

MORAY COUNCIL

MINUTE OF MEETING OF THE PLANNING AND REGULATORY SERVICES COMMITTEE

29 JANUARY 2019

COUNCIL CHAMBERS, ELGIN

PRESENT

Councillors Bremner (Chair), Patience (Depute), Alexander, Cowe, Cowie, Coy, Divers, Feaver, Laing, Macrae, A McLean and R McLean.

APOLOGIES

Apologies were intimated on behalf of Councillor Edwards.

IN ATTENDANCE

The Head of Development Services, the Manager (Development Management), Mr A Burnie, Principal Planning Officer, Mr N MacPherson, Principal Planning Officer, Mr G Templeton, Principal Planning Officer, the Senior Planning Officer (Development Planning and Facilitation), the Legal Services Manager (Property and Contracts) as Legal Adviser and Mrs L Rowan, Committee Services Officer as Clerk to the Meeting.

1. Tribute

The Committee, in recognising that this was the last Committee to be attended by Mr Angus Burnie in his role of Principal Planning Officer, joined the Chair in wishing him well on his upcoming retirement.

The Chair stated that Mr Burnie has worked for Moray Council in Development Management for over 28 years and around 35 years in Planning and during this time has made a significant contribution to the Moray Area through the proficient handling of major planning applications including the expansion of Elgin as well as being seconded for 5 years to deal solely with the planning applications for the Flood Schemes for Rothes, Lhanbryde, Forres and Elgin. He has been very generous in passing on his experience/knowledge to younger planners and his wisdom and attention to detail will be sorely missed by many.

2. Declaration of Group Decisions and Members Interests

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Divers declared a personal interest in Planning Application 18/01209/APP (Item 6 on the Agenda) as his son is employed by the Applicant.

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

3. Withdrawal of Agenda Item 14

The Chair advised that agenda item 14 “Land Adversely Affecting the Amenity of the Neighbourhood on Land in Dufftown” had been removed from the agenda as it was no longer required and subsequently, there was no requirement for a resolution. This was noted.

4. Minute of the Planning and Regulatory Services Committee dated 13 November 2018

The minute of the meeting of the Planning and Regulatory Services Committee dated 13 November 2018 was submitted and approved.

5. Minute of the Special Planning and Regulatory Services Committee dated 22 November 2018

The minute of the meeting of the Special Planning and Regulatory Services Committee dated 22 November 2018 was submitted and approved.

6. Minute of the Special Planning and Regulatory Services Committee dated 18 December 2018

The minute of the meeting of the Special Planning and Regulatory Services Committee dated 18 December 2018 was submitted and approved.

7. Written Questions

The Committee noted that no written questions had been submitted.

8. Planning Application 18/01209/APP

Ward 4: Fochabers Lhanbryde

Application under Section 42 to vary condition 1 of planning consent 16/01244/APP to maintain provision for 870 houses (as approved) but vary phasing design and site layout details ie adjust Phase 1A boundary (western most part of Phase 1A within Crescent North and South Glassgreen character areas) to provide 50 affordable homes together with consequential revisions to boundaries of Phase 1D (South Glassgreen) and eastern most part of Phase 1A (Meadows North character area) and Phase 1C (Meadows East character area) revise mix of homes (including site layout and new Braemar and Lauder house types) within Crescent North and South Glassgreen character areas revise layout and reduce number of houses by 18 units within Village Garden character area to accommodate revision to alignment gas pipeline revise numbers and mix of houses including site layout within Village Core and Meadows East character areas to accommodate 18 homes relocated from Village Garden at Elgin South Elgin Moray for Springfield Properties PLC

Councillor Divers, having declared an interest in this planning application, left the meeting, taking no part in the relevant discussion or decision.

A report by the Appointed Officer recommended that, subject to the conditions detailed in the report, planning permission be granted in respect of an application under Section 42 to vary condition 1 of planning consent 16/01244/APP to maintain provision for 870 houses (as approved) but vary phasing design and site layout details ie adjust Phase 1A boundary (western most part of Phase 1A within Crescent North and South Glassgreen character areas) to provide 50 affordable homes together with consequential revisions to boundaries of Phase 1D (South Glassgreen) and eastern most part of Phase 1A (Meadows North character area) and Phase 1C (Meadows East character area) revise mix of homes (including site layout and new Braemar and Lauder house types) within Crescent North and South Glassgreen character areas revise layout and reduce number of houses by 18 units within Village Garden character area to accommodate revision to alignment gas pipeline revise numbers and mix of houses including site layout within Village Core and Meadows East character areas to accommodate 18 homes relocated from Village Garden at Elgin South Elgin Moray for Springfield Properties PLC.

The Committee noted that the application had been referred to Committee as the application is a major development as defined under the Hierarchy Regulations 2009 for a development with more than 50 houses, and the site area exceeds 2ha.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 18/01209/APP as recommended subject to:

- (i) completion of a modified legal agreement regarding planning obligations; and
- (ii) the following conditions and reasons:

- 1 Condition 1 of formal decision notice 16/01244/APP dated 10 May 2018 is hereby varied and
 - a) the permission as hereby granted shall relate to the application as amended for a development of 870 dwellings (houses and/or flats/apartments), neighbourhood uses, a Moray Sports Centre, two sites for primary schools and associated infrastructure, all in accordance with the amended drawings including EL44_SL_05 Rev J (Overall Site Plan showing Character Areas Locations) and EL44_SL_09 Rev L (Site Layout showing Proposed Phasing within Phase 1) as hereby approved regarding the location, design and site layout arrangements (see 'List of Plans and Drawings Showing The Development' included in this permission); and
 - b) In addition to the additional house types included within this permission as hereby granted (including Braemar and Lauder), the design(s) of all dwellings (houses and/or flats/apartments) and the Moray Sports Centre shall be provided in accordance with the design details approved under formal decision notice 16/01244/APP dated 10 May 2018, including any details already approved thereunder as part of the discharge of conditions associated with that development.

Reason - To ensure an acceptable form of development in the interests of the character, appearance and amenity of the development and the surrounding area.

- 2 Notwithstanding the submitted phasing plan information on drawing EL44_SL_09 Rev L, no development shall commence on the primary school site in South Glassgreen and on all areas to be developed for housing outwith

Phase 1A until details have been submitted to and approved by the Council, as Planning Authority to confirm agreement to the release of land areas for development within Phase 1B, 1C and 1D, to be determined by evidence of the need to release housing land where an effective housing land supply cannot be met as evidenced through the Council's annual Housing Land Audit and/or identified as having satisfied the key community objective, all as defined within Policy H2 of the Moray Local Development Plan 2015 (including supplementary guidance and/or any equivalent policy replacing or superseding Policy H2 within any subsequent local development plan) or until such time as the land is no longer precluded for release under Policy H2 (or equivalent) within any future development plan for the area.

Reason - The development is related to and forms part of the Elgin LONG2 designation where the early/partial release of land therein is governed by the requirements of Policy H2 and supplementary guidance (including a Technical Note) being fulfilled. At present, through Policy H2 (of the Moray Local Development Plan 2015), agreement relates only to release a defined area of land within the Elgin LONG2 South designation for a site for a (Linkwood) primary school, a Moray Sports Centre and an area for housing which includes land proposed for housing at Village Garden and the remaining housing in phase 1A will support sustainable economic growth (Policy PP1) and deliver housing which has been agreed as an acceptable departure. This excludes all other land areas included within the application site, in particular development within Phase 1B, 1C & 1D.

- 3 The terms of reference to the various uses of the sites identified as being for primary schools and the Moray Sports Centre on drawing EL44_SL_10 Rev B of formal decision notice 16/01244/APP remain applicable and the provisions of the Town & Country Planning (Use Classes) (Scotland) Order 1997 (or any Order revoking or re-enacting that Order) the permission as hereby granted shall relate to:
 - a) the use of each school site as identified as a site for primary education provision shall be within Use Class 8 (if residential education provision) or Use Class 10 (if non-residential educational provision) of the said Order; and
 - b) the use of the Moray Sports Centre, as identified in accordance with design and layout details approved under formal decision notice 16/01244/APP, including any details already approved thereunder as part of the discharge of conditions associated with that development, shall be as a use within Use Class 11 of the Order;

and for no other uses or purposes without the prior approval of the Council, as Planning Authority.

Reason - To ensure an acceptable form of development in accordance with the submitted particulars and retain local authority control over the identified uses as specified within the development including consideration of the effects and impacts of uses other than those hereby approved.

- 4 Notwithstanding the provisions of the Town & Country Planning (Use Classes) (Scotland) Order 1997 (or any Order revoking or re-enacting that Order), the permission relates solely to the use or purpose of each unit/building as identified and specified on the respective 'Use Class Layout' drawings for

South Glassgreen, Village Garden and Village Core (whether for Use Class 1, or 2, or 3, or 4, or 10 as identified on the respective drawings) and for no other use or purpose without the prior written approval of the Council, as Planning Authority.

Reason - To ensure an acceptable form of development in accordance with the submitted particulars and to retain local authority control over the identified uses as specified within the development including consideration of the effects and impacts of uses other than those hereby approved.

- 5 For the Moray Sports Centre (the Centre) and except where details of the Centre have already been approved under formal decision notice 16/01244/APP, including any details already approved thereunder as part of the discharge of conditions associated with that development, no further development located within the grounds of, and associated with the Centre shall commence until details have been submitted to and approved by the Council, as Planning Authority (in consultation with other agencies as appropriate) regarding:
- a) samples or specifications of all material finishes and colouration for the Centre building and all other structures to be erected within the grounds of the Centre;
 - b) details regarding the location, design specifications, external appearance and material finishes and finished levels (relative to existing ground levels and a fixed datum) for the proposed means of enclosure around the proposed service yard;
 - c) details regarding the location, design specifications, external appearance and material finishes for all plant and machinery, including ventilation and extraction, air conditioning and refrigeration systems or similar to be externally mounted on the building and/or installed within the recessed roof plant area together with all required/proposed measures to mitigate the external visual and/or environmental (noise, odour, etc.) impact of plant and machinery affixed to the building or projecting above the roof structure;
 - d) details regarding the location, design specifications, external appearance and material finishes and colouration of all walls and fences to be erected within the grounds of the Centre, including fencing to be erected within and around the perimeter of the Centre site, the 3G pitch and the outdoor tennis courts and stone walls at the entrance and exit accesses to the site off Linkwood Road;
 - e) details including samples or specification including colours of all "hard" landscaping and surfacing features to be provided including hardstanding and car parking areas;
 - f) details regarding the location, design specifications and time-scale(s) for the provision of all (external) play and trim trail equipment to be provided within the grounds of the Centre;
 - g) details regarding the planting mix for the proposed grass pitch and the design specifications, including cross-sections and long-sections to confirm finished levels relative to existing ground levels and a fixed datum, for the synthetic surfacing of the proposed 3G pitch, the outdoor tennis courts, and the sprint and circular running tracks;
 - h) in consultation with the Transportation Service, details regarding the location and design specifications for the provision of cycle parking, to the standard of provision identified in Condition 55;

- i) in consultation with the Environmental Health Manager, a noise impact assessment pursuant to Planning Advice Note PAN 1/2011 and the associated Technical Advice Note Assessment of Noise (TAN). The Assessment shall identify all noise sources associated with the construction and operational phases of the Centre and all proposed/required management measures to be adopted to mitigate the impact of noise associated with the Centre;
- j) in consultation with the Environmental Health Manager, measures to suitably control and mitigate cooking odours, including details of any proposed kitchen ventilation/extraction system to be installed and the arrangements for maintenance of the installed system; and
- k) in consultation with the Environmental Health Manager, details of operating hours of the Centre.

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

Reason - Details for a Centre building (of reduced size) have already been approved but in connection with any development proposed further to the provision of the Centre building (as amended) including external sporting facilities, details of the matters specified are insufficient or lacking from the submitted particulars and to ensure an acceptable form of development in the interests of the character, amenities and appearance of the development including the provision of parking for persons attending the site and to minimise noise and odour impacts associated with the Centre upon the amenity of the locality including any nearby properties.

- 6 For the Centre and except where details of the Centre have already been approved under formal decision notice 16/01244/APP including any details already approved thereunder as part of the discharge of conditions associated with that development, no further development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager regarding an external lighting scheme for the Centre building and associated external sports areas of the Centre including the 3G pitch and the outdoor tennis courts. The required scheme shall:

- a) be designed to minimise the use of external lighting within and around the boundaries of the site, and the effects of light spills and glare upon the surrounding area beyond the site boundary;
- b) provide details of all required/proposed external lighting arrangements, whether free-standing or affixed to buildings/structures or similar during both the construction and operation of the development;
- c) include the location and design specifications (including both candela and lux rating information) for all lighting to be installed and the time- periods for operation together with specifications for all mitigation measures to be introduced and designed to minimise the impact of lighting within and beyond the site boundary (for example, light hoods and louvres, orientation and angle of downward inclination of lamps, etc.).

Thereafter, the further development of external lighting arrangements shall be implemented in accordance with the approved details.

Reason - Details for lighting of the Centre building (of reduced size) have already been approved but in connection with any development proposed

further to the provision of the Centre building (as amended) including development within the grounds of the Centre, details of the matters specified are lacking from the submission and to ensure an acceptable form of development in particular to minimise the potential for light pollution disturbance upon visual amenity of the surrounding area and safeguard the amenity of any existing or proposed neighbouring property.

- 7 For the Centre, and except where details of the Centre have already been approved under formal decision notice 16/01244/APP including any details already approved thereunder as part of the discharge of conditions associated with that development, no further development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with Scottish Water, SEPA and Moray Flood Risk Management where appropriate regarding a finalised foul drainage scheme for the development, to include the location, design specifications and time-scale for the provision of all foul drainage infrastructure. The scheme shall:
- a) be developed and designed in accordance with the submitted Drainage Impact Assessment (July 2016) as submitted as part of application 16/01244/APP including any addendum to that assessment;
 - b) include evidence of agreement/approval to confirm the foul drainage arrangements including capacity and connection arrangements are acceptable to Scottish Water (in light of the proposed connections from the development into the existing public sewer network);
 - c) include the arrangements including the location, route of pipework and environmental effects including removal (and replacement) of trees whether for disposal to separate foul drainage infrastructure for the Centre only and/or connection to any other foul drainage infrastructure arrangements to be provided for the remainder of the development as hereby approved;
 - d) the location, design specifications, external appearance and material finishes, site layout including hardstanding areas and means of access to any required/proposed above ground building/structure or other apparatus to be provided as part of any pumping station to be provided; and
 - e) confirmation of the adopting authority or in perpetuity body for the foul drainage network.

Thereafter, the (further) development shall be provided in accordance with the approved foul drainage scheme details with the scheme provided and made available for use prior to occupation and use of any proposed additional development at the Centre first commencing.

Reason - Details for a Centre building (of reduced size) have already been approved but in connection with any development further to the provision of the Centre building (as amended) details for the matters specified including a finalised foul drainage scheme are lacking from the submission and to ensure an acceptable form of development in terms of the provision and delivery of foul drainage infrastructure for the development.

- 8 For the Centre, and except where details of the Centre have already been approved under formal decision notice 16/01244/APP including any details already approved thereunder as part of the discharge of conditions associated with that development, no further development shall commence until details have been submitted to and approved by the Council, as Planning Authority in

consultation with Scottish Water, SEPA and Moray Flood Risk Management where appropriate regarding:

- a) a finalised surface water drainage scheme for the development, to include details of all sustainable drainage (SUDs-based) features to be provided including details of the location, design construction specifications, level(s) of treatment, supporting calculations and time-scale(s) for provision and maintenance of all (sustainable) surface water features, including roads drainage to be incorporated into the site layout. The scheme shall:
 - i) be developed and designed in accordance with the surface water design strategy as outlined in the submitted Drainage Impact Assessment (July 2016) together with technical guidance contained in the SUDs Manual (by CIRIA, C753);
 - ii) be designed to manage storm water flows for storm events up to and including a 1 in 200-year flood event with surface water to be discharged after on-site attenuation at a controlled rate, not exceeding the greenfield run-off rate;
 - iii) include cross- and long- sections to confirm the area and depth of all required/proposed SUDS basin(s) or other sustainable drainage features where proposed, with finished levels related to existing ground levels and a fixed datum;
 - iv) include details to manage and mitigate any overland flows in the event of flood events or drainage failure in excess of the capacity of the SUDs design/installed drainage network and ensure that such flows are not directed towards existing or proposed development;
 - v) include details of the specialist surface water drainage arrangements and requirements for the 3G pitch and outdoor tennis courts and/or other facilities where appropriate;
 - vi) address the integration of these specialist arrangements within the overall surface water drainage scheme for the Centre, and the integration of this (separate) drainage scheme with the surface water arrangements for the remainder of the development; and
 - vii) confirm the adopting authority/authorities or in perpetuity body/bodies for all surface water drainage arrangements.
- b) a construction surface water management plan, to include the location, design specifications and time-scale(s) for provision of all required/proposed temporary site construction SUDs in order to demonstrate that surface water run-off from the site will be managed and not increase the risk of flooding during the construction phase of the development (see also Condition 16).

Thereafter, the (further) development shall be implemented in accordance with the approved scheme details and all approved surface water drainage arrangements shall be provided and made operational prior to first use and occupation of any further development proposed at the Centre.

Reason - Details for a Centre building (of reduced size) have already been approved but in connection with any development further to the provision of the Centre building (as amended) including external sporting facilities, details of the matters specified are insufficient (being based on an outline drainage and SUDS strategy) and/or are lacking from the submitted particulars and to ensure an acceptable (and sustainable) form of development is provided and

maintained and to provide for adequate protection from surface water run-off both during the operational and construction stages of the development.

- 9 For the Centre, and except where details of the Centre have already been approved under formal decision notice 16/01244/APP including any details already approved thereunder as part of the discharge of conditions associated with that development, no further development shall commence until details have been submitted to and approved by the Council, as Planning Authority regarding a finalised (revised) landscape scheme for the development of the Centre. The revised scheme shall:
- a) identify the location of all existing trees/shrubs and hedgerows or other landscape features within the site, and identify those to be retained and those to be removed. The details shall take into account the provision and implications of all drainage and transportation infrastructure associated with the Centre and/or other development proposed along Linkwood Road including drainage crossings, access junctions and traffic calming arrangements;
 - b) include details of measures to protect existing trees, shrubs and hedgerows and other landscape features to be retained within the site or immediately adjacent to it before during and after construction activity, for example along the northern boundary of Centre and along Linkwood Road;
 - c) include details of the number, species, position, planting distances and sizes of all trees, shrubs and hedgerow planting to be provided within the site. The proposed planting details and specifications shall be closely based upon the landscape information submitted by Macreadie design (as included as part of application 16/01244/APP);
 - d) include details of the time-scale(s) for all proposed planting included within the scheme;
 - e) include details of a management plan for the maintenance of all planting; and
 - f) for all areas where earth moving, mounding and excavation is required/proposed to form landscape features, for example the raised mound adjacent to Linkwood Road and the tennis courts, the scheme shall include details regarding the location and design specifications including cross-sections and long-sections to describe the extent, area and height/depth of the proposed landscape feature with finished levels related to existing ground levels and a fixed datum.

Thereafter, the (further) development shall be implemented in accordance with the approved landscape scheme details and maintained in accordance with maintenance plan.

Reason - Details for a Centre building (of reduced size) have already been approved but in connection with any development further to the provision of the Centre building (as amended) including external sporting facilities, details of matters specified are lacking from the submitted particulars and in light of further impacts upon Linkwood Road, the current details will require to be amended to provide a finalised (revised) landscape scheme for the Centre, and to ensure an acceptable form of development in the interests of the character, appearance and amenity of the development and the surrounding area.

- 10 In relation to the approved landscape scheme for the Centre approved under formal decision notice 16/01244/APP including any details already approved thereunder as part of the discharge of conditions associated with that development and any landscape scheme for any further development , all trees shrubs and hedge planting which within a period of 5 years from planting, die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, numbers and species unless with the prior written consent of the Council, as Planning Authority.

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 character, appearance and amenity of the development and the surrounding area.

- 11 In relation to the proposed provision of affordable housing within the site:
- a) 218 affordable homes (houses and/or flats/apartments) shall be provided within the site (drawing EL44_SL_06 Rev L refers); and
 - b) prior to the commencement of any affordable housing accommodation within the areas identified for affordable housing within South Glassgreen, Village Garden, Village Core, Meadows North and Meadows East:
 - i) details shall be provided of the arrangements for the long-term delivery and provision of the required affordable housing accommodation on the site, to include evidence to confirm the identity of the organisation (or other similar agency) responsible for the provision and management of all affordable housing accommodation to be provided;
 - ii) the time-scale(s) for the delivery of the affordable housing accommodation to be provided.

Thereafter, the development shall be implemented in accordance with the approved details for the provision and delivery of affordable housing within the site.

Reason - To ensure an acceptable form of development, in particular the requirement to provide and deliver affordable housing accommodation on the site as a requirement of current planning policy and associated supplementary guidance, including details currently lacking from the submission.

- 12 Within South Glassgreen and Village Garden, the location, house type, housing mix and site layout arrangements to provide affordable housing shall be in accordance with drawings EL44_SG_03 Rev K (for South Glassgreen) and EL44_VG_03 Rev I (for Village Garden) and notwithstanding the submitted details, no development of affordable housing located outwith South Glassgreen and Village Garden shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Housing & Property Manager regarding:

- a) evidence to confirm agreement to the proposed mix of affordable housing to be provided within Village Core, Meadows East and Meadows North (to be informed by the Housing Needs and Demand Assessment); and
- b) details of any required/proposed re-mix of affordable housing accommodation to be provided within the identified area including house types, mix and site layout, and information to satisfy Condition 11 b) i) and ii) above regarding the arrangements for long-term delivery and timescale for provision of the affordable housing within each identified area.

Thereafter, the development shall be implemented in accordance with the approved details for the provision and delivery of affordable housing within the site.

Reason - To ensure an acceptable form of development, in particular the requirement to provide and deliver affordable housing accommodation on the site as a requirement of current planning policy and associated supplementary guidance, including details currently lacking from the submission and, as the development progresses, to ensure the delivery of affordable housing continues to remain relevant to local housing needs and demands.

- 13 Notwithstanding the submitted details on drawing EL44_SL_12 Rev H, as part of the development hereby approved, 93 accessible dwellings (houses and/or flats/apartments) shall be provided as identified and denoted as 'A' within the Accommodation Schedules included on the 'General Layout Showing Housing Mix' drawings for Crescent North, South Glassgreen, Village Garden, Village Core, Meadows North and Meadows East; and in accordance with the applicant's 'Accessible Housing Statement' (Elgin South Design & Access Statement, Rev C, May 2017 refers, as submitted as part of application 16/01244/APP).

Thereafter, the accessible accommodation as identified shall, at all times, remain capable for adaption for accessible housing needs unless otherwise agreed in writing with the Council, as Planning Authority in consultation with the Housing & Property Manager.

Reason - To ensure an acceptable form of development, in particular the requirement to provide and deliver accessible housing within the site as a requirement of current planning policy and associated supplementary guidance.

- 14 For residential development:

- a) within Crescent North, South Glassgreen, Village Garden, Village Core, Meadows North and Meadows East, the development shall be carried out in accordance with the submitted drawings regarding material finishes, external boundary treatment, hard surfaces, air pumps and bin store arrangements; and
- b) for development within Crescent North, South Glassgreen and Village Garden the development shall be undertaken in accordance with their respective 'Material Conditions Drawing'; and

and

- c) no development shall commence until details have been submitted and approved by the Council as Planning Authority regarding
- i) for development within Village Core, Meadows East and Meadows North, a 'Materials Condition Drawing' to identify dwelling and site layout finishes to each identified residential area (i.e. a 'composite' drawing of material finishes for dwellings and the site layout equivalent to the level of detail included on, for example drawing EL44_CN_MC_01 Rev A (for Crescent North));
- ii) samples and/or specifications for all "hard" landscaping features to be provided within the layout of Main Street (within Village Core);
- iii) for the play area locations identified within South Glassgreen, Village Core and Meadows East, and notwithstanding the indicative details submitted, the actual type, number, specifications and time-scale(s) for provision of all play equipment to be provided; and
- iv) for development within Village Core, Meadows East and Meadows North, the location(s) and design specifications for all required/proposed watercourse crossings, to include information to demonstrate that they are designed to convey a 1 in 200-year design flow plus climate change without causing constriction of flows or increasing the risk of flooding elsewhere.

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

Reason – Whereas details of external treatment of buildings/structures and surfaces are included, details of the matters specified are insufficient or lacking from the application particulars and to ensure an acceptable form of development in the interests of the character, amenities and appearance of the development including formal provision for play and waste collection arrangements and the provision of any new crossing over a watercourse including pedestrian and cycle and vehicle bridge crossings over the Linkwood Burn.

- 15 For residential development within Crescent North, South Glassgreen, Village Garden, Village Core, Meadows North and Meadows East, no development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with Scottish Water, SEPA and Moray Flood Risk Management where appropriate regarding a finalised foul drainage scheme for the development, to include the location, design specifications and time-scale for provision of all foul drainage infrastructure. The scheme shall:

- a) be developed and designed in accordance with the submitted Drainage Assessment (Issue 2, August 2016 and an addendum as submitted as part of application 16/01244/APP);
- b) include evidence of agreement/approval to confirm the foul drainage arrangements including capacity and connection arrangements are acceptable to Scottish Water (in light of the proposed connections from the development into the existing public sewer network);
- c) include the arrangements including the location, route of pipework to discharge/connect foul drainage from each individual area into all required/proposed foul drainage infrastructure (pumping stations) for the development overall;

- d) the location, design specifications, external appearance and material finishes, site layout including hardstanding areas and means of access to any required/proposed above ground building/structure or other apparatus to be provided as part of any pumping station to be provided; and
- e) confirmation of the adopting authority or in perpetuity body for the foul drainage network.

Thereafter, the development shall be provided in accordance with the approved foul drainage scheme details.

Reason - Details of the matters specified including a finalised foul drainage scheme are lacking from the submission and to ensure an acceptable form of development in terms of the provision and delivery of foul drainage infrastructure for the development.

16 For residential development within Crescent North, South Glassgreen, Village Garden, Village Core, Meadows North and Meadows East, no development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with Scottish Water, SEPA and Moray Flood Risk Management where appropriate regarding:

- a) finalised surface water drainage scheme for the development, to include details of all sustainable drainage (SUDs-based) features to be provided including details of the location, design construction specifications, level(s) of treatment, supporting calculations and time- scale(s) for provision and maintenance of all (sustainable) surface water features, including roads drainage to be incorporated into the site layout. The scheme shall:
 - i) be developed and designed in accordance with the surface water design strategy as outlined in the submitted Drainage Assessment (Issue 2 August 2016) together with technical guidance contained in the SUDs Manual (by CIRIA, C753);
 - ii) be designed to manage storm water flows for storm events up to and including a 1 in 200-year flood event to be discharged after on-site attenuation at a controlled rate, not exceeding the greenfield run-off rate;
 - iii) include cross-sections and long-sections to confirm the area and depth of all required/proposed SUDS basin(s) or other sustainable drainage features where proposed, with finished levels related to existing ground levels and a fixed datum;
 - iv) include details to manage and mitigate any overland flows in the event of flood events or drainage failure in excess of the capacity of the SUDs design/installed drainage network and ensure that such flows are not directed towards existing or proposed development;
 - v) include details to connect and integrate surface water drainage arrangements from one area with another area for development for example, from SUDS features within Village Garden to SUDS features within Meadows North, etc.;
 - vi) details to integrate above ground/SUDs drainage features within public spaces (to include use of best practice to integrate blue and green infrastructure);

- vii) details of integration of proposed drainage infrastructure for Phase 1 with future phases of development within Elgin South (and vice versa);
 - viii) confirm the adopting authority/authorities or in perpetuity body/bodies for all surface water drainage arrangements; and
 - ix) for Village Garden, the SUDs-based details for drainage within Village Core as shown on drawing ES (Village Garden)-ENG 009 are not approved and a revised scheme design shall be provided in accordance with the Condition 16 as set out above. In the event of the SUDs based arrangements being located within the formal parkland area as shown on drawing EL44_SL_14-01 Rev J the drainage scheme shall be designed to minimise adverse impacts on the recreational, amenity and bio-diversity value of the site as an open space/landscaped park area for Village Core (as approved as part of formal decision notice 16/01244/APP).
- b) a construction surface water management plan, to include the location, design specifications and time-scale(s) for provision of all required/proposed temporary site construction SUDs in order to demonstrate that surface water run-off from the site will be managed and not increase the risk of flooding during the construction phase of the development (see also Condition 18).

Thereafter, the development shall be implemented in accordance with the approved scheme details and all approved surface water drainage arrangements shall be provided and made operational prior to first use and occupation of each area identified for residential development.

Reason - Details of the matters specified are insufficient and/or are lacking from the submitted particulars and to ensure an acceptable (and sustainable) form of development is provided and maintained and to provide for adequate protection from surface water run-off both during the operation and construction stages of the development.

17 For residential development within Village Garden, Village Core, Meadows North and Meadows East and as part of the development hereby approved:

- a) no part of the development including construction works and activities shall take place within 6m of any watercourse unless with the prior agreement of the Council, as Planning Authority in consultation with any relevant drainage authority, for example in relation to any proposed/required bridge crossing; and
- b) no development shall commence until details of a finalised site layout for the development (with land uses and flood extent overlay) have been submitted to and approved by the Council, as Planning Authority in consultation with SEPA to confirm that a 600mm (minimum) freeboard has been applied to all finished floor levels to development in the functional floodplain as defined/recommended in Table 15 of the Flood Risk Assessment (July 2016 by Kaya Consulting and included within application 16/01244/APP).

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

Reason - To protect people and property from risk of flooding in accordance with Scottish Planning Policy.

- 18 For residential development within Crescent North, South Glassgreen, Village Garden, Village Core, Meadows North and Meadows East, no development shall commence until a site-specific Construction Method Statement (CMS) has been submitted to and approved by the Council, as Planning Authority in consultation with SEPA, SNH and other agencies where appropriate. The CMS shall address all pollution prevention and environmental management issues related to the development and:
- a) identify all risks and detailed pollution prevention measures, site management and mitigation measures for all elements potentially capable of giving rise to pollution and be supported by drawing(s) showing the location of construction management features, and include:
 - i) the locations and arrangements for storage of materials, machinery and equipment together with details of emergency procedures and pollution plans in response to spillage of fuels and chemicals, etc.;
 - ii) a site waste management plan to detail how waste will be minimised during construction, demonstrating that construction practices minimise use of raw materials and maximise use of secondary aggregates and recycled and renewable materials and that waste generated by the proposal is reduced and re-used and recycles where appropriate on the site;
 - iii) the location and design of all temporary site construction SUDs arrangements to protect the water environment including all measures to mitigate and guard against run-off from the site including run-off containing soil or sediment or other contaminants; and
 - iv) a Dust Management Plan (Air Quality Assessment (August 2016 refers).
 - b) incorporate and include revisions to the Construction and Environmental Management Plan as currently submitted into the CMS to identify:
 - i) which protected species and sensitive habitats have been recorded within or are likely to use the site based on ecological surveys carried out to date;
 - ii) what mitigation measures will be put in place to minimise the impacts on the identified species/habitats;
 - iii) what contractors should do if they unexpectedly encounter a protected species; and
 - iv) who will be responsible for providing ecological advice to contractors.

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

Reason - In order to minimise the impacts of the development works upon the environment including requirements to protect species/habitats.

- 19 For residential development within Village Garden, Village Core, Meadows North and Meadows East, no development shall commence until the following have been submitted to and approved by the Council, as Planning Authority in consultation with SNH regarding:

- a) details to confirm the arrangements to undertake pre-construction surveys for all protected species recorded as using the site, to include the time-scale(s) for undertaking surveys and thereafter, the arrangements for reporting the results of the survey and where any survey identifies protected species using the site, the survey results shall identify all required/proposed measures to be implemented to mitigate the impact of the development upon any identified protected species;
- b) the arrangements to undertake watching briefs for protected species during construction works together with the procedures to be adopted to mitigate the protected species where encountered during construction works; and
- c) details to confirm all required/proposed measures to mitigate the impact of the development upon bat species.

Thereafter, the development shall be implemented in accordance with the approved protected species details including mitigation measures.

Reason - To ensure an acceptable form of development taking into account the need to afford protection to all protected species recorded as using the site.

- 20 For residential development within Crescent North, South Glassgreen, Village Garden, Village Core, Meadows North and Meadows East all landscape scheme arrangements shall be carried out in accordance with the submitted details including proposals to retain and/or remove existing trees, arrangements to protect existing and proposed landscape details before during and after construction activity, all new planting and the arrangements for maintenance of landscaping but prior to development commencing details regarding the following shall be submitted to and approved by the Council, as Planning Authority:

- a) planting specifications including the number, species, position, planting distances and sizes of all tree, shrub and hedgerow planting and seeding mix(es) to be provided to the open space/landscape area including the gardens and meadows (not allotments) to be provided along the southern boundary of Village Garden and within the approx. 70m wide communal open space/landscape area to be provided between the southern boundary of the site for the primary school and the access road extending westwards from Village Garden;
- b) details of the time-scale(s) for all proposed planting to be provided within residential development within Crescent North, South Glassgreen, Village Garden, Village Core, Meadows North and Meadows East; and
- c) details to include cross-sections and long-sections to describe the extent, area and height/depth of any resultant landscape feature together with finished levels related to existing ground levels and a fixed datum for all areas where earth moving, mounding and excavation is required/proposed to form landscape features, for example any raised mound feature within the landscaped area to be provided along the western (Birnie Road) boundary of Crescent North, etc.

Thereafter, the approved landscape details for the development shall be implemented in accordance with the approved landscape scheme details and maintained in accordance with the maintenance plan.

Reason - Details of matters specified are lacking from the submitted particulars and to ensure an acceptable form of development in interests of the character, appearance and amenity of the development and the surrounding area.

- 21 In regard to all areas of advance (structure) planting proposed within the development (drawing EL44_SL_22 Rev F refers):
- a) for advance (structure) planting areas proposed in the western part of the site and located to the north and south of Crescent North and South Glassgreen,
 - i) all advance (structure) planting details including time-scales for planting shall be carried out in accordance with the details already approved as part of formal decision notice 16/01244/APP dated 10 May 2018, and drawing EL44_SL_23 Rev F; and
 - ii) in accordance the already approved details, all advance (structure) planting works shall be protected before during and after construction activity occurring on, or through, or in proximity to the advance (structure) planting areas as identified and no construction activity including site compounds and contractor car parking areas, building and engineering operations, storage of materials and equipment, etc. shall be located on or occur in proximity to the areas identified for advance (structure) planting.
- and
- b) notwithstanding the submitted details (including drawing EL44_SL_24 Rev D) and for advance structure planting areas proposed in the eastern part of the site and located to the north and east of Meadows North and Meadow East and, prior to development works commencing, details shall be submitted to and approved by the Council, as Planning Authority regarding:
 - a) the time-scale(s) for undertaking all advance (structure) planting, to be referenced against the time-scale for commencing works on the adjacent areas for housing development within the site. All advance (structure) planting shall be undertaken at an early stage in the development of the site and in advance of construction works commencing within the adjoining areas to be developed for housing;
 - b) a Management Plan for the long-term management and maintenance all advance (structure) planting areas; and
 - c) the arrangements to protect all advance (structure) planting works before during and after construction activity occurring on, or through, or in proximity to the advance (structure) planting areas as identified and no construction activity including site compounds and contractor car parking areas, building and engineering operations, storage of materials and equipment, etc. shall be located on or occur in proximity to the areas identified for advance (structure) planting.

Thereafter, the development shall be implemented in accordance with the approved advance planting arrangements.

Reason - To ensure an acceptable form of development in the interests of the character, appearance and amenity of the development and the surrounding area and allow for the earliest establishment of advance structure planting to provide a sense of visual containment to the development and help to realise the vision for Elgin South, including the setting of development.

- 22 In relation to the approved landscape scheme details approved and proposed for residential development within Crescent North, South Glassgreen, Village Garden, Village Core, Meadows North and Meadows East, all trees shrubs and hedge planting which within a period of 5 years from planting, die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, numbers and species unless with the prior written consent of the Council, as Planning Authority.

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 character, appearance and amenity of the development and the surrounding area.

- 23 No development shall commence within any sub-phase beyond Phase 1A (295 residential units plus Moray Sports Centre and (Linkwood) Primary School as defined on drawing EL44_SL_09 Rev L) until:

- a) details (which may include evidence from Transport Scotland) have been submitted to the Council, as Planning Authority to confirm that the Trunk Roads Authority has completed the upgrading and realignment of the A96 (T) Hardmuir to Fochabers section of the A96 Dualling programme;

OR

- b) a Transport Assessment for each sub-phase has been submitted to the Council, as Planning Authority and that any trunk road mitigation measures necessary to off-set the impact of the sub-phase have thereafter been implemented in accordance with a timescale identified by the Transport Assessment to the satisfaction of the Council, as Planning Authority in consultation with Transport Scotland.

Reason - To ensure that the scale of development beyond Phase 1A is supported by a Transport Assessment, and to ensure that the scale and operation of the proposed development sub-phases beyond Phase 1A do not adversely affect the safe and efficient operation of the A96 trunk road network.

- 24 In terms of archaeological works within Phase 1:
- a) the arrangements for archaeological investigation at the Centre and in the western part of Phase 1 (for Crescent North and South Glassgreen) shall be undertaken in accordance with the details approved under formal decision notice 16/01244/APP dated 10 May 2018 including any details already approved thereunder as part of the discharge of conditions associated with that development; and
- b) for Village Garden, Village Core, Meadows East and Meadows North, no development shall commence until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by the Council, as Planning Authority in consultation with Aberdeenshire Council Archaeology Service. The required scheme

details shall provide for an archaeological trial trenching evaluation of the site.

Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the agreement of the Council, as Planning Authority in consultation with Aberdeenshire Council Archaeology Service.

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

25 For residential development within Crescent North, South Glassgreen, Village Garden, Village Core, Meadows North and Meadows East, no development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Moray Access Manager regarding a detailed plan of public access across the site (existing, during construction and upon completion). The Public Access Plan shall:

- a) include supporting text to explain the rationale for all required/proposed foot and cycle access arrangements;
- b) identify all existing paths, tracks and rights of way and areas currently outwith or excluded from statutory access rights;
- c) identify any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;
- d) identify all paths and tracks proposed for use by walkers and cyclists, to include links to the existing paths network beyond the site and identify which links will be improved to provide for safe active travel corridors to Elgin town centre, the River Lossie cycle path and strategic path corridors including aspirational routes in the emerging Moray Active Travel Strategy i.e. Core Path EG45 Linkwood Road to River Lossie cycle path via Reiket Lane, Core Path EG48 to Ashgrove Road then across railway line to Elgin town centre and EG47 through Dovecot Park to Moss Street; and existing Core Paths EG38 from Bilbohall to the Wards level crossing and EG39 from the Wards level crossing to the railway station;
- e) identify any required diversions of paths, temporary or permanent; and
- f) identify the time-scale(s) for the provision of all foot and cycle paths.

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

Reason - Details of matters as specified are lacking from the current submission and to ensure an acceptable form of development in the interests of public access for walkers and cyclists both through the development site and to further connect the site to the wider path and cycle networks.

26 No development with Meadows East and Meadows North shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with SEPA regarding an environmental improvement scheme for the Linkwood Burn in the eastern section of the development, to include measures for the protection and improvement to the water environment, including the status of the waterbody and to develop opportunities within the design of the open space area to create sufficient space for movement of the watercourse, enhance riparian vegetation, and

offer bio-diversity, habitat enrichment and enhancement, public amenity and localised natural flood management benefits.

Thereafter, the development shall be carried out in accordance with the approved environmental improvement scheme.

Reason - To ensure an acceptable form of development including improvement of the waterbody and the surrounding environment.

- 27 Construction works 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 minimise the impact of construction works upon the amenity of the surrounding area including any neighbouring residential property.

- 28 Excluding the Centre development and for residential development within Crescent North, South Glassgreen, Village Garden, Village Core, Meadows North and Meadows East no development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager regarding a detailed Construction Noise Impact Assessment which shall:
- a) be based upon (but not limited to) procedures for good practice and workmanship, and noise management and control as advocated within relevant BS:5228 codes of practice for noise and where necessary vibration;
 - b) identify all noise management and mitigation measures (including noise and where necessary vibration monitoring programmes) to be adopted during construction works for the development of the site, to be based upon the appointed contractor's working practices and methods together with proposals to promote and establish community relations to address noise/vibration impacts at the closest neighbouring properties including arrangements and procedures/protocols for reporting, handling and responding to complaints regarding noise where so received; and
 - c) unless otherwise agreed, construction noise criteria for the permitted construction hours above shall be in accordance with the BS 5228 ABC method detailed in Table 9 of the submitted Noise Impact Assessment (Rev 02, February 2017, by Arup as submitted as part of application 16/01244/APP).

Thereafter, the development shall be carried out in accordance with the approved assessment details including adoption of all measures to mitigate noise impact during construction of the development.

Reason - To minimise the impact of construction works upon the amenity of the surrounding area including any neighbouring residential property.

- 29 In respect of the use of any Class 3 and Class 10 development on the site, no development shall commence on the site until the following details have been

submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager:

- a) a noise impact assessment pursuant to Planning Advice Note PAN 1/2011 and the associated Technical Advice Note Assessment of Noise (TAN) detailing all noise sources associated with the development and all proposed/required noise management measures to be adopted to mitigate the impact of noise associated with the use of the premises; and
- b) details of measures to suitably control cooking odours arising from use of the premises, including the installation and maintenance of any required/proposed ventilation and extraction system(s).

Thereafter, the noise and odour control arrangements shall be implemented in accordance with the approved details.

Reason - Details of the matters specified are lacking from the submission and to ensure an acceptable form of development in the interests of the amenity of the area including any neighbouring residential property.

- 30 In relation to the proposed installation of air source heat pumps to residential property:

- a) noise emissions associated with the air source heat pumps installed at all affordable housing located throughout the development shall not exceed the (sound pressure) levels stated in Figure D.12 and D.13 of the submitted Noise Impact Assessment (Rev 02, February 2017, by Arup, as submitted as part of application 16/01244/APP); and
- b) noise emissions associated with air source heat pumps installed at all other (private) dwellings shall not exceed the (sound pressure) levels stated in the manufacturer's information brochure as provided for the proposed installation of the following heat pump units: Daikin Altherma Hybrid Heat Pump EVLQ 05CV3 and 08CV3; Daikin Monobloc 6kw - 8kw types EBHQ 006 BBV3 and EBHQ 008BBV3.

Reason -To ensure an acceptable form of development in the interests of the amenity to individual properties on which heat pumps are installed and upon any neighbouring residential property.

- 31 No development shall commence within Village Core (Phase 1 B) until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager regarding a noise impact assessment pursuant to Planning Advice Note PAN 1/2011 and the associated Technical Advice Note Assessment of Noise (TAN). The Assessment shall identify the noise implications arising from the proximity of the proposed development to the existing gas transmission station and all required/proposed measures to property within Village Core to mitigate the impact of noise arising from the station. The assessment findings shall be reported in terms of BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.

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

Reason -To ensure an acceptable form of development in the interests of the amenity of the proposed development and the surrounding area.

- 32 For residential development located along Linkwood road (within Village Gardens, Village Core and Meadows North), no development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager regarding a suitable mitigation plan for outdoor amenity areas of residential properties predicted to experience unmitigated external road traffic daytime noise levels over a sound pressure level of L A eq, 16 hour 55 dB, as highlighted in Chapter 8.2 of the submitted Noise Impact Assessment (Rev 02, February 2017, by Arup as submitted with application 16/01244/APP). The plan shall include the location, design specifications and times-scale for delivery of all proposed measures to mitigate noise impact.

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

Reason - Details of the proposed mitigation measures to be adopted are lacking from the submitted particulars and to ensure an acceptable form of development in the interests of the amenity of the development and the surrounding area.

- 33 In relation to any proposed use of any identified premises for Class 1, 2 or 4 development:
- a) noise emissions between the daytime period of 0700 to 2300 hours shall not exceed Noise Rating Curve (NR) 25, as determined within a living apartment of the nearest noise sensitive property with the external window moderately ajar. This limit would apply and be determined over a 1-hour duration within any daytime period; and
 - b) noise emissions between the night time of 2300 to 0700 hours shall not exceed Noise Rating Curve (NR) 20, as determined within the bedroom of the nearest noise sensitive property with the external window moderately open. This limit would apply and be determined over a five minute duration within any night time period.

Reason - In order to minimise the impact of the operation of the use of premises as identified for development upon the amenity of adjoining residents.

- 34 Notwithstanding the submitted details, no development shall commence until the following has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority and where appropriate, the Head of Housing & Property:
- i) drawing(s) (scale 1:2000 minimum) showing the position of bus stops and 400 metre walking isochrones within all character areas of the development and on the adjacent public roads;
 - ii) drawing(s) (scale 1:500 minimum) showing:
 - a) positions of bus stops and bus stop infrastructure (shelters and flags);
 - b) widening of bends on all bus routes to enable buses to pass each other without conflict, excluding locations where traffic calming measures are to be provided; and
 - iii) timescales for the delivery of all bus stop infrastructure within each area proposed for development and on the adjacent public roads.

Thereafter, the bus stops and infrastructure shall be provided in accordance with the approved details and agreed timescales.

Reason - To ensure the satisfactory provision of public transport infrastructure through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

- 35 Prior to first use or occupation of the Centre, or the (Linkwood) Primary School (located to west of Village Garden) or first dwelling accessed via Linkwood Road, whichever is sooner, the following shall be provided in accordance with the details and timescale as approved under Condition 36 of formal decision notice 16/01244/APP dated 10 May 2018:
- i) a new pedestrian and cycle bridge crossing of the Linkwood Burn; and
 - ii) a continuous 6.0m wide carriageway and a pedestrian and cycle shared use path on the eastern side of the road side from the Linkwood bridge to the junction with Reiket Lane bridge and improvements to Linkwood Road.

Reason - To ensure acceptable infrastructure is provided to access the development by foot, cycle, vehicle and public transport in the interests of road safety, through the provision of details currently lacking from the submission.

- 36 During the replacement of the crossing(s) over the Linkwood Burn, and for any part of the development accessed from Linkwood Road, the proposed route of an alternative access to the development character areas accessed via Linkwood Road to be utilised by all traffic (including emergency services) shall be provided in accordance with the details and timescale as approved under Condition 37 of formal decision notice 16/01244/APP dated 10 May 2018:

Reason - To ensure an acceptable alternative means of access to the development during the replacement of the bridge crossing(s) over Linkwood Burn for pedestrians, cyclists, vehicles, public transport and emergency services in the interest of road safety.

- 37 Prior to the commencement of the 216th dwelling (houses and/or flats/apartments) accessed from Linkwood Road a detailed drawing (scale 1:500) shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority showing the location, design specifications and timescale for the delivery of an alternative access route to the development character areas accessed via Linkwood Road to be utilised by all traffic (including emergency services), together with the separate arrangements for access for pedestrians and cyclists, to be provided at all times during the replacement of the crossing(s) over the Linkwood Burn.

Thereafter, the alternative access route shall be provided in accordance with the approved details and agreed timescale.

Reason - To ensure an acceptable alternative means of access to the development during the replacement of the bridge crossing(s) over Linkwood Burn for pedestrians, cyclists, vehicles, public transport and emergency services in the interest of road safety, through the provision of information currently lacking from the submission.

- 38 Prior to work commencing or within one year of commencement of any part of the development, the following shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:
- i) a detailed drawing (scale 1:500) showing the location, design specifications of replacement bridge crossing(s) of the Linkwood Burn which provides for a minimum 6.0m wide vehicular carriageway with 3.0m wide pedestrian and cycle shared use paths on both sides of the bridge crossing;
 - ii) a detailed drawing (scale 1:500) showing the location, design specifications for a continuous 6.0m wide carriageway and pedestrian and cycle shared use paths on both sides of Linkwood Road from and including the new bridge over the Linkwood Burn to the junction with Reiket Lane to the north; and
 - iii) details of all changes/modifications to the design, to be informed by a Stage 1/2 Road Safety Audit (RSA), for the improvements to Linkwood Road.

Thereafter and prior to the commencement of the 476th dwelling (houses and/or flats/apartments) to be accessed via Linkwood Road, the replacement bridge and improvements to Linkwood Road shall be provided in accordance with the approved details.

Reason - To ensure that the road improvement works and replacement bridge are designed to an appropriate standard and to ensure the provision of a safe and suitable access, including for pedestrians and cyclists, to the development in the interest of road safety, through the provision of information currently lacking from the submission.

- 39 No development shall commence until a Travel Plan, which sets out proposals for reducing dependency on the private car for the commercial development, including the Sports Centre, has been submitted to, and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Travel Plan shall include:

- a) measures for the provision of bus services to serve the site, including the extension/enhancement of any existing services, and associated financial contributions;
- b) measures for encouraging staff and customers to travel by foot or cycle, including the provision of cycle storage and secure lockers for equipment;
- c) details for the management, monitoring, reviewing and reporting of these measures; and
- d) details of the duration of the Travel Plan.

The approved Travel Plan shall thereafter be implemented from the date of first occupation of any commercial part of the development, including the Sports Centre.

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

- 40 No development shall commence until a Travel Information Pack, which sets out opportunities for travel by foot, cycle and public transport, has been submitted to, and approved in writing by the Council, as Planning Authority in

consultation with the Roads Authority. The Travel Information Pack shall include:

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

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

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

- 41 Except for development occurring within Phase 1A (including South Glassgreen (50 affordable dwellings), prior to the commencement of any part of the development accessed from the A941 Elgin to Dufftown Road, the following shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:

- i) a detailed drawing (scale 1:500) showing the location, design specifications and timescale for delivery of the access to the development on the A941 including the proposed design speed, visibility splay requirements and junction type; and
- ii) details of all changes/modifications to the design, to be informed by a Stage 1/2 Road Safety Audit (RSA) for the proposed junction, and any other works proposed on the A941 e.g. bus laybys and pedestrian crossings.

Thereafter, the development access, bus laybys and pedestrian crossings shall be provided in accordance with the approved details and agreed timescales.

Reason - To ensure the provision of a safe and suitable access, including for pedestrians and cyclists, to the development in the interest of road safety through the provision of information currently lacking from the submission.

- 42 Prior to the commencement of the 51st dwelling (houses and/or flats/apartments) within the area proposed for development at South Glassgreen, the internal road network for that area shall be connected to the road network of adjacent development to the north of the site and made available for use by all vehicles, pedestrians and cyclists.

Reason - To ensure an acceptable alternative means of access to the development, including for the emergency services.

- 43 Prior to the commencement of any part of the development accessed from the C2E Elgin - Birnie Road, the following shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:

- i) a detailed drawing (scale 1:500) showing the location, design specifications and timescale for delivery of road widening of Birnie Road to 6.0m (minimum) over the full length of the development frontage onto Birnie Road together with a 2.0m wide verge on the west side of the road and a 3.0m wide pedestrian and cycle shared use path on the east side connecting into the existing pedestrian/cycle network to the north;
- ii) a detailed drawing (scale 1:500) showing the location, design specifications and timescale for delivery of the access to the development on Birnie Road including the design speed, visibility splay requirements and junction type; and
- iii) details of all changes/modifications to the design, to be informed by a Stage 1/2 Road Safety Audit (RSA), for the proposed junction and, any other works proposed on Birnie Road e.g. pedestrian crossings.

Thereafter, the development access and improvements to Birnie Road shall be provided in accordance with the approved details and within the agreed timescales.

Reason - To ensure the provision of a safe and suitable access, including for pedestrians and cyclists, to the development in the interest of road safety through the provision of information currently lacking from the submission.

- 44 Prior to the commencement of the 51st dwelling (houses and/or flats/apartments) within the area proposed for development at Crescent North,

- i) the internal pedestrian and cycle path networks for that area shall be connected to the path and cycle networks within the adjacent development to the north of the site and made available for use; and
- ii) an emergency access shall be provided onto Birnie Road (drawing EL44_CN_04 Rev G).

Reason -To ensure an acceptable alternative means of access to the development, including for the emergency services.

- 45 For Crescent North and notwithstanding the details on drawings EL44_CN_02 Rev G, EL44_CN_04 Rev G and EL44_CN_MC_01 Rev A, no development shall commence until the following have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority and where appropriate, the Head of Housing & Property:
- a) a detailed Plan (1:500 minimum) shall be provided showing the proposed connection at the northern end of the ramped path and a direct crossing of the track to the path network within the development to the north; and
 - b) provision of a continuous 3m wide cycle path which shall be provided adjacent to Birnie Road (as shown on drawing EL44_CN_L_01 Rev B and connected to the existing cycle path network on the east side of Birnie Road to the north of the development along the southwestern boundary of the landscape area to the south of Plot 6.

Thereafter, and prior to first occupation or completion of building works, whichever is the sooner, for the 1st house within Crescent North the following shall be provided in accordance with the approved details and made open and available for use:

- a) the path connection from Crescent North to the development to the north; and
- b) the 3m wide cycle path adjacent to Birnie Road.

Reason - To ensure an acceptable infrastructure is provided in the interests of sustainable transport and the provision of non-vehicular access to the development together with the required provision of details currently lacking from the submitted particulars.

- 46 For Meadows North and notwithstanding the details on drawings EL44_MN_02 Rev E, EL44_MN_04 Rev E and EL44_MN_06 Rev F, no development shall commence until the following details, including drawing(s) (scale 1:500 minimum) and timescales for the delivery, have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority and where appropriate, the Head of Housing & Property:
- a) references to Informal 'Mown' Footpaths as identified on drawing EL44_MN_04 Rev E between plots 100 and 103, 72 and 73, and Plot 48 to the cycle path to the west to be removed and replaced with a '2m wide compacted or bound surface, footpath' (and the revised details shall supersede all others for these paths);
 - b) plot boundaries 86-93 to be set back behind the 43m forward visibility line;
 - c) vehicle swept path analysis for car/car, car/refuse, car/bus and bus/bus for all 'linking streets' and 'local streets' within Meadows North; and
 - d) the extension of the 5.5m road width on the road located between plots 68 and 94 from its junction with road fronting Plots 68 and 94 to provide sufficient length to accommodate a refuse vehicle clear of the junction.

Thereafter, the road widening identified through the swept path analysis to accommodate vehicle movements and the road widening, road extension, footpaths and forward visibility shall be provided and maintained in accordance with the approved details and agreed timescales.

Reason - To ensure acceptable infrastructure is provided within this character area to cater for movements by foot including ambulant disabled persons, cycle, vehicle and public transport through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

- 47 For Village Core and notwithstanding the details on drawings EL44_VC_02 Rev E, EL44_VC_04 Rev E, and EL44_VC_06 Rev F, no development shall commence until the following details, including drawing(s) (scale 1:500 minimum) and timescales for delivery, have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority and where appropriate, the Head of Housing & Property:
- a) relocation of the bin storage area on the southern side of the private access between plots 19-22 and 23 to a position to the rear of the access visibility splay;
 - b) vehicle swept path analysis for car/car, car/refuse, car/bus and bus/bus for all 'linking streets' and 'local streets' within Village Core;
 - c) provision of a continuous footway on at least one side of the road between plots 30 and 44;
 - d) widening of road between plots 19-22 and 176-177 to 5.5m, to allow sufficient width for a car and refuse vehicle to pass at the junction with the road fronting plots 19-22 and 176-177; and

- e) widening of the 4.1m wide approaches to 5.5m at the junction of the road fronting plots 152-155 and the road fronting plot 29 to enable a car and refuse vehicle to pass.

Thereafter, the road widening identified through the swept path analysis to accommodate vehicle movements, the bin storage area, footways and road widening shall be provided and maintained in accordance with the approved details and agreed timescales.

Reason - To ensure acceptable infrastructure is provided within this character area to cater for movements by foot, cycle, vehicle and public transport through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

- 48 For Meadows East and notwithstanding the details on drawings EL44_ME_04 Rev C and EL44_ME_06 Rev D, no development shall commence until the following details, including drawing(s) (scale 1:500 minimum) and timescales for delivery, has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority and where appropriate, the Head of Housing & Property:

- a) references to Informal 'Mown' Footpaths as identified on drawing EL44_ME_04 Rev E between plots 163 and 175, on the eastern side of plot 164, between plot 157 and the cycle path to the north of the SUDs infrastructure and to the end of the private driveway serving plot 156, between plot 69 to the cycle path to the east, and between plot 10 and the turning facility to the east, to be removed and replaced with '2 metre wide compacted or bound surface, footpath' (and these revised details shall supersede all others for these paths);
- b) vehicle swept path analysis for car/car, car/refuse, car/bus and bus/bus for all 'linking streets' and 'local streets' within Meadows East;
- c) provision of a continuous 2m wide footway on the north side of the grass open space between plots 193, 148 and 195;
- d) extension of 3m wide cycle path on south side of play area from plot 142 to the end of the turning head;
- e) extension of 2m wide footpath across the accesses to plots 73/74 and 69-72 to link with cycle path on north side of play area;
- f) provision of a 2m wide path across the entrance of the private driveway serving plots 175-180;
- g) provision of a 2m wide footway or verge along road frontages of plot 168;
- h) extension of 3m wide cycle path southwards along frontage of plots 33-36 and 37-40 to junction with Linking Street serving plots 84-91; and
- i) widening of road between plots 50 and 57 to 5.5m, on the approach to and through the bend to allow sufficient width for vehicles to pass (car and refuse on the approach to the bend, car and car at the bend).

Thereafter, the road widening identified through the swept path analysis to accommodate vehicle movements and the footpaths, footways, cycle path and road widening shall be provided and maintained in accordance with the approved details and agreed timescales.

Reason - To ensure acceptable infrastructure is provided within this character area to cater for movements by foot, including ambulant disabled persons, cycle, vehicle and public transport through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

49 For Village Garden and notwithstanding the details on drawings EL44_VG_04 Rev G and EL44_VG_06 Rev H, no development shall commence until the following details, including drawing(s) (scale 1:500 minimum) and timescale for delivery, have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority and where appropriate, the Head of Housing & Property:

- a) a 2m wide footpath on the northern side of Plots 22 – 29 and the northern side of Plot 12 to provide a continuous route (which a crossing of the housing road) for pedestrians between the proposed footway to the west of Plots 22 - 25 and the cycle path to the north of Plot 12;
- b) a 2m wide footpath between the parking bays of plots 6 and 7, and a crossing of the internal road to link the footway to the east of Plot 35 with the footway in front of Plots 6 and 7;
- c) reduction in the cycle path width between Plots 50 and 51 by providing a consistent 3m wide path around the bend.

Thereafter, the proposals shall be provided and maintained in accordance with the approved details and agreed timescales.

Reason - To ensure acceptable infrastructure is provided within this character area to cater for movements by foot, cycle, vehicle and public transport through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

50 For South Glassgreen and notwithstanding the details on drawings EL44_SG_02 Rev K, EL44_SG_03 Rev K, EL44_SG_04 Rev I and EL44_SG_06 Rev H, EL44_SGG_L_01 Rev C, EL44_SGG_MC_01 Rev A, no development shall commence until the following details, including drawing(s) (scale 1:500 minimum) and timescales for delivery, have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority and where appropriate, the Head of Housing & Property:

- a) the junction design for the proposed access from the A941 including provision for pedestrian access to southbound bus stop; and
- b) vehicle swept path analysis for car/car, car/refuse, car/bus and bus/bus.

Thereafter, the road widening identified through the swept path analysis to accommodate vehicle movements and the pedestrian access to the southbound bus stop shall be provided and maintained in accordance with the approved details and agreed timescales.

Reason - To ensure acceptable infrastructure is provided within this character area to cater for movements by foot, cycle, vehicle and public transport through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

51 No works shall commence on any area proposed for development until a Construction Traffic Management Plan for the respective area has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:

- duration of works;
- construction programme;
- number of vehicle movements (i.e. materials, plant, staff, components);
- anticipated schedule for delivery of materials and plant;
- full details of any temporary construction access;
- full details of construction traffic routes from the A941 and A96 to the site, including any proposals for temporary haul routes and routes to be used for the disposal of any materials from the site;
- measures to be put in place to prevent material being deposited on the public road;
- measures to be put in place to safeguard the movements of pedestrians;
- traffic management measures to be put in place during works including any specific instructions to drivers; and
- parking provision, loading and unloading areas for construction traffic.

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

As part of the requirements for a Construction Traffic Management Plan, for South Glassgreen, the location and layout of the contractor's car park and construction compound and laydown areas as shown on drawing ES (South Glassgreen) Eng-009 is not approved.

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. The current arrangements for South Glassgreen are unacceptable being located within an area identified and approved for advance (structure) planting (and conflict with the requirements of Condition 21 above.

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

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

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

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

- 53 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, 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.

- 54 No fences, planting/hedges, walls or any other obstruction whatsoever over 0.6m measured from the level of the public carriageway shall be permitted within the 'forward visibility' areas or visibility splays crossing plot boundaries within all areas of the residential development, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

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

- 55 Parking provision shall be provided, and made available and thereafter be maintained for use at all times at the following level(s) of provision:

Private Housing:

- up to 3 bedrooms - 2 spaces.
- 4 or more bedrooms - 3 spaces.

Private Flats:

- up to 2 bedrooms - 1.5 spaces per flat.
- cycle parking at a rate of 2 stand/locker plus 1 stand per 20 flats.

Affordable Housing:

- up to 2 bedrooms - 1 space.
- 3 or more bedrooms - 2 spaces.
- cycle parking at a rate of 2 stand/locker plus 1 stand per 20 flats.

Sports Centre:

- 240 spaces (as proposed).
- 23 disabled spaces (as proposed).
- a minimum of 3 parking spaces shall be dedicated as electric car charging points, including provision of associated charging infrastructure.
- cycle parking provision at a minimum rate of 2 stands plus 1 additional stand per 50 seats.

Village Core:

- cycle parking provision for commercial uses at a minimum rate of 2 stands plus 1 additional stand for per 500sqm.

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.

- 56 Houses requiring 2 parking spaces shall have a driveway length of 6.0m minimum in front of any garage to permit a second car to park, unless alternative parking arrangements are provided. No part of the driveway shall be included in the public road.

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.

- 57 Driveways over service verges shall be constructed to accommodate vehicles and shall be surfaced with bituminous macadam.

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

- 58 For any part of the development accessed from Linkwood Road, the following shall be provided in accordance with the details and timescales as approved under Condition 59 of formal decision notice 16/01244/APP dated 10 May 2018:

- i) the 6.0m wide carriageway with 3.0m wide pedestrian and cycle shared use paths on both sides of Linkwood Road from the Linkwood bridge south to beyond the southernmost access to the development;
- ii) the accesses to the development on Linkwood Road; and
- iii) the proposed road improvements and access junctions onto Linkwood Road from the southernmost extent of any proposed works to the junction with Reiket Lane.

Reason - To ensure acceptable infrastructure is provided to access the development by foot, cycle, vehicle and public transport through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

Councillor Divers rejoined the meeting at this juncture.

9. Planning Application 18/01163/APP

A report by the Appointed Officer recommended that, subject to the conditions detailed in the report, planning permission be granted in respect of an application to vary condition 2 of planning consent 93/00558/FUL to allow extraction to take place for a further period of 25 years beyond the current permitted expiry date of 8th December 2018 at Netherglen Quarry, Longmorn, Elgin, Moray for Breendon Northern. The report also advised that members of the Committee visited the site of the application on 25 January 2019.

The Committee noted that the application had been referred to Committee as the application is a “major” development as defined under the Hierarchy Regulations 2009 because the site area exceeds 2 ha.

Following consideration, the Committee agreed to grant planning permission in respect of planning application 18/01163/APP as recommended subject to the following conditions and reasons:

1. The permission hereby granted shall be for a limited period only and shall cease to have effect on 29 January 2044 (the 'cessation date') by which time and prior to that cessation date, the application site shall be cleared of all development approved or involved in implementing the terms of the permission hereby granted (including all mobile plant and machinery, any ancillary works, infrastructure, fixtures and fittings, etc.), and the site shall be re-instated in accordance with a restoration and aftercare scheme which shall previously have been submitted to and approved in writing by the Council, as Planning Authority (see Condition 3 below).

Reason - To ensure an acceptable form of development enabling it to progress in accordance with the applicant's submitted particulars to allow for full extraction of available resources and site restoration thereafter, to enable the Council as Planning Authority to retain control over the use of the site and enable further consideration to be given to the operations, effects and impact of the use upon the amenity, character and appearance of the site and surrounding area together with securing the restoration of the site.

2. Within 3 months of the date of this permission (or other appropriate period agreed in writing by the Planning Authority), an up-to-date Site Specific Management Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA. Thereafter all works shall be undertaken in accordance with the approved Plan. The Plan shall include the information (where applicable) outlined in paragraph 3.3 of the SEPA consultation response 9 October 2018 attached to this decision.

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

3. At least one (1) year prior to mineral workings ceasing on the site and prior to any phased restoration works, a restoration and aftercare plan shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work carried out in accordance with the said scheme. The plan must include information on any proposals for phased working and progressive restoration, as well as the effect that any restoration will have on the water environment. The plan shall include (but not be limited to) the following information:
 - a) Proposals for phased working and progressive restoration.
 - b) Existing and proposed finished ground levels relative to a fixed datum.
 - c) Surface water drainage arrangements.
 - d) Details of any buffer strips between the works and any water features and other measures to minimise pollution.
 - e) Demonstration that the restoration proposals will not have a detrimental impact on the water environment, including groundwater quality and quantity.
 - f) Identify environmental enhancement opportunities that can be achieved through restoration. These could include habitat creation and management proposals.
 - g) A programme for the completion of the restoration and subsequent maintenance arrangements.

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

4. The further survey and mitigation measures detailed within the accompanying Preliminary Ecological Appraisal by ENVIRO CENTRE dated March 2018 submitted as part of this application shall be implemented by the Quarry Operator, unless otherwise agreed with the Council as Planning Authority.

Reason - To ensure the adequate protection and enhancement of ecological features and protected species.

5. All quarry operations shall be carried out and permitted between 0700 – 1900, Monday to Friday, and 0700 – 1300, Saturdays and at no other times without the prior written consent of the Council, as Planning Authority in consultation with the Environmental Health Manager.

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

6. During the normal daytime working hours defined in the above condition, noise emissions associated with the development shall not exceed the free-field Equivalent Continuous Noise Level (LAeq,1h) of 52dB(A), as determined at any existing noise sensitive property.

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

7. At the reasonable request of the Planning Authority, following a complaint relating to noise from quarry operations at the development, the developer shall measure at its own expense noise emissions as they relate to the permitted consent limits having regard to measurement locations and methodologies as detailed in Planning Advice Note 'PAN50, Annex A: The Control of Noise at Surface Mineral Workings'. The results of such monitoring shall thereafter be forwarded to the Planning Authority. In the event that the results of the subsequent monitoring specified above records levels exceeding that in condition 6 above further timeous mitigation measures will be required to be identified in a scheme agreed in writing by the Planning Authority, in consultation with the Environmental Health Manager, and thereafter implemented.

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

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

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

9. Ground vibration as a result of blasting operations at the development shall not exceed a peak particle velocity of 6 mms-1 in 95% of all blasts and no individual blast shall exceed a peak particle velocity of 10mms-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.

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

10. No blasting shall be carried out on the site except between the following times (1000 and 1200 hours) and (1400 and 1600 hours) Monday to Fridays and (1000 and 1200 hours) on Saturday. There shall be no blasting or drilling operations on Sundays, Bank or National Holidays. This condition 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.

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

11. Within 3 months of the date of this permission, details shall be submitted to and approved by the Planning Authority in consultation with the Council Roads Authority for edge strengthening works to the A941 and site access over a continuous 55 metre length comprising 40 metres of the A941 road from the start of the entrance to the site extending southwards on the west side and the first 15 metres of the edge of the access from the start of the entrance to the site on the A941. Thereafter the agreed road edge strengthening works shall be completed in accordance with the approved details within 6 months of the date of this permission.

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

12. Within 3 months of the date of this permission, written evidence shall be submitted the Council as Planning Authority that a S96 Wear and Tear Agreement between the Quarry Operator (or their appointed representative) and the Roads Authority (Roads Maintenance) has been completed. The Wear and Tear agreement shall include the full width of the A941 road over a 70 metre length centred at the access to the development onto the A941 and be provided for the lifetime of the development.

Reason - To ensure infrastructure is maintained at the access to the development in the interests of road safety.

13. Within 3 months of the date of this permission, details of evidence from the Quarry Operator shall be submitted to and approved by the Planning Authority in consultation with the Council Roads Authority, which confirms the provision of advanced warning signs (2 southbound and 1 northbound) on the A941 at locations to a specification previously agreed with the Council Roads Authority (Traffic Section).

Reason - To ensure acceptable infrastructure is provided at the access to the development in the interests of road safety.

14. No water or loose material shall drain or be carried onto the public carriageway for the life-time of the development.

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.

15. Notwithstanding the provisions of Classes 55 and 56 of the Town & Country Planning (General Permitted) (Development) (Scotland) order 1992 (as amended, revoked or re-enacted; with or without modification) no buildings, plant or machinery (other than the mobile plant/machinery for extraction works located within the areas of extraction operations; and plant/machinery/buildings for processing aggregate construction products within the areas of processing operations), shall be installed or operated within the site without the prior approval of the Council as Planning Authority.

Reason - In order to retain effective control over future development within the application site so that it is carefully managed and does not result in over-development or adversely impact on the amenity or character of the area.

16. No tree felling shall commence on site until a woodland planting scheme to compensate for the removal of 1.4 hectares of woodland from the site (the location and planting timescale(s) for which are shown on the Tree Compensation Plan drawing number N01/PA/010) has been submitted to and approved in writing by Moray Council in consultation with Forestry Commission Scotland. The replanting scheme must comply with the requirements set out in the UK Forestry Standard (Forestry Commissions, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers. The scheme submitted for approval must include:-

- a. details of the location of the area to be planted (Tree Compensation Plan drawing number N01/PA/010 refers);
- b. details of land owners and occupiers of the land to be planted;
- c. the nature, design and specification of the proposed woodland to be planted;
- d. details of all Necessary Consents for the Replanting Scheme and timescales within which each shall be obtained;
- e. the phasing and associated timescales for implementing the Replanting Scheme (Tree Compensation Plan drawing number N01/PA/010 refers);
- f. proposals for the maintenance and establishment of the Replanting Scheme, including; annual checks; replacement planting; fencing; ground preparation; and drainage.

The approved Replanting Scheme shall thereafter be implemented in full and in accordance with the phasing and timescales set out therein, unless otherwise agreed in writing by Moray Council in consultation with Forestry Commission Scotland.

Reason - In order to ensure compensatory woodland planting is provided to mitigate for that lost as a result of the development.

17. Once mineral extraction has been exhausted or the permission duration expires (whichever is the sooner) the final restoration phase of Netherglen Quarry shall be carried out in accordance with the approved restoration plan. The restoration works shall be carried out within 12 months of the quarry ceasing to operate or at the latest within the 25th year following the date of this consent.

Reason - In order to ensure, upon expiry of the mineral extraction, that the quarry is landscaped to minimise any long term visual impact and to encourage biodiversity back to the area.

18. 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. This includes those planted as part of the progressive restoration of the quarry in addition to the remaining planting required as part of the final phase of the approved Concept Restoration Plan.

Reason - In order to ensure that the approved landscaping works are properly maintained in a manner to ensure the appropriate landscaping and quarry restoration is achieved.

19. The proposed phasing, progressive and final restoration and landscaping details as shown on the approved Concept Restoration Plan drawing number N01/PA/007 and the associated restoration and aftercare plan submitted/approved under the terms of condition 3 must be adhered to, unless approved in writing by the Council as Planning Authority.

Reason - In order to ensure that the approved phasing of operations and proposed restoration and planting details are provided.

10. Planning Performance Framework 2017/18

A report by the Corporate Director (Economic Development, Planning and Infrastructure) presented the Committee with the Planning Performance Framework (PPF) for 2017/18, as submitted to the Scottish Government on 12 July 2018, covering the period 1 April 2017 to 31 March 2018 for Moray Council. The report summarised the feedback received from the Scottish Government on 10 January 2019 with specific reference to the performance Markers Report and RAG (Red, Amber, Green) ratings for the 2017/18 submission.

The Committee joined the Chair in commending the Service for their excellent performance and thereafter agreed to:

- (i) note the Planning Performance Framework submitted to the Scottish Government on 12 July 2018 as set out in Appendix 1 of the report;
- (ii) note the feedback report received from the Scottish Government on 10 January 2019 as set out in Appendix 2 of the report;
- (iii) authorise the Head of Development Services to submit the Planning Performance Framework for 2018/19 to the Scottish Government by the end of July 2019 (or any other date that may be set);

- (iv) note that the Planning Performance Framework 2018/19 will be reported to the first available Planning & Regulatory Services Committee following receipt of the feedback; and
- (v) note the Planning Performance Framework 2017/18 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 2018/19.

11. Planning Etc (Scotland) Act 2006: Scheme of Delegation

Under reference to paragraph 5 of the Minute of this Committee dated 25 February 2014, a report by the Corporate Director (Economic Development, Planning and Infrastructure) reviewed the existing adopted Scheme of Delegation approved by this Committee on 25 February 2014 as it is a requirement of The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 to prepare such a Scheme of Delegation at intervals of no greater than every five years.

Following consideration the Committee agreed to approve the revised Scheme of Delegation as set out in Appendix 1 of the report, which will be submitted to the Scottish Government for approval prior to adoption.

12. Development Plan Scheme 2019 – Moray Local Development Plan 2020

Under reference to paragraph 13 of the Minute of this Committee dated 27 February 2018, a report by the Corporate Director (Economic Development, Planning and Infrastructure) asked the Committee to consider the current timetable for the preparation of the Local Development Plan 2020 and to agree that the Development Plan Scheme is submitted to the Scottish Government.

Following consideration, the Committee agreed:

- (i) the Development Plan Scheme 2019 for the Moray Local Development Plan 2020, as set out in Appendix 1 of the report; and
- (ii) that the Scheme is submitted to the Scottish Government.

13. Aligning Planning and Roads Construction Consent

Under reference to paragraph 10 of the Minute of this Committee dated 19 June 2018, a report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee of the outcome of the consultation exercise on the proposal to seek to align Planning Consent and Roads Construction Consent (RCC) in circumstances where the applicant/developer agrees to this approach and in all cases where the Council is the applicant/developer.

Following consideration, the Committee agreed:

- (i) to note that no representations were received in relation to the consultation with agents/developers to align the design principles of Planning and RCC;

- (ii) that aligning the design principles of Planning and RCC should be promoted as best practice by Moray Council in circumstances where the applicant/developer agrees to this approach and signs a Processing Agreement;
- (iii) that existing procedures will be reviewed to enable the consenting processes to be aligned as proposed in the implementation plan in Appendix 1 of the report;
- (iv) not to waive the Pre-application costs associated with applications to assist developers with the additional upfront costs of aligning consents;
- (v) that regardless of an aligned process as set out above, the roads authority consultation response will state if insufficient detail is received to fix the street layout and enable a proper assessment of a planning application, and
- (vi) to instruct Officers to arrange a training session for Members on Designing Streets, and the use of Street Engineering Reviews & Quality Audit as material planning considerations.

14. Tree Preservation Orders

Under reference to paragraph 13 of the Minute of this Committee dated 19 June 2018, a report by the Corporate Director (Economic Development, Planning and Infrastructure) asked the Committee to confirm the Tree Preservation Orders approved by this Committee on 19 June 2018 at Dallas Dhu, Forbes and Findhorn Village Entrance, with modifications.

Following consideration the Committee agreed to confirm:

- (i) 'The Moray Council (Dallas Dhu) Tree Preservation Order (No 1) 2018' with a modification, as detailed in paragraph 4.3 of the report; and
- (ii) 'The Moray Council (Findhorn Village Entrance) Tree Preservation Order (No 1) 2018' with a modification, as detailed in paragraph 4.6 of the report.

15. Question Time

There were no questions raised.