



Planning and Regulatory Services Committee

Tuesday, 31 May 2022

NOTICE IS HEREBY GIVEN that a Meeting of the **Planning and Regulatory Services Committee** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Tuesday, 31 May 2022** at **09:30**.

BUSINESS

1 Sederunt

2 Declaration of Group Decisions and Members Interests *

3 Resolution

Consider, and if so decide, adopt the following resolution:
"That under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Item 14 of business on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act."

4 Minutes

4a) Minute of Meeting dated 1 March 2022

7 - 38

4b) Minute of Special Meeting dated 4 April 2022

39 - 70

5 Written Questions **

6	22/00523/PAN	71 - 76
	Report by Depute Chief Executive (Economy, Environment and Finance)	
	Proposed battery energy storage system and associated infrastructure on land adjacent to electricity substation Westerton Road, Keith, Moray	
7	22/00631/PAN	77 - 82
	Report by Depute Chief Executive (Economy, Environment and Finance)	
	Erection of warehouses (up to 50,000 sqm), land engineering (cut and fill), realignment of core burn and associated engineering and infrastructure works at land to South of Crisp Maltings, Portgordon, Buckie.	
8	22/00067/S36	83 - 140
	Report by Depute Chief Executive (Economy, Environment and Finance)	
	Install a battery energy storage system (BESS) with associated infrastructure at Blackhilloch Electricity Substation, Keith	
9	Planning Policy Guidance - Moray Local Development Plan 2020	141 - 160
	Report by Depute Chief Executive (Economy, Environment and Finance)	
10	Housing Land Audit 2022	161 - 320
	Report by Depute Chief Executive (Economy, Environment and Finance)	
11	Employment Land Audit 2022	321 - 366
	Report by Depute Chief Executive (Economy, Environment and Finance)	
12	Consultation on Proposed Changes to Fees Charged for Applications under the Electricity Act 1989	367 - 398
	Report by Depute Chief Executive (Economy, Environment and Finance)	

13 Question Time ***

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

Item(s) which the Committee may wish to consider with the Press and Public excluded

14 Breach of Planning Control - Breach of Planning Conditions Land at Rafford, Forres

- Information relating to instructions to counsel any opinion of counsel and any advice received, information obtained or action to be taken in connection with any legal proceedings;

Summary of Planning and Regulatory Services Committee functions:

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

Moray Council Committee meetings are currently being held virtually due to Covid-19. If you wish to watch the webcast of the meeting please go to:
http://www.moray.gov.uk/moray_standard/page_43661.html
to watch the meeting live.

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

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

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

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

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

THE MORAY COUNCIL

Planning and Regulatory Services Committee

SEDERUNT

Councillor Donald Gatt (Chair)
Councillor Marc Macrae (Depute Chair)

Councillor Neil Cameron (Member)
Councillor Tracy Colyer (Member)
Councillor John Cowe (Member)
Councillor John Divers (Member)
Councillor Amber Dunbar (Member)
Councillor David Gordon (Member)
Councillor Sandy Keith (Member)
Councillor Scott Lawrence (Member)
Councillor Graham Leadbitter (Member)
Councillor Bridget Mustard (Member)
Councillor Sonya Warren (Member)

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

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

1 MARCH 2022

VARIOUS LOCATIONS VIA VIDEO-CONFERENCE

PRESENT

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

ALSO PRESENT

Councillor Gatt for Item 6 "Planning Application 21/01777/APP" and Item 8 "22/00074/PAN".

IN ATTENDANCE

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

1. DECLARATION OF GROUP DECISIONS AND MEMBER'S INTERESTS

In terms of Standing Order 20 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda.

Councillor Divers declared an interest in Item 6b Planning Application 21/00304/APP and Item 6d Planning Application 21/00739/APP as his son is employed by the developer and stated that he would not take part in the consideration of these items. There were no further declarations of Member's interests in respect of any item on the agenda.

2. ORDER OF BUSINESS

The Chair sought the agreement of the Committee to vary the order of business and take item 6b) Planning Application 21/00304/APP and 6d) Planning Application 21/00739/APP together as both applications relate to each other. This was agreed.

3. EXEMPT INFORMATION

The meeting resolved that in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives

be excluded from the meeting during consideration of the items of business appearing at the relevant paragraphs of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

<u>Paragraph No. of Minute</u>	<u>Paragraph No. of Schedule 7A</u>
22	13
23	13

4. MINUTES

The following minutes were submitted and approved:

- (i) Minute of the Meeting of the Planning and Regulatory Services Committee dated 18 January 2022;
- (ii) Minute of the Pre-determination Hearing dated 10 February 2022; and
- (iii) Minute of the Special Meeting of the Planning and Regulatory Services Committee dated 10 February 2022.

5. WRITTEN QUESTIONS

The Committee noted that no written questions had been submitted.

6. PLANNING APPLICATION 21/01777/APP

Ward 2 – Keith and Cullen

Installation of synchronous compensators with electrical connection to adjacent substation and associated infrastructure on Land Adjacent To Blackhillock Electricity Substation Keith Moray for TINZ Programme 1 ProjectCo 3 Limited

A report by the Appointed Officer recommended that, for reasons detailed within the report, planning permission be granted for an application for the installation of synchronous compensators with electrical connection to adjacent substation and associated infrastructure on Land adjacent to Blackhillock Electricity Substation, Keith, Moray for TINZ Programme 1 ProjectCo 3 Limited.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the application related to a development proposal where the overall site area exceeds 2 hectares.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 21/01777/APP subject to the following conditions and reasons:

1. Construction works (including vehicle movements) associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0800 - 1900 hours, Monday to Friday and 0800 - 1300 hours on Saturdays only, and at no other times out with these permitted hours (including National Holidays) shall construction works be

undertaken except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken out with the permitted/stated hours of working.

Reason: In order that the times of construction operations are controlled to minimise noise disturbance to local residents.

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

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

3. The rating level of noise associated with the development shall not exceed the background sound level at the nearest noise sensitive dwelling which is lawfully existing or has planning permission at the date of this permission. Measurement and assessment to demonstrate compliance with the rating level shall be undertaken in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.

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

4. Prior to the development commencing, a further detailed Noise Impact Assessment shall be submitted and agreed in writing with the Planning Authority, in consultation with the Environmental Health Manager, demonstrating that the predicted rating level of noise in the above condition 3 is to be met.

Reason: In order that the final design details are assessed to ensure that noise from the development is controlled so as not to cause noise nuisance to local residents.

5. Prior to the commencement of any part of the development, evidence shall be provided to confirm that a Bond or other financial security has been agreed by both parties (Developer and the Roads Authority) and put in place to cover the construction period of the development and to be called on in the event that the developer fails to meet their obligations under the Wear and Tear Agreement to maintain the road in a safe condition during the construction phase of the development and to restore the road to its original predevelopment condition within 1 year of the completion of construction or the development becoming operational. The bond/security shall relate to the full extent of the U43H Blackhillock Road from its junction with the A96 to the site access and is required to mitigate the potential risks from damage to the public road occurring during the construction phase of the development.

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

6. Prior to the commencement of any part of the development, the following must be submitted for approval by the Planning Authority:
 - a. Detailed proposals for undertaking trial runs and also delivery of abnormal indivisible loads, must be submitted for approval by the Planning Authority in consultation with Roads Authority. Details must include, measures proposed to protect the public road and structures, traffic management (including temporary waiting restrictions), vehicle holding areas and non-vehicular management during deliveries, time restrictions for deliveries i.e. outwith school arrival and departure times
 - b. Evidence that a Construction Traffic Management Plan (CTMP) has been completed and signed by both the developer and the Roads Authority.
 - c. Evidence that a 'Wear and Tear' agreement between the developer and the Roads Authority has been completed and signed by both parties (Developer and Roads Authority), must be submitted to the Planning Authority.
 - d. Detailed plans (1:200 min) of all temporary and permanent works proposed to the public road must be submitted and approved by the Planning Authority in consultation with the Roads Authority.
 - e. Detailed plans (1:200 min) of all works to accommodate the proposed abnormal indivisible deliveries must be submitted and approved by the Planning Authority in consultation with the Roads Authority.

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

Reason: To ensure an acceptable development in road safety terms through the provision of details currently lacking from the submission.

7. Prior to any abnormal indivisible load being delivered to the site:
 - a. All suspensive works approved through conditions (6 a,b,c,d,e), must be completed in accordance with the approved plans. Any works undertaken are to be permanent for the duration of the operation of the development unless otherwise agreed in writing with the Roads Authority.
 - b. Abnormal load trial run(s) must be undertaken after all mitigation works have been completed to confirm the works are acceptable and to identify any other restrictions not previously addressed and the frequency and location of abnormal load passing places/oncoming vehicle holding areas required. Representatives from Moray Council Transportation (Traffic), and Police Scotland must be invited to the trial run.

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

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

8. Prior to commencement of development, a Construction Traffic Management Plan (CTMP) is required which includes the detail of construction traffic movements to /from the site. The CTMP should also include the proposed route for any abnormal loads on the trunk road network. The CTMP must be approved by the trunk roads authority prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved.

Reason: To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network; and to maintain safety for both the trunk road traffic and the traffic moving to and from the development.

9. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the trunk road authority before delivery commences.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

10. No works shall commence on site until the applicant has undertaken numerical interference modelling to determine the interference levels on the Scotland Gas Networks' A06 pipeline from steady state and fault conditions of the electrical infrastructure associated with the proposed development, taking into consideration the nearby SGN pipeline and associated equipment. If required, the applicant shall also design appropriate mitigation to ensure that levels of AC and DC interference are within acceptable limits. The results of this modelling (and mitigation, if required) will be submitted for the prior written approval of Scotland Gas Networks and the Planning Authority before any work commences on site.

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

11. No works shall commence until a Transport Management Plan (TMP) has been submitted and agreed in writing by the Council, as Planning Authority in consultation with Scottish Hydro Electric Transmission plc (SHET). The TMP shall relate specifically to the use of the private road owned by SHET at Blackhillock, as identified as 'Access via Existing Access Road/Track', coloured black, ('the Access Road') in the applicant's Access Plan and must include details on the following:
 - Proposed volume, frequency and type of vehicles intended to be using the Access Road, during construction and operation;
 - Required modifications to the Access Road where permitted to do so by SHET;
 - Proposed methods to record the Access Road condition, pre, during and post construction;
 - Monitoring of the Access Road condition during operational usage;
 - Proposed protocols to avoid blocking SHET's access requirements; and
 - Any other aspect deemed as a reasonable requirement to manage traffic flow on the Access Road, maintain the integrity of its condition and prevent SHET's inability to access and operate critical infrastructure at Blackhillock.

Reason: To ensure that any traffic associated with the development will not have a detrimental effect on the subject road which also serves critical national electricity infrastructure in the area, and that potential risks from damage to the road will be mitigated.

12. Prior to the commencement of any works, a construction environment management plan incorporating a site specific pollution prevention plan shall be

submitted to and approved in writing by the Council, as Planning Authority; and thereafter all work shall be carried out in accordance with the approved plan.

Reason: In order to prevent potential pollution of the environment and minimise impacts from construction works on the environment.

13. The ecological mitigation measures and biodiversity enhancements as detailed within the submitted Preliminary Ecological Appraisal (Section 4 refers), prepared by Envirocentre accompanying this application shall be fully implemented by the developer, unless otherwise agreed in writing with the Council, as Planning Authority.

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

14. No development shall commence until a revised landscape and biodiversity plan has been submitted to, and approved in writing by, the Council, as Planning Authority. This shall be closely based upon the submitted plan entitled Landscape and Biodiversity Enhancement Plan drawing number EH-LD-01 and Preliminary Ecological Appraisal (Section 4 refers), and show the following additional information:
- (a) All soft landscaping and planting works, including plans and schedules detailing species, specifications and numbers of trees within each proposed woodland group and wildflower meadow areas;
 - (b) Details of the arrangements for the protection and long-term maintenance of all landscaped areas;
 - (c) Details and location of bird and bat boxes.

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

Reason: In order to ensure an acceptable level of planting in the interests of the amenity and appearance of the surrounding countryside and to enhance biodiversity in the area.

15. No development shall commence until a Tree Protection Plan detailing measures to be taken to protect existing trees on the site during construction (as identified within the Tree Survey Plan drawing number 374822-GIS008 Rev A, as prepared by Envirocentre) has been submitted to and approved by the Council, as Planning Authority. Thereafter the protection measures shall be implemented prior to any development commencing within that part of the site and be retained until completion of the development.

Reason: To ensure an acceptable form of development is provided in accordance with the submitted landscape/biodiversity plan and tree survey, and that suitable protection is afforded to existing trees.

16. No development shall commence until detailed specifications of the colouration of the synchronous compensator and flywheel building and any other

enclosures on the site have been submitted to and approved in writing by the Council, as Planning Authority. This shall be a recessive tone to match the existing darker buildings and enclosures within the wider substation Beatrice complex, as outlined within the submitted Landscape & Visual Appraisal (section 7 refers), as prepared by Barton Wilmore accompanying this application. Thereafter all works shall be carried out in accordance with these approved details.

Reason: In order to ensure that the development integrates sensitively into the surrounding area and as these details are lacking from the application.

17. No development shall commence until scaled drawings (floorplan and elevations) of the final design of amenity building and foul drainage arrangements have been submitted to and approved in writing by the Council, as Planning Authority. Thereafter all works shall be carried in accordance with these approved details.

Reason: In order to ensure an acceptable form of development and as these details are lacking from the application.

18. The surface water drainage arrangements for the development shall be provided and maintained in accordance with the approved Drainage Impact Assessment dated January 2022 prepared by Envirocentre and plan entitled Beatrice 400kV Substation Civil General Arrangement Section (drawing no. J00875-C-003 Rev D), unless otherwise agreed by the Council, as Planning Authority. These shall be installed and operational prior to the completion of the development hereby approved.

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

7. PLANNING APPLICATION 21/01402/AMC

Ward 2 – Keith and Cullen

Approval of Matters Specified in Conditions 3-11 13-16 18 19 22-24 25(c)-(d) and 26-29 on planning consent 18/01046/EIA to construct onshore electrical transmission infrastructure comprising of a cable transition jointing bay underground cable circuits construction of substation to south of Keith with further connecting cabling to allow connection with existing transmission network From The Vicinity Of Redhythe Point In Aberdeenshire Council Area To Whitehillock Farm, Keith, Moray AB55 5PH for Moray Offshore Windfarm (West) Ltd

A report by the Appointed Officer recommended that, for reasons detailed within the report, planning permission be granted for an application for the approval of matters specified in conditions 3-11 13-16 18 19 22-24 25(c)-(d) and 26-29 on planning consent 18/01046/EIA to construct onshore electrical transmission infrastructure comprising of a cable transition jointing bay underground cable circuits construction of substation to south of Keith with further connecting cabling to allow connection with existing transmission network from the vicinity of Redhythe Point in Aberdeenshire Council area to Whitehillock Farm, Keith, Moray AB55 5PH for Moray Offshore Windfarm (West) Ltd.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation, as it relates to a previous national level Planning Permission in Principle (PPP) under National Planning Framework 3 (NPF3) where it is identified within national development 4 - High Voltage Electricity Network. However, as this application is for Approval of Matters Conditioned pertaining to that PPP, no further statutory pre-determination hearing is required.

During his introduction, Mr MacPherson, Principal Planning Officer advised that there had been recent interaction between SEPA and the Applicant and as such, condition 11 is no longer required. This was noted.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 21/00402/AMC subject to the removal of Condition 11 set out in the Appointed Officer's report and also subject to the following conditions and reasons:

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

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

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

2. The planning permission hereby granted for the proposed development shall be carried out only in accordance with the approved Phasing Plan permitted by Condition 1 and the details, including detailed drawings (and other supporting information), shall previously have been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority in line with the matters specified for that phase of the development. These drawings and details shall show the matters specified in Conditions 3 and 4 below.

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

3. In pursuance of Condition 2 above, for each phase of the development for which details are to be submitted for approval, the required details shall be:
 - a) Detailed drawing of the proposed temporary access routes for the phase and details of the number and size of construction vehicles using the access routes for that phase of development;
 - b) Detailed drawings of the improvements required to the public roads utilised by construction traffic and any abnormal load deliveries for the phase, which shall include but not be limited to the provision of new passing places, road widening and edge strengthening, all on ground over which the applicant has or can obtain control at location(s) and constructed in accordance with Moray Council specification;

- c) Detailed drawings of the proposed access locations onto the public road for construction vehicles for the phase, including the required visibility splays, access specification and construction details, details of all earthworks and drainage provision and/or drainage diversion, details of proposed fencing/gates, signage and any required temporary traffic management, along with details of reinstatement works for any temporary access;
- d) Details of the locations of all cable and haul road crossings within that phase of the development and the proposed works associated with the crossings, including but not limited to, the means of cable crossing e.g. directional drilling or open trench, means of access to works areas, details of the haul road crossings and any required temporary traffic management, and details of required reinstatement works;
- e) Details of diversion routes for local footpaths during the construction period and associated signage (to be agreed with the Access Manager);
- f) Detailed drawings of the locations of all cable joint access points, including their proximity to the public road and any public road drainage, and details of any temporary fencing or other measures to protect the users of the public road during the construction period;
- g) A Construction Traffic Management Plan (CTMP), the details of which must include, parking provision for staff and loading/unloading, provision for the prevention of material being deposited onto the public road including wheel cleaning and for road sweeping at construction access(es) to the public road, a programme for monitoring and provisions for interim maintenance to be undertaken to ensure safe and suitable access is maintained for the construction access routes for the duration of the works will be required;
- h) 'Before' road condition video and joint surveys.

Thereafter, all works shall be completed in accordance with the approved details and with the Construction Traffic Management Plan.

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

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

invited to the trial run.

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

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

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

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

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

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

7. Construction works (including vehicle movements) associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0700 - 1900 hours, Monday to Friday and 0700 - 1300 hours on Saturdays only, and at no other times out with these permitted hours (including National Holidays) shall construction works be undertaken except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken out with the permitted/stated hours of working.

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

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

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

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

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

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

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

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

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

8. PLANNING APPLICATION 21/00304/APP

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

Ward 4 – Fochabers Lhanbryde

Amended approved house types approved under ref 18/01209/APP from 16 private homes to 15 affordable homes on Plots 44 To 62 South Glassgreen Elgin South Elgin Moray for Springfield Properties PLC

A report by the Appointed Officer recommended that, for reasons detailed within the report, planning permission be granted for an application to amend approved house

types approved under ref 18/01209/APP from 16 private homes to 15 affordable homes on Plots 44 to 62 South Glassgreen, Elgin South, Elgin, Moray for Springfield Properties PLC.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the proposal (as a whole or in part) has previously been reported to Committee and the Appointed Officer considers that significant implications of this proposal in conjunction with 21/00739/APP have been made for Committee to reconsider the development.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 21/00304/APP subject to a modification of the existing Elgin South Section 75 Legal Agreement and the following conditions and reasons:

1. Unless otherwise agreed in writing with the Council, as Planning Authority, the site hereby approved shall not be developed as per 16/01244/APP or as modified by 18/01209/APP without prior written permission of the Council, as Planning Authority.

Reason: In order to avoid any ambiguity regarding the terms of the consent and to further control the delivery of affordable housing for this location.

2. The development hereby granted forms part of, and is related to, a development granted planning permission under formal decision notice 16/01244/APP dated 10 May 2018 wherein:
 - a) the terms and conditions as attached to the permission granted under formal decision notice 16/01244/APP and as amended under 18/01209/APP are hereby re-iterated and remain in force in so far as they relate to the development hereby approved, in particular Conditions 16-19, 22, 24, 27-28, 30, 40, 41, 50 (part a), and 52 inclusive (approved on 16 May 2019), including any details already approved thereunder to discharge the requirements of the identified conditions; and
 - b) no part of the development as hereby granted shall be exercised in conjunction with, or in addition to, the building design and plot layout details already approved for plots 44-46, 51-56 and 57-63.

Reason: To ensure a satisfactory form of development and that it progresses in accordance with the already approved and required details, and that only one permission is implemented.

3. Notwithstanding the details shown on Drawing EL02_PL_SL_05 Rev B for the proposed cyclepath, bin collection area and footpath access to the south for Plots 207-210 (which are not acceptable), no development works shall commence until a drawing (scale 1:200 min) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The plot boundary setback and cyclepath extended to provide a safe crossing and visibility for and of users. The bin collection area relocated to a suitable location at least 2 metres from the carriageway edge and the footpath access directly onto the carriageway to the south removed or removed and replaced with an access onto the cyclepath to the east.

Thereafter the proposals shall be completed in accordance with the approved details.

Reason: In the interests of an acceptable form of development and road safety through the provision of details currently lacking or unacceptable within the submission.

4. No development works shall commence until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority confirming the provision of, or location where a future Electric Vehicle (EV) charging unit(s) can be connected to an appropriate electricity supply, including details (written proposals and/or plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit; and thereafter the EV charging infrastructure shall be provided in accordance with the approved drawing and details prior to the first occupation of the dwelling house or flat.

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

5. Parking provision for houses shall be provided at the following rates:
1 Bedroom = 1 space
2 -3 Bedrooms = 2 spaces
4 or more bedrooms = 3 spaces

Parking for flats (Plots 207-214) shall be provided as shown on Drawing EL02_PL_SL_11 including provision of bicycle stores (with a minimum of 1 cycle space per flat) and 2 visitor parking spaces.

Parking shall be provided prior to the completion of each house or flat which it is associated with and thereafter retained and available for that purpose unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

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

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

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

7. No works shall commence on any area proposed for development until a Construction Traffic Management Plan for the respective area has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:
 - a. duration of works;
 - b. construction programme;
 - c. number of vehicle movements (i.e. materials, plant, staff, components);
 - d. anticipated schedule for delivery of materials and plant;
 - e. full details of any temporary construction access;

- f. full details of construction traffic routes from the A941 and A96 to the site, including any proposals for temporary haul routes and routes to be used for the disposal of any materials from the site;
- g. measures to be put in place to prevent material being deposited on the public road;
- h. measures to be put in place to safeguard the movements of pedestrians;
- i. traffic management measures to be put in place during works including any specific instructions to drivers; and
- j. parking provision, loading and unloading areas for construction traffic.

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

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

- 8. All landscaping shall be planted in the first planting season following completion of the houses, and maintained in accordance the submitted schedule of landscape maintenance. Any trees that are substantially damaged or die within 5 years of being planted must be replaced with a similar type and standard of tree.

Reason: To ensure that the approved landscaping are timeously carried out and properly maintained for the lifetime of the development, in a manner which will not adversely affect the development or character of the area.

9. PLANNING APPLICATION 21/00739/APP

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

Ward 7 – Elgin City South

Residential development of 53 dwellinghouses landscaping and associated infrastructure on Land At CF4 South Glassgreen Elgin Moray for Springfield Properties PLC

A report by the Appointed Officer recommended that, for reasons detailed within the report, planning permission be granted for an application for a residential development of 53 dwellinghouses, landscaping and associated infrastructure on land at CF4 South, Glassgreen, Elgin, Moray for Springfield Properties PLC.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the proposal exceeds 50 house units and falls within the category of “major development” as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 21/00739/APP subject to a new Section 75 Legal Agreement, a possible modification to the existing Elgin South Section 75 Legal Agreement, if required, to secure the relocation of the Glassgreen primary site and the following conditions and reasons:

- 1. Unless otherwise agreed in writing by the Council, as Planning Authority in

consultation with the Environmental Health Manager, the air source heat pump at the proposed dwellings shall be the Daikin Altherma H Hybrid Outdoor Unit model EJHA04AAV3, confirmed by supporting email from the applicant to the Environmental Health Section on 5th July 2021 at 17 :20 hours, and the sound power level of the unit shall not exceed 58.7 dB (A), as confirmed in Page 7 Product catalogue supporting document for the identified model.

Reason: In order to ensure the agreed type of air source heat pump is installed, for which the noise levels are known and agreed.

2. Construction works (including vehicle movements) associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0800 – 1900 hours, Monday to Friday and 0800 – 1300 hours on Saturdays only, and at no other times out with these permitted hours (including National Holidays) shall construction works be undertaken except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken out with the permitted/stated hours of working.

Reason: In order to ensure the amenity of neighbouring properties is not adversely affected.

3. No development works shall commence until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority confirming the provision of, or location where a future Electric Vehicle (EV) charging unit(s) can be connected to an appropriate electricity supply, including details (written proposals and/ or plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit; and thereafter the EV charging infrastructure shall be provided in accordance with the approved drawing and details prior to the first occupation of the dwelling house or flat.

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

4. Parking provision for houses shall be provided at the following rates:
 - a. 1 Bedroom = 1 space.
 - b. 2 -3 Bedrooms = 2 spaces.
 - c. 4 or more bedrooms = 3 spaces.

Parking for flats (Plots 401-408, 429-432 and 442-445) shall be provided as shown on Drawing EL02_PL_SL_16 including provision of 2 visitor car parking spaces and bicycle stores (with a minimum of 1 cycle space per flat). Parking shall be provided prior to the completion of each house or flat which it is associated with and thereafter retained and available for that purpose unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority.

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

5. No boundary fences, hedges, walls or any other obstruction whatsoever over

0.6m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway.

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

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

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

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

7. 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.

8. 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.

9. 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 for the junction design for the proposed access from the A941 to include provision for pedestrian access to southbound bus stop. 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 linking the development area to cater for movements by foot, cycle, vehicle and public transport through the provision of details not yet approved.

10. 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.

11. The landscaping hereby approved must accord with the amended landscaping plan SPE 101.21 SL-11 dated 23 November 2021. Unless otherwise agreed

with the Council as Planning Authority, in addition to landscaping proposed on this landscaping plan, semi-mature indigenous trees must be added in the front curtilage of plots 435, 436, 412 and 413. All planting must be completed no later than the first planting season following completion of the final housing unit. 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. The landscaping hereby approved must also be maintained in accordance with the "Schedule of Services - Glassgreen Openspace and SuDs Infrastructure Maintenance Schedule" document submitted with the application.

Reason: In order to ensure the visual impact of parking on front curtilages is minimised by the presence of appropriate landscaping.

12. Further to the reference to the public art in the open space area on the southern side of the site referred to on Site Layout drawing EL02_PL_SL_13 Rev F prior to occupation of any dwellings, details of the public art must be submitted to and approved by Moray Council. The installation must thereafter be built in accordance with the approved details and completed prior to occupation of last housing unit.

Reason: In order to give further consideration to proposed public art installation and to ensure it is timely provided.

13. Unless otherwise agreed in writing with the Council, as Planning Authority in consultation with the Housing Strategy and Development Manager, the affordable housing approved under planning application 21/00304/APP must be completed no later than commencement of the 35th housing unit of this consent hereby approved. Similarly the 2 affordable units proposed within this site, must be also be provided no later than the 35th housing unit upon this site.

Reason: In order to ensure the timely provision of affordable housing associated with the development.

14. Prior to the commencement of any works, a Construction Environmental Management Plan incorporating a site specific pollution prevention plan shall be submitted to and approved in writing by the Council, as Planning Authority including a site specific pollution plan; and must include site specific mitigation measures to address dust, artificial light, vibration and noise impacts during construction and ecological management. Thereafter all work shall be carried out in accordance with the approved plan.

Reason: In order to prevent potential pollution of the environment and minimise impacts from construction works on the environment.

15. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme

of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

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

16. The development hereby approved for 53 house units will contribute towards the wider trigger set by Transport Scotland relevant to Elgin South planning permission 18/01209/APP whereby collectively no development 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 the development hereby approved in addition to Phase 1A of 18/01209/APP is supported by a Transport Assessment, and to ensure that the scale and operation of the proposed development beyond the development hereby approved in addition to Phase 1A of 18/01209/APP do not adversely affect the safe and efficient operation of the A96 trunk road network.

17. Prior to development commencing and further to the information accepted within the submitted Drainage Assessment, the following information must be submitted to and approved by the Council, as Planning Authority in consultation with the Moray Flood Risk Management Team.
- a. details of the flood flows across the site illustrating that flood water would be contained within the new development and not put any property at flood risk
 - b. Confirmation that the existing system has the capacity to convey the additional flows from the new system and there is adequate attenuation within the existing system SuDS to store the additional surface water.

Reason: In order to confirm the appropriate design and capacity features are included in the drainage proposals for the development.

18. The environmental mitigation measure proposed on page 13 of the submitted "Extended Phase 1 Habitat Survey and Biodiversity Actions" dated May 2021 and he submitted "South Glassgreen Wildlife Enhancement and Mitigation Document" dated November 2021 must be complied as the site is developed. All bat and bird boxes, and other features must be in place in the first nesting

season following completion of the landscaping works and planting.

Reason: To ensure that any impact on the natural environment is kept to a minimum and to enhance the habitat for fauna following development being completed.

10. PLANNING APPLICATION 21/01615/EIA

Councillor Divers re-joined the meeting at this juncture.

Ward 4 – Fochabers Lhanbryde

South western extension of cobble and sand quarry at Lossie Forest Quarry Moray for Tennants (Elgin) Ltd

A report by the Appointed Officer recommended that, for reasons detailed within the report, planning permission be granted for an application for a south western extension of cobble and sand quarry at Lossie Forest Quarry, Moray for Tennants (Elgin) Ltd.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the application is a major development as defined by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008 (the Hierarchy Regulations) and the site exceeds 2ha.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 21/01615/EIA 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 1 March 2037 (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 14 & 15 below).

Reason: To ensure an acceptable form of development enabling the development to progress in accordance with the applicant's submitted particulars to allow for full extraction of available resources and site restoration thereafter, and 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.

2. No development shall commence until evidence of a financial guarantee or bond or suitable equivalent has been put in place to ensure restoration of the site in accordance with conditions 14 and 15 below and has been submitted and agreed in writing with the Council, as Planning Authority.

Reason: To ensure adequate restoration of the site.

3. No development shall commence until the area of extraction hereby approved has been enclosed by a stock proof fence which shall be maintained thereafter to the satisfaction of the Planning Authority throughout the lifetime of the consent. For the avoidance of doubt there shall be no working whatsoever including the storage of materials or other items outwith this fence.

Reason: In the interests of the safety of the public and of livestock and in order to control the working of the site within the approved boundaries.

4. No development shall commence until details have been submitted to and approved in writing by the Council, as Planning Authority, regarding details of a woodland planting scheme (the Replanting Scheme) within Moray to compensate for the removal of existing woodland from the site in order to accommodate the development. All proposals shall be in accordance with the details contained in Section 11 of the Environmental Impact Assessment Report (EIAR) submitted with the application. The Replanting Scheme shall include:
- details of the location of the areas to be planted;
 - details of trees to be retained within the site include the measures for their protection;
 - details of land owners and occupiers of the land to be planted;
 - the nature, design and specification of the proposed woodland to be planted;
 - details of all necessary consents for the Replanting Scheme and timescales within which each shall be obtained;
 - the phasing and associated timescales for implementing the Replanting Scheme; and
 - proposals for the maintenance and establishment of the Replanting Scheme, including annual checks; protection from predation; replacement planting; fencing; ground preparation; and drainage, etc. For the avoidance of doubt a technically competent professional(s) (e.g. chartered forester) with the required experience should inspect the Replanting Scheme at regular intervals (year 1, 5 and 10) to ensure that the trees are planted correctly, maintained to the required standard and ultimately established into woodland.

Thereafter, the development shall be implemented in accordance with the approved Replanting Scheme details, including the phasing and timescales as set out therein.

Reason: Details of the matters specified are lacking from the submission and to ensure an acceptable form of development where compensatory planting is provided where the development results in a loss of woodland.

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

dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

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

6. No development shall commence until a site specific Water Management Plan (WMP) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with SEPA. For the avoidance of doubt the WMP shall address the following matters:
- Management of general site surface water run off.
 - Flow balancing by sumps and pumping.
 - Control of particulates by settlement in sumps and lagoons.
 - Control of water chemistry.
 - Oil and scum removal.
 - Use of water in processing plant and treatment of effluent including vehicle washing water.
 - Containment of spillage from storage and processing areas.
 - Use of water in dust control.
 - Monitoring of groundwater levels.
 - Use of appropriate water to counteract groundwater lowering e.g. in nearby pools.
 - Regular cleaning and maintenance of water system; and thereafter, the development shall be carried out in accordance with the approved WMP.

Reason: To ensure adequate protection of the water environment.

7. No development shall commence until a site-specific Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Council, as Planning Authority in consultation with SEPA where appropriate. The CEMP shall address all pollution prevention and environmental management issues related to the development. Thereafter, the development shall be implemented in accordance with the approved CEMP details.

Reason: In order to minimise the impacts of the development works upon the environment.

8. No development shall commence until the following details have been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:
- i. A design for the site access onto the B9103 including the left hand diverge, to address access surfacing, loose material and drainage issues.
 - ii. Resurfacing of the B9103 over its full width from the north of the site access to the south of the left hand diverge lane (approximately 50 metres).
 - iii. Measures to prevent loose material or water being deposited on the public road and mitigation measures to be put in place to deal with any occurrences.

Thereafter the works required shall be implemented in accordance with these approved details prior to the commencement of any operations to transport quarried materials from the development.

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

9. A visibility splay 4.5m x 160m at the B9103 access in both directions shall be maintained for the operational life of quarrying works such that no vegetation within the visibility splay exceeds 0.6m in height.

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

10. Except where otherwise provided for, or agreed and/or amended by the terms of this permission, the applicant/developer shall operate the development in accordance with the provisions of the application, the EIAR and the plans hereby approved including all plans contained in volume 3. For the avoidance of doubt this shall include compliance in full with all mitigation and monitoring measures listed in table 12.1 on pages 100 to 103 inclusive of volume 2 of the EIAR including:

- i) Cultural heritage;
- ii) Hydrology and hydrogeology;
- iii) Ecology;
- iv) Noise;
- v) Forestry;
- vi) Air quality;
- vii) Natural resource usage and waste management;
- viii) Dust Management Plan (technical appendix 5.1); and
- ix) Extractive Waste Management Plan (technical appendix 5.2) attached to the EIAR.

Reason: To ensure an acceptable form of development in accordance with the submitted particulars and in order to safeguard the amenities, character and appearance of the locality within which the proposal is located.

11. The approval hereby granted is purely for the extraction and removal of cobbles and sand, and other than for the screening/grading of extracted material there shall be no rock crushing, production of quarry related products or other processing.

Reason: For the avoidance of doubt, in order to minimise the effect of the workings hereby permitted on the environment and so that appropriate consideration may be given to any such activities.

12. Notwithstanding the provisions of Classes 55 and 56 of the Town & Country Planning (General Permitted) (Development) (Scotland) Order 1992 (as amended, or as revoked or re-enacted; with or without modification) no buildings, plant or machinery (other than the single wheeled shovel loader or excavator within the extraction area and/or similar fixed/mobile plant, machinery and buildings located with the processing area), 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.

13. Where proposed, as part of extraction and/or site restoration operations, any proposed infilling including partial infill of excavated quarry voids shall only be undertaken using material sourced on the site and no part of the permission hereby granted shall authorise or permit at any time the removal of top or sub-soil from the site or the import of material from outwith the site.

Reason: To prevent pollution of the water environment.

14. Not less than 12 months prior to completion of mineral workings in each phase of development as detailed in the EIAR, details shall be submitted to and approved by the Planning Authority in consultation with SEPA (and others where appropriate) regarding:
- i. a detailed restoration plan and aftercare scheme for the extraction area hereby approved to include:
 - ii. the arrangement for the removal of all buildings and structures (both mobile and fixed plant, etc.) from each area;
 - iii. details of the finalised landform to be provided on site, including all water/pond areas and all areas of site mounding or moulding of excavated material to be retained or provided as part of the landform together with elevations, cross and long sections and existing and finished levels details (relative to a fixed datum) etc. to describe the finalised landform;
 - iv. the provisions for re-instatement for after-uses to include woodland, wetlands and habitat creation as proposed within the EIAR including sections and finished ground levels to show the finished profile of the re-instated ground;
 - v. landscaping and planting/seeding information associated with the proposed formation of all identified habitats;
 - vi. the arrangements for the monitoring and aftercare scheme (see Condition below) which shall specify all the steps to be taken and the time periods within which the steps will be taken; and thereafter, the restoration of the site and aftercare shall be carried out in accordance with the approved details. For the avoidance of doubt the restoration of phase 1 shall take place during phase 3 of the development and continue on a progressive basis throughout the lifetime of the development hereby approved.

Reason: To ensure that both the processing and extraction sites are appropriately restored in the interests of the protection of the environment and that the final landform and uses are in keeping with the existing amenities and appearance of the surrounding area, as these details are currently lacking from the application.

15. Following restoration works (whether for each individual Phase or upon completion of Phase 3, the approved restoration works within the site (Condition 14) shall be subject to a monitoring and aftercare scheme for a period of 5 years, the method statement and specification for which shall be submitted to and approved by the Council, as Planning Authority in consultation with SEPA and others as appropriate not less than 2 months prior to undertaking the restoration works. Thereafter, the agreed scheme shall be implemented in accordance with the agreed details and any seeding, trees or shrubs that die or become seriously damaged or diseased within 5 years of planting shall be removed and replaced by others of a similar size and species within the next planting season.

Reason: In order to monitor the condition of the site after restoration.

16. The oil storage tanks shall be protected as follows:
- The oil storage tank to be located on an impervious base and surrounded by the bund wall. The capacity of the bund area should be equal to 110% of the storage tank volume.
 - All valves and couplings to the tank should be included in the bund area. Any delivery hose should be fitted with trigger type sprung handles and hung back in the bund area after use.
 - All vent pipes must be designed and positioned so that any overflow, through overfilling the tank, is discharged into the bund area.
 - All surface water or other water which accumulates within the bund should be removed by a manually controlled positive lift pump (e.g. a semi rotary hand pump) and not a gravity drain.
 - All drainage from the bund area should be treated by an oil interceptor device, the design of which is approved by the Council, as planning authority in consultation with SEPA.

Reason: In the interests of amenity and public health so as to ensure that there is no contamination of adjoining land or watercourses arising out of accidental discharges or damage to the tanks.

17. All quarry operations shall be carried out and permitted between 0700 - 1800, Monday to Friday, and 0800 - 1300, Saturdays and at no other times without the prior written consent of the Council, as Planning Authority in consultation with the Environmental Health Manager.

Reason: In order that the times of quarry operations are controlled to minimise noise disturbance to local residents.

18. During the normal daytime working hours defined in condition 17, the free-field Equivalent Continuous Noise Level (LAeq,1h) for the period, excluding bund formation with soil and overburden handling activity, shall not exceed 45dB(A), as determined at any existing noise sensitive property.

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

19. Noise from soil and overburden handling and other works in connection with bund formation at the development shall not exceed the free-field Equivalent Continuous Noise level (LAeq,1h) of 70 dB(A) at any existing noise sensitive property and be limited to a period not exceeding 8 weeks in a year at any one property.

Reason: In order that noise from the bund formation phase of development is controlled and that the duration of this activity is limited in duration, so as not to cause noise nuisance to local residents.

20. 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 therefore be forwarded to the Planning Authority. In the event of a breach of noise limits a scheme of mitigation shall be brought into action and its implementation agreed with the Planning Authority.

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

21. For the avoidance of doubt the soil bund shall not exceed 3m in height at any point.

Reason: As no such details are included with the application and in order to ensure an acceptable form of development that does not adversely impact on the character of the surrounding area.

11. 22/00057/PAN

New maturation warehousing (21no 3-cell warehouses), filling store and disgorging unit (FSDU), wetlands, suds ponds, tree nursery and associated roads and services on land west of Glenrothes Distillery, Burnside Street, Rothes, Moray.

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) was submitted on 14 January 2022 on behalf of The Edrington Group.

During discussion, it was noted that there are several popular walking and recreation routes on the site as well as a lot of wildlife in the area and it was asked that this be protected.

During further discussion, concern was raised in relation to fungal blackening on local buildings and it was asked that consideration be given to the use of thermal oxidisers to tackle this.

It was noted that this is a large scale development and there was concern raised over the permanent loss of agricultural land which may impact wider food security and self-sufficiency and also an increase in traffic in Rothes which is already busy on the A941 through the village.

In response, Mr MacPherson, Principal Planning Officer agreed to forward these points to the Applicant.

Thereafter, the Committee agreed:

- (i) to note the terms of the report and asked that the following provisional views/relevant issues be recorded and forwarded to the Application in order to inform the development of their proposed formal application for planning permission:
- several popular walking and recreation routes exist in the site;
 - there is much wildlife in this locality which should be protected;
 - the increase in maturation warehousing and associated evaporation causing an increase in fungal blackening of local buildings should be considered. Mitigation such as thermal oxidisers to tackle this occurrence should be proposed;
 - concern about the large scale and permanent loss of agricultural land in this locality resulting from the proposed development. The loss of agricultural land impacts upon wider food security and self-sufficiency; and

- the traffic generated within Rothes would be a concern, which can already cause a bottleneck on the A941 running through the village.
- (ii) that the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

12. 22/00074/PAN

Proposed residential development landscaping and associated infrastructure at R1 Seafield Road, Cullen

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) was submitted on 18 January 2022 on behalf of Morlich Homes Limited.

During discussion surrounding the impact of the development on the area, concern was raised regarding the condition of the roads surrounding the development. It was also asked that consideration be given to installing traffic calming measures to prevent speeding on Seafield Road.

Also in relation to road safety, it was asked that consideration be given to maintaining a 30mph speed limit on the A98 until the B9018 junction.

The proposal of affordable housing in Cullen was welcomed and it was asked that this could be provided early in the development as affordable housing is in short supply.

In response, Mr Smith, Principal Planning Officer agreed to forward these points to the Applicant.

Thereafter, the Committee agreed:

- (i) to note the terms of the report and asked that the following provisional views/relevant issues be recorded and forwarded to the Applicant in order to inform the development of their proposed formal application for planning permission:
- concern raised regarding the condition of the roads surrounding the development;
 - consideration be given to traffic calming measures to prevent speeding on Seafield Road;
 - consideration be given to maintaining a 30mph speed limit on the A98 until the B9018 junction;
 - early provision of affordable housing which is in short supply in Cullen; and
- (ii) that the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

13. DRAFT NATIONAL PLANNING FRAMEWORK 4

Under reference to paragraph 8 of the Minute of the meeting of the Planning and Regulatory Services Committee dated 18 January 2022, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the publication and consultation on draft National Planning Framework 4 (NPF4) and

asked the Committee to agree the Council's proposed response set out in Appendix 1 of the report.

Following consideration, the Committee agreed:

- (i) to note publication of draft National Planning Framework 4, and
- (ii) the proposed response set out in Appendix 1 of the report to be submitted to the Scottish Government.

14. DRAFT LOCAL DEVELOPMENT PLAN REGULATIONS AND GUIDANCE

Under reference to paragraph 12 of the Minute of the meeting of the Planning and Regulatory Services Committee dated 18 May 2021, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the publication and consultation on draft Local Development Plan (LDP) Regulations and Guidance and asked the Committee to agree the proposed response set out in Appendix 2.

Following consideration, the Committee agreed:

- (i) to note publication of the draft Local Development Plan Regulations and Guidance and the extensive additional work arising as set out in Appendix 1 of the report;
- (ii) that the proposed response set out in Appendix 2 of the report be submitted to the Scottish Government;
- (iii) to note the budget pressure from 2023/24 onwards arising from new statutory planning procedures; and
- (iv) that an updated Development Plan Scheme and Participation Statement are reported to a meeting of this Committee in autumn 2022.

15. LOCAL PLACE PLANS

Under reference to paragraph 11 of the Minute of the meeting of the Planning and Regulatory Services Committee dated 18 May 2021, a report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to note publication of Local Place Plans Regulations 2021 and Planning Circular 1/2022 Local Place Plans (LPP) and consider the opportunities associated with supporting the preparation of LPP. Furthermore, it asked the Committee to agree to further reports being referred to the Community Planning Officers Group, Community Planning Partnership, Community Engagement Group and the Moray Council regarding the engagement opportunities associated within the new Local Development Plan (LDP) process including the preparation of LPP.

Following consideration, the Committee agreed:

- (i) to note the publication of Local Place Plans Regulations 2021 and Planning Circular 1/2022 Local Place Plans (LPP);

- (ii) to note the opportunities arising from the preparation of LPP including assisting the transition to net zero carbon and supporting community wealth building;
- (iii) to note the opportunity for the Council to take a targeted approach in enabling hard to reach groups to prepare an LPP for their area;
- (iv) to raise awareness of LPP within the community and issue an invitation to community groups in Autumn 2022 for them to express an interest in preparing LPP with the aim of targeting harder to reach groups;
- (v) that a further report on the implications for the Council arising from the preparation of LPP following the expressions of interest from community groups, including the benefits of a collaborative approach, will be reported to a future meeting of the Moray Council; and
- (vi) to note reports will also be prepared for the Community Planning Officers Group, Community Planning Partnership and Community Engagement Group to raise awareness of engagement requirements in the new LPP, opportunities for LPP and to gather views on working together to support the preparation of LPP and this will inform the report to the Moray Council.

16. OPEN SPACE STRATEGY AND PLAY SUFFICIENCY REGULATIONS

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the Scottish Government Consultation Paper on proposed regulations relating to the new duties on planning authorities to prepare Open Space Strategy and Play Sufficiency Assessments and agree the proposed response to the consultation paper.

Following consideration, the Committee agreed:

- (i) to note the content of the draft Town and Country Planning (Open Space Strategies) (Scotland) Regulations 2022 and draft Town and Country Planning (Play Sufficiency Assessment) (Scotland) Regulations 2022, and
- (ii) the proposed response to the Consultation paper set out in Appendix 1 of the report.

17. BROWNFIELD SITES

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the extent of brownfield sites in Moray and sought agreement that sites are assessed further and prioritised.

Following consideration, the Committee agreed:

- (i) to note the extent of brownfield sites identified;
- (ii) that sites are assessed against the criteria set out in paragraph 3.6 of the report and that a report will be considered at a future meeting of this Committee on prioritisation of sites.

18. PLACEMAKING - QUALITY AUDIT REVIEW

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to agree the revised Quality Audit (QA) in order to streamline the process and provide further clarity to applicants on the design improvements necessary for development proposals to comply with the Moray Local Development Plan 2020 (MLDP 2020) on Placemaking.

Following consideration, the Committee agreed:

- (i) to approve the revised Quality Audit to support the delivery of high quality places;
- (ii) the revised Quality Audit will be a material consideration in the determination of planning applications; and
- (iii) to note that the QA will form part of committee reports on planning applications reported to this Committee.

19. SECURING POSITIVE EFFECTS FOR BIODIVERSITY DRAFT GUIDANCE CONSULTATION

Under reference to paragraph 9 of the Minute of the meeting of the Planning and Regulatory Services Committee dated 8 February 2022, a report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to agree the proposed response to the Securing Positive Effects for Biodiversity Guidance consultation and for it to be submitted to NatureScot.

Following consideration, the Committee agreed:

- (i) to note the publication of Securing Positive Effects for Biodiversity Guidance for consultation; and
- (ii) the proposed response set out in Appendix 1 of the report.

20. REVIEW OF ENFORCEMENT CHARTER AND UPDATE ON ENFORCEMENT

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to agree the revised Enforcement Charter, last reviewed on 25 February 2020 and provided an update on Planning Enforcement.

Following consideration, the Committee agreed:

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

21. QUESTION TIME

There were no questions raised.

22. UNAUTHORISED ALTERATION WORKS TO A DWELLING WITHIN FINDOCHTY CONSERVATION AREA [PARA 13]

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of unauthorised alteration works that have been carried out to a property within the Findochty Conservation Area.

During discussion, Councillor Brown noted that there are 3 nearby properties with windows that do not comply with the Council's policy on the replacement of windows in a conservation area and stated that it was unfair, in his opinion, to ask that the windows in one property are replaced when others are not.

In response, the Development Management and Building Standards Manager advised that if the windows in the nearby properties had been installed more than 4 years ago then they were considered lawful.

The Legal Services Manager further advised that each case should be considered in its own merits and that the Council's adopted policies and guidelines should be adhered to.

Councillor Brown remained of the view that it was unfair to ask one individual to replace their windows when others had not been and moved that the Committee take no enforcement action based on equity. This was seconded by Councillor Macrae.

The Chair, as an amendment, moved that the Committee agree that a Planning Enforcement Notice is issued as per the recommendations printed in the report. This was seconded by Councillor Feaver.

On a division there voted:

For the Motion (5): Councillors Brown, Macrae, Cowe, Cowie and R McLean.

For the Amendment (9): Councillors Bremner, Feaver, Divers, A McLean, Nicol, Powell, Ross, Taylor and Warren

Abstentions (0): Nil

Accordingly, the Amendment became the finding of the Committee and it was agreed:

- (i) to Officers issuing a Planning Enforcement Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997;
- (ii) that the Enforcement Notice will require the owner of the property to replace the fitted uPVC windows on the front elevation of the property with sliding sash and case timber framed windows (painted white) within 5 years of the date the Enforcement Notice taking effect;
- (iii) that the notice requiring the fitting of the replacement windows remain as a charge on the property until all work in relation to this is satisfactorily completed; and

- (iv) that the offence should not to be referred to the Procurator Fiscal and that no direct action should be taken to secure compliance with the Notice.

23. UNAUTHORISED ERECTION OF FENCE AT RESIDENTIAL PROPERTY IN ELGIN [PARA 13]

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the unauthorised erection of a 1.8m timber fence in the front garden of a residential property in Elgin.

Following consideration, the Committee agreed:

- (i) to Officers issuing a Planning Enforcement Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997; the Enforcement Notice will require the owner of the fence to remove all of the 1.8m high timber fence from the front garden area of the takes effect; and
- (ii) that should the Notice not be complied with then authority is given to take direct action to remove the fence.

MINUTE OF THE SPECIAL MEETING OF THE PLANNING AND REGULATORY SERVICES COMMITTEE**4 APRIL 2022****VARIOUS LOCATIONS VIA VIDEO-CONFERENCE****PRESENT**

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

APOLOGIES

Councillors A McLean, Cowe, Nicol.

IN ATTENDANCE

Head of Economic Growth and Development, Acting Head of Environmental and Commercial Services, Development Management and Building Standards Manager, Mr N MacPherson, Principal Planning Officer, Mr R Smith, Principal Planning Officer, Strategic Planning and Development Manager, Ms R MacDougall, Planning Officer, Legal Services Manager, Mr K Hargest (Hargest Planning Ltd) and Mrs L Rowan, Committee Services Officer as Clerk to the Committee.

1. DECLARATION OF GROUP DECISIONS AND MEMBER'S INTERESTS

In terms of Standing Order 20 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

2. EXEMPT INFORMATION

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

Paragraph No. of Minute**Paragraph No. of Schedule 7A**

9

13

3. PLANNING APPLICATION 22/00064/APP

Section 42 application to vary conditions 8, 13 and 25 of 19/00460/APP to reflect updated drainage layout at Maverston Urquhart Elgin Moray for Maverston LLP

A report by the Appointed Officer recommended that, for reasons detailed within the report, planning permission be granted for a Section 42 application to vary conditions 8, 13 and 25 of 19/00460/APP to reflect updated drainage layout at Maverston, Urquhart, Elgin, Moray for Maverston LLP.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the proposal falls within the category of “major development” as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 22/00064/APP, as recommended, subject to:

- (i) a variation to the existing Section 75 legal agreement; and
- (ii) the following conditions and reasons:

1. Notwithstanding the provisions of Article 3 and Schedule 1 Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), Planning permission for the haul road hereby approved is granted for a temporary period only and shall cease to have effect on 8 October 2024 (the 'cessation date'). Prior to the cessation date, the haul road shall be removed and reinstated in accordance with a scheme approved in writing by the Council, as Planning Authority under condition 2 of this permission.

Reason: In recognition of the temporary nature of the proposed development, to enable the Council, as Planning Authority to reassess the impact of the development after a given period of time and secure removal and restoration.

2. No development shall commence until a reinstatement plan for the area affected by the haul road hereby approved has been submitted to and approved in writing by the Council, as Planning Authority. Thereafter, the approved scheme shall be implemented in full in accordance with condition 1 above. For the avoidance of doubt the reinstatement plan shall make provision for the replanting of trees along the area of the haul road hereby approved.

Reason: To secure removal and appropriate restoration.

3. No development shall commence until a tree survey which identifies all trees to be removed, topped or lopped within the area affected by the haul road hereby approved has been submitted to and approved in writing by the Council, as Planning Authority. This should show that the route of the haul road has been designed to minimise the loss of trees by minimising its footprint and aligning it through the previously cleared woodland blocks as far as practicable, as per the recommendations contained within the submitted report entitled 'Maverston Proposed Phase 2 Housing Development Extended Phase 1 Habitat Survey' by Northern Ecological Services dated April 2019. Thereafter, the approved scheme shall be implemented in full in accordance with condition 1 above.

Reason: To ensure that the woodland affected by the haul road route is surveyed and to minimise the impact of the development upon the trees along the route.

4. No development shall commence until a pre-construction badger survey, in line

with the recommendations contained within the submitted report entitled 'Maverston Proposed Phase 2 Housing Development Extended Phase 1 Habitat Survey' by Northern Ecological Services dated April 2019, has been undertaken and a report of survey has been submitted to, and approved in writing by, the Council, as Planning Authority. The survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified and a species protection plan. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

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

5. No development shall commence until a pre-construction reptile survey, in line with the recommendations contained within the submitted report entitled 'Maverston Proposed Phase 2 Housing Development Extended Phase 1 Habitat Survey' by Northern Ecological Services dated April 2019, has been undertaken and a report of survey has been submitted to, and approved in writing by the Council, as Planning Authority. The survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

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

6. No development shall commence until a pre-construction red squirrel survey, in line with the recommendations contained within the submitted report entitled 'Maverston Proposed Phase 2 Housing Development Extended Phase 1 Habitat Survey' by Northern Ecological Services dated April 2019, has been undertaken and a report of survey has been submitted to, and approved in writing by, the Council, as Planning Authority. The survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

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

7. No development shall commence until a pre-construction bat survey, in line with the recommendations contained within the submitted report entitled 'Maverston Proposed Phase 2 Housing Development Extended Phase 1 Habitat Survey' by Northern Ecological Services dated April 2019, has been undertaken and a report of survey has been submitted to, and approved in writing by the Council, as Planning Authority. The survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

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

8. No development shall commence until details have been submitted to and approved in writing by the Council, as Planning Authority, regarding details of a woodland planting scheme (the Replanting Scheme) within Moray to compensate, in this case, the removal of 32,200m² of existing woodland from the site in order to accommodate the development. All proposals shall be in accordance with approved plan HLD K345.18/SL-03 Rev D (or any revision approved under condition 7 above). The Replanting Scheme details shall:
- a) include the specifications for:
 - i. on-site replanting;
 - ii. off-site compensatory planting;
 - iii. tree maintenance and measures for protection of existing trees (including Deer Management);

and

- b) 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 and include:
 - i. details of the location of the area to be planted;
 - ii. details of land owners and occupiers of the land to be planted;
 - iii. the nature, design and specification of the proposed woodland to be planted;
 - iv. details of all necessary consents for the Replanting Scheme and timescales within which each shall be obtained;
 - v. the phasing and associated timescales for implementing the Replanting Scheme;
 - vi. proposals for the maintenance and establishment of the Replanting Scheme, including annual checks; protection from predation; replacement planting; fencing; ground preparation; and drainage, etc. For the avoidance of doubt a technically competent professional(s) (e.g. chartered forester) with the required experience should inspect the replanting scheme at regular intervals (year 1, 5 and 10) to ensure that the trees are planted correctly, maintained to the required standard and ultimately established into woodland.

Thereafter, the development shall be implemented in accordance with the approved Replanting Scheme details, including the phasing and timescales as set out therein.

Reason: Details of the matters specified are lacking from the submission and to ensure an acceptable form of development where replacement or compensatory planting is provided where the development results in a loss of woodland.

9. No development shall commence until a phasing plan detailing the timescales of all landscaping works as shown on plans HLD K345.18/SL-02 and HLD K345.18/SL-03 Rev D and the Maintenance Schedule HLD K 345.18 dated 18 April 2019 (or any revisions approved under condition 7 above) has been submitted to and approved by the Council, as Planning Authority. Thereafter the development shall be implemented in accordance with these approved plans and timescales.

Reason: To ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.

10. All landscaping works shall be carried out in accordance with the details shown on approved plans HLD K345.18/SL-02 and HLD K345.18/SL-03 Rev D and the Maintenance Schedule HLD K 345.18 dated 18 April 2019 (or any revisions approved under condition 7 above). For the avoidance of doubt with the exception of those trees required to be removed for the construction of the haul road no trees shall be removed from the woodland in the northern part of the site.

Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless otherwise approved by the Council, as Planning Authority.

Reason: To ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.

11. No development shall commence until details of an equipped play area as identified on approved plan 10313-P(00)002 including the maintenance arrangements have been submitted to and approved in writing by the Council, as Planning Authority along with details of measures to allow recreational access to the woodland to the north. The equipped play area shall be provided in accordance with the approved details and available for use prior to the occupation of the 14th house hereby approved. Thereafter the play area shall be maintained in accordance with the approved details.

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

12. All foul and surface water drainage proposals shall be in accordance with the submitted report Drainage Assessment Proposed Residential Development at Maverston, Moray, Issue 01, dated March 2019 and approved plans 117587/2010. No development shall commence until full written and plan details of the detention basins and specifications for the inlet headwalls to the detention basins have been submitted to and approved in writing by the Council, as Planning Authority. Thereafter the approved details shall be implemented in full. For the avoidance of doubt.

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

13. No development shall commence until two passing places have been provided on the C19e to the Moray Council standards and specification as indicated on Appendix C of the approved Transport Statement.

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

14. No development shall commence until a visibility splay 4.5 metres by 165 metres, with all boundaries set back to a position behind the required visibility

splay, has been provided in both directions at the haul road access onto the public road; and thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway.

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

15. The width of the access road shall be 5.5m with localised narrowing and 2.0m service verge and drainage provision as shown on Drawing No. 117587/1101 Rev B. The road shall be constructed to Moray Council standards and specification for Roads Construction Consent.

Reason: To ensure acceptable infrastructure at the development access.

16. The width of each individual vehicular access shall be a minimum of 3.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the prospective public carriageway. The part of the access over the prospective public footway/verge shall be to the Moray Council specification and surfaced with bituminous macadam. Drop kerbs shall be provided across the access to the Moray Council specification.

Reason: To ensure acceptable infrastructure at individual development accesses.

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

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

18. Parking provision shall be as follows:
- Minimum of 2 spaces for a dwelling with three bedrooms or less; or
 - Minimum of 3 spaces for a dwelling with four bedrooms or more;

No houses shall be occupied until the parking for that plot has been provided. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council, as Planning Authority.

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

19. No boundary fences, hedges, walls or any other obstruction fronting onto the prospective public road shall be within 2.4 of the edge of the carriageway and shall not exceed 1.0m in height.

Reason: To ensure acceptable infrastructure at the development access.

20. No works shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic

Management Plan shall include as a minimum the following information:

- Duration of works;
- Construction programme;
- Number of vehicle movements (i.e. materials, plant, staff, compounds)
- Schedule of delivery of materials and plant;
- Full details of construction traffic routes to the site including any temporary construction accesses;
- Measures to be put in place to prevent material being deposited on the public road; and
- Traffic management measures to be put in place during works including any specific instructions to drivers.

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

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

21. All development on the site hereby approved shall be connected to the public sewer or to a private system built to adoptable standard.

Reason: To ensure that foul drainage is adequately managed.

22. That for any subsequent detailed application relative to this approval, at least 3 units (10% of non-affordable units) shall be designed and built to wheelchair accessible spaces standards (as defined in the Moray Council 'Accessible Housing' Supplementary Guidance). Any application for the 9th, 18th and 27th such unit on the overall site shall each include an Accessible Housing Compliance Statement with sufficiently detailed plans to demonstrate that one accessible housing unit meeting these requirements has been provided as part of each tranche of development so that a minimum of 3 accessible units is provided overall. Thereafter the accessible units shall be provided in accordance with the agreed arrangements prior to the completion of the 9th, 18th and 27th units respectively. For the avoidance of doubt at least 50% of the wheelchair accessible units must be delivered as a single storey dwelling with no accommodation in the upper roof space, i.e. a bungalow. Thereafter the internal layout of these units shall remain as built and approved in perpetuity unless otherwise agreed with the Council, as Planning Authority.

Reason: To ensure an acceptable form of development which provides accessible housing on the site.

23. The permission hereby granted shall not be exercised in addition to, or in conjunction with the permission approved under formal decision notice 06/01554/REM dated 10 September 2007.

Reason: In order to avoid any ambiguity regarding the terms of this consent.

24. No development shall commence on building works on the house plots hereby approved until the following works have been completed:
- 1) the temporary construction haul road as shown on approved plan no. 117587/SK1000 A (or any revision approved under condition 3 above) has been constructed;

- 2) the entrance road which runs between the southwest boundary of the site and the existing 'Maverston' access junction onto the C19e public road (located 590m to the northwest of the site), as shown on approved plan no. P(00) 002 D has been constructed to Moray Council specification; and
- 3) the traffic calming measures along the entrance road to the site shall be constructed to Moray Council adoptable standards in accordance with RCC 11419536410, approved plan 117587-SK1020 and a layout plan to be submitted to and agreed in writing by the planning authority in conjunction with the roads authority.

Reason: To ensure an acceptable form of development in terms of the provision of acceptable infrastructure, in the interests of road safety.

25. For the avoidance of doubt, unless amended by the terms of this permission, the development shall be constructed and operated in accordance with the provisions of the application, the approved plans, and the supporting documents including inter alia the Transport Statement, Extended Phase 1 Habitat Survey and landscape maintenance schedule submitted under 19/00460/APP.

Reason: In order to clarify the terms of permission.

4. PLANNING APPLICATION 21/01803/APP

Proposed cafe at West Beach Caravan Park, Harbour Street, Hopeman, Elgin for Mr and Mrs Barry and Ruth Scott

A report by the Appointed Officer recommended that, for reasons detailed within the report, planning permission be granted for a proposed cafe at West Beach Caravan Park, Harbour Street, Hopeman, Elgin for Mr and Mrs Barry and Ruth Scott.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the Appointed Officer considers there to be issues of wider community interest.

During his introduction, Mr MacPherson, Principal Planning Officer advised that the Committee had received 2 late representations, the first being from Mr Nash, an objector to the planning application and the second from the Applicant. Mr MacPherson advised that a version had been circulated to Members which had been redacted to remove those elements of the letter that introduced new information, or were sensitive in nature and irrelevant to the determination of the planning application subject of this report. Furthermore, all reference to the letter submitted on 25 March 2022 from Mr Nash had been redacted as this letter had not been accepted under the late representations policy.

Mr MacPherson advised that, although Members would have received a copy of this correspondence in full directly from Mr Nash, only those elements un-redacted should be taken into consideration and that the majority of the letter remained admissible as it related to Mr Nash's disagreement with the Officer recommendation and reference to grounds of objection already summarised and considered in the report. This was noted.

With regard to the late representation received from the Applicant, Mr MacPherson advised that the Applicant does not agree that the application should be described as partially retrospective as, in the Applicant's opinion, planning legislation permits the works that have already been undertaken.

The Applicant referred to the 28 days afforded by The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 for temporary buildings and uses however Mr MacPherson advised that this would not be applicable to the permanent construction of the café or constitute a temporary use of land.

Mr MacPherson went on to advise that the Applicant is of the view that the Caravan Sites and Control of Development Act 1960 permits the development of toilet/shower/laundry facilities by the caravan park therefore construction could commence prior to the final use of the building being determined whether or not approval for a Café is granted. Mr MacPherson advised that this assertion is incorrect as the Caravan Sites and Control of Development Act 1960 would not encompass construction of the café which has clearly commenced.

Mr MacPherson confirmed that the reference to the proposal being partially retrospective therefore remained accurate, however reminded Members that whether a development has commenced or not should not be a determining factor in the consideration of the application.

Mr MacPherson further highlighted page 107 of the report where at the end of the 4th paragraph it stated that the parking is wholly compliant with the parking requirement for any café and clarified that the Transportation assessment utilised the adopted Parking Standards for cafes associated with existing uses which made allowance for existing parking capacity, such that the level of parking sought is not the same as it would be for a stand-alone café business elsewhere. He went on to advise that the applicable parking standards guidance for this development, which is clearly associated and ancillary to the caravan park, had appropriately taken into consideration that the majority of custom to the café will be on foot from the surrounding caravan park where they are already parked and that the 13 proposed parking spaces, inclusive of 2 disabled spaces, addresses the parking requirements of those visiting the café from further afield by motorised transport.

During discussion, concern was raised as the proposal was located within an area of special landscape value and it was queried why Officers had assumed that 80% of those using the facility would already be residents of the caravan park and, if this assumption was wrong, then this would result in an increase of traffic using Harbour Street, which is already congested. Further concern was raised in relation to the safety of children using bikes or scooters in the caravan park in relation to the increase in traffic that may not be used to driving in caravan parks where children play.

In response, Mr MacPherson advised that the Applicant had provided the estimate in relation to residents likely to use the facility and those from outwith the caravan park and that in relation to road safety within the park, this was the responsibility of the park owner.

During further discussion surrounding the potential increase in the number of vehicle movements up and down Harbour Street leading to congestion, as a result of people out with the caravan park using the facility, it was queried whether the Applicant had been asked to mitigate this congestion in any way.

In response, Mr MacPherson advised that it was envisaged that the majority of users of the facility would already be residents of the caravan park however parking restrictions had already been placed on Harbour Street to mitigate against congestion.

Councillor Macrae, having listened to the debate, noted the number of representatives in favour of the facility and moved that the Committee approve Planning Application 21/01803/APP, as recommended by the Appointed Officer. This was seconded by Councillor Bremner.

Councillor Brown, having considered Officers responses to the questions raised at the meeting, remained concerned at the affect the proposal would have on the special landscape, the potential usage of the facility from patrons out with the caravan park resulting in an increase in traffic using Harbour Street and was of the view that the building design does not integrate into the surrounding area and does not reflect the core settlement statement. Taking these points into consideration, Councillor Brown moved that the Committee refuse planning permission in relation to Planning Application 21/01803/APP as the proposal is a departure from Moray Local Development Plan (MLDP) policies DP1 (Development Principles) a), b) and g) as the building is 2 stories and the location of the building is not appropriate for the surrounding area and does not fit in with the landscape as the proposed roof is pitched and not flat; it is contrary to policy DP1 (Development Principles) 2c) as it fails to provide a safe access from the road network; it fails to comply with policy EP3 Special Landscape Areas and Landscape Value (2) as the proposal is a new building. Councillor Brown further stated that, his previously stated points are not only contrary to the relevant policies in the MLDP, they are also contrary to the objective of the Hopeman Settlement Statement. This was seconded by Councillor Feaver.

On a division there voted:

For the Motion (5): Councillors Macrae, Bremner, Divers, R McLean and Warren

For the Amendment (5): Councillors Brown, Feaver, Powell, Ross and Taylor

Abstentions (1): Councillor Cowie

There being an equality of votes and in terms of Standing Order 63e), the Chair used his casting vote in favour of the Motion and the Committee agreed to grant planning permission in respect of Planning Application 21/01803/APP, as recommended, subject to the following conditions and reasons:

1. Prior to the first occupation of the development the Electric Vehicle (EV) charging arrangements shall be implemented in accordance with submitted drawing number 021/0887/02.3 (dated February 2022), and thereafter be retained for this purpose for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport.

2. Notwithstanding the submitted details (showing 13 spaces) a minimum of 12 car parking spaces shall be provided within the site, of which a minimum of 2 spaces shall be to mobility standards, along with cycle parking for a minimum of

16 spaces. The parking and cycle parking spaces shall be provided prior to the first occupation of the development and thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council, as Planning Authority.

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

3. The landscaping identified upon the submitted layout plan 021/0887/02.3 must be carried out in the first planting season following completion of the works, or within 1 year of the decision notice (whichever is the sooner). Within 5 years of permission being granted any bushes that die, or are damaged must be replaced with a plant of similar species.

Reason: In order to ensure the approved landscaping is timeously provided and that any planting which requires replacement is done so until the landscaping establishes itself.

4. Prior to completion of the building works a detailed plan, drawn to scale, must be submitted to and approved by the Council for the final position of the surface water soakaway. The soakaway must be provided and designed in accordance with the specifications contained within the GMC Services "Site Investigation & Drainage Assessment – HOPEMAN" dated April 2021 and submitted on 25 November 2021.

Thereafter the surface water soakaway must be built in accordance with the approved details and location and be in place prior to the building coming into use.

Reason: In order to ensure that the surface water drainage infrastructure is provided in line with the approved details and at the appropriate time.

5. The proposed café shall not be operated in conjunction, or simultaneously, with any other hot food outlet in the caravan park area as defined within Hopeman settlement designation T1 of Moray Local Development Plan 2020.

Reason: In order to avoid any ambiguity regarding the terms of this consent and to ensure that parking standards are complied with.

6. Unless otherwise agreed in writing with the Council, as Planning Authority, the security barrier at the west end of the caravan park track must be kept open and no other impediment to motor vehicles accessing the parking associated with the development shall occur whilst the café is open.

Reason: In order to ensure that the parking associated with the development is available for use while the café is open.

7. As per the annotation on the approved site layout plan, drawing number 021/0887/02.3, the double decker bus, comprised of dining table facilities must be relocated away from the café hereby approved (when in operation) to a location accepted in writing by the Council, as Planning Authority. The bus must not be used as additional seating for the café without the prior approval of the Council, as Planning Authority.

Reason: In order to avoid any ambiguity regarding the terms of this consent.

8. Unless otherwise agreed in writing with the Council, as Planning Authority, the café shall open no later than 7pm on any evening. This may be extended to 9pm during the months of July and August only.

Reason: In order to ensure that the amenity of the surrounding area is protected and that the business is operated as described in the supporting documentation.

Councillor Warren left the meeting at this juncture.

5. PLANNING APPLICATION 21/01670/APP

Amend road layout add new informal footpath and new house types on Plots 40 41 and 44 Phase 2 at Inchbroom Development Lossiemouth Moray for Tulloch Of Cummingston Ltd

A report by the Appointed Officer recommended that, for reasons detailed within the report, planning permission be granted for an application to amend road layout, add new informal footpath and new house types on Plots 40, 41 and 44, Phase 2 at Inchbroom Development, Lossiemouth, Moray for Tulloch Of Cummingston Ltd.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation, because the original application was previously reported to Committee.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 21/01670/APP, as recommended, subject to the following conditions and reasons:

1. No development shall commence until a landscape management plan has been submitted to and approved in writing by the Planning Authority providing details of the ongoing management of the woodland areas as shown on the approved Phase 2 Landscaping Plan. The woodland shall thereafter be managed in accordance with the approved plan throughout the lifetime of this consent.

Reason: To ensure that the development is integrated into the landscape, existing trees are safeguarded and managed, and to ensure that biodiversity is retained, protected and enhanced.

2. No development shall commence on site until tree protection measures have been implemented in accordance with the approved Phase 2 Landscaping Scheme. These measures shall be retained until completion of the development. No trees shall be felled unless a survey for red squirrels has been undertaken with the results submitted to and approved in writing by the Planning Authority.

Reason: To ensure that, existing trees are safeguarded and managed, and that biodiversity is retained, protected and enhanced.

3. All landscaping, and tree planting shall be implemented in accordance with the approved Phase 2 Landscaping Scheme (and any additional planting required as a result of provision of the visibility splays as required by condition 7) in the

first planting season following completion of occupation (whichever is the sooner) of the development hereby approved. Any trees which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning Authority) gives written consent to any variation of this planning condition.

Reason: To ensure that the development retains, enhances and protects features of biological interest on the site and provides for their appropriate management and maintenance.

4. No residential unit shall be occupied until its surface water drainage arrangements have been completed in accordance with the approved plans and Drainage Statement. The drainage arrangements shall be maintained thereafter in accordance with the approved Drainage Statement throughout the lifetime of the development hereby approved.

Reason: In order to ensure the development is served by appropriate surface water drainage.

5. No residential unit shall be occupied until a scheme for the upgrading of the existing footway along the frontage of the site on the B9013 Inchbroom Road to a combined cycleway/footway (minimum width of 2.5 metres), including the extension of street lighting and timetable for implementation, from the Phase 1 Development Access to the south-east boundary of the site has been submitted to and approved in writing by the Council as Planning Authority in consultation with the Transportation Manager. The scheme shall thereafter be implemented in accordance with the approved details and timetable

Reason: In the interests of achieving an acceptable form of development to provide safe and suitable access for pedestrians and cyclists along the site frontage of Inchbroom development site, linking to Core Path CP-LM 27 to the south-east of the site.

6. The construction of the development hereby approved shall not commence until the completion of Phase 1.

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

7. No development shall commence until:
 - i) a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the composite visibility splay of 4.5 metres by 70 metres in both directions at the Phase 2 access onto the public road and 2.4 metres by 100 metre to the north-west and 2.4 metres by 160 metres to the south-east at the same access, with all boundaries set back to a position behind the required visibility splay, and a schedule of maintenance for the splay area has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority;
 - ii) thereafter the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and

- iii) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.26 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

These plans shall also provide details of any trees which may be affected or lost by the provision of the required visibility splays – and a plan of compensatory planting shall be provided should any trees need to be removed.

Reason: To enable drivers of vehicles leaving the site 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 through the provision of details currently lacking.

8. No development shall commence until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority confirming the provision of, or location where a future Electric Vehicle (EV) charging unit(s) can be connected to an appropriate electricity supply, including details (written proposals and/ or plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit; and thereafter the EV charging infrastructure shall be provided in accordance with the approved drawing and details prior to the first occupation of the dwelling house or flat.

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

9. Parking provision for houses shall be provided at the following rates:
- 1 Bedroom = 1 space
 - 2-3 Bedrooms = 2 spaces
 - 4 or more bedrooms = 3 spaces

Parking shall be provided prior to the completion of each house which it is associated with and thereafter retained and available for that purpose unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority.

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

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

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

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

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

12. Acoustic double glazing shall be installed in all living apartments and consist of 2 panes of 4mm thick glass separated by a 16mm cavity. The Specification and acoustic performance shall be in accordance with section 3.4 of the Noise Impact Assessment titled "Report on Air traffic Noise for Tulloch of Cummingston at Inchbroom Road, Lossiemouth, Moray by Charlie Fleming Associates, Acoustical Consultants Noise Control Engineers, 16th October 2008 - Document 14651 " as submitted with planning application 08/01685/FUL.

Reason: In the interests of ensuring an acceptable form of development which and to mitigate any noise pollution.

13. Acoustically attenuated ventilators shall be installed in south-west facing bedrooms of house plot numbers 40 and 41. They shall also be installed in east facing bedrooms of house plot 44. The attenuated ventilators shall have an element normalised level difference, $D_{n,e}$, of at least 32dB in the 500Hz octave band.

Reason: In the interests of ensuring an acceptable form of development which and to mitigate any noise pollution.

6. PLANNING APPLICATION 21/00961/AMC

Approval of Matters specified in conditions 1 -19, 23, 25-58 & 61-64 on planning consent 17/00834/PPP and in relation to S42 application reference 19/01085/APP for a proposed residential development of 156 homes and 570 sq m flexible retail/commercial floor space (potential Class 1, 2, 3, & 10) including affordable housing with landscaping, parking, access and associated works within part of Area 1 at Site R11 Findrassie/Myreside And I8 Newfield Elgin Moray for Barratt North Scotland

A report by the Appointed Officer recommended that, for reasons detailed within the report, planning permission be granted for the approval of matters specified in conditions 1 -19, 23, 25-58 & 61-64 on planning consent 17/00834/PPP and in relation to S42 application reference 19/01085/APP for a proposed residential development of 156 homes and 570 sq m flexible retail/commercial floor space (potential Class 1, 2, 3, & 10) including affordable housing with landscaping, parking, access and associated works within part of Area 1 at Site R11 Findrassie/Myreside and I8 Newfield Elgin, Moray for Barratt North Scotland.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the application is a major development as defined under the Hierarchy Regulations 2009 for a development of more than 50 houses and the site exceeds 2ha.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 21/00961/AMC, as recommended, subject to the following conditions and reasons:

1. No development shall commence until details of the affordable housing delivery

have been submitted to and approved by the Council, as Planning Authority in consultation with the Head of Housing and Property Service regarding the detailed arrangements for the long-term delivery and provision of the affordable housing accommodation on the site. This shall include evidence to confirm the identity of the organisation (or other similar agency) responsible for the provision and management of all affordable housing provided on the site, and thereafter evidence of a signed contract between the organisation and applicant which is to be submitted to the Council prior to start of construction of the proposed apartment building (affordable flats) hereby approved, unless otherwise agreed by the Council. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure an acceptable form of development in terms of the required provision and delivery of affordable housing within the site, and that it is managed accordingly for the lifetime of the development.

2. The accessible housing units (minimum 11) shall be provided in accordance with the submitted drawing numbers 17045(PL01)007_D, 17045(PL)114-2,4 and 5 Type K, unless otherwise agreed in writing by the Council, as Planning Authority. Thereafter, the units shall at all times remain as accessible housing and capable for adaptation for accessible housing needs unless otherwise agreed with the Council, as Planning Authority.

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

3. All surface water drainage arrangements for the development site shall be in accordance with the submitted report Drainage Impact Assessment and Level 1 Flood Risk Assessment (Revision D) by Goodson Associates, updated 4 March 2022, and associated drainage drawings submitted with this application (with the exception of the proposed swale on the north/south road adjacent to plots 13 to 16 and 36 to 52, which shall be planted with street trees as per condition 25 below). All measures for the management of surface water as outlined within the abovementioned DIA (including maintenance) shall be fully implemented prior to the first occupation of any residential unit hereby approved.

Reason: To ensure that surface water drainage is provided timeously, complies with the principles of SuDS and in order to protect the water environment; and to mitigate against potential birdstrike risks to aircraft operations at RAF Lossiemouth (by ensuring that the SuDS detention is generally dry, holding water only during and immediately after extreme rainfall events).

4. That all foul water drainage arrangements for the development site shall be in accordance with the submitted report Drainage Impact Assessment and Level 1 Flood Risk Assessment (Revision D) by Goodson Associates, updated 4 March 2022, and associated drainage drawings submitted in support of this application.

Reason: To ensure an acceptable form of development in terms of the provision of foul drainage infrastructure for the development.

5. The properties facades identified in yellow on figure 6 of the Noise Impact Assessment supporting document by KSG Acoustics, dated 24 February 2022 (rev 1), and titled "Findrassie Area E2. Noise Impact Assessment addressing Planning Conditions 58, 61, 63 & 64 relating to Planning Consent reference

19/01085/APP prepared for Barratt North Scotland” shall have enhanced double glazing and acoustically rated ventilation required to an insulation value of $R_w (C;C_{tr})$ of 37 dB (-1;-5) for glazing and 40 dB (dn,e,w) ventilation. These mitigation measures shall be implemented and maintained throughout the lifetime of the development.

Reason: In order to protect residents from road traffic noise.

6. A 2 metre high acoustic fence barrier of minimum surface density of 15 kg/m² shall be provided at the locations (plots 1, 57 and 140) identified on the Site Layout plan reference number 17045(PL01)002_F. A scaled drawing (1:50) and details of the final selected acoustic barrier in terms of chosen material, design, surface density shall be submitted to and approved in writing by the Council, as Planning Authority prior to the occupation of the houses on these plots, and shall thereafter be installed and maintained throughout the lifetime of the development.

Reason: In order to protect residents from road traffic noise and to ensure a satisfactory form of development.

7. Dust emissions associated with the construction phase of the development shall be suitably managed and mitigated by adhering to the submitted scheme in the supporting document by Enviro Centre on behalf of Barratt Homes, dated July 2020, and titled “Findrassie, Elgin – Area 1 (E1 and E2) Dust Management Plan”.

Reason: To ensure an acceptable form of development in the interests of the amenities of the surrounding area, including the neighbouring residential amenity.

8. Construction works (including vehicle movements) associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0800 – 1900 hours, Monday to Friday and 0800 – 1600 hours on Saturdays only, and at no other times out with these permitted hours (including National Holidays) shall construction works be undertaken except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken out with the permitted/stated hours of working.

Reason: To ensure the times of construction are controlled so as to prevent noise disturbance to neighbouring residential amenity.

9. Noise, vibration, dust and artificial lighting during the construction phase shall be suitably managed and mitigated by adhering to the submitted scheme in the supporting document by Enviro Centre on behalf of Barratt Homes, dated August 2021, and titled “Findrassie E2. Construction Environmental Management Plan (CEMP).”

Reason: To ensure environmental impacts are suitably managed and maintained during the construction phase.

10. This planning permission does not include approval for any external ventilation/ extraction or odour control plant or equipment associated with the flexible retail/commercial units (Use Classes 1, 2, 3 and 10) proposed on the ground

floor shown on drawing reference 17045(PL01)400-B titled “E2 Flats – Plan”. Should any of these units give rise to such plant or equipment this shall be the subject of a formal planning application for the approval of the Council, as Planning Authority prior to first operation/use of that unit.

Reason: To ensure any future external development is subject to suitable planning controls and as these details are currently lacking from the application.

11. Unless otherwise agreed with the Council, as Planning Authority, none of the flexible retail/commercial units (Use Classes 1, 2, 3 and 10) proposed on the ground floor shown on drawing reference 17045(PL01)400-B titled “E2 Flats – Plan” shall be operated/used until a Noise Impact Assessment pursuant to Planning Advice Note PAN 1/2011 and the associated Technical Advice Note Assessment of Noise (TAN) has been submitted to and approved in writing by the Planning Authority, in consultation with the Environmental Health and Trading Standards Manager, detailing all noise sources associated with that unit. The Assessment shall also identify all measures (including their location, design specifications and external impact) to be adopted to mitigate the impact of noise emissions from the development.

Thereafter, all resulting noise mitigation arrangements shall be implemented in accordance with the approved details prior to the first use of the flexible retail/commercial unit(s).

Reason: To ensure an acceptable form of development in the interests of the amenities of the surrounding area, including neighbouring residential property.

12. Fixed plant and machinery noise emissions associated with any flexible retail/commercial units (Use Classes 1, 2, 3 and 10) proposed on the ground floor shown on drawing reference 17045(PL01)400-B titled “E2 Flats – Plan” shall, between the daytime of 0700 to 2300 hours, not exceed Noise Rating Curve (NR) 25, as determined within a living apartment of the nearest noise sensitive property with the external window moderately open. This limit would apply and be determined over a one-hour duration within any day-time period.

Reason: To ensure an acceptable form of development in the interests of the amenities of the surrounding area, including neighbouring residential property.

13. Fixed plant and machinery noise emissions associated with any flexible retail/commercial units (Use Classes 1, 2, 3 and 10) proposed on the ground floor shown on drawing reference 17045(PL01)400-B titled “E2 Flats – Plan” shall, between the night time of 2300 to 0700 hours, 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: To ensure an acceptable form of development in the interests of the amenities of the surrounding area, including neighbouring residential property.

14. The temporary external construction lighting arrangements for the development shall be implemented in accordance with the submitted details, as shown in the plan titled “Findrassie Traffic Plan” (approved as part of application reference 20/00753/AMC). No further lighting shall be provided, installed or used within this phase except where otherwise agreed in writing by the Council, as

Planning Authority.

Reason: To ensure an acceptable form of development in particular to minimise the potential for light pollution including light glare/spill and disturbance impacts upon the visual amenity and appearance of the surrounding area, including any existing or proposed neighbouring residential property.

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

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

16. The mitigation measures as detailed within the submitted documents titled 'Condition 43 Mitigation Statement' dated 19 August 2021 and 'Findrassie E2 Construction Environmental Management Plan (CEMP)' dated August 2021 prepared by Enviro Centre, and Pollution Prevention Plan drawing number CSL001 shall be fully adhered to by the developer and appointed contractor during the construction period and operational life of the development, unless otherwise agreed in writing by the Council, as Planning Authority.

Reason: In order to protect the water quantity and quality of Loch Spynie SPA, Ramsar Site and SSSI and to prevent adverse impacts on the integrity of these protected areas and the water environment.

17. The pre-work checks, future survey requirements and mitigation as detailed within the submitted documents titled 'Findrassie E2 Ecology Survey 2019-2021' and 'Findrassie E2 Construction Environmental Management Plan (CEMP)' dated August 2021 prepared by Enviro Centre shall be fully implemented by the developer and appointed contractor, unless otherwise agreed in writing with this Council, as Planning Authority.

Reason: To ensure an acceptable form of development taking into account the need to afford protection to all protected species identified as using the site or adjoining land.

18. Condition 51 of the Planning Permission in Principle (application number 17/00834/PPP) and related Section 42 approval (application number 19/01085/APP) regarding implementation and completion of a Programme of Archaeological Works is discharged for this application for approval of matters specified in conditions (AMC) only, and shall continue to remain applicable to any future AMC applications for development within the wider Area 1 development, granted under application 17/00834/PPP and associated Section 42 application 19/01085/APP.

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

19. No development shall commence until details confirming the installation of fibre broadband connection for each residential unit (to be provided prior to occupation of each unit) have been submitted to and approved in writing by the

Council, as Planning Authority. Thereafter, the development shall be implemented in accordance with these approved details, unless otherwise agreed in writing by the Council.

Reason: To ensure the residential units hereby approved are served by appropriate high speed internet connections.

20. No trees other than those identified for removal in the submitted Tree Survey Report and associated Tree Protection Plans prepared by Envirocentre dated February 2022 shall be removed without the prior written approval of the planning authority.

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

21. The mitigation and enhancement recommendations as set out within Chapter 4 of the Tree Survey Report, prepared by Envirocentre dated February 2022 shall be fully adhered to by the developer and appointed contractor, unless otherwise agreed in writing by this Council, as Planning Authority. Any protection measures shall be implemented prior to any development commencing within that part of the site and retained until completion of that part of the development.

Reason: To ensure an acceptable form of development is provided in accordance with the submitted landscape plans and tree survey, and that suitable protection is afforded to existing trees, shrubs and hedgerows.

22. The mitigation, planting and habitat establishment/management measures as set out within the submitted Biodiversity Plan document and accompanying drawing titled "Landscape Proposals Sheet 1 of 7", number 415.52.01f (to be amended in accordance with condition 25 of this consent) shall be fully implemented by the developer and appointed contractor, unless otherwise agreed in writing with this Council, as Planning Authority.

Reason: In order to retain, protect and enhance biodiversity interests on the site and adjoining the site.

23. No development shall commence until a phasing delivery plan which shows the provision of the equipped play area within the central open space upon completion of 50% of the character area to which it pertains has been submitted to and approved in writing by the Council, as planning authority. This relates to the Character Area defined as the 'Open Space' area, shaded pink in the submitted Placemaking Statement, and the approved equipped play area shall be provided by the completion of the 35th residential unit within this character area. Thereafter the development shall be implemented in accordance with these approved details, unless otherwise agreed in writing by the Council, as Planning Authority.

Reason: To ensure the adequate and timeous provision of an equipped play area.

24. No development shall commence until the following information has been submitted to and approved in writing by the Council, as Planning Authority. This shall be closely based upon the submitted Placemaking Statement and Play Equipment document (prepared by HAGS) accompanying the application, and show the following:

- a) Details (scaled drawings 1:100 and equipment specification schedule) of the equipped play area, surfacing, benches/picnic table including maintenance arrangements, which shall be inclusive for all abilities (and is to be agreed in consultation with ParentAble Moray);
- b) Details of all public artwork on the site, which shall reflect local and cultural associations with Thomas Telford and/or Pitgaveny's farming legacy, including timescale for delivery;
- c) Revised details of the waveform drystone dyke incorporating shorter sections with landform/banking orientated southwards to more closely mirror the arrangement approved at Phase E1 (to tie E1 and E2 together and provide a cohesive "theme" at this gateway location);
- d) Details of all seating, benches and litter bins to be provided on the site, including timescale for their provision;
- e) Phasing plan including timescales for provision of all landscaping works, which shall be carried out upon completion of each character area; and
- f) Details of the external material finishes of the bin stores for the flats and retail/commercial units.

Thereafter the development shall be implemented in accordance with these approved details, plans and timescales.

Reason: To ensure that the works to install the approved equipped play area, benches/picnic tables, seating and bins are timeously carried out and properly maintained for the lifetime of the development; and to ensure that the play area is inclusive, providing equipment so the facility is for every child/young person regardless of ability; provision of a revised entrance drystone/landform feature which ties phase E1 and E2 together and provides a cohesive "theme" at this gateway location in accordance with the masterplan; ensure distinctive urban form with public art to provide good orientation and navigation; and provides seating opportunities for all generations and mobilities.

25. No development shall commence until revised landscape plans have been submitted to and approved in writing by the Council, as Planning Authority. This shall be closely based upon the approved landscape plans, biodiversity plan and Placemaking Statement accompanying the application, and show the following:
- a) Updated landscape schedule identifying fruit/orchard trees within the central open space identified for community growing;
 - b) Revised landscape plans and schedules incorporating the provision of at least 6 street trees along the north/south route between plots 16 and 52, and 2 trees to mitigate parking for plots 106/107, and 121 along that route;
 - c) Revised landscape plans and schedules incorporating hedge planting showing the parking broken up at plots 122/123, 105 and at the front and rear of the retail/apartment building;
 - d) The AP-E planting incorporating the retention of existing trees within the northern part of the site (identified as tree group TG4) and recommended in the Tree Survey Report and associated Tree Protection Plans prepared by Envirocentre dated February 2022; and
 - e) Details of long-term maintenance arrangements for the AP-E planting area;

Thereafter the development shall be implemented in accordance with these approved plans and timescales. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of

similar size, number and species unless this Council, as Planning Authority gives written consent to any variation of this planning condition.

Reason: To ensure that the approved landscaping works are timeously carried out and properly maintained for the lifetime of the development, and ensure provision of additional street trees along the main north/south route in accordance with the masterplan/placemaking principles and to mitigate parking impacts.

26. The temporary bus turning loop and supporting infrastructure (Shelters/flags etc) shall be maintained and available for use until either alternative public transport infrastructure has been provided, or the infrastructure is no longer required in agreement with the Council, as Planning Authority in consultation with the Roads Authority. Thereafter, once no longer in use/required, the bus turning loop and supporting infrastructure area shall be removed and the impacted area shall be landscaped and reconfigured in the first planting season, in accordance with the drawing titled "Proposed Treatment for removed Bus Loop" number 415-42-09. Any plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council, as Planning Authority gives written consent to any variation of this planning condition.

Reason: In order to ensure that the approved landscaping works are timeously carried out in accordance with the masterplan, and properly maintained in a manner which will not adversely affect the development or amenity and character of the area

27. Prior to the completion of the 150th dwellinghouse and/or flat/apartment within phases E1 and E2 combined, the flexible retail/commercial units (Use Classes 1, 2, 3 and 10) proposed on the ground floor shown on drawing reference 17045(PL01)400-B titled "E2 Flats – Plan" shall be completed and made available for use. Notwithstanding the submitted floorplan identifying the proposed use classes the flexible retail/commercial units can be operated within any Use Class 1, 2, 3, and 10 and shall include the following: One unit a minimum of 200 sqm GFA for Class 1 (Shops, food) and Class 3 (Food and Drink) and a minimum of three flexible ground floor retail/commercial units for Class 1 (Shops), Class 2 (Financial, Professional and other services) and Class 3 (Food and Drink) and Class 10 (non-residential institutions) (a minimum of 250 sqm GFA in total) (as set out in the Findrassie Masterplan dated November 2015 (including any subsequently reviewed Findrassie Masterplan which supersedes or replaces the identified provisions of the current Findrassie Masterplan during the life-time of the permission hereby approved). The units shall be advertised for sale or lease on the open market by a chartered surveyor, for a minimum of 5 years/60 months from the completion of phase E2 after which a review of the marketing period will be required if units remain vacant. In order to inform this process the following details shall be provided for written approval by the Council, as Planning Authority:
- a) Within three months of the completion of all of the units within Phase E2 a detailed schedule for the sale/letting arrangements of the retail/commercial units must be provided to include details of the rent proposed, potential letting terms, and marketing arrangements. The units must be advertised at a market rent as defined by the RICS Valuation – Global Standards or less.
 - b) If any of the units remain vacant after 5 years/60 months from the

completion of phase E2 a review by the Council, as Planning Authority of the sale/letting arrangements and marketing period will be undertaken with evidence provided by the applicant in respect of the period which the units were marketed, where they have been marketed and the sales letting price.

Reason: In order to ensure the timely and effective delivery of the ground floor retail/commercial units within the Lossiemouth Road Character Zone to ensure the masterplan is delivered and that a sustainable community is provided, including a unit of sufficient size that will meet the day to day convenience needs of the neighbourhood.

28. Condition 15 of the planning permission in principle (application number 17/00834/PPP) and related Section 42 approval (application number 19/01085/APP) regarding off-site junction works on the A96 trunk road network is not discharged by this application.

Reason: To ensure that the scale and operation of the proposed development beyond 350 dwellings does not adversely affect the safe and efficient operation of the A96 trunk road network.

29. Development shall not commence until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority, in consultation with Defence Infrastructure Organisation covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the details of cranes and other tall construction equipment (including the details of obstacle lighting). The approved strategy (or any variation approved in writing by the Local Planning Authority) shall be implemented for the duration of the construction period.

Reason: To ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems.

30. No tree felling shall commence on site until a compensatory planting scheme for the removal of the 37 trees from the site has been submitted to and approved in writing by the Council, as Planning Authority. The replanting scheme shall 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, shall include:-
- a) details of the location of the area(s) to be planted;
 - b) the nature, design and specification of the trees to be planted (to be mixed native species);
 - c) the timescales for implementing the Replanting Scheme;
 - d) proposals for the maintenance and establishment of the Replanting Scheme, including; annual checks; replacement planting; fencing; ground preparation; and drainage etc;

The approved Replanting Scheme shall thereafter be implemented in accordance with the timescales set out therein, unless other arrangements are agreed in writing by the Council, as Planning Authority.

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

31. Prior to the commencement of the 50th unit accessed from the A941 Elgin to Lossiemouth Road, detailed drawings (scale 1:500) shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority to show the location, design specifications and timescale for delivery of the northern access to the development on the A941 including the proposed design speed, visibility splay requirements and junction type. The design details shall be informed by a Stage 1/2 Road Safety Audit for the proposed junction and any other works proposed on the A941 e.g. bus laybys and pedestrian crossings, and the Road Safety Audit shall be included as part of the required details.

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 interests of road safety.

32. No development shall commence on more than 50 housing units which are accessed from the A941 Elgin - Lossiemouth Road, until a second point of access and/or a route to enable an emergency access for use by all emergency vehicles, pedestrians and cyclists has been provided.

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

33. Prior to the operation of the northern access, as detailed in condition 18 of decision notice (19/01085/APP), a detailed drawing (scale 1:500) shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority to show:
- i) the modifications to the A941/Myreside Road junction, design specifications and timescale for delivery of the junction modification to prevent vehicular access from the A941 onto Myreside Road;
 - ii) the proposed design for restricting vehicular access at the western end of Myreside Road; and
 - iii) written evidence to confirm that a Road Traffic Regulation Order has been secured to remove rights of access for motorised vehicles on the section of Myreside Road between the A941 and Myreside Farm Cottage.

Thereafter, unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority, the modification to the junction and the vehicular access arrangements 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.

34. 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.

35. No walls or any other obstruction whatsoever over 0.6m measured from the level of the public carriageway shall be permitted within any 'forward visibility' areas or any 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.

36. 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.

37. No works shall commence on any phase of the development until details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority regarding:

a) A Construction Traffic Management Plan which 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 construction traffic routes from the Strategic Road Network (A941/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.

and

b) Details of any required/proposed temporary construction access which shall include the following information:

- a drawing (scale 1:500 minimum) regarding the location and design specifications of the proposed access(es);
- specification of the materials used for the construction access(es);
- all traffic management measures required to ensure safe operation of the construction access(es);
- details, including materials, for the reinstatement of any temporary construction access(es); and

- 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 development of that phase(s) shall be implemented in accordance with the approved details.

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

38. Prior to the commencement of the 50th dwelling (house and/or flat/apartment) within E1 and E2 combined OR prior to the commencement of any non-residential, including commercial development but excluding the proposed primary school and local community 'hub', the following shall be provided:
 - written details of the timescale for delivery of junction improvements at North Street/Morrison Road.

Thereafter, and prior to the commencement of the 100th dwelling (house and/or flat/apartment) within E1 or E2 combined OR prior to the commencement of any non-residential, including commercial development but excluding the proposed primary school and local community 'hub', the North Street/Morrison Road junction improvements and pedestrian and cycle facilities shall be provided in accordance with the approved details and agreed timescales.

Reason: To ensure that the road network continues to operate safely and efficiently for the benefit of all road users, including for pedestrians and cyclists.

39. Notwithstanding the details submitted on Drawing 2714 Rev A 'Bus Tracking Plan' which are not accepted, no development shall commence until details (Plans scale 1:500 minimum) have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority which demonstrate that bus and HGV swept paths can be safely accommodated with opposing vehicle movements, within turning areas and at junctions with safe clearance from any features (landscaping, walls, parked vehicles etc) and without over-run of any area not designed to accommodate vehicle over-run. Thereafter the development shall be completed in accordance with the approved details.

Reason: To ensure an acceptable infrastructure is provided to accommodate the development in road safety terms through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

40. Notwithstanding the details submitted in the Street Engineering Review and shown on Drawing 17045(PL01)002_F 'Site Layout', for the 'steps' located to the south of plot 105 which are not accepted, no development shall commence until details (Plans scale 1:500 minimum) have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority which show provision of a path either in place of, or in addition to the proposed steps which are DDA compliant. Thereafter the development shall be completed in accordance with the approved details.

Reason: To ensure acceptable infrastructure is provided on the route to/from the development and the provision of details currently lacking.

41. Notwithstanding the details shown on Drawing 17045 (PL01)008_A and 17045 (PL01)002 F (which are not accepted), no development shall commence on Plot 85 until revised details (Plan scale 1:500 min) have been submitted for approval in writing by the Planning Authority in consultation with the Roads Authority, which show the proposed 1800mm pier wall and fence boundary set back a minimum of 2 metres from the edge of the public road. Thereafter the development shall be completed in accordance with the approved details.

Reason: To ensure an acceptable form of development and the provision of visibility for Plot 85 in the interests of road safety and the submission of details currently lacking or incorrectly shown.

42. Prior to any Flexible Retail/Commercial unit being first occupied or brought into use, whichever is the sooner, a Deliveries Management Plan for that unit shall be submitted to and approved in writing by the Council, as Planning Authority, in consultation with the Roads Authority, for the management of all deliveries to the development, with all loading and unloading to be undertaken within the dedicated servicing area, and thereafter all deliveries shall be undertaken in accordance with the approved plan.

Reason: In the interests of road safety and the submission of details currently lacking from the submission.

43. No development shall commence until the following information has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority:
- a) Details (Plans 1:500 min and Specifications) showing the design of an enclosed bus shelter, flags to be provided at the bus turning loop.
 - b) Details (Plans 1:1000 min) showing the extents of all roads and paths to be completed to enable access to be provided for bus services.
 - c) Evidence of a written agreement with local bus operators for the provision of bus services to serve that phase, including the extension/enhancement of existing bus services and/or the provision of new dedicated bus services to provide a minimum level of service operating from 7.00am to 6.00pm at a half hourly frequency, Monday to Friday inclusive, and from 8.00am to 6.00pm at an hourly service on Saturday, for a minimum duration of two years.

Thereafter, the bus stop infrastructure, and roads required to access the infrastructure from the A941 shall be completed and bus services shall be provided in accordance with the approved details prior to the completion of the first house within the development (E2).

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

44. No development shall commence until the following details have been submitted for approval in writing by the Council, as Planning Authority in consultation with the Roads Authority:
- a) Details to confirm the proposed phasing/build out programme of roads within the site including timescales for the completion of the southern and northern A941 accesses.
 - b) Evidence that the statutory process (Roads Construction Consent) to consider the details of the northern A941 site access including, kerbing, street lighting and drainage has been completed.

Thereafter, unless otherwise agreed by the Council, as Planning Authority in consultation with the Roads Authority, the development shall be completed in accordance with the approved details and no house or flat shall be completed prior to the completion of the A941 site access and roads required to provide access.

The following requirements shall be complied with:-

- a) Visibility splays shall be provided in both directions at the site accesses from Findrassie onto the A941 Lossiemouth Road and shall be maintained clear of any obstruction above 0.6 metres in height, measured from the level of the carriageway;
- b) The visibility requirements and landscaping provision within the 9m x 215m visibility splay shall be reviewed upon any proposed change to the agreed junction layout or the A941 speed limit and the advanced planting shall be planted in the first bare root planting season following the completion of any approved changes to the junction layout or the speed limit; and
- c) The visibility splay arrangement shall be reviewed no-less than 3-years from the commencement of construction, and thereafter every 18 months until such time as the splays are reduced, as confirmed by the Council, as Planning Authority in consultation with the Roads Authority. Within 3 months of the reduced splay being confirmed, a revised scaled landscape plan showing the re-introduction of the trees (as many as is practicably possible) within the affected splay areas including timescales for planting shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority.

Reason: To ensure an acceptable road and junction layout is provided and maintained for road users at all times in the interests of road safety and the advance planting requirements are reviewed in association with any changes to the A941 junction layout and A941 speed limit.

45. No house or flat shall be occupied until parking has been provided and made available for use by that house or flat and unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority. The parking arrangements shall be retained and maintained in perpetuity as parking spaces for use in conjunction with that house or flat hereby approved.

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.

46. Notwithstanding the details submitted (Drawings EVC P003 Rev E, 17045(PL01)004_D, 17045(PL01)005_C and 17045(PL01)006_C) and the EV charging provision and car park layout for the proposed flats (Plots 143-156) and retail/commercial units (which are not acceptable), no development shall commence until the following details have been submitted for approval by the Council, as Planning Authority in consultation with the Roads Authority:
 - a) Details (Plans scale 1:500 min) showing provision and layout of EV charging infrastructure and parking spaces serving the flats (Plots 143-156) and Retail/Commercial units compliant with Moray Council Planning Policy and Guidance.
 - b) Design/specifications for the proposed mounting/installations to be provided for any future EV charging points which would not be mounted

on a wall/within a garage.

Thereafter the development shall be completed in accordance with the approved details and parking provision and EV charging infrastructure shall be maintained and available for this purpose unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority.

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

47. No house or flat shall be completed until the roads and paths connecting it to the existing A941 and Elgin-Lossiemouth cyclepath have been completed and opened to the public.

Reason: In the interests of an acceptable form of development and the provision of safe access for all road users in the interests of road safety.

7. PROPOSAL OF APPLICATION NOTICE – 22/00287/PAN

Residential development and associated infrastructure at R2 Speyview, Aberlour

Councillor Warren re-joined the meeting at this juncture.

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) was submitted on 25 February 2022 on behalf of Springfield Properties PLC.

During discussion surrounding the proposed application, it was noted that there was no reference to active travel, no bus service in the area and that the access was on the A95 which raised safety concerns for children and young people travelling to and from school as well as elderly people as the road is very narrow.

During further discussion, it was noted that there was no mention of 20 minute neighbourhoods within the report.

In response, Mr Smith, Principal Planning Officer advised that he would forward these concerns to the Applicant.

Thereafter, the Committee agreed:

- (i) to note the terms of the report and asked that the following provisional views/relevant issues be recorded and forwarded to the Applicant in order to inform the development of their proposed formal application for planning permission:
- the provision of active travel;
 - the provision of bus services;
 - road safety for children, young people and the elderly on the narrow section of the A95;
 - compliance with 20 minute neighbourhood guidance; and

- (ii) that the matters raised by the Committee will also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

8. MORAY RETAIL STUDY

Under reference to paragraph 14 of the Minute of the meeting of the Planning and Regulatory Services Committee dated 1 March 2022, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the findings of the Moray Retail Study and sought agreement that the Moray Retail Study is used as a material consideration in the determination of planning applications, the preparation of masterplans and the development of policy.

Following consideration, the Committee agreed:

- (i) to note the content of the Moray Retail Study in Appendices 1 to 6; and
- (ii) that the Moray Retail Study (Appendices 1 to 6) is used as a material consideration in the determination of planning applications, the preparation of masterplans and the development of policy.

9. UNAUTHORISED WORK TO A LISTED BUILDING IN KEITH [PARA 13]

Councillor R McLean lost connection during consideration of this item and joined again toward the end of the debate.

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of unauthorised works to a listed building in Keith.

During discussion, Councillor Brown noted that the building was located on the main A96 in between a garage and commercial premise and noted that the windows were of a suitable design although did not meet the requirements in terms of material. Councillor Brown was of the view that taking enforcement action was not necessary and moved that the Committee agree that no enforcement action be taken. This was seconded by Councillor Ross.

In response, Mr MacPherson, Principal Planning Officer advised that, should the Committee agree that no enforcement action be taken, this would set a dangerous precedent as, not only was the property within a conservation area, it was also a listed building. The Development Management and Building Standards Manager further advised that it is a criminal offence to alter a listed building.

On considering the advice from Officers, Councillor Cowie was of the view that the Committee should follow the advice from Officers and moved, as an amendment, that the Committee agree the recommendation as printed within the report. This was seconded by Councillor Bremner.

On a division there voted:

For the Motion (3): Councillors Brown, Ross and Powell

For the Amendment (7): Councillors Cowie, Bremner, Taylor, Feaver, Divers, Macrae and Warren

Abstentions (1): Councillor R McLean

Accordingly, the Amendment became the finding of the meeting and the Committee agreed:

- (i) to Officers issuing a Listed Building Enforcement Notice under Section 34 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997;
- (ii) the Listed Building Enforcement Notice will require the owner of the property to replace the fitted UPVC windows and UPVC door on the front elevation of the property with sliding sash and case timber framed windows and a timber door to be carried out within 5 years of the date of the notice taking effect.
- (iii) that the notice requiring the fitting of the replacement windows and door will remain as a charge on the property until all work in relation to this is satisfactorily completed; and
- (iv) that the offence should not be referred to the Procurator Fiscal and that direct action should not be considered to secure compliance with the Notice.



REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 31 MAY 2022

SUBJECT: 22/00523/PAN – PROPOSED BATTERY ENERGY STORAGE SYSTEM AND ASSOCIATED INFRASTRUCTURE ON LAND ADJACENT TO ELECTRICITY SUBSTATION WESTERTON ROAD KEITH MORAY

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 To inform the Committee that a Proposal of Application Notice (PAN) was submitted on 30 March 2022 by Keith Renewables Ltd.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as a Planning Authority.

2. RECOMMENDATION

2.1 It is recommended that:

- (i) in noting the terms of this report, the Committee advise upon any provisional views/relevant issues that Members of this Committee (or any other Member(s) of the Council) wish to raise about the proposed development so that these matters can be recorded and thereafter fed back to the prospective applicant in order to inform the development of their proposed formal application for planning permission; and
- (ii) the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

3. BACKGROUND

- 3.1 Scottish Government has published guidance which encourages Elected Members to highlight any issues with a proposed development at the pre-

application stage which they would wish to see taken into account within any formal application for planning permission.

- 3.2 Following consideration by this Committee on 11 November 2014 it was agreed that any PAN received after this date would be reported to Committee to give Members of the Committee, and the Council, the opportunity to identify any key issues/provisional views about the proposed development and that these matters be reported back to the prospective applicant (paragraph 4 of the minute refers).
- 3.3 This current report is not about the merits of the proposed development but rather, based on local knowledge of local issues and wider concerns, etc., Members are invited to identify any matters relevant to the proposal. These will be reported back to the prospective applicant for their information and attention, and to inform the development of the proposed application. It is also proposed that, for information, Members' comments be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.
- 3.4 This PAN relates to a proposed battery energy storage facilities at Westerton Road, Keith. The site will consist of a compound, access roads, CCTV containing infrastructure for up to 49.9mW of electricity storage. The storage usually consists of a series of containers (similar to shipping containers) containing racked batteries. A plan is appended showing the location and extent of the site (**Appendix 1**). The site extends to approximately 3.27 hectares. The site is bounded to the south west by the existing Keith Electricity substation, and on all other sides by agricultural land. The site lies outwith the Moray Local Plan 2020 settlement boundary of Keith and therefore lies within the Countryside Around Towns designation.
- 3.5 The applicant proposes to consult with the Keith and Strathisla Community Councils online, use a dedicated webpage and will hold online consultation events on 1 and 16 June 2022 that will have been advertised in the local press. The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 temporarily suspended the need to hold a public event in relation to PANs from 24 April 2020 provided that the PAN was submitted before the end of the emergency period (including if it was submitted before the emergency period started as was the case here) and that any formal planning application following on from the PAN is lodged within 6 months of the end of the emergency period. In order to be valid a major application must be supported by a pre-application consultation report setting out the steps taken to consult with the local community, details of comments made on the proposal and how the applicant has responded to all comments made on the proposal in the development of the application.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Identifying key issues at an early stage to assist with front loading major planning applications is a vital aspect of supporting and facilitating the Council's priority for economic development in Moray.

(b) Policy and Legal

Scottish Government guidance on the role of Councillors in pre-application procedures affords Elected Members the opportunity to offer general provisional views on forthcoming developments which are the subject of a PAN where the details of the development have yet to be finalised.

(c) Financial implications

None.

(d) Risk Implications

None.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities/Socio Economic Impact

None.

(h) Climate Change and Biodiversity Impacts

None.

(i) Consultations

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Development Management and Building Standards Manager, the Equal Opportunities Officer, the Strategic Planning & Delivery Manager, and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

Members of Moray Council who are not on the Planning & Regulatory Services Committee have also been consulted and any views received on the proposal will be made known at the meeting.

5. CONCLUSION

- 5.1 The Council has received a PAN intimating the intention that a formal application for planning permission will be submitted for a major development proposal, in this case for the development of an energy storage facility at Westerton Road, Keith, Moray. The Committee (and**

any other member(s)) are asked to identify any provisional views/relevant issues which they would wish to see taken into account and inform the development of the proposal.

Author of Report: Neal MacPherson
Principal Planning Officer

Background Papers:

Ref: 22/00523/PAN



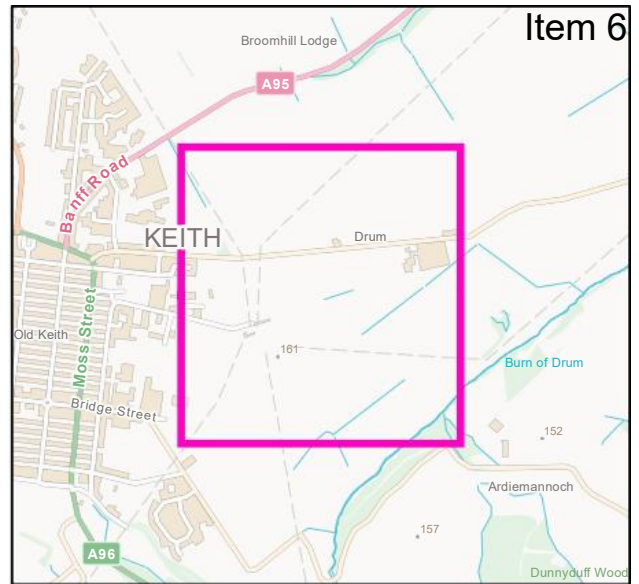
COMMITTEE SITE PLAN

KEITH

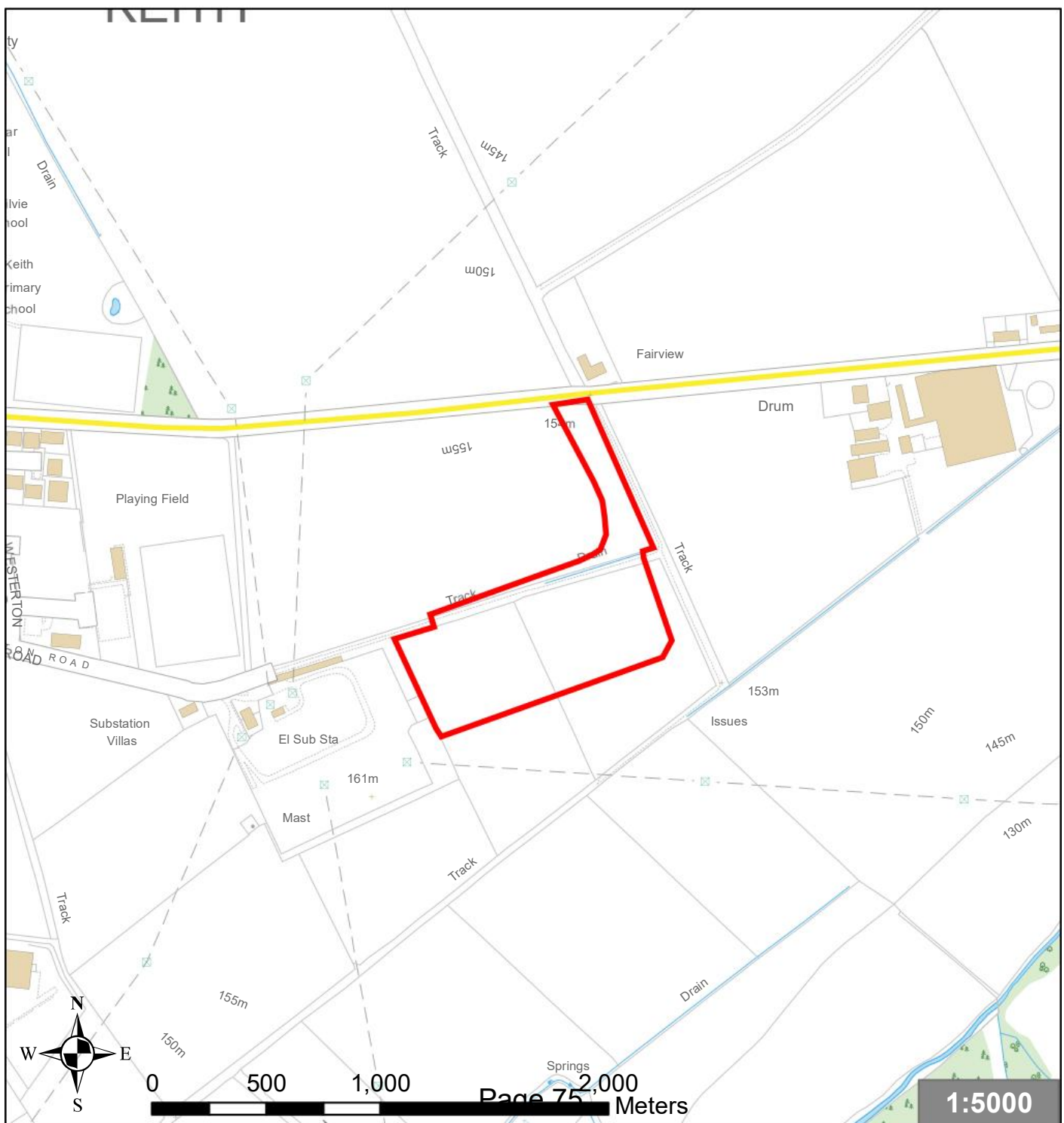
Application Reference Number:

22/00523/PAN

Proposed battery energy storage system and associated infrastructure on Land Adjacent TO Electricity Substation Westerton Road Keith



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REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 31 MAY 2022

SUBJECT: 22/00631/PAN ERECTION OF WAREHOUSES (UP TO 50,000SQ M) LAND ENGINEERING (CUT AND FILL) REALIGNMENT OF CORE BURN AND ASSOCAITED ENGINEERING AND INFRASTRUCTURE WORKS LAND TO SOUTH OF CRISP MALTINGS, PORTGORDON, BUCKIE.

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 To inform the Committee that a Proposal of Application Notice (PAN) was submitted on 24 April 2022 on behalf of William Grant And Sons Distillers Limited.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as a Planning Authority.

2. RECOMMENDATION

2.1 It is recommended that:

- (i) in noting the terms of this report, the Committee advise upon any provisional views/relevant issues that Members of this Committee (or any other Member(s) of the Council) wish to raise about the proposed development so that these matters can be recorded and thereafter fed back to the prospective applicant in order to inform the development of their proposed formal application for planning permission; and
- (ii) the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

3. BACKGROUND

- 3.1 Scottish Government has published guidance which encourages elected members to highlight any issues with a proposed development at the pre-application stage which they would wish to see taken into account within any formal application for planning permission.
- 3.2 Following consideration by this Committee on 11 November 2014 it was agreed that any PAN received after this date would be reported to Committee to give Members of the Committee, and the Council, the opportunity to identify any key issues/provisional views about the proposed development and that these matters be reported back to applicant (paragraph 4 of the Minute refers).
- 3.3 This report is not about the merits of the proposed development but rather, based on local knowledge of local issues and wider concerns, etc. Members are invited to identify any matters relevant to the proposal. These will be reported back to the prospective applicant for their information and attention, and to inform the development of the proposed application. It is also proposed that, for information, Members' comments be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.
- 3.4 This PAN relates to a proposed maturation warehouse development (up to 50,000sq m) including land engineering (cut and fill) realignment of Core Burn and other associated engineering and infrastructure works on agricultural land to the south of Crisp Maltings, Portgordon. The site is located within the countryside and does not have any specific designation within the Moray Local Development Plan 2020.
- 3.5 The proposed site covers an area of 15ha with access proposed via the existing access which serves the adjacent maltings. Whilst the specific design and layout may alter as a result of this public consultation and further site investigation, current indicative plans provided, indicate the proposed buildings would be approx. 13m high and cut and fill would be carried out across the site to provide a level base for the buildings to be sited. The proposals may also include measures to divert the Core Burn which currently runs along a ditch to the south of the site. The applicants may propose to realign this burn, providing a SUDs pond and wetland area to the south of the site. Landscaping proposals will also be incorporated as part of the scheme.
- 3.6 A formal response has been issued to the applicant's agent to confirm that the proposed arrangements for engaging with the local community are sufficient. The applicant proposes to consult with Lennox Community Council. In this case the applicant's have been advised that no additional parties require to be notified with a copy of the PAN.
- 3.7 The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 have temporarily suspended the need to hold a public event in relation to PANs from 24 April 2020 provided that the PAN was submitted before the end of the emergency period and that

any formal planning application following on from the PAN is lodged within 6 months of the end of the emergency period. There is no statutorily specified alternative to a public event during the emergency period but it is anticipated that prospective applicants propose reasonable alternatives which must include a minimum seven day period where information can be inspected and the public can make comments and ask questions to which they can expect to receive a response. In line with the new regulations an online public event/exhibition is proposed from 9 to the 30 June 2022 via www.wgswarehousingportgordon.co.uk and an online Q&A at 7pm on Thursday 9 June accessed via the same webpage. The online event will be advertised locally prior to opening and the community council made aware of the arrangements.

- 3.8 In order to be valid a major application must be supported by a pre-application consultation report setting out the steps taken to consult with the local community, details of comments made on the proposal and how the applicant has responded to all comments made on the proposal in the development of the application.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Identifying key issues at an early stage to assist with front loading major planning applications is a vital aspect of supporting and facilitating the Council's priority for economic development in Moray.

(b) Policy and Legal

Scottish Government guidance on the role of councillors in pre-application procedures affords elected members the opportunity to offer general provisional views on forthcoming developments which are the subject of a PAN where the details of the development have yet to be finalised.

(c) Financial implications

None

(d) Risk Implications

None

(e) Staffing Implications

None

(f) Property

None

(g) Equalities/Socio Economic Impact

None

(h) Climate Change

As this is a Proposal of Application Notice there is limited information provided at this stage to give full consideration to the climate change and biodiversity impacts of this proposal. Nonetheless all development will result in a degree of impact on climate change and biodiversity and this will be considered as the proposal progresses through the planning process. Identifying general concerns about the climate change impacts of major planning applications at an early stage can allow consideration of these aspects before details of the development are finalised.

(i) Consultations

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Development Management and Building Standards Manager, the Equal Opportunities Officer, the Strategic Planning & Delivery Manager, and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

Members of Moray Council who are not on this committee have also been consulted and any views received on the proposal will be made known at the meeting

5. CONCLUSION

- 5.1 The Council has received a PAN intimating that a formal application for planning permission will be submitted for a major development proposal, in this case for permission for a proposed maturation warehouse development (up to 50,000sq m) including land engineering (cut and fill) realignment of Core Burn and other associated engineering and infrastructure works on agricultural land to the south of Crisp Maltings, Portgordon. The Committee (and any other Member(s) of the Council) are asked to identify any provisional views/relevant issues which they would wish to see taken into account and inform the development of the proposal.**

Author of Report:	Iain Drummond Planning Officer
Background Papers:	
Ref:	22/00631/PAN



COMMITTEE SITE PLAN

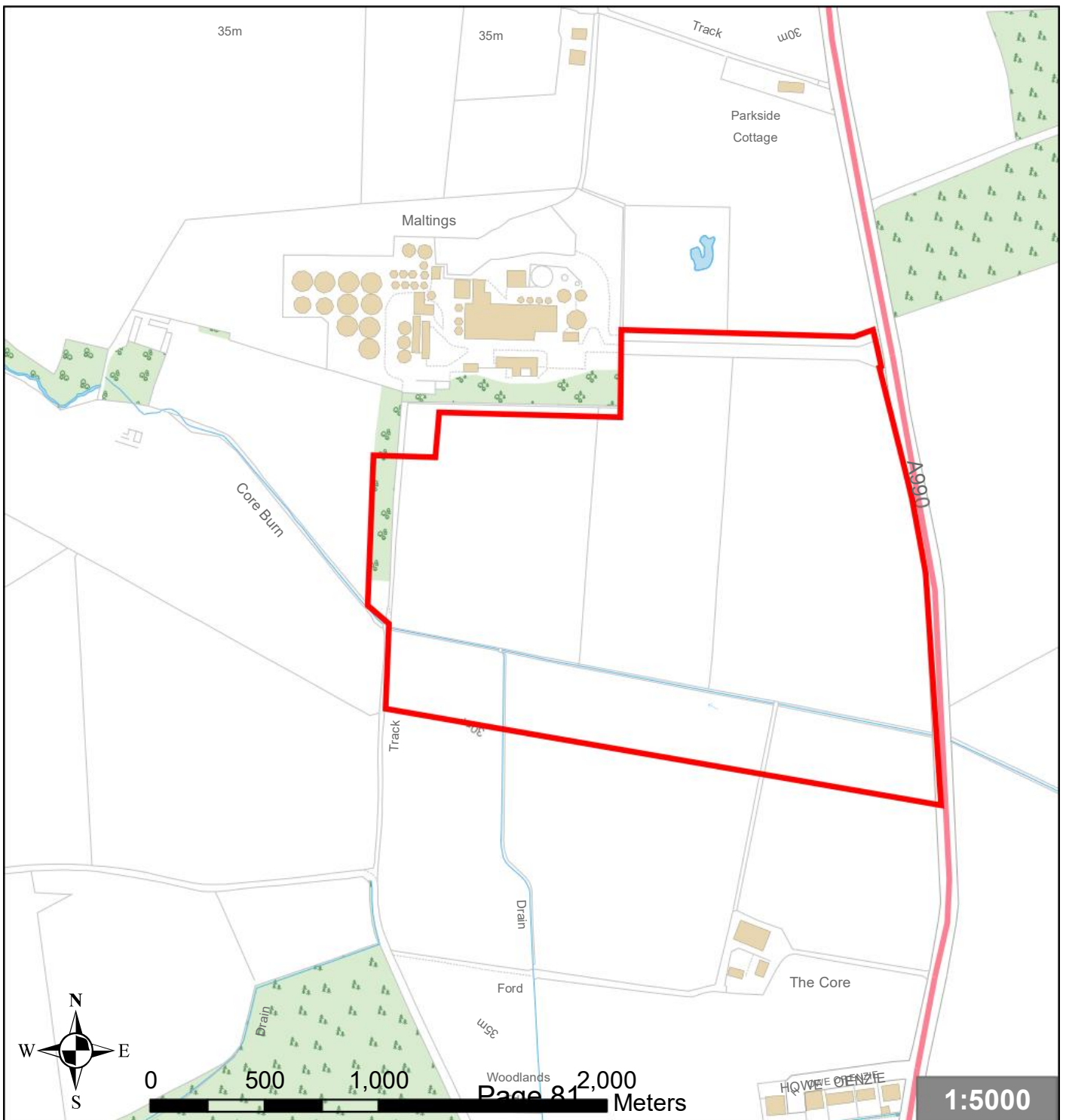
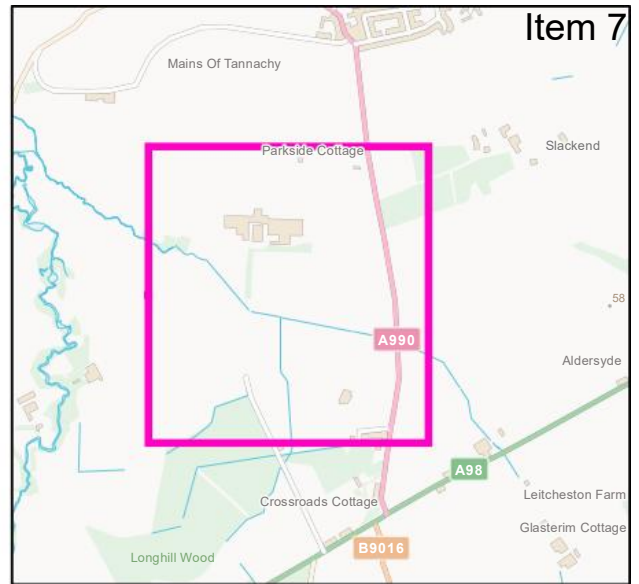
BUCKIE

Application Reference Number:

22/00631/PAN

Erection of warehouses (up to 50,000sq m) land engineering (cut and fill) realignment of Core Burn and associated engineering and infrastructure works on Land To South Of Crisp Maltings Buckie

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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
31 MAY 2022**

**SUBJECT: 22/00067/S36 INSTALL A BATTERY ENERGY STORAGE
SYSTEM (BESS) WITH ASSOCIATED INFRASTRUCTURE AT
BLACKHILLOCK ELECTRICITY SUBSTATION, KEITH**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 This report asks the Committee to consider a proposed response to a consultation request from the Scottish Government Energy Consents Unit (ECU) in relation to an Electricity Act 1989 Section 36 application (which includes deemed planning permission) to install a Battery Energy Storage System of up to 300 megawatts and associated infrastructure at a site 400m to the southeast of the Blackhillock Electricity Substation, Keith.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as Planning Authority.

2. RECOMMENDATION

2.1 It is recommended that the Committee:-

- i) consider and note the contents of the report, as set out in Appendix 1, including the conclusions regarding the planning and wider merits of the proposed development;
- ii) agree that, where taking into account the Moray Local Development Plan 2020 and all material considerations, it is recommended that subject to the conditions contained within Appendix 1, Moray Council does not object to the Section 36 application; or
- iii) if minded to object, provide planning reasons for objecting and instruct Officers to respond with those reasons formally objecting to the Section 36 application.

3. BACKGROUND

- 3.1 The applicant Zenobe Blackhillock Limited has lodged an application for consent under Section 36 of the Electricity Act 1989 to install a Battery Energy Storage System (BESS) with associated infrastructure at the site, which lies southeast of the Blackhillock Electricity Substation. The proposal would comprise 3 compounds containing up to 49 individual Battery Energy Storage Units, and associated electrical bay equipment including transformers, switch and control rooms, synchronous compensator, acoustic fencing and gates and underground cable connecting to the Blackhillock Substation. If consented, planning permission is deemed to be granted for the development (see information in **Appendix 2** Information Pack).
- 3.2 As the proposed energy storage system exceeds 50MW it is to be determined by the ECU. Responsibility for consultation with statutory consultees, relevant local authorities, receipt of representations and determination lies with the ECU. In these circumstances the role of Moray Council, as planning authority, is as a consultee rather than being the determining authority.
- 3.3 The Scottish Government (Energy Consents & Deployment Unit) has consulted Moray Council to comment on the proposed development within a specific timeframe along with other consultees. The period for consultation for Moray Council expires on 15 June 2022.

4. CONSIDERATIONS

- 4.1 The development proposal and associated supporting information has been assessed against National Policy, the Moray Local Development Plan and other material considerations. The assessment has also been informed by responses from relevant internal consultees. The report and recommendation are set out in **Appendix 1**.
- 4.2 The proposed Battery Energy Storage System represents a significant infrastructure development that would provide a range of critical infrastructure services to National Grid, and assist with the continued uptake/deployment of renewable energy sources across the region. It would substantially increase installed energy capacity at this location adjacent to the Blackhillock Substation, and help to balance the grid network during periods when renewables are not generating and back up sources are required to counteract the intermittency of such sources.
- 4.3 The proposal would be in line with national and local plan policies which support the expansion of renewable energy, including its contribution to renewable energy targets and addressing the 'climate emergency'. The development is strategically located in close proximity to the existing Blackhillock substation, avoiding the need for lengthy transmission cables and ensuring an efficient connection to the grid, and has been designed with proposed mitigation to ensure that there are no unacceptable adverse impacts on the environment.

5. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Promote economic development and growth and maintain and promote Moray's landscape and biodiversity.

(b) Policy and Legal

The application is made for consent under S.36 of the Electricity Act 1989 to Scottish Government. If consented, planning permission is deemed to be granted for the development. For planning purposes proposals require to be determined in accordance with the development plan unless material considerations indicate otherwise. If granted by Scottish Government, the responsibility for the discharge of (planning) conditions attached to the formal decision to grant consent will pass to Moray Council.

(c) Financial implications

If Moray Council decides to object to the proposal, a Public Local Inquiry (PLI) would be arranged by Scottish Government. Moray Council would be expected to attend and participate in the Inquiry process, including any pre-Inquiry arrangements with resultant costs, including officer, legal representation and consultant costs where required/appropriate.

As officers have recommended no objection it should be noted that any case presented to a PLI would need to be made by the relevant Councillors who moved against the officer recommendation.

At Inquiry, the applicant may seek an award of costs against the Council if it is considered the Council has acted unreasonably.

(d) Risk Implications

If the Council decide not to respond within the agreed period it would be open to Scottish Government to proceed and determine the application.

If deciding to object, the outcome of any Public Local Inquiry held to consider this proposed development is uncertain: it might uphold and support the Council's decision to object, but equally the objection could be dismissed and consent granted for the development.

(e) Staffing Implications

In the event of a Public Local Inquiry, staff time and resources (Elected Members, planning and legal officers) will be required for preparation and attendance at any Inquiry.

(f) Property

None.

(g) Equalities/Socio Economic Impact

None.

(h) Climate Change and Biodiversity Impacts

The proposed development is considered to meet the objectives and criteria outlined within Scottish Planning Policy, the Scottish Energy

Strategy and other material considerations, as it would provide critical services to the grid infrastructure network and help to reduce emissions from energy sources, in line with the Climate Change Act and the Climate Change Plan. Any potential impacts on biodiversity would be mitigated through embedded design and conditions of any planning consent issued by the ECU.

(i) Consultations

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Development Management and Building Standards Manager, the Equal Opportunities Officer, the Strategic Planning & Development Manager, and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

6. CONCLUSION

- 6.1 From Appendix 1, the planning merits have been considered in relation to current development plan policy and other relevant material considerations. Officers are satisfied that the Proposed Development complies with MLDP 2020 policies and has been designed and mitigated to ensure that there are no unacceptable adverse impacts on natural, built and cultural heritage resources, and will avoid significant adverse impacts on the environment.**
- 6.2 As such, in responding to the request for consultation, it would be appropriate for Moray Council to advise the Scottish Government that it wishes to raise no objection to the proposal to install a Battery Energy Storage System and associated infrastructure at the site, and volunteers the conditions (Appendix 1) to be attached to any approval given by the Energy Consents Unit.**

Author of Report: Richard Smith, Principal Planning Officer

Background Papers:

Ref: 22/00067/S36

APPENDIX 1

MORAY COUNCIL

Response to Consultation issued by Scottish Government on APPLICATION FOR S.36 CONSENT INSTALL A BATTERY ENERGY STORAGE SYSTEM (BESS) WITH ASSOCIATED INFRASTRUCTURE AT BLACKHILLOCK ELECTRICITY SUBSTATION, KEITH, MORAY

(MORAY COUNCIL REFERENCE 22/00067/S36)

INTRODUCTION

The applicant Zenobe Blackhillock Limited has lodged an application for consent under Section 36 of the Electricity Act 1989 to install a Battery Energy Storage System (BESS) and associated infrastructure at this site, located 400m southeast of the Blackhillock Electricity Substation, Keith.

The application will be determined by the Scottish Government Energy Consents Unit (ECU) and not by Moray Council, as local planning authority.

In determining the Section 36 application, the views of Moray Council, as local planning authority are being sought by the Scottish Government: the Council's role in the process is therefore as a statutory consultee. In responding with comments, the Council has a right to object or not to the application, as well as commenting on the conditioning of the consent. If the planning authority objects to the proposed development and the objection is not later withdrawn, or the areas of objection cannot be addressed by conditions then the ECU are likely to convene a Public Local Inquiry.

Prior to determination, the Scottish Government is responsible for affording publicity of the proposal and taking account of all representations received, whether from the general public or interested parties, and for consulting with agencies and organisations (consultees). Internal consultation with relevant services/sections within the Council has been undertaken in order to provide a comprehensive response in responding to the consultation.

THE PROPOSAL

- The proposed development comprises the following elements:
 - A compound containing up to 49 Battery Energy Storage Units (to include battery blocks, inverters, heating, ventilation, transformers and air conditioning units), each 16.5m x 23.8m, 3.50m high;
 - High Voltage Transformer, max height 9.45m, within a dedicated compound, and associated acoustic barrier 5.0m high;
 - 2no. Medium Voltage Switch Rooms;
 - 4no. Low Voltage Switch Rooms with Auxiliary Transformers;
 - 1no. Control Room;
 - Storage areas and Spares Containers (up to 4);

- Synchronous Compensator Units (up to 2) to be housed within buildings 6.2m high, within a dedicated compound;
- Security fencing, CCTV cameras, gates and security lighting on 6.0m poles;
- Vehicular access 5m wide (including upgrading of existing track), formation of new access onto A96 and on-site parking spaces (up to 5);
- Underground cable connecting to the Blackhillock Substation; and
- SuDs drainage, landscape planting and biodiversity measures.
- The site red line area extends to 23.43 hectares and comprises proposed compound containing the BESS and electricity infrastructure (3.44 hectares) and additional land to allow for other works associated with the application, such as access, drainage and grid connection routes. A micro-siting allowance of 100m for the infrastructure is also sought.
- Supporting submissions include a Planning Statement, Non-Technical Summary, Ecology Appraisal Report, Noise Assessment, Drainage Strategy and Infiltration Assessment, Transport Assessment and Landscape and Visual Appraisal.
- As noted from the Planning Statement and additional supporting information, the proposed development forms part of the Stability Pathfinder Project, which is being managed by National Grid Electricity System Operator ('National Grid ESO') to help manage the stability of electrical systems and facilitate increasing reliance on renewable power in Scotland. The main benefits of the proposed development as outlined are:
 - The proposed Battery Energy Storage System and associated infrastructure is designed to support the flexible operation of the National Grid and decarbonisation of electricity supply in support of EU/UK targets, national planning policy and efforts to address the 'climate emergency'.
 - The proposed Battery Energy Storage System and supporting infrastructure would assist the continued use/deployment of renewable energy sources across Moray and the wider area by increasing installed energy capacity at this location adjacent to the Blackhillock Sub-station, and helping to balance the network during periods when renewable sources are not generating and back up sources are required to counteract the intermittency of sources such as wind.
 - The strategic location of the site in close proximity to the existing Blackhillock Substation would avoid the need for lengthy transmission cables ensuring efficient connection to the grid.

THE SITE

- The application site comprising the development compound site and associated areas of works extends to 23.43 hectares, and forms an irregular shaped area of land to the south/southeast of the Blackhillock Substation south of Keith.
- It currently comprises mainly a mix of improved grassland, arable land, areas of scrub/vegetation, planted landscaping and trees adjacent to the Blackhillock Sub-station site, built up areas (pylons, a telecoms mast, farm buildings and a ruin) and bare ground (roads, tracks, gravel banks and hardstandings).

- Heights at the development site are in the range of 206m to 220m AOD and fall from west to east.
- A high pressure gas pipeline passes through the southwest part of the site.
- The SEPA indicative flood maps show the site is not at risk from surface water flooding or river flooding.
- There are known sites of local archaeological interest within the application site boundary.

HISTORY

For the site.

21/01398/PEMAJ – Preliminary enquiry to install a battery energy storage system (BESS) with associated infrastructure, response issued 13 January 2021.

21/01460/SCN – EIA Screening Opinion adopted/issued in relation to proposal in install a battery energy storage system (BESS) with associated infrastructure, issued 21 December 2021. Response confirmed development is not EIA development.

21/01402/AMC – Consent granted 2 March 2022 for approval of matters specified in planning consent 18/01046/EIA to construct onshore electrical transmission infrastructure comprising of a cable transition jointing bay underground cable circuits construction of substation to south of Keith with further connecting cabling to allow connection with existing transmission network from vicinity of Redhythe Point in Aberdeenshire Council Area to Whitehillock Farm, Keith, Moray. This application site sites within the western part of this development.

18/01046/EIA – Planning approval granted 3 December 2018 to construct onshore electrical transmission infrastructure, comprising of a cable transition jointing bay, underground cable circuits, and construction of substation to south of Keith with further connecting cabling to allow connection with existing transmission network at Blackhillock including temporary construction compounds access track laydown areas and other associated works from within the vicinity of Redhythe Point in Aberdeenshire Council Area to Whitehillock Farm, Keith. This application site sites within the western part of this development.

For the area:

22/00499/APP – Planning application for proposed quarry extension at Cairdshill Quarry, this is currently under consideration and lies 350m to the northeast of the application site.

21/01777/APP - Planning approval granted 1 March 2022 for the installation of synchronous compensators with electrical connection to adjacent substation and associated infrastructure on land adjacent Blackhillock and Beatrice Onshore Substations. This is located 850m to the northeast of the application site and has yet to be implemented.

15/00631/EIA – Planning approval granted 3 November 2015 for the erection of electricity substation/convertor station at Blackhillock with access road ancillary works and underground cable link to Portgordon all to service Beatrice Offshore Wind Farm on land between Portgordon and Blackhillock Croft, Keith, Moray.

12/01774/EIA – Planning approval granted 22 February 2013 for the erection of electricity substation/convertor station with access road ancillary works and underground cable link to Portgordon to service Beatrice Offshore Wind Farm at Blackhillock Croft, Keith, Moray.

ADVERTISEMENTS

Statutory advertisement procedures have been carried out by applicant in accordance with agreement of the Energy Consent Unit which is the determining authority for the application.

CONSULTATIONS

Strategic Planning & Development - Proposal complies with relevant development plan policies PP1, PP3, DP1, DP5, DP9, EP2, EP12 and EP14. The principle of development in this location has been established by the adjacent Blackhillock Substation and the need for the facility to be in close proximity. Whilst the proposal will be visually detached from the main activity area of the Substation, the development uses recessive tone finishes, landscaping and post and rail fencing to help integrate the proposal into the landscape. These approaches will help mitigate any potential adverse landscape and visual impacts. The proposal therefore complies with MLDP policies subject to a detailed Landscape Plan, further biodiversity enhancements (bird, bat and insect boxes) and provision of an electric vehicle charging point.

Transportation Manager - No objection as access for construction vehicles is to be taken via a private access onto the A96 Aberdeen to Inverness Road, which is a Trunk Road. Recommends condition to ensure that access is taken directly from the Trunk Road only.

Note: Transport Scotland have been consulted direct by the ECU and will provide a separate response as relevant roads authority.

Access Manager – No objection, notes that no core paths or other paths will be directly affected by the development.

Environmental Health – No objection subject to conditions regarding hours of construction works, a Construction Environmental Management Plan (to minimise construction related noise, dust and artificial lighting), noise level limits, details of an acoustic enclosure for the Transformers and submission/approval of a further detailed Noise Impact Assessment to inform assessment of the final design details.

Environmental Health, Private Water – No objection subject to condition requiring submission/approval of an assessment of the impact of the development on all private water supplies in the area, and mitigation where impacts are identified.

Environmental Health, Contaminated Land - No objection.

Aberdeenshire Archaeology Service – No objection.

Developer Obligations – No developer obligations sought.

Moray Flood Risk Management – No objection subject to condition requiring submission/approval of final drainage details, to be in accordance with submitted Drainage Impact Assessment.

Building Standards – A Building Warrant will be required for any buildings which contain office and mess accommodation.

REPRESENTATIONS

All objections/representations in the relation are to be submitted directly to the Scottish Government Energy Consents Unit, which is the determining Authority. They will be considered by the ECU and do not form part of the Moray Council consideration (as consultee to the Section 36 process).

OBSERVATIONS

The applicant Zenobe Blackhillock Limited is proposing to install a Battery Energy Storage System (BESS) with an operating capacity of up to 300 MW and associated infrastructure at this site, located 400m southeast of the Blackhillock Electricity Substation (see location plan in **Appendix 2**). The proposed development is designed to support the flexible operation of the grid network and will contribute to a range of critical services to National Grid which help to stabilise the transmission network and manage intermittent renewable energy.

The operating capacity of the proposed development means that it is subject to the requirement for an application for consent under Section 36 of the 1989 Electricity Act (together with a request for a direction that planning permission be deemed to be granted under Section 57 (2) of the Town and Country Planning (Scotland) Act 1997 to be determined by Scottish Ministers.

The proposal requires to be considered under the terms of the 1989 Act, in particular Schedule 9 duties, which require Scottish Ministers to have regard to various environmental and cultural heritage matters when considering proposals. These duties apply whatever the relevant local policy circumstances expressed through a Development Plan may be, and therefore the approach required in this case is fundamentally different to the conventional approach for planning decisions under Section 25 of the 1997 Act. As such, the Development Plan does not have primacy in determining an application for electricity consent under the 1989 Act, although development policies are still relevant to understanding the local context, the generic duties under Schedule 9 and are also material considerations in the decision-making process. In this case the relevant local planning policies are those contained in the adopted Moray Local Development Plan 2020 (MLDP) and observations in relation to each under topic headings are set out below.

In addition, as Moray Council is a consultee for the Section 36 process, some matters within the observations will be assessed differently had it been assessed as a planning application where Moray Council are the determining authority. Matters such as, for example, impact on ecology and water environment will be informed by direct consultation with NatureScot and SEPA, as they will be consulted separately and will reply directly to the ECU. Similarly consideration of the access arrangements which involve taking sole access into the trunk road would be commented upon by

Transport Scotland. The Council's consideration of some matters will therefore be limited where the ECU are consulting directly themselves on particular areas of interest best addressed by other specialist consultees.

An accompanying Planning Statement provides an assessment of the proposed development against relevant national and local development plan and energy policies and any other material considerations. This draws support for the proposal from these provisions and other considerations, which is designed to support the flexible operation of the National Grid and decarbonisation of electricity supply by balancing electricity supply and demand, through provision of a back-up source of electricity during periods when renewable sources (wind) are not generating and is required to counteract the intermittency of sources such as wind. As noted from the Statement the development is located in close proximity to the existing Blackhillock substation, avoiding the need for lengthy transmission cables and ensuring an efficient straightforward connection to the grid, and has been designed with proposed mitigation to ensure that there are no unacceptable adverse impacts on the environment, natural, built and heritage resources.

Relationship of proposal to national renewable energy policy/guidance

International and UK policy frameworks are supportive of renewable energy and electricity transmission/energy storage proposals which help to support a transition to a low carbon economy.

The Scottish Energy Strategy and NPF3 set out that the planning system has a fundamental role in ensuring that Government objectives for energy and climate change policy are fulfilled. Substantially increasing installed energy capacity is identified as critical to the success of the policy, and grid balancing systems such as the proposed development currently under consideration would enable further deployment of renewables. The draft National Planning Framework 4 sets out that measures to address climate change and reduction of carbon emissions will be accelerated and that battery storage is a key part to this strategy to providing new developments and infrastructure across Scotland.

The Climate Change (Scotland) Act 2009 (the Climate Change Act) has committed Scotland to becoming carbon-neutral by 2045. This target is legally binding rather than an ambition and requires to be reflected in the way in which energy projects are addressed by public bodies when exercising their functions. Beyond the NPF3 there are a number of considerations relevant to the Section 36 process, which have been taken into account in arriving at the below recommendation. These include the Climate Change (Scotland) Act 2009 as amended by The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019; Net Zero – The UK's Contribution to Stopping Global Warming; Electricity Generation Policy Statement (2013); Scottish Energy Strategy: The Future of Energy in Scotland; National Planning Framework 3 (2014); Scottish Planning Policy (2014); Draft National Planning Framework 4 (NPF4) Climate Change Plan: The Third Report on Proposals and Policies 2018 – 2032; and Update to the Climate Change Plan 2018 – 2032 – Securing a Green Recovery on a Path to Net Zero (2020). These generally stress the need to reduce carbon emissions (for which grid scale battery storage systems to address intermittent renewables will clearly play a part) but do qualify this with the need to protect landscapes, built and natural heritage, residents and other interests

The applicant's submitted Planning Statement identifies the pertinent national policy and guidance, and consideration has been given to these policies and guidance documents in the assessment of this application.

The proposed development is considered to meet the objectives and criteria outlined within Scottish Planning Policy, the Scottish Energy Strategy and other material considerations identified. It would provide important services to the grid infrastructure network and help to reduce emissions from energy sources, in line with the Climate Change Act and the Climate Change Plan.

Siting, Character and Design (PP1, PP2, DP5, DP9 and DP1)

Policy PP1 Placemaking states that Developments must be designed to create successful, healthy places that support good physical and mental health, help reduce health inequalities, improve people's wellbeing, safeguard the environment and support economic development.

Policy PP2 Sustainable Economic Growth supports proposals which deliver sustainable economic growth where the natural and built environment is safeguarded, there is clear locational need and any potential impacts can be satisfactorily mitigated.

Policy DP1 sets out the detailed criteria to ensure that proposals meet siting, design and servicing requirements, provide sustainable drainage arrangements and avoid any adverse effects on environmental interests.

Policy DP5 Business and Industry outlines that proposals for rural business developments will be supported where they fit into the environment, provide a locational need for the site and can be adequately serviced.

Policy DP9 Renewable Energy outlines that all renewable energy proposals will be considered favourably where they are compliant with policies to safeguard and enhance the built and natural environment, and avoid any unacceptable significant adverse impacts (i.e. landscape and visual, noise, air quality, water environment, traffic, ecology etc.).

The proposed development comprising the installation of a Battery Energy Storage System and associated infrastructure would facilitate the flexible operation of the grid network and provide a range of critical infrastructure services to National Grid, assisting the continued use and deployment of renewable energy sources across the region. It would increase installed energy capacity at this location and help to balance the network during periods when renewable sources are not generating and back up sources are required to counteract the intermittency of sources such as wind.

The development consisting of rows of multiple containerised battery storage units with associated equipment (synchronous compensators and transformers) within a fenced compound would occupy an area of farmland adjacent to high voltage power lines, to the south of the existing Blackhillock Substation. The development in terms of its design, appearance and scale would have a low visual profile, and would be appropriate and in keeping with the surrounding landscape, which is characterised

predominantly by significant electricity infrastructure, overhead power lines, quarries, farmland, plantation woodland, shelterbelt and wind farm development.

Proposed fencing, use of recessive tone finishes (green or brown) for the battery storage units and associated infrastructure and landscaping/tree planting would ensure that the development integrates sensitively into the landscape. With these measures and embedded mitigation the proposal is considered to represent an appropriate form of development which is capable of being accommodated on the site without adverse landscape and visual effects. Conditions are recommended requiring submission/approval of details of the tone finishes, an updated detailed Landscape Plan (detailing specifications, numbers, maintenance arrangements and additional screen planting), details of cross sections/earthworks and the final route of the grid connection cable.

A locational need for the site has been established through the adjacent Blackhillock Substation as the proposal requires to be close to this facility in order to effectively provide the services and electricity to the National Grid.

A Landscape and Visual Appraisal (LVA) has been submitted with the application which concludes that the proposal will not give rise to significant unacceptable landscape character or visual impacts, and could be accommodated on the site with limited and localised effects. This sets out that although the development would result in loss of farmland, this would account for a relatively small parcel of land within an expansive area of agriculture that incorporates various elements of infrastructure and human activity. This includes significant electricity infrastructure (high voltage overhead power lines, which coalesce at the Blackhillock and Beatrice Wind Farm Substations to the north of the site, Edintore Wind Farm on the south-facing slopes of Cards Hill (southwest of the site) and Blackhillock Quarry and Cairdshill Quarry to the northeast.

In terms of landscape effects, the LVA notes the undulating nature of the landform, in combination with nearby tree cover and existing built form means that landscape effects would be primarily focused within a 300 to 400m radius of the site, and as such would not impact the wider landscape. Visual effects would also be restricted based on the site location, which is spatially remote from the majority of visual receptors within area, and which exhibits a relatively high degree of visual enclosure based on the surrounding landform. Clearest views would be experienced by residents at Blackhillock Croft and Greens at Aucharties based primarily on views from wider parts of the curtilage and the access track, however, with regard to views from within the dwellings and main garden areas, these effects are not assessed as being notable due to their oblique nature and the presence of intervening screening elements. The LVA further advises that potential views that would be experienced by all other residents, recreational receptors and road users would be limited by intervening landform, buildings, tree cover, orientation of view and/or distance of view, hence would not be notable. In terms of cumulative effects, the LVA outlines that the proposal would augment the presence of existing, consented and proposed power-related infrastructure in the locality, and the net result would be to slightly increase the influence of this infrastructure in a south easterly direction from the existing Blackhillock Substation. The containing effect of the landform however would prevent the geographic spread of potential cumulative effects across wider

parts of the surrounding landscape and as such the LVA assesses that there would be no notable cumulative effects on landscape.

From the above considerations, the proposal complies with the requirements of policies PP1, PP2, DP1, DP5 and DP in terms of siting, character and design.

Access and Transport (DP1 and PP3)

Policies PP3 Infrastructure and Services and DP1 Development Principles require the provision of a safe entry/exit from new development for all users, appropriate infrastructure and acceptable parking provision.

A Transport Statement has been submitted with the application which considers assess and traffic impacts. This confirms that access to the proposed development will be taken via the existing junction from the A96 which serves Netherton Farm and an existing farm track, and are to be upgraded to accommodate Abnormal Load Vehicles and other related traffic. As noted from the Assessment and the Planning Statement, the majority of vehicles visiting and using the site will occur throughout the construction phase during a 9-18 month period generating up to 92 vehicle movements per day (during the most active periods), and that the change in traffic on routes in the area will be negligible in terms of existing traffic flow. During the operational phase traffic as the site will not be manned volumes are expected to be minimal, with smaller vehicles visiting the site.

The Transportation Section following consultation has raised no objection to the proposed development on the basis that access for construction vehicles is to be taken solely via the private access at Netherton Farm onto the A96 Aberdeen to Inverness trunk road. A condition requiring submission/approval of construction details of the proposed access track which is to be upgraded, and adherence to the access route in figure 1.4 to ensure that access is taken from the trunk road only is recommended.

In terms of impacts on the trunk road network Transport Scotland as the relevant consultee will provide comments direct to the Energy Consent Unit. From review of the consultation responses on the ECU website, it is noted that Transport Scotland initially raised no objection to the proposed development subject to further discussions with the applicant agreeing access junction details onto the trunk road, and approval of an Abnormal Load Assessment to demonstrate that abnormal load vehicles can negotiate farm buildings which are close to the access off the trunk road without blocking/backing into the trunk road. These discussions have taken place and Transport Scotland has confirmed in separate email correspondence to the applicant that these matters can be dealt with by conditions attached to any planning consent, to ensure that the access off the trunk road will remain free-flowing.

Policy PP3 (a) (iv) requires the provision of electric vehicle charging points at all commercial parking facilities. To ensure compliance a condition shall be recommended requiring provision of 1 (one) electric vehicle charging point at the parking facilities at the site.

Based on the above, and subject to the recommended conditions the proposal complies with policies DP1 and PP3 in relation to access and transport.

Noise (DP9, EP14 and DP1)

Policy DP1 Development Principles seek to ensure that new developments do not create pollution which may adversely affect the environment or local amenity, and policy DP9 outlines that all renewable energy proposals should avoid any unacceptable significant adverse impacts on noise. Policy EP14 Pollution, Contamination and Hazards sets out that development proposals which may cause significant noise pollution should be accompanied by a detailed assessment report on the levels, character and transmission of the potential pollution with measures to mitigate impact.

A Noise Impact Assessment (NIA) has been provided with the application which assesses effects on the closest residential properties to the development, Blackhillock Croft and Greens at Aucharties (located 170m and 290m to the north respectively). This confirms that although the batteries by nature are quiet in their operation, following assessment noise emissions produced from the proposed air conditioning units, inverters and transformers on the site will require to be mitigated through the provision of noise mitigation measures to safeguard residential amenity. These measures would comprise an acoustic barrier to the north and west of the transformer(s), housing the synchronous compensators and enclosures to the inverters, with finalised details to be agreed.

The Environmental Health Section, has reviewed and is content with the findings of the NIA and has raised no objection subject to conditions regarding hours of construction works, a Construction Environmental Management Plan (to minimise construction related noise, dust and artificial lighting), noise level limits, details of an acoustic enclosure for the Transformers and submission/approval of a further detailed Noise Impact Assessment to inform assessment of the final design details. The applicant has confirmed agreement to these conditions.

From the above and subject to the recommended conditions, the proposal is not considered to result in any unacceptable impacts upon the amenity of neighbouring houses or to the surrounding area, and as such would comply with policy DP1, DP9 and EP14.

Drainage and Flooding (PP3, DP1, and EP12)

Policies PP3 Infrastructure and Services and DP1 Development Principles (iii) Water Environment, Pollution, Contamination require development to be planned and coordinated with infrastructure to ensure places function properly, and proposals are adequately served by infrastructure and services in terms of foul and surface water drainage and water supply. Policy EP12 Management and Enhancement of the Water Environment requires surface water from development to be dealt with in a sustainable manner (SuDS) that has a neutral effect on the risk of flooding or which reduces the risk of flooding.

A Drainage Impact Assessment (DIA) has been submitted with the application which outlines the proposals for surface water drainage (SuDS) on the site, and addresses flood risk. These would consist of a retention pond and associated piped network that would discharge into an adjacent watercourse to the north, and be suitably designed/ sized to attenuate surface water flows during storm events without

surcharge. The DIA demonstrates that the site is at little or no risk of flooding from any sources, and that the development will not increase flood risk elsewhere during exceedance events up to and including the 1:200 year event plus climate change. Finalised design details would be submitted for approval.

No foul water drainage or water supply connections are proposed as the development will be unoccupied during the operational phase with the exception of ad hoc maintenance.

These arrangements and accompanying DIA have been assessed by the Moray Flood Risk Management Section (FRM) and confirmed as acceptable. A condition requiring submission/approval of final drainage details in accordance with the DIA and implementation shall be recommended.

The Environmental Health Private Water Section, following consultation, has highlighted that there are a number of private water supplies in the vicinity of the site, some of which are unregistered. In order to ensure that the development does not impact these supplies a condition is recommended requiring submission/approval of an assessment of the impact of the development on all private water supplies in the area, and where a possible impact on water supplies is identified, this includes detailed proposals for appropriate mitigation measures. The applicant has confirmed agreement to this condition.

On the basis of the above, subject to the conditions identified the proposals accord with policies PP1, DP1 and EP12 in relation to drainage and flood risk.

Natural Heritage and Biodiversity (EP1 and EP2)

Policy EP1 Natural Heritage Designations seeks to ensure that development does not have an adverse effect on any Protected Species or upon any wildlife sites or other valuable local habitats.

Policy EP2 Biodiversity aims to deliver biodiversity enhancement by creating networks of high-quality green spaces that will help to promote new habitat creation and help to avoid habitat fragmentation. All development proposals must retain, protect and enhance features of biological interest and provide for their appropriate management

The submitted Preliminary Ecological Appraisal (PEA) accompanying the application contains analysis and survey findings of habitat and species on the site. As noted from the report, the compound area containing the proposed development is located within arable and improved grassland fields, which are of low ecological value; pockets of higher conservation value habitat, such as planted mixed woodland and a pond (which form part of new landscaping for the Blackhillock and Beatrice Sub stations) lie within the northern part of the site where the proposed cable route would run. The report confirms that no evidence of protected species was recorded, however it does recommend the need for further pre construction surveys and mitigation measures to safeguard local wildlife and enhance local biodiversity. These include, vegetation clearance works to be kept to a minimum and when required, for these to take place outside the bird nesting season (or if this is not possible, to be undertaken following bird nest checks by an ecologist), pre-construction badger

surveys, mitigation measures to prevent harm during works, lighting to be designed in line with good practice (i.e. minimising light spill and directing away from boundaries/retained habitats and installation of bird nest boxes.

A condition is recommended requiring implementation of these measures.

The site is not subject to any international, national or local environmental designations. A single SSSI, the Den of Pitlurg, which is designated for its upland birch woodland and valley fen lies approximately 2 km to the south, however as there is no connectivity no impacts are anticipated.

The current proposal lacks detail in respect of biodiversity enhancements, beyond landscaping and reference to bird nest boxes. To enhance biodiversity across the site and comply with Policy EP2, the development is therefore required to provide bird, bat and insect boxes in appropriate locations as well as a detailed Landscape Plan, which should include planting around the SUDS pond. This is recommended to be addressed by condition.

Subject to the above conditions, impacts on nature conservation interests will be mitigated and biodiversity enhancements provided in accordance with EP1 and EP2.

Impact on Trees (EP7)

Policy EP7 Forestry, Woodlands and Trees outlines that proposals must retain healthy trees and incorporate them within the proposal unless it is technically unfeasible to retain these. Whilst it is noted that no trees are affected by the development of the compound, the proposed route for the grid connection cable has the potential to impact an area of young trees within the landscaping for the Blackhillock Sub-station. Once the finalised route has been determined, a Tree Survey and Tree Protection Plan will be required and recommended as a condition.

In the event that tree removal is required to accommodate the cable route, this would be in compliance with Policy EP7 (b), subject to the provision of a Tree Survey/Tree Protection Plan, on the basis that it is technically unfeasible to retain these as the grid connection cable is key infrastructure that is required to facilitate the development. Given that the trees are young, consideration should be given to their translocation rather than removal should it be required; this shall be addressed by condition which has been agreed by the applicant.

Archaeology and Cultural Heritage (EP8, EP9 and EP10)

Policy EP8 Historic Environment policy aims to protect archaeological sites and Scheduled Monuments from development that would have an adverse impact on their integrity and setting. Policies EP9 Conservation Areas and EP10 Listed Buildings seek to protect/preserve the character and appearance of conservation areas, and to protect listed buildings and their settings from inappropriate development.

The submitted Planning Statement includes an assessment of the effects of the proposal on archaeology and built heritage. This confirms that there are no Listed Buildings, Conservation Areas, Registered Battlefields or Gardens and Designed Landscapes within the 500m of the Development Boundary, and from review of the

available data of known cultural assets and the nature of archaeological remains found within the area the potential for further archaeological remains to be found would be low to moderate. The Aberdeenshire Archaeology Service has reviewed and is content with this information, and has raised no objection to the proposal or recommended the need for archaeological investigations to be addressed by condition. It is also considered that the site is sufficiently distant from heritage built interests in the wider area and would cause unacceptable adverse effects. Historic Environment Scotland will provide a separate consultation response to the ECU in this regard.

From the above considerations the proposal would not impact built heritage (archaeological and cultural) interests and would accord with development plan policies EP8, EP9 and EP10.

Pollution Control (DP1 and EP14)

Policies DP1 Development Principles and Policy EP14 Pollution, Contamination and Hazards seek to ensure that new developments do not create pollution which may adversely affect the environment or local amenity.

In order to mitigate impacts on air, water, soil and light, to ensure the above policy requirements are met a condition requiring submission and approval of a Construction Environment Management Plan (CEMP) including a site specific pollution prevention plan during the construction phase is recommended.

On the basis of the above the proposal is considered to comply with policy requirements in relation to pollution control.

Gas Pipeline (DP1 and EP14)

Policies DP1 Development Principles and EP14 Pollution, Contamination and Hazards require development proposals to avoid and not impact on hazardous sites or result in public safety concerns due to proximity or use in the vicinity of such sites.

A High Pressure Gas Transmission Pipeline (Aberdeen to Connon Bridge) owned/operated by Scotland Gas Network (SGN) lies within the vicinity of the proposed development. As noted from the Planning Statement the applicant has held positive pre-application discussions with SGN to agree assessment methodology of any indirect impacts from the proposal upon the pipeline and what mitigation is required, and for this to be addressed by a condition of the consent. This condition is included within the Scotland Gas Network consultation response on the ECU website, and with this imposed the proposal complies with Policy EP14 (c).

Decommissioning (DP9)

The submitted Planning Statement contains information regarding decommissioning and site reinstatement. This would involve notice being given to the Council in advance of commencement of the decommissioning works, with all necessary licenses or permits being acquired. The works undertaken would be in accordance with a statement of operations, covering safety and environmental issues during decommissioning and will include removal of electrical equipment, and concrete foundations. The ECU would condition appropriate decommissioning requirements or provision of a bond to ensure that the development is in place only for the

operational lifetime of the equipment and the site is appropriately restored at the end of that period. On this basis the proposal would comply with the restoration requirements of Policy DP9.

Conclusion

The proposed Battery Energy Storage System represents a significant infrastructure development that would provide a range of critical infrastructure services to National Grid, and assist with the continued uptake/deployment of renewable energy sources across the region. It would substantially increase installed energy capacity at this key location adjacent to the Blackhillock Sub-station, and help to balance the grid network during periods when renewables are not generating and back up sources are required to counteract the intermittency of sources such as wind.

The proposal would be in line with national and local plan policies which aim to support the expansion of renewable energy, including its contribution to meeting renewable energy targets and addressing the 'climate emergency'. The development is strategically located in close proximity to the existing Blackhillock substation, avoiding the need for lengthy transmission cables and ensuring an efficient connection to the grid, and has been designed with proposed mitigation to ensure that there are no unacceptable adverse impacts on the environment, natural, built and heritage resources.

The proposal would be in accordance with MLDP policies PP1, PP2, PP3, DP1, DP5, DP9, EP1, EP2, EP7, EP12 and EP14, subject to the conditions recommended below.

Recommended decision to Committee

It is recommended that Moray Council responds to the Energy Consents Unit raising no objection to the proposed development but would wish the following conditions to be imposed on any consent granted.

Recommended conditions and comments to pass to Energy Consents Unit.

1. Construction works (including vehicle movements) associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0800 - 1900 hours, Monday to Friday and 0800 - 1300 hours on Saturdays only, and at no other times out with these permitted hours (including National Holidays) shall construction works be undertaken except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken out with the permitted/stated hours of working.

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

2. The rating level of noise associated with the development shall not exceed 36 dB at the nearest noise sensitive dwelling which is lawfully existing or has planning permission at the date of this permission. Measurement and

assessment to demonstrate compliance with the rating level shall be undertaken in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.

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

3. Prior to the installation of the battery energy storage units and associated infrastructure/equipment (as detailed in Table 1: Development Components Summary of the submitted Planning Statement, page 4 (excluding fencing, parking and grid connection cable) development commencing, a further detailed Noise Impact Assessment shall be submitted and agreed in writing with the Planning Authority, in consultation with the Environmental Health Manager, demonstrating that the predicted rating level of noise in the above condition 2 is to be met

Reason: In order to ensure that in the final design selected a further assessment of noise impact shall be undertaken and can demonstrate no noise nuisance to local residents.

4. Unless otherwise agreed with the Planning Authority, a 5m high acoustic barrier with a surface density of at least 10kg/m² shall be provided on the north and west elevation of the transformer compound associated with the development as illustrated in Figure 2, page 9 of the Noise Impact Assessment supporting document by Apex Acoustics Limited and titled “ Battery Storage, Blackhillock . Noise Impact Assessment. Dated 16th December 2021, Revision C. Document reference 9169.1.” Prior to the use commencing, the final selected acoustic barrier in terms of chosen material, design, surface density shall be submitted in a plan and agreed in writing with the Planning Authority and shall thereafter be installed and maintained throughout the lifetime of the development.

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

5. Prior to development commencing, a site specific Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Planning Authority in consultation with the Environmental Health Manager. The plan shall include measures to minimise construction related noise, dust, artificial lighting, and a pollution prevention plan to protect the water environment from construction activities. Thereafter the development will be carried out in accordance with the agreed plan.

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

6. Prior to the development commencing details of the operational site lighting shall be submitted to and agreed in writing by the Planning Authority, in

consultation with the Environmental Health Manager. Thereafter, the agreed lighting details shall be maintained throughout the lifetime of the development.

Reason: In order that in the final design selected, artificial light emissions are considered, in order to protect local residents.

7. The ecological mitigation measures and biodiversity enhancements as detailed within the submitted Preliminary Ecological Appraisal (Section 5 refers), prepared by Arcus Consultancy Services dated November 2021 accompanying this application shall be fully adhered to by the developer, unless otherwise agreed in writing with the Council, as Planning Authority.

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

8. No development shall commence until a detailed landscape and biodiversity plan has been submitted to, and approved in writing by, the Council, as Planning Authority. This shall be based upon the submitted plan entitled Figure 4 Landscape Mitigation Plan (Revision F), and show the following information:
 - (a) All soft landscaping and planting works, including plans and schedules detailing species, specifications, heights and numbers of trees within each proposed woodland block, shrub and species rich meadow areas;
 - (b) Additional groups of tree planting to reinforce the proposed perimeter planting, wildflower planting and planting (emergent and marginal) to the SuDs basin;
 - (c) Details of the arrangements for the protection and long-term maintenance of all landscaped areas; and
 - (d) Details and location of bird nest, bat and insect boxes.

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

Reason: In order to ensure an acceptable level of planting in the interests of the amenity and appearance of the surrounding countryside and to enhance biodiversity in the area.

9. No development shall commence until a Tree Survey and Tree Protection Plan detailing any trees that would require to be removed to accommodate the grid connection cable (once the final route is known) and measures to be taken to protect existing trees on that part of the site, has been submitted to and approved by the Council, as Planning Authority. Any trees that require to be removed as a result of the grid connection cable shall be translocated or replaced with the same species, with details to be shown on a detailed

landscape plan. Thereafter the protection measures shall be implemented prior to any development commencing within that part of the site and be retained until completion of the development.

Reason: To ensure an acceptable form of development is provided in accordance with the tree survey, and that suitable protection is afforded to existing trees.

10. No works shall commence on the installation of the finalised drainage arrangements until scaled drawings and associated drainage calculations for these arrangements for the development have been submitted to and approved in writing by the Council, as Planning Authority. These shall be in accordance with the drainage design as outlined in the Drainage Impact Assessment prepared by Arcus Consultancy Services, dated November 2021, unless alternative arrangements are agreed by the Council, and installed and operational prior to the completion of the development hereby approved.

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

11. No works shall commence on the installation of the battery energy storage units, associated infrastructure/equipment, fencing and buildings until detailed scaled drawings (floorplans and elevations, and colour specifications) of the final designs of these elements on the site have been submitted to and approved in writing by the Council, as Planning Authority. The colours of these works shall be a recessive tone (green, brown or similar) as outlined within the submitted Landscape & Visual Appraisal (section 7 refers), as prepared by TGP Landscape Architects accompanying this application. Thereafter all works shall be carried in accordance with these approved details.

Reason: In order to ensure that the development integrates sensitively into the surrounding area and as these details are lacking from the application.

12. No development shall commence until a report prepared by a suitably qualified professional or appropriate organisation detailing an assessment of the impact of the development on all private water supplies within 500 metres of the application boundary has been submitted to and accepted by the Council, as Planning Authority. Where a possible impact on water supplies is identified, the report shall include detailed proposals for appropriate mitigation measures, e.g. provision of new supplies.

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

13. No development shall commence until the following information has been submitted to and approved in writing by the Council, as Planning Authority:

- a) Detailed drawings and construction specification of the final access track and route, as indicated on drawing titled Figure 1.5 – Site Layout Plan and Access and Grid Connection Route (Revision B) and in the Transport Statement dated November 2021 prepared by Arcus Consultancy Services (Appendix B). For the avoidance of doubt vehicular access to the development site shall be taken from the Trunk Road only as shown on the abovementioned plans.
- b) Detailed drawings of the final grid connection cable route between the development and the Blackhillock Substation, as indicated on drawing titled Figure 1.5 – Site Layout Plan and Access and Grid Connection Route (Revision B, dated 13/05/22).
- c) Preliminary drawings of the development compound indicating finished levels in relation to existing levels and any earthworks e.g. embankments, cut and fill etc., and thereafter once the final site design is completed (which shall be confirmed to the Council), detailed cross sections and plans showing final levels and earthworks.

Thereafter all works shall be carried out in accordance with these approved details, unless otherwise agreed with the Council as Planning Authority.

Reason: In order to allow for further consideration of these matters to ensure that the development integrates sensitively into the surrounding area and as these details are lacking from the application.

- 14. One Electric Vehicle Charge Point is required to be provided as part of the development. Prior to installation, details of the approved Electric Vehicle charging point must be provided to and agreed by the Council, as Planning Authority and thereafter provided and operational prior to the completion of the development

Reason: To ensure the provision of infrastructure to support the use of low carbon transport.

- 15. All infrastructure shall be constructed in the locations shown in the drawing titled Figure 1.2 – Site Layout except as adjusted by micro-siting of no more than 100m from the original position shown on Figure 1.2 Site Layout. No infrastructure is permitted outside of the fence line shown on the Figure 1.2 Site Layout regardless of the micro siting allowance. Any changes to infrastructure locations outside of the micro siting limit must be approved in writing by the Council, as Planning Authority.

No later than one month after the date of completion of the construction of the development the applicant must submit a final as built plan showing the final position of all infrastructure including areas where micro siting has taken place to the Council, as Planning Authority.

Reason: To ensure that the development is built in accordance with the application plans and supporting information (Planning Statement Section 3.4

refers), to allow tolerance for re-siting infrastructure and flexible procurement of equipment.

Informatives:

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

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

RELEVANT POLICIES OF THE MORAY LOCAL DEVELOPMENT PLAN 2020

PP1 PLACEMAKING

a) Development must be designed to create successful, healthy places that support good physical and mental health, help reduce health inequalities, improve people's wellbeing, safeguard the environment and support economic development.

b) A Placemaking Statement is required for residential developments of 10 units and above to be submitted with the planning application to articulate how the development proposal addresses the requirements of policy PP1 Placemaking and other relevant LDP policies and guidance. The Placemaking Statement must include sufficient information for the council to carry out a Quality Audit. Where considered appropriate by the council, taking account of the nature and scale of the proposed development and of the site circumstances, this shall include a landscaping plan, a topographical survey, slope analysis, site sections, 3D visualisations, a Street Engineering Review and a Biodiversity Plan. The Placemaking Statement must demonstrate how the development promotes opportunities for healthy living and working. The landscape plan must set out details of species type, size, timescales for planting and maintenance.

c) To create successful, healthy places residential developments of 10 units and above must comply with Scottish Government policy Creating Places and Designing Streets and must incorporate the following fundamental principles:

(i) **Character and Identity**

- Create places that are distinctive to prevent homogenous 'anywhere' development;
- Provide a number of character areas reflecting site characteristics that have their own distinctive identity and are clearly distinguishable;
- Provide distinctiveness between and in each character area through a combination of measures including variation in urban form, street structure/network, architecture and masonry, accent features (such as porches), surrounds and detailing, materials (buildings and surfaces), colour, boundary treatments, hard/soft landscaping and a variety of approaches to tree species and planting that emphasises the hierarchy of open spaces and streets within a cohesive design strategy for the whole development;
- Distinctiveness must be reinforced along main thoroughfares, open spaces and places where people may congregate such as shopping/service centres;
- Retain, incorporate and/or respond to relevant elements of the landscape such as topography and planted features, natural and historic environment, and propose street naming (in residential developments of 20 units and above, where proposed names are to be submitted with the planning application) to retain and enhance local associations;

(ii) **Healthier, Safer Environments**

- Designed to prevent crime, fear of crime and anti-social behaviour with good levels of natural surveillance and security using treatments such

as low boundary walls, dual frontages (principal rooms) and well-lit routes to encourage social interaction. Unbroken high boundary treatments such as wooden fencing and blank gables onto routes, open spaces and communal areas will not be acceptable.

- Designed to encourage physical exercise for people of all abilities.
- Create a distinctive urban form with landmarks, key buildings, vistas, gateways and public art to provide good orientation and navigation through the development.
- Provide a mix of compatible uses, where indicated within settlement statements, integrated into the fabric of buildings within the street.
- Prioritise pedestrians and cyclists by providing a permeable movement framework that incorporates desire lines (including connecting to and upgrading existing desire lines) and is fully integrated with the surrounding network to create walkable neighbourhoods and encourage physical activity.
- Integrate multi- functional active travel routes, green and open space into layout and design, to create well connected places that encourage physical activity, provide attractive spaces for people to interact and to connect with nature.
- Create safe streets that influence driver behaviour to reduce vehicle speeds that are appropriate to the local context such as through shorter streets, reduced visibility and varying the building line.
- Provide seating opportunities within streets, paths and open spaces for all generations and mobility's to interact, participate in activity, and rest and reflect.
- Provide for people with mobility problems or a disability to access buildings, places and open spaces.
- Create development with public fronts and private backs.
- Maximise environmental benefits through the orientation of buildings, streets and open space to maximise the health benefits associated with solar gain and wind shelter.

(iii) Housing Mix

- Provide a wide range of well integrated tenures, including a range of house types and plot sizes for different household sizes, incomes and generations and meet the affordable and accessible requirements of policy DP2 Housing.
- All tenures of housing should have equal access to amenities, greenspace and active travel routes.

(iv) Open Spaces/Landscaping

- Provide accessible, multi-functional open space within a clearly defined hierarchy integrated into the development and connected via an active travel network of green/blue corridors that are fully incorporated into the development and to the surrounding area, and meet the requirements of policy EP5 Open Space and the Open Space Strategy Supplementary Guidance and Policy EP12 Managing the Water Environment and Drainage Impact Assessment for New Developments Supplementary Guidance.
- Landscaped areas must provide seasonal variation, (mix of planting and colour) including native planting for pollination and food production.
- Landscaping areas that because of their size, shape or location would not form any useable space or that will not positively contribute to the character of an area will not contribute to the open space requirements of Policy EP4 Open Space.
- Semi-mature tree planting and shrubs must be provided along all routes with the variety of approaches reflecting and accentuating the street hierarchy.
- Public and private space must be clearly defined.
- Play areas (where identified) must be inclusive, providing equipment so the facility is for every child/young person regardless of ability and provided upon completion of 50% of the character area.
- Proposals must provide advance landscaping identified in site designations and meet the quality requirements of policy EP5 Open Space.
- Structural landscaping must incorporate countryside style paths (such as bound or compacted gravel) with waymarkers.
- Maintenance arrangements for all paths, trees, hedging, shrubs, play/sports areas, roundabouts and other open/ green spaces and blue/green corridors must be provided.

v) Biodiversity

- Create a variety of high quality multi- functional green/blue spaces and networks that connect people and nature, that include trees, hedges and planting to enhance biodiversity and support habitats/wildlife and comply with policy EP2 Biodiversity and Geodiversity and EP5 Open Space.
- A plan detailing how different elements of the development will contribute to supporting biodiversity must be included in the design statement submitted with the planning application.
- Integrate green and blue infrastructure such as swales, permeable paving, SUDS ponds, green roofs and walls and grass/wildflower verges into streets, parking areas and plots to sustainably address drainage and flooding issues and enhance biodiversity from the outset of the development.
- Developments must safeguard and where physically possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats.

(vi) Parking

- Car parking must not dominate the streetscape to the front or rear of properties. On all streets a minimum of 50% of car parking must be provided to the side or rear and behind the building line with a maximum of 50% car parking within the front curtilage or on street, subject to the visual impact being mitigated by hedging, low stone boundary walls or other acceptable treatments that enhance the streetscape.
- Provide semi-mature trees and planting within communal private and public/visitor parking areas and on-street parking at a maximum interval of 4 car parking spaces.
- Secure and covered cycle parking and storage, car sharing spaces and electric car charging points must be provided in accordance with policy DP1 Development Principles.
- Parking areas must use a variation in materials to reduce the visual impact on the streetscene.

(vii) Street Layout and Detail

- Provide a clear hierarchy of streets reinforced through street width, building density and street and building design, materials, hard/soft landscaping and a variety of approaches to tree planting and shrubs.
- Streets and connecting routes should encourage walking and cycling over use of the private car by providing well connected, safe and appealing routes.
- Design junctions to prioritise pedestrians, accommodate active travel and public transport and service/emergency vehicles to reflect the context and urban form and ensure that the street pattern is not standardised.
- Dead-end streets/cul-de-sacs will only be selectively permitted such as on rural edges or where topography, site size, shape or relationship to adjacent developments prevent an alternative more permeable layout. These must be short, serving no more than 10 units and provide walking and cycling through routes to maximise connectivity to the surrounding area.
- Where a roundabout forms a gateway into, or a landmark within, a town and/or a development, it must be designed to create a gateway feature or to contribute positively to the character of the area.
- Design principles for street layouts must be informed by a Street Engineering Review (SER) and align with Roads Construction Consent (RCC) to provide certainty that the development will be delivered as per the planning consent.

(d) Future masterplans will be prepared through collaborative working and in partnership between the developer and the council for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. Masterplans that are not prepared collaboratively and in partnership with the council will not be supported. Masterplans that are approved will be Supplementary Guidance to the Plan.

(e) Proposals for sites must reflect the key design principles and safeguard or enhance the green networks set out in the Proposals Maps and Settlement Statements. Alternative design solutions may be

proposed where justification is provided to the planning authority's satisfaction to merit this.

PP2 SUSTAINABLE ECONOMIC GROWTH

Development proposals which support the Moray Economic Strategy to deliver sustainable economic growth will be supported where the quality of the natural and built environment is safeguarded, there is a clear locational need and all potential impacts can be satisfactorily mitigated.

PP3 INFRASTRUCTURE & SERVICES

Development must be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services.

- a) In relation to infrastructure and services developments will be required to provide the following as may be considered appropriate by the planning authority, unless these requirements are considered not to be necessary:
 - i) Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space.
 - ii) Green infrastructure and network requirements specified in policy EP5 Open Space, Town and Village Maps and, contained within Supplementary Guidance on the Open Space Strategy, Masterplans and Development Briefs.
 - iii) Mitigation/modification to the existing transport network (including road and rail) to address the impact of the proposed development in terms of safety and efficiency. This may include but not be limited to passing places, road widening, junction enhancement, bus stop infrastructure, and drainage infrastructure. A number of potential road and transport improvements are identified and shown on the Town and Village Maps as Transport Proposals (TSP's) including the interventions in the Elgin Transport Strategy. These requirements are not exhaustive and do not pre-empt any measures which may result from the Transport Assessment process.
 - iv) Electric car charging points must be provided at all commercial and community parking facilities. Access to charging points must also be provided for residential properties, where in-curtilage facilities cannot be provided to any individual residential property then access to communal charging facilities should be made available. Access to other nearby charging facilities will be taken into consideration when identifying the need for communal electric charging points.
 - v) Active Travel and Core Path requirements specified in the Council's Active Travel Strategy and Core Path Plan.

- vi) Safe transport and access routes linking to existing networks and mitigating the impacts of development off-site.
- vii) Information Communication Technology (ICT) and fibre optic broadband connections for all premises unless justification is provided to substantiate it is technically unfeasible.
- viii) Foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS), including construction phase SUDS.
- ix) Measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland including the provision of local waste storage and recycling facilities designed into the development in accord with policy PP1 Placemaking. For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.
- x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.
- xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built developments and some changes of use.

b) Development proposals will not be supported where they:

- i) Create new accesses onto trunk roads and other main/key routes (A941 & A98) unless significant economic benefits are demonstrated or such access is required to facilitate development that supports the provisions of the development plan.
- ii) Adversely impact on active travel routes, core paths, rights of way, long distance and other access routes and cannot be adequately mitigated by an equivalent or better alternative provision in a location convenient for users.
- iii) Adversely impact on blue/green infrastructure, including green networks important for wildlife unless an equivalent or better alternative provision will be provided.
- iv) Are incompatible with key waste sites at Dallachy, Gollanfield, Moycroft and Waterford and would prejudice their operation.
- v) Adversely impact on community and recreational sites, buildings or infrastructure including CF designations and cannot be adequately mitigated.

- vi) Adversely impact on flood alleviation and mitigation infrastructure.
- vii) Compromise the economic viability of bus or rail facilities.

c) Harbours

Development within and diversification of harbours to support their sustainable operation will be supported subject to compliance with other policies and settlement statements.

d) Developer Obligations

Developer obligations will be sought to mitigate any measurable adverse impact of a development proposal on local infrastructure, including education, healthcare, transport (including rail), sports and recreational facilities and access routes. Obligations will be sought to reduce, eliminate or compensate for this impact. Developer obligations may also be sought to mitigate any adverse impacts of a development, alone or cumulatively with other developments in the area, on the natural environment.

Where necessary obligations that can be secured satisfactorily by means of a planning condition attached to planning permission will be done this way. Where this cannot be achieved, the required obligation will be secured through a planning agreement in accordance with Circular 3/2012 on Planning Obligations.

Developer obligations will be sought in accordance with the Council's Supplementary Guidance on Developer Obligations. This sets out the anticipated infrastructure requirements, including methodology and rates.

Where a developer considers that the application of developer obligations renders a development commercially unviable a viability assessment and 'open-book accounting' must be provided by the developer which Moray Council, via the District Valuer, will verify, at the developer's expense. Should this be deemed accurate then the Council will enter into negotiation with the developer to determine a viable level of developer obligations.

The Council's Developer Obligations Supplementary Guidance provides further detail to support this policy.

DP1 DEVELOPMENT PRINCIPLES

This policy applies to all development, including extensions and conversions and will be applied reasonably taking into account the nature and scale of a proposal and individual circumstances.

The Council will require applicants to provide impact assessments in order to determine the impact of a proposal. Applicants may be asked to determine the impacts upon the environment, transport network, town centres, noise, air quality, landscape,

trees, flood risk, protected habitats and species, contaminated land, built heritage and archaeology and provide mitigation to address these impacts.

Development proposals will be supported if they conform to the relevant Local Development Plan policies, proposals and additional guidance, meet the following criteria and address their individual and cumulative impacts:

(i) Design

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).
- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.
- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m², excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.
- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained.

Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.

- i) Proposals must orientate and design buildings to maximise opportunities for solar gain.
- j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) through the installation and operation of low and zero-carbon generating technologies.

(ii) Transportation

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.
- b) Car parking must not dominate the street scene and must be provided to the side or rear and behind the building line. Maximum (50%) parking to the front of buildings and on street may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls. Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements.
- c) Provide safe access to and from the road network, address any impacts on road safety and the local road, rail and public transport network. Any impacts identified through Transport Assessments/ Statements must be identified and mitigated. This may include but would not be limited to, passing places, road widening, junction improvements, bus stop infrastructure and drainage infrastructure. A number of potential mitigation measures have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's.
- d) Provide covered and secure facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.
- e) Garages and parking provision must be designed to comply with Moray Council parking specifications see Appendix 2.

- f) The road layout must be designed to allow for the efficient mechanical sweeping of all roadways and channels, pavements, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles, with hammerheads minimised in preference to turning areas such as road stubs or hatchets, and to provide adequate space for the collection of waste and movement of waste collection vehicles.
- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.
- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines;
- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

(iii) Water environment, pollution, contamination

- a) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water including temporary/ construction phase SUDS (see Policy EP12).
- b) New development should not be located in areas at flood risk or increase vulnerability to flooding (see Policy EP12). Exceptions to this would only be considered in specific circumstances, e.g. extension to an existing building or change of use to an equal or less vulnerable use. Where this exception is applied the proposed development must include resilience measures such as raised floor levels and electrical sockets.
- c) Proposals must avoid major hazard sites and address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- d) Proposals must protect and wherever practicable enhance water features through for example naturalisation of watercourses by introducing a more natural planform and removing redundant or unnecessary structures.
- e) Proposals must address and sufficiently mitigate any contaminated land issues.

- f) Make acceptable arrangements for waste collection and management and encourage recycling.
- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.
- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

DP5 BUSINESS & INDUSTRY

- a) Development of employment land is supported to deliver the aims of the Moray Economic Strategy. A hierarchical approach will be taken when assessing proposals for business and industrial uses. New and existing employment designations are set out in Settlement Statements and their description identifies where these fall within the policy hierarchy.

Proposals must comply with Policy DP1, site development requirements within town and village statements, and all other relevant policies within the Plan. Office development that will attract significant numbers of people must comply with Policy DP7 Retail/Town Centres.

Efficient energy and waste innovations should be considered and integrated within developments wherever possible.

- b) Business Parks**

Business parks will be kept predominantly for 'high-end' businesses such as those related to life sciences and high technology uses. These are defined as Class 4 (business) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. This applies to new proposals as well as redevelopment within established Business Parks.

Proposals for the development of new business parks must adhere to the key design principles set out in town statements or Development Frameworks adopted by the Council.

- c) Industrial Estates**

Industrial Estates will be primarily reserved for uses defined by Classes 4 (business), 5 (general) and 6 (storage and distribution) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. This applies to new proposals as well as redevelopment within established Industrial Estates. Industrial Estates could be suitable sites for waste management facilities.

- d) Existing Business Areas**

Long established business uses will be protected from non-conforming uses (e.g. housing). The introduction or expansion of non-business uses (e.g. retail) will not be permitted, except where the total redevelopment of the site is proposed.

e) Other Uses

Class 2 (business and financial), 3 (food and drink), 11 (assembly and leisure) and activities which do not fall within a specific use class (*sui generis*), including waste management facilities will be considered in relation to their suitability to the business or industrial area concerned, their compatibility with neighbouring uses and the supply of serviced employment land. Retail uses will not be permitted unless they are considered ancillary to the principal use (e.g. manufacture, wholesale). For this purpose, 'ancillary' is taken as being linked directly to the existing use of the unit and comprising no more than 10% of the total floor area up to a total of 1,000 sq metres (gross) or where a sequential approach in accordance with town centre first principles has identified no other suitable sites and the proposal is in accordance with all other relevant policies and site requirements are met.

f) Areas of Mixed Use

Proposals for a mix of uses where site specific opportunities are identified within Industrial Estate designations in the Settlement Statement, will be considered favourably where evidence is provided to the authority's satisfaction that the proposed mix will enable the servicing of employment land and will not compromise the supply of effective employment land. A Development Framework that shows the layout of the whole site, range of uses, landscaping, open space and site specific design requirements must be provided. The minimum levels of industrial use specified within designations must be achieved on the rest of the site.

g) Rural Businesses and Farm Diversification

Proposals for new business development and extensions to existing businesses in rural locations including tourism and distillery operations will be supported where there is a locational need for the site and the proposal is in accordance with all other relevant policies.

A high standard of design appropriate to the rural environment will be required and proposals involving the rehabilitation of existing properties (e.g. farm steadings) to provide business premises will be encouraged.

Outright retail activities will be considered against policy DP7, and impacts on established shopping areas, but ancillary retailing (e.g. farm shop) will generally be acceptable.

Farm diversification proposals and business proposals that will support the economic viability of the farm business are supported where they meet the requirements of all other relevant Local Development Plan policies.

h) Inward Investment Sites

The proposals map identifies a proposed inward investment site at Dallachy which is safeguarded for a single user business proposal seeking a large (up to 40ha), rural site. Additional inward investment sites may be identified during the lifetime of the Plan.

Proposals must comply with Policy DP1 and other relevant policies.

DP9 RENEWABLE ENERGY

a) All Renewable Energy Proposals

All renewable energy proposals will be considered favourably where they meet the following criteria:

- i) They are compliant with policies to safeguard and enhance the built and natural environment;
- ii) They do not result in the permanent loss or permanent damage of prime agricultural land;
- iii) They avoid or address any unacceptable significant adverse impacts including:
 - Landscape and visual impacts.
 - Noise impacts.
 - Air quality impacts.
 - Electromagnetic disturbance.
 - Impact on water environment.
 - Impact on carbon rich soils and peat land hydrology.
 - Impact on woodland and forestry interests.
 - Traffic impact -mitigation during both construction and operation.
 - Ecological Impact.
 - Impact on tourism and recreational interests.

In addition to the above criteria, detailed assessment of impact will include consideration of the extent to which the proposal contributes to renewable energy generation targets, its effect on greenhouse gas emissions and net economic impact, including socio-economic benefits such as employment.

b) Onshore wind turbines

In addition to the assessment of the impacts outlined in part a) above, the following considerations will apply:

i) The Spatial Framework

Areas of Significant Protection (Map 2): where the Council will apply significant protection and proposals may be appropriate in circumstances where any significant effects on the qualities of these areas can be substantially overcome by siting, design and other mitigation.

Areas with Potential (Map 1): where proposals are likely to be acceptable subject to Detailed Consideration.

ii) Detailed Consideration

The proposal will be determined through site specific consideration of the following on which further guidance will be set out in supplementary guidance and as informed by the landscape capacity study:

Landscape and visual impact:

- the landscape is capable of accommodating the development without unacceptable significant adverse impact on landscape character or visual amenity.
- the proposal is appropriate to the scale and character of its setting, respects the main features of the site and the wider environment and addresses the potential for mitigation.

Cumulative impact

- unacceptable significant adverse impact from two or more wind energy developments and the potential for mitigation is addressed.

Impact on local communities

- the proposal addresses unacceptable significant adverse impact on communities and local amenity including the impacts of noise, shadow flicker, visual dominance and the potential for associated mitigation.

Other

- the proposal addresses unacceptable significant adverse impacts arising from the location within an area subject to potential aviation and defence constraints including flight paths and aircraft radar.
- the proposal avoids or adequately resolves other impacts including on the natural and historic environment, cultural heritage, biodiversity, forest and woodlands and tourism and recreational interests - core paths, visitor centres, tourist trails and key scenic routes.
- the proposal addresses any physical site constraints and appropriate provision for decommissioning and restoration.

iii) Extensions and Repowering of Existing Wind Farms

The proposal will be determined through assessment of the details of the proposal against Part a) and Parts b) (i) and (ii) above. Detailed assessment of impact will include consideration of the extent to which:

- the proposal, for extensions, impacts on the existing wind farm(s) setting and the ability to sit in the landscape on its own should the existing wind farm be decommissioned before the extension.
- the proposal, for repowering, makes use of existing infrastructure and resources, where possible, and limits the need for additional footprint.

c) Biomass

Proposals for the development of commercial biomass will be supported if the following criteria are met.

- Applicants must confirm which form of biomass will fuel the plant and if a mixture of biomass is proposed then what percentage split will be attributed to each fuel source.
- Proposals must demonstrate that they have taken account of the amount of supply fuel over the life of the project.
- When considering wood biomass proposals, the scale and location of new development is appropriate to the volume of local woodfuel available. Sources of fuel must be identified and must be sustainable.

- The location must have suitable safe access arrangements and be capable of accommodating the potential transport impacts within the surrounding roads network.
- A design statement must be submitted, which should include photomontages from viewpoints agreed by the Council.
- There must be a locational justification for proposals outwith general employment land designations. The proposed energy use, local heat users and connectivity of both heat users and electricity networks must be detailed. Proposals which involve potential or future heat users will not be supported unless these users can be brought online in conjunction with the operation of the plant.
- Details of the predicted energy input and output from the plant demonstrating the plant efficiency and utilisation of heat must be provided.
- Where necessary, appropriate structural landscaping must be provided to assist the development to integrate sensitively.

The criteria set out in relation to all renewable energy proposals (part a) must also be met.

The Council will consult with Scottish Forestry to help predict potential woodfuel supply projections in the area.

d) Heat

Where a heat network exists or is planned, proposals should include infrastructure to allow connection to that network.

Where no heat network is present or planned:

- Proposals should consider the feasibility for the creation of or connection to a heat network.
- Proposals should safeguard pipeworks within the development, to its curtilage, for future connection to a heat network.
- Proposals should consider the provision of energy centres, or the reservation of land for an energy centre to facilitate future connection to a heat network.

Proposals for new development will be compared with the Scotland Heat Map to identify if it could make use of an existing heat supply or provide excess heat to heat users. This will be the case until the Council has concluded work on identifying where heat networks, heat storage and energy centres exist or would be appropriate in the plan area, at which point reference to that work should be made. Developments which have a high heat demand are encouraged to co-locate with sources of heat supply.

Where heat networks are not viable, proposals should include the use of microgeneration technologies and heat recovery associated with individual properties, unless demonstrating this is unnecessary or unviable.

The criteria set out in relation to all renewable energy proposals (part a) must also be met.

EP1 NATURAL HERITAGE DESIGNATIONS

a) European Site designations

Development likely to have a significant effect on a European Site and which is not directly connected with or necessary to the conservation management of that site must be subject to an appropriate assessment of the implications for its conservation objectives. Proposals will only be approved where the appropriate assessment has ascertained that there will be no adverse effect on the integrity of the site.

In exceptional circumstances, proposals that could affect the integrity of a European Site may be approved where:

- i) There are no alternative solutions, and
- ii) There are imperative reasons of over-riding public interest including those of a social or economic nature, and
- iii) Compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

For European Sites hosting a priority habitat or species (as defined in Article 1 of The Conservation (Natural Habitat & c.) Regulations 1994), prior consultation with the European Commission via Scottish Ministers is required unless the imperative reasons of overriding public interest relate to human health, public safety or beneficial consequences of primary importance to the environment.

b) National designations

Development proposals which will affect a National Park, National Scenic Area (NSA), Site of Special Scientific Interest (SSSI) or National Nature Reserve will only be permitted where:

- i) The objectives of designation and the overall integrity of the area will not be compromised; or
- ii) Any significant adverse effects on the qualities for which the site has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

c) Local Designations

Development proposals likely to have a significant adverse effect on Local Nature Reserves, wildlife sites or other valuable local habitats will be refused unless it can be demonstrated that;

- i) Public benefits clearly outweigh the nature conservation value of the site, and
- ii) There is a specific locational requirement for the development, and
- iii) Any potential impacts can be satisfactorily mitigated to conserve and enhance the site's residual conservation interest.

d) European Protected Species

European Protected Species are identified in the Habitats Regulations 1994 (as amended in Scotland). Where a European Protected Species may be present or affected by development or activity arising from development, a species survey and where necessary a Species Protection Plan should be prepared to accompany the planning application, to demonstrate how the Regulations will be complied with. The survey should be carried out by a suitably experienced and licensed ecological surveyor.

Proposals that would have an adverse effect on European Protected Species will not be approved unless;

- The need for development is one that is possible for Nature Scot to grant a license for under the Regulations (e.g. to preserve public health or public safety).
- There is no satisfactory alternative to the development.
- The development will not be detrimental to the maintenance of the favourable conservation status of the species.

e) Other protected species

Wild birds and a variety of other animals are protected under domestic legislation, such as the Wildlife and Countryside Act 1981 (as amended in Scotland by the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011), Protection of Badgers Act 1992 and Marine (Scotland) Act 2010. Where a protected species may be present or affected by development or activity arising from development, a species survey and where necessary a Species Protection Plan should be prepared to accompany the planning application to demonstrate how legislation will be complied with. The survey should be carried out by a suitably experienced ecological surveyor, who may also need to be licensed depending on the species being surveyed for.

Proposals which would have an adverse effect on badgers or their setts must be accompanied by a Badger Protection Plan demonstrating how impacts will be avoided, mitigated, minimised or compensated for.

EP2 BIODIVERSITY

All development proposals must, where possible, retain, protect and enhance features of biological interest and provide for their appropriate management. Development must safeguard and where physically possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats.

Development should integrate measures to enhance biodiversity as part of multi-functional spaces/ routes.

Proposals for 4 or more housing units or 1000 m² or more of commercial floorspace must create new or, where appropriate, enhance natural habitats of ecological and amenity value.

Developers must demonstrate, through a Placemaking Statement where required by Policy PP1 which incorporates a Biodiversity Plan, that they have included biodiversity features in the design of the development. Habitat creation can be achieved by providing links into existing green and blue networks, wildlife friendly features such as wildflower verges and meadows, bird and bat boxes, amphibian friendly kerbing, wildlife crossing points such as hedgehog highways and planting to encourage pollination, wildlife friendly climbing plants, use of hedges rather than fences, incorporating biodiversity measures into SUDS and retaining some standing or lying dead wood, allotments, orchards and woodlands.

Where development would result in loss of natural habitats of ecological amenity value, compensatory habitat creation will be required where deemed appropriate.

EP7 FORESTRY, WOODLANDS AND TREES

a) Moray Forestry and Woodland Strategy

Proposals which support the economic, social and environmental objectives and projects identified in the Moray Forestry and Woodlands Strategy will be supported where they meet the requirements of other relevant Local Development Plan policies. The council will consult Scottish Forestry on proposals which are considered to adversely affect forests and woodland. Development proposals must give consideration to the relationship with existing woodland and trees including shading, leaf/needle cast, branch cast, wind blow, water table impacts and commercial forestry operations.

b) Tree Retention and Survey

Proposals must retain healthy trees and incorporate them within the proposal unless it is technically unfeasible to retain these. Where trees exist on or bordering a development site, a tree survey, tree protection plan and mitigation plan must be provided with the planning application if the trees or trees bordering the site (or their roots) have the potential to be affected by development and construction activity. Proposals must identify a safeguarding distance to ensure construction works, including access and drainage arrangements, will not damage or interfere with the root systems in the short or longer term. A landscaped buffer may be required where the council considers that this is required to maintain an appropriate long term relationship between proposed development and existing trees and woodland.

Where it is technically unfeasible to retain trees, compensatory planting on a one for one basis must be provided in accordance with (e) below.

c) Control of Woodland Removal

In support of the Scottish Government's Control of Woodland Removal Policy, Woodland removal within native woodlands identified as a feature of sites

protected under Policy EP1 or woodland identified as Ancient Woodland will not be supported.

In all other woodlands development which involves permanent woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits (excluding housing) and where removal will not result in unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice the management of the woodland.

Where it is proposed to remove woodland, compensatory planting at least equal to the area to be felled must be provided in accordance with e) below.

d) Tree Preservation Orders and Conservation Areas

The council will serve Tree Preservation Orders (TPO's) on potentially vulnerable trees which are of significant amenity value to the community as whole, trees that contribute to the distinctiveness of a place or trees of significant biodiversity value.

Within Conservation Areas, the council will only agree to the felling of dead, dying, or dangerous trees. Trees felled within Conservation Areas or subject to TPO must be replaced, unless otherwise agreed by the council.

e) Compensatory Planting

Where trees or woodland are removed in association with development, developers must provide compensatory planting to be agreed with the planning authority either on site, or an alternative site in Moray which is in the applicant's control or through a commuted payment to the planning authority to deliver compensatory planting and recreational greenspace.

GUIDANCE TREES AND DEVELOPMENT

Trees are an important part of Moray's towns and villages and surrounding countryside, adding colour and interest to the townscape and a sense of nature in our built environment. They contribute to the diversity of the countryside, in terms of landscape, wildlife habitat and shelterbelts. Trees also have a key role to play in terms of climate change by helping to absorb carbon dioxide which is one of the main greenhouse gases that cause global warming.

The cumulative loss of woodlands to development can result in significant loss of woodland cover. In compliance with the Scottish Government Control of Woodland Removal policy, woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for compensatory planting may form part of this balance. Where woodland is to be removed then the Council will require compensatory planting to be provided on site, on another site in Moray within the applicant's control or through a commuted payment to the Council towards woodland and greenspace creation and enhancement. Developers proposing compensatory planting are asked to follow the guidance for site assessment and woodland design as laid out in Scottish Forestry's "Woodland Creation, Application Guidance" and its subsequent updates, when preparing their proposal.

The Council requires a Tree Survey and Tree Protection Plan to be submitted by the applicant with any planning application for detailed permission on designated or windfall sites which have trees on them. The survey should include a schedule of trees and/or groups of trees and a plan showing their location, along with the following details;

- Reference number for each tree or group of trees.
- Scientific and common names.
- Height and canopy spread in metres (including consideration of full height and spread).
- Root protection area.
- Crown clearance in metres.
- Trunk diameters in metres (measures at 1.5m above adjacent ground level for single stem trees or immediately above the root flare for multi stemmed trees).
- Age and life expectancy.
- Condition (physiological and structural).
- Management works required.
- Category rating for all trees within the site (U, A, B or C *). This arboricultural assessment will be used to identify which trees are suitable for retention within the proposed development.

*BS5837 provides a cascading quality assessment process for categorisation of trees which tree surveys must follow. An appropriately scaled tree survey plan needs to accompany the schedule. The plan should be annotated with the details of the tree survey, showing the location, both within and adjacent to the site, of existing trees, shrubs and hedgerows. Each numbered tree or groups of trees should show the root protection area and its category U, A, B, C.

Based on the guidance in BS5837, only category U trees are discounted from the Tree Survey and Tree Protection Plan process. Trees in category A and B must be retained, with category C trees retained as far as practicable and appropriate. Trees proposed for removal should be replaced with appropriate planting in a landscape plan which should accompany the application. Trees to be retained will likely be set out in planning conditions, if not already covered by a Tree Preservation Order.

If a tree with habitat value is removed, then measures for habitat reinstatement must be included in the landscape plan. It is noted that in line with part b) of policy EP7 where woodland is removed compensatory planting must be provided regardless of tree categorisation."

A Tree Protection Plan (TPP) must also be submitted with planning applications, comprising a plan and schedule showing;

- Proposed design/ layout of final development, including accesses and services.
- Trees to be retained- with those requiring remedial work indicated.
- Trees to be removed.

- Location (and specification) of protective fencing around those trees to be retained based on the Root Protection Area.

The TPP should show how the tree survey information has informed the design/ layout explaining the reasoning for any removal of trees.

Landscape Scheme

Where appropriate a landscape scheme must be submitted with planning applications, clearly setting out details of what species of trees, shrubs and grass are proposed, where, what standard and when planting will take place. Landscape schemes must aim to deliver multiple benefits in terms of biodiversity, amenity, drainage and recreation as set out in policy.

The scheme should also set out the maintenance plan. Applicants/ developers will be required to replace any trees, shrubs or hedges on the site which die, or are dying, severely damaged or diseased which will be specified in planning conditions.

Tree species native to Scotland are recommended for planting in new development - Alder, Aspen, Birch, Bird Cherry, Blackthorn, Crab Apple, Elm, Gean, Hawthorn, Hazel, Holly, Juniper, Sessile Oak, Rowan, Scots Pine, Whitebeam, Willow.

EP8 HISTORIC ENVIRONMENT

a) Scheduled Monuments and Unscheduled Archaeological Sites of Potential National Importance.

Where a proposed development potentially has a direct impact on a Scheduled Monument, Scheduled Monument Consent (SMC) is required, in addition to any other necessary consents. Historic Environment Scotland manage these consents.

Development proposals will be refused where they adversely affect the integrity of the setting of Scheduled Monuments and unscheduled archaeological sites of potential national importance unless the developer proves that any significant adverse effects are clearly outweighed by exceptional circumstances, including social or economic benefits of national importance.

b) Local Designations

Development proposals which adversely affect sites of local archaeological importance or the integrity of their settings will be refused unless;

- Local public benefits clearly outweigh the archaeological value of the site, and
- Consideration has been given to alternative sites for the development and preservation in situ is not possible.
- Where possible any adverse effects can be satisfactorily mitigated at the developer's expense.

The Council will consult Historic Environment Scotland and the Regional Archaeologist on development proposals which may affect Scheduled

Monuments, nationally important archaeological sites and locally important archaeological sites.

EP12 MANAGEMENT AND ENHANCEMENT OF THE WATER ENVIRONMENT

a) Flooding

New development will not be supported if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. For development at or near coastal locations, this includes consideration of future flooding that may be caused by sea level rise and/or coastal change eroding existing natural defences in the medium and long term.

Proposals for development in areas considered to be at risk from flooding will only be permitted where a flood risk assessment to comply with the recommendations of Scottish Planning Policy and to the satisfaction of Scottish Environment Protection Agency and the Council is provided by the applicant.

There are different levels of flood risk assessment dependent on the nature of the flood risk. The level of assessment should be discussed with the Council prior to submitting a planning application.

- Level 1 -** a flood statement with basic information with regard to flood risk.
- Level 2 -** full flood risk assessment providing details of flood risk from all sources, results of hydrological and hydraulic studies and any appropriate proposed mitigation.

Assessments must demonstrate that the development is not at risk of flooding and would not increase the probability of flooding elsewhere. Level 2 flood risk assessments must be signed off by a competent professional. The Flood Risk Assessment and Drainage Impact Assessment for New Development Supplementary Guidance provides further detail on the information required.

Due to continuing changes in climatic patterns, the precautionary principle will apply when reviewing any application for an area at risk from inundation by floodwater. Proposed development in coastal areas must consider the impact of tidal events and wave action when assessing potential flood risk.

The following limitations on development will also be applied to take account of the degree of flooding as defined in Scottish Planning Policy;

- a) In areas of little to no risk (less than 0.1%), there will be no general constraint to development.
- b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the probability range i.e. (close to 0.5%) and for essential civil infrastructure and the most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should

be designed to be capable of remaining operational and accessible during flooding events.

- c) Areas of medium to high risk (0.5% or above) may be suitable for:
- Residential, institutional, commercial and industrial development within built up areas provided that flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood management plan.
 - Essential infrastructure within built up areas, designed and constructed to remain operational during floods and not impede water flow.
 - Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place, and
 - Employment related accommodation e.g. caretakers or operational staff.

Areas within these risk categories will generally not be suitable for the following uses and where an alternative/lower risk location is not available;

- Civil infrastructure and most vulnerable uses.
- Additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons e.g. for navigation and water based recreation, agriculture, transport or utilities infrastructure (which should be designed to be operational during floods and not impede water flows).
- New caravan and camping sites

Where development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome. Water resistant materials and construction must be used where appropriate. Land raising and elevated buildings on structures such as stilts are unlikely to be acceptable.

b) Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

Surface water from development must be dealt with in a sustainable manner that has a neutral effect on flooding or which reduces the risk of flooding. The method of dealing with surface water must also avoid pollution and promote habitat enhancement and amenity. All sites must be drained by a sustainable drainage system (SUDS) designed in line with current CIRIA guidance. Drainage systems must contribute to enhancing existing "blue" and "green" networks while contributing to place-making, biodiversity, recreational, flood risk and climate change objectives.

When considering the appropriate SUDS design for the development the most sustainable methods, such as rainwater harvesting, green roofs, bio retention systems, soakaways, and permeable pavements must be considered first. If it is necessary to include surface water attenuation as part of the drainage system, only above ground attenuation solutions will be considered, unless this is not possible due to site constraints.

If below ground attenuation is proposed the developer must provide a robust justification for this proposal. Over development of a site or a justification on economic grounds will not be acceptable. When investigating appropriate SUDS solutions developers must integrate the SUDS with allocated green space, green networks and active travel routes to maximise amenity and biodiversity benefits.

Specific arrangements must be made to avoid the issue of permanent SUDS features becoming silted-up with run-off. Care must be taken to avoid the spreading and/or introduction of invasive non-native species during the construction of all SUDS features. On completion of SUDS construction the developer must submit a comprehensive Operation and Maintenance Manual. The ongoing maintenance of SUDS for all new development will be undertaken through a factoring agreement, the details of which must be supplied to the Planning Authority.

All developments of less than 3 houses or a non-householder extension under 100 square metres must provide a Drainage Statement. A Drainage Assessment will be required for all developments other than those identified above.

c) Water Environment

Proposals, including associated construction works, must be designed to avoid adverse impacts upon the water environment including Ground Water Dependent Terrestrial Ecosystems and should seek opportunities for restoration and/or enhancement, if appropriate. The Council will only approve proposals impacting on water features where the applicant provides a report to the satisfaction of the Council that demonstrates that any impact (including cumulative) on water quality, water quantity, physical form (morphology), river hydrology, sediment transport and erosion, coastal processes (where relevant) nature conservation (including protected species), fisheries, recreational, landscape, amenity and economic and social impact can be adequately mitigated.

The report must consider existing and potential impacts up and downstream of the development particularly in respect of potential flooding. The Council operates a presumption against the culverting of watercourses and any unnecessary engineering works in the water environment.

A buffer strip of at least 6 metres between any new development and all water features is required and should be proportional to the bank width and functional river corridor (see table on page 96). This must achieve the minimum width within the specified range as a standard, however, the actual required width within the range should be calculated on a case by case basis by an appropriately qualified individual. These must be designed to link with blue and green networks, including appropriate native riparian vegetation and can contribute to open space requirements.

Developers may be required to make improvements to the water environment as part of the development. Where a Water Framework Directive (WFD) water body specific objective is within the development boundary, or in proximity, developers will need to address this within the planning submission through assessment of potential measures to address the objective and implementation, unless adequate justification is provided. Where there is no WFD objective the applicant should still investigate the potential for watercourse restoration along straightened sections or removal of redundant structures and implement these measures where viable.

Width to watercourse (top of bank)	Width of buffer strip (either side)
Less than 1m	6m
1-5m	6-12m
5-15m	12-20m
15m+	20m+

The Flood Risk Assessment and Drainage Impact Assessment for New Development Supplementary Guidance provides further detail on the information required to support proposals.

EP14 POLLUTION, CONTAMINATION & HAZARDS

a) Pollution

Development proposals which may cause significant air, water, soil, light or noise pollution or exacerbate existing issues must be accompanied by a detailed assessment report on the levels, character and transmission of the potential pollution with measures to mitigate impacts. Where significant or unacceptable impacts cannot be mitigated, proposals will be refused.

b) Contamination

Development proposals on potentially contaminated land will be approved where they comply with other relevant policies and;

- i) The applicant can demonstrate through site investigations and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment; and
- ii) Where necessary, effective remediation measures are agreed to ensure the site is made suitable for the new use and to ensure appropriate disposal and/ or treatment of any hazardous material.

c) Hazardous sites

Development proposals must avoid and not impact upon hazardous sites or result in public safety concerns due to proximity or use in the vicinity of hazardous sites.

EP9 CONSERVATION AREAS

All development within a conservation area must preserve and enhance the established traditional character or appearance of the area. New development as well as alterations or other redevelopment will be refused if it adversely affects the

character and appearance of the conservation area in terms of scale, height, massing, colour, materials and siting. This will typically require the use of traditional materials and styles to be used. Contemporary designs and materials can be acceptable and have a positive effect on the conservation area if the material finishes and design respect the architectural authenticity of the building and character of the conservation area.

Development proposals involving the demolition of buildings within a Conservation Area will be refused unless the building is of limited townscape value, its structural condition rules out retention at a reasonable cost, or its form or location makes it's re-use extremely difficult. The demolition of a building for redevelopment will only be considered where there are acceptable proposals and it can be demonstrated that a new building will preserve and enhance the character of the conservation area.

The Council has approved Conservation Area Character Appraisals which are material considerations and can be viewed at:

www.moray.gov.uk/moray_standard/page_1861.html

Replacement Windows and Doors

For listed buildings there is always a presumption in favour of retention and repair over replacement. UPVC windows on a listed building are not acceptable.

For unlisted buildings within conservation areas, replacement windows must match the original windows in proportions and appearance and shall open in a traditional sash manner or be in the form of casements, whichever is appropriate.

The installation of uPVC or metal framed windows may be deemed acceptable if it is of an appropriate traditional style and is not located on a principal elevation or on an elevation on a public view. However, the fundamental test will be if the replacement will have a detrimental effect on the character of the building and/or conservation area.

Advice on the type of windows and doors that are acceptable for listed buildings and buildings within conservation areas is set out in the Council's Replacement Windows and Door Guidance.

EP10 LISTED BUILDINGS

Development proposals will be refused where they would have a detrimental effect on the character, integrity or setting of a listed building. Alterations and extensions to listed buildings or new developments within their curtilage must be of the highest quality, and respect the original structure in terms of setting, scale materials and design.

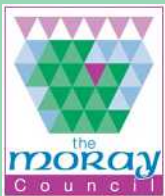
No listed building should be demolished unless it can be clearly demonstrated that every effort has been made to retain it. Where the demolition of a listed building is proposed it must be shown that;

- The building is not of special interest or
- The building is incapable of repair.
- The demolition of the building is essential to delivering significant benefits to economic growth or the wider community.

- The repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable price.

New development must be of a comparable quality and design to retain and enhance special interest, character and setting of the listed building (s).

Enabling development may be acceptable where it can be shown to be the only means of retaining a listed building (s). The resulting development should be of a high design quality protecting the listed building (s) and their setting and be the minimum necessary to enable its conversion and re-use.



APPENDIX 2

SECTION 36 COMMITTEE

SITE PLAN

Section 36 Ref Number:

22/00067/S36

Site Address:

**Blackhillock Electricity Substation
Keith**

Applicant Name:

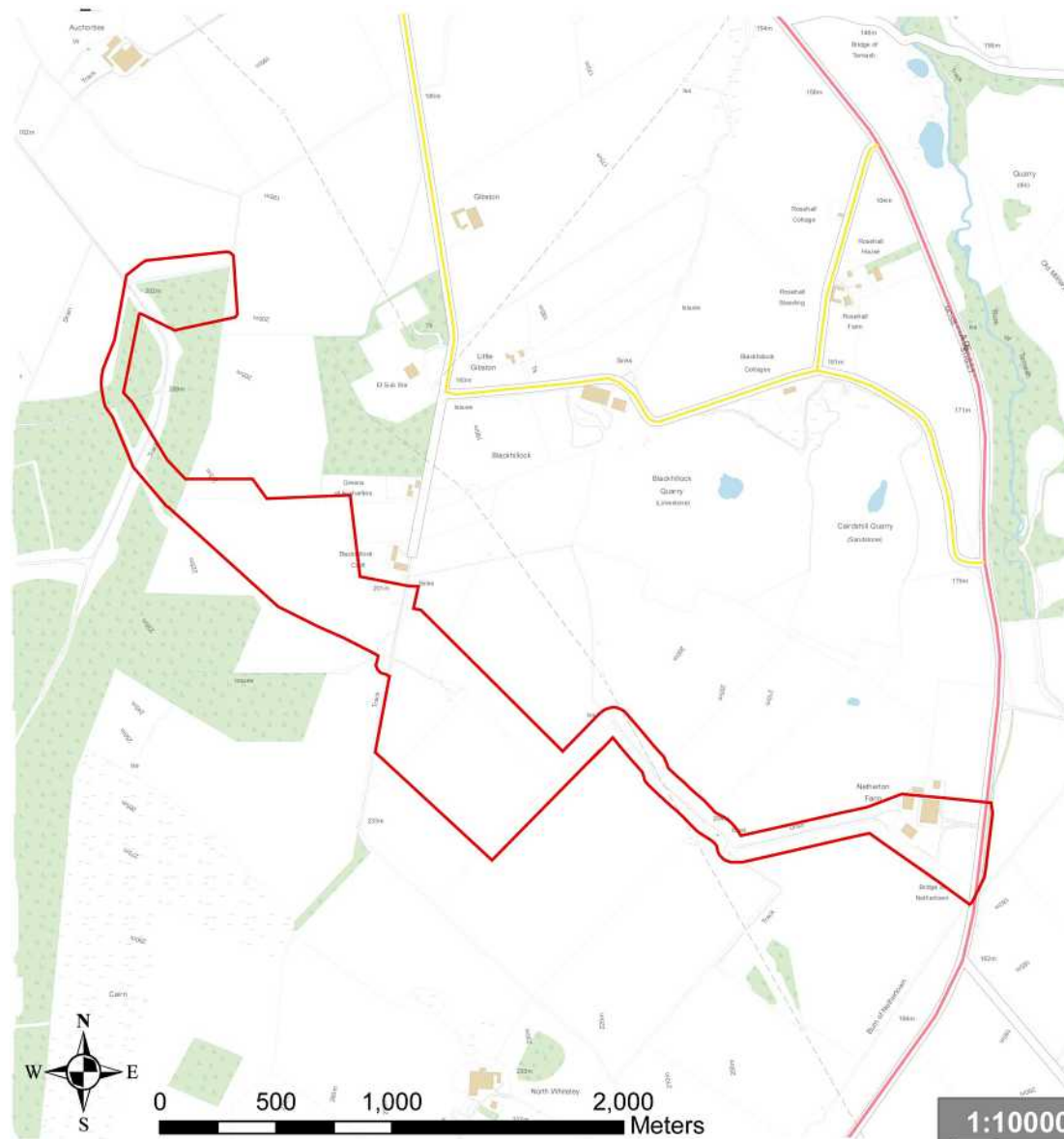
Zenobe Energy Limited

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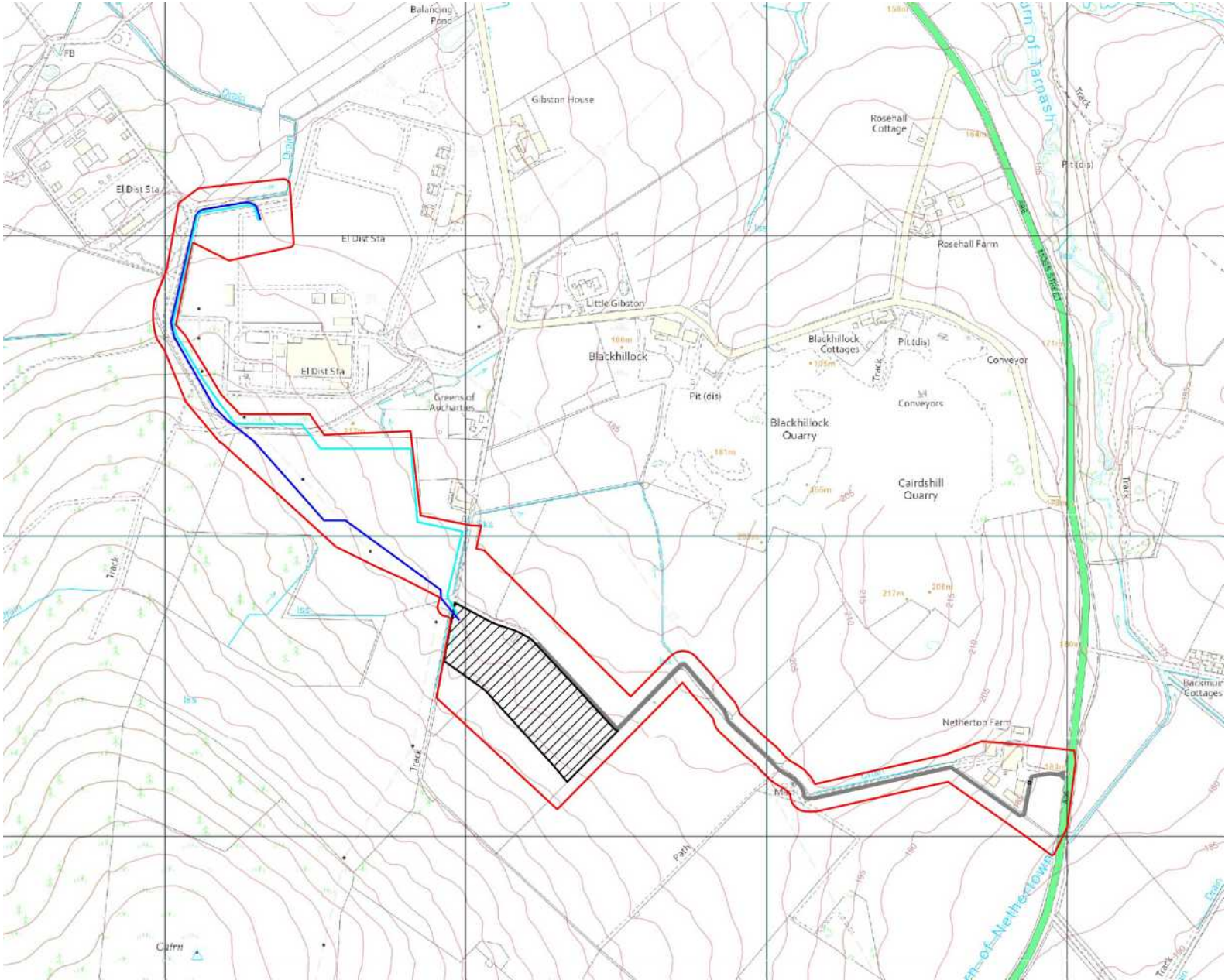
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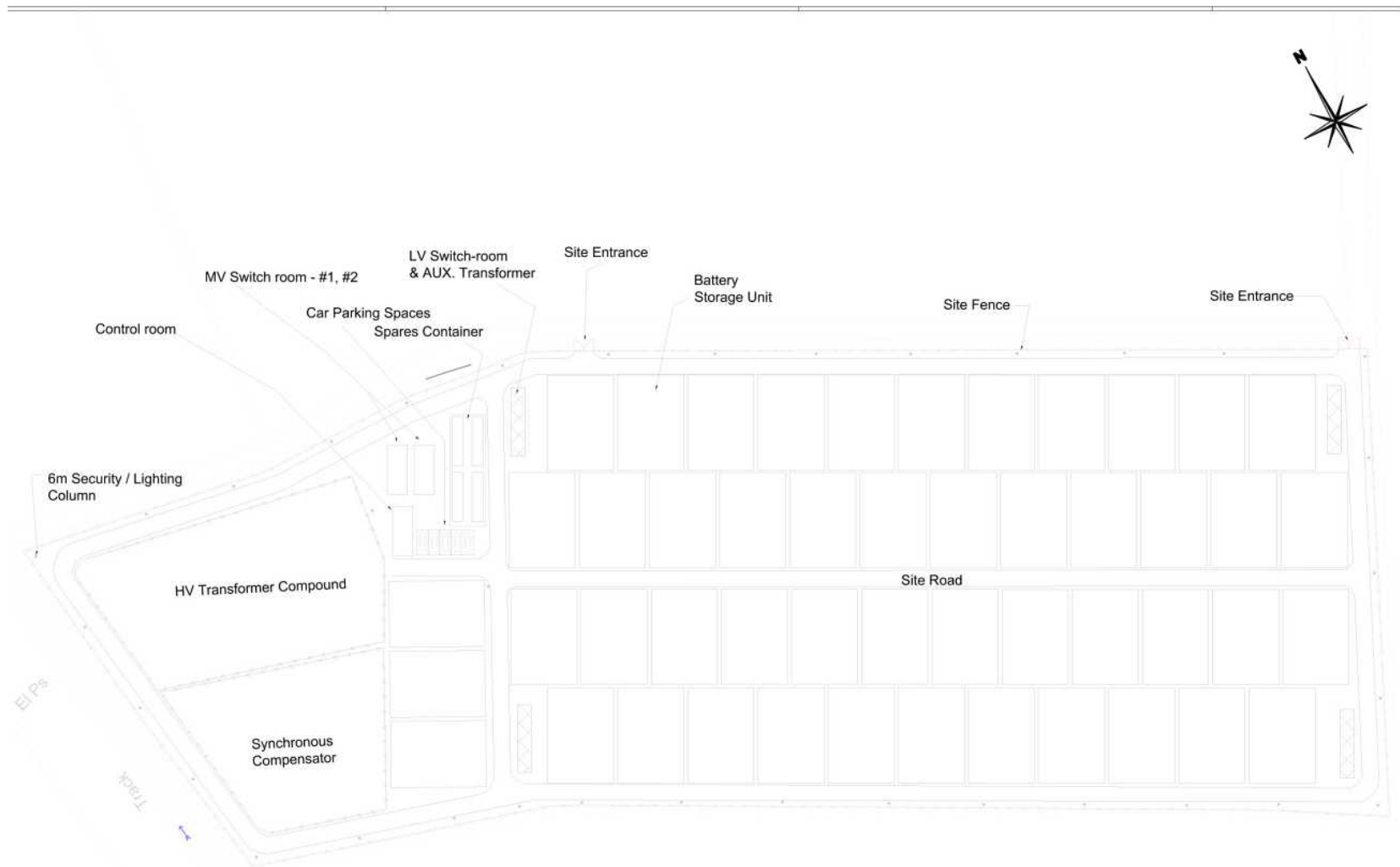
Location Plan



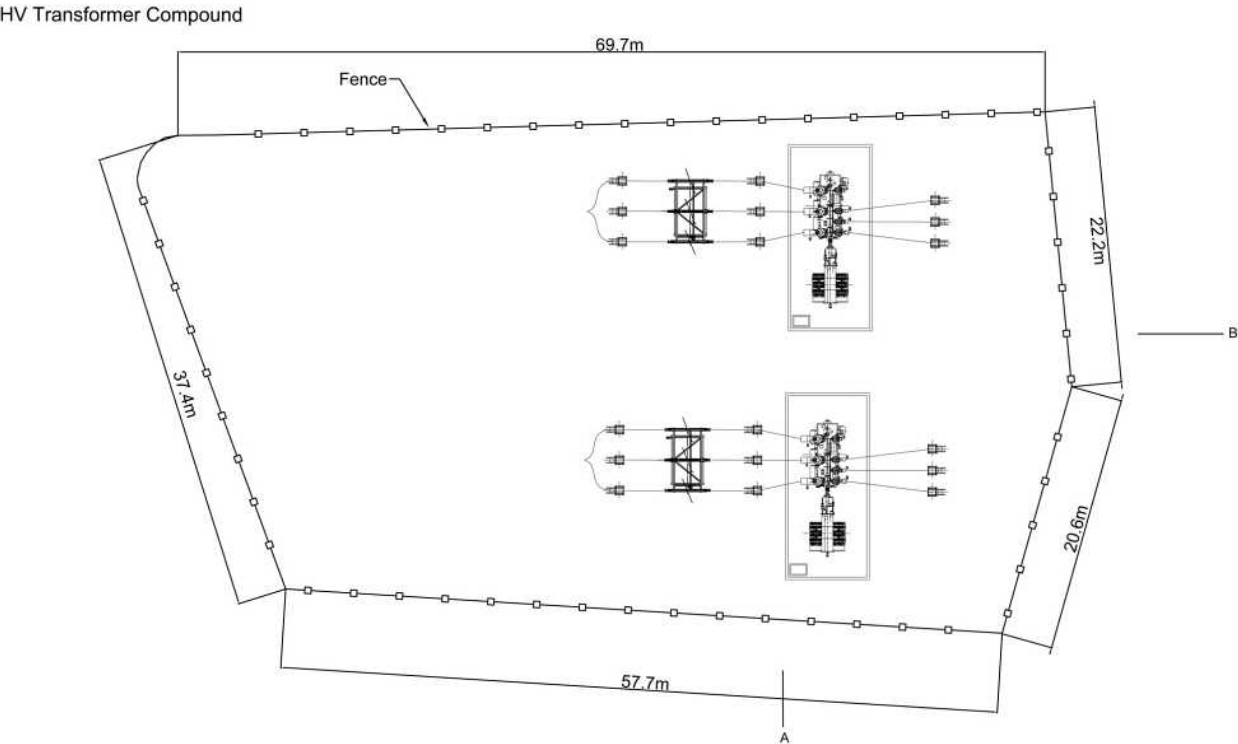
APPENDIX 2—Site Location



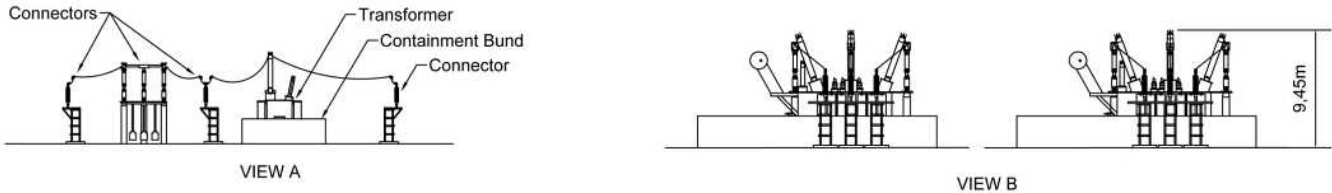
APPENDIX 2—Site layout



APPENDIX 2—Transformer Compound elevations

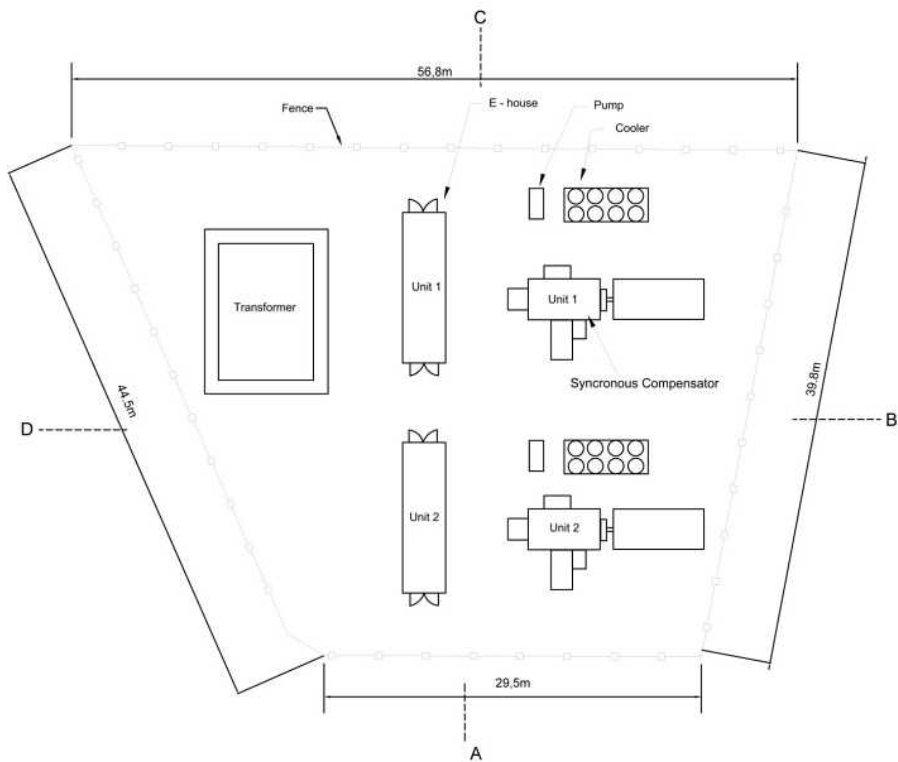


Indicative Layout of Compound

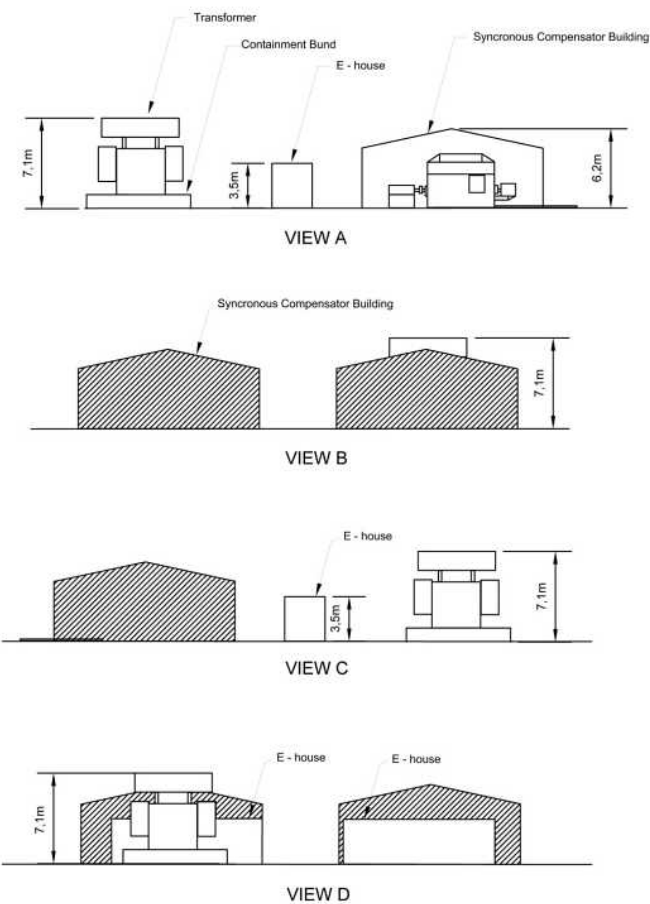


APPENDIX 2— Synchronous Compensation Compound elevations

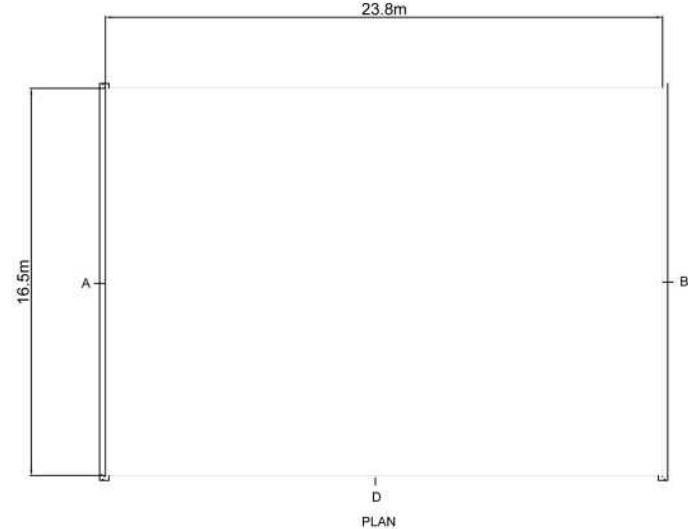
Indicative Synchronous Compensator Compound Layout



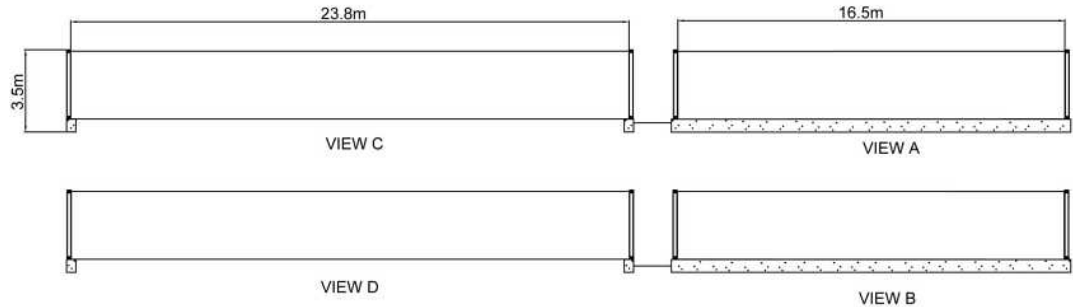
Indicative Elevation of Compound



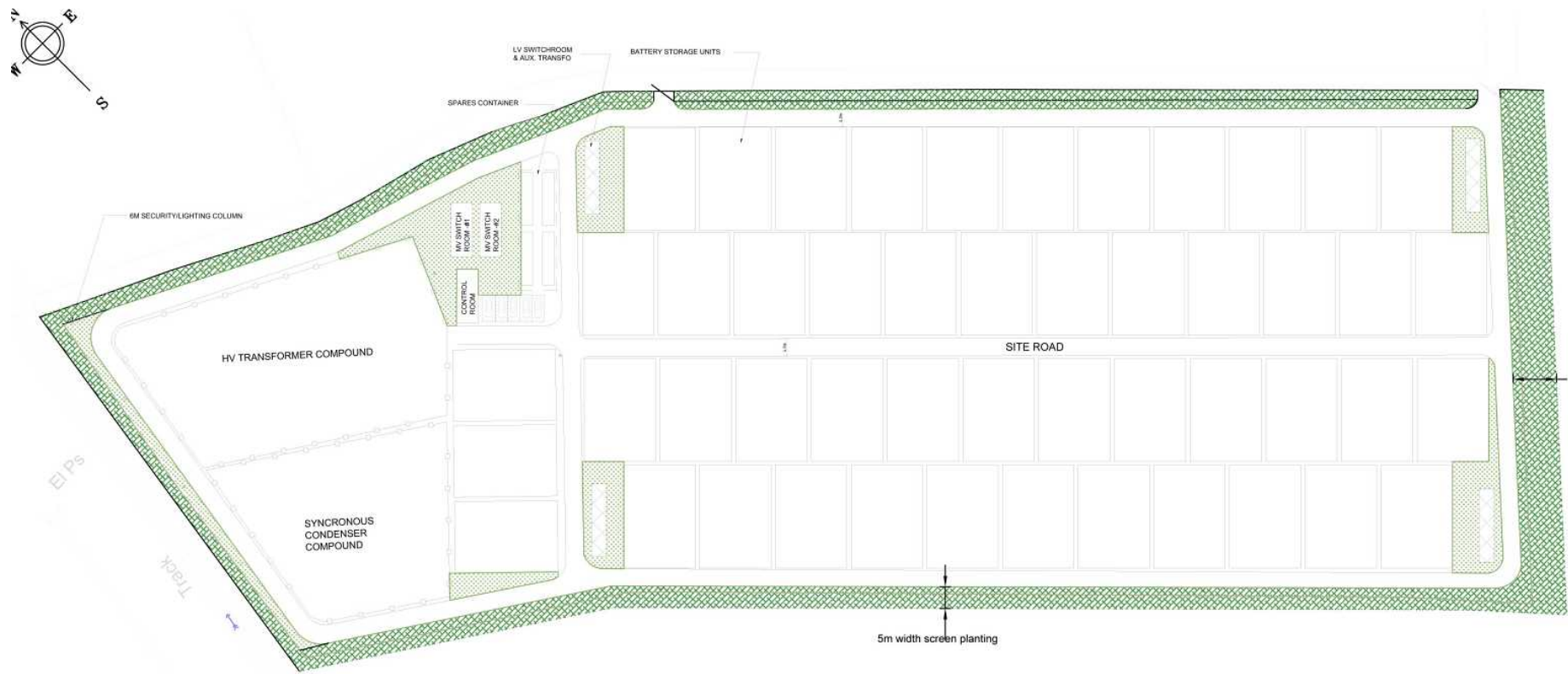
APPENDIX 2—Battery Storage Unit elevations



Example of potential layout



APPENDIX 2—Landscape Mitigation





**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
31 MAY 2022**

**SUBJECT: PLANNING POLICY GUIDANCE - MORAY LOCAL
DEVELOPMENT PLAN 2020**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 This report asks the Committee to approve planning policy guidance for policy DP1 Development Principles, DP7 Retail/Town Centres, PP3 Infrastructure and Services and, update previous planning policy guidance for EP7 Trees and Woodlands and EP10 Listed Buildings.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the Review and Preparation of Strategic and Local Plans.

2. RECOMMENDATION

2.1 It is recommended that the Committee:

- (i) **approves the planning policy guidance for the Moray Local Development Plan (MLDP) 2020 as set out in Appendix 1;**
- (ii) **agrees the planning policy guidance will be used as a material consideration in the determination of planning applications; and,**
- (iii) **notes that this planning policy guidance will be combined with the guidance approved by the Planning and Regulatory Services Committee in September and November 2020 and March 2021 into one document.**

3. BACKGROUND

- 3.1 The MLDP 2020 was formally adopted on 27 July 2020. At a meeting on 3 June 2020 the Emergency Cabinet agreed that additional policy guidance

would be provided to clarify certain policy aspects in the MLDP 2020 (para 6 of the minute refers).

- 3.2 Planning policy guidance on EV charging points, trees and woodland removal, cycle parking and tourism uses, and the restoration and aftercare of mineral sites was approved at a meeting of this Committee on 15 September 2020 (para 16 of the minute refers). Guidance on PP1 Placemaking was approved at a meeting of this Committee on 10 November 2020 (para 10 of the minute refers) with a subsequent Placemaking Statement template approved at a meeting of this Committee on 23 March 2021 along with further guidance on the interpretation of technically unfeasible for policy EP7 Forestry, Woodlands and Trees and enabling development for policy EP10 Listed Buildings (para 13 of the minute refers).

4. STATUS

- 4.1 The guidance is intended as an evolving technical guide/aid for developers and officers to be updated as further clarification on policy requirements becomes evident through the operation of the MLDP 2020. It is not supplementary guidance to the MLDP 2020 and as such, the guidance is not being publically consulted upon but once agreed, will be used as material consideration in the determination of planning applications.

5. PROPOSALS

New Guidance

- 5.1 Policy DP1 Development Principles sets out that proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity. It is proposed to provide guidance on the methodology used to assess the impact of a proposal on the sunlight and daylight of neighbouring properties. The guidance reflects accepted and established methodologies in the British Research Establishment (BRE) Report Site Layout for Daylight and Sunlight: A Guide to Good Practice (2011) and includes examples of how to apply the methodology to a proposal. The guidance will provide clarity to applicants, officers and elected Members as to how the impact of a proposal on the amenity of a neighbouring property is determined.
- 5.2 Policy DP7 Retail/Town Centres requires applicants for proposals outwith town centres to demonstrate that there are no sequentially preferable sites available, and that there are no unacceptable individual or cumulative impacts on the vitality and viability of the network of town centres. It is proposed to provide guidance on the type and level of supporting information that applicants are required to submit with their proposals to demonstrate how the development complies with policy EP7. This will provide clarity to applicants on the supporting information required which, in turn, will help speed up the planning application process.
- 5.3 The definition of a bedroom is required for the purposes of assessing developer obligations and parking standards to comply with policy PP3 Infrastructure and Services and DP1 Development Principles and associated

Appendix 2 Parking Standards. The Scottish Government's Building Standards Domestic Technical Handbook sets out the minimum space requirement for an apartment (interpreted as a room for planning purposes) is one which is capable of accommodating at least a single bed, wardrobe and chest of drawers along with activity space. The Handbook provides dimensions for these pieces of furniture and associated activity space which can overlap, and where a room can accommodate these it will be considered to be a bedroom. The guidance provides clarity on what constitutes a bedroom as applications have previously been received where bedrooms that would meet this definition have been described as home offices/studies and play or fitness rooms. The proposed guidance establishes a consistent approach to the determination of planning applications and implementation of policy. Should this clarity not be provided the resulting impact will be more on street car parking that will visually dominate the streetscape detracting from the character of the place, and a reduction in the level of developer obligations sought which will fail to mitigate the actual impact of the proposal on infrastructure. The guidance on minimum bedroom size will be applied to all applications validated on or after 1 June 2022.

Updated Guidance

- 5.4 Policy EP7 Forestry, Woodlands and Trees requires proposals to retain healthy trees and incorporate them within the development unless it is technically unfeasible to do so. Previous guidance on policy EP7 was approved at a meeting of this Committee in September and November 2020. It is proposed to update the previous guidance to clearly address the key issues that are reoccurring through planning applications such as the need for root protection and remove any ambiguity between tree and woodland removal.
- 5.5 Policy EP10 Listed Buildings sets out that enabling development may be acceptable where it can be shown to be the only means of retaining a listed building(s). It is proposed to update the previous guidance on policy EP10 that was approved at a meeting of this Committee in March 2021 to provide further clarity to applicants on the type and level of information required to demonstrate that this is their only feasible option to retain a listed building(s).

6. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

LDP is a vital aspect of supporting and facilitating the Council's priority for economic growth. The Plan also aims to deliver other key aspects of Moray 2026, including the delivery of affordable housing and conservation and enhancement of our high quality natural and historic environment. The additional guidance aims to support these key aims.

(b) Policy and Legal

The LDP is a statutory plan which brings together and helps deliver key aspects of Moray 2026 and other national and local plans, strategies and

policies. This guidance helps to deliver high quality places which is fundamental to achieving both national and local aspirations.

(c) Financial implications

None.

(d) Risk Implications

The guidance provides a clear and consistent approach to the implementation of the MLDP 2020 policies. There is a risk that if the guidance is not in place then the high quality natural and historic environment of Moray will be eroded and associated benefits for health and well-being, climate change, and biodiversity lost.

(e) Staffing Implications

Work on the PPG has been undertaken as part of the workload of Strategic Planning and Development.

(f) Property

None.

(g) Equalities/Socio Economic Impact

There are no equalities issues arising from this report.

(h) Climate Change and Biodiversity Impacts

The guidance seeks to ensure that development proposals reduce carbon emissions and enhance biodiversity by safeguarding access to sunlight and daylight in people's homes thereby reducing carbon emissions associated with heating and lighting, and conserving and enhancing biodiversity through retaining healthy trees and ensuring compensatory planting. This reflects the direction of travel for national policy as set out in the draft NPF4 specifically policies 2 (Climate Emergency) and 3 (Nature Crisis).

(i) Consultations

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Development Management and Building Standards Manager, the Principal Building Standards Officer, the Equal Opportunities Officer, the Senior Engineer Transportation, the Principal Climate Change Strategy Officer, Paul Connor (Principal Accountant) and Lissa Rowan (Committee Services Officer) have been consulted and comments received have been incorporated into the report.

7. CONCLUSION

- 7.1 The PPG is an evolving document that is intended to be updated as further clarification on the interpretation of policies becomes evident through the operation of the MLDP 2020. The proposed guidance provides clarification on the methodology to assess the daylight and sunlight impacts of a proposal on neighbouring properties, retail assessments, and the minimum bedroom size for assessing developer obligations and parking standards. Updated guidance is provided on trees and woodlands and the information required to support proposals for enabling development to retain a listed building(s). The guidance provides a consistent approach to the application of MLDP 2020 policies.**

Author of Report: Eily Webster, Principal Planning Officer

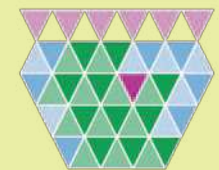
Background Papers:

Ref:

Moray Local Development Plan 2020

PLANNING POLICY GUIDANCE

PART 4



moray
council



**The Moray Local
Development Plan 2020
was formally adopted
on 27th July 2020**

DP1 Daylight and Sunlight Guidance

This guidance is a tool to assist in the assessment of householder planning applications where a proposal may have an impact on the amount of sunlight received by neighbouring residential properties principal gardens/amenity space and/or the level of daylight received by neighbouring windows serving habitable rooms. These include bedrooms, kitchens (with dining areas), conservatories, living and dining rooms but not garages, bathrooms, utility rooms or circulation spaces).

Any assessment will need to take into account varying site contexts and patterns of settlements across Moray such as our Seatowns where external amenity space is restricted.

Applicant's may be requested to provide a daylight/sunlight assessment in support of their application where significant issues have been identified.

What is the difference between daylight and sunlight?

This guidance considers two forms of natural light:

Sunlight – the rays of light directly from the sun from a southerly direction received by residential properties principal garden/amenity spaces.

Daylight – the diffuse light from the sky that can come from any direction received by neighbouring windows serving habitable rooms (including bedrooms, kitchens, conservatories, living and dining rooms but not garages, bathrooms, utility rooms or circulation spaces).

This guidance utilises elements of the established and accepted methodologies to assess daylight and sunlight impact set out in the Building Research Establishment (BRE) Report Site Layout for Daylight and Sunlight: A Guide to Good Practice by P J Littlefair (2011) as much of the guidance is more appropriate to urban settings.



When to consider daylight and sunlight?

Wherever there is potential for daylight or sunlight impact on neighbouring properties this must be assessed. The main issues to consider when determining if there is an impact are as follows:

- Height of the proposal;
- Distance to neighbouring properties;
- Position and orientation of nearby windows;
- The developments location in relation to the path of the sun (orientation);
- Layout of the garden;
- Differences in ground levels; and
- Sensitivity of neighbouring property.

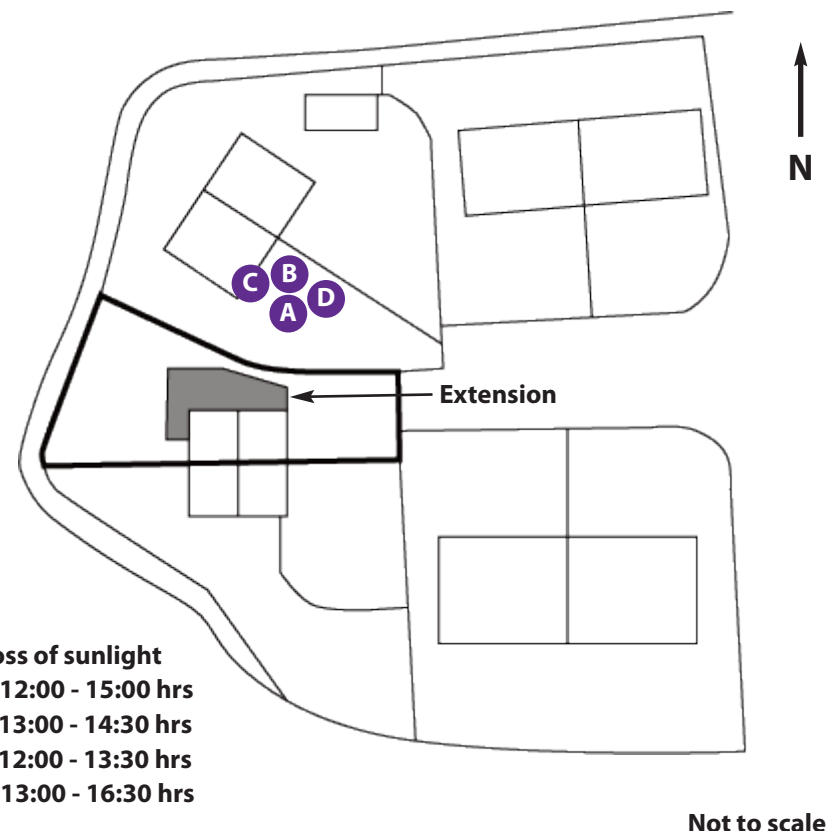
Considering sunlight and garden/amenity spaces

New development must be designed to ensure there is no excessive overshadowing of neighbouring properties gardens/amenity space. An assessment must be undertaken where the proposal adjoins the principal useable garden/amenity space serving a residential property and any part of the proposal lies south of the centre point of the garden/amenity space.

The methodology set out in the BRE Guide to Good Practice (2011) can plot where shadows will be cast by developments and can compare before and after shadows. Shadows can be determined at various times of the day (tracking the sun moving from morning to evening) and in different seasons.

An assessment of the proposals impact on the sunlight received by a garden must establish if the centre point of the garden in question shall receive more than 2 hours sunlight (as calculated on 21 March at an appropriate latitude 55-57° north). If the amenity space fails to receive this level of sunlight as a result of the proposals and the duration of sunlight received the Planning Officer will need to assess whether the proposed development would cause a material loss of sunlight and significant loss of amenity of that space justifying refusal.

Daylight Sunlight Impacts

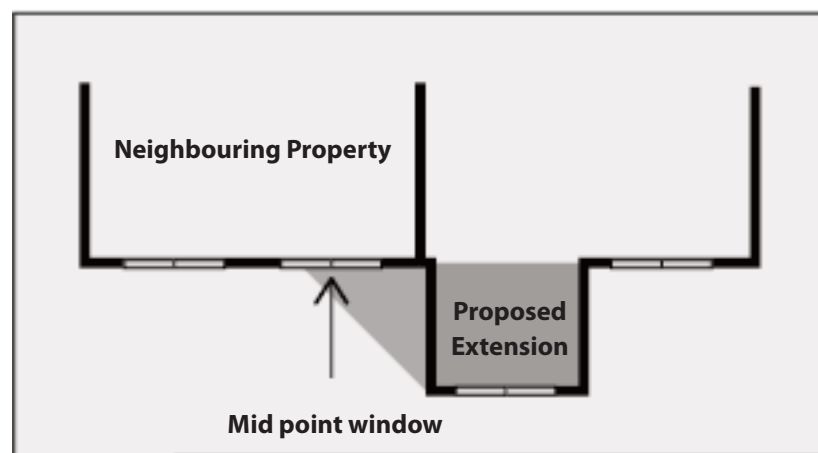
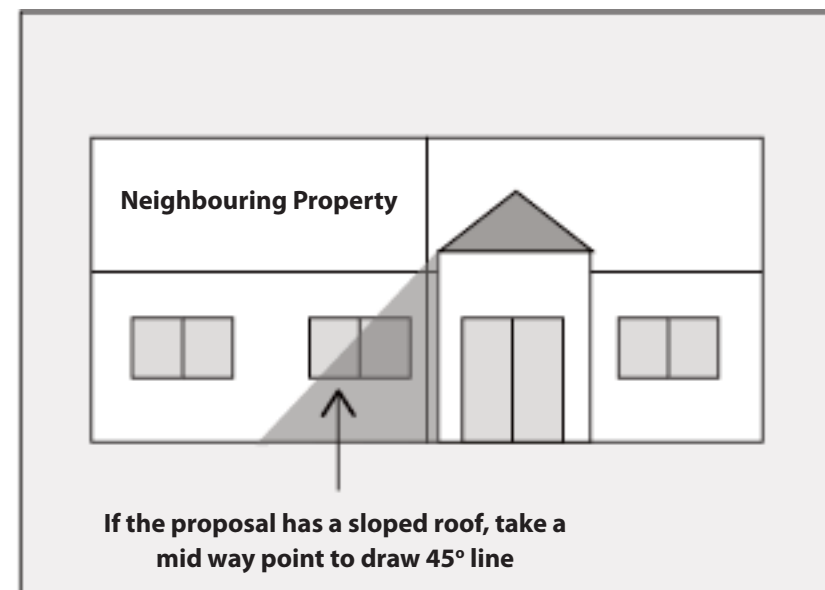
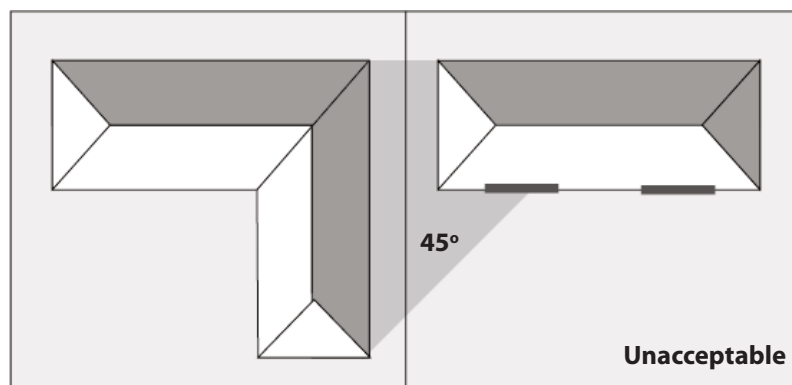
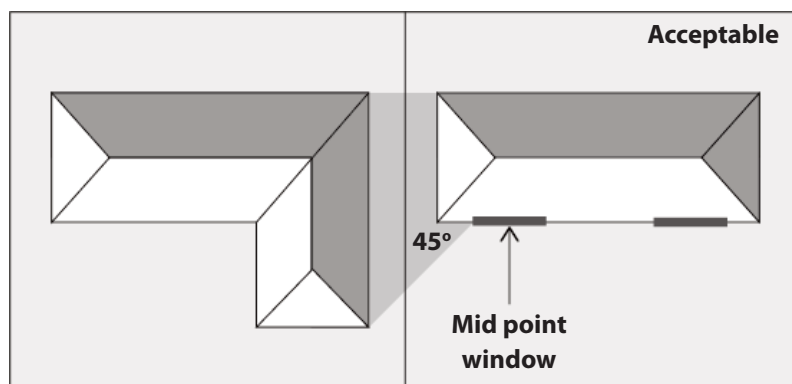


Considering the daylight reaching habitable rooms

The 45° approach

The 45° assessment is used where a window would be next to a development but not directly facing it. The purpose of this assessment is to make sure that a development does not take away too much daylight and is based on the notion that it is reasonable to expect a certain level of light to habitable room windows.

To do a 45° assessment both a floor plan and elevation drawing are needed showing the potentially affected windows and the proposed development.



Assessment in both elevation and plan form shows the mid point of the window within the 45° splay and would fail the test

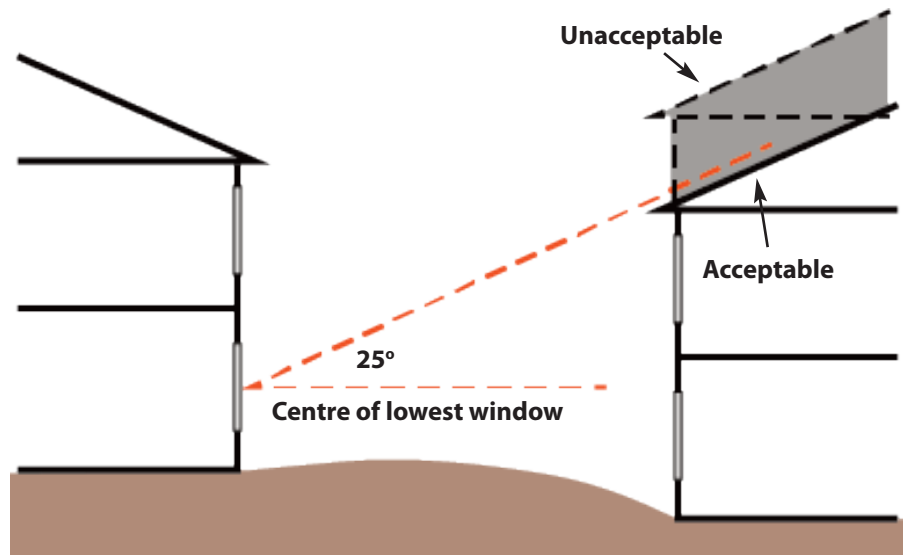


The 25° approach

The 25° assessment is used where neighbouring windows directly face a development.

It is accepted that some development may inevitably result in some additional overshadowing to neighbouring houses and gardens. It is for the Council as Planning Authority to determine the significance and acceptability of proposals taking into account all relevant material planning considerations.

It should be noted that householders have extensive permitted development rights for extension and this guidance does not apply to development that is permitted by the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.



DP7 RETAIL/TOWN CENTRES

Proposals out with town centres likely to attract significant footfall including retail, offices, leisure, entertainment/cultural and community facilities are required by policy DP7 Retail/Town Centres to

- Demonstrate that no sequentially preferable sites are available; and
- Demonstrate that there is no unacceptable individual or cumulative impacts on the vitality and viability of the network of town centres.

Proposals for retail, offices, leisure, entertainment/cultural and community facilities out with the town centre should be accompanied by the following information to allow consideration against policy DP7.

Anticipated Footfall

A statement setting out the anticipated footfall for the proposal is required in order to assess if the proposal is considered to attract significant levels of footfall which would mean further assessment under DP7 part b is required. The statement should cover the following

- Provide figures for the average and peak footfall the proposal will attract. If proposal is seasonal the peak season should be used.
- If the proposal is an extension to an existing use applicants must provide an indication of the current average and peak footfall to give an indication of the likely increase in footfall.
- Applicants must confirm what the footfall figures are based on – e.g. from business case, % increase of existing footfall or other comparable business.
- The applicant should describe any seasonal variation to the footfall – e.g. what % reduction in footfall might be expected in the autumn/winter.
- Note – footfall figures can be treated as confidential if necessary.

	Average Hourly Footfall	Peak Hourly Footfall	Opening Hours
Monday			
Tuesday			
Wednesday			
Thursday			
Friday			
Saturday			
Sunday			



Sequential Assessment

If the proposal is considered likely to attract significant footfall the applicant will be required to complete a sequential site assessment. Applicants must demonstrate rigour in their search for alternative sites with an early and systematic assessment of sites. Applicants are strongly encouraged to contact the Strategic Planning and Development Team prior to submission to discuss the scope of the sequential assessment including which sites may need to be assessed.

The sequential assessment must set out the following

- The minimum requirements for the proposal including scale, floor area and format must be stated including any flexibility there may be.
- Detail (preferably in a table format) the sites that have been considered, including their address. For each site the availability and suitability with reference to the minimum requirements must be given.

Analysis of Impacts on Town Centres

If the proposal is considered likely to attract significant footfall the applicant must consider what the potential impacts on the town centre maybe from the proposal and if these are considered to be significant.

Large retail applications will likely be required to complete a full Retail Impact Assessment to demonstrate the impacts on the network of town centres. The applicant or the agent completing the Retail Impact Assessment should contact the Strategic Planning and Development team at the earliest opportunity to discuss this.

For small retail and other applications (leisure, office, entertainment/cultural and community facilities) the applicant is required to submit a statement setting out the potential impacts on town centre vitality and viability. As a minimum the statement should cover the following points:

- Describe in full the use proposed including any ancillary element (i.e. retail, café/restaurant, retail services, and leisure).
- Describe the types of goods or services to be sold/offered or the type of activity that will take place, e.g. gifts/cards, food retail, clothes, type of café/restaurant, takeaway, gym facilities.
- Set out what floor areas are proposed for each use. If the proposal is an extension set out what the increase in floor area compared to the existing floor area is.
- Explain how the business will operate, e.g. opening hours, seasonal openings, for café/restaurants how many covers anticipated, managed bookings etc.
- State what the target market and catchment for the business is. (i.e. is the catchment neighbourhood, town, Moray, or wider)
- State if there is a sector deficiency within the town, area or within Moray.
- Based on the likely catchment consider the impact the proposal could have on town/local/commercial centres within that area
 - For each centre in the catchment what businesses fall within the same category as the proposal? E.g. comparison retail (clothes, gifts, chemists, etc.) convenience (food, newsagents, etc.), bulky goods (furniture, appliances, etc.), retail services (hairdressers, travel agents, post offices, repairs/dry cleaning, etc.) and leisure (cafes, clubs, takeaways, cinema, etc.).
 - What trade could be diverted from these businesses within town centres to the proposal (This should be considered collectively for the type of business category rather than what trade would be diverted from individual businesses).
 - Consider what in-direct impacts there may be on other types of retail/leisure activities, e.g. visiting a café in a town centre may result in combined trips to other shops which wouldn't occur visiting a café in an out of centre location.



- What impacts could trade diversion have in terms of lower town centre footfall, shop vacancies, and the appearance of the town centre?
- Considering the above describe the likely impacts on the town centre and the significance of these to the vitality and viability of town centres. This should be a concluding summary of the above points and give a view on how the town centre could be impacted and if the impacts are considered to be significant.

Any commercially sensitive information can be provided separately and treated confidentially.



EP7 FORESTRY, WOODLANDS AND TREES

Trees and Woodland Removal/Compensatory Planting

Policy EP7 Forestry, Woodlands and Trees of the Moray Local Development Plan (MLDP) 2020 seeks to protect the amenity, landscape, biodiversity, economic and recreational value of Moray's woodlands. There is a strong presumption in favour of protecting woodland resources and the start point should be that roots are protected and houses are built at a safe distance respecting roots and mitigating potential storm damage. Policies PP1 Placemaking and DP1 Development Requirements also require proposals to retain, incorporate and/or respond to the natural environment.

For the purposes of Policy EP7, "woodland removal" under Part (c) is defined as the permanent removal of 0.1ha or more of woodland for the purposes of conversion to another type of land use. Proposals affecting single tree(s) or trees covering an area less than 0.1ha will be considered against Part (b).

Tree Survey and Tree Protection Plan

Where trees exist on, or border a development site, a Tree Survey and Tree Protection Plan must be provided. Tree Surveys and Tree Protection Plans for planning applications must be carried out in accordance with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction – Recommendations) by a suitably qualified and insured arborist. Further information on the requirements are summarised in the Policy Guidance Note on Trees and Development within **Policy EP7**.

An Arboricultural Method Statement will also be required if construction or the laying of hard surfaces is allowed within the Root Protection Area of a tree, or if any part of the development process is likely to detrimentally affect any retained trees.

Tree Removal

The design of a proposed development must be approached with the retention of healthy trees as a starting point. Proposals must retain healthy trees and incorporate them within the proposal, unless it is technically unfeasible to retain these. This means that the removal of trees will only be permitted where key infrastructure such as pipes, power lines, access (including visibility splays), electric vehicle charging etc. is required to facilitate the development and it has been satisfactorily demonstrated by the Applicant that this cannot be achieved in any other way and the main element of the design has incorporated healthy trees into the proposal as far as possible.

Woodland Removal

The Scottish Government's **Control of Woodland Removal Policy (CWRP)** sets out criteria for determining the acceptability of woodland removal. Where a development involves the permanent removal of woodland, the Applicant must demonstrate the significant and clearly defined additional public benefits that would be achieved. Provision of compensatory planting is not a sufficient justification for woodland removal. In operating this policy, Moray Council does not include housing development within the definition of public benefits, sustainable economic growth or rural/community development.

Compensatory Planting

Where compensatory planting is required for tree or woodland removal and is being provided on site or on an alternative site in Moray within the Applicant's control, a Compensatory Planting Plan, including details (species, specifications, numbers) of the proposed planting and its maintenance over the entire lifespan of the development, must be submitted for approval by Strategic Planning & Development and, in response to woodland removal, Scottish Forestry. Careful consideration should be given to siting of planting to ensure it does not constrain any potential future development of the site.



Should it be evidenced that compensatory planting cannot be provided on site or an alternative site in Moray within the Applicant's control, a commuted payment will be made to the Planning Authority to deliver compensatory planting and recreational greenspace. The sum will be calculated based on the area of trees/woodland being removed and payment will require to be made through the Strategic Planning and Development Team (Developer Obligations) in advance of any consent.

Ancient Woodland

Where a woodland is identified on the Ancient Woodland Inventory (AWI) as a category other than Ancient Woodland (1a and 2a - the removal of which would not be supported under Policy EP7 (c)), the value and characteristics of the woodland will require to be demonstrated by the Applicant. This will be required to be in the form of a detailed Woodland Survey carried out at the appropriate time of the year by a suitably qualified consultant with experience of woodland habitat surveys. The survey must include a National Vegetation Classification (NVC) Survey, map, site community floristic descriptions, target notes and locally important site features, as well as an assessment of the role and importance of the wood's connectivity to the wider woodland network. The Council, in consultation with NatureScot, will determine whether the woodland meets the characteristics of Ancient Woodland.



EP10 LISTED BUILDINGS

Policy EP10 Listed Buildings sets out that “Enabling development may be acceptable where it can be shown to be the only means of retaining a listed building(s). The resulting development should be of a high design quality protecting the listed building(s) and their setting and be the minimum necessary to enable its conversion and re-use”. This means that whilst enabling development to assist the retention of listed buildings is supported in principle, the new development is to address the conservation deficit as opposed to funding the restoration. Preservation of the setting of the listed building remains a key consideration in these circumstances.

The ‘conservation deficit’ is the gap between the costs of repairing and converting a listed building(s) to bring it back into use and the market value of the listed building once the works are complete. For example, where the cost of repairing the building is £500k and the end market value after restoration is £350k, the conservation deficit is £150k.

Applicants must submit an evaluation including a detailed financial appraisal and plans to identify the conservation deficit. The following information is expected to be submitted by the applicant:

- Condition survey of the listed building (in the form of a conservation statement or conservation management plan) identifying the desired reasonable level of conservation to sustain the building in the long term;
- Options appraisal comprising an assessment of alternative solutions to secure the buildings future (e.g. grant funding, charitable ownership);
- Assessment of cost of repairs and how future maintenance liabilities will be met;
- Assessment of market value of the building in current and repaired condition to calculate the conservation deficit;
- Detailed scheme design for the preferred option (i.e. this includes the proposed development but are there also plans drawn up for the listed building?);

- Development appraisal to demonstrate the financial contribution the proposed development makes to the conservation of the building; and
- Delivery plan demonstrating how the conservation benefits will be secured in a timely manner.

When preparing the development appraisals for the listed building and the enabling development, the applicant is expected to use the Applicant Viability Data (AVD) form which can be found within the Appendices of the Developer Obligations Supplementary Guidance. This includes the level of information and format required which is necessary to assess appraisals. The development appraisal will need to be verified by the District Valuer (DV) who is independent of the Council and the cost of the DV will be borne by the applicant.

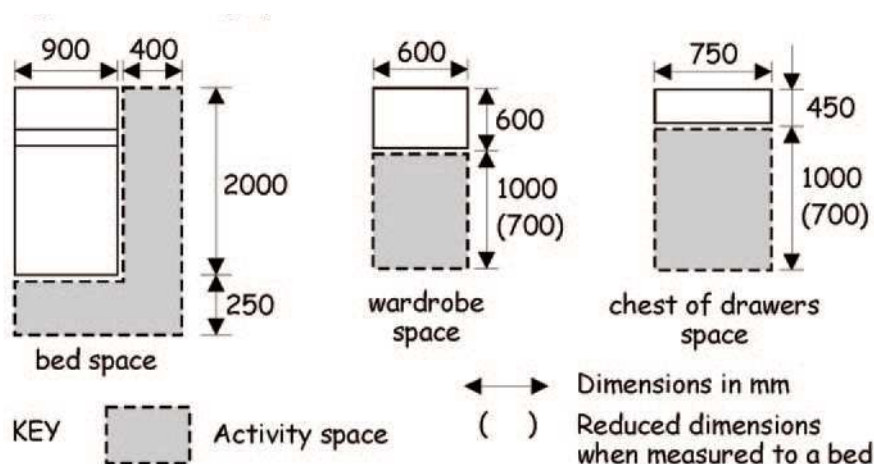
Enabling development will be restricted to the level of the conservation deficit. This reflects Historic Environment Scotland’s (HES) position that enabling development should be controlled to reflect the gap/deficit.



PP1, PP3 AND DP1 MINIMUM BEDROOM SIZE

The Scottish Government's Building Standards Technical Handbook: Domestic provides guidance on achieving the standards set out in the Building (Scotland) Regulations 2004. To provide clarity on what constitutes a bedroom for the purposes of calculating developer obligations and parking standards, section 3.11 of the Handbook will be applied in the determination of planning applications as this sets out the minimum space standards of a room (referred to as an apartment in the Handbook). This provides a consistent approach to the determination of planning applications and implementation of MLDP policies.

Section 3.11 refers to 'apartments' which for the purposes of planning is interpreted as 'rooms'. A bedroom should be a size that will accommodate at least a single bed, wardrobe and chest of drawers along with associated activity space as this is the minimum furniture provision that is to be expected in such a room. The following dimensions are set out in section 3.11 of the Handbook (note: dimensions are in millimetres):



Planning applications that propose offices/studies, play rooms, gym/fitness rooms, etc. will be counted as a bedroom where the room is capable of accommodating the denoted pieces of furniture and their associated activity space. Internal wardrobes will be counted as a wardrobe with associated activity space as set out above. Where a room does not meet the above space requirements it will be assessed as proposed by the applicant.

The size and shape of a room can vary and an assessment will be made by the Development Management case officer on a case by case basis as to whether the room meets the minimum space requirements to be counted as a bedroom. This will inform the level of developer obligations to be sought and parking requirements for the proposal. This will ensure that the actual impact of the proposal on infrastructure is mitigated and that adequate parking is provided for new developments thereby minimising on-street parking which can visually dominate the streetscene and negatively impact on the character of the place to comply with MLDP 2020 PP3 Infrastructure and Services and DP1 Development Principles and associated Appendix 2 Parking Standards.





REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 31 MAY 2022

SUBJECT: HOUSING LAND AUDIT 2022

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 This report summarises the housing land supply situation in Moray and asks the Committee to agree the final version of the Moray Housing Land Audit 2022.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the review and preparation of Local Development Plans.

2. RECOMMENDATION

2.1 It is recommended that the Committee agree:-

- (i) to note the housing land supply in Moray;
- (ii) the response to the consultation on the draft audit, as set out in Para 4.3 of the report; and
- (iii) the finalised Moray Housing Land Audit 2022, as set out in Appendix 1 of the report.

3. BACKGROUND

- 3.1 Scottish Planning Policy (SPP) requires planning authorities to carry out regular monitoring of housing completions and to programme projected completions to demonstrate the availability of land for housing. The aim is to ensure that an ongoing effective supply of housing land is available. This is achieved through an annual Housing Land Audit (HLA), prepared in consultation with Homes for Scotland, local developers, landowners and statutory consultees.

- 3.2 SPP requires Local Development Plans (LDP) to allocate land on a range of sites to meet the housing land requirement up to Year 10, providing effective sites in the initial phase for at least 5 years at all times. Beyond Year 10 and up to Year 20, the LDP should provide an indication of the possible scale and location of the housing land requirement.
- 3.3 The audit has three key functions:-
- To demonstrate the availability of sufficient effective land to meet the strategic housing land requirement for a minimum of 5 years into the future;
 - To provide a snapshot of the amount of land available for the construction of houses at any particular time; and
 - Act as an information source for a variety of purposes, including school roll forecasts, transport infrastructure provision and health care.

4. PROPOSALS

- 4.1 The information contained in the HLA is important to monitor LDP strategy for housing and the process enables adjustments to be made to address any issues arising. The audit and the Housing Need and Demand Assessment (HNDA) provide the baseline for calculating the housing land requirements set out in LDPs.
- 4.2 The audit includes three main categories of land supply:-
- Effective – land that can be developed for housing within the period under consideration, which is free from constraints in terms of ownership, physical, contamination, marketability, infrastructure and land use.
 - Constrained – land that is considered to be constrained within the period under consideration and the constraint cannot easily be overcome in the short term.
 - Established – the total housing land supply (effective added to constrained).
- 4.3 Housebuilders and landowners were consulted during the preparation of the draft audit to provide the most up to date build-out projections. The figures within the draft audit are largely based upon housebuilders' returns, with adjustments made by Planning Officers. The draft HLA 2022 was made available for consultation on the Council's website and housebuilders and agents were notified, with comments invited by 20 April 2022. Comments were received from Altyre Estate, Springfield Properties Plc and Homes for Scotland. Comments received and the proposed Council responses are set out below:-

Organisation	Comments	Moray Council Response	Changes Proposed to Audit
Altyre Estate	Agreement with status of sites	Noted.	No change.

	relating to Altyre Estate.		
Homes for Scotland	Challenge the effectiveness of Elgin R1 <i>Bilbohall North</i> (M/EL/R/048) on basis that planning consent 20/00905/APP relieves the infrastructure constraints of the site. Propose projections for remaining capacity across 2025 and 2026.	Following consultation with Transportation, it is agreed that whilst development on R1 is still reliant on the completion of improvements to bridge and road infrastructure, the planning consent for the adjacent site does remove the constraint of the site.	Amend the supply type of Elgin R1 (M/EL/R/048) from “Constrained” to “Effective” and amend projected completions.
Springfield Properties Plc	Agreement with all the denoted effective and constrained sites set out in the HLA.	Noted.	No change.
	Query regarding Buckie R8 (M/BC/R/20/08) and reference to “Effective 5 year +”	Where projections for build-out rates of an ‘Effective’ site extends beyond 5 years, there is a note attached to highlight this. This is consistent throughout the HLA and does not affect the overall consideration that the site is deemed effective.	No change.

- 4.4 The introduction section of the final audit is included as **APPENDIX 1** and the full audit has been uploaded to CMIS along with the agenda, as an additional document. The audit identifies that there is a 29 year established housing land supply (12,192 units) based on an annual housing land requirement identified in the HNDA. This consists of a 13 year effective housing land (5,345 units) and 16 years constrained housing land (6,827 units), of which 9 years supply is designated as LONG (3,875 units). This approach to LONG term housing land has been recognised as good practice and allows for longer term infrastructure planning through strategic level masterplanned expansion areas. This also means that the next Moray LDP will only require minimum, if any, additional housing land to be identified, with a much greater focus on redevelopment of brownfield sites rather than further greenfield releases.

- 4.5 Completions in 2021 were 399 compared with 231 in 2020 (impact of Covid-19 pandemic), 414 in 2019, 358 in 2018 and 350 in 2017. The majority of completions between 2011 and 2021 were in Elgin, Forres and Buckie.
- 4.6 While the overall effective supply of housing is very good and continues to meet the requirements of SPP, the projected house completions reflect the low supply of new housing in Keith and Speyside. However, work at Banff Road (Keith R4) is progressing and discussions are ongoing regarding Speyview (Aberlour R2). The Moray Growth Deal Housing Mix Delivery project will bring further investment to help unlock previously constrained housing land sites.
- 4.7 To address any shortfalls in supply, the MLDP 2020 contains a number of LONG term housing sites which are embargoed from development within the period of the LDP unless specific triggers for their release are met. The triggers for releasing LONG designations are set out in Policy DP3 *LONG Term Land Reserves* in the MLDP 2020.

5. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The annual HLA is a key part of monitoring the implementation and effectiveness of the LDP, which delivers Corporate and Community Planning objectives. Ensuring an effective supply of housing land and taking a longer term approach supports economic growth, delivers much needed housing (notably affordable housing) and allows for longer term planning for community services and infrastructure, including education and health facilities.

(b) Policy and Legal

The preparation of an annual HLA is a key requirement of SPP to monitor effectiveness of the MLDP and ensure an effective supply of housing land is maintained.

(c) Financial implications

None.

(d) Risk Implications

None.

(e) Staffing Implications

Preparation of an annual HLA is part of the workload of the Strategic Planning and Development section.

(f) Property

Land at Glassgreen, within Elgin LONG2, includes a site for a future 2.5ha primary school.

(g) Equalities/Socio Economic Impact

No Equality Impact Assessment is required for this report.

(h) Climate Change and Biodiversity Impacts

MLDP policies seek to ensure that development proposals reduce carbon emissions and enhance biodiversity. Development proposals are required to provide active travel routes thereby reducing carbon emissions associated with vehicles, create green and blue infrastructure and incorporate and enhance biodiversity through planting and other mechanisms.

National Planning Framework 4 (NPF4) is expected to be approved later in 2022, introducing new national policies to bring significant changes to the planning system including reducing carbon emissions in new development, enhancing biodiversity and a much greater focus on brownfield redevelopment.

Early work has started in the next HNDA, which is led by the Housing Strategy and Development Manager and this will inform the housing land requirements for the next LDP, which will set a target for brownfield redevelopment.

(i) Consultations

The Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Housing Strategy and Development Manager, the Senior Engineer (Transportation), the Equal Opportunities Officer, Paul Connor (Principal Accountant) and Lissa Rowan (Committee Services Officer) have been consulted and comments received have been incorporated into the report.

6. CONCLUSION

6.1 SPP requires planning authorities to carry out an annual HLA to ensure that there is a 5 year effective housing land supply available at all times.

6.2 The HLA 2022 identifies a 13 year effective supply of housing land, with a total 29 years established land supply.

Author of Report: Darren Westmacott
Planning Officer (Strategic Planning & Development)
Background Papers:
Ref:

May 2022

Moray Housing Land Audit



moray
council



Moray towns and Local Housing Market Areas (LHMA)



For further information, please contact:
Darren Westmacott, Email darren.westmacott@moray.gov.uk

Preface

This schedule of housing land is produced by Moray Council in consultation with local housebuilders and landowners. While every effort has been made to ensure that the information in the audit is accurate and complete, the attention of the user is drawn to the following points:

- The introduction contains advice on the interpretation and analysis of the statistics and this should be carefully studied, to avoid possible misrepresentation.
- The information on housing is presented comprehensively for sites of 4 or more houses, only aggregated annual totals of past completions are given for smaller sites and individual houses.
- Development Plans, Capital Programmes and commitment levels are continually being updated and should be checked with the appropriate source to obtain the current position.

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1 Purpose of Audit

- 1.1 This audit provides details of Moray's housing land supply as at January 2022. The audit explains the different classifications of land within the overall supply and compares supply with the housing land requirement identified through the Housing Need and Demand Assessment.
- 1.2 The audit also examines past and future predicted trends in housing land supply and identifies any action required to address issues arising.
- 1.3 The audit has been produced using the guidance set out in Scottish Planning Policy, Planning Advice Note 2/2010 and Homes for Scotland Advice Note on Housing Land Audits.
- 1.4 Scottish Planning Policy 2014 requires planning authorities to ensure;
 - Local development plans set out the housing supply target (separated into affordable and market sectors) and the housing land requirement for each housing market area up to year 10 from the expected year of adoption.
 - Allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement in full.
 - Provide a minimum of 5 years effective land supply at all times.
 - Indicate the possible scale and location of the housing land requirement beyond year 10 and up to year 20.

2 Preparation of Audit

- 2.1 The audit has been prepared by Moray Council using details of all relevant development sites within the Moray Local Development Plan 2020 and other (windfall) sites with planning consent for residential use.
- 2.2 Completions have been recorded through contact with housebuilders and analysis of building warrant completion certificates. Constraints have been identified through the local development plan process and through discussion with statutory consultees.
- 2.3 Details of sites with a capacity of 4 or more houses are recorded and an assessment made of potential future development rates, informed by landowners and developers. This takes account of planning status, infrastructure constraints, building capacity, market demand and financial plans.

3 Land Supply Definitions

3.1 There are three categories of land identified within the audit.

3.2 Established Housing Land Supply

3.2.1 This is the total housing land supply, calculated by adding the effective and constrained land together. This includes sites under construction, sites with planning consent and other sites agreed as having potential for development.

3.3 Effective Housing Land Supply

3.3.1 This is the housing land supply that is expected to be free from development constraints and available for construction of housing. Most sites with planning consent for residential development and/or identified within the Moray Local Development Plan 2020 fall into this category where the site is free of the following constraint:-

- Ownership
- Physical
- Contamination
- Deficit funding
- Marketability
- Infrastructure
- Land

3.4 Constrained Housing Land Supply

3.4.1 This consists of sites which at the time of the audit were not assessed as being effective. The principal reason for the site being constrained is identified in the schedules. The identified constraint is considered to be significant and may not be resolved within the “effective” land supply period. This also includes “LONG” designations, which are constrained under the terms of the Local Development Plan.

4 Established Land Supply

- 4.1 The established land supply for the Moray Local Development Plan is shown in Table 1 below.

	2018	2019	2020	2021	2022
Moray	12,848	12,387	12,751	12,346	12,192

Table 1: Established Land Supply

- 4.2 The established land supply in 2022 has a capacity of 12,192 units. This includes extensive areas of LONG term land, which act as a reserve and can be released should a shortfall be projected.



5 Constrained Land Supply

5.1 The constrained land supply is shown in Table 2.

	2018	2019	2020	2021	2022
Moray	9,210	8,198	6,940	6,838	6,827

Table 2: Constrained Land Supply

5.2 A total of 6,827 units are constrained in 2022, continuing to reflect the more proactive approach being taken to overcome constraints and explore ways of unlocking sites. Table 3 below summarises the constrained sites and the nature of the constraint. The table shows that the majority of these sites are constrained through marketability or programming either as "LONG" designations or unlikely to be built within the 5 year effective period. LONG sites can only be considered effective when the required triggers for release of LONG sites have been met and the site is free of the constraints listed in paragraph 3.3.1.

Constraint	No. of units	No. of sites
Contamination	60	1
Marketability	550	22
Ownership	814	5
Physical	148	8
Programming	1,380	4
LONG	3,875	9
Total	6,827	49

Table 3: Analysis of Constraints

6 Effective Land Supply

6.1 The five year effective land supply for the Moray Local Development Plan area is shown in Table 4.

	2018	2019	2020	2021	2022
Moray	3,638	4,189	5,811	5,508	5,365

Table 4: Effective Housing Land Supply

6.2 The effective housing land supply has a capacity of 5,365 units in 2022, reflective of the new sites identified in the Moray Local Development Plan 2020 which are included in the audit.

7 Rest of Moray

7.1 In the Rest of Moray there are a number of consents granted for sites with a capacity of 4 units and over, which cumulatively make a significant contribution to the housing land supply. New consents and completions are monitored and added to the schedules as part of the audit. The contribution from small sites and the role of sites in rural communities was discussed and agreed as 50 units with Homes for Scotland as part of the 2009 audit. A figure of 65 units was included in the 2019 audit. However, to reflect the new Rural Housing policy, this has been lowered to 40 units and will continue to be monitored and reviewed.



8 Windfall sites

- 8.1 A windfall site is a site not specifically allocated for development in the Local Development Plan but which becomes available for development or is granted planning permission during the lifetime of the Plan.
- 8.2 The contribution of windfall sites to the number of units completed and projected to be complete will be monitored. Windfall completions can make a significant contribution to the land supply.

	2016	2017	2018	2019	2020	2021
Windfall completions	42	56	38	16	22	47

Table 5a: Windfall sites

	2022	2023	2024	2025	2026
Projected windfalls	37	48	34	10	27

Table 5b: Projected windfall

- 8.3 Completions for 2022 and projections for 2022 are lower than previous years due to delays at North Whins (Findhorn) and the removal of Nairn Road (Forres) as an effective windfall site.

9 Completions

- 9.1 Table 6 identifies previous completion rates. The impacts of the Covid-19 pandemic on housebuilding in Moray are clearly evident in the significantly lower house completions in 2020, however completions in 2021 appear to show a positive return to pre-covid figures.

	2017	2018	2019	2020	2021
Moray	350*	358	414	231	399

* Revised completion figure from figure published in 2018 Audit.

Table 6: Completions

9.2 Table 7 identifies projected completion rates for the five year effective housing land period. These are largely based upon returns from housebuilders and landowners.

	2022	2023	2024	2025	2026
Moray	500	474	678	706	684

Table 7: Projected Completion Rates

10 Housing Land Requirement & Effective Housing Land Supply

10.1 The Council's Housing Need and Demand Assessment 2017 has informed the housing land supply and housing completions targets set out in the Moray Local Development Plan 2020. These figures have included a 30% generosity figure on top of the baseline figures from the Housing Need and Demand Assessment 2017. The key targets are;

- Annual housing completion target 2018-2035: 318 units
- Annual average housing land supply target 2018-2035: 414 units

10.2 Using these figures gives a 5 year completion target of 1590 units and a 5 year land supply target of 2070 units.

	Housing Land Supply	No. of years supply
Established	12,192	29
Effective	5,365	13
Constrained	6,827	16

Table 8: Land supply/ No. of years supply

LHMA	5 year supply target (5x 414)	5 year land supply 2022-2026	5 year completion target (5x318)	5 year projected completions	Comments
Buckie	342	681	1,590	368	Surplus effective housing land.
Elgin	1,037	2,618		1,622	Surplus effective housing land.
Forres	362	1,571		635	Surplus effective housing land.
Keith	170	177		177	Sufficient effective housing land.
Speyside	159	318		217	Surplus effective housing land.
Total	2,070	5,365		3,242	Surplus effective housing land.

Table 9: 5 year housing land/ completion targets by LHMA

10.3 The audit totals of effective, constrained and established housing land supply are set out in Table 10 below.

	2017	2018	2019	2020	2021	2022
Effective	4,794	3,638	4,189	5,638	5,508	5,365
Constrained	8,318	9,210	8,198	6,890	6,838	6,827
Established	13,112	12,848	12,387	12,528	12,346	12,192

Table 10: Moray Housing Land Supply 2022

TOWN	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
ABERLOUR					1	0	20	29	22	25	12	3
ALVES												250
ARCHIESTOWN								3	3	3	3	23
BUCKIE	47	31	13	56	21	74	44	50	55	50	59	768
BURGHEAD	4									21	35	110
CRAIGELLACHIE											17	5
CULLEN								12	12	12	12	7
CUMMINGSTON	0	0	0	0	0	0	1	1	1			
DALLAS												10
DUFFTOWN	15									25	0	80
DYKE				2	0	5	5	1	1	1		5
ELGIN	170	155	189	200	111	121	201	113	331	308	220	5634
FINDHORN		17	3	1	2	9	3	15	10		13	
FINDOCHTY												55
FOCHABERS	4	3	24	6	6	11		10	10	15	34	115
FORRES	13	63	59	48	34	41	77	95	103	118	153	1413
GARMOUTH/KINGSTON												10
HOPEMAN					22		10	10	10	10	10	25
KEITH	22	25	4	12	4	3	40	21	27	24	25	158
KINLOSS		0	0	1			3	6	6	4	4	12
LHANBRYDE							20	30	30	32		
LOSSIEMOUTH	9	6	16	23	10	19	36	35	10	10	10	176
MOSSTODLOCH						76						70
NEWMILL												10
PORTGORDON											10	30
PORTKNOCKIE											12	38
RAFFORD												12
REMAINDER OF MORAY	50	50	50	65	20	40	40	40	40	40	40	40
ROTHES											15	55
ROTHIEMAY	1											26
URQUHART								3	7	8		10
Total	335	350	358	414	231	399	500	474	678	706	684	9,150

11 Long Term Housing Designation

11.1 Long term designations have been identified to set out the direction of growth and to assist in the forward planning of infrastructure and landscape enhancement/mitigation. The Council will evaluate the need for early release of long term housing land through the annual Housing Land Audit process and monitoring report.

11.2 The release of LONG term designations is controlled through the Policy DP3 *LONG Term Land Reserves* of the Moray Local Development Plan 2020. The triggers are:-

A shortfall in the 5 year effective housing land supply or shortfall in projected delivery of housing land is identified in the annual Housing Land Audits, which cannot be met by:-

1. Windfall provision assuming previous trends;
2. Constrained sites which are likely to become available for development to meet the shortfall in the relevant timeframe; or
3. Where the release of LONG term land is required to deliver key objectives of the Council or its Community Planning Partners set out in the Local Outcome Improvement Plan, or to meet significant increased demand for housing arising from personnel deployment at RAF Lossiemouth or Kinloss Barracks.

In these circumstances, an appropriate release of LONG term land may be recommended where:-

- This can be achieved without compromising delivery of a master-planned approach and where appropriate access, infrastructure and landscaping setting can be secured.
- The site is demonstrated to be effective within the next five years.
- Any site specific triggers are fully complied with.

11.3 The amount of land to be released will be dependent upon an assessment of what other sites will become effective to ensure a continuous 5 year effective housing land supply. A shortfall of effective housing land in one of the 8 main towns should be met through a LONG term release in the same town.

11.4 Where a decision is made to release LONG term land and there is more than one LONG term site in that settlement, an assessment will be made as to which site is considered the most suitable based on considerations such as infrastructure, landscaping, settlement pattern and effectiveness.

11.5 Outwith the 8 main towns, LONG term sites will only be considered for early release where the residential land designations are clearly demonstrated to be constrained for the entire plan period and that constraint cannot be overcome.

Settlement	Site	Comment/Triggers	Recommendation
Alves	North	No effective land supply.	No requirement to release.
Buckie	South West	Effective land supply of 641 units, projected 5 year completions of 258 units.	No requirement to release.
Burghead	Clarkly Hill	Effective land supply of 106 units, projected 5 year completions of 56 units.	No requirement to release.
Elgin	North East	Effective land supply of 1,818 units, projected 5 year completions of 1,153 units.	No requirement to release.
Elgin	South	Effective land supply of 1,818 units, projected 5 year completions of 1,818 units.	Amendment to Elgin South phasing approved in 2021. No requirement to release.
Fochabers	Ordiquish Road East	Effective land supply of 149 units, projected 5 year completions of 69 units.	No requirement to release.
Forres	Lochyhill	Effective land supply of 1,447 units, projected 5 year completions of 546 units.	No requirement to release.
Keith	Nursery Field	Effective land supply of 137 units, projected 5 year completions of 137 units.	No requirement to release.
Urquhart	Meft Road	Effective land supply of 18 units, projected 5 year completions of 18 units.	No requirement to release.

Table 11: LONG Term Sites

The following definitions and classification in the schedules apply:

Housing Sites - SITE DETAILS GLOSSARY

Site Ref	Area/Settlement or Parish/Residential/Sequential Reference Number.
Location	Address of Site.
Owner	Current owner of the site.
Developer	Agency responsible for the development and management of the site and not necessarily to the actual construction company.
Tenure	Five tenure types are specified:- HA - Housing Association for rent LA - Local Authority PRIV - Private MOD - Ministry of Defence Other - Other tenure, i.e. housing association shared ownership or low cost home ownership and joint venture between a local authority and a private developer.
Area	Site areas are quoted in hectares and represent the gross area of the site.
Units	The capacity of sites is expressed as a number of house units. For sites where no detailed housing layout has yet been prepared and no density has been specified, then an estimate has been made.
Serviced	Indicates the number of housing units which are serviced.
Not built	Total number of house units on the site which have not yet been built at the date of the update.
Effective	Currently effective (EFF) or constrained (CON)
LPR	Local Plan Site Reference
Land Use	Categorises the main existing or former use of a site before it is re-zoned or developed. The land use categories used are:- AGR 1-7 Agricultural Land by Class (1, 2 & 3. 1 = prime) AG BLDG Agricultural Building WOOD Woodlands (may also be grazed) HORT Allotments and nurseries PRIV/PUB OS Privately or publicly owned open space (e.g. Grounds of a large house or hospital) RESID Residential COMM Commercial EDUC Educational RAIL Railway MOD Ministry of Defence PUB BLD Public Building UNUSED Derelict, Vacant, Backland etc. COMMTY Community IND Industry
Greenfield/ Brownfield	Describes whether the site is within an urban area or previously developed (brownfield) or outwith the urban area and not previously developed (green-)

APPLICATION DETAILS

Applic Ref	Reference number of planning applications relating to the development of the site. Note where applications are made for individual plots within a site, these have been grouped together under the Application Reference 'Individs' with no decision date given.
Units	Number of units relating to each planning application.
Type	Describes the type of permission application:- OUT Application for Outline Planning Permission DET Application for Full Permission or Permission of Reserved Matters
Decision	Details of decision on the application. Apart from self explanatory terms – Approved, Refused, Withdrawn, Expired, Pending, it has been necessary to indicate the latest classified either as 'Superseded' or 'Duplicate'.
Dec. Date	Date of final decision on the application.

COMPLETION DETAILS

Built	Take up rates (in house units) for the previous 5 years are listed on an annual basis and assessments of subsequent completions are also listed annually for the next 5 years.
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CONSTRAINED HOUSING LAND SUPPLY

The Moray Council Housing Land Audit

2022

Reference	Local Plan	Location	Owner	Developer	Undeveloped (Units)	Constraint	Details
ALVES							
M/AL/R/15/LON	20/LONG	ALVES NORTH	The Moray Council		250	Constrained	Programming
					Total Town Units	250	Total Town Sites 1
ARCHIESTOWN							
M/AR/R/15/02	20/R2	SOUTH LANE	McPherson Family & Mr Alan Williams		4	Constrained	Marketability
M/AR/R/15/03	20/R3	WEST END	Mrs Anne Ogg		6	Constrained	Marketability
M/AR/R/15/04	20/R4	SOUTH OF VIEWMOUNT	McPherson Family		10	Constrained	Marketability
					Total Town Units	20	Total Town Sites 3
BUCKIE							
M/BC/R/015	20/R3	RATHBURN (N)	Reidhaven Estate		50	Part Constrained	Physical
M/BC/R/041	20/OPP7	MILLBANK GARAGE			20	Constrained	Marketability
M/BC/R/042	20/15	19 COMMERCIAL ROAD			10	Constrained	Marketability
M/BC/R/07/10	20/R5	HIGH STREET (E)	J M Watt		170	Constrained	Marketability
M/BC/R/20/LG1	20/LONG1	LAND TO SOUTH WEST OF BUCKIE	Mr. Michael Watt	Springfield Properties Plc	250	Constrained	Programming
					Total Town Units	500	Total Town Sites 5
BURGHEAD							
M/BH/R/20/LNG	20/LONG1	LONG1 CLARKLY HILL	Strathdee Properties		60	Constrained	Programming
					Total Town Units	60	Total Town Sites 1
CRAIGELLACHIE							
M/CR/R/004	20/R2	FORMER BREWERY, SPEY ROAD	John Dewar & Sons Distillers Ltd		5	Constrained	Marketability
					Total Town Units	5	Total Town Sites 1

CONSTRAINED HOUSING LAND SUPPLY

The Moray Council Housing Land Audit

2022

Reference	Local Plan	Location	Owner	Developer	Undeveloped (Units)	Constraint	Details
DALLAS							
M/DA/R/001	20/R1	DALLAS SCHOOL WEST	Dallas Estate		6	Constrained	Physical
M/DA/R/002	20/R3	FORMER FILLING STATION	Ian Thomson		4	Constrained	Marketability
Total Town Units					10	Total Town Sites	2
DYKE							
M/DY/R/15/02	20/R2	SOUTH DARKLASS ROAD	Grant Davidson		5	Constrained	Physical
Total Town Units					5	Total Town Sites	1
ELGIN							
M/EL/R/07/06	20/R4	SOUTH WEST OF ELGIN HIGH SCHOOL		Scotia Homes	107	Constrained	Ownership
M/EL/R/07/10	20/R11	FINDRASSIE	Pitgaveny Estate	Barratt Homes/David Wilson Homes	1000	Part Constrained	Effective 5yr +
M/EL/R/081	Win	NEWFIELD HOUSE, LOSSIEMOUTH ROAD	I. Aitkenhead		12	Constrained	Physical
M/EL/R/082	20/R21	PALMERS CROSS	F.A. Construction	F.A. Construction	29	Constrained	Marketability
M/EL/R/083	20/OPP3	FORMER CORN MILL, WARDS ROAD	Bob Milton Properties	Bob Milton Properties	20	Constrained	Physical
M/EL/R/088	20/R16	BARMUCKITY	Ian Robertson	Springfield Properties Plc	190	Constrained	Programming
M/EL/R/15/LNE	20/LONG1	LONG1 A/B NORTH EAST	Pitgaveny Estate		1800	Constrained	Programming
M/EL/R/20/05	20/R5	BILBOHALL WEST	Dean Anderson	Scotia Homes	50	Constrained	Ownership
M/EL/R/20/12	20/R12	LOSSIEMOUTH ROAD NORTH EAST	Pitgaveny Estate		150	Constrained	Programming
M/EL/R/20/19	20/R19	EASTER LINKWOOD AND LINKWOOD	Mr. Ian Robertson	Springfield Properties Plc	611	Part Constrained	Ownership
M/EL/R/20/L2	20/LNG2	ELGIN SOUTH LONG2		Springfield Properties Plc	1000	Constrained	Programming
Total Town Units					4969	Total Town Sites	11

CONSTRAINED HOUSING LAND SUPPLY

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Reference	Local Plan	Location	Owner	Developer	Undeveloped (Units)	Constraint	Details
FINDOCHTY							
M/FN/R/009	20/R1	MORVEN CRESCENT	Seafield Estate		35	Constrained	Marketability
M/FN/R/07/02	20/R2	WEST OF PRIMARY SCHOOL	Seafield Estate		20	Constrained	Marketability
Total Town Units					55	Total Town Sites	2
FOCHABERS							
M/FO/R/15/LG	20/LONG	ORDIQUISH ROAD EAST LONG	Crown Estate Scotland		35	Constrained	Programming
Total Town Units					35	Total Town Sites	1
FORRES							
M/FR/R/060	20/OPP1	CAROLINE STREET	Paul Gee		60	Constrained	Contamination
M/FR/R/07/11	20/LONG1	LOCHYHILL LONG1	White		400	Constrained	Programming
M/FR/R/15/08	20/R5	BALNAGEITH	J. Sutton and D. Leith		12	Constrained	Marketability
M/FR/R/15/11	20/R7	PILMUIR ROAD WEST	G & AG Proctor		40	Constrained	Physical
Total Town Units					512	Total Town Sites	4
GARMOUTH/KINGSTON							
M/GM/R/15/01	20/R1	SOUTH OF INNES ROAD	John Brown (South)		10	Constrained	Physical
Total Town Units					10	Total Town Sites	1

CONSTRAINED HOUSING LAND SUPPLY

The Moray Council Housing Land Audit

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Reference	Local Plan	Location	Owner	Developer	Undeveloped (Units)	Constraint	Details
KEITH							
M/KH/R/015	20/R2	DUNNYDUFF ROAD	ACE Roofing (Keith)		36	Constrained	Ownership
M/KH/R/07/15	20/R8	EDINDIACH ROAD (EAST)			40	Constrained	Marketability
M/KH/R/15/036	20/OPP3	NEWMILL SOUTH ROAD			7	Constrained	Marketability
M/KH/R/20/08	20/R8	DENWELL ROAD			5	Constrained	Physical
M/KH/R/20/LG1	20/LONG1	NURSERY FIELD LONG1	Moray Council		70	Constrained	Programming
Total Town Units					158	Total Town Sites	5
MOSSTODLOCH							
M/MS/R/15/02	20/R2	GARMOUTH ROAD	Crown Estate Scotland		60	Constrained	Marketability
M/MS/R/20/03	20/OPP1	BALNACOU	Forestry and Land Scotland		10	Constrained	Ownership
Total Town Units					70	Total Town Sites	2
NEWMILL							
M/NM/R/001	20/R1	ISLA ROAD			10	Constrained	Marketability
Total Town Units					10	Total Town Sites	1
PORTGORDON							
M/PG/R/07/04	20/R1	WEST OF REID TERRACE		Colin Murray Developments	30	Part Constrained	Marketability
Total Town Units					30	Total Town Sites	1
RAFFORD							
M/RF/R/07/01	15/R1	BROCHLOCH	Dallas Estate		12	Constrained	Marketability
Total Town Units					12	Total Town Sites	1

CONSTRAINED HOUSING LAND SUPPLY

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Reference	Local Plan	Location	Owner	Developer	Undeveloped (Units)	Constraint	Details
REMAINDER OF MORAY							
M/RM/R/999B		SITES BELOW 5 HOUSES	PRIVATE	PRIVATE	40	Part Constrained	Effective 5yr +
Total Town Units					40	Total Town Sites	1
ROTHES							
M/RS/R/15/02	20/R2	GREEN STREET	Mr Charles Meldrum		40	Constrained	Marketability
Total Town Units					40	Total Town Sites	1
ROTHIEMAY							
M/RT/R/001	20/R1	CASTLE TERRACE	Robert Thain		11	Constrained	Marketability
M/RT/R/07/02	20/R2	ANDERSON DRIVE			5	Constrained	Marketability
M/RT/R/15/03	20/R3	DEVERONSIDE ROAD	The Church of Scotland		10	Constrained	Marketability
Total Town Units					26	Total Town Sites	3
URQUHART							
M/UR/R/20/L1	20/LNG1	MEFT ROAD LONG1	Mr E. Rattray	EPC Grampian	10	Constrained	Programming
Total Town Units					10	Total Town Sites	1
Total Constrained Housing Land Supply					6827	Total Sites	49

EFFECTIVE HOUSING LAND SUPPLY

The Moray Council Housing Land Audit 2022

Reference	Local Plan	Location	Owner	Developer	Undeveloped (Units)		
ABERLOUR							
M/AB/R/010	20/R1	TOMBAIN FARM	Simon Gibbs		11		
M/AB/R/15/04	20/R2	SPEYVIEW	Springfield Properties Plc	Springfield Properties Plc	100		
Total Town Units					111	Total Town Site	2
ARCHIESTOWN							
M/AR/R/07/01	20/R1	EAST END	Mr Edward Aldridge		15		
Total Town Units					15	Total Town Site	1
BUCKIE							
M/BC/R/015	20/R3	RATHBURN (N)	Reidhaven Estate		10		
M/BC/R/035	15/R2	PARKLANDS	Milne Property Developments	Milne Property Developments	8		
M/BC/R/07/07	20/R4	RATHBURN (S)	Reidhaven Estate		60		
M/BC/R/15/11	20/R6	BARHILL ROAD (S)	Mr. Michael Watt	Moray Council/Springfield	30		
M/BC/R/20/01	20/R1	BURNBANK		Morlich Homes	12		
M/BC/R/20/07	20/R7	LAND AT MUIRTON		Morlich Homes	140		
M/BC/R/20/08	20/R8	LAND AT BARHILL ROAD	Mr. Michael Watt	Springfield Properties Plc	250		
M/BC/R/20/09	20/09	SITE AT ARDACH HEALTH CENTRE	Moray Council		5		
M/BC/R/20/W1	20/R10	MILL OF BUCKIE	Fredrick Parkes		11		
Total Town Units					526	Total Town Site	9

EFFECTIVE HOUSING LAND SUPPLY

The Moray Council Housing Land Audit 2022

Reference	Local Plan	Location	Owner	Developer	Undeveloped (Units)		
BURGHEAD							
M/BH/R/006	20/R1	NORTH QUAY	Margery Bray		6		
M/BH/R/012	20/OPP1	WEST FORESHORE	Moray Council/ToC/John Gordon	Tulloch of Cummingston	40		
M/BH/R/04	20/R2	CLARKLY HILL	Strathdee Properties		60		
Total Town Units					106	Total Town Site	3
CRAIGELLACHIE							
M/CR/R/001	20/R1	EDWARD AVENUE			5		
M/CR/R/003	20/R3	BRICKFIELD	Strathdee Properties		12		
Total Town Units					17	Total Town Site	2
CULLEN							
M/CL/R/15/02	20/R1	SEAFIELD ROAD	Seafield Estate		55		
Total Town Units					55	Total Town Site	1
CUMMINGSTON							
M/CM/R/02	20/R1	SEAVIEW ROAD	Tulloch of Cummingston	Tulloch of Cummingston	3		
Total Town Units					3	Total Town Site	1
DUFFTOWN							
M/DF/R/012	20/OPP1	OLD MART ROAD	Moray Council	Moray Council	5		
M/DF/R/15/03	20/R1	HILLSIDE FARM	James Wiseman		100		
Total Town Units					105	Total Town Site	2

EFFECTIVE HOUSING LAND SUPPLY

Reference	Local Plan	Location	Owner	Developer	Undeveloped (Units)		
DYKE							
M/DY/R/07/01	20/R1	NORTH DARKLASS ROAD	Grant Davidson	Excel Scotland	5		
M/DY/R/20/03	20/R3	FIR PARK ROAD	Ros Davidson		3		
Total Town Units					8	Total Town Site	2

EFFECTIVE HOUSING LAND SUPPLY

The Moray Council Housing Land Audit 2022

Reference	Local Plan	Location	Owner	Developer	Undeveloped (Units)
ELGIN					
M/EL/R/048	20/R1	BILBOHALL NORTH	Robertson Residential Group	Robertson Residential Group	20
M/EL/R/07/05	20/R3	BILBOHALL SOUTH	Moray Council/Grampian Housing A.	Moray Council/Grampian Housing A.	105
M/EL/R/07/07	20/R10	SPYNIE HOSPITAL NORTH	Robertson Group/Scotia	Robertson Group/Scotia	19
M/EL/R/07/10	20/R11	FINDRASSIE	Pitgaveny Estate	Barratt Homes/David Wilson Homes	500
M/EL/R/092	Win	FORMER JAILHOUSE	William McBey		14
M/EL/R/093	20/R7	THE FIRS, BILBOHALL	Moray Council	Moray Council	10
M/EL/R/094	20/R14	SPYNIE HOSPITAL	NHS Grampian	Moray Council	50
M/EL/R/15/12	20/R6	KNOCKMASTING WOOD		Scotia Homes	85
M/EL/R/15/13	20/R9	HAMILTON DRIVE	The Moray Council	Morlich Homes	17
M/EL/R/15/14	20/R13	LESMURDIE FIELDS		Robertson Group	70
M/EL/R/20/02	20/R2	EDGAR ROAD	Moray Council		75
M/EL/R/20/15	20/R15	PINEGROVE	Osprey Housing		36
M/EL/R/20/19	20/R19	EASTER LINKWOOD AND LINKWOOD	Mr. Ian Robertson	Springfield Properties Plc	42
M/EL/R/20/20	20/R20	GLASSGREEN, ELGIN SOUTH	Springfield Properties Plc	Springfield Properties Plc	73
M/EL/R/20/W1	Win	9 MOSS STREET	Jean Stalker		8
M/EL/R/21/L2	20/L2	ELGIN SOUTH (GRASSGREEN, BURNSIDE & CEMETERY)		Springfield Properties Plc	630
M/EL/R/22/01	20/CF4	SOUTH GLASSGREEN		Springfield Properties Plc	52
M/EL/R/TC/01	20/TC	161-163 HIGH STREET (POUNDLAND)	Poundland Elgin Ltd		21
M/EL/R/TC/02	20/TC	126 HIGH STREET	C. Peel		2
M/EL/R/TC/03	20/TC	165 HIGH STREET	Sean Malone		2
M/EL/R/TC/04	20/TC	42 BATCHEN STREET	Richard Ham		4
M/EL/R/TC/05		212 HIGH STREET	Sanus Moor Ltd		3
Total Town Units					1838
Total Town Site					22

EFFECTIVE HOUSING LAND SUPPLY

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Reference	Local Plan	Location	Owner	Developer	Undeveloped (Units)		
FINDHORN							
M/FH/R/009	20/R1	HEATHNEUK				2	
M/FH/R/11	Win	NORTH WHINS		Duneland Ltd		38	
M/FH/R/20/RC	20/RC	RESIDENTIAL CARAVANS				1	
					Total Town Units	41	Total Town Site 3
FOCHABERS							
M/FO/R/07/01	20/R1	ORDIQUISH ROAD	Crown Estate Scotland	Bob Milton Properties		49	
M/FO/R/07/02	20/R2	ORDIQUISH ROAD WEST	Crown Estate Scotland	Bob Milton Properties		50	
M/FO/R/20/04	20/R4	ORDIQUISH ROAD EAST	Crown Estate Scotland			50	
					Total Town Units	149	Total Town Site 3
FORRES							
M/FR/R/057	20/OPP4	AUCTION MART, TYTLER STREET		Mackintosh Highland		24	
M/FR/R/07/01	20/R1	KNOCKOMIE	Tulloch Homes	Tulloch Homes		112	
M/FR/R/07/03	20/R2	FERRYLEA	Springfield Properties Plc	Springfield Properties Plc		283	
M/FR/R/07/04	20/R3	LOCHYHILL	White	Robertson Residential Group		850	
M/FR/R/07/08	20/R4	MANNACHIE	Tulloch of Cummingston	Tulloch of Cummingston		40	
M/FR/R/15/10	20/R6	DALLAS DHU	Altyre Estate			136	
M/FR/R/TC/01	20/TC	96 HIGH STREET	Advie Properties Ltd			2	
					Total Town Units	1447	Total Town Site 7
HOPEMAN							
M/HP/R/15/R1	20/R1	MANSE ROAD	White	Tulloch of Cummingston		75	
					Total Town Units	75	Total Town Site 1

EFFECTIVE HOUSING LAND SUPPLY

The Moray Council Housing Land Audit 2022

Reference	Local Plan	Location	Owner	Developer	Undeveloped (Units)		
KEITH							
M/KH/R/005	20/R1	NELSON TERRACE	Walker	Walker	3		
M/KH/R/030	20/R3	BALLOCH ROAD	Peter Stott		6		
M/KH/R/07/08	20/R4	BANFF ROAD NORTH	Moray Council	Springfield Properties Plc	122		
M/KH/R/TC/01	Win	CHAPEL STREET			2		
M/KH/R/TC/02	Win	138-140 MID STREET	Barry Fettes		4		
Total Town Units					137	Total Town Site	5
KINLOSS							
M/KN/R/003	20/R1	WEST OF SEAPARK HOUSE	Seapark Estate Ltd		6		
M/KN/R/009	20/R2	FINDHORN ROAD WEST		Milne Property Developments	6		
M/KN/R/07/04	20/R3	DAMHEAD	The Rhind 2008 Discretionary Trust		23		
Total Town Units					35	Total Town Site	3
LHANBRYDE							
M/LH/R/07/01	20/R1	WEST OF ST ANDREWS ROAD	Springfield Properties Plc	Springfield Properties Plc	77		
M/LH/R/20/02	20/R2	GARMOUTH ROAD	Moray Council		35		
Total Town Units					112	Total Town Site	2

EFFECTIVE HOUSING LAND SUPPLY

The Moray Council Housing Land Audit 2022

Reference	Local Plan	Location	Owner	Developer	Undeveloped (Units)		
LOSSIEMOUTH							
M/LS/R/023	20/R3	INCHBROOM	Tulloch of Cummingston	Tulloch of Cummingston	16		
M/LS/R/026	20/R2	STOTFIELD ROAD			2		
M/LS/R/039	Win	WEST BASIN, LOSSIEMOUTH MARINA		Oakbank Homes	21		
M/LS/R/07/01	20/R1	SUNBANK/KINNEDAR	Tulloch of Cummingston	Tulloch of Cummingston	226		
M/LS/R/20/W1	Win	CLIFTON ROAD	Osprey Housing Moray	Morlich Homes	6		
M/LS/R/21/W1	20/I2	SHORE STREET	Jordan Edwards		6		
Total Town Units					277	Total Town Site	6
PORTGORDON							
M/PG/R/07/04	20/R1	WEST OF REID TERRACE		Colin Murray Developments	10		
Total Town Units					10	Total Town Site	1
PORTKNOCKIE							
M/PK/R/004	20/R1	SEABRAES	Seafield Estate		50		
Total Town Units					50	Total Town Site	1
REMAINDER OF MORAY							
M/RM/R/999B		SITES BELOW 5 HOUSES	PRIVATE	PRIVATE	200		
Total Town Units					200	Total Town Site	1
ROTHES							
M/RS/R/07/01	20/R1	SPEY STREET	Mr & Mrs Scott		30		
Total Town Units					30	Total Town Site	1

EFFECTIVE HOUSING LAND SUPPLY

Reference	Local Plan	Location	Owner	Developer	Undeveloped (Units)		
URQUHART							
M/UR/R/20/01	20/R1	MEFT ROAD	Mr E. Rattray	EPC Grampian	10		
M/UR/R/20/02	20/R2	STATION ROAD	Ian Dean		8		
Total Town Units					18	Total Town Site	2
Total Effective Housing Land Supply					5365	Total Sites	81

ABERLOUR

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
				1	0	0	2	2	2	2	3

Planning:

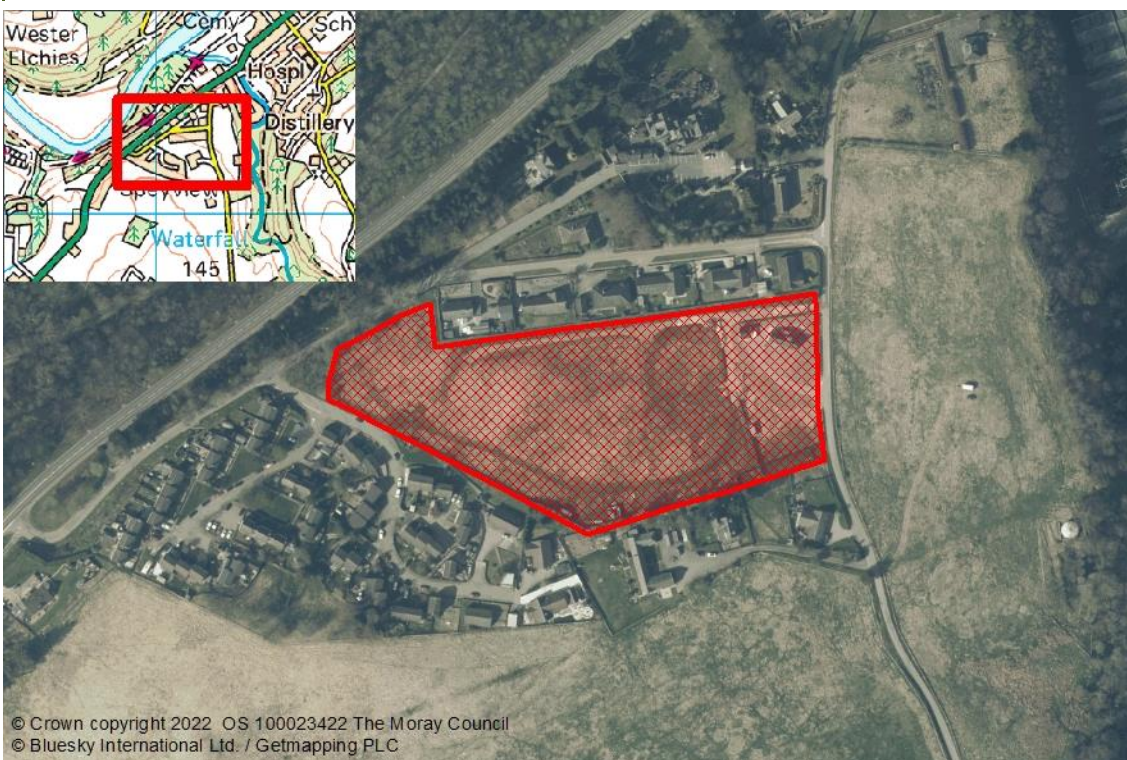
Planning Consent:	Detail	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2003	Effective Land:	2003
Dispute:	Agreed	Windfall:	No
Owner:	Simon Gibbs	Developer:	

LPR:	20/R1	SITE REF:	M/AB/R/010
Supply Type:	Effective	LOCATION:	TOMBAIN FARM

Capacity:	Projected 5yr Completions	8	Total Units	12	
Units Not Built	11	Effective Land	11	Constrained Land	0

Extra Information:

Easting:	326135	Northing:	842322
Primary School:	Aberlour Primary School	Ward:	Speyside Glenlivet
Secondary School:	Speyside High School	Area (Ha):	2.18



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
18/01457	1	Full	Approved	13/02/2019		Plot 12
16/01350	1	Full	Approved	20/10/2016		Plot 12
13/01619	7	Full	Approved	11/11/2013		Extend planning consent (07/01651)
13/01618	12	Full	Approved	31/10/2013		Extend planning consent (07/01634)
07/01651	7	Full	Appeal	05/09/2008		Approved on appeal
07/01634	12	Full	Appeal	15/04/2008		Approved on appeal
08/00808	7	Full	Withdrawn			

ABERLOUR

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027 +
						20	27	20	23	10	

Planning:

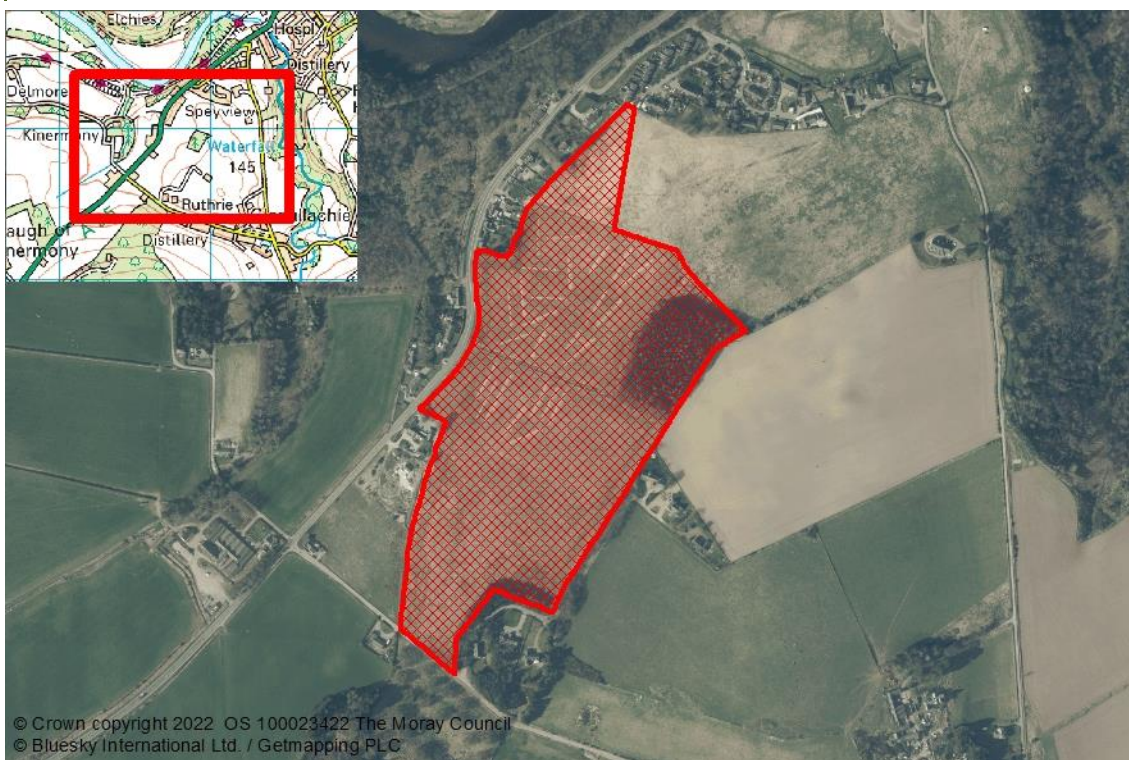
Planning Consent:	Detail	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2015	Effective Land:	2018
Dispute:		Windfall:	No
Owner:	Springfield Properties Plc	Developer:	Springfield Properties Plc

LPR:	20/R2	SITE REF:	M/AB/R/15/04
Supply Type:	Effective	LOCATION:	SPEYVIEW

Capacity:	Projected 5yr Completions	100	Total Units	100	
Units Not Built	100	Effective Land	100	Constrained Land	0

Extra Information:

Easting:	325786	Northing:	841867
Primary School:	Aberlour Primary School	Ward:	Speyside Glenlivet
Secondary School:	Speyside High School	Area (Ha):	14.02



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
18/01373	39	Full	Approved	12/11/2019		Phase 1
18/01132						PAN for residential development
21/00348	39	Full	Pending			Plot substitution (private to affordable)

ALVES

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027 +
											250

Planning:

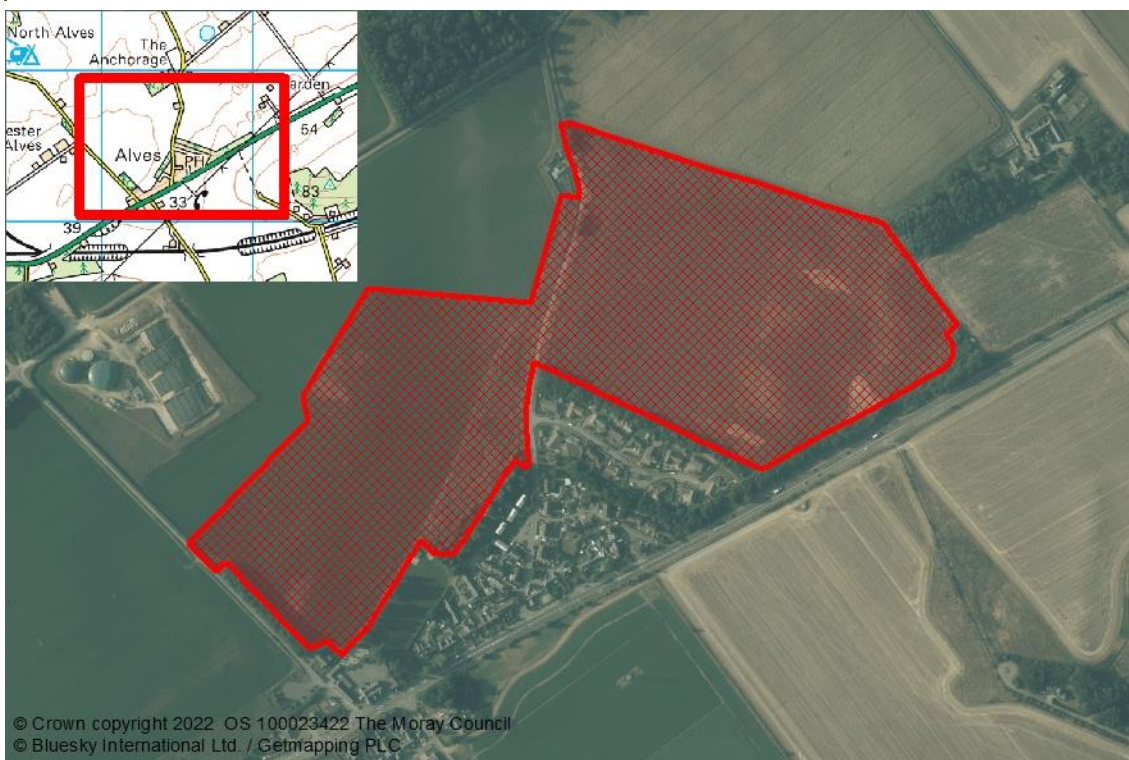
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Programming	Land Use Type:	Agricultural Land
Constraint Notes:	LONG		
Established Land:	2015	Effective Land:	
Dispute:		Windfall:	No
Owner:	The Moray Council	Developer:	

LPR:	20/LONG	SITE REF:	M/AL/R/15/LON
Supply Type:	Constrained	LOCATION:	ALVES NORTH

Capacity:	Projected 5yr Completions	Total Units	250
Units Not Built	250	Effective Land	0
		Constrained Land	250

Extra Information:

Easting:	313538	Northing:	862518
Primary School:	Alves Primary School	Ward:	Heldon And Laich
Secondary School:	Forres Academy	Area (Ha):	23.11



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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ARCHIESTOWN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
							3	3	3	3	3

Planning:

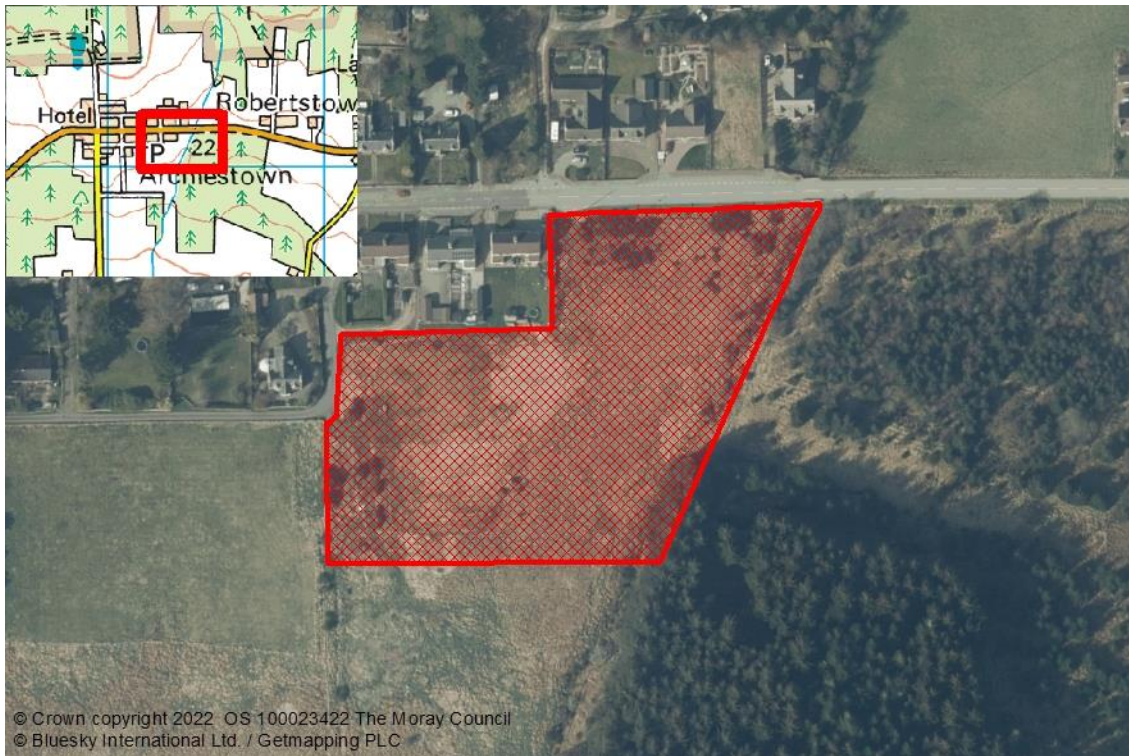
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Agricultural Land
Constraint Notes:		Effective Land:	
Established Land:		Windfall:	No
Dispute:	Agreed	Developer:	
Owner:	Mr Edward Aldridge		

LPR:	20/R1	SITE REF:	M/AR/R/07/01
Supply Type:	Effective	LOCATION:	EAST END

Capacity:	Projected 5yr Completions	12	Total Units	15	
Units Not Built	15	Effective Land	15	Constrained Land	0

Extra Information:

Easting:	323338	Northing:	844111
Primary School:	Knockando Primary School	Ward:	Speyside Glenlivet
Secondary School:	Speyside High School	Area (Ha):	1.28



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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ARCHIESTOWN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											4

Planning:

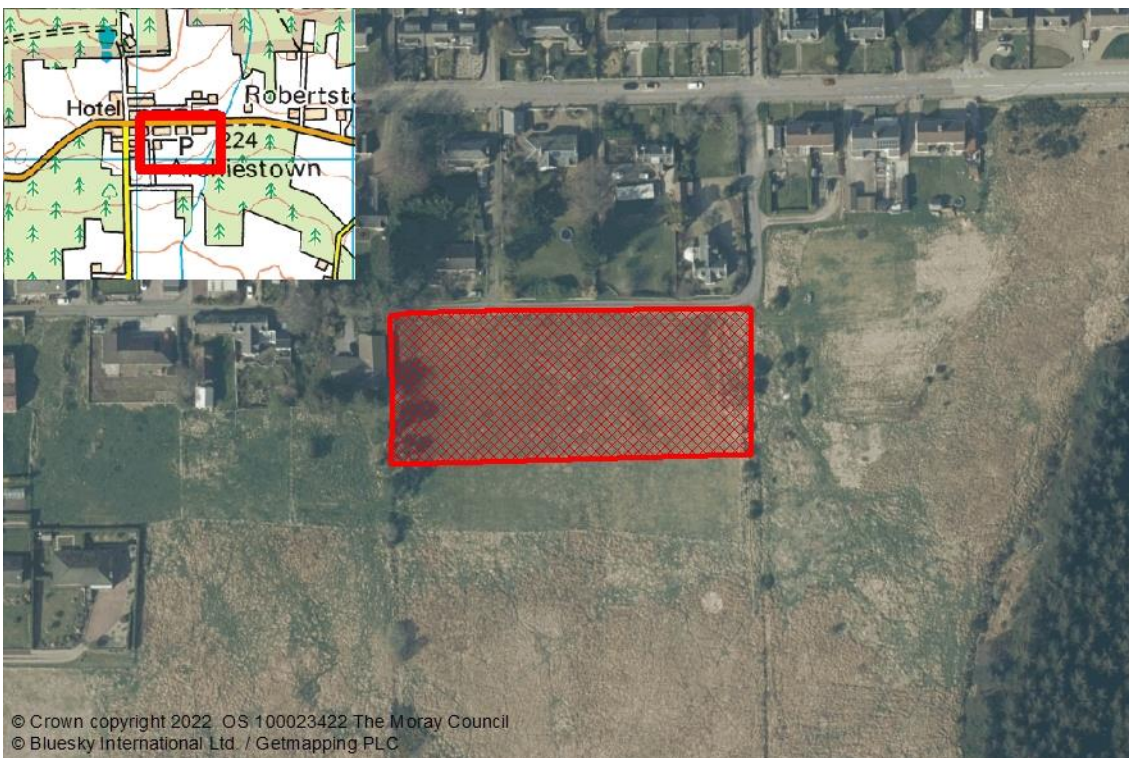
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Marketability	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:		Effective Land:	
Dispute:		Windfall:	
Owner:	McPherson Family & Mr Alan W	Developer:	

LPR:	20/R2	SITE REF:	M/AR/R/15/02
Supply Type:	Constrained	LOCATION:	SOUTH LANE

Capacity:	Projected 5yr Completions	Total Units	4
Units Not Built	4	Effective Land	0
		Constrained Land	4

Extra Information:

Easting:	323201	Northing:	844079
Primary School:	Knockando Primary School	Ward:	Speyside Glenlivet
Secondary School:	Speyside High School	Area (Ha):	0.58



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
06/02500	1	Outline	Refused	18/12/2006		
05/01395	1	Full	Refused	18/11/2005		
05/01605	1	Outline	Refused	28/10/2005		
05/00780	1	Outline	Refused	21/07/2005		
06/00933	1	Full	Withdrawn			

ARCHIESTOWN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											6

Planning:

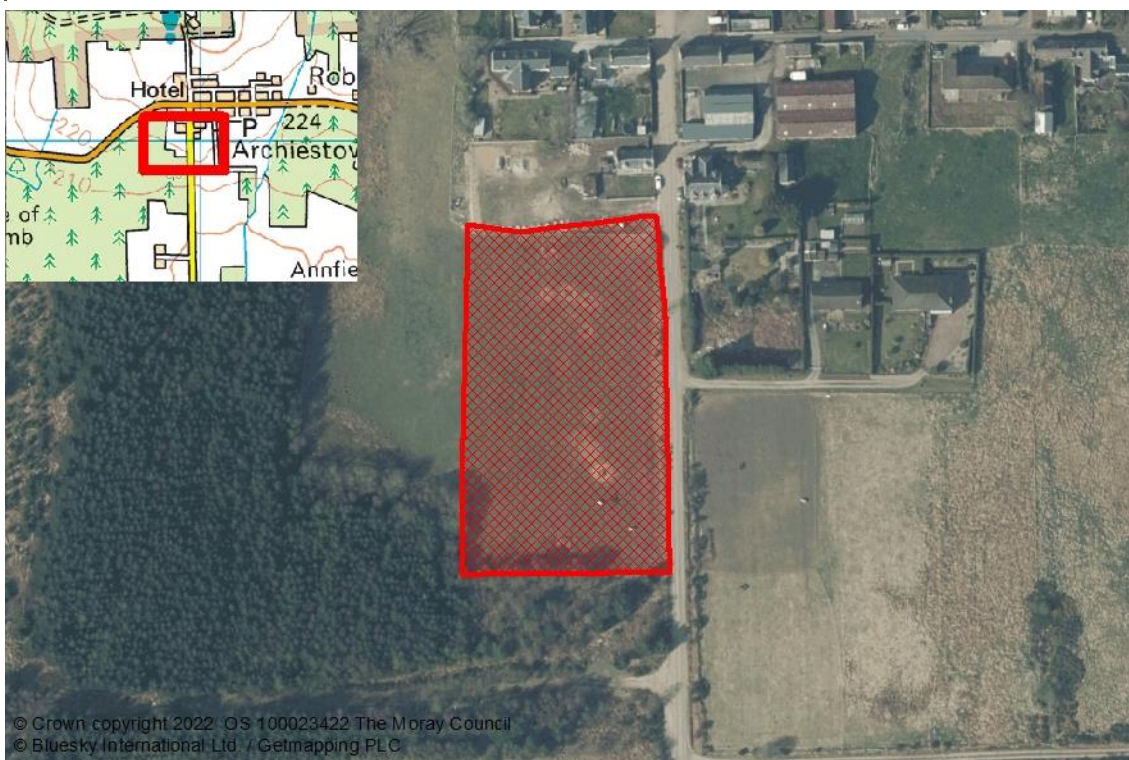
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Marketability	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2015	Effective Land:	2015
Dispute:		Windfall:	No
Owner:	Mrs Anne Ogg	Developer:	

LPR:	20/R3	SITE REF:	M/AR/R/15/03
Supply Type:	Constrained	LOCATION:	WEST END

Capacity:	Projected 5yr Completions	Total Units	6
Units Not Built	6	Effective Land	0
		Constrained Land	6

Extra Information:

Easting:	322922	Northing:	843982
Primary School:	Knockando Primary School	Ward:	Speyside Glenlivet
Secondary School:	Speyside High School	Area (Ha):	0.77



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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ARCHIESTOWN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											10

Planning:

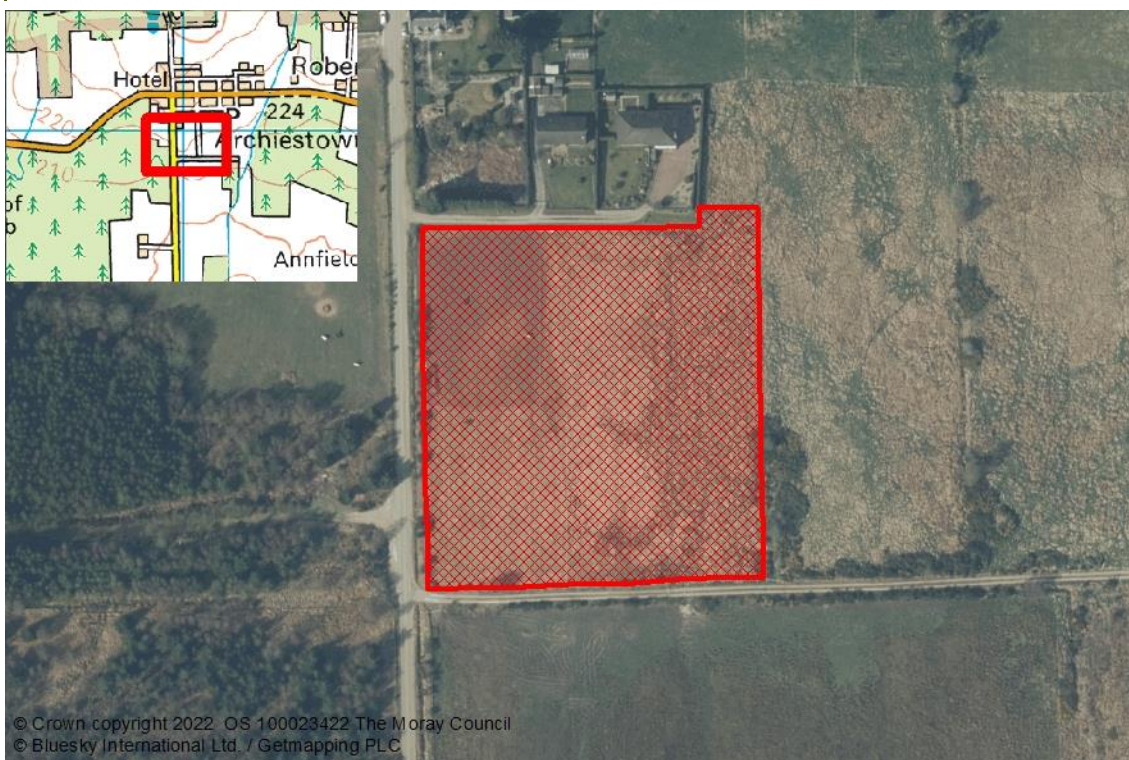
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Marketability	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2015	Effective Land:	2015
Dispute:		Windfall:	No
Owner:	McPherson Family	Developer:	

LPR:	20/R4	SITE REF:	M/AR/R/15/04
Supply Type:	Constrained	LOCATION:	SOUTH OF VIEWMOUNT

Capacity:	Projected 5yr Completions	Total Units	10
Units Not Built	10	Effective Land	0
		Constrained Land	10

Extra Information:

Easting:	323022	Northing:	843927
Primary School:	Knockando Primary School	Ward:	Speyside Glenlivet
Secondary School:	Speyside High School	Area (Ha):	1.32



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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BUCKIE

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027 +
										10	50

Planning:

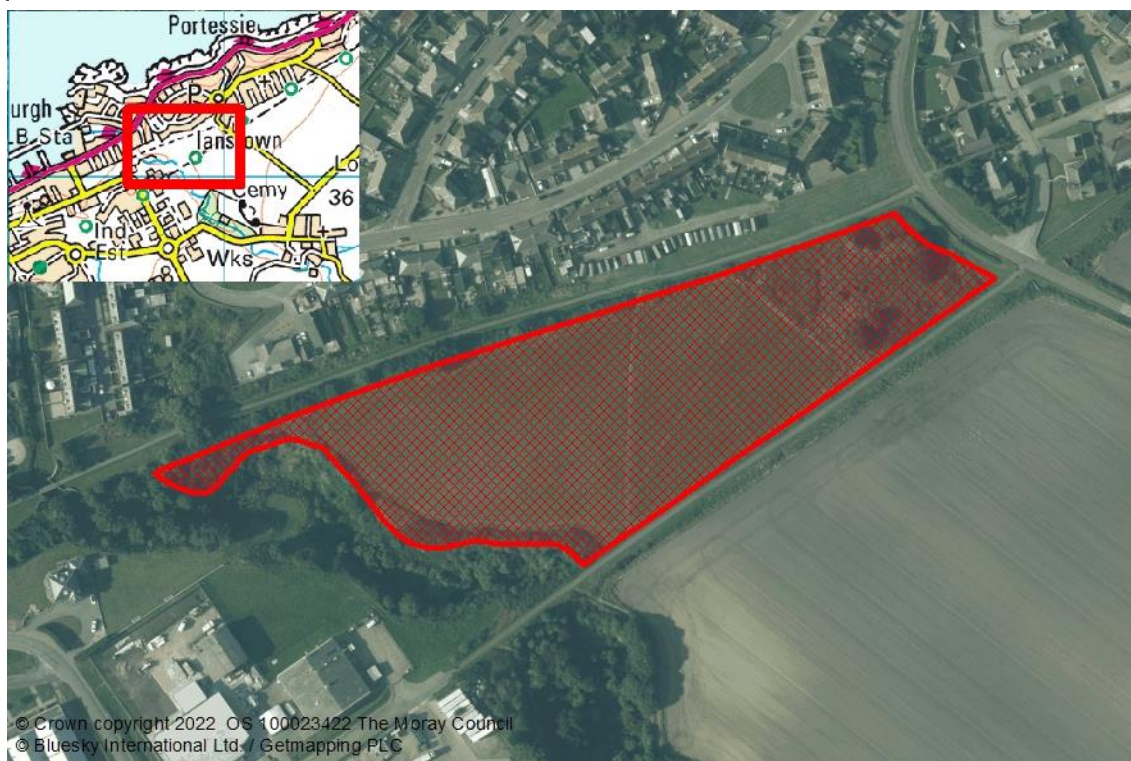
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Physical	Land Use Type:	Agricultural Land
Constraint Notes:	Road access		
Established Land:		Effective Land:	
Dispute:	Agreed	Windfall:	No
Owner:	Reidhaven Estate	Developer:	

LPR:	20/R3	SITE REF:	M/BC/R/015
Supply Type:	Part Constrained	LOCATION:	RATHBURN (N)

Capacity:	Projected 5yr Completions	10	Total Units	60	
Units Not Built	60	Effective Land	10	Constrained Land	50

Extra Information:

Easting:	343833	Northing:	866135
Primary School:	Portessie Primary School	Ward:	Buckie
Secondary School:	Buckie High School	Area (Ha):	2.44



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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BUCKIE

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
1	1	1	1	3	0	2	2	2	2		

Planning:

Planning Consent:	Detail	Green/Brown:	Green
Adopted Local Plan:	<input type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2003	Effective Land:	2003
Dispute:	Agreed	Windfall:	No
Owner:	Milne Property Developments	Developer:	Milne Property Developments

LPR:	15/R2	SITE REF:	M/BC/R/035
Supply Type:	Effective	LOCATION:	PARKLANDS

Capacity:	Projected 5yr Completions	8	Total Units	54	
Units Not Built	8	Effective Land	8	Constrained Land	0

Extra Information:

Easting:	342831	Northing:	864624
Primary School:	Cluny Primary School	Ward:	Buckie
Secondary School:	Buckie High School	Area (Ha):	3.21



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
19/00819	1	Full	Approved	02/09/2019		Plot 33
19/00657	1	Full	Approved	01/08/2019		Plot 30
11/01818	54	Full	Approved	10/01/2012		
08/00951	64	Full	Approved	10/05/2010		

BUCKIE

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											20

Planning:

Planning Consent:	Detail	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Marketability	Land Use Type:	Commercial
Constraint Notes:			
Established Land:	2010	Effective Land:	
Dispute:	Agreed	Windfall:	Yes
Owner:		Developer:	

LPR:	20/OPP7	SITE REF:	M/BC/R/041
Supply Type:	Constrained	LOCATION:	MILLBANK GARAGE

Capacity:	Projected 5yr Completions	Total Units	20
Units Not Built	20	Effective Land	0
		Constrained Land	20

Extra Information:

Easting:	342573	Northing:	865455
Primary School:	Cluny Primary School	Ward:	Buckie
Secondary School:	Buckie High School	Area (Ha):	0.18



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
08/01098	20	Full	Approved	22/01/2009		

BUCKIE

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											10

Planning:

Planning Consent:	Detail	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Marketability	Land Use Type:	Commercial
Constraint Notes:			
Established Land:	2011	Effective Land:	2011
Dispute:	Agreed	Windfall:	Yes
Owner:		Developer:	

LPR:	20/15	SITE REF:	M/BC/R/042
Supply Type:	Constrained	LOCATION:	19 COMMERCIAL ROAD

Capacity:	Projected 5yr Completions	Total Units	10
Units Not Built	10	Effective Land	0
		Constrained Land	10

Extra Information:

Easting:	342972	Northing:	865891
Primary School:	Millbank Primary School	Ward:	Buckie
Secondary School:	Buckie High School	Area (Ha):	0.05



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
09/02032	10	Full	Approved	05/10/2010		

BUCKIE

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											60

Planning:

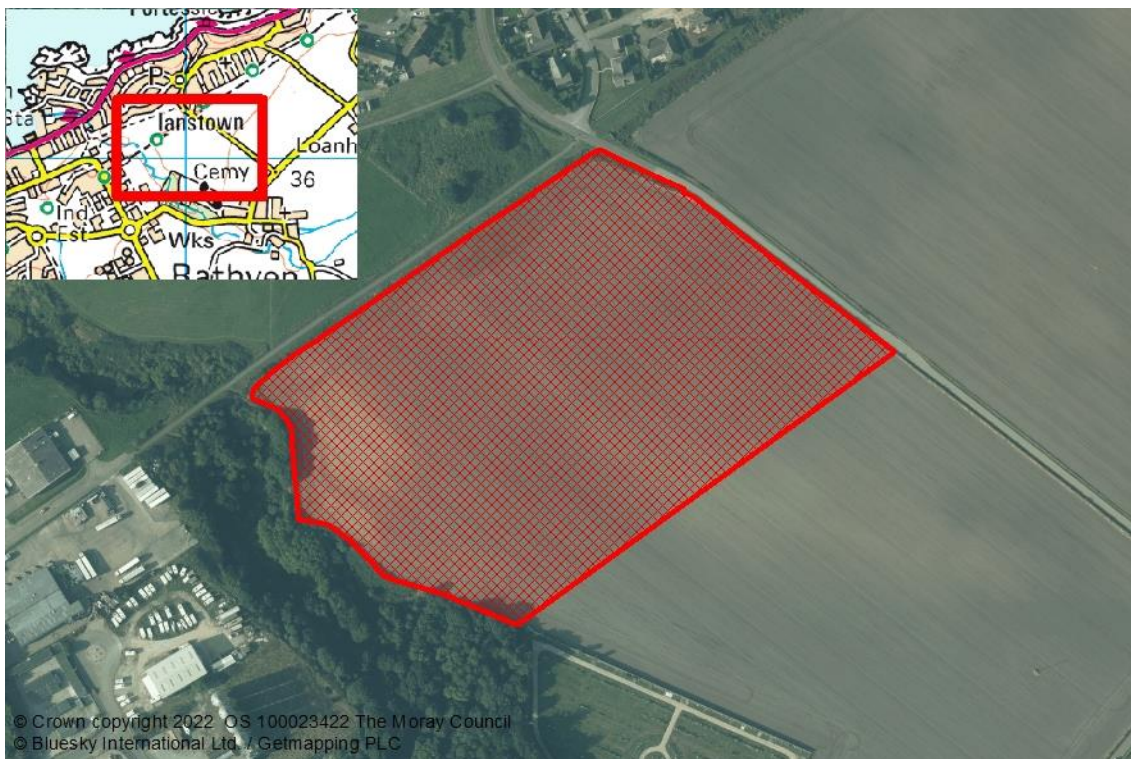
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Agricultural Land
Constraint Notes:	Develop when Buckie R5 is substantially complete		
Established Land:		Effective Land:	
Dispute:	Agreed	Windfall:	No
Owner:	Reidhaven Estate	Developer:	

LPR:	20/R4	SITE REF:	M/BC/R/07/07
Supply Type:	Effective	LOCATION:	RATHBURN (S)

Capacity:	Projected 5yr Completions	Total Units	60
Units Not Built	60	Effective Land	60
		Constrained Land	0

Extra Information:

Easting:	344006	Northing:	866047
Primary School:	Portessie Primary School	Ward:	Buckie
Secondary School:	Buckie High School	Area (Ha):	5.88



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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BUCKIE

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027 +
											170

Planning:

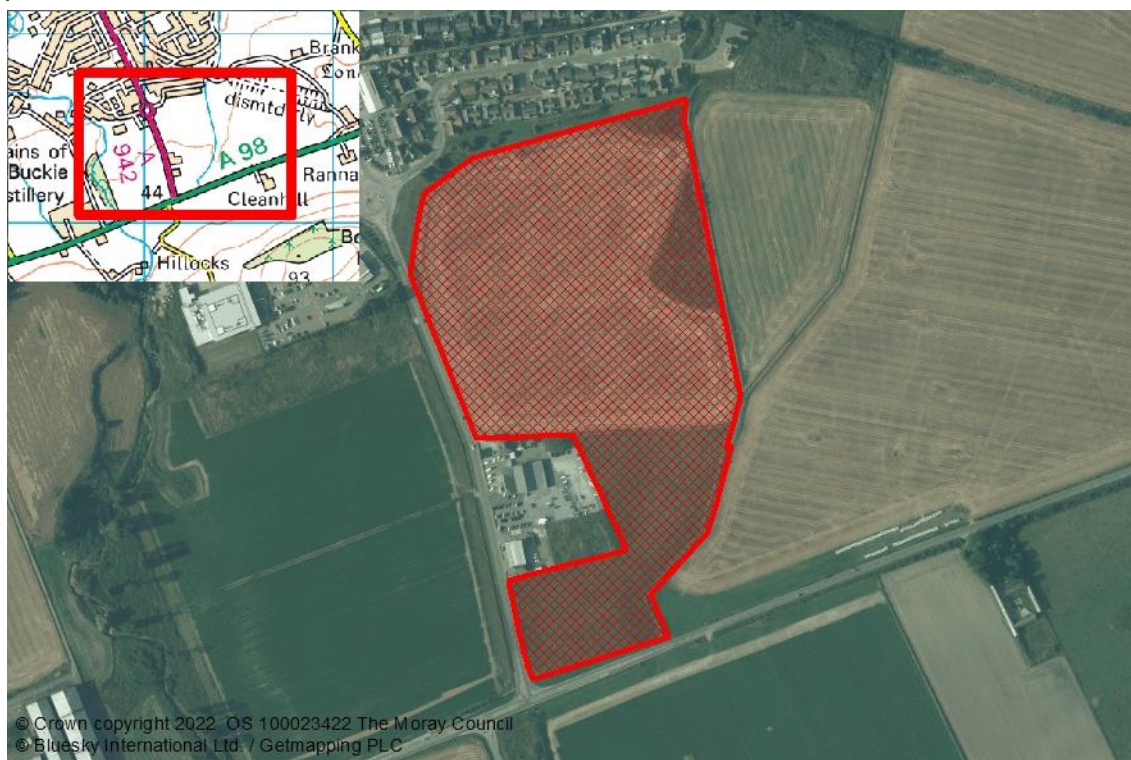
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Marketability	Land Use Type:	Agricultural Land
Constraint Notes:		Effective Land:	
Established Land:		Windfall:	No
Dispute:	Agreed	Developer:	
Owner:	J M Watt		

LPR:	20/R5	SITE REF:	M/BC/R/07/10
Supply Type:	Constrained	LOCATION:	HIGH STREET (E)

Capacity:	Projected 5yr Completions	Total Units	170
Units Not Built	170	Effective Land	0
		Constrained Land	170

Extra Information:

Easting:	343235	Northing:	864455
Primary School:	Millbank Primary School	Ward:	Buckie
Secondary School:	Buckie High School	Area (Ha):	11.13



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
08/00753	162		Withdrawn			

BUCKIE

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
			39	13	30	30					

Planning:

Planning Consent:	Detail	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2016	Effective Land:	
Dispute:		Windfall:	No
Owner:	Mr. Michael Watt	Developer:	Moray Council/Springfield

LPR:	20/R6	SITE REF:	M/BC/R/15/11
Supply Type:	Effective	LOCATION:	BARHILL ROAD (S)

Capacity:	Projected 5yr Completions	30	Total Units	112	
Units Not Built	30	Effective Land	30	Constrained Land	0

Extra Information:

Easting:	342055	Northing:	864388
Primary School:	Cluny Primary School	Ward:	Buckie
Secondary School:	Buckie High School	Area (Ha):	5.84



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
20/01613		Full	Approved	24/03/2021		Variation of house types on Plots 16, 19-25 and 28-31
20/00015		Full	Approved	16/09/2020		Variation of house types and reposition on Plots 78-82 and 91-94
19/01643		Full	Approved	19/03/2020		Reposition of house on Plots 99-106
19/00951		Full	Approved	11/09/2019		Variation of house types on Plots 61 and 77

BUCKIE

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
1				0	6	12					

Planning:

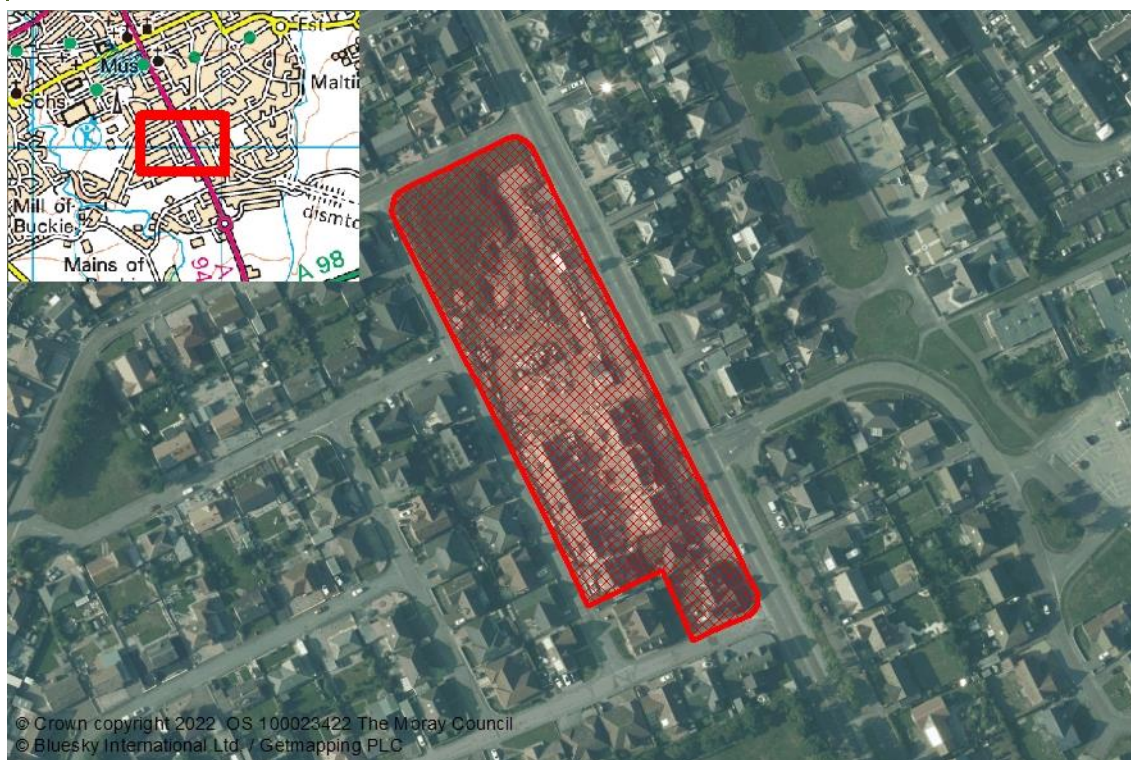
Planning Consent:	Detail	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2020	Effective Land:	2020
Dispute:	Agreed	Windfall:	No
Owner:		Developer:	Morlich Homes

LPR:	20/R1	SITE REF:	M/BC/R/20/01
Supply Type:	Effective	LOCATION:	BURNBANK

Capacity:	Projected 5yr Completions	12	Total Units	19	
Units Not Built	12	Effective Land	12	Constrained Land	0

Extra Information:

Easting:	342789	Northing:	865021
Primary School:	Cluny Primary School	Ward:	Buckie
Secondary School:	Buckie High School	Area (Ha):	1.2



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
21/01103	6	Full	Approved	23/09/2021		Plots 55-57 and 64-66
20/01691	4	Full	Approved	19/04/2021		Plots 52, 54, 67 and 68
20/01233	1	Full	Approved	20/11/2020		Plot 53
20/00954	1	Full	Approved	15/09/2020		Plot 69
16/01701	1	Full	Approved	19/01/2017		Plot 51
14/02109	1	Full	Approved	10/12/2014		Plot 70
13/00418	1	Full	Approved	07/05/2013		Plot 71
22/00047	4	Full	Pending			Plots 58, 59, 62 and 63

BUCKIE

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027 +
							20	20	20	20	60

Planning:

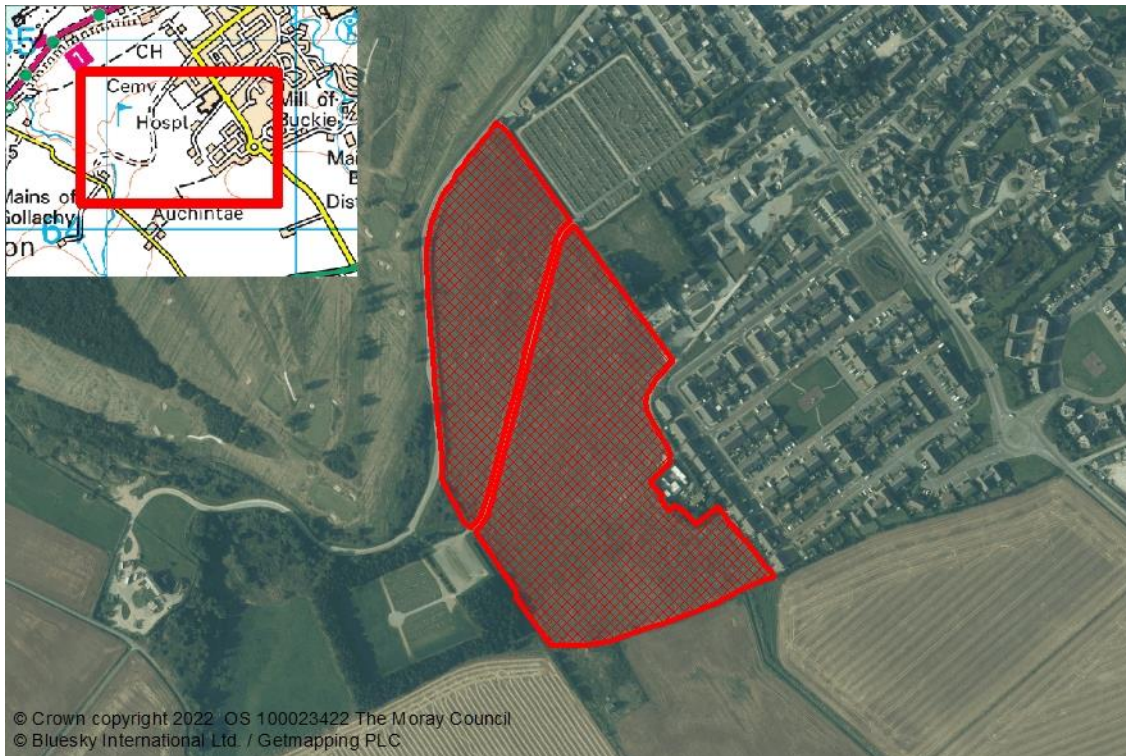
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2020	Effective Land:	2020
Dispute:		Windfall:	No
Owner:		Developer:	Morlich Homes

LPR:	20/R7	SITE REF:	M/BC/R/20/07
Supply Type:	Effective	LOCATION:	LAND AT MUIRTON

Capacity:	Projected 5yr Completions	80	Total Units	140	
Units Not Built	140	Effective Land	140	Constrained Land	0

Extra Information:

Easting:	341370	Northing:	864453
Primary School:	Cluny Primary School	Ward:	Buckie
Secondary School:	Buckie High School	Area (Ha):	8.02



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
21/01963	65	Full	Pending			Phase 1

BUCKIE

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
							25	25	25	27	148

Planning:

Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2020	Effective Land:	2020
Dispute:		Windfall:	No
Owner:	Mr. Michael Watt	Developer:	Springfield Properties Plc

LPR:	20/R8	SITE REF:	M/BC/R/20/08
Supply Type:	Effective	LOCATION:	LAND AT BARHILL ROAD

Capacity:	Projected 5yr Completions	102	Total Units	250	
Units Not Built	250	Effective Land	250	Constrained Land	0

Extra Information:

Easting:	341931	Northing:	864204
Primary School:	Cluny Primary School	Ward:	Buckie
Secondary School:	Buckie High School	Area (Ha):	18.47



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
21/01224	102	Full	Pending			Phase 1

BUCKIE

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
								5			

Planning:

Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	
Constraint Notes:			
Established Land:	2020	Effective Land:	2020
Dispute:		Windfall:	No
Owner:	Moray Council	Developer:	

LPR:	20/09	SITE REF:	M/BC/R/20/09
Supply Type:	Effective	LOCATION:	SITE AT ARDACH HEALTH CENTRE

Capacity:	Projected 5yr Completions	5	Total Units	5	
Units Not Built	5	Effective Land	5	Constrained Land	0

Extra Information:

Easting:	342444	Northing:	864944
Primary School:	Cluny Primary School	Ward:	Buckie
Secondary School:	Buckie High School	Area (Ha):	0.38



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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BUCKIE

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											250

Planning:

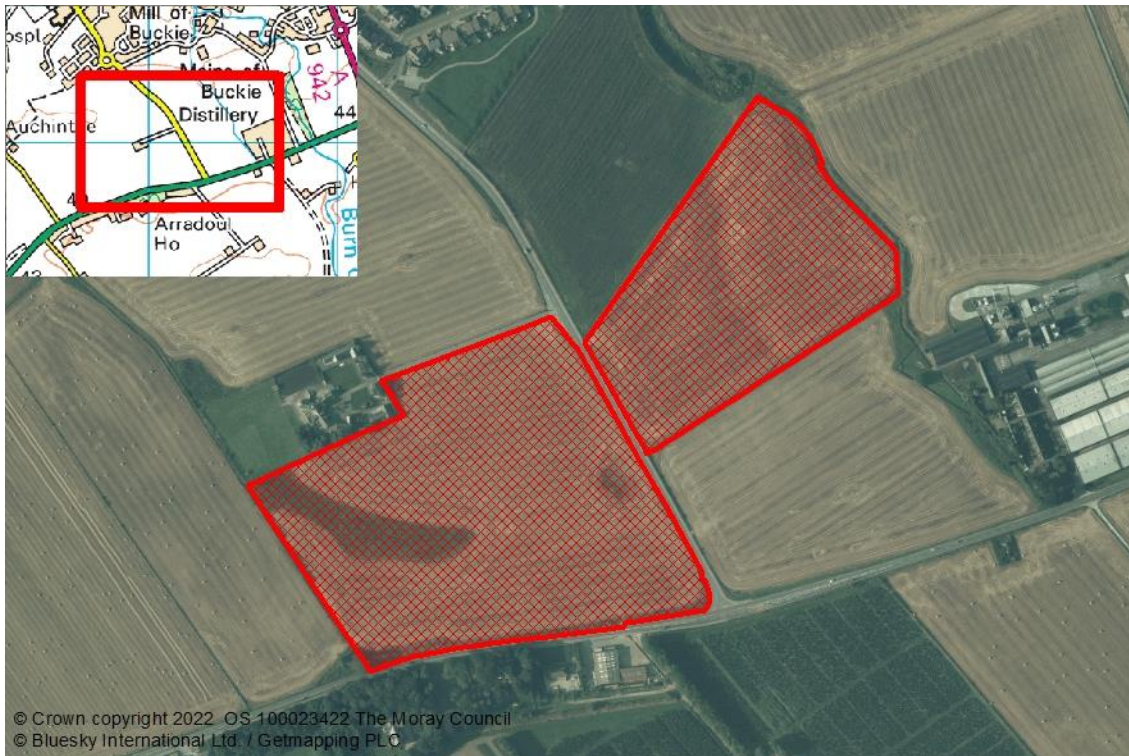
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Programming	Land Use Type:	Agricultural Land
Constraint Notes:	LONG		
Established Land:	2020	Effective Land:	2020
Dispute:		Windfall:	No
Owner:	Mr. Michael Watt	Developer:	Springfield Properties Plc

LPR:	20/LONG1	SITE REF:	M/BC/R/20/LG1
Supply Type:	Constrained	LOCATION:	LAND TO SOUTH WEST OF BUCKIE

Capacity:	Projected 5yr Completions	Total Units	250
Units Not Built	250	Effective Land	0
		Constrained Land	250

Extra Information:

Easting:	342171	Northing:	863966
Primary School:	Cluny Primary School	Ward:	Buckie
Secondary School:	Buckie High School	Area (Ha):	13.1



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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BUCKIE

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
							3	3	3	2	

Planning:

Planning Consent:	Detail	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	
Constraint Notes:			
Established Land:	2020	Effective Land:	2020
Dispute:		Windfall:	Yes
Owner:	Fredrick Parkes	Developer:	

LPR:	20/R10	SITE REF:	M/BC/R/20/W1
Supply Type:	Effective	LOCATION:	MILL OF BUCKIE

Capacity:	Projected 5yr Completions	11	Total Units	11	
Units Not Built	11	Effective Land	11	Constrained Land	0

Extra Information:

Easting:	342151	Northing:	864638
Primary School:	Cluny Primary School	Ward:	Buckie
Secondary School:	Buckie High School	Area (Ha):	1.14



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
19/01127	11	Full	Approved	11/02/2021		

BURGHEAD

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
									6		

Planning:

Planning Consent: Detail

Adopted Local Plan: ☒

Constraint Type:

Constraint Notes:

Established Land:

Dispute: Agreed

Owner: Margery Bray

Green/Brown: Brown

House Programme: ☐

Land Use Type: Derelict, vacant, backland etc.

Effective Land:

Windfall: No

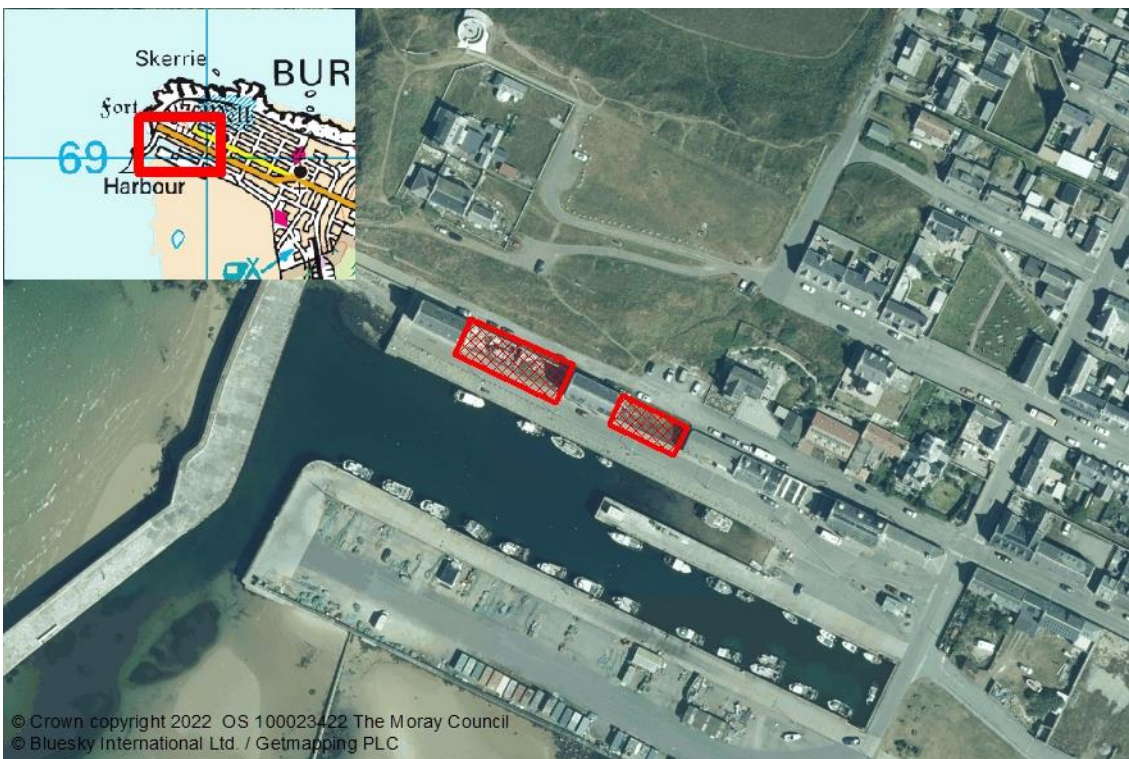
Developer:

LPR:	20/R1	SITE REF:	M/BH/R/006
Supply Type:	Effective	LOCATION:	NORTH QUAY

Capacity:	Projected 5yr Completions	6	Total Units	6	
Units Not Built	6	Effective Land	6	Constrained Land	0

Extra Information:

Easting:	310871	Northing:	869062
Primary School:	Burghead Primary School	Ward:	Heldon And Laich
Secondary School:	Lossiemouth High School	Area (Ha):	0.08



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
18/00359	6	Full	Approved	05/09/2019		Renewal of 15/00221
15/00221	6	Full	Approved	21/04/2015		
11/00065	6	Full	Approved	29/03/2012		5x 2 bed and 1x 1 bed
04/02099	4	Full	Approved	01/03/2005		
04/00953	4	Full	Withdrawn	05/08/2004		
01/00281	2	Full	Approved	02/09/2001		

BURGHEAD

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
										20	20

Planning:

Planning Consent:	Outline	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Industry
Constraint Notes:		Effective Land:	
Established Land:		Windfall:	No
Dispute:	Agreed	Owner:	Moray Council/ToC/John Gordo
Developer:	Tulloch of Cummingston		

LPR:	20/OPP1	SITE REF:	M/BH/R/012
Supply Type:	Effective	LOCATION:	WEST FORESHORE

Capacity:	Projected 5yr Completions	20	Total Units	40	
Units Not Built	40	Effective Land	40	Constrained Land	0

Extra Information:

Easting:	311355	Northing:	868688
Primary School:	Burghead Primary School	Ward:	Heldon And Laich
Secondary School:	Lossiemouth High School	Area (Ha):	0.91



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
98/00681	40	Outline	Approved	13/08/1998		

BURGHEAD

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
									15	15	30

Planning:

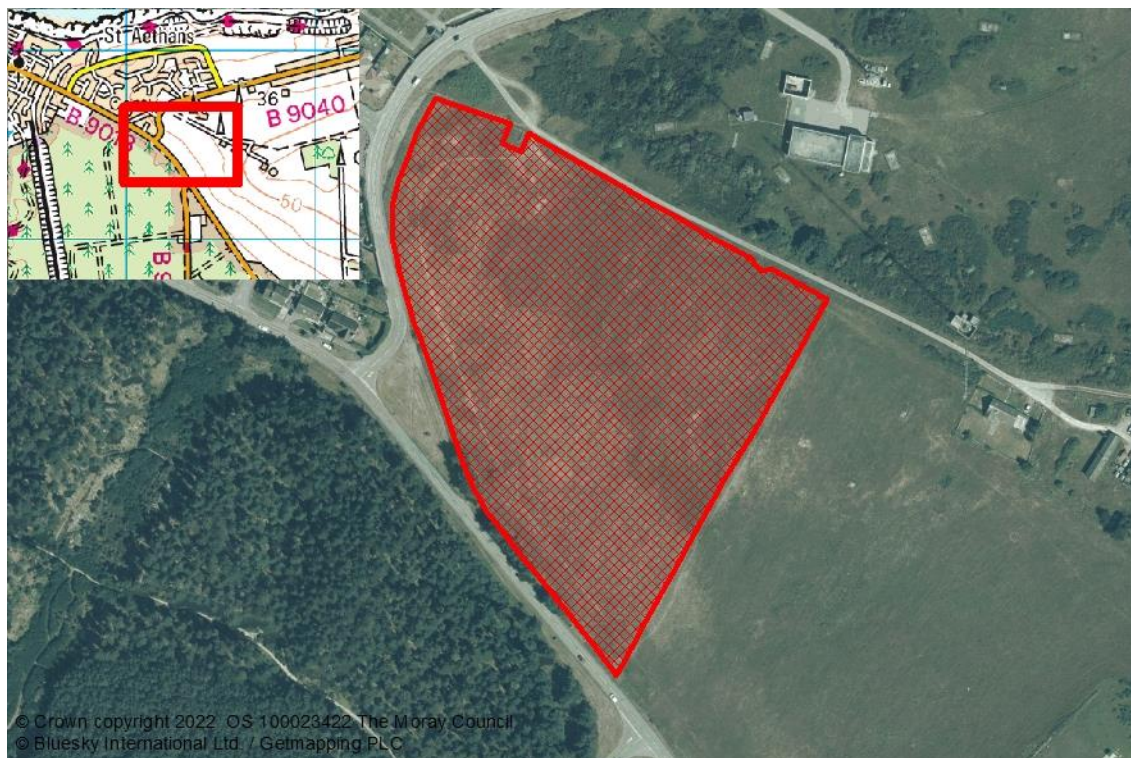
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2015	Effective Land:	2015
Dispute:		Windfall:	No
Owner:	Strathdee Properties	Developer:	

LPR:	20/R2	SITE REF:	M/BH/R/04
Supply Type:	Effective	LOCATION:	CLARKLY HILL

Capacity:	Projected 5yr Completions	30	Total Units	60	
Units Not Built	60	Effective Land	60	Constrained Land	0

Extra Information:

Easting:	312292	Northing:	868516
Primary School:	Burghead Primary School	Ward:	Heldon And Laich
Secondary School:	Lossiemouth High School	Area (Ha):	3.75



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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BURGHEAD

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											60

Planning:

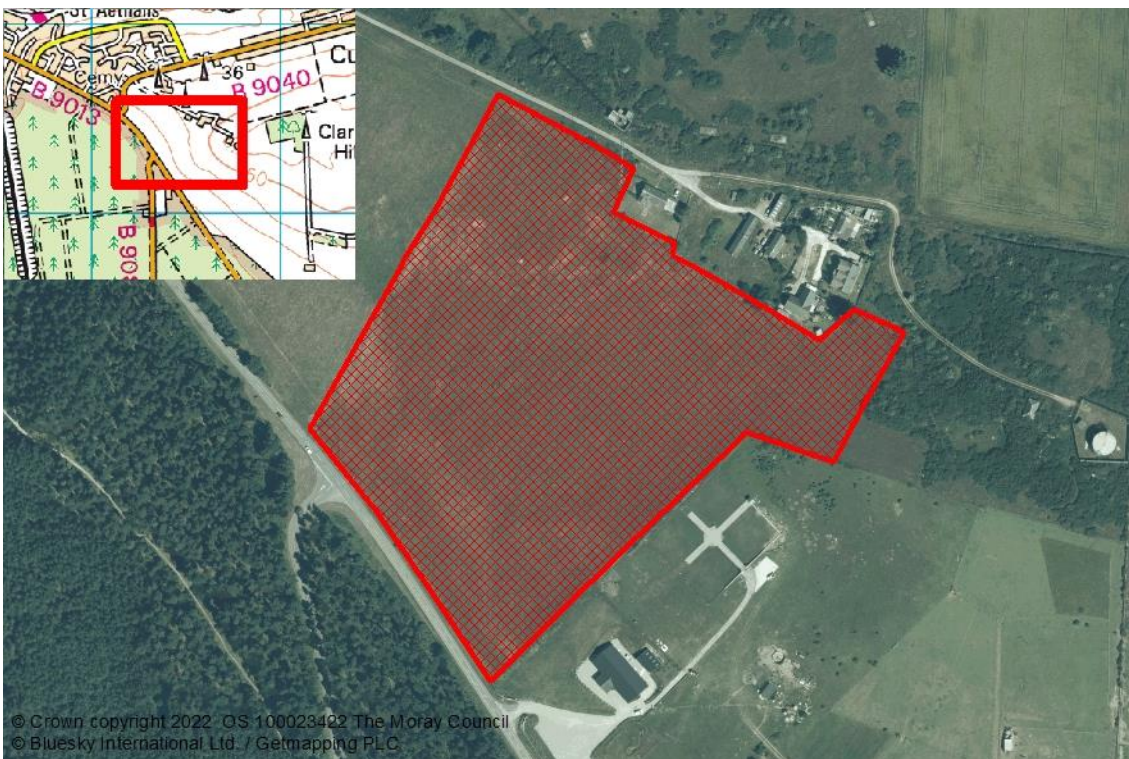
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Programming	Land Use Type:	Agricultural Land
Constraint Notes:	LONG		
Established Land:	2020	Effective Land:	
Dispute:		Windfall:	No
Owner:	Strathdee Properties	Developer:	

LPR:	20/LONG1	SITE REF:	M/BH/R/20/LNG
Supply Type:	Constrained	LOCATION:	LONG1 CLARKLY HILL

Capacity:	Projected 5yr Completions	Total Units	60
Units Not Built	60	Effective Land	0
		Constrained Land	60

Extra Information:

Easting:	312458	Northing:	868376
Primary School:	Burghead Primary School	Ward:	Heldon And Laich
Secondary School:	Lossiemouth High School	Area (Ha):	5.69



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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CRAIGELLACHIE

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
										5	

Planning:

Planning Consent: None

Adopted Local Plan: ☒

Constraint Type:

Constraint Notes:

Established Land:

Dispute: Agreed

Owner:

Green/Brown: Green

House Programme: ☐

Land Use Type: Agricultural Land

Effective Land:

Windfall: No

Developer:

LPR:	20/R1	SITE REF:	M/CR/R/001
Supply Type:	Effective	LOCATION:	EDWARD AVENUE

Capacity:	Projected 5yr Completions	5	Total Units	5	
Units Not Built	5	Effective Land	5	Constrained Land	0

Extra Information:

Easting:	329039	Northing:	844746
Primary School:	Craigellachie Primary School	Ward:	Speyside Glenlivet
Secondary School:	Speyside High School	Area (Ha):	0.55



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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CRAIGELLACHIE

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
										12	

Planning:

Planning Consent:	Detail	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Agricultural Land
Constraint Notes:		Effective Land:	
Established Land:		Windfall:	No
Dispute:	Agreed	Developer:	
Owner:	Strathdee Properties		

LPR:	20/R3	SITE REF:	M/CR/R/003
Supply Type:	Effective	LOCATION:	BRICKFIELD

Capacity:	Projected 5yr Completions	12	Total Units	12	
Units Not Built	12	Effective Land	12	Constrained Land	0

Extra Information:

Easting:	329232	Northing:	844453
Primary School:	Craigellachie Primary School	Ward:	Speyside Glenlivet
Secondary School:	Speyside High School	Area (Ha):	1



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
16/01558	3	Full	Approved	02/03/2017		
16/01559	4	Full	Approved	02/03/2017		
08/1974	8	Full	Approved	16/01/2010		
08/1973	4	Full	Approved	16/01/2010		

CRAIGELLACHIE

The Moray Council Housing Land Audit 2022

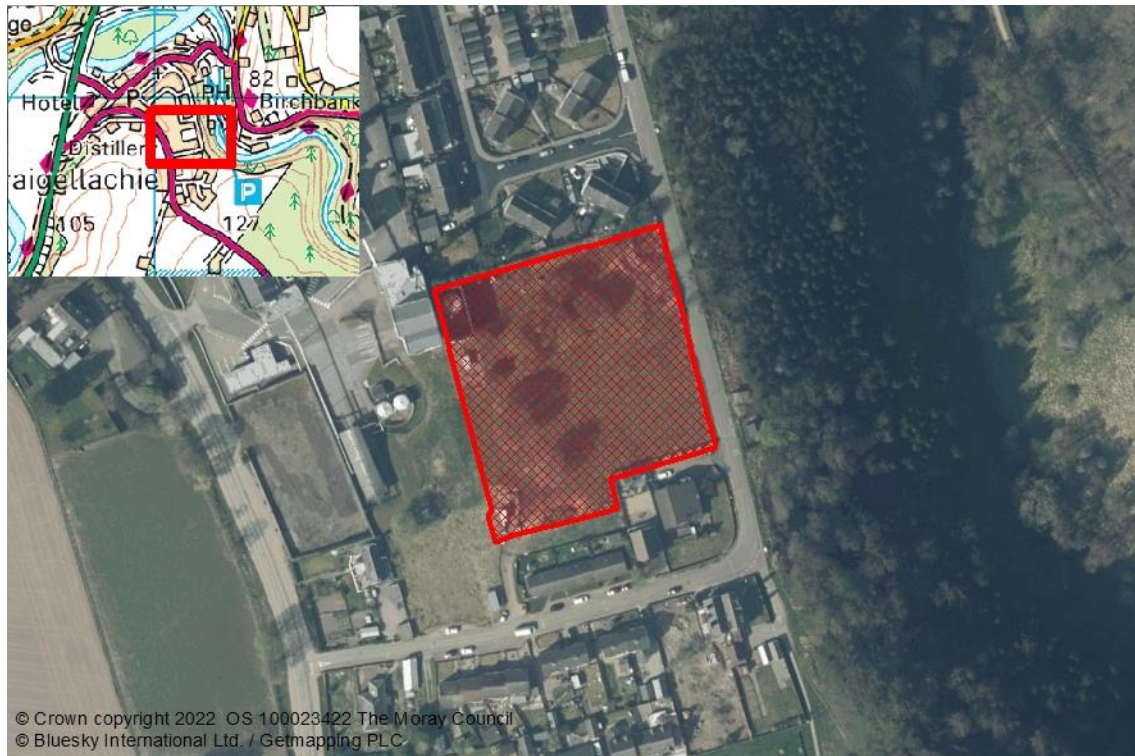
Projected Completions:												
2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+	
												5

Planning:			
Planning Consent:	None	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Marketability	Land Use Type:	Industry
Constraint Notes:			
Established Land:		Effective Land:	
Dispute:	Agreed	Windfall:	No
Owner:	John Dewar & Sons Distillers Lt	Developer:	

LPR:	20/R2	SITE REF:	M/CR/R/004
Supply Type:	Constrained	LOCATION:	FORMER BREWERY, SPEY ROAD

Capacity:			
Projected 5yr Completions		Total Units	5
Units Not Built	5	Effective Land	0
		Constrained Land	5

Extra Information:			
Easting:	329173	Northing:	844819
Primary School:	Craigellachie Primary School	Ward:	Speyside Glenlivet
Secondary School:	Speyside High School	Area (Ha):	0.63



Tenure:	
Tenure Type	Units

Planning Applications:						
Application	Units	Type	Decision	Decision Date	Aff Type	Notes

CULLEN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
							12	12	12	12	7

Planning:

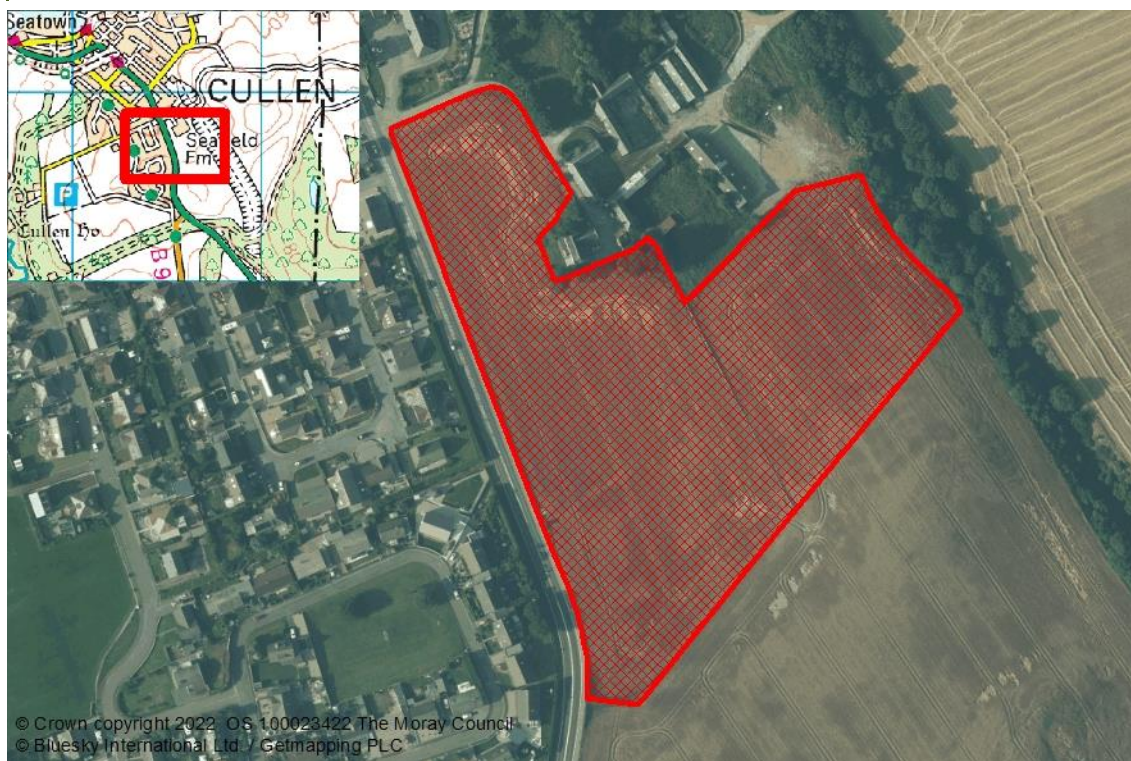
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Agricultural Land
Constraint Notes:		Effective Land:	
Established Land:		Windfall:	No
Dispute:	Agreed	Developer:	
Owner:	Seafeld Estate		

LPR:	20/R1	SITE REF:	M/CL/R/15/02
Supply Type:	Effective	LOCATION:	SEAFIELD ROAD

Capacity:	Projected 5yr Completions	48	Total Units	55	
Units Not Built	55	Effective Land	55	Constrained Land	0

Extra Information:

Easting:	351585	Northing:	866720
Primary School:	Cullen Primary School	Ward:	Keith And Cullen
Secondary School:	Buckie High School	Area (Ha):	3.39



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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CUMMINGSTON

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
0	0	0	0	0	0	1	1	1			

Planning:

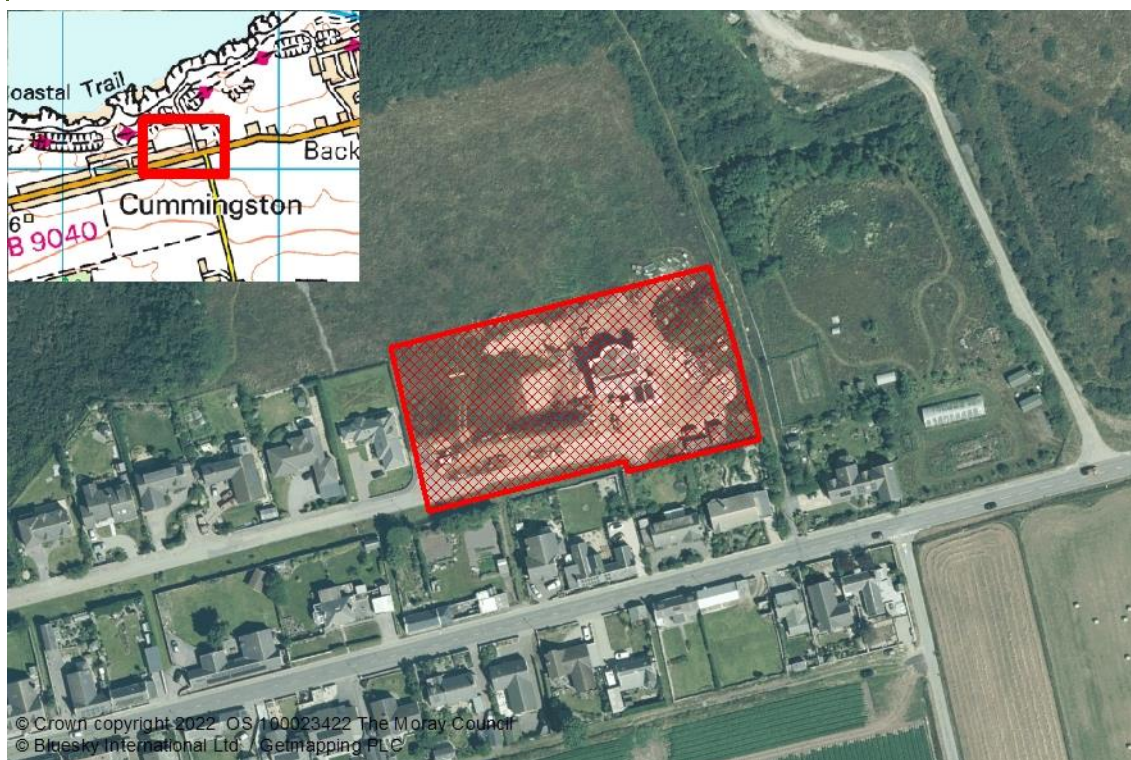
Planning Consent:	Detail	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2009	Effective Land:	2009
Dispute:	Agreed	Windfall:	
Owner:	Tulloch of Cummingston	Developer:	Tulloch of Cummingston

LPR:	20/R1	SITE REF:	M/CM/R/02
Supply Type:	Effective	LOCATION:	SEAVIEW ROAD

Capacity:	Projected 5yr Completions	3	Total Units	4	
Units Not Built	3	Effective Land	3	Constrained Land	0

Extra Information:

Easting:	313561	Northing:	869105
Primary School:	Hopeman Primary School	Ward:	Heldon And Laich
Secondary School:	Lossiemouth High School	Area (Ha):	0.63



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
21/00808		Full	Approved	09/07/2021		Amended house design (Plot 15)
20/01573		Full	Approved	02/03/2021		Amended house design (Plots 15 and 16)
17/00627		Full	Approved	07/06/2017		Amended house design (Plot 15)
10/00573	3	Full	Approved	16/07/2013		
10/02077	1	Full	Approved	17/03/2011		

DALLAS

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027 +
											6

Planning:

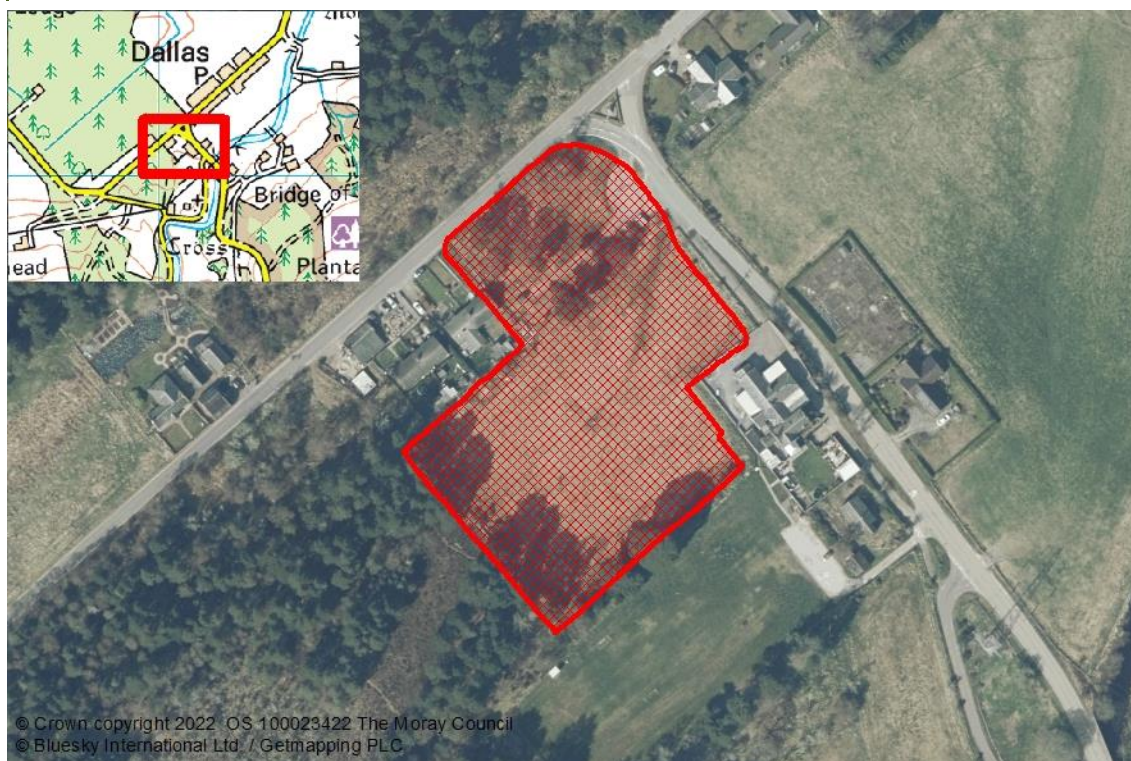
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Physical	Land Use Type:	Derelict, vacant, backland etc.
Constraint Notes:	Waste water		
Established Land:	2003	Effective Land:	
Dispute:	Agreed	Windfall:	No
Owner:	Dallas Estate	Developer:	

LPR:	20/R1	SITE REF:	M/DA/R/001
Supply Type:	Constrained	LOCATION:	DALLAS SCHOOL WEST

Capacity:	Projected 5yr Completions	Total Units	6
Units Not Built	6	Effective Land	0
		Constrained Land	6

Extra Information:

Easting:	312117	Northing:	852138
Primary School:	Dallas Primary School	Ward:	Speyside Glenlivet
Secondary School:	Forres Academy	Area (Ha):	1.06



Tenure:

Tenure Type	Units

Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes

DALLAS

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											4

Planning:

Planning Consent:	Detail	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Marketability	Land Use Type:	Commercial
Constraint Notes:	Former garage site		
Established Land:		Effective Land:	
Dispute:	Agreed	Windfall:	No
Owner:	Ian Thomson	Developer:	

LPR:	20/R3	SITE REF:	M/DA/R/002
Supply Type:	Constrained	LOCATION:	FORMER FILLING STATION

Capacity:	Projected 5yr Completions	Total Units	4
Units Not Built	4	Effective Land	0
		Constrained Land	4

Extra Information:

Easting:	312216	Northing:	852275
Primary School:	Dallas Primary School	Ward:	Speyside Glenlivet
Secondary School:	Forres Academy	Area (Ha):	0.25



Tenure:

Tenure Type	Units

Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
10/00323	4	Full	Approved	10/05/2010		
05/00354	5	Outline	Approved			

DUFFTOWN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027 +
									5		

Planning:

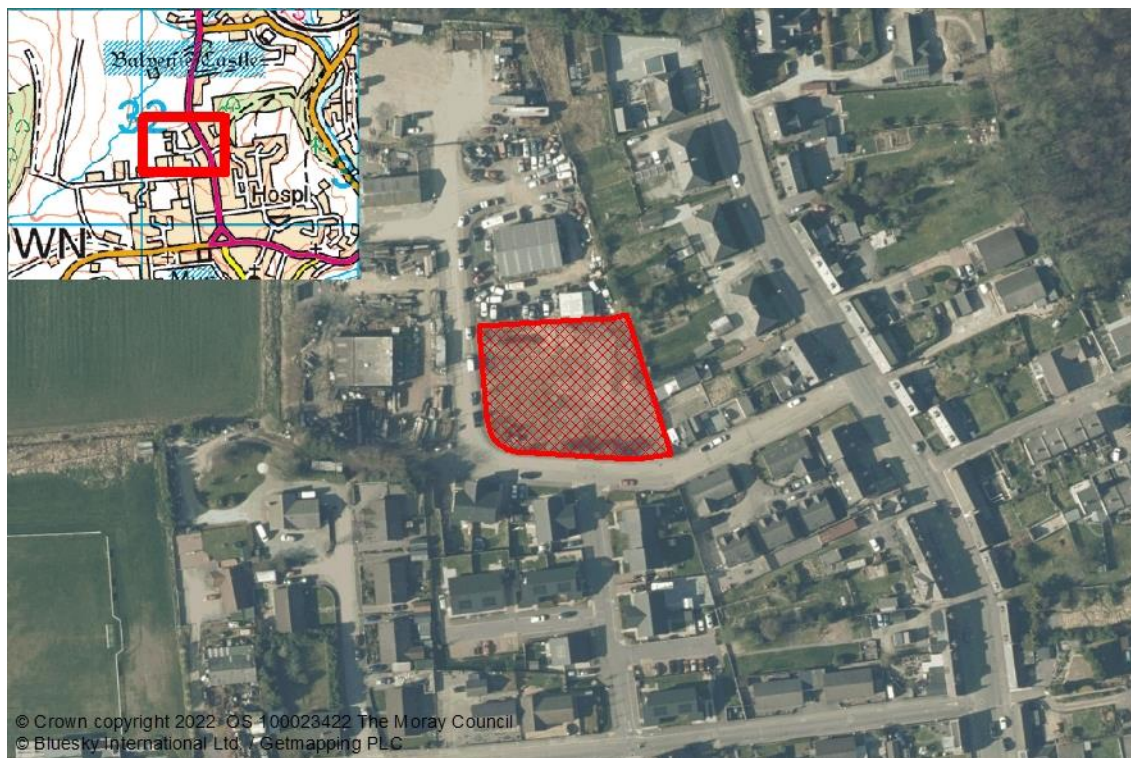
Planning Consent:	Detail	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Commercial
Constraint Notes:			
Established Land:	2019	Effective Land:	2019
Dispute:	Agreed	Windfall:	
Owner:	Moray Council	Developer:	Moray Council

LPR:	20/OPP1	SITE REF:	M/DF/R/012
Supply Type:	Effective	LOCATION:	OLD MART ROAD

Capacity:	Projected 5yr Completions	5	Total Units	5	
Units Not Built	5	Effective Land	5	Constrained Land	0

Extra Information:

Easting:	332193	Northing:	840371
Primary School:	Mortlach Primary School	Ward:	Speyside Glenlivet
Secondary School:	Speyside High School	Area (Ha):	0.24



Tenure:

Tenure Type	Units
Affordable Units	6

Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
14/00320	24	Full	Approved	23/06/2014		5 units approved for this area of site

DUFFTOWN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
									20	0	80

Planning:

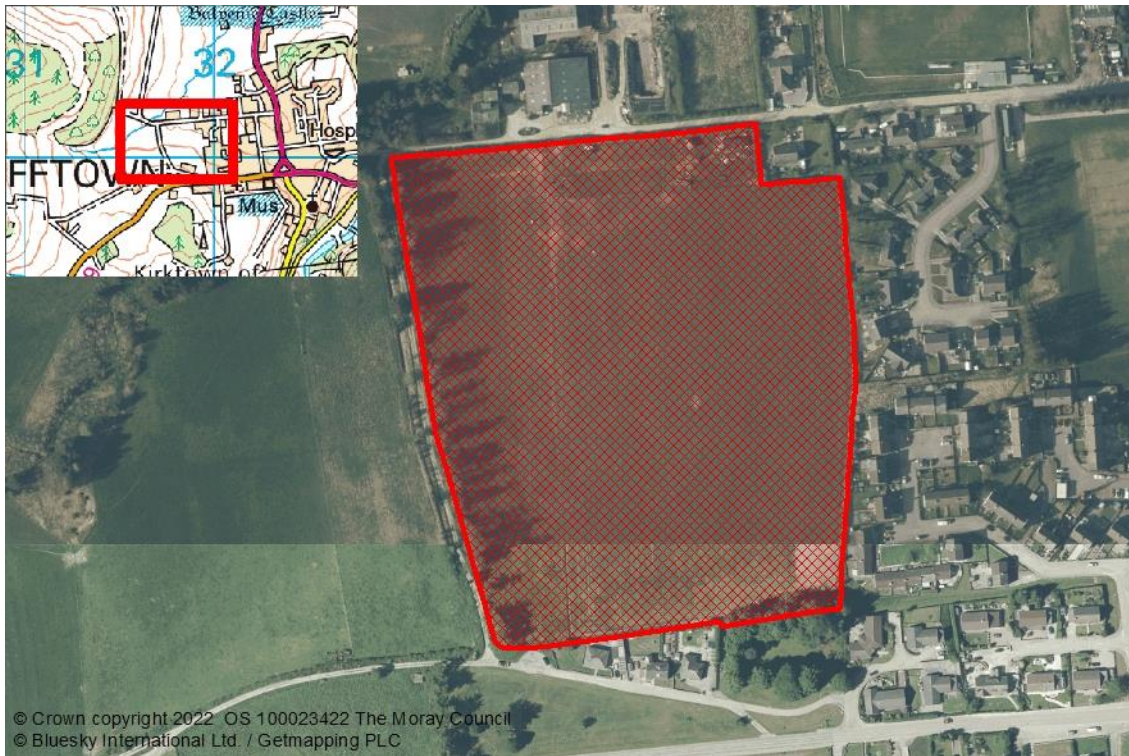
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2015	Effective Land:	2020
Dispute:		Windfall:	No
Owner:	James Wiseman	Developer:	

LPR:	20/R1	SITE REF:	M/DF/R/15/03
Supply Type:	Effective	LOCATION:	HILLSIDE FARM

Capacity:	Projected 5yr Completions	20	Total Units	100	
Units Not Built	100	Effective Land	100	Constrained Land	0

Extra Information:

Easting:	331836	Northing:	840087
Primary School:	Mortlach Primary School	Ward:	Speyside Glenlivet
Secondary School:	Speyside High School	Area (Ha):	5.57



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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DYKE

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
			2	0	5	5					

Planning:

Planning Consent: Detail

Adopted Local Plan: ☒

Constraint Type:

Constraint Notes:

Established Land:

Dispute: Agreed

Owner: Grant Davidson

Green/Brown: Green

House Programme: ☐

Land Use Type: Derelict, vacant, backland etc.

Effective Land:

Windfall: No

Developer: Excel Scotland

LPR:

20/R1

SITE REF:

M/DY/R/07/01

Supply Type:

Effective

LOCATION:

NORTH DARKLASS ROAD

Capacity:

Projected 5yr Completions

5

Total Units

12

Units Not Built

5

Effective Land

5

Constrained Land

0

Extra Information:

Easting:

298772

Northing:

858430

Primary School:

Dyke Primary School

Ward:

Forres

Secondary School:

Forres Academy

Area (Ha):

1.29



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Tenure:

Tenure Type

Units

Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
20/00610		Full	Approved	03/02/2021		Variation of house type on Plots 3, 6 and 9
17/01233	12	Full	Approved	21/05/2018		
15/01909	12	Outline	Approved	30/01/2017		

DYKE

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											5

Planning:

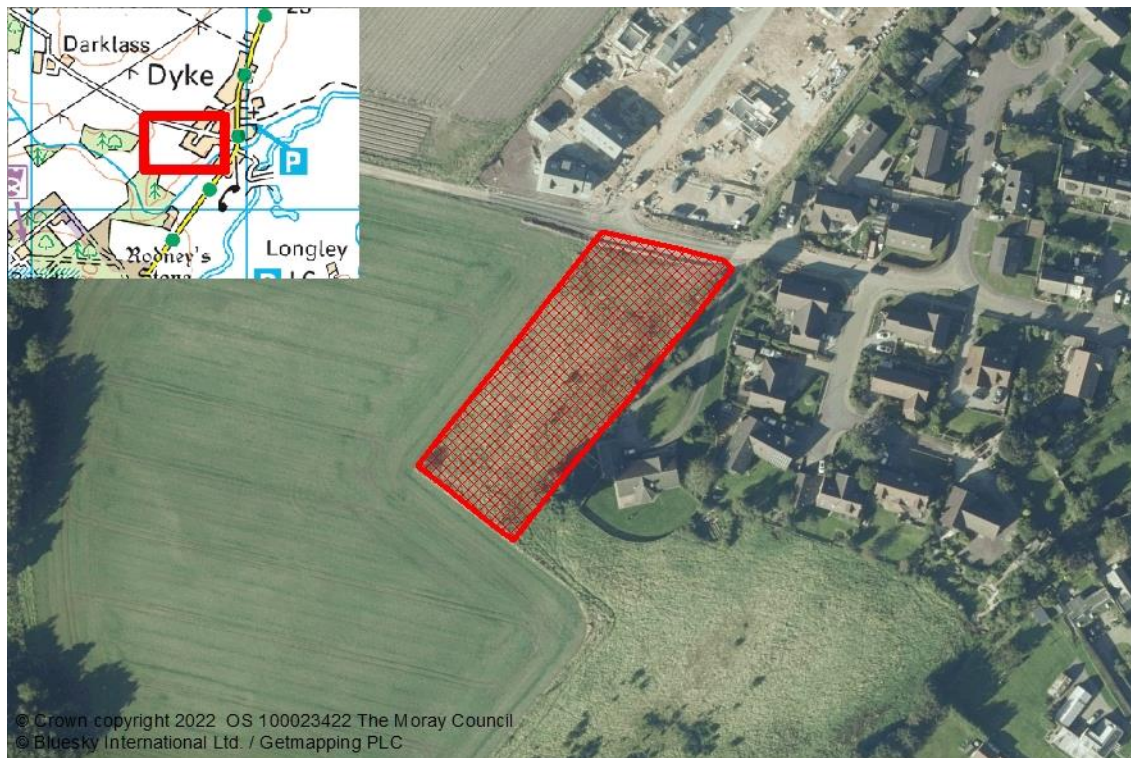
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Physical	Land Use Type:	Agricultural Land
Constraint Notes:	Road infrastructure		
Established Land:	2015	Effective Land:	2015
Dispute:		Windfall:	No
Owner:	Grant Davidson	Developer:	

LPR:	20/R2	SITE REF:	M/DY/R/15/02
Supply Type:	Constrained	LOCATION:	SOUTH DARKLASS ROAD

Capacity:	Projected 5yr Completions	Total Units	5
Units Not Built	5	Effective Land	0
		Constrained Land	5

Extra Information:

Easting:	298708	Northing:	858312
Primary School:	Dyke Primary School	Ward:	Forres
Secondary School:	Forres Academy	Area (Ha):	0.44



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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DYKE

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
							1	1	1		

Planning:

Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2020	Effective Land:	2020
Dispute:		Windfall:	No
Owner:	Ros Davidson	Developer:	

LPR:	20/R3	SITE REF:	M/DY/R/20/03
Supply Type:	Effective	LOCATION:	FIR PARK ROAD

Capacity:	Projected 5yr Completions	3	Total Units	3	
Units Not Built	3	Effective Land	3	Constrained Land	0

Extra Information:

Easting:	299035	Northing:	858718
Primary School:	Dyke Primary School	Ward:	Forres
Secondary School:	Forres Academy	Area (Ha):	0.18



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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ELGIN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
									5	15	

Planning:

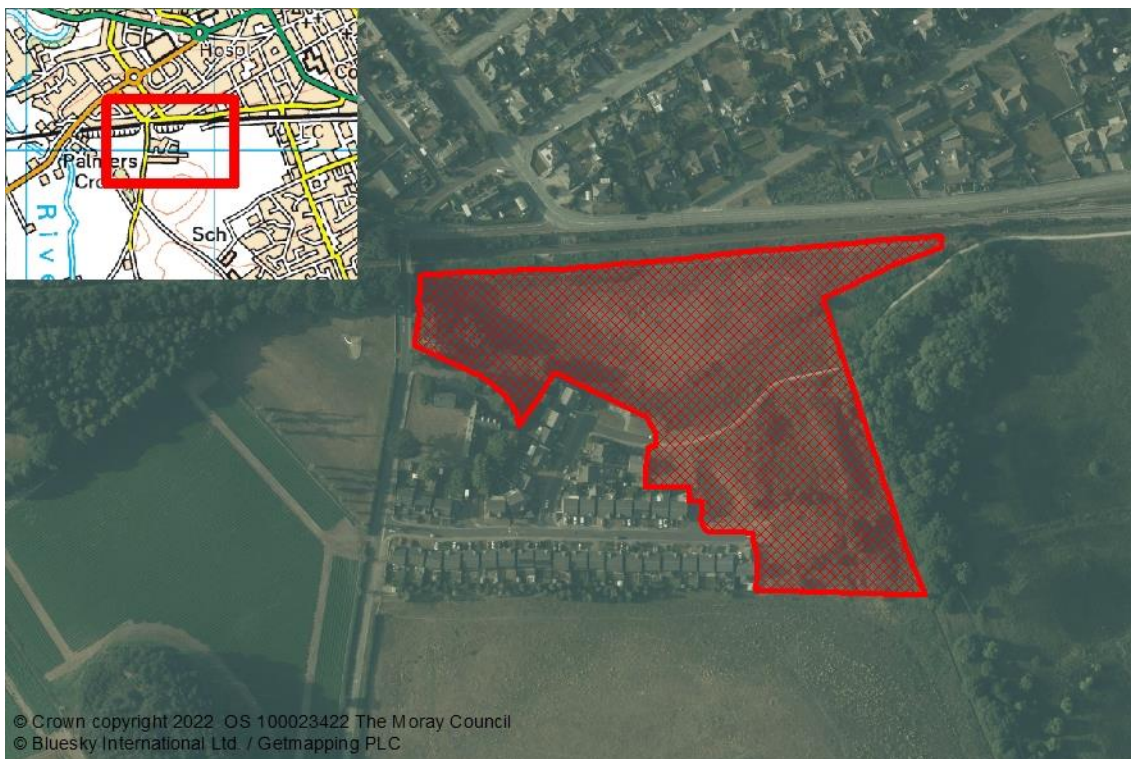
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Agricultural Land
Constraint Notes:	Subject to completion of road infra improvements		
Established Land:	2003	Effective Land:	
Dispute:	Agreed	Windfall:	No
Owner:	Robertson Residential Group	Developer:	Robertson Residential Group

LPR:	20/R1	SITE REF:	M/EL/R/048
Supply Type:	Effective	LOCATION:	BILBOHALL NORTH

Capacity:	Projected 5yr Completions	20	Total Units	60	
Units Not Built	20	Effective Land	20	Constrained Land	0

Extra Information:

Easting:	320844	Northing:	862045
Primary School:	Greenwards Primary School	Ward:	Elgin City South
Secondary School:	Elgin High School	Area (Ha):	3.38



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
06/00232		Full	Refused	10/08/2006		Appeal dismissed
04/00476	40	Full	Approved	22/09/2005		
09/01476	44	Full	Withdrawn			Amend condition to increase number
19/00930	380					PAN for Bilbohall Masterplan

ELGIN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
								40	40	25	

Planning:

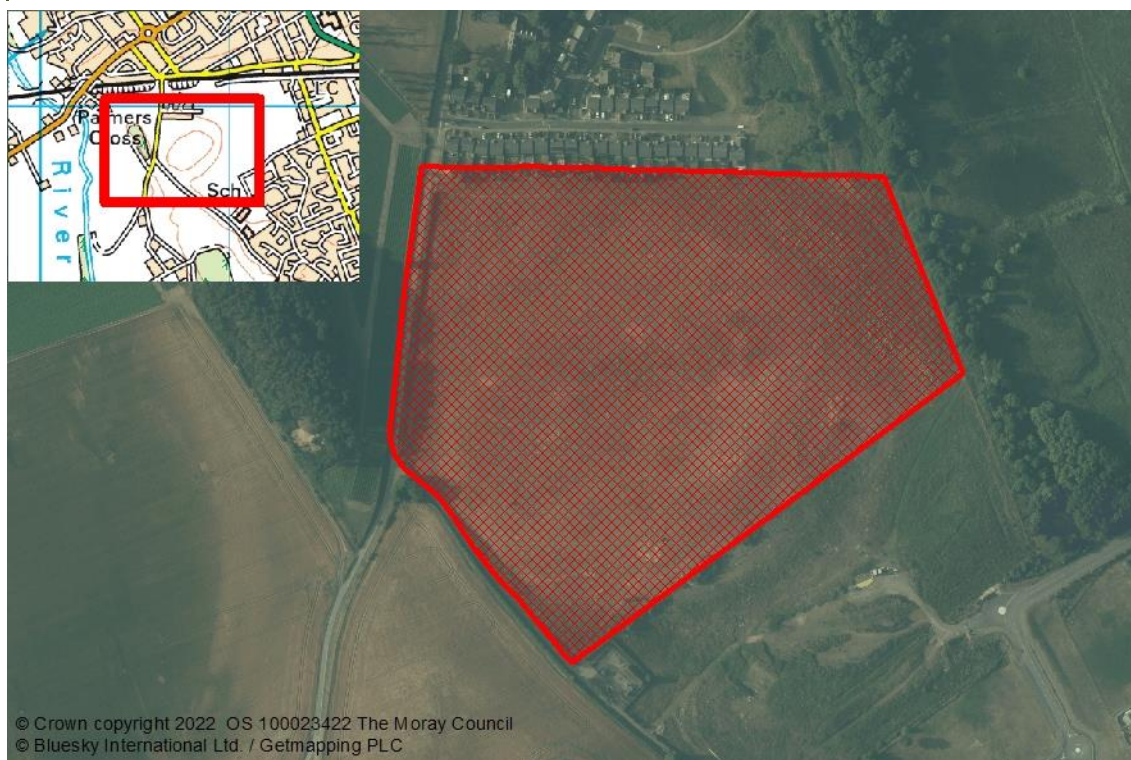
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Agricultural Land
Constraint Notes:		Effective Land:	
Established Land:		Windfall:	No
Dispute:	Agreed	Developer:	Moray Council/Grampian Housing
Owner:	Moray Council/Grampian Housing		

LPR:	20/R3	SITE REF:	M/EL/R/07/05
Supply Type:	Effective	LOCATION:	BILBOHALL SOUTH

Capacity:	Projected 5yr Completions	105	Total Units	105	
Units Not Built	105	Effective Land	105	Constrained Land	0

Extra Information:

Easting:	320800	Northing:	861785
Primary School:	Greenwards Primary School	Ward:	Elgin City South
Secondary School:	Elgin High School	Area (Ha):	10.25



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
19/00930	380					PAN for Bilbohall Masterplan
20/00905	102	Full	Pending			Bilbohall Masterplan (194 units total)

ELGIN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											107

Planning:

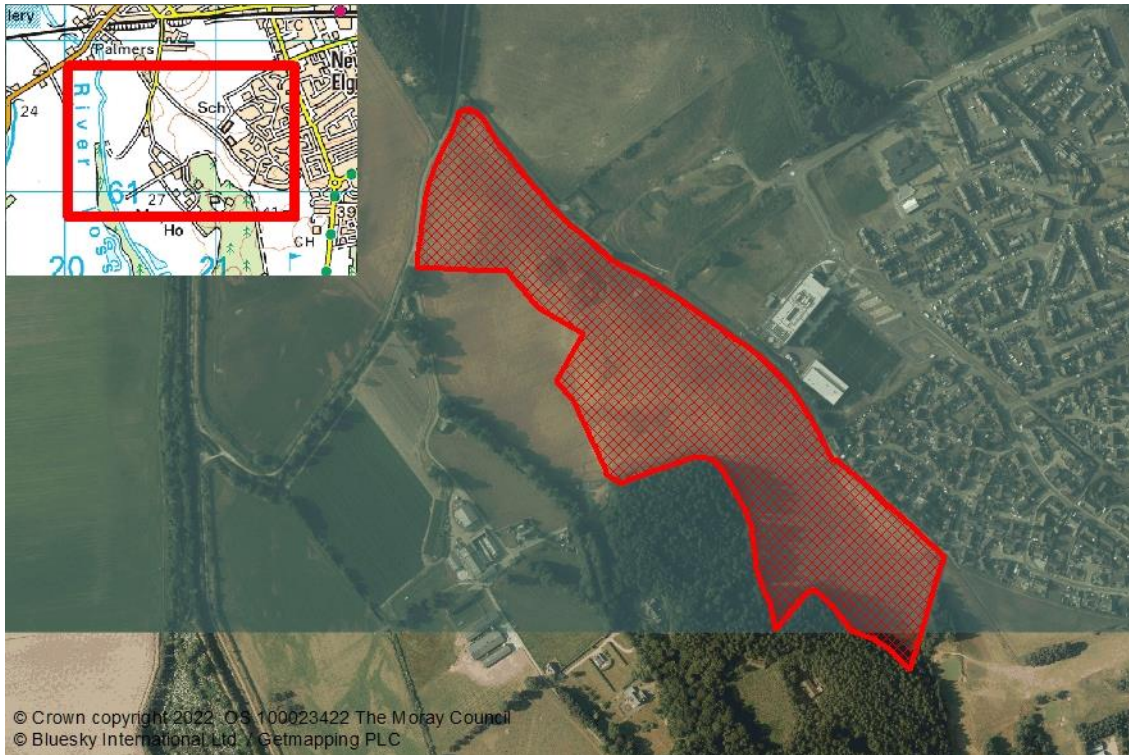
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Ownership	Land Use Type:	Agricultural Land
Constraint Notes:		Effective Land:	
Established Land:		Windfall:	No
Dispute:	Agreed	Developer:	Scotia Homes
Owner:			

LPR:	20/R4	SITE REF:	M/EL/R/07/06
Supply Type:	Constrained	LOCATION:	SOUTH WEST OF ELGIN HIGH SCHOOL

Capacity:	Projected 5yr Completions	Total Units	107
Units Not Built	107	Effective Land	0
		Constrained Land	107

Extra Information:

Easting:	320916	Northing:	861311
Primary School:	Greenwards Primary School	Ward:	Elgin City South
Secondary School:	Elgin High School	Area (Ha):	14.17



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
19/00930	380					PAN for Bilbohall Masterplan

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
52	55	61	81	6	22	19					

Planning:

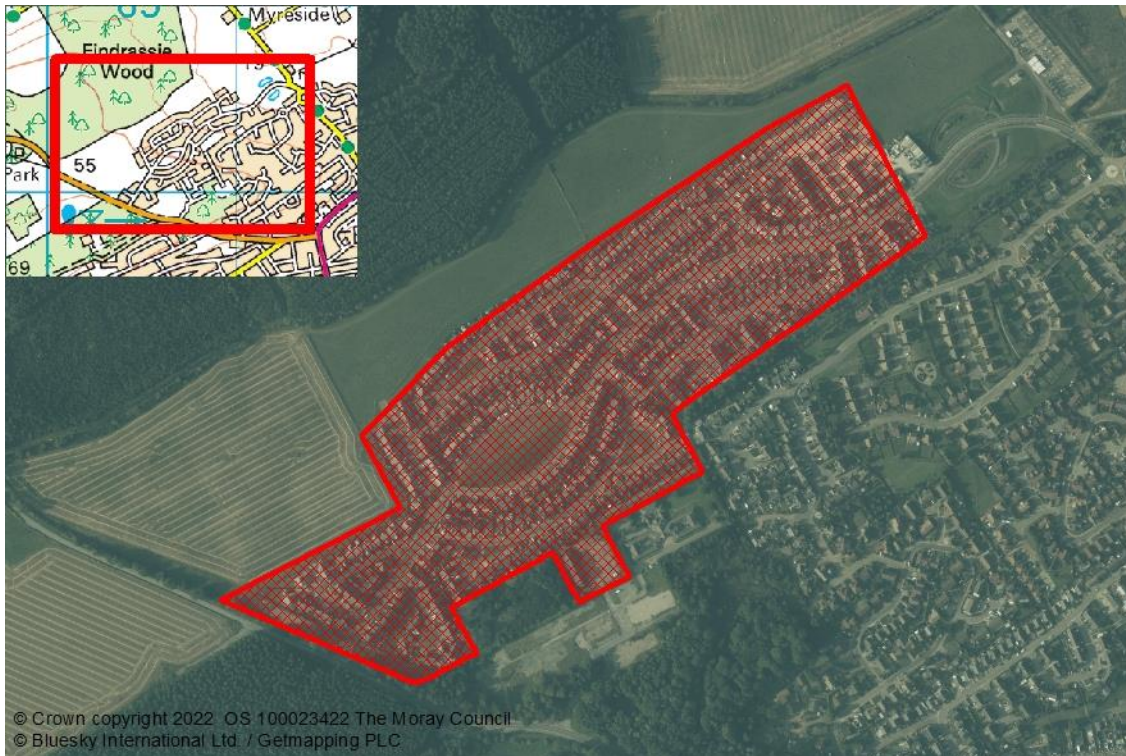
Planning Consent:	Detail	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	
Constraint Notes:			
Established Land:		Effective Land:	
Dispute:	Agreed	Windfall:	No
Owner:	Robertson Group/Scotia	Developer:	Robertson Group/Scotia

LPR:	20/R10	SITE REF:	M/EL/R/07/07
Supply Type:	Effective	LOCATION:	SPYNIE HOSPITAL NORTH

Capacity:	Projected 5yr Completions	19	Total Units	422	
Units Not Built	19	Effective Land	19	Constrained Land	0

Extra Information:

Easting:	320737	Northing:	864248
Primary School:	Bishopmill Primary School	Ward:	Elgin City North
Secondary School:	Elgin Academy	Area (Ha):	20.7



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
19/00800		Full	Approved	09/10/2019		Plot substitution from private to affordable
19/00811		Full	Approved	29/08/2019		Reduction of affordable units from 43 to 37 (6 units)
17/00538		Full	Approved	16/06/2017		11 houses to replace 18 semis (reduction of 7 units)
15/01092		Full	Approved	25/05/2016		Plot substitution for affordable element
08/02766	435	Full	Approved	08/12/2009		

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
						67	75	100	110	110	1038

Planning:

Planning Consent:	Detail	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Agricultural Land
Constraint Notes:	Programming		
Established Land:		Effective Land:	2015
Dispute:	Agreed	Windfall:	No
Owner:	Pitgaveny Estate	Developer:	Barratt Homes/David Wilson Hom



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LPR:	20/R11	SITE REF:	M/EL/R/07/10
Supply Type:	Part Constrained	LOCATION:	FINDRASSIE

Capacity:	Projected 5yr Completions	462	Total Units	1500	
Units Not Built	1500	Effective Land	500	Constrained Land	1000

Extra Information:

Easting:	321146	Northing:	864892
Primary School:	Split	Ward:	Split
Secondary School:	Elgin Academy	Area (Ha):	95.64

Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
20/00753	113	Full	Approved	27/01/2021		AMC re 17/00834 and 19/01085 (Phase E1)
19/01085		Full	Approved	18/08/2020		Vary conditions (Area 1)
19/01220		Full	Withdrawn	29/06/2020		AMC re 17/00834/PPP
17/00834	500	Outline	Approved	01/07/2019		
21/00961	178	Full	Pending			AMC re 17/00834 and 19/01085 (Phase E2)

ELGIN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											12

Planning:

Planning Consent:	Detail	Green/Brown:	Brown
Adopted Local Plan:	<input type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Physical	Land Use Type:	Commercial
Constraint Notes:			
Established Land:	2011	Effective Land:	2011
Dispute:	Agreed	Windfall:	Yes
Owner:	I. Aitkenhead	Developer:	

LPR:	Win	SITE REF:	M/EL/R/081
Supply Type:	Constrained	LOCATION:	NEWFIELD HOUSE, LOSSIEMOUTH ROAD

Capacity:	Projected 5yr Completions	Total Units	12
Units Not Built	12	Effective Land	0
		Constrained Land	12

Extra Information:

Easting:	321853	Northing:	864506
Primary School:	Seafeld Primary School	Ward:	Elgin City North
Secondary School:	Elgin Academy	Area (Ha):	0.22



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Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
12/00652		Full	Refused	20/12/2012		Vary conditions (provision of cycleway)
12/00071		Full	Refused	01/03/2012		Delete conditions (provision of cycleway)
11/00233	4	Full	Approved	26/08/2011		Permission commenced
09/02161	8	Full	Approved	11/08/2010		

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											29

Planning:

Planning Consent:	Outline	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Marketability	Land Use Type:	Residential
Constraint Notes:			
Established Land:	2013	Effective Land:	2013
Dispute:		Windfall:	No
Owner:	F.A. Construction	Developer:	F.A. Construction

LPR:	20/R21	SITE REF:	M/EL/R/082
Supply Type:	Constrained	LOCATION:	PALMERS CROSS

Capacity:	Projected 5yr Completions	Total Units	29
Units Not Built	29	Effective Land	0
		Constrained Land	29

Extra Information:

Easting:	320396	Northing:	862046
Primary School:	West End Primary School	Ward:	Elgin City South
Secondary School:	Elgin Academy	Area (Ha):	2.52



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
14/02172	29	Full	Approved	22/12/2014		Renewal
11/01882		Outline	Approved	16/01/2012		Extend 06/02897
06/02897	29	Outline	Approved	18/03/2009		
17/01933	28	Outline	Withdrawn			

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027 +
											20

Planning:

Planning Consent:	Detail	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Physical	Land Use Type:	
Constraint Notes:			
Established Land:	2014	Effective Land:	2014
Dispute:		Windfall:	Yes
Owner:	Bob Milton Properties	Developer:	Bob Milton Properties



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LPR:	20/OPP3	SITE REF:	M/EL/R/083
Supply Type:	Constrained	LOCATION:	FORMER CORN MILL, WARDS ROAD

Capacity:	Projected 5yr Completions	Total Units	20
Units Not Built	20	Effective Land	0
		Constrained Land	20

Extra Information:

Easting:	321409	Northing:	862198
Primary School:	West End Primary School	Ward:	Elgin City South
Secondary School:	Elgin Academy	Area (Ha):	0.18

Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
19/00368		Full	Approved	08/07/2019		Storage yard
10/00343	20	Full	Approved	28/02/2013		15 new flats, 4 in conversion and one maisonette

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027 +
											190

Planning:

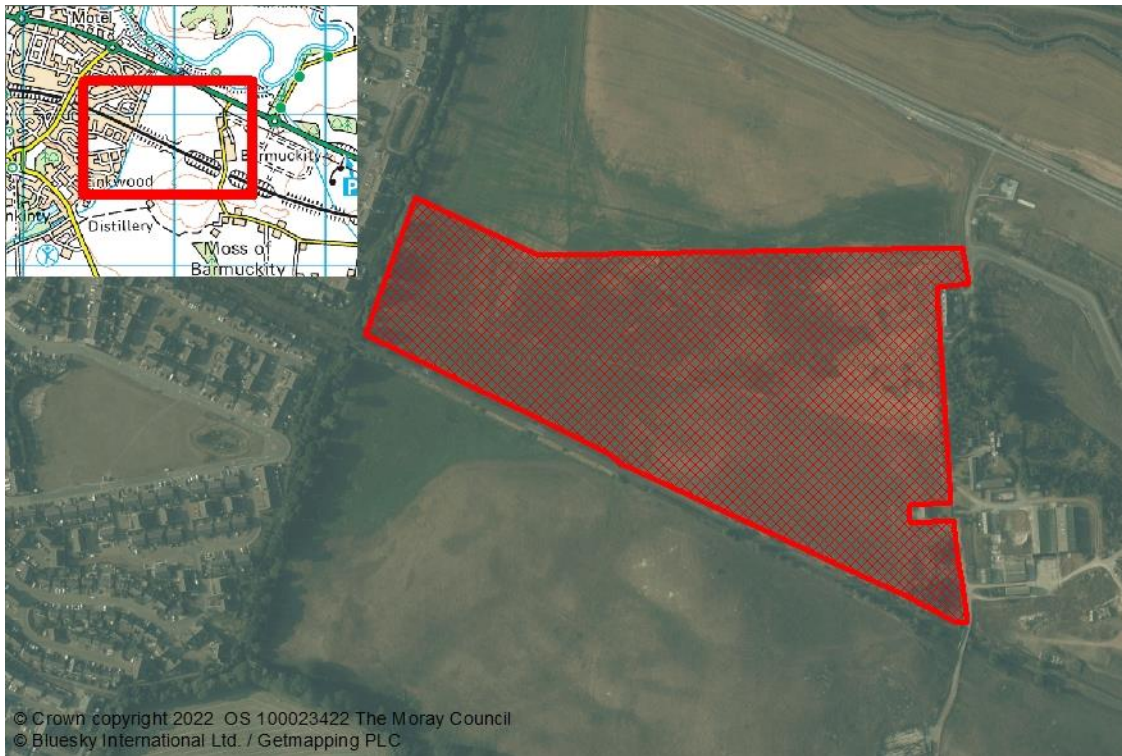
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Programming	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2017	Effective Land:	2017
Dispute:		Windfall:	No
Owner:	Ian Robertson	Developer:	Springfield Properties Plc

LPR:	20/R16	SITE REF:	M/EL/R/088
Supply Type:	Constrained	LOCATION:	BARMUCKITY

Capacity:	Projected 5yr Completions	Total Units	190
Units Not Built	190	Effective Land	0
		Constrained Land	190

Extra Information:

Easting:	324098	Northing:	861856
Primary School:	Split	Ward:	Fochabers Lhanbryde
Secondary School:	Split	Area (Ha):	13.18



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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ELGIN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
								14			

Planning:

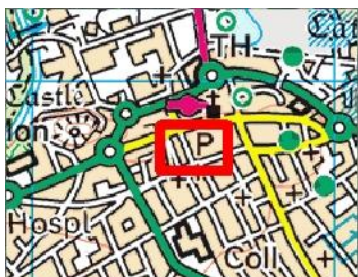
Planning Consent:	Detail	Green/Brown:	Brown
Adopted Local Plan:	<input type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Commercial
Constraint Notes:			
Established Land:	2018	Effective Land:	2018
Dispute:	Agreed	Windfall:	Yes
Owner:	William McBey	Developer:	

LPR:	Win	SITE REF:	M/EL/R/092
Supply Type:	Effective	LOCATION:	FORMER JAILHOUSE

Capacity:	Projected 5yr Completions	14	Total Units	14	
Units Not Built	14	Effective Land	14	Constrained Land	0

Extra Information:

Easting:	321534	Northing:	862778
Primary School:	West End Primary School	Ward:	Elgin City South
Secondary School:	Elgin Academy	Area (Ha):	0.06



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Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
17/00963	14	Full	Approved	01/03/2018		CoU Nightclub to 14 serviced apartments

ELGIN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
										10	

Planning:

Planning Consent:	None	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Commercial
Constraint Notes:			
Established Land:	2019	Effective Land:	2019
Dispute:	Agreed	Windfall:	No
Owner:	Moray Council	Developer:	Moray Council

LPR:	20/R7	SITE REF:	M/EL/R/093
Supply Type:	Effective	LOCATION:	THE FIRS, BILBOHALL

Capacity:	Projected 5yr Completions	10	Total Units	10	
Units Not Built	10	Effective Land	10	Constrained Land	0

Extra Information:

Easting:	320694	Northing:	862025
Primary School:	Greenwards Primary School	Ward:	Elgin City South
Secondary School:	Elgin High School	Area (Ha):	0.41



Tenure:

Tenure Type	Units
Affordable Units	10

Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
19/00930	380					PAN for Bilbohall Masterplan
20/00905	8	Full	Pending			Bilbohall Masterplan (194 units total)

ELGIN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027 +
								25	25		

Planning:

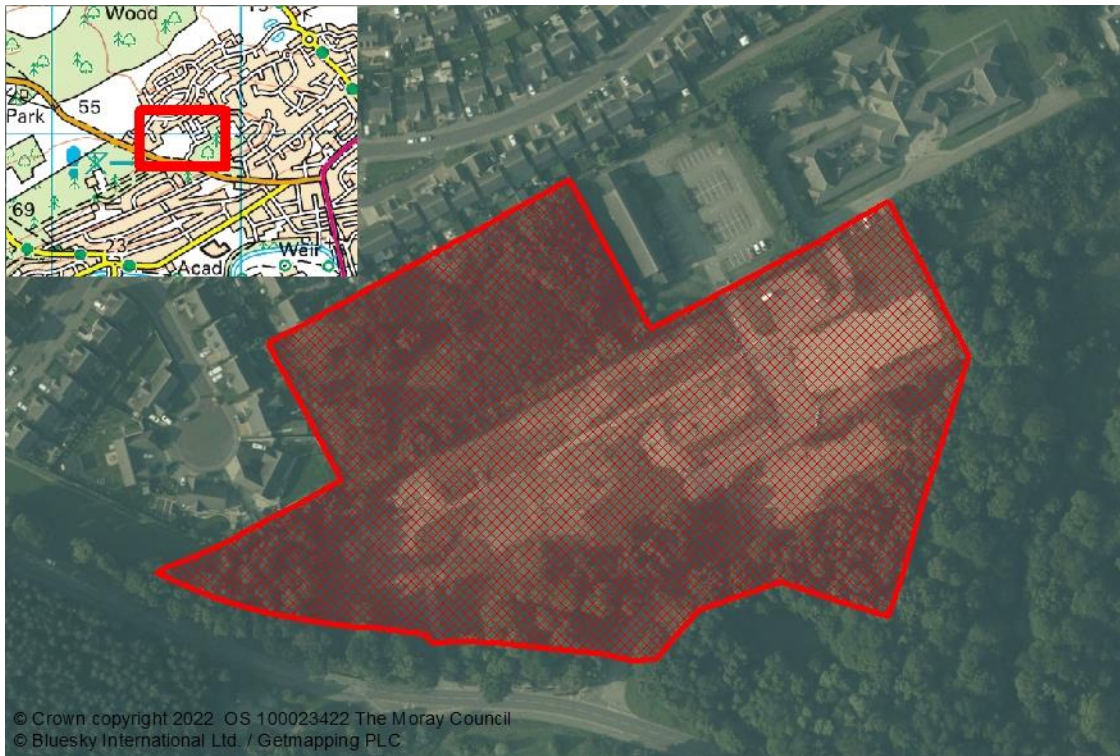
Planning Consent:	None	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Derelict
Constraint Notes:			
Established Land:	2019	Effective Land:	2019
Dispute:	Agreed	Windfall:	No
Owner:	NHS Grampian	Developer:	Moray Council

LPR:	20/R14	SITE REF:	M/EL/R/094
Supply Type:	Effective	LOCATION:	SPYNIE HOSPITAL

Capacity:	Projected 5yr Completions	50	Total Units	50	
Units Not Built	50	Effective Land	50	Constrained Land	0

Extra Information:

Easting:	320704	Northing:	863952
Primary School:	Bishopmill Primary School	Ward:	Elgin City North
Secondary School:	Elgin Academy	Area (Ha):	3.8



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
19/01025						PAN
20/00781	62	Full	Pending			Affordable housing

ELGIN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											85

Planning:

Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2015	Effective Land:	2015
Dispute:		Windfall:	No
Owner:		Developer:	Scotia Homes

LPR:	20/R6	SITE REF:	M/EL/R/15/12
Supply Type:	Effective	LOCATION:	KNOCKMASTING WOOD

Capacity:	Projected 5yr Completions	Total Units	85
Units Not Built	85	Effective Land	85
		Constrained Land	0

Extra Information:

Easting:	320541	Northing:	861909
Primary School:	Greenwards Primary School	Ward:	Elgin City South
Secondary School:	Elgin High School	Area (Ha):	4.28



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
15/01330	1	Full	Refused	29/09/2015		Refused by LRB in January 2016
05/00758	80	Full	Withdrawn			
19/00930	380	Full				PAN for Bilbohall Masterplan

Projected Completions:											
2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027 +
						6	6	5			

Planning:			
Planning Consent:	None	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Public building
Constraint Notes:			
Established Land:	2015	Effective Land:	2015
Dispute:		Windfall:	No
Owner:	The Moray Council	Developer:	Morlich Homes

LPR:	20/R9	SITE REF:	M/EL/R/15/13
Supply Type:	Effective	LOCATION:	HAMILTON DRIVE

Capacity:	Projected 5yr Completions	17	Total Units	17	
Units Not Built	17	Effective Land	17	Constrained Land	0

Extra Information:			
Easting:	320812	Northing:	863708
Primary School:	Bishopmill Primary School	Ward:	Elgin City North
Secondary School:	Elgin Academy	Area (Ha):	1.18



Tenure:	
Tenure Type	Units

Planning Applications:						
Application	Units	Type	Decision	Decision Date	Aff Type	Notes
19/01614	17	Full	Approved	30/09/2021		
19/00386	17	Full	Withdrawn	09/10/2019		

ELGIN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
								20	20	20	10

Planning:

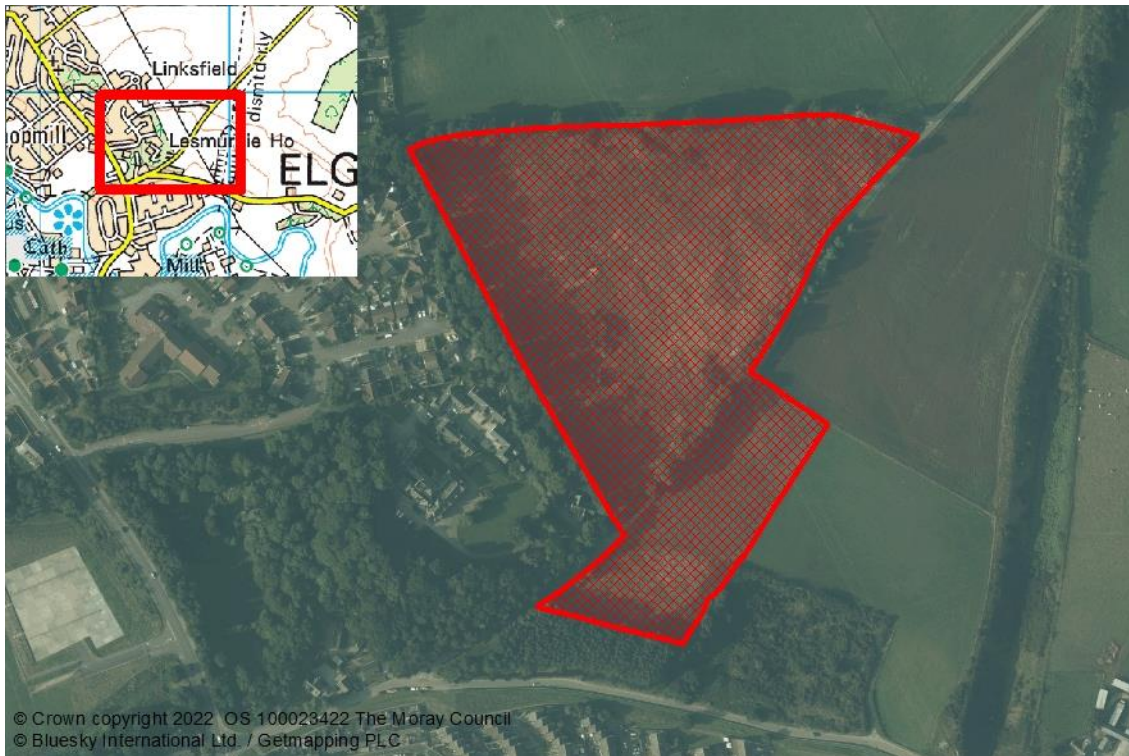
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input checked="" type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2015	Effective Land:	2015
Dispute:		Windfall:	No
Owner:		Developer:	Robertson Group

LPR:	20/R13	SITE REF:	M/EL/R/15/14
Supply Type:	Effective	LOCATION:	LESMURDIE FIELDS

Capacity:	Projected 5yr Completions	60	Total Units	70	
Units Not Built	70	Effective Land	70	Constrained Land	0

Extra Information:

Easting:	322746	Northing:	863777
Primary School:	Seafeld Primary School	Ward:	Split
Secondary School:	Elgin Academy	Area (Ha):	6.07



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
18/00978	90					PAN
19/01510	81	Full	Pending			

ELGIN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											1800

Planning:

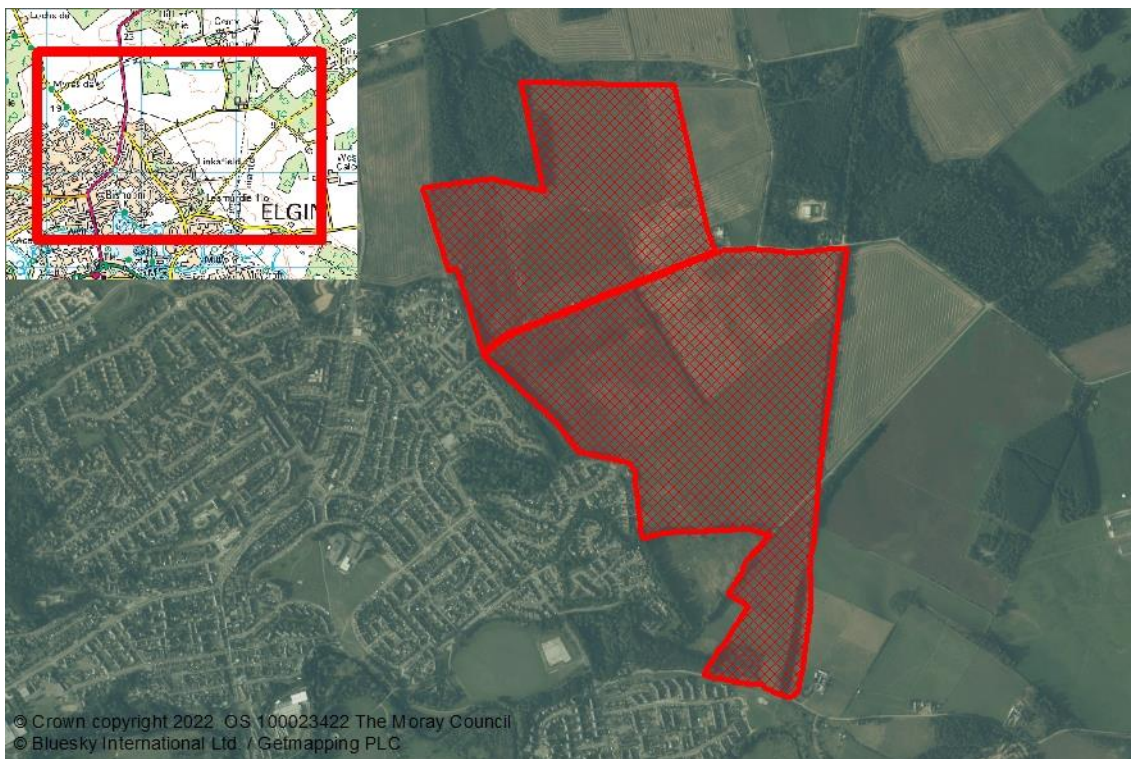
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Programming	Land Use Type:	Agricultural Land
Constraint Notes:	LONG		
Established Land:	2015	Effective Land:	
Dispute:		Windfall:	No
Owner:	Pitgaveny Estate	Developer:	

LPR:	20/LONG1	SITE REF:	M/EL/R/15/LNE
Supply Type:	Constrained	LOCATION:	LONG1 A/B NORTH EAST

Capacity:	Projected 5yr Completions	Total Units	1800
Units Not Built	1800	Effective Land	0
		Constrained Land	1800

Extra Information:

Easting:	322626	Northing:	864410
Primary School:	Seafeld Primary School	Ward:	Split
Secondary School:	Elgin Academy	Area (Ha):	88.71



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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ELGIN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
								40	35		

Planning:

Planning Consent: None

Adopted Local Plan: ☒

Constraint Type:

Constraint Notes:

Established Land: 2020

Dispute:

Owner: Moray Council

Green/Brown:

House Programme: ☐

Land Use Type:

Effective Land: 2020

Windfall: No

Developer:

LPR:

20/R2

SITE REF:

M/EL/R/20/02

Supply Type:

Effective

LOCATION:

EDGAR ROAD

Capacity:

Projected 5yr Completions	75	Total Units	75
Units Not Built	75	Effective Land	75
		Constrained Land	0

Extra Information:

Easting: 320936

Northing: 861606

Primary School: Greenwards Primary School

Ward: Elgin City South

Secondary School: Elgin High School

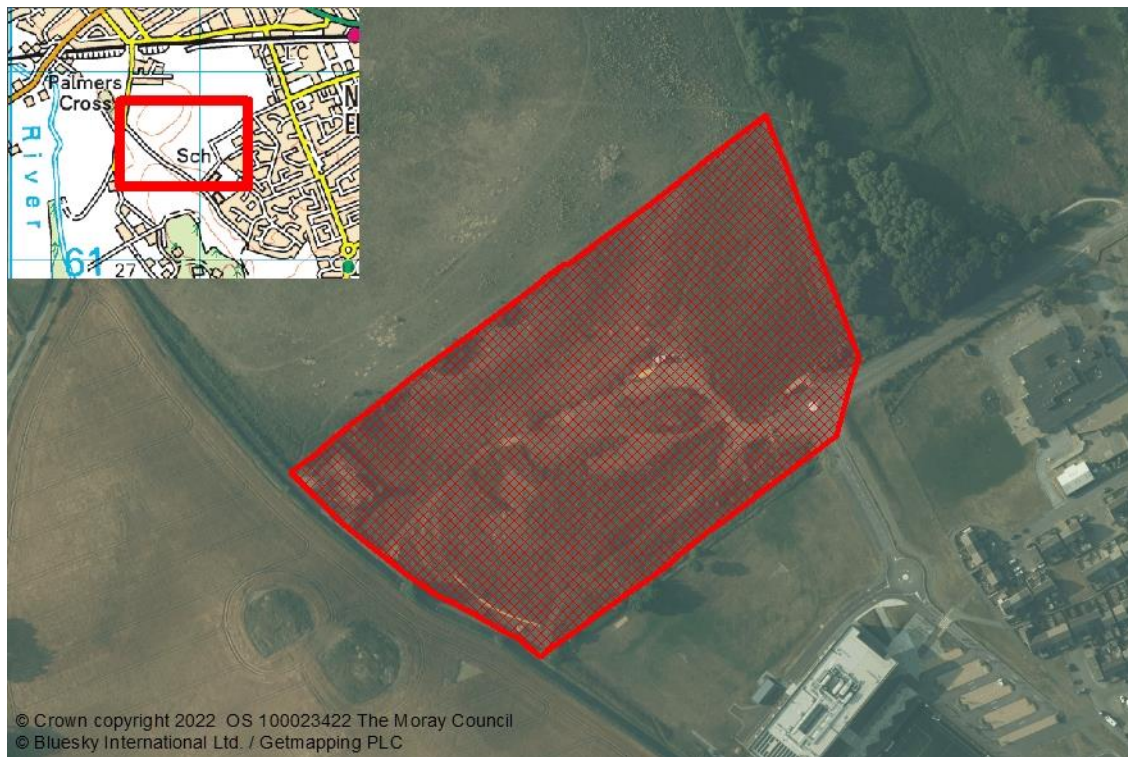
Area (Ha): 5.42

Tenure:

Tenure Type Units

Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
15/00607		Full	Approved	24/06/2015		Deposit of excavated material
14/01618		Full	Approved	11/02/2015		Replacement of Elgin High School
19/00930	380					PAN for Bilbohall Masterplan
20/00905	84	Full	Pending			Bilbohall Masterplan (194 units total)



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ELGIN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											50

Planning:

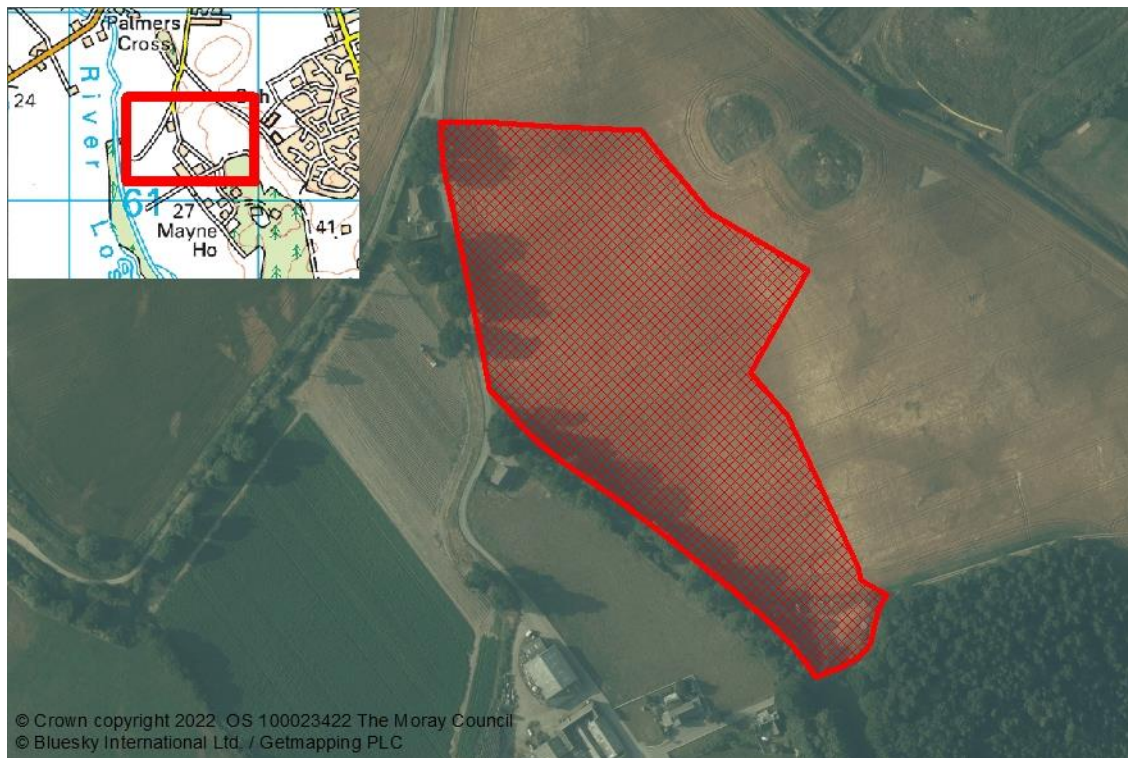
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Ownership	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:		Effective Land:	
Dispute:		Windfall:	No
Owner:	Dean Anderson	Developer:	Scotia Homes

LPR:	20/R5	SITE REF:	M/EL/R/20/05
Supply Type:	Constrained	LOCATION:	BILBOHALL WEST

Capacity:	Projected 5yr Completions	Total Units	50
Units Not Built	50	Effective Land	0
		Constrained Land	50

Extra Information:

Easting:	320688	Northing:	861340
Primary School:	Greenwards Primary School	Ward:	Elgin City South
Secondary School:	Elgin High School	Area (Ha):	4.39



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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ELGIN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											150

Planning:

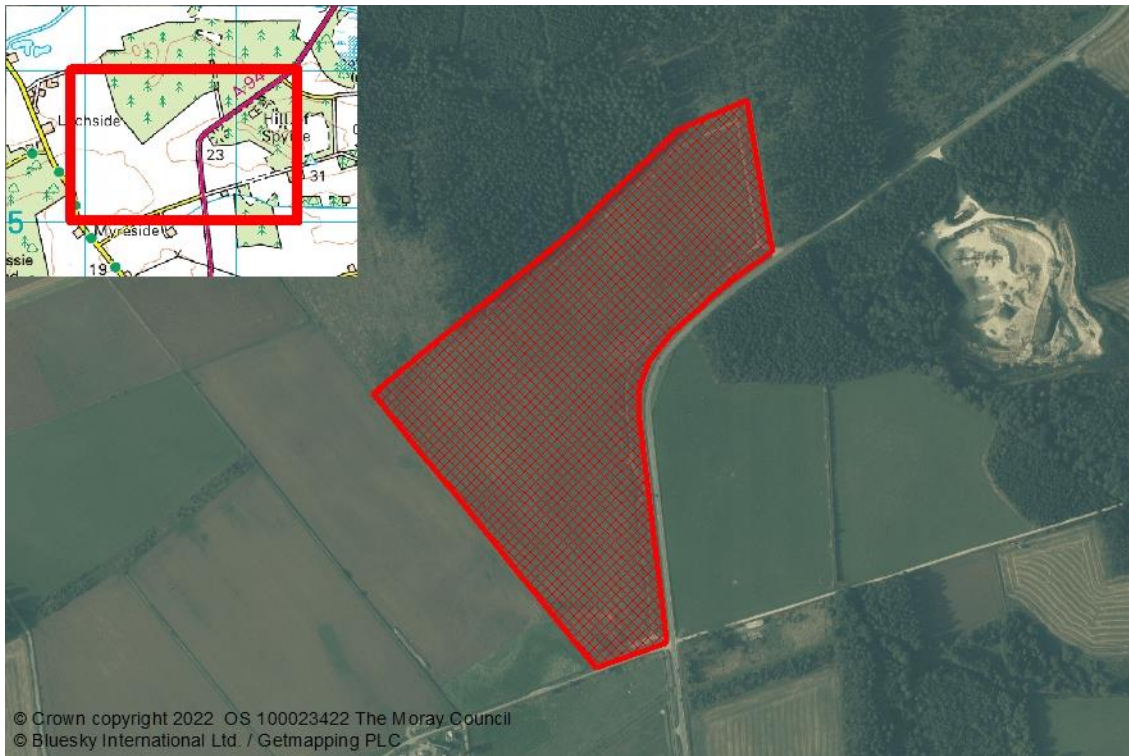
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Programming	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2020	Effective Land:	
Dispute:		Windfall:	No
Owner:	Pitgaveny Estate	Developer:	

LPR:	20/R12	SITE REF:	M/EL/R/20/12
Supply Type:	Constrained	LOCATION:	LOSSIEMOUTH ROAD NORTH EAST

Capacity:	Projected 5yr Completions	Total Units	150
Units Not Built	150	Effective Land	0
		Constrained Land	150

Extra Information:

Easting:	321674	Northing:	865510
Primary School:	Seafeld Primary School	Ward:	Heldon And Laich
Secondary School:	Elgin Academy	Area (Ha):	16.95



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
									14	0	22

Planning:

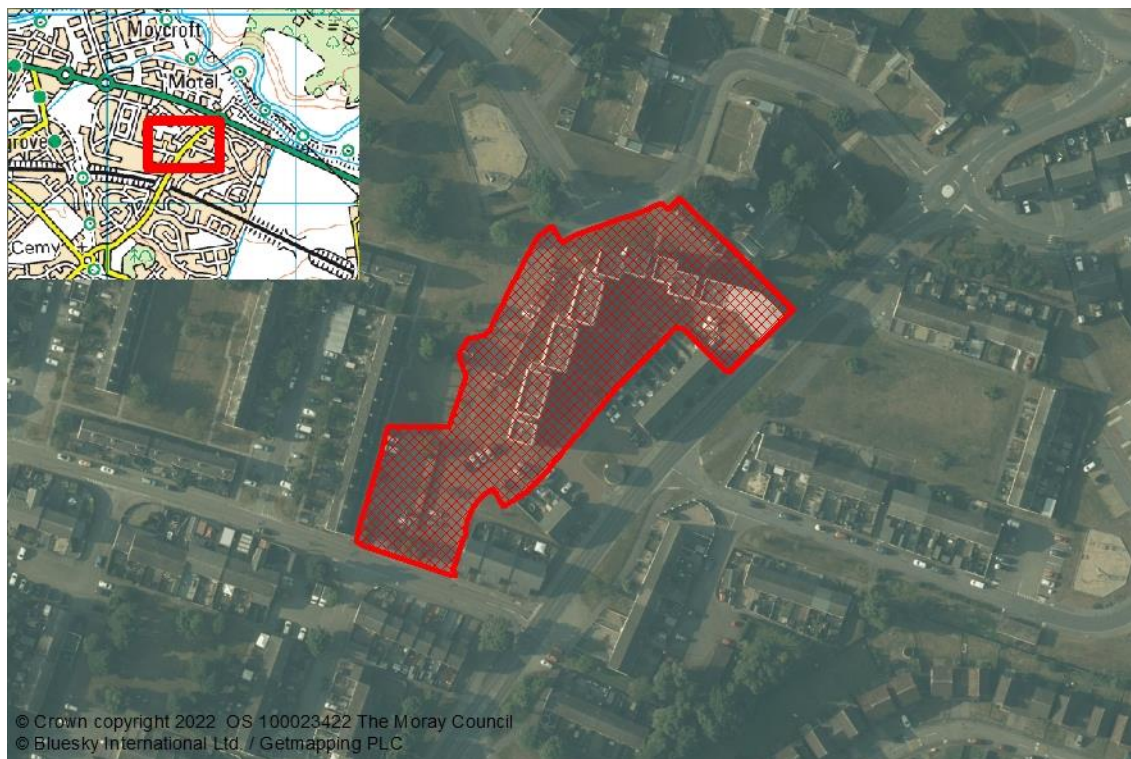
Planning Consent:	None	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Residential
Constraint Notes:			
Established Land:	2020	Effective Land:	2020
Dispute:		Windfall:	No
Owner:	Osprey Housing	Developer:	

LPR:	20/R15	SITE REF:	M/EL/R/20/15
Supply Type:	Effective	LOCATION:	PINEGROVE

Capacity:	Projected 5yr Completions	14	Total Units	36	
Units Not Built	36	Effective Land	36	Constrained Land	0

Extra Information:

Easting:	323401	Northing:	862318
Primary School:	East End Primary School	Ward:	Elgin City North
Secondary School:	Elgin Academy	Area (Ha):	0.69



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
						Demolished units to be removed from total

ELGIN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027 +
					22	42					611

Planning:

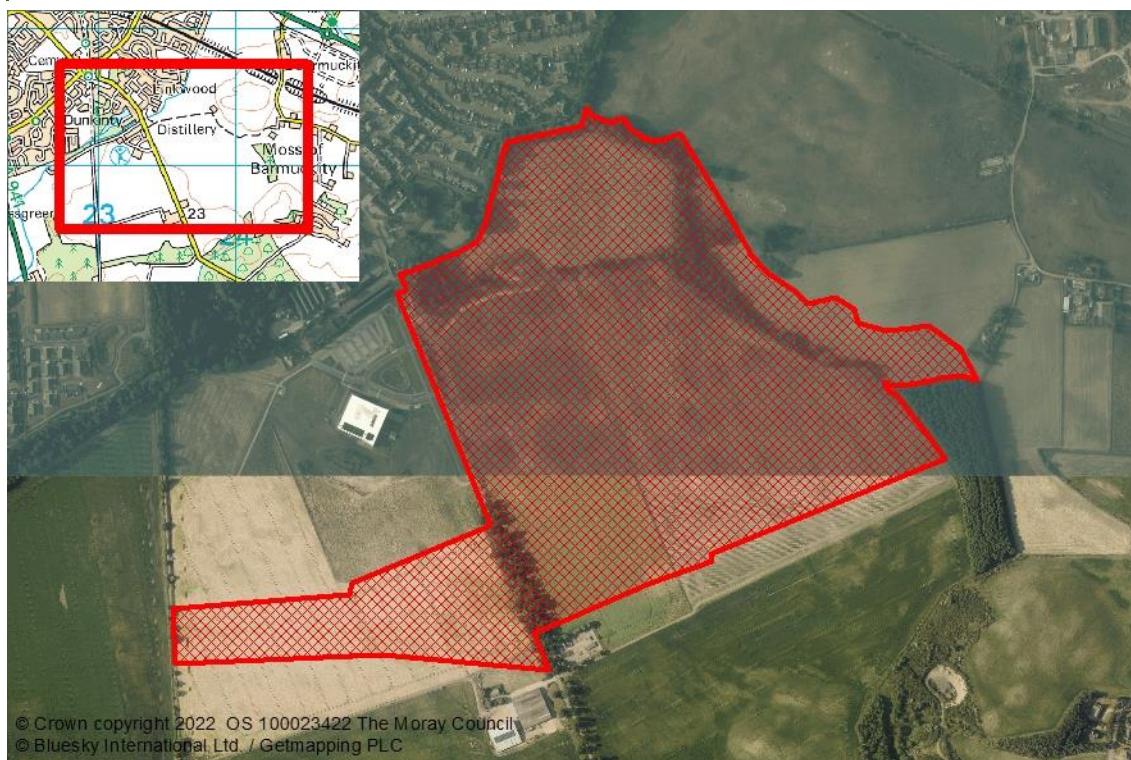
Planning Consent:	Detail	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Ownership	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2018	Effective Land:	
Dispute:		Windfall:	No
Owner:	Mr. Ian Robertson	Developer:	Springfield Properties Plc

LPR:	20/R19	SITE REF:	M/EL/R/20/19
Supply Type:	Part Constrained	LOCATION:	EASTER LINKWOOD AND LINKWOOD

Capacity:	Projected 5yr Completions	42	Total Units	675	
Units Not Built	653	Effective Land	42	Constrained Land	611

Extra Information:

Easting:	323677	Northing:	861106
Primary School:	Linkwood Primary School	Ward:	Fochabers Lhanbryde
Secondary School:	Split	Area (Ha):	48.38



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
20/00316		Full	Approved	16/09/2020		Amend house types
19/00666		Full	Approved	13/03/2020		Substitution of house types (Plots 1-4)
18/01209	870	Full	Approved	16/05/2019		Variation of phasing
16/01244	870	Full	Approved	10/05/2018		Elgin South Masterplan

ELGIN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
				63	51	55	18				

Planning:

Planning Consent:	Detail	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2018	Effective Land:	2019
Dispute:		Windfall:	No
Owner:	Springfield Properties Plc	Developer:	Springfield Properties Plc

LPR:	20/R20	SITE REF:	M/EL/R/20/20
Supply Type:	Effective	LOCATION:	GLASSGREEN, ELGIN SOUTH

Capacity:	Projected 5yr Completions	73	Total Units	187	
Units Not Built	73	Effective Land	73	Constrained Land	0

Extra Information:

Easting:	321896	Northing:	860463
Primary School:	Greenwards Primary School	Ward:	Elgin City South
Secondary School:	Elgin High School	Area (Ha):	17.59



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
19/01641		Full	Approved	08/04/2020		Remix
18/01209	195	Full	Approved	16/05/2019		Variation to phasing
16/01244	870	Full	Approved	10/05/2018		Elgin South Masterplan
21/00206	200	Full	Pending			Variation to phasing and layout (increase in units [5])
21/00304	199	Full	Pending			Variation to layout (reduction in units [1])
21/00396	187	Full	Pending			Plot substitution (reduction in units [12])

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027 +
											1000

Planning:

Planning Consent:	Detail	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Programming	Land Use Type:	Agricultural Land
Constraint Notes:	LONG	Effective Land:	
Established Land:	2015	Windfall:	
Dispute:		Developer:	Springfield Properties Plc
Owner:			

LPR:	20/LNG2	SITE REF:	M/EL/R/20/L2
Supply Type:	Constrained	LOCATION:	ELGIN SOUTH LONG2

Capacity:	Projected 5yr Completions	Total Units	1000
Units Not Built	1000	Effective Land	0
		Constrained Land	1000

Extra Information:

Easting:	322892	Northing:	860523
Primary School:	Split	Ward:	Fochabers Lhanbryde
Secondary School:	Split	Area (Ha):	69.3



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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ELGIN

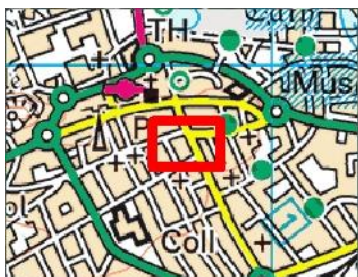
The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
						8					

Planning:

Planning Consent:	Detail	Green/Brown:	Brown
Adopted Local Plan:	<input type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Derelict, vacant, backland etc.
Constraint Notes:			
Established Land:	2019	Effective Land:	2019
Dispute:		Windfall:	Yes
Owner:	Jean Stalker	Developer:	



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LPR:	Win	SITE REF:	M/EL/R/20/W1
Supply Type:	Effective	LOCATION:	9 MOSS STREET

Capacity:	Projected 5yr Completions	8	Total Units	8	
Units Not Built	8	Effective Land	8	Constrained Land	0

Extra Information:

Easting:	321717	Northing:	862743
Primary School:	East End Primary School	Ward:	Elgin City South
Secondary School:	Elgin Academy	Area (Ha):	0.03

Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
18/01332	8	Full	Approved	08/05/2019		

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
								40	40	40	510

Planning:

Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2015	Effective Land:	2021
Dispute:		Windfall:	
Owner:		Developer:	Springfield Properties Plc

LPR:	20/L2	SITE REF:	M/EL/R/21/L2
Supply Type:	Effective	LOCATION:	ELGIN SOUTH (GRASSGREEN, BURNSIDE & CEMETERY)

Capacity:	Projected 5yr Completions	120	Total Units	630	
Units Not Built	630	Effective Land	630	Constrained Land	0

Extra Information:

Easting:	323286	Northing:	860599
Primary School:	Split	Ward:	Split
Secondary School:	Elgin High School	Area (Ha):	41.8



Tenure:

Tenure Type	Units
-------------	-------

Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
20/01731		Full	Withdrawn			North Burnside
21/01163	192	Full	Pending			Glassgreen Village (Phase 2)

ELGIN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
								40	12		

Planning:

Planning Consent: None

Adopted Local Plan: ☒

Constraint Type:

Constraint Notes:

Established Land: 2022

Dispute:

Owner:

Green/Brown: Green

House Programme: ☐

Land Use Type: Agricultural Land

Effective Land: 2022

Windfall:

Developer: Springfield Properties Plc

LPR:

20/CF4

SITE REF:

M/EL/R/22/01

Supply Type:

Effective

LOCATION:

SOUTH GLASSGREEN

Capacity:

Projected 5yr Completions	52	Total Units	52
Units Not Built	52	Effective Land	52
		Constrained Land	

Extra Information:

Easting: 322122

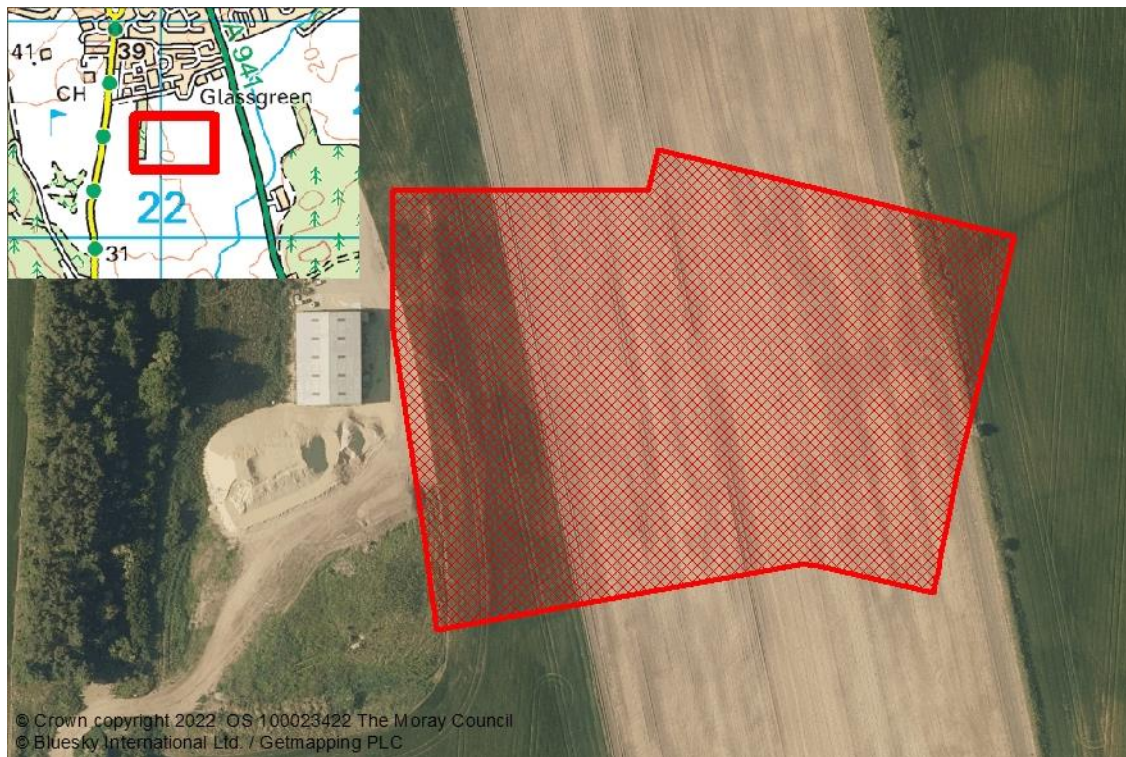
Northing: 860448

Primary School: Greenwards Primary School

Ward: Elgin City South

Secondary School: Elgin High School

Area (Ha): 2.58



Tenure:

Tenure Type Units

Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
21/00739	52	Full	Pending			

ELGIN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
							7	7	7		

Planning:

Planning Consent:	Detail	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Commercial
Constraint Notes:			
Established Land:	2020	Effective Land:	2020
Dispute:		Windfall:	Yes
Owner:	Poundland Elgin Ltd	Developer:	

LPR:	20/TC	SITE REF:	M/EL/R/TC/01
Supply Type:	Effective	LOCATION:	161-163 HIGH STREET (POUNDLAND)

Capacity:	Projected 5yr Completions	21	Total Units	21	
Units Not Built	21	Effective Land	21	Constrained Land	0

Extra Information:

Easting:	321480	Northing:	862875
Primary School:	West End Primary School	Ward:	Elgin City South
Secondary School:	Elgin Academy	Area (Ha):	0.14



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Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
20/00891	21	Full	Approved	15/10/2020		

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
						2					

Planning:

Planning Consent:	Detail	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Commercial
Constraint Notes:			
Established Land:	2019	Effective Land:	2019
Dispute:		Windfall:	Yes
Owner:	C. Peel	Developer:	

LPR:	20/TC	SITE REF:	M/EL/R/TC/02
Supply Type:	Effective	LOCATION:	126 HIGH STREET

Capacity:	Projected 5yr Completions	2	Total Units	2	
Units Not Built	2	Effective Land	2	Constrained Land	0

Extra Information:

Easting:	321536	Northing:	862816
Primary School:	West End Primary School	Ward:	Elgin City South
Secondary School:	Elgin Academy	Area (Ha):	0.01



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
19/00829	2	Full	Approved	02/09/2019		CoU from offices to 2 x flats

ELGIN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
						2					

Planning:

Planning Consent:	Detail	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Commercial
Constraint Notes:			
Established Land:	2019	Effective Land:	2019
Dispute:		Windfall:	Yes
Owner:	Sean Malone	Developer:	

LPR:	20/TC	SITE REF:	M/EL/R/TC/03
Supply Type:	Effective	LOCATION:	165 HIGH STREET

Capacity:	Projected 5yr Completions	2	Total Units	2	
Units Not Built	2	Effective Land	2	Constrained Land	0

Extra Information:

Easting:	321483	Northing:	862840
Primary School:	West End Primary School	Ward:	Elgin City South
Secondary School:	Elgin Academy	Area (Ha):	0.02



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Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
20/01247	2	Full	Approved	26/11/2020		CoU from hairdressing salon to 2 x flats
19/01359	3	Full	Approved	06/12/2019		CoU from hairdressing salon to 3 x flats

ELGIN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
						4					

Planning:

Planning Consent:	Detail	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Commercial
Constraint Notes:			
Established Land:	2021	Effective Land:	2021
Dispute:		Windfall:	Yes
Owner:	Richard Ham	Developer:	



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LPR:	20/TC	SITE REF:	M/EL/R/TC/04
Supply Type:	Effective	LOCATION:	42 BATCHEN STREET

Capacity:	Projected 5yr Completions	4	Total Units	4
Units Not Built	4	Effective Land	4	Constrained Land

Extra Information:

Easting:	321535	Northing:	862727
Primary School:	West End Primary School	Ward:	Elgin City South
Secondary School:	Elgin Academy	Area (Ha):	0.02

Tenure:

Tenure Type	Units
-------------	-------

Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
20/00282	4	Full	Approved	11/09/2020		Conversion of shop storage to 4 x flats

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
						3					

Planning:

Planning Consent:	Detail	Green/Brown:	Brown
Adopted Local Plan:	<input type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Commercial
Constraint Notes:			
Established Land:	2022	Effective Land:	2022
Dispute:		Windfall:	Yes
Owner:	Sanus Moor Ltd	Developer:	

LPR:		SITE REF:	M/EL/R/TC/05
Supply Type:	Effective	LOCATION:	212 HIGH STREET

Capacity:	Projected 5yr Completions	3	Total Units	3
Units Not Built	3	Effective Land	3	Constrained Land

Extra Information:

Easting:	321350	Northing:	862747
Primary School:	West End Primary School	Ward:	Elgin City South
Secondary School:	Elgin Academy	Area (Ha):	0.02



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Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
21/00419	3	Full	Approved	30/08/2021		Residential units and 1 commercial unit

FINDHORN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
		2	0	1	1	2					

Planning:

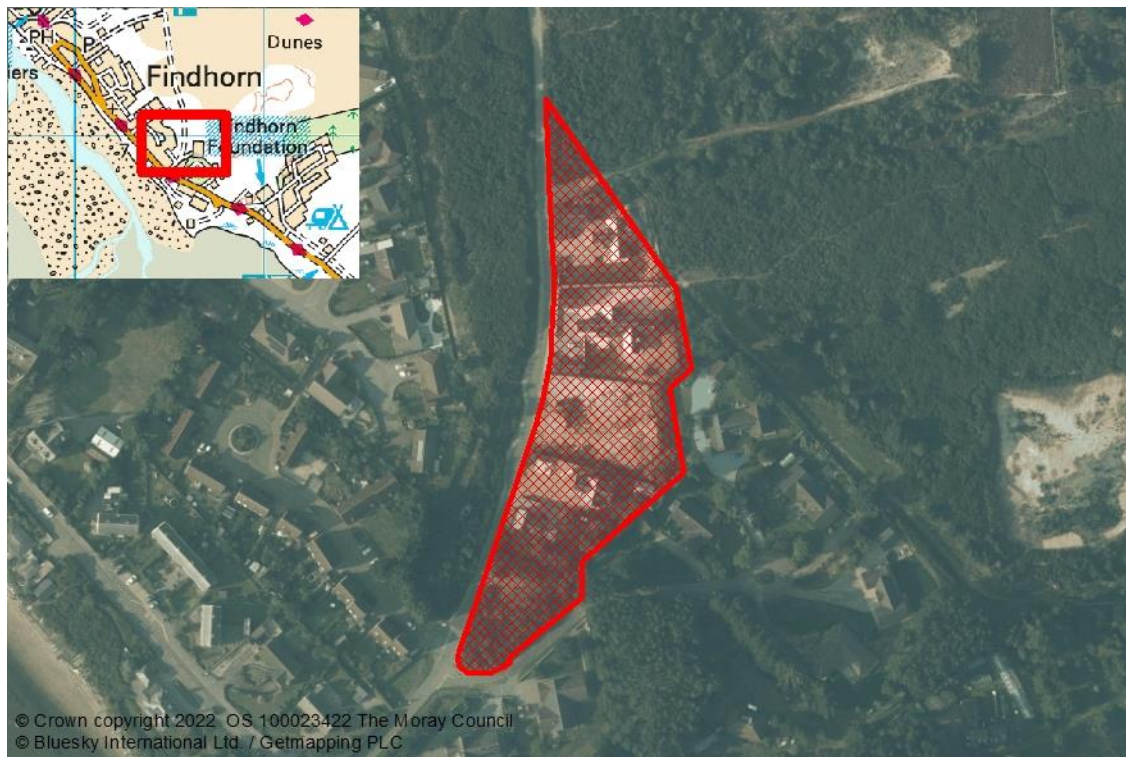
Planning Consent:	Detail	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	
Constraint Notes:			
Established Land:	2015	Effective Land:	2015
Dispute:	Agreed	Windfall:	No
Owner:		Developer:	

LPR:	20/R1	SITE REF:	M/FH/R/009
Supply Type:	Effective	LOCATION:	HEATHNEUK

Capacity:	Projected 5yr Completions	2	Total Units	6	
Units Not Built	2	Effective Land	2	Constrained Land	0

Extra Information:

Easting:	304580	Northing:	863950
Primary School:	Kinloss Primary School	Ward:	Forres
Secondary School:	Forres Academy	Area (Ha):	0.9



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
18/01518		Full	Approved	29/01/2019		Plot 2a
18/00429		Full	Approved	04/05/2018		Plot 2a - Change of use (garage) to self-catering rental unit
17/00333	1	Full	Approved	10/05/2017		Sub division of Plot 1
14/00869	5	Full	Approved	07/07/2014		Sites marketed and sold

FINDHORN

The Moray Council Housing Land Audit 2022

Projected Completions:											
2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
							15	10		13	

Planning:

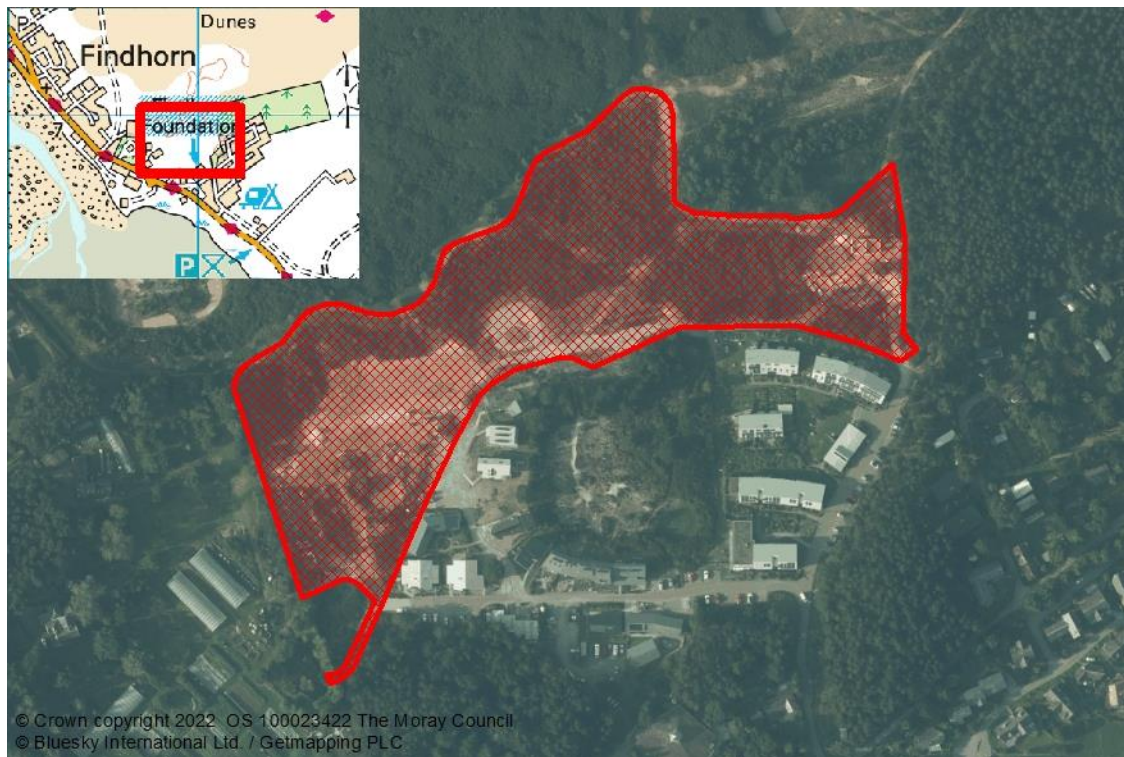
Planning Consent: Detail	Green/Brown: Green
Adopted Local Plan: <input type="checkbox"/>	House Programme: <input type="checkbox"/>
Constraint Type:	Land Use Type:
Constraint Notes:	
Established Land:	Effective Land:
Dispute:	Windfall: Yes
Owner:	Developer: Duneland Ltd

LPR:	Win	SITE REF:	M/FH/R/11
Supply Type:	Effective	LOCATION:	NORTH WHINS

Capacity:	Projected 5yr Completions	38	Total Units	38
Units Not Built	38	Effective Land	38	Constrained Land 0

Extra Information:

Easting:	304945	Northing:	863894
Primary School:	Kinloss Primary School	Ward:	Forres
Secondary School:	Forres Academy	Area (Ha):	2.68



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
20/01222	9		Approved	12/08/2021		AMC of 19/00320/PPP [Plot 14]
20/00135	8		Approved	24/09/2020		AMC of 19/00320/PPP [Plot 13.2]
19/01649	8		Approved	23/09/2020		AMC of 19/00320/PPP
20/00016		Full	Approved	13/08/2020		Amend condition re max. ridge height
19/01436		Full	Withdrawn	14/01/2020		Amend condition re max. ridge height
19/00320	38	Outline	Approved	04/11/2019		

FINDHORN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
					8	1					

Planning:

Planning Consent:	Detail	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	
Constraint Notes:			
Established Land:	2019	Effective Land:	2019
Dispute:		Windfall:	
Owner:		Developer:	

LPR:	20/RC	SITE REF:	M/FH/R/20/RC
Supply Type:	Effective	LOCATION:	RESIDENTIAL CARAVANS

Capacity:	Projected 5yr Completions	1	Total Units	9	
Units Not Built	1	Effective Land	1	Constrained Land	0

Extra Information:

Easting:	305094	Northing:	863641
Primary School:	Kinloss Primary School	Ward:	Forres
Secondary School:	Forres Academy	Area (Ha):	7.85



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Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
19/00043	8	Full	Approved	23/07/2020		
19/00042	1	Full	Approved	19/03/2019		

FINDOCHTY

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											35

Planning:

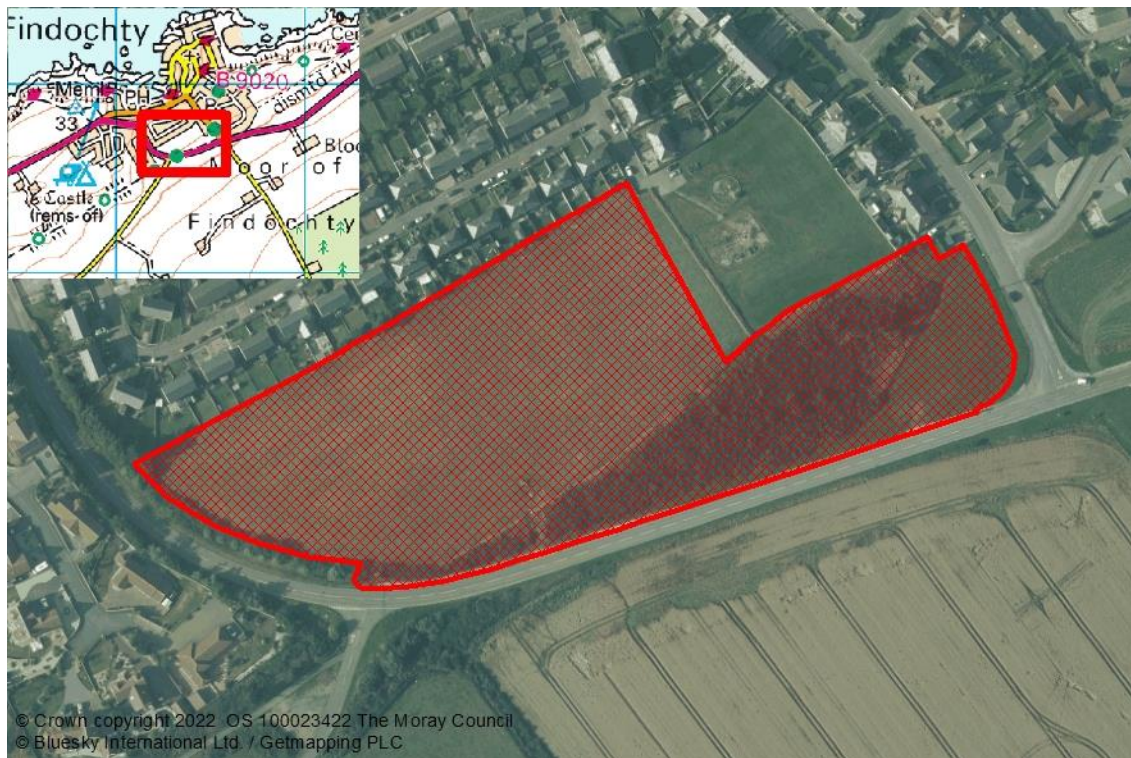
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Marketability	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2003	Effective Land:	2003
Dispute:	Agreed	Windfall:	No
Owner:	Seaford Estate	Developer:	

LPR:	20/R1	SITE REF:	M/FN/R/009
Supply Type:	Constrained	LOCATION:	MORVEN CRESCENT

Capacity:	Projected 5yr Completions	Total Units	35
Units Not Built	35	Effective Land	0
		Constrained Land	35

Extra Information:

Easting:	346362	Northing:	867677
Primary School:	Findochty Primary School	Ward:	Buckie
Secondary School:	Buckie High School	Area (Ha):	2.82



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
10/00419				19/03/2010		SCN for residential development

FINDOCHTY

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											20

Planning:

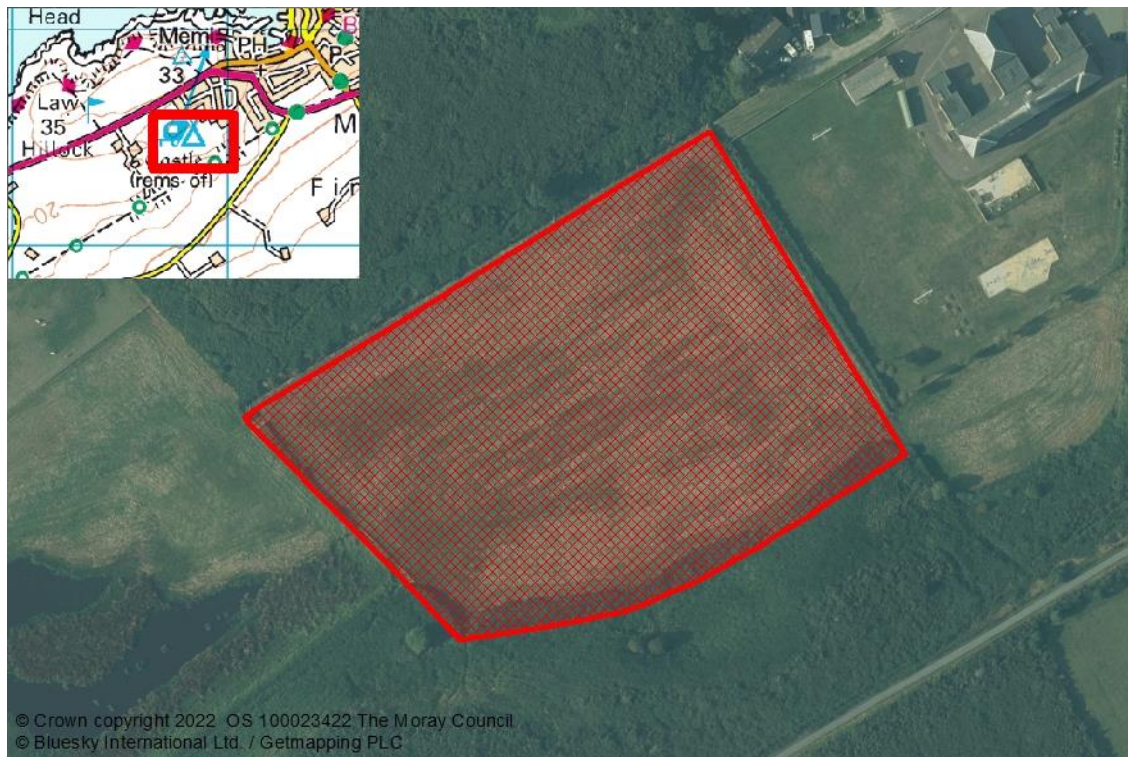
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Marketability	Land Use Type:	
Constraint Notes:		Effective Land:	
Established Land:		Windfall:	No
Dispute:	Agreed	Developer:	
Owner:	Seaford Estate		

LPR:	20/R2	SITE REF:	M/FN/R/07/02
Supply Type:	Constrained	LOCATION:	WEST OF PRIMARY SCHOOL

Capacity:	Projected 5yr Completions	Total Units	20
Units Not Built	20	Effective Land	0
		Constrained Land	20

Extra Information:

Easting:	345847	Northing:	867475
Primary School:	Findochty Primary School	Ward:	Buckie
Secondary School:	Buckie High School	Area (Ha):	2



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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FOCHABERS

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
							10	10	10	19	

Planning:

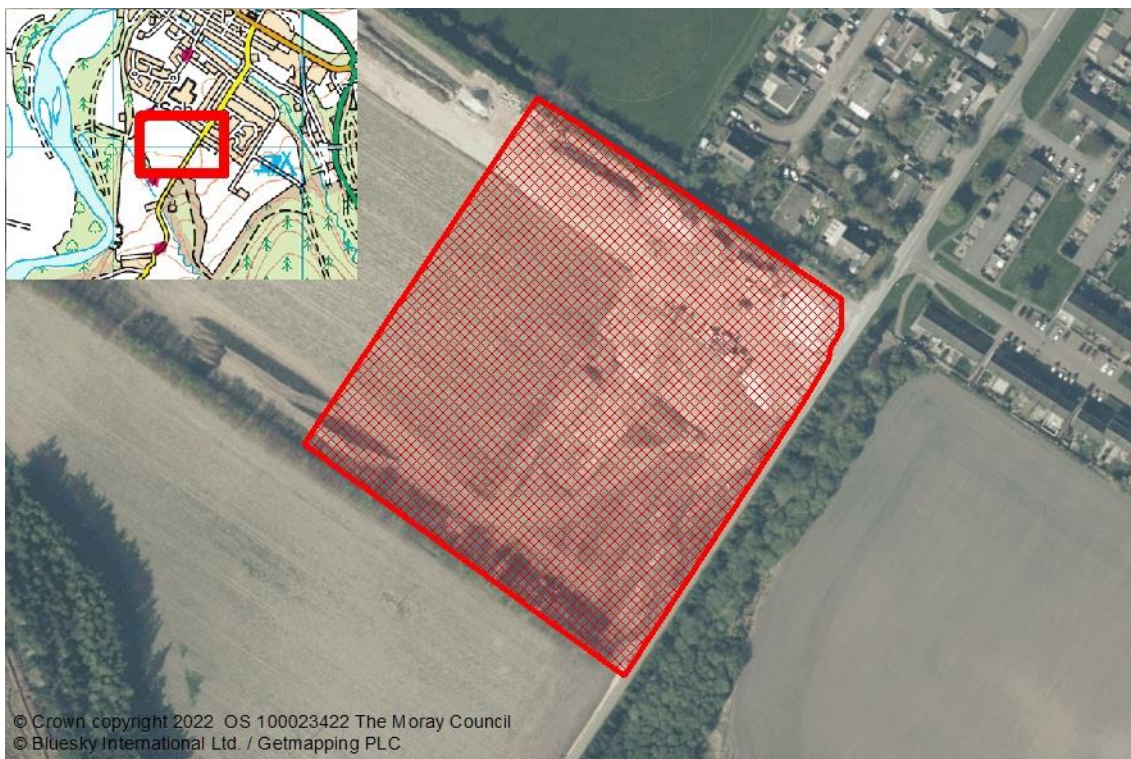
Planning Consent:	Detail	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	
Constraint Notes:		Effective Land:	
Established Land:		Windfall:	No
Dispute:	Agreed	Developer:	Bob Milton Properties
Owner:	Crown Estate Scotland		

LPR:	20/R1	SITE REF:	M/FO/R/07/01
Supply Type:	Effective	LOCATION:	ORDIQUISH ROAD

Capacity:	Projected 5yr Completions	49	Total Units	49	
Units Not Built	49	Effective Land	49	Constrained Land	0

Extra Information:

Easting:	334366	Northing:	858016
Primary School:	Milne's Primary School	Ward:	Fochabers Lhanbryde
Secondary School:	Milne's High School	Area (Ha):	2.62



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
21/01487		Full	Approved	09/12/2021		Amend house design (Plot 8)
21/00933		Full	Approved	19/08/2021		Variation of house type (Plot 3)
15/00244	49	Full	Approved	26/11/2015		
12/01577	50	Outline	Approved	10/02/2014		

FOCHABERS

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
									5	10	35

Planning:

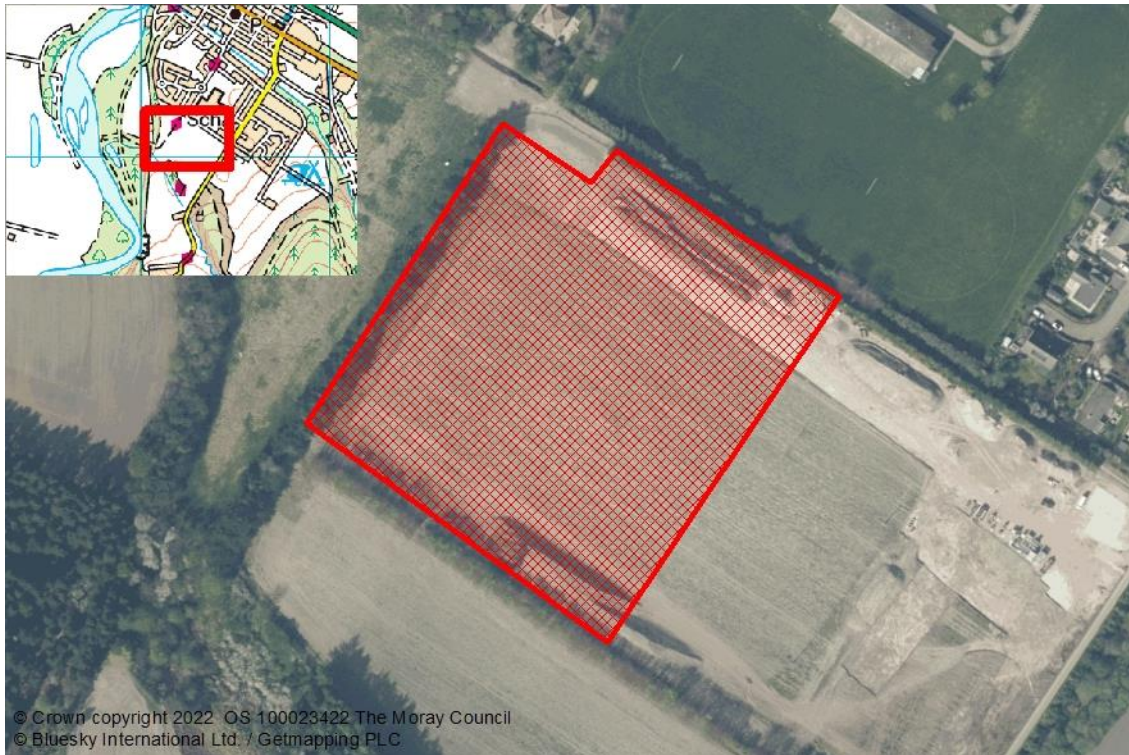
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2008	Effective Land:	2015
Dispute:	Agreed	Windfall:	No
Owner:	Crown Estate Scotland	Developer:	Bob Milton Properties

LPR:	20/R2	SITE REF:	M/FO/R/07/02
Supply Type:	Effective	LOCATION:	ORDIQUISH ROAD WEST

Capacity:	Projected 5yr Completions	15	Total Units	50	
Units Not Built	50	Effective Land	50	Constrained Land	0

Extra Information:

Easting:	334242	Northing:	858100
Primary School:	Milne's Primary School	Ward:	Fochabers Lhanbryde
Secondary School:	Milne's High School	Area (Ha):	2.32



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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FOCHABERS

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											35

Planning:

Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Programming	Land Use Type:	Agricultural Land
Constraint Notes:	LONG	Effective Land:	
Established Land:	2015	Windfall:	No
Dispute:		Developer:	
Owner:	Crown Estate Scotland		

LPR:	20/LONG	SITE REF:	M/FO/R/15/LG
Supply Type:	Constrained	LOCATION:	ORDIQUISH ROAD EAST LONG

Capacity:	Projected 5yr Completions	Total Units	35
Units Not Built	35	Effective Land	0
		Constrained Land	35

Extra Information:

Easting:	334612	Northing:	857859
Primary School:	Milne's Primary School	Ward:	Fochabers Lhanbryde
Secondary School:	Milne's High School	Area (Ha):	1.85



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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FOCHABERS

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
										5	45

Planning:

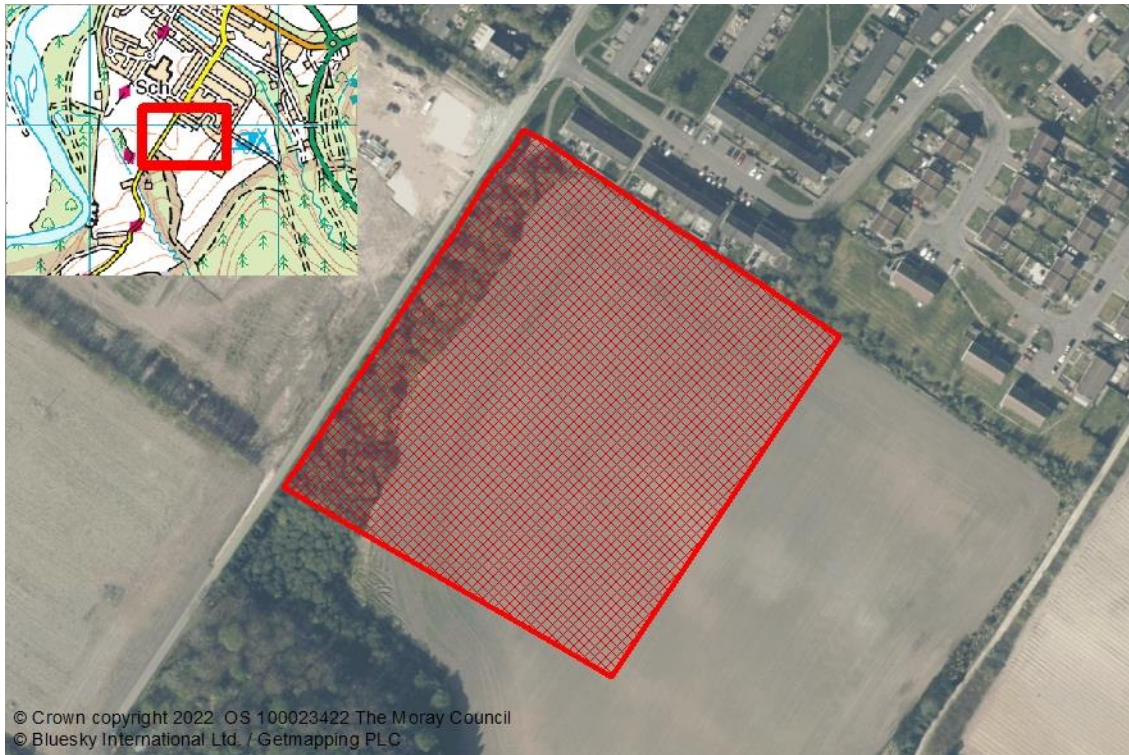
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Agricultural Land
Constraint Notes:		Effective Land:	
Established Land:		Windfall:	No
Dispute:		Developer:	
Owner:	Crown Estate Scotland		

LPR:	20/R4	SITE REF:	M/FO/R/20/04
Supply Type:	Effective	LOCATION:	ORDIQUISH ROAD EAST

Capacity:	Projected 5yr Completions	5	Total Units	50	
Units Not Built	50	Effective Land	50	Constrained Land	0

Extra Information:

Easting:	334498	Northing:	857930
Primary School:	Milne's Primary School	Ward:	Fochabers Lhanbryde
Secondary School:	Milne's High School	Area (Ha):	2.5



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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FORRES

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
										12	12

Planning:

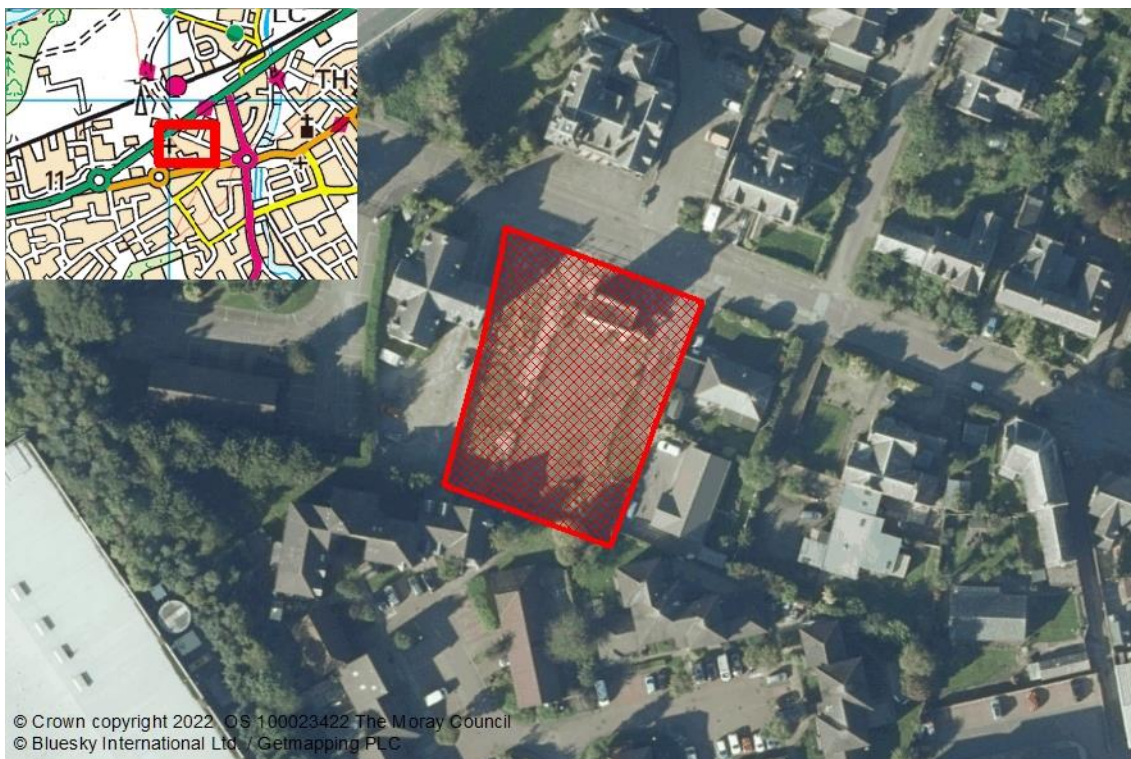
Planning Consent:	Detail	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Commercial
Constraint Notes:			
Established Land:	2011	Effective Land:	Yes
Dispute:	Agreed	Windfall:	Yes
Owner:		Developer:	Mackintosh Highland

LPR:	20/OPP4	SITE REF:	M/FR/R/057
Supply Type:	Effective	LOCATION:	AUCTION MART, TYTLER STREET

Capacity:	Projected 5yr Completions	12	Total Units	24	
Units Not Built	24	Effective Land	24	Constrained Land	0

Extra Information:

Easting:	303070	Northing:	858830
Primary School:	Pilmuir Primary School	Ward:	Forres
Secondary School:	Forres Academy	Area (Ha):	0.2



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Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
13/00347	24	Full	Approved	25/09/2013		Extend 08/01954
08/01954	24	Full	Approved	21/05/2010		
15/00371		Full				Listed Building Consent

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The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											60

Planning:

Planning Consent:	None	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Contamination	Land Use Type:	Commercial
Constraint Notes:			
Established Land:	2019	Effective Land:	2019
Dispute:	Agreed	Windfall:	No
Owner:	Paul Gee	Developer:	

LPR:	20/OPP1	SITE REF:	M/FR/R/060
Supply Type:	Constrained	LOCATION:	CAROLINE STREET

Capacity:	Projected 5yr Completions	Total Units	60
Units Not Built	60	Effective Land	0
		Constrained Land	60

Extra Information:

Easting:	303505	Northing:	859113
Primary School:	Anderson's Primary School	Ward:	Forres
Secondary School:	Forres Academy	Area (Ha):	1.51



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
20/01455	48	Full	Refused	25/08/2021		Appeal lodged
16/00740	80					PAN for affordable units development

FORRES

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
						15	15	15	15	15	37

Planning:

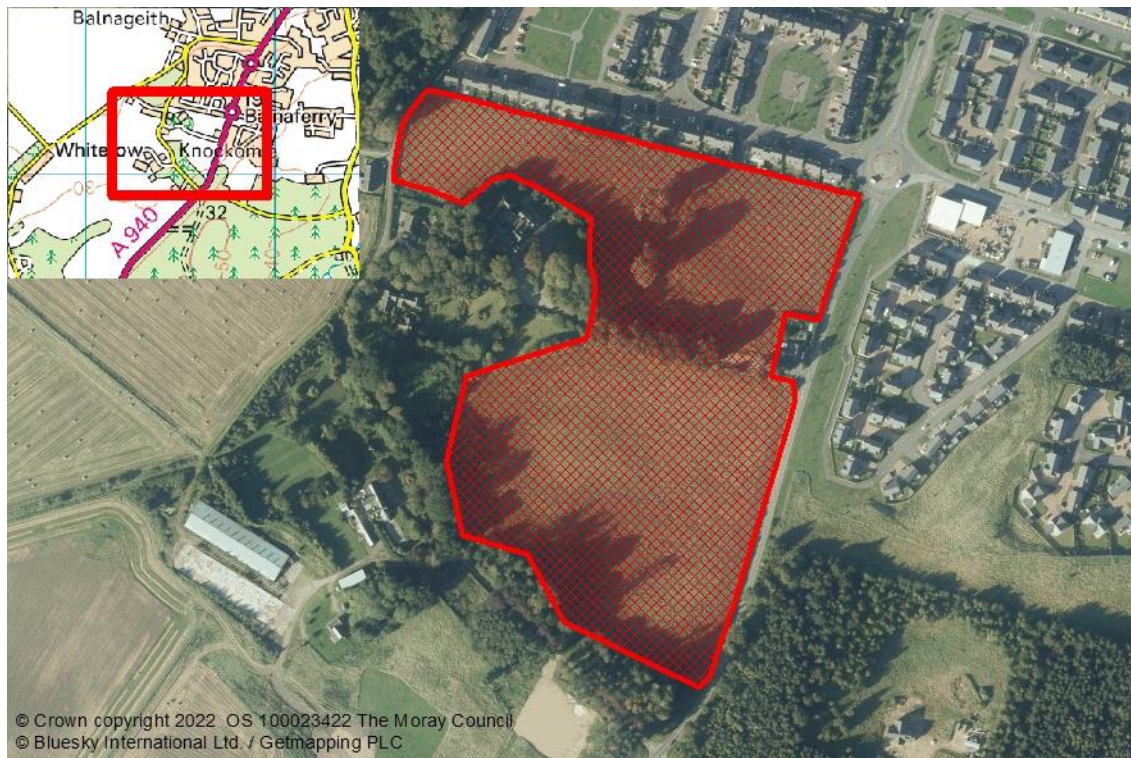
Planning Consent:	Detail	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:		Effective Land:	2014
Dispute:	Agreed	Windfall:	No
Owner:	Tulloch Homes	Developer:	Tulloch Homes

LPR:	20/R1	SITE REF:	M/FR/R/07/01
Supply Type:	Effective	LOCATION:	KNOCKKOMIE

Capacity:	Projected 5yr Completions	75	Total Units	112	
Units Not Built	112	Effective Land	112	Constrained Land	0

Extra Information:

Easting:	302593	Northing:	857171
Primary School:	Pilmuir Primary School	Ward:	Forres
Secondary School:	Forres Academy	Area (Ha):	7.56



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
19/00293	112	Full	Approved	22/12/2020		
07/02733	90	Full	Refused	18/06/2009		Appeal dismissed
08/02367	90	Full	Withdrawn			

FORRES

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027 +
4	26	47	48	34	41	60	60	60	60	43	

Planning:

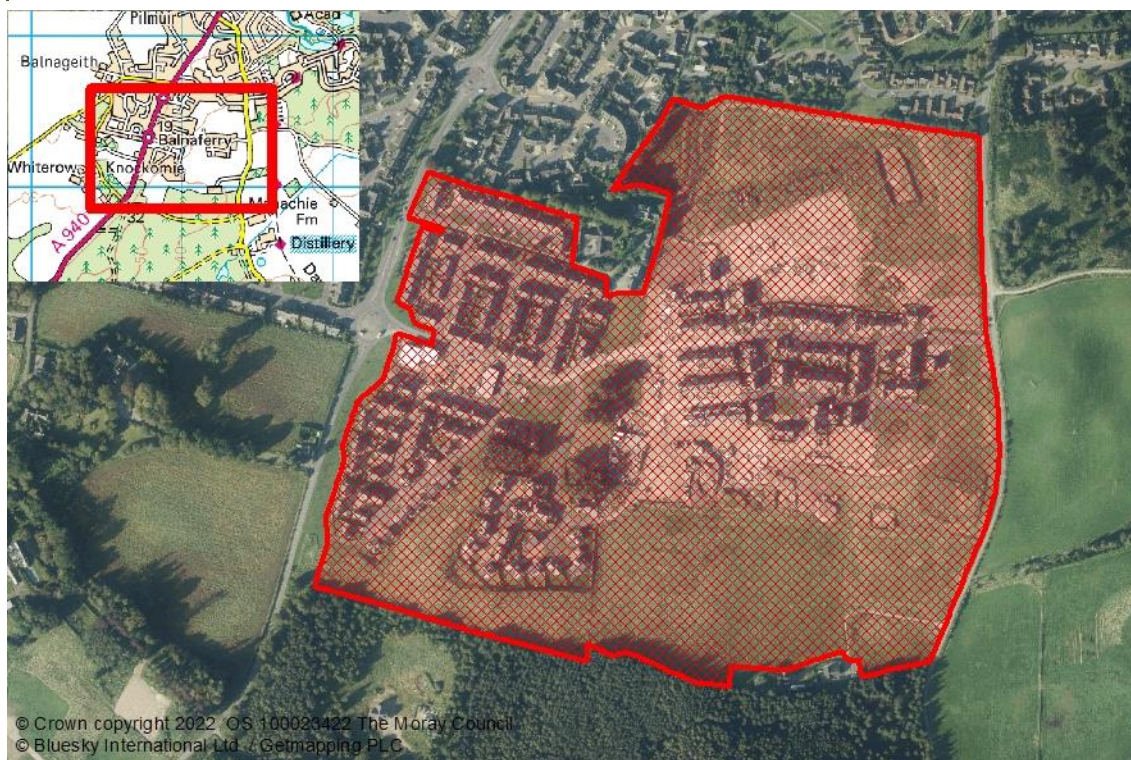
Planning Consent:	Detail	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:		Effective Land:	
Dispute:	Agreed	Windfall:	No
Owner:	Springfield Properties Plc	Developer:	Springfield Properties Plc

LPR:	20/R2	SITE REF:	M/FR/R/07/03
Supply Type:	Effective	LOCATION:	FERRYLEA

Capacity:	Projected 5yr Completions	283	Total Units	576	
Units Not Built	283	Effective Land	283	Constrained Land	0

Extra Information:

Easting:	303116	Northing:	857233
Primary School:	Split	Ward:	Forres
Secondary School:	Forres Academy	Area (Ha):	33.53



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
19/00615	6	Full	Approved	14/07/2020		6 flats (student accommodation)
19/01184		Full	Approved	28/02/2020		Installation of SUDS basin
18/01142	316	Full	Refused	16/10/2019		Approved on appeal
18/00113		Full	Approved	28/01/2018		Variation of house types
16/00743	120	Full	Approved	28/04/2017		Phase 2
15/01923	134	Full	Approved	24/02/2016		Partial reconfiguration of 12/01110 [Phase 1]

FORRES

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027 +
									15	55	780

Planning:

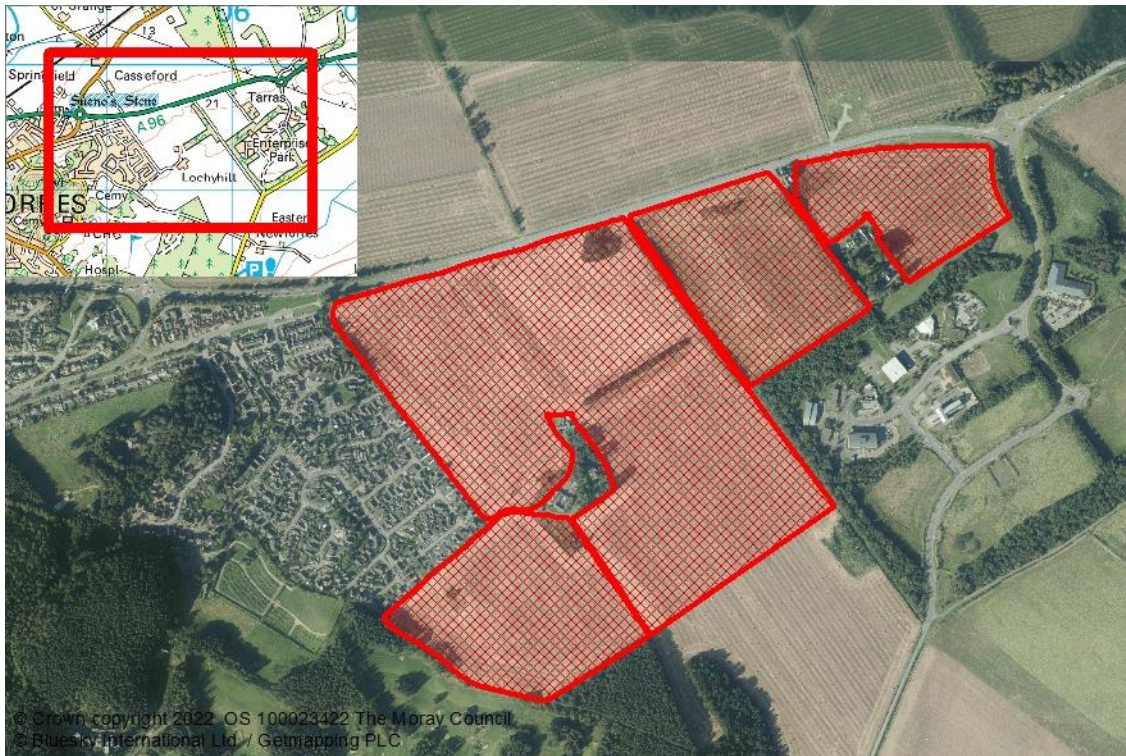
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Agricultural Land
Constraint Notes:		Effective Land:	
Established Land:		Windfall:	No
Dispute:	Agreed	Developer:	Robertson Residential Group
Owner:	White		

LPR:	20/R3	SITE REF:	M/FR/R/07/04
Supply Type:	Effective	LOCATION:	LOCHYHILL

Capacity:	Projected 5yr Completions	70	Total Units	850	
Units Not Built	850	Effective Land	850	Constrained Land	0

Extra Information:

Easting:	305698	Northing:	859375
Primary School:	Anderson's Primary School	Ward:	Forres
Secondary School:	Forres Academy	Area (Ha):	61.11



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
09/02364	229	Full	Expired	02/07/2015		

FORRES

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
							8	8	8	8	8

Planning:

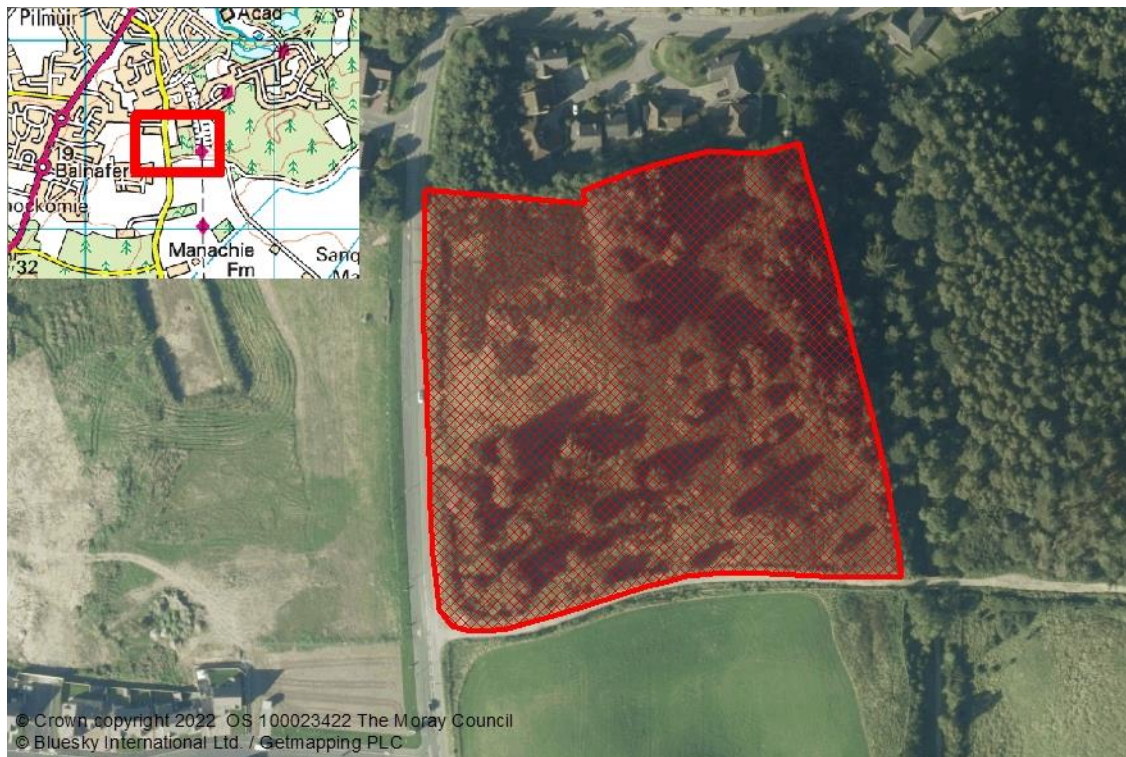
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Vacant
Constraint Notes:			
Established Land:		Effective Land:	
Dispute:	Agreed	Windfall:	No
Owner:	Tulloch of Cummingston	Developer:	Tulloch of Cummingston

LPR:	20/R4	SITE REF:	M/FR/R/07/08
Supply Type:	Effective	LOCATION:	MANNACHIE

Capacity:	Projected 5yr Completions	32	Total Units	40	
Units Not Built	40	Effective Land	40	Constrained Land	0

Extra Information:

Easting:	303514	Northing:	857451
Primary School:	Applegrove Primary School	Ward:	Forres
Secondary School:	Forres Academy	Area (Ha):	2.85



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
20/00927	32	Full	Pending			Phase 1
20/01028	8	Outline	Pending			Phase 2 (Apartment Block)

FORRES

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											400

Planning:

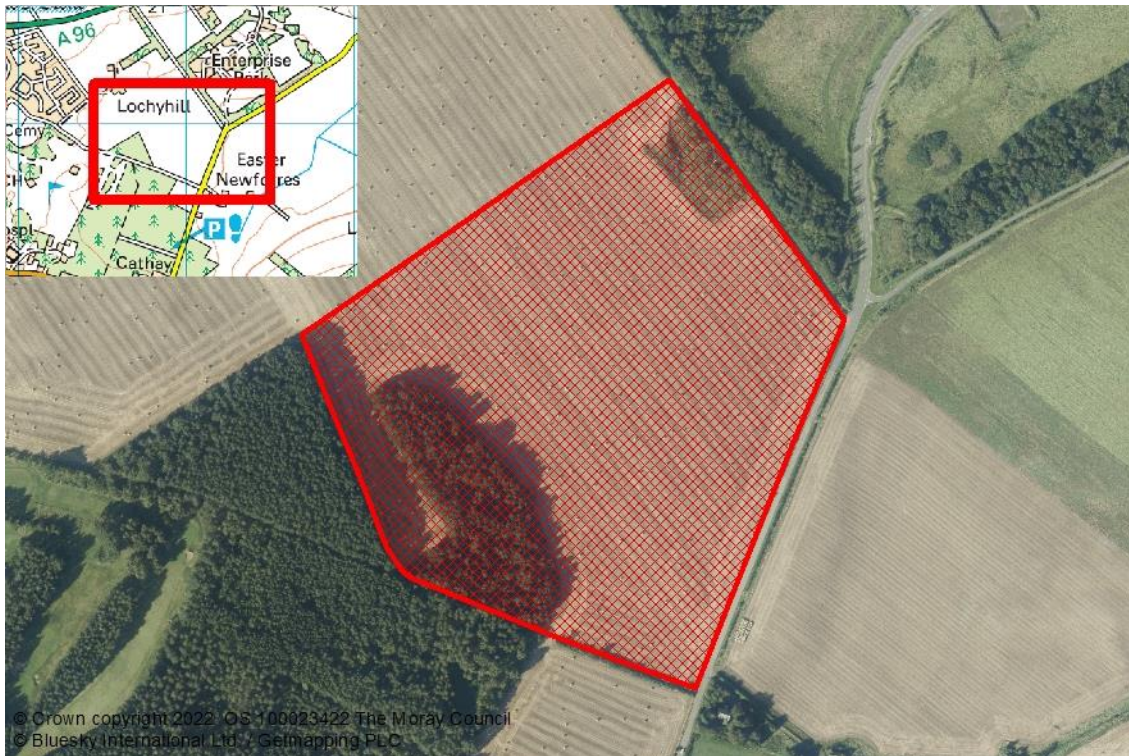
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Programming	Land Use Type:	Agricultural Land
Constraint Notes:	LONG		
Established Land:		Effective Land:	
Dispute:	Agreed	Windfall:	No
Owner:	White	Developer:	

LPR:	20/LONG1	SITE REF:	M/FR/R/07/11
Supply Type:	Constrained	LOCATION:	LOCHYHILL LONG1

Capacity:	Projected 5yr Completions	Total Units	400
Units Not Built	400	Effective Land	0
		Constrained Land	400

Extra Information:

Easting:	305989	Northing:	858888
Primary School:	Anderson's Primary School	Ward:	Forres
Secondary School:	Forres Academy	Area (Ha):	16.73



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
09/02364	229	Full	Expired	02/07/2015		

FORRES

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											12

Planning:

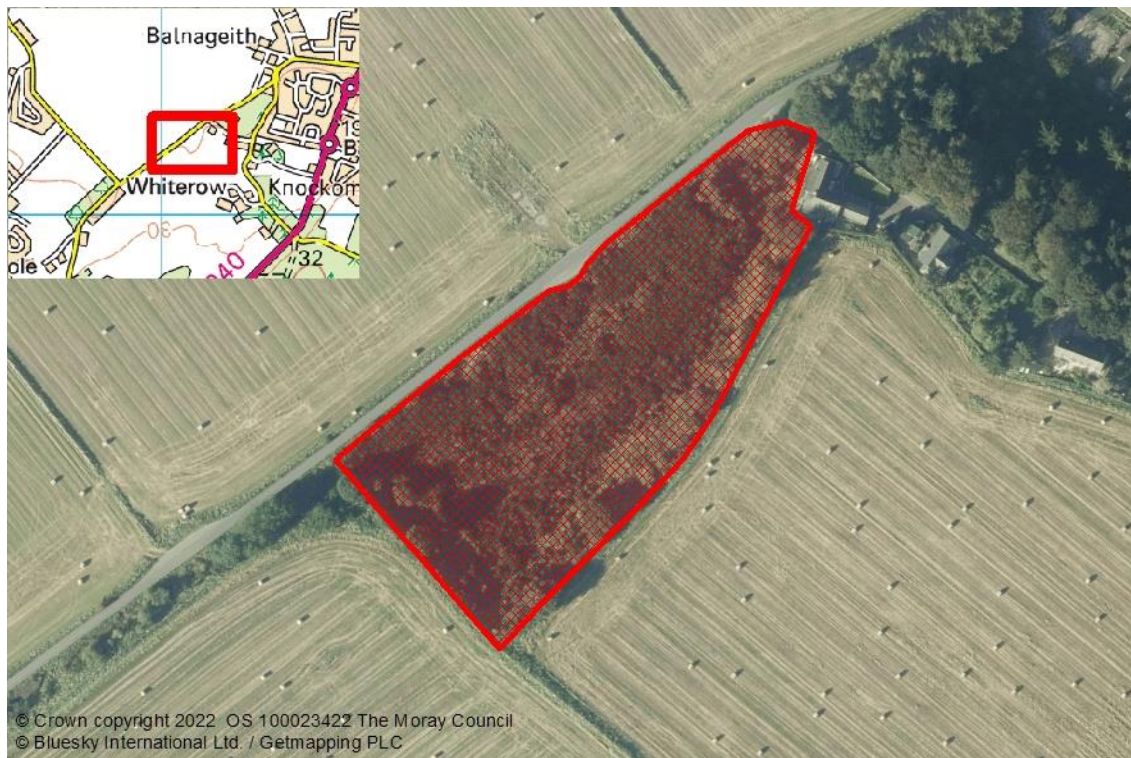
Planning Consent:	None	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Marketability	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2015	Effective Land:	2015
Dispute:		Windfall:	No
Owner:	J. Sutton and D. Leith	Developer:	

LPR:	20/R5	SITE REF:	M/FR/R/15/08
Supply Type:	Constrained	LOCATION:	BALNAGEITH

Capacity:	Projected 5yr Completions	Total Units	12
Units Not Built	12	Effective Land	0
		Constrained Land	12

Extra Information:

Easting:	302147	Northing:	857332
Primary School:	Pilmuir Primary School	Ward:	Forres
Secondary School:	Forres Academy	Area (Ha):	1.17



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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FORRES

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
							12	20	20	20	64

Planning:

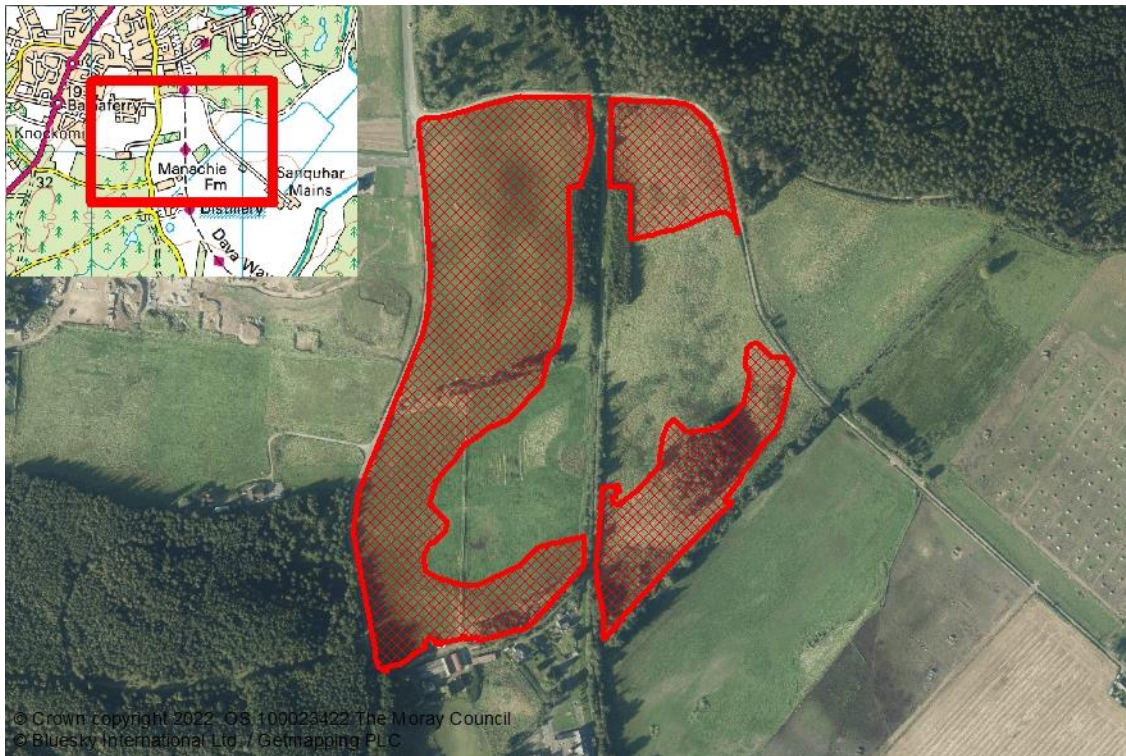
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2015	Effective Land:	2015
Dispute:		Windfall:	No
Owner:	Altyre Estate	Developer:	

LPR:	20/R6	SITE REF:	M/FR/R/15/10
Supply Type:	Effective	LOCATION:	DALLAS DHU

Capacity:	Projected 5yr Completions	72	Total Units	136	
Units Not Built	136	Effective Land	136	Constrained Land	0

Extra Information:

Easting:	303562	Northing:	857092
Primary School:	Applegrove Primary School	Ward:	Forres
Secondary School:	Forres Academy	Area (Ha):	11.8



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
						Dallas Dhu Masterplan

FORRES

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027 +
											40

Planning:

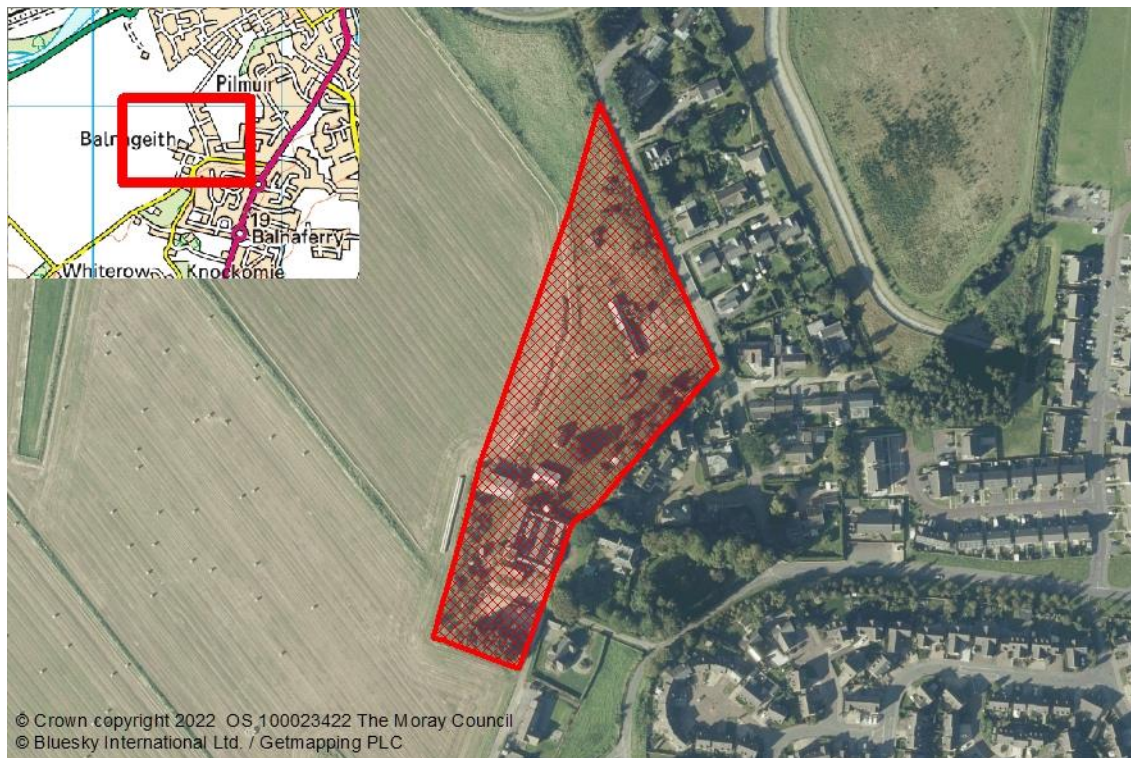
Planning Consent:	None	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Physical	Land Use Type:	Derelict, vacant, backland etc.
Constraint Notes:	Contamination, rifle range relocation		
Established Land:	2015	Effective Land:	2015
Dispute:		Windfall:	No
Owner:	G & AG Proctor	Developer:	

LPR:	20/R7	SITE REF:	M/FR/R/15/11
Supply Type:	Constrained	LOCATION:	PILMUIR ROAD WEST

Capacity:	Projected 5yr Completions	Total Units	40
Units Not Built	40	Effective Land	0
		Constrained Land	40

Extra Information:

Easting:	302493	Northing:	857809
Primary School:	Pilmuir Primary School	Ward:	Forres
Secondary School:	Forres Academy	Area (Ha):	2.28



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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FORRES

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
						2					

Planning:

Planning Consent:	Detail	Green/Brown:	
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Commercial
Constraint Notes:			
Established Land:	2019	Effective Land:	2019
Dispute:		Windfall:	Yes
Owner:	Advie Properties Ltd	Developer:	

LPR:	20/TC	SITE REF:	M/FR/R/TC/01
Supply Type:	Effective	LOCATION:	96 HIGH STREET

Capacity:	Projected 5yr Completions	2	Total Units	2	
Units Not Built	2	Effective Land	2	Constrained Land	0

Extra Information:

Easting:	303705	Northing:	858890
Primary School:	Applegrove Primary School	Ward:	Forres
Secondary School:	Forres Academy	Area (Ha):	0.03



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Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
19/00660	2	Full	Approved	23/10/2019		CoU from bank to retail and 2 x flats

GARMOUTH/KINGSTON

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											10

Planning:

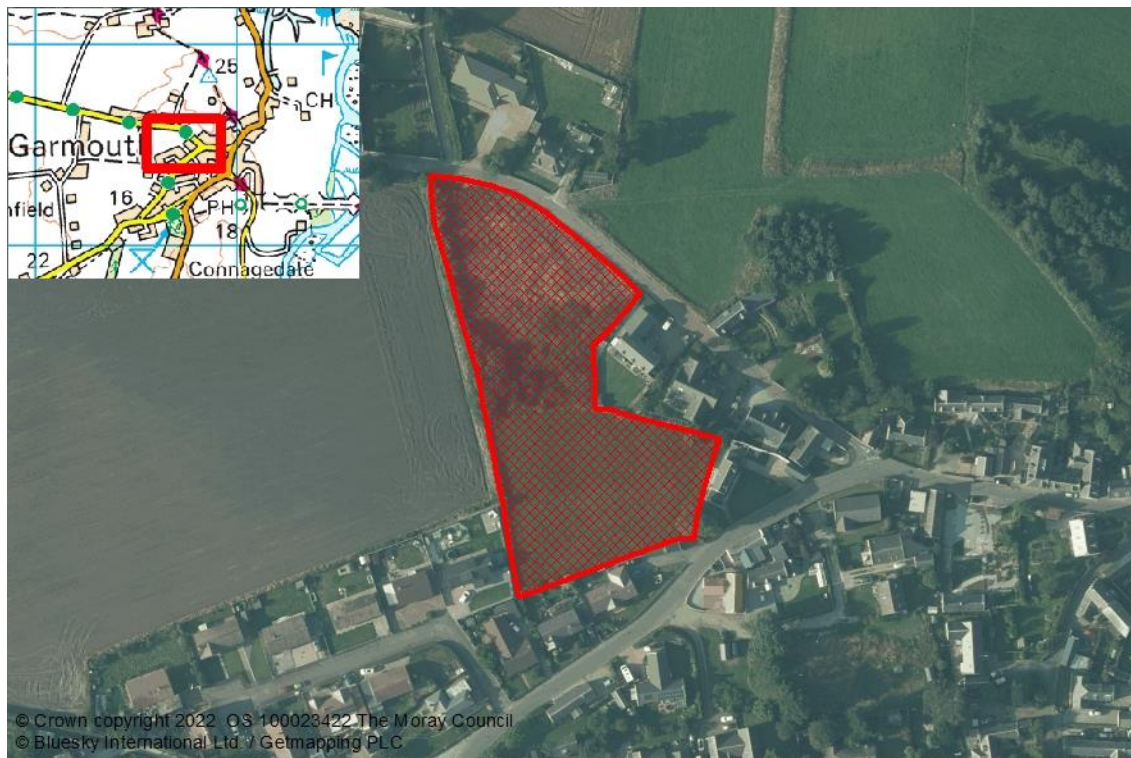
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Physical	Land Use Type:	Agricultural Land
Constraint Notes:	Infrastructure issues		
Established Land:	2015	Effective Land:	
Dispute:		Windfall:	No
Owner:	John Brown (South)	Developer:	

LPR:	20/R1	SITE REF:	M/GM/R/15/01
Supply Type:	Constrained	LOCATION:	SOUTH OF INNES ROAD

Capacity:	Projected 5yr Completions	Total Units	10
Units Not Built	10	Effective Land	0
		Constrained Land	10

Extra Information:

Easting:	333732	Northing:	864503
Primary School:	Mosstodloch Primary School	Ward:	Fochabers Lhanbryde
Secondary School:	Milne's High School	Area (Ha):	0.67



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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HOPEMAN

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
						10	10	10	10	10	25

Planning:

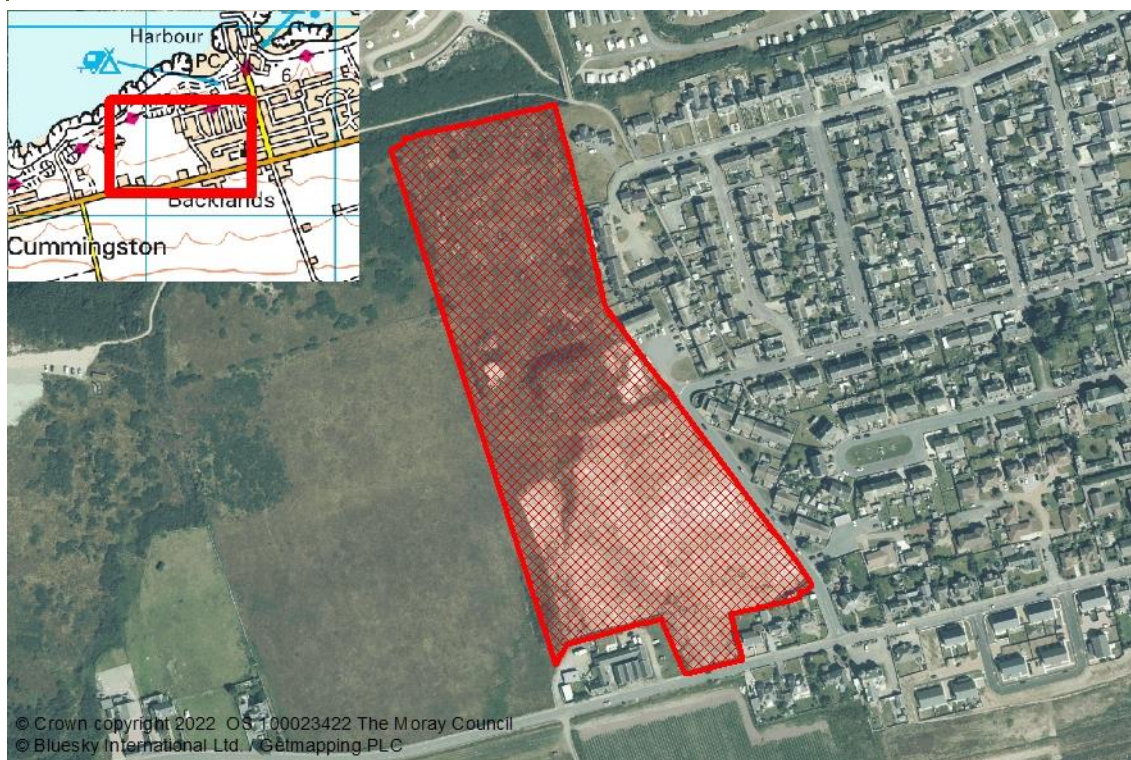
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2015	Effective Land:	2015
Dispute:		Windfall:	No
Owner:	White	Developer:	Tulloch of Cummingston

LPR:	20/R1	SITE REF:	M/HP/R/15/R1
Supply Type:	Effective	LOCATION:	MANSE ROAD

Capacity:	Projected 5yr Completions	50	Total Units	75	
Units Not Built	75	Effective Land	75	Constrained Land	0

Extra Information:

Easting:	314186	Northing:	869354
Primary School:	Hopeman Primary School	Ward:	Heldon And Laich
Secondary School:	Lossiemouth High School	Area (Ha):	4.67



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
19/00783	75					PAN for residential development and nursing/retirement home
20/00278	48	Full	Pending			Phase 1

KEITH

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
	1	0	1	0	0	1	1	1			

Planning:

Planning Consent:	Detail	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	
Constraint Notes:			
Established Land:	2003	Effective Land:	2003
Dispute:	Agreed	Windfall:	No
Owner:	Walker	Developer:	Walker



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LPR:	20/R1	SITE REF:	M/KH/R/005
Supply Type:	Effective	LOCATION:	NELSON TERRACE

Capacity:	Projected 5yr Completions	3	Total Units	21	
Units Not Built	3	Effective Land	3	Constrained Land	0

Extra Information:

Easting:	342452	Northing:	850488
Primary School:	Keith Primary School	Ward:	Keith And Cullen
Secondary School:	Keith Grammar School	Area (Ha):	0.37

Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
19/00565	1	Full	Approved	16/08/2019		
17/00287	1	Full	Approved	20/04/2017		Plot 3
14/02313	1	Full	Approved	30/01/2015		
76/752	18	Outline	Approved			
INDIVIDS	18	Full	Approved			

KEITH

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											36

Planning:

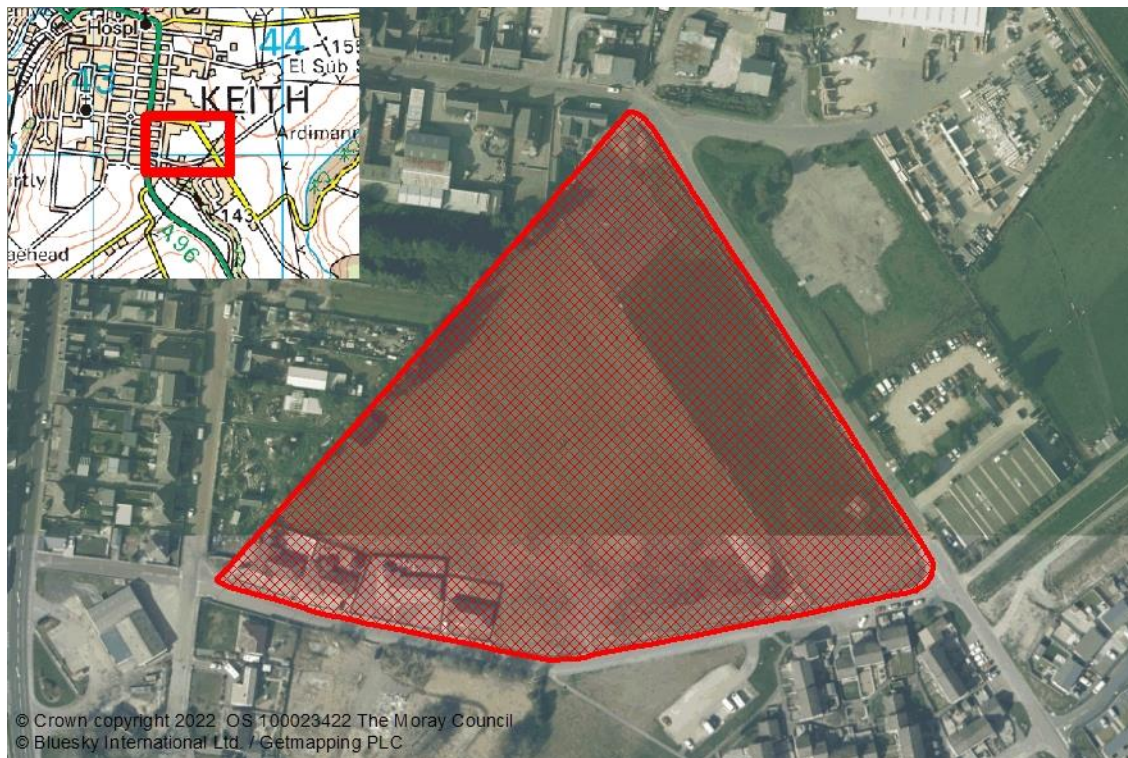
Planning Consent:	Detail	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Ownership	Land Use Type:	
Constraint Notes:			
Established Land:	2003	Effective Land:	2003
Dispute:	Agreed	Windfall:	No
Owner:		Developer:	

LPR:	20/R2	SITE REF:	M/KH/R/015
Supply Type:	Constrained	LOCATION:	DUNNYDUFF ROAD

Capacity:	Projected 5yr Completions	Total Units	40
Units Not Built	36	Effective Land	0
		Constrained Land	36

Extra Information:

Easting:	343505	Northing:	850034
Primary School:	Keith Primary School	Ward:	Keith And Cullen
Secondary School:	Keith Grammar School	Area (Ha):	3.22



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
15/00841	1	Outline	Refused	01/07/2015		
07/01549	1	Full	Approved	22/02/2008		
05/01000	6	Outline	Refused	26/05/2006		
03/00298	6	Outline	Refused	13/11/2003		
INDIVIDS	3	Full	Approved			
97/02052	1	Full	Approved			

KEITH

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
								6			

Planning:

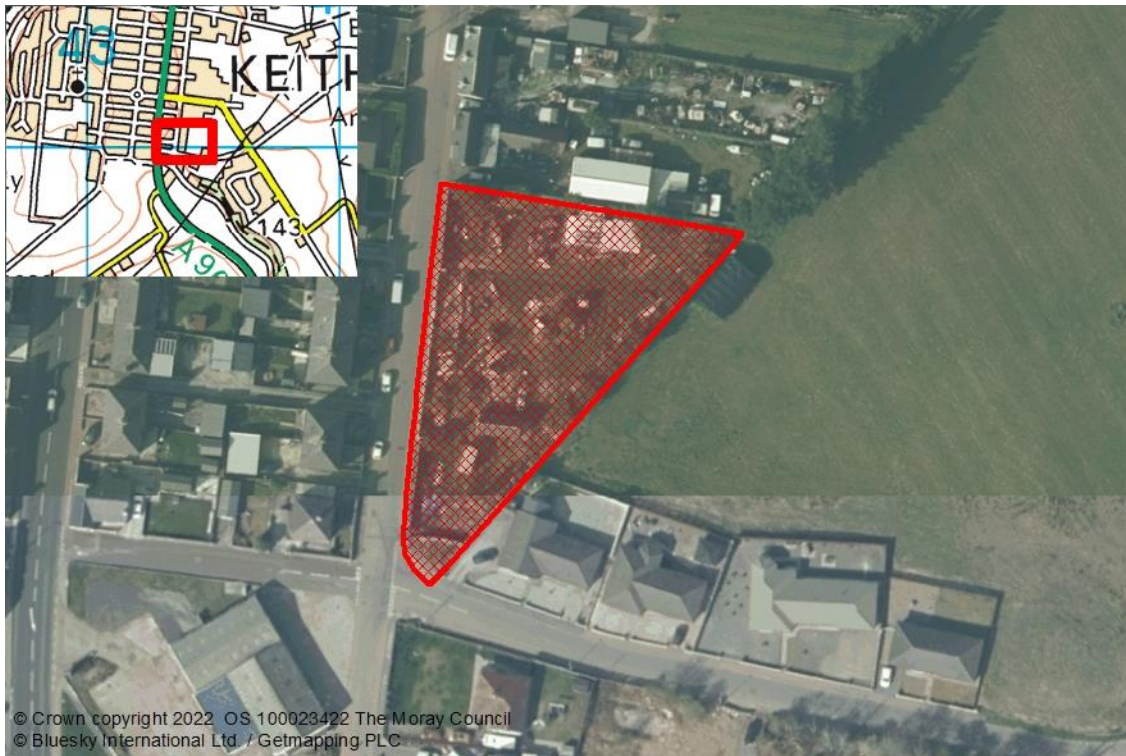
Planning Consent:	None	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Residential
Constraint Notes:		Effective Land:	
Established Land:		Windfall:	No
Dispute:	Agreed	Developer:	
Owner:	Peter Stott		

LPR:	20/R3	SITE REF:	M/KH/R/030
Supply Type:	Effective	LOCATION:	BALLOCH ROAD

Capacity:	Projected 5yr Completions	6	Total Units	6
Units Not Built	6	Effective Land	6	Constrained Land

Extra Information:

Easting:	343375	Northing:	850030
Primary School:	Keith Primary School	Ward:	Keith And Cullen
Secondary School:	Keith Grammar School	Area (Ha):	0.26



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
04/02978	7	Full	Withdrawn			

KEITH

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
						33	20	20	24	25	

Planning:

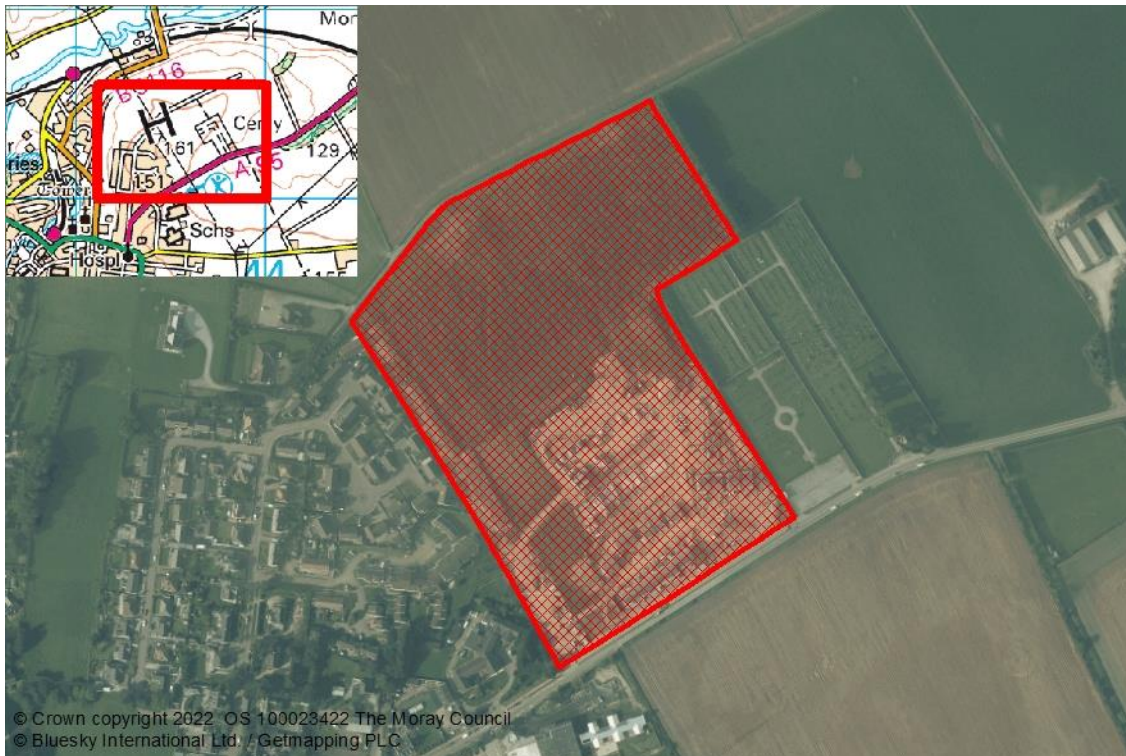
Planning Consent:	Detail	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	
Constraint Notes:		Effective Land:	
Established Land:		Windfall:	No
Dispute:	Agreed	Developer:	Springfield Properties Plc
Owner:	Moray Council		

LPR:	20/R4	SITE REF:	M/KH/R/07/08
Supply Type:	Effective	LOCATION:	BANFF ROAD NORTH

Capacity:	Projected 5yr Completions	122	Total Units	122	
Units Not Built	122	Effective Land	122	Constrained Land	0

Extra Information:

Easting:	343562	Northing:	851304
Primary School:	Keith Primary School	Ward:	Keith And Cullen
Secondary School:	Keith Grammar School	Area (Ha):	8.52



Tenure:

Tenure Type	Units
Affordable Units	122

Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
18/01497	122	Full	Approved	15/07/2019		
17/00009	90	Full	Approved	15/09/2017		Amend 10/01492
10/01492	76	Full	Approved	19/09/2013		

KEITH

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											40

Planning:

Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Marketability	Land Use Type:	Agricultural Land
Constraint Notes:		Effective Land:	
Established Land:		Windfall:	No
Dispute:	Agreed	Developer:	
Owner:			

LPR:	20/R8	SITE REF:	M/KH/R/07/15
Supply Type:	Constrained	LOCATION:	EDINDIACH ROAD (EAST)

Capacity:	Projected 5yr Completions	Total Units	40
Units Not Built	40	Effective Land	0
		Constrained Land	40

Extra Information:

Easting:	343940	Northing:	849868
Primary School:	Keith Primary School	Ward:	Keith And Cullen
Secondary School:	Keith Grammar School	Area (Ha):	5.13



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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KEITH

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											7

Planning:

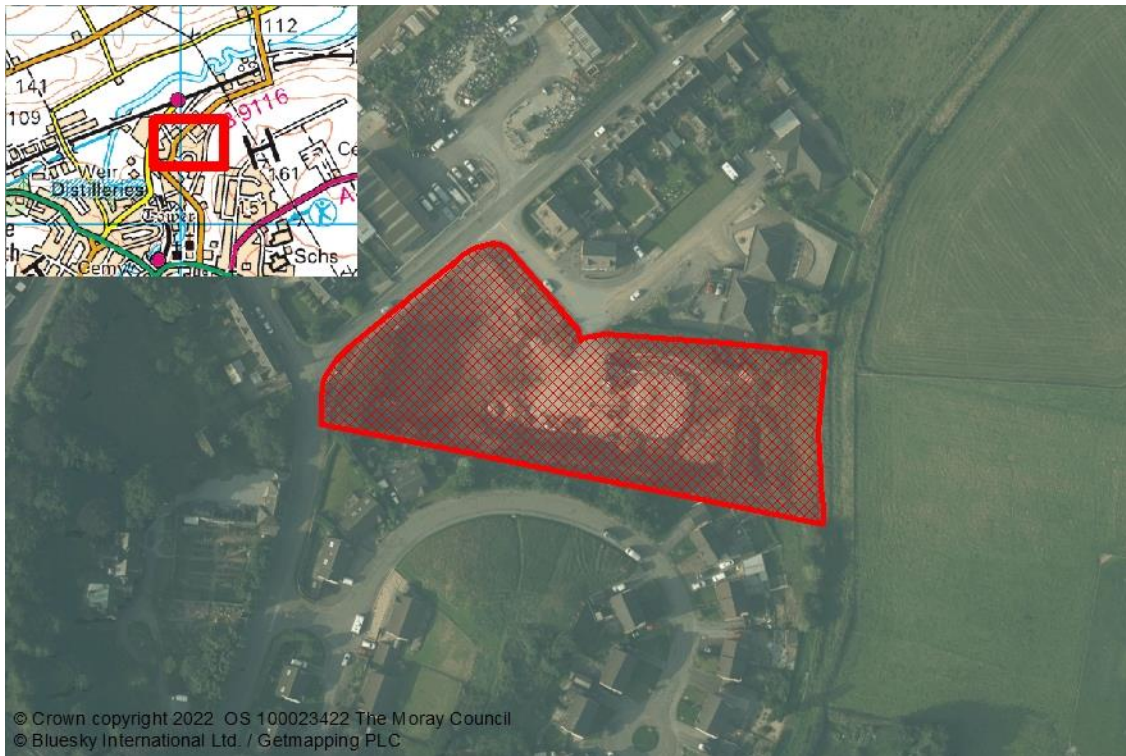
Planning Consent:	Outline	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Marketability	Land Use Type:	Commercial
Constraint Notes:			
Established Land:	2016	Effective Land:	
Dispute:		Windfall:	
Owner:	ACE Roofing (Keith)	Developer:	

LPR:	20/OPP3	SITE REF:	M/KH/R/15/036
Supply Type:	Constrained	LOCATION:	NEWMILL SOUTH ROAD

Capacity:	Projected 5yr Completions	Total Units	7
Units Not Built	7	Effective Land	0
		Constrained Land	7

Extra Information:

Easting:	343047	Northing:	851430
Primary School:	Keith Primary School	Ward:	Keith And Cullen
Secondary School:	Keith Grammar School	Area (Ha):	0.85



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
15/00998	7	Outline	Approved	31/07/2015		

KEITH

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027 +
											5

Planning:

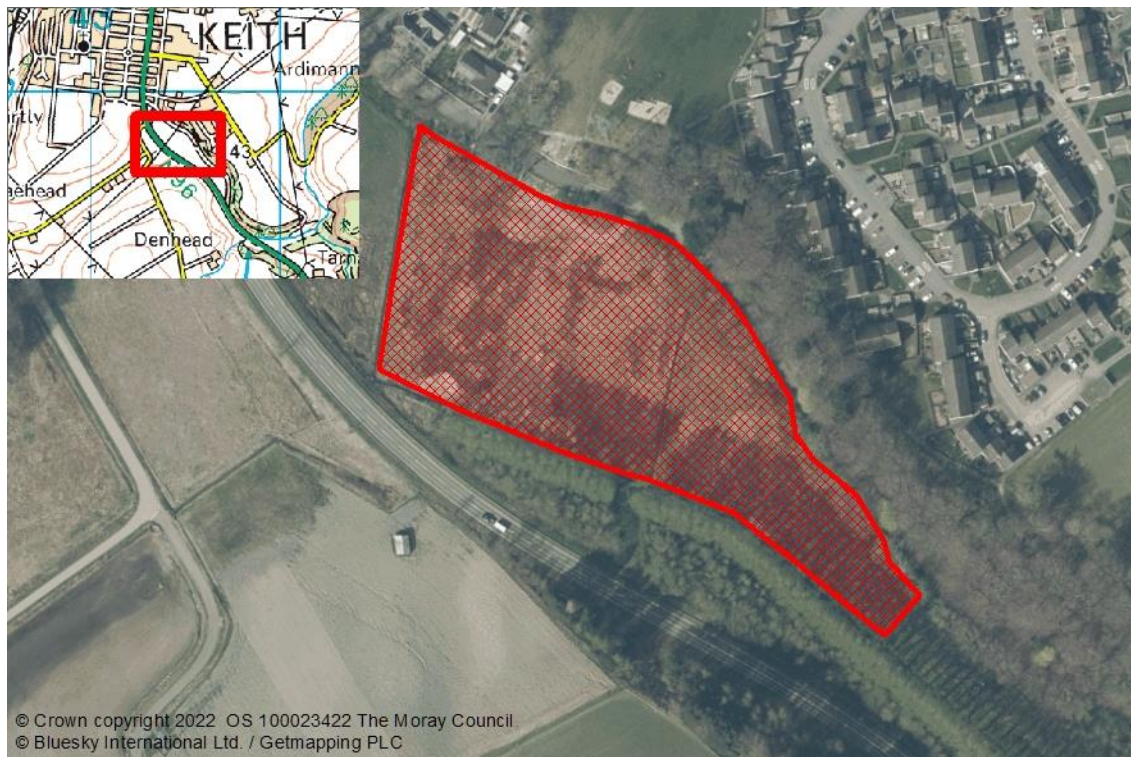
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Physical	Land Use Type:	
Constraint Notes:	Flood risk	Effective Land:	
Established Land:	2020	Windfall:	No
Dispute:		Developer:	
Owner:			

LPR:	20/R8	SITE REF:	M/KH/R/20/08
Supply Type:	Constrained	LOCATION:	DENWELL ROAD

Capacity:	Projected 5yr Completions	Total Units	5
Units Not Built	5	Effective Land	0
		Constrained Land	5

Extra Information:

Easting:	343477	Northing:	849731
Primary School:	Keith Primary School	Ward:	Keith And Cullen
Secondary School:	Keith Grammar School	Area (Ha):	1.67



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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KEITH

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											70

Planning:

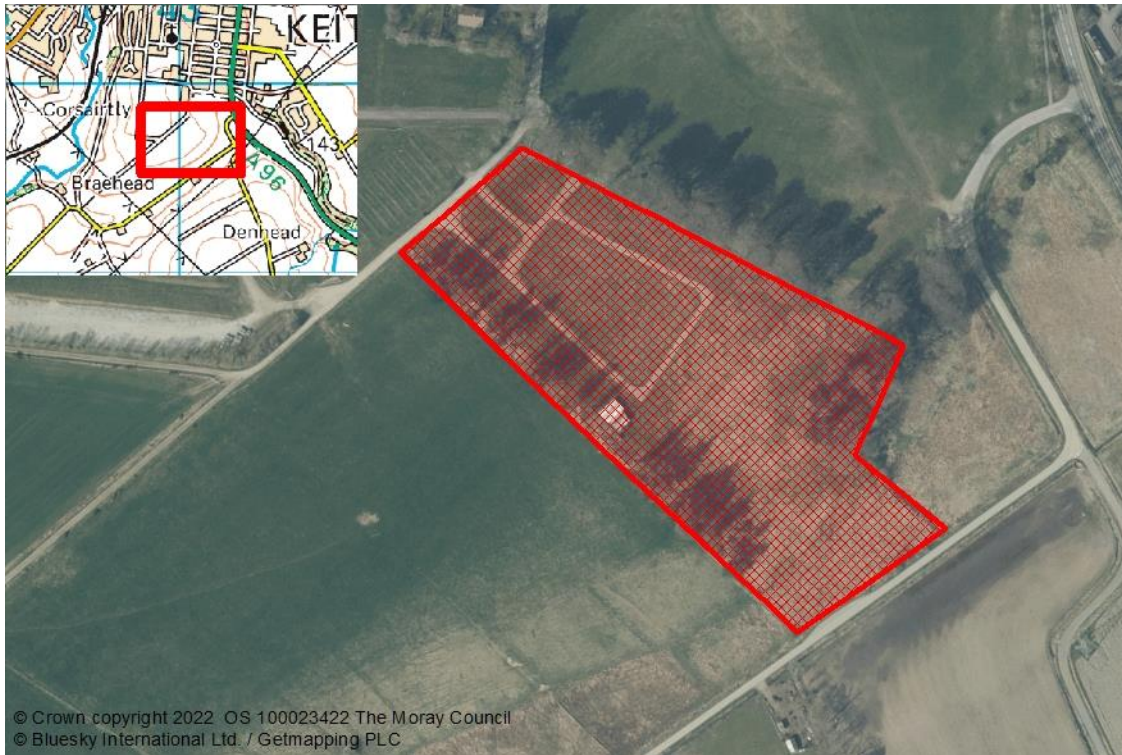
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Programming	Land Use Type:	
Constraint Notes:	LONG	Effective Land:	
Established Land:		Windfall:	No
Dispute:		Developer:	
Owner:	Moray Council		

LPR:	20/LONG1	SITE REF:	M/KH/R/20/LG1
Supply Type:	Constrained	LOCATION:	NURSERY FIELD LONG1

Capacity:	Projected 5yr Completions	Total Units	70
Units Not Built	70	Effective Land	0
		Constrained Land	70

Extra Information:

Easting:	343114	Northing:	849706
Primary School:	Keith Primary School	Ward:	Keith And Cullen
Secondary School:	Keith Grammar School	Area (Ha):	2.55



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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KEITH

The Moray Council Housing Land Audit 2022

Projected Completions:												
2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+	
						2						

Planning:

Planning Consent: Detail

Adopted Local Plan: ☐

Constraint Type:

Constraint Notes:

Established Land: 2019

Dispute:

Owner:

Green/Brown:

House Programme: ☐

Land Use Type:

Effective Land: 2019

Windfall: Yes

Developer:

LPR:	Win	SITE REF:	M/KH/R/TC/01
Supply Type:	Effective	LOCATION:	CHAPEL STREET

Capacity:	Projected 5yr Completions	2	Total Units	2	
Units Not Built	2	Effective Land	2	Constrained Land	0

Extra Information:

Easting: 343120

Northing: 850181

Primary School: Keith Primary School

Ward: Keith And Cullen

Secondary School: Keith Grammar School

Area (Ha): 0.06



Tenure:	
Tenure Type	Units

Planning Applications:						
Application	Units	Type	Decision	Decision Date	Aff Type	Notes
19/00614	2	Full	Approved	01/11/2019		

KEITH

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
						4					

Planning:

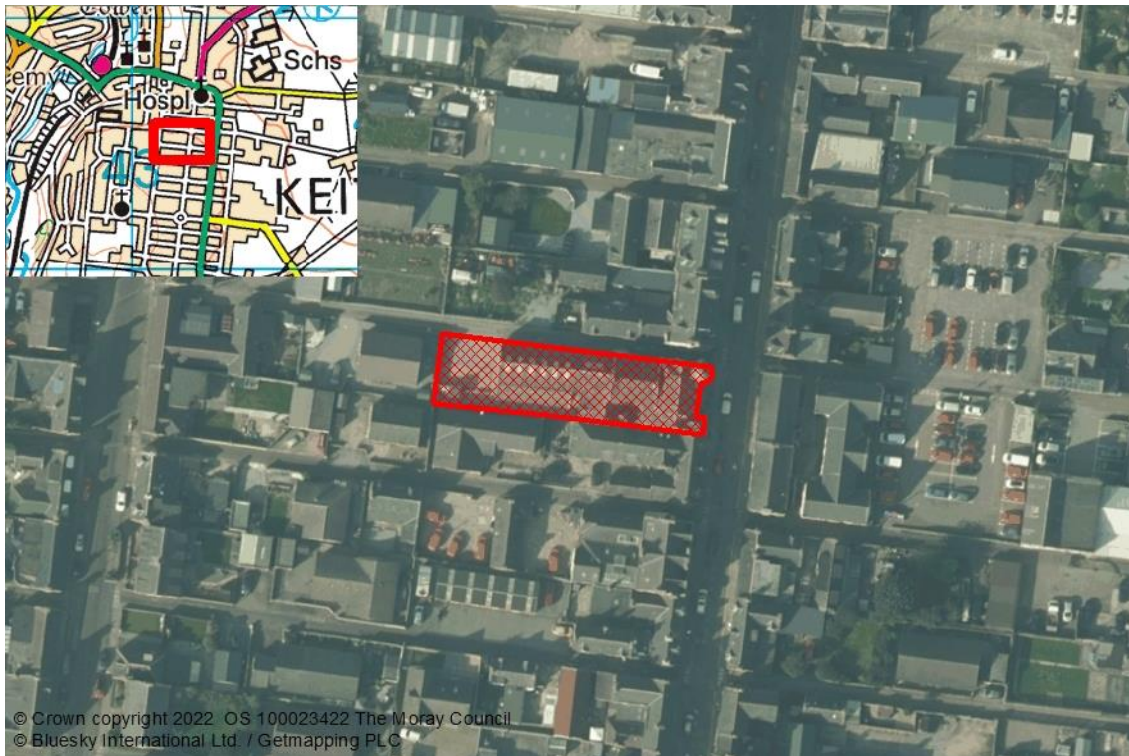
Planning Consent:	Detail	Green/Brown:	Brown
Adopted Local Plan:	<input type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Commercial
Constraint Notes:			
Established Land:	2019	Effective Land:	2019
Dispute:		Windfall:	Yes
Owner:	Barry Fettes	Developer:	

LPR:	Win	SITE REF:	M/KH/R/TC/02
Supply Type:	Effective	LOCATION:	138-140 MID STREET

Capacity:	Projected 5yr Completions	4	Total Units	4	
Units Not Built	4	Effective Land	4	Constrained Land	0

Extra Information:

Easting:	343198	Northing:	850508
Primary School:	Keith Primary School	Ward:	Keith And Cullen
Secondary School:	Keith Grammar School	Area (Ha):	0.07



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
20/00161	4	Full	Approved	14/10/2020		
19/00750	3	Full	Approved	06/08/2019		

KINLOSS

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
						1	1	1	1	1	1

Planning:

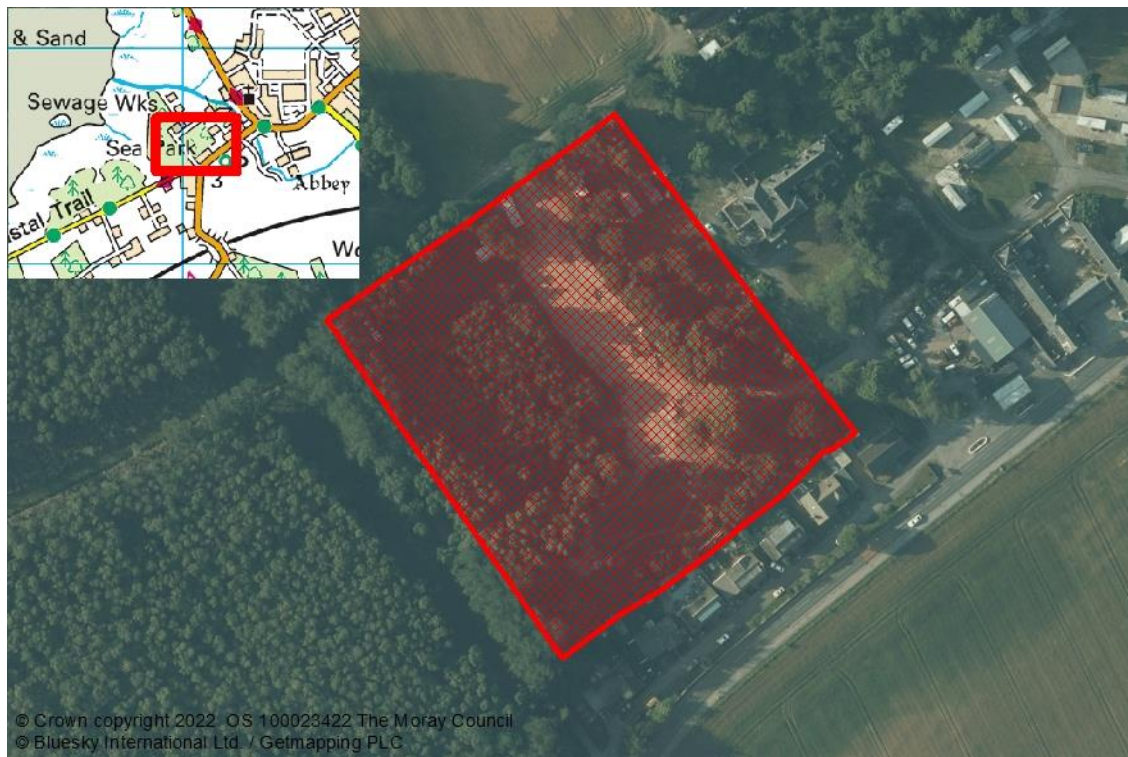
Planning Consent:	Outline	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Woodlands
Constraint Notes:		Effective Land:	
Established Land:		Windfall:	No
Dispute:	Agreed	Developer:	
Owner:	Seapark Estate Ltd		

LPR:	20/R1	SITE REF:	M/KN/R/003
Supply Type:	Effective	LOCATION:	WEST OF SEAPARK HOUSE

Capacity:	Projected 5yr Completions	5	Total Units	6	
Units Not Built	6	Effective Land	6	Constrained Land	0

Extra Information:

Easting:	306068	Northing:	861557
Primary School:	Kinloss Primary School	Ward:	Forres
Secondary School:	Forres Academy	Area (Ha):	1.61



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
17/00780		Full	Approved	05/12/2017		Plot 1
15/01605	6	Outline	Approved	03/08/2007		
21/01836		Full	Pending			Residential and storage caravans during construction [Plot 1]

KINLOSS

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
						2	2	2			

Planning:

Planning Consent:	Detail	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	
Constraint Notes:		Effective Land:	
Established Land:		Windfall:	No
Dispute:	Agreed	Developer:	Milne Property Developments
Owner:			

LPR:	20/R2	SITE REF:	M/KN/R/009
Supply Type:	Effective	LOCATION:	FINDHORN ROAD WEST

Capacity:	Projected 5yr Completions	6	Total Units	6	
Units Not Built	6	Effective Land	6	Constrained Land	0

Extra Information:

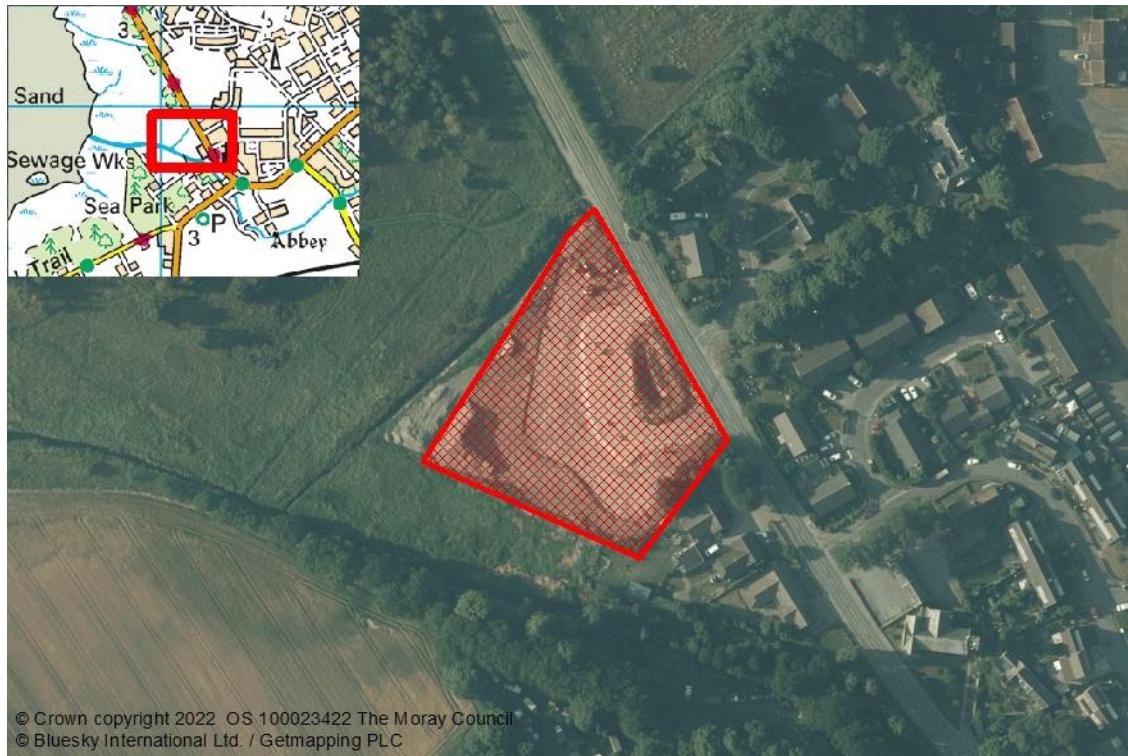
Easting:	306150	Northing:	861832
Primary School:	Kinloss Primary School	Ward:	Forres
Secondary School:	Forres Academy	Area (Ha):	0.6

Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
20/01335		Full	Approved	30/03/2021		Rotation of house position (Plot 6)
17/01906	6	Full	Approved	07/06/2019		
10/01588	6	Full	Approved	01/03/2013		
07/02082		Full	Refused			
16/00286	6	Full	Withdrawn			



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KINLOSS

The Moray Council Housing Land Audit 2022

Projected Completions:											
2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
							3	3	3	3	11

Planning:			
Planning Consent:	Outline	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Woodlands
Constraint Notes:			
Established Land:		Effective Land:	
Dispute:	Agreed	Windfall:	No
Owner:	The Rhind 2008 Discretionary T Developer:		

LPR:	20/R3	SITE REF:	M/KN/R/07/04
Supply Type:	Effective	LOCATION:	DAMHEAD

Capacity:	Projected 5yr Completions	12	Total Units	23	
Units Not Built	23	Effective Land	23	Constrained Land	0

Extra Information:			
Easting:	308098	Northing:	862481
Primary School:	Kinloss Primary School	Ward:	Forres
Secondary School:	Forres Academy	Area (Ha):	3.38



Tenure:	
Tenure Type	Units

Planning Applications:						
Application	Units	Type	Decision	Decision Date	Aff Type	Notes
19/00260	23	Outline	Approved	15/12/2020		
18/00346	19	Outline	Withdrawn			

LHANBRYDE

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027 +
						20	20	20	17		

Planning:

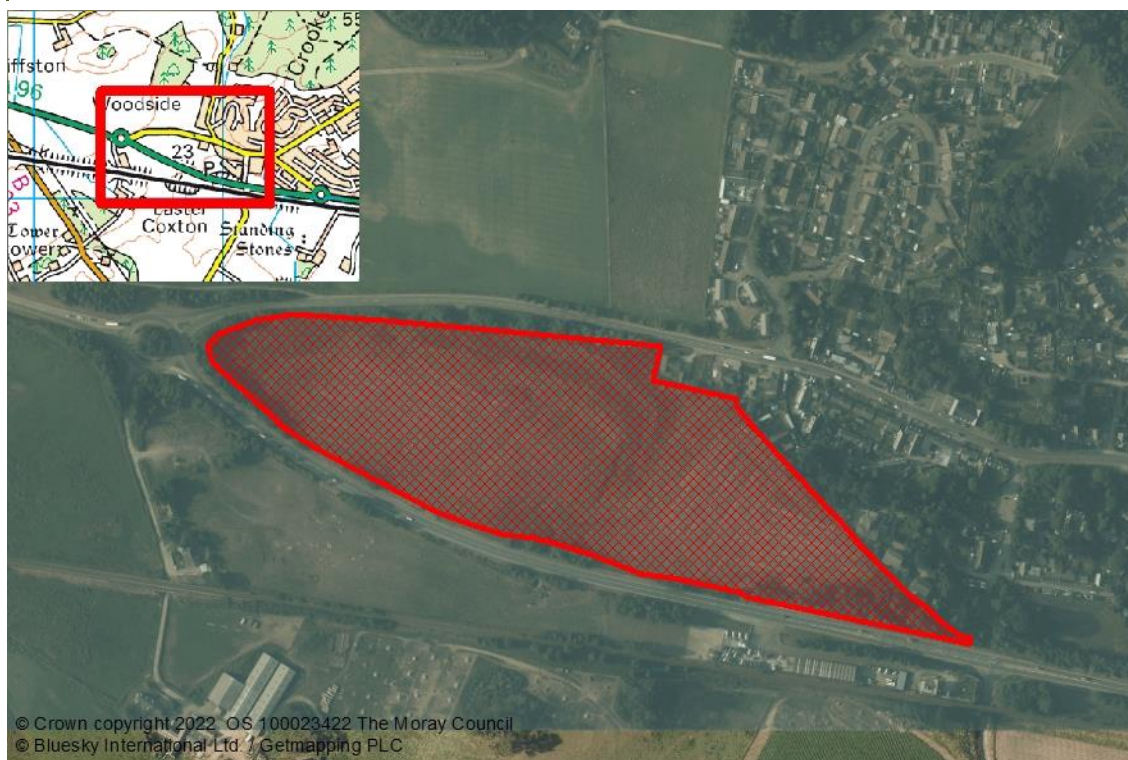
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input checked="" type="checkbox"/>
Constraint Type:		Land Use Type:	Agricultural Land
Constraint Notes:		Effective Land:	
Established Land:		Windfall:	No
Dispute:	Agreed	Developer:	Springfield Properties Plc
Owner:	Springfield Properties Plc		

LPR:	20/R1	SITE REF:	M/LH/R/07/01
Supply Type:	Effective	LOCATION:	WEST OF ST ANDREWS ROAD

Capacity:	Projected 5yr Completions	77	Total Units	77	
Units Not Built	77	Effective Land	77	Constrained Land	0

Extra Information:

Easting:	326794	Northing:	861219
Primary School:	Lhanbryde Primary School	Ward:	Fochabers Lhanbryde
Secondary School:	Milne's High School	Area (Ha):	6.92



Tenure:

Tenure Type	Units
Affordable Units	20

Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
19/01080	77	Full	Approved	14/04/2021		
18/01190						PAN

LHANBRYDE

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
							10	10	15		

Planning:

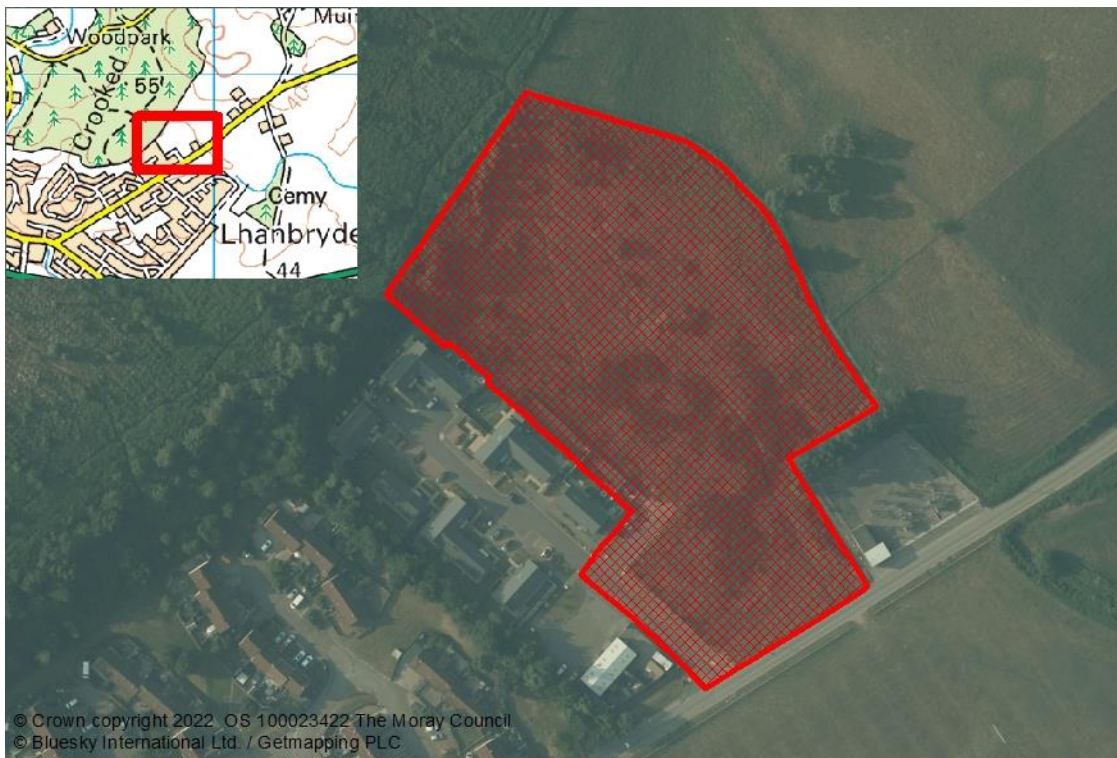
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	
Constraint Notes:			
Established Land:	2020	Effective Land:	2020
Dispute:		Windfall:	No
Owner:	Moray Council	Developer:	

LPR:	20/R2	SITE REF:	M/LH/R/20/02
Supply Type:	Effective	LOCATION:	GARMOUTH ROAD

Capacity:	Projected 5yr Completions	35	Total Units	35	
Units Not Built	35	Effective Land	35	Constrained Land	0

Extra Information:

Easting:	327858	Northing:	861687
Primary School:	Lhanbryde Primary School	Ward:	Fochabers Lhanbryde
Secondary School:	Milne's High School	Area (Ha):	1.69



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
20/01615	37	Full	Pending			

LOSSIEMOUTH

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
2	6	6	4	2	8	8	8				

Planning:

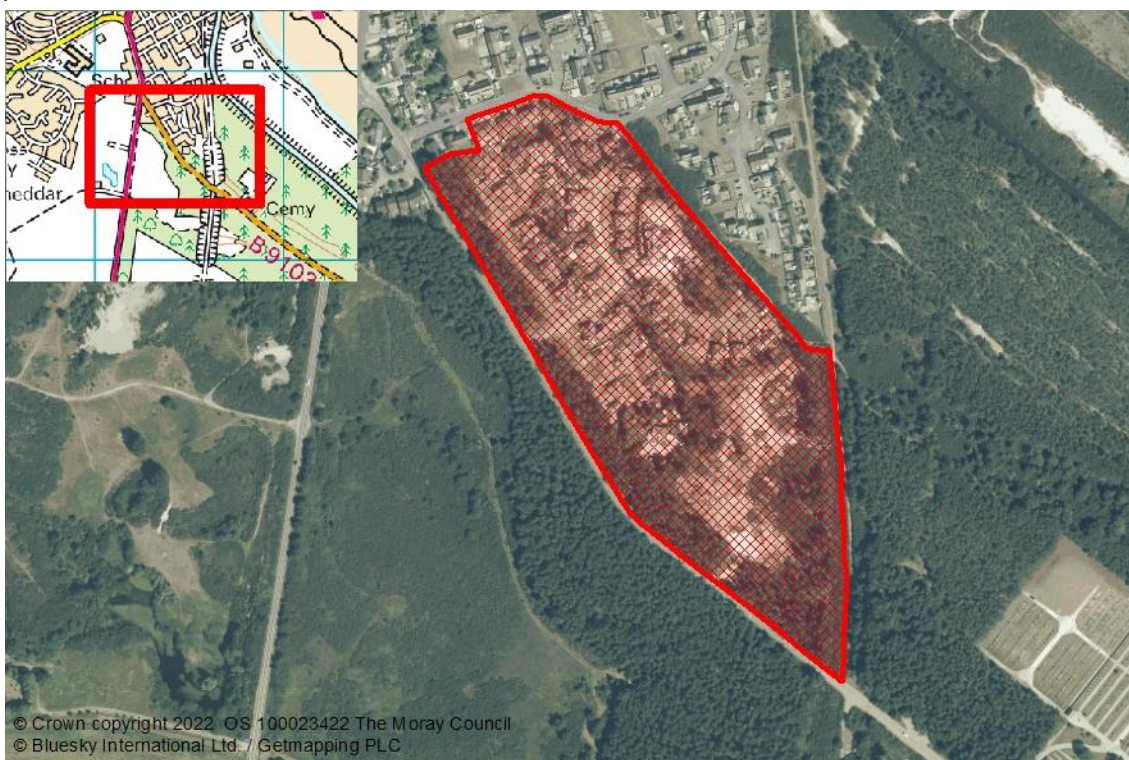
Planning Consent:	Detail	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Woodlands
Constraint Notes:			
Established Land:	2003	Effective Land:	2003
Dispute:	Agreed	Windfall:	No
Owner:	Tulloch of Cummingston	Developer:	Tulloch of Cummingston

LPR:	20/R3	SITE REF:	M/LS/R/023
Supply Type:	Effective	LOCATION:	INCHBROOM

Capacity:	Projected 5yr Completions	16	Total Units	72	
Units Not Built	16	Effective Land	16	Constrained Land	0

Extra Information:

Easting:	323497	Northing:	869622
Primary School:	St. Gerardine Primary School	Ward:	Heldon And Laich
Secondary School:	Lossiemouth High School	Area (Ha):	7.31



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
19/01178	72	Full	Approved	06/11/2020		Substitution 2 x 4 unit for 2 x 6 unit apartment (Increase if 4 units)
20/00265		Full	Approved	04/11/2020		Variation of conditions (Upgrade of junction)
16/01656	1	Full	Approved	17/01/2017		Increase to 68
14/01836		Full	Approved	28/01/2015		Variation to house types and plot layout
11/01215	10	Full	Approved	28/02/2012		Increase to 67
08/01685	57	Full	Approved	10/02/2010		

LOSSIEMOUTH

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
1					0	1	1				

Planning:

Planning Consent:	Detail	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	
Constraint Notes:			
Established Land:	2003	Effective Land:	2003
Dispute:	Agreed	Windfall:	No
Owner:		Developer:	

LPR:	20/R2	SITE REF:	M/LS/R/026
Supply Type:	Effective	LOCATION:	STOTFIELD ROAD

Capacity:	Projected 5yr Completions	2	Total Units	5	
Units Not Built	2	Effective Land	2	Constrained Land	0

Extra Information:

Easting:	322341	Northing:	870340
Primary School:	Hythehill Primary School	Ward:	Heldon And Laich
Secondary School:	Lossiemouth High School	Area (Ha):	0.47



Tenure:

Tenure Type	Units

Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
13/01807		Full	Approved	11/12/2013		Revised house design (Plot 2)
13/00795		Full	Approved	24/06/2013		Revised house design (Plot 2)
12/01501	1	Full	Approved	16/11/2012		Sub-division of Plot 4 and erection of 1 dwellinghouse
12/00619		Full	Approved	30/08/2012		Revised house design (Plot 2)
08/02476	1	Full	Approved	24/12/2010		Plot 4

LOSSIEMOUTH

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
			9			11	10				

Planning:

Planning Consent:	Detail	Green/Brown:	Brown
Adopted Local Plan:	<input type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	
Constraint Notes:			
Established Land:	2008	Effective Land:	2008
Dispute:	Agreed	Windfall:	Yes
Owner:		Developer:	Oakbank Homes

LPR:	Win	SITE REF:	M/LS/R/039
Supply Type:	Effective	LOCATION:	WEST BASIN, LOSSIEMOUTH MARINA

Capacity:	Projected 5yr Completions	21	Total Units	30	
Units Not Built	21	Effective Land	21	Constrained Land	0

Extra Information:

Easting:	323711	Northing:	871205
Primary School:	St. Gerardine Primary School	Ward:	Heldon And Laich
Secondary School:	Lossiemouth High School	Area (Ha):	0.35



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
17/01802		Full	Approved	15/02/2018		Amendment to remove concrete bollards
13/01640	30	Full	Approved	05/08/2014		
07/02022	21	Full	Approved	28/07/2008		
04/00974	20	Outline	Approved	24/10/2005		

LOSSIEMOUTH

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
		10	10	8	11	10	10	10	10	10	176

Planning:

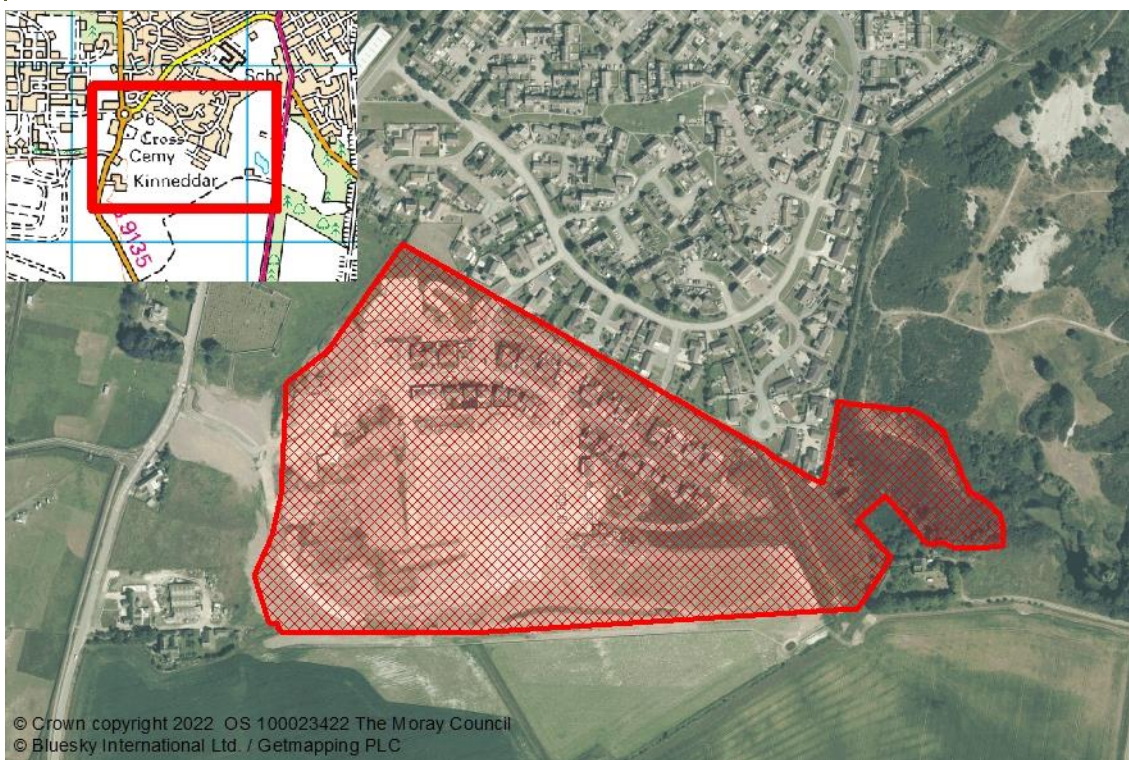
Planning Consent:	Detail	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Agricultural Land
Constraint Notes:		Effective Land:	
Established Land:		Windfall:	No
Dispute:	Agreed	Developer:	Tulloch of Cummingston
Owner:	Tulloch of Cummingston		

LPR:	20/R1	SITE REF:	M/LS/R/07/01
Supply Type:	Effective	LOCATION:	SUNBANK/KINNEDAR

Capacity:	Projected 5yr Completions	50	Total Units	265	
Units Not Built	226	Effective Land	226	Constrained Land	0

Extra Information:

Easting:	322631	Northing:	869449
Primary School:	Hythehill Primary School	Ward:	Heldon And Laich
Secondary School:	Lossiemouth High School	Area (Ha):	14.49



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
19/00100	265	Full	Approved	12/06/2020		Variation to phasing and layout (increase in units [4])
17/01076		Full	Withdrawn	12/12/2018		Variation to phasing
14/01486	261	Full	Approved	11/04/2017		
21/00093	281	Full	Pending			Variation to layout (increase in units [16])

LOSSIEMOUTH

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
						6					

Planning:

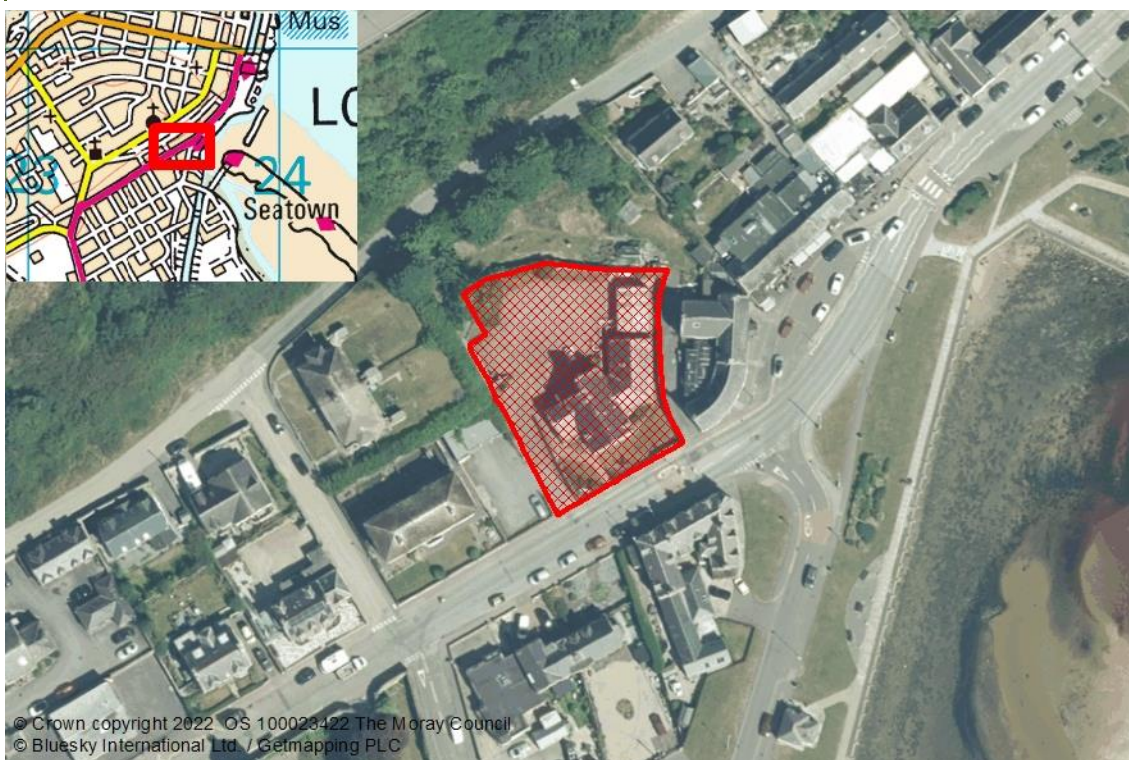
Planning Consent:	Detail	Green/Brown:	Brown
Adopted Local Plan:	<input type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Commercial
Constraint Notes:			
Established Land:	2019	Effective Land:	2019
Dispute:		Windfall:	Yes
Owner:	Osprey Housing Moray	Developer:	Morlich Homes

LPR:	Win	SITE REF:	M/LS/R/20/W1
Supply Type:	Effective	LOCATION:	CLIFTON ROAD

Capacity:	Projected 5yr Completions	6	Total Units	6	
Units Not Built	6	Effective Land	6	Constrained Land	0

Extra Information:

Easting:	323612	Northing:	870614
Primary School:	St. Gerardine Primary School	Ward:	Heldon And Laich
Secondary School:	Lossiemouth High School	Area (Ha):	0.14



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
19/00652	10	Full	Approved	21/11/2019		
21/01187	6	Full	Pending			Remix of house types/plots (reduction in units [4])

LOSSIEMOUTH

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
						6					

Planning:

Planning Consent:	Detail	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Commercial
Constraint Notes:			
Established Land:	2021	Effective Land:	2021
Dispute:		Windfall:	Yes
Owner:	Jordan Edwards	Developer:	

LPR:	20/12	SITE REF:	M/LS/R/21/W1
Supply Type:	Effective	LOCATION:	SHORE STREET

Capacity:	Projected 5yr Completions	6	Total Units	6
Units Not Built	6	Effective Land	6	Constrained Land

Extra Information:

Easting:	32354	Northing:	871202
Primary School:	St. Gerardine Primary School	Ward:	Heldon And Laich
Secondary School:	Lossiemouth High School	Area (Ha):	0.06



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
20/00426	6	Full	Approved	23/12/2020		Demolish warehouse and erect houses/flats

MOSSTODLOCH

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											60

Planning:

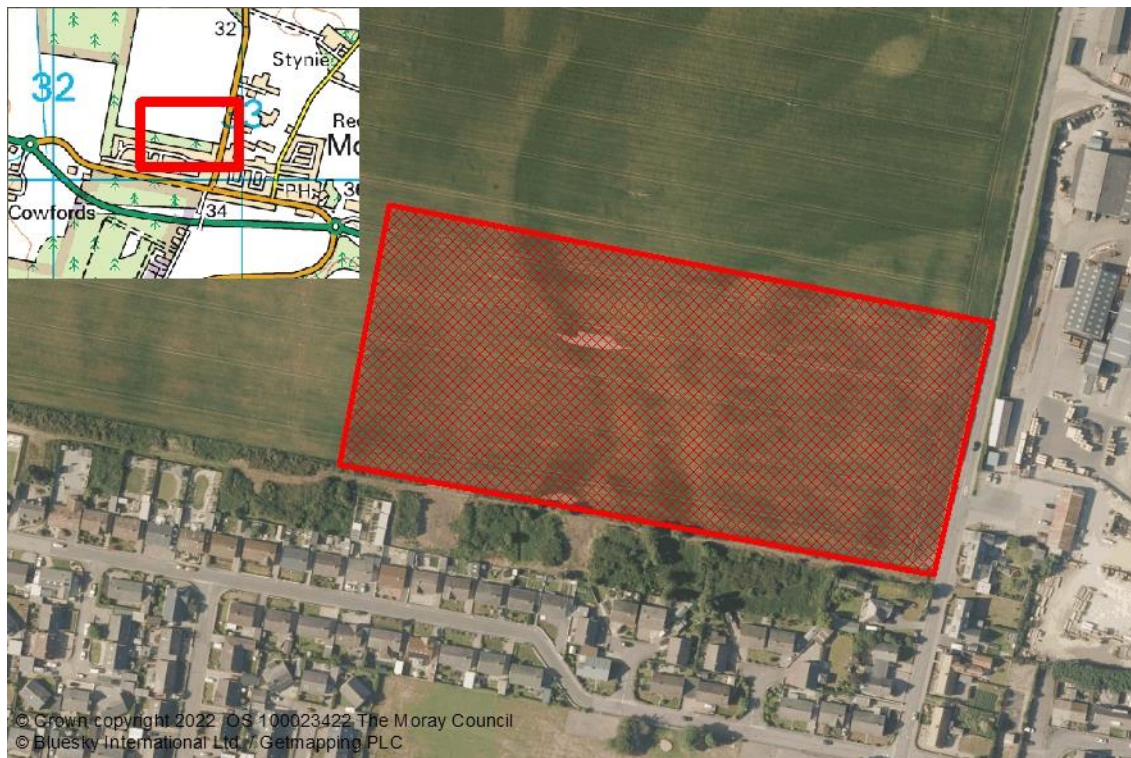
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Marketability	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2015	Effective Land:	
Dispute:		Windfall:	No
Owner:	Crown Estate Scotland	Developer:	

LPR:	20/R2	SITE REF:	M/MS/R/15/02
Supply Type:	Constrained	LOCATION:	GARMOUTH ROAD

Capacity:	Projected 5yr Completions	Total Units	60
Units Not Built	60	Effective Land	0
		Constrained Land	60

Extra Information:

Easting:	332766	Northing:	860237
Primary School:	Mosstodloch Primary School	Ward:	Fochabers Lhanbryde
Secondary School:	Milne's High School	Area (Ha):	3.41



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Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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MOSSTODLOCH

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											10

Planning:

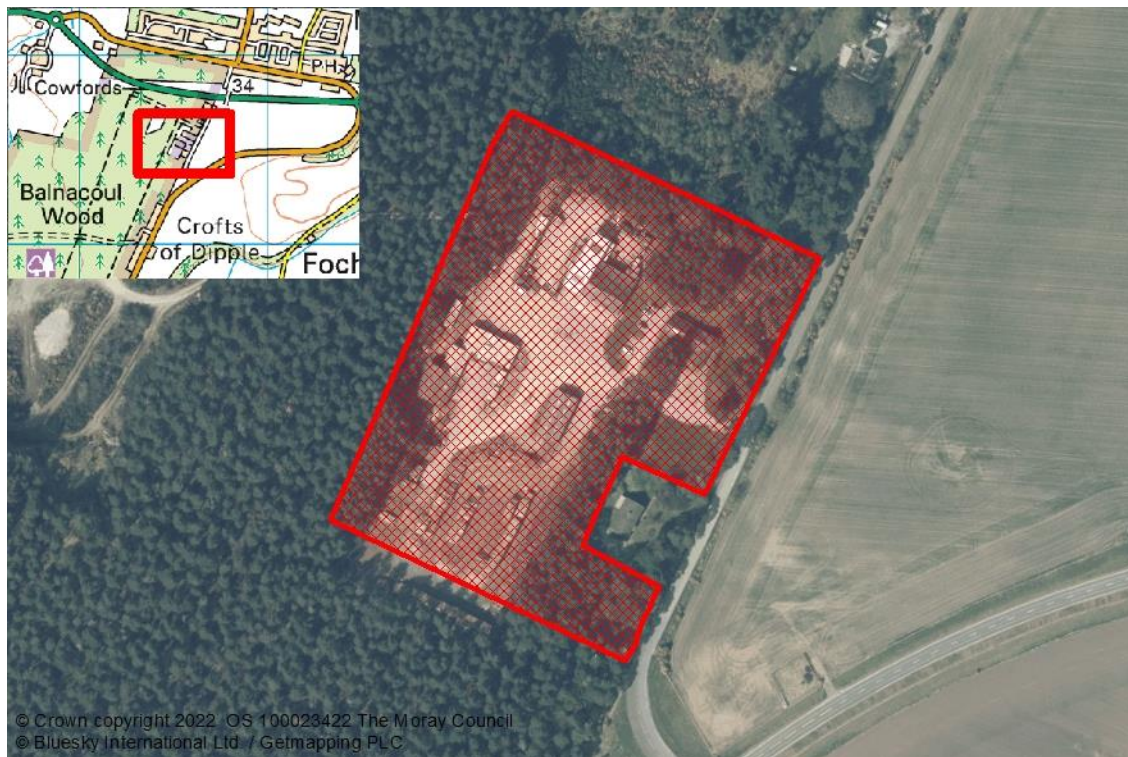
Planning Consent:	None	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Ownership	Land Use Type:	Commercial
Constraint Notes:	Site occupied by operational businesses		
Established Land:	2020	Effective Land:	2020
Dispute:		Windfall:	No
Owner:	Forestry and Land Scotland	Developer:	

LPR:	20/OPP1	SITE REF:	M/MS/R/20/03
Supply Type:	Constrained	LOCATION:	BALNACOUL

Capacity:	Projected 5yr Completions	Total Units	10
Units Not Built	10	Effective Land	0
		Constrained Land	10

Extra Information:

Easting:	332551	Northing:	859535
Primary School:	Mosstodloch Primary School	Ward:	Fochabers Lhanbryde
Secondary School:	Milne's High School	Area (Ha):	2.6



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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NEWMILL

The Moray Council Housing Land Audit 2022

Projected Completions:												
2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027 +	
												10

Planning:

Planning Consent: None Green/Brown: Green

Adopted Local Plan: ☒ House Programme: ☐

Constraint Type: Marketability Land Use Type:

Constraint Notes:

Established Land: 2003 Effective Land:

Dispute: Agreed Windfall: No

Owner: Developer:

LPR:	20/R1	SITE REF:	M/NM/R/001
Supply Type:	Constrained	LOCATION:	ISLA ROAD

Capacity:	Projected 5yr Completions	Total Units	10
Units Not Built	10	Effective Land	0
		Constrained Land	10

Extra Information:

Easting: 343411 Northing: 852366

Primary School: Newmill Primary School Ward: Keith And Cullen

Secondary School: Keith Grammar School Area (Ha): 0.36



Tenure:	
Tenure Type	Units

Planning Applications:						
Application	Units	Type	Decision	Decision Date	Aff Type	Notes

PORTGORDON

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
										10	30

Planning:

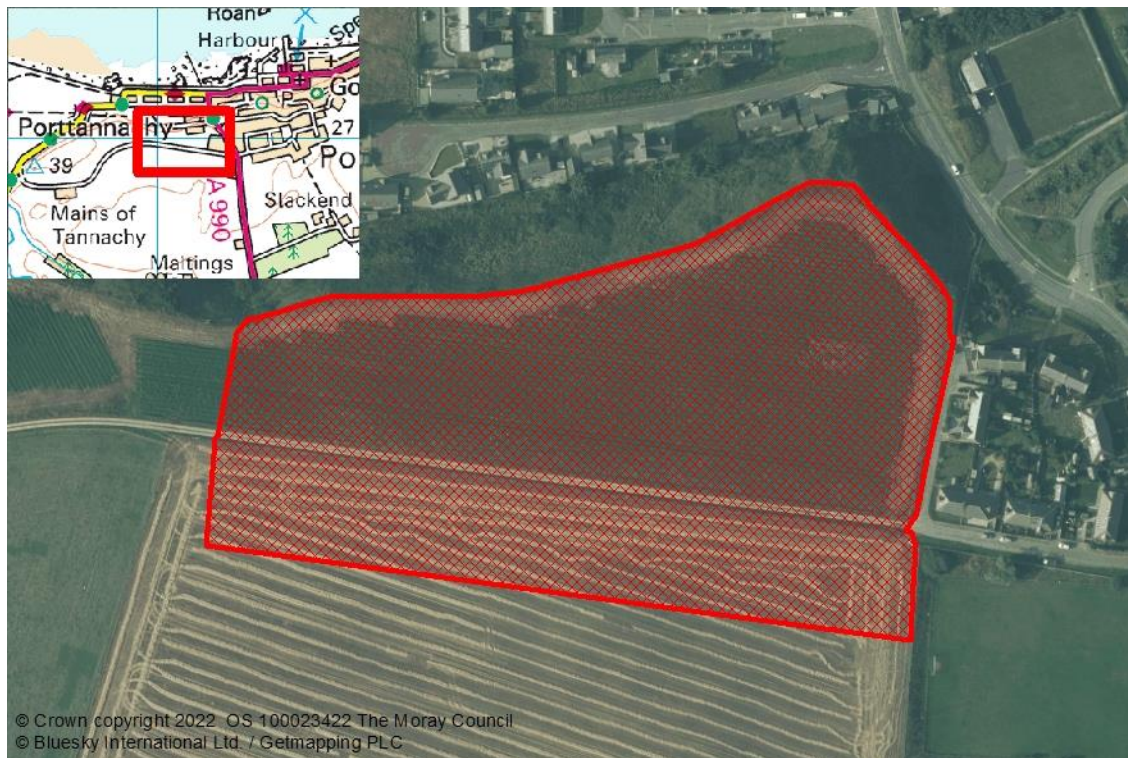
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Marketability	Land Use Type:	Agricultural Land
Constraint Notes:		Effective Land:	
Established Land:		Windfall:	No
Dispute:	Agreed	Developer:	Colin Murray Developments
Owner:			

LPR:	20/R1	SITE REF:	M/PG/R/07/04
Supply Type:	Part Constrained	LOCATION:	WEST OF REID TERRACE

Capacity:	Projected 5yr Completions	10	Total Units	40	
Units Not Built	40	Effective Land	10	Constrained Land	30

Extra Information:

Easting:	339143	Northing:	863968
Primary School:	Portgordon Primary School	Ward:	Fochabers Lhanbryde
Secondary School:	Buckie High School	Area (Ha):	3.69



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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PORTKNOCKIE

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
										12	38

Planning:

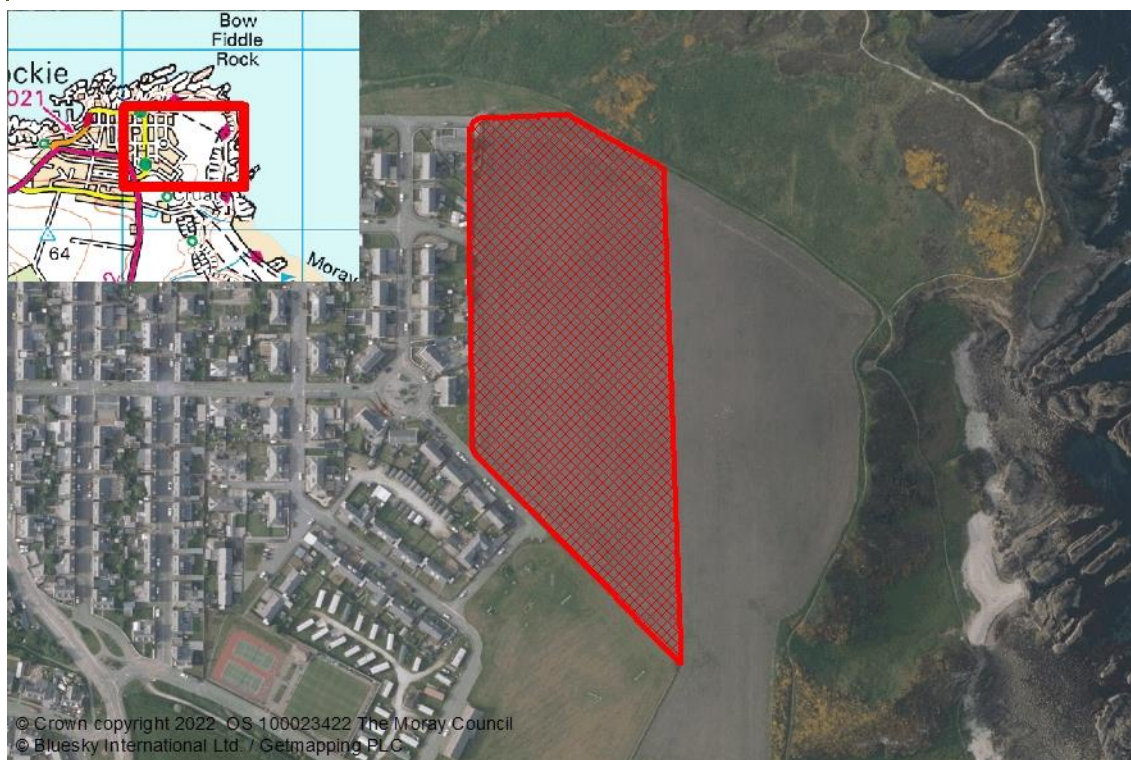
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2003	Effective Land:	2003
Dispute:	Query	Windfall:	No
Owner:	Seaford Estate	Developer:	

LPR:	20/R1	SITE REF:	M/PK/R/004
Supply Type:	Effective	LOCATION:	SEABRAES

Capacity:	Projected 5yr Completions	12	Total Units	50	
Units Not Built	50	Effective Land	50	Constrained Land	0

Extra Information:

Easting:	349342	Northing:	868487
Primary School:	Portknockie Primary School	Ward:	Keith And Cullen
Secondary School:	Buckie High School	Area (Ha):	3.01



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
00/00231	1	Full	Approved	13/06/2000		
04/00799		Outline	Refused			
10/00418						Screening opinion

RAFFORD

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											12

Planning:

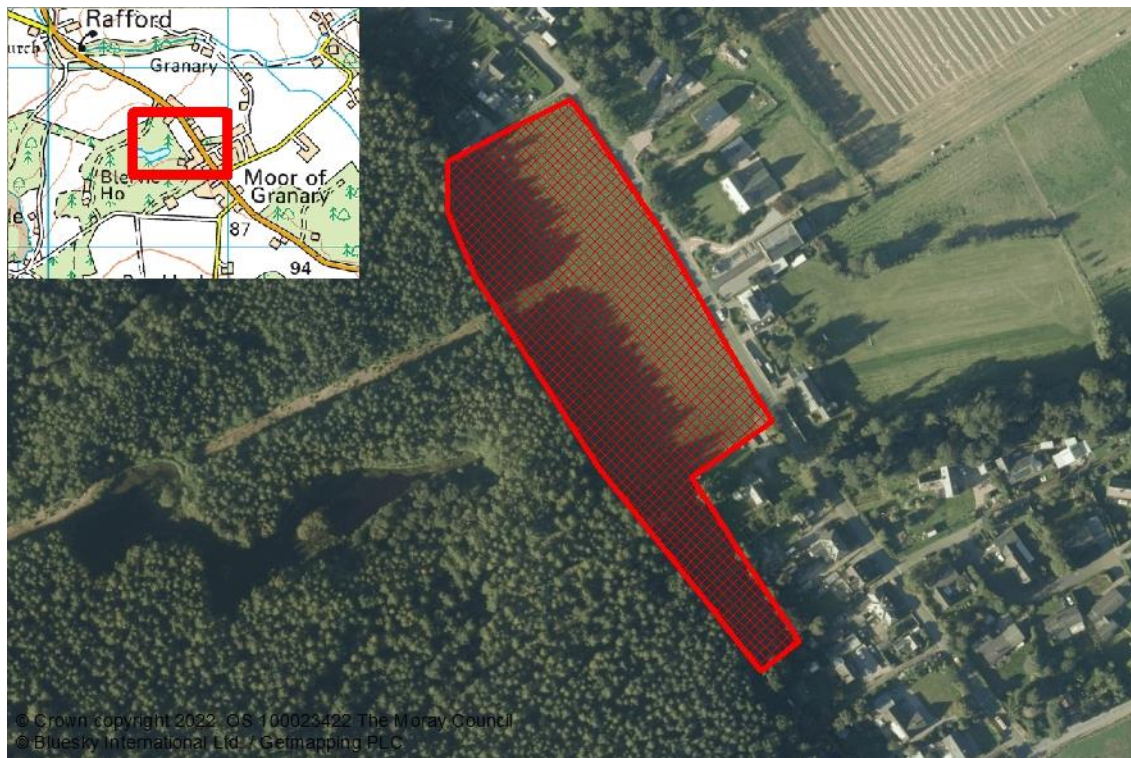
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Marketability	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:		Effective Land:	2011
Dispute:	Agreed	Windfall:	No
Owner:	Dallas Estate	Developer:	

LPR:	15/R1	SITE REF:	M/RF/R/07/01
Supply Type:	Constrained	LOCATION:	BROCHLOCH

Capacity:	Projected 5yr Completions	Total Units	12
Units Not Built	12	Effective Land	0
		Constrained Land	12

Extra Information:

Easting:	306752	Northing:	855598
Primary School:	Anderson's Primary School	Ward:	Forres
Secondary School:	Forres Academy	Area (Ha):	1.69



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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ROTHES

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
										15	15

Planning:

Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Effective 5yr+	Land Use Type:	Agricultural Land
Constraint Notes:		Effective Land:	
Established Land:		Windfall:	No
Dispute:	Agreed	Developer:	
Owner:	Mr & Mrs Scott		

LPR:	20/R1	SITE REF:	M/RS/R/07/01
Supply Type:	Effective	LOCATION:	SPEY STREET

Capacity:	Projected 5yr Completions	15	Total Units	30	
Units Not Built	30	Effective Land	30	Constrained Land	0

Extra Information:

Easting:	328011	Northing:	849105
Primary School:	Roths Primary School	Ward:	Speyside Glenlivet
Secondary School:	Speyside High School	Area (Ha):	1.67



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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ROTHES

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027 +
											40

Planning:

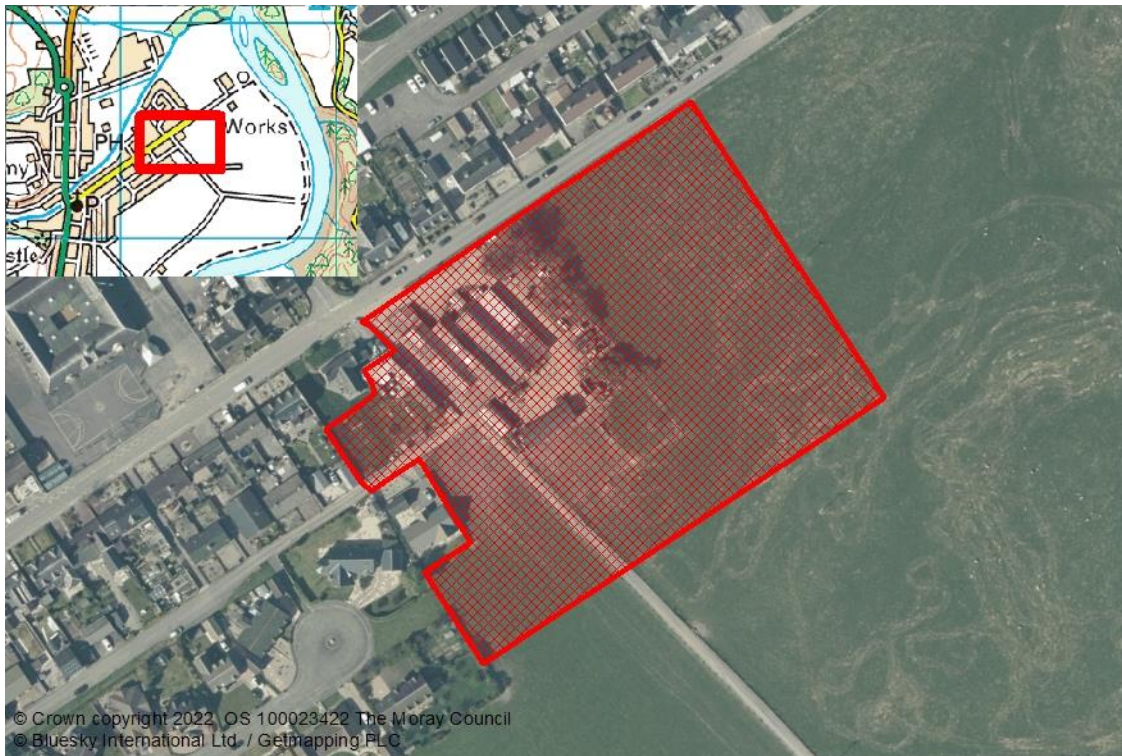
Planning Consent:	None	Green/Brown:	Brown
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Marketability	Land Use Type:	Agricultural Building
Constraint Notes:			
Established Land:	2015	Effective Land:	
Dispute:		Windfall:	No
Owner:	Mr Charles Meldrum	Developer:	

LPR:	20/R2	SITE REF:	M/RS/R/15/02
Supply Type:	Constrained	LOCATION:	GREEN STREET

Capacity:	Projected 5yr Completions	Total Units	40
Units Not Built	40	Effective Land	0
		Constrained Land	40

Extra Information:

Easting:	328284	Northing:	849451
Primary School:	Roths Primary School	Ward:	Speyside Glenlivet
Secondary School:	Speyside High School	Area (Ha):	1.74



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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ROTHIEMAY

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
1											11

Planning:

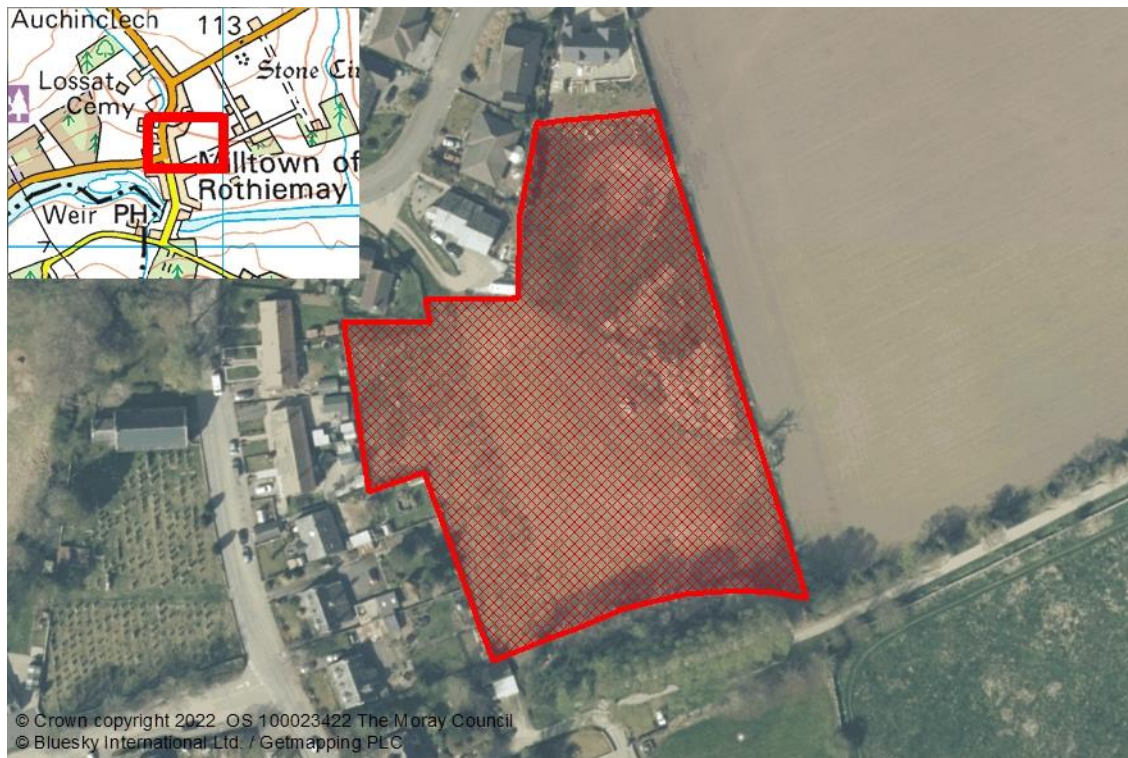
Planning Consent:	Detail	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Marketability	Land Use Type:	
Constraint Notes:			
Established Land:	2003	Effective Land:	2003
Dispute:	Agreed	Windfall:	No
Owner:	Robert Thain	Developer:	

LPR:	20/R1	SITE REF:	M/RT/R/001
Supply Type:	Constrained	LOCATION:	CASTLE TERRACE

Capacity:	Projected 5yr Completions	Total Units	12
Units Not Built	11	Effective Land	0
		Constrained Land	11

Extra Information:

Easting:	354854	Northing:	848405
Primary School:	Rothiemay Primary School	Ward:	Keith And Cullen
Secondary School:	Keith Grammar School	Area (Ha):	1



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
15/01013		Full	Approved	29/07/2015		Plot 1
14/01431	12	Full	Approved	12/11/2014		AMC of 07/02477/OUT
11/00991	12	Full	Approved	19/08/2011		
07/02477	12	Outline	Approved	17/07/2008		
14/00626		Full	Withdrawn			

ROTHIEMAY

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											5

Planning:

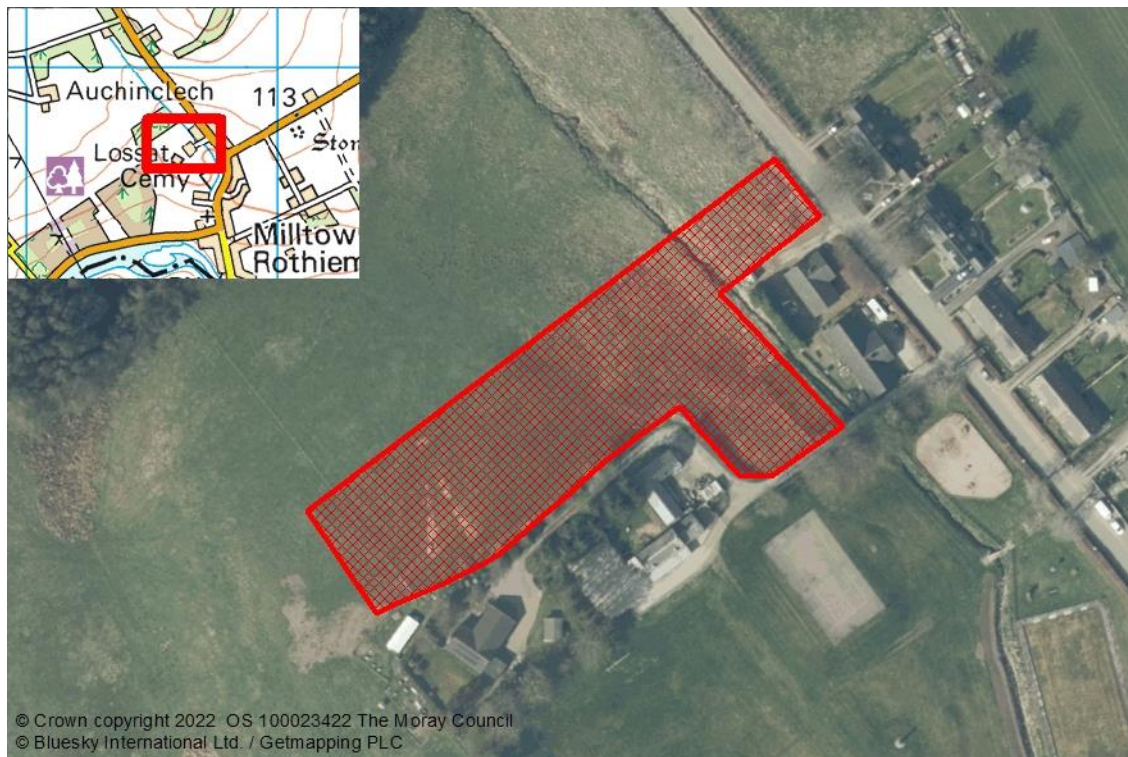
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Marketability	Land Use Type:	Agricultural Land
Constraint Notes:		Effective Land:	
Established Land:		Windfall:	No
Dispute:	Agreed	Developer:	
Owner:			

LPR:	20/R2	SITE REF:	M/RT/R/07/02
Supply Type:	Constrained	LOCATION:	ANDERSON DRIVE

Capacity:	Projected 5yr Completions	Total Units	5
Units Not Built	5	Effective Land	0
		Constrained Land	5

Extra Information:

Easting:	354630	Northing:	848690
Primary School:	Rothiemay Primary School	Ward:	Keith And Cullen
Secondary School:	Keith Grammar School	Area (Ha):	0.61



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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ROTHIEMAY

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											10

Planning:

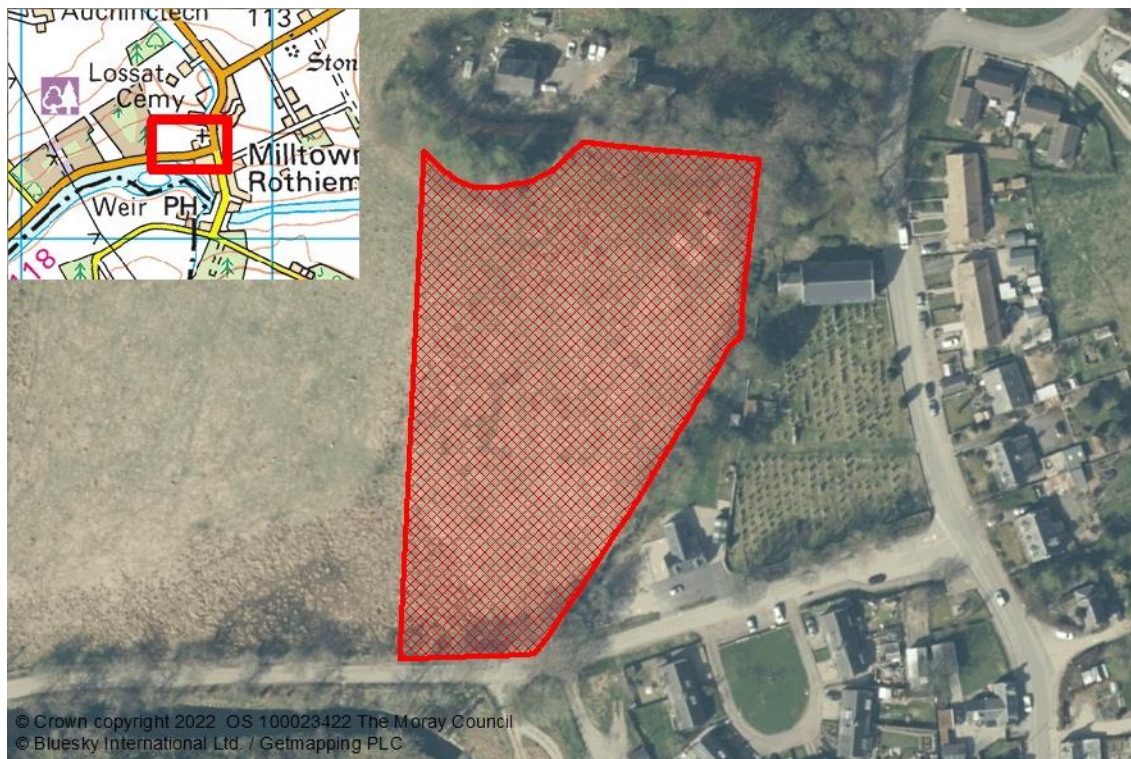
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Marketability	Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2015	Effective Land:	2015
Dispute:		Windfall:	No
Owner:	The Church of Scotland	Developer:	

LPR:	20/R3	SITE REF:	M/RT/R/15/03
Supply Type:	Constrained	LOCATION:	DEVERONSIDE ROAD

Capacity:	Projected 5yr Completions	Total Units	10
Units Not Built	10	Effective Land	0
		Constrained Land	10

Extra Information:

Easting:	354666	Northing:	848375
Primary School:	Rothiemay Primary School	Ward:	Keith And Cullen
Secondary School:	Keith Grammar School	Area (Ha):	0.92



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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URQUHART

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
							3	3	4		

Planning:

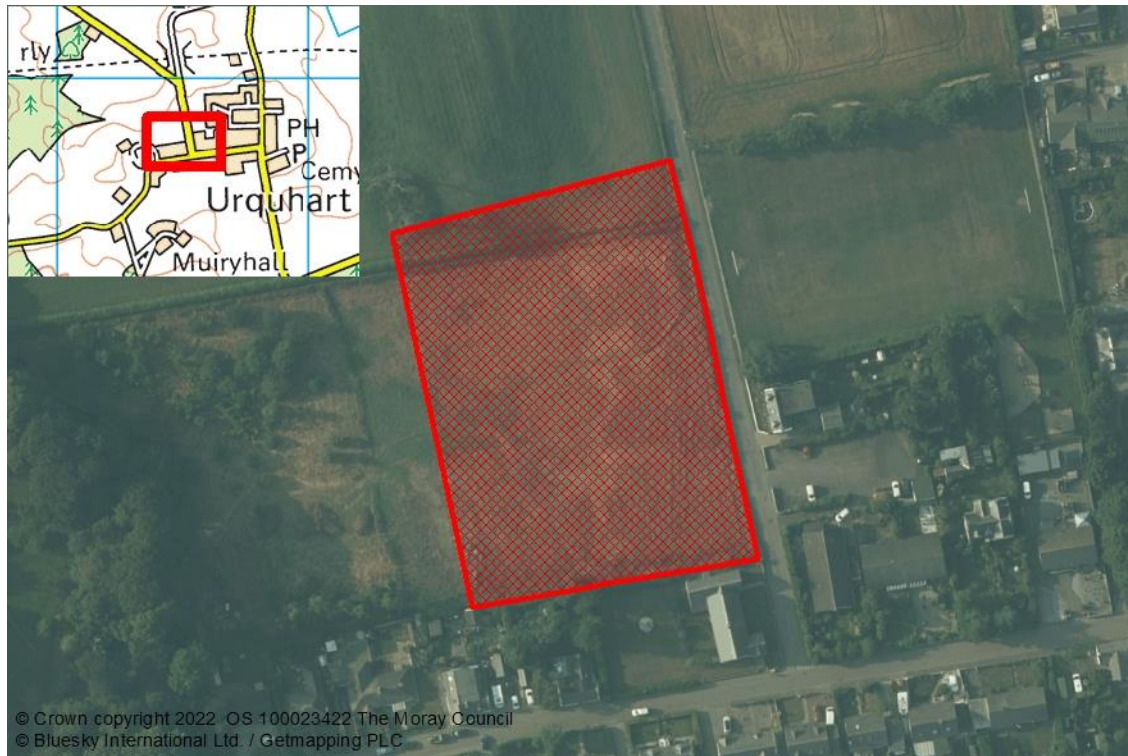
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2008	Effective Land:	2015
Dispute:	Agreed	Windfall:	No
Owner:	Mr E. Rattray	Developer:	EPC Grampian

LPR:	20/R1	SITE REF:	M/UR/R/20/01
Supply Type:	Effective	LOCATION:	MEFT ROAD

Capacity:	Projected 5yr Completions	10	Total Units	10	
Units Not Built	10	Effective Land	10	Constrained Land	0

Extra Information:

Easting:	328504	Northing:	862749
Primary School:	Lhanbryde Primary School	Ward:	Fochabers Lhanbryde
Secondary School:	Milne's High School	Area (Ha):	0.8



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
20/00120	10	Full	Pending			

URQUHART

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027 +
								4	4		

Planning:

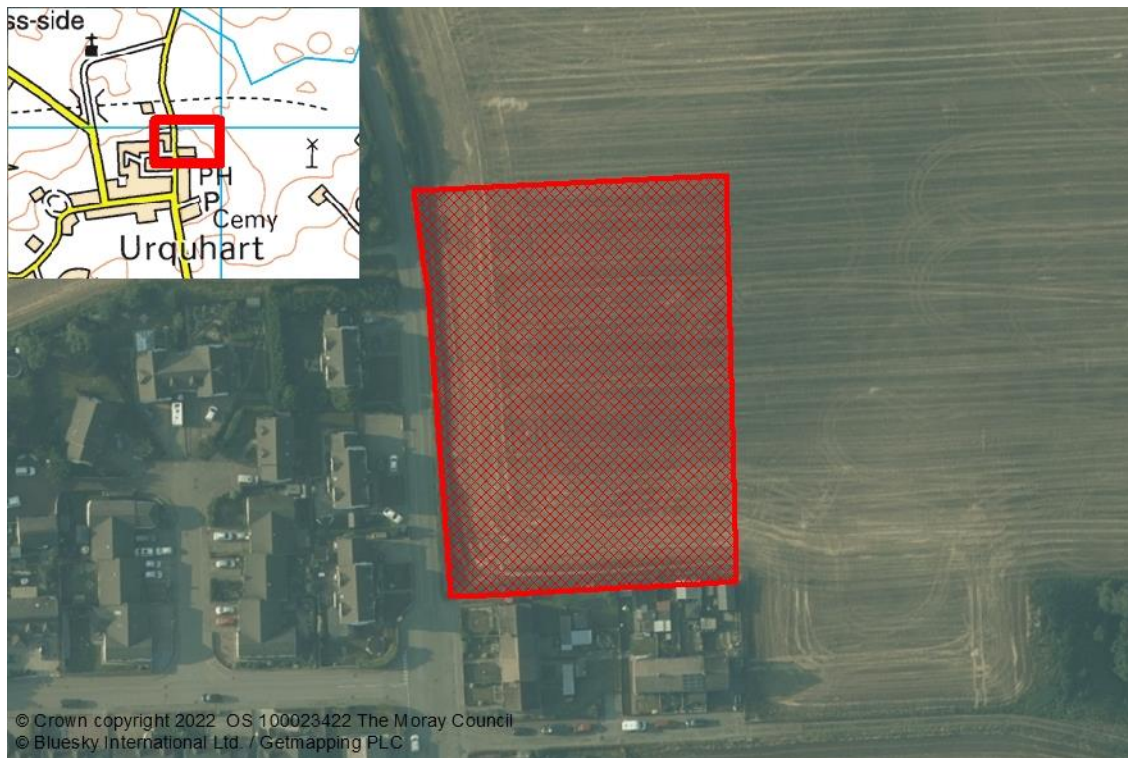
Planning Consent:	None	Green/Brown:	Green
Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:		Land Use Type:	Agricultural Land
Constraint Notes:			
Established Land:	2020	Effective Land:	2020
Dispute:		Windfall:	No
Owner:	Ian Dean	Developer:	

LPR:	20/R2	SITE REF:	M/UR/R/20/02
Supply Type:	Effective	LOCATION:	STATION ROAD

Capacity:	Projected 5yr Completions	8	Total Units	8	
Units Not Built	8	Effective Land	8	Constrained Land	0

Extra Information:

Easting:	328866	Northing:	862942
Primary School:	Lhanbryde Primary School	Ward:	Fochabers Lhanbryde
Secondary School:	Milne's High School	Area (Ha):	0.65



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
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URQUHART

The Moray Council Housing Land Audit 2022

Projected Completions:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027+
											10

Planning:

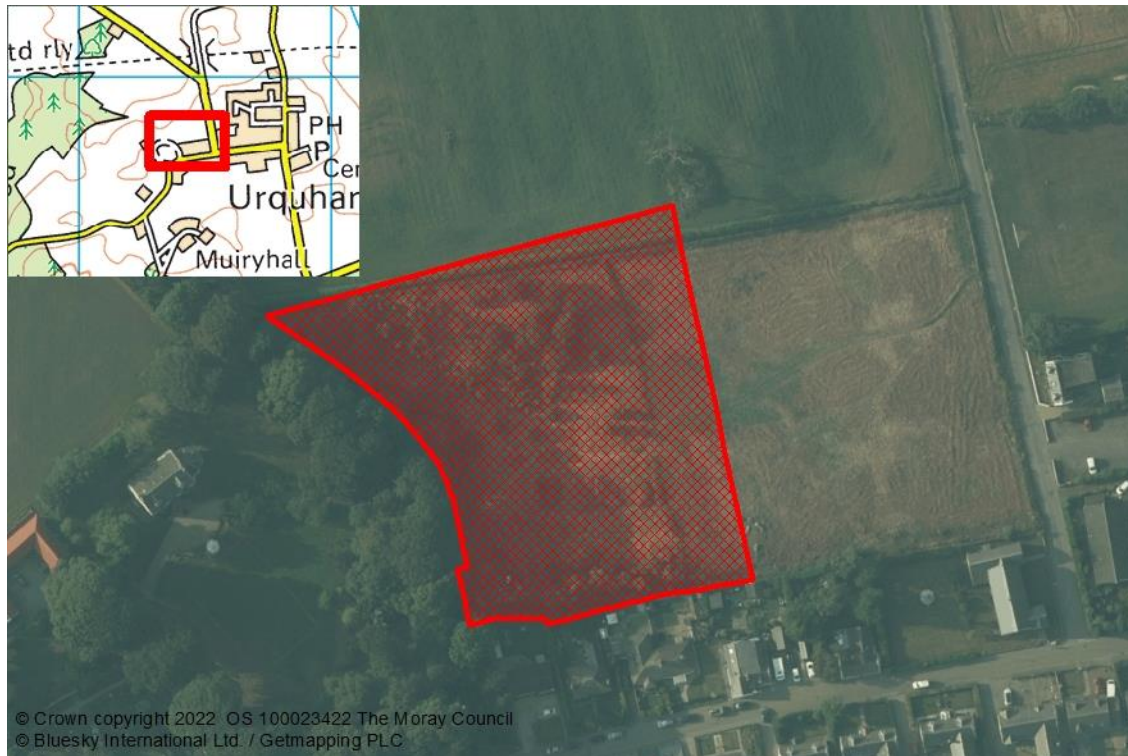
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Adopted Local Plan:	<input checked="" type="checkbox"/>	House Programme:	<input type="checkbox"/>
Constraint Type:	Programming	Land Use Type:	
Constraint Notes:	LONG	Effective Land:	
Established Land:	2008	Windfall:	No
Dispute:		Developer:	EPC Grampian
Owner:	Mr E. Rattray		

LPR:	20/LNG1	SITE REF:	M/UR/R/20/L1
Supply Type:	Constrained	LOCATION:	MEFT ROAD LONG1

Capacity:	Projected 5yr Completions	Total Units	10
Units Not Built	10	Effective Land	0
		Constrained Land	10

Extra Information:

Easting:	328425	Northing:	862735
Primary School:	Lhanbryde Primary School	Ward:	Fochabers Lhanbryde
Secondary School:	Milne's High School	Area (Ha):	0.81



Tenure:

Tenure Type	Units
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Planning Applications:

Application	Units	Type	Decision	Decision Date	Aff Type	Notes
20/00120	10	Full	Pending			Small release of LONG to accommodate development on R1



REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 31 MAY 2022

SUBJECT: EMPLOYMENT LAND AUDIT 2022

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 This report summarises the employment land supply in Moray and asks the Committee to agree the final version of the Moray Employment Land Audit 2022.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the review and preparation of Local Development Plans.

2. RECOMMENDATION

- 2.1 It is recommended that the Committee;
 - (i) note the employment land supply in Moray;
 - (ii) agree the responses set out in Section 4 of the report; and
 - (iii) approve the finalised Moray Employment Land Audit 2022, as set out in Appendix 1 of the report.

3. BACKGROUND

- 3.1 Scottish Planning Policy (SPP) requires that the supply of marketable employment sites be regularly reviewed. The aim is to ensure that there is a sufficient supply of land to meet current and anticipated market requirements. Planning Authorities are required by SPP to ensure that there is a range and choice of marketable sites and locations for businesses allocated in the Local Development Plan (LDP). The levels of effective/marketable employment land and take-up of land are National Headline Indicators returned annually in the Planning Performance Framework (PPF) to the Scottish Government.

3.2 The Moray LDP 2020 Main Issues Report, published in January 2018, identified 9 main land use issues to be addressed by the new LDP, including “providing a generous employment land supply”. This has been a long-standing issue and the MLDP 2020 provides a long term, strategic approach to the provision of employment land to meet demand ranging from small start-up units to much larger sites for inward investment.

3.3 The Moray Employment Land Audit has three key functions:-

- demonstrate the availability of a range and choice of marketable employment sites;
- provide an overview of the supply and availability of employment land across the Local Development Plan area; and
- provide an evidence base for the monitoring and review of policies and proposals within the LDP.

3.3 The audit includes four categories of land supply:-

Established – This includes all undeveloped land allocated for industrial/business/employment use in the adopted LDP or land that has a valid planning approval for these uses.

Marketable/Effective – Land that as well as meeting business requirements, has a secure planning status, can be serviced within 5 years and is accessible by walking, cycling and public transport as defined in SPP.

Constrained – Land that is not considered developable within 5 years due to issues such as planning difficulties, ownership issues, infrastructure provision and physical constraints.

Immediately Available – Land that has planning permission, is serviced and has no major constraints to immediate development.

3.4 A copy of the audit will be submitted to the Economic Development and Infrastructure Committee for their information due to their interest in industrial and commercial development.

4. **CONSULTATION**

4.1 The draft audit was made available for consultation on the Council’s website and sent to internal and external consultees, with comments invited by 29 April 2022.

4.2 Comments were received from Springfield Real Estate Management noting the limited availability of plots at 17 Barmuckity/Elgin Business Park with many of these now let or under offer and it was noted there continued to be demand including for larger sites. Sites that are let or under offer remain shown in the supply until construction commences. However, the level of interest and take up at 17 Barmuckity/ Elgin Business Park is reflected within Employment Land Audit text with the need to bring forward and service sites to maintain supply identified.

5. **AUDIT FINDINGS**

- 5.1 The 2022 Audit is provided in full as **APPENDIX 1** to the report. The audit identifies that there is 298.55 hectares (ha) of Gross Established Employment Land Supply. This is a decrease of 1.22ha compared to 2021 due to development at I7 Barmuckity/Elgin Business Park, I2 Chanonry Industrial Estate (Elgin) and I1 Greshop (Forres) with this balanced again the addition of land at I5 Buckie Harbour that has been cleared, the re-introduction of land at I1 Troves where development stalled and inclusion of land at I3 Benromach Forres that was previously excluded in error. The main supply of employment land continues to be within the Elgin, Forres and Buckie Market Areas, with a more limited supply in Keith and a very limited supply in Speyside. A summary for each Market Area can be found on page 5 of the Audit.
- 5.2 100.37 ha (net) of land, across 21 sites, is classed as Marketable/Effective. This is a decrease of 1.31 ha compared to 2021. The decrease is due to construction activity at I7 Barmuckity/Elgin Business Park and I2 Chanonry Industrial Estate at Elgin. This is balanced against land at I1 Troves that was previously removed from the effective supply due to construction commencing being brought into the effective supply due to stalled construction. The distribution of Marketable/Effective sites reflects the settlement hierarchy within the MLDP, however there continues to be a shortage of Effective sites within Speyside.
- 5.3 The Marketable/Effective supply is split with 63.56ha suitable for general industrial and 36.82 ha suitable for proposals that require a higher amenity setting usually within the class 4 Business category. The Elgin and Buckie market areas have relatively healthy supplies of general industrial land providing at least the equivalent of 15 years supply. In Keith the general industrial supply is more limited however there is a LONG allocation that could be drawn down if there is shortage. There has historically been a significant shortage of general industrial land in Speyside. This means there is a reliance on windfall proposals to accommodate demand. In Forres there is a significant shortage of general industrial land with only 2.75ha of land available at BP1 Forres Enterprise Park. This shortage of general industrial land requires to be urgently addressed. The Economic Recovery Plan includes actions to progress employment sites and industrial units in Forres and Speyside. Moray Council Estates are considering a number of projects with a focus on Speyside where there are shortages and limited private sector interest in providing units on speculative basis. Moray Council is also working with HIE to advance opportunities in Forres to address deficiencies in supply. Longer term investment will also be required to maintain an effective supply in these areas.
- 5.4 The amount of land Immediately Available is 33.85 ha (net), across 6 sites. This is a decrease of 1.49 ha since 2021. The decrease is due to construction activity at I7 Barmuckity/Elgin Business Park and I2 Chanonry. Take up at I7 Elgin Business Park/Barmuckity has been very good and it is understood significant areas are under offer with other plots the subject of current planning applications. It is therefore anticipated that the level of immediately

available land in the Elgin Market Area will reduce significantly over the next few years. There continues to be a restricted choice of sites in the Immediately Available Land Supply. This is a particular issue in Forres and Speyside. The availability of Immediately Available land is a Key Measure in the Moray Economic Strategy. To maintain a supply of serviced sites it is necessary to work toward bringing other sites forward. Early work has started on a Masterplan for Mosstodloch with the Crown Estate Scotland recently appointing consultants. The masterplan will cover the current designations for employment and consider business requirements. A masterplan is also being proposed for Blackhillock Keith which has seen considerable development interest associated with renewable energy infrastructure and data storage.

- 5.5 78.03ha (net) across 16 sites is classed as constrained. This means approximately a third of the Established Supply has some form of constraint that is likely to prevent the land being developed in the next five years. The constrained supply has increased by 2.8ha compared to 2021. This is due to the addition of land at I5 Harbour Buckie at the former shipyard and correcting an error where constrained land at I3 Benromach Forres was not included in the audit. The addition of this land has been balanced against the development of land at I1 Greshop and the removal of OPP1 Mary Avenue at Aberlour from the audit. 48.06ha of land across 6 sites is classed as a LONG designation and would be capable of being bought forward should the need arise as set out within Policy DP3 Long Term Land Reserves within the MLDP 2020.
- 5.6 In the last year, 4.7 ha of land was developed this includes completion or occupation of sites at I7 Barmuckity, I2 Chanonry, I6 Linkwood East and OPP4 Ashgrove in Elgin and I1 Greshop in Forres. A new road has also been completed at BP1 Forres Enterprise Park. This is a similar level of take up and construction as recorded in 2021 when 4.68ha was recorded but is across a greater range of sites (6 compared to 4 in 2021). 6 ha of land is under construction. This is a decrease in construction activity compared to 2021 of 3ha and 2.22ha compared to 2020. It is noted however that the level is higher than audits completed in 2015-2019 which ranged from 2.31ha to 5.25ha. The sites under construction include sites at I7 Barmuckity/Elgin Business Park, development in Keith at I3 Westerton Road East (including a small part of I11) and the initiation of development at I3 Benromach. These figures do not represent all building activity and only that on designated sites or windfall sites that are not restricted to a single user. In preparing the audit comments from Estates, HIE and other consultees suggest that despite the covid-19 pandemic and Brexit demand has held up relatively well. Although there are perhaps signs that the level of space for uses like call centres may reduce with continued homeworking and demand is increasing for technology and advanced engineering uses.

6. **SUMMARY OF IMPLICATIONS**

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The Employment Land Audit is a key part of monitoring the implementation and effectiveness of the LDP, which delivers Corporate and Community Planning objectives. Ensuring sufficient provision of

effective employment land supports a growing and diverse economy which will provide a stable, sustainable employment base.

(b) Policy and Legal

The preparation of the annual Employment Land Audit is a requirement of SPP to monitor the effectiveness of the LDP and ensure an effective supply of employment land is maintained.

(c) Financial implications

None identified at present.

(d) Risk Implications

Risk that insufficient provision of effective employment land limits inward investment and expansion opportunities and risks an unplanned approach being taken to development.

(e) Staffing Implications

Preparation of the annual Employment Land Audit is part of the workload of the Strategic Planning & Development section.

(f) Property

The Employment Land Audit includes industrial estates and sites owned by the Council. The Council's Estates section were consulted on the draft audit.

(g) Equalities/Socio Economic Impact

There are no equalities issues arising from this report as it is to inform the Committee on monitoring of land supply.

(h) Climate Change and Biodiversity Impacts

Moray Local Development Plan policies seek to ensure that biodiversity is enhanced and all new buildings reduce carbon emissions. Development proposals are required to maximise connections and routes for pedestrians/cyclists including connections to active travel routes thereby reducing carbon emissions associated with vehicles, create green and blue infrastructure and incorporate and enhance biodiversity through planting and other mechanisms.

National Planning Framework 4 (NPF4) is expected to be approved later in 2022, introducing new national policies to bring significant changes to the planning system including reducing carbon emissions in new development, enhancing biodiversity and a much greater focus on brownfield redevelopment.

(i) Consultations

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Asset Manager (Commercial Buildings), the Equal Opportunities Officer, Paul Connor (Principal Accountant) and Lissa Rowan (Committee Services Officer) have been consulted and are in agreement with the contents of the report/comments received have been incorporated into the report.

7. CONCLUSION

- 7.1 SPP requires that the supply of marketable employment sites be regularly reviewed to ensure there is sufficient supply of land to meet current and anticipated market requirements. Levels of employment land and take up are National Headline Indicators submitted within the PPF.**
- 7.2 The Employment Land Audit 2022 identifies that there is 100.37ha (net) of Marketable/Effective Employment Land, of which 33.85 ha (net) is Immediately Available. Issues are identified with the restricted choice of sites across all settlements, a shortage of land in the Speyside market area, a shortage of general industrial land at Forres, and the likely impacts of high take up at Elgin Business Park/Barmuckity (I7) on future supplies of Immediately Available Land.**

Author of Report: Rowena MacDougall
Planning Officer

Background Papers:
Ref:

APRIL 2022

DRAFT Moray Employment Land Audit

moray
council



Forres Business Park

For further information, please contact:
rowena.macdougall@moray.gov.uk

1. Introduction

1.1 Purpose of Audit

The Moray Employment Land Audit provides an overview of the supply and availability of employment land across the Moray Local Development Plan area. The audit is an annual document and includes figures for take up and sites under construction.

The audit provides an evidence base for the monitoring and review of policies and proposals included within the Local Development Plan. In addition it can help to identify areas where further analysis and investigation is required. The baseline against which information is analysed is 1 January 2022.

The information contained in the Employment Land Audit will also be of use to businesses, developers, and other organisations with an interest in employment land in Moray.

1.2 Methodology

The audit is prepared from information gathered by Council planning officers through monitoring of the development plan, planning approvals and individual inspections.

All employment sites in the existing local development plan have been recorded in a data base, unless the site has been built out in its entirety. In addition to sites allocated in the Moray Local Development Plan 2020 any windfall sites with planning consent for employment uses have been added to the database unless these are constrained to a single user (e.g. a distillery). It is noted that land with buildings that are vacant are not included in the audit nor are redeveloped sites.

Once sites have been identified officers undertake a review of planning applications and collect information such as ownership, proposed use etc. for each site. Officers also undertake site visits to monitor development activity. This information is then updated in the data base. The data is then analysed to produce the audit report.

2. Background

2.1 Scottish Planning Policy

Scottish Planning Policy (SPP) sets out the Scottish Governments policies in relation to economic development in Scotland. SPP requires Planning Authorities to allocate a range of sites for business, taking account of current market demand; location, size, quality, and infrastructure requirements; whether sites are serviceable within five years; the potential for a mix of uses; their accessibility to transport networks by walking, cycling and public transport and their integration with and access to existing transport networks. SPP states that business land audits should be undertaken regularly by local authorities to inform review of development plans. Business land audits should monitor the location, size, planning status, existing use, neighbouring land uses and any significant land use issues of sites within the existing business land supply.

2.2 Moray Local Development Plan

The Moray Local Development Plan 2020 sets out the employment land policies for the Planning Authority (excluding the Cairngorms National Park area). The Local Development Plan includes a suite of policies related to economic development within the Primary and Development Policies sections. These seek to safeguard employment land and support development of employment uses on designated sites. The policies also look at the types of uses that will be supported on designated sites. A more flexible approach to rural business proposals is provided for, with policy criteria used to ensure the most appropriate locations are supported in rural areas.

The Moray Local Development Plan 2020 was adopted on 27 July 2020 and designates land for employment uses within towns. Sites from the 2020 plan were first included in the 2020 audit.

2.3 Moray Economic Strategy and Moray Economic Partnership (MEP)'s Economic Recovery Plan.

The Moray Economic Strategy 2019 -2029 was published in December 2018 by the Moray Economic Partnership. The 10 year strategy sets out the vision and a high-level series of actions required to deliver a successful and vibrant economy in Moray. One of the key measures is the level of immediately available employment land.

An Economic Recovery Plan has been developed by the Moray Economic Partnership with actions to accelerate economic recovery from the impacts of the covid-19 pandemic. This includes provision of employment land in Forres and Speyside/East of Moray.

2.4 Moray 10 Year Plan - Local Outcome Improvement Plan (LOIP)

One of four priorities within the Moray Community Planning Partnership Local Outcomes Improvement Plan is “Developing a diverse, inclusive and sustainable economy.” Whilst employment land supply is not a performance indicator within the Local Outcomes Improvements Plan land supply is important for achieving outcomes.

2.5 Demand for Employment Land

Moray Council Estates and Highlands and Islands Enterprise (HIE) have advised that to date despite the Covid-19 pandemic and impacts of Brexit demand continues to hold up relatively well. Although there are maybe signs that the level of space for uses like call centres may reduce with continued homeworking and demand is increasing for technology and advanced engineering uses. There has also been notable developments of new private sector small business units that have recently been completed in Elgin- with 14 units developed by Saltire at 17 Barmuckity and 18 by Excel at 12 Chanonry. What longer term impacts on demand there may be due to the pandemic and Brexit remain unclear.

The Moray Council Industrial Portfolio Annual Report 2020-2021 showed continued high levels of occupancy within the Moray Council Industrial portfolio with strong demand for smaller units. The provision of further serviced sites and units is an issue and a number of projects are being considered with a focus on Speyside where there are shortages and limited private sector interest in providing units on speculative basis. Moray Council is also working with HIE to advance opportunities in Forres to address deficiencies in supply.

HIE have responded to demand at Forres Enterprise Park by obtaining consent for 8 office pods adjacent to the Horizon building and for two small business units and are working to deliver these. A road extension has been built to open up part of the site for development. HIE are also working to secure opportunities within the aerospace industry and around a North Highland and Moray space cluster. HIE also continue to support Elgin Business Park.

The demand for employment sites and buildings is still considered to be greatest for smaller buildings with fewer businesses looking for larger sites. Demand for smaller sites and buildings are generally from small local businesses including builders, plumbers and plant and machinery supply. Demand for medium sized sites is from smaller businesses looking to grow and the demand for larger sites is generally from inward investors. There needs to be land and sites available at all levels to meet demand. The Moray Economic Strategy see’s future demand within aerospace/space related businesses, life sciences, creative industries and digital, as well as the engineering sector. There is also demand from existing business looking to relocate and expand. A key industry for Moray is the food and drink industry. Whisky distilling has seen considerable expansion over recent years, including bonded warehousing. These businesses are long established and often in rural areas. The Local Development Plan currently looks to support such expansion through its policy on rural business which supports proposals where there is locational justification.

Sufficient land and buildings require to be available in to facilitate wider economic development and to support the vision of the Moray Economic Strategy and support economic recovery.

3. Employment Land Supply

Several categories of land supply are identified in the audit. Definitions for these are provided in section 5.

Detailed information on the established, constrained, effective and immediately available sites is provided in Appendix 2.

3.1 Established Employment Land Supply

The established employment land supply for Moray is shown in figure 1. There has been a decrease in the gross established supply by 1.22 ha since 2021. This decrease is due to development at I7 Barmuckity/Elgin Business Park, I2 Chanonry Industrial Estate (Elgin) and I1 Greshop (Forres). A site has also been removed at Aberlour as it has been occupied. This is balanced against the addition of land at the former shipyard at Buckie Harbour (I5) which has now been cleared, land at I1 Troves where construction has stalled and at I3 Benromach Forres that had been excluded in error previously.

Figure 1 Established Employment Land Supply (2022) (Figures in hectares)

Gross Established	Net Established	Number of Sites
298.55	226.48	36

The established employment land supply is broken down in figure 2 by market area.



Figure 2 Established Employment Land Supply by town (2022) (Figures in hectares)

Town	Gross Established	Net Established	Number of Sites
Elgin Market Area	186.26	143.01	18
<i>Elgin</i>	<i>125.41</i>	<i>95.32</i>	<i>11</i>
<i>Lossiemouth</i>	<i>12.8</i>	<i>10.24</i>	<i>1</i>
<i>Mosstodloch</i>	<i>46.44</i>	<i>36.35</i>	<i>5</i>
<i>Troves</i>	<i>1.61</i>	<i>1.1</i>	<i>1</i>
Forres	55.48	34.77	4
Buckie Market Area	43.96	37.46	6
<i>Buckie</i>	<i>43.15</i>	<i>36.81</i>	<i>5</i>
<i>Cullen</i>	<i>0.81</i>	<i>0.65</i>	<i>1</i>
Keith	11.1	9.64	6
Speyside Market Area	1.75	1.6	2
<i>Aberlour</i>	<i>1</i>	<i>1</i>	<i>1</i>
<i>Roths</i>	<i>0.75</i>	<i>0.6</i>	<i>1</i>

ELGIN MARKET AREA - There has been a decrease in the established supply within the Elgin Market Area compared to 2021 (4.5ha to the gross supply and 1.3ha to the net supply). This is as a result of development at I7 Barmuckity/Elgin Business Park, and I2 Chanornry. Land at Troves has been added back into the established supply after being classed as under construction for a number of years.

FORRES MARKET AREA - There has been an increase in the established supply in Forres compared to 2021 due undeveloped land at I3 Benromach being excluded from the established supply in error. This increase is 2.7ha to the gross supply and 1.69ha to the net supply.

BUCKIE MARKET AREA - There is a small increase (1ha) to the gross established and net area at Buckie compared to 2021 as result of including the vacant shipyard site at I5 Harbour where this has now been cleared of vacant and derelict buildings.

KEITH MARKET AREA - There has been no change to the established supply in the Keith Market Areas.

SPEYSIDE MARKET AREA - There is a small decrease (0.4ha) in area compared to 2021 with the removal of the OPP1 site at Mary Avenue which is occupied and not available for development.

The established employment land supply has also been broken down by size of site to provide an indication of the range of size of sites available.

Figure 3: Established Employment Land Supply by site size (2022) (Figures in hectares)

Site area	Net Established	Number of Sites
0 - 1ha	3.75	6
1 - 5 ha	28.71	15
>5 ha	194.91	15

The land supply is broken down by the type of employment uses that are considered suitable on the site. The greatest proportion of land is suitable for Class 5 General Industrial uses (and also Class 4 Business and Class 6 Storage and Distribution). On some designations the whole area may be capable of accommodating higher amenity or a greater mix of uses but on some designations distinct areas within a site are identified. These tend to be uses within Class 4 that require a higher amenity setting or due to the location close to residential development general industrial uses would not be suitable. On some larger sites a greater mix of uses (for example Class 1 Shops where ancillary to main use, Class 4 Business, Class 5 General Industrial, Class 6 Storage or Distribution, Class 7 Hotel and Hostels and Use Class 11 Assembly and Leisure) are identified on part of the site to help support delivery of the site as a whole. A breakdown of the type of sites is shown in figures 4 and 5 below. It is noted that some sites will be counted in both the General Industrial and High Amenity figures as on larger sites part of the site may be identified for a greater mix of uses.

Figure 4: Net supply by type (2022). Figures in hectares

	Net Area	Number of Sites
General Industrial	162.37	29
High Amenity	58.32	12

Figure 5: Net supply by Market Area and type (2022). Figures in hectares

Market Area	General Industrial	Number of Sites	High Amenity	Number of Sites
Elgin	102.98	16	36.44	6
<i>Elgin</i>	<i>60.41</i>	<i>9</i>	<i>31.32</i>	<i>5</i>
<i>Lossiemouth</i>	<i>5.12</i>	<i>1</i>	<i>5.12</i>	<i>1</i>
<i>Mosstodloch</i>	<i>36.35</i>	<i>5</i>		
<i>Troves</i>	<i>1.1</i>	<i>1</i>		
Forres	22.3	4	10.27	1
Buckie	30.44	4	7.02	2
<i>Buckie</i>	<i>30.44</i>	<i>4</i>	<i>6.37</i>	<i>1</i>
<i>Cullen</i>			<i>0.65</i>	<i>1</i>
Keith	6.05	4	3.59	2
Speyside	0.6	1	1	1
<i>Aberlour</i>			<i>1</i>	<i>1</i>
<i>Rothies</i>	<i>0.6</i>	<i>1</i>		

3.2 Marketable/Effective Employment Land Supply

The marketable and effective employment land supply in 2022 is shown in figure 6. Overall the marketable/effective area has decreased by 1.31 hectares compared to 2021. The number of effective sites has remained the same. The decrease is due to construction activity at I7 Barmuckity/Elgin Business Park and I2 Chanonry at Elgin. This is balanced against land at I1 Troves previously classed as under construction being brought into the effective supply due to stalled construction.

Figure 6: Marketable/Effective Employment Land Supply (2022)

Marketable/Effective (Net figure in hectares)	Number of Sites
100.37	21

The marketable/effective employment land supply has been broken down by market area in figure 7. Annual requirements established through historic demand studies, build out rates recorded in previous audits, and from discussions with HIE and Moray Council Estates have been used to provide the estimated number of years supply available. It is noted that previously it was desirable to have a five year effective land supply at all times and therefore previous Local Development Plans sought to designate a minimum of 10 year land supply. However, to ensure a generous supply, increase choice and the prospect of a 10 year replacement period for future Local Development Plans, the Moray Local Development Plan 2020 sought to designate a minimum of 15 years supply.

Figure 7 Marketable/Effective Employment Land Supply by market area (2022)

Market Area	Marketable/ Effective (Net figure in hectares)	Number of Sites	Estimated Annual Requirements	Available Supply in years
Elgin	58.11	10	2.8	20 years
Forres	13.02	1	0.8	16 years
Buckie	22.34	4	0.8	28 years
Keith	5.3	4	0.4	13 years
Speyside	1.6	2	0.4	4 years

The level of effective supply in Elgin, and Buckie is currently good. However, the choice of sites is limited across all market areas. It is noted that within in Elgin there are only small areas now available within I6 Linkwood East and I2 Chanonry. The level of interest and recent planning applications at I7 Barmuckity also suggests availability will be limited in the future. In Forres whilst there is a good supply of land this is all at BP1 Forres Enterprise Park. Whilst Keith has less than 15 years supply there is a LONG allocation that could be brought forward, however there is a limited choice of sites in Keith with these primarily being in the Westerton Road area. There is a shortage of sites in Speyside and finding suitable sites has been an ongoing issue. Removal of a site in the Examination of the 2020 Local Development Plan means there will be a reliance on windfall proposals within this area.

The effective land supply is broken down by the type of employment uses that are considered suitable on the site. The greatest proportion of land is suitable for Class 5 General Industrial uses (and also Class 4 Business and Class 6 Storage or Distribution). As set out above some sites are wholly or have areas that would be capable of accommodating higher amenity uses or a greater mix of uses. These tend to be uses within Class 4 that require a higher amenity setting or due to the location of the site close to residential development general industrial uses would not be suitable. On some larger sites areas that could accommodate a greater mix of uses (for example Class 1 Shops where ancillary to main use, Class 4 Business, Class 5 General Industrial, Class 6 Storage or Distribution, Class 7 Hotel and Hostels and Use Class 11 Assembly and Leisure) are identified to help support delivery of the site as a whole.

A breakdown of the type of sites is shown in figures 8 and 9 below. It is noted that some sites will be counted in both the General Industrial and High Amenity figures as on larger sites part of the site may be identified for a greater mix of uses.

Figure 8: Effective area by type (2022) Figures in hectares.

	Effective Area	Number of Sites
General Industrial	63.56	16
High Amenity	36.82	8

Figure 9: Effective area by Market Area and type (2022). Figures in hectares.

Market Area	General Industrial	Number of Sites	High Amenity	Number of Sites
Elgin	41.34	9	16.78	3
<i>Elgin</i>	27.44	7	16.78	3
<i>Mosstodloch</i>	12.8	1		
<i>Troves</i>	1.1	1		
Forres	2.75	1	10.27	1
Buckie	15.32	2	7.02	2
<i>Buckie</i>	15.32	2	6.37	1
<i>Cullen</i>			0.65	1
Keith	3.55	3	1.75	1
Speyside	0.6	1	1	1
<i>Aberlour</i>			1	1
<i>Roths</i>	0.6	1		

The Elgin and Buckie market areas have relatively healthy supplies of general industrial land providing the equivalent of 15 years supply. In Forres there is a significant shortage of general industrial land and this requires to be urgently addressed. Only a small portion of the BP1 Forres Enterprise Park is able to accommodate general industrial uses. In Keith the general industrial supply is more limited however there is a LONG allocation that could be drawn down if there is shortage. There is, and has historically been, a significant shortage of general industrial land in Speyside. This means there is a reliance on windfall proposals to accommodate demand.

3.3 Immediately Available

The immediately available employment land supply in 2022 is shown in figure 10. The immediately available supply decreased by 1.49ha compared to 2021. The decrease is due to construction activity at I7 Barmuckity/Elgin Business Park and I2 Chanonry. As noted above take up at I7 Elgin Business Park/Barmuckity has been very good and therefore it is anticipated that the level of immediately available land in the Elgin Market Area will reduce significantly over the next few years. Bringing forward and servicing new sites will be critical to maintaining supplies.

Figure 10: Immediately available Employment Land Supply (2022)

Immediately Available (<i>Net figure in hectares</i>)	Number of Sites
33.85	6

3.4 LONG

The Moray Local Development Plan 2020 included LONG employment sites for the first time. The LONG supply is set out in figure 11 below. These sites set out the direction of growth and assist in forward planning. LONG sites are designated at LONG3 Burnside of Birnie Elgin, LONG MU1 South of the A96, LONG 2 West of Mosstodloch, LONG 2 Westerton Road Keith and LONG2 March Road.

Figure 11: LONG sites 2022

LONG (<i>Net figure in hectares</i>)	Number of Sites
48.06	5

3.5 Constrained

The established land supply that is subject to constraints is shown in figure 12. The constrained supply has increased by 2.8ha compared to 2021. This is due to the addition of land at I5 Harbour Buckie at the former shipyard and correcting an error where constrained land at I3 Benromach Forres was not included in the audit. The addition of this land has been balanced against the development of land at I1 Greshop and the removal of OPP1 Mary Avenue at Aberlour from the audit.

Figure 12: Constrained Employment Land Supply (2022)

Constrained Supply (Net figure in hectares)	Number of Sites
78.03	16

The constrained supply can be broken down into the type of constraints identified.

Figure 13: Constrained Employment Land Supply by constraint (2022) (Net figures in hectares) Note some land may fall under more than one constraint.

Constraint Type	Constrained Supply	Number of Sites
Infrastructure	45.75	8
Ownership	14.15	4
Physical	44.23	11

3.6 Take up and Construction

The number and area of proposals completed in the year to 1st January 2022 is shown in figure 14 below. This includes completion or occupation of sites at I7 Barmuckity, I2 Chanonry, I6 Linkwood East and OPP4 Ashgrove in Elgin and I1 Greshop in Forres. A new road has also been completed at BP1 Forres Enterprise Park. This is a similar level of take up and construction as recorded in 2021 when 4.68ha was recorded but is across a greater range of sites (6 compared to 4 in 2021).

Figure 14 Employment land completed/taken up in year to 1st January 2022

Take up area (Gross figure in hectares)	Number of Sites
4.74ha	6

The number and area of proposals under construction on the base date of 1st January 2022 is shown in figure 15 below. This is a decrease in construction activity compared to 2021 of 3ha and 2.22ha compared to 2020. It is noted however that the level is higher than audits completed in 2015-2019 which ranged from 2.31ha to 5.25ha. The sites under construction include sites at I7 Barmuckity/Elgin Business Park, development in Keith at I3 Westerton Road East (including a small part of I11) and the initiation of development at I3 Benromach.

Figure 15: Employment land under construction at 1st January 2022

Under Construction (Gross figure in hectares)	Number of Sites
6	4

It is noted that this does not represent all building activity, and only that on designated sites or windfall sites that are not restricted to a single user. Other notable areas of activity primarily relate to expansion proposals of existing businesses, sites in the countryside and expansion of distilleries.

4. Conclusion

The Employment Land Audit has been carried out in this format for several years allowing comparison to be made to previous audits.

It is clear that the emphasis on employment land continues to be within the main settlements of Elgin, Forres, Buckie and Keith. However, Mosstodloch is also the focus of a large proportion of the supply in the Elgin Market Area. The shortage of general industrial land in the Forres Market Area is a significant issue that requires to be addressed. There is a significant shortage of land and sites within the Speyside Market Areas which means there is a reliance on windfall sites to accommodate demand. There continues to be a limited choice of serviced sites/immediately available sites across all settlements with only 6 sites being classed in this category. The availability of Immediately Available employment land is a Key Measure in the Moray Economic Strategy.

In figure 16 below is a summary by market area.

Figure 16 Market Area Summary

<p>Elgin (including Lossiemouth and Mosstodloch)</p>	<p>Development at Barmuckity/Elgin Business Park (I7) is progressing with several plots completed and others under construction. There continues to be significant interest in the remaining plots, including some of the larger plots. The 14 starter units at the back of the site are now complete with strong interest in these. The high levels of take up at Elgin Business Park/Barmuckity (I7) suggest the level of Immediately Available land will reduce significantly over the next few years and therefore bringing new sites forward and servicing these is critical to maintaining a supply of serviced sites.</p> <p>At Chanonry (I2) and Linkwood East (I6) there continues to small areas of immediately available land but this has reduced to only a couple of small plots on each site. At Chanonry there is a private development of 18 starter units that is currently being marketed. At OPP4 Ashgrove a storage and distribution building with ancillary trade counter has been built and consent is in place for an additional general industrial/storage or distribution building here.</p> <p>Bringing forward other sites within Elgin will be critical to maintaining a choice of immediately available sites. To the north of Elgin Newfield (I8) is being actively marketed increasing choice of sites across Elgin. Land has been identified at Burnside of Birnie (I16/LONG3) to meet future demand.</p> <p>Choice of sites is severely restricted in Lossiemouth, only Sunbank OPP1 or windfall opportunities are available. The topography and ground conditions at Sunbank OPP1 are considered to constrain the site.</p> <p>In Mosstodloch additional land is identified at I3 West of Mosstodloch and there are discussions ongoing with the landowner regarding the site.</p> <p>There are issues with delivery of higher quality business land. Strong demand continues for industrial buildings.</p>
<p>Forres</p>	<p>Very small choice of marketable/effective sites given settlement size and population, but reasonable areas available at the BP1 Enterprise Park. I4 Easter Newforres is understood to have high infrastructure costs that will likely require public sector funding support to make this site effective.</p> <p>There is continued demand for small offices at Horizon Scotland at BP1 Enterprise Park. Consent has also been granted for two small business units in the north west of BP1. The road extension has opened up an area for development to the south east of BP1.</p>

Forres	<p>The remaining land at Waterford (I2) is now constrained due to restricted access.</p> <p>Strong demand, particularly for smaller units and need for serviced employment land to allow businesses to develop and relocate from smaller units.</p> <p>The Economic Recovery Plan includes an action to progress the development of employment land or industrial units in Forres.</p>
Buckie	<p>Small choice of marketable sites but reasonable areas available. Significant area immediately available at I3 Rathven Industrial Estate. Redevelopment opportunities at harbour. Small site available at Cullen.</p> <p>The Moray Local Development Plan identifies a reserve of industrial land at March Road (LONG2) that could be brought forward if need arose.</p>
Keith	<p>Very small choice of marketable sites focussed around the Westerton Road area. Issues with providing readily accessible employment sites. Demand for smaller units but greatest demand is currently for battery storage and development linked to Blackhillock. Opportunities for higher amenity employment uses promoted within a mixed use site to the south of Banff Road (MU).</p>
Speyside	<p>Severely limited choice of designated sites. There is a need for sites for small local businesses in Speyside. The Moray Local Development Plan 2020 identifies a site at Speyview (R2) where 1ha of the housing site is identified for employment uses. The removal of a site during the Examination of the Moray Local Development Plan 2020 means there is a reliance on windfall proposals supported through policy.</p> <p>The Economic Recovery Plan includes an action to progress the development of employment land or industrial units in Speyside.</p>



5. Glossary

Constrained Employment Land Supply

This includes land for example, that has planning difficulties, land subject to ownership difficulties (e.g. multiple ownership/unwilling sellers), land with insufficient infrastructure provision, etc. This category therefore includes much of the land in the Established Employment Land Supply that is not Marketable (see below).

Employment Land

This includes land for general industrial and business/office use, storage and distribution uses, business parks and specialist technology parks including research and development uses. This comprises Classes 4 (Business), 5 (General Industrial) and 6 (Storage or Distribution) of the 1997 Town and Country Planning (Use Classes) (Scotland) Order, but is not exclusive to these uses.

Established Employment Land Supply

This includes all undeveloped land that is allocated for industrial/business/ employment use in the adopted Local Plan or has a valid planning approval for these uses.

Gross

This refers to the total area in (hectares) within the boundary of the site.

Immediately Available Land Supply

This is marketable/effective land that currently has planning permission, is serviced and has no other major constraints to immediate development. This definition is useful in the assessment of whether demand for land is being adequately met.

Marketable/Effective Land Supply

This is land that as well as meeting business requirements, has a secure planning status, can be serviced within 5 years, is accessible by walking, cycling and public transport as defined by SPP. Land that is subject to user restrictions or that is held as 'option land' for existing companies' own expansion cannot be considered to be marketable. Such land is not constrained.

Net

The total area of land excluding roads, landscaping etc. As the physical attributes of a site and surrounding land uses will determine the area suitable for development and the level of landscaping required the net area will vary. For sites that are partially complete, the net area given is the area that is actually available to be developed. For sites that are undeveloped the net area is estimated. This estimate is based on an assumption that on average, 20% of available land will be taken up with roads, landscaping etc. If relevant site information is available, this is taken into account in the estimate.

Take-Up

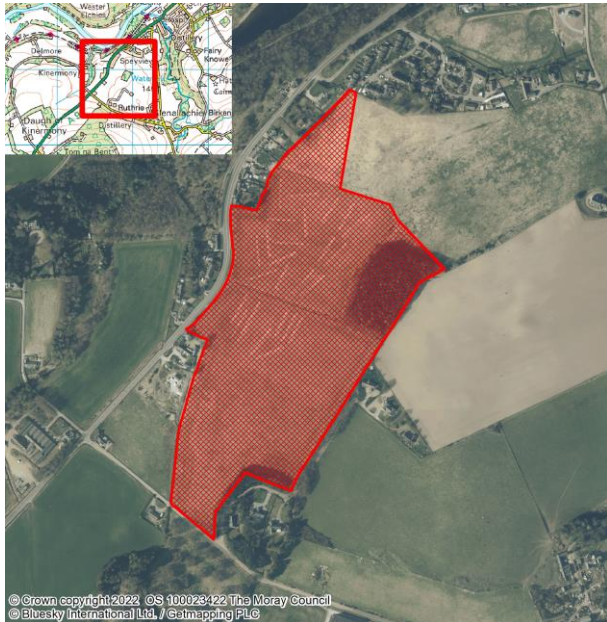
The take up figure includes all proposals where development has been completed within the particular year.

Under Construction

This is the area of land under construction at the base date. These sites are not yet complete. The area under construction area is not included within the land supply or built totals.

The Moray Council Employment Land Audit 2022

Reference:	M/AB/E/005	Town:	ABERLOUR
Supply Type:	Effective	LPR:	20/R2
Location:	Speyview		
Grid Ref:	325631	841602	



Established Supply (Ha):

Gross Established:	1	Net Established:	1
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Effective Supply (Ha):

Effective:	1	General Industrial:	0
Immediately Available:	0	High Amenity:	1

LONG Supply (Ha):

LONG:	0
-------	---

Constrained

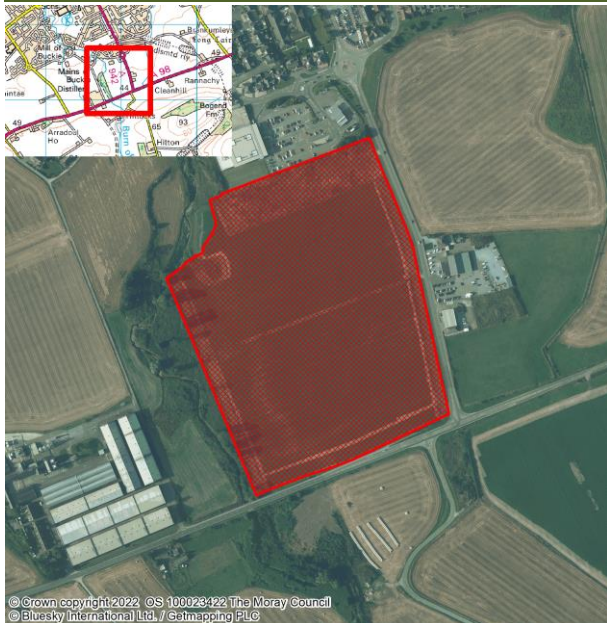
☐ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 0

Development (Ha):

Built:	0	Under Construction:	0
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Reference:	M/BC/E/001	Town:	BUCKIE
Supply Type:	Effective	LPR:	20/MU
Location:	High Street (W)		
Grid Ref:	342942	864437	



Established Supply (Ha):

Gross Established:	6.37	Net Established:	6.37
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Effective Supply (Ha):

Effective:	6.37	General Industrial:	0
Immediately Available:	0	High Amenity:	6.37

LONG Supply (Ha):

LONG:	0
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Constrained

☐ Owner ☐ Infrastructure ☐ Physical

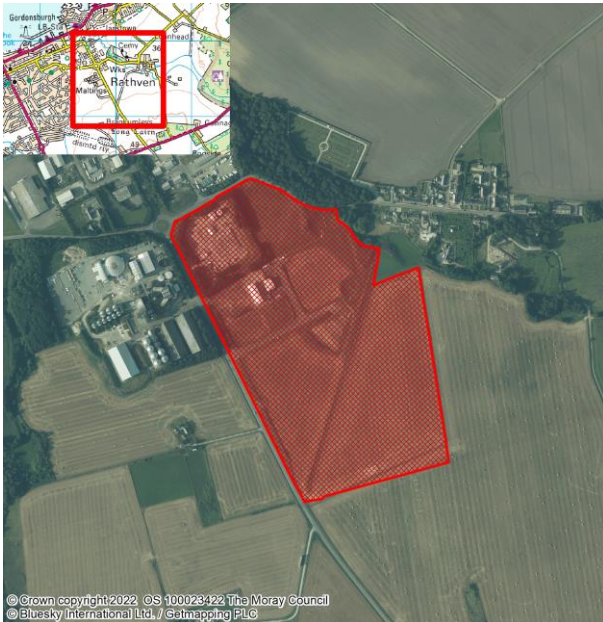
Constrained Total (Ha): 0

Development (Ha):

Built:	0	Under Construction:	0
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The Moray Council Employment Land Audit 2022

Reference:	M/BC/E/004	Town:	BUCKIE
Supply Type:	Effective	LPR:	20/13
Location:	March Road (SE)		
Grid Ref:	343984	865510	



Established Supply (Ha):

Gross Established:	17.69	Net Established:	14.55
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Effective Supply (Ha):

Effective:	14.55	General Industrial:	14.55
Immediately Available:	7.95	High Amenity:	0

LONG Supply (Ha):

LONG:	0
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Constrained

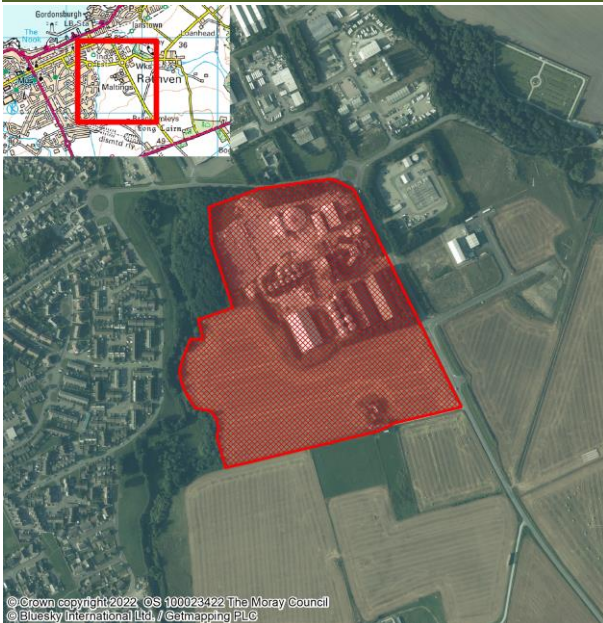
☐ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 0

Development (Ha):

Built:	3.14	Under Construction:	0
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Reference:	M/BC/E/005	Town:	BUCKIE
Supply Type:	Constrained	LPR:	20/14
Location:	Maltings		
Grid Ref:	343676	865357	



Established Supply (Ha):

Gross Established:	10.3	Net Established:	8.5
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Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	0
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Constrained

☒ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 8.5

Development (Ha):

Built:	5.96	Under Construction:	0
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The Moray Council Employment Land Audit 2022

Reference:	M/BC/E/006	Town:	BUCKIE
Supply Type:	Part Constrained	LPR:	20/I5
Location:	The Harbour Area		
Grid Ref:	343086		865957



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Established Supply (Ha):

Gross Established:	1.77	Net Established:	1.77
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Effective Supply (Ha):

Effective:	0.77	General Industrial:	0.77
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	0
-------	---

Constrained

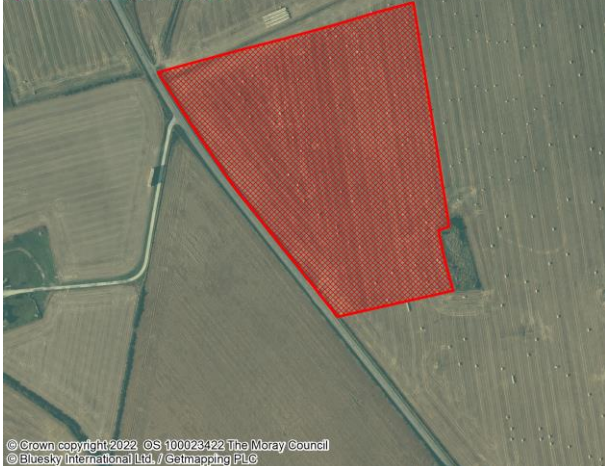
☐ Owner ☒ Infrastructure ☒ Physical

Constrained Total (Ha): 1

Development (Ha):

Built:	20.97	Under Construction:	0
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Reference:	M/BC/E/007	Town:	BUCKIE
Supply Type:	Effective 5years+	LPR:	20/LNG2
Location:	March Road (LONG)		
Grid Ref:	344222		865018



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Established Supply (Ha):

Gross Established:	7.02	Net Established:	5.62
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Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	5.62
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Constrained

☐ Owner ☒ Infrastructure ☐ Physical

Constrained Total (Ha): 0

Development (Ha):

Built:	0	Under Construction:	0
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The Moray Council Employment Land Audit 2022

Reference:	M/CL/E/002	Town:	CULLEN
Supply Type:	Effective	LPR:	20/11
Location:	South of Cemetery		
Grid Ref:	351482		866184



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Established Supply (Ha):

Gross Established:	0.81	Net Established:	0.65
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Effective Supply (Ha):

Effective:	0.65	General Industrial:	0
Immediately Available:	0	High Amenity:	0.65

LONG Supply (Ha):

LONG:	0
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Constrained

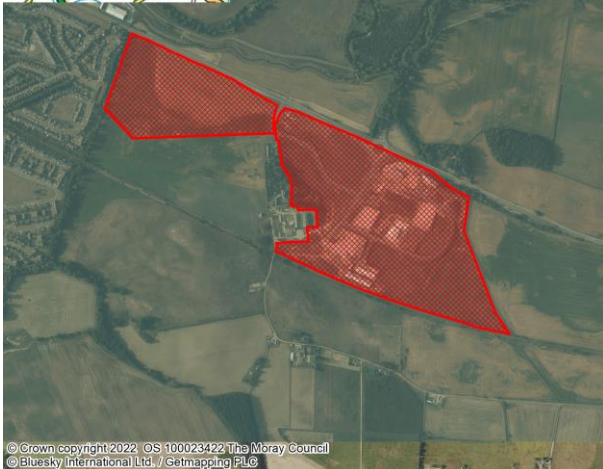
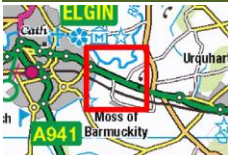
☐ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 0

Development (Ha):

Built:	0	Under Construction:	0
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Reference:	M/EL/E/001	Town:	ELGIN
Supply Type:	Part Constrained	LPR:	20/17
Location:	Elgin Business Park, Barmuckity		
Grid Ref:	324719		861725



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Established Supply (Ha):

Gross Established:	33.83	Net Established:	22.34
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Effective Supply (Ha):

Effective:	16.48	General Industrial:	10.31
Immediately Available:	10.29	High Amenity:	6.18

LONG Supply (Ha):

LONG:	0
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Constrained

☐ Owner ☐ Infrastructure ☒ Physical

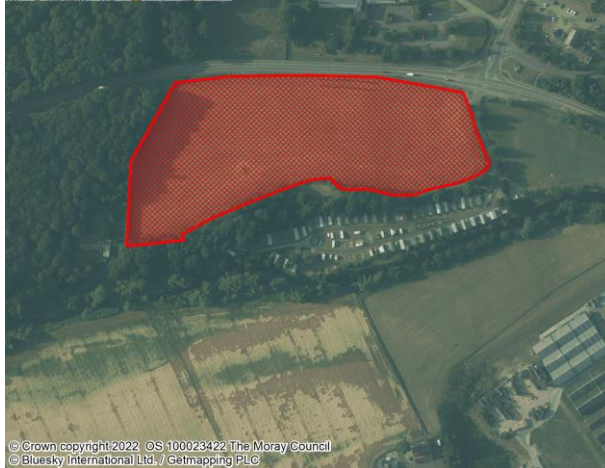
Constrained Total (Ha): 5.86

Development (Ha):

Built:	2.51	Under Construction:	2.52
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The Moray Council Employment Land Audit 2022

Reference:	M/EL/E/002	Town:	ELGIN
Supply Type:	Constrained	LPR:	20/MU1
Location:	Riverview		
Grid Ref:	319633		862782



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Established Supply (Ha):

Gross Established:	4.12	Net Established:	3.3
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Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	0
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Constrained

☐ Owner ☒ Infrastructure ☒ Physical

Constrained Total (Ha): 3.3

Development (Ha):

Built:	0	Under Construction:	0
--------	---	---------------------	---

Reference:	M/EL/E/004	Town:	ELGIN
Supply Type:	Constrained	LPR:	20/I12
Location:	Glen Moray Distillery		
Grid Ref:	319932		862424



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Established Supply (Ha):

Gross Established:	1.3	Net Established:	1.3
--------------------	-----	------------------	-----

Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	0
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Constrained

☒ Owner ☐ Infrastructure ☒ Physical

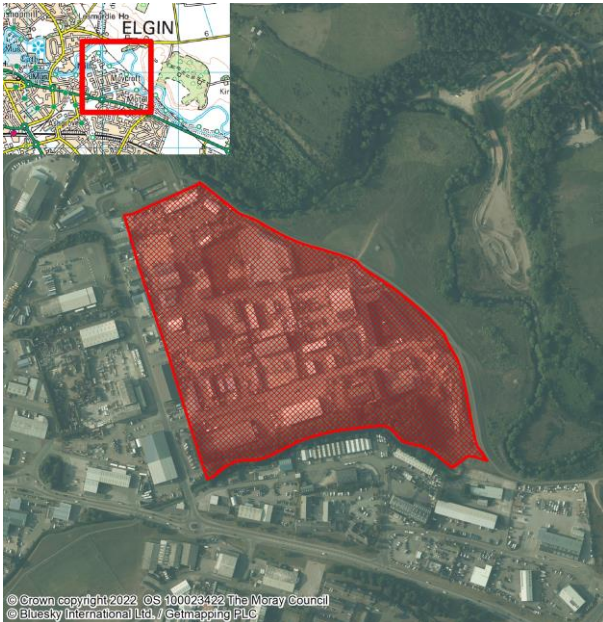
Constrained Total (Ha): 1.3

Development (Ha):

Built:	6.5	Under Construction:	0
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The Moray Council Employment Land Audit 2022

Reference:	M/EL/E/008	Town:	ELGIN
Supply Type:	Part Constrained	LPR:	20/12
Location:	Chanonry Industrial Estate		
Grid Ref:	323161	862960	



Established Supply (Ha):

Gross Established:	3.17	Net Established:	1.89
--------------------	------	------------------	------

Effective Supply (Ha):

Effective:	0.67	General Industrial:	0.67
Immediately Available:	0.67	High Amenity:	0

LONG Supply (Ha):

LONG:	0
-------	---

Constrained

☐ Owner
 ☒ Infrastructure
 ☒ Physical

Constrained Total (Ha): 1.22

Development (Ha):

Built:	10.36	Under Construction:	0
--------	-------	---------------------	---

Reference:	M/EL/E/011	Town:	ELGIN
Supply Type:	Effective	LPR:	20/15
Location:	Pinefield Industrial Estate		
Grid Ref:	322991	862330	



Established Supply (Ha):

Gross Established:	0.18	Net Established:	0.18
--------------------	------	------------------	------

Effective Supply (Ha):

Effective:	0.18	General Industrial:	0.18
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	0
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Constrained

☒ Owner
 ☐ Infrastructure
 ☐ Physical

Constrained Total (Ha): 0

Development (Ha):

Built:	12.23	Under Construction:	0
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The Moray Council Employment Land Audit 2022

Reference:	M/EL/E/012	Town:	ELGIN
Supply Type:	Effective	LPR:	20/16
Location:	Linkwood East		
Grid Ref:	323707	862498	



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Established Supply (Ha):

Gross Established:	1.71	Net Established:	1.4
--------------------	------	------------------	-----

Effective Supply (Ha):

Effective:	1.4	General Industrial:	1.4
Immediately Available:	1.4	High Amenity:	0

LONG Supply (Ha):

LONG:	0
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Constrained

☒ Owner ☐ Infrastructure ☒ Physical

Constrained Total (Ha): 0

Development (Ha):

Built:	2.01	Under Construction:	0
--------	------	---------------------	---

Reference:	M/EL/E/016	Town:	ELGIN
Supply Type:	Effective	LPR:	20/18
Location:	Newfield		
Grid Ref:	321907	864903	



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Established Supply (Ha):

Gross Established:	12	Net Established:	9.6
--------------------	----	------------------	-----

Effective Supply (Ha):

Effective:	9.6	General Industrial:	9.6
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	0
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Constrained

☐ Owner ☐ Infrastructure ☐ Physical

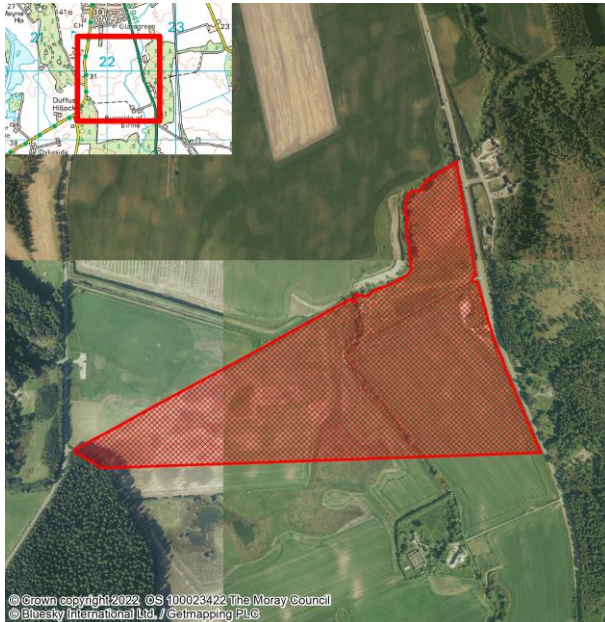
Constrained Total (Ha): 0

Development (Ha):

Built:	0	Under Construction:	0
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The Moray Council Employment Land Audit 2022

Reference:	M/EL/E/017	Town:	ELGIN
Supply Type:	Part Constrained	LPR:	20/I16
Location:	Burnside of Birnie		
Grid Ref:	322206	859613	



Established Supply (Ha):

Gross Established:	22.3	Net Established:	17.87
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Effective Supply (Ha):

Effective:	9	General Industrial:	4
Immediately Available:	0	High Amenity:	5

LONG Supply (Ha):

LONG:	0
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Constrained

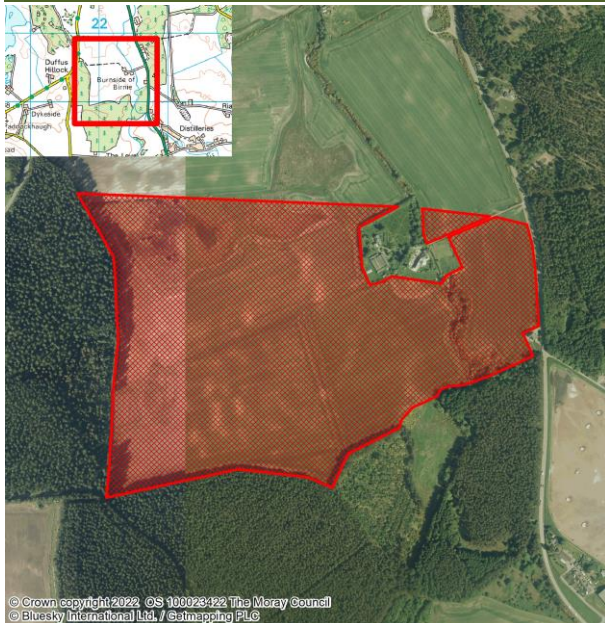
☐ Owner ☒ Infrastructure ☒ Physical

Constrained Total (Ha): 8.87

Development (Ha):

Built:	0	Under Construction:	0
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Reference:	M/EL/E/018	Town:	ELGIN
Supply Type:	Part Constrained	LPR:	20/LNG3
Location:	Burnside of Birnie (LONG)		
Grid Ref:	322279	859158	



Established Supply (Ha):

Gross Established:	38.2	Net Established:	30.56
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Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	20.74
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Constrained

☐ Owner ☐ Infrastructure ☒ Physical

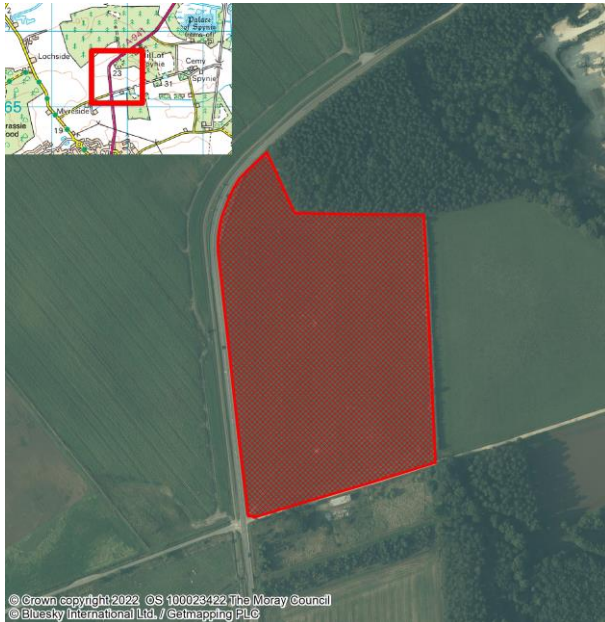
Constrained Total (Ha): 9.8

Development (Ha):

Built:	0	Under Construction:	0
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The Moray Council Employment Land Audit 2022

Reference:	M/EL/E/019	Town:	ELGIN
Supply Type:	Effective	LPR:	20/MU2
Location:	Lossiemouth Road (NE)		
Grid Ref:	321871	865361	



Established Supply (Ha):

Gross Established:	7	Net Established:	5.6
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Effective Supply (Ha):

Effective:	5.6	General Industrial:	0
Immediately Available:	0	High Amenity:	5.6

LONG Supply (Ha):

LONG:	0
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Constrained

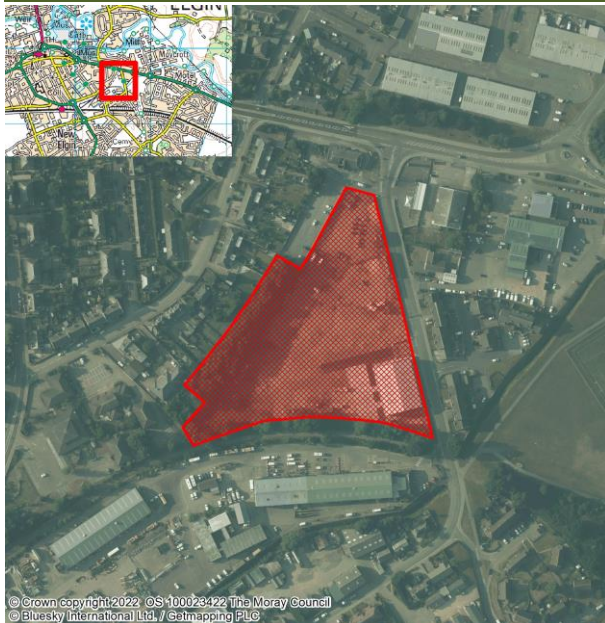
☐ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 0

Development (Ha):

Built:	0	Under Construction:	0
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Reference:	M/EL/E/020	Town:	ELGIN
Supply Type:	Effective	LPR:	20/OPP4
Location:	Ashgrove Road (Yard)		
Grid Ref:	322589	862554	



Established Supply (Ha):

Gross Established:	1.6	Net Established:	1.28
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Effective Supply (Ha):

Effective:	1.28	General Industrial:	1.28
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	0
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Constrained

☐ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 0

Development (Ha):

Built:	0	Under Construction:	0
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The Moray Council Employment Land Audit 2022

Reference:	M/FR/E/001	Town:	FORRES
Supply Type:	Effective	LPR:	20/BP1
Location:	Forres Enterprise Park		
Grid Ref:	306378	859307	



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Established Supply (Ha):

Gross Established:	22.88	Net Established:	13.02
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Effective Supply (Ha):

Effective:	13.02	General Industrial:	2.75
Immediately Available:	13.02	High Amenity:	10.27

LONG Supply (Ha):

LONG:	0
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Constrained

☐ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 0

Development (Ha):

Built:	17.92	Under Construction:	0
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Reference:	M/FR/E/006	Town:	FORRES
Supply Type:	Constrained	LPR:	20/I3
Location:	Benromach Distillery		
Grid Ref:	303187	859423	



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Established Supply (Ha):

Gross Established:	4	Net Established:	3.2
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Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	0
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Constrained

☐ Owner ☐ Infrastructure ☐ Physical

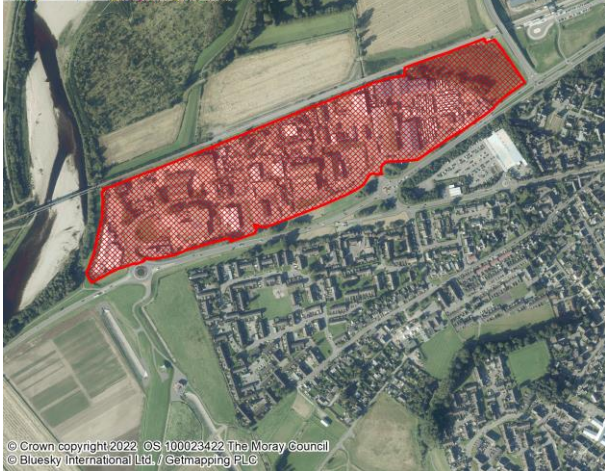
Constrained Total (Ha): 3.2

Development (Ha):

Built:	4	Under Construction:	1.3
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The Moray Council Employment Land Audit 2022

Reference:	M/FR/E/012	Town:	FORRES
Supply Type:	Constrained	LPR:	20/11
Location:	Greshop		
Grid Ref:	302463	858717	



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Established Supply (Ha):

Gross Established:	0	Net Established:	0
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Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	0
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Constrained

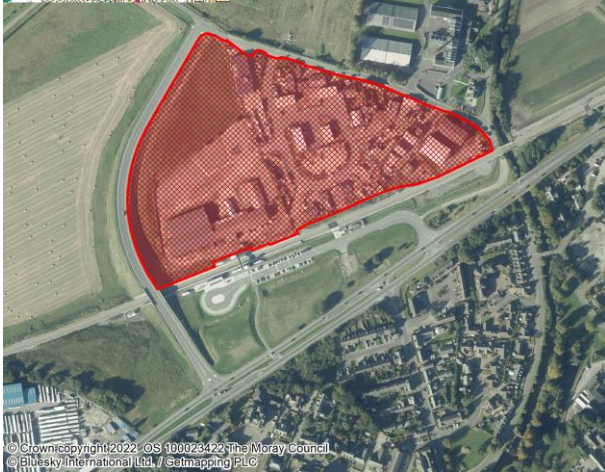
☐ Owner ☐ Infrastructure ☒ Physical

Constrained Total (Ha): 0

Development (Ha):

Built:	16.7	Under Construction:	0
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Reference:	M/FR/E/013	Town:	FORRES
Supply Type:	Constrained	LPR:	20/12
Location:	Waterford		
Grid Ref:	303151	859195	



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Established Supply (Ha):

Gross Established:	1	Net Established:	0.8
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Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	0
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Constrained

☐ Owner ☒ Infrastructure ☒ Physical

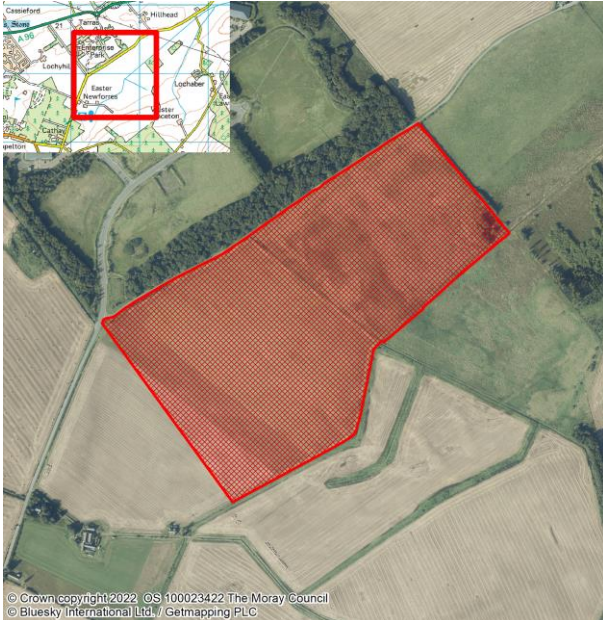
Constrained Total (Ha): 0.8

Development (Ha):

Built:	6.2	Under Construction:	0
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The Moray Council Employment Land Audit 2022

Reference:	M/FR/E/014	Town:	FORRES
Supply Type:	Constrained	LPR:	20/14
Location:	Easter Newforres		
Grid Ref:	306670	859033	



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Established Supply (Ha):

Gross Established:	27.6	Net Established:	17.75
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Effective Supply (Ha):

Effective:	General Industrial:	0
Immediately Available:	High Amenity:	0

LONG Supply (Ha):

LONG:	0
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Constrained

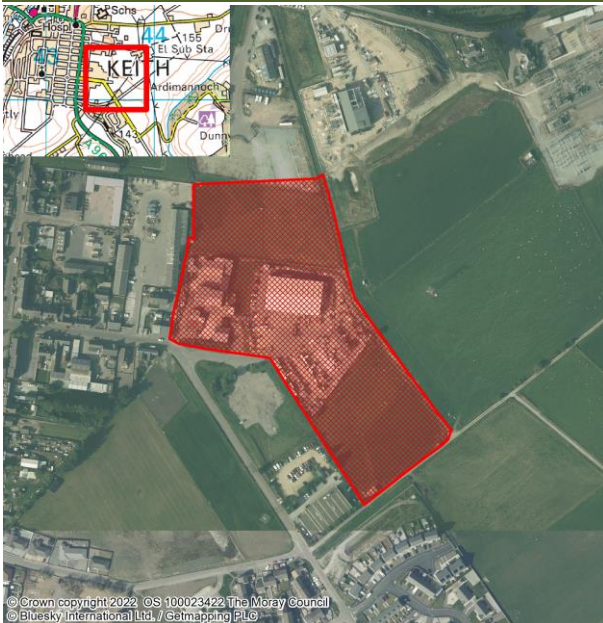
☐ Owner ☒ Infrastructure ☐ Physical

Constrained Total (Ha): 17.75

Development (Ha):

Built:	0	Under Construction:	0
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Reference:	M/KH/E/004	Town:	KEITH
Supply Type:	Effective	LPR:	20/14
Location:	Bridge Street		
Grid Ref:	343609	850228	



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Established Supply (Ha):

Gross Established:	2.05	Net Established:	1.64
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Effective Supply (Ha):

Effective:	1.64	General Industrial:	1.64
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	0
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Constrained

☐ Owner ☐ Infrastructure ☐ Physical

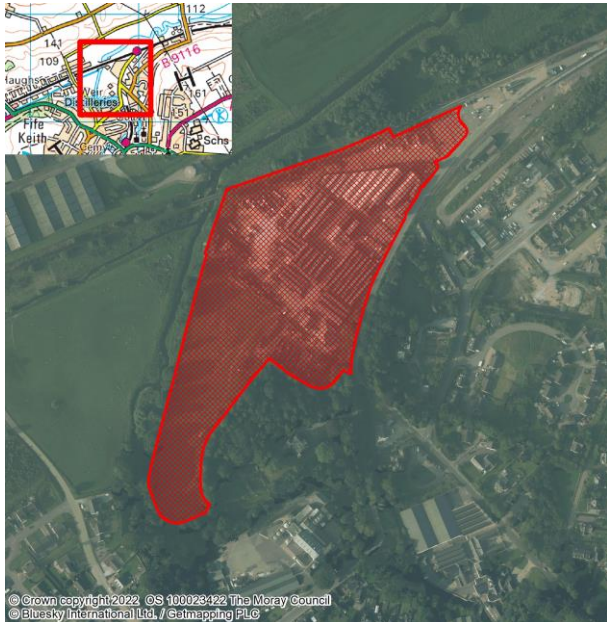
Constrained Total (Ha): 0

Development (Ha):

Built:	1.72	Under Construction:	0
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The Moray Council Employment Land Audit 2022

Reference:	M/KH/E/005	Town:	KEITH
Supply Type:	Constrained	LPR:	20/17
Location:	Isla Bank Mills		
Grid Ref:	342764	851453	



Established Supply (Ha):

Gross Established:	1.84	Net Established:	1.84
--------------------	------	------------------	------

Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	0
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Constrained

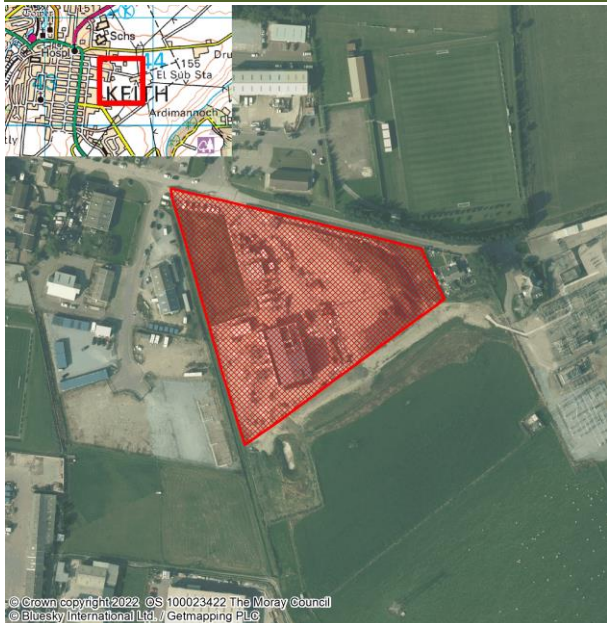
☐ Owner ☐ Infrastructure ☒ Physical

Constrained Total (Ha): 1.84

Development (Ha):

Built:	4.03	Under Construction:	0
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Reference:	M/KH/E/009	Town:	KEITH
Supply Type:	Effective	LPR:	20/13
Location:	Westerton Road East		
Grid Ref:	343643	850438	



Established Supply (Ha):

Gross Established:	0	Net Established:	0
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Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	0
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Constrained

☐ Owner ☐ Infrastructure ☐ Physical

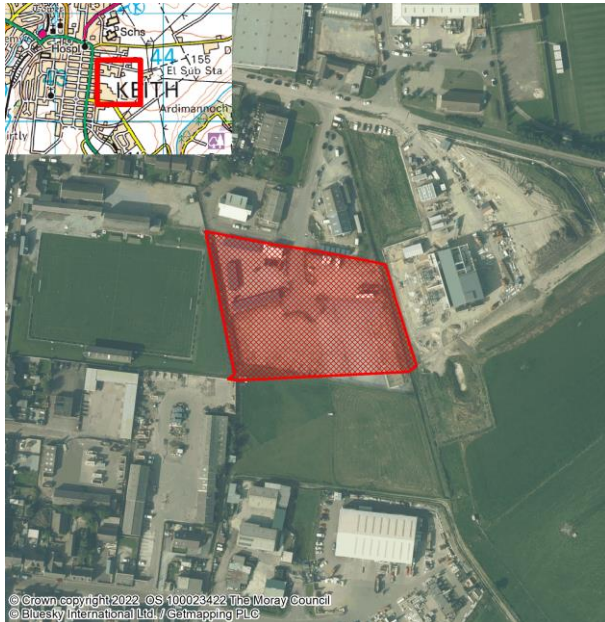
Constrained Total (Ha): 0

Development (Ha):

Built:	0	Under Construction:	1.62
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The Moray Council Employment Land Audit 2022

Reference:	M/KH/E/010	Town:	KEITH
Supply Type:	Effective	LPR:	20/12
Location:	Westerton Road South		
Grid Ref:	343584	850372	



Established Supply (Ha):

Gross Established:	0.52	Net Established:	0.52
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Effective Supply (Ha):

Effective:	0.52	General Industrial:	0.52
Immediately Available:	0.52	High Amenity:	0

LONG Supply (Ha):

LONG:	0
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Constrained

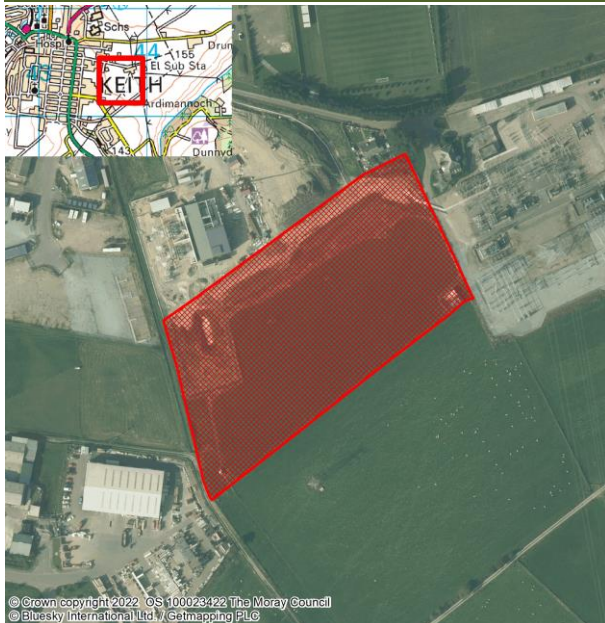
☐ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 0

Development (Ha):

Built:	1.45	Under Construction:	0
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Reference:	M/KH/E/011	Town:	KEITH
Supply Type:	Effective	LPR:	20/111
Location:	Westerton Road East Expansion		
Grid Ref:	343761	850329	



Established Supply (Ha):

Gross Established:	1.74	Net Established:	1.39
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Effective Supply (Ha):

Effective:	1.39	General Industrial:	1.39
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	0
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Constrained

☐ Owner ☐ Infrastructure ☐ Physical

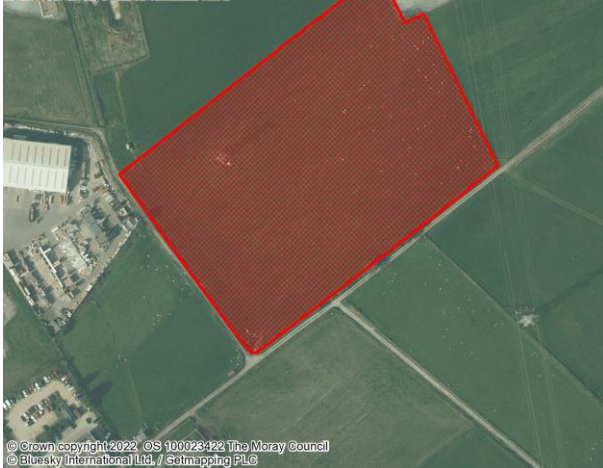
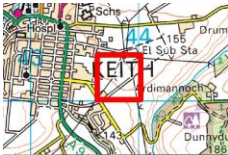
Constrained Total (Ha): 0

Development (Ha):

Built:	0	Under Construction:	0.56
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The Moray Council Employment Land Audit 2022

Reference:	M/KH/E/012	Town:	KEITH
Supply Type:	Effective 5years+	LPR:	20/LNG2
Location:	Westerton Road (LONG)		
Grid Ref:	343822	850218	



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Established Supply (Ha):

Gross Established:	3.2	Net Established:	2.5
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Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	2.5
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Constrained

☐ Owner ☒ Infrastructure ☐ Physical

Constrained Total (Ha): 0

Development (Ha):

Built:	0	Under Construction:	0
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Reference:	M/KH/E/013	Town:	KEITH
Supply Type:	Effective	LPR:	20/MU
Location:	Banff Road South		
Grid Ref:	343847	850958	



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Established Supply (Ha):

Gross Established:	1.75	Net Established:	1.75
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Effective Supply (Ha):

Effective:	1.75	General Industrial:	0
Immediately Available:	0	High Amenity:	1.75

LONG Supply (Ha):

LONG:	0
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Constrained

☐ Owner ☐ Infrastructure ☐ Physical

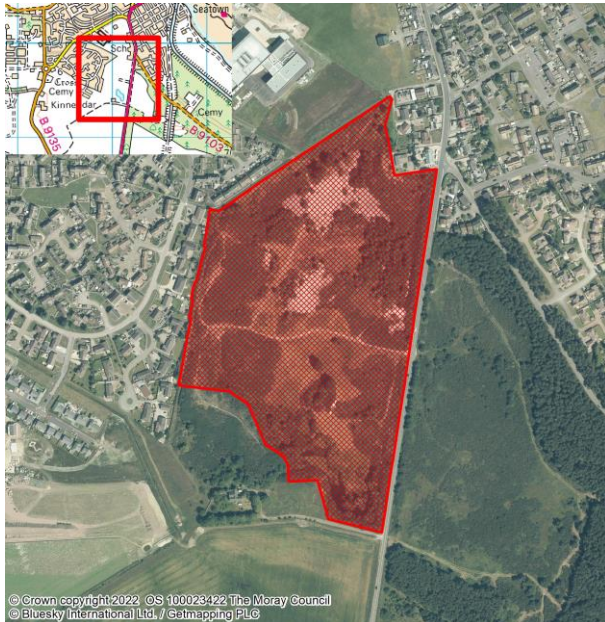
Constrained Total (Ha): 0

Development (Ha):

Built:	0	Under Construction:	0
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The Moray Council Employment Land Audit 2022

Reference:	M/LS/E/007	Town:	LOSSIEMOUTH
Supply Type:	Constrained	LPR:	20/OPP1
Location:	Sunbank		
Grid Ref:	323075	869644	



Established Supply (Ha):

Gross Established:	12.8	Net Established:	10.24
--------------------	------	------------------	-------

Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	0
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Constrained

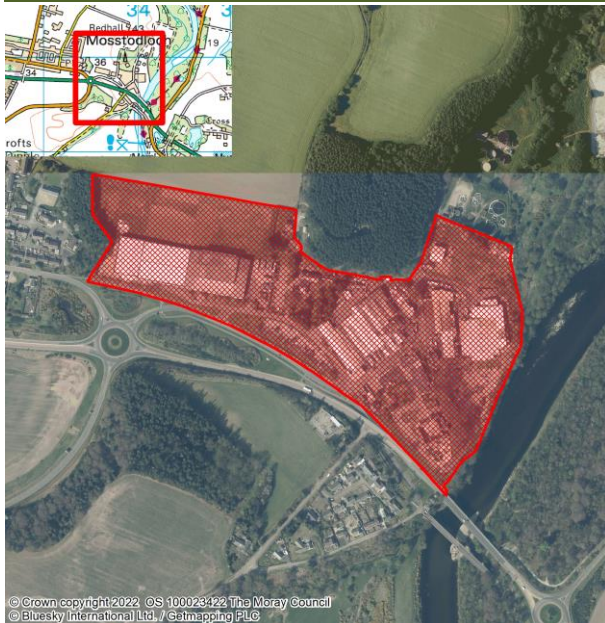
☐ Owner ☒ Infrastructure ☒ Physical

Constrained Total (Ha): 10.24

Development (Ha):

Built:	0	Under Construction:	0
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Reference:	M/MS/E/003	Town:	MOSSTODLOCH
Supply Type:	Constrained	LPR:	20/I5
Location:	Baxters		
Grid Ref:	333948	859705	



Established Supply (Ha):

Gross Established:	2.22	Net Established:	1.78
--------------------	------	------------------	------

Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	0
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Constrained

☒ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 1.78

Development (Ha):

Built:	12.05	Under Construction:	0
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The Moray Council Employment Land Audit 2022

Reference:	M/MS/E/005	Town:	MOSSTODLOCH
Supply Type:	Constrained	LPR:	20/I2
Location:	North of Baxter's		
Grid Ref:	333613	860016	



Established Supply (Ha):

Gross Established:	3.22	Net Established:	2.57
--------------------	------	------------------	------

Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	0
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Constrained

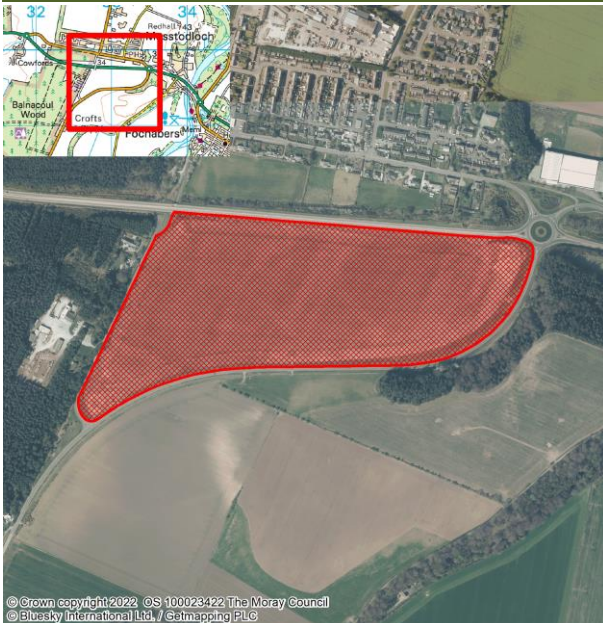
☒ Owner ☒ Infrastructure ☐ Physical

Constrained Total (Ha): 2.57

Development (Ha):

Built:	0	Under Construction:	0
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Reference:	M/MS/E/006	Town:	MOSSTODLOCH
Supply Type:	Effective 5years+	LPR:	20/MUL1
Location:	South of A96		
Grid Ref:	333268	859627	



Established Supply (Ha):

Gross Established:	11	Net Established:	8
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Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	8
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Constrained

☐ Owner ☒ Infrastructure ☐ Physical

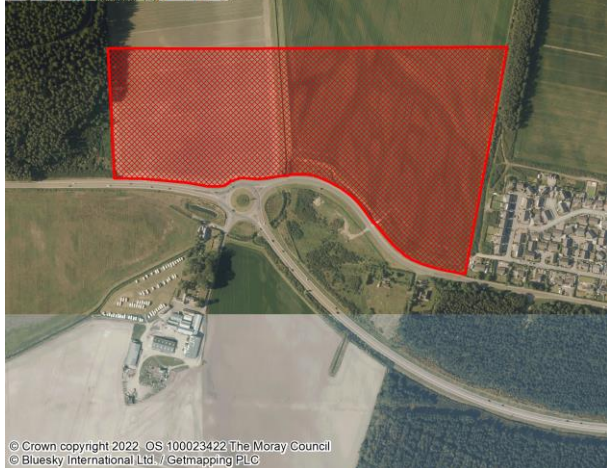
Constrained Total (Ha): 0

Development (Ha):

Built:	0	Under Construction:	0
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The Moray Council Employment Land Audit 2022

Reference:	M/MS/E/007	Town:	MOSSTODLOCH
Supply Type:	Effective	LPR:	20/I3
Location:	West of Mosstodloch		
Grid Ref:	331976	860333	



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Established Supply (Ha):

Gross Established:	16	Net Established:	12.8
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Effective Supply (Ha):

Effective:	12.8	General Industrial:	12.8
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	0
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Constrained

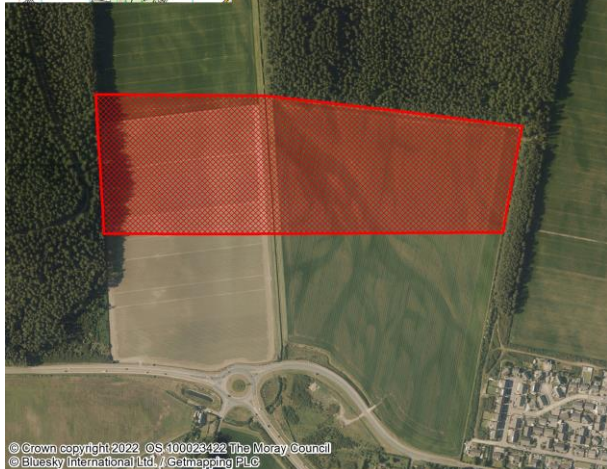
☐ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 0

Development (Ha):

Built:	0	Under Construction:	0
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Reference:	M/MS/E/008	Town:	MOSSTODLOCH
Supply Type:	Effective 5years+	LPR:	20/LNG2
Location:	West of Mosstodloch (LONG)		
Grid Ref:	331976	860549	



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Established Supply (Ha):

Gross Established:	14	Net Established:	11.2
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Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	11.2
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Constrained

☐ Owner ☒ Infrastructure ☐ Physical

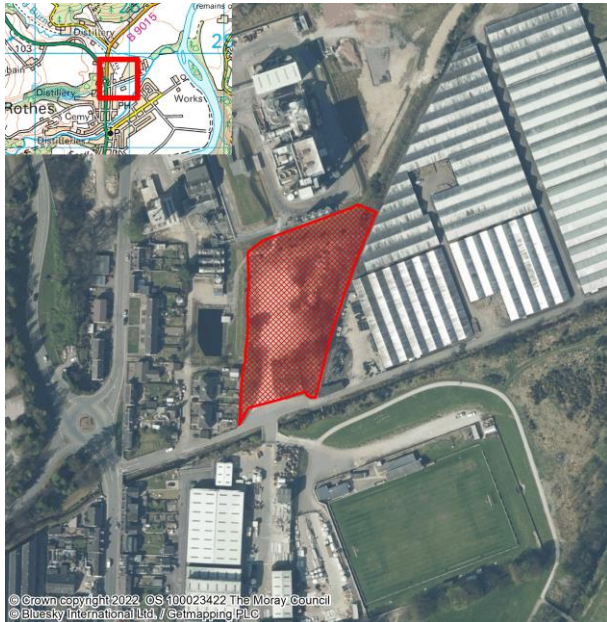
Constrained Total (Ha): 0

Development (Ha):

Built:	0	Under Construction:	0
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The Moray Council Employment Land Audit 2022

Reference:	M/RS/E/001	Town:	ROTHES
Supply Type:	Effective	LPR:	20/11
Location:	Back Burn		
Grid Ref:	327876	849746	



Established Supply (Ha):

Gross Established:	0.75	Net Established:	0.6
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Effective Supply (Ha):

Effective:	0.6	General Industrial:	0.6
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	0
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Constrained

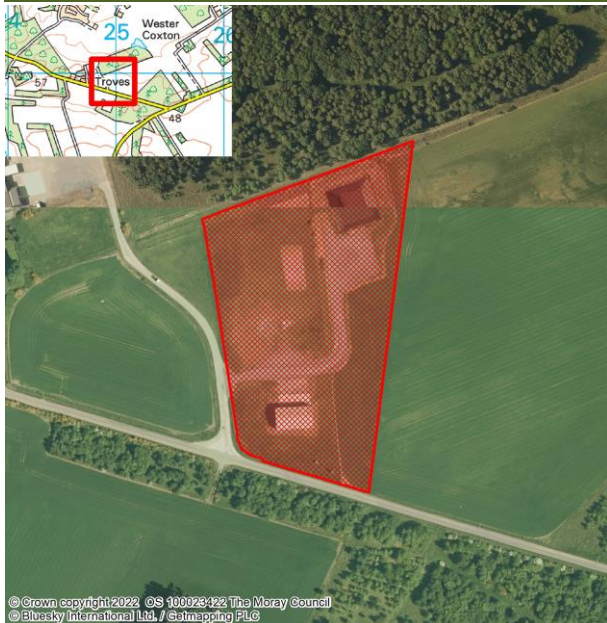
☐ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 0

Development (Ha):

Built:	0	Under Construction:	0
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Reference:	M/TV/E/001	Town:	TROVES
Supply Type:	Effective	LPR:	20/11
Location:	Troves Industrial Estate		
Grid Ref:	324974	324974	



Established Supply (Ha):

Gross Established:	1.61	Net Established:	1.1
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Effective Supply (Ha):

Effective:	1.1	General Industrial:	1.1
Immediately Available:	0	High Amenity:	0

LONG Supply (Ha):

LONG:	0
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Constrained

☐ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 0

Development (Ha):

Built:	0	Under Construction:	
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REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 31 MAY 2022

SUBJECT: CONSULTATION ON PROPOSED CHANGES TO FEES CHARGED FOR APPLICATIONS UNDER THE ELECTRICITY ACT 1989

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 This report asks the Committee to consider the consultation issued by the Scottish Government on the proposed changes to fees for applications submitted under the Electricity Act 1989.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to the statutory functions of the Council as a Planning Authority.

2. RECOMMENDATION

- 2.1 It is recommended that the Committee;
 - (i) note the contents of the consultation paper set out in Appendix 1; and
 - (ii) agree the consultation response to be sent to Scottish Government set out in para 5.2 of this report.

3. BACKGROUND

- 3.1 The Scottish Ministers (SM's) are responsible for determining planning applications for consent under Sections 36, 36C and 37 of the Electricity Act 1989. These applications are for onshore generating stations with an installed capacity exceeding 50 Mega Watts and overhead power lines in Scotland. These applications are processed by the Energy Consents Unit (ECU) on behalf of SM's.
- 3.2 The SM's are also responsible for determining applications for consents for generating stations with an installed capacity exceeding 1MW in Scottish Territorial waters and over 50MW in the Scottish Renewable Energy Zone.

These applications are processed on behalf of SM's by Marine Scotland Licensing Operations Team.

- 3.3 The Local Planning Authority are a consultee on all these consents as every consent issued includes a deemed planning consent.
- 3.4 The current fee tariff and structure for these applications came into effect on 30 June 2019 through revised fee regulations – The Electricity (Applications for consent and Variation of Consent) (Fees) (Scotland) Regulations 2019.
- 3.5 The reasons for the review of application fees is due to a shortfall between the cost of running the ECU and Marine Scotland Licensing Operations Team and the income received from application fees and it is also anticipated that a significant number of new applications are to be submitted over the next one to three years. SM's wish to ensure the service is fully serviced.

4. CURRENT FEE POSITION

- 4.1 Since the revised fees were introduced in June 2019 only three S.36 applications in Moray have been received with a total fee income of £76,875. These related to a variation for a solar array, wind farm extension and a battery storage system with associated infrastructure.
- 4.2 Two previous section 36 applications for windfarms were submitted just prior to the 2019 fee structure, being amended which resulted in a con-joined Public Local Inquiry (PLI) held in late 2020. The combined fees received for these two consultations was £40,000. Raising objections to these consultations triggered a PLI and the total cost amounted to in excess of £150,000. These costs included landscape and noise consultants and legal representation (excludes any internal staff resources used). The amount of officer resources dedicated to responding to these consultations, preparing for and representing Moray Council at the con-joined PLI was significant. The combined staff resources from Planning and Legal, internal consultees and associated administration would likely have exceeded the £40,000 received in fee income. This would include time spent by Elected Members who visited the locations with Officers, considered reports and had been contacted by constituents directly.

5. PROPOSED FEE STRUCTURE FOR S.36 & S.37 CONSENTS

- 5.1 The Scottish Government is proposing to change fee tariffs as set out in Table A in Appendix 1. This includes an increase to all fee categories of approximately 20% as well as proposing new bandings for larger scale applications which include developments that exceed capacities of 500MW, 750MW and 1GW. The additional bandings are to reflect the growing scale of offshore renewable electricity generating stations.
- 5.2 The consultation asks three main questions as well as seeking additional comments as follows:

Q1 – Do you agree or disagree with the proposed application fees as set out at Table A?

A – Disagree. The uplift of 20% is welcomed and it is expected that the voluntary fees share of 50% to Local Planning Authority will continue. The level of fees is currently at a low level whereby any objection to a S36 by a local planning authority automatically triggers a costly Public Local Inquiry that even a 20% increase will not cover. Initial S36 consultations and PLI costs associated with landscape, noise assessment are considerable, as a result of cumulative impact of existing and consented schemes having to be taken into consideration. The costs associated with a Public Local Inquiry and staff resources are not covered by any fee that would be received from the ECU. Moray Council (like many others) are not in a position to set a specific budget for participating in PLI's on Section 36 and other energy related proposals.

Q2 – Do you agree or disagree with the new bandings for developments with a capacity greater than 500MW as set out at Table A?

A – The new bands are welcomed with higher fees being paid on a sliding scale. On the basis that only 50% of the fee is to be given to the LPA even the highest band fee would not cover the costs of in circumstances where an objection were to be raised. This effect would be worsened where a development straddles two local authority areas and the 50% voluntary fee is further divided between them.

Q3 – Do the proposed application fees set out in this consultation have any financial, regulatory or resource implications for you and/or your business (if applicable)?

A – The financial implications responding to S.36 and S.37 applications are considerable in terms of assessment and the need to utilise existing staff resources and to instruct consultants to inform responses. It is anticipated that if there will be an increase in number of applications the lack of resources to handle these is of serious concern and is a constant budget pressure. This is based on recent experience. The proposed revised fees will not cover the costs of the LPA involvement in these consultations, especially where a PLI is triggered.

Q4 – Other comments

A – One option is to raise the 50mW trigger for Section 36 applications to bring more applications within the planning regime and planning fees, which better reflect the actual costs of determining such proposals.

It is noted that the proposed National Planning Framework 4 may also bring into the realm of Development Management increased scrutiny over policy matters such as decarbonisation, zero waste, health and wellbeing etc. If such specialisms become imbedded in the Section 36 process, additional expertise will have to be paid for.

Given the current process for determination often results in PLI's, if the current fee schedule is to remain as is, a separate fund could be set up to support local authorities and indeed community groups to participate in PLI's.

At present the format and duration of PLI's favours applicants that have significant financial resources to support the PLI process but cannot be matched by the LPA's under the proposed fee structure.

A significant amount of staff resources are required at both the preliminary enquiry stage and post consent in terms of discharging planning conditions. A separate fee should be considered to cover these additional staff resources.

6. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The ten year plan's top priority is a growing, diverse and sustainable economy. It covers business, employment, infrastructure, public services and developing sustainable communities.

(b) Policy and Legal

Responding to S.36 & S.37 consultations is a statutory requirement of a Local Planning Authority. S.36 and S.37 of the Electricity Act 1989 ("the Electricity Act") and The Electricity (Applications for Consent and Variation of Consent) (Fees (Scotland) Regulations 2019 ("Fees Regulations 2019").

(c) Financial implications

There a likely to be future pressure for resources to be requested to consultant fees to cover specialist advice relating to landscape and noise as well as legal representation.

(d) Risk Implications

There is a risk to the integrity of the planning system if these consultations are not adequately resourced.

(e) Staffing Implications

Some of the anticipated increase in S.36 & S.37 applications across Scotland are likely to be in Moray and will have a significant impact on staff resources and performance if fees received do not cover the full costs of handling these consultations.

(f) Property

None.

(g) Equalities/Socio Economic Impact

None.

(h) Climate Change and Biodiversity Impacts

None.

(i) Consultations

Consultation has taken place with the Depute Chief Executive (Economy, Environment and Finance), Head of Economic Growth and Development, the Legal Services Manager, the Senior Engineer Transportation, the Principal Climate Change Officer, the Equal Opportunities Officer, the Strategic Planning & Development Management and Paul Connor (Principal Accountant) and their comments incorporated into the report.

7. CONCLUSION

- 7.1 The response to the consultation is set out at para 5.2 and raises concerns that the proposed revised fee levels and introduction of new bands is not sufficient to cover the full costs of handling these consultations. In addition, the costs of providing pre-application advice and discharging the planning conditions imposed on deemed consents is significant and should be covered by a separate fee.**

Author of Report: Beverly Smith
Development Management & Building Standards
Manager

Background Papers:

Ref:

Proposed changes to fees charged for applications under the Electricity Act 1989

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1. Introduction and about this consultation

1.1. Introduction

- 1.1.1 The Scottish Ministers are responsible for determining applications for consent under sections 36, 36C and 37 of the Electricity Act 1989 (“the Electricity Act”). These applications are for onshore generating stations with an installed capacity exceeding 50 Mega Watts (“MW”) and overhead power lines in Scotland. Such applications are processed on behalf of Scottish Ministers by the Energy Consents Unit (“ECU”). The Scottish Ministers are also responsible for determining applications for consent for generating stations with an installed capacity exceeding 1MW in Scottish Territorial waters and over 50MW in the Scottish Renewable Energy Zone. These applications are processed on behalf of Scottish Ministers by Marine Scotland Licensing Operations Team.
- 1.1.2 The current fee tariff and structure for these applications under the Electricity Act came into force on 30 June 2019 through the introduction of The Electricity (Applications for Consent and Variation of Consent) (Fees) (Scotland) Regulations 2019 (“Fees Regulations 2019”).
- 1.1.3 We are reviewing application fees due to a shortfall between the cost of running the ECU and Marine Scotland Licensing Operations Team and the income from application fees. It is also anticipated that a significant number of new applications are to be submitted in the next one to three years and we wish to ensure the service is fully resourced.

1.2. About this consultation

- 1.2.1 The purpose of this consultation is to seek views on the proposed increases and changes to the current fee tariffs as set out in the Fees Regulations 2019. The proposed increases and changes to the fees for applications under the Electricity Act are set out in Table A on page 9 of this document.

1.3. Responding to this consultation

- 1.3.1 We are inviting responses to this consultation by **23 June 2022**.
- 1.3.2 Please respond to this consultation using the Scottish Government’s consultation hub, Citizen Space (<http://consult.gov.scot>). Access and respond to this consultation online at <https://consult.gov.scot/energy-and-climate-change-directorate/changes-to-fees-electricity-act-applications>. You can save and return to your responses while the consultation is still

open. Please ensure that consultation responses are submitted before the closing date of **23 June 2022**.

- 1.3.3 If you are unable to respond using our consultation hub, please complete the Respondent Information Form published alongside this document - available at <https://consult.gov.scot/energy-and-climate-change-directorate/changes-to-fees-electricity-act-applications> - and send this along with your response to:

Email: feesreview2022@gov.scot

Or write to us at:

Energy Consents Unit

5 Atlantic Quay

150 Broomielaw

Glasgow

G2 8LU

- 1.3.4 If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.
- 1.3.5 All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.
- 1.3.6 To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>

1.4. Next steps in the process

- 1.4.1 Where respondents have given permission for their responses to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at: <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.
- 1.4.2 Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

1.5. Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at feesreview2022@gov.scot

1.6. Scottish Government consultation process

- 1.6.1 Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.
- 1.6.2 You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.
- 1.6.3 Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:
- indicate the need for policy development or review
 - inform the development of a particular policy
 - help decisions to be made between alternative policy proposals
 - be used to finalise legislation before it is implemented
- 1.6.4 While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

2. Consultation

2.1. Introduction and Background

- 2.1.1 The current fee tariff for applications under sections 36, 36C and 37 of the Electricity Act came into force on 30 June 2019 through the introduction of the Fees Regulations 2019.
- 2.1.2 To inform the fee increase introduced in 2019, a consultation paper was published in February 2018. At that time a review of the fee levels and structure was required due to a significant shortfall in cost recovery for a number of years, and to address the imbalance between income from application fees under the Electricity Act and the costs of running the service provided by Scottish Ministers. There was widespread disagreement with the level of increases proposed from industry and they

considered that fees proposed were disproportionately high. Taking into account the comments received during the 2018 consultation, the fee tariffs introduced in 2019 were lower than the proposals consulted upon and did not achieve full cost recovery. The 2018 consultation paper and Scottish Government's response is available at the following link:

[Fees Charged for Applications under the Electricity Act 1989 - Scottish Government - Citizen Space](#)

- 2.1.3 At that time, the fee tariff introduced in 2019 sought to strike a balance between supporting high priority investment in low carbon generation while making sure we were adequately resourced to deliver an appropriate level of service that contributes to the delivery of the Energy Strategy.
- 2.1.4 We are now looking to increase the fee tariff to support full cost recovery. Scottish and UK policy mandates a transition to a more decarbonised energy system with increased use of low carbon energy sources. The deployment of new generation and associated grid infrastructure is central to this. At the same time, policies are in place at Scottish and UK level to safeguard the environment. A well-resourced energy consenting regime is vital to achieving a decarbonised energy system.
- 2.1.5 The Scottish Public Finance Manual sets out that the standard approach to setting out charges for public services should be full cost recovery. Our income from fees charged for applications under the Electricity Act falls short of the costs of providing the service of determining such applications, which is incompatible with the standard approach to setting charges for public services.

2.2. Fee Monitoring

- 2.2.1 A commitment was made to monitor the fee tariff introduced in June 2019. A Fee Monitoring Report has been prepared and provides an overview of applications and associated fees received under the Electricity Act, and an estimation of processing costs for the period July 2019 to July 2021. The Fee Monitoring Report is available here:
<https://consult.gov.scot/energy-and-climate-change-directorate/changes-to-fees-electricity-act-applications>

2.3. Applications determined and received

- 2.3.1 There has been a steady rise in applications determined under the Electricity Act since 2007. The following figures provide an estimate of Applications determined in recent years.

Figure 1: Applications determined under the Electricity Act - s.36, s.36C and s.37 (excluding non-EIA grid applications) – 2007 to 2021

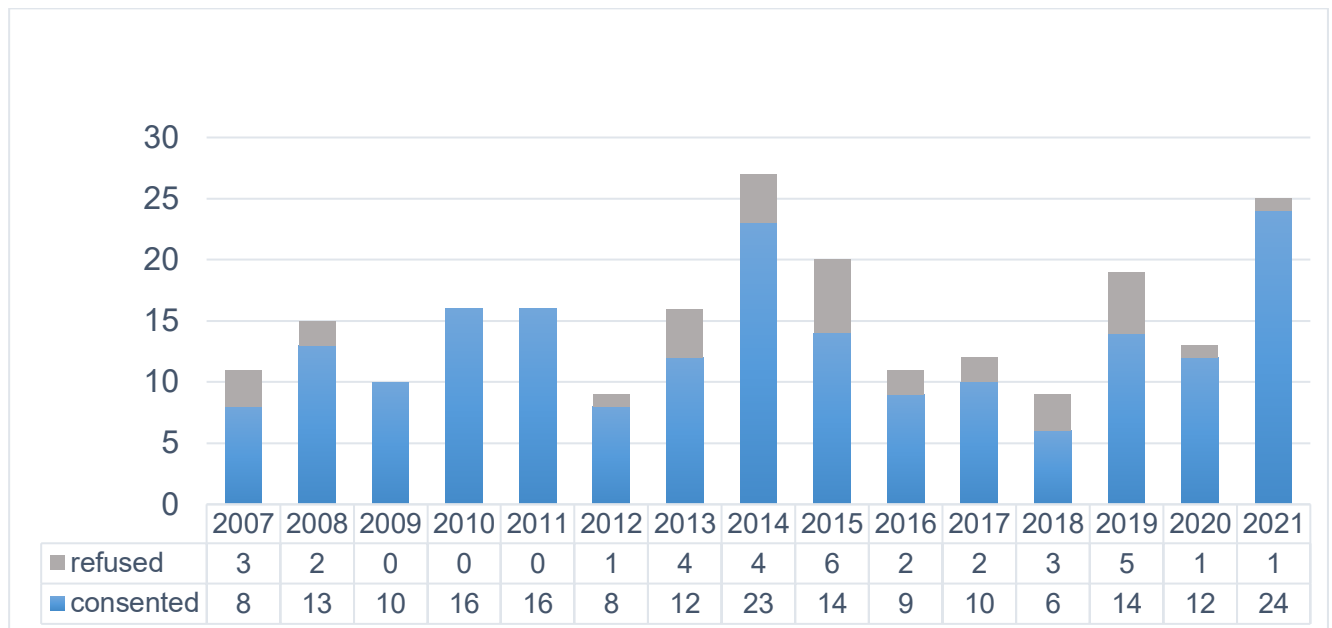
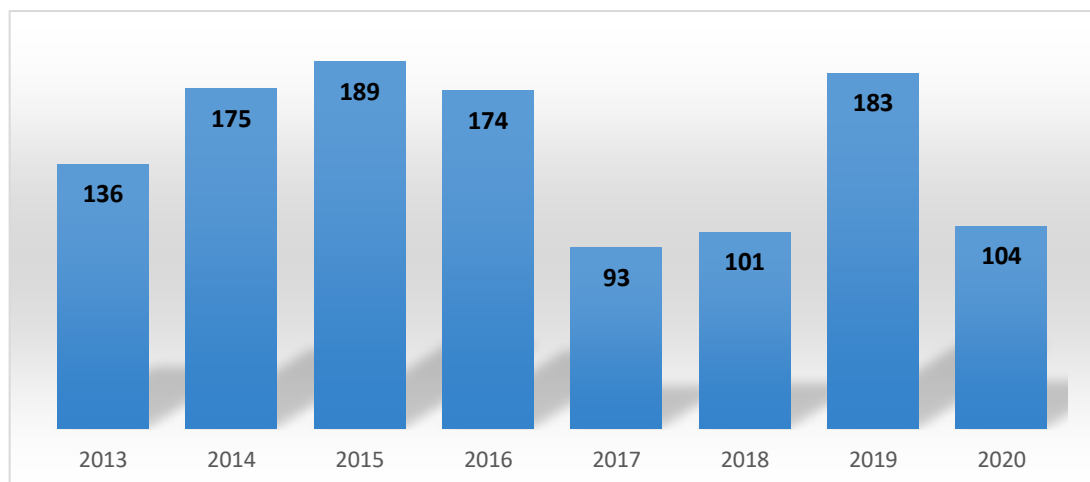


Figure 2: Applications determined under the Electricity Act - s.37 (non-EIA grid) 2013 - 2020



2.3.2 The ECU currently has approximately 60 live applications for development proposals such as wind, battery storage, grid, solar and hydro, with approximately 100 further enquiries for future applications to be potentially submitted over the next one to three years. Since 2007, the ECU have received approximately 15 Environmental Impact Assessment (EIA) applications annually. Applications have increased in complexity as technology develops.

2.3.3 Applications received for offshore wind follow sectoral plans produced by Marine Scotland and a leasing round administered by Crown Estate

Scotland. This plan led approach results in clusters of applications being received, rather than a continuous flow of applications.

- 2.3.4 This is evident from the Fee Monitoring Report, which showed that the fees received during the monitoring period were limited because the previous round of offshore wind applications were received and determined by Scottish Ministers prior to June 2019 when the Fees Regulations 2019 were introduced.
- 2.3.5 The Scottish Ministers published the latest Sectoral Marine Plan for Offshore Wind Energy in October 2020. The plan assessed the potential impact of up to 10GW of future projects throughout the Plan Options. The recent Scotwind commercial leasing round, announced on 17 January 2022 by Crown Estate Scotland, awarded lease options with the potential for up to 25GW capacity. Accordingly, the scale and number of applications brought forward may be larger than anticipated. It is critical that the public sector is resourced adequately to meet future offshore wind and other energy rounds.
- 2.3.6 In addition to this significant increase in major infrastructure applications, Marine Scotland has continuing casework responsibilities for existing cases.

2.4. Net Zero Commitments

- 2.4.1 An efficient and effective consenting process is critical to unlocking the potential to deliver renewable energy developments and economic benefits, whilst helping to achieve our net zero targets.
- 2.4.2 The [Climate Change Plan Update](#) sets out the Scottish Government's pathway to our new and ambitious targets set by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. It recognises the need to continue to review our energy consenting processes, making further improvements and efficiencies where possible, to reduce determination timescales for complex electricity generation and network infrastructure applications.
- 2.4.3 [A Fairer, Greener Scotland: Programme for Government 2021-22](#) highlights that development of renewable energy presents an immense opportunity for Scotland to lead by example – showing how a clean energy future is possible at home, and as a net exporter of renewable energy, attracting further investment and ensuring our progress to net zero is environmentally and economically beneficial. Both onshore and offshore wind energy deployment will play a vital role in delivering our net zero commitments and subject to an ongoing consultation process, Scottish Government will set an ambition to achieve between 8GW and 12GW of installed onshore wind by 2030 and with the Scotwind offshore

wind commercial leasing round, Crown Estate Scotland has awarded lease options with the potential of up to 25GW capacity.

2.5. Proposed changes to fees

2.5.1 It is within the context of Scottish Government's ambitious renewable energy targets for a just transition to net zero that the fee tariff requires to be increased to ensure full cost recovery of the service to deliver an efficient consenting process. The Scottish Government is proposing to change fee tariffs as set out in Table A below. This includes an increase to all fee categories of approximately 20% as well as proposing new bandings for larger scale applications which include developments that exceed capacities of 500MW, 750MW and 1GW. These additional bandings are to reflect the growing scale of offshore renewable electricity generating stations. The Scottish Government is also proposing to change the variation fee and bandings for applications under Section 36C of the Electricity Act. This is to reflect the increased resource needed for variation applications requiring an EIA. The bandings for variation applications which, if granted, would not increase the capacity of the generating station but that do require an EIA, are proposed to increase to reflect the range of resource required for all applications received in that category.

2.5.2 The proposed fee tariff increase is to meet the running costs of the service provided by ECU and Marine Scotland in line with the Scottish Public Finance Manual. The increase in fees would also support a well-resourced energy consenting regime, vital to support Scotland's transition to a more decarbonised energy system. The following Table A illustrates the proposed increase to the fee tariff and changes to the structure.

Table A: Current and proposed fees

Fees for applications made under section 36 of the Electricity Act to construct, extend or operate a generating station		
Application Type	Current Fees	Proposed Fees
Table 1		
1. Construction, or construction and operation, of a generating station which is not EIA development and has a capacity—		
(a) not exceeding 10 megawatts	£6,500	£7,800
(b) exceeding 10 megawatts but not exceeding 50 megawatts	£25,000	£30,000

Fees for applications made under section 36 of the Electricity Act to construct, extend or operate a generating station		
Application Type	Current Fees	Proposed Fees
(c) exceeding 50 megawatts but not exceeding 100 megawatts	£70,000	£84,000
(d) exceeding 100 megawatts but not exceeding 300 megawatts	£100,000	£120,000
(e) exceeding 300 megawatts but not exceeding 500 megawatts	£150,000	£180,000 for development which has a capacity exceeding 300 megawatts but not exceeding 500 megawatts (new banding introduced)
(f) exceeding 500 megawatts but not exceeding 750 megawatts (new banding introduced)	£150,000	£216,000 for development which has a capacity exceeding 500 megawatts but not exceeding 750 megawatts (new banding introduced)
(g) Exceeding 750 megawatts but not exceeding one gigawatt (new banding introduced)	£150,000	£264,000 for development which has a capacity exceeding 750 megawatts but not exceeding one gigawatt (new banding introduced)
(h) Exceeding one gigawatt (new banding introduced)	£150,000	£264,000 + £15,000 per every additional 500 megawatts above one gigawatt for development which has a capacity exceeding one gigawatt (new banding introduced)
2. Extension, or extension and operation, of a generating station which is not EIA development, resulting in an increase in capacity—		
(a) not exceeding 10 megawatts	£6,500	£7,800
(b) exceeding 10 megawatts but not exceeding 50 megawatts	£25,000	£30,000

Fees for applications made under section 36 of the Electricity Act to construct, extend or operate a generating station		
Application Type	Current Fees	Proposed Fees
(c) exceeding 50 megawatts but not exceeding 100 megawatts	£70,000	£84,000
(d) exceeding 100 megawatts but not exceeding 300 megawatts	£100,000	£120,000
(e) exceeding 300 megawatts but not exceeding 500 megawatts	£150,000	£180,000 for development which has a capacity exceeding 300 megawatts but not exceeding 500 megawatts (new banding introduced)
(f) exceeding 500 megawatts but not exceeding 750 megawatts (new banding introduced)	£150,000	£216,000 for development which has a capacity exceeding 500 megawatts but not exceeding 750 megawatts (new banding introduced)
(g) exceeding 750 megawatts but not exceeding one gigawatt (new banding introduced)	£150,000	£264,000 for development which has a capacity exceeding 750 megawatts but not exceeding one gigawatt (new banding introduced)
(h) exceeding one gigawatt (new banding introduced)	£150,000	£264,000 + £15,000 per every additional 500 megawatts above one gigawatt for development which has a capacity exceeding one gigawatt (new banding introduced)
3. Construction, or construction and operation, of a generating station which is EIA development and has a capacity—		
(a) not exceeding 10 megawatts	£7,000	£8,400
(b) exceeding 10 megawatts but not exceeding 50 megawatts	£35,000	£42,000
(c) exceeding 50 megawatts but not exceeding 100 megawatts	£125,000	£150,000

Fees for applications made under section 36 of the Electricity Act to construct, extend or operate a generating station		
Application Type	Current Fees	Proposed Fees
(d) exceeding 100 megawatts but not exceeding 300 megawatts	£180,000	£216,000
(e) exceeding 300 megawatts but not exceeding 500 megawatts	£280,000	£336,000 for development which has a capacity exceeding 300 megawatts but not exceeding 500 megawatts (new banding introduced)
(f) exceeding 500 megawatts but not exceeding 750 megawatts (new banding introduced)	£280,000	£437,000 for development which has a capacity exceeding 500 megawatts but not exceeding 750 megawatts (new banding introduced)
(g) exceeding 750 megawatts but not exceeding one gigawatt (new banding introduced)	£280,000	£548,000 for development which has a capacity exceeding 750 megawatts but not exceeding one gigawatt (new banding introduced)
(h) Exceeding one gigawatt (new banding introduced)	£280,000	£548,000 + £30,000 per every additional 500 megawatts above one gigawatt for development which has a capacity exceeding one gigawatt (new banding introduced)
4. Extension, or extension and operation, of a generating station which is EIA development, resulting in an increase in capacity—		
(a) not exceeding 10 megawatts	£7,000	£8,400
(b) exceeding 10 megawatts but not exceeding 50 megawatts	£35,000	£42,000
(c) exceeding 50 megawatts but not exceeding 100 megawatts	£125,000	£150,000
(d) exceeding 100 megawatts but not exceeding 300 megawatts	£180,000	£216,000

Fees for applications made under section 36 of the Electricity Act to construct, extend or operate a generating station		
Application Type	Current Fees	Proposed Fees
(e) exceeding 300 megawatts but not exceeding 500 megawatts	£280,000	£336,000 for development which has a capacity exceeding 300 megawatts but not exceeding 500 megawatts (new banding introduced)
(f) exceeding 500 megawatts but not exceeding 750 megawatts (new banding introduced)	£280,000	£437,000 for development which has a capacity exceeding 500 megawatts but not exceeding 750 megawatts (new banding introduced)
(g) exceeding 750 megawatts but not exceeding one gigawatt (new banding introduced)	£280,000	£548,000 for development which has a capacity exceeding 750 megawatts but not exceeding one gigawatt (new banding introduced)
(h) Exceeding one gigawatt (new banding introduced)	£280,000	£548,000 + £30,000 per every additional 500 megawatts above one gigawatt for development which has a capacity exceeding one gigawatt (new banding introduced)
5. Any other extension of a generating station which does not result in an increase in capacity, where the capacity of the generating station does—		
(a) not exceed 10 megawatts	£6,500	£7,800
(b) exceed 10 megawatts	£25,000	£30,000
6. Operation only or change to manner of operation of a generating station, which does not result in an increase in capacity, where the capacity of the generating station does—		
(a) not exceed 10 megawatts	£6,500	£7,800
(b) exceed 10 megawatts	£25,000	£30,000

Fees for applications made under section 37 of the Electricity Act to install or keep installed an electric line above ground		
Application Type	Current Fees	Proposed Fees
Table 2		
1. Overhead line which is not EIA development with a total distance—		
(a) not exceeding 500 metres	£360	£430
(b) exceeding 500 metres but not exceeding 15 kilometres	£600 per kilometre, up to a maximum of £4,000	£720 per kilometre, up to a maximum of £4800
(c) exceeding 15 kilometres	£9,000 + £600 per additional kilometre, up to a maximum of £150,000	£10,800 + £720 per additional kilometre, up to a maximum of £180,000
2. Overhead line which is EIA development with a total distance—		
(a) not exceeding 1 kilometre	£1,500	£1,800
(b) exceeding 1 kilometre	£1,500 per kilometre, up to a maximum of £300,000	£1,800 per kilometre, up to a maximum of £360,000

Fees for variation applications		
Application Type	Current Fees	Proposed Fees
Table 3		
1. A variation application which is not for EIA development and which, if granted, would increase the capacity of the generating station such that the increased capacity would —		
(a) not exceed 10 megawatts	£4,875	£5,850
(b) exceed 10 megawatts but not exceed 50 megawatts	£18,750	£22,500

Fees for variation applications		
Application Type	Current Fees	Proposed Fees
(c) exceed 50 megawatts but not exceed 100 megawatts	£52,500	£63,000
(d) exceed 100 megawatts but not exceed 300 megawatts	£75,000	£90,000
(e) exceed 300 megawatts but not exceed 500 megawatts	£112,500	£135,000 for development which has a capacity exceeding 300 megawatts but not exceeding 500 megawatts (new banding introduced)
(f) exceed 500 megawatts but not exceed 750 megawatts (new banding introduced)	£112,500	£164,400 for development which has a capacity exceeding 500 megawatts but not exceeding 750 megawatts (new banding introduced)
(g) exceed 750 megawatts but not exceed one gigawatt (new banding introduced)	£112,500	£200,500 for development which has a capacity exceeding 750 megawatts but not exceeding one gigawatt (new banding introduced)
(h) exceed one gigawatt (new banding introduced)	£112,500	£200,500 + £15,000 per every additional 500 megawatts above one gigawatt for development which has a capacity exceeding one gigawatt (new banding introduced)
2. A variation application which is for EIA development and which, if granted, would increase the capacity of the generating station such that the increased capacity would —		
(a) not exceed 10 megawatts	£5,250	£6,300
(b) exceed 10 megawatts but not exceed 50 megawatts	£26,250	£31,500
(c) exceed 50 megawatts but not exceed 100 megawatts	£93,750	£112,500

Fees for variation applications		
Application Type	Current Fees	Proposed Fees
(d) exceed 100 megawatts but not exceed 300 megawatts	£135,000	£162,000
(e) exceed 300 megawatts but not exceed 500 megawatts	£210,000	£252,000 for development which has a capacity exceeding 300 megawatts but not exceeding 500 megawatts (new banding introduced)
(f) exceed 500 megawatts but not exceed 750 megawatts (new banding introduced)	£210,000	£310,000 for development which has a capacity exceeding 500 megawatts but not exceeding 750 megawatts (new banding introduced)
(g) exceed 750 megawatts but not exceed one gigawatt (new banding introduced)	£210,000	£367,000 for development which has a capacity exceeding 750 megawatts but not exceeding one gigawatt (new banding introduced)
(h) exceed one gigawatt (new banding introduced)	£210,000	£367,000 + £30,000 per every additional 500 megawatts above one gigawatt for development which has a capacity exceeding one gigawatt (new banding introduced)
3. A variation application which is not for EIA development and which, if granted, would not increase the capacity of the generating station, where the generating station has a capacity—		
(a) not exceeding 10 megawatts	£4,875	£5,740
(b) exceeding 10 megawatts	£18,750	£22,500
4. A variation application which is for EIA development and which, if granted, would not increase the capacity of the generating station, where the generating station has a capacity—		

Fees for variation applications		
Application Type	Current Fees	Proposed Fees
(a) not exceeding 10 megawatts	£4,875	£6,300
(b) exceeding 10 megawatts but not exceeding 50 megawatts	£18,750	£31,500
(c) exceeding 50 megawatts but not exceeding 100 megawatts		£112,500
(d) exceeding 100 megawatts but not exceeding 300 megawatts		£162,000
(e) exceeding 300 megawatts but not exceeding 500 megawatts		£252,000 for development which has a capacity exceeding 300 megawatts but not exceeding 500 megawatts
(f) exceeding 500 megawatts but not exceeding 750 megawatts		£310,000 for development which has a capacity exceeding 500 megawatts but not exceeding 750 megawatts
(g) exceeding 750 megawatts but not exceeding one gigawatt		£367,000 for development which has a capacity exceeding 750 megawatts but not exceeding one gigawatt
(h) exceeding one gigawatt		£367,000 + £30,000 per every additional 500 megawatts above one gigawatt for development which has a capacity exceeding one gigawatt

3. Impact Assessments

3.1. Partial Business and Regulatory Impact Assessment (BRIA)

- 3.1.1 A Partial BRIA is included at **Annex A**. The responses to this consultation will be used to inform an updated final BRIA.

3.2. Equalities Impact Assessment

- 3.2.1 After considering the requirement for an Equalities Impact Assessment it was concluded that there would be no disadvantage created between equalities groups and no assessment was considered necessary.

4. Consultation Questions

1. Do you agree or disagree with the proposed application fees as set out at Table A? Please say why you have arrived at this view.
2. Do you agree or disagree with the new bandings for developments with a capacity greater than 500MW as set out at Table A? Please say why you have arrived at this view.
3. Do the proposed application fees set out in this consultation have any financial, regulatory or resource implications for you and/or your business (if applicable)? If so please explain these.
4. Do you have any other comments?

Proposed changes to Fees Charged for Applications under the Electricity Act 1989

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our [privacy policy](#).

Are you responding as an individual or an organisation?

- ☐ Individual
- ☐ Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

- ☐ Publish response with name
- ☐ Publish response only (without name)
- ☐ Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- ☐ Yes
- ☐ No

Annex A – Partial Business and Regulatory Impact Assessment (BRIA)

Title of Proposal

Increase to the fee tariffs under the Electricity (Applications for Consent and Variation of Consent) (Fees) (Scotland) Regulations 2019 (“the Fees Regulations 2019”)

Purpose and intended effect

Background

The Fees Regulations 2019 came into force on 30 June 2019. A review of the fee levels and structure at that time was required due to a significant shortfall in cost recovery for a number of years, and to address the imbalance between income from application fees under the Electricity Act and the costs of running the service provided by Scottish Ministers.

Taking into account the comments received during the consultation period in 2018 the fee tariffs introduced in 2019 were lower than the proposals consulted upon, and did not achieve full cost recovery. The circumstances at that time led to widespread disagreement with the level of increases proposed from the onshore wind industry.

We are now looking to increase the fee tariffs to support full cost recovery in line with the Scottish Public Finance Manual and introduce a new fee structure for generating stations with a capacity greater than 500MW. This will aid the delivery of a well-resourced energy consenting regime for onshore and offshore developments, which is vital to deliver policy objectives around a transition to a more decarbonised energy system.

Objectives and rationale for Government Intervention

- To achieve cost recovery for processing applications received under the Electricity Act 1989.
- To support a well-resourced energy consenting regime, vital to Scotland’s transition to a more decarbonised energy system and our net zero targets as mandated by Scottish and UK policy.

The proposed increase to fee tariffs contributes to the following National Performance Framework – Purpose, Values and National Outcomes:

- To focus on creating a more successful country with opportunities for all of Scotland to flourish through increased wellbeing, and sustainable and inclusive economic growth.
- We are a society which treats all our people with kindness, dignity and compassion, respects the rule of law, and acts in an open and transparent way.

- We have a globally competitive, entrepreneurial, inclusive and sustainable economy.
- We value, enjoy, protect and enhance our environment.
- We have thriving and innovative businesses with quality jobs and fair work for everyone.

The increase in fee tariffs and changes to the fee structure would also contribute to the four priorities of the Scotland's Economic Strategy: Investment, innovation, internationalisation and inclusive growth.

Consultation

Within Government

The following Government directorates have been engaged in the development of proposals as formulated: Marine Scotland; Planning and Architecture Division, Scottish Government Legal Directorate and Directorate For Energy And Climate Change.

Public Consultation

Public consultation will run for 12 weeks. It is our intention to use the proposed full public consultation to produce a final BRIA from this partial BRIA.

Business

The Scottish Government is proposing to contact those who are likely to be impacted by the proposals including energy industry (such as Scottish Renewables and developers) as well as those engaged in applications for consent (such as Planning Authorities through the Heads of Planning Scotland Climate Change, Energy and resource sub-group).

All consultation and engagement events undertaken shall be documented and any feedback shall be taken into account.

Options

Do nothing

Doing nothing would result in a continued deficit and gap in resources between the income received from Electricity Act applications and the cost of processing and making decisions. The do nothing option would not be in line with the principle that there should be full cost recovery for all public services as set out in the Scottish Public Finance Manual.

Proposed Approach

Our proposed approach includes an increase to the fee categories of approximately 20% as well as proposing new bandings for larger scale applications which include developments that exceed capacities of 500MW, 750MW and 1GW. These additional bandings are to reflect the growing scale of offshore renewable electricity generating stations. The proposal also includes a change to the fee and bandings for variation applications to reflect the increased resource needed for such applications requiring EIA.

Sectors and groups affected

The sectors most likely to be affected by the proposals are:

- Electricity generation developers and electricity network companies, who will experience increased costs in making an application under the Electricity Act.
- Planning authorities, who may experience greater remuneration for the work they carry out on onshore applications as statutory consultees for the Scottish Government.
- New electricity grid connection customers, who may experience a pass-through of increased application costs by the electricity networks companies.

Benefits

The proposed increase to fee tariffs and new fee structure is intended to support a well-resourced, efficient and effective consenting process critical to unlocking the potential delivery of renewable energy developments and economic benefits, whilst helping to achieve our net zero targets.

Costs

The proposed increase to fee tariffs involve an increase in fees payable for all applications under the Electricity Act and new bandings for larger scale applications.

The costs to applicants as a result of implementing a fee increase, and new bands for larger scale applications, are financial. The level of the increased cost for renewable energy developers may impact on the viability of future renewable energy projects and narrow the scope of their economic activity.

The policy and environmental cost of the above would be to hinder the timely achievement of targets for low carbon energy and decarbonisation of the energy system.

Scottish Firms Impact Test

The Scottish Firms Impact Test will be carried out following consultation and in consideration of the response to the published consultation.

Competition Assessment

We do not consider that the proposed increase to fee tariffs or the proposed new bandings for larger scale applications would impact more significantly on some firms than others, nor restrict new entrants to the market as a set percentage increase across all categories is not expected to impact significantly more on some firms than others.

Consumer Assessment

The proposals are not intended to impact one set of consumers over another.

Test Run of Business Forms

No new forms are proposed at this stage.

Digital Impact Test

Currently Electricity Act applications are submitted electronically via the ECU portal, whilst offshore applications are submitted directly to the Marine Scotland-Licensing Operations Team. The practical implementation of any fee changes will be carefully considered to avoid any adverse impacts.

Legal Aid Impact Test

The proposal does not create a new procedure or right of appeal to a court or tribunal, any change in such a procedure or right of appeal, or any change of policy or practice which may lead people to consult a solicitor. It is also not considered likely to result in additional people seeking legal assistance or being taken through the courts.

Enforcement, sanctions and monitoring

Payment of fees will be monitored by the ECU and Marine Scotland Licensing Operations Team. If an application is submitted without the required fees having been paid, it will not be a valid application and will not be capable of being determined.

Implementation and delivery plan

Amendments will be made to the Fees Regulations 2019 and implementation and delivery of amendments will consist of:

- Completion of the legal drafting
- Legislation to be laid in Scottish Parliament (40 days)
- Implementation (Q4 2022)

Post-implementation review

It is our intention that the implementation of our proposals will be monitored by the ECU and the fees will be reviewed again after 3 years. This timescale is considered appropriate as it is closely aligned with the project development cycle for such long term EIA projects and will allow a variety of applications to come forward allowing detailed data to be gathered to inform future analysis.

Summary and recommendation

It is recommended that the increase to the fee tariff is implemented to help ensure that the fees from Electricity Act applications meet full cost recovery for public services. It is also recommended as an efficient and effective consenting system is critical to unlocking the potential to deliver renewable energy development and economic benefits, whilst helping to achieve our net zero targets.

Declaration and publication

I have read the Business and Regulatory Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed:

A handwritten signature in blue ink, appearing to read 'Michael Matheson', is displayed on a light blue background.

Date: 28 March 2022

Michael Matheson

Cabinet Secretary for Net Zero, Energy and Transport

Scottish Government Contact point:

Energy Consents Unit

feesreview2022@gov.scot



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Any enquiries regarding this publication should be sent to us at

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Edinburgh
EH1 3DG

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