

## MORAY COUNCIL

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

18 JANUARY 2022

#### VARIOUS LOCATIONS VIA VIDEO-CONFERENCE

#### PRESENT

Councillors Bremner (Chair), A McLean (Depute Chair), Brown, Cowe, Cowie, Divers, Feaver, Macrae, R McLean, Nicol, Powell, Ross, Taylor and Warren.

#### APOLOGIES

There were no apologies for absence.

#### ALSO PRESENT

Councillor Eagle for Agenda Item 8 Draft Buckie South Masterplan.

#### IN ATTENDANCE

Head of Economic Growth and Development, Development Management and Building Standards Manager, Mr N MacPherson, Principal Planning Officer, Strategic Planning and Development Manager, Mrs D Anderson, Senior Engineer (Transportation), Ms Webster, Senior Planning Officer (Strategic Planning and Development), Development Obligations Officer, Legal Services Manager and Mrs L Rowan, Committee Services Officer as Clerk to the Committee.

#### **1. DECLARATION OF GROUP DECISIONS AND MEMBER'S INTERESTS**

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Nicol declared an interest in Item 9 "Town Centre Improvement Plans" and stated that she would remain in the meeting but not take part in the decision.

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

#### **2. MINUTE OF THE PLANNING AND REGULATORY SERVICES COMMITTEE DATED 16 NOVEMBER 2021**

Under reference to paragraph 7 of the Minute of this Committee dated 16 November 2021, Councillor Feaver raised concern that the Minute did not reflect the debate that took place during determination of the planning application and asked that consideration be given to including the points that were raised during debate.

In response, the Legal Adviser advised that the Clerk does not produce a verbatim minute and that the salient points are highlighted and narrative leading to any changes to or additional recommendations is included.

Under reference to paragraph 9 of the Minute, Councillor Brown stated that, as the Committee had agreed to refuse Planning Application 21/00020/EIA he was of the view that the debate surrounding the height of the turbines should be included. Councillor Ross also raised concern that the points he had made in relation to a loss of peat had not been minuted.

In response, the Legal Adviser advised that the Minutes were produced in the same manner as they had been in the past and that it was difficult to mention every point made by Members and that ultimately, the Minute is a record of the report presented and the decision made.

The Clerk advised that she could review the minute paragraphs in question following the meeting in conjunction with Councillors Feaver, Brown, Ross, the Legal Adviser and the Chair and make any amendments necessary. This was agreed.

Thereafter, the Minute of the meeting of the Planning and Regulatory Services Committee dated 16 November 2021 was submitted and approved subject to any amendments necessary being made in conjunction with Councillors Feaver, Brown, Ross, the Legal Adviser and the Chair.

### **3. MINUTE OF SPECIAL MEETING OF THE PLANNING AND REGULATORY SERVICES COMMITTEE DATED 9 DECEMBER 2022**

The Minute of the Special Meeting of the Planning and Regulatory Services Committee was submitted and approved subject to a change to the attendance to reflect that Councillor Divers was present, Councillor A McLean had submitted apologies and Councillor Edwards was not a member of the Committee and therefore not present.

### **4. WRITTEN QUESTIONS**

The Committee noted that no written questions had been submitted.

### **5. NOTICE OF MOTION – PLANNING APPLICATIONS – DELEGATED AUTHORITY**

A Notice of Motion was submitted by Councillor Feaver, seconded by Councillor Brown in the following terms:

To ask for a report to this Committee:

1. with options for review of the Council's Scheme of Delegation (Development Management) in relation to the following areas:
  - To clarify the circumstances when applications are considered by Elected Members (and not delegated to officers) due to a "wider community interest".
  - To provide a mechanism for Elected Members to bring planning applications before Committee where there is considered to be a "wider community interest".

2. To consider how public confidence in the operation of the Scheme of Delegation (Development Management) could be measured, to establish a set of agreed criteria and to consider any improvements which could be made in light of this.

Councillor Feaver stated that some of her constituents have felt strongly about previous planning applications that have been dealt with under delegated powers and that updating the Scheme of Delegation with the ability to call in such planning applications would provide members of the public with confidence in the system.

Councillor Brown as seconder to Councillor Feaver's motion agreed with her comments and further stated that having the mechanism for an Elected Member to call in planning applications where there is wider community interest would protect Planning Officers and make Elected Members more accountable for decisions made. The Chair stated that there is already a mechanism in place to call in planning applications where there is a wider community interest where Ward Members can collectively approach the Head of Economic Growth and Development and make this request and that, in his time as an Elected Member, this had never been necessary.

Councillor Warren sought clarification as to when the Scheme of Delegation is due to be reviewed and updated.

In response, the Head of Economic Growth and Development advised that the current Scheme of Delegation was reviewed in 2019 and it falls to be reviewed every 5 years therefore the next review is due in 2024.

Having considered the response from the Head of Economic Growth and Development, Councillor Warren moved, as an amendment, that the Committee note the points raised in the Notice of Motion for consideration when the Scheme of Delegation is due for review in 2024. This was seconded by Councillor Bremner.

On a division there voted:

For the Motion (7): Councillors Feaver, Brown, Taylor, Macrae, R McLean, Powell and Ross

For the Amendment (7): Councillors Warren, Bremner, Cowe, Cowie, Divers, A McLean and Nicol

Abstentions (0): Nil

There being an equality of votes and in terms of Standing Order 63e) the Chair cast his vote in favour of the amendment and the Committee agreed to note the points raised in the Notice of Motion for consideration when the Scheme of Delegation is due for review in 2024.

## **6. PLANNING APPLICATION 21/01272/APP**

Councillor Taylor left the meeting during consideration of this item.

### **Ward 5 – Heldon and Laich**

**Formation of 15 car parking spaces on Land adjacent to Sports Pavilion, Cameron Park, East Beach Road, Hopeman for Moray Council**

A report by the Appointed Officer recommended that, for reasons detailed within the report, planning permission be granted for an application for the formation of 15 car parking spaces on Land Adjacent to Sports Pavilion, Cameron Park, East Beach Road, Hopeman for Moray Council.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the Appointed Officer considers that the application raises matters of wider community interest and/or planning significance.

Councillor Cowe stated that he was in receipt of a letter from Hopeman Community Association which outlined difficulties that had been encountered when trying to consult with the Community to provide a statement detailing the views of the Community in relation to the proposal, due to the short timescale that was given. This had resulted in a poor return of comments from only 17% of the Community which did not provide a clear difference between those for or against the proposal. The letter further raised concerns from the Residents of Hopeman in relation to the terms of the "deed of gift" to the village which includes Cameron Park which states that the use of the park is for recreational purposes only. Taking the above into consideration, Councillor Cowe moved that the Committee defer consideration of Planning Application 21/01272/APP to allow Hopeman Community Association sufficient time to consult with the Community in relation to the proposal.

In response, the Legal Adviser advised that the points raised in relation to the ownership of the land are irrelevant at this stage as the Committee are being asked to determine the planning application on its own merits when considered against the policies of the Moray Local Development Plan (MLDP) 2020. She further advised that Planning Application 21/01272/APP was advertised as a departure from the MLDP 2020 inviting comments from members of the public within a statutory time scale set out in legislation and that residents of Hopeman could have responded directly to the consultation and not necessarily through Hopeman Community Association. As the statutory period for consultation was now closed and there was no way to extend this, the Legal Adviser advised that, in her view, Councillor Cowe's motion to defer consideration of Planning Application 21/01272/APP to allow Hopeman Community Association sufficient time to consult with the Community in relation to the proposal was not competent.

On considering the advice from the Legal Adviser, Councillor Cowe regretfully withdrew his motion.

Councillor Macrae stated that, in his opinion, Planning Application 21/01272/APP is an unacceptable departure from policies EP3 (Special Landscape Areas and Landscape Character) and EP5 (Open Space) of the MLDP 2020 and ENV4 (Sports Areas) of the Open Space Strategy Supplementary Guidance and moved that the Committee refuse planning permission. This was seconded by Councillor Ross.

Councillor Bremner moved as an amendment that the Committee agree to grant planning permission in relation to Planning Application 21/01272/APP as recommended. On failing to find a seconder, Councillor Bremner's motion fell.

Thereafter, the Committee agreed to refuse planning permission in respect of Planning Application 21/01272/APP as it was considered to be an unacceptable departure from policies EP3 (Special Landscape Areas and Landscape Character) and EP5 (Open Space) of the MLDP 2020 and ENV4 (Sports Areas) of the Open Space Strategy Supplementary Guidance.

## **7. 21/01779/S36**

### **Variation to operational life of generating station (from 30 years to 40 years) at former Milltown Airfield, Elgin, Moray, IV30 8NQ**

Under reference to paragraph 6 of the Minute of the meeting of the Planning and Regulatory Services Committee dated 5 December 2017, a report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to consider a proposed response to a request for consultation from the Scottish Government - Energy Consents Unit: Directorate for Energy and Climate Change (ECU) to vary the existing Section 36 consent to construct and operate the Milltown Airfield Solar PV development which was granted consent 25 May 2018, under Section 36 of the Electricity Act 1989 (which includes deemed planning permissions). The variation sought is to increase the duration of the consent from 30 years to 40 years.

Following consideration, the Committee agreed to :

- i) note the contents of this report; and
- ii) respond to the consultation request from the Scottish Government, confirming that the Council does not object to the variation of the Section 36 consent as recommended.

## **8. DEVELOPMENT PLAN SCHEME 2022 – MORAY LOCAL DEVELOPMENT PLAN 2025**

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

Following consideration, the Committee agreed:

- (i) the Development Plan Scheme for 2022, as set out in Appendix 1 of the report for submission to the Scottish Government;
- (ii) to note the new process for preparing local development plans and the timescales for new guidance being published by Scottish Government;
- (iii) to note the emerging requirements for the planning system in Scotland set out in the draft National Planning Framework 4 and Development Planning Regulations will be reported to this Committee in March 2022; and
- (iv) that a members briefing session is held in late February to consider the draft National Planning Framework 4, the new Development Planning Regulations and the resultant implications for the Moray Local Development Plan 2025.

## **9. DRAFT BUCKIE SOUTH MASTERPLAN**

Councillor Taylor re-joined the meeting during consideration of this item.

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to agree the draft Buckie South Masterplan for public consultation.

Councillor Eagle, not being a member of the Planning and Regulatory Services Committee, sought permission from the Chair to raise a number of questions on the report. This was granted by the Chair.

During discussion, a number of points were raised in relation to:

- Assurance that proposals for open green and village spaces including shops and sports facilities within 20 minute neighbourhoods are realised in the coming years;
- The provision of sufficient bicycle racks and preinstalled green car connection for every home including those without driveways;
- The provision of a large ball playing area or MUGA pitch;
- Improved connectivity across the Buckie Burn to reduce the traffic burden on St Peters, Nethar and Barhill Roads;
- The safety of the junction at the A98 and whether consideration could be given to improving the lighting at this junction and installing a roundabout;
- The provision of play parks at the start of the development so that children have a safe place to play.

In response, Ms Webster, Senior Planning Officer (Strategic Planning and Development) advised that:

- 20 minute neighbourhoods is a key theme of the draft National Planning Framework 4 which is unlikely to change in the foreseeable future and that clarity is being sought from the Developer in relation to proposed commercial and retail units;
- As per policy PP3 of the MLDP 2020, all residential units require to have in-curtilage Electric Vehicle facilities and, where they cannot be provided to individual properties, access to communal facilities is to be provided. With regard to cycle storage, facilities will be required in accordance with the MLDP 2020 Parking Standards which set out that houses and flats with communal grounds are required to have 1 secure covered cycle parking space for each house or flat.
- The draft Masterplan proposes a Neighbourhood Park and 2 Pocket Parks. The Neighbourhood Park must be a minimum of 1ha and have a playing field at least 60m x 40m, play equipment for a range of ages, landscaped areas with seating and be accessible to a range of users. Smaller kick-about pitches that are 30m x 20m will be provided within each of the pocket parks along with play spaces, benches and landscaping so that these facilities are easily accessible to residents in their immediate vicinity. A MUGA could be requested through representations to the consultation and consideration given to including this in the final Masterplan.
- A network of on-street and segregated cycling and walking routes is being provided through the development connecting into the surrounding area to ensure the new neighbourhood is well-connected to the town. Improved east-west connectivity is currently being explored by the Council. An active travel feasibility study has been commissioned to look at the east-west link across the burn of Buckie.
- The junction at the A98, is the subject of a Transport Appraisal.
- The provision of play parks early on in the development is being discussed with the Developer.

Thereafter, the Committee agreed:

- (i) the draft Buckie South Masterplan for public consultation for an 8-week period;
- (ii) to note that the comments received to the consultation and the Council's response to these, along with the final Masterplan including the above points made by the Committee will be reported back to a future meeting of this Committee for approval.

## **10. TOWN CENTRE IMPROVEMENT PLANS**

Councillor Nicol, having declared an interest in this item, took no part in the discussion or decision.

Under reference to paragraph 12 of the Minute of the meeting of the Planning and Regulatory Services Committee dated 16 November 2021, a report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to approve the draft Town Centre Improvement Plans for Aberlour, Buckie, Dufftown, Forres, Keith and Lossiemouth and for them to be made available for consultation before being reported back to a future meeting of this Committee.

During discussion, the Committee encouraged members of the public to respond to the consultation and get involved in shaping the town centres in which they live and asked that consideration be given to the following points:

### **Buckie**

- The removal of car parking at North Church Quadrant in relation to access for shop deliveries, disabled people and parents with children in prams using the church hall;
- The provision of a bus drop off point in the Square;
- The provision of picnic benches with nearby seagull proof bins and recycling bins;
- The provision of connectivity paths for cycling and walking.

### **Aberlour/Dufftown**

- Concern in relation to the lack of disabled and parent/child parking in the Square and near shops;
- Improvements in relation to connectivity and an increase in cycle paths.

### **Forres**

- Access for pedestrians and cyclists through Forres Town Centre;
- The provision of outdoor eating and entertainment areas;
- The need for an increase in buses into the Town Centre;
- An increase in disabled parking on the High Street;
- The provision of green areas;
- Assurance that animal habitats are protected;
- Improve car parks to make them more attractive.

### **Lossiemouth**

- Improving Queen Street to make better use of the wide street and make it more attractive.

Thereafter, the Committee agreed:

- (i) the draft Town Centre Improvement Plans (TCIP) for consultation;
- (ii) that Officers consider the points raised by the Committee in relation to Buckie, Aberlour, Dufftown, Forres and Lossiemouth;
- (iii) that consultation responses and final TCIP are reported back to a future meeting of this Committee.

## **11. SUSPENSION OF STANDING ORDERS**

The Chair sought the agreement of the Committee to suspend Standing Order 75 to allow the meeting to continue beyond 12.45 pm. This was agreed.

## **12. PLANNING PERFORMANCE FRAMEWORK**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that the Planning Performance Framework (PPF) for 2020/21 was submitted to the Scottish Government (SG) on 29 July 2021, covering the period from 1 April 2020 to 31 March 2021. The report provided a summary of feedback received from the Scottish Government dated 29 November 2021 with specific reference to the Performance Markers Report and Red, Amber, Green (RAG) ratings for the 2020/2021 submission.

Following consideration, the Committee welcomed the excellent performance within the report and thereafter agreed to:

- (i) note the Planning Performance Framework submitted to the Scottish Government on 29 July 2021 as set out in Appendix 1 of the report;
- (ii) note the feedback report received from the Scottish Government on 29 November 2021 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 2021/2022 to the Scottish Government by the end of July 2022 (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 2020/21 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 2021/2022.

## **13. PERFORMANCE REPORT (ECONOMIC GROWTH AND DEVELOPMENT SERVICES) – PERIOD TO SEPTEMBER 2021**

Under reference to paragraph 5 of the Minute of the meeting of Moray Council dated 7 August 2019, a report by the Depute Chief Executive (Economy, Environment and

Finance) informed the Committee of the performance of the service for the period to 30 September 2021.

Following consideration, the Committee agreed to note:

- (i) performance in the areas of Service Planning, Service Performance and other related data to the end of September 2021; and
- (ii) the actions being taken to improve performance where required.

#### **14. QUESTION TIME**

There were no questions raised.