the national electricity grid, but also any waste heat from this process is reused within the digestate heating process ensuring that the CHP unit is efficient as possible. The existing plant also contains a biogas refuelling station for HGVs and with an expanding fleet of biogas trucks now operating for the distilleries, this is another aspect of the existing site which improves efficiency of the overall process. Lastly the site has an existing long sea outfall, which is monitored by SEPA, to ensure that any outfall is within acceptable limits and that material pumped out of the outfall does not need to be exported from the site via HGVs. This results in less use of HGVs in this process.
- 8.10 Whilst the above is a very simplistic summary of the carbon emissions and climate change benefits of this proposal, it is a good indicator of the benefits the proposals can have in addressing climate change. With this in mind the

proposal is considered to be compliant with development plan policy in this regard.

- 8.11 **Design, siting and landscape impact (NPF4 – 1, 2, 11, 14, 26 MLDP- PP2, DP1, DP9)**
In terms of siting, design and potential impact on the character of the area, given the scale of the proposal it will inevitably be visible within the local landscape. The applicants have submitted a landscape and visual appraisal in support of the development which includes visualisations to aid the understanding of the likely visual impact of the proposals. The proposed extension is located to the west of the existing AD plant, Crisp Maltings and Maturation warehousing, which is a relatively low point in the landscape and has the fewest public vistas. In essence the existing industrial development to the east of the site will largely screen the development from the east and taking into account the natural undulation in the landscape and the presence of intervening mature woodland, the proposals will not appear prominent in the landscape from the north, south or west.
- 8.12 Overall the proposal will therefore have minimal visual impact on the character of the surrounding landscape. The proposed flare (one already exists at the existing nearby AD plant) would be 10m high structure and would not be in regular use. For AD plants, such flares are a safety feature and are only used on rare occasions where there is an excessive of pressure gas.
- 8.13 **Protected species, landscaping, biodiversity, soils (NPF4 – 1, 2, 3, 4, 5, 6, 14 11 MLDP- PP2, DP1, DP9, EP1, EP2, EP7)**
NPF 4 Policy 3 Biodiversity states that developments should contribute to the enhancement of biodiversity, and MLDP policy EP2 Biodiversity states that “all development proposals must, where possible, retain, protect and enhance features of biological interest and provide for their appropriate management.” As the site is comprised of worked agricultural land, there is currently limited biodiversity to enhance. Therefore, the planting, green and blue drainage solutions proposed would see an enhancement, albeit where the confines of the site and nature of the development gives limited opportunity for in site biological enhancement.
- 8.14 Set out in the landscaping plan, native hedging is proposed along the northern boundary of the site and surrounding the proposed SUDs and swale area to the south of the site this would consist of a mix of hazel, hawthorn, holly, blackthorn, grey willow, elder, gorse and guelder rose. A coastal meadow mix is proposed in the drier open areas surrounding the SUDs, with a wetland mix proposed within the swale and SUDs areas. Bird and bat boxes are proposed to be located within the existing mature trees adjacent to the SUDs area.
- 8.15 A tree survey and tree protection plan has been carried out in support of the application and also covers the trees which lie outwith the site boundary to the south of the site. This identifies that the development will not have an adverse impact on any healthy trees and proposes protection measures to ensure they are protected throughout the construction process. For the avoidance of doubt the tree survey plan identifies a small number of trees outwith the site boundary which the arboriculturist has confirmed should be removed due to disease or poor condition etc. However, whilst the tree survey advises that they should be

removed as these are outwith the application site the applicant's have confirmed that these will remain. In terms of screening the tree line following the Core Burn running south of the site, provides the necessary enclosure from much of the views from the south.

- 8.16 Bearing in mind this proposal will result in significant carbon emissions savings and will act to combat climate change, the proposals will result in overriding environmental benefits and when coupled with the measures identified above the proposals are considered to be compliant with development plan policy in this regard. The site is not designated as prime agricultural land so would not conflict NPF Policy 5 Soils or local policy EP16 Geodiversity and soils Resources.
- 8.17 **Noise, odour & light pollution (NPF4 – 11, 14, 23 MLDP- DP1, DP9, EP14)**
Development plan policies outline that proposals should not adversely affect surrounding amenity including from noise, odour or light pollution. The applicants have submitted noise, odour and air quality impact assessments to inform this matter.
- 8.18 The Environmental Health Manager has assessed this information and has raised no objection to the grant of permission subject to conditions controlling operating hours, lighting, noise levels, construction work hours and submission of a Construction Environmental Management Plan to control/manage environmental emissions (noise, vibration, dust and artificial lighting) during the construction phase.
- 8.19 Subject to the compliance with above conditions the proposal would accord with development plan policy.
- 8.20 **Drainage and flood risk (NPF4 - 22 MLDP- EP12)**
Development plan policies set out detailed criteria to ensure proposals meet siting, design and servicing requirements including provision of SuDS. This includes requirements for surface water from new development to be dealt with in a sustainable manner that has a neutral effect on the risk of flooding, or which reduces the risk of flooding.
- 8.21 A Drainage Impact Assessment and Flood Risk Assessment has been submitted with the application which details the proposed surface drainage arrangements for the proposed development and outlines that the site is not at risk of flooding, nor will the development exacerbate flood risk elsewhere. The applicants have outlined that they will utilise rainwater harvesting within the bunded area of the site and re-use this captured rain water within the digestion process. Any surface water falling outwith the bunded area will be directed towards the proposed swale and SUDs basin located to the south of the site adjacent to the Core Burn/existing woodland and will act to form a wetland area which should enhance habitat and biodiversity.
- 8.22 In terms of foul drainage the drainage assessment submitted in support of the application details that a small treatment plant will be installed with partial soakaway and attenuated discharge to the Core Burn, all of which is considered acceptable.

- 8.23 Both SEPA and Moray Flood Risk Management have been consulted on the proposals and have raised no objection subject to the conditions as recommended. With this in mind, the proposals are considered compliant with development plan policies.
- 8.24 **Access (NPF4 – 13 MLDP- PP3, DP1)**
Local Development plan policy DP1 requires that proposals must provide a safe entry and exit from the development and conform with current policy on parking standards. Development plan policy requires development to be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services.
- 8.25 A Transport Statement has been submitted in support of the proposals and the Transportation Section has been consulted and raised some concerns regarding the impact of HGV traffic from the proposal on the A990 up to the A98. Following detailed discussions, it has been agreed with the applicants that they will upgrade/widen a portion of the A990 adjacent to Bin view Terrace and a condition has been recommended to this affect as well as a construction traffic management plan to be submitted and agreed in writing prior to construction commencing. Subject to these conditions the Transportation Service has no objection to the application and as such the proposal is considered compliant with development plan policy.
- 8.26 **Historic Environment (NPF4 – 7 MLDP- EP8)**
The proposal is considered to have sufficient separation from any built heritage features within the surrounding landscape to ensure there is no adverse impact in this regard. Following consultation with the Regional Archaeologist, they have confirmed no objection to the approval of the development, subject to a condition being applied to ensure a programme of archaeological works is carried out prior to any development works commencing.
- 8.27 The proposals are therefore considered compliant with development plan policies.
- 8.28 **Zero waste (NPF4 – 12 MLDP- PP3)**
Development plan policy seeks to reduce the waste of materials in construction and requires waste management plans for developments that will generate waste.
- 8.29 In this case the proposed plant is a specifically designed project whereby each aspect of the design is fundamental in the operation of the plant. Following the construction of other similar facilities in the past, the detailed design of the plants has been revised to ensure efficient operation and minimisation of waste. With this in mind, the waste associated with the construction of the proposed plant will be minimal.
- 8.30 In terms of operations waste, the whole ethos of the project is to take a bi-product from the distilling industry to produce fuel. The manner in which this is achieved within the AD plant ensures that all aspects of the energy produced on site is used, for example in the combined heat and power plant, electricity is generated from the burning of the gas, however, where often the heat from the

process is wasted, in this case, the digesters use the heat, ensuring the processes are as efficient as possible and minimise waste.

8.31 The existing and proposed AD plants provide a key link in ensuring the distilling industry can become a circular process minimising waste production and as such the proposal is development plan policy requirements in this regard.

8.32 **Community Wealth Building (NPF4 – 25)**

Development plan policies proposals that contribute to local or regional community wealth building strategies and those that are consistent with local economic priorities. This concept is expanded on further with guidance adopted by this committee on 30 May 2023.

8.33 In this case, the applicants have provided a Community Wealth Building Plan, which outlines that the distilling industry is a key sector of the Moray economy, employing a significant number of local people, both directly and indirectly. The greening of the distilling industry and net zero aims are fundamental to the successful future of the industry. To this end, the existing and proposed plant provide a method of achieving this aim and preserving the future of this key sector of the Moray economy.

8.34 In terms of benefits to the local environment, the AD process avoids direct discharge of distilling by-product to watercourses and direct spreading on fields, however, still results in a nutrient rich by-product, which is used by local farmers to grow crops. In time, once all of the planned bio-methane HGV vehicles are in operation, this will result in a significant reduction in emissions from HGVs around Moray again benefiting the local population.

8.35 Whilst the above provides a quick summary of the overarching community benefits of the proposals, the council guidance seeks a more detailed breakdown of the benefits of proposals.

8.36 To this end the applicants have identified throughout their design and construction processes where they use local businesses, contractors and materials where possible. In terms of the operation of the proposed plant there will be 4 full time equivalent posts created along with maintenance and repair contracts for local businesses where required on an ongoing basis. In addition to this the applicants also engage with local schools providing presentations on the science and engineering surrounding the AD process. Both the applicants and their parent company William Grant and Sons offer graduate development programs as part of our operations and project engineering staff recruitment plans.

8.37 Following consideration from the Community Wealth Building officer, the proposed plan is considered to be a good start, however, further detail is needed on apprenticeships, skills development opportunities, supporting communities that are impacted by the development, experteering/mentoring to community groups. Considering Community Wealth Building is a relatively new field in planning and its integration with the proposed AD plant extension is difficult to fully cover at this early stage in the project, it is recommended that a condition be applied to the consent to ensure these aspects can be fully expanded upon and agreed prior to the development commencing. Subject to

this condition as recommended the proposal is considered to be compliant with development plan policy.

Conclusion

Overall the proposed extensions to the existing AD plant are considered to result in an acceptable level of impact on the character, appearance and amenity of the surrounding countryside, whilst making significant contributions toward minimising carbon emissions, greening the distilling industry and combating climate change and as such the proposal is recommended for approval.

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are: -

The proposal accords with the provisions of the development plan and there are no material considerations that indicate otherwise. The development is in keeping with and does not expand the existing complex of buildings and structures at Portgordon to an unacceptable level, sitting within lower land and a discrete location. The benefits in terms carbon savings and use of spend distillery bi-product support various aims within National Planning Framework 4 and Moray Local Development 2020.

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Development Management & Building Standards Manager**

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23/01848/APP
19th October 2023

Section 42 of the Town and Country Planning (Scotland) Act 1989 to amend condition 18 of planning permission 18/01046/EIA to amend construction working hours From Within The Vicinity Of Redhythe Point In Aberdeenshire Council Area To Whitehillock Farm Keith Moray for Moray Offshore Wind Farm (West) Limited

Comments:

- Advertised for neighbour notification purposes.
- 3 objections/representation received.
- Referred to committee as the Section 42 relates to a National Development.

Procedure:

- None.

Recommendation

Grant Planning Permission - Subject to the following:-

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the 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. Construction works associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0700 – 1900 hours, Monday to Sunday (including National Holidays). No construction works shall be undertaken during any other times except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited period of construction works to be undertaken out with the permitted/stated hours of working.

Reason: In order to minimise the impact of construction works on the amenity of the surrounding area including local residents.

Reason(s) for Decision

The Council's reason(s) for making this decision are:-

The proposed Section 42 variation to vary condition allowing for longer construction working hours will accord with the relevant aims and policies of the National Planning Framework 4 and Moray Local Development Plan 2020.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
	Location plan

23/01851/APP
19th October 2023

Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 7 of planning permission reference 21/01402/AMC, to amend working hours From The Vicinity Of Redhythe Point In Aberdeenshire Council Area To Whitehillock Farm Keith Moray AB55 5PH for Moray Offshore Windfarm (West) Ltd

Comments:

- Advertised for neighbour notification purposes.
- 3 objections/representation received.
- Referred to committee as the Section 42 relates to a National Development.

Procedure:

- None.

Recommendation

Grant Planning Permission - Subject to the following:-

Conditions/Reasons

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

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

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

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

the matters specified for that phase of the development. These drawings and details shall show the matters specified in Conditions 3 and 4 below.

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

3. In pursuance of Condition 2 above, for each phase of the development for which details are to be submitted for approval, the required details shall be:
 - a) Detailed drawing of the proposed temporary access routes for the phase and details of the number and size of construction vehicles using the access routes for that phase of development;
 - b) Detailed drawings of the improvements required to the public roads utilised by construction traffic and any abnormal load deliveries for the phase, which shall include but not be limited to the provision of new passing places, road widening and edge strengthening, all on ground over which the applicant has or can obtain control at location(s) and constructed in accordance with Moray Council specification;
 - c) Detailed drawings of the proposed access locations onto the public road for construction vehicles for the phase, including the required visibility splays, access specification and construction details, details of all earthworks and drainage provision and/or drainage diversion, details of proposed fencing/gates, signage and any required temporary traffic management, along with details of reinstatement works for any temporary access;
 - d) Details of the locations of all cable and haul road crossings within that phase of the development and the proposed works associated with the crossings, including but not limited to, the means of cable crossing e.g. directional drilling or open trench, means of access to works areas, details of the haul road crossings and any required temporary traffic management, and details of required reinstatement works;
 - e) Details of diversion routes for local footpaths during the construction period and associated signage (to be agreed with the Access Manager);
 - f) Detailed drawings of the locations of all cable joint access points, including their proximity to the public road and any public road drainage, and details of any temporary fencing or other measures to protect the users of the public road during the construction period;
 - g) A Construction Traffic Management Plan (CTMP), the details of which must include, parking provision for staff and loading/unloading, provision for the prevention of material being deposited onto the public road including wheel cleaning and for road sweeping at construction access(es) to the public road, a programme for monitoring and provisions for interim maintenance to be undertaken to ensure safe and suitable access is maintained for the construction access routes for the duration of the works will be required; and
 - h) 'Before' road condition video and joint surveys. Thereafter, all works shall be completed in accordance with the approved details and with the Construction Traffic Management Plan.

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

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

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

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

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

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

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

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

7. Construction works associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0700 – 1900 hours, Monday to Sunday (including National Holidays). No construction works shall be undertaken during any other times except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited period of construction works to be undertaken out with the permitted/stated hours of working.

Reason: In order to minimise the impact of construction works on the amenity of the surrounding area including local residents.

8. The developer shall implement in full the management, monitoring and mitigation provisions contained within the Construction Environmental Management Plan (CEMP) supporting document as they pertain to noise, vibration, dust, air quality and artificial lighting. For the avoidance of doubt, the supporting document is titled "Moray Offshore Wind Farm (West) Limited. OnTI Cable Route CEMP. Dated 3rd September 2021, Revision : 02. Document Name : 8460005-DAD-MWW- REP-000006." as approved under 21/01402/AMC permitted on 2 March 2022.

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

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

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

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

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

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

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

Reason(s) for Decision

The Council's reason(s) for making this decision are:-

The proposed Section 42 variation to vary conditions allowing for longer construction working hours (subject the compliance with existing conditions relating to Construction Environmental Management Plans hereby repeated) will accord with the relevant aims and policies of the National Planning Framework 4 and Moray Local Development Plan 2020.

List of Informatives:

TRANSPORT SCOTLAND has commented that:-

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal. Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.

Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

Prior to the commencement of deliveries or construction activity, a Section 96 Agreement under the Roads (Scotland) Act 1984 will be required to be approved

between the developer and the Roads Authority. This is to ensure that the costs to repair any damage to the public roads as a result of the construction work traffic are met by the applicant.

Planning consent does not carry with it the right to construct a new road or any part of a road. In accordance with Section 21 of the Roads (Scotland) Act 1984 Construction Consent for new roads (includes passing places, modified junctions and footpaths) that will form part of the public road will be required. Advice on this matter can be obtained by emailing transport.develop@moray.gov.uk and reference to the following pages on the Council web site.

Checklist: <http://www.moray.gov.uk/downloads/file68812.pdf>

RCC and Specification: http://www.moray.gov.uk/moray_standard/page_65638.html

Before commencing development, the applicant is obliged to apply for permission to modify the existing public road, in accordance with Section 56 of the Roads (Scotland) Act. The applicant will be required to provide technical information, including drawings and drainage calculations, a programme for the proposed works. Advice on the application process can be obtained by emailing transport.develop@moray.gov.uk

The applicant is obliged to apply for road opening permit(s) in accordance with Section 85 of the Roads (Scotland) Act 1984. Advice on this matter can be obtained by emailing roads.permits@moray.gov.uk and reference to the following page on the Council web site Road Opening:

http://www.moray.gov.uk/moray_standard/page_79860.html

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations, which have to be carried out at the expense of the developer.

Any street furniture, which will need to be repositioned to enable the development, including deliveries to the development, shall be at the expense of the developer. Furthermore, any existing roadside ditch, which requires relocating, a pipe or culvert shall be agreed in advance of any works commencing at that location. Advice on these matters can be obtained by emailing road.maint@moray.gov.uk

The developer shall be responsible for any necessary diversion of any utilities or drainage present at the locations where works are to be undertaken.

The developer shall meet all costs of improvements to the road infrastructure, which are required as a result of the development, including any measures to enable the use of structures on the public road for construction traffic and abnormal load deliveries.

The developer shall meet all costs of removal and re-erection of road signage, which are required as a result of the delivery of the abnormal loads.

The developer shall meet all costs of diverting any footpath or cycleway during the construction period, including signage.

The developer shall be responsible for ensuring that surface/ground water does not run from the public road into the site. The developer shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority. Advice on the retaining structures/embankments can be obtained by emailing structures@moray.gov.uk

The Transportation Manager must always be contacted before any works commence. This includes any temporary access, which should be agreed with the Roads Authority prior to work commencing on it.

SCOTTISH WATER have commented as follows:

A review of our records indicates that the proposed activity falls within a drinking water catchment where a Scottish Water abstraction is located. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive. The River Deveron supplies Turriff Water Treatment Works (WTW) and it is essential that water quality and water quantity in the area are protected. In the event of an incident occurring that could affect Scottish Water we should be notified immediately using the Customer Helpline number 0800 0778 778.

Scottish Water have produced a list of precautions for a range of activities. This details protection measures to be taken within a DWPA, the wider drinking water catchment and if there are assets in the area. Please note that site specific risks and mitigation measures will require to be assessed and implemented. These documents and other supporting information can be found on the activities within our catchments page of our website at www.scottishwater.co.uk/slm

The fact that this area is located within a drinking water catchment should be noted in documentation. Also, anyone working on site should be made aware of this during site inductions and we would also like to take the opportunity, to request that 3 days in advance of any works commencing on site, Scottish Water is notified at protectdwsources@scottishwater.co.uk so we can make our operational teams aware there will be activity taking place in the catchment.

THE SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:-

We note dewatering may be required and will be managed in line with CAR. As such, any dewatering during excavations should be in compliance with CAR GBR 2 and GBR 15 (see SEPA's A Practical Guide: https://www.sepa.org.uk/media/34761/car_a_practical_guide.pdf. Abstraction of groundwater in quantities greater than 10m³/day will require a CAR registration or

licence depending on the scope and duration of the works.

Further details of regulatory requirements and good practice advice, for example in relation to private drainage, can be found on the regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at:

gs@sepa.org.uk

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
		Location plan

23/01852/APP
18th October 2023

Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 4 of planning permission reference 21/01561/AMC to amend construction working hours From Within the Vicinity Of Redhythe Point In Aberdeenshire Council Area To Whitehillock Farm Keith Moray for Moray Offshore Windfarm (West) Ltd

Comments:

- Advertised for neighbour notification purposes.
- Referred to committee as the Section 42 relates to a National Development.
- No objections.

Procedure:

- None.

Recommendation

Grant Planning Permission - Subject to the following:-

Conditions/Reasons

1. Prior to energisation of either the Moray West substation or cables, evidence shall be submitted to and approved in writing by Moray Council in consultation with Scotland Gas Networks to demonstrate that an assessment of the potential effects of inducing unacceptable levels of electrical alternating currents and voltage onto the SGN A06 high pressure gas transmission pipeline and associated equipment, has been carried out and a scheme of mitigation prepared to address any such effects as may be identified by that assessment.

Thereafter any mitigation identified as being required must be agreed in writing with Moray Council and if required fully implemented in accordance with the approved scheme of mitigation and be in place prior to energisation of either the Moray West substation or cables unless otherwise agreed in writing with the Moray Council in consultation with Scotland Gas Networks.

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

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

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

3. The rating level of noise associated with the operation of the Moray West Substation development shall not exceed the background sound level by more than 5 dB (A) at any noise sensitive dwelling which is lawfully existing or has planning permission at the date of this permission. For the avoidance of doubt, the rating level and background sound level associated with this condition are defined within BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.

Reason: To protect local residents from noise nuisance due to the operation of the Moray West Substation.

4. Construction works associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0700 – 1900 hours, Monday to Sunday (including National Holidays). No construction works shall be undertaken during any other times except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited period of construction works to be undertaken out with the permitted/stated hours of working.

Reason: In order to minimise the impact of construction works on the amenity of the surrounding area including local residents.

5. The developer shall implement in full the management, monitoring and mitigation provisions contained within the Construction Environmental Management Plan supporting document as they pertain to noise, vibration, dust, air quality and artificial lighting. For the avoidance of doubt, the supporting document is titled "Moray Offshore Wind Farm (West) Limited. OnTI Substation Construction Environmental Management Plan. Dated 30th September 2021. Revision: 03 Document Name: 8460005-DAD-MWW- REP- 000014" as approved under planning permission 21/01561/AMC on 21 February 2022.

Reason: To ensure the construction phase is managed to prevent nuisance to local residents.

6. Unless otherwise agreed, the landscaping and compensatory planting shall be carried out in accordance with the updated Substation Landscape Plan General Arrangement Drawing number 201457_OPEN_MORW_SLP_SE01 Rev B. and the details contained within the "Cable Route Tree Felling and Compensatory Planting Summary Report Revision 2" submitted on 21 December 2021 and as approved under 21/01561/AMC on 21 February 2022. The compensatory planting must be undertaken no later than the first planting season following electrification

of the electricity substation (excluding any commissioning or testing of electrical plant). If within the first 5 years of the development becoming operational, any trees or shrubs die or are damaged, they must be replaced with a similar species and height of plant.

Reason: In order to ensure the appropriate landscaping and compensatory landscaping takes place.

7. If any design modifications are required to the design and layout of the electricity substation compound beyond the layout hereby approved, these must first be submitted to and approved by Moray Council in writing prior to electricity substation compound being constructed.

Reason: To ensure that any final design changes to the layout of the compound are considered.

8. Unless otherwise agreed with the Council, as Planning Authority the submitted Construction Traffic Management Plan, Onshore Substation Phasing Plan, Substation Layout Appearance and Lighting Plan and Substation Mitigation Statement submitted under planning permission 21/01561/AMC on 21 February 2022 to purify the conditions stated above must be complied with in full.

Reason: To ensure development is carried out sensitively and minimises the impact of development activity in line with the mitigation and imbedded design mitigation contained in the named documents.

Reason(s) for Decision

The Council's reason(s) for making this decision are:-

The proposed Section 42 variation to vary conditions allowing for longer construction working hours (subject the compliance with existing conditions relating to Construction Environmental Management Plans hereby repeated) will accord with the relevant aims and policies of the National Planning Framework 4 and Moray Local Development Plan 2020.

List of Informatives:

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

A contribution has been made to the compensatory planting fund.

TRANSPORT SCOTLAND has commented that:-

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk round boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.

Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

SCOTTISH WATER have commented that:-

A review of our records indicates that the proposed activity falls within a drinking water catchment where a Scottish Water abstraction is located. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive. The River Deveron supplies Turriff Water Treatment Works (WTW) and it is essential that water quality and water quantity in the area are protected. In the event of an incident occurring that could affect Scottish Water we should be notified immediately using the Customer Helpline number 0800 0778 778.

Scottish Water have produced a list of precautions for a range of activities. This details protection measures to be taken within a DWPA, the wider drinking water catchment and if there are assets in the area. Please note that site specific risks and mitigation measures will require to be assessed and implemented. These documents and other supporting information can be found on the activities within our catchments page of our website at www.scottishwater.co.uk/slm

The fact that this area is located within a drinking water catchment should be noted in documentation. Also anyone working on site should be made aware of this during site inductions and we would also like to take the opportunity, to request that 3 days in advance of any works commencing on site, Scottish Water is notified at protectdwsources@scottishwater.co.uk so we can make our operational teams aware there will be activity taking place in the catchment.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
8460005-DAA-ITP-MA-000005	Location plan

23/01853/APP
18th October 2023

Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 7 of planning permission reference 21/01391/APP to amend construction working hours on Land Between Greenhill And Factors Park Plantation Deskford Cullen Moray for Moray Offshore Windfarm (West) Ltd

Comments:

- Advertised for neighbour notification purposes.
- Referred to committee as the Section 42 relates to a National Development.
- No objections.

Procedure:

- None.

Recommendation

Grant Planning Permission - Subject to the following:-

Conditions/Reasons

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

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

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

2. The planning permission hereby granted for the proposed development shall be carried out only in accordance with the approved Phasing Plan permitted by Condition 1 and the details, including detailed drawings (and other supporting information), shall previously have been submitted to and approved by the

Council, as Planning Authority in consultation with the Roads Authority in line with the matters specified for that phase of the development. These drawings and details shall show the matters specified in Conditions 3 and 4 below.

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

3. In pursuance of Condition 2 above, for each phase of the development for which details are to be submitted for approval, the required details shall be:
 - a) Detailed drawing of the proposed temporary access routes for the phase and details of the number and size of construction vehicles using the access routes for that phase of development;
 - b) Detailed drawings of the improvements required to the public roads utilised by construction traffic and any abnormal load deliveries for the phase, which shall include but not be limited to the provision of new passing places, road widening and edge strengthening, all on ground over which the applicant has or can obtain control at location(s) and constructed in accordance with Moray Council specification;
 - c) Detailed drawings of the proposed access locations onto the public road for construction vehicles for the phase, including the required visibility splays, access specification and construction details, details of all earthworks and drainage provision and/or drainage diversion, details of proposed fencing/gates, signage and any required temporary traffic management, along with details of reinstatement works for any temporary access;
 - d) Details of the locations of all cable and haul road crossings within that phase of the development and the proposed works associated with the crossings, including but not limited to, the means of cable crossing e.g. directional drilling or open trench, means of access to works areas, details of the haul road crossings and any required temporary traffic management, and details of required reinstatement works;
 - e) Details of diversion routes for local footpaths during the construction period and associated signage (to be agreed with the Access Manager);
 - f) Detailed drawings of the locations of all cable joint access points, including their proximity to the public road and any public road drainage, and details of any temporary fencing or other measures to protect the users of the public road during the construction period;
 - g) A Construction Traffic Management Plan, the details of which must include, parking provision for staff and loading/unloading, provision for the prevention of material being deposited onto the public road including wheel cleaning and for road sweeping at construction access(es) to the public road, a programme for monitoring and provisions for interim maintenance to be undertaken to ensure safe and suitable access is maintained for the construction access routes for the duration of the works will be required; and
 - h) 'Before' road condition video and joint surveys. Thereafter, all works shall be completed in accordance with the approved details and with the Construction Traffic Management Plan.

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

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

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

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

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

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

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

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

7. Construction works associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0700 – 1900 hours, Monday to Sunday (including National Holidays). No construction works shall be undertaken during any other times except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited period of construction works to be undertaken out with the permitted/stated hours of working.

Reason: In order to minimise the impact of construction works on the amenity of the surrounding area including local residents.

8. The Construction Environmental Management Plan ("CEMP") shall be implemented and maintained throughout the construction phase and in accordance with the details provided in the supporting document, including Appendices, by Moray Offshore Wind Farm (West) Limited and titled "OnTI Cable Route Construction Environmental Management Plan, Document Name : 8460005-DAD-MWW-REP-000006 Revision:02, Status : Final, Date : 03-09-2021". As approved under planning permission 21/01391/APP on 21 February 2022.

Reason: In the interests of the amenity and environment of the surrounding area.

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

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

10. Prior to development commencing, detailed drawings and cross sections of any above ground watercourse crossings, must be submitted to and approved in

writing by Moray Council, as Planning Authority in consultation with SEPA and Moray Flood Risk Management. Thereafter the approved water course crossings must be developed in accordance with the approved plans unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: In order to ensure the finalised water crossing design can be given further consideration and to ensure no detriment to the water environment or flood risk occurs.

11. The development shall be carried out in accordance with all mitigation measures (including pre-development surveys) as identified in the OnTi Protected Species Baseline Survey Report (doc. name: 8460005-DAD-MWW-REP-000005 rev: 2 dated 3 September 2021) and appendices approved under planning permission 21/01391/APP approved on the 21 February 2022.

Reason: To ensure the ecology and environment of the surrounding areas are protected during construction works.

12. The compensatory planting as identified in the Cable Route Tree Felling and Compensatory Planting Summary Report (doc. name: 8460005-DAD-MWW- REP-000022 rev. 2 dated 21 December 2021) and appendices hereby approved under planning permission 21/01391/APP on 21 February 2022 shall be provided in full no later than the first planting season following the full electrification of the cable route and substation.

Reason: To ensure timeous delivery of the agreed compensatory tree planting.

13. That within a period not less than 6 months prior to the cessation of operations, or an alternative timeframe as agreed in writing by Moray Council, as Planning Authority, a decommissioning plan is to be prepared in line with best practice at the time of preparation and submitted for the written approval of Moray Council, as Planning Authority in consultation with SEPA and Aberdeenshire Council. The decommissioning of the development must thereafter be undertaken in accordance with the approved decommissioning plan.

Reason: To ensure provision is in place to facilitate a move towards a "Circular Economy" and future proof the development against future environmental requirements or considerations in the interests of the protection of the natural environment.

Reason(s) for Decision

The Council's reason(s) for making this decision are:-

The proposed Section 42 variation to vary conditions allowing for longer construction working hours (subject the compliance with existing conditions relating to Construction Environmental Management Plans hereby repeated) will accord with the relevant aims and policies of the National Planning Framework 4 and Moray Local Development Plan 2020.

List of Informatives:

Comments from SCOTTISH WATER previously sent to the applicant under planning permission 21/01391/APP approved on 21 February 2022.

THE ENVIRONMENTAL HEALTH MANAGER, DEVELOPMENT SERVICES, has commented that:-

The Council has no record of private water supplies on the route of the proposed development. However, it is possible that unregistered supplies are present. It is recommended that a full assessment is made into the sources of water supply of properties on and in the vicinity of the route of the proposed development, the potential impact on these supplies and the need for mitigation. If private water supplies are present, you should contact the Council's Environmental Health section prior to starting works (tel 0300 1234561, email environmentalhealth@moray.gov.uk).

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

Prior to the commencement of deliveries or construction activity, a Section 96 Agreement under the Roads (Scotland) Act 1984 will be required to be approved between the developer and the Roads Authority. This is to ensure that the costs to repair any damage to the public roads as a result of the construction work traffic are met by the applicant.

Planning consent does not carry with it the right to construct a new road or any part of a road. In accordance with Section 21 of the Roads (Scotland) Act 1984 Construction Consent for new roads (includes passing places, modified junctions and footpaths) that will form part of the public road will be required.

Advice on this matter can be obtained by emailing transport.develop@moray.gov.uk and reference to the following pages on the Council web site.

Checklist: <http://www.moray.gov.uk/downloads/file68812.pdf>

RCC and Specification:

http://www.moray.gov.uk/moray_standard/page_65638.html

Before commencing development, the applicant is obliged to apply for permission to modify the existing public road, in accordance with Section 56 of the Roads (Scotland) Act. The applicant will be required to provide technical information, including drawings and drainage calculations, a programme for the proposed works. Advice on the application process can be obtained by emailing transport.develop@moray.gov.uk

The applicant is obliged to apply for road opening permit(s) in accordance with Section 85 of the Roads (Scotland) Act 1984. Advice on this matter can be obtained by emailing roads.permits@moray.gov.uk and reference to the following page on the Council web site.

Road Opening: http://www.moray.gov.uk/moray_standard/page_79860.html

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations, which have to be carried out at the expense of the developer.

Any street furniture, which will need to be repositioned to enable the development, including deliveries to the development, shall be at the expense of the developer. Furthermore, any existing roadside ditch, which requires relocating, a pipe or culvert shall be agreed in advance of any works commencing at that location. Advice on these matters can be obtained by emailing road.maint@moray.gov.uk

The developer shall be responsible for any necessary diversion of any utilities or drainage present at the locations where works are to be undertaken.

The developer shall meet all costs of improvements to the road infrastructure, which are required as a result of the development, including any measures to enable the use of structures on the public road for construction traffic and abnormal load deliveries.

The developer shall meet all costs of removal and re-erection of road signage, which are required as a result of the delivery of the abnormal loads. The developer shall meet all costs of diverting any footpath or cycleway during the construction period, including signage.

The developer shall be responsible for ensuring that surface/ground water does not run from the public road into the site.

The developer shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority. Advice on the retaining structures/embankments can be obtained by emailing structures@moray.gov.uk

The Transportation Manager must always be contacted before any works commence. This includes any temporary access, which should be agreed with the Roads Authority prior to work commencing on it.

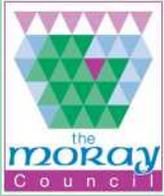
THE SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:-

Any watercourse crossings should be designed in accordance with SEPA's Engineering in the water environment: good practice guide River crossings <https://www.sepa.org.uk/media/151036/wat-sg-25.pdf> and following Engineering advice webpage <http://www.sepa.org.uk/regulations/water/engineering/>

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

A developer obligation has been paid against this consent relating to compensatory tree planting.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
8460005-DAA-ITP-MAP-000004	Location plan



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

23/01848/APP 23/01851/APP 23/01852/APP
23/01853/APP

Site Address:

From within The Vicinity Of Redhythe Point In
Aberdeenshire Council Area To Whitehillock
Farm

Applicant Name:

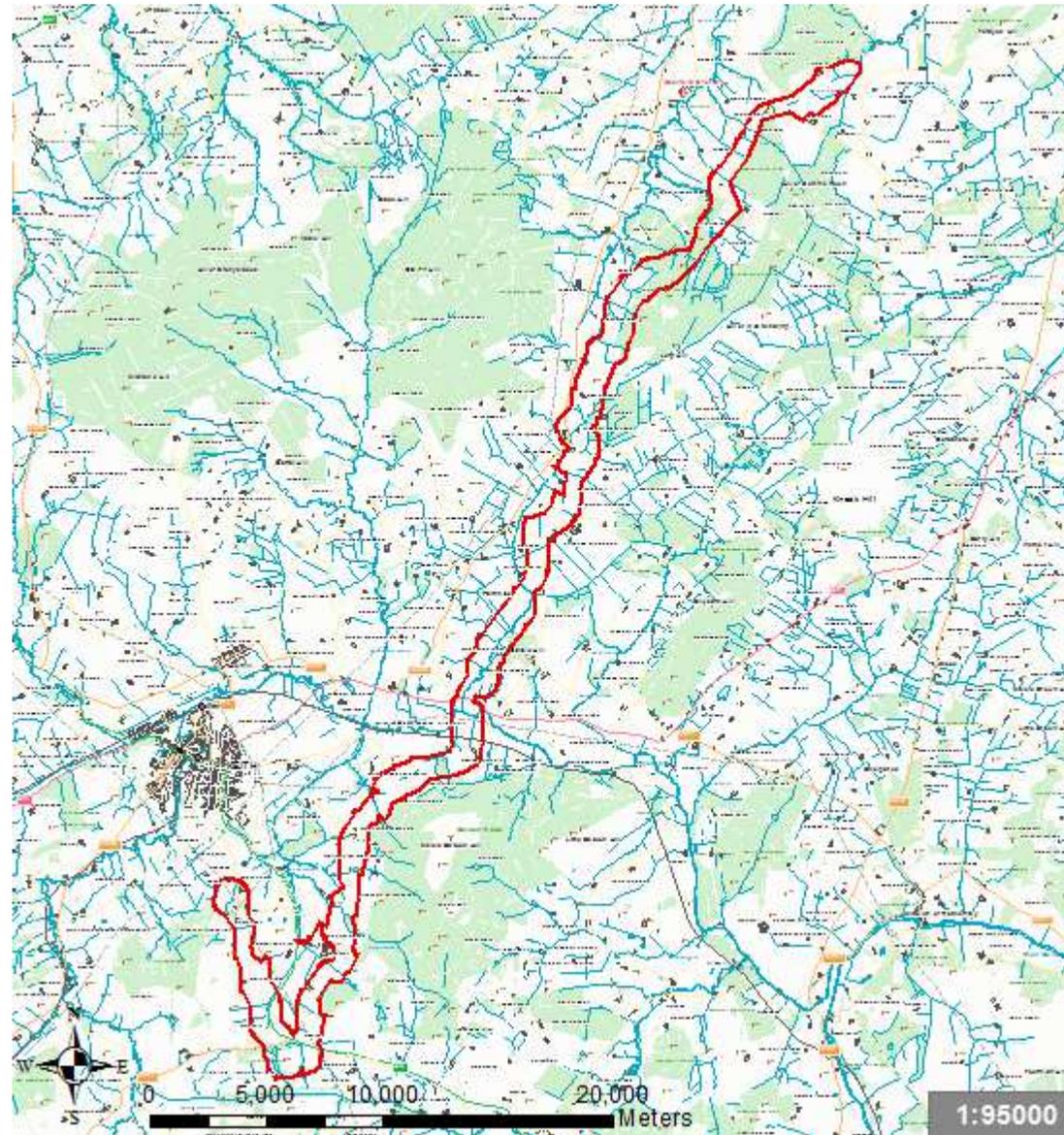
Moray Offshore Windfarm (West) Ltd

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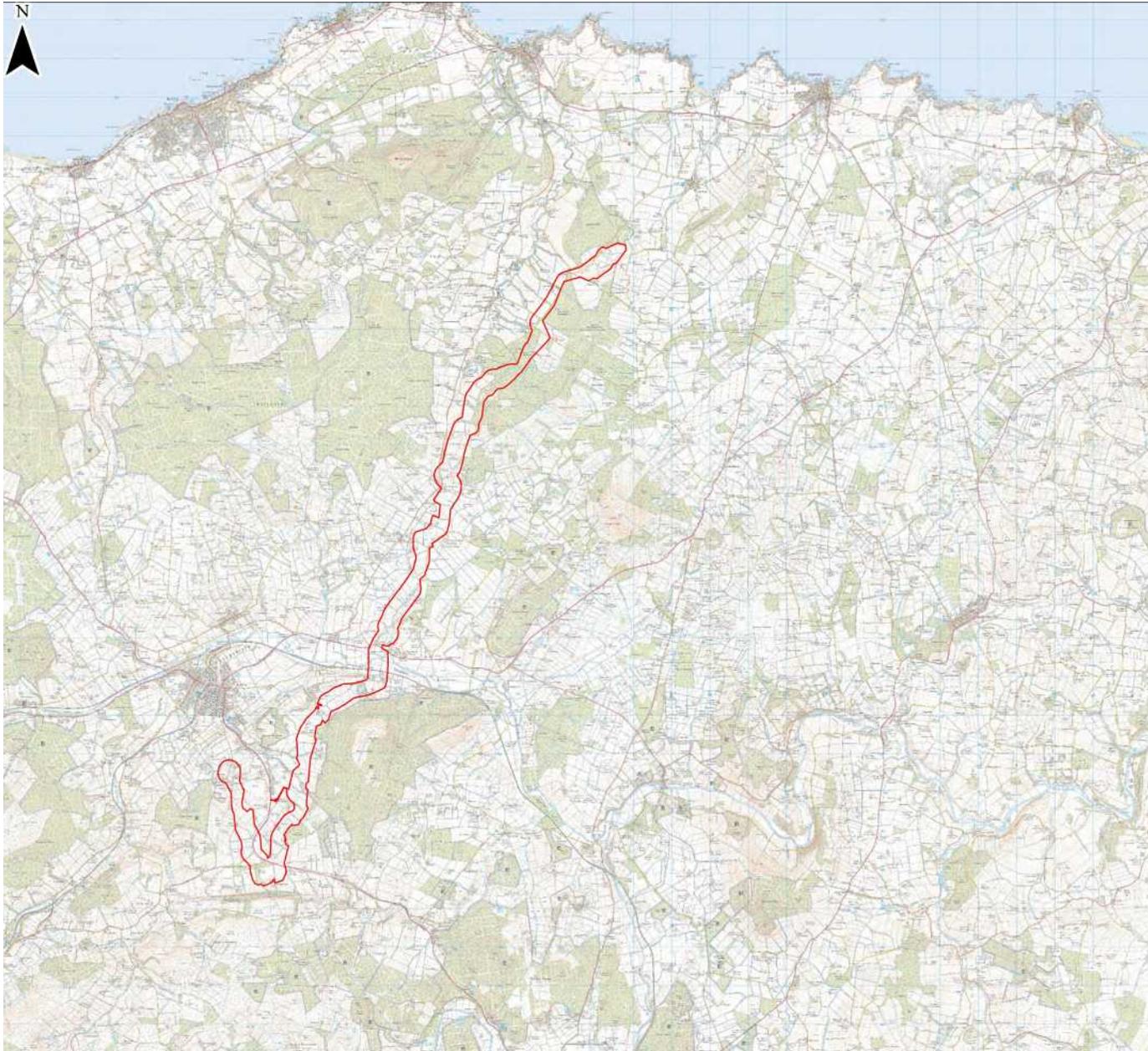
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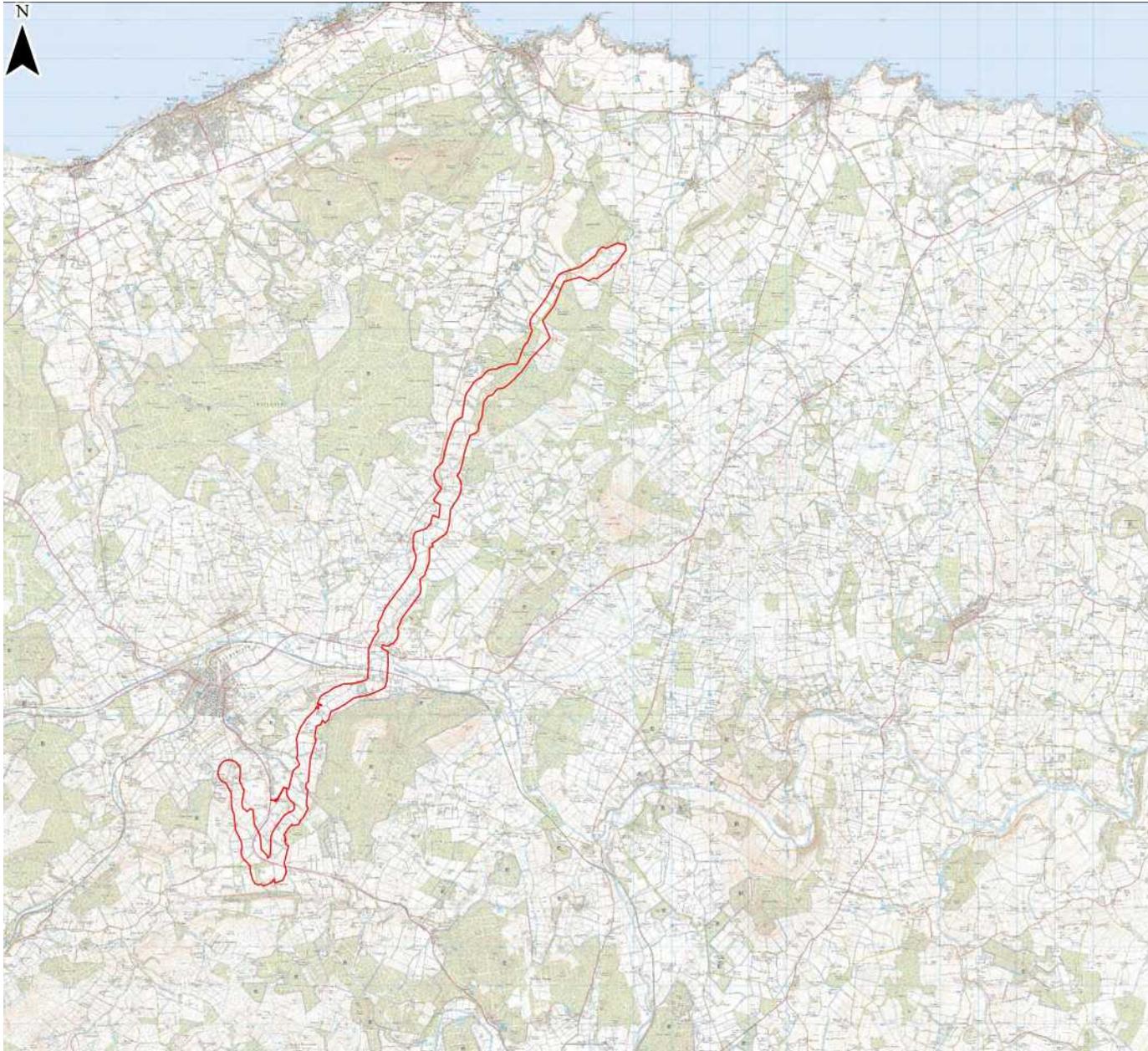
Location Plan - 18/01046/EIA



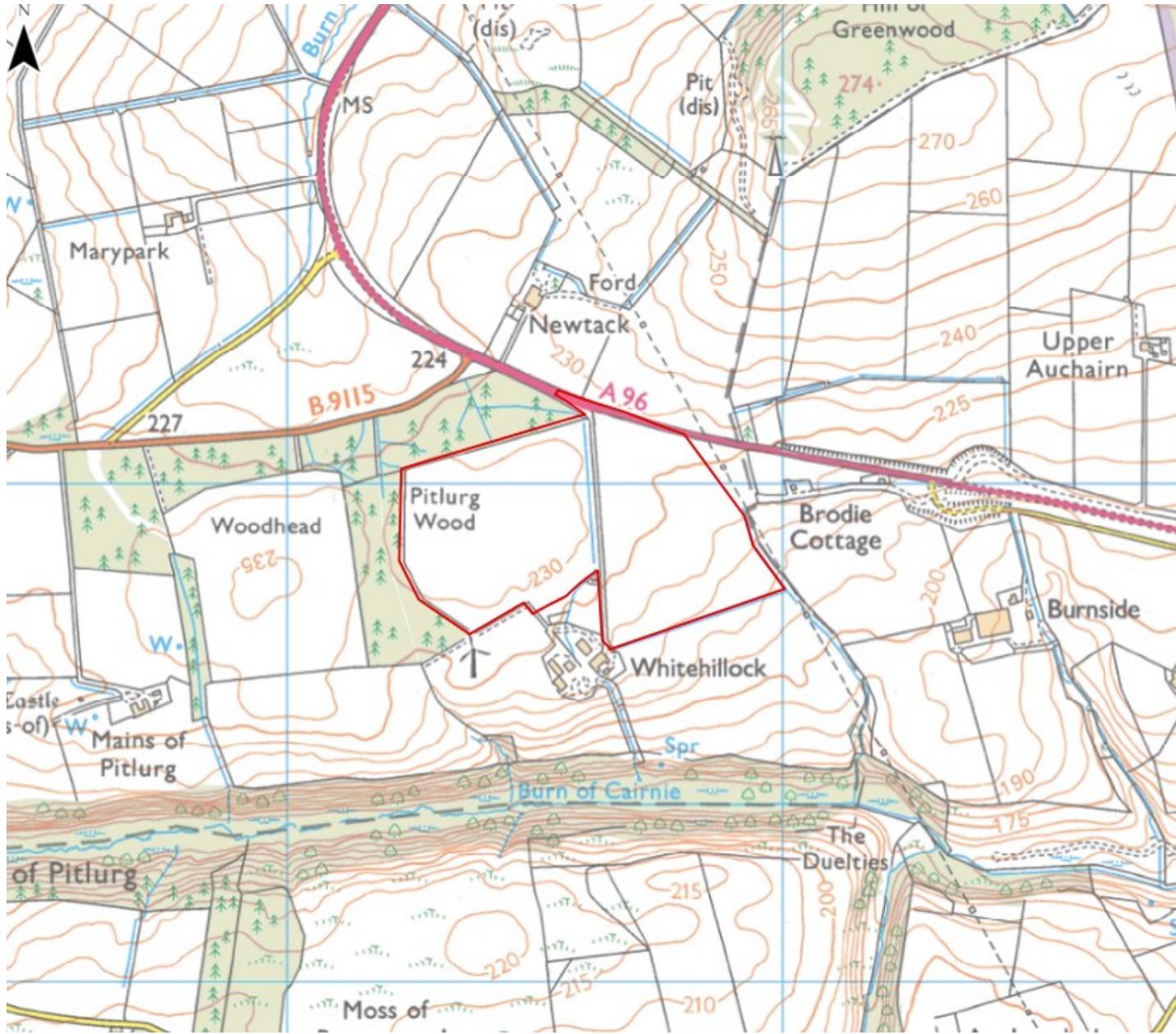
Site Location — 23/01848/APP relates to 18/01046/EIA



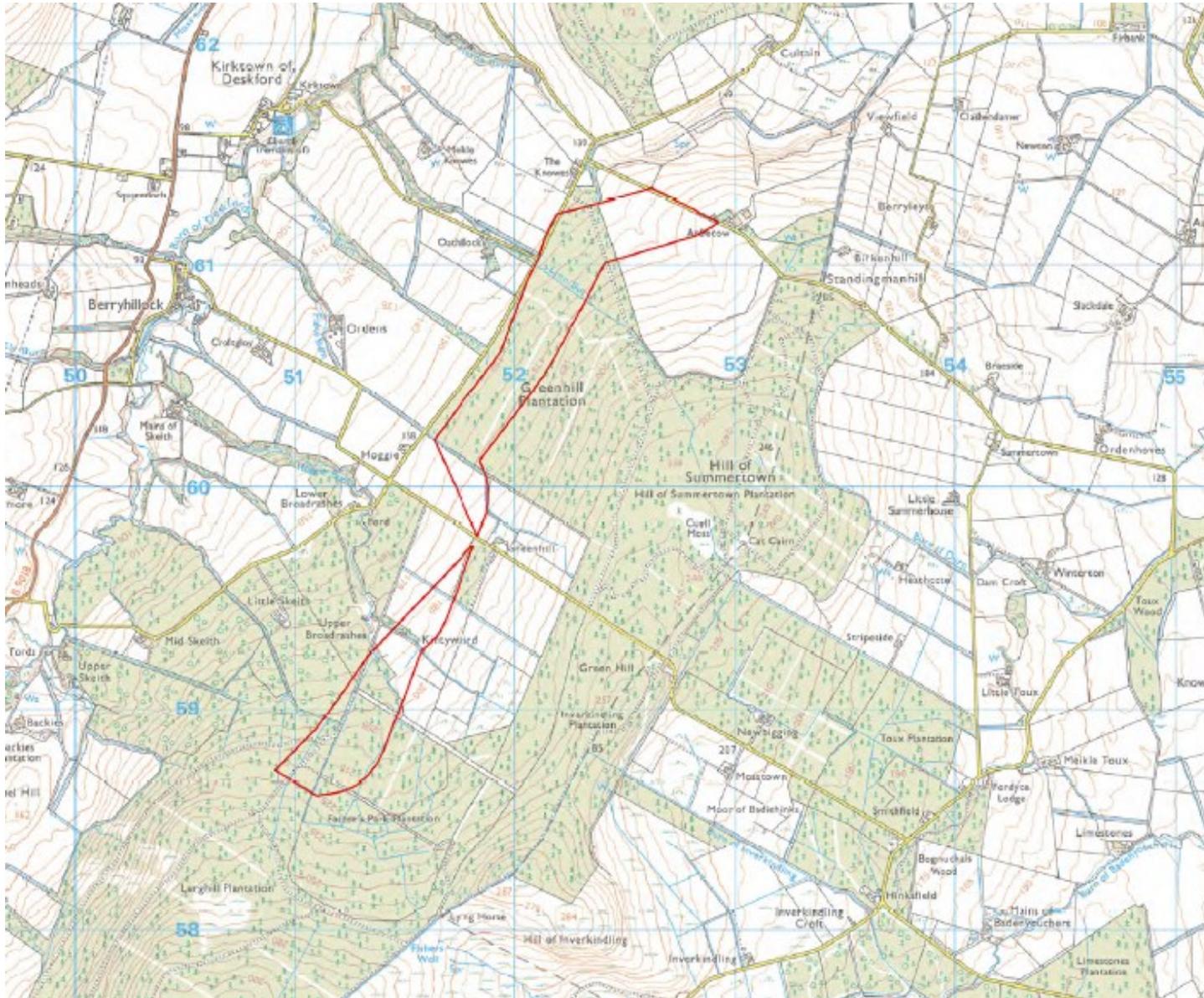
Site Location — 23/01851APP relates to 21/01402/AMC



Location plan—23/01852/APP relates to 21/01561/AMC



Location plan—23/01853/APP relates to 21/01391/APP



In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

1. THE PROPOSAL

- The development under construction, subject of the Section 42 application is for two cable circuits, with each circuit comprising three separate cables; a typical voltage for the cables will be between 132 and 400 kV running underground from the Aberdeenshire coast, into Moray then travelling to a new electricity substation at Whitehillock on the east side of Moray, before leading underground again and joining into the SSE national grid hub at Blackhillock near Keith. The cable laying and new substation are well advanced in their construction.
- Four separate Section 42 applications all seek to extend the construction period from 5½ days a week to 7 days a week, inclusive of public holidays.
- Condition 18 of 18/01046/EIA reads as follows “Construction works associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0700 – 1900 hours, Monday to Friday and 0700 – 1300 hours on Saturdays only, and at no other times out with these permitted hours (including National Holidays) shall construction works be undertaken except where previously agreed in writing with Moray Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken out with the permitted/stated hours of working. Reason – In order to minimise the impact of construction works on the amenity of the surrounding area including local residents.” Application 23/01848/APP seeks to vary condition 18 so that instead of the above time limits, the condition would permit “Construction works associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0700 – 1900 hours, Monday to Sunday (including National Holidays). No construction works shall be undertaken during any other times except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited period of construction works to be undertaken out with the permitted/stated hours of working”.
- Condition 7 of 21/01402/AMC states “Construction works (including vehicle movements) associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0700 – 1900 hours, Monday to Friday and 0700 – 1300 hours on Saturdays only, and at no other times out with these permitted hours (including National Holidays) shall construction works be undertaken except where previously agreed in writing with the Council, as Planning

Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken out with the permitted/stated hours of working. Reason - In order to ensure the development minimises nuisance and disturbance to neighbouring properties.” Application 23/01851/APP seeks to vary condition 7 to state the following “Construction works associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0700 – 1900 hours, Monday to Sunday (including National Holidays). No construction works shall be undertaken during any other times except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited period of construction works to be undertaken out with the permitted/stated hours of working”.

- Condition 4 of 21/01561/AMC states “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 the construction phase is operated at times that prevent nuisance to local residents.” Application 23/01852/APP seeks to amend the condition 4 of the consent to read “Construction works associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0700 – 1900 hours, Monday to Sunday (including National Holidays). No construction works shall be undertaken during any other times except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited period of construction works to be undertaken out with the permitted/stated hours of working”.
- Condition 7 of planning application 21/01391/APP states “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 the construction phase is operated at times that prevent nuisance to local residents.” Application 23/01853/APP seeks to amend the condition to read Construction works associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0700 – 1900 hours, Monday to Sunday (including National Holidays). No construction works shall be undertaken during any other times except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational

constraints require limited period of construction works to be undertaken out with the permitted/stated hours of working”.

- The intent of all four variation applications is to permit construction activity along the main cable route and substation site for a 12-hour duration if required, seven days a week. The current consent allows a similar duration at present from 7am to 7pm Monday to Friday only, and for a half day on Saturdays (also avoiding National Holidays).

2. THE SITE

- The cable route covers a long corridor crossing the Deskford and Grange areas, Strathisla and south of Keith. As the cable route leads southward it will cross beneath the River Isla, Aberdeen to Inverness railway line and several public roads before crossing farmland on the western flanks of Meikle Balloch Hill east of Keith. The new substation lies just south of the A96 at Whitehillock, which lies just within Moray’s boundary with Aberdeenshire. The underground cables would then leave the substation and lead northward to link in with the national grid at the existing Blackhillock substation. The cable corridor and substation cross mainly agricultural land and several areas of forestry.
- These four applications relate to the initial Planning Permission in Principle dealt with under 18/01046/EIA and subsequent detailed applications for matters conditioned for the substation and a deviation to the cable route.
- Application 23/01852/APP seeks Section 42 for application 21/01561/AMC which focussed upon suspensive conditions and works at the Substation site only at Whitehillock, which addressed separately from the conditions covering the cable route. This application therefore relates to the site of the substation compound currently under construction next to Whitehillock Farm south of Keith. This is reflected in the submitted site plan for 23/01852/APP which relates to the substation only.
- Application 23/01853/APP seeks a Section 42 variation to planning permission 21/01391/APP which relates to a section of cable route near Grange, Keith that had to deviate from the approved corridor under Planning Permission in Principle 18/01046/EIA. This Section 42 application relates only to several km section of re-routed cable, for which similar conditions were imposed to those on the remainder of the cable route under other consents referred to above.
 - The route under construct covered various woodland designations, areas subject of surface water flooding, archaeological designations.

3. HISTORY

For the site:

18/01046/EIA - Planning Permission in Principle to construct onshore electrical transmission infrastructure comprising of a cable transition jointing bay underground cable circuits construction of substation to south of Keith with further connecting cabling to allow connection with existing transmission network at Blackhillock including temporary construction compounds access

track laydown areas and other associated works. This consent was granted by Moray Council on 3 December 2018 following a Pre-determination Hearing.

21/01391/APP - Installation of underground electricity cables and associated development on land between Greenhill and Factors Park Plantation, Deskford, Cullen. A current re-routed section of the cable route (3.1km in length) is currently subject of a separate planning application, which had to be submitted under a separate fully approval of planning permission as it lies outwith the approved 'corridor' consented under 18/01046/EIA. If approved this length of cable route would dovetail back into the cable subject of this application. As this cable would exceed 132kV it constitutes a significant infrastructure development and defined under the National Planning Framework 3 and therefore constitutes a National level development in planning terms. This application was approved by at a Pre-determination Hearing on 10th Feb 2021.

21/01561/AMC - Approval of Matters Specified in Conditions 2-9 11-15, 18-20, 22, 24-29 on planning consent 18/01046/EIA to Construct onshore electrical transmission infrastructure comprising of a cable transition jointing bay underground cable circuits construction of substation to south of Keith with further connecting cabling to allow connection with existing transmission network from within the vicinity of Redhythe Point in Aberdeenshire Council Area to Whitehillock Farm Keith Moray AB55 5PH. While the site address relates to the whole site consented under 18/01046/EIA, this application focusses on purifying the conditions for substation phase of the development based near Whitehillock Farm at the southern end of the site. The submissions for 21/01561/AMC are common to those lodged for this application and notably the landscaping compensatory planting for the woodland lost on the cable route is proposed around the location of the substation at Whitehillock. This application was approved by Committee on 10th Feb 2021.

18/00954/S36 - Construct and operate an offshore windfarm, inclusive of two offshore electric substation platforms in the Moray Firth. This proposed offshore windfarm would comprise of 62-85 offshore turbines, to a height between 199m-285m (the taller turbines being at the lower density of 62 total) and would be located over 30km off the Moray Coast. The Moray Council was a consultee on the application, which was approved by Marine Scotland. Of note the Marine Scotland application identified the lifetime of the project as being circa 50 years, so it is clearly the intent that the onshore infrastructure and substation would be required for at least the same period.

17/01380/PAN - Proposal of Application Notice for proposed onshore substation and to onshore cable circuits. Moray Council responded on 25 September 2017 stating that the consultation measures proposed were considered suitable and no further consultation or notification was necessary.

17/00940/SCO - Scoping opinion for onshore transmission infrastructure landward of Mean Low Water Springs for Moray Offshore Windfarm (West). The scoping opinion was issued in August 2017 and included input from other consultees. This scoping opinion related to the development subject to application 18/01046/EIA.

4. **POLICIES**

Relevant National Planning Framework 4 policies

NPF1 - Tackling the Climate

NPF2 - Climate mitigation and adaptation

NPF11 - Energy

NPF18 - Infrastructure first

Moray Local Development Plan 2020 policies

PP3 - Infrastructure and Services

DP1 - Development Principles

DP9 - Renewable Energy

EP14 - Pollution Contamination Hazards

5. **ADVERTISEMENTS**

5.1 Advertised for neighbour notification purposes.

6. **CONSULTATIONS**

Consultee response common to both 23/01848/APP, 23/01851/APP, 23/01852/APP and 23/01853/APP.

Environmental Health – No objections. The noise management and monitoring measures shall be maintained in accordance with the approved Construction Environmental Management Plans for the consents currently approved on the development. This was suggested as further condition to be imposed upon the four consents, but as CEMP conditions remain imposed upon the original consents, such a condition would not be necessary.

Transportation Section – No objections, however the change in working hours should be reflected in an updated Construction Traffic Management Plan (CTMP). *Officer Note – This matter being covered under the variation sought would not need to be conditioned separately, but an updated CTMP would be requested in the event of approval.*

Transport Scotland – No objection.

Aberdeenshire Council – No objection.

7. **OBJECTIONS-REPRESENTATIONS**

NOTE: Following the determination of this application, name and address details will be/have been removed (i.e. redacted) in accordance with the General Data Protection Regulations (paragraph 3 of Minute, Planning & Regulatory Services Committee 16 September 2014).

3 representations were received in relation to applications 23/01848/APP and 23/01851/APP, but none were received for either 23/01852/APP or 23/01853/APP.

Given the length of the cable route, 76 different properties were notified of the Section 42, with several receiving multiple notifications for the above applications.

All objections/representations have been read and where material, given the appropriate consideration prior to the recommendation finalised. The grounds for objection/representation are summarised as follows:

Heading of issues/objection reasons selected by those making representation from objection/representation online objection web link.

- Activity at unsociable hours/behaviour.
- Dust.
- Precedent.
- Procedure not followed properly.
- Noise.
- Road safety.
- Traffic.

Issue – An objector is unclear of what additional hours have been requested, however the large lorries carrying heavy amounts of aggregate during the summer presented dangerous conditions for long periods of time and at weekends and early evenings. Our concerns included noise, dust, heavy lorries sometimes travelling in convoy which could cause damage to our cottage by the vibrations caused. The speed at which the lorries and other staff on the project travel past the objectors property also caused dangerous conditions.

Comment (PO) – The applicants should seek to ensure that contractors operate vehicles safely and this matter will be raised with applicants. This matter is one for enforcement of the Construction Traffic Management Plan previously approved and would not prevent approval of the current applications. Some of the HGV activity occurs on adopted roads, where no restrictions on HGV's exist such that it would be unreasonable to curtail their presence on the public road network. The applicant has tried to keep construction traffic on the haul roads where possible.

Issue - The traffic issues that are long standing, well discussed and have been fully ignored by all contractors in the area are only going to be exacerbated for the residents and neighbours, who gain absolutely no benefit from any of the works being undertaken. The residents and neighbours of these projects should not be the ones to suffer for the inability of the contractor to adhere to their original timescales.

Comment (PO) – The longer working hours would exacerbate some of the disruption referred to by objectors, and weight is attached to this in the below assessment. Experiencing passing construction traffic over the weekend, would be noticed by residents, but permission has been given by Moray Council on previous occasions for longer working hours, so it may be incorrect to say the applicant has ignored the condition, where all the consents sought to be varied have a flexibility built. The applicant has complied with the conditions and have made may prior requests to the Moray Council for longer working hours. The

comment that residents gain absolutely no benefit from such development is, with respect, inaccurate where the wider and environmental benefits of having a renewable/carbon free energy grid does benefit society and the environment.

Issue - No notification was provided to neighbours that works would be outwith approved hours. It has been our observation that the construction teams primarily work on a 10 day on 4 days off rota.

Comment (PO) – Part of the reasoning for some of the requests for longer hours or weekend working has been to accommodate specialist work, and also for example to works over the weekend as requested by certain utilities and Network Rail to minimise disruption and risk to assets. There is not obligation on the part of the applicants to notify neighbours of intended longer working hours. To notify them would however be good practice.

Issue – There is unmanned activity outwith these hours. There is a cable junction point within approximately 120 metres of our property. There has been a diesel generator in situ for the past weeks/months that is running constantly until the fuel runs out and it is then refuelled. This is noisy, in particular, because being sited in a rural area where there is minimal other noise. Naturally, the extent of the constant droning noise is dependent on the wind direction. Therefore, surely this pump should not be operating outside of approved hours, and I consider our dwelling to be in the 'noise sensitive' category.

Comment (PO) – There is no obligation upon the applicant to notify property owners of intended additional working periods, although Moray Council would encourage good communication with neighbours' as best practice.

Issue - The planning approval wording should be amended to explicitly state whether the working hours relate to manned and unmanned machinery. Approval should include the necessity to warn nearby dwellings of any changes to working hours especially when these are known to the developers.

Comment (PO) – The comment about unmanned machinery and generators running overnight is a matter to be addressed separately under the existing Construction Environmental Management Plan. These matters will be raised separately with the developer but would not constitute grounds to refuse the current applications.

8. OBSERVATIONS

8.1 Section 42 of the Town and Country Planning (Scotland) Act 1997 as amended allows applicants to apply to develop land without compliance with conditions previous attached to a planning consent. In determining such an application, the Council, as Planning Authority can only consider the conditions subject to which planning permission should be granted and may:

- grant permission unconditionally (i.e. remove the conditions attached to the planning consent);
- grant permission conditionally with differing conditions; or
- refuse the application (i.e. keep the conditions attached to the planning consent).

8.2 Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan, namely the adopted National Planning Framework 4 (NPF) and adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise.

8.3 Given the nature of the Section 42 proposals, it has not been necessary to seek any further procedure under The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

8.4 **Background**

The applicants have cited various reasons which have contributed to the project timetable falling behind over the past couple of years and have been seeking to get the project back on track with the scheduled completion of onshore transmission infrastructure to support the Moray West Offshore wind energy project.

8.5 All the planning conditions subject of the Section 42 request already have in-built flexibility to allow for additional working hours beyond those stated 5½ days a week only with the prior written agreement of the Moray Council as Planning Authority. To this end, the relevant working hours of the above consents have seen numerous requests from the applicants for working outwith the prescribed hours on a case-by-case basis. These requests have been made as the applicants seek to get the wider project timetable back on schedule with the wider project. The current applications seek to extend working hours conditions, so the numerous requests for out of hours working will be regularised and should avoid the repetitive submission/assessment of these requests.

8.6 The main planning issues are as follows.

8.7 **Section 42 application**

In considering a Section 42 application the planning authority can only consider the conditions that are the subject of the applications although this does not preclude consideration of the overall effect of granting a new permission. The effect of granting a Section 42 application is the creation of a new planning permission and therefore all conditions of the previous consent must be reiterated in order to have effect. For each of the four Section 42 requests covered by the report, the effect of each application and their collective impact have been considered.

For clarification, the Section 42 application that relates to the original Planning Permission in Principle (EIA) 18/01046/EIA, has been commenced as evidenced by the subsequent detailed consents for approval of matters conditioned. Therefore, the recommendation for varying the hours of construction activity for this consent (if approved) would not repeat all the superseded conditions that have already been discharged and would not have the effect of issuing a new Planning Permission in Principle (PPP). The PPP having been in effect implemented, need not be re-issued, but to align the other detailed consents with the original PPP, the recommendation for 23/01848/APP would allow the original consent to tie in with the subsequent variations.

8.8 **Principle of Development**

National Planning Framework 4 (NPF4) is support of renewable energy development and the infrastructure supporting it. Policy 11 'Energy' alongside policies relating to enabling development that help tackle climate change (Policy 1 'Tackling the climate and nature crises') imbed the general principle of supporting renewable energy proposals. This means that the onshore infrastructure subject of this report, which will serve the consented offshore windfarm known as Moray West not only benefits from the various commenced planning consents, but subsequent to their approval have added support afforded to them by the position of NPF4. Similarly, within Moray Local Development Plans 2020 (MLDP) policy DP9 'Renewable Energy' is similarly supportive stating that renewable energy proposals will be considered favourably.

8.9 Both NPF4 policy 11 and MLDP policy DP9 do however state that such support for renewables must be measured against appropriate mitigation measures to address the impact of such development. Addressing unacceptable adverse impacts should be imbedded in the design and manner in which such developments are carried out.

8.10 Whilst Covid19 crisis may have passed, the applicants cite it as having contributed to delays in the start of construction in 2022, thereby taking the project off schedule. Following the re-opening of the construction sites, post Covid19 the Scottish Government did issue advice to Planning Authorities instructing them to allow more flexible working hours on construction sites to aid economic recovery. While some time has passed since any lockdown was in place, the guidance is still given some consideration in planning where large, national development such as this are concerned.

8.11 **Amenity Issues**

Approval of a development of this scale, covering many km of countryside and involving extensive excavation, substantial quantities of construction materials has unavoidably caused disruption to local residents and those using the local road network.

8.12 There have been several complaints about increased traffic movements, construction lighting, generators running for long periods etc, not all relate to the hours of operation (subject of the current planning applications). While there is still significant activity along the cable route, and the haul road running parallel to much of the cable route is used where possible, the overall increase in activity from a project of this scale should not be understated.

8.13 Typically for any large infrastructure project, given the scale of activities across a wide area, conditions are imposed to keep construction activity to a level that allows for some respite to residences in the area, especially in the evenings and weekends. The implications of the request to work until 7pm every evening is considered below, but several factors may influence the below consideration.

- The most invasive and intense construction activities are now largely complete. All cables are now laid, and the majority of the infrastructure for the substation is now on site. The majority of earth works have been undertaken already, with largely finishing the jointing chambers and back-filling yet to be done.

- The works remain transient in that the site being linear sees construction works move along the cable route.
- Noting the complaints, some relate to the wider implications of the development occurring and would not specifically be exacerbated by long construction works.
- The applicants in getting the project back in line with project schedule would see works concluded quicker, which would benefit local communities and see agricultural land returned to use sooner.

8.14 With the lighter evenings, and better weather, construction activity would normally extend hours activity across most infrastructure building sites, and consent already exists for works to be carried out until 7pm 5 days a week. The key matter is whether allowing such activity to continue until 7pm would cause too detrimental an impact upon residents near the cable route and substation. Several of those making representations do not wish to see any extension of working hours and further allege that the times permitted are already routinely breached. Weight is attached to this concern, and it is unusual for sites to seek to operate 7 days a week.

8.15 Some of the matters raised are however matters that should be addressed under the existing consents in terms of construction management plans, construction environmental management plans and general good practice on building sites. These matters can be addressed separately to the consideration of the current request to all four applications. Matters such as light pollution, generators being left running overnight are matters that can be addressed separately. Officers have already raised with Moray West some of these matters such as light spill for mobile light stanchions when complaints were received. Therefore, in line with the comments from the Environmental Health Manager, these matters can be addressed separately, and will need to be dealt with by the applicant.

Conclusion

On balance the benefits of allowing works to occur over a longer weekly duration, and seeing the project completed sooner outweigh the concerns raised. The stage of the project is also a material consideration with much of the earthwork well advanced, the import of materials to the site focussed now upon testing, backfill, restoration then commissioning of the project. Less light pollution should occur too, as the summer months approach. Once the construction period is complete, the development would have very limited effect on neighbouring amenity during its operational period.

The significant weight attached within NPF4 to supporting energy infrastructure projects which enable renewable energy projects to progress and become operational when scheduled to do so, add further weight to the need to allow Moray West to get the onshore infrastructure completed. Therefore, all four applications (23/01848/APP, 23/1851/APP, 23/01852/APP and 23/01853/APP) to vary construction hours are recommended for approval. 23/01848/APP will vary construction hours only for the original planning permission in principle.

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are: -

The proposed Section 42 variation to vary conditions allowing for longer construction working hours (subject the compliance with existing conditions relating to Construction Environmental Management Plans hereby repeated) will accord with the relevant aims and policies of the National Planning Framework 4 and Moray Local Development Plan 2020.

**Author/Contact
Officer:**

Neal MacPherson
Principal Planning Officer

Ext: 01343 563266

**Beverly Smith
Development Management & Building Standards Manager**

WARD 08_17

23/02019/AMC
16th November 2023

Approval of the matters specified in condition 4 (layout of plot) condition 5 (plans sections and elevations) condition 6 (boundary treatments and other development) condition 7 (sections) condition 8 (landscaping), condition 10 (affordable housing) and condition 11 (enhanced accessibility) of 19/00320/PPP to provide 16 houses and associated cohousing buildings on Plot 8 9 11 12 And 13.1 On Land At North Whins The Park Findhorn Moray for Duneland Limited

Comments:

- This application is reported to the Planning and Regulatory Services Committee as it was agreed at the meeting on 10 December 2019 that all further applications related to planning permission reference 19/00320/PPP be determined by the Planning & Regulatory Services Committee.
- Only four plots for single houses (4,6,7 and 10), the plots for commercial units (plots 1-3) and plot 15 which is identified for a community facility have still to come forward for approval of matters specified in condition. Given that these will be relatively small scale developments it is recommended that Members agree that the remaining further applications for the North Whins can be dealt with under delegated powers.

Procedure:

- None.

Recommendation

Grant Planning Permission - Subject to following:

Conditions/Reasons

1. That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-
 - i the expiration of 3 years from the date of the grant of planning permission in principle; or
 - ii. the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

2. The development hereby granted forms part of, and is related to, the development granted planning permission under formal decision notice 19/00320/PPP dated 4 November 2019 wherein the terms and conditions as attached to that permission are hereby reiterated and remain in force in so far as they relate to the development hereby approved, in particular Conditions 10-20 inclusive, including any details already approved there under to discharge the requirements of the identified conditions.

Reason: To ensure an acceptable form of development and that it progresses in accordance with the already approved and required details.

3. No works shall commence on site until a Construction Traffic Management Plan 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:
 - i. construction access routes
 - ii. traffic management
 - iii. construction hours / delivery restriction times
 - iv. program and duration
 - v. measures to be put in place to safeguard the movements of pedestrians

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

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

4. Unit 619 as identified on approved plan A110 hereby approved shall, at all times, remain accessible housing as detailed in the submitted accessible housing compliance statement unless otherwise agreed with the Council, as Planning Authority.

Reason: To ensure an acceptable form of development in terms of the required provision and delivery of accessible housing within the site as required and defined in terms of current planning policy and associated supplementary planning guidance.

5. As part of the permission hereby granted, units 616 and 626 hereby approved 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 development shall commence until details of the agreement(s) to confirm the arrangements for the delivery of the proposed affordable accommodation 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 accommodation proposed for this site wherein the benefits of such provision are passed on to serve the community in future years.

6. All surface water proposals shall be implemented prior to completion of any unit hereby approved.

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

7. No trees shall be removed from the application site without the prior written approval of the planning authority.

Reason: In order to ensure tree removal is adequately controlled.

8. All landscaping works shall be carried out in accordance with approved plan P-A110 unless otherwise agreed in writing with the planning authority details all planting, seeding or turfing shall be carried out in the first planting season following the first occupation of any of the units 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 and because no such information was included with the application.

9. The development shall at all times be carried out in accordance with the Duneland, Findhorn Construction Environmental Management Plan as amended dated 1 November 2023.

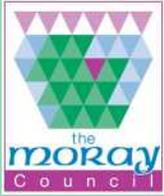
Reason: In order to minimise the impacts of the development works upon the environment.

Reason(s) for Decision

The Council's reason(s) for making this decision are:-

The proposal accords with the development plan and there are no material considerations that indicate otherwise.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
P-A009	Location plan
P-A105	Central cluster - elevations
P-A103	East cluster - floor plans and facilities
P-A106	East cluster - elevations
P-A107	Shared facilities - elevations
P-A104	West cluster - elevations
P-A102	Central cluster - floor plans
P-A101	West cluster - floor plans
P-A100	Proposed parking plan
P-A110	Site and landscape plan
	SUDS soakaway design



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:
23/02019/AMC

Site Address:
**Plot 8 9 11 12 And 13.1 On Land At North Whins
The Park Findhorn**

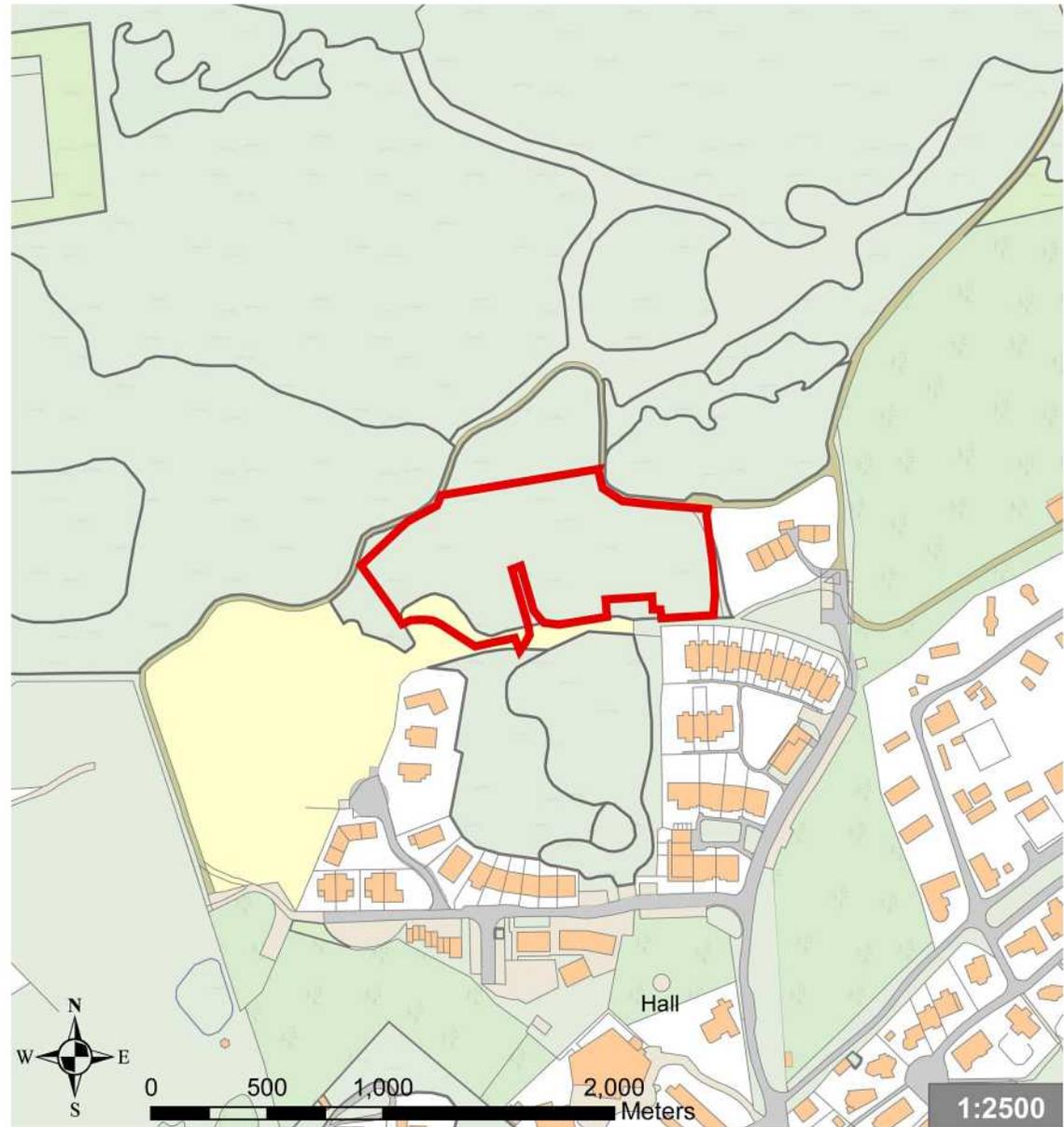
Applicant Name:
Duneland Limited

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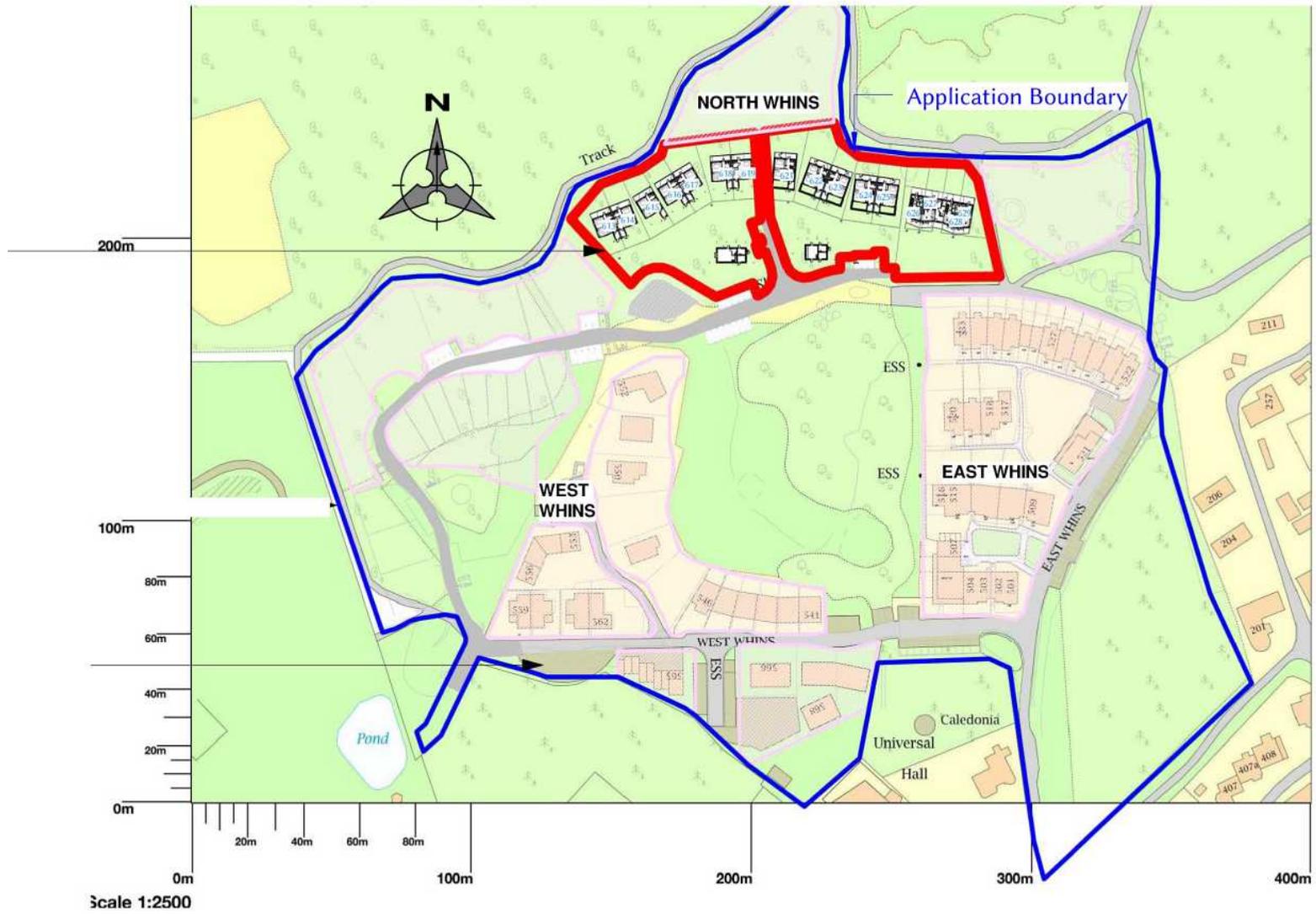
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Location Plan



Site Location



Masterplan

DUNELAND LTD. PHASE 2 Development Areas

N
Scale
1:1500
(at A3)



KEY:

	Duneland Ltd. Settlement Area Boundary
	Duneland Ltd. Phase 2 site
	Recycling Area
	Parking (Total 42 spaces)
	Bike & Buggy store

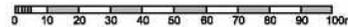
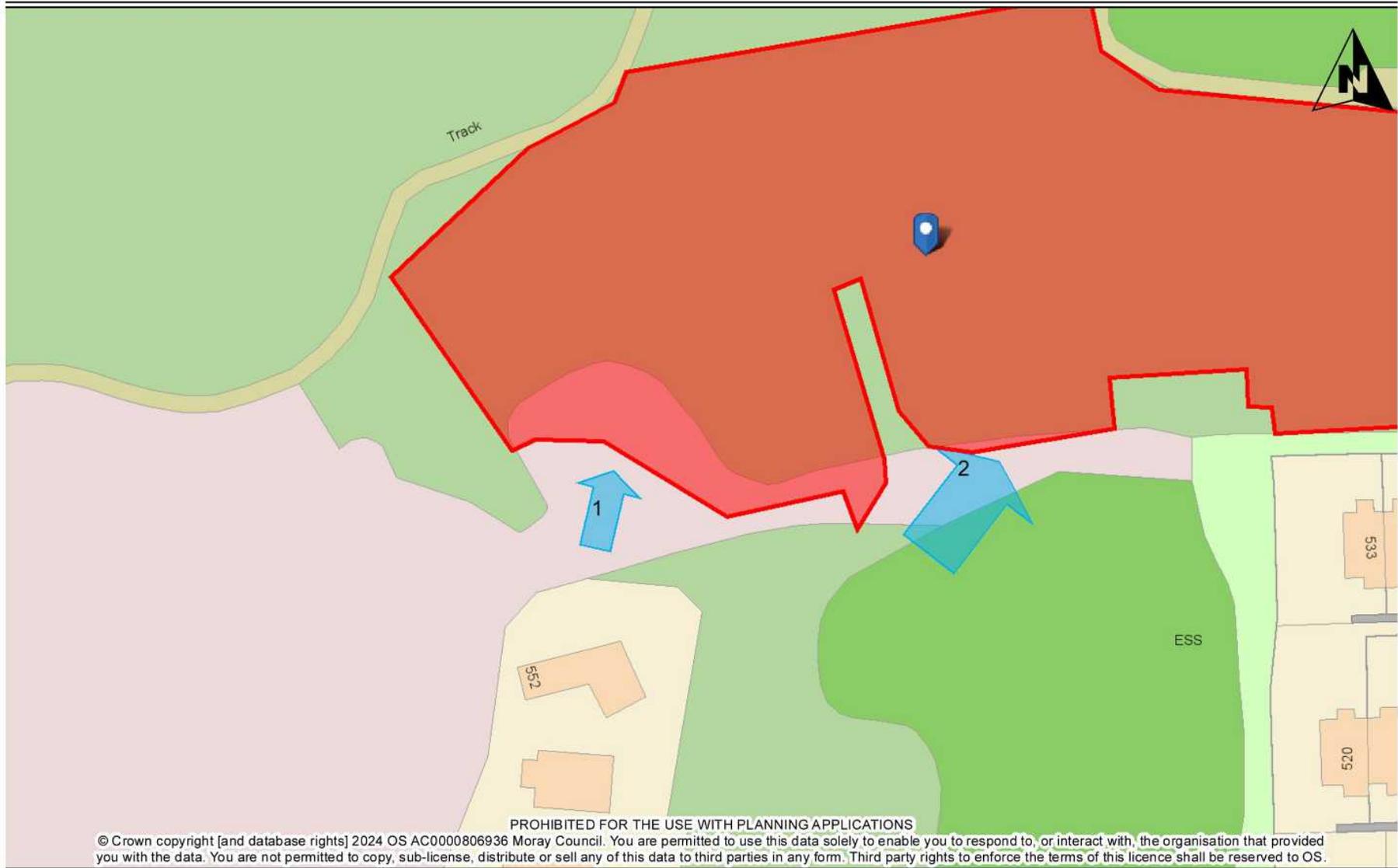


Photo location plan

23/02019/AMC



Map Description: a Description of a Moray Council Map

Scale: 1:729 @ A4



Photo 1



Photo 2



In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

1. THE PROPOSAL

- This application seeks approval of the matters specified in condition 4 (layout of plot), condition 5 (plans, sections and elevations), condition 6 (boundary treatments and other development), condition 7 (sections), condition 8 (landscaping), condition 10 (affordable housing) and condition 11 (accessible housing) of 19/00320/PPP to provide 16 units of accommodation on plots 8-12 and 13.1 of the development site known as North Whins. Two communal facilities are also proposed along with surface water drainage and landscaping;
- Permission in Principle for 38 units, 3 craft units and associated infrastructure at North Whins was granted on 4 November 2019. Conditions 10 and 11 of that consent require 10 affordable housing units to be provided on site and 3 of the private housing units provided to be designed to be accessible;
- Plots 8-12 are identified as accommodating 'multi-unit housing' on the masterplan approved as part of 19/00320/PPP while plot 13.1 is identified as co-housing. These labels are indicative only;
- The current application proposes 16 units arranged in three clusters identified as west, central and east. One affordable and one accessible unit are provided in the western cluster and another affordable unit is found in the eastern cluster;
- The west cluster consists of one bedroom (plot 619 is a studio) duplexes with loft platforms. Each building will have a curved roof and will be 5.6m at their highest point.
- The central cluster consists of two storey two bedroom houses. Each building will have a curved roof and will be 6.9m at their highest point. Each has a south facing balcony;
- The eastern cluster consists of two storey two bedroom houses arranged in a single block. Each building will have a curved roof and will be 7.1m at their highest point;
- The roof of each unit will be a combination of sedum and grey metal which the walls will be finished in a combination of larch cladding and synthetic render;
- The two affordable housing units are unit 616 in the western cluster which is a one bedroom unit and 626 in the eastern cluster which is a two bedroom unit;
- The accessible unit (619) is studio with loft space in the western cluster of the proposed development;
- This current proposals would ensure that the affordable and accessible requirements of the overall planning permission for the North Whins (19/00320/PPP) site are met in full;

- The communal facilities are single storey structures. One will provide a shared laundry and the other will provide a common room, kitchen area and toilet. Both will also house facilities for a district heating scheme to serve the proposal. The buildings will be timber clad with grey metal roofs. Each roof will accommodate a 10.5kv pv array with battery storage;
- The development incorporates solar panels, air source heat pumps and a district heating system for the scheme;
- The access and parking for the overall North Whins development was approved under separate application (19/01649/AMC) that covered the comprehensive layout of the site and does not form part of this application. The current application site is accessed via the main road through the development approved under the 2019 AMC. Plot 13.1 forms the end of this road and the houses on plot 13.2 to the east are accessed separately;
- To date four further applications for the comprehensive layout of the site (19/01649/AMC), 8 affordable units on plot 13.2 (20/00135/AMC), 9 unit terrace on plot 14 (20/01222/AMC) and a single house on plot 5 (22/01094/AMC) have come forward and been approved. A further 4 single house plots remain to be developed along with the commercial units; and
- This application is accompanied by a Design and Access Statement, Accessible Housing Compliance Statement, Affordable Housing Statement, Ground Investigation Report and SUDS calculations and updated Construction Environmental Management Plan.

2. THE SITE

- The application site consists of plots 8-12 and 13.1 in the North Whins development which has permission in principle under 19/00320/PPP.
- The site is in the centre of the overall consented development site.
- Plot 13.2 to the east has already been developed with 8 affordable houses (20/00135/AMC). Plot 10 to the north and plots 4-7 to the west are identified for single houses but to date details have come forward for plot 5 (22/01094/AMC) only. Work is underway on a 9 unit terrace on plot 14 (20/01222/AMC) to the south west.
- This site will be accessed from the south west via an access road running through the North Whins site approved as part of a further application (19/01649/AMC) that dealt with the detailed layout of the site. Plot 13.1 will sit at the end of the private access road. The houses built on plot 13.2 are accessed separately from the east.

3. HISTORY

22/01094/AMC - Approval of matters specified in conditions 4-6 imposed on 19/00320/PPP (Erect a dwellinghouse and associated landscaping) on Plot 5 North Whins Findhorn permitted on 27/10/2022 following consideration by the Planning and Regulatory Services Committee.

20/01222/AMC - Approval of the matters specified in condition 4 (layout of plot), condition 5 (plans, sections and elevations), condition 6 (boundary treatments

and other development), condition 7 (sections), condition 8 (landscaping) and condition 11 (accessible housing) of 19/00320/PPP to provide a 9 unit terraced development on plot 14 permitted on 26/01/2021 following consideration by the Planning and Regulatory Services Committee.

20/00135/AMC - Approval of the matters specified in condition 4 (layout of plot) condition 5 (plans sections and elevations) condition 6 (boundary treatments and other development) condition 7 (sections) condition 8 (landscaping) and condition 10 (affordable housing) of 19/00320/PPP to provide 8 affordable units on plot 13.2 permitted on 24/09/2020 following consideration by the Emergency Cabinet.

20/00016/APP - Amend condition 9(b) imposed on 19/00320/PPP to read as follows: a.) All development shall be in accordance with the design principles set out in the approved Masterplan (except that buildings shall not be limited to a maximum of 1 ½ storey). b) All buildings shall have a maximum ridge height of 7.1m – permitted on 13/08/2020 following consideration by the Planning and Regulatory Services Committee.

19/01649/AMC - Approval of Matters Specified in conditions 3 (overall layout), 7 (sections) and 8 (landscaping) of 19/00320/PPP – permitted on 23/09/2020 following consideration by the Emergency Cabinet.

19/01436/APP - Amend condition 9(b) imposed on 19/00320/PPP to read as follows: All buildings shall have a maximum ridge height of 15.7m above Ordnance Datum (AOD) (as amended) – withdrawn 14/01/2020.

19/00320/PPP – Planning Permission in Principle to erect 38 dwellinghouses and 3 craft/commercial units and a community facility – permitted 04/11/2019 following consideration by the Planning and Regulatory Services Committee.

4. POLICIES

NPF4

NPF1 - Tackling the Climate
NPF2 - Climate mitigation and adaptation
NPF3 - Biodiversity
NPF4 - Natural Places
NPF5 - Soils
NPF6 - Forestry, woodland and trees
NPF7 - Historic assets and places
NPF13 - Sustainable transport
NPF14 - Design, quality and place
NPF18 - Infrastructure first
NPF22 - Flood risk
NPF23 - Health and safety

MLDP 2020

PP1 Placemaking
PP2 Sustainable Economic Growth
PP3 Infrastructure and Services
DP1 Development Principles
DP2 Housing
EP1 Natural Heritage Designation
EP3 Special Landscape Areas
EP7 Forestry Woodland and Trees
EP12 Management and Enhancement Water
EP13 Foul Drainage
EP14 Pollution Contamination Hazards

5. ADVERTISEMENTS

5.1 Advertised for neighbour notification purposes.

6. CONSULTATIONS

Findhorn & Kinloss Community Council: No objection following clarification in relation to accessible housing.

Housing: No objection.

Contaminated Land: No objection.

Environmental Health: No objection.

Developer Obligations: None sought.

Moray Flood Risk Management: No objection.

Transportation: No objection.

Scottish Water: No objection.

7. OBJECTIONS-REPRESENTATIONS

None.

8. OBSERVATIONS

8.1 Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. National Planning Framework 4 (NPF4) and the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise.

8.2 The main issues are considered below:

8.3 **Planning History**

Planning Permission in principle (19/00320/PPP) for 38 houses, 3 craft/commercial units and a community facility with associated infrastructure was granted on 4 November 2019. The permission was granted subject to a number of conditions requiring the approval of matters including layout, design and materials, landscaping, sections and drainage. There are also conditions relating to affordable and accessible housing, environmental management, construction traffic, parking and improvements to the public road. This permission has subsequently been varied by a S42 application (20/00016/APP) which allowed ridge heights of up to 7.1m and removing the limitation of buildings to be a maximum of 1 ½ storey in design. To date there have been four further applications on the site. The first (19/1649/AMC) dealt with the comprehensive layout of the site including the access road, all the parking for the development and communal areas. The following applications provided for 8 affordable housing units on plot 13.2 (20/00135/AMC), a terrace of 8 units on plot 14 (20/0122/AMC) and a single house on plot 5 (22/01094/AMC).

8.4 Should the current application be approved only four plots for single houses, the three commercial units and the community facility are still to be brought forward.

8.5 **Compliance with the terms of the Permission in Principle**

This application is for approval of the matters specified in conditions 4-8 and conditions 10 & 11 the original permission in principle (19/00320/PPP). The remaining conditions of the permission in principle continue to apply. For the avoidance of doubt a condition is recommended to make clear that the development must be carried out in accordance with the terms of the original permission and any subsequent documents approved as part of the conditions of that permission such as the Written Scheme of (archaeological) Investigation (WSI).

8.6 **Design and Materials (NPF4 policy 16 and policy PP1 & DP1)**

The 16 units proposed are arranged in three clusters (west, central and east). Each cluster is designed in a slightly different manner but coherent design themes run throughout the development. Each building has a curved roof with a terrace on the north elevation and some form of projection on the south elevation. The central cluster incorporate an enclosed balcony on their southern elevation. The buildings in the west cluster will be 5.6m at their highest point, the central 6.9m and the east 7.1m. This is in keeping with the terms of the permission in principle (19/00320/AMC) which were amended by a section 42 application (20/00016/APP) to allow buildings with a maximum ridge height of 7.1m. The roof will be a combination of sedum and grey metal which the walls will be finished in a combination of larch cladding and synthetic render. This pallet of materials meets the requirements of the permission in principle and the approved masterplan document which requires that buildings have maximum of three primary external materials consisting of stone, timber and rendered blockwork and the roofs to covered in natural slate, metal sheeting or a living planted material. These materials will be appropriate for buildings in this setting.

- 8.7 Communal facilities are also proposed in the west and central clusters and are single storey structures with projecting canopies. Both buildings will be timber clad with grey metal roofs matching the main buildings. These are simple and functional buildings which are appropriate to the setting.
- 8.8 The form and finish of the proposals is in keeping with the character of the already approved developments on the plots to the east and west and existing development at West Whins. It will contribute to a sense of place and distinctiveness. The proposals meet the terms of the permission in principle and the broad design principles set out in the master plan document approved as part of that application. The design and materials comply with policies PP1 (i) DP1 (i).
- 8.9 **Privacy and Overlooking (NPF4 policy 16 and policy DP1)**
The building is sited and designed in a manner that will not cause overlooking of neighbouring houses or any loss of privacy. The upper floor windows on the southern elevations of the western and eastern clusters and the enclosed balconies on the central cluster will principally overlook the communal garden and are sufficiently separated from neighbouring properties to avoid any adverse impact on their amenity. It is also noted that the upper floor windows in the west cluster serve an attic space rather than rooms. The upper floor windows on the northern elevations of the buildings in the eastern and western clusters look over the duneland beyond the site. The central cluster looks onto plot 10 (as yet undeveloped) but these buildings only have roof lights on this elevation which will prevent unacceptable overlooking. The western and central clusters have only high level openings at upper floor level on the eastern and western elevations. The eastern cluster have upper floor windows on the eastern and western elevations but these look onto each other or to the land to east. The nearest building is off site. There is adequate distance between the proposed buildings and the neighbouring plots. In this respect the proposal complies with NPF4 policy 16 and policy DP1 (e).
- 8.10 **Affordable Housing (NPF4 policy 16 & MLDP policy DP2)**
The original permission in principle (19/00320/PPP) for the North Whins development requires 10 affordable housing units to be provided on site. Eight affordable units have already been provided 20/00135/AMC on plot 13.2 and these are occupied. The current application proposes two additional affordable units which represents all the required provision. An affordable housing statement has been provided. This sets out that these units will be designated for affordable purchase using a Rural Housing Burden and states that affordability will meet or exceed open market shared equity scheme thresholds. The Council's Housing Strategy and Development Manager has no objection. The proposal meets the terms of the condition and will ensure compliance with NPF4 policy 16 and MLDP policy DP2.
- 8.11 **Accessible Housing (NPF4 policy 16 & MLDP policy DP2)**
The original permission in principle (19/00320/PPP) for the North Whins development requires 3 accessible housing units two of which must be wheelchair accessible to be provided on site. Two wheelchair accessible units are to be provided as part of the 9 unit terrace approved on plot 14. The current application will provide the last required accessible housing unit. An accessible housing statement has been provided setting out the accessible

features of the proposed unit. The Council's Housing Strategy and Development Manager has no objection. The proposal meets the terms of the condition and will ensure compliance with MLDP policy DP2.

8.12 Trees and Landscaping (NPF4 policies 6 & 14 & MLDP policies PP1 & EP7)

The overall landscaping and treatment of trees across the North Whins site has been addressed as part of the application (19/01649/AMC) for the comprehensive layout of the site. The landscaping of each plot has been addressed as each separate application has come forward and the landscaping of plots 8-12 and 13.1 forms part of the current application. No existing trees are to be removed from the application site. The proposed planting includes 10 fruit trees across the application site and native species hedges around edges. The landscaping proposed is in keeping with that throughout the development. It will help to integrate the development into its surroundings and contribute towards effective placemaking. A condition will be attached to ensure that the planting is timeously provided. Subject to condition the proposals comply with NPF4 policies 6 and 14 and MLDP PP1 and EP7.

8.13 Biodiversity & Environmental Protection (NPF4 policy 3 & MLDP DP1 & EP2)

The permission in principle for overall development (19/00320/PPP) was determined prior to the adoption of MLDP 2020 and NPF4. NPF4 policy 3 requires all proposals for major developments to conserve, restore and enhance biodiversity. This is echoed in MLDP policy EP2. The proposals for the overall development include measures to enhance biodiversity including the creation of a wildlife corridor, a lichen protection area and planting that is sensitive to the dunelands. The current application includes native species planting and fruit trees across the application site which will serve to enhance the biodiversity of the site. The proposals are appropriate to the location and scale of development and accord with NPF policy 3 and MLDP policy EP2.

8.14 The original permission in principle (19/00320/PPP) was granted subject to a condition that required the submission of a Construction Environmental Management Plan (CEMP). A CEMP covering the overall development has been approved but SEPA noted that they would welcome further iterations that were specific to each plot as development came forward. An updated version of the CEMP covering the whole North Whins site but taking account of the details of the development currently proposed was submitted with this application. A condition is recommended to ensure that the CEMP is implemented in full. Compliance with the CEMP, and other environmental safeguards, such a Construction Traffic Management Plan (CTMP) ensure compliance with policy DP1 Development Principles and EP12 Management and Enhancement of the Water Environment.

8.15 Access and Parking (NPF4 policy 13 & MLDP policy DP1)

The site is accessed via a new road running through the North Whins development. Plot 13.1 forms the eastern end of this road as the houses on plot 13.2 are accessed separately from the east. The access and parking are dealt with as part of the application (19/01649/AMC) for the comprehensive layout of the site and do not form part of this application.

- 8.16 A Construction Traffic Management Plan (CTMP) has been approved as part of the application (19/00320/PPP) for the overall development. This document will require to be updated to take account of the current proposals. A condition is therefore recommended requiring an updated CTMP to be provided for the development on these plots. This is in line with the approach taken for plots 13.2 (affordable housing) (20/00135/AMC) and 14 (9 unit terrace) (20/01222/AMC).
- 8.17 **Drainage (NPF4 policy 22 & MLDP policies DP1, EP12 & EP13)**
Two surface water soakaways are proposed to serve the development. Detailed calculations have been provided to justify the size and design. Moray Flood Risk Management has confirmed that they have no objection to the proposals. A condition is recommended to ensure that these measures are implemented in full. The proposals ensure acceptable drainage provision that will ensure that surface water is dealt within a sustainable manner in accordance with NPF4 policy 22 and MLDP policies DP1 and EP12.
- 8.18 The development will be connected to the public sewer and water supply. Scottish Water has no objection but securing a connection to public utilities remains the responsibility of the developer. These proposals accord with MLDP 2020 policy EP13.
- 8.19 **Climate & Nature Crisis and Climate Mitigation (NPF4 policies 1, 2 & 3 & MLDP EP2)**
The original permission (19/000320/APP) was approved under the current LDP but prior to the adoption of NPF4. NPF4 policies 1 and 2 require significant weight to be given to the climate and nature crises in the assessment of all applications and requires climate mitigation from all development. In this case the proposal relates to the approval of matters specified in the conditions of an approved development. The developer has submitted information in relation to carbon setting out that the development is being constructed to passive house standard with low embodied carbon eco friendly materials used throughout. The recyclability of materials is also considered so that the materials used have a further life cycle. A heating and power generation scheme is also to be incorporated and solar thermal and pv panels are to be provided along with battery storage. An onsite microgrid is also proposed to reduce dependency on the grid. The houses are south facing so will benefit from passive solar gain and are sheltered from the wind to the north by canopies. The proposals are considered to comply with NPF4 policies 1 and 2.

Conclusion

This is a high quality development that embodies the strong placemaking principles that underpinned the original planning permission for the overall development. The application will also secure the remaining affordable and accessible housing requirements for the overall North Whins development. The proposal accords with policy and is in line with the terms of the permission in principle. It is recommended that the matters specified in the stated conditions are approved.

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are: -

The proposal accords with the development plan and there are no material considerations that indicate otherwise.

**Author/Contact
Officer:**

Lisa Macdonald
Senior Planning Officer

Ext: 01343 563479

**Beverly Smith
Development Management & Building Standards Manager**



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
12 MARCH 2023**

**SUBJECT: 24/00058/PAN – PROPOSED FORMATION OF QUARRY FOR
THE EXTRACTION AND PROCESSING OF SAND AND GRAVEL
AND PRODUCTION OF READY-MIX CONCRETE ON LAND TO
THE SOUTH-EAST OF DYKESIDE FARM, BIRNIE, ELGIN**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 To inform the Committee that a Proposal of Application Notice (PAN) was submitted on 15 January 2024 by agents on behalf of Leith (Scotland) Limited.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as a Planning Authority.

2. RECOMMENDATION

2.1 It is recommended that:

- (i) in noting the terms of this report, the Committee advise upon any provisional views/relevant issues that Members of this Committee (or any other Member(s) of the Council) wish to raise about the proposed development so that these matters can be recorded and thereafter fed back to the prospective applicant in order to inform the development of their proposed formal application for planning permission; 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.

3. **BACKGROUND**

- 3.1 Scottish Government has published guidance which encourages elected members to highlight any issues with a proposed development at the pre-application stage which they would wish to see taken into account within any formal application for planning permission.
- 3.2 Following consideration by this Committee on 11 November 2014 it was agreed that any PAN received after this date would be reported to Committee to give Members of the Committee, and the Council, the opportunity to identify any key issues/provisional views about the proposed development and that these matters be reported back to applicant (paragraph 4 of the Minute refers).
- 3.3 This current report is not about the merits of the proposed development but rather, based on local knowledge of local issues and wider concerns, etc. Members are invited to identify any matters relevant to the proposal. These will be reported back to the prospective applicant for their information and attention, and to inform the development of the proposed application. It is also proposed that, for information, Members' comments be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.
- 3.4 This PAN relates to the proposed formation of a quarry for the extraction and processing of sand and gravel and production of ready-mix concrete on agricultural land to the south-east of Dykeside Farm, Birnie, Elgin. Once exhausted the land will be re-instated to be suitable for agricultural use, with mixed woodland and wetland. A plan is appended showing the location of the site (**Appendix 1**). The site extends to 14.2 hectares and is located within the Elgin Countryside Around Towns designation identified in the Moray Local Development Plan 2020, three kilometres to the south of Elgin. SEPA maps indicate that parts of the site are at risk of pluvial flooding. The northwest corner of the site also falls within the buffer of a High Pressure Gas Transmission Pipeline that runs to the north (outwith) of the site.
- 3.5 Planning permission is required for this proposal. The proposal is for a minerals extraction site which exceeds 2 hectares and therefore under the current hierarchy regulations it would comprise a major development for planning purposes. As such, the proposal will be subject to PAN and pre-application consultation procedures with the local community.
- 3.6 A formal response has been issued to the applicant's agent to confirm that the proposed arrangements for engaging with the local community are sufficient. The applicant proposes to consult with the Heldon and Elgin Community Councils and ward councillors. The applicant's agent has been advised that no additional parties require to be notified with a copy of the PAN.
- 3.7 The PAN advises that two public events will be held at Birnie Public Hall on 27 February and 19 March 2024. The events require to be advertised locally in advance and allow an opportunity for feedback upon the proposal. It also advises that a letter drop will be carried out notifying all residents within 500 metres of the application boundary of the proposed events and confirms that

the proposals will be available to view online during February and March. For validation purposes for a major application, the applicant is required to submit a pre-application consultation report setting out the steps taken to consult with the local community together with details of comments made on the proposal and how the applicant has responded to all comments made on the proposal in the development of the application.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Identifying key issues at an early stage to assist with front loading major planning applications is a vital aspect of supporting and facilitating the Council's priority for economic development in Moray.

(b) Policy and Legal

Scottish Government guidance on the role of councillors in pre-application procedures affords elected members the opportunity to offer general provisional views on forthcoming developments which are the subject of a PAN where the details of the development have yet to be finalised.

(c) Financial implications

None.

(d) Risk Implications

None.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities/Socio Economic Impact

None.

(h) Climate Change and Biodiversity Impacts

None.

(i) Consultations

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Development Management and Building Standards Manager, the Equal Opportunities Officer, the Strategic Planning & Delivery Manager, and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

Members of Moray Council who are not on this Committee have also been consulted and any views received on the proposal will be made known at the meeting.

5. CONCLUSION

- 5.1 The Council has received a PAN intimating that a formal application for planning permission will be submitted for a major development proposal, in this case for permission for the formation of a quarry to extract and process sand and gravel and produce ready-mix concrete. The Committee (and any other Member(s) of the Council) are asked to identify any provisional views/relevant issues which they would wish to see taken into account and inform the development of the proposal.**

Author of Report: Richard Smith
Principal Planning Officer

Background Papers:
Ref: 24/00058/PAN



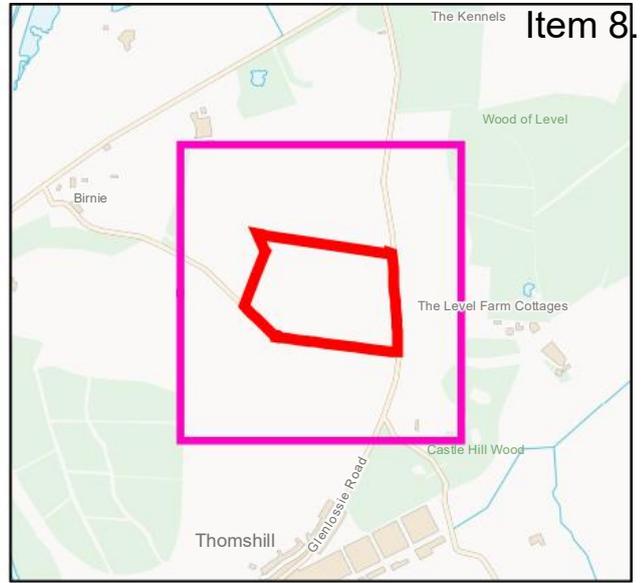
COMMITTEE SITE PLAN

ELGIN

Application Reference Number:

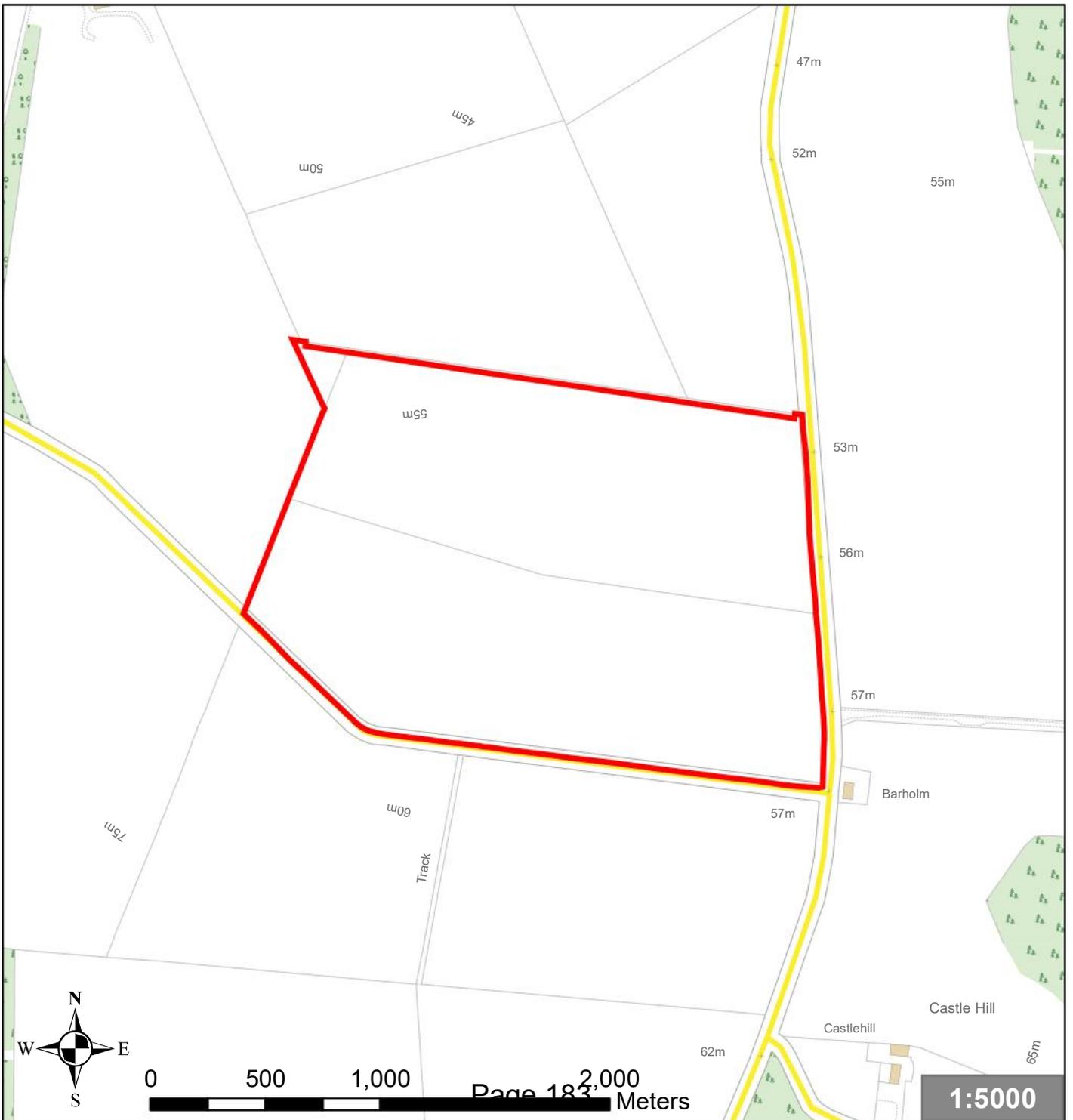
24/00058/PAN

Proposed formation of quarry extraction and processing of sand and gravel and production of ready-mix concrete on land 740m Southeast of Dykeside Farm Birnie Elgin



Item 8.

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REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 12 MARCH 2024

SUBJECT: 24/00162/PAN – REVISED PROPOSAL FOR THE DEVELOPMENT OF HOUSING ASSOCIATED LANDSCAPE AND INFRASTRUCTURE IN THE AREA IDENTIFIED IN THE BILBOHALL MASTERPLAN AT R2 BILBOHALL, ELGIN

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 To inform the Committee that a Proposal of Application Notice (PAN) was submitted on 30 January 2024 on behalf of Moray Council.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as a Planning Authority.

2. RECOMMENDATION

2.1 It is recommended that:

- (i) in noting the terms of this report, the Committee advise upon any provisional views/relevant issues that Members of this Committee (or any other Member(s) of the Council) wish to raise about the proposed development so that these matters can be recorded and thereafter fed back to the prospective applicant in order to inform the development of their proposed formal application for planning permission; 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.

3. BACKGROUND

- 3.1 Scottish Government has published guidance which encourages elected members to highlight any issues with a proposed development at the pre-

application stage which they would wish to see taken into account within any formal application for planning permission.

- 3.2 Following consideration by this Committee on 11 November 2014 it was agreed that any PAN received after this date would be reported to Committee to give Members of the Committee, and the Council, the opportunity to identify any key issues/provisional views about the proposed development and that these matters be reported back to applicant (paragraph 4 of the Minute refers).
- 3.3 This current report is not about the merits of the proposed development but rather, based on local knowledge of local issues and wider concerns, etc. Members are invited to identify any matters relevant to the proposal. These will be reported back to the prospective applicant for their information and attention, and to inform the development of the proposed application. It is also proposed that, for information, Members' comments be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.
- 3.4 This PAN relates to a proposal for a housing development plant and associated infrastructure. This is a revision to planning permission (20/00905/APP) which was granted in 2022 for a larger development of 194 units covering the wider Bilbohall Masterplan Area encompassing the Elgin R2, R3 and R7 sites. The current proposal relates only to the Elgin R2 site as identified in the MLDP which has an indicative capacity of 75 units. The proposed number of units is not stated in this PAN but is anticipated to be around 106. All approved and proposed units are social housing.
- 3.5 The application site is identified as Elgin R2 in the MLDP 2020 and forms part of the Bilbohall masterplan area. The site extends to 5.4ha and is located on open land at the south west of Elgin. The site is served by Edgar Road to the east. Elgin High School abuts the site to the south and Greenwards Primary to the east. The Wards Wildlife Site is to the north east. There is an electrical substation to the west. Pockets of surface water flood risk are identified across the site on the SEPA flood Risk Maps.
- 3.6 Planning permission is required for this proposal. The proposal is for a residential development where the site exceeds 2ha and it is anticipated that more than 50 houses will be proposed therefore the proposal is a major development for planning purposes. The proposal will be subject to PAN and pre-application consultation procedures with the local community. The applicant(s) have been advised of the Council's pre-application advice service to assist in identifying key issues and information that would be expected to accompany any formal application.
- 3.7 A formal response has been issued to the applicant's agent to confirm that the proposed arrangements for engaging with the local community are sufficient. The applicant proposes to consult with Elgin Community Council. In this case the applicant's agent has been advised that no additional parties require to be notified with a copy of the PAN.

- 3.8 The regulations in relation PAC (The Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021) refers) now require a minimum of two public events for all PANs submitted after 1 October 2022. The final event is primarily about feedback on the views gathered during PAC. In this case, the PAN advises that public events will be held in Elgin at times to be confirmed. Each event requires to be advertised locally in advance and allow an opportunity for feedback upon the proposal. For validation purposes for a major application, the applicant is required to submit a pre-application consultation report setting out the steps taken to consult with the local community together with details of comments made on the proposal and how the applicant has responded to all comments made on the proposal in the development of the application.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Identifying key issues at an early stage to assist with front loading major planning applications is a vital aspect of supporting and facilitating the Council's priority for economic development in Moray.

(b) Policy and Legal

Scottish Government guidance on the role of councillors in pre-application procedures affords elected members the opportunity to offer general provisional views on forthcoming developments which are the subject of a PAN where the details of the development have yet to be finalised.

(c) Financial implications

None

(d) Risk Implications

None.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities/Socio Economic Impact

None.

(h) Climate Change and Biodiversity Impacts

None

(i) Consultations

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the

Development Management and Building Standards Manager, the Equal Opportunities Officer, the Strategic Planning & Delivery Manager, and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

Members of Moray Council who are not on this Committee have also been consulted and any views received on the proposal will be made known at the meeting.

5. CONCLUSION

- 5.1 The Council has received a PAN intimating that a formal application for planning permission will be submitted for a major development proposal, in this case for permission for revised proposal for the development of housing associated landscape and infrastructure in the area identified in the Bilbohall Masterplan. The Committee (and any other Member(s) of the Council) are asked to identify any provisional views/relevant issues which they would wish to see taken into account and inform the development of the proposal.**

Author of Report: Lisa MacDonald, Senior Planning Officer
Background Papers: 24/00162/PAN
Ref:



Existing - Location Plan
1 : 1250

REV	REVISION NOTE	DATE	BY
P01	Issued for PoAN	30.01.24	sys

Boundary Key
 — Proposed Application Boundary
 - - - Approved Masterplan Boundary

INFORMATION

NOTES -
 DO NOT SCALE FROM DRAWING.
 ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO THE START OF ANY WORK AND ANY DISCREPANCIES NOTIFIED IN WRITING.
 REFER TO ENGINEERS' DRAWINGS FOR ALL STRUCTURAL, HEATING, LIGHTING, POWER, EXTERNAL AND UNDERGROUND DRAINAGE AND VENTILATION INFORMATION.
 ALL BUILDING WORKS TO COMPLY IN ALL RESPECTS TO CURRENT BUILDING STANDARDS FOR COUNTRY IN WHICH SITE IS LOCATED.
 COLLECTIVE ARCHITECTURE LTD HAVE REVIEWED APPLICABLE PRODUCTS AVAILABLE IN THE UK AT THE TIME OF WRITING THE SPECIFICATION, FROM WHICH THE PRODUCTS NAMED IN THE SPECIFICATION AND IDENTIFIED ON DRAWINGS HAVE BEEN SELECTED. WHERE THE CONTRACTOR WISHES TO PROPOSE ALTERNATIVE PRODUCTS, REPRESENTATIVE SAMPLES AND A FULL TECHNICAL APPRAISAL IS TO BE SUBMITTED BY THE CONTRACTOR TO THE EMPLOYER DEMONSTRATING THAT THEIR PROPOSAL HAS EQUAL OR HIGHER PERFORMANCE. ANY ALTERNATIVE PRODUCTS ARE SUBJECT TO DESIGN TEAM BUILDING CONTROL, WARRANTY PROVIDER AND EMPLOYER ACCEPTANCE.

CLIENT		Moray Council					
PROJECT		Bilbhall, Phase 1					
DRAWING							
Existing Location Plan							
DATE	BY	CHKD	SCALE				
12/18/23	SYS	JM	As indicated @ A1				
PRO NO.	ORIG	VOL	LEVEL	TYPE	ROLE	NUM	REV
20344 - CAL	- XX	- XX	- DR	- A	- 05-001		P01

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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
12 MARCH 2024**

**SUBJECT: MORAY LOCAL DEVELOPMENT PLAN 2020 - MONITORING
REPORT 2023**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 This report asks the Committee to consider and approve the Moray Local Development Plan Monitoring Report 2023.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the review and preparation of Local Development Plans.

2. RECOMMENDATION

- 2.1 **It is recommended that the Committee;**
- (i) **considers and approves the Monitoring Report as set out in Appendix 1 and Appendix 2; and**
 - (ii) **notes that the Monitoring Report will be used to inform the Evidence Report for the Local Development Plan (LDP) 27.**

3. BACKGROUND

- 3.1 The Moray Local Development Plan (MLDP) 2020 was adopted on 27 July 2020. The LDP2020 was informed by 9 main land use issues identified as part of the Main Issues Report (MIR) in 2018. The Monitoring Report examines whether the policies and designations of the MLDP 2020 are addressing these issues. A Monitoring Report covering the period July 2020 to July 2021 was presented to this Committee on 16 November 2021 (para 14 of the minute refers). This Monitoring Report covers the following two years from July 2021 to July 2023.
- 3.2 The new planning system as set out in the Planning (Scotland) Act 2019 requires Planning Authorities to submit an Evidence Report to assess the sufficiency of the evidence base through the Gatecheck process when preparing new LDP's. Having an up to date Monitoring Report forms part of

the Evidence Report which will be presented to a meeting of the full Council on 24 April 2024.

4. MONITORING REPORT

- 4.1 The Monitoring Report in **Appendix 1** reviews the progress made on addressing the issues identified in the MIR 2018. National Planning Framework 4 (NPF4) was approved in February 2023 and now forms part of LDP's. This report covers the time period between July 2021 and July 2023. As NPF4 has not been in operation for that long, it is not possible for a detailed analysis of its impact to be covered in this report. Future Monitoring Reports will require to examine and the impact of NPF4 policies as well as new policy requirements such as Community Wealth Building.
- 4.2 The report has been structured like the previous 2021 Monitoring Report and focuses on the 9 "main issues" identified in the MIR. It also contains a table setting out progress on designated housing, employment and opportunity sites in **Appendix 2**. The report also provides an overview of decisions from Moray Local Review Body (MLRB) and the Scottish Government's Planning and Environmental Appeals Division (DPEA). A summary of some of the key indicators considered in the monitoring report is set out below.
- 4.3 **Growth Strategy:** A review of planning consents and completions shows that these have largely been in line with the Growth Strategy for Moray. However, approvals and completions have been more modest in the Tertiary Growth Areas of Lossiemouth, Keith, Fochabers, Mosstodloch and Aberlour. Recovery from the impacts of the Covid-19 pandemic is evidenced in the increased completions across 2021/22 and 2022/23.
- 4.4 **Providing a generous supply of housing land:** All population projections need to be treated with caution however several trends can be drawn. Although the projected population of Moray is projected to decline (-3% from 2018 to 2043), data from National Records of Scotland (NRS) shows that the number of households living in Moray is projected to increase by 5% between 2022 and 2042. This trend is expected to continue which will be fuelled by the demand for smaller households. Similarly, the trend for an ageing population and smaller household sizes continues to be forecast and is an issue that is going to have to be addressed in future years, particularly with the lack of choice in the private market (ie a small supply of bungalows).
- 4.5 The Housing Land Audit (HLA) previously reported to this Committee on 15 August 23 (para 10 of the minute refers) demonstrated that Moray has a 12 year effective land supply with a further 9 years from the LONG supply which can be drawn from if the relevant triggers are met. This approach to LONG term housing land has been recognised as good practice and allows for longer term infrastructure planning through strategic level masterplanned expansion areas.
- 4.6 **Creating Quality, integrated healthy places:** PP1 Placemaking has been operational for over 3 years since the adoption of the MLDP. In conjunction with the Quality Audit (QA) process, this has seen improvements in the quality of information being provided in planning applications resulting in better decisions on the ground. The QA continues to play an important role in

ensuring that all key elements of the policy are delivered including making significant improvements on areas such as improving character and identity, multi-functional open space provision, car parking, landscaping, embedding green and blue infrastructure to support biodiversity and climate change, and improving mental health and well being. The QA process was recently revised to take cognisance of National Planning Framework 4 (NPF4) which was approved at a meeting of this Committee on 15 August 2023 (para 13 of the minute refers). Additional Planning Guidance on MLDP Policies has also been prepared helped to provide clarity on specific policy areas with is intended to help developers understand what is required to comply with policy.

- 4.7 **Providing a generous employment land supply:** The Employment Land Audit was reported to Committee on 15 August 2023 (para 9 of the minute refers) and demonstrated that overall there is 99.87ha of effective employment land. However, a shortage of industrial land in Forres and Speyside has been identified as highlighted in previous Monitoring Reports. Similarly, 17 Barmuckity/Elgin Business Park, is progressing well and work is needed to bring new sites forward to ensure a continued supply of land. No applications have been received for new industrial estates. Pressure for leisure and retail uses on existing industrial estates is anticipated to continue and will require to be monitored to assess the effectiveness of Policy DP5 Business and Industry and DP7 Retail/Town Centres. There are emerging trends for development proposals such as battery storage facilities which will need to be monitored. This will likely have implications for the employment land supply and the next LDP if applications for this type are approved on designated employment land sites given that they are land hungry, offer very little permanent employment opportunities, and do not fall within the use classes normally associated with industrial estates.
- 4.8 **Taking an infrastructure first approach:** Developer Obligations are being collected toward infrastructure including healthcare, education, transportation and a 3G pitch in Forres in line with Policy PP3 Infrastructure and Services and the Developer Obligations Supplementary Guidance. Site specific infrastructure requirements, methodology and rates to seek developer obligations towards the identified infrastructure requirements are set out in the statutory Developer Obligations Supplementary Guidance (SG). This SG is currently under review and is anticipated to be reported to this Committee in the middle of this year.
- 4.9 Moray Council facilitate a LDP Delivery Group which includes a wide range of representatives from NHS Grampian, Scottish Water, Scottish Gas Networks (SGN), SSEN, Transport Scotland, and Council Services for Education, Transportation, Sports and Recreation, and Housing. This Group informed the LDP2020 infrastructure requirements as well as subsequent reviews of the SG, and similarly the Group will inform the evidence base for the LDP27 and Delivery Programme.
- 4.10 **Pressures on Moray's landscape and rural cultural heritage:** There have been limited departures from policy EP3 Special Landscape Areas and Landscape Character and policy EP5 Open Space. Impacts on the landscape from large-scale onshore wind developments and other types of energy developments will remain a pressure. The Keith Green Energy and Infrastructure Framework was prepared in response to the pressures of

development associated with the grid around the wider Keith area. MLDP Policy EP5 has been largely effective in restricting new housing within ENVs. The loss of open space to accommodate development remains low.

- 4.11 **Safeguarding and promoting biodiversity:** Biodiversity enhancement is now being delivered through new development since the adoption of both the MLDP 2020 and NPF4 which places a strong emphasis on the nature crisis and climate emergency. Since the adoption of the policy, applications must provide a biodiversity plan to demonstrate how their proposals safeguard and enhancing biodiversity. This has seen notable improvements in terms of the variety of planting and species that is being provided, incorporation of blue and green infrastructure, and measures such as bat boxes, swift bricks and hedgehog highways which are all standard features. NPF4 places significant importance on tackling the nature crisis. Going forward it is essential that biodiversity plans do not become generic and are site specific to deliver maximum benefits. A biodiversity strategy, identification of nature networks, and further training on biodiversity issues will also be undertaken.
- 4.12 **Delivering on Climate Change:** Planning for Climate Change and supporting the reduction of greenhouse gas emissions is embedded within several policies. PP1 Placemaking and DP1 Development Principles include criteria such as integrating multi-functional active travel routes, green and open space; maximising environmental benefits through orientation of buildings to maximise as solar gain and wind shelter; supporting and enhancing biodiversity; designing open space to be multi-functional including green/blue networks; EV charging; cycle parking provision; avoiding areas at flood risk; dealing with surface water in a sustainable manner to have a neutral impact on flooding; and avoiding workable reserves of prime agricultural land or productive forestry.
- 4.13 NPF4 now places significant weight on addressing the climate emergency and all proposals must demonstrate how they address climate change. To assist applicants planning guidance was prepared to support the implementation of NPF4 which requires new developments to be sited and designed and applicants to calculate the lifecycle carbon from proposals to minimise greenhouse gas emissions as far as possible and adapt to current and future risks from climate change.
- 4.14 **Rural Housing:** The hierarchical policy approach introduced in the MLDP 2020 has been successful in protecting pressurised areas from further inappropriate development. All applications within Pressurised and Sensitive Areas have been refused and this position has been subsequently supported by the MLRB where reviews were requested. Siting and design policy requirements are also driving better located houses within the landscape and design standards have also improved with more traditional simple forms of homes being delivered on the ground. To support and monitor the delivery of NPF4 a suite of indicators are being considered by Officers.

5. **SUMMARY OF IMPLICATIONS**

(a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The MLDP delivers Corporate and Community Planning objectives and annual monitoring allows assessment of the implementation and effectiveness of policies and proposals.

(b) **Policy and Legal**

Preparation of the LDP is a statutory responsibility for the Council.

(c) **Financial implications**

None.

(d) **Risk Implications**

Failing the Gatecheck process due to the lack of monitoring mechanisms would result in delays of having an up to date LDP as well as local policy positions and projects. There could also be a failure to provide an effective housing and employment land supply.

(e) **Staffing Implications**

Preparation of the Monitoring Report is part of the workload of the Strategic Planning & Development section.

(f) **Property**

None

(g) **Equalities/Socio Economic Impact**

There are no equalities issues arising from this report as it is to inform the Committee on monitoring of the LDP only.

(h) **Climate Change and Biodiversity Impacts**

The Monitoring Report plays a key role ensuring that MLDP 2020 and requirements relating to Climate Change and Biodiversity are being adhered to and delivered. NPF4 introduced new policy requirements for the planning system on climate change and biodiversity and these will be included within future Monitoring Reports.

(i) **Consultations**

Consultation has taken place with the Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Senior Engineer (Transportation), the Housing Strategy and Development Manager, the Development Management and Building Standards Manager, the Equal Opportunities Officer, and the Democratic Services Manager have been consulted and comments received have been incorporated into the report.

6. CONCLUSION

- 6.1 The MLDP Monitoring Report provides an evidence base which can be used to influence future policy documents and the preparation of the next MLDP. The Monitoring Report can help identify where additional guidance and/or training is required on the implementation of policies. Having an up to date Monitoring Report will also form part of the Evidence Report for the preparation of the next MLDP.**
- 6.2 The report highlights that development proposals are generally reflective of the Growth Strategy. There continues to be a good supply of effective housing land. Whilst overall there is a good supply of effective employment land, shortages of industrial land are identified in Forres and Speyside, as well as good uptake being made at I7 Barmuckity. PP1 Placemaking and the Quality Audit process is continuing to deliver improvements in urban design and the quality of information being submitted in planning applications. The Rural Housing policy has been successful in preventing further cumulative build up in sensitive areas. Policies continue to work to safeguard the environment and landscape.**

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Background Papers:
Ref:

Moray Local Development Plan 2023 Monitoring Report – 27th July 2021 to 26th July 2023

The Monitoring Report is intended to examine the performance of the Moray Local Development Plan (MLDP) 2020 and provide an update on land use planning issues. The Main Issues Report 2018 set out what was considered to be the main land use issues facing Moray and set out options on how these could be addressed within the MLDP. It will also provide an update on planning appeals by both the Moray Local Review Body and the DPEA. The previous Monitoring Report (2021) was structured around these issues.

This report will cover two years as opposed to the previous Monitoring Reports which only covered one. However, to provide a comparison over the plan period the 2023 report will be structured in the same way and where possible information will be broken down between the two years.

The nine main issues are

1. The proposed Growth Strategy
2. Providing a generous and effective supply of land for housing
3. Creating integrated, quality healthy places
4. Providing a generous employment land supply
5. Taking an infrastructure first approach
6. Pressures on Moray's landscapes and rural cultural heritage
7. Safeguarding and promoting biodiversity
8. Delivering on Climate Change
9. Rural Housing
10. Planning appeals

1. Demographics & Growth/Spatial Strategy

Please note the following statistics cover the period from July 2021 – July 2023 as well as identifying other longer term demographic trends.

1.1 Demographics

General

- Between 2001 and 2021 Moray's population grew by 11% compared with 8% growth across Scotland.
- The population was 96,410 on 30th June 2021. This is an increase of 0.6% from 2019.
- However, population growth is projected to reverse between 2018 and 2043 with a decline in population of just under -3%.

Ageing Population

- Since 2001, there has been a 52% increase in those aged 65+ and an 86% increase in the 85+ age group. Over the same period the 25 – 44 age group shows the largest decrease of -13%.
- This projected trend is expected to continue between 2022 and 2042 with a 32% increase in those aged over 65. Over this same period negative growth is expected for those of a working age with a -12% decline across Moray which is an issue that will need to be addressed.
- Data for the period between 2018 and 2028 for the age groups of 65 to 74, and 75 and over show projections of 13.9% and 32.4% increases. In comparison, the 0 to 15, 16-24, and 45 to 64 age groups show percentage decreases of 14.1%, 5.3%, and 7.6% respectively.
- These projections have been reflected in previous Monitoring Reports and statistics and highlight the trend that Moray is going to have to address an ageing population with a declining working age population which will have an impact on the economy, housing, and health care provision.

Households

- Although the projected population of Moray is projected to decline (-3% from 2018 to 2043), data from NRS shows that the number of households living in Moray is projected to increase by 5% between 2022 and 2042. This is lower than previous projections where in 2018 an 8.2% increase was projected. This trend is expected to continue which will be fuelled by the demand for smaller households.
- In 2022 there were an estimated 43,995 households in Moray. This is a 0.9% increase from 2021 and a 2.47% increase from 2019. In comparison the number of households in Scotland increased by 0.8% from 2021.
- The number of 75+ year old head of households in Moray is projected to grow by 84% by 2043 whilst every other age range will decrease. Single Person and 2 Adult households will be subject to the greatest growth levels in Moray with 17% and 11% projected between 2018-38 respectively. This trend reflects the 2021 Monitoring Report which showed that the "two or more adult, one or more children" household is projected to see the largest percentage decrease (5.4%) and the "one adult" household is projected to see the largest increase over a 2018 – 2028 period.

- Based on these trends it is clear that housing delivery plans will need to be aligned to accommodate an ageing and smaller household profile.
- The accuracy of projections is variable and they therefore should be treated with caution. Whilst over time the projections have differed in terms of the levels of change projected, the overall trend of an increasing ageing population and declining working age population has not changed from previous Monitoring Reports.

1.2 Growth & Spatial Strategy

The MLDP 2020 introduced a revised Growth/Spatial Strategy for Moray which better reflects population size, access to services and jobs and development pressure for housing and employment. Elgin continues to be identified as the primary growth area, with Buckie and Forres identified as secondary growth areas. Aberlour, Fochabers, Keith, Lossiemouth and Mosstodloch are identified as tertiary growth areas.

Approvals and Completions

	2018	2019	2020	2021	2022
Moray	358	414	231	398	418

Table 1: Completions

Spatial Strategy	No. of Approvals (2021-22)	No. of Completions (2021)	No. of Approvals (2022-23)	No. of Completions (2022)
Primary Growth Area	367	121	334	146
Secondary Growth Area	163	115	81	156
Tertiary Growth Area	5	108	11	61
Smaller Towns & Villages	93	14	3	15
Rural Groupings	5	40	11	40

Table 2: Approvals and completions by Spatial Strategy

Local Housing Market Area	No. of Approvals (2021-22)	No. of Completions (2021)*	No. of Approvals (2022-23)	No. of Completions (2022)*
Buckie	118	74	66	37
Elgin	457	226	352	176
Forres	52	55	21	134

Keith	0	3	0	31
Speyside	6	0	0	0

Table 3: Approvals and completions by Spatial Strategy

**Does not include Rural Groupings*

2021/22

- A total of 633 units received approval in the towns, villages and rural groupings between 2021 and 2022, compared to 470 units in 2020/21. The increase is primarily due to consents relating to the next phases of masterplanned areas at Findrassie and Elgin South.
- The focus of approvals was in the Primary (58%) and Secondary (26%) Growth Areas, reflecting the hierarchy of the Growth/Spatial Strategy.
- Approvals in Tertiary Growth Areas continues to be low, with five units consented in 2021/22, and do not reflect its position in the Growth/Spatial Strategy.
- 93 units received consent in Smaller Towns/Villages, compared to 14 in 2020/21. This was due to developments in Lhanbryde (32 units) and Hopeman (48 units).
- Completions in 2021/22 were up from 2020-21, reflecting the recovery from the impacts of the Covid-19 pandemic, with 398 units. The locations of completions reflect the hierarchy of the Growth/Spatial Strategy.

2022/23

- Between 2022 and 2023, a total of 440 units received planning consent.
- 80% of approvals were in the Primary Growth Area, with 19.7% in the Secondary Growth Areas.
- 11 units were consented in Tertiary Growth Areas and 3 units approved in Smaller Towns/Villages, reflective of the Growth/Spatial Strategy.
- Completions continue to show a positive return to pre-Covid figures with 418 units completed in 2022/23.

1.3 Conclusion

- Approvals and completions are largely in line with the Growth\Spatial Strategy although growth in the Tertiary Growth Areas continues to be modest.
- Recovery from the impacts of the Covid-19 pandemic is evidenced in the increased completions across 2021/22 and 2022/23.
- Moray is going to have to continue to address issues with an ageing population and a declining working age population which will have an impact on the economy, housing, and health care provision.

2. Providing a Generous and Effective Supply of Land for Housing

2.1 Effective Housing Land Supply

	2019	2020	2021	2022	2023
Moray	4,189	5,811	5,508	5,365	5,022

Table 4: Effective housing land supply (Housing Land Audit (HLA) 2023 [base date January 2023])

- The Moray HLA 2023 identifies an effective housing land supply of 5,022 units, which is 12 years supply.
- There remains a surplus of effective housing land in all Local Housing Market Areas (LHMA) with the exception of Keith LHMA where there is a deficit. To address this, the release of Keith LONG1 *Nursery Fields* was approved.
- There is a further 3,875 units (9 years supply) which are designated as LONG and can be unlocked if specific triggers for their release are met.
- This means that a generous supply of land is available, with land identified for approximately 28 years.
- The majority of completions between 2012 and 2022 were in Elgin, Forres and Buckie. The projected house completions reflect the low supply of new housing in Keith and Speyside. However, work at Banff Road (Keith R4) is progressing and discussions are ongoing regarding Speyview (Aberlour R2). In addition, a masterplan is being developed for Hillside Farm (Dufftown R1) in partnership with Dufftown & District Community Association.
- The Moray Growth Deal Housing Mix Delivery project will bring further investment to help unlock previously constrained housing land sites.
- The appendix provides an overview on progress on residential development sites.

2.2 Affordable Housing

2021/22

Area	No. of Affordable Units	No. of Bedrooms	No. of Units
Elgin	237	1-bed flat	62 (inc. 2 accessible)
		2-bed flat	8
		2-bed bungalow (detached)	41 (inc. 3 accessible)
		2-bed house (semi)	4
		3-bed flat	2
		3-bed bungalow (detached)	5
		3-bed house (terraced)	6

		3-bed house (semi)	49
		3-bed house (detached)	4
		4-bed bungalow (detached)	2 (inc. 2 accessible)
		4-bed house (terraced)	7
		4-bed house (semi)	16
		4-bed house (detached)	5
		5-bed house (semi)	1
		5-bed house (detached)	3
		Extra Care	22
Forres	48	1-bed flat	19 (inc. 7 accessible)
		3-bed house (terraced)	26
		4-bed house (terraced)	3 (inc. 3 accessible)
Lhanbryde	32	1-bed flat	8
		2-bed bungalow (detached)	2
		3-bed house (terraced)	6
		3-bed house (semi)	6
		4-bed house (semi)	2
		Specialist bungalow	8
Hopeman	12	1-bed flat	4
		2-bed house (semi)	2
		3-bed house (semi)	4
		4-bed house (semi)	2
Urquhart	2	3-bed house (semi)	2

Table 5: Number of affordable housing units and type consented in 2021-2022

- A total of 331 affordable houses are proposed across eight applications approved in the year to 31 July 2022. This represents 72% of the consented units in this period, in excess of the 25% required by policy. This is a result of three applications which were 100% affordable housing developments.
- The Council completed 46 new build affordable units in the 2021/22 period, with other RSLs completing a further 101 units.
- Following review of the Housing Business Plan in 2022, the Council agreed that 50 Council houses would be built per annum.

2022/23

Area	No. of Affordable Units	No. of Bedrooms	No. of Units
Elgin	65	1-bed flat	24
		2-bed bungalow (semi)	2
		2-bed house (semi)	14
		2-bed house (detached)	1
		3-bed house (terraced)	14
		3-bed house (semi)	1
		4-bed house (semi)	7
		4-bed house (detached)	1
		5-bed house (detached)	1
Buckie	44	1-bed flat	12
		2-bed flat	4
		2-bed house (semi)	6
		2-bed house (detached)	1
		3-bed house (terraced)	4
		3-bed house (semi)	10
		3-bed house (detached)	1
		4-bed house (semi)	5
		4-bed house (detached)	1

Table 6: Number of affordable housing units and type consented in 2022-2023

- 110 affordable housing units were consented across six applications between 2022 and 2023. This represents 25% of the consented units as required by policy.
- One application made a commuted payment in lieu of on-site delivery of affordable housing, as agreed with the Housing Strategy and Development Manager, due to the proposal requiring multi-tenure/multi-use provision under one communal roof structure.
- 45 units were completed/acquired by the Council in 2022/23, with RSLs completing a further 114 units.

2.3 Accessible Housing

Proposals of 10 or more units are required to provide 10% of the private sector units to wheelchair accessible standards.

2021/22

Area	Type of Unit	No. of Units
Elgin	2-bed bungalow	3
	2-bed house (terraced)	12
	4-bed bungalow	2
Hopeman	3-bed bungalow (semi)	1
	3-bed bungalow	7
Urquhart	4-bed house (detached)	1

Table 7: Number of accessible housing units and type consented in 2021-2022

- 26 units to wheelchair accessible standard were secured from 176 consented private units between 2021 and 2022. This in excess of the 10% requirement set out in policy.
- Due to the Reporter's removal of the requirement for accessible housing to be single storey, there is a reduction in the number of units that are single storey dwellings with no accommodation in the upper roof space. 50% of the accessible units are bungalows.

2022/23

Area	Type of Unit	No. of Units
Elgin	2-bed flat (GF)	21
	3-bed house (semi)	8
Buckie	2-bed flat (GF)	9
	3-bed bungalow (detached)	6

Table 8: Number of accessible housing units and type from planning consents granted in 2022-2023

- Between 2022 and 2023, 44 units were secured as wheelchair accessible standard from 378 consented units. This equates to 11.6%, continuing the trend of provision in excess of policy requirements.
- Only 14% of units are single storey dwellings with no upper roof space, with a large proportion (47%) meeting the requirement through ground floor flats. This highlights the lack of choice in the private market (ie a small supply of bungalows) for elderly people or people with disabilities or mobility issues. The extent of this trend will be monitored to identify if housing mixes reflect the trends of an aging population.

2.4 Housing Mix

2021/22

Area	No. of Bedrooms	No. of Units	Percentage
Aberlour	4-bed house (detached)	5	
Buckie	1-bed flat	8 (7%)	7%
	2-bed flat	23 (21%)	21%
	2-bed house (semi)	2 (2%)	2%
	3-bed flat	2 (2%)	2%
	3-bed house (terraced)	10 (9%)	9%
	3-bed house (semi)	28 (26%)	26%
	3-bed house (detached)	7 (7%)	7%
	4-bed house (semi)	4 (4%)	4%
	4-bed house (detached)	24 (22%)	22%
	TOTAL	108	
Elgin	1-bed flat	62 (17%)	17%
	2-bed flat	8 (2%)	2%
	2-bed bungalow (detached)	41 (11%)	11%
	2-bed house (terraced)	12 (3.3%)	3.3%
	2-bed house (semi)	4 (1%)	1%
	3-bed flat	2 (0.5%)	0.5%
	3-bed bungalow (detached)	5 (1%)	1%
	3-bed house (terraced)	16 (4%)	4%
	3-bed house (semi)	87 (24%)	24%
	3-bed house (detached)	16 (4%)	4%

	4-bed bungalow (detached)	2	1%
	4-bed house (terraced)	7	2%
	4-bed house (semi)	16	4%
	4-bed house (detached)	58	16%
	5-bed house (semi)	1	0.01%
	5-bed house (detached)	3	0.01%
	Extra care	22	6%
	TOTAL	362	
Forres	1-bed flat	19	40%
	3-bed house (terraced)	26	54%
	4-bed house (terraced)	3	6%
	TOTAL	48	
Hopeman	1-bed flat	6	15%
	2-bed flat	6	15%
	2-bed bungalow (semi)	3	7.5%
	2-bed house (semi)	6	15%
	3-bed bungalow (semi)	1	2.5%
	3-bed bungalow (detached)	7	17.5%
	3-bed house (semi)	4	10%
	3-bed house (detached)	2	5%
	4-bed bungalow (detached)	1	2.5%
	4-bed house (detached)	2	5%
	5-bed house (detached)	2	5%
	TOTAL	40	
Lhanbryde	1-bed flat	8	25%
	2-bed bungalow (detached)	2	6%
	3-bed house (terraced)	6	19%
	3-bed house (semi)	6	19%
	4-bed house (semi)	2	6%
	Specialist bungalow	8	25%
	TOTAL	32	
Urquhart	3-bed house (semi)	2	20%

	3-bed house (detached)	3	30%
	4-bed house (detached)	5	50%
	TOTAL	10	

Table 9: Private and affordable housing mix from planning consents granted in 2021-2022 (excludes applications under 4 units, PPP and remix applications)

- 3-bed houses made up the greatest proportion of consented units (38.3%, 230 units) between 2021 and 2022. This is made up of 4 flats, 1 semi-detached bungalow, 12 detached bungalows, 58 terraced houses, 127 semi-detached houses and 28 detached houses.
- 4-bed properties make up the next greatest proportion was 21.5% (129 units).
- 1-bed flats make up 17.5% (105 units).
- 16.8% (101 units) are 2-bed properties, with 31 flats, 3 semi-detached bungalows, 49 detached bungalows, 12 terraced houses and 6 semi-detached house.
- 5-bedroom houses make up only a very small number of consented units with 6 (1%) in total.
- The number of bungalows continues to decrease, with 11.3% (68 units) making up the housing mix.
- The housing mix however continues to reflect the trend for smaller household sides, with 4/5-bed houses making up around 22% of the consented mix.

2022/23

Area	No. of Bedrooms	No. of Units	Percentage
Buckie	1-bed flat	4	6%
	2-bed house (terraced)	4	6%
	2-bed house (semi)	12	19%
	2-bed house (detached)	1	2%
	3-bed bungalow (detached)	6	9%
	3-bed house (terraced)	13	20%
	3-bed house (semi)	4	6%
	3-bed house (detached)	7	6%
	4-bed house (semi)	2	3%
	4-bed house (detached)	12	19%
	TOTAL	65	
Elgin	1-bed flat	27	8%

	2-bed flat	76	24%
	2-bed bungalow (semi)	2	1%
	2-bed house (semi)	14	4%
	2-bed house (detached)	1	0.5%
	3-bed flat	10	3%
	3-bed house (terraced)	18	6%
	3-bed house (semi)	51	16%
	3-bed house (detached)	16	5%
	4-bed house (semi)	7	2%
	4-bed house (detached)	74	23%
	5-bed house (detached)	25	8%
	TOTAL	321	

Table 10: Private and affordable housing mix from planning consents granted in 2022-2023 (excludes applications under 4 units, PPP and remix applications)

- 3-bed properties continue to make up the greatest proportion of consented units with 33.5% (125 units) between 2022 and 2023. This is made up of 10 flats, 6 detached bungalows, 31 terraced houses, 55 semi-detached houses and 23 detached houses.
- 2-bed properties make up 26% (97 units), closely followed by 4-bed houses with 25.5% (95 units). These are predominately 2-bed flats and 4-bed detached houses.
- There is a significant drop in the number of bungalows being consented, with 2.1% (8 units). This is a decrease compared to 2020/21 (23%) and 2021/22 (11.3%).
- 1-bed flats have dropped by 9.2% whilst there has been an increase of 5.7% in 5-bed houses compared to 2021/22.

2.5 Conclusion

- There is a generous supply of effective housing land to meet targets set out in the MLDP 2020. Land has been released in Keith LHMA where a deficit of supply was identified. The triggers for releasing LONG designations continue to ensure that an effective land supply can be maintained.
- MLDP policies continue to deliver land for affordable housing, with limited use of commuted payments, and securing wheelchair accessible standard housing.
- The mix of housing types reflects the trend for smaller households (2/3-bedroom). Fewer bungalows in the private market are being secured which reflects the change in policy which removed the requirement for accessible housing to be single storey. These are now being met through ground floor flats which reflects limited choice in the private market

3. Creating Integrated, Quality Healthy Places.

3.1 Introduction

Improving the standards of urban design is embodied throughout the MLDP with PP1 Placemaking being the first Primary Policy in the plan. This recognises the importance that good design has on people's health and well-being through creating attractive places to live and work as well as encouraging inward investment and economic growth.

PP1 Placemaking is a more prescriptive policy than the one in the 2015 Moray Local Development Plan with less ambiguous wording to ensure that higher standards of urban design are delivered. As highlighted in the 2021 Monitoring Report the delivery of PP1 is supported by the Quality Audit (QA) process. Led by Officers from Strategic Planning & Development the QA process provides a consistent and multi-disciplinary approach to the assessment of design quality of development proposals.

Following the adoption of the MLDP 2020 the Quality Audit process was revised to remove the "amber" category. This removed unnecessary ambiguity as to whether a proposal was deemed to comply with PP1 or not and allowed Officers to successfully push for improvements in design.

Further revisions to the QA process were undertaken 2022 which were approved by the Planning and Regulatory Services Committee. This involved revising the categories used to assess the proposal against PP1. The way information was provided to applicants was also revised to streamline the process to provide further clarity to applicants on the design issues and improvements necessary to comply with PP1 Placemaking, and other relevant policies of the MLDP 2020.

Given that NPF4 now forms part of the Moray 'development plan' the QA has been reformatted to align with the 6 qualities of a successful place and Annex D of Policy 14 Design, quality and place. The QA update streamlines the assessment of the design quality of development proposals against the relevant development plan policies clearly and consistently and NPF4 via one collective process, and provides further clarity of the interpretation of the 6 qualities of a successful place set out in NPF4 in a Moray context. This approach not only ensures that proposals comply with the current MLDP policy but also the aspirations of NPF4 and Policy 14 Design, quality and to create well designed and successful places.

The policy also has the NPF4 principle of Local Living and climate resilience embedded throughout it and recognises the importance of creating well-designed mixed-use neighbourhoods and all of the associated health benefits that come from them.

Future monitoring reports will evaluate how well this version of the QA is at assessing proposals against both the MLDP 2020 and NPF4.

3.2 Quality Audits

The table below shows the number of QA's that were undertaken over the monitoring report period. In the two years since the 2021 Monitoring Report 7 QA's have been completed. Several applications are subject to ongoing QA's the outcome of which will be reported in the next monitoring report.

Settlement	Site name and designation	Application number	Approved/refused	PP1 Departures and NPF4 (if applicable) & Justification
Elgin	R11 – Findrassie	21/00961/AMC	Approved	Parking (iv) -acceptable departure given the limited extent of the remix, mitigation to parking provided.
	R13 – Lesmurdie Fields	19/01510/APP	Approved	Character & Identity (i) & Biodiversity (v) – Proposal was departure from Policy EP7 part c) Control of Woodland Removal as woodland was removed for the SUDS. Compensatory planting was provided.
	R14 – Spynie Hospital	20/00781/APP	Approved (Dec 2022. However, application has been subsequently withdrawn)	None
	LONG2 South – Glassgreen Village	21/01163/APP	Approved	None
Buckie	R7 – Land at Muirton	21/01963/APP	Approved	Parking (iv) – Two streets did not meet quantitative element of the policy. Acceptable departure as there were overriding design and placemaking benefits to these streets, which outweigh this quantitative assessment criteria.
	R8 Land at Barhill Road	21/01224/APP	Approved (application was subject to an	The proposal scored 7 “reds” signifying departures on all aspects of PP1 in addition to failing to comply with the draft masterplan.

			appeal and approved by the DPEA)	
Lhanbryde	R2 – Garmouth Road	20/01615/APP	Approved	None subject to conditions.

Table 11: Table showing the number of Quality Audits completed 2021/23.

3.3 Additional Planning Policy Guidance

At the time of writing the 2021 Monitoring Report, the new placemaking policy had only been adopted for 1 year. While improvements in the standards of design were noticeable in terms of the layouts received and the changes negotiated by Officers it was tricky to ascertain how well the new policy was delivering high quality developments given the relatively short period of monitoring.

Throughout the time period of this Monitoring Report, additional planning guidance was prepared to aide developers, agents, and Officers interpret some of the MLDP policies and provide further detail and clarity. This included guidance on how to achieve “greens” in the QA as well as a number of other key Placemaking and policy areas.

The following is a summary of some key design areas which the guidance covers which are relevant to the interpretation of the Placemaking Policy;

- **Parking** – The issue of streets and developments being visually dominated by parked cars is a long standing issue. The removal of cars from streets brings many benefits in terms of making streets more visually attractive, encourage social interaction, increased natural surveillance, and increasing biodiversity as more space is left for gardens and boundary treatments. The guidance provides clarity on section (vi) Parking of PP1 and provides examples of what types of arrangements are deemed acceptable.
- **Placemaking Statement** – Further detail and a template as to what type of information is required to be submitted. This covers a number of key design areas with examples of good practice to help applicant achieve green in the QA.
- **Landscaping** – Detail of what type of species will be acceptable in developments. Provides information relating to what species will support biodiversity and provide seasonal colour and pollination opportunities.
- **Biodiversity** – Applicants must provide biodiversity statements which must be a standalone document. The guidance provides information as to what is expected and what must be demonstrated by applicants.
- **Safe Environments** – Detail on how layouts can be safe and welcoming by designing out opportunities for crime and anti-social behaviour. For example having public fronts and private backs, the use of “turn a corner buildings” on key plots, and ensuring that all paths and areas of open space are overlooked with good natural surveillance.

- **Inclusive and Accessible Play** - Play areas in new developments must be inclusive and accessible, providing children and young people of different abilities with equal access to high quality social and play provision. The guidance provides clarity as to what exactly is expected to be provided with a park hierarchy setting out how many pieces of equipment must be provided including inclusive, non-inclusive and wheelchair specifications. The next LDP will continue to seek to ensure that all open and green spaces including allotments are fully accessible for all users.

3.4 Observations and Trends in Placemaking

Character & Identity

The following highlights some of the key areas where improvements have been made to both the design of layouts and the information provided in detailed submissions since the adoption of the MLDP 2020.

- There has been an improvement in the standard of placemaking statements that have been received since the adoption of the MLDP 2020. Officers have ensured that these provide a thorough townscape analysis to ensure that the development is reflective of the location in terms of street pattern, architectural details, landscaping, natural features/topography etc. There has also been an increased use of 3D visualisations which helps to understand what the proposal will look like and how it responds to the site and wider landscape.
- Greater differentiation between and within character areas is now being achieved that goes beyond different house types. This includes variation between renders, street materials, landscape/planting, and architectural details.

Open Space

- There has been a significant reduction in areas classed as being “leftover” space that lacks any function as a result of PP1 Placemaking and Policy EP5 Open Space. All proposals must comply with the quantitative and qualitative aspect of Policy EP5. All applications over the time period of this report met this standard and complied with policy.
- Open spaces have become focal points in developments and have clear multi-functional benefits such as providing play areas, seating areas, blue/green habitats, and food growing opportunities.
- Good quality open spaces are seen as being fundamental to delivering attractive developments and improving the mental health and well being of residents. The provision of benches (including accessible benches) and other forms of seating within these spaces and along key routes is now standard which provides good opportunities for social interaction and rest.
- Additional Planning Policy Guidance was introduced to ensure that high quality play areas were introduced and that they were inclusive and accessible. This ensures that at least 50% of play equipment provided in play areas is to inclusive standards and integrated throughout the layout. The additional guidance provides clarity to developers with regards to both the quantity and type of equipment that must be provided.

- All open spaces are now planted with a variety of species including shrubs, fruit trees, and woodland planting to create attractive spaces with seasonal variation that supports and enhances biodiversity. Where tree planting is proposed semi mature trees are being provided. This ensures that developments are attractive from the outset and avoids the planting of small whips which are prone to damage and can take several years to mature.
- Food growing opportunities such as raised beds or food growing trees shrubs provide and encourage social interaction within communities. However, guidance will be updated to ensure that these are fully accessible for wheelchair users ie waist high.
- Since the adoption of the MLDP 2020, the integration of blue infrastructure has increased significantly as there is a desire to move away from large single SUDs ponds, not only to from a visual perspective but also in terms of supporting biodiversity. Planted swales are being proposed as standard features and have been successfully incorporated not only within areas of open space but also by roadsides which helps to improve the attractiveness of developments. Similarly rain gardens and other bio-retention features are now being incorporated into layouts as standard features which is aided by the QA process.

Landscaping

- Since the adoption of the MLDP 2020 the standard and quality of landscaping plans has improved which reflects the importance that landscaping can have on the character of a development. As such the conditioning of landscape plans is now no longer acceptable. Recently approved landscape plans provided details relating to numbers, species, height and girth of trees, as well as providing seasonal variation and food growing opportunities.
- The additional planning guidance that was prepared provides significant detail and clarity as to what is required and provides information relating to what type of planting (height, species, girth etc) will be deemed acceptable.
- An issue that was previously highlighted in the 2021 Monitoring Report was the inconsistency between plans as often landscape plans did not match with what is shown with site plans. This can make it difficult to assess a proposal if landscaping is being proposed as visual mitigation for example. To address this Officers make it clear to developers that all plans received must match up as failure to do so can impact on the time to make an assessment.

Car Parking

- The visual dominance of parked cars in developments is a recurring and longstanding problem that was identified in previous Monitoring Reports. The requirement for 50% of parking on all streets to be behind the building line has seen significant improvements made to the character of streets as they are less visually dominated by parked cars.
- To aide with the interpretation of this policy requirement additional planning policy guidance was provided to help developers understand the policy and what parking arrangements will be acceptable or not. This guidance has been useful and provides clarity when negotiating changes.

- Parking plans are being provided by developers which define each street and clearly highlight each number of spaces showing how the layout complies with policy as well as allowing an easier assessment to be undertaken.
- Communal parking areas continue to be a challenge, particularly where flats and terraced housing are proposed. While the policy continues to be successful in breaking up communal parking where areas at intervals of 4 spaces with landscaping/planting, ensuring that these spaces are well overlooked and not unattractive parts of the development can be challenging.
- The requirement that a detailed landscape plan is provided upfront remains essential to ensuring that appropriate landscape mitigation is provided. This requirement ensures that any planting is of an appropriate height and species to provide the necessary landscape mitigation.

Public Art

- Since the adoption of the MLDP 2020 all developments must include public art. The additional planning policy guidance that was prepared seeks to provide clarity and help developers understand what is expected. It also provides further detail as to why this is required in terms of wayfinding and legibility but also creating and reflecting local heritage and culture.
- While public art can be a standalone feature it does not necessarily need to be and can be built incorporated into the layout in other ways. In Buckie R7 the layout will provide standalone lighthouse sculptures but also a fishing boat climbing frame which reflects Buckie's maritime and fishing history.

Biodiversity

- The MLDP 2020 introduced Policy EP2 Biodiversity which is also embedded into PP1 Placemaking to support existing habitats as well as creating new ones within developments. Biodiversity plans are assessed through the QA process.
- Biodiversity enhancement and connections into existing networks continue to be a key element of the design of layouts. A number of features such as bat boxes, hedgehog highways and a greater variation of plants, shrubs, and trees all provide greater seasonal variation and pollination opportunities.
- The continued integration of blue infrastructure through swales and rain gardens are becoming standard design features and not only improve the visual appearance of developments but also improve and support biodiversity.
- In some instances some developers thought that the landscape plan would be enough to satisfy PP1 and EP2. This approach is not acceptable. While landscaping can contribute to supporting biodiversity a separate biodiversity plan that goes beyond a landscape plan must be provided. Failure to do so would result in the layout failing to comply with Policy EP2 and PP1 by scoring a "red" in the QA.

Street Layout & Design

- The policy has continued to deliver improvements to the street layout and connectivity of layouts. Through the QA process layouts are permeable and well connected by connecting into natural desire lines.
- Active travel continues to be supported through the provision well connected legible layouts. Infrastructure such as cycle storage is now being provided on every layout to support this key policy aim.
- The use of different street materials has become more common in helping to differentiate between character areas which helps to aide legibility and add visual interest.

3.5 Key Benefits

A number of wide ranging benefits are being delivered as an outcome of the improvements to these key design areas. These could only have been achieved through the detailed nature of PP1 Placemaking. As a result, well designed places benefit residents and communities through the creation of safe and welcoming environments which has knock on benefits for mental health and well-being. The following are a summary of some of the key benefits attributed to improving these key design areas as a result of PP1.

- Well designed developments that are reflective of their surroundings and promote a “sense of place” are beneficial for mental health and well being of residents.
- The significant reduction in streets being visually dominated by parked cars helps to create more attractive streets that prioritise people over cars. It also helps to encourage social interaction and biodiversity by increasing the size of front gardens. This also helps to create the perception that streets are designed for people and not cars and therefore walking is encouraged. Creating opportunities for social interaction is a key component of good design and creating healthy and inclusive communities.
- Well connected routes that support active travel seek to prioritise cycling and walking over the car improving physical and mental health as well as addressing climate change.
- Health and well-being is supported through the provision of high quality multi-functional open space. Seating areas provide opportunities for rest, social interaction, and inter-generational mixing.
- Play areas that are accessible and inclusive for supporting the delivery of healthy vibrant and inclusive communities.
- Increased and varied planting across development not only supports biodiversity and links to nature networks but also helps to improve the mental well being of residents.
- Food growing opportunities such as raised beds or food growing trees shrubs provide and encourage social interaction within communities. Guidance will need to be updated to ensure that these are fully accessible ie are designed for wheelchair users and are waist high.
- Well designed neighbourhoods and open space are designed to reduce crime and anti-social behaviour by providing spaces that benefit from natural surveillance and activity.

3.6 Conclusion

The 2019, 2021 Monitoring Reports contain updates as to how both the MLDP 2015 and 2020 Placemaking policies have improved standards of urban design. As has been demonstrated, PP1 has continued to deliver improvements to Placemaking and the standards of information being submitted in planning applications now that the policy has had time to “bed in”.

NPF4 was adopted in February 2023 and the next Monitoring Report will provide a better understanding of how the revised QA is operating in assessing proposals against PP1 and NPF4 which could have implications for the MLDP 2027.

4 Providing a Generous Employment Land Supply

4.1 Introduction

To facilitate economic development and support diversification of the economy the MLDP seeks to provide a generous supply of employment land that meets the needs for different types of employment. This has been a long standing identified issue in Moray and as was highlighted in the 2018 Main Issues Report, creating a greater mix of uses across newly identified employment sites in the MLDP could aid the delivery of serviced land as some higher value uses could aid site viability.

4.2 Effective Employment Land

Established Supply	225.98 ha	
Effective/Marketable Supply	99.87 ha	21 sites ha
Effective General Industrial	63.28 ha	16 sites ha
Effective High Amenity	36.59 ha	8 sites ha
Immediate Available Supply	33.34 ha	6
Constrained Supply	78.03 ha	15 sites

Table 12: Summary of Employment Land Supply 2022

4.3 General Summary

- There is 63.28ha of effective/marketable general industrial land providing a generous supply equating to approximately 20 years.
- The Elgin and Buckie market areas have relatively healthy supplies of general industrial land providing at least the equivalent of 15 years supply.
- Around 34% (78.03ha) of the established supply has some form of constraint that is likely to prevent land being brought forward in the next five years.
- In Forres there remains a significant shortage of general industrial land with approximately 2.75ha of industrial land left. 14 Easter Newhouse remains constrained due to infrastructure costs.
- In Keith the general industrial supply is limited. However, there is a LONG allocation that could be released should the space be required.
- The shortage of employment land in Speyside has been a long standing identified issue. The shortage of identified sites for employment uses means that there is a reliance on windfall proposals. Within site R2 Speyview in Aberlour 1ha of land is reserved for employment land uses to the south of the site but this does not form part of the residential development that has recently been consented.

- Immediately available land has decreased by 1.71ha since 2021 with there being 33.63 ha (net) available across 6 sites.
- In addition to the longstanding issues identified in Forres and Speyside, the good progress and take up of land at Elgin Business Park/Barmuckity suggests the Immediately Available Supply in the Elgin Market Area will become limited in the next few years and will need to be addressed in next Local Development Plan.
- In the last year, 1.24 ha of land was developed. This includes completion or occupation of sites at I7 Barmuckity, OPP4 Ashgrove in Elgin, and an energy management facility at I3 in Keith.

4.4 Observations and Trends in Employment and Business Land

General

- Since the 2021 Monitoring Report there have been 30 applications on employment sites.
- A number were for non-employment uses including an inflatable leisure facility at I2 Chanonry Elgin, a sandwich shop and drive through at I6 Linkwood East, an office block at I7 Barmuckity. The sandwich shop and drive through on I6 Linkwood East was approved by the Local Review Body.
- The 2022 Employment Land Audit reported a high uptake at I7 Barmuckity/Elgin Business Park. There is now limited availability with many of these plots now developed, sold or under offer. It is therefore it is anticipated that the level of immediately available land in the Elgin Market Area will reduce significantly over the next few years. Given this there is a need to ensure that new industrial and employment land sites are progressed to ensure that there is land available to meet any future demand.
- A review of data from the Council's Address Gazetteer has allowed a high level analysis of non-industrial/business uses (i.e. not use class 4 business, use class 5 general industrial, or class 6 storage or distribution) on industrial estates to identify what types of non-industrial/business uses are present on industrial estates and where the proportion of these uses is greatest.
 - This highlights that there is pressure for restaurants/cafes, showrooms, and leisure activities including gyms.
 - The majority of sites identified in LDP2020 as Industrial Estates have predominantly employment uses (i.e. over 85% of addresses identified within the Gazetteer were for employment uses within class 4, 5 and 6).
 - The exceptions to this are I4 Tyock, I5 Pinefield, I6 Linkwood East in Elgin and I4 Shore Street Lossiemouth where a greater proportion of addresses were for non-employment uses. Within I4 Shore Street there is a high proportion of residential addresses.

Where there are greater numbers of "other uses" this can change the character of the industrial estate and undermine the intended use. This could result in making it more difficult for heavier industrial uses to locate to these industrial estates and mean new employment land is taken up more rapidly.

4.5 Moray Business Property Needs Study

Consultants were commissioned to provide up to date information and analysis of the current and projected demand for commercial land and buildings to help inform the Evidence Report for the new Local Development Plan and the Regional Spatial Strategy.

The report highlighted that demand for employment land is anticipated from existing businesses looking to expand and relocate, and identified key growth sectors where demand is likely to come from. It highlighted that Moray has several land-hungry extraction and production industries as well as growth prospects at the other end of the spectrum in technology-rich sectors which require more space per job than traditional industrial premises.

These require a generous approach to employment land estimates and allocations which will need to be considered in the next LDP. To accommodate these anticipated trends the report states that over the next LDP period (2027 – 2037) approximately 5–6 ha per annum will be required which is 20-25% higher than the 4-5ha used for the LDP 2020. The study recommends that this requirement is split across market areas in the same way as the 2020 LDP with 54% of the requirement directed towards the Elgin market area, 15% to the Forres and Buckie market area and 8% to the Keith and Speyside market areas. In addition, pressure is being put on several of Moray's rural areas with a clear trend in long established industries such as Distilling, alongside the renewable and the wider energy sector with the drive towards net zero. In terms of employment in the manufacturing sector, the report identifies the electoral ward of Speyside and Glenlivet having the greatest concentration of employment.

In 2021, total employment in the manufacture of food and beverages was 3,250 in Moray. The sector accounted for 8.3% of all employment in the local authority area, compared to 1.9% of employment across Scotland as a whole. Almost half of the jobs in the sector (1,600) were in Speyside Glenlivet, which hosts the Glenlivet, Glenfiddich and MacCallan distilleries which are the largest single-malt producers by volume globally, as well as the Walkers Shortbread factory.

A clear pattern of development has been noted with several of these established indigenous businesses expanding in their current locations due to their locational needs. Of note is the trend for applications relating to the desire for new or expanding whisky storage warehouse facilities. As highlighted below, this is putting pressure on the periphery of certain settlements (on sites not designated in the MLDP) and in rural locations due there being a lack of suitable sites available to accommodate their requirements.

4.6 Emerging Trends

This chapter of the Monitoring Report primarily focuses on development proposals of designated Employment Land sites. However, the Monitoring Report also plays an important role in picking up emerging land use planning issues. This is particularly important given that the next LDP is currently under being

prepared. While the next section may not directly relate to designated sites in the LDP, some of the issues may have future policy implications as well as implications for these sites and the wider employment land supply. It will be for future Monitoring Reports to continue to assess and monitor these trends.

Energy & Renewables

- It is anticipated that across Moray there will likely be an increase in demand for proposals and the associated grid infrastructure relating to the renewable energy sector. This includes battery storage and energy management facilities, Anaerobic Digestion facilities, and solar arrays. While there have been significant pressures around Blackhillock and Keith, there has also been interest for these types of facility on designated employment land sites and other areas across Moray, including on designations such as Designed Gardens & Landscapes and Special Landscape Areas (SLA). This includes an application for a battery storage facility on the I8 Site in the Findrassie Masterplan which was recently approved even though it was regarded as a departure from the Local Development Plan and site designation which formed part of the Findrassie Masterplan. This trend has potential implications for the MLDP 2027 as these facilities do not fall within the use classes normally associated with industrial estates (use class 4 business, use class 5 general industrial, and class 6 storage or distribution). This raises potential issues regarding the employment land supply in Moray should more of these facilities be approved on designated sites, given that they are land hungry and offer limited permanent employment opportunities. The potential implications are that the MLDP may not be able to meet the demand for uses that would normally be associated for industrial and employment use sites which has been a long standing issue in Moray.
- Below is a table showing two approved applications for battery storage facilities over the Monitoring Report period. Given that this infrastructure is required to support the National Grid it is anticipated that this will demand will likely increase. Although these applications are outwith the settlement boundary, there is concern that there could be demand for these facilities on designated employment land sites in the future which could raise issues with the employment land supply.

22/00715/APP	Land at Drum Farm Keith	Battery Storage Facility	Site located immediately outwith the Countryside Around Towns (CAT) designation.
22/01488/APP	Land adjacent to Westerton Road Keith	Battery Storage	Site located within the CAT.

Table 13: Approved applications for battery storage facilities over the report period

- To address this trend in the wider Keith area, the Keith Green Energy and Infrastructure Framework was commissioned by the Council which provides a strategic framework that seeks to guide development proposals for grid infrastructure and energy systems/storage associated with renewable energy to the most appropriate locations in and around Keith. Based on a landscape sensitivity assessment, the Framework identifies

potential development sites for a range of uses and associated landscape mitigation required. The framework has not been adopted yet and future monitoring reports will require to monitor applications for these types of use. While this framework addresses the issue in the wider Keith area, it is worth noting that there are increasing pressures in other areas of Moray as well.

- Around the Buckie area there is significant opportunity associated with the renewable energy sector with expected growth in on and off shore wind and hydrogen developments as well as maintenance activity and pressure. Although falling outwith the period of this report, there have also been applications submitted for Anaerobic Digestion plants. At the time of writing these have still to be determined. Due to their nature these proposals are often located in rural areas, can be of significant size and massing, are land hungry, and provide limited permanent employment opportunities. While these applications cannot be prejudged, these types of applications could have significant impacts on the landscape should this trend continue and there is the possibility that applications could be submitted for these types of proposals on designated sites. They also could have potential issues with the Countryside Around Towns (CAT) designation with potential for policy conflict. This could have implications for the MLDP 2027 and the approach it takes to rural development proposals, particularly in terms of the locational justification that is provided.

Manufacturing - Food & Beverage

- A key industry for Moray is whisky distilling and this area has seen considerable expansion over recent years, including bonded warehousing, upgrading visitor experiences, and investing in renewable technologies, which is expected to increase. These businesses are long established and often in rural areas.
- There have been several applications received for expansions to distilleries relating to the erection of malt processing and storage facilities along with the associated infrastructure. This is putting pressure on the periphery of certain settlements (such as Rothes) as applications for this use have been submitted on sites not designated in the MLDP.
- While there have been several smaller applications for extensions to existing whisky storage facilities, there have been three large applications of note relating to distilling (see table below). Two were in Rothes and one just outside of Portgordon. Both Rothes applications were located on the periphery of the settlement outside of the settlement boundary and were therefore departures from the MLDP. There is also known further development interest for similar types of development within the Rothes area.
- Based on recent applications and location of these industries, this pressure is expected to continue in the Speyside and the Buckie area.
- The lack of available sites for these types of proposals will need to be taken into consideration by the next MLDP to ensure that the requirements of these industries can continue to be met. This will also have implications in terms of the locational justification that is provided with applications particularly given these proposals are large and land hungry and are often located in rural areas. A tailored approach or strategic framework may need to be considered to address this issue.
- Below is a table of applications received for the purposes of distilling that fell outwith designated sites in rural areas.

Application number	Settlement	Proposal	Approved /Refused	Policy Departures/comments
22/01673/EIA	Rothies	Erection of 10 whisky maturation warehouses and associated infrastructure	Approved	EP6 Settlement Boundaries – Considered acceptable as site is obscured from the A941 and the majority of the settlement. EP7 Forestry, Woodland & Trees acceptable Departure for removal of woodland & trees on the basis of the economic benefits associated with supporting the distilling industry
21/01901/EIA	Rothies	Erection of malt production facility with associated infrastructure	Approved	EP6 Settlement Boundaries – Locational justification provided with reference to PP2 Sustainable Economic Growth.
22/01269/APP	Portgordon	4 Whisky Storage Warehouses	Approved	Expansion was part of the existing facility. Concerns raised with visual impact of the proposal, lack of landscaping and locational need.

Table 14: Approved applications relating to distilling.

4.7 Conclusion

- Despite an overall generous supply of land there are significant shortages of industrial land in the Forres and Speyside areas. Both these areas are included within an action to deliver employment sites and industrial units as part of the Economic Recovery Plan.
- Development in Elgin, particularly at I7 Barmuckity/Elgin Business Park, is progressing well and work is needed to bring new sites forward to ensure a continued supply of land.
- Pressure for leisure and retail uses on industrial estates is anticipated to continue and will require to be monitored to assess the effectiveness of Policy DP5 Business and Industry and DP7 Retail/Town Centres.
- There are emerging trends for development proposals such as battery storage facilities which will need to be monitored. This could have implication for the employment land supply and the next LDP if applications are approved on designated employment land sites.
- Demand for the expansion of distilleries is expected to increase, in particular for warehouse storage facilities. This is currently putting pressure on the periphery of certain settlements such as Rothies where demand is high but there is a lack of available designated sites. The next LDP will have to consider how these requirements can be accommodated as well as the level of locational justification that is required to be provided with applications.

5. Taking an Infrastructure First Approach

5.1 Introduction

The 2018 Main Issue Report highlighted the need to align stakeholders, phasing, financing and infrastructure investment over the long term to provide the transportation, education, health and other infrastructure to support Moray's growing and ageing population. To address this the MLDP 2020 contained its own policy on infrastructure.

Developer obligations can form part of the funding for education infrastructure where the 5 tests of Circular 3/2012 and NPF4 policy 18 are met. Given that development viability is a key consideration in development planning, the level of developer obligations sought does not cover the full cost of education infrastructure. Therefore, the timescales for delivery is largely dependent on the availability of other forms of funding such as the Scottish Government Learning Estate Investment Programme (LEIP).

A review of the Developer Obligations SG is currently underway. The Learning Estate Strategy (LES), School Roll Forecast (SRF) and any other associated documents or decisions by the Moray Council will continue to inform the level and type of developer obligations sought. The review will inform the LDP27, Delivery Programme and any associated planning guidance.

5.2 MLDP 2020 Policy PP3 Infrastructure and Services

- Policy PP3 Infrastructure and Services is a primary policy within the Moray Local Development Plan (MLDP) 2020 in recognition of the importance of an infrastructure first approach.
- New infrastructure necessary to facilitate development is set out in the MLDP 2020 on the spatial strategy maps, settlement statements and maps.
- The Council seeks developer obligations towards education, healthcare, transportation and a 3G pitch in Forres in accord with policy PP3 of the MLDP 2020 and the Developer Obligations Supplementary Guidance (SG)
- Site specific infrastructure requirements, methodology and rates to seek developer obligations towards the identified infrastructure requirements are set out in the statutory Developer Obligations Supplementary Guidance (SG). The current SG came into effect on 30 September 2020 following approval of the Scottish Government and the Council's Planning and Regulatory Services Committee. This forms part of the adopted MLDP 2020 and is currently under review.
- Moray Council facilitate a LDP Delivery Group which includes a wide range of representatives from NHS Grampian, Moray Health and Social Care Partnership (HSCP), Scottish Water, Scottish Gas Networks (SGN), SSEN, Transport Scotland, and Council Services for Education, Transportation, Sports and Recreation, and Housing. Other representatives attend, as and when required. In accord with the Place Principle, opportunities to work together to share resources are identified and explored through this Group as well keeping the evidence base up-to-date. This Group informed the

LDP2020 infrastructure requirements as well as subsequent reviews of the SG, and similarly the Group will inform the evidence base for the LDP27 and Delivery Programme.

- Commuted sums for affordable housing are not developer obligations, however the Strategic Planning and Development Team are also responsible for collecting and administering these funds as well as developer obligations. Therefore, commuted sums received and spent will be included within this section.

In terms of the necessary infrastructure to facilitate development growth, an approach similar to that currently set out in the Moray Local Development Plan 2020 (LDP 2020) and associated Development Obligations Supplementary Guidance (SG) will be considered for the LDP27. The LDP 2020 Primary Policy 3 (PP3) Infrastructure and Services together with the Settlement Statements sets out the level, type and location of infrastructure necessary to support development. Sites expected to contribute are also identified. Further detail is set out in the SG which allows regular reviews to be undertaken to reflect changing local circumstances or policies, inflationary increases for rates, etc. (i.e. areas that cannot wait for a 10-year LDP review). The LDP 2020 Delivery Programme sets out who, when, how and by whom the infrastructure will be delivered, and priorities, as far as practically possible.

5.3 Learning Estate Strategy (LES)

- Developing a strategic approach to the Learning Estate-Moray document was approved by Full Council on 16 December 2020, which will guide the long term development of the learning estate in Moray.
- The Moray Council Learning Estate Strategy 2022-32 (LES) aligns with both the Scottish Government's 'Scotland's National Learning Estate Strategy: Connecting Peoples, Places and Learning' and the National Improvement Framework and the local priorities set out in Moray Council's Local Outcomes Improvement Plan (LOIP) and Corporate Plan.
- The LES covers Early Learning, Additional Support Needs (ASN), and Primary and Secondary Education. It sets out a 10-year plan on how Moray Council will work to optimise its investment of resources in a prioritised manner to meet the future needs of learning and teaching. The LES aspirations and key drivers of excellence, inclusion, place and sustainability are underpinned by 10 Guiding Principles of the National Learning Estate Strategy.
- A range of factors influence the LES proposals and their delivery. These include pre-school/school roll trends, Additional Support Need (ASN) requirements, early learning centre/school/enhanced provision capacities, space to grow, building condition (fabric, safety and security), building sustainability, educational factors such as opportunities for outdoor learning and pupil choice, community benefit factors, partnership opportunities to align building investment across local public sector providers, and net zero targets. Together these factors will determine future recommendations to close, merge, extend, build, rezone or mothball educational facilities in Moray. The LDP informs, and is informed by, the LES to determine the future planning and coordination of the learning estate with development in Moray. The outcome of any actions within the LES that has spatial implications (i.e. rationalisation or expansion of the estate) will be reflected in the LDP.

5.4 Developer Obligations

- Financial contributions of £446,622.06 have been received between 27 July 2021 and 26 July 2022 towards affordable housing, healthcare, primary education, secondary education, 3G pitch in Forres and Transportation interventions. The breakdown of these can be found in Table 15.
- Financial contributions of £305,991.91 have been received between 27 July 2022 and 26 July 2023. The breakdown of these can be found in Table 16.
- A total of £1,166,938.40 was secured between 27 July 2021 and 26 July 2022 towards affordable housing, 3G pitch in Forres, Transportation, Healthcare and Primary Education via Section 75 legal agreements and simplified agreements. These contributions will be received as triggers (i.e. completion of units) are reached in the future. The breakdown of these can be found in Table 17.
- A total of £949,861.93 between 27 July 2022 and 26 July 2023 was secured via Section 75 legal agreements and simplified agreements. The breakdown of these can be found in Table 16.
- A total of £73,863.35 developer obligations were spent between 27 July 2021 and 26 July 2022 and £11,745.43 between 27 July 2022 and 26 July 2023. The breakdown of this expenditure is further detailed in the tables below.

	<i>Buckie ASG</i>	<i>EA ASG</i>	<i>EH ASG</i>	<i>Forres ASG</i>	<i>Keith ASG</i>	<i>Lossiemouth ASG</i>	<i>Milne`s ASG</i>	<i>Speyside ASG</i>	TOTAL
Healthcare	£7,526.00	£0.00	£2,684.20	£10,909.72	£6,701.20	£5,482.80	£14,835.00	£4,568.00	£52,706.92
Primary Education	£0.00	£0.00	£10,717.60	£4,024.52	£0.00	£0.00	£0.00	£0.00	£14,742.12
Secondary Education	£0.00	£0.00	£0.00	£111,627.91	£0.00	£0.00	£0.00	£0.00	£111,627.91
3G pitch	£0.00	£0.00	£0.00	£1,251.30	£0.00	£0.00	£0.00	£0.00	£1,251.30
Transportation	£0.00	£0.00	£726.24	£7,737.80	£1,331.44	£0.00	£302.60	£242.08	£10,340.16
Affordable housing	£28,000.00	£96,000.00	£11,250.00	£61,578.65	£20,000.00	£12,000.00	£13,625.00	£13,500.00	£255,953.65
TOTAL	£35,526.00	£96,000.00	£25,378.04	£197,129.90	£28,032.64	£17,482.80	£28,762.60	£18,310.08	£446,622.06

Table 15: Developer obligations and affordable housing commuted sums received 2021-22

	<i>Buckie ASG</i>	<i>EA ASG</i>	<i>EH ASG</i>	<i>Forres ASG</i>	<i>Keith ASG</i>	<i>Lossiemouth ASG</i>	<i>Milne`s ASG</i>	<i>Speyside ASG</i>	TOTAL
Healthcare	£91.08	£0.00	£0.00	88,987.24	£5,178.20	£11,574.80	£2,161.60	£1,722.60	£109,715.52
Primary Education	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
Secondary Education	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
3G pitch	£0.00	£0.00	£0.00	£6,258.90	£0.00	£0.00	£0.00	£0.00	£6,258.90
Transportation	£0.00	£0.00	£0.00	£1,513.00	£0.00	£363.12	£1,694.56	£0.00	£3,570.68
Affordable housing	£16,602.15	£0.00	£0.00	£27,197.60	£46,250.00	£22,500.00	£65,772.06	£8,125.00	£186,446.81
TOTAL	£16,693.23	£0.00	£0.00	£123,956.74	£51,428.20	£34,437.92	£69,628.22	£9,847.60	£305,991.91

Table 16: Developer obligations and affordable housing commuted sums received 2022-23

	21/01176/ APP	21/01284/ APP	20/00590/ APP	20/00317/ APP	19/01614/ APP	20/00905/ APP	20/01615/ APP	20/00278/ APP	Total
Primary Education	£0.00	£0.00	£0.00	£0.00	£70,554.25	£0.00	£0.00	£0.00	£70,554.25
Secondary Education	£0.00	£0.00	£0.00	£0.00	£18,851.30	£295,240.00	£0.00	£0.00	£314,091.30
Healthcare	£1,360.20	£580.00	£21,370.00	£0.00	£21,094.45	£583,596.00	£31,678.40	£57,276.00	£716,955.05
Transportation	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
Sports and Recreation	£121.80	£0.00	£1,216.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
Affordable Housing	£4,000.00	£8,000.00	£32,000.00	£20,000.00	£0.00	£0.00	£0.00	£0.00	£1,337.80
Total	£5,482.00	£8,580.00	£54,586.00	£20,000.00	£110,500.00	£878,836.00	£31,678.40	£57,276.00	£1,166,938.40

Table 17: Developer obligations and affordable housing commuted sums secured 2021-22

	22/00872/ APP	22/01583/ PPP	20/00795/ APP	22/00996/ APP	22/00021/ APP	22/00042/ APP	20/01455/ APP	19/01510/ APP	21/00739/ APP	22/00996/ APP	Total
Secondary Education	£0.00	£0.00	£39,688.00	£23,232.00	£0.00	£0.00	£0.00	£0.00	£271,854.15	£23,232.00	£358,006.15
Healthcare	£2,267.00	£1,413.00	£24,252.00	£9,792.00	£1,813.60	£1,218.40	£92,947.00	£161,976.00	£127,607.60	£9,792.00	£433,078.60
Transportation	£302.60	£0.00	£0.00	£1,452.48	£242.08	£0.00	£0.00	£0.00	£14,514.14	£1,452.48	£17,963.78
Sports and Recreation	£203.00	£0.00	£0.00	£0.00	£162.40	£0.00	£8,323.00	£0.00	£0.00	£0.00	£8,688.40
Affordable Housing	£4,937.50	£4,125.00	£67,500.00	£22,500.00	£4,937.50	£5,625.00	£0.00	£0.00	£0.00	£22,500.00	£132,125.00
Total	£7,710.10	£5,538.00	£131,440.00	£56,976.48	£7,155.58	£6,843.40	£101,270.00	£161,976.00	£413,975.89	£56,976.48	£949,861.93

Table 18: Developer obligations and affordable housing commuted sums secured 2022-23

	Buckie High ASG	Elgin Academy ASG	Elgin High ASG	Forres Academy ASG	Keith Grammar ASG	Lossiemouth High ASG	Milnes High ASG	Speyside High ASG	Total
Indoor/outdoor sports	£0.00	£987.00	£871.00	£3,200.00	£0.00	£0.00	£0.00	£0.00	£5,058.00
Playing Fields	£0.00	£432.00	£538.00		£0.00	£0.00	£0.00	£0.00	£970.00
Community Facilities	£0.00	£0.00	£11,803.90	£24,012.92	£0.00	£0.00	£0.00	£0.00	£35,816.82
Community Halls	£0.00	£0.00	£0.00	£6,755.96	£0.00	£0.00	£0.00	£0.00	£6,755.96
Community Woodland	£11,350.57	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£11,350.57
Town Centre	£7,752.81	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£7,752.81
Libraries	£0.00	£2,784.88	£1,239.56	£1,495.00	£639.75	£0.00	£0.00	£0.00	£6,159.19
Total	£19,103.38	£4,203.88	£14,452.46	£35,463.88	£639.75	£0.00	£0.00	£0.00	£73,863.35

Table 19: Developer obligations and affordable housing commuted sums spent 2021-22

	Buckie High ASG	Elgin Academy ASG	Elgin High ASG	Forres Academy ASG	Keith Grammar ASG	Lossiemouth High ASG	Milnes High ASG	Speyside High ASG	Total
Community Facilities	£0.00	£0.00	£0.00	£11,607.05	£0.00	£0.00	£0.00	£0.00	£11,607.05
Community Halls	£0.00	£0.00	£0.00	£138.38	£0.00	£0.00	£0.00	£0.00	£138.38
Total	£0.00	£0.00	£0.00	£11,745.43	£0.00	£0.00	£0.00	£0.00	£11,745.43

Table 20: Developer obligations and affordable housing commuted sums spent 2022-23

6. Pressures on Moray's Landscape and Rural Cultural Heritage

6.1 Applications within Special Landscape Areas (SLAs)

MLDP Policy EP3 *Special Landscape Areas and Landscape Character* aims to protect landscapes from inappropriate development. Within SLAs, proposals must not prejudice the special qualities of the designated area, avoid adverse effects on the landscape and visual qualities and adopt the highest standard of design. In Rural Areas (outwith settlement and rural grouping boundaries) development must also be for specified uses.

2021/22

- In Urban Areas, four applications were refused on the grounds that the proposal failed to reflect the traditional settlement character, had an adverse impact on character or was contrary to the settlement designation. One application was approved as an acceptable departure as the proposal complied with MLDP Policies PP1 *Placemaking* and DP1 *Development Requirements* and wouldn't compromise the special qualities.
- Four applications were refused in Rural Areas on the basis of adverse impact on character, cumulative build-up and location within 'sensitive' area. 4 applications were approved as acceptable departures from MLDP Policy EP3 as development was for military air traffic control services, digital infrastructure, would have a low impact or contributed to long-term planning of construction aggregates.
- There were 3 applications which crossed boundaries with Rural and Urban Areas. All three were consented as acceptable departures from MLDP Policy EP3 – one on the grounds of sustainable economic growth (tourism), one due to the recognised need for parking in the area and one for its low impact and wider tourism benefits.
- It is observed that the location of a development within the SLA and consideration of the requirement of MLDP Policy EP3 is not always being referenced within Reports of Handling and reasons for refusal (where applicable).

2022/23

- 8 applications were refused in Urban Areas between 2022 and 2023. This included 3 dwellinghouses, a change of use to garden ground, and a change of use of a house to a store. Reasons for refusal were on the grounds that development failed to adopt the highest standard of design, would have an adverse impact on the landscape/special qualities or did not reflect the traditional settlement character.
- In Rural Areas, three applications were refused due to non-confirming uses that would impact on the special qualities of the area. Two applications were approved as an acceptable departure on the basis that the uses were for the enhancement of digital infrastructure or would supersede an extant consent resulting in a lower impact.

6.2 Large-Scale Renewable Energy Developments

Large scale renewable energy developments exceeding 50MW are determined by the Energy Consents Unit (ECU). In these circumstances, Moray Council are a consultee rather than the determining authority.

2021/22

- Berry Burn Wind Farm Extension, for 9 turbines (149.9m blade tip height), received consent in December 2021. The Council had raised no objection to the proposal.

2022/23

- Section 36 consent was issued in September 2022 for a Battery Electricity Storage System (BESS) facility at Blackhillock Substation, Keith. The electrical export capacity of the development will be approximately 300MW.
- Following a conjoined Public Inquiry, Scottish Ministers consented two wind farms in October 2022 (which Moray Council objected to) – Clash Gour consists of 48 turbines with blade tip heights of 130m, 136.5, 143m, 149.5, and 180m whilst Rothes III consists of 29 turbines with blade tip heights of 149.9m, 200m and 225m.
- A pre-application scoping opinion for Teindland Wind Farm, consisting of approximately 17 turbines with blade tip heights between 149m and 230m, was issued by the ECU in October 2022. Moray Council expressed concerns regarding the number, siting and heights of the proposed turbines which, based on the proposed layout, has the potential to have unacceptable significant adverse impacts in addition to cumulative impact.

6.3 Development within Open Spaces (ENVs)**2021/22**

- 6 applications directly impacting on ENV sites were determined between 2021 and 2022 including stores/workshop, car parking, overnight caravan/campervan stances, an office extension and change of use to garden ground.
- 1 application was approved on the basis that the loss of ENV was for an acceptable use under MLDP Policy EP5 *Open Space* (essential community infrastructure).
- 4 applications were consented as acceptable departures as they were small scale and would have no adverse impact on the ENVV designation identified, with additional benefits such as tourism facilities and economic growth.
- Combined, these applications resulted in the loss of 0.124ha of designated open space.
- One of the applications (car parking) was refused as an unacceptable departure from MLDP Policy EP5 and ENV4.

2022/23

- Between 2022 and 2023, 4 applications were consented that had direct impacts on ENV designations. Proposals included residential developments, a toilet block extension and change of use to garden ground.
- Two applications were approved as acceptable departures on the grounds that the loss of open space would achieve wider Quality Audit (MLDP Policy PP1) aims or was a small extension of an existing property which wouldn't impact on the wider ENV designation.

- Another application was initially identified as an acceptable departure on the grounds that the proposal would have no adverse impact on the ENV designation and the redevelopment of brownfield land within the ENV was identified as an opportunity in the Open Space Strategy. Following the adoption of NPF4, this application was deemed to comply with MLDP Policy EP5 as the application complied with NPF4 Policy 9 *Brownfield, vacant and derelict land and empty buildings* which superseded the MLDP.
- These applications resulted in the combined loss of 0.68ha of open space.
- One application was refused as an unacceptable intrusion into the ENV, and this was upheld by the LRB on review.

6.4 Development on Prime Agricultural Land

Prime agricultural land is that identified as being Class 1, 2 or 3.1 in the land capability classification for agriculture, based on environmental and soil characteristics, as developed by the James Hutton Institute. MLDP Policy DP1 requires development to avoid sterilising prime agricultural land whilst NPF4 Policy 5 *Soils* will only support development on such land where it is for specific uses and it has been demonstrated that the layout and design of the proposal minimises the amount of protected land required.

2021/22

- 18.47ha of Class 3.1 was lost in respect of an application for residential development in Buckie, approved by the DPEA on appeal. The site is designated in the MLDP 2020 for residential use. The presence of prime agricultural land was not acknowledged in the Reporter's findings.

2022/23

- 28ha (0.18ha of Class 2 and 28.82ha of Class 3.1) was lost to development across 9 applications between 2022 and 2023.
- Of this, 12.84ha were designated sites within the MLDP 2020.
- It is observed that the presence of prime agricultural land is not always being referenced within Reports of Handling.

6.5 Development on Deep Peat

Classes 1, 2 and 5 of the carbon and peatland classification, developed by NatureScot, indicate the likely presence of carbon-rich soils and deep peat. MLDP Policy EP16 *Geodiversity and Soil Resources* seeks to protect the disturbance of soils and assure the effects of development are assessed and appropriately mitigated. NPF4 Policy 5 will only support development on such land where it is for specific uses and have provided a detailed site-specific assessment.

2021/22

- One application, for a large-scale wind farm, received consent between 2021 and 2022. Impacts on Class 1 and 5 peat soils were adequately addressed through design and a Peat Management Plan.

2022/23

- Between 2022 and 2023, 3 applications received consent for development on Class 1 and/or 5, and one application, where Moray Council were a consultee on a Section 36 application, raised no objection but expressed concern about the potential impacts of 3 turbines on deep peat.
- It is observed that the presence of carbon-rich soils and deep peat is not always being referenced within Reports of Handling.

6.6 Trees and Woodland Removal

Since the 2021 Monitoring Report, internal guidance has been introduced in relation to Tree Surveys which has resulted in the consistent submission of surveys by appropriately qualified professionals.

Development linked to the Kinloss Golf Course Masterplan accounts for 0.14ha of woodland removal across 2021/22 and 2022/23. The adopted masterplan has sought to deliver a high-quality development within the setting of the golf course and introduced sensitively sited housing within the landscape. Planned woodland removal and compensatory planting forms part of the masterplan's Woodland Management Plan and as such is an acceptable departure from MLDP Policy EP7 *Forestry, Woodlands and Trees*. Compensatory planting has, and will be, provided in appropriate phases of the development as per the masterplan as part of a wider planting scheme and is therefore not included in the figures above.

2021/22

Type	Amount lost to development	Compensatory Planting Secured
Trees	145	113
Groupings	2	-
Woodland (ha)	21.84	25.62 (+3.28 commuted payment)

Table 21: Number/area of trees or woodland lost to development granted in 2021-2022

- Between 2021 and 2022, planning consents resulted in the loss of 145 trees, 2 groupings and 21.84 ha of woodland.
- Justification for removal in most cases was due to it being technically unfeasible to retain the tress/woodland or achieved significant additional public benefits, in compliance with MLDP Policy EP7.
- 20.7ha of woodland removal related specially to two applications – a national development project and the extension of an established business.
- In two applications, tree/woodland removal was deemed as an acceptable departure from MLDP Policy EP7 on the grounds that the proposal had extant consent on the site and to meet operational requirements.

- Three applications did not clearly identify compensatory planting and included this requirement within the minimum landscaping requirements for the site. Compensatory planting should be over and above any other landscaping policy requirements to ensure that the loss of trees/woodland is truly compensated.

2022/23

Type	Amount lost to development	Compensatory Planting Secured
Trees	174	88
Groupings	7	-
Woodland (ha)	1.119	0.599

Table 22: Number/area of trees or woodland lost to development granted in 2022-2023

- Consents between 2022 and 2023 resulted in the loss of 174 trees, 7 groupings and 1.119ha of woodland.
- Justification for removal in most cases was due to it being technically unfeasible to retain the trees/woodland or the proposal resulted in wider additional public benefits. In four applications, removal was deemed as an acceptable departure from MLDP Policy EP7 on the grounds of ecosystem threat, site conditions and wider economic benefits of proposal and to achieve wider Quality Audit (MLDP Policy PP1) aims.
- Six applications either incorrectly stated that removal complied with MLDP Policy EP7 or did not address the matter.
- Significantly less compensatory planting was secured compared to that that was lost. In four applications, no compensatory planting was sought/conditioned due to the level of landscaping proposed as part of the development.

6.7 Ancient Woodland

In Scotland, Ancient Woodland (1a or 2a) is defined as land that is currently wooded and has been continually wooded, at least since 1750. These areas therefore contribute significantly to the landscape but also play a key role in ecosystems and soil conditions.

2021/22

- Between 2021 and 2022, one application impacted on Ancient Woodland. An area of approximately 0.03ha of 2a Ancient Woodland was lost to accommodate a pedestrian track. Whilst no trees were removed and was for a relatively small area, the loss of woodland was not acknowledged in the Report of Handling.

2022/23

- Between 2022 and 2023, there were no applications that impacted on Ancient Woodland.

6.8 Woodland Creation

Scottish Forestry administer and determine applications for woodland creation and Moray Council are a consultee.

2021/22

Location	Urban or Rural	Area (ha)	Woodland & Forestry Strategy
Lower Corryhabbie (Dufftown)	Rural	6.88	Preferred
Corryhabbie (Dufftown)	Rural	86.52	Preferred and Potentially Sensitive
Redhill (Rothiemay)	Rural	19.09	Preferred
Aswanley Bellyhack (Dufftown)	Rural	50	Preferred
Little Tullich (Dufftown)	Rural	4.79	Preferred
Morinsh (Glenlivet)	Rural	10.33	Preferred

Table 23: Woodland creation schemes consented in 2021-2022

- 177.61ha of new woodland received consent between 2021 and 2022, compared to 49.73ha in 2020/21.
- All 6 applications were within rural areas and 'Preferred' areas as identified in the Moray Woodland and Forestry Strategy, with one area also identified as 'Potentially Sensitive'.

2022/23

Location	Urban or Rural	Area (ha)	Woodland & Forestry Strategy
The Level Farm (Thomshill)	Rural	7.3	Preferred
Easter Marchhead (Mosstowie)	Rural	1.11	Preferred
Newtonbrae (Newmill)	Rural	6.83	Preferred
Bellyhack Farm (Drummuir)	Rural	17.10	Preferred

Table 24: Woodland creation schemes consented in 2022-2023

- Between 2022 and 2023, 32.34ha of new woodland received consent.

- All 4 applications were within rural areas and identified as ‘Preferred’ areas for woodland creation in the Moray Woodland and Forestry Strategy.

6.9 Listed Building and Conservation Area Consents

- Three applications for conservation area consent were submitted over the report period with two being approved and one refused. The refusal related to a storage building in the Cullen Seatown. It was refused on the grounds that there was no acceptable scheme of replacement which would result in harm to the character and appearance of the conservation area.
- 101 Listed Building Consents (LBC) were submitted. Two of these applications were refused. One refusal related to an application for replacement uPVC windows on a listed building. The appeal for planning permission was upheld by the Moray Local Review Body (MLRB) with the DPEA allowing the appeal and granting LBC.
- Through the Scottish Government’s Place Based Investment Programme, Moray Council has been running a Windows Repair and Replacement grant scheme to help homeowners install and repair traditional windows in their property if it is located within a conservation area. This fund has proven to be extremely popular and has helped to not only improve the character of individual properties but also the character of Moray’s conservation areas. In the first round of funding 8 properties across Moray were successful.

6.10 Conclusion

- Departures from MLDP Policy EP3 have been limited, however it is observed that the location of a development within the SLA and consideration of the requirement of MLDP Policy EP3 is not always being referenced within Reports of Handling and reasons for refusal.
- Impacts on the landscape from large-scale onshore wind developments will remain a pressure.
- MLDP Policy EP5 has been largely effective in restricting new housing within ENVs. The loss of open space to accommodate development remains low.
- The loss of prime agricultural land is largely restricted to sites that have been designated in the MLDP.
- Potential impacts on peat are being adequately addressed through management plans, however it is observed that the presence of carbon-rich soils and deep peat is not always being referenced within Reports of Handling.
- Whilst the level of tree and woodland removal associated with developments has largely been consistent since the adoption of MLDP 2020, the introduction of NPF4 Policy 6 *Forestry, woodland and trees* has seen an increase in removal that does not comply with or is deemed an acceptable departure to MLDP Policy EP7. In addition, significantly less compensatory planting is being secured compared to that that was lost.
- Impacts on Ancient Woodland remain extremely low.
- New woodland creation has been in line with the Moray Woodland and Forestry Strategy.

7. Safeguarding and Promoting Biodiversity

7.1 Introduction

The current Moray Local Development Plan (MLDP2020) contains several policies that relate to biodiversity, either directly or indirectly. The direct planning policies relate to placemaking, protected sites and biodiversity. However, a number of other policy areas contain elements that relate to wider biodiversity. The MLDP has been adopted for a number of years and the relevant policies have been tested through the submission of planning applications.

7.2 Changes since last monitoring report

The significant change since the last monitoring report is the adoption of NPF4 in February 2023. This is now part of the Development Plan and there is significant focus on the climate and nature crisis. The Spatial Principles, specifically Sustainable Places highlights the importance of the environment and addressing a number of these issues. Furthermore, this strategy highlights a number of cross cutting policy themes that will require to be addressed in order to improve biodiversity.

Therefore, the adoption of NPF4 has highlighted and further emphasised the need to tackle the nature crisis and deliver biodiversity improvements through the planning system. The existing local development plan and the policy contained within NPF4 puts further emphasis on delivering and improving on the current requirements in the development plan.

NPF4 has been adopted for a number of months and the policy considerations are filtering through planning decisions that are now being made. Although there are not any direct contradictions between the biodiversity policy 's contained within NPF 4 and the local development plan there is clearly an increased recognition and importance on the need to delivery improved biodiversity across planning.

7.3 Themes from Development Plan

Biodiversity plans

The current local development plan requires that biodiversity plans are submitted for proposals of 10 or more houses under policy DP1 – 24 in total. The plans submitted as part of the planning application are often a mix of a landscape plan and biodiversity plan combined with some suggestions for biodiversity improvements. Most of the time this includes tree/shrub planting, bird boxes, bat boxes and hedgehog highways. However, it is common that these plans are generic and not site specific, therefore it is not always clear if these suggestions are relevant to the specific site.

NPF4 states that all developments should protect and enhance biodiversity. This is not being fully addressed through planning applications at the current time.

7.4 Protected sites/habitats

The existing planning policies within the LDP and within NPF4 provide sufficient protection for existing designated sites. This approach appears to be working successfully with little impact on the existing protected sites. Appropriate assessment as required through HRA regulations has been undertaken on a small number of occasions.

7.5 Protected species

There has been considerable amount of planning applications that have considered protected species, however a fairly high percentage of these are in relation to bat protection. A number of bat surveys have been submitted and this has resulted in mitigation through the licencing procedure or to establish that there are no bats on site. However, there are some occasions that assessment is undertaken by the applicant and it is not clear if this is robust in terms of determining planning applications. Planning conditions and informatives are often attached to ensure any impact on bats is mitigated.

There have been a small number of applications that have been refused due to protected species concerns although this was not the primary reason for refusal.

7.6 Delivery, condition monitoring

As noted, the development plan has put an increased emphasis on biodiversity improvements on all scales of development. There are a number of mechanisms to ensure biodiversity is improved through the planning system through policy requirements and guidance and there is an emphasis on delivery of these improvements.

7.7 Conclusion

It is acknowledged that the current local development plan provides opportunities for biodiversity improvements and also protection for habitats and species. This is reinforced in the relevant policies of the NPF4, with an increased emphasis on biodiversity enhancement and associated benefits.

The policies for protection of designated sites are working as intended, however there is scope to improve the mechanism for assessment of protected species. The main issue is the lack of site specific biodiversity improvements across development sites; this is particularly prevalent in smaller housing development sites. Going forward there should be an emphasis on proper biodiversity assessment of sites, resulting in specific plans that enhance biodiversity and help link to the wider environment.

8. Delivering on Climate Change

8.1 Low and Zero Carbon Generating Technologies

National Planning Framework 4 (NPF4) requires new developments to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and adapt to current and future risks from climate change. Local guidance was introduced from 1 July 2023 and implementation of the policy will be monitored in future reports.

8.2 Renewable Energy Proposals

2021/22

Planning App	Location	Type of Development	Departure Reasons
21/0020/EIA	Cabrach	Wind farm (7 x 190m [46.2MW] and Battery Energy Storage System (BESS) [3MW]	Adverse landscape and visual impacts, including cumulative. Approved on appeal by DPEA on grounds that proposal complied with policy.
21/00484/APP	Drybridge	Operational period of wind farm	N/A
21/01044/APP	Newmill	Domestic solar array (21 panels - 6kW) and 11.1m wind turbine	N/A
21/01402/AMC 21/01561/AMC	Keith	Onshore electrical transmission infrastructure (inc. substation)	N/A
21/01777/APP	Keith	Synchronous compensators	N/A
21/01948/APP	Roseisle	Air source heat pump	N/A
21/01976/APP	Forres	Solar panels (23)	N/A

22/00067/S36	Keith	BESS (300MW)	N/A
22/00071/APP	Kinloss	Solar panels	N/A
22/00339/APP	Deskford	Operational period of wind farm	N/A
22/00555/APP	Forres	Biomass plant	N/A

Table 25: Renewable energy consents granted in 2021-2022

- 11 applications relating to renewable energy developments was consented between 2021 and 2022.
- One application was deemed a departure from MLDP Policy DP9 on the grounds that the proposal would result in adverse landscape and visual impacts, including cumulative. Consent was granted on appeal by the DPEA who considered the proposal complied with policy.

2022/23

Planning App	Location	Type of Development	Departure Reasons
22/01117/APP	Fochabers	Solar panels (19)	N/A
22/00424/APP	Keith	Solar panels (317kW)	N/A
22/00715/APP	Keith	BESS (49.9MW)	N/A
22/01208/APP	Dallas	Operational period of wind farm	N/A
22/01369/APP	Findhorn	Solar panels (10 – 3kW)	N/A
22/01615/APP	Forres	Solar panels (115kW)	N/A
22/01642/APP	Forres	Solar panels (110kW)	N/A
22/00563/APP	Deskford	Wind farm (3 x 149.9m)	Acceptable departure on basis that the proposal was a reduced scheme of existing consent which resulted in less landscape and

			visual impacts. Amendment also mitigated some impacts on residential properties.
21/01805/APP	Lochhill	BESS (19.9MW)	N/A
22/01798/APP	Clochachan	Solar panels (14)	N/A
22/01488/APP	Keith	BESS (49.9MW)	N/A
22/01880/APP	Glenfarclas	Solar panels (129kW)	N/A
23/00143/APP	Lossiemouth	Air source heat pumps	N/A
23/00255/APP	Forres	Solar panels (16)	N/A
23/00047/S36	Cabrach	Wind farm (22 x 180/200m [145.2MW]) and BESS [50MW]	Proposal results in significant landscape and visual effects that are not either sufficiently localised or mitigated. No objection raised to ECU. Application still to be determined.

Table 26: Renewable energy consents granted in 2022-2023

- Between 2022 and 2023, 14 applications for renewable energy developments were approved. A further application was considered by Moray Council as a consultee.
- Two applications, both for wind farms, were considered to depart from policy. One was considered an acceptable departure on the grounds that the development was a reduced scheme of an existing consent which resulted in less landscape and visual impacts. The second application was a departure from NPF4 Policy 11; however, the Council raised no objection to the proposal which is determined by the ECU.

8.3 Electric Vehicle (EV) Charging Points and Secure Cycle Parking

MLDP Policy PP3 *Infrastructure and Services* requires electric car charging points to be provided at all commercial and community parking facilities. Access to charging points must be provided for residential properties. Where in-curtilage facilities cannot be provided to an individual property, access to communal charging facilities must be made available. MLDP Policy DP1 *Development Principles* requires covered and secured facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.

- EV charging points are being provided largely in line with policy and Planning Policy Guidance (PPG). However, it is noted that there is an inconsistency with how this is being delivered by developers with examples of development going beyond the minimum requirements.
- Covered cycle parking is also being provided in line with policy, although it can be difficult to clearly identify these on plans.
- One application (20/00795/APP) did not provide communal changing facilities for the flat/apartment development and instead provided individual EV charging connections for each unit via dedicated garage parking. Secured cycle storage was also provided through the individual garages.

8.4 Conclusion

- Planning guidance was introduced from 1 July 2023 to support the implementation of NPF4 which requires new developments to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and adapt to current and future risks from climate change.
- There continues to be significant pressure from renewable energy developments in the form of large-scale onshore wind developments. An increase in solar development has been experienced however these are limited to domestic scale. It is anticipated that demand for BESS will increase, and this will be closely monitored in future reports.
- EV charging points and covered and secured cycle parking are being provided in line with policy requirements.

9. Rural Housing

A new hierarchical policy approach was developed and introduced in the MLDP 2020. MLDP Policy DP4 *Rural housing* sought to restrict opportunities within pressurised and sensitive areas and direct development to Rural Groupings, then re-use and replacement of traditional buildings and then lastly to the open countryside. Siting and design criteria were set out in policy with the aim to integrate proposals better with the landscape, reduce the scale of buildings, have more traditional form and proportions, reduce excessive glazing and use better materials. Monitoring for 2021-2022 and 2022-2023 does not include applications which have extant/live consents, unless departing from policy, as the principle of a house has been established.

9.1 New Rural Housing

2021/22

Rural Housing Hierarchy	No. of Planning Applications	No. of Approvals	No. of Refusals	No. of Advertised Departures	Departure Issues	Summary of Refusal Reasons
Pressurised and Sensitive Area	4	0	4	4	Siting	Adverse landscape and visual impact
Rural Grouping	3	3 (5 units)	0	1	Design (addressed through revised plans)	N/A
Re-use and Replacement	5	5	0	2	1 x Policy DP4 1 x Design (addressed through revised plans)	N/A
Area of Immediate Pressure	7	3 (1 x APP, 2 x PPP)	4	1	Siting	1 x Access 1 x Siting, prejudicing the special qualities of an SLA and lack of acceptable water supply 1 x Siting and permanent loss of woodland

						1 x Cumulative build-up
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Table 27: Summary of new rural housing applications in 2021-2022

- Of the 19 new rural houses applications submitted between 2021 and 2022, four were in Pressurised and Sensitive Areas and all were refused in line with MLDP Policy EP4. Three of these applications sought review by the MLRB, who dismissed the appeals and upheld the Appointed Officer's decision to refuse planning permission.
- Three applications, for five units, were submitted for houses in Rural Groupings. One application was advertised as a departure due to its design, which was resolved through revised plans and no proposals for housing in Rural Groupings were refused.
- Four of the five applications for Re-use and Replacement were for the demolition of existing buildings due to their structural condition. Two applications were advertised as departures from MLDP Policy DP4 and issues were resolved prior to receiving consent.
- There was a 57% refusal rate for houses within Areas of Immediate Pressure. This was predominately due to proposals not complying with siting criteria, resulting in adverse landscape and visual impacts.
- There were a number of applications with extant consents that applied to revise house designs and resulted in being advertised as a departure. Of the 13 applications, nine were approved following the submission of revised plans, three were approved as acceptable departures from MLDP Policy DP4 on the grounds of extant consents and/or character and one was refused and dismissed on review by the MLRB.

2022/23

Rural Housing Hierarchy	No. of Planning Applications	No. of Approvals	No. of Refusals	No. of Advertised Departures	Departure Issues	Summary of Refusal Reasons
Pressurised and Sensitive Area	2	0	2	2	2 x Siting	2 x Developer obligation payment, adverse landscape and visual impact and lack of tree and bat surveys.
Rural Grouping	5 (11 units)	4 (10 units)	1	4	1 x Access 2 x Design (addressed through revised plans)	Detrimental to the road safety of road users (approved by MLRB on review)

					1 x Tree Survey and design/materials (addressed through revised plans)	
Re-use and Replacement	10 (15 units)	10 (15 units)	0	2	1 x Design and structural report 1 x Policy DP4 1 x Acceptable departure due to exceptional building suitable for conversion (not advertised)	N/A
Area of Immediate Pressure	4	1 (PPP)	3	1	Siting (concluded it complied)	1 x Lack of enclosure 1 x Impact on landscape character and lack of enclosure 1 x Impact on landscape character and unacceptable build-up (approved by MLRB on review)

Table 28: Summary of new rural housing applications in 2022-2023

- Between August 2022 and July 2023, 21 applications were submitted for a combined 32 rural houses.
- Two houses in Pressurised and Sensitive Areas were refused due to not complying with siting criteria, resulting in adverse landscape and visual impacts.
- Of the five applications within Rural Groupings, four were advertised as departures on the grounds of access, design/materials and/or lack of tree survey. One application was refused on the grounds of road safety and was subsequently approved on review by the MLRB.
- 13 of the 15 applications for Re-use and Replacement were for the demolition of existing buildings due to their structural condition. One application was deemed an acceptable departure from MLDP Policy DP4 as the building, whilst not of traditional stone and slate form, was an exceptional building suitable for conversion into residential use.
- There was a 75% refusal rate for applications in Areas of Immediate Pressure due to proposals not complying with siting criteria, resulting in impacts on landscape characters and/or lacking enclosure. One application was subsequently approved on review by the MLRB.

- There were three applications with extant consents that applied to revise house designs and resulted in being advertised as a departure. Following the submission of amended plans, all were approved.

9.2 Conclusion

- The new hierarchical policy approach introduced in the MLDP 2020 has been successful in protecting pressurised areas from further inappropriate development.
- All applications within Pressurised and Sensitive Areas have been refused and this position has been subsequently supported by the MLRB where reviews were requested.
- Siting and design policy requirements are also driving better located houses within the landscape and design standards have also improved with more traditional simple forms of homes being delivered on the ground.

10 Planning Appeals

10.1 Introduction

During the monitoring plan period a small number of planning appeals have been considered through the Local Review Body and DPEA process. The following table provides a summary of the outcomes.

Application Type	Approved	Refused	Summary of reasons
Householder	3	9	<ul style="list-style-type: none"> • Approvals related to windows in a conservation area, dormers on a rear elevation, and a retrospective boundary fence. • Refusals were mainly based on the amenity impacts of the proposed developments.
Housing (local)	1	9	<ul style="list-style-type: none"> • Majority of refusals were for new single dwellings. Reasons were based on scale, design, and amenity.
Business (local)	2	2	<ul style="list-style-type: none"> • A hot food takeaway on an employment site and an increase in child-minding provision within an existing business were approved as acceptable departures. • The two refusals were based on amenity impact of a new takeaway and the location of a hair/beauty salon within a residential garden

Table 29: Table showing the breakdown of LRB decisions

In conclusion, it is recognised that the LRB did overturn a small number of delegated decisions. However, these were based on small issues rather than the principle of development. Furthermore, the majority of refusals within the local housing category considered a number of issues and demonstrates that the policies are working as intended.

10.2 DPEA Decisions

- 8 cases were submitted to the DPEA for appeal consideration. 4 were rejected as there was no remit for determination and referred to the LRB.

- One case was dismissed and refused planning permission due to the lack of need for additional car parking to serve a restaurant, and therefore not supported by the relevant planning policies.
- Three cases were allowed, and planning permission was granted.
- A large scale mixed use development was approved in Buckie, on balance the reporter accepted that the proposal was satisfactory even though they did not fully address key and fundamental issues raised by the Council in their decision. Following the signing of the legal agreement the development was approved.
- A wind energy development was approved as the reporter determined that the visual impact of the development was acceptable and therefore met the policy requirements.
- A residential development was approved in Forres contrary to the development plan, however the reporter determined that the 100% affordable housing proposal and the opportunity to redevelop a vacant site outweighed the stated conflict.

Settlement Actions

A “traffic light” coding has been used to give an overall indication on progress across residential, employment and opportunity designations in Moray:

- Red – Site in danger of non-delivery. Officers will liaise with the developer / landowner if there is no sign of the site coming forward;
- Amber – Site where there is little happening but no specific risk to non-development; and
- Green – Site being actively progressed.

Residential Designations

Aberlour

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 Tombain	20/00317/APP 18/01457/APP			Consent for 5 units issued in March 2022 and conditions in process of being discharged.
R2 Speyview	23/00494/APP 21/00348/APP 18/01373/APP			Application currently under consideration. Site within the Housing Mix project and commitment under the Strategic Housing Investment Plan (SHIP).

Alves

Site	Planning Application	Progress 2021	Progress 2023	Action
LONG Alves North				No action at this time - LONG designation.

Archiestown

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 East End				Liaise with developer / landowner.
R2 South Lane				Liaise with developer / landowner.
R3 West End				Liaise with developer / landowner.

R4 South of Viewmount				Liaise with developer / landowner.
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Buckie

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 Burnbank	20/01691/APP 20/00954/APP 20/01233/APP			Under construction.
R2 Archibald Grove	18/01108/APP			Development completed.
R3 Rathburn (N)				Liaise with developer / landowner.
R4 Rathburn (S)				Liaise with developer / landowner.
R5 High Street (E)				Liaise with developer / landowner.
R6 Barhill Road (S)	16/00620/APP			Development completed.
R7 Land at Muirton	21/01963/APP			Consent for 65 units issued in June 2023.
R8 Land at Barhill Road	21/01224/APP			Phase 1 approved subject to S.75 agreement.
R9 Site at Ardach Health Centre				Liaise with developer / landowner.
R10 Mill of Buckie	19/01127/APP			Consent for 11 houses issued in February 2021 and conditions in process of being discharged.
LONG1 South West of Buckie				No action at this time – LONG designation.
MU High Street (W)				Liaise with developer / landowner.

Burghead

Site	Planning Application	Progress 2021	Progress 2023	Action
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R1 North Quay, Harbour	18/00359/APP			Liaise with developer / landowner - planning permission lapsed in September 2022.
R2 Clarkly Hill				Liaise with developer / landowner.
LONG Clarkly Hill				No action at this time – LONG designation.

Craigellachie

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 Edward Avenue				Remove site from LDP2027 – protected water supply passes through site.
R2 Site of Former Brewery				Remove site from LDP2027 – required for distillery operations.
R3 Brickfield	16/01559/APP 16/01558/APP			Liaise with developer / landowner.

Cullen

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 Seafield Road				Potential site within the Housing Mix project. Liaise with developer / landowner.

Cummingston

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 Seaview Road	21/00808/APP 20/01573/APP			Extant consents in place on site.

Dallas

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 Dallas School West				Liaise with developer / landowner.

R2 Dallas School East				Liaise with developer / landowner.
R3 Former Filling Station				Liaise with developer / landowner.

Dufftown

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 Hillside Farm				Masterplan being developed for site. Potential site within the Housing Mix project with commitment under the Strategic Housing Investment Plan (SHIP).

Dyke

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 North Darklass Road	20/00610/APP 17/01233/AMC			Development completed.
R2 South Darklass Road				Liaise with developer / landowner.
R3 Fir Park Road	22/01315/APP			Consent for 3 units issued in May 2023.

Elgin

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 Bilbohall North				Liaise with developer / landowner.
R2 Edgar Road	20/00905/APP			Consent for 194 units issued in April 2022.
R3 Bilbohall South	20/00905/APP			Consent for 194 units issued in April 2022.
R4 South West of Elgin High School				Liaise with developer / landowner.
R5 Bilbohall West				Liaise with developer / landowner.

R6 Knockmasting Wood				Liaise with developer / landowner.
R7 The Firs	20/00905/APP			Consent for 194 units issued in April 2022.
R8 Alba Place	19/01217/APP			Development completed.
R9 Hamilton Drive	19/01614/APP			Under construction.
R10 Spynie Hospital North	19/00811/APP 19/00800/APP			Development completed.
R11 Findrassie / Myreside Site	23/01385/APP 21/00961/AMC 20/00753/AMC 19/01085/APP			Under construction.
R12 Lossiemouth Road NE				Liaise with developer / landowner.
R13 Lesmurdie Field	19/01510/APP			Consent for 70 units issued in November 2022.
R14 Spynie Hospital	20/00781/APP (Withdrawn)			Liaise with developer / landowner.
R15 Pinegrove				Remove site from LDP2027 – developer / landowner no longer looking to develop site.
R16 Barmuckity				Liaise with developer / landowner.
R17 Driving Range	15/02020/APP			Development completed.
R18 Linkwood Steading Site	19/00550/APP			Development completed.
R19 Easter Linkwood and Linkwood	18/01209/APP 16/01244/APP			Partially completed. Remainder of site is constrained due to ownership.
R20 Glassgreen, Elgin South	21/00739/APP 21/00396/APP 21/00304/APP 21/00206/APP			Under construction.
R21 Palmers Cross				Liaise with developer / landowner.
LONG1 A/B North East				Liaise with developer / landowner.

LONG2 South	21/01163/APP 18/01209/APP			Part of site released under Policy DP2 triggers. Consent for 186 units issued in July 2023 and conditions in process of being discharged.
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Findhorn

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 Heathneuk	18/01518/APP 18/00429/APP			Under construction.
R2 Duneland	19/01649/AMC 19/00320/PPP			Development completed.

Findochty

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 Morven Crescent				Liaise with developer / landowner.
R2 West of Primary School				Liaise with developer / landowner.

Fochabers

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 Ordiquish Road	22/00385/APP 21/01487/APP 21/00933/APP			Under construction.
R2 Ordiquish Road West				Liaise with developer / landowner.
R3 East of Duncan Avenue	16/00308/APP			Development completed.

R4 Ordiquish Road East				Liaise with developer / landowner.
LONG Ordiquish Road East				No action at this time – LONG designation.

Forres

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 Knockomie	19/00293/APP			Under construction.
R2 Ferrylea	19/00615/APP 18/01142/APP 18/00113/APP			Under construction.
R3 Lochyhill	09/02364/APP (lapsed)			Masterplan being developed for site. Potential site within the Housing Mix project.
R4 Mannachie	20/00927/APP (Refused)			Application pending.
R5 Balnageith				Liaise with developer / landowner.
R6 Dallas Dhu				Site within the Housing Mix project and Council working with landowner to progress Phase 1 planning application.
R7 Pilmuir Road West				Liaise with developer / landowner.
LONG1 Lochyhill				No action at this time – LONG designation. Masterplan being development for site.

Garmouth

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 South of Innes Road				Liaise with developer / landowner.

Hopeman

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 Manse Road	20/00278/APP			Under construction.
R2 Forsyth Street	16/01663/APP			Development completed.

Keith

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 Nelson Terrace	19/00565/APP 17/01253/APP 17/00287/APP 14/02313/APP			Development completed.
R2 Dunnyduff Road				Liaise with developer / landowner.
R3 Balloch Road				Liaise with developer / landowner.
R4 Banff Road North	18/01497/APP			Under construction.
R5 Edindiach Road West	19/01192/APP 19/00513/APP 17/01600/APP 14/01114/APP 13/01735/APP 07/01419/FUL			Development completed.
R6 Former Caravan Site, Dunnyduff Road				Redesignate site in LDP2027 – has reopened as a caravan/camping site.
R7 Denwell Road				Liaise with developer / landowner.
R8 Edindiach Road East				Liaise with developer / landowner.
LONG 1 Nursery Field				Site released under Policy DP2 triggers in 2022. Liaise with developer / landowner.

MU Banff Road South				Liaise with developer / landowner.
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Kinloss

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 West of Seapark House	17/00780/APP 15/01605/PPP			Under construction.
R2 Findhorn Road West	23/00389/APP 20/01335/APP 17/01906/APP			Under construction.
R3 Damhead	19/00260/PPP			Liaise with developer / landowner.

Lhanbryde

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 West of St Andrews Road	19/01080/APP			Consent for 77 units issued in April 2021 and conditions in process of being discharged.
R2 Garmouth Road	23/00863/APP 20/01615/APP			Consent for 32 units issued in April 2022.

Lossiemouth

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 Sunbank / Kinneddar	22/00161/APP 19/00100/APP			Under construction
R2 Stotfield Road				Liaise with developer.
R3 Inchbroom	20/00265/APP 19/01178/APP			Under construction.

Mosstodloch

Site	Planning Application	Progress 2021	Progress 2023	Action
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R1 Stynie Road	19/00517/APP 18/01536/APP			Development completed.
R2 Garmouth Road				Liaise with developer / landowner.
MU LONG 1 South of A96				Liaise with developer / landowner.

Newmill

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 Isla Road				Liaise with developer / landowner. Land subject to long-term tenancy agreements.

Portgordon

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 West of Reid Terrace				Liaise with developer / landowner.

Portknockie

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 Seabraes				Liaise with developer / landowner.

Rafford

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 Brockloch				Finderne Development Trust actively developing community-led affordable housing project for site.

Roths

Site	Planning Application	Progress 2021	Progress 2023	Action
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R1 Spey Street				Liaise with developer / landowner.
R2 Green Street				Working farm on site. Liaise with developer / landowner.

Rothiemay

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 Castle Terrace	14/01431/AMC			Liaise with developer / landowner.
R2 Anderson Drive				Liaise with developer / landowner.
R3 Deveronside Road				Liaise with developer / landowner.

Urquhart

Site	Planning Application	Progress 2021	Progress 2023	Action
R1 Meft Road	20/00120/APP			Consent for 10 units issued in February 2022.
R2 Station Road				Liaise with landowner
LONG1 Meft Road				No action at this time – LONG designation.

Employment and Opportunity Sites

Aberlour

Site	Planning Application	Progress 2021	Progress 2023	Action
I1 Fisherton				Fully developed / occupied.
I2 Aberlour / Glenlivet Distillery Area	19/01567/APP			Under construction.
I3 Mary Avenue				Fully developed / occupied.
I4 Fisherton Yard				Fully developed / occupied. Any vacancies are actively managed.

OPP1 Mary Avenue				Fully developed / occupied.
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Buckie

Site	Planning Application	Progress 2021	Progress 2023	Action
I1 March Road (NW)				Fully developed / occupied.
I2 March Road (NE)				Fully developed / occupied.
I3 Rathven Industrial Estate	20/01468/APP 17/00193/APP			No action at this time. Partially developed and occupied. Site is being actively marketed.
I4 Maltings	19/01026/APP			Part of site is occupied by the Maltings and remaining area subject to various applications relating to expansion of maltings operations.
I5 The Harbour Area				Partially occupied with vacancies actively managed.
LONG 2 March Road				No action at this time – LONG designation.
OPP1 Highland Yards	19/00416/APP 17/01468/APP			Partially occupied by Lidl, with remaining area developed as residential.
OPP2 Blairdaff Street				Fully developed / occupied.
OPP3 Barron Street				Partially occupied. Forms part of the Just Transition masterplan.
OPP4 Bank Street				Liaise with developer / landowner.
OPP5 The Former Jones Shipyard				Site has been cleared. Liaise with developer / landowner.
OPP6 Former Grampian Country Park	19/01511/APP 19/00700/APP			Under construction. Forms part of the Just Transition masterplan.

OPP7 Former Millbank Garage Site	08/01098/FUL			Under construction.
OPP8 Site at March Road West				Liaise with developer / landowner.

Burghead

Site	Planning Application	Progress 2021	Progress 2023	Action
I1 Burghead Maltings				Fully developed / occupied.
I2 Crematorium				Fully developed / occupied.
OPP1 West Foreshore				A comprehensive layout for the whole of the site has not deemed to be feasible and another approach is being progressed with the landowner.

Craigellachie

Site	Planning Application	Progress 2021	Progress 2023	Action
I1 Distillery				Fully developed / occupied.

Cullen

Site	Planning Application	Progress 2021	Progress 2023	Action
I1 South of Cemetery				Liaise with developer / landowner.
OPP1 Blantyre Street				Liaise with developer / landowner.
OPP2 Port Long Road	20/00520/APP 20/00178/APP 19/01406/APP 19/01247/APP 19/00703/APP			Site under development.

Dufftown

Site	Planning Application	Progress 2021	Progress 2023	Action
I1 Balvenie Street	19/00131/APP			Fully developed / occupied.
I2 Mortlach Distillery				Fully developed / occupied.
OPP1 Auction Mart, Hill Street	14/00320/APP			Consent in place for 5 affordable units with commitment under the Strategic Housing Investment Plan (SHIP).
OPP2 Hill Street				Liaise with developer / landowner.
OPP3 Balvenie Street				Fully developed / occupied.

Elgin

Site	Planning Application	Progress 2021	Progress 2023	Action
I1 Linkwood Industrial Estate	18/01187/APP 17/00816/APP			Fully developed / occupied. Any vacancies are actively managed.
I2 Chanonry Industrial Estate	21/00219/APP 20/01452/APP 19/01317/APP			Fully developed / occupied. Any vacancies are actively managed.
I3 Moycroft Industrial Estate				Fully developed / occupied. Any vacancies are actively managed.
I4 Tyock Industrial Estate	18/01484/APP 17/00018/APP			Fully developed / occupied. Any vacancies are actively managed.
I5 Pinefield Industrial Estate	19/00340/APP 17/00952/APP 17/00785/APP			Fully developed / occupied. Any vacancies are actively managed.
I6 Linkwood East	22/00830/APP 20/00018/APP 18/01472/APP 18/01126/APP			Liaise with developer / landowner.

I7 Barmuckity	22/01278/APP 22/01084/APP 22/00983/APP 22/00607/APP 22/00519/APP 22/00410/APP 22/00239/APP 21/00448/APP 21/00207/APP			Largely occupied or under construction. Remaining plots are being actively marketed.
I8 Newfield	23/00994/APP			Forms part of Findrassie Masterplan and is being actively marketed. Application for battery storage on part of the site has been approved.
I9 Railway Sidings / Ashgrove Road	22/01807/APP			Partially occupied.
I10 Edgar Road				Fully developed / occupied.
I11 Johnstons Woollen Mill	23/00527/APP			Fully developed / occupied.
I12 Glen Moray Distillery, Bruceland Road	23/01121/APP 22/01938/APP			Fully developed / occupied.
I13 Linkwood Distillery				Fully developed / occupied.
I14 Ashgrove Road				Fully developed / occupied.
I15 Sandy Road (The Wards)	22/00189/APP			Fully developed / occupied.
I16 Burnside of Birnie				Liaise with developer / landowner.
LONG 3 Burnside of Birnie				No action at this time – LONG designation.
MU1 Riverview				Liaise with developer / landowner.

MU2 Lossiemouth Road				Forms part of Findrassie Masterplan. Continue to liaise with developer / landowner.
OPP1 Flemings Sawmill / Former Morayshire Tractors, Linkwood Road				Forms part of Levelling Up Fund project to address constraints affecting OPP1 and OPP5.
OPP2 Hill Street / Ladyhill				Liaise with developer / landowner.
OPP3 Wards Road				Fully developed / occupied.
OPP4 Ashgrove Road	21/00719/APP 20/01757/APP 20/00721/APP			Fully developed / occupied.
OPP5 Auction Mart, Linkwood Road	19/01644/APP 17/00120/PPP (Refused)			Liaise with developer / landowner.
OPP6 Grampian Road	22/00458/APP 22/00457/APP			Sites being actively marketed.
OPP7 Gordon Macphail Borough Briggs				Fully developed / occupied.
OPP8 Lossie Green				Forms part of Elgin City Centre Masterplan.
OPP9 Town Hall				Forms part of Elgin City Centre Masterplan and Moray Growth Deal. Design Team appointed for redevelopment project.
OPP10 Grant Lodge				Forms part of Elgin City Centre Masterplan and Moray Growth Deal.

OPP11 Lesser Borough Briggs	23/00794/APP 20/00364/APP			Fully developed / occupied.
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Findhorn

Site	Planning Application	Progress 2021	Progress 2023	Action
OPP1 Boatyard				Liaise with developer / landowner.

Findochty

Site	Planning Application	Progress 2021	Progress 2023	Action
OPP1 North Beach	18/00700/APP			Under construction.

Fochabers

Site	Planning Application	Progress 2021	Progress 2023	Action
OPP1 Institution Road				Liaise with developer / landowner.
OPP2 Lennox Crescent				Liaise with developer / landowner.

Forres

Site	Planning Application	Progress 2021	Progress 2023	Action
BP1 Enterprise Park	23/01531/APP 21/01698/APP 20/00749/APP 20/00814/APP 20/01714/APP			Liaise with developer / landowner.
I1 Greshop	23/00795/APP 23/00625/APP 22/01615/APP 22/00784/APP 22/00643/APP			Fully developed / occupied. Any vacancies are actively managed.

I2 Waterford	23/01547/APP 23/01502/APP 23/01195/APP 22/00110/APP			Fully developed / occupied. Any vacancies are actively managed.
I3 Benromach Distillery	23/01104/APP			Fully developed.
I4 Easter New Forres				Viability concerns.
OPP1 Caroline Street	20/01455/APP			Partially developed and occupied. Main area remains vacant. Consent for 48 units issued in February 2022, following appeal. Site recently sold to adjacent business. Liaise with developer / landowner.
OPP2 Bus Depot, North Road	20/01226/APP			Fully developed.
OPP3 Castlehill Hall	21/01598/APP			Liaise with developer / landowner.
OPP4 Auction Hall, Tytler Street				Liaise with developer / landowner.
OPP5 Edgehill Road				Liaise with developer / landowner.
OPP6 Leancoil Hospital	22/00751/APP			Temporary change of use to veterans' activity/day centre.
OPP7 Whiterow	20/00185/APP			Partially developed. Continue to liaise with developer / landowner about wider site.

Hopeman

Site	Planning Application	Progress 2021	Progress 2023	Action
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I1 Forsyth Street	22/00842/APP			Partially developed / occupied. Consent for 5 business and industrial units issued in February 2023.
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Keith

Site	Planning Application	Progress 2021	Progress 2023	Action
I1 Westerton Road North				Fully developed / occupied. Any vacancies are actively managed.
I2 Westerton Road South	23/00314/APP (Refused)			Partially developed with vacancies being actively marketed.
I3 Westerton Road East	23/02043/APP 20/00877/APP 20/00237/APP			Fully developed.
I4 Bridge Street				Mostly occupied by Keith Builders Merchant.
I5 Edindiach Road				Fully developed.
I6 Newmill Road				Fully developed / occupied. Any vacancies are actively managed.
I7 Isla Bank Mills	23/02018/APP 23/01934/APP			Fully developed / occupied. Any vacancies are actively managed.
I8 Grain Store, Dufftown Road	23/00478/APP			Fully developed.
I9 Burn of Haughs Bonded Warehouses				Fully developed.
I10 Railway Land and Blending Works				Fully developed.
I11 Westerton Road East Expansion	23/00977/APP			Liaise with developer / landowner.

LONG 2 Westerton Road				No action at this time – LONG designation.
OPP1 The Tannery				Site actively being marketed.
OPP2 Former Primary School, Church Road				Fully developed / occupied.
OPP3 Newmill Road South				Forms part of Just Transition Masterplan.

Kinloss

Site	Planning Application	Progress 2021	Progress 2023	Action
OPP1 Kinloss Home Farm				Fully developed / occupied.
OPP2 Land at Former Abbeylands School				Partially developed / occupied. Liaise with developer / landowner.

Lossiemouth

Site	Planning Application	Progress 2021	Progress 2023	Action
I1 Coulardbank Industrial Estate	23/00461/APP			Fully developed / occupied. Any vacancies are actively managed.
I2 Shore Street	23/00878/APP			Fully developed / occupied. Any vacancies are actively managed.
OPP1 Sunbank				Liaise with developer / landowner.

Mosstodloch

Site	Planning Application	Progress 2021	Progress 2023	Action
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I1 Garmouth Road				Fully developed / occupied.
I2 North of Baxter's				Reserved for expansion of Baxters if required. Liaise with developer / landowner.
I3/LONG 2 West of Mosstodloch				Masterplan under development. Continue to liaise with developer / landowner.
I4 Sawmill				Fully developed / occupied.
I5 Baxter's	22/00809/APP			Fully developed / occupied.
MU LONG 1				Masterplan under development. Continue to liaise with developer / landowner.
OPP1 Balnacoul				Fully developed / occupied.

Newmill

Site	Planning Application	Progress 2021	Progress 2023	Action
OPP1 The Square	18/00047/APP			Partially developed.

Portknockie

Site	Planning Application	Progress 2021	Progress 2023	Action
OPP1 Patrol Road	21/00916/APP			Construction appears to have halted. Site being actively marketed.

Roths

Site	Planning Application	Progress 2021	Progress 2023	Action
I1 Back Burn				Being utilised for storage. Liaise with developer / landowner.
I2 The Distilleries				Fully developed / occupied.

I3 Reserve Land Rear of Dark Grains Plant				Fully developed / occupied.
I4 Station Yard				Fully developed / occupied.
OPP1 North Street				Liaise with developer / landowner.