



Planning and Regulatory Services Committee

Tuesday, 13 November 2018

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, 13 November 2018** 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 Items 17, 18 and 19 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 18 September 2018 **7 - 30**

4b) Minute of Meeting dated 25 September 2018 **31 - 34**

5 Written Questions **

CURRENT PLANNING APPLICATIONS

Guidance Note **35 - 36**

6 Planning Application 18/00811/APP 37 - 82

Report by Appointed Officer

Development of a 4.7 hectare site to the north of the existing distillery to deliver 11 new cask warehouses, new access, formation of pond and associated landscaping at Land adjoining Benromach Distillery, Waterford Road, Forres for LDN Architects LLP

SECTION 36 CONSENTS

7 Planning Reference - 18/00523/S36 83 - 138

Report by Corporate Director (Economic Development, Planning and Infrastructure)

Proposed wind farm comprising of 7 wind turbines, 6 of a maximum height base to tip not exceeding 149.9m and 1 of maximum height not exceeding 134m, external transformer housing, site tracks, crane pad foundations, underground electricity cable, control building, temporary construction and compound, 2 borrow pits, associated works/infrastructure and health and safety signage at, Paul's Hill II Wind Farm, Ballindalloch, Moray

8 Planning Reference - 18/00954/S36 139 - 148

Report by Corporate Director (Economic Development, Planning and Infrastructure)

Construct and operate an offshore windfarm within the Moray Firth, known as Moray West Windfarm

PROPOSAL OF APPLICATION NOTICES

9 18/01132/PAN – Proposal of Application Notice 149 - 158

Report by Corporate Director (Economic Development, Planning and Infrastructure)

Residential development and associated infrastructure at Speyview, Aberlour

10 18/01309/PAN - Proposal of Application Notice 159 - 166

Report by Corporate Director (Economic Development, Planning and Infrastructure)

Proposed mixed use development with commercial/craft units, community spaces and dwellings, landscape/ecological enhancement proposals and new private road to serve development at North Whins, Findhorn, Forres

- | | | |
|-----------|---|----------------------|
| 11 | 18/01190/PAN - Proposal of Application Notice | 167 -
176 |
| | Report by Corporate Director (Economic Development, Planning and Infrastructure) | |
| | Residential development and associated infrastructure at St Andrew's Road, Lhanbryde | |
| 12 | Progress of Application 17/00834/PPP for Planning Permission in Principle for Development on Land at Findrassie, Elgin | 177 -
184 |
| | Report by Corporate Director (Economic Development, Planning and Infrastructure) | |
| 13 | Final Bilbohall Masterplan Supplementary Guidance | 185 -
292 |
| | Report by Corporate Director (Economic Development, Planning and Infrastructure) | |
| 14 | Flood Risk and Drainage Impact Assessment for New Developments Supplementary Guidance | 293 -
300 |
| | Report by Corporate Director (Economic Development, Planning and Infrastructure) | |
| 15 | Development Services Performance Report – Half Year to September 2018 | 301 -
306 |
| | Report by Corporate Director (Economic Development, Planning and Infrastructure) | |
| 16 | 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

**17 Breach of Planning Control Encompassing Land at
Burghead [Para 13]**

- Information, which if disclosed to the public, would reveal that the Authority proposes, for the purposes of consultation, make an order or direction under any enactment which might allow an individual or organisation to defeat the purpose of the notice or order;

**18 Unauthorised Work to a Dwelling within Cullen
Conservation Area [Para 13]**

- Information, which if disclosed to the public, would reveal that the Authority proposes, for the purposes of consultation, make an order or direction under any enactment which might allow an individual or organisation to defeat the purpose of the notice or order;

**19 Unauthorised Work to a Dwelling within Forres
Conservation Area [Para 13]**

- Information, which if disclosed to the public, would reveal that the Authority proposes, for the purposes of consultation, make an order or direction under any enactment which might allow an individual or organisation to defeat the purpose of the notice or order;

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.

Any person attending the meeting who requires access assistance should contact customer services on 01343 563217 in advance of the meeting.

* **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.

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THE MORAY COUNCIL

Planning and Regulatory Services Committee

SEDERUNT

Councillor David Bremner (Chair)
Councillor Amy Patience (Depute Chair)
Councillor George Alexander (Member)
Councillor John Cowe (Member)
Councillor Gordon Cowie (Member)
Councillor Paula Coy (Member)
Councillor John Divers (Member)
Councillor Ryan Edwards (Member)
Councillor Claire Feaver (Member)
Councillor Louise Laing (Member)
Councillor Marc Macrae (Member)
Councillor Aaron McLean (Member)
Councillor Ray McLean (Member)

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Minute of Meeting of the Planning and Regulatory Services Committee

Tuesday, 18 September 2018

Council Chambers, Council Office, High Street, Elgin, IV30 1BX

PRESENT

Councillor George Alexander, Councillor David Bremner, Councillor John Cowe, Councillor Gordon Cowie, Councillor Paula Coy, Councillor John Divers, Councillor Claire Feaver, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Ray McLean, Councillor Amy Patience

APOLOGIES

Councillor Ryan Edwards, Councillor Louise Laing

IN ATTENDANCE

Also in attendance at the above meeting were:

The Head of Development Services, the Manager (Development Management), Mr A Burnie, Principal Planning Officer, Mr Neal MacPherson, Principal Planning Officer, Mr G Templeton, Principal Planning Officer, Mrs D Anderson, Senior Engineer (Transport Development), the Acting Consultancy Manager, Mrs E Gordon, Planning Officer, Mr P Nevin, Senior Solicitor as Legal Adviser and Mrs L Rowan, Committee Services Officer as Clerk to the Committee.

Also present by invitation:

Ms Carol Anderson, Landscape Associates

1. Award Nomination

The Committee joined the Chair in wishing the pupils of Buckie High School well after being nominated for an award following the excellent film they made for the Moray Local Development Plan 2020.

2. Declaration of Group Decisions and Members Interests

In terms of Standing Order 20 and the Councillors' Code of Conduct the following declarations were made:

- i. Councillor Macrae declared an interest in item 6 on the agenda, Planning Application 18/00964/APP, being a director of another leisure organisation in Elgin;
- ii. Councillor Divers declared an interest in item 6 on the agenda, Planning

Application 18/00964/APP, being a director for Elgin BID who were one of the objectors to the application;

- iii. Councillor Alexander declared an interest in item 5 on the agenda, Planning Application 17/00120/PPP, having shares in Aberdeen Northern Marts.

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

3. Resolution

The meeting resolved 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 items 13-15 of business on the grounds that they involve the likely disclosure of exempt information of the class described in Paragraph 1 of Part 1 Schedule 7A of the Act.

Para Number of Minute	Para Number of Schedule 7A
17	13

4. Minute of Meeting dated 19 June 2018

The Minute of the meeting of the Planning and Regulatory Services Committee dated 19 June 2018 was submitted and approved.

5. Written Questions

The Committee noted that no written questions has been submitted.

6. Planning Application - 17/01862/MIN

Ward 4: Fochabers Lhanbryde

Establishment of a sand and gravel quarry including site restoration at Nether Dallachy Quarry, Beaufighter Road, Nether Dallachy, Moray for Limehillock Quarries Ltd.

A report by the Appointed Officer recommended that, subject to the conditions detailed in the report, planning permission be granted in respect of the establishment of a sand and gravel quarry including site restoration at Nether Dallachy Quarry, Beaufighter Road, Nether Dallachy, Moray for Limehillock Quarries Ltd. The report also advised that members of the Committee visited the site of the application on 14 September 2018.

The Committee noted that the application had been referred to Committee as the application is a "major" development as defined under the Hierarchy Regulations 2008 (and the approved Scheme of Delegation) because the development is subject to the EIA Regulations and the site area exceeds 2 hectares.

Following consideration, Councillor Macrae moved that the Committee agree to grant

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planning permission in respect of Planning Application 17/01862/MIN, as recommended, subject to the conditions detailed within the report. This was seconded by Councillor Cowie.

There being no-one otherwise minded, the Committee agreed to grant planning permission in respect of Planning Application 17/01862/MIN as recommended, for the following reasons:

1. Unless otherwise agreed in writing with the Council, as Planning Authority, the approval hereby granted is for a limited period only expiring 15 years from the date of this consent.

Reason - In order to avoid ambiguity over the temporary nature of the permission hereby approved.

2. One year prior to the exhaustion of minerals in Phase 1 a finalised restoration plan for the whole site, based upon the approved conceptual restoration plan, must be submitted to and approved in writing by the Council, as Planning Authority (in consultation with SEPA). This plan must be accompanied by details of a finalised aftercare scheme including potential water management post-operation.

Reason - In order to ensure the timeous provision of the landscaping restoration and aftercare details.

3. Once mineral extraction has been exhausted or the permission duration expires (whichever is the sooner) the final restoration of the approved quarry shall be carried out in accordance with the approved final restoration plan referred to in the previous condition. The restoration works shall be carried out within 12 months of the quarry ceasing to operate.

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

4. Any trees or plants within the site and proposed on the finalised restoration plan (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 properly maintained in a manner to ensure the appropriate landscaping and quarry restoration is achieved.

5. Prior to any development works commencing:
 - i. a detailed drawing (scale 1:500) showing proposed road edge markings across the access of the site onto the U8E shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and

- ii. the road markings shall be provided in accordance with the approved drawing prior to any quarrying works commencing

Reason - To enable an acceptable vehicular access is provided to the development in the interest of road safety.

6. Programme of archaeological works:

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

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

7. All quarry operations shall be carried out and permitted between 07:30-17:00 hours, Monday to Friday, and 07:30-12:00 hours on Saturday, and at no other times (including Bank and National Holidays) shall operations be undertaken without the prior written consent of the Council, as Planning Authority in consultation with the Environmental Health Manager.

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

8. During the normal daytime working hours defined in the above condition, the free field Equivalent Continuous Noise Level (LAeq, 1hr.) for the period, excluding soil and overburden handling activity in connection with bund formation in Phases 1 and 2, shall not exceed 50 dB(A), as determined at any existing noise sensitive dwelling.

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

9. Soil and overburden handling in connection with soil stripping operations in Phase 1 and 2, as referenced in Table 3.1 to 3.3 of the supporting document by Vibrock Limited, referenced as "Assessment of Environmental Impact of Noise at Nether Dallachy Quarry, Moray. Johnson Poole & Bloomer R17.9652/2/AF. Date of Report: 31 May 2017", shall not exceed the free field Equivalent Continuous Noise Level (LAeq, 1hr.) of 70 dB(A) at any existing noise sensitive receptor and be limited to a period not exceeding 8 weeks in a year.

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

10. No quarry blasting operations are permitted at the development.

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

11. 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 "PAN 50, Annex A: The Control of Noise at Surface Mineral Workings". The results of such monitoring shall thereafter be forwarded to the Planning Authority. In the event that the results of the subsequent monitoring specified above records levels exceeding those specified in conditions 8 and 9 above further timeous mitigation measures will be required to be identified in a scheme agreed in writing by the Planning Authority, in consultation with the Environmental Health Manager, and thereafter implemented.

Reason – In order that adequate mitigation can be sought in the event of noise complaints, if found to be justified and in the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

12. Prior to the expiry of the first planting season following the grant of planning permission the 2 hectares of compensatory tree planting proposed at Bogend Quarry, Buckie must be planted in accordance with the 'Nether Dallachy – Proposed Compensatory Planting Areas' submitted on the 8 August 2018 in so far as it relates to Bogend Quarry, Buckie.

Reason – In order to compensate for the loss of woodland that will result from the development.

13. For the areas of compensatory planting off and on site, following planting, if any trees (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 the planning condition.

Reason - In order to ensure that the approved areas of compensatory planting are managed and maintained until the new planting can establish itself.

14. Unless other suitable compensatory planting areas are agreed in writing with the Council, as Planning Authority (in consultation with the Forestry Commission) no extraction of any materials below the water table in Phase 1 shall be permitted to occur (no deeper than 5m below the current ground level). These areas, shall then be restored and planted with trees of a species, and density of planting that will have been agreed in writing in advance by the Council as Planning Authority. If off site compensatory planting and timescales are agreed for the area covered by Phase 1, then the extraction may occur to the depth as shown

on approved 'Cross Sections' plan drawing no OG220/PA/F/02.

Reason – In order to compensate for the loss of woodland that will result from the development.

15. Unless other suitable compensatory planting areas are agreed in writing with the Council, as Planning Authority (in consultation with the Forestry Commission) no extraction of any materials below the water table in Phase 2 (no deeper than 5m below the current ground level). These areas, shall then be restored and planted with trees of a species, and density of planting that will have been agreed in writing in advance by the Council, as planning authority. The only exception to this shall be an area of 2 hectares within Phase 2, which shall be defined on an amended plan and cross section and agreed in writing with the Council, as planning authority prior to mineral extraction commencing on Phase 2. If off site compensatory planting is agreed for the area covered by Phase 2, then the extraction may occur to the depth as shown on approved 'Cross Sections' plan drawing no OG220/PA/F/02.

Reason – In order to compensate for the loss of woodland that will result from the development.

16. In the event that no other compensatory planting areas are proposed beyond the area agreed at Bogend Quarry, Buckie, prior to the commencement of each phase, a revised cross section plan, and finalised restoration plan (also in accordance with the information required in condition 2 above) must be submitted to and approved in writing by the Council, as planning authority showing the revised quarry depths. The approved restoration plan shall be implemented in accordance with the details and timescales.

Reason - In order to avoid any ambiguity regarding the terms of the consent and to ensure the further consideration of the final site restoration details.

17. A radiological site walkover is required once tree felling has been completed for each phase. This will establish whether or not radium 226 is present within the top 20-30cm of soils on site and if present further radiological screening is required during the extraction of these soils to establish suitability for re-use on site. Findings of the radiological surveys (and if necessary proposals for further screening) must be submitted to the Council (in consultation with SEPA) for prior written approval before soils can be reused on site. If radium 226 is present the soils must be disposed of or treated to satisfaction of both SEPA and Moray Council.

Reason – In order to ensure that suitable checks for radioactive material are undertaken and suitable mitigation is undertaken if required given the historic use of the site as a military airfield.

18. Unless otherwise agreed in writing with the Council, as Planning Authority in consultation with SEPA there shall be no dewatering of the site.

Reason – To avoid impacts on groundwater flow.

19. Unless otherwise agreed in writing, no development shall commence until a strategy to assess and then, where subsequently appropriate, a strategy to deal

with potential contamination on the site, including assessment of risk from explosive ordnance, have been submitted to, and accepted in writing by, the Council, as Planning Authority. The strategies shall be devised and overseen by an appropriately qualified person in accordance with relevant up-to-date authoritative technical guidance, e.g. BS10175 'The Investigation of Potentially Contaminated Sites - Code of Practice', and shall include:

- i. an appropriate level of characterisation of the type, nature and extent of contamination on the site and accompanying risk assessment as described in Planning Advice Note 33 Development of Contaminated Land (Revised 2000);
- ii. how any identified contamination will be dealt with during construction works;
- iii. details of remedial measures required to treat, remove or otherwise mitigate contamination to ensure that the site is suitable for the proposed use, and that it does not represent a risk to health or of pollution in the wider environment; and
- iv. a means of verifying the condition of the site on completion of the remedial measures.

Thereafter, no development shall commence (other than those works required to investigate and remediate contamination on the site) until written confirmation has been issued by the Council, as Planning Authority that the works have been implemented and completed in accordance with the agreed details.

Reason - To ensure that the site is suitable for the proposed use, and that risks to the wider environment and to users of neighbouring land from on-site contamination are appropriately assessed and managed.

7. Planning Application - 18/00384/EIA

Ward 5: Heldon & Laich

Proposed extraction area to be used in conjunction with (and retention of) the existing processing area at Caysbriggs Quarry, Elgin, Lossiemouth, Moray for Tarmac Trading Ltd

A report by the Appointed Officer recommended that, subject to the conditions detailed in the report, planning permission be granted in respect of a proposed extraction area to be used in conjunction with (and retention of) the existing processing area at Caysbriggs Quarry, Elgin, Lossiemouth, Moray for Tarmac Trading Ltd. The report also advised that members of the Committee visited the site of the application on 14 September 2018.

The Committee noted that the application had been referred to the Committee as the application is a "major" development as defined under the Hierarchy Regulations 2008 (and approved Scheme of Delegation) because the development is subject to the EIA Regulations and the site area exceeds 2 hectares.

During his introduction, Mr Burnie, Principal Planning Officer advised the Committee of 2 corrections within the report, the first at condition 3 iii) where the height should read 0.6 metres and not 1.0 metres and the second at condition 5 where the word

"Construction" should be removed when referring to the Traffic Management Plan. Mr Burnie further advised that the recently applied weighting restriction on Arthurs Bridge resulting in the current one way control crossing had made no change to the Environmental Impact Assessment. This was noted.

During discussion surrounding the provision of additional car parking at the cemetery, it was queried whether this could be included as a condition to the application.

In response, the Appointed Officer advised that additional car parking at the cemetery did not form part of the proposal however suggested that an informative be included asking that consideration be given to the provision of additional car parking to serve the Cemetery which would require to be the subject of a separate planning application. This was agreed.

Following consideration, Councillor Cowe moved that the Committee agree to grant planning permission in respect of Planning Application 18/00384/EIA, as recommended, subject to the conditions and reasons detailed within the report and with the inclusion of an additional informative in relation to additional car parking at the cemetery. This was seconded by Councillor Patience.

There being no-one otherwise minded, the Committee agreed to:

- i. note the following corrections to the report:
 - a) Condition 3 iii) height should read 0.6 metres and not 1.0 metres;
 - b) Condition 5 should read Traffic Management Plan and not Construction Traffic Management Plan;
- ii. note that the recently applied weighting restriction on Arthurs Bridge resulting in the current one way control crossing have made no change to the Environmental Impact Assessment; and
- iii. approve planning permission in respect of Planning Application 17/00384/EIA as recommended, for the following reasons and subject to the inclusion of the following informative:

Consideration should be given to the provision of additional car parking to serve the Cemetery which would require to be the subject of a separate planning application.

The following Conditions 1 – 13 inclusive apply to both the extraction and processing areas hereby approved:

1. The permission hereby granted shall be for a limited period only and shall cease to have effect on 1 October 2044 (the 'cessation date') by which time and prior to that cessation date, the application site (both excavation and processing areas) 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 12 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 of the site and surrounding area together with securing removal of all site infrastructure used in the extraction process prior to embarking upon the restoration of the site.

2. 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 Environmental Impact Assessment Report (EIA Report) and the plans hereby approved including:

- a) the extraction of cobbles, pebbles and sand within the proposed extraction area at Inchbroom Road, and the processing of the extracted material (screening and sorting) within the processing area at Caysbriggs quarry;

- b) the extraction of not more than 40,000 tonnes of cobbles, pebbles and sand (combined) annually or extraction operations to take place on not more than 60 days per year (whichever is the greater), with the operator to maintain records of daily output/production from the extraction area, which shall be made available to the Council, as Planning Authority at any time on request;

- c) in terms of the development of the site (Chapter 3 of EIA Report refers), extraction and restoration of the site shall be undertaken progressively across the site (Phases 1 – 11 in that order) in accordance with all elements associated with the phasing and woodland replanting details as identified on drawing nos. C165-00038-04, 05 and 06; including the incorporation and provision of a protective margin/retained tree buffer around the site, additional tree planting along the north/northeastern/western (part) boundaries and construction of a 2m high screen bund along the northern/western (part) perimeter of the site as shown, and all elements shall be implemented prior to commencement of extraction operations and maintained in situ for the duration of all phases of extraction operations;

- d) the adoption and commitment to implement all proposed and required mitigation measures as identified in the EIA Report (and summarised in Table 14.1, Volume 1 contained therein);

- e) no extraction until soils (top and sub-soil) have been stripped to their full depth within the proposed operational extraction areas in advance of any extraction commencing within each phase and stored on site for re-use progressively as part of the site restoration arrangements and no material shall be deposited or brought onto the site from elsewhere;

- f) no extraction of cobbles, pebbles and sand above the levels shown on the submitted drawings;

- g) all stockpiles of extracted cobbles and pebbles (pre- and post- processing) shall be located within the processing area only; and no stockpiling is permitted in the extraction area;

- h) upon restoration, the land shall be restored to woodland/habitats and agricultural land and to finished levels as identified within the EIA Report;

i) all woodland planting (additional and replacement following each worked phase) shall be provided in accordance with the approved plans and details contained within Chapter 13 'Woodland' (EIA Report, Vol 1 and 2 refers) and associated Appendix 13.2 Forestry Report prepared by Scottish Woodlands, dated November 2017 (EIA Report, Vol 3 refers);

j) extraction operations shall be undertaken by a single wheeled shovel loader or excavator only; and all fixed and mobile plant used for processing operations shall be located only within the processing area.

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.

3. Notwithstanding the details submitted (which are not accepted):

- i. prior to works commencing on any part of the development details shall be submitted and approved by the Council, as Planning Authority in consultation with the Roads Authority regarding a detailed drawing (scale 1:1000) which shall include details to demonstrate control of the land) showing the visibility splay 4.5 metres by 215 metres in both directions from the Oakenhead access track junction onto the B9103, all boundary walls/fences/hedges set back to a position behind the required visibility splay, and a schedule of maintenance for the splay area; and
- ii. thereafter, the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
- iii. the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

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

4. Notwithstanding the details submitted (which are not accepted) and prior to works commencing on any part of the development, the following details shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:

- i. a detailed plan (scale 1:500 min) showing the first 25 metres of the access track to the site from the B9103 widened to 7.3 metres, constructed to the Moray Council specification and surfaced with bituminous macadam and with a gradient of not more than 1:20 for the first 10m, measured from the edge of the public carriageway; and
- ii. a plan (scale 1:200 min) showing resurfacing (using Hot Rolled Asphalt (HRA)) of the full width of the B9103 road 20 metres in both directions from the centreline of the Oakenhead access; and
- iii. thereafter, the improvements both to the access track and resurfacing of the B9103 shall be completed in accordance with the approved details prior to the commencement of any other part of the development.

Reason: To ensure an acceptable form of development in the interest of road

safety.

5. No works shall commence on site until a Traffic Management Plan has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Traffic Management Plan shall include the following information:
 - evidence to confirm that a Wear and Tear Agreement has been agreed with the Council, as Roads Authority, to include the length of the B9103 and C21E between the proposed quarry and the processing site, a schedule for monitoring surveys (bi-annually minimum), and arrangements for undertaking works to mitigate against damage to the public road due to quarry traffic.
 - measures to be put in place to safeguard the movements of pedestrians; and
 - instructions to drivers and details of specific routes to be used for access.

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 the operation of all works at the site.

6. No works shall commence on site until details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority to ensure that no water or loose material shall drain or be carried onto the public footpath/carriageway for the life-time of the development.

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

7. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with Aberdeenshire Archaeology Services 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. In the event that 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 Council, as Planning Authority in consultation with Aberdeenshire Archaeology Services. The PERD shall be carried out in complete accordance with the approved details.

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

8. In the event of a complaint being received of the existence of any negative effect(s) on private water supplies (in terms of either quality or quantity) as a result of the development, then within two weeks of being notified by the Council, as Planning Authority, in consultation with the Environmental Health Manager (or within a longer period as the Council may allow) the applicant/quarry operator shall submit to the Council as Planning Authority, in consultation with the Environmental Health Manager for its approval, proposals to secure the protection of that supply and urgent restorative mitigation measures to remedy the effects, including timescale(s) for their implementation. Thereafter, these proposals shall be carried out in accordance with the approved details.

Reason: To protect the adequacy and wholesomeness of any private water supplies which may be affected by the development hereby approved.

9. 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.

10. 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.

11. Not less than 12 months prior to completion of mineral workings (including extraction within Phase 11, details shall be submitted to and approved by the Council, as Planning Authority in consultation with the SEPA (and others where appropriate) regarding:

- a) a detailed restoration plan and aftercare scheme for both the processing area and extraction area hereby approved to include:
 - i. the arrangement for the removal of all buildings and structures (both mobile and fixed plant, etc.) from each area;
 - ii. 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;
 - iii. the provisions for re-instatement for after-uses to include woodland, arable land and habitat creation (wetland/pond) as proposed within the EIA Report including sections and finished ground levels to

- show the finished profile of the re-instated ground;
 - iv. landscaping and planting/seeding information associated with the proposed formation of all identified habitats, including woodland planting and the formal landscaped area opposite the Cemetery;
 - v. details of the location, route and construction of the new footpath to be formed within and through the excavation area which would link the footpath along the western site boundary with the Oakenhead access track to the east;
 - vi. information on the effects of restoration upon the water environment including ground water quality and quantity;
 - vii. the arrangements for the monitoring and aftercare scheme (see Condition 12 below) which shall specify all the steps to be taken and the time periods within which the steps will be taken; and
- b) thereafter, the restoration of the site and aftercare shall be carried out in accordance with the approved details.

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.

12. Following restoration works (whether for each individual Phase or upon completion of Phase 11, and thereafter for the whole quarry site (including both the extraction and processing areas), the approved restoration works within the site (Condition 11) 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.

13. Prior to the commencement of development a bird hazard management plan shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the Ministry of Defence and SNH. The submitted plan shall include details as to how birds are to be managed on site for the period of extraction and shall contain specific measures as detailed below:

- i. to ensure that there are no more than 20 gulls, waders (Lapwing, Golden Plover, Oystercatcher and Curlew) or corvids on the site at any one time;
- ii. where 20 or more of the above named species are observed on site, details of measures to ensure that the species are to be dispersed in a controlled manner; and
- iii. the arrangements for the site operator to notify RAF Lossiemouth in

writing at least 24 hours prior to any active bird control measures being undertaken to ensure that they are not dispersed into the path of an aircraft.

Thereafter, the agreed measures shall be implemented in full for the lifetime of the development.

Reason: To avoid endangering the safe movement of aircraft and the operation of RAF Lossiemouth aerodrome as a result of a potential increase in bird strike risk during the period of extraction.

The following Conditions 14 to 21 inclusive apply to the extraction area only:

14. No development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager, regarding a detailed dust management plan, as referred to in Section 11.63 of the EIA Report: Volume 1, dated March 2018 and titled 'Caysbriggs Quarry, Inchbroom Road, Lossiemouth, Moray IV31 6RU'.

Reason: To ensure that an acceptable plan with monitoring is in place from the start of the development in accordance with the submitted EIA Report, to address/mitigate dust impacts upon neighbouring property.

15. Extraction operations shall be undertaken by a single wheeled shovel loader or excavator only and no screening plant or blasting operations are permitted.

Reason: To ensure an acceptable form of development in accordance with the submitted EIA Report and to limit the impact of noise associated with on-site extraction upon the amenities of the locality and neighbouring property.

16. All quarry operations within the extraction area shall be carried out and permitted between 08:00 to 17:00 hours, Monday to Friday, at 08:00 to 13:00 hours on Saturday only, and at no other times (including Bank and National Holidays) shall such operations be undertaken without prior written consent of the Council, as Planning Authority in consultation with the Environmental Health Manager.

Reason: To control/restrict the impact of noise emissions resulting from such operations upon the amenities of the locality and neighbouring property.

17. Noise emissions associated with soil and overburden handling in connection with soil stripping operations in all phases, and the provision of the 2m high bund associated with Phase 1, as highlighted in drawing number C165-00038-05 of the EIA Report: Volume 2, dated March 2018 and titled 'Caysbriggs Quarry, Inchbroom Road, Lossiemouth, Moray IV31 6RU', shall not exceed the free-field Equivalent Continuous Noise Level (L Aeq, 1 hr) of 70dB(A) at any noise sensitive dwelling, and all such noise emissions shall be limited to a period not exceeding 8 weeks in any year at any one dwelling.

Reason: To control/restrict the impact of noise emissions resulting from such

operations upon the amenities of the locality, including neighbouring property.

18. No development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager, regarding a noise mitigation scheme, as referred to in Section 10.82 of Tarmac's Environmental Impact Assessment Report: Volume 1, dated March 2018 and titled 'Caysbriggs Quarry, Inchbroom Road, Lossiemouth, Moray IV31 6RU'. The scheme, shall include, amongst other measures, details of community liaison protocols on planned burials proposed in conjunction with the Moray Council Registrar Service and commemorative services/ceremonies proposed in conjunction with the Commonwealth War Graves Commission at the adjacent Lossiemouth Cemetery, during which all quarry, including excavation operations shall cease.

Reason: To ensure an acceptable form of development in accordance with the submitted EIA Report and to limit/mitigate the impact of noise associated with on-site extraction upon the amenities of the locality, including neighbouring property and events to be to be undertaken at Lossiemouth Cemetery.

19. No development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager, regarding a scheme of compliance noise monitoring (to be undertaken at or close to sensitive noise receptors), as referred to in Section 10.79 of the EIA Report: Volume 1, dated March 2018 and titled 'Caysbriggs Quarry, Inchbroom Road, Lossiemouth, Moray IV31 6RU'.

Reason: To ensure an acceptable form of development in accordance with the submitted EIA Report and to limit/mitigate the impact of noise associated with on-site extraction upon the amenities of the locality and neighbouring property; with further mitigation measures to be agreed and implemented where such impacts are identified as a result of the compliance noise monitoring.

20. During normal daytime working hours defined in Condition 16 above, the free-field Equivalent Continuous Noise Level (L Aeq, 1 hr) for the period associated with quarry operations, excluding soil and overburden handling activity referred to in Condition 7 above, shall not exceed 45 dB(A) at any noise sensitive dwelling and within the grounds of Lossiemouth Cemetery.

The exception to this noise limit is in respect of Caysbriggs Farm, which shall be subject to a free-field Equivalent Continuous Noise Level (L Aeq, 1 hr) of 52 dB(A), as referred to in Section 10.62 of Tarmac's Environmental Impact Assessment Report: Volume 1, dated March 2018 and titled 'Caysbriggs Quarry, Inchbroom Road, Lossiemouth, Moray IV31 6RU'.

Reason: To regulate/restrict the impact of noise emissions resulting from such operations upon the amenities of the locality and neighbouring property.

21. Prior to the commencement of development, a scheme identifying all mitigation measures to safeguard existing Scottish Water assets on the site shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with Scottish Water.

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

Reason: To ensure that Scottish Water assets and infrastructure within the extraction area are adequately protected during the lifetime of the development.

The following Conditions 22 to 25 inclusive apply to the processing area only:

22. The processing area shall not be used for the development hereby permitted before 0700 hours on weekdays and 0700 hours on Saturdays, nor after 1700 hours on weekdays and 1500 hours on Saturdays, nor at any time on Sundays other than essential maintenance work between the hours of 0800 and 1200 hours by prior agreement with the Council, as Planning Authority in consultation with the Environmental Health Manager.

Reason: To regulate/restrict the impact of noise emissions resulting from processing operations upon the amenities of the locality and neighbouring property

23. Noise emissions from plant and machinery within the processing area shall not exceed an Leq of 52dB(A), 1 hour (free-field) at the nearest noise sensitive dwelling. The reference period shall be 1 hour, where 1 hour means any of the 1 hour periods during the defined working day (0700 - 1900 hours).

Reason: To regulate/restrict the impact of noise emissions resulting from such operations upon the amenities of the locality and neighbouring property.

24. Prior to the commencement of development, a dust management scheme shall be agreed with the Council, as Planning Authority in consultation with the Environmental Health Manager. This scheme shall be monitored by the developer on an annual basis and arising from this, any additional measures required to manage dust shall be immediately incorporated into the dust management procedures in accordance with details which shall previously have been agreed with by the Council, as Planning Authority, in consultation with the Environmental Health Manager.

Reason: To ensure that an acceptable plan with monitoring is in place from the start of the development in accordance with the submitted EIA Report, to address and mitigate dust impacts upon neighbouring property.

25. Prior to the commencement of development, a detailed site layout plan drawn to scale showing the processing area shall be submitted to and approved in writing by the Council, as Planning Authority. The plan shall identify the location and height of all fixed/mobile plant, machinery or other structures, stock pile areas and buildings, the location of water treatment lagoons, foul/surface water drainage arrangements, parking areas, access arrangements, screen bund and planting (existing and new).

Thereafter, the processing area shall be maintained in accordance with these approved details.

Reason: To ensure an acceptable form of development appropriate to the surrounding area and provide an up-to-date record of the site layout and

features, as these details are currently lacking from the application.

8. Planning Application - 17/00120/PPP

Ward 4: Elgin City South

Proposed mixed use development comprising family restaurant with licensed premises and housing with associated access infrastructure and landscaping works at Elgin Auction Mart, New Elgin Road, Elgin, Moray for Aberdeen and Northern (Estates) Ltd

Councillor Alexander, having declared an interest in this planning application, took no part in the relevant discussion or decision.

A report by the Appointed Officer recommended that, for reasons detailed within the report, planning permission in principle be refused in respect of a proposed mixed use development comprising family restaurant with licensed premises and housing with associated access infrastructure and landscaping works at Elgin Auction Mart, New Elgin Road, Elgin, Moray for Aberdeen and Northern (Estates) Ltd. The report also advised that members of the Committee visited the site of the application on 14 September 2018.

The Committee noted that the application had been referred to Committee as the application is a major development as defined under the Hierarchy Regulations 2009 wherein, as a mixed-use development, the site area exceeds 2ha and more than 50 dwellings are proposed.

During his introduction, Mr Burnie, Principal Planning Officer advised that 2 late representations had been received which had been circulated to Members of the Committee however no new material planning considerations had been included within these further representations.

Councillor Divers, stated that he was aware that the area in question had flooded significantly in the past, despite the recent flood scheme and, as the Applicant did not sufficiently address these issues in their application, moved that the Committee agree to refuse planning permission in principle in respect of Planning Application 17/00120/PPP, as recommended, for the reasons detailed in the report. This was seconded by Councillor Macrae.

Councillor A McLean, in recognising that a further application may come back for consideration should the flooding issues be addressed, asked that future prospective applicants be asked to consider the character of existing buildings when proposing further development and that any proposed residential flats should be no more than 2 storeys in height.

There being no-one otherwise minded, the Committee agreed:

- i. that future prospective applicants be asked to consider the character of existing buildings when proposing further development and that any proposed residential flats should be no more than 2 storeys in height; and
- ii. to refuse planning permission in principle in respect of Planning Application 17/00120/PPP, as recommended, for the following reasons:

Notwithstanding the 'in principle' status of the application, the development is contrary to the provisions of the Moray Local Development Plan 2015 and Scottish Planning Policy whereby

- although required, a detailed Flood Risk Assessment has not been provided (Elgin OPP5 designation refers) and insufficient information is provided about the arrangements to manage and mitigate the risk of flooding, in terms of details about the extent of all proposed/required mitigation measures (which may include land raising and/or any other measures) to address all identified sources of flood risk associated with the site and demonstration that the effects of such mitigation measures as required/proposed will not exacerbate the risk of flooding whether to the development itself and to elsewhere, including property adjoining the site (Policy H1, IMP1 and Scottish Planning Policy refers).

9. Planning Application - 18/00964/APP

Ward 7: Elgin City South

Subdivision of an existing retail unit and part change of use to Class 11 (Assembly and Leisure) with creation of new entrance and associated external work at New Look Plc, Unit 3, Springfield Retail Park, Edgar Road, for Springfield Retail Park Elgin Real Estate S.A.R.L.

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

Councillor Patience also declared an interest in this planning application being a Director on the Board of another leisure organisation in Elgin and left the meeting, taking no part in the relevant discussion or decision.

A report by the Appointed Officer recommended that, subject to the conditions detailed within the report, planning permission be granted in respect of the subdivision of an existing retail unit and part change of use to Class 11 (Assembly and Leisure) with creation of new entrance and associated external work at New Look Plc, Unit 3, Springfield Retail Park, Edgar Road, for Springfield Retail Park Elgin Real Estate S.A.R.L. The report also advised that members of the Committee visited the site of the application on 14 September 2018.

The Committee noted that the application had been referred to Committee as the introduction of a proposed (Class 11) leisure use within the Class 1 non-food retail use of Springfield Retail Park would represent a significant amendment to that development as granted planning permission.

Following consideration, the Chair moved that the Committee agree to grant planning permission in respect of Planning Application 18/00964/APP as recommended, for the reasons detailed in the report.

There being no-one otherwise minded, the Committee agreed to grant planning permission in respect of Planning Application 18/00964/APP for the following reasons:

- i. Notwithstanding the provisions of the Town and Country Planning (Use

Classes) (Scotland) Order 1997 (or such Order that may revoke, amend or re-enact that Order) the permission hereby granted shall relate only to the use of the existing retail unit (once sub-divided) for Class 1 non-food retailing purposes and the use of the remainder of the unit (once sub-divided) for the purposes of a gym within Class 11, and neither the retail unit nor the gym shall be used for any other use or purpose without the approval of the Council, as Planning Authority.

Reason - To ensure consideration can be given to the effects and impacts of uses other than that approved herewith upon the amenity and appearance of the surrounding area. Councillors Divers, Macrae and Patience rejoined the meeting at this juncture.

Councillors Divers, Macrae and Patience rejoined the meeting at this juncture.

10. 18/00978/PAN - Proposal of Application Notice

A report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee that a Proposal of Application Notice (PAN) had been received on 12 July 2018 by Robertson Homes Limited and Hanover Housing Association.

The PAN intimated that a formal application for planning permission would be submitted for a major development proposal, in this case for permission for a residential development consisting of 90 private and affordable houses and associated infrastructure (access, drainage and landscaping) and asked that the Committee and any other member of the Council identify any provisional views/relevant issues which they would wish to see taken into account and inform the proposed development.

Councillor R McLean, in noting that the proposed development was for Hanover Housing Association, asked that the Applicant ensure that public transport is provided and made available and accessible to the development.

In response, Mr Burnie agreed to feed this request back to the prospective Applicant.

Thereafter, the Committee agreed:

- i. to note the terms of the report and asked that the prospective applicant ensure that public transport is provided and made available and accessible to the development; and
- ii. that the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

11. 18/01083/PAN - Proposal of Application Notice

A report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee that a Proposal of Application Notice (PAN) had been received on 13 August 2018 on behalf of Tulloch Homes Limited, Stoneyfield Business Park, Inverness.

The PAN intimated the intention to submit a formal application for planning permission for a major development proposal for a residential development and associated roads, infrastructure, landscaping and boundary treatment on the Forres R1 Knockomie (South) Site, Grantown Road, Forres and asked that the Committee and other Council Members identify any provisional views/relevant issues which they would wish to see taken into account in order to inform the development of the proposal.

During discussion, the Committee raised concern in relation to the issues and asked that these be fed back to the prospective Applicant:

- Increased traffic if new A96 goes North of Forres;
- The requirement for public transport provision;
- Cycle paths, footpaths, landscaping and trees be included at the beginning of the development and not at the end;
- East/West movement of wildlife – ensure that developers provide a wildlife corridor between existing housing;
- Noise mitigation against road noise if A96 goes South of Forres

In response, Mr A Burnie agreed to feed back these issues to the prospective applicant.

Thereafter, the Committee agreed:

- i. to note the terms of this report;
- ii. that the prospective applicant be informed of the following views/relevant issues from the Committee in order to inform the development of their proposed formal application for planning permission:
 - Increased traffic if new A96 goes North of Forres
 - The requirement for public transport provision;
 - Cycle paths, footpaths, landscaping and trees be included at the beginning of the development and not at the end;
 - East/West movement of wildlife – ensure that there is a good barrier area for wildlife between existing houses; and
 - Noise mitigation against road noise if A96 goes South of Forres; and
- iii. the matters raised by the Committee be forwarded also to consultees likely to be involved in any formal application for planning permission for the proposal

12. Moray Local Development Plan 2020 - Moray Local Landscape Designations Review - Draft Report

A report by the Corporate Director (Economic Development, Planning and Infrastructure) asked the Committee to approve the Moray Local Landscape Designations Review - Draft Report, which proposes a series of new candidate Special Landscape Areas (SLA's) for consultation, with the final SLA's replacing the current Areas of Great Landscape Value (AGLV) and Coastal Protection Zone (CPZ) designations.

The Committee noted a presentation by Ms Carol Anderson, Landscape Associates in relation to the Moray Local Landscape Designation review and joined the Chair in

thanking Ms Anderson for her informative and interesting presentation.

Following consideration, the Committee agreed to:

- i. note the candidate SLA's set out in the Moray Local Landscape Designations Review Draft Report which was issued separately with this agenda;
- ii. approve the Moray Local Landscape Designations Review Draft Report for consultation; and
- iii. agree that a report setting out consultation responses be considered at a special meeting of this Committee on 5 December 2018 and thereafter the SLA designations be incorporated into the Proposed Moray Local Development Plan 2020.

13. Kinloss Golf Course Masterplan Supplementary Guidance

Under reference to paragraph 10 of the Minute of this Committee dated 24 April 2018, a report by the Corporate Director (Economic Development, Planning and Infrastructure) asked the Committee to agree the responses to comments received during the public consultation on the Kinloss Golf Course Masterplan Supplementary Guidance and grant delegated powers to the Head of Development Services to work with the developer and partners to prepare a Delivery Plan/Programme for the Masterplan area.

Councillor Feaver having attended the site visit and observed a house in which the roof of the house was on the ridge line and was only hidden by one or two trees moved that the Committee agree the recommendations as printed with a further recommendation that all houses should be nestled within trees well below the ridge sky line and not just within the tree line. This was seconded by Councillor R McLean.

Councillor A McLean was content that the Masterplan adequately addressed the issues raised by Councillor Feaver in relation to prominent properties and moved the recommendations as printed within the report. This was seconded by Councillor Coy.

On a division there voted:

For the Motion (3): Councillors Feaver, R McLean and M Macrae

For the Amendment (8): Councillors A McLean, P Coy, Alexander, Bremner, Cowe, Cowie, Divers and Patience

Abstentions (0): None

Accordingly the amendment became the finding of the Meeting and the Committee agreed:

- i. the responses to the comments received to the public consultation on the draft Kinloss Golf Course Masterplan Supplementary Guidance set out in Appendix 2 of the report;
- ii. to delegate authority to the Head of Development Services to make the identified minor changes to the final draft Masterplan;
- iii. to delegate authority to the Head of Development Services in consultation with the Chair and Depute Chair to work with the developer and partners to prepare

a Delivery Plan/Programme for the Masterplan area; and

- iv. that the finalised Kinloss Golf Course Masterplan Supplementary Guidance be approved and used as a material consideration following agreement of the Delivery Plan/Programme, that will be given significant weight in the determination of planning applications in this location.

14. Development Services - Improvement Actions/Service Plan 2018/19

A report by the Corporate Director (Economic Development, Planning and Infrastructure) asked the Committee to consider Development Services Service Plan - Actions for Improvement for 2018/19.

Following consideration, the Committee agreed to approve Development Services Service Plan – Actions for Improvement 2018/19 as set out in Appendix 1 of the report.

15. Appointment of Public Analyst, Agricultural Analyst and Food Examiner

A report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee of the resignation of the appointed Public Analyst, Agricultural Analyst and Food Examiner and asked that the Committee formally appoint the successors.

Following consideration, the Committee agreed to appoint:

- i. Dr Duncan James Campbell B.Sc., D.Phil., M.Chem.A., C.Chem., F.R.S.C to act as Public Analyst and Agricultural Analyst for Moray Council; and
- ii. Kerry Louise Parrott H.N.C., M.I.F.S.T as the Food Examiner for Moray Council.

16. Question Time

There were no questions raised.

17. Unauthorised Business Near Forres [Para 13]

A report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee of an unauthorised log cutting business at Dyke in Forres.

During her introduction, the Manager (Development Management) suggested, should the Committee be minded to agree the recommendations within the report, that the owner of the business be given 12 weeks to comply with the Enforcement Notice. This was agreed.

During discussion surrounding the search required in relation to title deeds, it was queried who was financially responsible for this. In response, the Manager (Development Management) advised that this would usually be borne by the

Council. The Committee were of the view that, in the current financial climate, any expense be borne by the land owner and not the Council. In response the Manager (Development Management) agreed that the cost of the title search would be recovered from the site owner.

Thereafter, the Committee agreed:

- i. to Officers issuing a Planning Enforcement Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997;
- ii. the Enforcement Notice will require the site owner to cease all activities associated with the log cutting business, clear the site of all items associated with the log cutting business and restore the site to its original levels and condition within 12 weeks of receipt of the Enforcement Notice;
- iii. to Officers issuing a Stop Notice under Section 140 of the Town and Country Planning (Scotland) Act 1997 which will have the effect of immediate cessation of activities once issued;
- iv. to grant delegated authority to the Head of Development Services, in consultation with the Chair of the Committee, to take direct action to provide the works described at Para. 3.1 (ii) of the report, in the event that the terms of the notice are not complied with by those parties with an interest in the site and to recover any costs incurred, as a result of direct action, as a civil debt; and
- v. that the cost of the title search be recovered from the site owner.

Minute of Meeting of the Planning and Regulatory Services Committee

Tuesday, 25 September 2018

Council Chambers, Council Office, High Street, Elgin, IV30 1BX

PRESENT

Councillor George Alexander, Councillor David Bremner, Councillor John Cowe, Councillor Gordon Cowie, Councillor Paula Coy, Councillor John Divers, Councillor Claire Feaver, Councillor Louise Laing, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Ray McLean, Councillor Amy Patience

APOLOGIES

Councillor Ryan Edwards

IN ATTENDANCE

Also in attendance at the above meeting were:

The Head of Development Services, Mr G Templeton, Principal Planning Officer, Ms E Webster, Senior Planning Officer (Development Planning and Facilitation), Mrs E Gordon, Planning Officer, Mr K Henderson, Planning Officer, Mr D Westmacott, Planning Officer, Mrs D Anderson, Senior Engineer (Transport Development), Legal Services Manager (Property and Contracts) as Legal Adviser and Mrs L Rowan, Committee Services Officer as Clerk to the Meeting.

1. Chair

The meeting was chaired by Councillor Bremner.

2. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillor's Code of Conduct, there were no declarations from group leaders or spokespersons in regard to any prior decisions taken on how members will vote on any item on the Agenda nor any other declarations of Members Interest in respect of any item on the Agenda.

3. Moray Local Development Plan 2020 - Responses to Main Issues Report

A report by the Corporate Director (Economic Development, Planning and Infrastructure) asked the Committee to consider the submissions received following consultation on the Moray Local Development Plan (LDP) 2020 - Main Issues Report (MIR), to agree responses to the representations and agree, in principle, the sites to be designated for housing and employment uses in the Proposed Moray Local Development Plan 2020.

Mr Templeton, Principal Planning Officer provided the Committee with a short

presentation which detailed the process required to bring forward the Moray LDP 2020, highlighting the stage the Council is currently at and paid tribute to other services within the Council such as Transportation and Consultancy that had assisted in bringing the suite of papers before the Committee. Mr Templeton further highlighted a number of amendments/clarification to the following schedules:

- Schedule 14 - current opportunity site at Spynie, Elgin - clarified that the OPP6 site being designated will include part of the R5 site, ownership issue;
- Schedule 17 - LONG1/ FR19, amendment - Lochyhill, Forres, the south west corner will be changed from blue to red and will remain as an ENV designation in the new Plan as per existing Plan;
- Schedule 17 - amendment - in respect of current OPP4 Cathay House, Forres it is proposed to change the status of this from blue to amber, reflecting that there is a live planning application for this site which will allow re-consultation with Forestry Commission Scotland. Final position to be included in the Proposed Plan;
- Schedule 22 - Hopeman, clarification - land to the south of Hopeman - although the Council is not supporting the HP4 bid, there is a consent for 22 houses at the south of Forsyth Street which will be reflected in the Proposed Plan;
- Schedule 23 - Corsemaul Drive, Dufftown R1 - change status from blue to red, not being supported for inclusion in the Proposed Plan. This site has been developed in a piecemeal basis and after further discussion with transportation and flood team colleagues, there are significant concerns about any further development on this site.

During discussion, surrounding Elgin EL5 - Land at Oldmills, Councillor Divers raised concern regarding the use of the word "piecemeal" as planning applications are brought forward and considered on their own merit and use of word the word "piecemeal" could be misconstrued to mean something else.

In response, Mr Templeton, Principal Planning Officer advised that he was happy to discuss this further with Councillor Divers and amend the wording but still make it clear the aim was to avoid the character being eroded by how development comes forward.

During further discussion, reference was made to properties that are protected by Historic Environment Scotland (HES) but are undevelopable and in need of demolition and it was queried whether discussion could take place with HES to ask if consideration could be given to relaxing their regulations in these circumstances.

In response, Mr Templeton, Principal Planning Officer advised that he would discuss this issue with HES and include the outcome within the Delivery Programme for the Moray LDP which will be brought to Committee in December 2018.

In relation to R1 Knockomie (South), concern was raised that there was a recommendation to increase the density in that area from 85 to 100 houses as it was thought that Council policy was to reduce the density of houses on rural edges.

In response, Mr Templeton, Principal Planning Officer advised that the site size had increased which had in turn increased the capacity however agreed to change the

word "density" to "capacity" and assured the Committee that the density would decrease towards the rural edge in line with Council policy.

With regard to safeguarding and supporting biodiversity, it was noted that only trees and woodlands were protected as opposed to other habitats such as wetlands and it was queried whether any contributions towards biodiversity could be obtained from developers for off site creation, enhancement or restoration in these locations to address any impact on biodiversity.

In response, Mr Templeton, Principal Planning Officer advised that a policy on biodiversity was being developed and that consideration would be given to seeking developer contributions towards off site creation, enhancement or restoration of other habitats such as wetlands whilst liaising with other partners such as Scottish National Heritage regarding ways in which to deliver the proposal.

The Committee joined the Chair in commending Mr Templeton and his team for the considerable amount of work involved in preparing the Moray LDP 2020 to date and thereafter agreed:

- i. to note the extensive consultation undertaken on the Main Issues Report;
- ii. the recommended responses to submissions on the Main Issues Report and associated documents in Appendix 1 subject to:
 - o Schedule 17 - LONG1/ FR19, amendment - Lochyhill, Forres, the south west corner will be changed from blue to red and will remain as an ENV designation in the new Plan as per existing Plan;
 - o Schedule 17 - amendment - in respect of current OPP4 Cathay House, Forres it is proposed to change the status of this from blue to amber, reflecting that there is a live planning application for this site which will allow re-consultation with Forestry Commission Scotland. Final position to be included in the Proposed Plan;
 - o Schedule 23 - Corsemaul Drive, Dufftown R1 - change status from blue to red, not being supported for inclusion in the Proposed Plan. This site has been developed in a piecemeal basis and after further discussion with transportation and flood team colleagues, there are significant concerns about any further development on this site;
 - o Elgin EL5 - Land at Oldmills - removal of the sentence "Piecemeal erosion of this core green area must be avoided"; and
 - o R1 Knockomie (South) - change the word "density" to capacity.
- iii. in principle, the sites to be designated for housing and employment development in the Proposed Moray Local Development Plan 2020 as summarised in Appendices 2 and 3 subject to the amendments detailed in recommendation (ii) above;
- iv. and noted the updated Communications Plan in Appendix 4;
- v. that the Proposed Plan be progressed on the basis of decisions taken at (ii)

and (iii) above and that the Proposed Plan is considered at a special meeting of this Committee on 5 December 2018;

- vi. that discussion take place with Historic Environmental Scotland to ask if consideration could be given to relaxing their regulations for protected properties that are undevelopable and in need of demolition; and
- vii. that consideration be given to seeking developer contributions towards off site creation, enhancement or restoration of other habitats such as wetlands whilst liaising with other partners such as Scottish National Heritage regarding ways in which to deliver the proposal.



**GUIDANCE NOTE PRODUCED FOR PLANNING & REGULATORY SERVICES COMMITTEE
MEETING OF 13 NOVEMBER 2018**

REPORT ON APPLICATION

“Note for guidance of the Committee where the decision of the Planning and Regulatory Services Committee is contrary to the recommendations of the Director of Environmental Services in respect to a Planning Application.”

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

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

Note for guidance where the decision of the Planning and Regulatory Services Committee is to depart from the Local or Structure Plan.

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

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

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

Censure of a Councillor or an Officer

Suspension of a Councillor for up to one year

Disqualification of a Councillor for up to five years

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

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

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

18/00811/APP
28th August 2018

Development of a 4.7 hectare site to the north of the existing distillery to deliver 11 new cask warehouses new access formation of pond and associated landscaping at Land Adjoining Benromach Distillery Waterford Road Forres for LDN Architects LLP

Comments:

- A SITE VISIT has been carried out.
- Application is a “major” development as defined under the Hierarchy Regulations 2008 (and the approved Scheme of Delegation) because the gross floorspace of the development exceeds 10,000 sqm and/or the site area exceeds 2 ha.
- Advertised as a departure from the development plan.
- Advertised for neighbour notification purposes.
- No objections/representations received.

Procedure:

- None.

Recommendation Grant Planning Permission - Subject to the following:-

1. Prior to the commencement of any part of the development the following details shall be submitted for approval by the Planning Authority in consultation with the Roads Authority:
 - i) Either, written confirmation to be provided that there will be no barriers or gates on the proposed access leading to Waterford Road or, provision of details of any security barrier or gating at the proposed access to the development including setback distance from the road;
 - ii) Details of any external signage proposed at the boundary of the site fronting onto the public road including siting, dimensions and design;
 - iii) A detailed drawing (scale 1:500 min) shall be submitted showing provision for a dropped kerb crossing of the proposed access onto Waterford Road together with tactile paving, landscaping, fencing, gating and visibility of the crossing on the approach to the crossing from the access;
 - iv) a detailed plan (scale 1:500 minimum) showing provision of a 2.0 metre footway on the northeast side of Waterford Road from a point opposite the north side of the new link road and extending southwards to connect with the existing footway. Provision also for dropped kerb crossing and tactile paving to

provide crossing to the west side of Waterford Road at three points, one to the south of Waterford Circle and one each to the north and south sides of the new link road; and thereafter the footway and crossings must be completed in accordance with the approved plans prior to the commencement of the second warehouse within the development.

- v) Detailed plan(s) (scale 1:500) showing the existing and proposed road drainage on Waterford Road for the full extent of the site frontage shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority and thereafter the roads drainage infrastructure shall be provided in accordance with the approved details prior to the commencement of any other part of the development and thereafter the proposals shall be completed in accordance with the approved details.

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

Reason: In the interests of road safety, an acceptable form of development and the provision of information currently lacking from the submission.

- 2. Notwithstanding the details submitted (which are not accepted) prior to any development works commencing the following detailed drawing shall be submitted for approval by the Planning Authority. The detailed drawing shall show (scale 1:500 minimum scale) a visibility splay 4.5 metres by 70 metres in both directions at the proposed junction onto Waterford Road, showing boundary walls/fences/hedges set back behind the required visibility splay, and a schedule of maintenance for the splay area shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority and thereafter, the visibility splay shall be provided in accordance with the approved details and maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway.

Reason: In the interest of road safety and the provision of information currently lacking from the submission.

- 3. Notwithstanding the details submitted which are not accepted, prior to the commencement of any part of the development a detailed phasing plan for the proposed development including the warehouses and the road infrastructure to be provided within each phase shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority and thereafter the development shall be completed in accordance with the approved phasing plan unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority.

Reason: In the interest of road safety and the provision of information currently lacking from the submission.

- 4. Prior to commencement of each phase of the development a Construction Traffic Management Plan shall be submitted for approval by the Planning Authority in

consultation with the Roads Authority and thereafter the construction works shall be completed in accordance with the approved Construction Traffic Management Plan.

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

5. Construction works associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0700 - 1900 hours, Monday to Friday, and 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 control/restrict the impact of noise emissions resulting from such operations upon the amenities of the locality and neighbouring property.

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

The programme of works must be submitted to and approved in writing by the Council, as Planning Authority in consultation with Aberdeenshire Council Archaeology Service.

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

7. Prior to the commencement of development a site specific Construction Environment Management Plan (CEMP) shall be submitted to, and approved in writing by, the Council, Planning Authority in consultation with SEPA. All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: In order to prevent pollution of the environment and ensure the sustainable management of materials and waste.

8. All landscaping and mitigation planting shall be implemented and maintained in accordance with the approved landscaping plan entitled 'Landscape Proposals Plan drawing number 981 BD LP 01 Rev A' and accompanying documents entitled

‘Outline Landscape Specification and Maintenance - May 2018, prepared by landscape architects Horner and MacLennan’ and ‘Arboricultural Method Statement dated 24th May 2018, prepared by ROAVR Environmental Consultants.’

Reason: In order to ensure the provision of the landscaping to the development to minimise the visual impact on neighbouring residences and the wider landscape.

9. Prior to the commencement of development, a detailed phasing plan for the proposed development showing the abovementioned landscaping and mitigation planting to be provided within each phase shall be submitted to and approved by the Council, as Planning Authority; and thereafter the development shall be completed in accordance with the approved phasing plan unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that acceptable landscaping and mitigation planting is provided for each phase of the development as detailed phasing information is currently lacking from the submission.

10. Prior to the commencement of development, details of all artificial lighting to be installed on the site for each phase shall be submitted to and approved by the Council, as Planning Authority. This shall be designed and sited to minimise the potential for light pollution, glare effect and nuisance to protect the amenity of surrounding neighbouring housing. The approved lighting arrangements shall be installed prior to each respective phase is complete or building within that phase is occupied.

Reason: To ensure the provision of an acceptable form of development and to protect the amenity of nearby residential premises, as these details are currently lacking from the application.

11. All surface water drainage infrastructure hereby approved shall be installed in accordance within that detailed within the approved drainage layout plan, accompanying Drainage Impact Assessment and SUDS Strategy dated August 2018 (prepared by Caintech) and additional supporting drainage information unless otherwise agreed with the Planning Authority, in consultation with the Flood Risk Management Section.

Reason: To ensure the provision of acceptable drainage infrastructure to the development.

12. Prior to the commencement of development, a detailed phasing plan for the proposed development including the warehouses and drainage infrastructure (as detailed within the abovementioned DIA and SUDS Strategy) to be provided within each phase shall be submitted to and approved by the Council, as Planning Authority in consultation with the Flood Risk Management Section; and thereafter the development shall be completed in accordance with the approved phasing plan unless otherwise agreed in writing by the Planning Authority in consultation with the Flood Risk Management Section.

Reason: To ensure the provision of acceptable drainage infrastructure for each phase of the development, as detailed phasing information currently lacking from the submission.

13. No development shall commence until a Construction Phase Surface Water Management Plan (CPSWMP) has been submitted to and approved in writing by the Council, as Planning Authority (in consultation with the Moray Flood Risk Management Section), and all work shall be carried in accordance with the approved CPSWMP.

Reason - In order to ensure that surface water from the development is dealt with in a satisfactory manner that avoids flooding and pollution, and as these details are currently lacking from the current application.

Reason(s) for Decision

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

The proposed warehouse development, being located on prime agricultural land immediately outwith the Forres settlement boundary and within the Forres Countryside Around Towns (CAT) designation would represent a departure from Policies ER5, E9 and E10, but can be supported having regard to the nature, scale and location of the proposed development which would contribute to economic growth and not prejudice the objectives of those policies. In all other respects, including landscape and visual, transportation, drainage, pollution prevention, cultural and natural heritage, etc. interests, the proposal is considered to accord with the provisions of the development plan and there are no material considerations that indicate otherwise.

List of Informatives:

The BUILDING STANDARDS MANAGER, has commented that:-

A Building Warrant will be required for the proposals. Should you require further assistance please do not hesitate to contact Building Standards, Environmental Services Department, Council Office, High Street, ELGIN IV30 1BX or by telephoning 01343 563243.

The TRANSPORTATION MANAGER has commented that:-

Before commencing development, the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads. The applicant will be required to provide technical information, including drawings and drainage calculations, and provide a Road Bond to cover the full value of the works in accordance with the Security for Private Road Works (Scotland) 1985 Regulations. Advice on this matter can be obtained from the Moray Council web site or by emailing constructionconsent@moray.gov.uk

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

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

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

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

Street lighting will be affected by the proposed development and the applicant should contact Moray Council Street lighting to discuss their proposals.

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

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

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

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

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

The developer must contact the Roads Authority Street Lighting Section at Ashgrove Depot, Elgin - Tel (01343) 557300, Ext 7343 to discuss the proposals.

The developer must contact the Roads Authority Roads Maintenance Manager (West) at Ashgrove Depot, Elgin - Tel (01343) 557300, Ext 7349 to discuss the proposals.

The ENVIRONMENTAL HEALTH MANAGER commented that:-

Artificial lighting associated with the development shall be suitably controlled so as not to give rise to a statutory nuisance in terms of the Environmental Protection Act 1990.

Adequate provision should be taken to ensure that any dust arising from the construction phase does not give rise to a statutory nuisance in terms of the Environmental Protection Act 1990.

SCOTTISH NATURAL HERITAGE has commented that:-

Nesting bird informative.

SCOTTISH WATER has commented that:-

See attached consultation response dated 3rd September 2018.

The SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:-

See attached consultation response dated 17th September 2018.

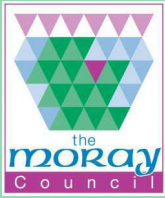
SCOTTISH NATURAL HERITAGE has commented that:-

See attached consultation response dated 25th September 2018.

SCOTTISH AND SOUTHERN ELECTRICITY NETWORKS has commented that:-

Please refer to Health and Safety Guidance Note GS6 – Working in the vicinity of overhead lines and HS (G) 47 – Working in the vicinity of underground cables. (SSE Contact details – Jodie Brown (Jodie.brown@sse.com) tel.01224 667254.)

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
JL958P003	A	Road layout plan
JL958P004	A	Vehicle swept path analysis - sheet 1
JL958P005	A	Vehicle swept path analysis - sheet 2
J2349		Section details
F1618 L(2-)-103		Elevations and floor plan
F1618 L(2-)-104		Elevations and floor plan
F1618 L(2-)-101 A		Location plan
F1618 L(2-)-102 E		Site plan
981 BD LP 01	A	Landscape proposal
J1958_P002_A		Drainage layout plan



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

18/00811/APP

Site Address:

Land Adjoining Benromach Distillery
Waterford Road

Applicant Name:

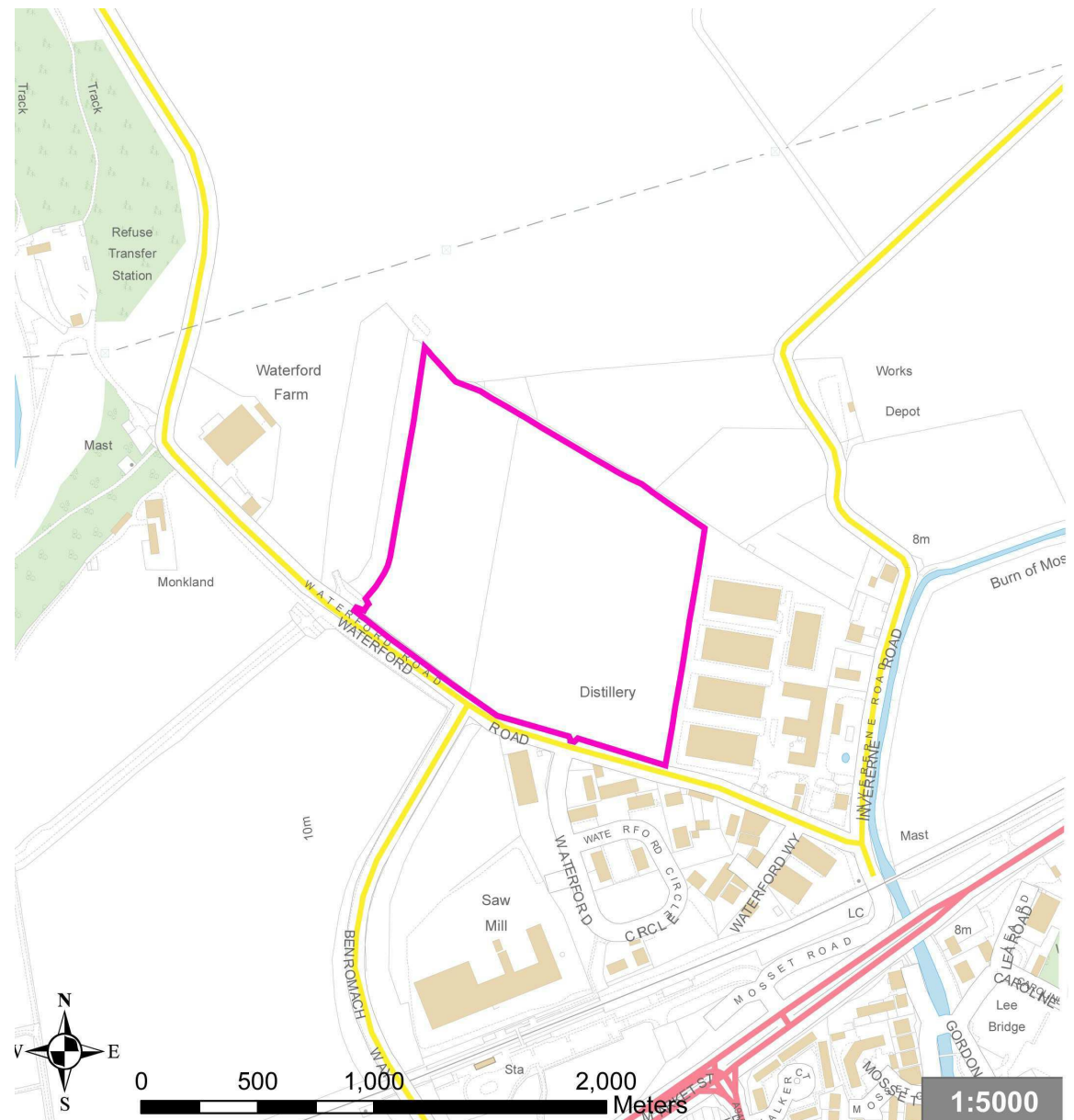
LDN Architects LLP

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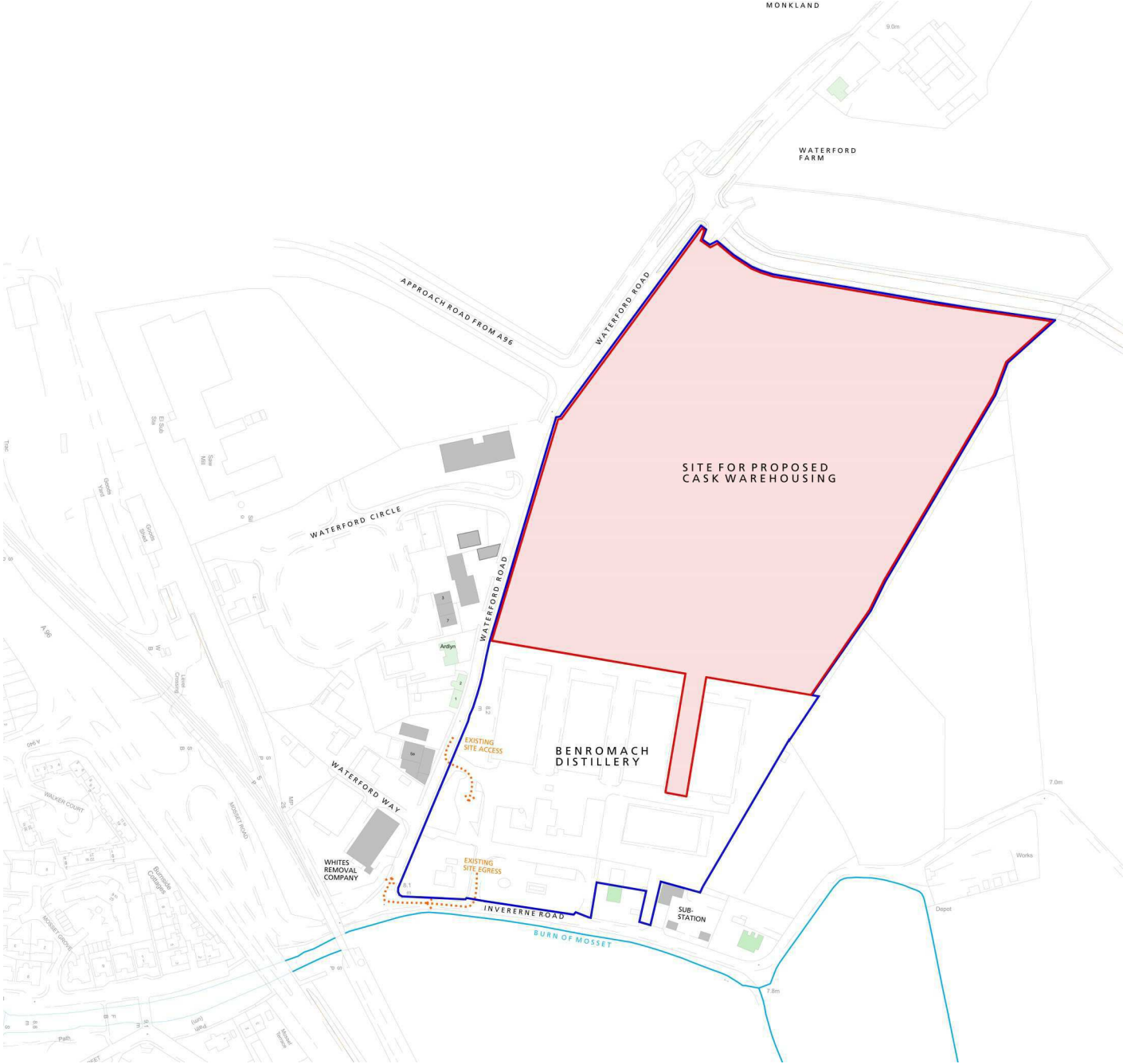
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Location Plan



Site Location











PLANNING APPLICATION: 18/00811/APP

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

THE PROPOSAL

- Planning application to erect 11 new cask warehouses (Class 6 Storage and Distribution) and associated new vehicular access, infrastructure, SUDs pond and landscaping on land adjacent Benromach Distillery, Waterford Road, Forres.
- The warehouses, comprising a mix of double and triple cell buildings would have gross floor spaces ranging from 1,629sqm up to 3,027sqm (with a combined total of 28,688sqm), and material finishes of light grey metal cladding and red timber doors. The buildings would measure 29.9m or 43.0m in width, range in length from 54m to 98.8m (8 variations) and have a ridge height of 10.9m.
- Associated works include the construction of access roads, hardstandings, SUDS drainage (roofwater soakaways (stone filled filtration trenches) and road filter drains discharging to an infiltration basin).
- External lighting would be similar to that already installed at the existing warehouses. This would include movement activated floodlighting which would be attached to each of the buildings (with potential for very occasional switch-on during maintenance work), along with emergency escape lighting and PIR (passive infrared) activated lamps at doorways. There will be no street lighting in the roadways.
- Proposed landscaping proposals would comprise tree/hedgerow planting, species rich/amenity grass around the site perimeter and between each of the rows of buildings, and removal of a row of Poplar trees and small number of others within the existing distillery complex.
- Access would be via the new proposed access (as amended) into the adjacent public road along the southern boundary (subject to phasing) or a new access road served from within the existing distillery complex to the east.
- No new process or foul drainage is proposed.
- Boundary fencing will be retained as found on site i.e. post and wire and hedging. No security fencing is proposed.
- A Design and Access Statement, Planning Policy Statement, Drainage Impact Assessment and SUDs Strategy, Pre-Construction Information, Landscape Specification and Maintenance Report, Arboricultural Method Statement, Pre-application Community Consultation (PAC) Report and Transport Assessment form has been submitted in support of the application.
- Based on indicative phasing proposals it is anticipated that the site will be developed in 4 phases, with the two warehouses, 8 and 9 at the eastern side of the site being built initially, followed by 3 further phases (warehouses 10/11, 12/13 and 14-18) moving westwards across the site over a 10 year period with breaks between construction.

THE SITE

- The application site extends to approx. 6.2ha and forms an area of fallow agricultural land adjacent to the existing distillery, on the north-western edge of Forres.
- The site is bounded by distillery warehouses and trees to the east, farmland to the north, the Waterford Industrial Estate/farmland and new link road from the A96 to the south and a flood alleviation embankment/farmland to the west. Boundaries are currently a mixture of hedgerow, trees and post and wire fencing.
- The site is located on an area of prime agricultural land (Class 2) and within the Forres Countryside Around Towns (CAT) designation, as identified in the Moray Local Development Plan 2015. The site-specific designation Forres I5 which relates to the existing distillery premises lies to the east.
- There are several residential properties in the surrounding area, the nearest being Ardlyn, and 1 and 2 Waterford Road approximately 50m from proposed warehouse no. 8 in the south east corner of the site on the opposite side of Waterford Road, Waterford Farm approximately 140m to the west, beyond the flood alleviation embankment and two properties, Murryfield and Saligo approx. 145m to the east on the far side of the distillery.
- The proposal site is not located within any designated environmentally sensitive areas. The Moray and Nairn Coast SPA and RAMSAR sites, and Findhorn Bay Local Nature Reserve are located approximately 2.5km to the north.
- The SEPA indicative flood map shows that the site is currently identified as being at 'little or no risk' from river or coastal flooding, although it has been subject of historical flooding in the past; an area of land immediately to the west is identified as being at 'medium risk' of river flooding. The SEPA flood map also indicates that the majority of the site is at low risk from surface water flooding, however small localised areas are shown to be at 'medium or high risk' of flooding. The site also benefits from protection from both the Findhorn and Burn of Mosset flood alleviation schemes.
- There are no known sites of archaeological interest within the application site boundary, but there are several in the wider area i.e. crop marks indicating probable prehistoric settlement. The original Benromach distillery buildings and Malt barn are Category B listed.
- Buried power line cross the site and extend around the perimeter.

HISTORY

For the site:

16/01752/PE - Pre-application advice issued (following pre-application meeting) for proposal for cask warehousing to be connected to existing Benromach Distillery. Response confirmed proposal to be a major application as defined within the Heirarchy Regulations, requirement for formal Pre-Application Consultation (PAC) procedures and the potential impacts and planning matters to be addressed within any future planning application.

17/01505/PE - Proposed new distillery and warehousing on land adjoining Benromach Distillery, Waterford Road. Response confirmed proposal to be a major application as defined within the Heirarchy Regulations, requirement for formal Pre-Application Consultation (PAC) procedures and re-iterated previous comments provided under

16/01752/PE - Regarding potential impacts/planning matters to be addressed within any future planning application.

17/01903/PAN - Proposal of Application Notice for cask warehousing to be connected to existing Benromach distillery site submitted to the Council in December 2017 and reported to Committee on 26th February 2018. Response(s) confirmed consultation arrangements and publicity event to be acceptable, and provided feedback from Members to be taken into account as part of the development of the application. This queried whether there were any plans to form new access points onto Waterford Road for new distillery traffic other than the ones used by traffic at that time, and whether there were plans for the electricity cables which traversed overland at that time to be put underground. Further comments sought that consideration be given to the impact on the nearby flood scheme bund to the north and the need to ensure the flood team were fully consulted, and that consideration be given to the importance of sympathetic landscaping/tree planting and environmental issues.

18/00853/HAZ - Application for Hazardous Substance Consent for storage of ethanol (whisky and gin) at the site, currently submitted and pending consideration at the time of writing this report.

For the existing distillery:

99/01139/FUL - Planning consent for change of use of part of former malt barns to whisky storage, including two new external fire escape stairs – granted 1st October 1999.

99/01140/LBC - Listed Building Consent for associated alterations to former malt barns including two new external fire escape stairs – granted 1st October 1999.

POLICY - SEE APPENDIX

ADVERTISEMENTS

- Advertised for neighbour notification purposes where no premises were present on neighbouring land and as a departure from the local development plan.

CONSULTATIONS

Development Plans – The proposal complies with relevant policies PP1 Sustainable Economic Growth, PP3 Placemaking, ED1 Development of New Employment land and E4 Trees and Development (subject to provisos). For the latter this is subject to there being no tree removal outwith the north site boundary and that proposed planting on the north and west boundaries should be of a semi-mature status and of a height that provides the site and proposed warehouses with sufficient containment and visual mitigation.

The proposal is a departure from Policies ER5 Agriculture, E9 Settlement Boundaries and E10 Countryside Around Towns in that the site is identified as Prime Agricultural Land (Class 2), lies immediately outwith the settlement boundary of Forres and within the Forres Countryside Around Towns (CAT) designation.

The proposed development contributes towards the delivery of sustainable economic growth and generally complies with Policy PP1 Sustainable Economic Growth. The proposal is an extension of an existing business onto land identified for future expansion for employment use in the Main Issues Report for the Moray Local Development Plan 2020 and is one option being pursued to provide effective employment land to meet the well-recognised shortfall of employment land in Forres.

Environmental Health Manager – No objections subject to a condition controlling working hours during the construction phase, with audible works at any point on the boundary of any noise sensitive dwelling permitted only between 0700 - 1900 hours, Monday to Friday, and at no other times out with these permitted hours (including National Holidays) unless previously agreed in writing with the Council. Informative advice also provided regarding artificial lighting and dust protection measures, which are controlled under the Environmental Protection Act 1990.

Environmental Health, Contaminated Land - No objection.

Building Standards – A Building Warrant is required.

Moray Access Manager – No objection.

Transportation Manager - Approved subject to conditions requiring provision of details of gates to the new access, signage, footpath and roads drainage infrastructure, appropriate visibility splays, phasing and a Construction Traffic Management Plan.

Moray Flood Risk Management - No objection subject to conditions requiring provision of details of phasing, a construction phase surface water management plan and implementation of the SUDs scheme.

Developer Obligations - No developer obligations identified.

Scottish Environment Protection Agency (SEPA) - No objection subject to a condition requiring submission/approval and implementation of a Construction Environment Management Plan. The site is in an area which has flooded in the past and is part of the natural flood plain, however it now benefits from an appropriate standard of protection from both the Findhorn and Burn of Mosset flood alleviation schemes. As the proposal is for a less vulnerable use and is protected by flood defences SEPA has no objection on flood risk grounds. Surface Water drainage as set out within supporting Drainage Impact Assessment and SUDs Strategy is also considered acceptable in terms of SEPA interests of water quality. Regulatory advice also provided regarding Control of Major Accident Hazards Regulations 2015 (COMAH) and Hazardous Substance Consent regime.

Scottish Natural Heritage (SNH) - No objection. Recommends that a condition be attached regarding implementation the landscape scheme which will provide positive enhancement opportunities that will benefit wildlife.

Health and Safety Executive – Separate Hazardous Substances Consent may be required.

Scottish Water – No objections. Advisory comments confirming sufficient capacity currently within water and waste water treatment works, although further investigations may be required once a formal application is submitted to Scottish Water.

Scottish and Southern Electricity Network – No objections. Advisory comments to applicant to be aware of the underground cable and overhead lines in and around the vicinity of the site.

Aberdeenshire Archaeology Service – No objection subject to a condition requiring submission and approval of a programme of archaeological works for the recording/recovery of archaeological resources found at the site, to safeguard and record the archaeological potential of the area.

Transport Scotland – No objection.

Forres Community Council - No response received at time of writing report.

OBJECTIONS-REPRESENTATIONS

None received.

OBSERVATIONS

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. In this case the main planning issues are considered below.

The application is a major development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, as it includes storage buildings with a combined gross floorspace in excess of 10,000sq m and the area of the site exceeds 2 hectares.

As required under the Planning etc. (Scotland) Act 2006, the proposal has been the subject of pre-application consultation (PAC) procedures with the local community in the lead up to submission of the current application in accordance with the associated Proposal of Application Notice 17/01903/PAN. In this case, this has involved prior notification of a public exhibition event at the Benromach Distillery Visitor Centre on 17th January 2018 through a newspaper advertisement and individual letters to the Moray Council ward members and the Forres Community Council. The PAC report submitted with application identifying the outcome of this public consultation confirms that five visitors attended the event, three of were supportive, with the remaining two being representatives of building contractors on reconnaissance for business.

The application has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. This has concluded that the proposal is not an EIA development and does not require to be the subject to formal EIA procedures.

Primary Policies - PP1, PP2 and PP3

The proposal requires assessment against primary policies PP1, PP2 and PP3 of the MLDP.

Policy PP1 Sustainable Economic Growth favours development proposals which support the Moray Economic Strategy and contribute towards delivery of sustainable economic growth, where the quality of the natural and built environment is safeguarded and relevant policies and site requirements are met. The proposal for new warehouses associated with Benromach Distillery accords with this policy as it will contribute towards the delivery of sustainable economic growth and bring further investment to Moray through provision of distillery related development.

Policy PP2 Climate Change requires proposals to address set objectives in order to contribute to reducing greenhouse gas emissions, i.e. occupy sustainable locations that make efficient use of land and infrastructure, optimise accessibility to active travel and public transport, encourage energy efficiency etc. The proposed warehousing located alongside the existing distillery complex close to the town, with good transport links and access to infrastructure, landscaping/green corridors, and designed to be free of heating and mechanical ventilation would meet these objectives.

Primary Policy PP3 Placemaking requires all residential and commercial (business, industrial and retail) developments to incorporate the key principles of Designing Streets, Creating Places and Urban Design Supplementary Guidance. For major applications and as is this case in this instance, this has included the submission of a Design and Access Statement to aid consideration of the proposal within the context of the site and surrounding area. The proposed layout of warehouses alongside the adjacent distillery complex, of similar form/materials to the existing modern warehouses, together with landscaping, SUDs pond and two access points would represent an appropriate development that would accord with the above principles.

Departures from the Development Plan (Policies ER5, E9 and E10)

The proposal site is located on area of prime agricultural land (Class 2) and is therefore subject to policy ER5 Agriculture. This presumes against irreversible development on prime agricultural land (Classes 1, 2 and 3.1) unless the site is required for settlement expansion and there is no other suitable alternative. As the proposed development does not meet these requirements, the proposal is a departure from Policy ER5.

The proposed site is also located immediately outwith the settlement boundary of Forres, which represents the limit to which the settlement can expand during the current Local Development Plan period. To this end the policy states that, proposals immediately outwith settlement boundaries will not be acceptable unless the site is a designated 'LONG' term development site which is being released for development under the terms of policy H2. The proposal is not a designated 'LONG' term development site and therefore departs from Policy E9

The site is within the Forres Countryside Around Towns (CAT) designation. Policy E10 stipulates that proposals within a CAT will be refused unless they meet criteria such as the change of use of existing buildings, is necessary for the purposes of agriculture, forestry, low intensity recreational or tourism use, is specifically allowed under the terms of other Moray Local Development Plan policies or are a designated 'LONG' site. The proposal does not meet any of the criteria and therefore is also a departure from Policy E10.

Whilst the above departure issues are acknowledged, it is considered that there are material considerations in this instance which support a departure. These include; 1) the policy support afforded to the proposal by the three Primary Policies as it would contribute to economic growth, be in a sustainable location that makes efficient use of land and infrastructure and follows placemaking principles, 2) that the proposal is essentially an extension of an long established business onto adjoining land and would meet the well-recognised shortfall of employment land in Forres, and 3) the incorporation of substantial landscaping plans designed to soften and visually contain the development and enhance the site for wildlife, with biodiversity benefits.

Siting, Design & Amenity (Policies PP1, PP3, ED1, E4 and IMP1)

The proposal for 11 warehouses would result in a significant expansion of the Benromach Distillery on the edge of Forres. Policies PP1 Sustainable Economic Development and PP3 Placemaking (as already outlined) is supportive of such proposals provided the quality of the natural and built environment is safeguarded and relevant policies and site requirements are met. For new industrial and business related development, Policy ED1 Development of New Employment Land sets out relevant criteria that proposals must satisfy i.e. provision of satisfactory road access, parking and pedestrian links to the wider transport network, adequate foul and surface water drainage, landscaping and protection of the natural environment etc. Policy E4 Trees and Development protects trees/woodland and where this is removed in association with development, the provision of compensatory planting. Policy IMP1 Developer Requirements requires new proposals to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area and to comply with set criteria, such as integrate into the surrounding landscape, and provision of adequate infrastructure.

In terms of siting and design, the proposed warehouses aligned with the existing warehouses to the east, with similar low profile designs would represent an appropriate form of development that would be compatible with their surroundings. They would be of similar height and form to the existing modern warehouses and have a neutral coloured finish of light grey metal cladding to the walls and roof. Current boundary treatment consisting of post and wire fencing and hedgerow would also largely be retained (with the exception of a section along Waterford Road where the new access and visibility splay is to be formed). Substantial landscaping mitigation proposals across the site comprising tree and hedgerow planting, and species rich and amenity grass around the site perimeter and between each of the rows of buildings would further help to integrate the development with its surroundings, as it becomes established. Given these siting factors, the proposed development although large in area would not result in significant adverse visual impacts upon the landscape.

The above plans informed by a detailed Arboricultural Method Statement include the proposed removal of a row of poplar trees and a limited number of other trees within the distillery complex itself which runs along the eastern site perimeter, however this would be acceptable given the extent of new mitigation planting proposed which would in time provide robust screening to the new warehousing meeting the terms of policy E4. This will be covered by the imposition of a planning condition including phasing arrangements.

The distance of the proposed warehouses in relation to the nearest dwelling houses (50m and 140m) coupled with the low key nature of the use of the proposed buildings for maturation storage would also serve to ensure that no significant loss of residential amenity (i.e. noise or emission impacts) would occur subject to conditions. The Environmental Health Manager has been consulted and has raised no objection to the

proposals subject to a condition controlling working hours during the construction phase, and informative advice regarding artificial lighting and dust protection measures (which are controlled under the Environmental Protection Act 1990). This condition together with the informative advice shall be attached to the decision notice.

In light of the above considerations and subject to the conditions as recommended the proposal would comply with siting, design and amenity requirements of the abovementioned policies ED1 and IMP1, E4, and PP1 and PP3.

Access, Parking and Traffic (T2, T5, IMP1 and IMP2)

Policies T2, T5, IMP1 and IMP2 require developments to provide safe entry and exit onto the public road with appropriate visibility splays, mitigation/modifications to the road network to address impacts from proposals, adequate parking provision and submission of Transport Information to aid assessment of transport/traffic impacts (where required).

In this case proposed access arrangements involving a new proposed access (as amended) into the adjacent public road along the southern boundary and a new access road from the distillery complex to the east would meet these requirements (subject to conditions). No staff parking is proposed as adequate provision already exists on site. A Transport Assessment Form has also been submitted with the application which contains transport and traffic information and indicates that (following construction and initial filling with barrels) any impact upon the local road network would not be significant.

The Transportation Section has assessed these elements and additional information submitted and has raised no objection subject to conditions requiring the submission, approval and implementation of details of gates/barriers to the new vehicular access with adequate set back from the road, signage, footpath and roads drainage infrastructure, appropriate visibility splays, phasing and a Construction Traffic Management Plan. Subject to compliance with these conditions, the proposals would accord with the above policies.

Drainage (EP5 and IMP1)

Policies EP5 Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS) and IMP1 Developer Requirements require the provision of SUDs to address the disposal of surface water from the development.

As outlined within supporting Drainage Impact Assessment and additional supporting information, proposed surface water drainage arrangements in this case would involve installation of individual roof water soakaways (stone filled filter trenches) for each of the warehouses and filter drains for the new roadways that would then discharge into an infiltration basin at the southwest corner of the site. These would be designed and appropriately sized to accommodate surface water flows from up to a 1 in 200 year storm event and ensure that the post-development run off rate does not exceed the pre-development/greenfield run off rate or increase flood risk.

Both SEPA and the Flood Risk Management Team have reviewed these submissions and have raised no objection. Conditions requiring implementation of these drainage arrangements and submission/approval of details of phasing and a construction phase surface water management plan are covered by condition.

Subject to compliance with the recommended conditions, the proposal complies with policy EP5 and IMP1 in relation to surface water drainage.

Flood Risk (EP7)

The site has flooded in the past and is part of the natural flood plain, however it now benefits from an appropriate standard of protection from both the Findhorn and Burn of Mosset flood alleviation schemes. Based on SEPA indicative flood maps the site is located within an area currently identified as being at 'little or no risk' from river or coastal flooding. An area of land immediately to the west is shown as being at 'medium risk' of river flooding. The SEPA flood map also indicates that the majority of the site is at low risk from surface water flooding, although small localised areas are identified as being at 'medium or high risk'. As such the proposal requires assessment under the terms of policy EP7 Control of Development in Flood Risk Areas, including consultation with SEPA and the Flood Risk Management Section.

Following consultation, SEPA has raised no objection on flood risk grounds as the proposal is for a less vulnerable use (storage and distribution) use as defined in SEPA guidance and is situated on land behind flood defences, protected by both the Findhorn and Burn of Mosset flood alleviation schemes.

Similarly the Flood Risk Management Section has raised no objection on flood grounds following assessment of the proposed drainage infrastructure.

Pollution Prevention (EP8 and EP12)

Policies EP8 Pollution and EP12 Air Quality aim to ensure that new developments do not cause unacceptable pollution in terms of noise, air, water and light emissions, and where potential impacts are identified that these be can appropriately mitigated.

The proposed warehouse development, to be used for storage and maturation of whisky, with relatively low levels of traffic, and being sufficiently distant from residential properties in the surrounding area would not give rise to any unacceptable pollution impacts in terms of noise, air and light. Similarly, the distance between the proposal site and watercourses in the area, the nearest being the Burn of Mosset 180m to the east and the River Findhorn 350m to the west would ensure that pollution of the water environment is unlikely to occur.

SEPA has been consulted in this regard and has raised no objection subject to a condition requiring submission/approval of a site specific Construction Environment Management Plan/CEMP (in consultation with SEPA) and its implementation during the construction phase in order to prevent potential pollution on the environment and ensure the sustainable management of materials and waste. A condition to this effect shall be attached to the decision notice as recommended.

External lighting described within supporting information as comprising movement activated and emergency escape lighting attached to each of the buildings, with no street lighting proposed for the new roads coupled with distance from surrounding housing would also minimise the potential for light pollution or nuisance. The submission and approval of these detailed arrangements shall be covered by planning condition.

The Environmental Health Manager has raised no objection to the proposal subject to imposition of a condition controlling working hours during the construction phase, with works audible at any point on the boundary of any noise sensitive dwelling being permitted only between 0700 - 1900 hours, Monday to Friday, and at no other times out with these permitted hours (including National Holidays) unless previously agreed in writing with the

Council. Informative advice regarding artificial lighting and dust protection measures which are controlled separately under the Environmental Protection Act 1990 is also highlighted.

From the above and subject to the conditions as recommended the proposal is considered to comply with policies EP8 and EP12.

Natural Environment (E1, E2 and E3)

Policies E1 Natura 2000 Sites and National Nature Conservation Sites, E2 Local Nature Conservation Sites and Biodiversity and E3 Protected Species aim to protect the integrity of designated and local wildlife sites, and protected species against inappropriate development.

The site itself is not subject to any site-specific nature conservation designation, although natural heritage interests occur within the wider area, in this case the Moray and Nairn Coast Special Protection Area and RAMSAR sites and Findhorn Bay Local Nature Reserve located approximately 2.5km to the north. The proposal would have no adverse impacts on these designated areas given this separation distance and as there are no hydrological connections (water courses or drainage ditches) between the proposal and the areas. As the site is currently fallow agricultural land, it is also of limited natural heritage interest with low bio-diversity value. Supporting information contends that the introduction of the new use with largely retained hedgerow margins and additional landscaping would increase the receptiveness of the site to bio-diversity through removing the agricultural use and providing opportunities for enhancement of flora and fauna. Informative advice shall be attached highlighting relevant legislative requirements regarding the protection of nesting birds that may be present along the site boundaries

Scottish Natural Heritage (SNH) has assessed the proposal and welcomes the submitted landscape proposals with supporting Arboricultural Information which are designed to enhance bio-diversity within the site through use of native species of local provenance and provide positive opportunities that will benefit wild life. Implementation of these plans and measures as outlined within the supporting measures shall be addressed by a planning condition, as recommended by SNH.

From the above the proposal is compliant with policies E1, E2 and E3.

Cultural Heritage (BE1 and BE2)

Policy BE1 Scheduled Ancient Monuments and National Designations seeks the preservation of these interests, and their historic recording if preservation proves impracticable and Policy BE2 the protection of listed buildings and their settings.

Although there are no known sites of archaeological interest within the application site boundary, there are several in the wider area, namely crop marks indicating probable prehistoric settlement. Following consultation, the Aberdeenshire Archaeology Service has raised no objection to the granting of permission, subject to a condition requiring submission and approval of a programme of archaeological works for the recording/recovery of archaeological resources found at the site, to safeguard and record the archaeological potential of the area. This shall be attached to the decision notice as recommended.

The original Benromach distillery buildings and Maltbarn are Category B listed and located to the east of the site behind the existing modern warehousing. The proposed

warehousing would not have an adverse impact on the setting of these listed buildings given these existing intervening modern buildings which would provide a visual buffer.

Based on the above, and subject to the condition as recommended policies BE1 and BE2 are met.

Developer Obligations (IMP3 and IMP1)

Policy IMP3 seeks obligations from developers where development would have a measureable adverse or negative impact on existing infrastructure, community facilities or amenity. In this case, following an assessment, no requirement for obligations has been identified by the Developer Obligations Officer.

REASON(S) FOR DECISION

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

The proposed warehouse development, being located on prime agricultural land immediately outwith the Forres settlement boundary and within the Forres Countryside Around Towns (CAT) designation would represent a departure from Policies ER5, E9 and E10, but can be supported having regard to the nature, scale and location of the proposed development which would contribute to economic growth and not prejudice the objectives of those policies. In all other respects, including landscape and visual, transportation, drainage, pollution prevention, cultural and natural heritage, etc. interests, the proposal is considered to accord with the provisions of the development plan and there are no material considerations that indicate otherwise.

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APPENDIX

POLICY

Adopted Moray Local Development Plan 2015

Moray Local Development Plan 2015 - Material Consideration

Primary Policy PP1: Sustainable Economic Growth

The Local Development Plan identifies employment land designations to support requirements identified in the Moray Economic Strategy. Development proposals which support the Strategy and will contribute towards the delivery of sustainable economic growth and the transition of Moray towards a low carbon economy will be supported where the quality of the natural and built environment is safeguarded and the relevant policies and site requirements are met.

Primary Policy PP2: Climate Change

In order to contribute to reducing greenhouse gas emissions, developments of 10 or more houses and buildings in excess of 500 sq m should address the following:

- Be in sustainable locations that make efficient use of land and infrastructure
- Optimise accessibility to active travel options and public transport
- Create quality open spaces, landscaped areas and green wedges that are well connected
- Utilise sustainable construction techniques and materials and encourage energy efficiency through the orientation and design of buildings
- Where practical, install low and zero carbon generating technologies
- Prevent further development that would be at risk of flooding or coastal erosion
- Where practical, meet heat and energy requirements through decentralised and local renewable or low carbon sources of heat and power
- Minimise disturbance to carbon rich soils and, in cases where it is agreed that trees can be felled, to incorporate compensatory tree planting.

Proposals must be supported by a Sustainability Statement that sets out how the above objectives have been addressed within the development. This policy is supported by supplementary guidance on climate change.

Primary Policy PP3: Placemaking

All residential and commercial (business, industrial and retail) developments must incorporate the key principles of Designing Streets, Creating Places and the Council's supplementary guidance on Urban Design.

Developments should;

- create places with character, identity and a sense of arrival
- create safe and pleasant places, which have been designed to reduce the fear of crime and anti social behaviour
- be well connected, walkable neighbourhoods which are easy to move around and designed to encourage social interaction and healthier lifestyles
- include buildings and open spaces of high standards of design which incorporate sustainable design and construction principles
- have streets which are designed to consider pedestrians first and motor vehicles last and minimise the visual impact of parked cars on the street scene.
- ensure buildings front onto streets with public fronts and private backs and have clearly defined public and private space
- maintain and enhance the natural landscape features and distinctive character of the area and provide new green spaces which connect to green and blue networks and promote biodiversity
- The Council will work with developers and local communities to prepare masterplans, key design principles and other site specific planning guidance as indicated in the settlement designations.

Policy ED1: Development of New Employment Land

The formation of new industrial estates, or business related development will require to satisfy the following requirements. Where appropriate, further details will be contained in site designation texts in settlement statements.

Road Access: Junctions with the public road and internal service roads should be built to Moray Council standards for adoption, and provision made for on site and off site parking. Layout proposals should provide for pedestrian and cycle links and provide options for linking with public transport services (eg by provision of bus stops/laybys/shelters as deemed appropriate).

Drainage: All foul drainage must connect to the public sewer, with surface water drainage incorporating appropriate sustainable urban drainage (SUDS).

Landscaping: Requirements for individual sites will be specified in more detail in the relevant settlement designation. Proposals should address issues such as screening; noise barriers; treatment at boundaries/frontages; general visual appearance of the site. Details for maintenance arrangements will be required for landscaped areas.

Design: Where site frontages are highly visible (eg onto a main road, or town gateway site) a high standard of design for front elevations; layout of yard; storage areas; parking must be a consideration.

Designing Out Crime: New estates should be designed so that they provide deterrents to crime, by ensuring sufficient lighting, planting and boundary treatments. Consultation will be carried out with Police Scotland for new proposals. Examples of best practice will be provided to applicants at pre- application stage.

Natural Environment: Provision should be made to ensure appropriate protection and enhancement of the natural environment, and integration with natural heritage on adjacent lands.

Waste Management: Provision should be made for the collection, separation and management of waste materials.

I5: Ben Romach Distillery

A detailed flood risk assessment will be required for any application submitted for this site.

A walkover and photographic survey of habitats is required to assess the presence of wetlands and to identify any consequent requirement to address/mitigate the impact on groundwater dependant terrestrial ecosystems.

Policies ED2 and ED4 apply.

Policy E4: Trees and Development

The Council will serve Tree Preservation Orders (TPO's) on potentially vulnerable trees which are of significant amenity value to the community as a whole, 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 protection should be replaced, unless otherwise agreed with the Council.

Woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The Council may attach conditions on planning consents ensuring that existing trees and hedges are retained or replaced.

Development proposals will be required to meet the requirements set out in the Council's Trees and Development Supplementary Guidance. This includes carrying out a tree survey to identify trees on site and those to be protected. A safeguarding distance should be retained between mature trees and proposed developments.

When imposing planting or landscaping conditions, native species should be used and the Council will seek to promote green corridors.

Proposals affecting woodland will be considered against Policy ER2.

Policy E5: Open Spaces

Safeguarding Open Spaces

Development which would cause the loss of, or adversely impact on, areas identified under the ENV designation in settlement statements and the amenity land designation in rural groupings will be refused unless;

- The proposal is for a public use that clearly outweighs the value of the open space or the proposed development is ancillary to the principal use and will enhance use of the site for sport and recreation; and
- The development is sited and designed to minimise adverse impacts on the recreational, amenity and biodiversity value of the site; and
- There is a clear excess of the type of ENV designation within easy access in the wider area and loss of the open space will not negatively impact upon the overall quality and quantity of open space provision, or

Alternative provision of equal or greater benefit will be made available and is easily accessible for users of the developed space.

Provision of new Open Spaces

Quantity

New green spaces should be provided to the following standards;

- Residential sites less than 10 units - landscaping to be determined under the terms of policies PP3 and IMP1 to integrate the new development.
- Residential sites 10-50 units and new industrial sites- minimum 15% open space
- Residential sites 51-200 units- minimum 20% open space
- Residential sites 201 units and above and Business Parks- minimum 30% open space including allotments, formal parks and playspaces within residential sites.

Quality

New green spaces should be;

- Overlooked by buildings with active frontages
- Well positioned, multi functional and easily accessible
- Well connected to adjacent green and blue corridors, public transport and neighbourhood facilities
- Safe, inclusive and welcoming

- Well maintained and performing an identified function
- Support the principles of Placemaking policy PP3.

Allotments

Proposals for allotments on existing open spaces will be supported where they do not adversely affect the primary function of the space or undermine the amenity value of the area and where a specific locational requirement has been identified by the Council. Consideration will include related aspects such as access and car parking and not just the allotment area itself.

Policy E9: Settlement Boundaries

Settlement boundaries are drawn around each of the towns, villages and rural communities representing the limit to which these settlements can expand during the Local Development Plan period. Development proposals immediately outwith the boundaries of these settlements will not be acceptable, unless the proposal is a designated "LONG" term development site which is being released for development under the terms of Policy H2.

(In accordance with policy H11, for proposals involving Gypsy/Traveller sites, a distance of 1km will be applied as being "immediately outwith".)

Policy E10: Countryside Around Towns

Development proposals within the Countryside Around Towns (CAT's) areas identified around Elgin, Forres, Buckie, Keith and Lossiemouth will be refused unless they:

- involve the rehabilitation, conversion, limited extension, replacement or change of use of existing buildings, or
- are necessary for the purposes of agriculture, forestry, low intensity recreational or tourism use or specifically allowed under the terms of other Local Development Plan policies or settlement statements within these areas (excluding houses in all these cases), or
- are a designated "LONG" term housing allocation, released for development under the terms of Policy H2.

Policy ER5: Agriculture

The Council will support the agricultural sector by:

- Presuming against irreversible development on prime agricultural land (classes 1,2 and 3.1) unless the site is required for settlement expansion and there is no other suitable alternative.
- Supporting farm diversification proposals in principle and supporting business proposals which are intended to provide additional income/ employment on farms.

Proposals for agricultural buildings with a locational requirement will be subject to visual, landscape and amenity considerations and considered against the relevant environmental policies.

Policy T2: Provision of Access

The Council will require that new development proposals are designed to provide the highest level of access for end users including residents, visitors, and deliveries appropriate to the type of development and location. Development must meet the following criteria:

- Proposals must maximise connections and routes for pedestrian and cyclists, including links to active travel and core path routes, to reduce travel demands and provide a safe and realistic choice of access.
- Provide access to public transport services and bus stop infrastructure where appropriate.
- Provide appropriate vehicle connections to the development, including appropriate number and type of junctions.
- Provide safe entry and exit from the development for all road users including ensuring appropriate visibility for vehicles at junctions and bends.
- Provide appropriate mitigation/modification to existing transport networks where required to address the impacts of new development on the safety and efficiency of the transport network. This may include but would not be limited to, the following measures, passing places, road widening, junction enhancement, bus stop infrastructure and drainage infrastructure. A number of potential road improvements have been identified in association with the development of sites the most significant of these have been shown on the Settlement Map as TSPs.
- Proposals must avoid or mitigate against any unacceptable adverse landscape or environmental impacts.

Developers should give consideration to aspirational core paths (under Policy 2 of the Core Paths Plan) and active travel audits when preparing proposals.

New development proposals should enhance permeability and connectivity, and ensure that opportunities for sustainable and active travel are protected and improved.

The practicality of use of public transport in more remote rural areas will be taken into account however applicants should consider innovative solutions for access to public transport.

When considered appropriate by the planning authority developers will be asked to submit a Transport Assessment and Travel Plan.

Significant travel generating proposals will only be supported where:

- Direct links to walking and cycling networks are available;

- Access to public transport networks would involve walking no more than 400m;
- It would not have a detrimental effect on the capacity of the strategic road and/or rail network; and
- A Transport Assessment identifies satisfactory mechanisms for meeting sustainable transport requirements and no detrimental impact to the performance of the overall network.

Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

Policy T5: Parking Standards

Proposals for development must conform with the Council's current policy on parking standards.

Policy EP5: Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

Surface water from development should be dealt with in a sustainable manner that has a neutral effect on the risk of flooding or which reduces the risk of flooding. The method of dealing with surface water should also avoid pollution and promote habitat enhancement and amenity. All sites should be drained by a sustainable drainage system (SUDS). Drainage systems should contribute to enhancing existing "blue" and "green" networks while contributing to place-making, biodiversity, recreational, flood risk and climate change objectives.

Specific arrangements should be made to avoid the issue of permanent SUD features becoming silted-up with construction phase runoff. Care must be taken to avoid the introduction of invasive non-native species during the construction of all SUD features.

Applicants must agree provisions for long term maintenance of the SUDS scheme to the satisfaction of the Council in consultation with SEPA and Scottish Water as appropriate.

A Drainage Assessment (DA) will be required for developments of 10 houses or more, industrial uses, and non-residential proposals of 500 sq metres and above.

The Council's Flood Team will prepare Supplementary Guidance on surface water drainage and flooding.

Policy EP7: Control of Development in Flood Risk Areas

New development should not take place if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. 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 National Guidance and to the satisfaction of both the Scottish Environment Protection Agency and the Council is provided by the applicant. This assessment must demonstrate that any risk from flooding can be satisfactorily mitigated without increasing flood risk elsewhere. 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.

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 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 extreme 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 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
 - Job related accommodation e.g. for caretakers or operational staff.

Areas within these risk categories will generally not be suitable:

- 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 flow), and
- An alternative, lower risk location is not available and
- 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 should be used where appropriate. Elevated buildings on structures such as stilts are unlikely to be acceptable.

Policy EP8: Pollution

Planning applications for developments that may cause significant pollution in terms of noise (including RAF aircraft noise), air, water and light emissions will only be approved where a detailed assessment report on the levels, character and transmission of the potential pollution is provided by the applicant. The assessment should also demonstrate how the pollution can be appropriately mitigated. Where the Council applies conditions to the consent to deal with pollution matters these may include subsequent independent monitoring of pollution levels.

Policy EP12: Air Quality

Development proposals, which, individually or cumulatively, may adversely affect the air quality in an area to a level which could cause harm to human health and wellbeing or the natural environment must be accompanied by appropriate provisions (deemed satisfactory to the Council and Scottish Environment Protection Agency as appropriate) which demonstrate how such impacts will be mitigated.

Some existing land uses may have a localised detrimental effect on air quality, any proposals to locate development in the vicinity of uses and therefore introduce receptors to these areas (e.g. housing adjacent to busy roads) must consider whether this would result in conflict with the existing land use. Proposals which would result in an unacceptable conflict with existing land use and air quality will not be approved.

Policy E1: Natura 2000 Sites and National Nature Conservation Sites

Natura 2000 designations

Development likely to have a significant effect on a Natura 2000 site which is not directly connected with or necessary to its conservation management 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 Natura site may be approved where;

- a) there are no alternative solutions; and
- b) there are imperative reasons of over-riding public interest including those of a social or economic nature, and
- c) if compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

For Natura 2000 sites hosting a priority habitat or species (as defined in Article 1 of the Habitats Directive), prior consultation with the European Commission via Scottish Ministers is required unless either the imperative reasons of overriding public interest relate to human health, public safety or beneficial consequences of primary importance to the environment.

National designations

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

- a) the objectives of designation and the overall integrity of the area will not be compromised; or
- b) 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.

Policy E2: Local Nature Conservation Sites and Biodiversity

Development likely to have a significant adverse effect on Local Nature Reserves, native woodlands identified in the Native Woodland Survey of Scotland, raised peat bog, wetlands, protected species, wildlife sites or other valuable local habitat or conflict with the objectives of Local Biodiversity Action Plans will be refused unless it can be demonstrated that;

- a) local public benefits clearly outweigh the nature conservation value of the site, and
- b) there is a specific locational requirement for the development

Where there is evidence to suggest that a habitat or species of importance exists on the site, the developer will be required at his own expense to undertake a survey of the site's natural environment.

Where development is permitted which could adversely affect any of the above habitats or species the developer must put in place acceptable mitigation measures to conserve and enhance the site's residual conservation interest.

Development proposals should protect and where appropriate, create natural and semi natural habitats for their ecological, recreational and natural habitat values. Developers will be required to demonstrate that they have considered potential improvements in habitat in the design of the development and sought to include links with green and blue networks wherever possible.

Policy E3: Protected Species

Proposals which would have an adverse effect on a European protected species will not be approved unless;

- there is no satisfactory alternative; and
- the development is required to preserve public health or public safety, or for other reasons of overriding public interest, including those of a social or economic nature, and beneficial consequences of primary importance for the environment; and the development will not be detrimental to the maintenance of the population of species concerned at a favourable conservation status of the species concerned.

Proposals which would have an adverse effect on a nationally protected species of bird will not be approved unless;

- There is no other satisfactory solution
- The development is necessary to preserve public health or public safety
- The development will not be detrimental to the conservation status of the species concerned.

Proposals which would have an adverse effect on badgers or their setts must be accompanied by a Badger Protection Plan to avoid, minimise or compensate for impacts. A licence from Scottish Natural Heritage may be required as well as planning permission. Where a protected species may be affected a species survey should be prepared to accompany the application to demonstrate how any offence under the relevant legislation will be avoided.

Policy BE1: Scheduled Monuments and National Designations

National Designations

Development Proposals will be refused where they will adversely affect Scheduled Monuments and nationally important archaeological sites or their settings unless the developer proves that any significant adverse effect on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance.

Local Designations

Development proposals which will adversely affect sites of local archaeological importance or the integrity of their settings will be refused unless it can be demonstrated that;

- a) Local public benefits clearly outweigh the archaeological value of the site, and
- b) There is no suitable alternative site for the development, and
- c) Any adverse effects can be satisfactorily mitigated at the developers expense

Where in exceptional circumstances, the primary aim of preservation of archaeological features in situ does not prove feasible, the Council shall require the excavation and researching of a site at the developers expense.

The Council will consult Historic Scotland and the Regional Archaeologist on development proposals which may affect Scheduled Monuments and archaeological sites.

Policy BE2: Listed Buildings

The Council will encourage the protection, maintenance, enhancement and active use of listed buildings.

Development proposals will be refused where they would have a detrimental effect on the character, integrity or setting of the 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.

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 conservation and re-use.

No listed building should be demolished unless it can be clearly demonstrated that every effort has been made to retain it. Where demolition of a listed building is proposed it must be shown that;

- a) The building is not of special interest; or
- b) The building is incapable of repair; or
- c) The demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
- d) 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 should be of a comparable quality and design to retain and enhance special interest, character and setting of the listed building(s).

Buildings which are allowed to fall into a state of disrepair may be placed on the Buildings at Risk Register and remedial works to buildings in disrepair may be enforced in the public interest.

Proposals should be in accordance with guidance set out in the Scottish Historic Environment Policy (SHEP) and the Managing Change in the Historic Environment guidance note series.

Policy IMP1: Developer Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It should comply with the following criteria

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape

- c) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.

Policy IMP2: Development Impact Assessments

The Council will require applicants to provide impact assessments in association with planning applications in the following circumstances:

- a) An Environmental Assessment (EA) will be required for developments that are likely to have significant environmental affects under the terms of the regulations.
- b) A Transport Assessment (TA) will be sought where a change of use or new development is likely to generate a significant increase in the number of trips being made. TAs should identify any potential cumulative effects which would need to be addressed. Transport Assessments should assess the effects the development will have on roads and railway infrastructure including stations and any crossings. Transport Scotland (Trunk Roads) and Network Rail (Railway) should be consulted on the scoping of Transport Assessments. Moray Council's Transportation Service can assist in providing a screening opinion on whether a TA will be sought.
- c) In order to demonstrate that an out of centre retail proposal will have no unacceptable individual or cumulative impact on the vitality and viability of the

identified network of town centres, a Retail Impact Assessment will be sought where appropriate. This may also apply to neighbourhood shops, ancillary retailing and recreation/tourism retailing.

- d) Where appropriate, applicants may be asked to carry out other assessments (e.g. noise; air quality; flood risk; drainage; bat; badger; other species and habitats) in order to confirm the compatibility of the proposal.

Policy IMP3: Developer Obligations

Contributions will be sought from developers in cases where, in the Council's view, a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity, and such contributions would have to be appropriate to reduce, eliminate or compensate for that impact.

Where the necessary contributions can be secured satisfactorily by means of planning conditions attached to a planning permission, this should be done, and only where this cannot be achieved, for whatever reason, the required contributions should be secured through a planning agreement.

The Council will prepare supplementary guidance to explain how the approach will be implemented in accordance with Circular 3/2012 on Planning Obligations. This will detail the necessary facilities and infrastructure and the scale of contributions likely to be required.

In terms of affordable housing, developments of 4 or more units will be expected to make a 25% contribution, as outlined in policy H8



**REPORT TO: PLANNING & REGULATORY SERVICES COMMITTEE ON
13 NOVEMBER 2018**

**SUBJECT: PROPOSED WIND FARM COMPRISING OF 7 WIND TURBINES 6
OF A MAXIMUM HEIGHT BASE TO TIP NOT EXCEEDING 149.9M,
AND 1 OF MAXIMUM HEIGHT NOT EXCEEDING 134M,
EXTERNAL TRANSFORMER HOUSING, SITE TRACKS, CRANE
PAD FOUNDATIONS, UNDERGROUND ELECTRICITY CABLE,
CONTROL BUILDING, TEMPORARY CONSTRUCTION AND
COMPOUND, 2 BORROW PITS, ASSOCIATED
WORKS/INFRASTRUCTURE AND HEALTH AND SAFETY
SIGNAGE AT, PAUL'S HILL II WIND FARM, BALLINDALLOCH,
MORAY (PLANNING REFERENCE 18/00523/S36)**

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING & INFRASTRUCTURE)**

1. REASON FOR REPORT

- 1.1 This report asks the Committee to consider a proposed response to a request for consultation from the Scottish Government - Energy Consents Unit (ECU) relating to an application received by them for consent under Section 36 of the Electricity Act 1989 (which includes deemed planning permissions) for the extension of Pauls Hill windfarm.
- 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 the Committee;-

- i) consider and note the contents of the report, as set out in Appendix 1, including the conclusions regarding the planning merits of the development which take into account the Moray Local Development Plan 2015 and all material considerations including the presence of an existing windfarm at Pauls Hill;
- ii) in responding to the consultation request from the Scottish Government, agree to lodge an objection to the proposed development on the basis of the recommendations set out in Appendix 1, in particular in terms of the considered unacceptable

landscape and visual impacts that would arise from the position and height of proposed turbines on the site;

- iii) consider whether any additional comments on the proposal should be submitted;
- iv) agree that in the event of approval and prior to determination, the Council request it be consulted on proposed conditions to be attached to any consent;
- v) agree that in the event of approval no additional expansion of the rock cut at the existing windfarm entrance should be permitted (if this is intended to facilitate turbine delivery) as the details provided are not clear on this matter.

3. BACKGROUND

- 3.1 The applicant, Natural Power Consultants Ltd has lodged an application for consent under Section 36 of the Electricity Act 1989 for the construction, operation and decommissioning of a proposed windfarm extension at Pauls Hill, near Ballindalloch. If granted, planning permission is deemed to be granted for the development (see Site Plan in **Appendix 2**).
- 3.2 As the estimated output of the windfarm, combined with that of the operational windfarm at Pauls Hill will exceed 50mW, the proposal is to be determined by the ECU. Responsibility for consultation with statutory consultees, relevant local authorities, receipt of representations and determination lie 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 invited Moray Council to comment on the proposed wind farm development within a specific timeframe along with other consultees. The response from Moray Council is due to be returned after this Committee as an extension of two days following committee consideration was agreed.
- 3.4 The developers were required to go through Pre Application Consultation with local communities and two public exhibitions were advertised and held in Aberlour and Knockando on the 8th and 9th of November 2017.

4. 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 determines to object to the proposal, a Public Inquiry 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.

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 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 Inquiry, staff time and resources (planning and legal officers) will be required for preparation and attendance at any Inquiry.

(f) Property

None.

(g) Equalities/Socio Economic Impact

None.

(h) Consultations

The Corporate Director (Economic Development Planning & Infrastructure), the Head of Development Services, the Legal Services Manager (Property and Contracts), the Equal Opportunities Officer, Manager, Development Management, the Transportation Manager, Gary

Templeton (Principal Planning Officer) and Lissa Rowan (Committee Services Officer) have been consulted and comments received have been incorporated into the report.

5. CONCLUSION

- 5.1 From Appendix 1, the planning merits have been considered relative to current development plan policy and material considerations, including the wind energy supplementary planning policy guidance and wind energy landscape capacity study prepared by the Council.**
- 5.2 Whilst national policy provides support for renewable energy proposals the proposal is not considered to be in full accordance with local (development plan) policy and guidance.**
- 5.3 Notwithstanding the material considerations advanced by the applicant (including matters identified in the submitted Environmental Statement) on balance, Officers would make the following recommendation that would form the basis of the response to the ECU (as stated in Appendix 1 and repeated below).**

The proposed development is contrary to Moray Local Development Plan 2015 policies PP1 Sustainable Economic Growth, ED7 Rural Business Proposals, ER1 Renewable Energy Proposal, IMP1 Developer Requirements and Moray Onshore Wind Energy 2017 Policy Guidance and The Moray Wind Energy Landscape Capacity Study 2017 for the following reasons;-

- 1. The proposed development by virtue of the proposed turbine positions and height close to and competing with the landmark hill Roy's Hill, would diminish its prevalence and distinctiveness within the landscape. The turbines would also stop Roy's Hill acting as an effective buffer, containing the existing windfarm at Pauls Hill from the surrounding lower valleys to the east and south;**
- 2. The turbines will be located close to the edge of the 'Open Rolling Upland' Landscape Character Type (LCT) 11 and the identified area of potential for larger turbines within that LCT. The proposed turbines will therefore encroach visually upon the more complex lower Spey Valley to the south and to the more settled Upper Knockando area to the east and north east. Specifically proposed Turbines 6 and 7 would impact on the Spey Valley and Turbine 1 and 2 would particularly impact upon the Upper Knockando area closer to the windfarm;**
- 3. The proposed windfarm extension would be detrimental to the scale and well enclosed setting of the existing Pauls Hill windfarm by introducing substantially larger turbines closer to the contained edges of the upland area it currently occupies. From certain views the proposed turbines would appear substantially larger than the existing turbines at Pauls Hill leading to visual confusion and a lack of cohesiveness between existing and proposed turbines;**

- 4. Proposed Turbine 1 would have a detrimental impact upon the visual amenity of lower lying properties immediately east of and closest to the proposed windfarm extension. The turbine would appear overly imposing and dominate the previously open and undeveloped small valley formed by watercourse Allt Arder.**

Author of Report: Neal MacPherson, Principal Planning Officer

Background Papers:

Ref:

APPENDIX 1

MORAY COUNCIL

**Response to Consultation issued by Scottish Government on
APPLICATION FOR S.36 CONSENT
PROPOSED WIND FARM COMPRISING OF 7 WIND TURBINES, 6 OF A
MAXIMUM HEIGHT BASE TO TIP NOT EXCEEDING 149.9M AND 1 OF
MAXIMUM HEIGHT NOT EXCEEDING 134M, EXTERNAL TRANSFORMER
HOUSING, SITE TRACKS, CRANE PADS, FOUNDATIONS, UNDERGROUND
ELECTRICITY CABLES, CONTROL BUILDING, TEMPORARY CONSTRUCTION
COMPOUND, 2 BORROW PITS, ASSOCIATED WORKS/INFRASTRUCTURE
AND HEALTH AND SAFETY SIGNAGE AT, PAUL'S HILL II WIND FARM
BALLINDALLOCH MORAY
(MORAY COUNCIL REFERENCE 18/00523/S36)**

INTRODUCTION

The applicant, Natural Power Consultants Limited has applied for consent under Section 36 of the Electricity Act 1989 for the proposed extension of the existing windfarm at Pauls Hill windfarm, Ballindalloch.

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

In determining the Section 36 application, the views of the 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 ECU are likely to convene a public local inquiry.

Prior to determination, 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 of the Council has been undertaken in order to provide a comprehensive response in responding to the consultation.

THE PROPOSAL

- Erection of 7 wind turbines, 6 of which would be up to 149.9m high and 1 turbine would be up to 134m high (turbine 6). All turbines to have a blade diameter of 117m with hub centres at 91.4m (with a 75.5m hub height for turbine 6).
- The overall output of the seven turbines is not yet known, as the final model and type has not yet been selected, but given the size of the proposed

turbines the output is likely to exceed 20mW. Permission is sought for a 35 year operating period.

- Each turbine will sit upon a concrete foundation pad 24m in diameter.
- Each turbine location will have a crane and vehicle hardstanding at its base.
- Existing access tracks will be used with approximately 4.4km of these requiring upgrading and 3.7km of new access track proposed.
- Erection of a new substation building adjacent to the existing Pauls Hill windfarm substation building. The proposed substation building would be approximately 10m by 20m and incorporate a transformer room, electrical switch rooms and other welfare and storage rooms. The building would have a pitched roof at 6m in height and would be similar in scale to the existing adjacent building at Pauls Hill windfarm.
- Underground 33kv connection to existing underground connection for the existing Pauls Hill windfarm. This new cabling would generally follow the route of the proposed new existing sections of track.
- A transformer kiosk/building would be positioned at the base of each turbine and measure 3m x 3m x 3m and have a shallow pitched roof.
- Wind monitoring Lidar equipment housing (complimenting or replacing anemometer equipment). Steel container 2m x 2m x 2m in dimension with sensor array protruding on top by a further 660mm.
- Two new borrow pits are proposed.
- Temporary construction compound and construction signage.
- Construction hours anticipated to be standard day time working as conditioned by the Council (normal 5½ days per week).
- A micro-siting allowance of 50m for the turbines is sought.

THE SITE

- The site is located approximately 10km southwest of Archiestown and adjacent to the existing Pauls Hill windfarm. The site lies close to the western boundary of Moray.
- The site is approximately 237 hectares in area.
- The turbines are located at an altitude of between 355m and 462m above ordnance datum.
- The site is accessed via the existing Pauls Hill windfarm entrance onto the B9102. Turbine deliveries are proposed to come via the A95, via Blacksboat to the windfarm.
- The windfarm area within the site is not subject to any international, national, regional or local landscape, built environment or nature conservation designations, and there are no known archaeological assets within the site.
- Only the site access and cable route lies within the Moray Local Development Plan 2015 designated Area of Great Landscape Value (AGLV). The turbines would lie out with the AGLV designation. Of note the landscape within

Highland (approximately 3km to the south is a Special Landscape Area, and the windfarm would also lie approximately 8km north of the Cairngorms National Park.

- Roys Hill on the eastern side of the site is a designated landmark hill within the adopted Moray Onshore Wind Energy 2017 Policy Guidance (MOWE). The site sits within Landscape Character Type (LCT) 11 Open Rolling Uplands identified within the Moray Wind Energy Landscape Capacity Study 2017 (MWELCS).
- It is noted that the site boundary extends beyond the windfarm itself and encompasses the entire delivery route from the A95(T) at Marypark, and the electricity cable connection to the national grid at Glenfarclas. The site boundary encompasses the stretch of the B9138 north west across the River Spey at Blacksboat to the existing windfarm entrance.
- Beyond the River Spey at Blacksboat the site is not at risk of flooding and no invasive development is proposed within flood risk areas.

HISTORY

For the site.

17/00760/S36SCO – Environmental Impact Assessment (EIA) Scoping undertaken for Electricity EIA Regulations to establish the ‘scope’ and content of the Environmental Statement. Scoping Opinion issued by the ECU in August 2017.

15/00498/ADV - Erect advance signs at Paul's Hill, Ballindalloch, Moray. Approved in June 2015.

01/02055/S36 - Construct and operate wind powered electricity generating station (28 turbines and ancillary equipment and works) at Paul's Hill, Ballindalloch, Banffshire. Approved by the Scottish Government in spring 2003. Moray Council did not object to the proposed windfarm.

03/01426/S36 – Section 36 application to an extension to already consented windfarm (increase individual turbine capacity from 2mW to 2.3mW) at Paul's Hill windfarm comprises of 28 turbines, each 100m to blade tip. These turbines would sit immediately west of the proposed turbines and would share most of the infrastructure with the proposed turbines and be operated by the same staff. Pauls Hill has been operational for approximately 12 years.

Relevant wind energy developments in the wider area.

01/02056/SCO - Construct and operate wind powered electricity generating station (28 turbines and ancillary works) at Cairn Uish Rothes Estate - consent granted under S.36 of the Electricity Act 1989 by Scottish Ministers for turbines 100m high to blade tip, 82 m rotor diameter (Rothes I). Now operational.

04/02473/S36 - Section 36 application for a wind farm at Berry Burn, Altyre Estate, Forres, Moray. 29 turbines at 104m in height. Operational since 2014 and producing approximately 66mW. This windfarm is located approximately 2.5km north west of Pauls Hill.

07/02800/S36 - Extension of wind farm at Rothes Wind Farm - consent granted under S.36 of the Electricity Act 1989 by Scottish Ministers for 18 turbines, 125m high to blade tip, 80m rotor diameter (Rothes II). Now operational.

13/00053/EIA - Erect 12no wind turbines (rotor diameter 71m) at Hill of Glaschyle, Dunphail, Forres, Moray. Application allowed at Appeal by Ministers in April 2014 (see 15/01148/APP below).

13/00615/EIA - Erection of 4 wind turbines (110m high to blade tip (70m hub height, rotor diameter 80m)) and associated infrastructure at Kellas House, Kellas (consented but not yet constructed, works commenced).

14/01087/EIA - Erection of wind farm comprising 6 wind turbines 126.5m high to tip and associated access track and ancillary infrastructure erection of 1no permanent anemometer mast temporary formation of construction compound and erection of 2 no temporary anemometer masts at Meikle Hill, Dallas (see 17/01003/APP below).

15/01148/APP - Section 42 application to amend Condition 4 of application 13/00053/EIA (as consented at appeal dated 18/03/2014) to allow for revised turbine model (from Enercon E70 to E82) increasing maximum blade tip height from 99.5m to 99.91m and increasing rotor diameter from 70m to 82m at Hill Of Glaschyle, Dunphail, Forres. Approved by Committee in October 2015.

17/01003/APP - Variation of conditions 3, 7, 14, 20, 24 and 25 of planning permission 14/01087/EIA for Meikle Hill, Dallas. Approved by Committee in October 2017 and effectively extends permission for a further 5 year period. Not yet constructed.

17/01509/APP - Amend condition 8 (aviation lighting) of the associated permission to allow the use of infra-red lighting at Hill Of Glaschyle, Dunphail, Forres, Moray. Approved in December 2017. New lighting has now been implemented.

In Scoping (EIA scoping has been undertaken for the following proposals).

17/01706/S36SCO - Scoping Opinion request for proposed Section 36 application at Rothes Wind Farm, Longmorn, Moray (Rothes III) for 29 turbines from 149.9m up to 225m high.

17/00549/S36SCO – 48 turbines varying in height from 130m up potentially 176m at Clash Gour Wind Farm. This site would lie, west, north and east of Berryburn windfarm, and would be located within Moray and close to the border with Highland.

Within Highland

Cairn Duhie – Permission was issued by Scottish Ministers in October 2017 for 20 wind turbines at a height of 110m. This site lies 12km west of Pauls Hill within Highland.

Ourack – Up to 50 turbines, but no height specified at present. This site sits 2km west of Pauls Hill and a scoping opinion was issued by the Energy Consents Unit in February 2016. No application has come forward to date.

ADVERTISEMENTS

Advertisements will have been carried out by the ECU who is the determining authority for the application.

CONSULTATIONS

Development Plans – The proposals must be considered in relation to Moray Onshore Wind Energy 2017 Policy Guidance (MOWE), which is statutory supplementary guidance and The Moray Wind Energy Landscape Capacity Study 2017 (MWELCS), a technical appendix to the above MOWE, but also approved as a material consideration in its own right.

The proposal site is partially located within an area identified within the Council's Supplementary Guidance as an area with potential for extension/repowering. However the guidance and capacity study require that extensions should reflect the operational wind farms in terms of scale and siting and meet the guidance set out for LCT 11 Open Rolling Hills, notably avoiding impacts on views from the A95 within the Broad Farmed Valley, avoiding increasing the extent and prominence of turbines seen on containing skylines; the potential cumulative effects on views from the minor road between Knockando and Dallas and the impacts upon Pauls Hill wind farm. The increased height of the proposed turbines and their siting, results in the current containment being compromised and the resultant unacceptable impact upon Roy's Hill landmark hill. Visibility of the turbines will be introduced into areas where there is currently no or minimal visibility.

Specifically for LCT11- Open Rolling Uplands, the Guidance and Landscape Capacity Study identify that the key issues to consider are;

- Potential effects on views from the A95 and from settlement within the Broad Farmed Valley where Paul's Hill and Hill of Towie wind farms are already visible and where any additional development sited in this character type and also in the Upland

Moorland and Forestry (10) could increase the extent and prominence of turbines seen on containing skylines.

- Sequential and simultaneous views of multiple wind farm developments sited within this character type and the Upland Moorland and Forestry from the Dava Way- the Berry Burn wind farm is already visible and there will also be close views of the Hill of Glaschyle wind farm from this recreational route.
- Cumulative effects on views from the minor road between Knockando and Dallas. Operational wind farms are already visible but are mostly well set back from the road. The consented Meikle Hill wind farm located in the Upland Moorland and Forestry will lie very close to the eastern side of this road and any further development seen in close proximity to the west could create a dominant corridor effect.
- Sequential and simultaneous views from the A940 which provides a scenic approach to Moray over the Dava Moor- the consented Hill of Glashyle wind farm will be prominent in views from rare open spaces along this route and additional larger turbines sited to the west of this road would be particularly prominent.

This proposal is not considered to meet these requirements, with the increased height considered to exacerbate the effects of the operational wind farm and failing to respect and reflect the design of the operational wind farm, not being set back into the interior of the LCT and impacting upon the focal point of the landmark Roy's hill.

The proposal, due to the height and siting of the proposed turbines is therefore contrary to Policy ER1 of the Moray Local Development Plan 2015, the Moray Onshore Wind Energy Policy Guidance 2017 (MOWE) and Landscape Capacity Study 2017(MWELCS).

Environmental Health – no objection subject to conditions relating to noise, hours of construction, amplitude modulation effect, hours of any blasting required at borrow pits, vibration from the borrow pits operating and shadow flicker.

Environmental Health, Private Water – No objection subject to condition requiring notification to the Council and urgent, restorative, remedial work to be undertaken on any supply where negative effect(s) on water quality or quantity caused by any aspect or phase of the project are identified.

Environmental Health, Contaminated Land - No objection

Aberdeenshire Archaeology Service - No objections to the development subject to a condition relating to mitigation in the event of unknown archaeology being uncovered.

Transportation Manager – Further information would be required on turbine deliveries to give a definitive response, as the applicant has submitted no

confirmation that the turbine component delivery route has been thoroughly assessed. In the event of approval suspensive conditions would need to be imposed including analysis of the turbine delivery arrangements. In the event of approval other suspensive conditions would be required such as the submission, approval and compliance with a Construction Traffic Management Plan (CTMP) and Construction Method Statement (CMS).

It should be noted that until specific details of works to the public road, structures and street furniture are detailed in the CTMP and CMS confirmation of what restrictions may be in place cannot be confirmed.

Planning Officer Note;- A variety of conditions would be required in the event of approval and comfort may be taken from the applicants inclusion of the B roads leading to the site from the A95T being included within the application site boundary. Of note 150m high wind turbine component parts are currently being taken along the A96 through Elgin for another Dorenell windfarm.

Developer Obligations - None sought for wind energy proposals. Community Benefit considered separately to the planning system.

Moray Flood Risk Management – Requested further information on the following matters;-

1. Detailed plans and calculations of SuDS for all impermeable surfaces on proposed site i.e. footings, hardstanding's and access tracks.
2. Detailed plans and calculations showing that the capacity of all watercourse crossings allow free passage of 1:200 year flow + climate change (20%).
3. Details and calculations showing that there will be no increase in discharge to the following catchments Blarnish Burn and Caochan Liath Allt a' Mhonaldh and Tods' Burn.
4. A Construction Phase Surface Water Management Plan to be submitted and approved by The Moray Council.

Planning Officer Note;- In relation to item 1 and 3, given the likelihood of micro siting of the turbines it is not possible to give definitive locations and calculations at this stage. The applicant does intend to use SUDS to avoid any outfall to watercourses. Other than turbine foundations, which are back filled, all hardstandings and tracks would have permeable surfaces. The other details could be covered by suspensive condition in the event of approval, where the ES does state the intention to allow 1:200 year flow + climate change. See the observation section re hydrology etc. below.

Building Standards – A Building Warrant will be required for the control building and the foul water treatment.

REPRESENTATIONS

All objections/representations in the relation are to be submitted directly to the Scottish Government Energy Consents Unit, who are the determining Authority. It is understood that 153 representations from the public have been received in relation to the proposals. They will be considered by the ECU and do form part of the Moray Council consideration (as consultee to the Section 36 process).

OBSERVATIONS

The proposed extension to Pauls Hill Windfarm seeks consent under Section 36 of the 1989 Electricity Act and also a direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 as amended for the development to be deemed to be granted.

The proposal was scoped previously (see history section) under the 2000 Electricity Works (Environmental Impact Assessment) (Scotland) Regulations, and as such the application has been submitted with a supporting Environment Statement (ES) with accompanying Appendices and other supporting information such including Pre Application Consultation (PAC) report, Non Technical Summary, and a Planning Design and Access Statement. The Summary and Residual Effects chapter at the end of the ES summarise the various mitigation measures required or that have been imbedded in the design of the development.

As the 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 the Moray Council are the determining authority. Matters such as, for example, impact on aviation and the water environment will be informed by direct consultation with the Ministry of Defence or SEPA, as they will be consulted separately and will reply directly to the ECU. The Councils consideration of some matters will therefore be less involved where the ECU are consulting directly themselves on particular areas of interest best addressed by other specialist consultees.

Legislative Context

For consent under Section 36 of the Electricity Act 1989, the decision-making process specified under Section 25 and 37 (2) of The Town & Country Planning (Scotland) Act 1997, as amended is not a statutory requirement. However, the local development plan would remain a significant material consideration, but does not take primacy as would be in the case of a planning application. It and all other material considerations are given the appropriate weighting in the consideration of the Section 36 consultation requests from the ECU.

Pre Application Consultation

For this Section 36 application, the submitted Pre-application Consultation report (PAC) indicates the extent of engagement with the local community. Public events was undertaken in November 2017 at Fleming Hall, Aberlour and Margach Hall, Knockando. A total of 34 people attended the two exhibitions. According to the PAC report, written responses were generally supportive, with one opponent and several expressing concern over the disruption caused by turbine deliveries. Other issues/concerns raised related to the potential cumulative build-up of windfarms in the vicinity (given the number in scoping), potential visual, noise and other impacts.

Positive feedback was also given relating to the positive economic impact and potential work for local businesses, including quarry interests.

The applicant states that they have sought to address/incorporate feedback from the pre application consultation process as evidenced in Chapter 3 Site Selection and Design Evolution of the Environmental Statement (ES)

The main planning issues are considered below.

Relationship of proposal to national renewable energy policy/guidance

International and UK policy frameworks are generally supportive of renewable energy proposals which help to facilitate a transition to a low carbon economy. National Planning Framework (NPF3) for Scotland sets out the spatial strategy for Scotland's development. NPF3 makes specific reference to onshore wind energy having an important role in delivering the commitment to a low carbon energy generation.

The Climate Change (Scotland) Act 2009 places a duty on public bodies to act sustainability and meet emissions targets including a requirement to achieve at least an 80% reduction in greenhouse gas emissions by 2050 (over 1990 levels). This figure is likely to increase to 90% by 2050 when the Climate Change Bill, published in June 2017 becomes legislation in 2019.

The commitment to the creation of a low carbon place is reiterated in Scottish Planning Policy. The agent's submissions regard national policy as being significant and supportive of this proposal where this development, as a proven technology providing a source of safe and locally produced renewable energy for many years, will make a significant contribution towards renewable energy production at the national and local level.

The applicants have submitted a Planning, Design and Access statement which identifies the pertinent national policy and guidance in relation to the onshore wind energy proposals. Consideration has been given to these various policies and guidance documents. Of particular note there is a recurring theme in favourable of renewable energy proposals.

Scottish Planning Policy (SPP) requires that “planning should direct the right development to the right place”, which is an important issue in this proposal. The policy principles set out for “Delivering Heat and Electricity” in SPP *include*;

- Support the transformational change to a low carbon economy, consistent with national objectives and targets.....
- Support the development of a diverse range of electricity generation from renewable energy technologies- including the expansion of renewable energy generation capacity- and the development of heat networks
- Guide developments to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed.

(SPP) requires planning authorities to set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities, following a set methodology (para 161). This has been done through the spatial framework included within the Moray Local Development Plan 2015, with the proposal site wholly located within an area with potential for wind farm development of turbines over 35m to tip height, with no upper height limit identified. This is a broad-brush approach required to comply with Scottish Planning Policy and covers a significant land area of Moray.

SPP (para 162) further requires that local development planning authorities should identify where there is strategic capacity for wind farms and areas with the greatest potential for wind development.

Following Examination of the Proposed Moray Local Development Plan 2015 (MLDP), the wording of the policy was amended by the Reporter to state that “further detail on the above assessment process will be addressed through supplementary guidance to include:

- Peat mapping once this becomes available
- Detailed mapping of constraints
- Guidance on areas with greatest potential for small/ medium and large scale wind farms.”

The detailed mapping of constraints and guidance on areas with greatest potential is set out in the Moray Onshore Wind Energy Guidance 2017, with the proposal site located partially within an area identified as having opportunities for extension and repowering. All the proposed turbines proposed fall within this area. Of note, the 2017 MOWE was approved following consultation and amendments introduced by the Scottish Government and is therefore in accordance with current national guidance.

The main planning considerations are;

Landscape and Visual Impact Assessment LVIA (PP1, ER1 and IMP1)

MLDP Policy ER1 Renewable Energy Proposals favourably considers renewable energy proposals where they meet set criteria, including the need to safeguard the built and natural environment and avoid or address any unacceptable significant landscape and visual impacts. The policy states that the council is likely to support onshore wind turbine proposals in areas with potential (as identified in the Spatial Framework) subject to detailed consideration through assessment of the details of the proposal, including its benefits and the extent to which it avoids or mitigates any unacceptable significant adverse impact.

Policy IMP1 Developer Requirements requires any development to be sensitively sited, designed and serviced, and integrated into the surrounding landscape.

Landscape and Visual Impact Assessment for onshore energy proposals in Moray is assessed by the Moray Onshore Wind Energy 2017 Policy Guidance (MOWE) and The Moray Wind Energy Landscape Capacity Study 2017 (MWELCS) which is a technical appendix to the MOWE.

LVIA methodology and findings

The ES (Chapter 6) assesses the predicted landscape and visual effects of the proposed development, including cumulative effects. The Landscape and Visual Impact Assessment (LVIA) including its methodology and visualisations generally accords with current best practice guidance although the Council has some reservations about the judgements made on sensitivity and the magnitude of change incurred by the proposal. The LVIA concludes that there may be some significant effects, moderate/major and significant effects on landscape on the neighbouring LCT Broad Farmed Valley along the River Spey but was otherwise there was no significant effects. In terms of visual amenity it concluded there would be no significant effects, other than near Corglass Farm where effects would likely be significant although considered acceptable.

The LVIA identifies some significant effects although the applicant additionally appears to make a judgement on the acceptability of these effects based either on their 'localised' extent or because of other reasons which are more usually factored into the judgements made on magnitude of change. This is exemplified by the reasons given for considering significant effects to be acceptable on the Corglass Farm residential grouping in paragraph 6.10.12 or why the effect on Viewpoint 1 from Tormore Distillery is considered acceptable in paragraph 6.9.27. This is an unusual and confusing approach to LVIA. The LVIA understates sensitivity and it is not clear how susceptibility and value have been combined to arrive at the sensitivity ratings (many of the judgements made on sensitivity seem counter-intuitive).

Siting and Design of the Proposal

In general terms the key objectives of the design strategy place an emphasis upon the turbine layout in reflecting landscape character and scale. Turbine layout is only one factor that can minimise effects on character and scale of the landscape with the siting and size of turbines usually having a much more significant influence. While the importance of reflecting the pattern of existing nearby wind farms is noted, the Council considers that this objective has been achieved as the proposed extension clearly differs from the design of the original wind farm in its location on the outer edge of the LCT 11 Open Rolling Uplands and in terms of the significantly greater height of turbines.

The existing Paul's Hill wind farm is located in an area of gently rolling plateau to the north of Roy's Hill which provides some screening in views from the Spey Valley to the south, east and north-east. The existing 100m high turbines do not dominate the 'Landmark' Roy's Hill and appear set back into the upland core thus minimising effects on the adjacent smaller scale and settled landscape of the Spey Valley. This proposal comprises much larger turbines of up to 149.9m and there is little compatibility between the original wind farm and this extension in views from the Upper Knockando area and where they are seen intermittently from the south and east from the Spey Valley. In views from the Spey Valley, the much larger turbines of the proposal additionally appear to extend beyond the containment offered by the rising slopes of Roy's Hill.

Landscape Impact

Moray Councils MOWE supplementary guidance defined 'landmark' hills within the landscape as a number of well-defined, steep sided hills which form prominent 'landmark' features seen across Moray. The majority of these hills are both highly visible and easily recognisable landmarks with many forming the immediate backdrop to settlements, small scale valleys and the coast. Some of these hills form visual 'buffers' to less prominent upland areas and are important in visually containing operational wind farm development from more settled valleys. The landmark hills are highly sensitive to wind turbine development sited on or near them as this would be visually prominent in views from roads and settlement within adjacent well-settled landscapes and would detract from their distinct form and character. Roys Hill fulfils several of these functions in the local landscape listed above, and five out of the seven turbines would, at their highest point in rotation, rise above the summit of Roys Hill. Turbine 6, would reach 80m above the summit.

While the MWELCS found there to be some scope to accommodate turbines up to 150m in the *Open Rolling Uplands*, the landmark hills within this LCT were identified as a key constraint to development. This proposal would adversely affect the character of the landmark hill of Roy's Hill as turbines would be sited close-by its slopes and summit and would appear to diminish the scale of this hill. It is considered that there would be a significant and adverse effect on the character of the *Open Rolling Uplands*.

The LVIA understates the susceptibility and sensitivity of the *Broad Farmed Valley* landscape character type (the Spey Valley) to this proposal in Table 6.9 within the

ES Chapter 6 Landscape and Visual Impact Assessment. The sensitivity of this LCT should be judged to be high-medium given the high value accorded to this landscape and the small to medium scale of the Spey Valley which increases its susceptibility to a development of this nature. There would be a major adverse and significant effect on the character of part of the *Broad Farmed Valley* of the Spey Valley where this proposal would dominate the scale and strongly rural character of small fields and buildings in the Upper Knockando area. Significant adverse effects would also arise on the settled southern fringes of the *Upland Moorland and Forestry* landscape character type.

The more incised lower sides and floor of the Spey Valley are currently designated as an Area of Great Landscape Value (AGLV). This part of the AGLV designation closest to the wind farm (generally in the Carron to Ballindalloch area) is notably diverse and intimately scaled. There would be relatively limited visibility of the proposal from this part of the AGLV due to the screening provided by landform and woodland. Overall, the effects on the qualities of the AGLV would be unlikely to be significant. It is acknowledged that the proposed turbines all lie outwith the AGLV designation.

Beyond the wider landscape impact identified above it is Turbines 6 and 7 that cause the majority of the impact on the Spey Valley, while to varying degrees Turbines 1 - 3 have an impact on the Upper Knockando area. As you approach the windfarm location from the east, via Archiestown, the changes to the character of the landscape would be increased due to the Turbines 1 and 2 being most prevalent when viewed from the small valley formed by Allt Arder.

Visual Impact

Roy's Hill would continue to provide a degree of screening limiting visibility of the proposal from the sensitive Spey Valley to the south although turbines 6 and 7 are problematic where visible. This may be exacerbated if significant tree felling were to occur in some areas of the Spey Valley. Turbine 1 when viewed from close to the site to the east from lower lying land has a significant visual impact from the nearest properties on lower lying land to the east.

The degree of change to more distant views incurred by the proposed extension would not be substantial. Although the proposed turbines would clearly be larger than those within the operational Paul's Hill wind farm in some of these views and in some instances, for example from Ben Rinnes Viewpoint 3, they would appear to 'spill' down the hill side, a combination of distance and the variety and extent of wind farm development already visible would be likely to limit effects on receptors. The Council's principal concerns relate to effects from the following representative viewpoints:

- Viewpoint 1: Tormore Distillery

While it is acknowledged that this viewpoint lies outwith Moray, the viewpoint is representative of similar views close by within Moray in the Ballindalloch area, and especially on the A95 which is the main vehicular route into Moray from the south. The LVIA states that views will be significant from Viewpoint 1 at Tormore Distillery (turbines 6 & 7 most notably). However, the assessment

considers sensitivity to be medium not high-medium or even high as would be expected when combining a high value with a medium susceptibility. In this view the proposed turbines will appear substantially larger than the operational turbines and they will additionally appear to extend beyond the vertical containment provided by Roy's Hill (contrary to the clear association of the operational Paul's Hill wind farm with the lower section of skyline in this view). The proposal will substantially exacerbate an already significant effect.

- Viewpoint 6 : Archiestown

This view will be repeated to greater and less extents travelling south west on the B9012 east to west through Archiestown and towards the site. This view will also be visible from many residences along the B9012. Whilst the visual presence of the existing operational windfarm is long established in the view, closer larger turbines diminish the containment current afforded by Roys Hill.

- Viewpoint 7: Upper Knockando

The sensitivity of this viewpoint is understated in the LVIA, especially the judgement that travellers on this route would not find the view important as this takes no account of the wide variety of people using minor quiet rural roads such as this, including local walkers and cyclists. The sensitivity should be at least medium but more likely high-medium at this viewpoint. The existing Paul's Hill turbines are already prominent in views from this area although they are further away and smaller in size, appearing much more 'set back' into the uplands. The proposed turbines will form a dominant feature in views significantly detracting from the foreground of small farms and pastures and from Roy's Hill. The effects would therefore be significant and adverse from this viewpoint (and from a wider area surrounding this representative viewpoint).

There would be limited visibility from the Speyside Way with no overall significant effects on pedestrian routes, including the Dava Way.

The Council agrees with the LVIA that overall effects on settlements will not be significant due to screening by woodland and buildings. The Council agrees that significant (and adverse) effects will occur on the residential properties of Glenarder and Corglass Farm and Cottage, but do not agree with the LVIA that the visual amenity of living in Glenarder and Corglass Farm and Cottage would not be significantly affected as this proposal would introduce new and close views of very large turbines seen from inside the properties and their immediate curtilage (the existing Paul's Hill and Berryburn wind farms are not visible). The visualisations prepared for these properties show (as indicated in the ZTV maps) that the turbines would have a notable visual presence, where previously no, or very limited views of Pauls Hill occurred before. Turbine 1 in particular would be perceived as close and imposing to the properties to the east, and would have a substantial presence in the immediate landscape to the east of it.

Cumulative impact

Given the relatively small scale expansion proposed to Pauls Hill, and its separation from other windfarms (other than Berryburn several km to the north west) any cumulative impact will be limited. The next nearest wind energy developments within Moray are Rothes I & II which lies approximately 10km to the north east or Hill of Glaschyle to the north west at a similar 10km distance.

Views from the minor road between Dallas and Upper Knockando would be affected cumulatively by this proposal in combination with the operational Berry Burn, Rothes II and consented Meikle Hill wind farms. In these views, this proposal will appear, like Rothes and Meikle Hill windfarms on the east side of the road, to be much closer than the operational Pauls Hill and Berryburn developments which are presently set well back (and comprise smaller turbines) and do not have a significant effect. This proposal would have a significant adverse effect on the southern part of this route where it would be seen in relatively close proximity. The Rothes III and Clash Gour wind farm proposals (which have not been considered in the LVIA for Paul's Hill II due to timing) would substantially add to these effects.

Summary and conclusions on the landscape and visual impacts of the proposal

The LVIA identifies some significant effects although the applicant additionally appears to make a judgement on the acceptability of these effects based either on their 'localised' extent or because of other reasons which are more usually factored into the judgements made on magnitude of change. This is exemplified by the reasons given for considering significant effects to be acceptable on the Corglass Farm residential grouping in paragraph 6.10.12 or why the effect on Viewpoint 1 from Tormore Distillery is considered acceptable in paragraph 6.9.27. This is an unusual and confusing approach to LVIA. The LVIA understates sensitivity and it is not clear how susceptibility and value have been combined to arrive at the sensitivity ratings (many of the judgements made on sensitivity seem counter-intuitive).

There would be significant adverse effects on parts of the Open Rolling Uplands within which the development is sited and on part of the adjacent Broad Farmed Valley of the Spey and the settled southern fringes of the Upland Moorland and Forestry. These will principally affect the character of the landmark Roy's Hill and the small-scale features within the Upper Knockando area. Significant impacts on views would be relatively limited although significant and adverse visual impacts will principally occur on views from roads and properties to the south and east of the proposal with these effects largely related to the increased prominence of these much larger, and often closer, turbines and the contrast that will occur with the original Paul's Hill turbines which are considerably smaller. In views from the east, the proposal will additionally appear to spill down the outer hill slopes of Roy's Hill (contrary to the more 'set back' location of the existing wind farm) and thus will seem to encroach more on the smaller scale landscape around Upper Knockando.

While the proposed turbines are proposed within and close to the very eastern extremity of the area of potential 'very limited' scope for larger turbines (up to 150m)

identified within the MWELCS. The proposals fail to take on board all the guidance for future wind energy development stated for LCT 11 Open Rolling Uplands. This guidance encourages future development to utilise the interior of upland areas, and to avoid compromising the prevalence of landmark hills, neither guideline appears to have been adhered to in the layout proposed. The proposals therefore depart from the landscape requirements identified within policies ER1 and IMP1. The proposals also fail to comply with the guidance set out in MWELCS.

Policy PP1 Sustainable Economic Growth: While the proposal will contribute towards the transition of Moray towards a low carbon economy, the proposal is considered to be contrary to the latter part of this policy, i.e. it does not safeguard the quality of the natural environment or meet the relevant policy requirements for the reasons outlined above.

Policy IMP1 Developer Requirements: The proposal is considered to be contrary to criteria a) and b) of this policy as the scale of the proposal is not in accordance with the MOWE or MWELCS.

Impact on residential amenity including noise, shadow flicker (ER1, EP8, EP12, IMP1)

SPP paragraph 164 states that “individual properties and those settlements not identified within the development plan will be protected by the safeguards set out in the local development plan policy criteria for determining windfarms and development management considerations accounted for when determining individual applications.” This for Moray is reflected in the material considerations in the form of the MOWE and the MWELCS which seek to direct wind energy development into the interior of LCT11 Open Rolling Upland away from the nearby more settled valleys. This emphasis upon the protection of individual or groups of properties help qualify the concern that the eastern most turbines (particularly turbine 1) will lie too close to residences close to Allt Arder which is the watercourse draining eastward from the windfarm location.

The visualisations produced for views from individual properties (Corglass, Leakin and Glenarder demonstrate how several of the proposed turbines, particularly Turbine 1 will bring Pauls Hill windfarm into view for several properties to the east. Even at the 1.5km from the nearest property, the size of the turbine and its elevation above the lower residences will affect their visual amenity in what is currently an open rural location distance from or obscured from wind energy development. The scale of the proposed closest turbines will likely affect the external amenity of these properties where they would alter character of the location which is otherwise open and undeveloped. These impacts may be further informed by any representations submitted directly from occupants to the ECU.

In the event of approval, the Environmental Health Manager would seek various conditions to be attached relating to noise, hours of construction, amplitude

modulation effect, hours of any blasting required at borrow pits, vibration from the borrow pit operating and shadow flicker. The parameters in terms of noise limits and shadow flicker identified within the ES do demonstrate that subject to conditions these effects could be adequately controlled or will not cause a detrimental affect due to the design of the proposed windfarm extension.

The proposed turbines are sufficiently far from neighbouring residences (more 10x rotor diameter away, that shadow flicker was scoped out of the ES, however it is noted that there may be outdoor interests and activities in the locality that are affected by shadow flicker at Corglass. These would be the subject of consideration via specific representation to the ECU, and the impact of shadow flicker on outdoor activities is less easily quantifiable than the impact on residences. The Environmental Statement suggests that the site, if consented would be subject to usual construction working hours as was previously conditioned for the original Pauls Hill windfarm by Moray Council. The Environmental Health Manager in responding has recommended construction working hours between 0700 – 1900 hours, Monday to Friday and 0700 – 1300 hours on Saturdays only. Allowances for working outwith those hours would only be permitted with prior agreement with the council on the grounds of operational constraints and necessity.

While construction traffic using the existing site access would use the same public road as some neighbours to the site, the construction traffic would only be for a temporary period, with the normal amount of traffic going to the site, no dissimilar to the applicants' current staff attending the existing windfarm. While the construction phase would see the locality becoming much busier, this would only be for the construction and decommissioning periods of the development.

Given the distance of the proposed excavations and other construction activities from the sensitive receptors such as dwellings or other public/occupied buildings, air quality matters, assessed under policy EP12, such as dust will not be significant for the proposed development.

The amenity impact is such that the proposal departs from these aspects of policies ER1 and IMP1 but effects such a noise could be sufficiently controlled so as not to impact upon residential properties.

Impact on natural environment (E1, E3, E4, EP10, ER1 and IMP1)

In relation to policy E1 Natura 2000 Sites and National Nature Conservation Sites the access route to the site along public roads and the cable route passes by the Rive Spey SAC, and beyond this upon the windfarm location no international, national or local environmental designations are present. As noted in the proposals section above in the upland windfarm area of the application site, there are no national, regional or local environmental designations. The merit of the location of open countryside and the habitat it provides has however been considered in the ES.

Policy E3 Protected Species seeks to ensure proposals do not have an adverse effect on protected species. The ES identifies a variety of species upon or using the site and most notably as moorland these were mainly birds species including raptors observed. Chapter 7 Ecology Assessment and Chapter 8 Ornithology Assessment refer to the various species surveys that were undertaken, including the water environment. Groundwater Dependent Terrestrial Ecosystems are discussed in Chapter 10: Hydrology, Geology and Hydrogeological Assessment. It is noted that some of the survey work occurred several years ago, which may be an issue for some species, but SNH and the RSPB are best placed to comment if necessary on the validity of surveys undertaken. The proposed mitigation measures including a Habitat Management Plan (HMP) that would be prepared in the event of approval. The range of assessment carried out in the ES gives comfort that any HMP would adequately cover the protection of a habitat.

Policy E4 Trees and Development seeks to ensure that where there is an irreversible loss of woodland, compensatory planting is provided. It is noted that there is no requirement to fell any areas of woodland as the turbine locations and associated tracks are also located on areas of open hill ground.

Evidence of certain protected species within the vicinity of the proposed windfarm extension as evidenced by the studies undertaken by the applicant would require the provision of measures to protect specific species identified such as otter and hen harrier. In the event of approval, specific management plans (such as Species Protection Plan proposed) would be required to ensure the mitigation of impacts of these species was followed through. It is noted that there are mitigation measures in place for the existing Pauls Hill windfarm such as a Moorland Management Plan.

Given the majority of works would occur in the vicinity of the existing windfarm, to existing tracks and upon open moorland, the impact is less complex than had it been wholly new development. Reliance upon existing tracks, and infrastructure exporting energy off site significantly reduced the need for invasive works, and the extension of the windfarm makes best use of existing infrastructure in seeking to increase energy production.

As referred to earlier in the report, national guidance encourages the development of renewable energy for a variety of reasons. Reduction of the reliance upon fossil fuel power generation is clearly to the benefit of the wider environment, including that of the natural environment within Moray. Notwithstanding the physical impact of the new sections of track, borrow pits, cable laying and turbines foundations, the wider benefits of increased electricity generation conform to national policies and guidance on climate change.

Flood Risk and surface water drainage (EP5, EP6, EP7, EP10 and IMP1)

The site is not identified on SEPA's flood maps as being at risk from coastal or fluvial flooding but the access route to the site includes area susceptible to flooding in the vicinity of the River Spey.

The water course north east of the site, Allt Arder, is identified as being susceptible to 1:200 year flood events, and the appropriate measure will require to be put in place to ensure that construction does not pollute the watercourse downstream. Several tributaries of Allt Arder lie close to and drain from the site. Chapter 10 'Hydrology, Geology, and Hydrogeological Assessment' considers the impact on surface water and the windfarm has been laid out to keep all seven turbines at least 50m from any watercourses although there will be several water crossings. These water crossings are illustrated in the technical appendix 10.6 and are designed to ensure the crossing account for any 1:200 flood event plus climate change. The points at which the crossings are required over the Caochan Liath burn, it is very small water course. No departure from Policy EP6 Waterbodies is anticipated where the above approach is followed.

The chapter refers to various imbedded and proposed mitigation measures that would be identified in any detailed Construction Environmental Management Plan. This would cover matters such as pollution prevention, runoff and sediment management, site drainage and management of concrete works. It is not intended to have any outfall to watercourses from surface water drains and it is intended to utilise SUDS measures on site where necessary. While the approach is detailed in the ES, the definitive detail for each turbine base would need to be shown once any micro-siting had been determined. A condition to this effect would be required if the development were to be approved. The principals and approach contained within the ES and appendices, the 'imbedded mitigation in layout design, in addition to the condition referred to would ensure compliance with policy EP5 Surface Water Drainage Sustainable Urban Drainage Systems (SUDS).

It is noted that the proposed substation and welfare building would propose to use a new septic tank and soakaway. The consideration of individual septic tank and soakaways is now dealt with more thoroughly under Building Standards Regulations, and the proposal is to commence would need a Building Warrant for the proposed building which would include the design and specifications of the proposed foul drainage. No departure from policy EP10 Foul Drainage has therefore been identified.

Water Supplies (EP4)

The applicant has assessed the likely impact on any private water supplies within the locality of the development, and this is shown in chapter 10 Hydrology, Geology, Hydrogeological Assessment. A Private Water Risk Assessment was also undertaken and this included in the technical appendix.

The councils Environmental Health Manager have not objected to the proposals, subject to a precautionary condition in the event of approval that would seek appropriate remedial action in the event that a private water supply is affected or disturbed. It is acknowledged in the ES that known water supplies sources are within the windfarm locality, but the ES proposes specific mitigation in the form of monitoring of one supply, and the proposed windfarm layout has sought to avoid water courses inclusive those used for private water.

Impact on cultural heritage (BE1, BE2, BE5, ER1)

The Council's Archaeologist has not objected but has recommended a condition (in the event of approval) that would ensure that any archaeology uncovered is properly assessed and recorded. The location of the proposed turbines and new tracks would not lie upon any known archaeological assets and the proposals are considered to accord with Policy BE1 Scheduled Monuments and National Designations and other related policies. This conclusion is aided by photomontages of the proposed development from various archaeological assets in the area such as Chambered Cairns and Knockando Kirkyard.

In terms of Policy BE2 Listed Buildings the potential impact on the setting of Listed Buildings or their curtilage visible potentially visible from the proposed development as assessed under Chapter 9 Cultural Heritage Assessment of the ES. The Council has considered Chapter 9 and its analysis of impacts on listed properties such as Ballindalloch Castle and dovecot, where there will be minimal visual impact upon the listed building. The proposals are therefore considered to comply with policy BE2. The ECU will also receive separate advice on heritage matters directly from Historic Environment Scotland. There are no battlefields or Garden and Designed Landscapes within the immediate or wider locality of the proposed windfarm extension that would be affected, and therefore the proposal complies with policy BE5 which addresses the protection of such heritage features.

Access and traffic impacts (T2, T5, ER1 and IMP1)

In Section 4.5 of the ES it acknowledges that further information will require to be submitted in relation to the delivery of the turbines, which will be known once a specific model of turbine has been selected and the contractor for the construction and delivery of the turbine is known. The delivery route would relate to the route previously used for Pauls Hill windfarm the options open to the applicant in terms turbine components and transport delivery vehicles are such that they believe the turbines can be delivered within the 'current parameters of the highway'. The applicant further states should any works be required to the public road network to facilitate delivery care would be taken not ensure no adverse effect on the River Spey SAC occurs.

As the proposal involves the utilisation of the existing access road to Pauls Hill windfarm, the provision of new roads will be limited to the new spurs required to

access and serve the proposed new turbines, although submissions do refer to the upgrade of the existing tracks into the windfarm as far as they lead to the junctions with the new spurs. The applicant has stated that once the specific turbine model (and turbine manufacturer requirements) are known and the contractors identified the Construction Method Statement (CMS) and Construction Traffic Management Plan (CTMP) will detail the off site and on site works required in terms of access.

The Council as Roads Authority as well as Planning Authority would therefore remain to be satisfied or have the right not to agree any works to the public road network, structures or street furniture that may become apparent post decision. The ES notes that the extent of works to the existing access tracks would be known once turbine model and delivery details were known, which may affect the amount of material required for track enhancement within the site. The two proposed borrow pits should however reduce or prevent the need for importing materials to the site.

Of note if the windfarm were approved a number of conditions would be required from the Transportation Manager including full details of HGV and abnormal loads movements and routes, a CTMP, a wear and tear agreement and potential provision of passing places and road widening.

The applicant has also included the entire access route to the windfarm from the A95 westward along the B road leading to the site. This does give some comfort in terms of any suspensive matters regarding the local road network that might arise and notwithstanding the above reservations, the application is not considered at present to depart from policies T2 Access and traffic related aspects of policies ER1 Renewable Energy Proposals and IMP1 Developer Requirements.

Impact on agricultural land/soil resources/minerals (ER1, ER4, ER5 and ER6)

Policies ER1 Renewable Energy Proposals, ER4 Minerals, ER5 Agriculture and ER6 soil resources presume against the loss of agricultural land, or impacting unduly upon area of peat and other carbon rich soils. ER4 considers borrow pits and is generally favourable towards them where they meet certain criteria discussed below.

Policy ER4 acknowledges that there are benefits to borrow pits where the winning of materials on site can significantly reduce the need to import materials from beyond the site. The operational, community and environmental benefits of allowing borrow pits to be located on site must be demonstrated. While relatively few new tracks are proposed the formation of the turbine and crane pads, and upgrading of existing tracks have led to permission being sought for 2 borrow pits on site. It is noted that both borrow pits would be positioned on the north western side of Roys Hill and would therefore be out of view other than to walkers in the vicinity to the north west, although no notable walking routes are in line of the sight of the borrow pits as the Dava Way is obscured from view by Carn Kitty. Given the rounded top to Roys Hill views from the top would not be effected by borrow pits on the north western slopes.

Roys Hill summit is already notably altered by the presence of the hill track close to the norther side of its summit.

The land subject of the planning application is entirely made of heather and heathland and is of no agricultural merit, so no departure from policy ER5 will arise where no prime agricultural land will be lost.

This development would see the introduction of turbines foundations, crane pads etc. into areas up upland peat, although the applicant has demonstrated in their ES how the site selection sought to avoid areas of deeper peat. A Peat Stability and Risk Assessment has been submitted by the applicant, and the ECU have had this independently assessed and subject to some minor amendments which have already been sought by the ECU it is concluded that no unacceptable or unmanageable risk of slippage is anticipated, subject to the best practice and mitigation proposed being adhered too. Therefore in relation to soil resources the proposal would not conflict with the requirements of policy ER6 Soil Resources and it is anticipated that the ECU would attach any conditions deemed necessary to ensure compliance with the assessment if permission were granted.

Rural business proposals (ED7)

Policy ED7 Rural Business Proposals is supportive of rural business developments where there is a locational justification, sufficient infrastructure capacity, no adverse impact on natural and built heritage, and appropriate controls over siting, design, landscape and visual impact and emissions. In terms of a locational justification as an extension to an existing windfarm, sharing some of its existing infrastructure, and in a location where wind energy development is already present this matter requires little further consideration.

The proposal does meet other criteria within this policy where the development would generate construction and business activity in the area as described in Chapter 13 Human Health and Population. The merit of which would be most notable during the construction period where more personnel would be present on site.

Policy ED7 d) does require consideration to be given to siting, design, landscape and visual impact of proposed rural development. For the landscape and visual concerns identified above the proposal cannot be considered to comply with all the requirement of policy ED7.

Aviation Issues (ER1, EP13 and IMP1)

MLDP Policy ER1 seeks to ensure that renewable energy proposals avoid any impacts resulting from aviation and defence constraints including flight paths and aircraft radar.

The ES acknowledges potential effects of the wind farm upon aircraft activity including radar systems and there has been a history in Moray of radar conflict.

While aviation conflict is a specific issue within policy ER1, the Council ordinarily relies upon the expertise of the MoD and other aviation bodies to form a view on the matter. As the Ministry of Defence, National Air Traffic (NATS) and Inverness Airport have been directly consulted by the ECU this element of compliance will be left for ECU to determine upon.

Period of consent and arrangements for decommissioning and site restoration (ER1)

Development of this nature has a limited lifespan and permission is sought for a 35 year period and if permitted it would fall to the ECU to determine the period of energy production commencement. The applicants ask for the proposal to be aligned to the conditions of the existing Pauls Hill windfarm which is due to expire sooner, as the windfarm has been producing electricity for over a decade now.

The ES contains in Chapter 4 information about decommissioning and site reinstatement, which seeks to align with the existing Pauls Hill windfarm which would see the preparation of a Decommissioning Method Statement 6 months prior to decommissioning. This may require some consideration in the event of approval as the existing Pauls Hill windfarm is currently set to expire before the current proposal.

The ECU would condition appropriate decommissioning requirement 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, the proposal is considered to comply with the restoration requirements of Policy ER1.

Planning Obligations (IMP3)

No planning obligations contribution are due as such development would not have an impact on community facilities, schools etc. Separate to this it was decided by the Planning and Regulatory Services Committee on the 18th October 2012 to remove the pursuit or contribution of funds to "Community Benefit Funds" from the development management system.

The setting up of a community benefit fund should not be a matter that influences the planning decision and would be arranged separate to the planning process in the event that permission is granted. This approach is highlighted in Annex A 'Defining a Material Consideration' of the Circular 3/2013: Development Management Procedures.

Conclusion

This proposal represents a significant renewable energy development for Moray. The scheme is in line with aspects of local and national policy on the expansion of renewable energy including its contribution to renewable energy targets and the furtherance of a sustainable rural economy within Moray. The development will not

adversely impact on built or natural environment, subject to appropriate measures being put in place.

In this case, for the reasons identified in the above section on landscape and visual impact the proposed turbines (by virtue of their size and location) would have a detrimental impact upon the landscape character of this part of Moray and also visually when viewed from the nearest residences, the Upper Knockando area and within from an area south of the River Spey to the south of the proposed windfarm extension.

On balance, the benefits of the proposal would not outweigh the detrimental landscape and visual impact. Officers consider that the potential for larger turbines identified within the 2017 Moray Wind Energy Landscape Capacity Study (MWELCS) could be re-visited by the applicant. It is of note that other consultees such as SNH have come to a similar view already that the design of the windfarm should be re-visited.

Of further note, it should be specifically raised in the response that the upgrading of tracks within the existing site should not include any increase in size of the existing rock cut at the entrance to the site as it is not clear if that would be required to facilitate delivery of larger turbine components (yet to be determined). The existing rock cut is already a detrimental feature in this location and should not be enlarged. Similarly, limited information is available at this stage of the anticipated delivery of abnormal loads (turbine components) via the public road network. Where such information would be contained within a Construction Method Statement and Construction Traffic Management Plan (if the development were approved) it might reveal the need for major works to the public road network, structures or street furniture. It should be noted that whilst no objection is being raised in relation to such matters, the Council reserve the right to take issue within any unacceptable works to the public road network.

Recommended decision to Committee

The proposed development is contrary to Moray Local Development Plan 2015 policies PP1 Sustainable Economic Growth, ED7 Rural Business Proposals, ER1 Renewable Energy Proposal, IMP1 Developer Requirements and Moray Onshore Wind Energy 2017 Policy Guidance and The Moray Wind Energy Landscape Capacity Study 2017 for the following reasons;-

1. The proposed development by virtue of the proposed turbine positions and height close to and competing with the landmark hill Roy's Hill, would diminish its prevalence and distinctiveness within the landscape. The turbines would also stop Roy's Hill acting as an effective buffer, containing the existing windfarm at Pauls Hill from the surrounding lower valleys to the east and south;

2. The turbines will be located close to the edge of the 'Open Rolling Upland' Landscape Character Type (LCT) 11 and the identified area of potential for larger turbines within that LCT. The proposed turbines will therefore encroach visually upon the more complex lower Spey Valley to the south and to the more settled Upper Knockando area to the east and north east. Specifically proposed Turbines 6 and 7 would impact on the Spey Valley and Turbine 1 and 2 would particularly impact upon the Upper Knockando area closer the windfarm;
3. The proposed windfarm extension would be detrimental to the scale and well enclosed setting of the existing Pauls Hill windfarm by introducing substantially larger turbines closer to the contained edges of the upland area it currently occupies. From certain views the proposed turbines would appear substantially larger than the existing turbines at Pauls Hill leading to visual confusion and a lack of cohesiveness between existing and proposed turbines;
4. Proposed Turbine 1 would have a detrimental impact upon the visual amenity of lower lying properties immediately east of and closest to the proposed windfarm extension. The turbine would appear overly imposing and dominate the previously open and undeveloped small valley formed by watercourse Allt Arder.

Policies

Primary Policy PP1: Sustainable Economic Growth

The Local Development Plan identifies employment land designations to support requirements identified in the Moray Economic Strategy. Development proposals which support the Strategy and will contribute towards the delivery of sustainable economic growth and the transition of Moray towards a low carbon economy will be supported where the quality of the natural and built environment is safeguarded and the relevant policies and site requirements are met.

Primary Policy PP2: Climate Change

In order to contribute to reducing greenhouse gas emissions, developments of 10 or more houses and buildings in excess of 500 sq m should address the following:

- Be in sustainable locations that make efficient use of land and infrastructure
- Optimise accessibility to active travel options and public transport
- Create quality open spaces, landscaped areas and green wedges that are well connected
- Utilise sustainable construction techniques and materials and encourage energy efficiency through the orientation and design of buildings
- Where practical, install low and zero carbon generating technologies
- Prevent further development that would be at risk of flooding or coastal erosion
- Where practical, meet heat and energy requirements through decentralised and local renewable or low carbon sources of heat and power
- Minimise disturbance to carbon rich soils and, in cases where it is agreed that trees can be felled, to incorporate compensatory tree planting.

Proposals must be supported by a Sustainability Statement that sets out how the above objectives have been addressed within the development. This policy is supported by supplementary guidance on climate change.

Policy ER1: Renewable Energy Proposals

All Renewable Energy Proposals

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

- i) They are compatible with policies to safeguard and enhance the built and natural environment
- ii) They do not result in the permanent loss or damage of agricultural land
- iii) They avoid or address any unacceptable significant adverse impacts including:

- Landscape and visual impacts
- Noise impacts
- Electromagnetic disturbance
- Impact on watercourse engineering
- Impact on peat land hydrology
- Electromagnetic disturbance
- Impact on watercourse engineering
- Traffic Impact
- Ecological Impact
- Impact on tourism and recreational interests

Onshore wind turbines

In addition to the assessment of impact outlined above the following considerations will apply:

a) The Spatial Framework

Areas of Significant Protection*: where the council will apply significant protection and proposals will only 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: where the council is likely to support proposals subject to detailed consideration.

* This protection will also apply to areas with carbon rich soils, deep peat and priority peatland habitat. This constraint is not currently included on the spatial strategy mapping but will be addressed through Supplementary Guidance once the relevant data becomes available.

b) Detailed Consideration

The proposal will be determined through assessment of the details of the proposal, including its benefits, and the extent to which it avoids or mitigates any unacceptable significant adverse impact. Detailed assessment** of impact will include consideration of the extent to which:

Landscape and visual impact:

- The proposal addresses the Guidance set out in the Moray Windfarm Landscape Capacity Study
- The landscape is capable of accommodating the development without significant detrimental 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

- Any detrimental impact from two or more wind energy developments and the potential for mitigation is addressed.

Impact on local communities

- The proposal addresses any detrimental 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 any impacts arising from 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.

** Further detail on the above assessment process will be addressed through supplementary guidance to include:

- Peat mapping once this becomes available
- Detailed mapping of constraints
- Guidance on areas with greatest potential for small/medium and large scale wind farms.

Biomass

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

- Proposals should 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 can demonstrate that they have taken account of the amount of supply fuel over the life of the project.
- When considering woody biomass proposals the scale and location of new development is appropriate to the volume of local woodfuel available.
- 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 should be submitted, which should include photomontages from viewpoints agreed by the Council.
- There should 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 should 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 should be provided.
- Where necessary appropriate structural landscaping must be provided to assist the development to integrate sensitively.
- The criteria set out in relation to other renewables should also be met.

The Council will consult with the Forestry Commission Scotland (FCS) to help predict potential woodfuel supply projections in the area.

Policy ED7: Rural Business Proposals

New business developments, or extensions to existing industrial/economic activities in the countryside, will be permitted if they meet all of the following criteria:

- a) There is a locational justification for the site concerned, particularly if there is serviced industrial land available in a nearby settlement.
- b) There is capacity in the local infrastructure to accommodate the proposals, particularly road access, or that mitigation measures can be achieved.
- c) Account is taken of environmental considerations, including the impact on natural and built heritage designations, with appropriate protection for the natural environment; the use of enhanced opportunities for natural heritage integration into adjoining land.
- d) There is careful control over siting, design, landscape and visual impact, and emissions. In view of the rural location, standard industrial estate/urban designs may not be appropriate.

Proposals involving the rehabilitation of existing properties (e.g. farm steadings) to provide business premises will be encouraged, provided road access and parking arrangements are acceptable.

Where noise emissions or any other aspect is considered to be incompatible with surrounding uses, there will be a presumption to refuse.

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

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Policy E1: Natura 2000 Sites and National Nature Conservation Sites

Natura 2000 designations

Development likely to have a significant effect on a Natura 2000 site which is not directly connected with or necessary to its conservation management 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 Natura site may be approved where;

- a) there are no alternative solutions; and
- b) there are imperative reasons of over-riding public interest including those of a social or economic nature, and

- c) if compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

For Natura 2000 sites hosting a priority habitat or species (as defined in Article 1 of the Habitats Directive), prior consultation with the European Commission via Scottish Ministers is required unless either the imperative reasons of overriding public interest relate to human health, public safety or beneficial consequences of primary importance to the environment.

National designations

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

- a) the objectives of designation and the overall integrity of the area will not be compromised; or
- b) 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.

Policy E2: Local Nature Conservation Sites and Biodiversity

Development likely to have a significant adverse effect on Local Nature Reserves, native woodlands identified in the Native Woodland Survey of Scotland, raised peat bog, wetlands, protected species, wildlife sites or other valuable local habitat or conflict with the objectives of Local Biodiversity Action Plans will be refused unless it can be demonstrated that;

- a) local public benefits clearly outweigh the nature conservation value of the site,
and
- b) there is a specific locational requirement for the development

Where there is evidence to suggest that a habitat or species of importance exists on the site, the developer will be required at his own expense to undertake a survey of the site's natural environment.

Where development is permitted which could adversely affect any of the above habitats or species the developer must put in place acceptable mitigation measures to conserve and enhance the site's residual conservation interest.

Development proposals should protect and where appropriate, create natural and semi natural habitats for their ecological, recreational and natural habitat values. Developers will be required to demonstrate that they have considered potential improvements in habitat in the design of the development and sought to include links with green and blue networks wherever possible.

Policy E3: Protected Species

Proposals which would have an adverse effect on a European protected species will not be approved unless;

- there is no satisfactory alternative; and
- the development is required to preserve public health or public safety, or for other reasons of overriding public interest, including those of a social or economic nature, and beneficial consequences of primary importance for the environment; and the development will not be detrimental to the maintenance of the population of species concerned at a favourable conservation status of the species concerned.

Proposals which would have an adverse effect on a nationally protected species of bird will not be approved unless;

- There is no other satisfactory solution
- The development is necessary to preserve public health or public safety
- The development will not be detrimental to the conservation status of the species concerned.

Proposals which would have an adverse effect on badgers or their setts must be accompanied by a Badger Protection Plan to avoid, minimise or compensate for impacts. A licence from Scottish Natural Heritage may be required as well as planning permission. Where a protected species may be affected a species survey should be prepared to accompany the application to demonstrate how any offence under the relevant legislation will be avoided.

Policy E4: Trees and Development

The Council will serve Tree Preservation Orders (TPO's) on potentially vulnerable trees which are of significant amenity value to the community as a whole, 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 protection should be replaced, unless otherwise agreed with the Council.

Woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The Council may attach conditions on planning consents ensuring that existing trees and hedges are retained or replaced.

Development proposals will be required to meet the requirements set out in the Council's Trees and Development Supplementary Guidance. This includes carrying out a tree survey to identify trees on site and those to be protected. A safeguarding distance should be retained between mature trees and proposed developments.

When imposing planting or landscaping conditions, native species should be used and the Council will seek to promote green corridors.

Proposals affecting woodland will be considered against Policy ER2.

Policy E7: Areas of Great Landscape Value (AGLV) and impacts upon the wider landscape

Development proposals which would have a significant adverse effect upon an Area of Great Landscape Value will be refused unless:

- a) They incorporate the highest standards of siting and design for rural areas
- b) They will not have a significant adverse effect on the landscape character of the area, in the case of wind energy proposals the assessment of landscape impact will be made with reference to the terms of the Moray Wind Energy Landscape Capacity Study.
- c) They are in general accordance with the guidance in the Moray and Nairn Landscape Character Assessment.

New developments should be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed.

Proposals for new hill tracks should ensure that their alignment minimises visual impact; avoids sensitive natural heritage features, avoids adverse impacts upon the local hydrology; and takes account of the likely type of recreational use of the track and wider network.

Policy E6: National Parks and National Scenic Areas (NSA)

Development that affects National Parks or National Scenic Areas will only be permitted where:

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

Policy BE1: Scheduled Monuments and National Designations

National Designations

Development Proposals will be refused where they will adversely affect Scheduled Monuments and nationally important archaeological sites or their settings unless the developer proves that any significant adverse effect on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance.

Local Designations

Development proposals which will adversely affect sites of local archaeological importance or the integrity of their settings will be refused unless it can be demonstrated that;

- a) Local public benefits clearly outweigh the archaeological value of the site, and
- b) There is no suitable alternative site for the development, and
- c) Any adverse effects can be satisfactorily mitigated at the developers expense

Where in exceptional circumstances, the primary aim of preservation of archaeological features in situ does not prove feasible, the Council shall require the excavation and researching of a site at the developers expense.

The Council will consult Historic Scotland and the Regional Archaeologist on development proposals which may affect Scheduled Monuments and archaeological sites.

Policy BE2: Listed Buildings

The Council will encourage the protection, maintenance, enhancement and active use of listed buildings.

Development proposals will be refused where they would have a detrimental effect on the character, integrity or setting of the 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.

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 conservation and re-use.

No listed building should be demolished unless it can be clearly demonstrated that every effort has been made to retain it. Where demolition of a listed building is proposed it must be shown that;

- a) The building is not of special interest; or
- b) The building is incapable of repair; or
- c) The demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
- d) 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 should be of a comparable quality and design to retain and enhance special interest, character and setting of the listed building(s).

Buildings which are allowed to fall into a state of disrepair may be placed on the Buildings at Risk Register and remedial works to buildings in disrepair may be enforced in the public interest.

Proposals should be in accordance with guidance set out in the Scottish Historic Environment Policy (SHEP) and the Managing Change in the Historic Environment guidance note series.

Policy BE5: Battlefields, Gardens and Designated Landscapes

Development proposals which adversely affect Battlefields or Gardens and Designed Landscapes or their setting will be refused unless;

- a) The overall character and reasons for the designation will be not compromised, or
- b) Any significant adverse affects can be satisfactorily mitigated and are clearly outweighed by social, environmental, economic or strategic benefits.

The Council will consult Historic Scotland on any proposal which may affect Inventory sites.

EP4: Private Water Supplies

All proposals to use a private water supply must demonstrate that a wholesome and adequate supply can be provided. Applicants will be required to provide a National Grid Reference for each supply source and mark the supply (and all works associated) e.g. the source, holding tank and supply pipe, accurately on the application plan. The applicant will also be required to provide information on the source type (e.g. well, borehole, spring). This information is necessary to enable the appropriate authorities to advise on the environmental impact, adequacy, wholesomeness, capacity of supply for existing and proposed users and pollution risks.

Policy EP5: Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

Surface water from development should be dealt with in a sustainable manner that has a neutral effect on the risk of flooding or which reduces the risk of flooding. The method of dealing with surface water should also avoid pollution and promote habitat enhancement and amenity. All sites should be drained by a sustainable drainage system (SUDS). Drainage systems should contribute to enhancing existing "blue" and "green" networks while contributing to place-making, biodiversity, recreational, flood risk and climate change objectives.

Specific arrangements should be made to avoid the issue of permanent SUD features becoming silted-up with construction phase runoff. Care must be taken to avoid the introduction of invasive non-native species during the construction of all SUD features.

Applicants must agree provisions for long term maintenance of the SUDS scheme to the satisfaction of the Council in consultation with SEPA and Scottish Water as appropriate.

A Drainage Assessment (DA) will be required for developments of 10 houses or more, industrial uses, and non-residential proposals of 500 sq metres and above.

The Council's Flood Team will prepare Supplementary Guidance on surface water drainage and flooding.

Policy EP6: Waterbodies

Proposals must be designed to avoid adverse impacts upon water environment and should seek opportunities for restoration. The Council will only approve proposals impacting on water features where the applicant provides a satisfactory report that demonstrates that any impact (including cumulative) on water quality, water quantity, physical form (morphology), river hydrology, sediment transport and erosion, nature conservation, fisheries, recreational, landscape, amenity, and economic and social impact can be adequately mitigated.

The report should 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 6m between any new development and all water features is required. These should be designed to link with blue and green networks and can contribute to open space requirements. Developers may be required to make improvements to the water environment as part of the development.

Policy EP7: Control of Development in Flood Risk Areas

New development should not take place if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. 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 National Guidance and to the satisfaction of both the Scottish Environment Protection Agency and the Council is provided by the applicant. This assessment must demonstrate that any risk from flooding can be satisfactorily mitigated without increasing flood risk elsewhere. 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.

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 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 extreme 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 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
 - Job related accommodation e.g. for caretakers or operational staff.

Areas within these risk categories will generally not be suitable:

- 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 flow), and
- An alternative, lower risk location is not available and
- 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 should be

used where appropriate. Elevated buildings on structures such as stilts are unlikely to be acceptable.

Policy EP8: Pollution

Planning applications for developments that may cause significant pollution in terms of noise (including RAF aircraft noise), air, water and light emissions will only be approved where a detailed assessment report on the levels, character and transmission of the potential pollution is provided by the applicant. The assessment should also demonstrate how the pollution can be appropriately mitigated. Where the Council applies conditions to the consent to deal with pollution matters these may include subsequent independent monitoring of pollution levels.

Policy EP9: Contaminated Land

Development proposals on potentially contaminated land will be approved provided that:

- a) 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
- b) 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.

The Council recommends early contact with the Environmental Health Section, which can advise what level of information will need to be supplied.

Policy EP10: Foul Drainage

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population equivalent will require to connect to the public sewerage system unless connection to the public sewer is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been specifically allocated within its current Quality Standards Investment Programme and the following requirements apply:

- Systems shall not have an adverse impact on the water environment;
- Systems must be designed and built to a standard which will allow adoption by Scottish Water.

- Systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as identified in the Local Development Plan) of less than 2000 population equivalent will require to connect to public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area. Consultation with Scottish Environment Protection Agency will be undertaken in these cases.

Where a private system is deemed to be acceptable (within settlements as above or small scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with Technical Handbooks (which sets out guidance on how proposals may meet the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

Policy EP12: Air Quality

Development proposals, which, individually or cumulatively, may adversely affect the air quality in an area to a level which could cause harm to human health and wellbeing or the natural environment must be accompanied by appropriate provisions (deemed satisfactory to the Council and Scottish Environment Protection Agency as appropriate) which demonstrate how such impacts will be mitigated.

Some existing land uses may have a localised detrimental effect on air quality, any proposals to locate development in the vicinity of uses and therefore introduce receptors to these areas (e.g. housing adjacent to busy roads) must consider whether this would result in conflict with the existing land use. Proposals which would result in an unacceptable conflict with existing land use and air quality will not be approved.

Policy EP13: Ministry of Defence Safeguarding Areas

Certain categories of development within particular distances from MoD airfields at Lossiemouth and Kinloss require to be subject of consultation with Defence Infrastructure Organisation. This applies to a wide range of development proposals which could have implications for the operation of the airfields and includes aspects

such as height of buildings; use of reflective surfaces; refuse tips; nature reserves (and other proposals which might attract birds);

Full details of the consultation zones and development types are held by Moray Council. The outer boundaries of the zones are shown on the Proposals Map.

Policy ER2: Development in Woodlands

All woodlands

Development which involves the loss of woodlands will be refused where the development would result in unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice the management of the forest. Woodland removal will only be supported where it can be demonstrated that the impact on the woodland is clearly outweighed by social or economic benefits of national, regional and local importance, and if a programme of proportionate compensatory planting has been agreed with the Planning Authority.

Protected Woodlands

Woodland removal within native woodlands, ancient semi natural and woodlands within sites protected under the terms of policies E1 and E2 will not be supported.

Tree surveys and new planting

Development proposals must take account of the Council's Trees and Development supplementary guidance. The Council will require the provision of compensatory planting to mitigate the effects of woodland removal.

Where appropriate the Council will seek opportunities to create new woodland and plant native trees in new development proposals. If a development would result in the severing or impairment of connectivity between important woodland habitats, mitigation measures should be identified and implemented to support the wider green network.

Policy ER5: Agriculture

The Council will support the agricultural sector by:

- a) Presuming against irreversible development on prime agricultural land (classes 1,2 and 3.1) unless the site is required for settlement expansion and there is no other suitable alternative.

- b) Supporting farm diversification proposals in principle and supporting business proposals which are intended to provide additional income/ employment on farms.

Proposals for agricultural buildings with a locational requirement will be subject to visual, landscape and amenity considerations and considered against the relevant environmental policies.

Policy ER6: Soil Resources

Where peat and other carbon rich soils are present disturbance to them may lead to the release of carbon dioxide contributing to the greenhouse gas emissions. Developers should assess the likely effects associated with any development work and aim to mitigate any adverse impacts arising.

For major developments, minerals and large scale (over 20MW) renewable energy proposals, development will only be permitted where it has been demonstrated that unnecessary disturbance of soils, peat and any associated vegetation is avoided. Evidence of the adoption of best practice in the movement, storage, management and reinstatement of soils must be submitted along with any relevant planning application, including if necessary measures to prevent the spread of invasive non-native species.

Major developments, minerals and large scale renewable energy proposals on undisturbed areas of deep peat (defined as 1.0m or more) will only be permitted for these uses where:

- a) the economic, social and/or environmental benefits of the proposal outweigh any potential detrimental effect on the environment (in particular with regard to the release of carbon dioxide into the atmosphere); and
- b) it has been clearly demonstrated that there is no viable alternative.

Where development on undisturbed peat is deemed acceptable, a peat depth survey must be submitted which demonstrates that the areas of deepest peat have been avoided. Where required, a peat management plan must also be submitted which demonstrates that unnecessary disturbance, degradation or erosion of peat is avoided.

Large scale commercial peat extraction will not be permitted.

Policy T2: Provision of Access

The Council will require that new development proposals are designed to provide the highest level of access for end users including residents, visitors, and deliveries appropriate to the type of development and location. Development must meet the following criteria:

- Proposals must maximise connections and routes for pedestrian and cyclists, including links to active travel and core path routes, to reduce travel demands and provide a safe and realistic choice of access.
- Provide access to public transport services and bus stop infrastructure where appropriate.
- Provide appropriate vehicle connections to the development, including appropriate number and type of junctions.
- Provide safe entry and exit from the development for all road users including ensuring appropriate visibility for vehicles at junctions and bends.
- Provide appropriate mitigation/modification to existing transport networks where required to address the impacts of new development on the safety and efficiency of the transport network. This may include but would not be limited to, the following measures, passing places, road widening, junction enhancement, bus stop infrastructure and drainage infrastructure. A number of potential road improvements have been identified in association with the development of sites the most significant of these have been shown on the Settlement Map as TSPs.
- Proposals must avoid or mitigate against any unacceptable adverse landscape or environmental impacts.

Developers should give consideration to aspirational core paths (under Policy 2 of the Core Paths Plan) and active travel audits when preparing proposals.

New development proposals should enhance permeability and connectivity, and ensure that opportunities for sustainable and active travel are protected and improved.

The practicality of use of public transport in more remote rural areas will be taken into account however applicants should consider innovative solutions for access to public transport.

When considered appropriate by the planning authority developers will be asked to submit a Transport Assessment and Travel Plan.

Significant travel generating proposals will only be supported where:

- Direct links to walking and cycling networks are available;
- Access to public transport networks would involve walking no more than 400m;
- It would not have a detrimental effect on the capacity of the strategic road and/or rail network; and
- A Transport Assessment identifies satisfactory mechanisms for meeting sustainable transport requirements and no detrimental impact to the performance of the overall network.

Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

Policy T5: Parking Standards

Proposals for development must conform with the Council's current policy on parking standards.

Policy T6: Traffic Management

There is a presumption against new accesses onto a trunk road, and Transport Scotland will consider the case for such junctions where nationally significant economic growth or regeneration benefits can be demonstrated.

There will also be a presumption against new direct access onto other main/key routes (the A941 and A98) except where required to support the provisions of the development plan. Moray Council will consider the case for such junctions where significant regional economic growth benefits can be demonstrated. Consideration will be given to the traffic impact, appropriate road design and traffic management requirements.

Policy T7: Safeguarding & Promotion of Walking, Cycling, & Equestrian Networks

The Council will promote the improvement of the walking, cycling, and equestrian networks within Moray. Priority will be given to the paths network including Core Paths and the wider Moray Paths Network. There are several long distance routes that cross Moray including the Speyside Way, Dava Way, Moray Coastal Trail and Aberdeen to Inverness National Cycle Route.

Development proposals that would have an unacceptable impact on access rights, core paths, rights of way, long distance routes and other access routes that cannot

be adequately mitigated will not be permitted. Where a proposal will affect any of these, proposals must:

- incorporate the route within the site layout and the routes amenity value must be maintained or enhanced; or
- provide alternative access that is no less attractive and is safe and convenient for the public to use.

Policy IMP1: Developer Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It should comply with the following criteria

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape
- c) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.

- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.

Policy IMP2: Development Impact Assessments

The Council will require applicants to provide impact assessments in association with planning applications in the following circumstances:

- a) An Environmental Assessment (EA) will be required for developments that are likely to have significant environmental affects under the terms of the regulations.
- b) A Transport Assessment (TA) will be sought where a change of use or new development is likely to generate a significant increase in the number of trips being made. TAs should identify any potential cumulative effects which would need to be addressed. Transport Assessments should assess the effects the development will have on roads and railway infrastructure including stations and any crossings. Transport Scotland (Trunk Roads) and Network Rail (Railway) should be consulted on the scoping of Transport Assessments. Moray Council's Transportation Service can assist in providing a screening opinion on whether a TA will be sought.
- c) In order to demonstrate that an out of centre retail proposal will have no unacceptable individual or cumulative impact on the vitality and viability of the identified network of town centres, a Retail Impact Assessment will be sought where appropriate. This may also apply to neighbourhood shops, ancillary retailing and recreation/tourism retailing.
- d) Where appropriate, applicants may be asked to carry out other assessments (e.g. noise; air quality; flood risk; drainage; bat; badger; other species and habitats) in order to confirm the compatibility of the proposal.

Policy IMP3: Developer Obligations

Contributions will be sought from developers in cases where, in the Council's view, a development would have a measurable adverse or negative impact upon existing

infrastructure, community facilities or amenity, and such contributions would have to be appropriate to reduce, eliminate or compensate for that impact.

Where the necessary contributions can be secured satisfactorily by means of planning conditions attached to a planning permission, this should be done, and only where this cannot be achieved, for whatever reason, the required contributions should be secured through a planning agreement.

The Council will prepare supplementary guidance to explain how the approach will be implemented in accordance with Circular 3/2012 on Planning Obligations. This will detail the necessary facilities and infrastructure and the scale of contributions likely to be required.

In terms of affordable housing, developments of 4 or more units will be expected to make a 25% contribution, as outlined in policy H8.



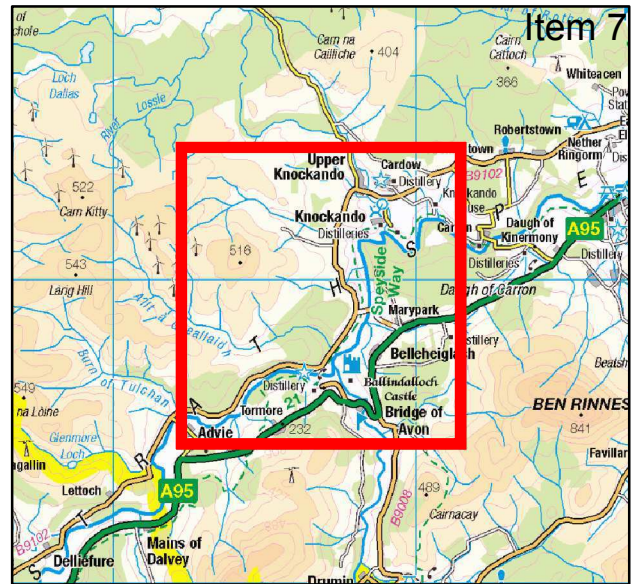
COMMITTEE SITE PLAN

ABERLOUR

Application Reference Number:

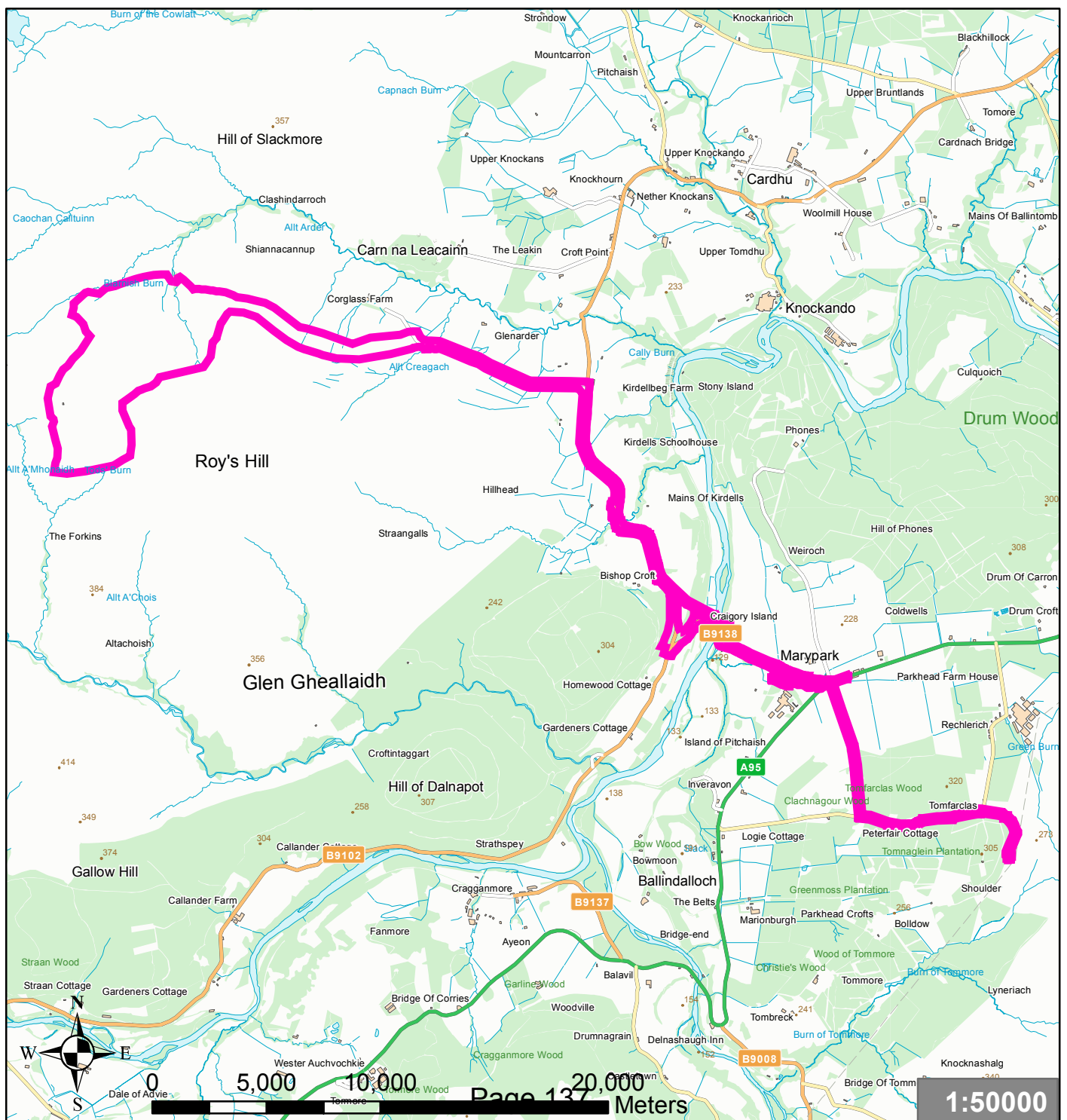
18/00523/S36

Paul's Hill II Wind Farm
Ballindalloch
Moray



Item 7

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REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
13 NOVEMBER 2018

SUBJECT: 18/00954/S36 - CONSTRUCT AND OPERATE AN OFFSHORE
WINDFARM WITHIN THE MORAY FIRTH, KNOWN AS
MORAY WEST WINDFARM

BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING AND INFRASTRUCTURE)

1. REASON FOR REPORT

- 1.1 This report asks Committee to consider the consultation received from Marine Scotland in relation to the proposed variation of three Electricity Act 1989 Section 36 consents for an offshore windfarm submitted by Moray West Offshore Windfarm. This Section of the Electricity Act relates to consenting offshore electricity generation.
- 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 the Committee responds to the consultation to raise no objection to the proposed offshore windfarm development and instruct Officers to respond to Marine Scotland to that effect.**

3. BACKGROUND

- 3.1 As the estimated output of the offshore windfarm would exceed 50mW it is to be determined by the Scottish Government (in this case Marine Scotland are the determining Authority). Responsibility for consultation with statutory consultees, relevant local authorities, receipt of objections and determination lie with Marine Scotland. In these circumstances the role of Moray Council is as a consultee rather than being the determining authority. Whilst the

windfarm lies 32km north of the Moray coast, as an authority bound by the Moray Firth and in line of sight of the development Moray Council has been identified as a consultee.

- 3.2 Of note, construction of the Beatrice Offshore Windfarm Ltd site (BOWL), to the north of the proposed windfarm area has begun. This proposal consists of 87 x 7mW turbines built to a maximum height of 187m. BOWL are currently constructing transmission cables between the offshore windfarm and a new electricity substation at Blackhillock, Keith which is nearing completion and will pass through and beneath the proposed offshore development subject of this report.
- 3.3 This Committee considered a report in February of this year for a revised design and layout of a previously approved windfarm immediately to the east of the current proposed site known as 'Moray East'. This neighbouring offshore windfarm, was previously approved by Marine Scotland in 2014 and was submitted by Moray Offshore Renewables Ltd (MORL) for three separately consented windfarms known as the Telford, MacColl and Stevenson windfarms. The Moray East proposal saw a Section 36C variation request to increase the amount of output attributable to the McColl windfarm of the Moray East windfarm area from 372mW up to 500mW.
- 3.4 As the overall consented output for Moray East would not change from the consented 1116mW there would need to be an offset reduction in output attributable to either the Stevenson and/or the Telford windfarm areas. Whilst no reason was given for this change in distribution of output between the three windfarms, it is likely to reflect the predominance of the wind from the south west toward the McColl windfarm area, which sits south west and south of the Stevenson and Telford windfarm areas. The increase in proportion of output to the McColl windfarm area is likely to manifest in it hosting more of the turbines than the windfarm areas to the north.
- 3.5 A Location Plan (**Appendix 1**) shows the location of the offshore development site. The plan used provided only one of the indicative turbine layouts, but does show the proximity and general composition of the neighbouring approved windfarms (Moray East and BOWL).
- 3.6 The current proposal known as Moray West would sit south west of these consented offshore windfarms and close to the Moray coast. Moray Council and other consultees are invited to respond to Marine Scotland who will ultimately determine the application. Marine Scotland will give consideration to the national policy and guidance which is generally favourable towards well designed and located offshore windfarm development.

4. PROPOSALS

- 4.1 The proposed windfarm would sit on the south-western end of the Beatrice Sector with the proposed turbines being located between 32km to 39km away

from the Moray coast. Lossiemouth would be the closest point to them, at a distance of 32km. At its furthest point, the north east corner of the offshore windfarm would be approximately 45km from the Moray coast.

- 4.2 The development would comprise of;
- 62-85 offshore turbines, to a height between 199m - 285m (the taller turbines being at the lower density of 62 total);
 - Up to two Offshore Substation Platforms (OSP's). These platforms would resemble oil platforms seen elsewhere in the Moray Firth and are anticipated to be approximately 100m wide and approximately 70m above sea level;
 - Substructures and associated seabed foundations (for turbines and OSPs);
 - Subsea inter-array cables linking individual WTGs with each other and linking strings of turbines with the OSPs;
 - Subsea interconnector cables linking OSPs (if two OSPs are installed);
 - Subsea export cables running from the OSPs to shoreline landfall;
 - Scour protection around substructures and cable protection (if required);
 - Monitoring equipment, such as metocean buoys (if required); and
 - Aviation lighting on the peripheral turbines, and lower level nautical upon the bases of each of the turbines and OSP's.
- 4.3 The scope of different numbers and heights of turbine is a reflection of the fact that the definitive choice of turbine has not yet been made, although the overall output of the Moray West windfarm zone is defined by their license to generate electricity. The approach to the project is that of a 'Rochdale Envelope' where the detailed submissions and the supporting Environment Impact Assessment allow for various options for the windfarm.
- 4.4 The submissions to Marine Scotland suggest the lifetime of the project is approximately 50 years, with the project to be completed (inclusive of decommissioning) by 2075. The offshore windfarm will require to be supported by operations or maintenance vessels and personnel and it is not yet known where they would be based or which harbours might be utilised.

5. VISUAL IMPACT

- 5.1 Whilst there may be as many as 85 turbines, this would occur for the smaller turbine typology. Therefore the taller the turbine the lower the overall density. At a distance from the Moray coastline of over 30km however the differential in turbine types 199m - 285m would not materially alter the view, whereas the density and layout of turbines (and lighting) may impact upon the number of lights visible at night-time. Again the magnitude of difference between the different windfarm design options is negligible given the distances involved.
- 5.2 The proposed turbines would be clearly visible from the coastline, when compared to the consented BOWL turbines which lie a further 15km approximately to the north and are generally only notably visible on clear days. The extent to which they are visible is discussed below, but as Moray

West would occupy the most southerly zone within the Moray Firth Beatrice sector authorised for wind energy development, it is likely to constitute the most prevalent windfarm development viewed from the Moray coastline.

- 5.3 Viewpoints have been provided from various points on the Moray Firth coastline and two of the closest points on the Moray coast would be Lossiemouth (Viewpoint 16) and Portknockie (Viewpoint 19). They show that the turbines would be visible on the far horizon, and notably that the cumulative effect with the other consented windfarms would see turbines visible on the horizon of the Moray Firth over an extensive portion of the seascape. The visual impact assessment of the offshore windfarm concluded that at a distance of over 30km, the development would be visible when scanning in the general direction of the development: otherwise likely to be missed by casual observers although on clearer days the development would be visible after a brief glance in the general direction of the development and unlikely to be missed by casual observers. Conversely when light is fading and weather is less clear the turbines would be at the limit of visibility and only come into focus after extended viewing.
- 5.4 At a distance of over 30km the turbines would not be perceived as being close to Moray coast, and would be seen only in the far distance, although the backdrop of the northern coast and landmass of the Moray Firth beyond the windfarm would inform their position in the sea scape. This already happens to a degree when large ships or oil platforms travel across the Moray Firth. It is also reasonable to highlight that at distances of between 32km to over 40km atmospheric conditions play a part in the visibility of the development, with haze and mist often obscuring visibility of the objects that far out at sea. Also the development as viewed on the horizon from near sea level on the Moray coast would see the bottom half of turbines obscured from view by the curvature of the earth. This effect would be more notable for the turbines located on the north side of the development area. Conversely, views of the development on higher ground near the coast would see the OSP's and lower parts of turbines being visible. It is noted that many settlements on the Moray coast sit on raised coastal shelves increasing the distance of the view to the horizon.
- 5.5 A night-time photomontage has been prepared from Lossiemouth Harbour to give an indication of the effect of the lighting from the turbine and OSP lighting. Of note, the two substation platforms would also be illuminated, but these would only require lower intensity nautical and safety lighting. While the definitive number and height of turbines is not yet known, the hub level aviation lighting on the peripheral turbines will be visible at night and will flash the Morse code letter "W" (presumably for windfarm).
- 5.6 Beyond visibility, a view has to be reached as to whether their presence is unacceptable and the magnitude of change (even cumulatively with Moray East and BOWL) is not considered to be a significant change. The assessment that the visual impact would be low is appropriate given the distance of the proposed turbines and OSP's from the Moray coast. The proposed offshore development is sufficiently far from shore that there will be

little impact on the Moray coast and coastal settlements. Furthermore the proposed lighting while often visible in the far distance from the Moray coast at a distance of over 30km would have no material or significant impact upon Moray.

6. ENVIRONMENTAL AND MARINE IMPACT

- 6.1 There would undoubtedly be an impact on the marine environment and upon the wider environment (impact upon migratory birds etc.). A great deal of assessment has been done as part of the EIA into the marine and wider environment. As Marine Scotland has directly consulted Scottish Environment Protection Agency (SEPA), Royal Society for the Protection of Bird (RSPB), Scottish Natural Heritage (SNH), Fisheries bodies and other relevant consultees with an expertise in the particular field it is left for them to respond in more detail. The distance of the proposal from the Moray coast means it will have little impact upon the inshore waters off the Moray coast.

7. SOCIO-ECONOMIC IMPACT

- 7.1 As mentioned above, the windfarms would be located so far offshore visibly that it is not anticipated that it would have any impact upon tourism within Moray. The extent to which wildlife in the Moray Firth may be impacted upon and how this may affect environmental tourism is also likely to be negligible for Moray. Water based tourist activities off the coast of Moray would rarely, if ever, travel as far north as the windfarm sites.
- 7.2 A project of this scale is likely to have economic benefits to the wider locality, even further down the supply chain in terms of service industries while any workforce are present in the locality. The applicant's submission acknowledges that whilst turbine provision is most likely to come from long established international suppliers, the installation and assembly phases may be more likely to come from Scottish based companies given current expertise in the oil and gas industries. Scottish manufacturing has gaps preventing the complete provision of turbines and cabling but work is being carried out to invest in these sectors for the future. Given the scale of the project the economic benefits will be spread wide dependent upon what phase the project would be at (consultants, professionals at an early stage leading to construction and other offshore industries further into the project).
- 7.3 Decisions have yet to be made about what harbours might be used and which locations would be used as Operations and Maintenance bases during the lifetime of the development. If Moray based, these would clearly have long term economic benefits for Moray.

8. OTHER IMPLICATIONS

- 8.1 Any response to this consultation would not prejudice the Council's determination of any for future planning applications received for related developments such as Operations and Maintenance centres, harbour developments or other service infrastructure that may or may not be located within Moray.
- 8.2 Later in November Members are to consider a separate planning application for the onshore transmission infrastructure related to the Moray West offshore development. This will comprise of an undergrounded cable from the coast in Aberdeenshire, leading south through Moray to a new electricity substation near Keith, where it might connect to the national grid at Blackhillock). This is a separate consenting process from the offshore Section 36 electricity generation process. It is unlikely that Marine Scotland will have determined the offshore application by the time Moray Council considers the onshore planning application, although the two are under differing consenting regimes and need to be considered independently by each determining authority (Marine Scotland and Moray Council).

9. SUMMARY OF IMPLICATIONS

- (a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**
None
- (b) **Policy and Legal**
None.
- (c) **Financial implications**
If the Moray Council decides to object to the proposal this may lead to a Public Inquiry being called in which the Council would require to participate with resultant costs.
- (d) **Risk Implications**
None.
- (e) **Staffing Implications**
Yes, if attendance at a Public Inquiry became necessary.
- (f) **Property**
There may be implications for harbour facilities within Moray, but these are not yet known.
- (g) **Equalities/Socio Economic Impact**
None.
- (h) **Consultations**
The Corporate Director (Economic Development Planning & Infrastructure), the Head of Development Services, Legal Services Manager (Property and Contracts), Manager (Development

Management), the Equal Opportunities Officer, Gary Templeton (Principal Planning Officer), and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

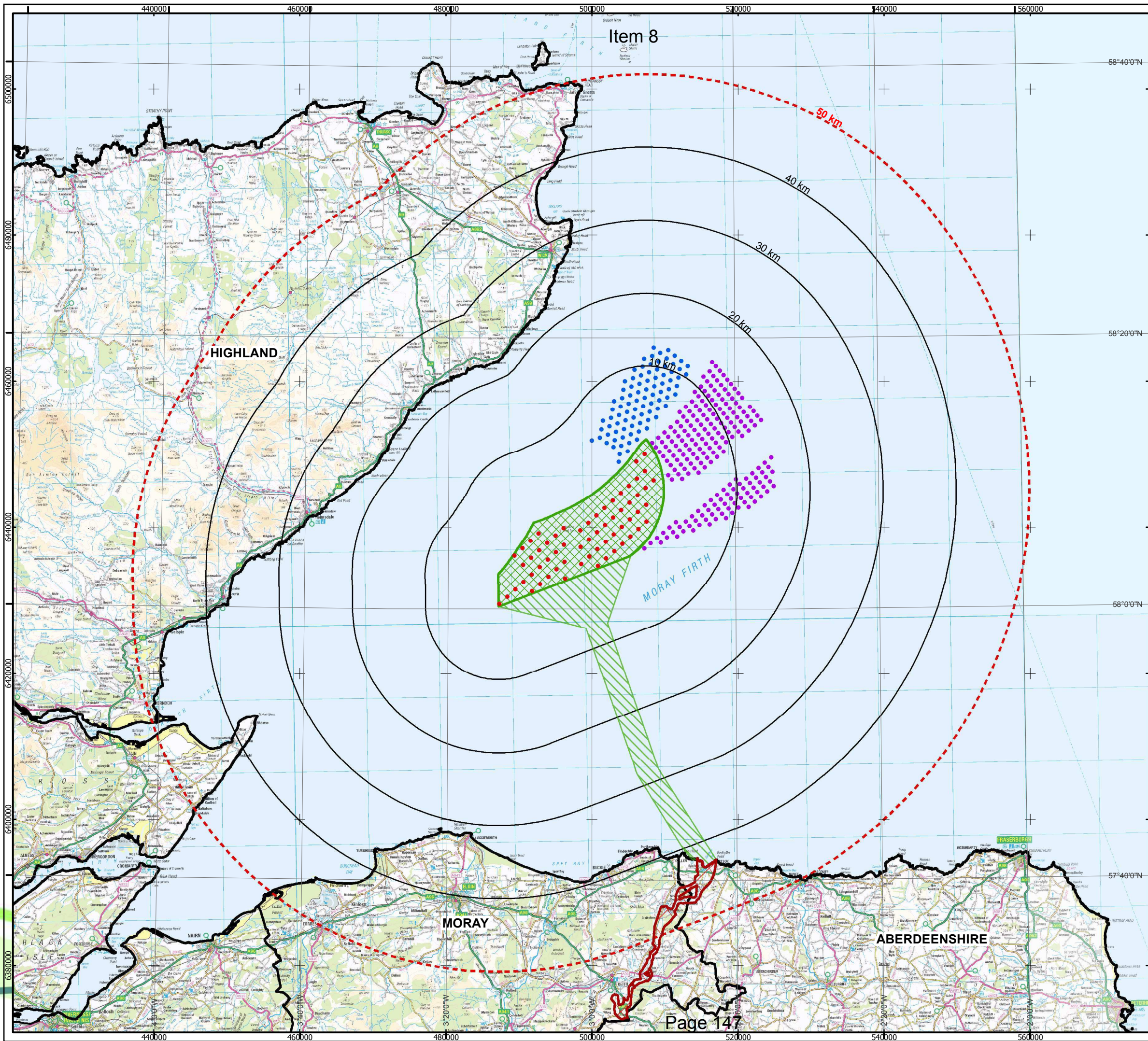
10. CONCLUSION

- 10.1 As described, the proposed offshore windfarm and infrastructure would have no detrimental impact upon the seascape or economy of Moray. On this basis, if agreed, a response would be issued to the Marine Scotland consultation confirming Moray Council has no objection to the Section 36 offshore windfarm proposal.**

Author of Report: Neal MacPherson, Principal Planning Officer

Background Papers:

Ref: 18/00954/S36



MORAY WEST OFFSHORE WINDFARM

KEY

- Moray West Site
- Offshore Export Cable Corridor
- Onshore Export Cable Corridor
- 50km Study Area Boundary
- 10km Distance Radii
- Local Authority Boundary
- Turbine Layout Scenario 4f (62 Turbines, 285m to tip)
- BOWL Turbines (Under Construction)
- Moray East Turbines (Consented)

Horizontal Scale: 1:500,000

A3 Chart

0 10,000 20,000 Meters

Geodetic Parameters: WGS84 UTM Zone 30N

Produced: MJF
Reviewed: RC
Approved: FG

Date: 22/06/2018 Revision: E
REF: 8460005-PPW0180-GOE-MAP-100

Figure 14.4.1
SLVIA Study Area

Moray Offshore
Windfarm (West) Ltd



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
13 NOVEMBER 2018**

**SUBJECT: 18/01132/PAN – PROPOSAL OF APPLICATION NOTICE FOR
RESIDENTIAL DEVELOPMENT AND ASSOCIATED
INFRASTRUCTURE AT SPEYVIEW, ABERLOUR**

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING AND INFRASTRUCTURE)**

1. REASON FOR REPORT

- 1.1 To inform the Committee that a Proposal of Application Notice (PAN) was submitted on 24 August 2018 by Springfield Properties PLC.
- 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 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 As described, this PAN relates to a proposal for residential development and associated infrastructure. The PAN includes a Location Plan (**Appendix 1**) which defines the extent of the proposed development site. No house design and site layout arrangements etc. for the development are included.
- 3.5 As defined, the site is located on the southern edge but within the settlement boundary of Aberlour (Proposals Map, Aberlour settlement statement, Moray Local Development Plan (MLDP) 2015 refers). The irregular shaped site is bounded by the A95 and existing houses to the west, by Ruthrie Road and existing houses set within mature woodland to the south, by mature woodland to the east and by a field to the north with the existing built-up area of Aberlour beyond.
- 3.6 The site is the subject of a site specific designation within the MLDP 2015 as Aberlour R4, Speyview (**Appendix 2**), a 13.1ha site with an indicative capacity of 100 houses. (Subject to demand, the designation also indicates that there may be an opportunity for modest release for employment land). The PAN does not specify the proposed number of residential units for the site, however, Policy H1 advises that capacity figures are indicative and actual proposed capacity will be considered against the characteristics of the site and conformity with Policies PP3 (Placemaking), H8 (Affordable Housing) and IMP1 (Development Requirements). In practice, a number of relevant and/or related policies and other material considerations (including Supplementary Guidance) will also apply and inform the development, including its formal determination. This will include consideration of the design and layout of housing, landscaping and infrastructure associated with the development together with the impact of the development upon the built and natural environment. In accordance with Policy IMP3 and the associated Supplementary Guidance, the development will also be subject to assessment

for developer obligations. The extent of the designation and provision for employment land may be altered as part of the emerging new local development plan.

- 3.7 From the R4 designation, a detailed design brief will be prepared for the site and reflect the design principles set out in an accompanying plan (**Appendix 2**). A design brief has yet to be adopted for this site however, key points from the designation text and plan are that the development should be progressed in phases of 25 houses; entrance gateways to be provided on the western (A95) and southern (Ruthrie road) boundaries (with employment land located along the latter); dwellings should front onto the road side to reflect the character of the older part of Aberlour; public access routes including footways should create safe and attractive routes; and to reduce the visual impact and prominence of housing, single and one and a half storey houses should be provided (and orientated to take advantage of views and maximise solar gain) together with significant structural landscape planting to be provided on the higher, most exposed high points of the site (within the central part and along the eastern boundary of the site) to provide substantial backdrop, setting, and shelter, and reinforce the containment of the development (**Appendix 2**).
- 3.8 In addition, a flood risk assessment and badger survey may be required. An assessment of surface water drainage is needed to ensure no adverse impact on the River Spey SAC together with requirements for archaeological investigation and a transport assessment. Details of any primary access junction onto the A95 will require to be considered in consultation with Transport Scotland; for development over 100 units, a second vehicular access from the public road network will be required; and prior to commencement of the 50th house (or traffic equivalent from a combined house and employment development) an emergency access will be required at a location to be agreed (potentially onto Ruthrie road) (**Appendix 2**).
- 3.9 Planning permission is required for this proposal. Relative to the current Hierarchy Regulations and based upon a development comprising 50 or more dwellings and a site exceeding 2ha, the proposal would comprise a major development for planning purposes. As such, the proposal will be subject to PAN and pre-application consultation procedures with the local community. The applicant has also been advised of the Council's pre-application advice service to assist in identifying key issues and information that would be expected to accompany any formal application.
- 3.10 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, and has already served a copy of the PAN upon, Speyside Community Council. In this case, the applicant's agent has also been advised to issue a copy of the PAN to, and consult with, Aberlour Community Association. The consultation with the Community Council and/or Association should be by invitation to attend the public consultation event and/or by attending, where requested to do so, any

meeting(s) that the Community Council and Community Association may hold to discuss the proposal.

3.11 The PAN advises that a drop-in public exhibition event will be held at the Speyside Sports and Community Centre. No details have been provided to confirm the exact date of the event. This will require to be confirmed within any report prepared on the consultation undertaken with the community (see below).

3.12 The event requires to be advertised locally in advance and allow an opportunity for feedback upon the proposal. For validation purposes for a major application, the applicant is required to submit a pre-application consultation report setting out the steps taken to consult with the local community together with details of comments made on the proposal and how the applicant has responded to all comments made on the proposal in the development of the application.

4. SUMMARY OF IMPLICATIONS

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

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

(b) Policy and Legal

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

(c) Financial implications

None.

(d) Risk Implications

None.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities/Socio Economic Impact

None.

(h) Consultations

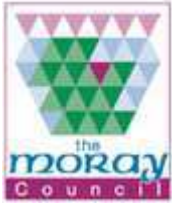
The Corporate Director (Economic Development Planning & Infrastructure), the Head of Development Services, Legal Services Manager (Property and Contracts), Manager (Development Management), the Equal Opportunities Officer, Gary Templeton (Principal Planning Officer), and Lissa Rowan (Committee Services 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 that a formal application for planning permission will be submitted for a major development proposal, in this case for permission for a residential development and associated infrastructure at Speyview Aberlour. 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:	PAN as received including Location Plan (Appendix 1)
Ref:	18/01132/PAN



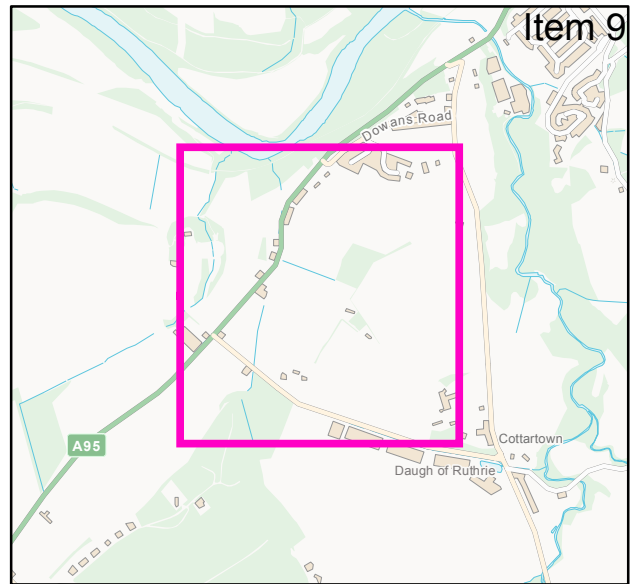
COMMITTEE REPORT

ABERLOUR

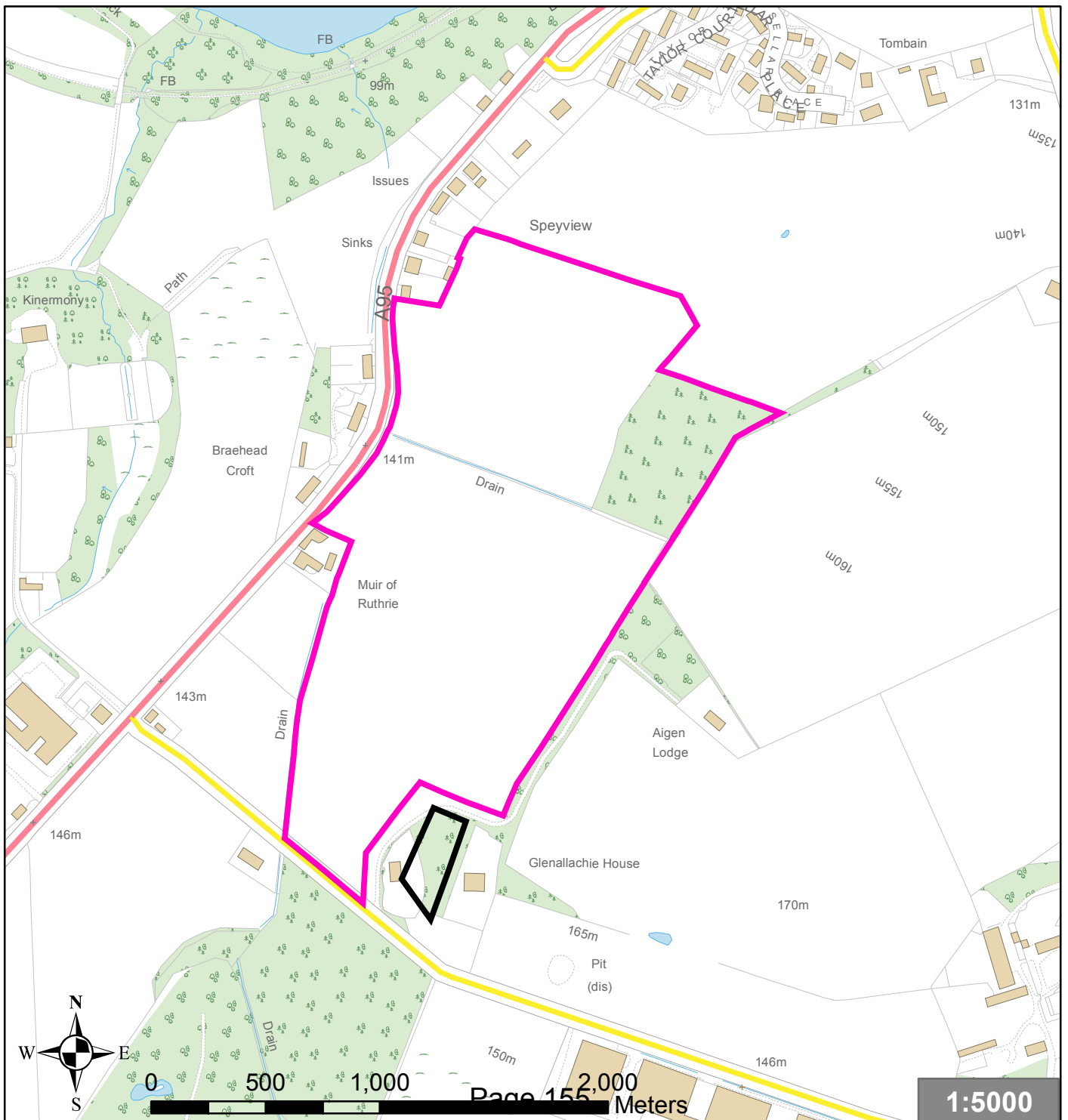
Application Reference Number:

18/01132/PAN

Residential development and associated infrastructure at R4 Speyview Aberlour



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Appendix 2

APPLICATION NO: 18/01132/PAN

Aberlour R4: Speyview

This large new site is expected to serve Aberlour well beyond the duration of the Local Development Plan period. It is being considered due to the constraints in developing the sites at Braes of Allachie. The site can accommodate a phased development of up to 100 houses. Depending on demand there may also be the opportunity for modest release of employment land.

A detailed development brief will be prepared for the site reflecting the design principles set out in the accompanying plan. This site is on the edge of Aberlour and relatively prominent, as such it will require significant structural landscape planting to provide a backdrop and containment for new development. The topography of the site should be used to integrate development sensitively. The layout of the development should optimise the extent of green areas to absorb rainwater to help address surface water run-off.








There may be a requirement to prepare a Flood Risk Assessment relating to the open ditch that passes through the site, the ditch should be incorporated into the design of the site. Surface water flooding is an issue in Aberlour and the design, layout and use of SUDS should be carefully considered to ensure that water quality in the River Spey SAC is unaffected.

A badger survey may be required. There is potential for buried archaeological remains and an archaeological evaluation of 7-10% is required.

A Transport Assessment will be required for the overall development of the site. Primary access to the site should be onto the A95 trunk road. The details of the A95 access junction will need to be agreed with Transport Scotland and The Moray Council. Speed limits on the A95 may require to be relocated. For any development exceeding 100 residential units, a second vehicular access to the development from the existing public road network will be required. Prior to the commencement of the 50th house or equivalent traffic impact from a combined housing and employment development an emergency access will be required at a location to be agreed (potentially onto the U103H Ruthrie Road).

Footways along the frontage of the site onto the A95 will be required and additional works may be required for existing footways and crossings on the A95 to provide a safer route for pedestrians and for routes to school.

R4 SPEYVIEW ABERLOUR KEY DESIGN PRINCIPLES

-  Well designed road frontages creating a sense of arrival. Building and soft landscaping fronting the road, avoiding high wooden fences as boundary treatments.
-  Potential Employment
-  Major Access (all modes)
-  Footpath/Cycle links
-  Woodland Planting (Scots Pine or other appropriate conifer), large forest broadleaves such as oak, aspen, maple and supporting shrub layer.
-  Phased Development
-  Slopes

**PUBLIC ACCESS ROUTES
SHOULD AIM TO CREATE SAFE
AND ATTRACTIVE ROUTES**

**DWELLINGS SHOULD
FRONT ONTO ROADSIDE TO
REFLECT CHARACTER OF
OLDER PART OF ABERLOUR**

**LOW BUILDINGS, LIMITED TO
1½ STOREYS, POSSIBLY
ONLY SINGLE STOREY IN
PLACES TO REDUCE VISUAL
IMPACT**

**HOUSES SHOULD IF POSSIBLE BE
ORIENTATED TO TAKE ADVANTAGE OF
VIEWS ALONG THE SPEY VALLEY AND
MAXIMISE OPPORTUNITIES FOR
PASSIVE SOUTH GAIN**

**ENTRANCE
GATEWAY**

**RETAIN
EXISTING
TREES**

**WOODLAND PLANTING SHOULD BE
UNDERTAKEN TO MOST EXPOSED HIGH
POINTS OF THE SITE AND HELP
REINFORCE CONTAINMENT AND SHELTER
AND IN DUE COURSE ESTABLISH A
SETTING FOR THE DEVELOPMENT**

**DEVELOPMENT IN PHASES OF 25 HOUSES
THAT PROVIDE CONNECTIVITY AND RELATE
TO SUBSEQUENT PHASES OF DEVELOPMENT**

**POTENTIAL
EMPLOYMENT
LAND**

**ENTRANCE
GATEWAY**

*** INDICATIVE DETAILS OF
THE JUNCTION
IMPROVEMENTS ARE
AVAILABLE FROM THE
MORAY COUNCIL
TRANSPORTATION
SECTION**



REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
13 NOVEMBER 2018

SUBJECT: 18/01309/PAN - PROPOSED MIXED USE DEVELOPMENT
WITH COMMERCIAL/CRAFT UNITS COMMUNITY SPACES
AND DWELLINGS LANDSCAPE/ECOLOGICAL
ENHANCEMENT PROPOSALS AND NEW PRIVATE ROAD
TO SERVE DEVELOPMENT AT NORTH WHINS FINDHORN
FORRES

BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING AND INFRASTRUCTURE)

1. REASON FOR REPORT

- 1.1 To inform the Committee that a Proposal of Application Notice (PAN) was submitted on 3 October 2018 by Makar (agent) on behalf of Duneland 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 the 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 As described, this PAN relates to a proposal for a mixed use development with commercial/craft units, community spaces and dwellings landscape/ecological enhancement proposals and new private road to serve development proposed at North Whins, Findhorn, Forres, Moray. The PAN includes a Location Plan (**Appendix 1**) which defines the extent of the proposed development site. The PAN does not include detailed designs of any buildings to be provided but includes two "interim draft layouts". The first draft layout indicates, for example, the locations for a community facility, 3 commercial/craft units and identifies plot areas for 29 dwellings (detached (or multi-housing clusters)), and terrace form (of both 1½-storey form and also semi-detached units, potentially co-housing co-operative) together with provision for access and parking, SUDs ponds, tree planting to plot boundaries (for dune stabilisation, privacy and bio-diversity), gorse maintenance along dune ridge footpath (to maintain visual barrier). The second draft layout identifies a wildlife corridor located mainly along the southern boundary of the site.
- 3.5 The submitted interim draft layouts refer to a "Duneland Ltd Phase 2 Masterplan" as produced for and by the applicant. Whilst there has been some liaison with the Council's Planning and Development Team, the masterplan has not subject to any formal planning process or agreed as a material consideration in the determination of planning applications.
- 3.6 The site is approx. 2.79ha and bounded by existing development on Findhorn Foundation to the south, and by Cullerne Gardens, Wilkies Wood and the North Whins area to the west, east and north respectively. In terms of the

Moray Local Development Plan (MLDP) 2015) the site is located within the settlement boundary for Findhorn but it is not subject to any site –specific designation. It is located on an area of “white land” where there is an identified requirement for any development proposal to be supported by a detailed ecological study.

- 3.7 Whilst not specifically designated for residential development, Policy H1 advises that new housing development will be acceptable if it does not adversely impact upon the surrounding environment; adequate servicing and infrastructure is available; the land is not designated for any alternative use; and Policies PP2 (Climate Change), PP3 (Placemaking) and IMP1 (Developer Requirements) require to be met. In practice, a number of relevant and/or related policies and other material considerations (including Supplementary Guidance) will also apply (relative to each element of this proposed mixed-uses development) and inform the development including its formal determination. This will include consideration of the design and layout of housing and the other uses included in the development, landscaping and infrastructure associated with the development together with the impact of the development upon the built and natural environment. In accordance with Policy IMP3 and the associated Supplementary Guidance, the development will also be subject to assessment for developer obligations.
- 3.8 Planning permission is required for this proposal. Relative to the current Hierarchy Regulations and based on a site exceeding 2ha, this proposed mixed use development as defined would comprise a major development for planning purposes. As such, the proposal will be subject to PAN and pre-application consultation procedures with the local community. In terms of assisting in identifying key issues and information that would be expected to accompany any formal application, this applicant/agent has already sought and obtained pre-application advice from the Council (preliminary advice response (17/01796/PE) issued 12 February 2018 refers).
- 3.7 A formal response (to the PAN) 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, and has already served a copy of the PAN upon Findhorn & Kinloss Community Council. In this case, no additional parties require to be notified with a copy of the PAN. As well as being invited to attend the public consultation event, the applicant/agent has been advised that if invited to attend a Community Council meeting to discuss the proposal then, they should agree to any such request.
- 3.8 The PAN advises that a public consultation event will be held between 4pm and 7pm in Findhorn Village Centre on 30 November 2018. (This consultation is separate from the two community consultation events to be held primarily for, and held within, Findhorn Foundation in October and November 2018, although it is understood that the Community Council has also been informed of these events). For PAN purposes the proposed public consultation event to be held within Findhorn Village requires to be advertised locally in advance and allow an opportunity for feedback upon the proposal. For validation

purposes for a major application, the applicant is required to submit a pre-application consultation report setting out the steps taken to consult with the local community together with details of comments made on the proposal and how the applicant has responded to all comments made on the proposal in the development of the application.

4. SUMMARY OF IMPLICATIONS

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

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

(b) Policy and Legal

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

(c) Financial Implications

None.

(d) Risk Implications

None.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities/Socio Economic Impact

None.

(h) Consultations

The Corporate Director (Economic Development Planning & Infrastructure), the Head of Development Services, Legal Services Manager (Property and Contracts), Manager (Development Management), the Equal Opportunities Officer, Gary Templeton (Principal Planning Officer), 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 that a formal application for planning permission will be submitted for a major development proposal, in this case for permission for a mixed use development at North Whins Findhorn. 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: Angus A Burnie, Principal Planning Officer

Background Papers: PAN as received including Appendix 1

Ref: 18/01309/PAN



COMMITTEE SITE PLAN

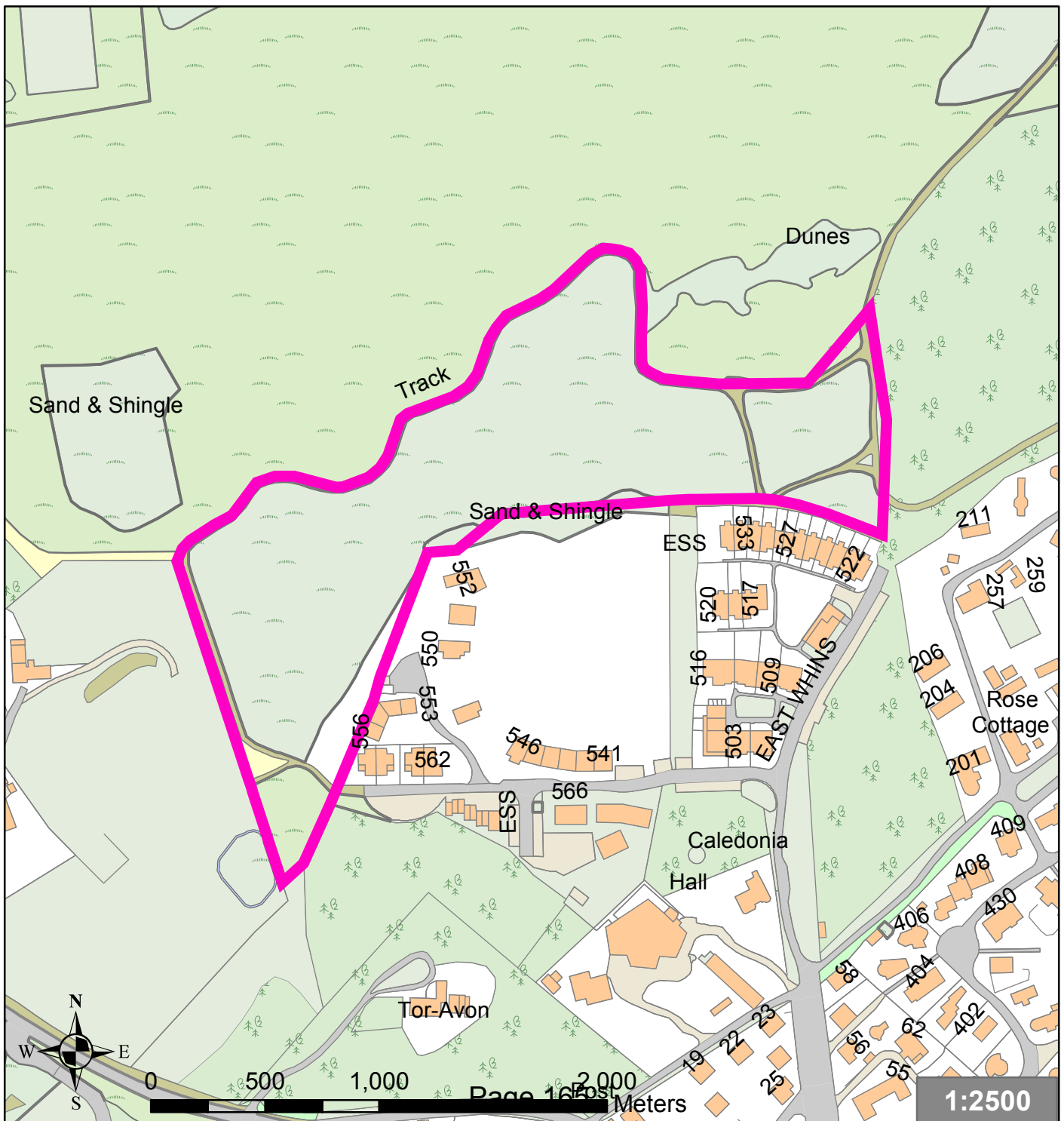
FINDHORN

Application Reference Number:

18/01309/PAN

Proposed mixed use development with commercial/craft units community spaces and dwellings landscape/ecological enhancement proposals and new private road to serve development at North Whins Findhorn

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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
13 NOVEMBER 2018**

**SUBJECT: 18/01190/PAN – PROPOSAL OF APPLICATION NOTICE FOR
RESIDENTIAL DEVELOPMENT AND ASSOCIATED
INFRASTRUCTURE AT ST ANDREW’S ROAD, LHANBRYDE**

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING AND INFRASTRUCTURE)**

1. REASON FOR REPORT

- 1.1 To inform the Committee that a Proposal of Application Notice (PAN) was submitted on 6 September 2018 by Springfield Properties PLC.
- 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 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 As described, this PAN relates to a proposal for a residential development with associated infrastructure. No information has been provided in regard to the proposed number and mix of residential units, nor has any information been provided in respect of the design and site layout arrangements.
- 3.5 The site is located to the west of Lhanbryde (as shown in **Appendix 1**), currently comprising an area of farmland between St Andrew's Road to the north and the A96 Trunk Road to the south. The western roundabout of the Lhanbryde by-pass is to the west of the site and existing residential properties are located to the east. It is located within the settlement boundary of Lhanbryde (as defined in the Moray Local Development Plan (MLDP) 2015).
- 3.6 The site is designated as "Lhanbryde R1 West of St Andrews Road", a 6.8ha site with an indicative capacity of 65 houses. Policy H1 advises that capacity figures are indicative and actual proposed capacity will be considered against the characteristics of the site and conformity with Policies PP3 (Placemaking), H8 (Affordable Housing) and IMP1 (Development Requirements). In practice, a number of relevant and/or related policies and other material considerations (including Supplementary Guidance) will also apply and inform the development, including its formal determination. This will include consideration of the design and layout of housing, landscaping and infrastructure associated with the development together with the impact of the development upon the built and natural environment. In accordance with Policy IMP3 and the associated Supplementary Guidance, the development will also be subject to assessment for developer obligations.
- 3.7 As shown in **Appendix 2**, the designation contains key design principles which any development on the site should address, including a layout with two

points of access onto and development fronting onto St Andrew's Road; and recreational trails and extended footways through woodland planting (acting as a buffer to enhance containment of the site and screen it from the A96). In addition to this, the designation requires transport, archaeological, ecological and flood risk assessments to be undertaken to inform and support any development of the site. Due to the nature of the proposal, it is expected that any application would also be accompanied by a Drainage Impact Assessment.

- 3.8 Whilst no route and detailed design has been decided by Scottish Ministers, the site may be affected by options to dual the A96 trunk road.
- 3.9 Planning permission is required for this proposal. Relative to the current Hierarchy Regulations and based upon development of 50 or more units and/or a site area greater than 2.0 ha, the proposal would comprise a major development for planning purposes. As such, the proposal will be subject to PAN and pre-application consultation procedures with the local community. The applicant has been advised of the Council's pre-application advice service to assist in identifying key issues and information that would be expected to accompany any formal application.
- 3.10 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, and has already served a copy of the PAN upon, Innes Community Council. In this case, the applicant's agent has been advised that no additional parties require to be notified with a copy of the PAN. The applicant has been advised that if the Community Council invites the applicant to attend their meeting to discuss their proposal then they should agree to any such request.
- 3.11 The PAN advises that a public exhibition and drop in event will be held at Lhanbryde Community Centre on 15 November 2018. The event requires to be advertised locally in advance (within the local press) and allow an opportunity for feedback upon the proposal. For validation purposes for a major application, the applicant is required to submit a pre-application consultation report setting out the steps taken to consult with the local community together with details of comments made on the proposal and how the applicant has responded to all comments made on the proposal in the development of the application.

4. SUMMARY OF IMPLICATIONS

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

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

(b) Policy and Legal

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

(c) Financial implications

None.

(d) Risk Implications

None.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities/Socio Economic Impact

None.

(h) Consultations

The Corporate Director (Economic Development Planning & Infrastructure), the Head of Development Services, Legal Services Manager (Property and Contracts), Manager (Development Management), the Equal Opportunities Officer, Gary Templeton (Principal Planning Officer), 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 that a formal application for planning permission will be submitted for a major development proposal, in this case for permission for a residential development with associated infrastructure on land at St Andrews Road Lhanbryde. 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:	Andrew Miller, Planning Officer
Background Papers:	Proposal of Application Notice as received including Appendix 1
Ref:	18/01190/PAN



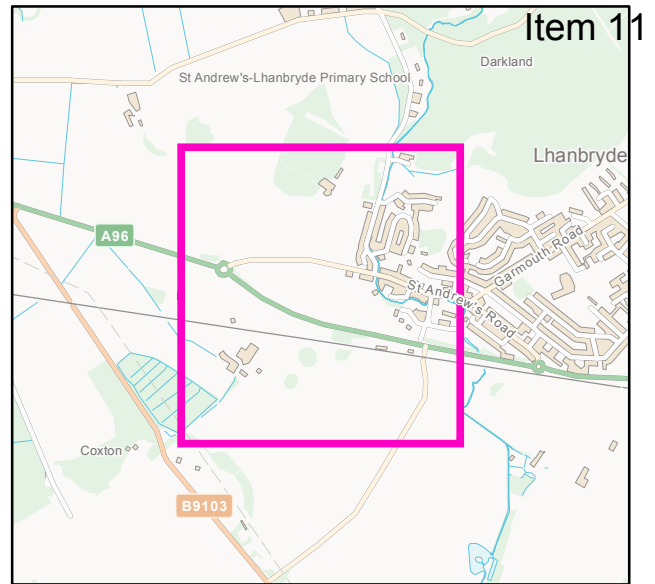
COMMITTEE REPORT

ELGIN

Application Reference Number:

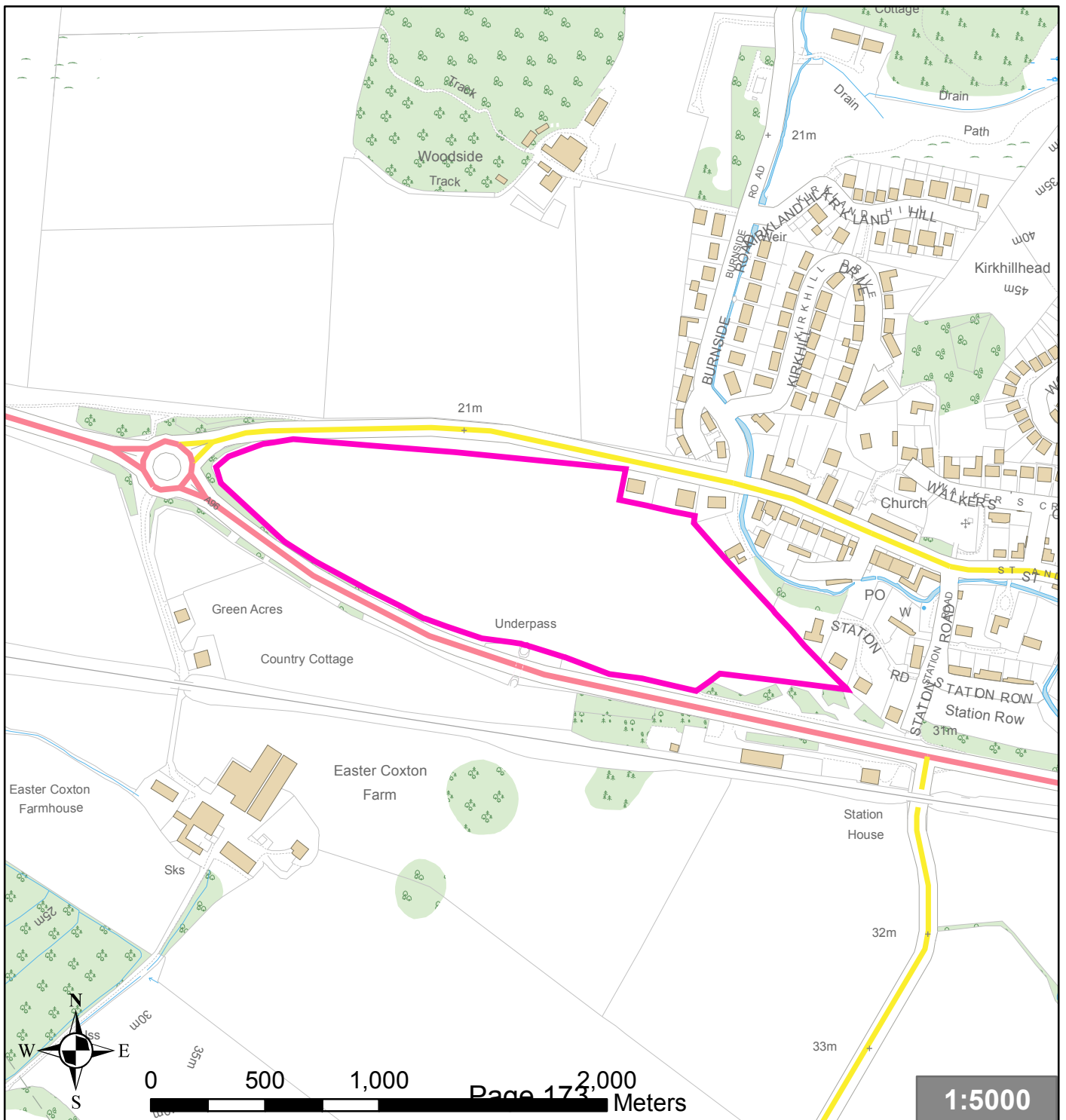
18/01190/PAN

Major residential development and associated infrastructure on land at R1 at St Andrews Terrace Lhanbryde



Item 11

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Appendix 2

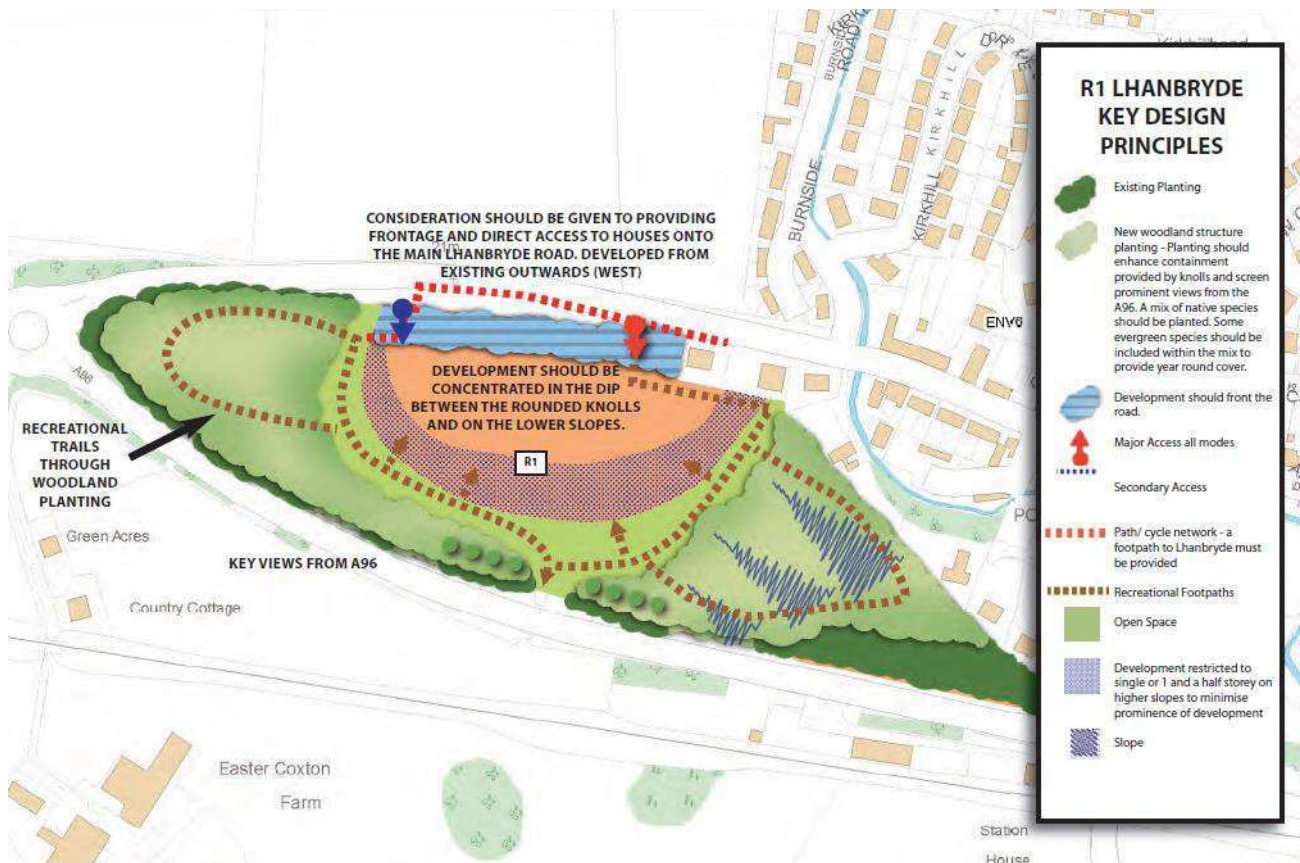
18/01190/PAN

Moray Local Development Plan 2015 (Extract)

R1: West of St Andrew's Road

Site R1 is capable of accommodating 65 houses. Due to the close proximity of the site to the A96, the development must include provision for landscaping to provide a buffer along the length of the boundary with the A96. Footways will need to be extended along the length of the site frontage onto St Andrew's Road to provide pedestrian connectivity. The design principles should address the key design principles set out in the accompanying map. An archaeological evaluation is required prior to development commencing. A Transport Assessment will be required and two points of access should be taken from St Andrew's Road.

A detailed Flood Risk Assessment will be required for any planning application that is submitted for this site. A walkover and photographic survey of habitats is required to assess the presence of wetlands and to identify any consequent requirements to address/mitigate the impact on groundwater dependent terrestrial ecosystems.





**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
13 NOVEMBER 2018**

**SUBJECT: PROGRESS OF APPLICATION 17/00834/PPP FOR PLANNING
PERMISSION IN PRINCIPLE FOR DEVELOPMENT ON LAND AT
FINDRASSIE, ELGIN**

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING AND INFRASTRUCTURE)**

1. REASON FOR REPORT

- 1.1 To inform the Committee about the progress of an application for planning permission in principle for development on land at Findrassie, Elgin.
- 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 the Committee:

- (i) note the progress made on the legal agreement associated with development proposed at Findrassie including the need for further consideration of the draft legal agreement following the recent receipt of comments/revisals made by the applicant's legal representative; and
- (ii) agrees to apply a Direction (under Section 59 of the 1997 Planning Act, as amended) instead of a planning condition, as currently agreed, in respect of the time period within which approval of matters specified in conditions must be made from the date of granting planning permission in principle. This Direction will be incorporated into the formal decision notice.

3. BACKGROUND

- 3.1 Following consideration on 24 April 2018, this Committee agreed to grant planning permission in principle for application 17/00834/PPP, for a mixed use development on land at Findrassie subject to conditions as recommended and completion of a legal agreement prior to the issue of any formal grant of planning permission in principle (PPP) (paragraph 8 of Minute refers).
- 3.2 As a mixed use development, the application for PPP includes Class 9 residential development (c.400 – 500 houses, including affordable housing and student residential accommodation); community facilities including a new primary school with playing fields; associated neighbourhood uses and employment opportunities within Class 1 (Shops), Class 2 (Financial, professional and other services), Class 3 (Food and drink), Class 4 (Business), Class 7 (Hotel), Class 8 (Residential institutions) and Class 10 (Non-residential institutions) (Use Classes Order 1997 refers) together with associated infrastructure, for example, roads, pedestrian and cycle routes, drainage, services, open space, and landscaping including advance landscaping.
- 3.3 The development will be located on land, approx. 48.6ha and referred to as Area 1, which forms part of the (larger) Elgin R11 Findrassie/Myreside and Elgin I8 Newfield designations, as defined in the adopted Moray Local Development Plan 2015. As a material consideration, the approved Findrassie Masterplan applies to the identified designations, including the Area 1 site.
- 3.4 As part of the permission, a number of planning conditions are proposed to regulate and restrict the development including those which require further details to be submitted for approval on matters relating to the siting, design and servicing of the development, etc. before the development can commence. In this case, a 5 year period is applied, from the date of granting planning permission in principle, for the submission of further application(s) regarding matters about the detailed design and site layout arrangements for development within the Area 1 site at Findrassie.
- 3.5 The legal agreement associated with the development relates to developer obligations towards primary education facilities (a 2.5ha serviced site for a primary school) and secondary education facilities, healthcare, transportation and sports and recreation facilities; and delivery of positive boundary treatment to western edge of existing electricity sub-station.
- 3.6 At present and by exchange of email correspondence, an extended time-period for the determination of the application has been agreed for a further two months from 26 September 2018.

Draft Section 75 agreement

- 3.7 On 25 March 2015, this Committee agreed, in relation to applications which are to be approved subject to a legal agreement being signed, that if the agreement is not concluded within a period of 4 months (from the date Legal Services are instructed) then where the decision was made by this Committee these applications will be reported back to the next available Committee for further consideration and where the decision was made under delegated powers, this will be the subject of review by the Head of Service, and consideration will be given to refuse the application if it is demonstrated that the process is being hindered by the applicant preventing conclusion of an agreement in a timely manner. (Paragraph 6 of Minute refers).
- 3.8 For the proposed development at Findrassie as described, a draft legal agreement was prepared by the Council's Legal Services Section and issued to the applicant's agent on 7 June 2018. Given the nature of the proposal the legal agreement is complex.
- 3.9 The applicant's legal representative only returned the draft agreement to the Council on 23 October 2018.
- 3.10 Since the application was first considered, and a draft legal agreement exchanged, the application has not really progressed much towards its conclusion. However, some four months later, a response from the applicant's legal representative has now been received. This response includes an offer to provide a Certificate of Title, to remove the need for the Council to review the title which is described as "very complex", and a series of detailed comments/revisals made on the draft agreement.
- 3.11 In order to progress the agreement, the comments/revisals will need to be the subject of further detailed consultation with all relevant officials within the Council, in order to assess the implications of the applicant's proposed amendments before the agreement can be progressed further and then finalised, recorded and any grant of planning permission in principle issued for the development. Arrangements to undertake further consultation are in progress.

Proposed Direction regarding duration of the permission

- 3.12 In terms of the duration of the PPP for the development, a planning condition (2) was agreed allowing a 5 year period rather than 3 year period within which applications must be made for the requisite approval of matters specified in conditions (of the planning permission in principle) before the development can begin.
- 3.13 Under Section 59 of the 1997 Planning Act as amended, and where considered appropriate, the Council, as Planning Authority can substitute and specify an alternative time-period other than the 3 year period as stated in the Act. However, this should be applied as a Direction not by planning condition. To address this procedural requirement, it is recommended that that the Direction as set out in **Appendix 1** be included in any formal decision notice granting planning permission for the development. With the Direction applied, condition 2 as currently agreed will be omitted from the formal decision. This

will require all remaining conditions to be renumbered but their content and purpose remain unaltered.

4. SUMMARY OF IMPLICATIONS

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

As well as supporting and facilitating the Council's priority for economic development in Moray, performance monitoring is also required to ensure delivery of priorities and Council decisions.

(b) Policy and Legal

The 1997 Planning Act as amended provides the statutory legal framework within which planning decisions are made as well as requiring decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The latter includes planning policy regarding consideration of developer obligations to mitigate the impact of proposed development.

(c) Financial Implications

In connection with preparing the legal agreement, the heritable proprietor is responsible for meeting the Council's reasonable legal fees and outlays, and recording dues.

(d) Risk Implications

If the legal agreement is not concluded, the application will require to be remitted back to the Committee for further consideration. This will incur further delay in the determination of this proposal.

(e) Staffing Implications

Further consultation within relevant Council Services is required to enable consideration of the applicant's comments/revisals. Legal services are currently short staffed and this complex and time consuming issue will put further pressure on staff in that service.

(f) Property

None.

(g) Equalities/Socio Economic Impact

None.

(h) Consultations

The Corporate Director (Economic Development Planning & Infrastructure), the Head of Development Services, Legal Services Manager (Property and Contracts), Manager (Development Management), and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

5. CONCLUSION

- 5.1 Over four months have passed between the issue of a draft legal agreement to the applicant's agent regarding development on land at Findrassie and its return to the Council. In light of the detailed comments/revisals made to the document by the applicant's legal representative, further consideration and consultation will be required before any agreement is finalised and recorded prior to issue of any formal decision notice.**
- 5.2 To accord with the requirements of the 1997 Planning Act as amended, a Direction rather than a planning condition is required to set out the duration of the planning permission in principle (see Appendix 1). It is recommended that the Direction be incorporated into any formal decision issued for the development proposed at Findrassie.**

Author of Report: Angus A Burnie

Background Papers:

Ref: 17/00834/PPP

Appendix 1 Application 17/00834/PPP

DIRECTION under Section 59(5) of the Town & Country Planning (Scotland) Act 1997 as amended

That subsection (2)(a)(i) of Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall apply as respects the permission with the substitution for the period of 3 years referred to in that subsection of 5 years, as is considered appropriate by the Planning Authority in this instance taking into account potential material changes in development plan policy including supplementary guidance, address housing needs and allow the development to contribute to an effective housing land supply for Moray and encourage, promote and accelerate the delivery of development upon this major land allocation at Findrassie.

The provisions of Section 59(2) (a) (i) shall therefore be read as follows:

That in the case of any matter specified in conditions attached to the planning permission in principle, application for approval of all matters specified in conditions must be made before:-
(i) that expiration of 5 years from the date of the grant of planning permission in principle; or
(ii) the expiration of 6 months from the date on which an earlier application for such approval for the same matters was refused; or
(iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest, and

The planning permission shall lapse on the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved unless the development to which the permission relates has begun.

For information only (not for inclusion as part of the Direction above)

Condition 2 as currently included in the agreed schedule of Conditions for application 17/00834/PPP shall be omitted i.e.

- "2. *That in the case of any matter specified in conditions attached to the planning permission in principle,*
- (a) application for approval of matters specified in conditions must be made before: -*
 - (i) that expiration of 5 years from the date of the grant of planning permission in principle; or*
 - (ii) the expiration of 6 months from the date on which an earlier application for such approval for the same matters was refused; or*
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest, and*
 - (b) That the development to which the permission relates must be begun not later than whichever is the later of the following dates: -*
 - (i) the expiration of 2 years from the date of the grant of planning permission in principle; or*
 - (ii) the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved.*

Reason: *In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended and to facilitate the delivery of development within this proposed new neighbourhood at Findrassie."*



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
13 NOVEMBER 2018**

**SUBJECT: FINAL BILBOHALL MASTERPLAN SUPPLEMENTARY
GUIDANCE**

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING AND INFRASTRUCTURE)**

1. REASON FOR REPORT

- 1.1 This report asks the Committee to agree the responses to representations received following consultation on the draft Bilbohall Masterplan and approve the final Bilbohall Masterplan as Supplementary Guidance to the Moray Local Development Plan 2015 (LDP2015).
- 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

It is recommended that the Committee:

- (i) **notes the public consultation undertaken on the draft Bilbohall Masterplan Supplementary Guidance;**
- (ii) **agrees the responses to representations on the draft Bilbohall Masterplan Supplementary Guidance in Appendix 2;**
- (iii) **approves the final Bilbohall Masterplan and associated appendices as Supplementary Guidance to the Moray Local Development Plan 2015 (LDP 2015) in Appendix 1; and**
- (iv) **agrees that the final Bilbohall Masterplan Supplementary Guidance be used as a material consideration in the determination of planning applications pertaining to Elgin settlement sites R3, R4, R12, CF2 and OPP7 of the LDP 2015.**

3. BACKGROUND

- 3.1 The Bilbohall Masterplan includes sites R3 Bilbohall South, R4 South West of Elgin High School, R12 Knockmasting Wood, OPP7 Bilbohall and CF2 Edgar Road of the LDP 2015. These sites are collectively referred to as 'Bilbohall'. A Masterplan is a requirement of the LDP2015 for sites R4 and R12 and a detailed design brief for site R3. Given the benefits of strategic planning in terms of infrastructure co-ordination and placemaking, and the inter-linked relationship of R3, R4, R12, CF2 and OPP7 a Masterplan has been prepared covering all of these sites. The sites are proposed to be carried forward as residential allocations in the Moray Local Development Plan 2020 (LDP 2020) currently under preparation, and following adoption the Bilbohall Masterplan would be updated accordingly.
- 3.2 The Masterplan has been prepared by the Bilbohall Consortium, which comprises the landowners – Scotia Homes (R12 with an option to purchase R4 from the current landowner), Grampian Housing Association (R3) and Moray Council (CF2 and OPP7). The Consortium appointed consultants Optimised Environments (OPEN) to prepare the Masterplan on their behalf. The final Masterplan Supplementary Guidance (SG), provided in **Appendix 1**, has been made available to view on the Members Portal and Members Lounge with associated appendices (Strategic Flood Risk Assessment and Preliminary Drainage Strategy, and Strategic Transport Modelling Report), and the Elgin North and South Ward Members along with the Chair and Depute Chair of this Committee and Chair and Depute Chair of the Communities Committee have been briefed prior to this meeting.

4. CONSULTATION

- 4.1 At the meeting of this Committee on 27 February 2018 (para.10 of minute refers) the Committee agreed that public consultation on the draft Bilbohall Masterplan Supplementary Guidance be undertaken and that responses be reported to a future meeting of this Committee along with the final Masterplan for approval as Supplementary Guidance. The 8-week consultation period commenced on 5th March and ended on 27th April 2018. There were 36 public representations received (including Elgin Community Council and Fairfield Residents Association), with the majority of respondents residing in Fairfield Avenue and the immediate vicinity. 8 representations were received from key agencies and other external stakeholders. A copy of the representations received has been made available to view on the Members Portal and a summary and the response proposed is included in **Appendix 2**.
- 4.2 The public consultation was advertised in local newspapers, on the Council's website, via social media, and featured as a news article on Moray Firth radio. During the public consultation, an exhibition was held in tandem with the Moray Local Development Plan 2020 Main Issues Report, on Saturday 17th March 2018 from 9.30am-4pm at the St Giles Church, Elgin where officers from Housing, Transportation and Development Plans were available to deal with queries. Approximately 120 people attended the exhibition.

4.3 Prior to the public consultation on the draft Masterplan, public consultation had been undertaken by the Consortium's masterplan consultants to inform the emerging draft Masterplan during which a drop-in exhibition was held and a presentation made to Elgin Community Council. A summary of the responses received to both public consultations is included in Section 1 of the final Bilbohall Masterplan Supplementary Guidance.

4.4 The main issues raised through the public consultation on the draft Bilbohall Masterplan are similar to those raised previously and an overview is provided below:

- **Intrusion on privacy:** The height of properties within Block E was reduced to single storey and the length of rear gardens decreased to enlarge the buffer strip, which will be planted with trees, in the draft Masterplan to reflect concerns raised during the initial consultation on the preferred option for the draft Masterplan. The final Masterplan includes further detail on the minimum distance between the rear elevations of properties within Block E and Fairfield Avenue, which is twice the distance at 40m of that between the front elevations of existing properties on Fairfield Avenue at 20m, a minimum 15m wide buffer strip of planting adjacent to the existing 10m buffer strip, and details on tree species to ensure an overall mature height of 10-12m, year-round foliage and coverage at understorey level.
- **Level of affordable homes:** The provision of affordable housing is a key priority of Moray 2026: A Plan for the Future, the Local Housing Strategy (LHS) and the Moray Health and Social Care Strategic Plan 2016-19. The Housing Needs and Demand Assessment 2017 which has been afforded 'robust and credible' status by the Scottish Government identifies the Elgin Housing Market Area (HMA) as having the greatest need for affordable housing with approximately 63% of development requiring to be affordable over the period 2018-22. The level of affordable housing proposed (62% of the total development) through the Bilbohall Masterplan is therefore more akin to the actual need than the 25% requirement stipulated in Scottish Planning Policy (SPP). The sites being developed for affordable and private housing are determined to a large extent by land ownership. The sites owned by the Council and Grampian Housing Association are identified as key priorities for investment in the Strategic Housing Investment Plan (SHIP). The affordable housing will be provided in the form of social rented housing and low cost home ownership and the mix will include specially adapted accommodation for older and disabled people as well as mainstream family housing.
- **Flooding and Drainage Issues:** Additional technical studies have been carried out as part of the preliminary Drainage Strategy and Flood Risk Assessment to assess pre-development and post-development run-off rates and ensure that adequate storage is provided in order that a 1 in 200 year event plus climate change can be contained and managed on-site. This has included an analysis of catchments, discharge rates and volumes. The Flood Team are satisfied that surface water from the development can be adequately discharged without causing flooding problems in the immediate vicinity or further downstream. Detailed Drainage Designs and Flood Risk Assessments are a requirement of subsequent planning applications.

- Increase in traffic volume: The Strategic Traffic Modelling undertaken in the preparation of the Masterplan shows that the link capacity of the roads in the vicinity of the development can generally accommodate the increase in the volume of traffic associated with the Bilbohall development. Improvements will be required to the existing bridge over the rail line at Bilbohall Road. Options for improvement which have been assessed include the removal of the footway on the eastern side of the existing rail bridge to provide a southern carriageway to allow two-way traffic over the bridge, and provision of a separate active travel bridge across the rail line and the retention of the bridge in its current form with the signalisation of Bilbohall Road/Mayne Road/Wards Road/Fleurs Road junction. Initial analysis of junction options has been explored for the final Masterplan and further detailed transport modelling and design will be required as part of planning applications. Transport Assessments will accompany subsequent planning applications which will set out detailed proposals for the necessary mitigation measures on the local transport network, which will include the signalisation of the Edgar Road/The Wards/Glen Moray Drive junction.
- Public Transport: Following further dialogue with the bus operating company the final Masterplan reflects the likely bus route and future proofs for additional services whilst ensuring that a balance is struck between facilitating bus access and the Masterplan's design principles including the discouragement of traffic between the west and south of Elgin.
- Traffic Calming: The Bilbohall road network has been designed to discourage through traffic travelling between the south and west of Elgin through a combination of measures which respond to the location rather than apply rigid standards, regardless of context, and prioritises pedestrians over motor vehicles. This is in accord with Scottish Government policy 'Designing Streets', the National Roads Development Guide 2014 (NRDG) and the Council's Supplementary Guidance on Urban Design which promotes good placemaking in which designing natural traffic calming into the development and creating attractive, safe streets is a key component. Examples of such traffic calming measures are illustrated in the final Masterplan.
- Impact on Wildlife/Biodiversity: An extended Phase 1 Habitat Survey has been undertaken during the preparation of the Masterplan which identified that the predominant grasslands are typically low value to biodiversity and recommends that further surveys for bats, badgers and nesting birds are undertaken at planning application stage. SNH have been involved in the preparation of the Masterplan from the outset and the wildlife corridor proposed has been incorporated into the Masterplan. Wildlife friendly measures suggested by the RSPB have been incorporated into the final Masterplan. At the planning application stage additional, more detailed measures will be required to accord with the new Biodiversity policy in the Proposed Moray LDP 2020.
- Health and Education Facilities: Developer obligations will be sought from developers to mitigate any adverse impact the proposed development may have on education, health and transport infrastructure at the time of a planning application. The Bilbohall development is currently zoned to the Greenwards Primary School and Elgin High School. Greenwards Primary School is currently operating

at capacity, and developer obligations will be sought from developers towards a new primary school planned as part of the recently consented Elgin South development. Elgin High School is currently operating at 68% capacity (School Roll Forecast, 2017) and has capacity to accommodate the majority of pupils generated by the Bilbohall development. Developer obligations will be sought towards an extension to the High School when this capacity reaches 90%. NHS Grampian have advised that healthcare facilities are currently operating at capacity, and developer obligations will be sought towards new healthcare facilities planned as part of the recently consented Elgin South development, dental chairs and a community pharmacy.

- 4.5 During the preparation of the Masterplan, the Consortium's consultants have worked closely with officers in the Council's Development Planning, Housing, Transportation, and Flood teams. Dialogue with other Services has also taken place to discuss detailed matters, where necessary. Internal stakeholders and key agencies have been consulted throughout and are supportive of the final Masterplan Supplementary Guidance. Further actions identified at the draft Masterplan stage of Noise Impact and Air Quality Assessments have been carried out. The Noise Impact Assessment (NIA) predicts that a small number of dwellings (8 properties) along the western extent of Edgar Road will marginally enter into the major noise impact category as the change from a cul-de-sac to a through route is anticipated to increase the road traffic noise associated with the development by around 5.4db which is 0.4db above the 'major' threshold. Detailed noise assessments will accompany future planning applications and identify any necessary mitigation measures. Further technical studies to inform the Flood Risk Assessment and Preliminary Drainage Strategy have been carried out to the satisfaction of the Flood Team who has no objections to the final Masterplan on these grounds.

5. SUMMARY OF THE FINAL BILBOHALL MASTERPLAN

- 5.1 Bilbohall is a landscape-led Masterplan that addresses the unique topography and mature landscape setting of the area. The area encompasses a series of distinctive and well-contained parcels of land to the west of Elgin. The final Bilbohall Masterplan incorporates the following elements:
- A variety of housing types and tenures set within a high quality landscape setting. The development will comprise of 239 affordable and 143 private houses and offer a choice of housing for the elderly, disabled and families;
 - A Designing Streets approach that prioritises pedestrians and reduces vehicle speeds and influences driver behaviour by incorporating traffic calming measures into the street design, rather than through the rigid application of standards;
 - New sustainable multi-functional open space including a neighbourhood park, pocket park and blue-green infrastructure;
 - Enhanced and extended existing pedestrian and cycle routes;
 - New woodland areas which will offer both more habitat areas and amenity spaces for residents and visitors;

- A blue-green corridor enhancing biodiversity, tranquillity and the natural aesthetic of buildings, places and landscapes increasing resilience to climate change;
- A new street network which will be permeable and connected, designed to work with the existing topography to ensure that the impact on existing landscape features such as knolls is integrated into the landscape and impacts mitigated through design;
- Additional structure planting on slopes to further contain the site and reinforce the existing character of wooded knolls;
- Street trees and hedgerows along key routes, creating green corridors; and,
- New building elements with a residential density that reflects the existing slopes and elements.

5.2 The main changes incorporated into the final Masterplan include:

- Design code - Further detail is provided in the design code for the 6 character areas to ensure distinct pockets of development are created helping people to identify and find their way around the development
- Relocation of pocket park – The pocket park within site R4 has been relocated from the western edge to a central open space between blocks O and P to encourage sharing of facilities;
- Site OPP7 - The indicative capacity of site OPP7 has been increased from 4 to 10 units to allow for a range of redevelopment options such as cottage style flats. The height of properties within site OPP7 has also been reduced from 3 to 2 storey to reflect privacy concerns;
- Site R3, Block E - Further detail on the planting provisions and property separation distances between new and existing properties within and adjacent site R3;
- Drainage and Flood Risk - Additional information pertaining to drainage and flood risk in terms of a Surface Water Drainage Strategy and Flood Risk Assessment to demonstrate the proposed development will not increase the flood risk to the Tyock Burn catchment; and,
- Transport Network - Further detail on the road network in terms of traffic calming measures and junction options at Bilbohall Road/Wards Road/Fleurs Road/Mayne Road to the north of the site.

6. **SUMMARY OF IMPLICATIONS**

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

The Bilbohall Masterplan will assist in delivering the 5 priorities for the Council's and Community Planning Partners of Moray 2026 and help deliver affordable housing, a key priority for Moray Council, as reflected in Moray 2026 and the Local Housing Strategy (LHS).

(b) **Policy and Legal**

A Masterplan and detailed design brief is a requirement for sites R4, R12 and R3 of the LDP 2015, respectively. Should the final Bilbohall Masterplan Supplementary Guidance be approved it will be a material consideration in the determination of planning applications pertaining to sites R3, R4, R12, CF2 and OPP7 of the LDP 2015.

(c) Financial implications

There are no financial implications arising from the Bilbohall Masterplan Supplementary Guidance.

(d) Risk Implications

There is a risk of delay in progressing proposals for affordable housing provision if the final Masterplan is not approved as Supplementary Guidance to the LDP2015.

(e) Staffing Implications

Work on the Bilbohall Masterplan Supplementary Guidance has been carried out within the existing staff workloads of Planning, Transportation, Consultancy and Housing Services.

(f) Property

Sites CF2 and OPP7 are within Council ownership. Under the terms of a purchase agreement the Council has an option to buy back site R3 from Grampian Housing Association. The backstop date for the exercise of this option is currently March 2019. It is possible that this date may be extended subject to agreement with the Scottish Government, Grampian Housing Association and the Council.

(g) Equalities/Socio Economic Impact

The Housing Needs and Demand Assessment has identified the need for accessible housing to meet the needs of elderly and disabled people in Moray, and that the greatest need for affordable housing is in the Elgin Housing Market Area (HMA).

(h) Consultations

The Corporate Director (Economic Development Planning & Infrastructure), the Head of Development Services, Paul Connor (Principal Accountant), the Legal Services Manager (Property & Contracts), the Consultancy Manager, the Senior Engineer Transport Development, Senior Engineer Traffic, the Housing Strategy and Policy Manager, Douglas Caldwell (Environmental Health Officer), Russell Anderson (Environmental Health Officer), Equalities Officer, Moray Access Manager, Land and Parks Officer, Environmental Protection Manager, Waste Management Officer and Lissa Rowan (Committee Services Officer) have been consulted and comments incorporated into this report.

6. CONCLUSION

- 6.1 The final Bilbohall Masterplan seeks to ensure that a high quality development is implemented on the ground and that a strategic approach is taken to the delivery of infrastructure. This will help to achieve the outcomes of Moray 2026 and deliver a significant level of affordable housing which is a key priority for Moray Council as set out in**

the Local Housing Strategy (LHS). A significant level of engagement with the public and internal and external stakeholders has taken place through two consultations and comments have been reflected in the final Bilbohall Masterplan Supplementary Guidance.

Author of Report: Eily Webster, Senior Planning Officer
Background Papers:
Ref:



Masterplan

Bilbohall, Elgin

Item 13

Client: Bilbohall Consortium
Document No: 181031_Bilbohall-SG-RevH
Revision: H
Date: October 2018

Project: Bilbohall, Elgin
Document: Masterplan
Document Number: 181031-Bilbohall-SG-RevH

Issue	Revision	By	Approved	Date
First issue	For Consortium review and signoff	CS	CDG	23/10/17
A	For submission to Moray Council for internal review	CS	CDG	7/11/17
B	Final draft for Committee	CS	CDG	19/01/18
C	Amendments and additional sections	CS	CDG	14/02/18
D	Flooding comments and feedback from public consultation	CS	CDG	10/04/18
E	Planning, drainage and transport comments	CDG	PMAC	10/08/18
F	Submission for Moray Council Internal Review	CS	CDG	31/08/18
G	Minor comments following MC Internal review	CDG	PMAC	5/10/18
H	FOR COMMITTEE	CDG	PMAC	26/10/18
H	FOR COMMITTEE	CDG	PMAC	30/10/18

This Masterplan for Bilbohall has been produced through a collaborative process with The Moray Council and the Bilbohall Consortium which comprises the various landowners of the masterplan area's respective sites. Bilbohall provides an opportunity to create an attractive, high quality, mixed tenure residential neighbourhood. The site has been identified through the Moray Local Development Plan as having the potential to play an important role in the sustainable expansion of Elgin.

This document sets out the robust process which has been followed to understand the site, test the appropriate capacity and through established place-making principles, create a masterplan acknowledging the challenges of the site and provides a creative and distinctive solution which can be delivered through subsequent planning applications.

The following supporting reports and surveys have been completed in support of the Masterplan are available as appendices where appropriate:

- Transport Stage 2 Report;
- Landscape and Visual Appraisal; and
- Flood Risk Assessment and Preliminary Drainage Strategy.

› Opportunity & Vision



The Opportunity and Vision

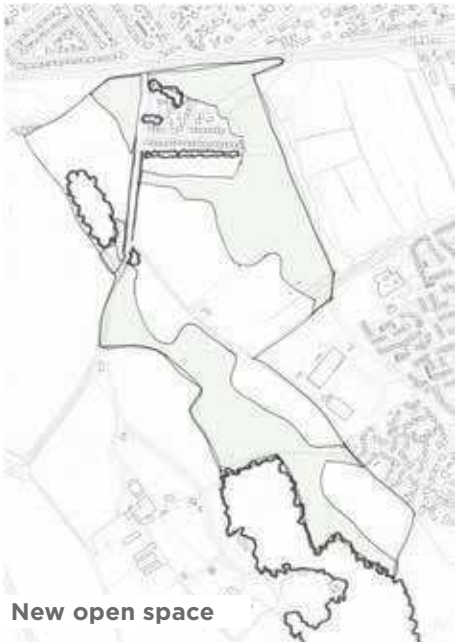
The Bilbohall site is a distinctive and well-contained series of linked parcels of land to the west of Elgin which has the potential to be developed as a high quality new residential neighbourhood. The site benefits from unique topography and mature landscape setting which has been sensitively considered through a careful and robust masterplan process. The vision is for these unique qualities to be integrated into carefully designed housing areas which have a character and identity that reflects and enhances the existing nature of the site.

Bilbohall will provide:

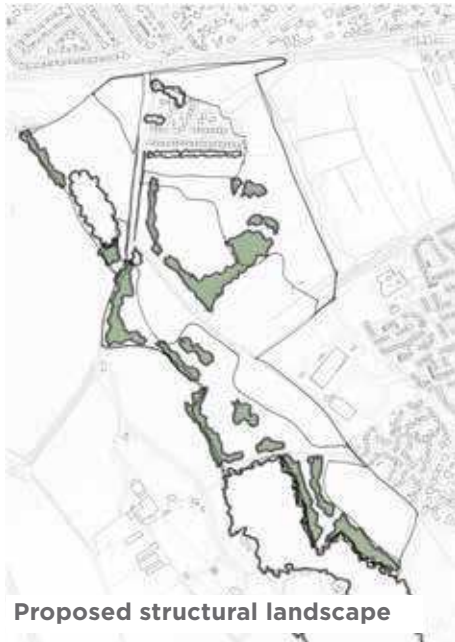
- A variety of housing types and tenures set within a high-quality landscape setting;
- New multi-functional open space including a neighbourhood park and pocket park;
- Enhanced and extended existing pedestrian and cycle routes;
- New woodland areas which will offer both more habitat areas and amenity spaces for residents and visitors;
- A new street network which will be permeable and connected, designed to work with the existing topography to ensure that the impact on existing knolls is controlled and limited as far as possible;
- Additional structural planting on slopes to further contain the site and reinforce the existing character of wooded knolls;
- Street trees and hedgerows along key routes, creating green corridors; and
- New building elements with a residential density that reflects the existing slopes and aspect.



Existing landscape



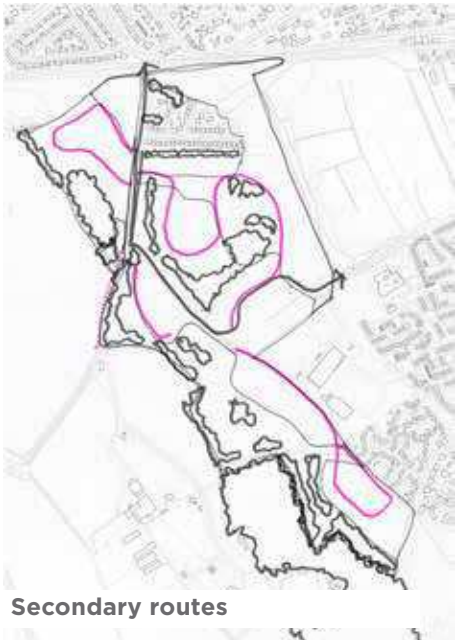
New open space



Proposed structural landscape



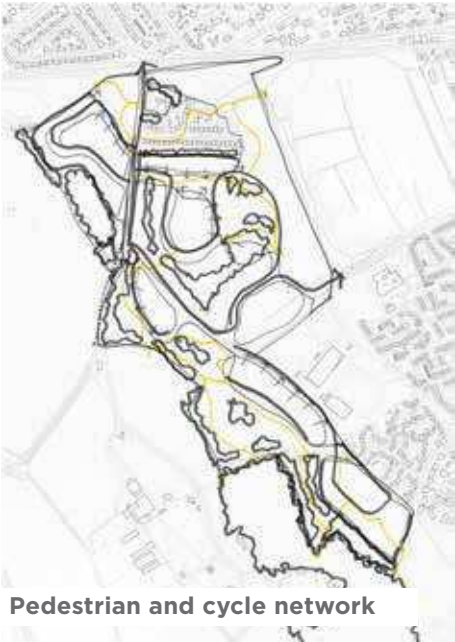
Primary route



Secondary routes



Appropriate densities



Pedestrian and cycle network



Responding to existing features

Retained hedgerows, trees and topographical features must be integrated into the masterplan layout to provide a unique character and identity.



Example of how existing features can be integrated

Permeable network

A permeable street network comprising of a hierarchy of streets is laid out in a sensitive and comprehensive manner to be suitable for all users and connect Bilbohall into the surrounding area.



Shared surface street with integrated landscaping acting as traffic calming

Public/private interface

Street frontages must ensure a clear public/private interface and well-designed street scene. Boundary walls and hedges must be used to enhance the street corridor and clearly define public and private space.



Stone walling separating public and private space



Existing feature to be integrated



Permeable frontage to shared surface streets



Combining hard and soft boundary treatments to define spaces.



Existing feature to be integrated



Street network suitable for pedestrian and vehicle users



Soft landscaping separates direct housing frontage from the street



Looking east towards Elgin High School with railline and Knockmasting Wood in foreground



Looking south-east along existing Core Path



Looking north to top of prominent knoll

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1. Planning Context

1.1 Purpose

The purpose of this masterplan is to set out the design principles for the development of Bilbohall, which consists of sites R3, R4, R12, OPP7, and CF2 allocated for residential use in the Moray Local Development Plan 2015 (LDP 2015). These sites are proposed to be carried forward for residential use in the new Local Development Plan 2020 (LDP2020) which is currently in preparation. The design principles must be reflected in planning applications for these sites. The masterplan ensures a strategic approach is taken to the provision of the built-form, infrastructure, tenure integration, transportation and connections to surrounding areas, open space, recreation, walking and cycling and the integration of landscape, woodland and structure planting.

Should the Bilbohall masterplan be approved by the Planning and Regulatory Services Committee of Moray Council as Supplementary Guidance to the LDP 2015, and subsequently the LDP2020, it will be taken into consideration in the determination of planning applications.

The masterplan describes a residential development of around 380 units and associated landscape and open space proposals. It has been prepared following consultation with Moray Council officers, the Bilbohall Consortium and the community. Other key agencies consulted include Scottish Water, SEPA, Network Rail, SNH, Forestry Comission and Historic Environment Scotland.

1.2 National Policy & Guidance

In preparing the Masterplan, the following Scottish Government policy and guidance has been taken into account:

- National Planning Framework 3 (NPF3);
- Scottish Planning Policy (SPP);
- Creating Places
- Designing Streets and the SCOTS' National Roads Development Guide;
- Planning Advice Note 3/2010 – Community Engagement; and
- Planning Advice Note 83 – Masterplanning.

This Masterplan achieves the outcomes set out in NPF3 and SPP to create:

- A successful, sustainable place;
- A low carbon place;
- A natural, resilient place; and
- A more connected place.

The masterplan achieves the 6 qualities of a successful place set out in national policy (SPP. Creating Places, and Designing Streets):

- Distinctive;
- Safe and Pleasant;
- Welcoming;
- Adaptable;
- Resource Efficient; and
- Easy to Move Around and Beyond.

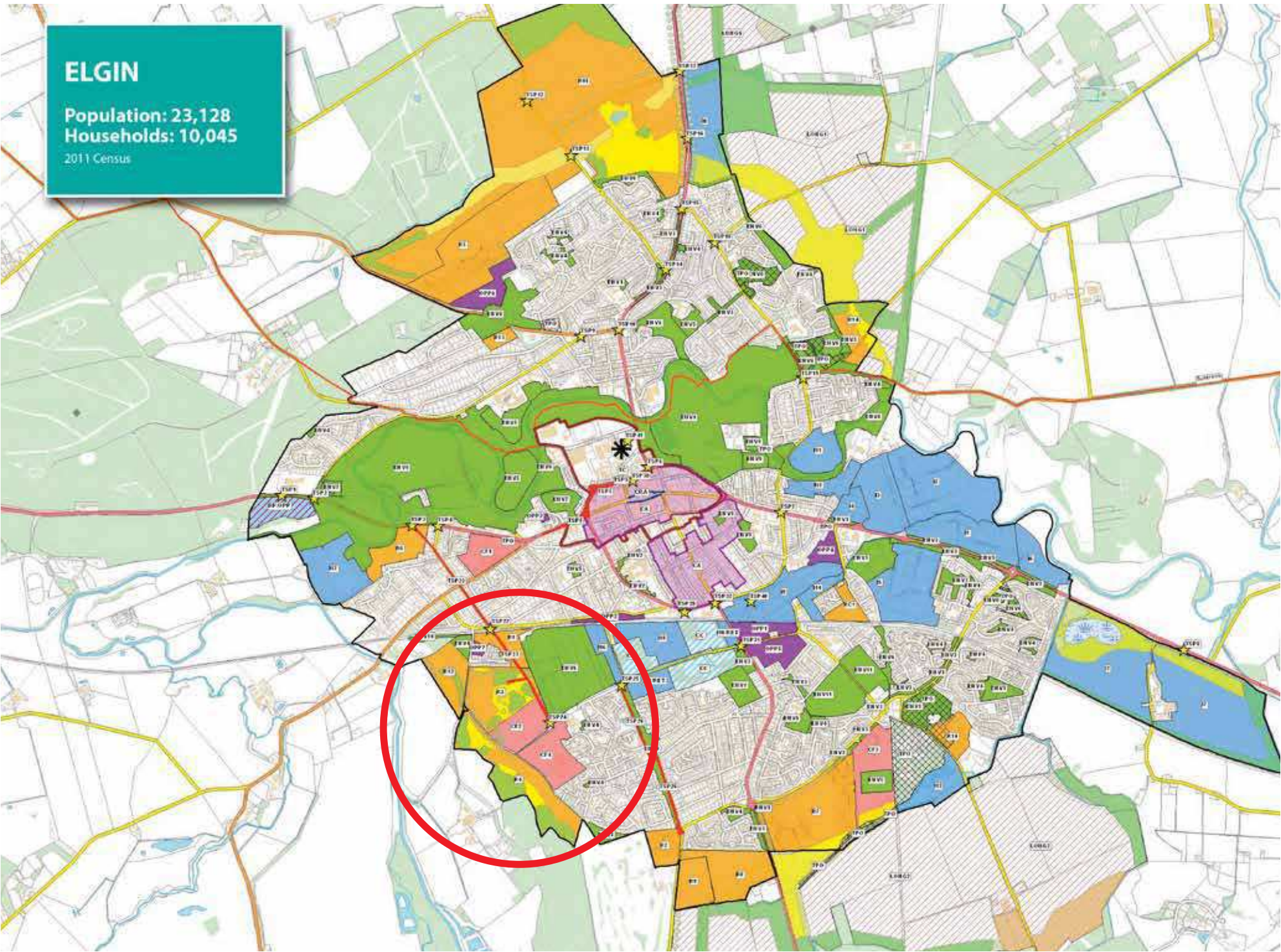


fig. 1: Extract from Moray LDP with Bilbohall Masterplan area circled

1.3 Local Policy & Guidance: Moray Local Development Plan 2015 (LDP2015) and Supplementary Guidance

The adopted Moray Local Development Plan 2015 sets out the policies and land use designations for future development in Moray. The policies and key design principles of the LDP 2015 have informed the masterplan, specifically primary policies PP3 Placemaking, PP2 Climate Change and PP1 Sustainable Economic Growth along with H8 Affordable Housing, H9 Housing Mix/Accessible Housing, E5 Open Space, and T2 Provision of Access.

The table extracted from LDP identifies a number of individual sites within the Bilbohall masterplan area that can accommodate development (see Figure 1)

LDP Site	Site Area (Ha)	Indicative Unit Capacity
R1	3.3	20
R3	9.9	100
R4	4	80
R12	5.39	85
OPP7		
CF2		

- OPP7 is an opportunity site identified where the council supports the redevelopment of existing NHS buildings that are surplus to requirements in favour of residential development. An indicative capacity is not given for OPP7.
- Community Facilities CF2 describes land to the north of Elgin High School beside Edgar Road. This land was reserved for new recreation facilities however it has been deemed surplus to requirements and alternative uses compatible with neighbouring residential land are proposed.

1.3.1 Extracts from the LDP2015

The following text is extracted from the LDP to give the specific background and requirements to the respective sites. Although R1 is included within the overall masterplan area, there are no proposals for R1 within the Bilbohall Masterplan as this site is largely developed.

R1 Bilbohall North

This site is carried forward from the previous plan. Planning consent was granted in 2005 for 60 houses. 40 houses have now been built however the remaining 20 are constrained until Transport Proposal (TSP) 3, 21, 22, 23, and 24 can be provided together with connectivity to adjacent development and routes to schools. Development proposals must provide a landscaped edge. A detailed flood risk assessment will be required for any planning application that is submitted for the site. A habitats survey is required.

R3 Bilbohall South

This 9.9 ha site has been carried forward from the previous plan and has capacity for 100 houses after landscaping requirements have been addressed. Due to the contours of the site, the prominent green knoll has been identified for open space and structural landscaping reducing the developable area of the site. A detailed development brief will be prepared for the site reflecting that the design principles should address the key design principles set out in the accompanying map. This site is constrained until TSP 3, 21, 22, 23, and 24 can be provided together with connectivity to adjacent development and routes to schools. Additional improvements to specific capacity constraints may be required, given the size of the development and its potential level of impact. At least two access points will be required and must be considered in association with the other sites in the vicinity. The impact on junctions TSP25 and TSP31 must be considered and a contribution to any necessary mitigation addressed. The text for TSP31 highlights that the junction already shows insufficient capacity. All sites which would impact on this junction will be required to contribute to any necessary improvements. Extensions to speed limit and provision of footways and street lighting will be required. A detailed flood risk assessment will be required for any planning application that is submitted for the site. The main concern for developments connecting into the sewer system in Elgin is the effect on the system with regard to sewer flooding. These effects will have to be assessed. An archaeological crop mark site is located in the northern part of the area, and will require evaluation. A habitats survey is required.

R4 South West of Elgin High School

This 4 ha site is able to accommodate 80 houses for development after landscaping requirements have been addressed. A masterplan should be prepared jointly with R12 and development proposals should address the key design principles set out in the accompanying map. Substantial landscaping will be required with open space and woodland planting along the south west of the site. Advance planting to ensure the ridges and upper slopes have established woodland will be required. Provision of new footpaths and access routes must be provided connecting to the High School and north across the railway. The core path running along the eastern edge of the site should be maintained and enhanced. A badger and habitats survey will require to accompany proposals. This site is constrained until TSP 3, 22, 23, and 24 can be provided together with connectivity to adjacent development and routes to schools. A Transport Assessment requires to be submitted with proposals. At least two access points will be required and must be considered in association with other sites in the vicinity. The primary access will be from Edgar Road adjacent to the High School (TSP24). The impact on junctions TSP25 and TSP31 must be considered and a contribution to any necessary mitigation addressed. The text for TSP31 highlights that the junction already shows insufficient capacity. All sites would which would have an impact on this junction will be required to contribute to any necessary improvements. A habitats survey is required.

CF2 Edgar Road

This site is reserved for new sport or recreation facilities. If this site becomes surplus to requirements alternative uses compatible with neighbouring land and the site location may be considered. The release of this site and the extent to which it can be developed will be dependent on the satisfactory resolution of road improvements related to TSP 23 and 24 which may affect this site. A Transport Assessment will be required and the following junctions must be considered TSP 31. A walkover and photographic survey of habitats is required to assess the presence of wetlands and to identify any consequent requirement to address/mitigate the impact on groundwater dependent terrestrial ecosystems.

R12 Knockmasting Wood

The site extends to approximately 5.39 hectares and has an indicative capacity for 85 houses. A masterplan must be prepared for development of the site and site R4. New woodland structure planting is required to successfully integrate development into the landscape and Knockmasting Wood should be retained. This site is constrained until TSP 3, 21, 22, 23, and 24 can be provided together with connectivity to adjacent development and routes to schools. A Transport Assessment requires to be submitted with proposals. At least two access points will be required and must be considered in association with other sites in the vicinity. Bilbohall Road will require widening. The impact on junctions TSP25 and TSP31 must be considered and a contribution to any necessary mitigation addressed. A flood risk assessment will require to be submitted and water resilient measures should be considered as part of this. A habitats survey will require to be submitted with proposals.

OPP7 Bilbohall

Redevelopment of the NHS buildings, that are surplus to requirements, for residential development will be supported. Access to the site is constrained and development that would result in additional trips using the Bilbohall railway bridge will not be supported until an alternative access is provided (see TSP 3, 21, 22, 23, and 24). A flood risk assessment and habitats survey will require to accompany proposals. A Tree Survey and Protection Plan should be submitted with proposals and where possible mature trees retained.

1.4.1 LDP Design Principles

The extracted plan below (Figure 2) sets out some high level initial design principles for the Bilbohall masterplan site. These have been interrogated and refined through the masterplan process, taking into account the findings of further site analysis and a landscape and visual appraisal.

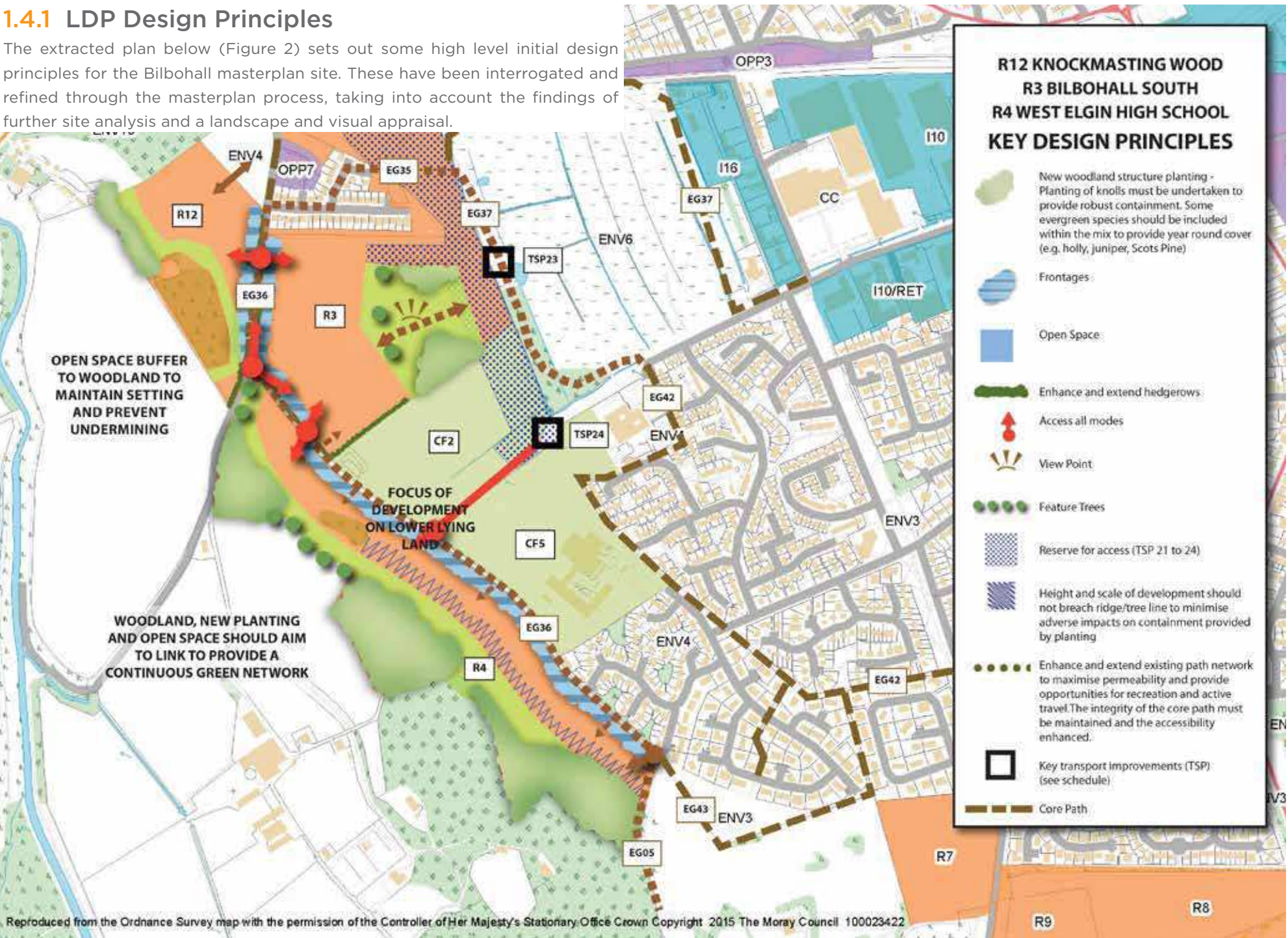


fig. 2: Bilbohall design principles extract

1.4 Supplementary Guidance

Additional detail on particular policies is contained in a series of Supplementary Guidance (SG) publications which support the LDP. These include:

- Affordable Housing;
- Accessible Housing;
- Climate Change;
- Housing in the Countryside;
- Trees in Development; and
- Urban Design.

Of specific relevance to this masterplan is the Urban Design SG which sets out the key elements and principles and vision which must be described and defined within the document. As part of the Masterplan an accompanying Design Code is required to expand and build on the Masterplan vision and demonstrate how design intentions might be implemented for specific elements. The Design Code is shown in Section 5.



Moray Council Supplementary Guidance Documents

In accordance with best practice in undertaking public engagement in the planning process and guidance provided by Moray Council, public consultation has been undertaken as part of the preparation of the emerging masterplan for Bilbohall and at Draft Masterplan stage. This is an important part of the process which allows people to engage and contribute to the proposals for new development at Bilbohall and keeps them informed of progress.

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1.5.1 Public consultation on the Preferred Option for the Draft Masterplan

Public consultation was held by the Bilbohall Consortium on the preferred option for the draft Masterplan over the period 1-17 November 2017 in which a drop-in exhibition was held on 1 November at the Graham Alexander Bell Centre, Moray UHI, Elgin from 2-8pm where the Masterplan consultants, members of the Bilbohall Consortium and officers from Moray Council were available to deal with queries. Over 100 people attended the exhibition and a summary of the representations received together with a response and the resultant amendments to the draft Masterplan are set out in sections 1.5.2 to 1.5.4.

1.5.2 Summary of Representations

The main feedback received following the community engagement process highlighted the following issues:

Housing

- Provide screening barriers between proposed affordable housing and existing private housing on Fairfield Avenue.
- Council housing should not be proposed next to private housing as this will unfairly lead to a reduction in property values.
- Affordable housing plans to be applauded however the Council already owns houses which are empty and could be rented out.
- The level of affordable housing proposed is too high and should be reduced.
- Welcome the provision of much needed social housing.
- Too much housing being built in Elgin. Sites already allocated and under development are sufficient to meet demand.
- The number of houses now proposed is more than is allowed for in the Local Development Plan.

Transportation

- Reliance on use of the current railway bridge at Bilbohall Road as one of the main accesses to the site is a mistake. The reintroduction of the western link road would be a better option.
- The railway bridge is not capable of handling the increase in traffic volumes arising from the new development. It was previously restricted to 40 houses. The lifespan of the bridge will be shortened as a result of the increase in traffic using it.
- Concern expressed about the increase in the volume of traffic and noise arising from the proposals.
- Concern expressed about access through the site becoming a rat run to new Elgin.
- It was disappointing that the options for the improvements to the railway bridge were not available in detail to comment on.
- Visibility is poor at the railway bridge crossing and the increased volume in traffic may result in a higher risk of accidents.
- The railway bridge is too narrow to accommodate buses.
- Concern about the detrimental impact of construction traffic on the area.
- Support the option for the railway bridge crossing which includes a new pedestrian bridge.
- Concern expressed about the proposed improvements to the railway bridge crossing and their ability to provide disabled access address the future dualling and electrification of the railway line and allow HGVs, buses and emergency vehicles to use the bridge safely.
- Concern expressed about the detrimental impact of the proposals on local roads to the north of the railway line.
- The existing level crossing at the Wards will become more problematical in the future as a result of an introduction of an hourly train service to Inverness and a high speed service between Inverness and Aberdeen. This will cause backing up of traffic on Wards Road and the Wards which will result in more rat running in the area.
- The reintroduction of the Western Link Road would be a better solution to address traffic issues.
- The proposals are a poor substitute for the Western Link Road.
- Who will be funding the improvements proposed to the railway bridge crossing?
- The proposed football pitch will require to have its own car park to prevent on street parking on the nearby residential streets.

Design and Layout

- Significant measures need to be taken to shield the properties on Fairfield Avenue from being overlooked.

- Long gardens are not the answer for providing separation as it is likely these gardens (some 50 metres long) will not be looked after properly. The gardens need to be shortened and an additional buffer area placed between the proposed and the existing housing.
- The new houses proposed parallel to Fairfield Avenue need to be realigned so that all are equidistant from the existing houses on Fairfield Avenue.
- The proposals are overdevelopment of the area.
- The flats proposed for the Firs (3 storeys) are too high for the area.

Education, Community and Medical Facilities

- The hospital and schools in Elgin do not have the resources to cope with the additional houses.
- Local GP and Dental Practices do not have the capacity to cope with the increase in patients that the development would create.
- The proposals will need a new primary school.

Environment

- The wetland area to the north east of the development proposals needs to be protected. There could be problems with the SUDs area catching all the surface drainage leading to the drying out of the wetland area.
- The impact of the proposed development on the wetland area needs to be carefully assessed.
- The proposals have been well thought out with lower density housing and many green spaces.
- Consideration should be given to the inclusion of areas for allotments.
- Concern about the detrimental impact on wildlife and the isolation of the wetland wildlife area from the countryside to the west.
- The trees near the bridge at the bottom of Mayne Road need to be protected from the development.
- Has an environmental impact assessment been carried out?
- Incorporation of green space into the development is welcomed. The Bilbohall Masterplan should look to incorporate wildlife friendly measures into its overall design. This includes, the planting of native trees, flower rich grassland, bird boxes, bat friendly lighting and wildlife friendly gully pots and SUDs.
- Consideration should be given to the provision of a district heating network for the proposals.

Drainage

- The new housing may lead to flooding in the lower lying areas of Fairfield.
- Is there sufficient capacity in the sewage network to cope with this development?
- Flood Risk Assessment required.
- Need to check the impact of the proposed development on existing groundwater abstractions.

General

- Concern expressed that the number of houses proposed will escalate after planning consent has been given.
- Is it a coincidence that the area shown as not to be developed is the same as that previously proposed for the Elgin by-pass?.
- The costs of building the Council houses will be uneconomic due to the site preparation costs and demolitions required.
- The maintenance cost for the proposed new open space will prove a problem as who will maintain these areas.

Miscellaneous

- The pdf of the exhibition boards was too small and did not facilitate zooming in on detail on the proposals and also made it difficult to assess details and measurements.
- All staff involved in the consultation were pleasant and helpful.
- Event not well enough publicised especially for the residents at Fairfield.

Support and Opposition

- Five of those commenting on the emerging masterplan gave general support for the proposals. Six people/organisations were neither opposed or supported the proposals, two people opposed the proposals and 51 of the responses received were strongly opposed. It would be fair to say that the majority of those who were strongly opposed were resident in the existing houses at Fairfield. All those commenting expressed concerns about aspects of the proposals and in some instances suggested how these concerns might be addressed.

1.5.3 Responses to Representations

A response to the comments raised is considered below.

Housing

The Bilbohall proposals provide a much needed opportunity to make a major addition to affordable housing in Elgin. In addition to the 25% provided from the private element of the proposals, housing provided by Moray Council and Grampian Housing Association will all be affordable. There will be diversity in the mix of affordable housing proposed to address different needs and this will include low cost home ownership in addition to housing for rent. The masterplan is seeking to take forward the housing allocations in the Moray Local Development Plan and the detailed technical work undertaken for the masterplan has identified additional capacity for the land at Bilbohall to accommodate housing.

Transportation

It is recognised that this is a contentious issue, especially given the previous constraints placed on the land at Bilbohall and the abandonment of the Western Link Road proposals. In recognition of this, detailed transport studies have been undertaken to establish capacities. The studies have also identified solutions to allow development at Bilbohall to proceed including improvements to the junctions at the railway bridge at Bilbohall Road, at Edgar Road/Glen Moray Drive/The Wards and proposals to manage traffic movements through the development. Further more detailed traffic studies will be undertaken at the planning application stage to test the robustness of the traffic interventions proposed.

Design and Layout

The overlooking aspect of the housing proposed opposite the existing housing on Fairfield Avenue was a major concern for local residents and this will be addressed in changes to the masterplan considered in Section 1.5.4. In terms of the proposed heights of buildings on site, further work is being done on this by the Design Team in consultation with Moray Council Planning.

Education, Community and Medical Facilities

The impact of the proposals on education, community and medical services has carefully been considered. The Bilbohall proposals will be phased so the impact will be spread out over a 5-10 year period. Developer contributions from the

development will also be required to help address any capacity issues.

Environment and Drainage

The Design Team for Bilbohall has included masterplanners, landscape architects, engineers and ecologists. Supporting studies undertaken to support the masterplan in addition to the transport studies, have included, a Landscape and Visual Appraisal, a Flood Risk Assessment and Preliminary Design Strategy, a Tree Survey and an Extended Phase 1 Habitat Survey. These studies address the concerns expressed on the environment and will help ensure the proposals do not have a detrimental impact on the environment.

Miscellaneous

In terms of costs and viability the Bilbohall Consortium have employed cost consultants to consider all costs and how these are shared by the Consortium members. Scottish Government grants may also be available to help with infrastructure funding for the development. The maintenance of open space areas will be principally done through a factoring arrangement, though the Council will likely cover the open space areas related to their part of the development. Comments about the publicity arrangements for the public consultation event are noted and will help inform future events.

1.5.4 Impact on Draft Masterplan

The suggestions and ideas for the consultations undertaken have been considered by the Design Team.

Concerns were raised about the proposed development parallel to Fairfield Avenue. Residents were concerned about the potential for overlooking, the length of gardens proposed to try and mitigate this. In response to these concerns the following changes have been made to the Bilbohall Masterplan:

- Plot depths in Development Block D have been reduced in order to decrease the length of the rear gardens of these properties
- An additional landscape buffer has been introduced to increase screening;
- All properties in Development Block D have been designated as single-storey height in response to concerns with regards to overlooking.



Public exhibition, 2017

1.5.5 Public Consultation on the Draft Masterplan

Public consultation was held on the draft Masterplan by Moray Council over an 8 week period commencing on 5 March and ending on 27 April 2018 during which a drop-in exhibition was held in tandem with the Main Issues Report for the Moray Local Development Plan 2020 where officers from Housing, Planning and Transportation were available to deal with queries. 36 representations were received from the public with many raising the same points as previously through the consultation on the preferred option for the draft Masterplan. A summary of the main points raised and response along with the resultant amendments to the draft Masterplan are set out in section 1.5.6 and 1.5.7.

1.5.6 Summary of Representations and Response

The main issues raised through the public consultation on the draft Bilbohall Masterplan are similar to those raised previously and an overview and response is provided below:

- Intrusion on privacy: The height of properties within Block E were reduced to single storey and the length of rear gardens decreased to enlarge the buffer strip, which will be planted with trees, in the draft Masterplan to reflect concerns raised during the initial consultation. The final Masterplan includes further detail on the minimum distance between the rear elevations of properties within Block E and Fairfield Avenue, a minimum 15m wide buffer strip of planting adjacent the existing 10m buffer strip, and details on tree species to ensure an overall mature height of 10-12m, year-round foliage and coverage at understorey level.
- Level of affordable homes: The provision of affordable housing is a key priority of Moray 2026: A Plan for the Future, the Local Housing Strategy (LHS) and the Moray Health and Social Care Strategic Plan 2016-19. The Housing Needs and Demand Assessment 2017 which has been afforded ‘robust and credible’ status by the Scottish Government identifies the Elgin Housing Market Area (HMA) as having the greatest need for affordable housing with approximately 63% of development requiring to be affordable over the period 2018-22. The level of affordable housing proposed (62% of the total development) through the Bilbohall Masterplan is therefore more akin to the actual need than the 25% requirement stipulated in Scottish Planning Policy (SPP). The sites being developed for affordable and private housing are determined to a large extent by land ownership. The sites owned by the Council and Grampian Housing Association are identified as key priorities for investment in the Strategic Housing Investment Plan (SHIP). The affordable housing will be provided in the form of social rented housing and low cost home ownership and the mix will include specially adapted accommodation for older and disabled people as well as mainstream family housing.
- Flooding and Drainage Issues: Additional technical studies have been carried out as part of the preliminary Drainage Strategy and Flood Risk Assessment to assess pre-development and post-development run-off rates and ensure that adequate storage is provided in order that a 1 in 200 year event plus climate change can be contained and managed on-site. This has included an analysis of catchments, discharge rates and volumes. The Moray Council Flood Team are satisfied that surface water from the development can be adequately discharged without causing flooding problems in the immediate vicinity or further downstream. Detailed Drainage Designs and Flood Risk Assessments are a requirement of subsequent planning applications.
- Increase in traffic volume: The Strategic Traffic Modelling undertaken in the preparation of the Masterplan shows that the link capacity of the roads in the vicinity of the development can generally accommodate the increase in the volume of traffic associated with the Bilbohall development. Improvements will be required to the existing bridge over the rail line at Bilbohall Road. Options for improvement which have been assessed include the removal

of the footway on the eastern side of the existing rail bridge to provide a southern carriageway to allow two-way traffic over the bridge, and provision of a separate active travel bridge across the rail line and the retention of the bridge in its current form with the signalisation of Bilbohall Road/Mayne Road/Wards Road/Fleurs Road junction. Initial analysis of junction options has been explored for the final Masterplan and further detailed transport modelling and design will be required as part of planning applications. Transport Assessments will accompany subsequent planning applications which will set out detailed proposals for the necessary mitigation measures on the local transport network, which will include the signalisation of the Edgar Road/The Wards/Glen Moray Drive junction.

- Concerns about ‘rat-running’ and safety: The Bilbohall road network has been designed to discourage through traffic travelling between the south and west of Elgin through a combination of measures which respond to the location rather than apply rigid standards, regardless of context, and prioritises pedestrians over motor vehicles. This is in accord with Scottish Government policy ‘Designing Streets’, the National Roads Development Guide 2014 (NRDG) and the Council’s Supplementary Guidance on Urban Design which promotes good placemaking in which designing natural traffic calming into the development and creating attractive, safe streets is a key component. Examples of such traffic calming measures are illustrated in the final Masterplan.
- Impact on Wildlife/Biodiversity: An extended Phase 1 Habitat Survey has been undertaken during the preparation of the Masterplan which identified that the predominant grasslands are typically low value to biodiversity and recommends that further surveys for bats, badgers and nesting birds are undertaken at planning application stage. SNH have been involved in the preparation of the Masterplan from the outset and the wildlife corridor proposed has been incorporated into the Masterplan. Wildlife friendly measures suggested by the RSPB have been incorporated into the final Masterplan. At the planning application stage additional, more detailed measures will be required to accord with the new Biodiversity policy in the Proposed Moray LDP 2020.
- Impact on Health and Education Facilities: Developer obligations will be sought from developers to mitigate any adverse impact the proposed development may have on education, health and transport infrastructure at the time of a planning application.

1.5.7 Impact on Final Masterplan

The main changes incorporated into the final Masterplan are:

- Design code - Further detail is provided in the design code for the 6 character areas to ensure distinct pockets of development are created helping people to identify and find their way around the development
- Relocation of pocket park - The pocket park within site R4 has been relocated from the western edge to a central open space between blocks O and P to encourage sharing of facilities:
- Site OPP7 - The indicative capacity of site OPP7 has been increased from 4 to 10 units to allow for a range of redevelopment options such as cottage style flats. The height of properties within site OPP7 has also been reduced from 3 to 2 storey to reflect privacy concerns;
- Site R3, Block E - Further detail on the planting provisions and property separation distances between new and existing properties within and adjacent site R3;
- Drainage and Flood Risk - Additional information pertaining to drainage and flood risk in terms of a Surface Water Drainage Strategy and Flood Risk Assessment to demonstrate the proposed development will not increase the flood risk to the Tyock Burn catchment; and,
- Transport Network - Further detail on the road network in terms of traffic calming measures and junction options at Bilbohall Road/Wards Road/Fleurs Road/Mayne Road to the north of the site.



Public exhibition, 2017



2. The Site

2.1 Context & location

The Bilbohall masterplan area lies on the western edge of Elgin. To the immediate north, beyond the railway line, areas of established residential and other uses extend further west to form the furthest westerly point of Elgin. Development at Bilbohall will round off the town.

The north of the site is bounded by the Inverness – Aberdeen railway line with Wards Road immediately to the north, running parallel with the railway line. The east boundary is defined by the Wards wildlife site and the recently reconfigured Elgin High School site. Edgar Road has been extended as part of the school works and provides a further point of access. The south and south-west boundary is defined by established mature woodland while the western boundary nominally follows an existing ridge line from the woodland block to Bilbohall Road. At this point the boundary runs north-north-west to the rear of Knockmasting Wood.

2.1.1 Ownership

The site comprises around five distinct parcels in various ownerships and/or under option control, with the key parties being Scotia Homes, Moray Council and Grampian Housing Association. Robertson Homes retain ownership of a portion of the masterplan area to the north adjacent to the railway line, however this land is largely safeguarded should electrification/dualling of the railway line require a new crossing point to replace the existing bridge at Mayne Farm. Figure 3 illustrates that ownership generally adheres to existing roads, Core Path alignment or field parcels. Where land falls into separate ownerships but is considered to be part of the same character or landscape unit, the masterplan has been developed as ‘landownership’ blind in order to prevent arbitrary divisions between neighbourhoods for example. Where delivery of key infrastructure is critical, ownership has been considered to ensure proposals are pragmatic and realistic.

2.1.2 LDP Sites

R12

Occupies the north-west corner of the collective site. It sits to the west of Bilbohall Road and to the south of the Aberdeen to Inverness railway line. To the west lies the rural edge, characterised by large and open fields of arable and pasture farmland, although this western site boundary is largely enclosed by the landform of a distinctive knoll and stand of mature Scot’s Pine. To the north of the R12 boundary lies open space and a small equipped play park.

R1

Is the northern most site, occupying the land to the immediate south of the Aberdeen to Inverness railway line and Wards Road and the immediate north and east of Fairfield Avenue, a recent residential development comprising two storey detached properties. R1 forms a small pocket of land gently sloping eastwards. R1 does not form part of the area being masterplanned as it has largely already been developed.

R3

Sits to the south of Fairfield Avenue and to the east of Bilbohall Road and is characterised by one of the distinctive knolls that define this area. Steep sides rise up to the relatively level circular plateau at the top of the open knoll. The flat and level wetland named ‘The Wards’ lies to the east and the lower lying and more level landform of site CF2 lies to the south.

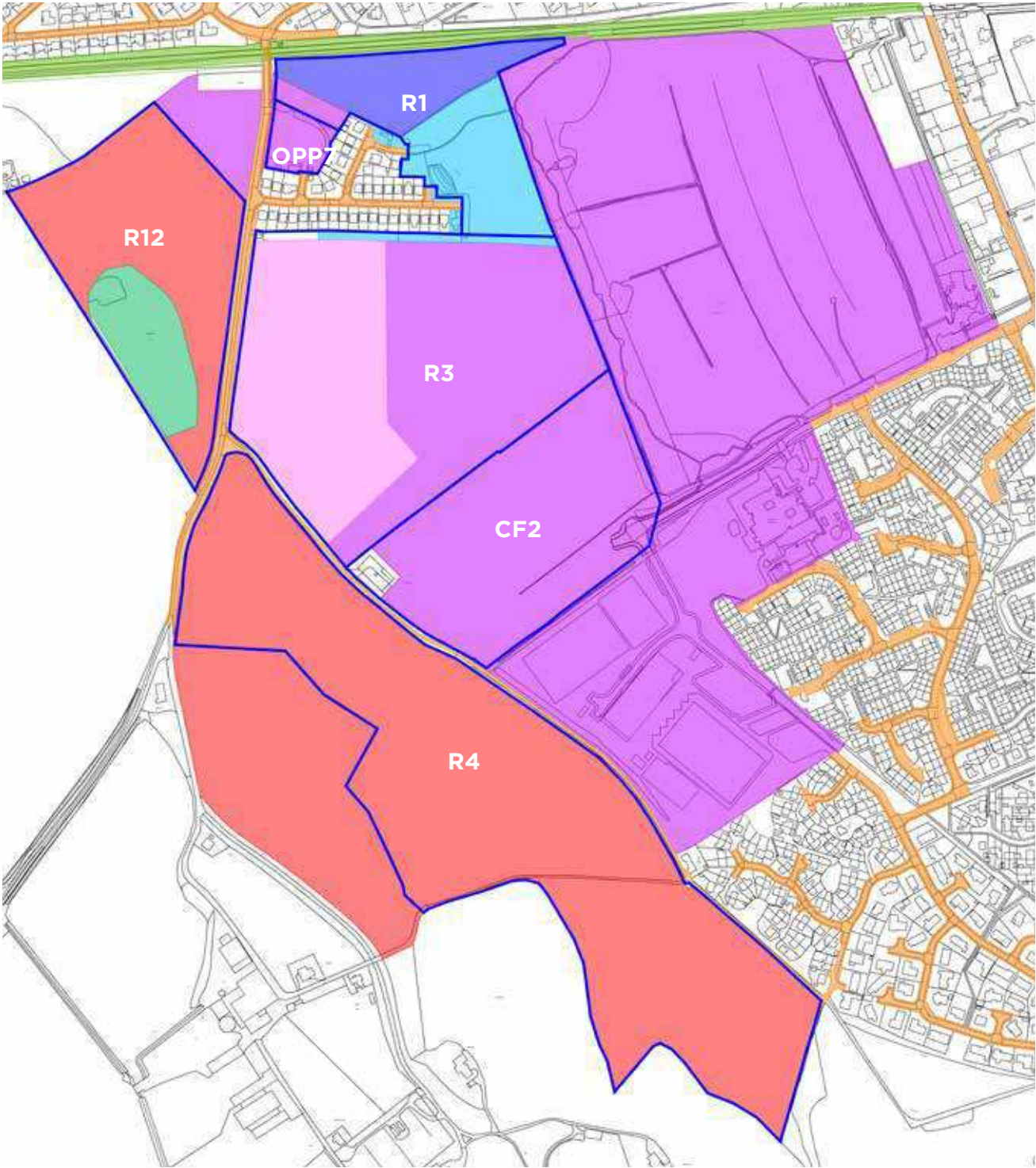
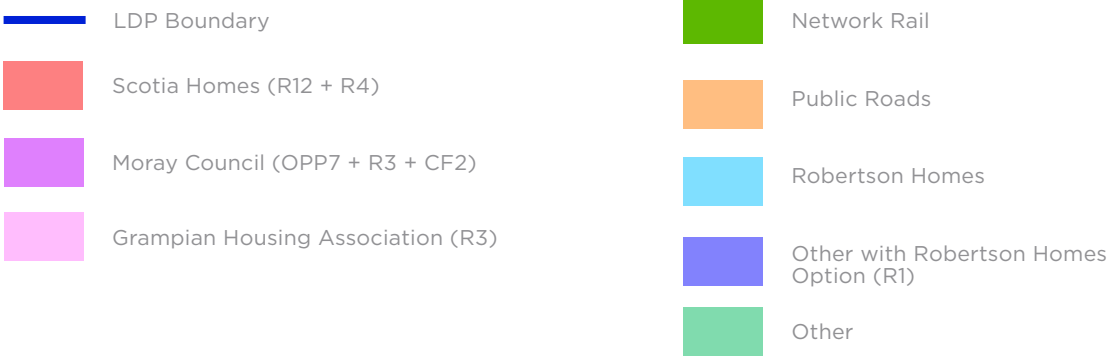


fig. 3: Land Ownership and Options



R4

Occupies the long knoll to the west, which extends from Bilbohall Road in the north-west, to Elgin Golf Course in the south-east. The ridge follows this alignment with more level land rounding across the ridge and then slopes falling way to the north-east. This area is currently open farmland, although dense and mature woodland occupies the southern part of the ridge, which lies to the south of the site and which forms a substantial wooded backdrop.

CF2

Is enclosed by the landform of the knoll to the north and another longer knoll to the west. The new Elgin High School site lies to the immediate south, the big mass and institutional character of this super block establishing a strong influence over this urban / rural edge.

OPP7

Comprises a former NHS elderly care facility and associated grounds. The buildings are surplus to requirements and residential development is proposed. A group of disparate buildings occupy the site, set within a setting of mature trees which are under a Tree Protection Order.

2.2 Site Description

The Bilbohall site is a complex landscape area and is predominantly agricultural in nature. A distinctive series of landforms and features are evident, from planted knolls with woodland to rounded hills covered with grassland to rolling fields leading down to the flood plain area to the west. There is some arable cultivation alongside the grassland management and field boundaries range from post and wire fences to hedgerows. Outwith the established woodland blocks there are limited areas of mature trees, generally planted in lines or grouped at junctions. There is evidence of wetter areas immediately adjacent to the Wards which is a low-lying area of nature conservation immediately to the east of the Bilbohall site. Aside from the distinctive knoll to the east of Mayne Farm road, the Scots pine woodland of Knockmasting wood contributes a particular character to the area in addition to providing a strong spatial and visual containment along that particular edge. From elevated parts of the site there are views back to many parts of Elgin; similarly, there are glimpse views along streets and between houses from the east of the site to the rounded hills of Bilbohall, although these are viewed with taller landforms evident in the background.

2.2.1 Land use and designations

The site and study area are not covered by any national, regional or local landscape designations, which would otherwise denote scenic value or landscape quality. There are also no townscape designations covering the site or study area, except for the High Street and Elgin South Conservation Area which covers the historic core of the town to the north-east of the study area. The enclosure of this area, combined with the separation distance from the site and the extent of urban development within the separation distance, ensures that the proposed development would not have an effect on the character of the Conservation Area.

Designations adjacent to the site include an area of Ancient Woodland to the south and a local Wildlife Site (The Wards) to the east. A network of core paths cross the site and link into the wider urban area. An area of site OPP7 falls under a Tree Preservation Order (TPO). The recently constructed Elgin High School is located to the south of CF2.

Fairfield Avenue is a recent housing development north of R3 whilst there is more established residential neighbourhoods to the east of R4 which are edge-of-town in character and density.

2.3 Site topography and drainage

Figures 4-6 illustrate that the site has a particularly complex set of landforms with slopes of all aspects and steepness. The masterplan area shows a variety of landforms, with several distinctive knolls, the most prominent being that of R3. This acts as a visual boundary to direct and contain views in certain directions, whilst offering long-distance views from the upper slopes. Mayne Wood to the south and east covers the highest landforms in the immediate vicinity, whilst a public right of way runs along a mini-valley between CF2/R3 and R4. The elevation varies across the parcels from a high point of around 46m AOD within R4 to 15m AOD within CF2 which is an obvious low point due to the presence of marshy land and proximity to The Wards.

The River Lossie runs to the west of the site, however SEPA Flood risk mapping shows no identified risk from river flooding within the masterplan boundaries. There are no watercourses within the site although local drainage channels are evident immediately to the south of CF2 and the adjacent Wards site is obviously a key location for water storage and collection.

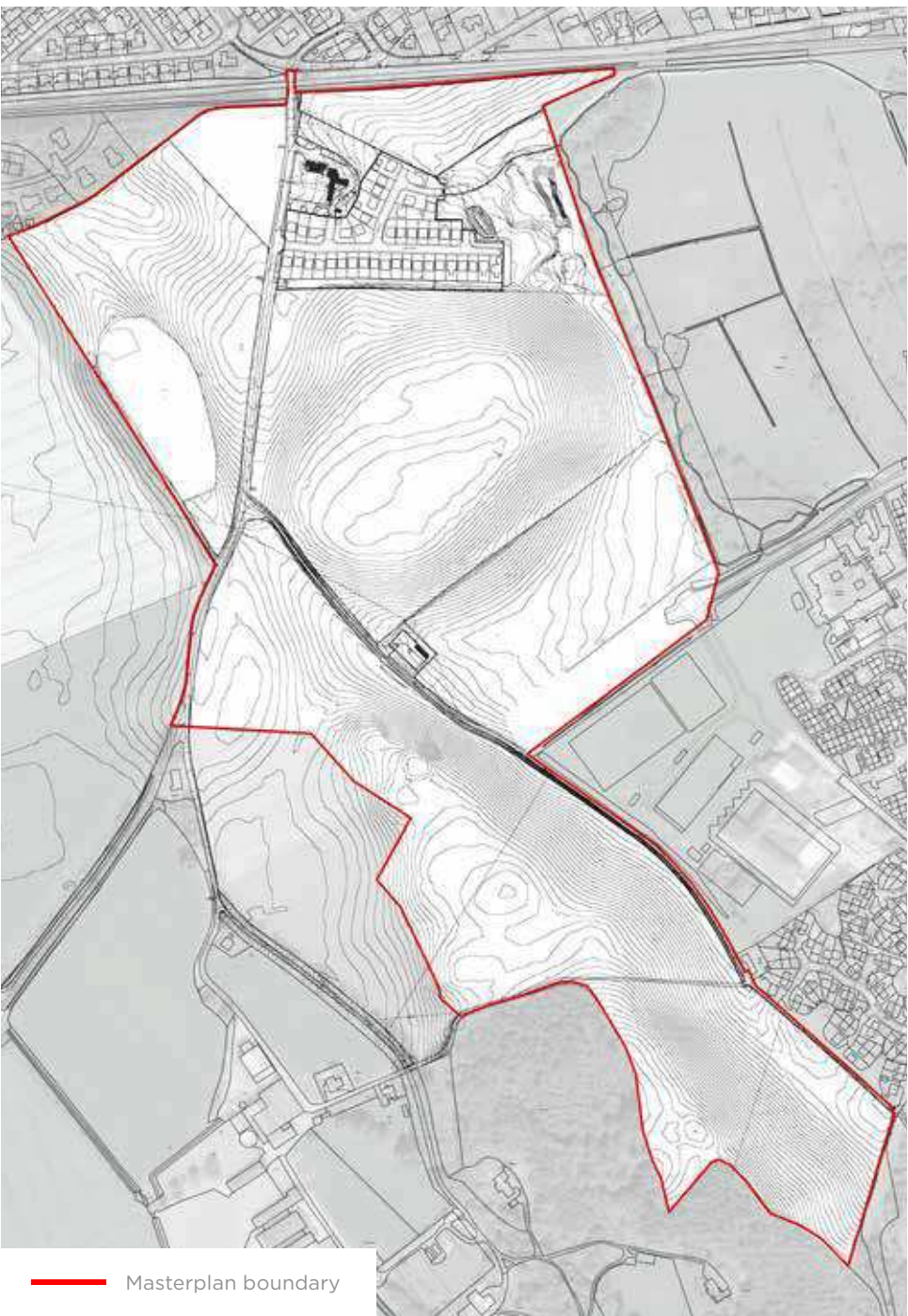


fig. 4: Landform and topographic survey

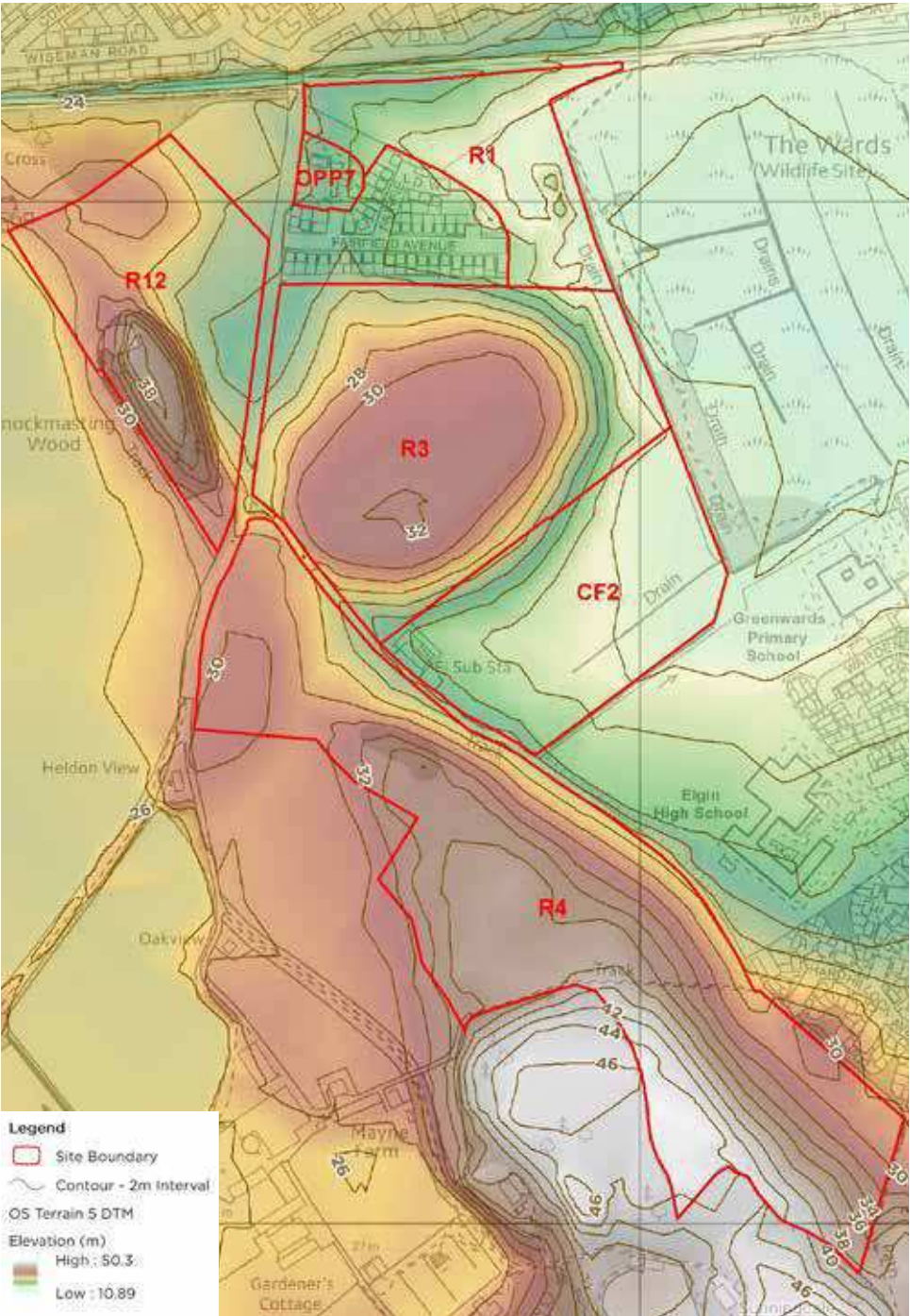


fig. 5: Topography/elevation

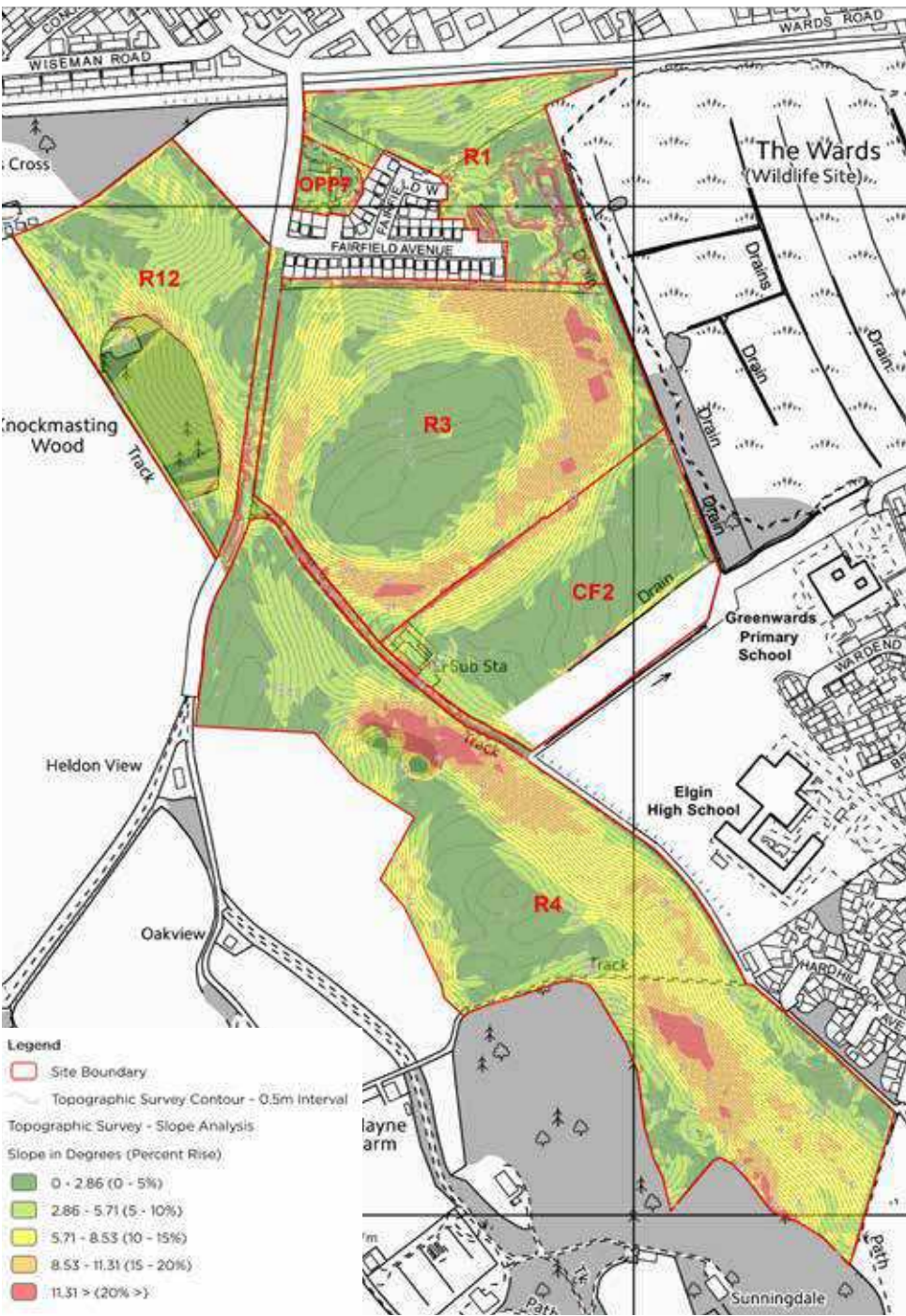


fig. 6: Slope

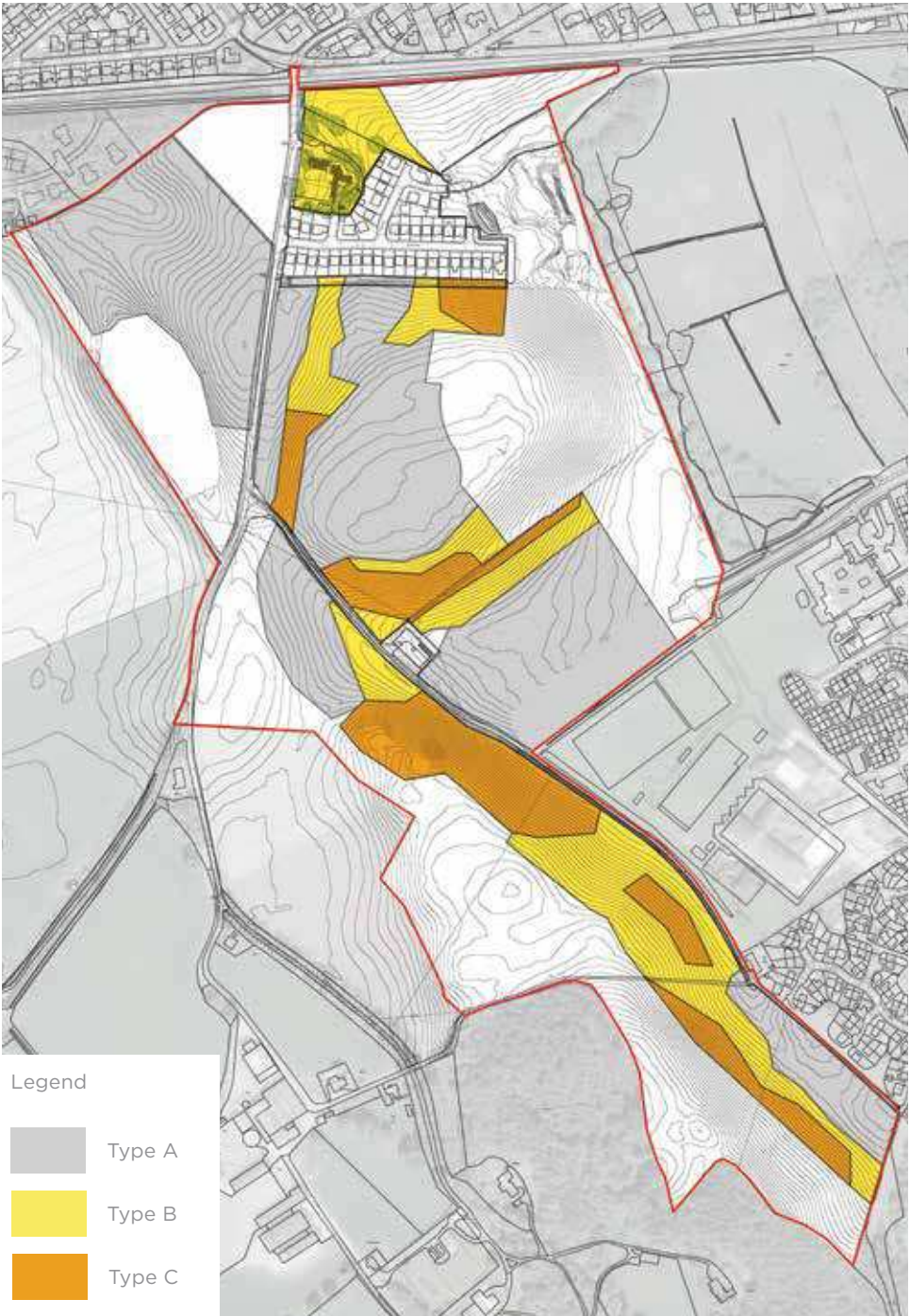


fig. 7: Slope analysis

2.3.1 Slope

Given the particular nature of the site in terms of landform and elevation, a careful analysis of slope was undertaken to assess and categorise parts of the site in terms of relative constraints to development (figure 7). Three categories of slope have been established that will require varying approaches in relation to extent of earthworks and consideration of street alignments in order to sensitively accommodate residential development:

The slope analysis revealed a number of areas where previously developed design guidance required to be refined in order to ensure the masterplan reflected the realities of the site. Although the site has a varied landform, this can be taken advantage of to provide suitable residential development. Proposed roads either follow the route of existing roads or circle the knoll and slopes to ensure accessibility is maximised.

Category of Slope	Description
Type A	Normal site slope conditions. Considered generally unconstrained in terms of residential development and suitable for a range of densities and uses.
Type B	Somewhat constrained due to slopes of up to 15%. Lower density approach required or some re-grading to accommodate residential uses.
Type C	Over 15% slope requires specific earthworks and re-grading strategy to accommodate residential uses in a viable manner.

2.4 Existing landscape features

Although largely agricultural in nature, there are a number of prominent landscape features within the development area which have been identified for retention or integration into the masterplan. For the most part these are existing hedgerows which run parallel with key routes (both roads and paths) and which contribute to the character of the area.

The existing woodland areas of Knockmasting Wood and Mayne Wood fall outwith the landownership of the Bilbohall Consortium and will therefore not be effected by the Masterplan proposals. Integrating them into the design is critical however as they provide not only important functions in relation to visual containment, but are also amenity and habitat resources.

2.5 Habitat

An Extended Phase 1 Habitat survey has been undertaken which reports that the predominant grasslands are typically of low value to biodiversity. Field boundaries and woodlands provide most suitable habitat for protected species. There is Badger evidence in the surrounding woodland and further surveys are recommended for bats, badgers and nesting birds.



fig. 8: Existing landscape features



Hedgerow along core path



Knockmasting Wood



Existing Hedgerows along Bilbohall Road with Knockmasting Wood to the right

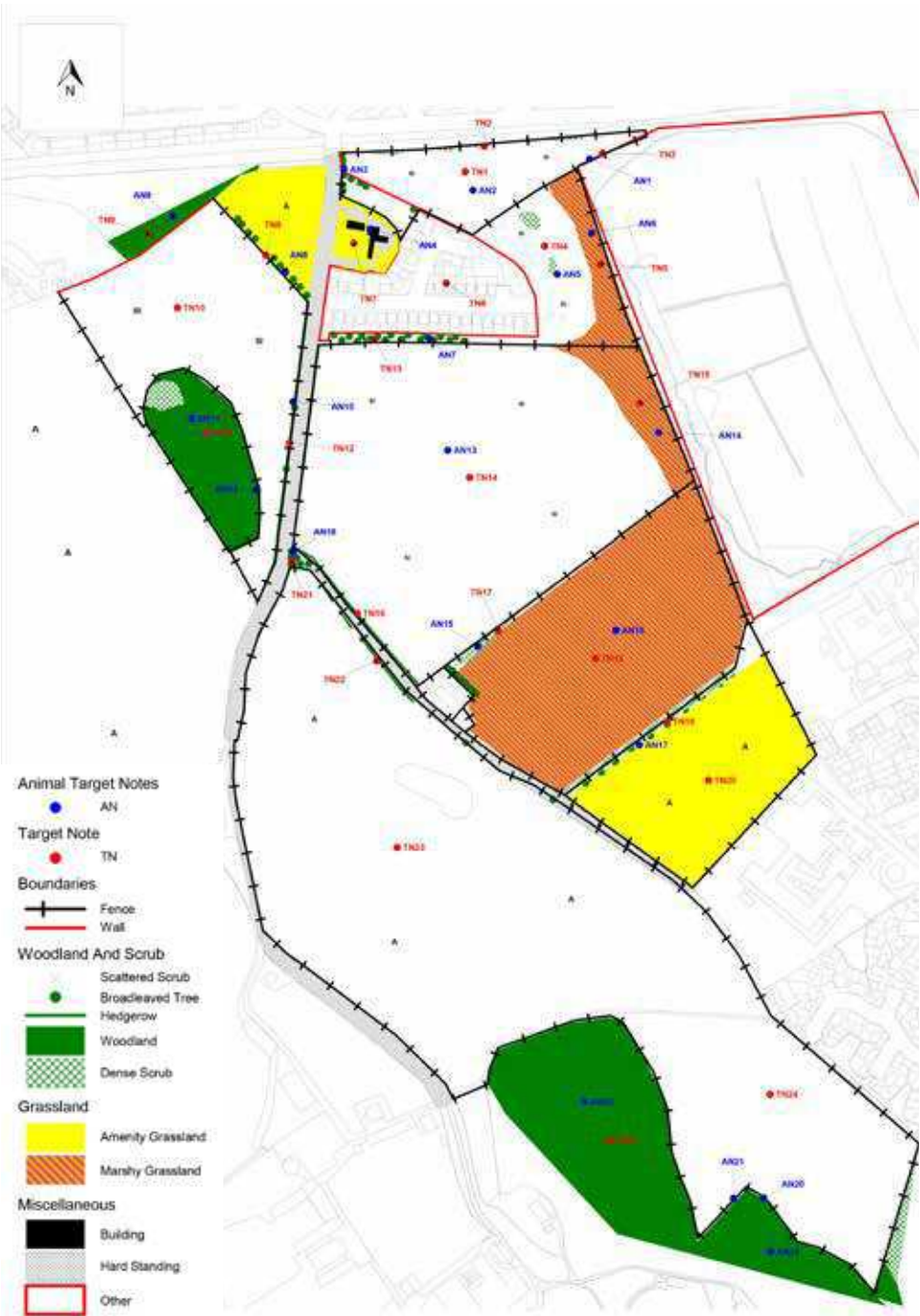


fig. 9: Phase 1 Habitat survey plan

2.6 Connectivity

The existing movement network surrounding the masterplan area allows for good pedestrian, cycle and vehicle flow (see Figure 10). The surrounding area has a mix of residential, commercial and retail uses and schools, which can be accessed by all modes of transport (foot, cycle and vehicles). The wider accessibility has been analysed and is good.

2.6.1 Pedestrian

In the existing residential areas to the east of Bilbohall, the pedestrian network is typically defined by footways adjacent to the carriageway, and paths providing short cuts between residential blocks. Within the Masterplan area, and in the open spaces of The Wards Wildlife Site and Mayne Wood, a network of primarily off-road paths provide connections. The Core Path running south through the site links Wards Road with Elgin High School, Elgin Golf Club and the residential area around Hardhillock Avenue.

2.6.2 Cycle

National Cycle Route 1 (NCN 1) passes to the north of Elgin City Centre. In the vicinity of the site cycling is typically limited to the road network. A number of routes within the Elgin Sustainable Travel Network (ESN) link with, or pass close to, the Bilbohall area (see Figure 11). These include ESN 6 between Birnie Crescent and The Wards Wildlife Park and Elgin Retail Park, and ESN 2 which provides a surfaced, primarily off-road cycle link between Reiket Lane and Wards Road.

2.6.3 Public transport

Bus

To the north of the Masterplan area, the existing public transport network passes through residential areas around Dr Gray's Hospital, and to the south along Glen Lossie Drive. The current local operator's bus fleet likely to be available to residents of Bilbohall comprises the following vehicles:

- Optare Solo (minibus)
- Alexander Dennis Enviro 200 (minibus)
- Alexander Dennis Enviro 300 (full size single decker)
- Volvo B9R/Plaxton Panther (coach- less likely)
- Volvo B12B/B13R Plaxton 15m coaches (less likely)

Network Rail

The Aberdeen to Inverness rail line runs from east to west at the northern boundary of the masterplan area. The Mayne Farm Rail bridge currently serves as a crossing point from the site towards Elgin town centre north of the railway line.

2.6.4 Local road network

There are two current vehicular access points into the Masterplan area. To the north, Bilbohall Road provides a connection to Wards Road via the railway bridge, and to the east Edgar Road provides access at the recently constructed junction with Elgin High School.



fig. 10: Existing connections

Existing Core Path Network

Other Existing Paths

Existing bus route (33)

Existing street network

1

Elgin High School

2

Greenwards Primary School

3

Local shops

4

Elgin retail park

5

The Wards Wildlife Area

6

Mayne Wood

fig. 11: Cycle and walking routes around Elgin

2.7 Views and Visibility

A Landscape and Visual Appraisal (LVA) has been carried out for Bilbohall which is included as a separate appendix. As part of that document, the baseline conditions were established which describe the landscape character and visual amenity of the development site and the surrounding area. Some key observations from that baseline are below and the findings with regard to visual effects have been addressed through embedded mitigation within the masterplan which are set out later in this document.

The presence of the distinctive knolls and mature woodland, whilst themselves apparent landscape features, particularly in views from the west rather than the east, would screen large parts of the proposed development. On the southern side of the site, the presence of the mature and dense Mayne Wood, covering a substantial part of the Distinctive Knoll, precludes visibility from receptors to the south. While visibility of the proposed development would be readily evident along the eastern boundary where it abuts Elgin Golf Course, the residential area and the grounds of the new Elgin High School, this front row of development would screen much of the proposed development from receptors lying behind. Where the proposed development abuts 'The Wards' along the northern part of the eastern boundary, the potential for visual receptors to be affected would be limited by the extent of enclosing tree cover around the paths system and this would also preclude visibility arising further east across the town. There would however be glimpsed views from close range paths through The Wards'.

The extent of visibility along the northern site boundary is similarly contained. To the north of the Aberdeen to Inverness railway line and Wards Road, the landform rises, and the presence of residential development enclosing this aspect would prevent the influence of the proposed development affecting visual receptors beyond the localised area.

The combination of these enclosing elements would restrict the potential visibility of the proposed development to within the localised area.

2.7.1 Baseline Views

The LVA identifies a number of viewpoints and principal visual receptors which have been appraised in terms of effects on visual amenity. A selection of those viewpoints are shown below to illustrate the typical baseline condition. These include:

- View from Ward's Road west: Selected to be representative of the views of road users and residents on Wards Road.
- View from Bilbohall Road: Selected to be representative of walkers, road-users and residents.
- View along Core Parth EG36: Selected to be representative of walkers along the main access through the proposed development."



fig. 12: Baseline Views



1. View from Wards Road West



2. View from Bilbohall Road



3. View from Bilbohall Road Junction



Visualisation from Wards Road West illustrating indicative housing blocks and embedded landscape mitigation following assessment process

2.7.2 Selected site character views

A number of site views have been selected to illustrate the existing characteristics of the site and certain features that have guided the masterplan process.



fig. 13: Site views. Key Plan



View 1: View over CF2 towards Elgin High School



View 2: View towards prominent knoll in R3 from adjacent to Elgin High School



View 3: View towards Mayne Wood in R4 from adjacent to Elgin golf course



View 4: View from the south of the masterplan area over R4



View 5: View south across R4



View 6: View over R3 towards Elgin town centre



View 7: View towards Knockmasting Wood in R12 from edge of R3 knoll



View 8: View towards existing play area to the north of R12

2.8 Site analysis and constraints

The distinctive knolls create an irregular pattern of landform which is further complicated by the imposition of field boundaries, roads and paths which do not necessarily relate to the contours. The mature woodland forms a prominent feature, and adds to the enclosure formed by the knolls, but could be extended to contribute to a clearer pattern. While the current urban edge is poorly defined, the proposed development presents the opportunity to create a more robust and responsive western edge to Elgin.

Analysis has highlighted a number of locations where steep slopes are likely to be a constraint to development. Direction of slopes also dictate the alignment of streets in order to avoid excessive areas of cut and fill and allow for reasonable gradients.

A number of existing hedgerows have been identified for retention as part of a designed street section. Where these cannot be retained within the new street corridor, a substitute hedge must be planted. This is a key design principle.

2.9 Site appraisal and site principles

The site surveys and assessments have been brought together in the form of a site approach diagram which identifies those areas to be protected as open space and structural landscape and those areas which would be most suitable for development. Key connections that must be delivered in terms of pedestrian and vehicle movements are integrated and suggest a structure for individual development parcels which can then be delivered in a robust and connected way.

Future electrification or twin-tracking of the Aberdeen to Inverness rail line in Elgin may require the construction of a new bridge across the rail line to replace the Mayne Farm Rail bridge. The Masterplan safeguards a corridor which makes allowance for a new bridge linking the Masterplan site with Wards Road adjacent to Wittet Drive. More detail is provided in Section 4.4.4.

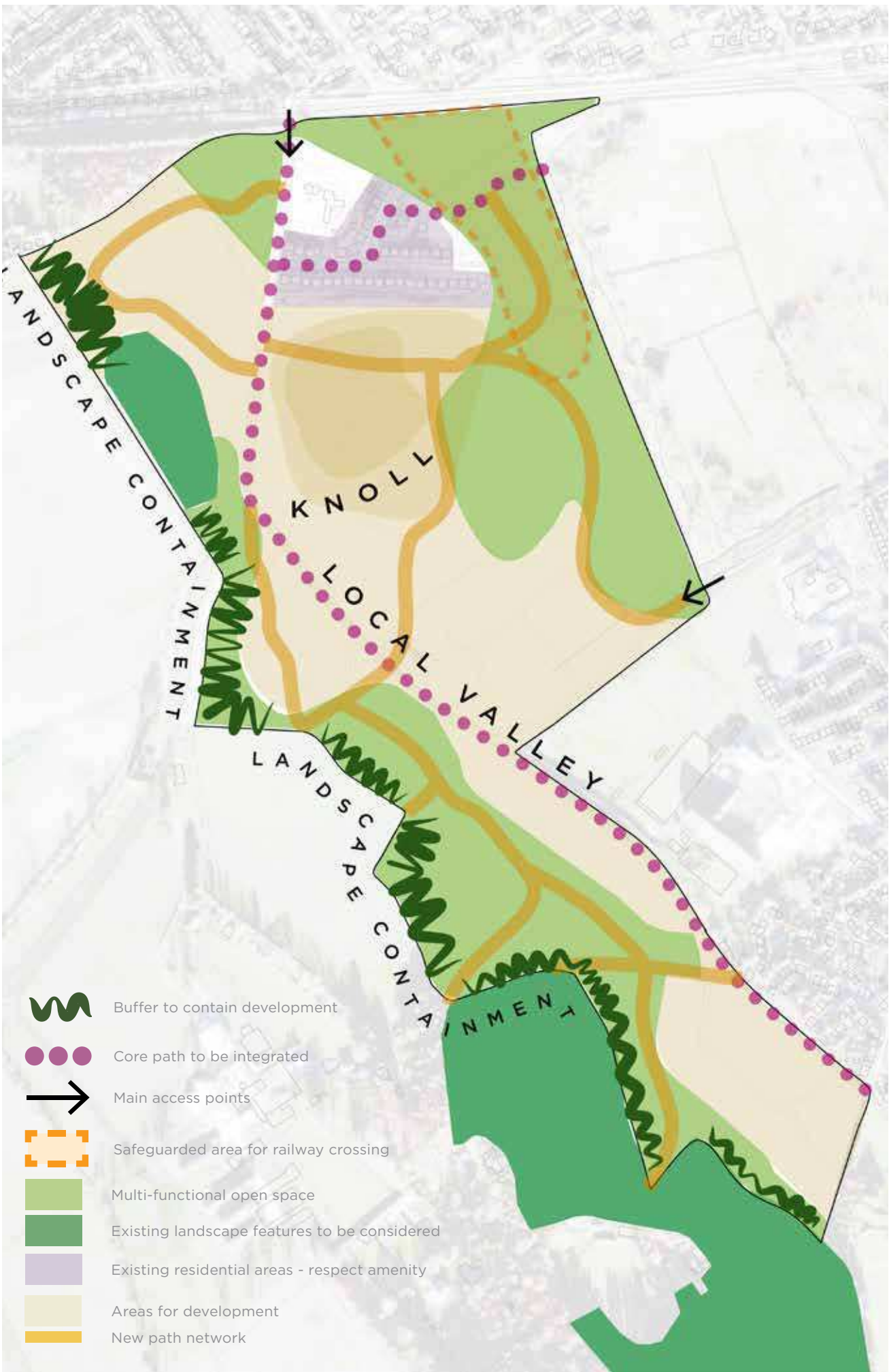


fig. 14: Site Principles

Hardhillock Avenue
5-10% slope
c29
units/Ha



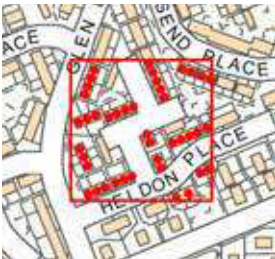
Conon Crescent
0-5% slope
c21
units/Ha



Heldon Place
0-5% slope
c42
units/Ha



Bardon Place
0-5% slope
c37
units/Ha



2.10 Residential density in context

A series of density studies have been undertaken on selected residential sites around the masterplan area in order to establish typical densities. These studies have shown a range from around 11 units/hectare up to 42 units/hectare. These densities reflect the differences in residential types and the approach to slope which has been necessary elsewhere. The studies show that even on areas of up to 10%, densities of up to 29 units/hectare are achievable.

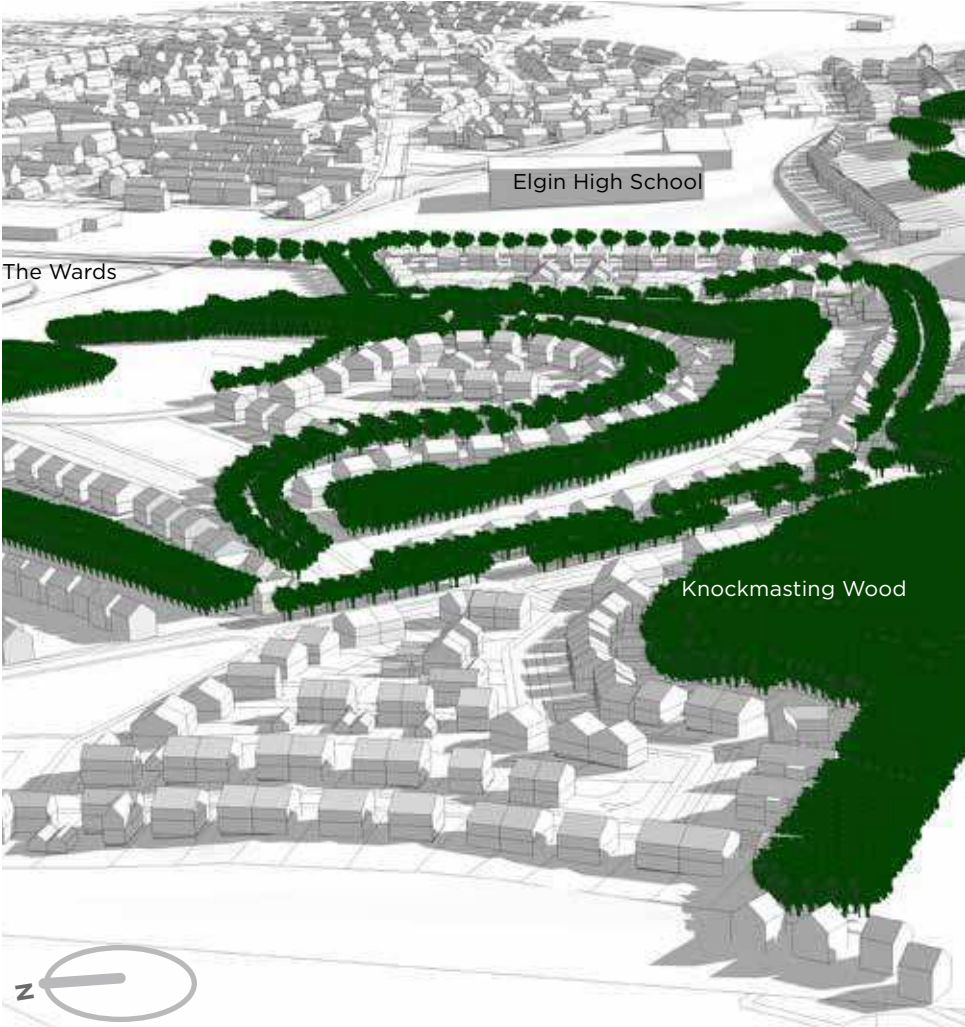
3. Design Development

3.1 Design development

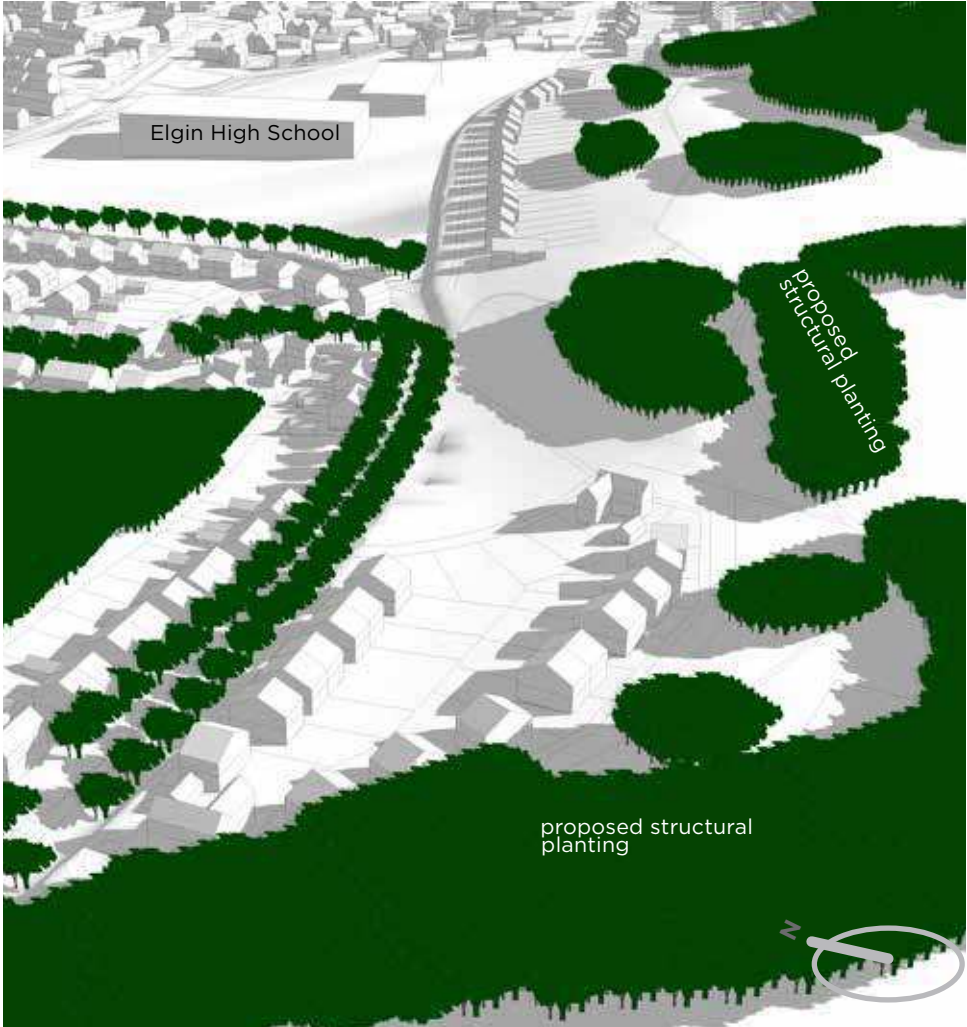
The Bilbohall masterplan has gone through an extensive process of site appreciation and design testing to balance a diverse range of factors and considerations. The iterative design process included an initial period of specific study on transport impact and road network capacity to establish the feasibility of the sites prior to commencing masterplanning tasks. Once it was established that the sites could be accommodated through the Elgin Transport Strategy, an intensive period of site survey and analysis was undertaken to obtain up-to-date baseline information on conditions, habitat, topography etc. These were assimilated into a comprehensive opportunities and constraints plan which in turn informed a site approach plan which suggested a way to progress the masterplan layout.



Looking south towards ridge line with Mayne Wood with the Wards and prominent knoll in foreground

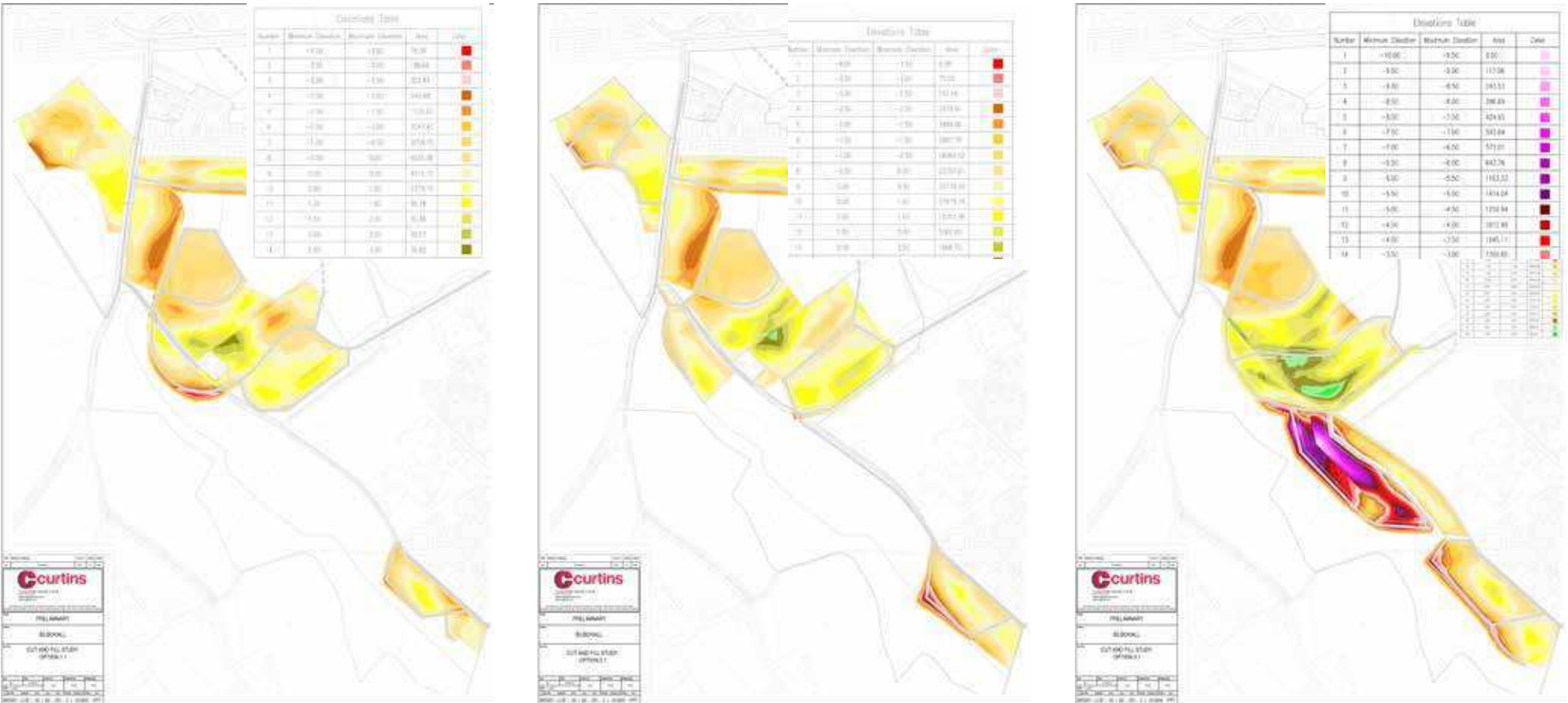


Initial massing models

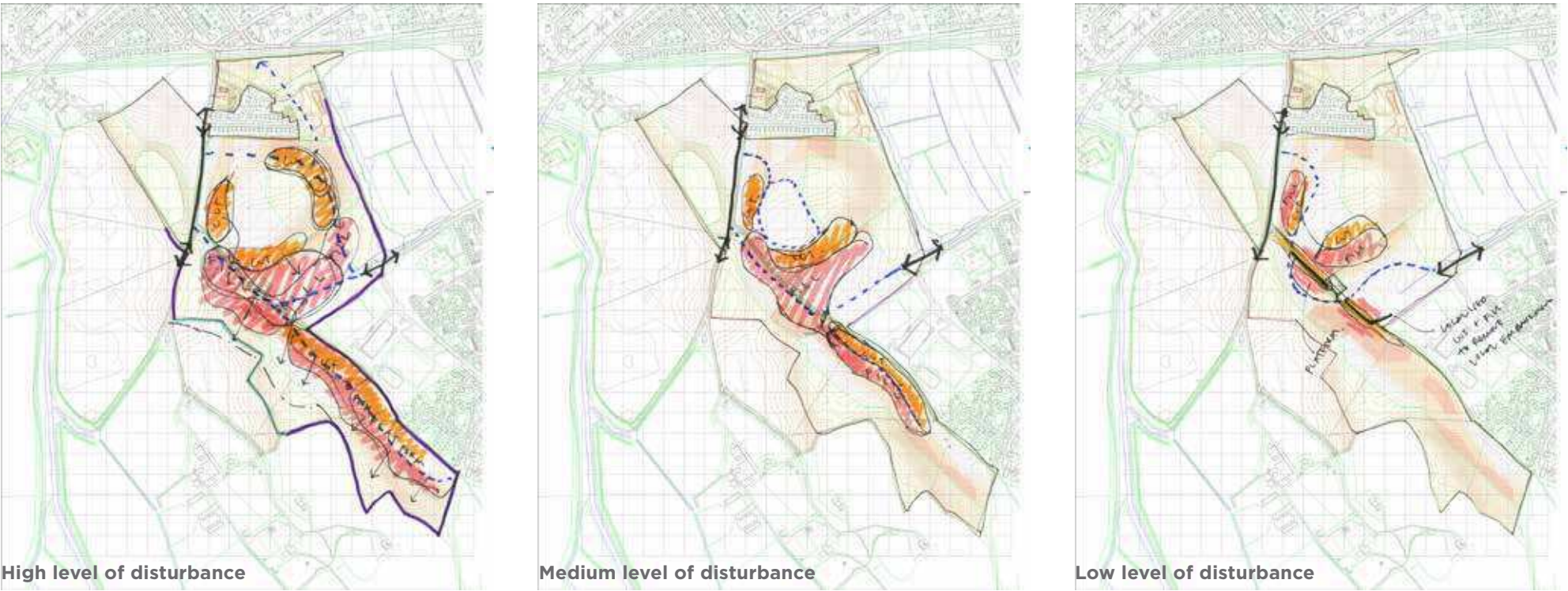


3.1.1 Cut and fill testing

Following the completion of a full topographic survey, it was evident that some of the measured slopes on the site were more severe than had been previously expected from interrogation of Ordnance Survey Digital Terrain Model data and on-site visual analysis. Given the importance to placemaking of establishing a series of connected residential neighbourhoods across the site, there were a number of areas where it was felt that increased technical study was required with regards cut and fill balancing. In order to test the general amount of earth moving that might be required to establish residential development on certain parts of the site, a series of potential scenarios (high, medium and low-impact) were drawn and high-level cut and fill modelling undertaken. This technical exercise informed the design process with regard to those slopes which could confidently incorporate residential development and those which had to be more cautiously approached in order to provide for a viable and deliverable masterplan.



Cut and fill options



High level of disturbance
Testing conceptual approaches to cut and fill

3.1.2 Masterplan options

Following the cut and fill testing exercises a number of masterplan options were progressed and reviewed with Moray Council and the Bilbohall Consortium. Through an iterative process of design review and adjustment a preferred masterplan emerged which successfully balanced the sensitivities of the landscape setting with other factors including road access, slope, open space provision and residential density.

3.1.3 Site Sections

A number of indicative site sections were taken through key areas of the masterplan to demonstrate the level changes across the site and to explore areas where there may be issues with overlooking. As a result of this, changes were made through the masterplan process to the proposed storey height within development blocks and the areas to be identified as landscape buffers for screening.



Low
Early sketches testing low, medium and high levels of development



Medium



High



Section A-A



Section B-B



Section C-C



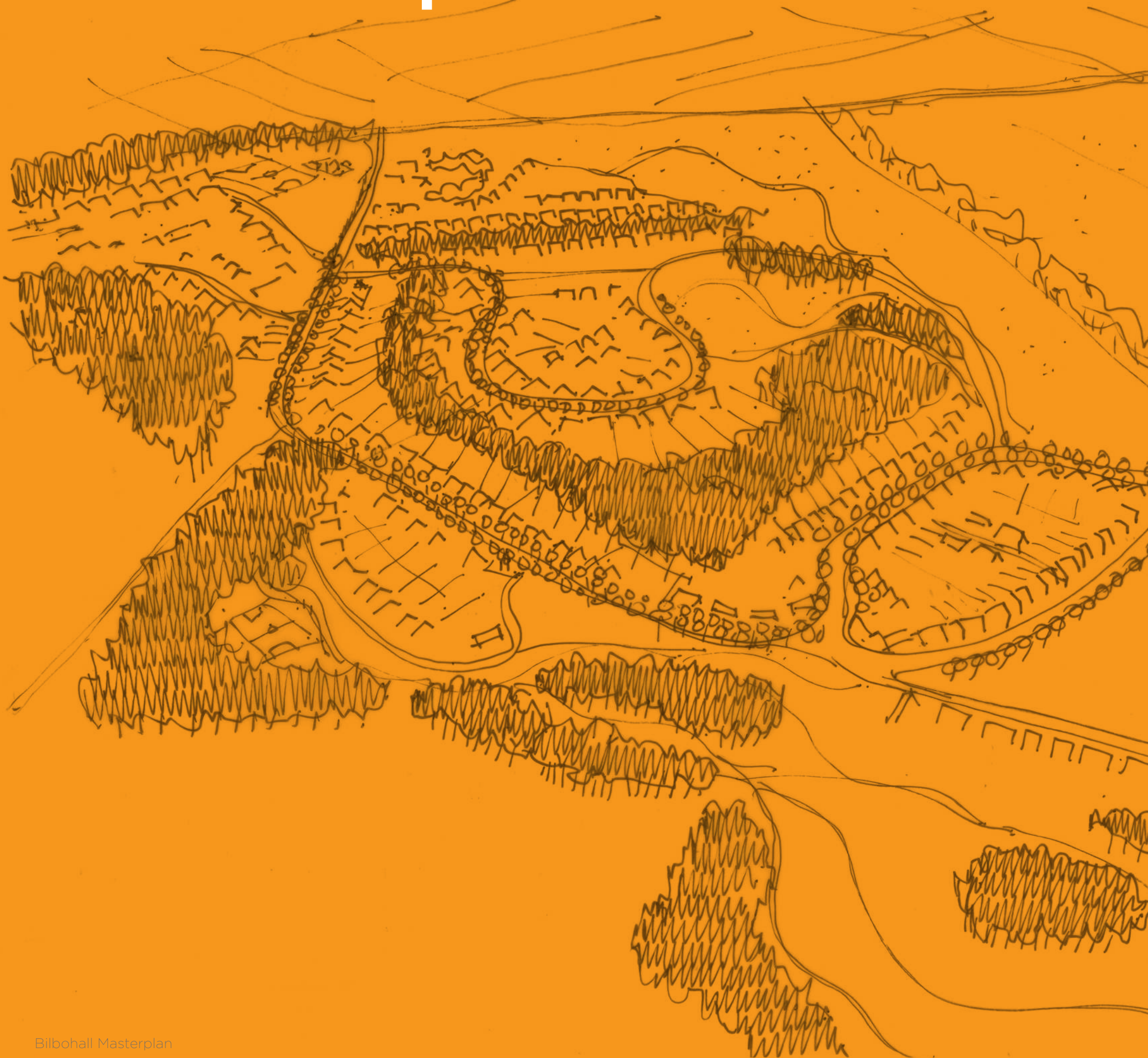
Section D-D

Testing approach to the slopes through key sections which gauge extent of cut and fill



Initial urban grain and residential tissue sketch. Sections Key Plan.

4. Masterplan



4.1 Introduction and purpose

This Masterplan has developed as a result of an in-depth study of the Bilbohall masterplan site and where it sits in the surrounding context of Elgin. It has taken a strategic approach to the provision of the built-form, infrastructure, tenure integration, transportation and connections to surrounding areas, open space, recreation, walking and cycling and the integration of landscape, woodland and structure planting. The masterplan establishes a structure within which detailed proposals can come forward in the future.

The masterplan reflects a clear vision for the study area and sets out the relationship between buildings, spaces, movement and land use in 2D and 3D imagery. In this chapter the following is set out as design principles:

- Integration of landscape character and topography with development;
- Permeable street and block structure that connects with surrounding context;
- Hierarchy of streets;
- Relationship between public and private space and how building address open space to create active frontages;
- How the distribution of activities and uses reinforces the street hierarchy and create active public spaces;
- The density and form of development including key building locations;
- The relationship between street layout and built form to the historic/cultural context;
- How micro-climate/energy efficiency is integrated;
- The promotion of healthy lifestyles and biodiversity through a rich variety of open space and green networks, this includes SUDs; and
- Integration of infrastructure elements such as utilities.



Massing model showing view from east of Bilbohall along core path with Mayne Wood to right and Elgin High School to left

4.2 Sustainable design

The Moray Local Development Plan (LDP2015) Primary Policy (PP2) on Climate Change and the Supplementary Guidance on Urban Design outline the requirement to integrate micro-climate and energy efficiency into masterplans for larger developments. Comprehensive detail on the measures that should be taken in any new development in Moray can be found in the Moray Local Development Plan PP2 and Supplementary Guidance on Climate Change.

The decisions made through early design and planning stages of a masterplan such as this have a tremendous impact on the potential of the development to be an efficient, low-energy community which can function without compromising the ability of future generations to meet their own needs. Early design decisions are more permanent than later decisions and therefore critical to the efficacy of later strategies. When these principles are considered and integrated from the outset, the opportunity is maximised for a successful and attractive place to emerge which encourages sustainable and healthy lifestyles, minimises energy use and pollution and provides stewardship of the natural and built environment.

The text below summarises the key principles outlined in the Moray LDP 2015 Supplementary Guidance on Climate Change which must be taken into account in planning proposals.

Maximising passive solar gains







The street hierarchy of primary and secondary streets and resultant development blocks have been oriented where possible to generally run in an east-west alignment which allows elevations to be oriented as close to south as possible to maximise opportunities for passive solar energy gain and reduced lighting loads through the use of natural daylight through south-facing orientation. As detailed layouts are progressed, these principles should be translated into plot-specific responses which also promote east-west street alignments for minor streets and lanes and arrange elevations to the south.

Responding to prevailing wind direction

Principles of windbreak and shelter from prevailing winds (South-Westerly and particularly Northerly winter storms) have been considered in the positioning of woodland belts within the masterplan and should be further strengthened through street alignments and positioning of built form to act as a windbreak against prevailing winds, to prevent the direct passage of wind and limit exposure. The natural topography of the site lends itself to further increasing windbreak through taking advantage of existing knolls.

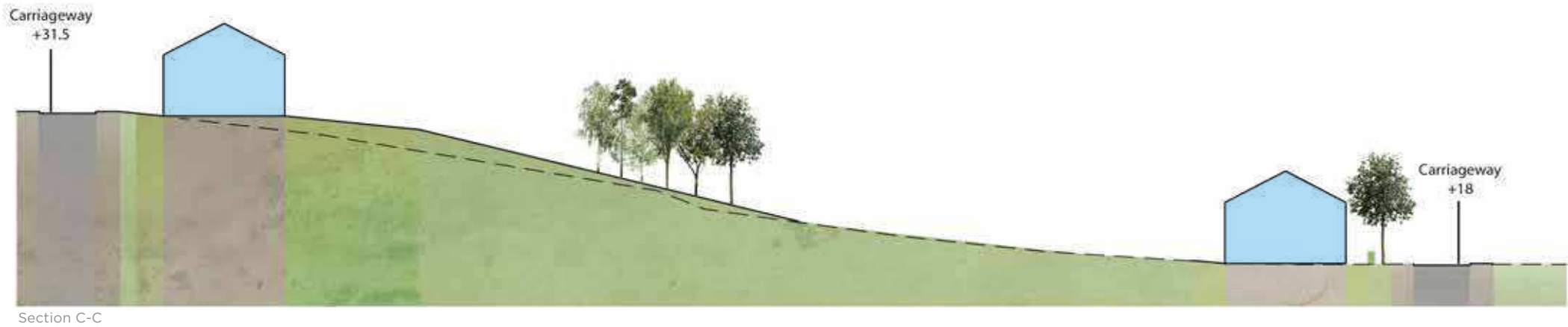
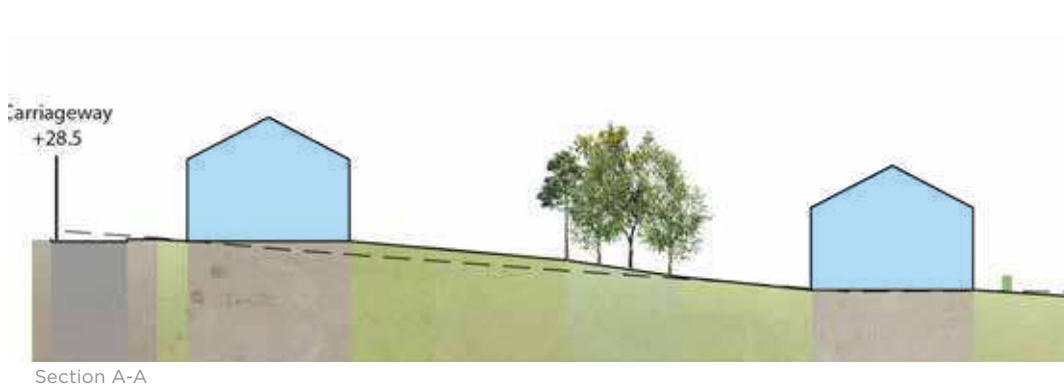


fig. 15: Strategic Masterplan

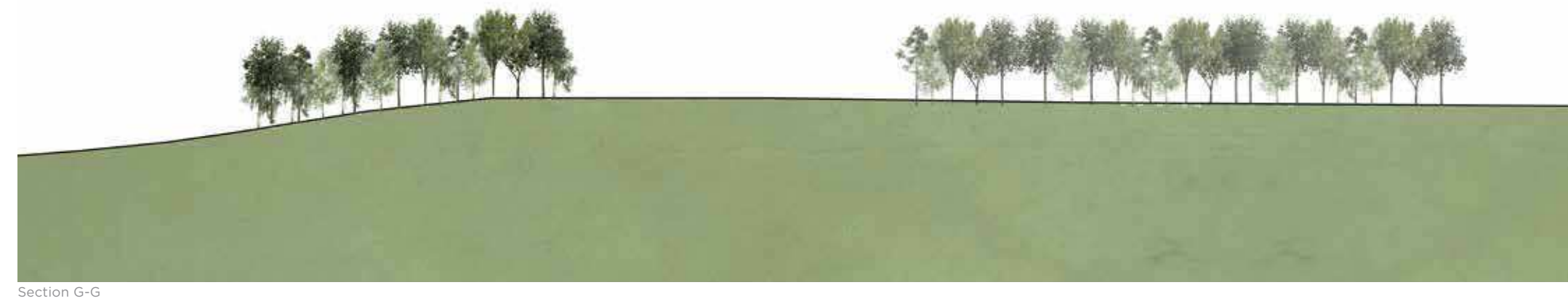
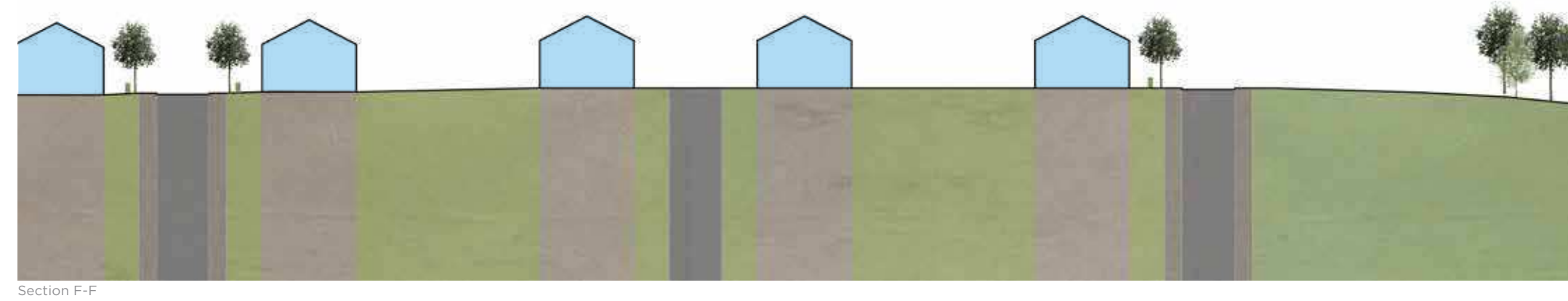
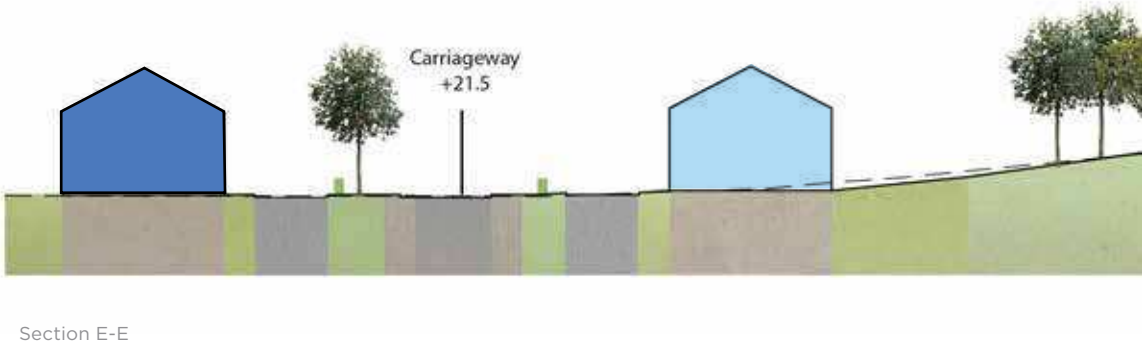
- | | | | |
|---|------------------------------|---|---|
|  | Key Buildings |  | Buildings to Address Open Space |
|  | Overlooking Pedestrian Route |  | Suggested Development Block internal access |
|  | Private Driveways |  | Open space connections |

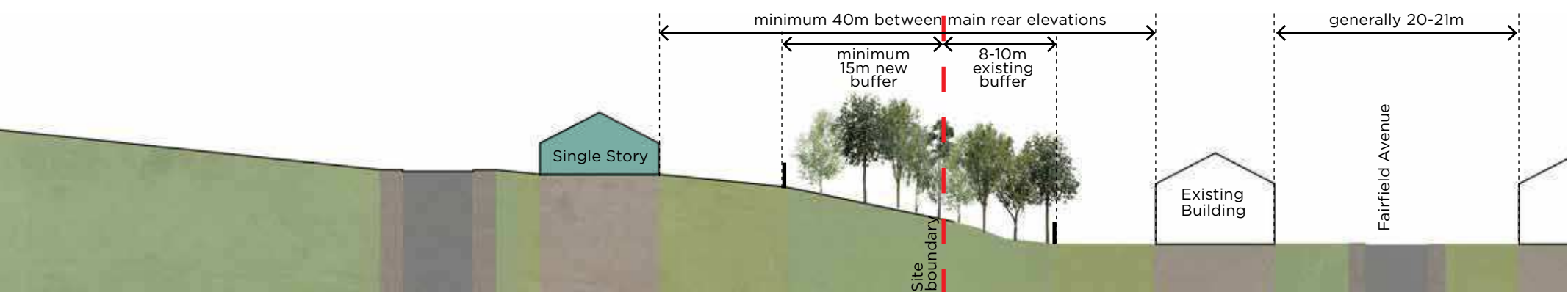
4.3 Approach to topography

The approach to site topography has been to stay true to existing levels as much as possible. This has limited the amount of cut / fill that is required and has led to a more sustainable approach to development. Where the existing ground level leads to development on higher slopes, long back gardens have been allowed for that ensure larger distances between building lines and therefore no overlooking. Where the slopes are too steep for development, structural planting is proposed to provide visual screening.



- Single storey to address existing residential sensitivities
- 2 storey to reflect adjacent existing housing / provide appropriate street containment on primary streets
- Generally 2 storeys with potential for inhabited roof

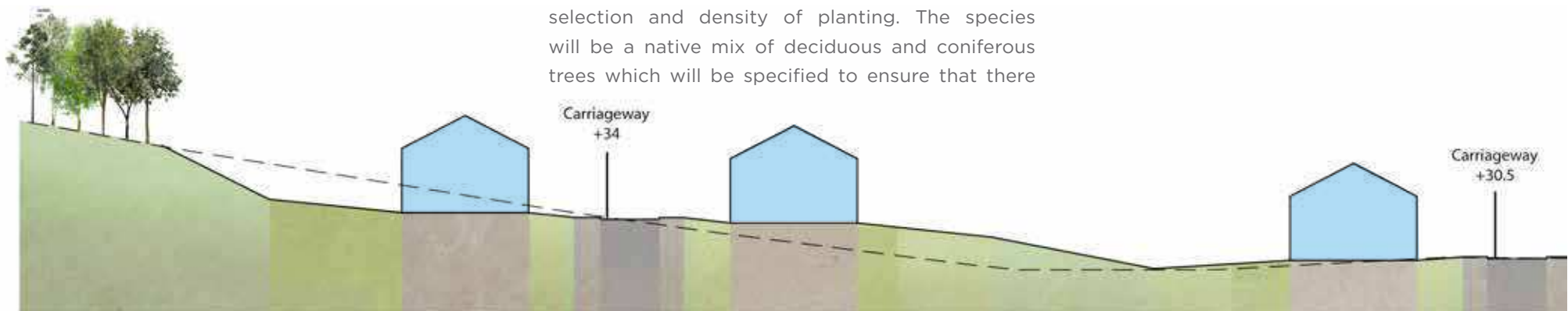




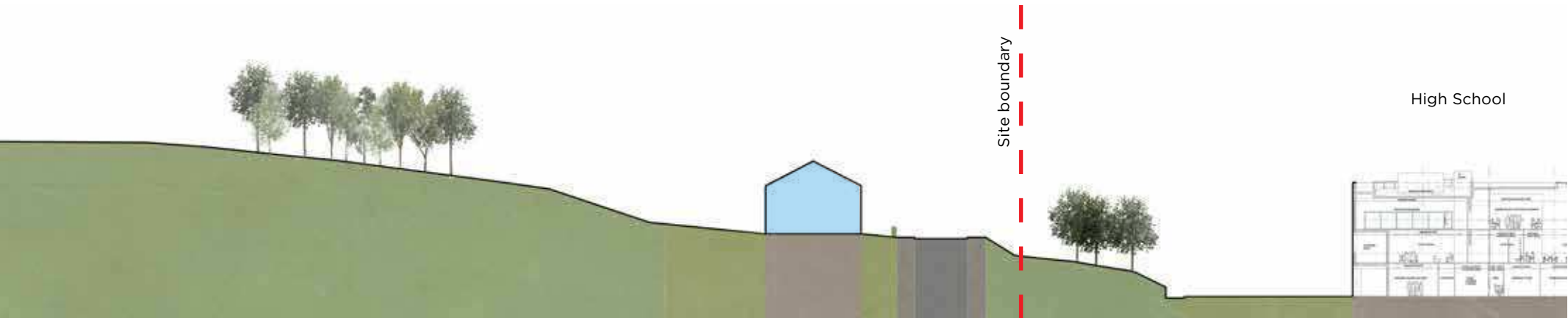
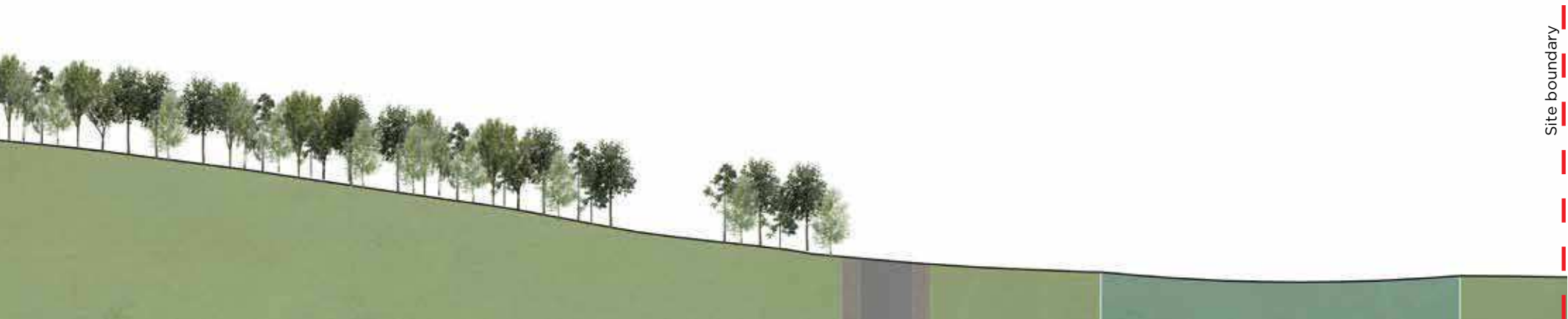
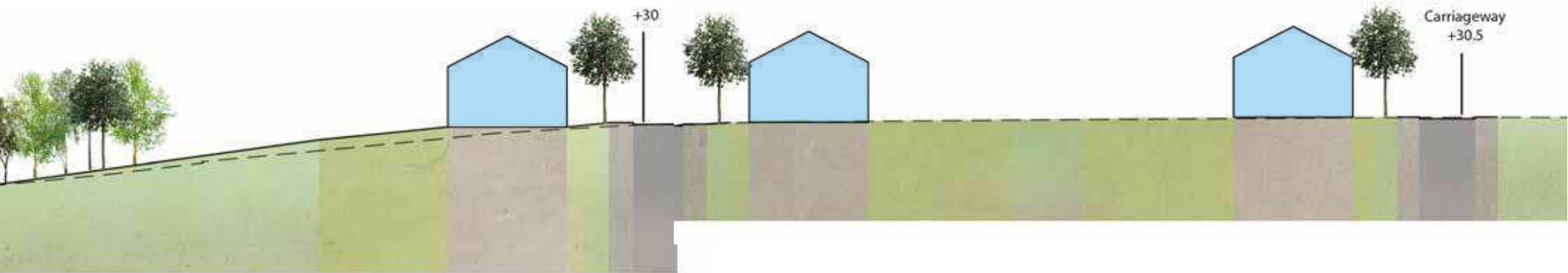
Proposed landscape buffer

A new landscape buffer is required between Block E and the existing buffer to the rear of the properties at Fairfield Avenue. The planting will be designed to prevent access and screen views through species selection and density of planting. The species will be a native mix of deciduous and coniferous trees which will be specified to ensure that there

is an appropriate level of year-round foliage to prevent views through during winter months. Trees will include multi-stem forms in order to ensure coverage down to understorey level and an overall mature height of around 10m.



Section D-D



4.4 Access and Circulation

Key Principles

The transportation elements of the Masterplan have been developed in accordance with ‘Urban Design’ Supplementary Guidance from Moray Council and ‘Designing Streets’, the Scottish Government’s policy statement for street design.

The ‘Urban Design’ guidance promotes development that is integrated and connected to the surrounding area and within itself, and offers a variety of modes of travel.

‘Designing Streets’ sets out the principles of good street design, and provides technical advice which is aimed particularly at residential and lightly trafficked streets.

The premise upon which the document is based is that good street design should derive from an intelligent response to location, rather than the rigid application of standards, regardless of context.

It advocates a street user hierarchy that considers pedestrians first and motor vehicles last. The Masterplan will provide:

- Prioritised direct routes through the development for **pedestrians** and **cyclists**, as well as permeability within it;
- Links to **wider walking and cycling networks** travelling to destinations that future residents and visitors will be attracted to, such as local schools and parks, and employment areas such as the town centre and Dr Gray’s Hospital;
- A **bus route** through the development that provides access to Public Transport within 400m of each property;
- A **Primary street** linking both external access points that provides route choice for **vehicular traffic**, but does not encourage through traffic between the south and west of Elgin;
- **Secondary streets** that are attractive to cyclists and are appropriate for vehicular use; and
- **Minor streets** that promote shared space between walking, cycling and vehicular use.

A wider aim of the Masterplan is to support the growth of active travel within Elgin, in line with the aspirations set out in Moray Council’s ‘Elgin Transport Strategy’ (ETS), and ongoing recent initiatives such as the ‘123’ Walking Routes around New Elgin.

The ETS demonstrated that 9,400 people live within a 20-minute walk of the town centre, yet more than 50% of people use the car for trips within the town. This highlights the real potential for residents of Bilbohall to build walking and cycling into their daily routines.



fig. 16: Access and junction Strategy

- | | | |
|---|---|---------------------|
| ① | Junction improvements subject to detailed design | Primary street |
| ② | Emergency access from Hardhillock Avenue | Secondary street |
| ③ | Tie in with existing junction at Edgar Road | Minor street |
| ④ | Capacity improvements subject to detail design on Edgar Road (off plan) | Cycle route |
| | | Potential bus route |
| | | Pedestrian route |
| | | Safeguarded land |

4.4.1 Active Transport

Provision for walking and cycling within the Masterplan area is a key consideration. Internal links should provide direct connections providing permeability throughout the development, with the overall aim being to develop a ‘walkable neighbourhood’

These links should connect into the existing Core Path and footway networks to complement existing connections throughout the town. Key external destinations are Elgin town centre, The Wards wildlife area, the Edgar Road Commercial Centre, Elgin High School and Greenwards Primary School.

The existing Core Path links within the area will be retained and enhanced.

- The route between Wards Road and Edgar Road will form the main route through the development with a segregated shared-use path provided for the full length of this route.
- The existing Core Path from Bilbohall Road to Hardhillock Avenue and Elgin Golf Club will be retained and enhanced, with a segregated shared-use path provided.
- Attractive and safe links will also be provided to Elgin High School and Greenwards Primary School.
- The Core Path running from Fairfield Way through to the Wards wildlife site provides an attractive alternative off-road route for residents through to the town centre. Further links into this Core Path will be provided from the south of the Masterplan area.

The Masterplan also provides an alternative route for cyclists from north to east using quieter Secondary Streets and cycling connectivity through Minor Streets closed to through vehicular traffic.

Transport Assessments for the subsequent planning applications must consider what improvements will be carried out to address the increased usage of the wider paths network.

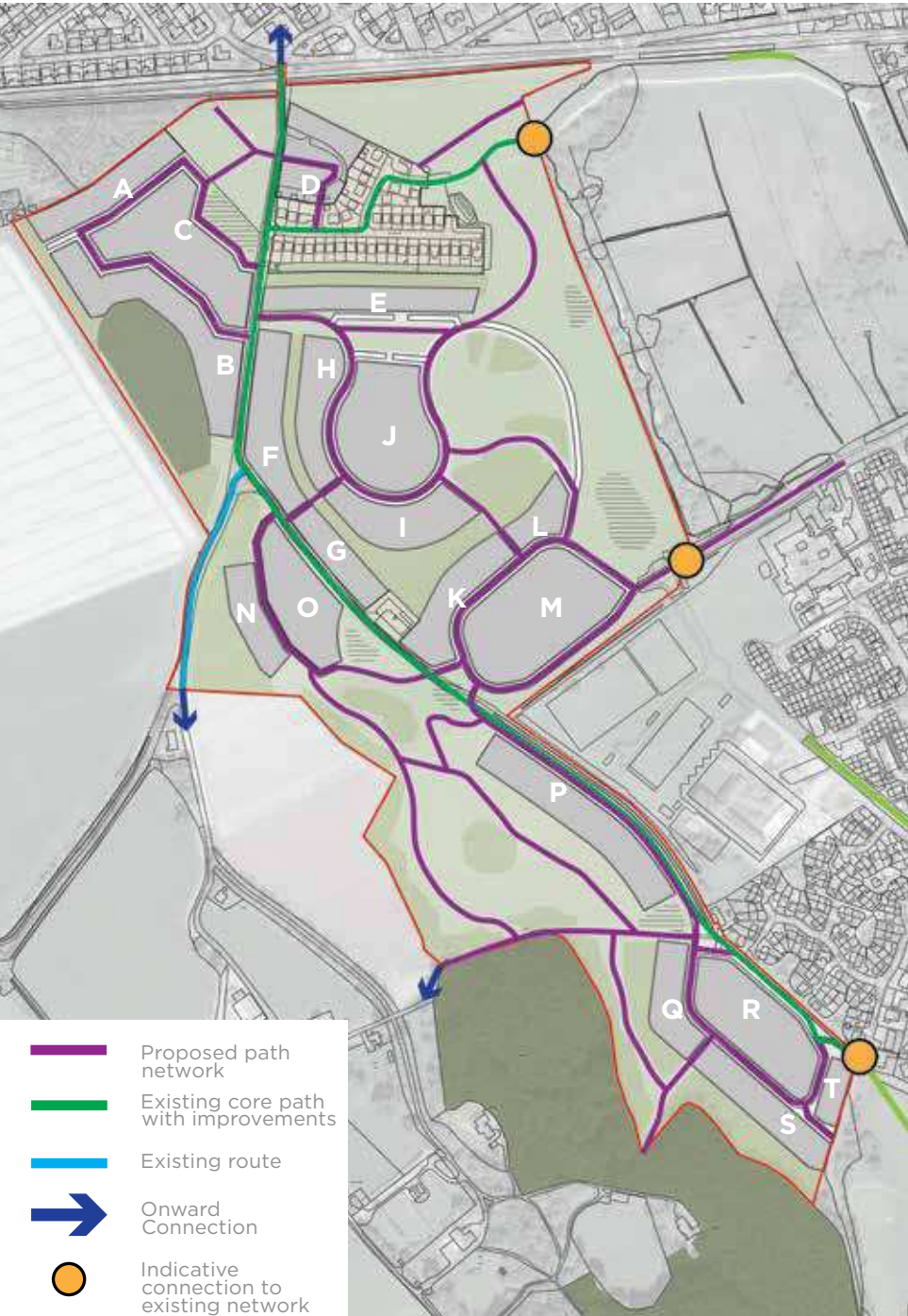


fig. 17: Pedestrian Connectivity

4.4.2 Public Transport

The existing public transport network to the north of Bilbohall passes through residential areas to the north of Mayne Road around Dr Gray’s Hospital, and along Glen Lossie Drive to the east of Hardhillock Avenue.

The Masterplan identifies a new bus route through the development, running along the Primary Street between Edgar Road and Wards Road. This new route will ensure that all residents of Bilbohall will live within 400m of a public transport stop, the guideline distance set out within Scottish Planning Policy.

Bus routes should be designed to cater for 12m buses. They should be a minimum of 6m wide, with more space provided at corners as appropriate. This should be identified at the detailed design stage through swept-path analysis. Wider roads and straighter alignments will provide easier passage for buses, but could potentially increase the attractiveness of the bus route to through traffic.

Street design should also take into account how frequently buses and other large vehicles are likely to use streets, and design routes accordingly. The right balance will therefore need to be struck between facilitating bus access and how this affects the Masterplan’s design principles, which include discouraging traffic between the west and south of Elgin.

It is the consideration of the Bus Operating Company that the most likely initial service to be operated in to the development would be through the diversion or re-routing of the existing 33A/C service which would be routed through the development to form a new two-way service with access at Bilbohall Road and Edgar Road. Should this service prove to be a commercial success then this could be strengthened in terms of frequency and or larger bus capacity/quality.

The Mayne Road Farm rail bridge is 6m wide, but consideration should be given as to how buses would safely pass should they meet on the bridge.



fig. 18: Cycling/ Public Transport Connectivity

4.4.3 Road Linkages

The Masterplan area will connect with the existing local road network at two locations:

1. At Bilbohall Road via the existing bridge over the rail line into the Bilbohall Road / Wards / Mayne Road priority junction.
2. At the recently constructed junction between an extended Edgar Road and the redeveloped Elgin High School. The Bilbohall development will form the western arm of this junction.

A further access point restricted to emergency vehicles only will be provided through Hardhillock Avenue. Emergency vehicles will be able to use the combined footway / cycleway to gain access through this location, which will not be open to general traffic.

The Masterplan proposals will increase the volume of traffic on Bilbohall Road and on the western sections of Edgar Road.

Bilbohall Road

Upgrades will need to be considered on Bilbohall Road in the vicinity of the rail bridge to accommodate traffic from the Masterplan area.

- The Elgin Transport Strategy suggests the removal of the footway on the eastern side of the bridge to provide a southbound carriageway allowing two-way traffic over the bridge, and provision of a separate active travel bridge across the rail line as an option.

An alternative option has been explored which involves the retention of the bridge in its current form and signalisation of the Bilbohall Road / Mayne Road / Wards Road junction. This option would require a departure from standards in terms of inter-visibility between stoplines, but it is recommended that it is considered as an alternative option. Network Rail will need to be closely involved in any new design which involves the alteration or addition of any structures over the rail line. Curtins has considered the new active travel bridge and has established likely bridge width and highlighted potential parapet considerations. Establishing land ownership boundaries for the areas of the bridge landing points, abutments, form, material cost and other structural elements will dictate the span, location and alignment of the bridge.

Future detailed transport modelling as part of applications should consider these, or similar junction options. Some initial analysis of junction options has been undertaken on the basis of:

- Stopping up Mayne Road at its southern end, or potentially making Mayne Road one-way only, either to the south or north.
- The impact of additional traffic on the network of residential streets to the north of Mayne Road.
- Providing a footway on the northern side of Wards Road between Bilbohall Road and Wittet Drive, to link the active travel bridge/existing footway into the footway network.

These options are set out at the end of this Masterplan document.

Edgar Road / The Wards / Glen Moray Drive

Traffic modelling has demonstrated that the Edgar Road / The Wards / Glen Moray Drive priority junction is likely to need capacity improvement to accommodate the full Masterplan traffic. Other factors to consider are:

- Retaining footway and cycle-route linkages through the junction.
- Retaining access to the car-showroom to the east of the junction.

Full Transport Assessments will accompany subsequent detailed planning applications that come forward at Bilbohall. These should include detailed junction modelling at the above locations and set out firm proposals for the upgrades at both locations.

4.4.4 Network Rail

Future electrification or twin-tracking of the Aberdeen to Inverness rail line in Elgin is likely to require the construction of a new bridge across the rail line to replace the Mayne Farm Rail bridge.

The Masterplan safeguards a corridor which makes allowance for a new bridge linking the Masterplan site with Wards Road adjacent to Wittet Drive. The safeguarded route comprises the northern portion of the previous promoted Western Link Road (WLR) alignment. Although the WLR is included in the 2015 LDP, The Moray Council has since decided not to proceed with this scheme, and it is not included in the more recent Elgin Transport Strategy.

Should a future railway crossing be required, this would tie into the proposed secondary street that passes around the east of the site. Sufficient space has been allowed to allow this to be upgraded to form the primary street through the site.

Subsequent Transport Assessments will require to take the following matters into account for any future development on this site:

- Consideration must be given to the impacts that any development would have on Elgin Station and the increased patronage of local rail services within the Moray Council area;
- Enhancement of existing facilities may be required and the TA should clearly identify the number and type (e.g. walkers, cyclists and drivers) of users of the station generated by the development and the responsibility for funding and providing any identified enhancements.
- One of the two main road access points to the site is via a road bridge over the Aberdeen to Inverness Line, Overbridge 294/020 Mayne Farm Road (Bilbohall Road). This overbridge is a single lane carriageway with one footpath. A TA must identify the impacts that any development will have on the use of this bridge and should determine what upgrades will be required for the necessary level of access for the development. Network Rail will need to be closely involved in any proposals which require the alteration of this structure or any future proposals for a new bridge over the railway.
- Due consideration must also be given to the impacts that any development would have on Wards Road Level Crossing. The potential increase of traffic over the crossing must be considered in a Transport Assessment. Mitigation works may be required to ensure that the safety of the Level Crossing is not compromised by the development and the TA should clearly quantify in detail the likely increase of traffic over this crossing.
- Future phases of the Aberdeen to Inverness Enhancement Project which would increase the frequency of trains on this line and would impact on the barrier down time of Wards Road Level Crossing should be also taken into account.

4.4.5 Elgin Traffic Model

A strategic transport and modelling appraisal has been undertaken using the Elgin Traffic Model (ETM) to identify the impacts of the Masterplan on the wider transport network.

This assessment has considered how Bilbohall fits into the wider pattern of development across Elgin up to 2030. It also incorporates the intervention measures identified within Moray Council's 'Elgin Transport Strategy'. This modelling exercise provides an indication on the performance of the road links throughout the network identifying bottlenecks or hot spots.

The model results show that at the proposed housing number, the Bilbohall Development will have an impact on traffic levels and conditions across Elgin, proportionate with the scale of the proposed development. The following points have emerged from runs of the Elgin Traffic Model:

- Most development traffic is predicted to use the Edgar Road access point in preference to Bilbohall Road, with a split of 56%/44% between Edgar Road / Bilbohall Road in the AM Peak hour and 70% / 30% in the PM peak hour.
- The model predicts a limited amount of through traffic on the primary route. The design of traffic calming and speed reduction measures will be important to restrict this to a minimum.
- The model predicts that development traffic will use Mayne Road to travel to and from Bilbohall, highlighting the need to address the issue of development traffic using this residential street. The solution is likely to involve routing traffic east or west onto Wards Road and Fleurs Road.
- The model predicts noticeable increases on Edgar Road (westbound in the PM peak), The Wards (southbound in the PM peak) and Glen Moray Drive (GMD) (both directions in the AM and PM peaks). This reinforces the need for future capacity at the Edgar Road / Wards Road / GMD junction to be assessed as part of the detailed planning applications.

More detailed analysis has been presented in a separate Strategic Modelling Report.

The ETM is being updated and the new 2018 Elgin Traffic Model will need to be run as part of the Transport Assessments that will accompany future detailed applications. The scope of the Transport Assessment must be agreed with Transport Scotland, with any impact on the A96 Trunk Road identified, along with any required mitigation measures. The results will also be used to assess the cumulative impact of the proposed development on the wider road network and to calculate Developer Obligations in this respect.

4.4.6 Internal Road Hierarchy

National Roads Development Guide 2014 (NRDG) advocates a move away from hierarchies of standard road types based on traffic flows and/or the number of buildings served, towards the design of roads which fit the context of the location.

Based on this approach, a simple and legible street hierarchy has been developed within the Masterplan area to ensure that appropriate routes are available to all users.

The access and connectivity plan (Figure 16) indicatively illustrates this street hierarchy that has been developed in response to the existing site features.

- Primary Street: the link road through the core of the site that connects the Wards Road and Edgar Road access points. The design of which is suitable for public transport and mixed use.
- Secondary Streets: providing access to residential blocks and providing connecting loops where required.
- Minor Streets: generally providing internal access into blocks promoting equal priority to all users.

All streets must provide suitable access for service and emergency vehicles as appropriate, with space provided for refuse vehicles to enter and leave in a forward gear.

4.4.7 Street Sections

A palette of typical street sections has been established that indicates the design parameters and character of the varying streets within the hierarchy. Generally the primary street is the main distribution road for the settlement while the secondary and minor routes run between and through development blocks.

	Design Speed	Minimum width	Cycle / Footways	Verges
Primary Street	<30mph Include features to ensure self-enforcing.	6m Wider on corners to allow buses to pass.	3m shared surface in at least one direction 2m footway on development frontage	2m grass (where no footways)
Secondary Street	<20mph Include features to ensure self-enforcing	5.5m	2m footway on development frontage	2m grass (where no footways)
Minor Street	Encourage speeds below 10mph	3m vehicle path with passing places	Shared surface	

fig. 19: Street characteristics

4.4.8 Primary Streets

A Primary Street is proposed that will link the two access points on Wards Road to the north and Edgar Road to the east, and will be suitable for public transport, cars and cycles. The street will have a minimum width of 6m and a Design Speed of less than 30mph.

The design of this street will need to strike the right balance between providing route choice for residents whilst deterring through-traffic between the south and west of Elgin. Traffic calming measures will be important.

The preferred design shows that the Primary Street does not take a direct route through the development and is characterised by development on both sides of the street.

The aim is to create a sense of ‘activity’ on the Primary Street sufficient to introduce uncertainty for drivers, thus lowering speeds.



fig. 20: Typical primary street corridor



fig. 21: Typical primary street corridor where existing hedgerows are to be retained (Option 1)



fig. 22: Typical primary street corridor where existing hedgerows are to be retained (Option 2)

4.4.9 Secondary Streets

Secondary streets will create connecting loops and give access to residential blocks. They will have Design Speeds of 20mph or less and will be attractive as alternative routes to cyclists.



fig. 23: Typical secondary street corridor

4.4.10 Minor Streets

Minor streets are anticipated to follow the ‘Home Zone’ principle, with shared surfaces and high-quality streetscape promoting equal priority for all users. These streets may either be of traditional carriageway and footway design or shared surface as appropriate. They will have Design Speeds of less than 10mph.



fig. 24: Typical minor street corridor

4.4.11 Traffic calming

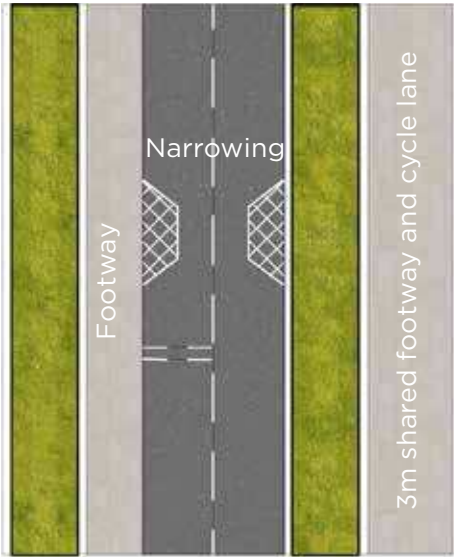
Traffic calming measures will be provided throughout the development to reduce traffic speeds to appropriate levels. Reductions in vehicle speeds will be achieved through a combination of:

- Development frontage, junction and crossing features;
- Horizontal road alignments and reductions in forward visibility;
- Landscaping and visual design features; and
- Changes and contrasts in surfacing.

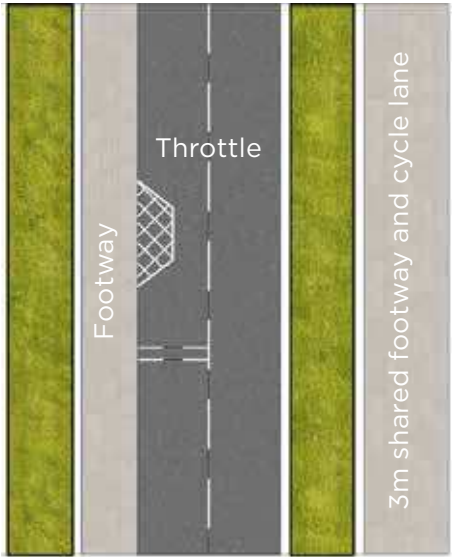
NRDG recommends that speed reduction should not be achieved through the introduction of vertical features such as speed bumps, although vertical traffic calming features such as raised tables at junctions may be suitable in new low traffic residential developments.

The following example measures listed and illustrated are not intended as an exhaustive list, but have been identified as appropriate for use within the Bilbohall development.

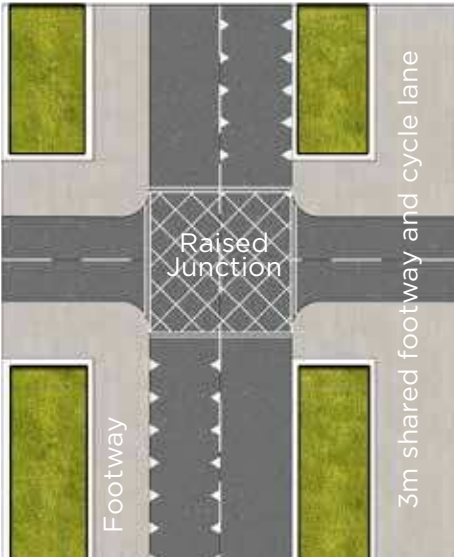
- Full width speed tables (should be used sparingly);
- Throttles / narrowings (should be used sparingly);
- Raised junction;
- Width restriction on carriageway;
- Occasional strip; and
- Median strip.



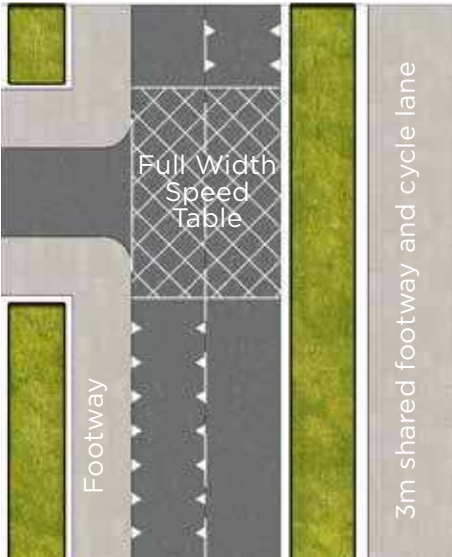
OPTION 1
- Narrowings



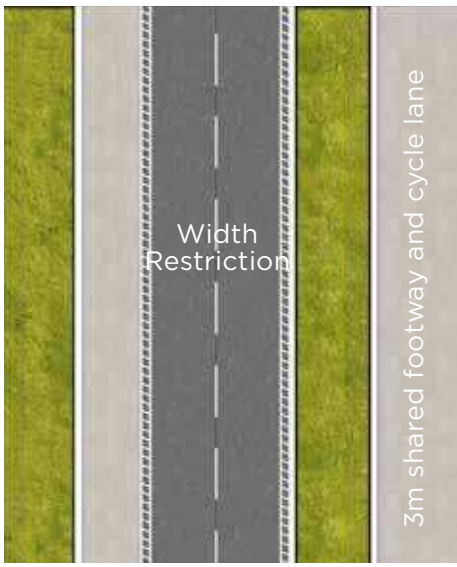
OPTION 2
- Throttles



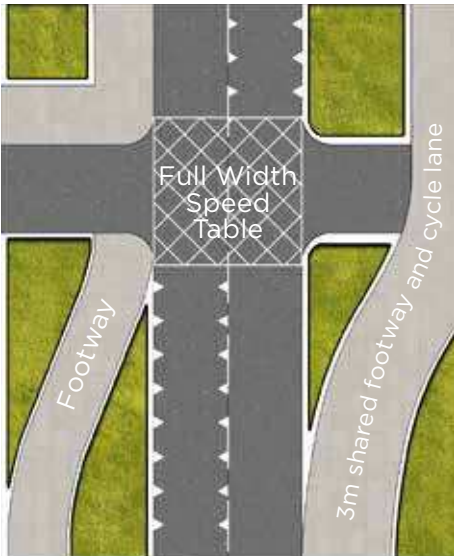
OPTION 3
- Raised junction



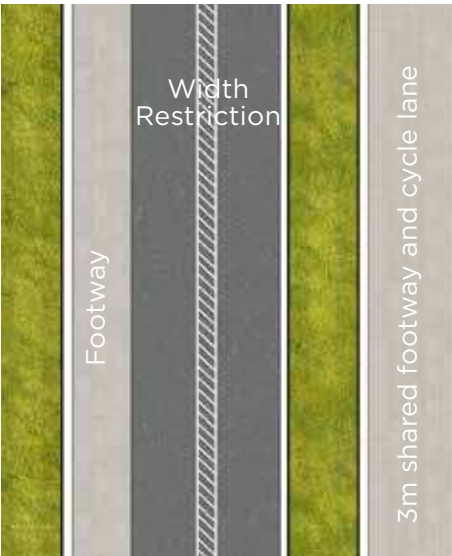
OPTION 4
- Footway alongside road



OPTION 7
- Width restriction on carriageway



OPTION 5
- Hedge partially retained



OPTION 6
- Width restriction on carriageway

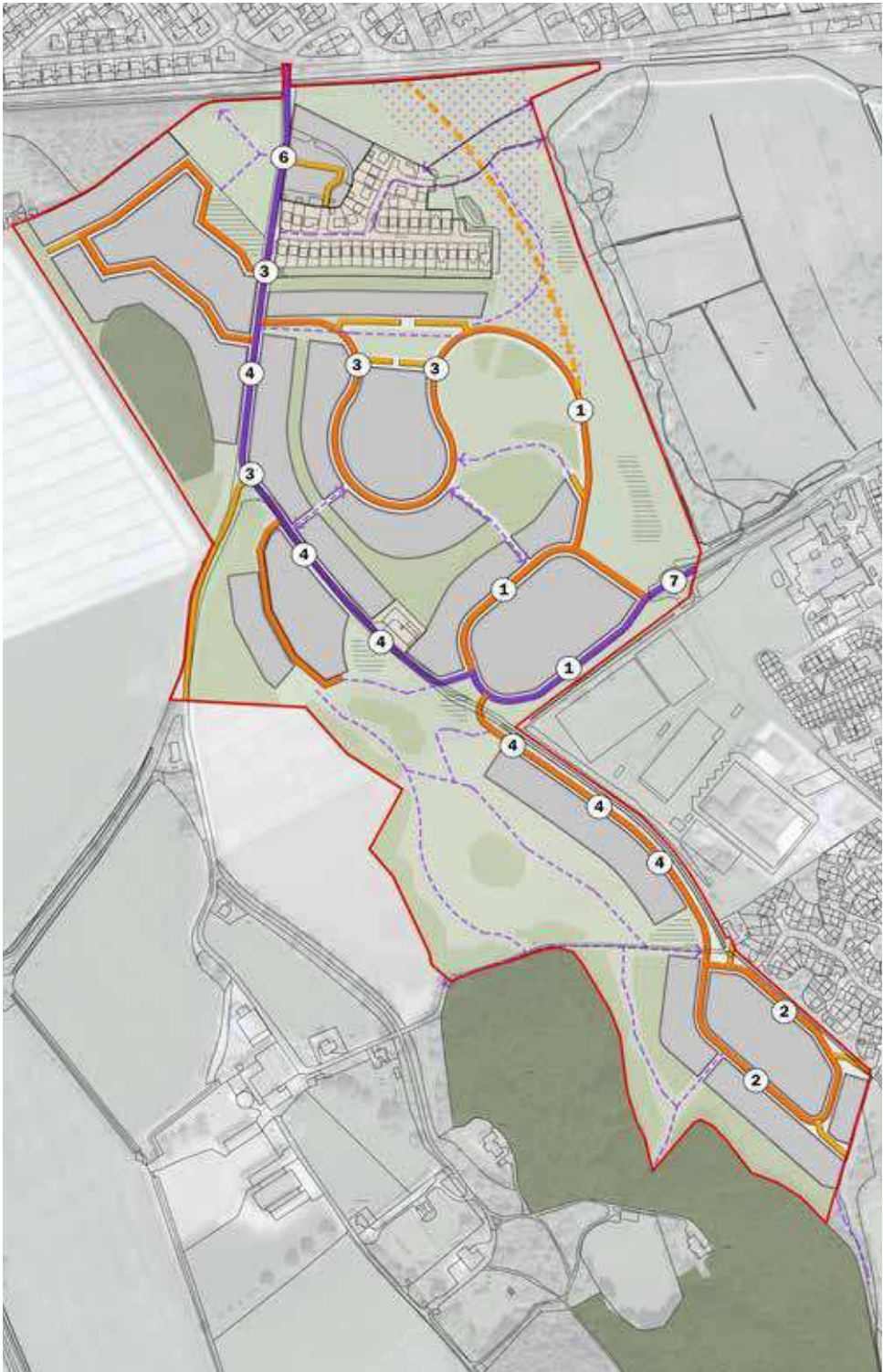


fig. 25: Traffic calming key plan

4.4.12 Complementary measures

In addition to traffic calming measures, complementary physical features must be considered to further slow traffic by emphasising the measures and therefore effecting the behaviour of street users. This can be made through changing perceptions of speed, narrowness and functional and user priorities. Examples of these features are set out in various categories below:

- Vertical features: Elements of public realm such as walls, planters and fences not only contribute to the overall character and identity of the street, but can be used to restrict vehicle movements, reduce the real and apparent widths of carriageways and direct non-vehicular movements to defined crossing points. Considering bollards and other pieces of street furniture such as lighting columns and bins in this way allows them to be used for multiple functions whilst minimising street scene clutter.
- Planting: By utilising street trees, shrubs and ground cover, the visual perception of a street width or section of street can be influenced. The type and spacing of trees can have an impact on the perception of speed for street users; they also offer a vertical element to the street which can influence the spatial sequences.
- Paving: The type of carriageway material has a big impact on the perception of users in vehicles and bicycles; by changing the type and colour of material, a change in priority can be highlighted or safe route identified. Changes in texture such as from asphalt to setts also act to slow traffic and make users more aware of their surroundings. All materials must satisfy Moray Council Roads adoption standards.

4.4.13 Discouragement of through traffic

The road network within Bilbohall has been designed primarily to provide access to and from the Masterplan area, and to provide permeability within it. Bilbohall will be a residential area, and it is important that traffic speeds and conditions within the Masterplan area reflect this.

To retain the character of the Masterplan area it is important that the primary route does not attract a large volume of through-traffic travelling between south and west Elgin. To deter this the Masterplan aims to increase journey time on the primary street, in order to make the journey from Edgar Road to Wards Road less attractive than existing routes within the town. Features include:

- The primary street will be typically 6m in width, and follows a convoluted route through the development.
- A package of traffic calming and mitigation measures, as set out in Sections 4.4.11 and 4.4.12, must also be implemented.
- A signage strategy must be developed which continues to route traffic on existing routes rather than through Bilbohall.

4.4.14 Parking

Parking requirements will be informed by the current Parking Standards at the time of the planning application(s), or any associated guidance setting out the standards for parking including any equivalent planning policy and/or guidance which supersedes or replaces the parking standards.

The perceived dominance of car parking on the street scene in existing developments has been identified as a key issue by Moray Council. The Masterplan promotes parking for residents to the side or rear of properties. Visitor parking to the front of properties should only be considered where it can be satisfactorily integrated by appropriate streetscape features or planting. Bays for electric vehicles (EV) charging and Car Clubs (or similar) must also be provided as appropriate.

4.4.15 Signage

All signage within the Bilbohall development will be to the latest standards and best practice guidance. It will be fully coordinated across the Masterplan area, linking consistently with the signing strategy across Elgin.

4.4.16 Noise Impact

A desktop noise assessment has been undertaken on the proposed masterplan which identified the locations around the site where road traffic noise will increase; these locations have been ranked in accordance with the impact scale promoted by the Noise and Vibration section of the “Design Manual for Roads and Bridges” (DMRB Vol. 11, sec. 3, Part 7). The assessment suggests that following development, the vast majority of the surrounding roads will be left with negligible, no change or small beneficial impact in road traffic noise. Approximately 144 dwellings are anticipated to experience a Minor impact due to increased road traffic noise. Two streets with approximately 19 affected dwellings will experience a “Moderate” increase in road traffic noise. The western extent of Edgar Road, incorporating the new link road to the Bilbohall masterplan site, is anticipated to experience the highest increase in road traffic noise associated with the proposed development. The change from cul-de-sac



Full width speed table



Throttle used to narrow the carriageway and reduce speed



Vertical features and planting influencing the spatial feeling and therefore perception of speed for street users



Parking to the side/rear of properties



Shared surface street. Planting extends into carriageway.



Off street parking to the sides of properties

to link road is anticipated to increase the road traffic noise by around 5.4 db (between Glen Losie Drive and Greenwards Primary School) and by around 9 dB (between Greenwards PS and Elgin HS). Any level of increase above 5 dB would be considered to be a “Major” noise impact however the calculated increase is only 0.4 Db above this figure. It is estimated that only approximately 8 dwellings will be affected and for these dwellings it is estimated that there would be an increase of 37 % of residents bothered by road traffic noise.

Traffic flow data for roads around existing residential dwellings centred on Fairfield Avenue off Mayne Farm Road were not included in the assessment. These locations will require site surveys to determine the baseline noise environment and should be included within detailed noise impact assessments which will accompany future planning applications.

4.4.17 Air Quality

An Air Quality Assessment has been undertaken on the proposed masterplan which demonstrated that future residents of Bilbohall will experience acceptable air quality, with pollutant concentrations well below the air quality objectives. Bilbohall will generate additional traffic on the local road network, however the assessment has shown there will be no significant effects at any existing sensitive receptor. Overall, the air quality impacts associated with the proposed development are ‘not significant’.

4.5 Landscape strategy

Usable, well-designed open space is recognised as creating opportunities for communities to interact, promoting a sense of place and helping to promote healthy active lifestyles. The Bilbohall Masterplan benefits from a significant extent of open space which functions in multiple ways, embeds mitigation for visual impact and provides a setting for new housing. A land budget for the masterplan area is broken down into key components below and shows that over 30% of the total site is open space.

Component	Area (ha)	% of total area
Multi-functional open space (to include SUDS, recreational path network, allotments, amenity space and natural green space)	11.4	28%
Existing woodland	1.2	3%
Proposed structural landscape	6.5	16%
Neighbourhood and pocket park	1.8	4%

Key principles

The open space and landscape strategy is illustrated in figure 26 which sets out the principles of the landscape approach that has been developed through the masterplan process. These are summarised below:

- New woodland structure planting and open space has been incorporated along the western edge of the masterplan area to create a continuous green network and further visually contain the site. This will further reinforce the orientation of development eastwards away from the surrounding open countryside;
- Existing core paths are retained and enhanced on their current alignment. A new network of paths connect to these paths and allow access across the site, linking The Wards with Mayne Wood and other open space resources including the existing play space at Bilbohall Road. These paths would be used for recreation including dog walking etc;
- An open space setting has been defined for The Wards wildlife site to ensure development does not occur immediately adjacent to its boundaries;
- The western slopes and western portion of the upper plateau of the Prominent Knoll within R3 has been protected from development in order to limit the visual impact of views from the existing residential areas to the east;
- Woodland planting on the upper plateau and steeper slopes of the knoll reinforce the wooded knoll character of the area and direct views out from the upper plateau across the adjacent area;;
- Development has generally been limited to lower slopes and below existing/proposed tree lines to minimise the impact on the surrounding countryside;
- The area around the existing play park at Bilbohall Road is to be upgraded to form a Neighbourhood Park with associated visitor parking to be provided; and
- A Pocket Park is to be provided with R4 with pedestrian links towards R3 and elsewhere in the masterplan.



fig. 26: Open Space and Landscape Strategy

Wildlife corridors

The masterplan incorporates corridors across the site which support the movement of wildlife, linking open spaces with the cover of vegetation and woodland areas. These enhance biodiversity, provide tranquil spaces between the residential areas and allow for increasing resilience in the changing climate.

Blue-green infrastructure

Blue-green infrastructure will be incorporated into the multi-functional open space in the form of swales, sustainable urban drainage systems and other water features which are design elements which contribute to sustainability and also help create a sense of place and identity;

The final design of sustainable urban drainage systems will be up to the subsequent planning applications, but consideration must be given to imaginative responses such as multiple basins with

interlinked wetlands using the naturally sloping ground. SUDS is encouraged to be incorporated on a small scale into the hard surfaces as ‘blue infrastructure’. Retaining water across the whole site in areas where it’s doing no harm (i.e. naturally watering plants in planted borders and in car parks) may relieve pressure on the SUDS system and enable a more flexible approach to the settlement basins.

Existing and proposed tree planting

The hedging and existing trees are key landscape features of this area and must be retained and enhanced. Where technical width requirements for street corridor does not allow the retention of existing hedges on both sides, then a replacement hedge must be provided;

Tree planting along development boundaries could provide habitat and access routes from housing to forest that could benefit red squirrels. They are

able to take advantage of bird feeders in gardens, wooded links to housing will provide safe access to gardens from surrounding areas such as Mayne Wood. A significant proportion of planting in these areas must be conifers such as douglas fir, pines, spruces, larch and yew as these provide the best habitat for red squirrel and will benefit them most.

The landscape proposals associated with subsequent detailed planning applications will provide further detail on the type, location and extent of planting including where any screen planting may be necessary.

Intergenerational design

There is an increasing awareness of the importance of considering intergenerational needs in the design of the built environment. The detail design of public open space must provide for the needs of all generations and consider the requirements of older people in terms of mobility and accessibility to ensure people feel and are included in public life into oldest age. The findings of research such as Mood, Mobility and Place (<https://sites.eca.ed.ac.uk/mmp/>) should be utilised in design proposals. This includes the provision of seating and resting opportunities within streets, paths and open spaces, the construction of well-designed and solid surfaced pathways through rural environments and the integration of resting opportunities into the fabric of the deveoopment through the likes of low walls etc.

4.5.1 Moray Council Open Space Strategy

The landscape strategy addresses the requirements set out in LDP2015 Policy E5 Open Space and the Moray Council Open Space Strategy, these include quality of open space, accessibility, quantity, and park hierarchy. The specific requirements for a Neighbourhood Park and Pocket Park are set out below:

- **Neighbourhood Park.** A parkland area which includes a variety of play equipment for a range of ages. A playing field of 60x40m is to be provided along with informal and formal landscape areas with seating to accommodate informal and formal recreation and activities.
- **Pocket Park.** A small park which is easily accessible to the immediate residential population and contains a small range of play equipment particularly suited for younger children. A kickabout area of 30x20m is to be provided along with landscaping, planting and seating.

Policy E5 Open Space Requirements

Any areas within the masterplan area identified under the ENV designation are to be safeguarded and retained as open space.

New open space provision should be at least 30% of the overall site area and include allotments, formal parks and playspaces. Design of these spaces must adhere to the following guidelines:

- Overlooked by buildings with active frontages;
- Well positioned, multi-functional and easily accessible;
- Well connected to adjacent green and blue corridors, public transport and neighbourhood facilities;
- Safe, inclusive and welcoming;
- Well maintained and performing an identified function; and
- Support the principles of Placemaking policy PP3.

4.5.2 Relationship between buildings and open space

The Bilbohall masterplan has been designed to ensure that open spaces are generally overlooked by adjacent residential streets with active frontages. This provides the benefit of natural surveillance and will help promote the safe use and enjoyment of open space, ensuring the new facilities are actively used and contribute to the sense of community across the development.

4.5.3 Structural woodland and advance planting

To the external boundaries of the masterplan area, to the west and particularly along the ridgeline, structural woodland planting and associated open space is required. This provides robust visual containment all year round and a continuous green network that connects through the masterplan area. Both evergreen and deciduous native species are to be planted including oak, birch, rowan, hazel, hawthorn and scots pine. The proposed structural woodland will enhance and improve the setting of the existing woodland knolls and will reflect their character. Existing path networks will be enhanced and expanded through woodland areas to maximise permeability and provide opportunities for recreation and active travel.

Consideration must be given to advance planting in these particular areas to ensure that development is integrated as quickly as possible. Sacrificial planting is not desirable or a good use of resources therefore areas should only be planted when it is certain that any following works in the nearby vicinity will not have an impact, however advance planting must be implemented once final road levels and extent of earthworks in this area are known.



fig. 27: Structural woodland planting



Established structural woodland



Structural woodland with path network

4.6 Drainage strategy

A drainage strategy has been completed for the entire site (all site parcels), and is available as a separate document as an overall view of drainage requirements, constraints and opportunities. The report reviewed the following information:

- The SEPA flood maps for river, coastal and surface water;
- SEPA Technical Flood Risk Guidance for Stakeholders (July 2018);
- Moray Council local development plan and guidance;
- Scottish Water public sewer records;
- Scottish Planning Policy (SPP) (June 2014);
- Sewer for Scotland 3rd Edition; and
- CIRIA Manual c753.

4.6.1 Foul Drainage

Foul flows from the development area will be routed to existing public sewers, in the residential areas to the north and east. Gravity sewers will be used where possible, but due to the distances involved pumping stations may be necessary. The sewers are to be adopted by Scottish Water will be designed in accordance with Sewers for Scotland 3rd Edition.

4.6.2 Surface Water

The masterplan site has been divided into a number of development plots. It is expected that these smaller plots will be sold and developed individually but each will need to tie into the drainage infrastructure for the entire site. Each development plot will have allowable discharge rates for surface and foul water, which will form the design flows for the overall masterplan sewerage infrastructure.

Surface water will be discharged to ground where infiltration allows. Infiltration testing will be undertaken to BRE365 standard at the location, depth and with a head of water that replicates the proposed design to confirm viability. Evidence must be sought on groundwater levels and seasonal variations and to confirm that the maximum likely groundwater levels are >1m below the base of the infiltration device.

There are combined sewers in the town, north and east of the masterplan however due to the existing sewer flooding issues in Elgin, a connection to the existing Scottish Water system has been considered as unfeasible. A study of the site catchments at pre development scenario has been carried out based on visual inspection, topographical survey and the FEH Webservice information. The study shows the site is divided, in surface water catchment terms, into three areas: catchment north (comprising 15.98 ha), catchment south (21.24 ha) and catchment west (3.51 ha). The catchment north is currently discharging east to the nature reserve, the catchment south is draining east directly to the Tyock Burn and catchment west is draining west to the river Lossie.

The proposal, at the post development scenario, is to discharge the surface water, attenuated and treated, from Plots A, B, C and D to the nature reserve. Plots E, F, G, H, I, J, K, L, M, N, O, P, Q, R and S will drain, attenuated and treated, to the Tyock Burn and the green/landscape at the west of the site will drain west to the river Lossie, as existing. It is proposed, therefore, that the catchment areas at the post development scenario will be refined from the pre development scenario. The catchment area proposed to drain to the nature reserve will be 12.11



fig. 28: Surface water drainage strategy

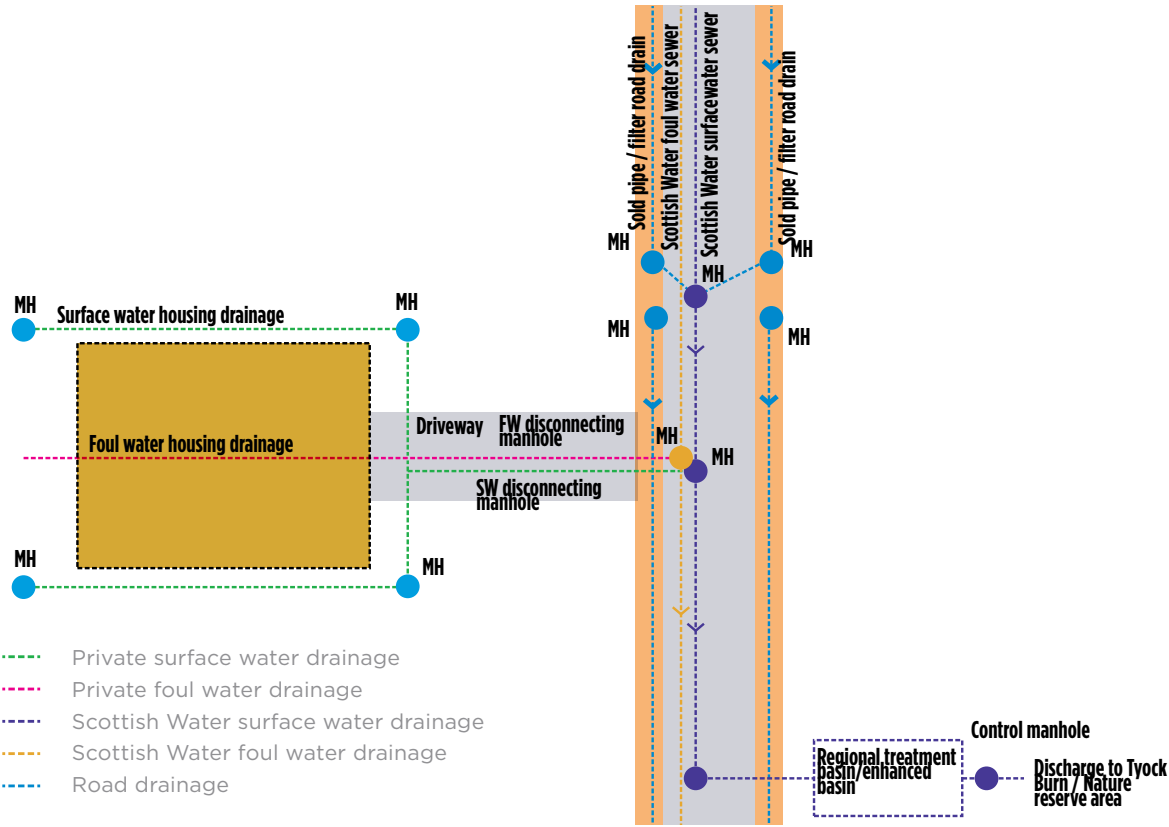


fig. 29: Typical street arrangement

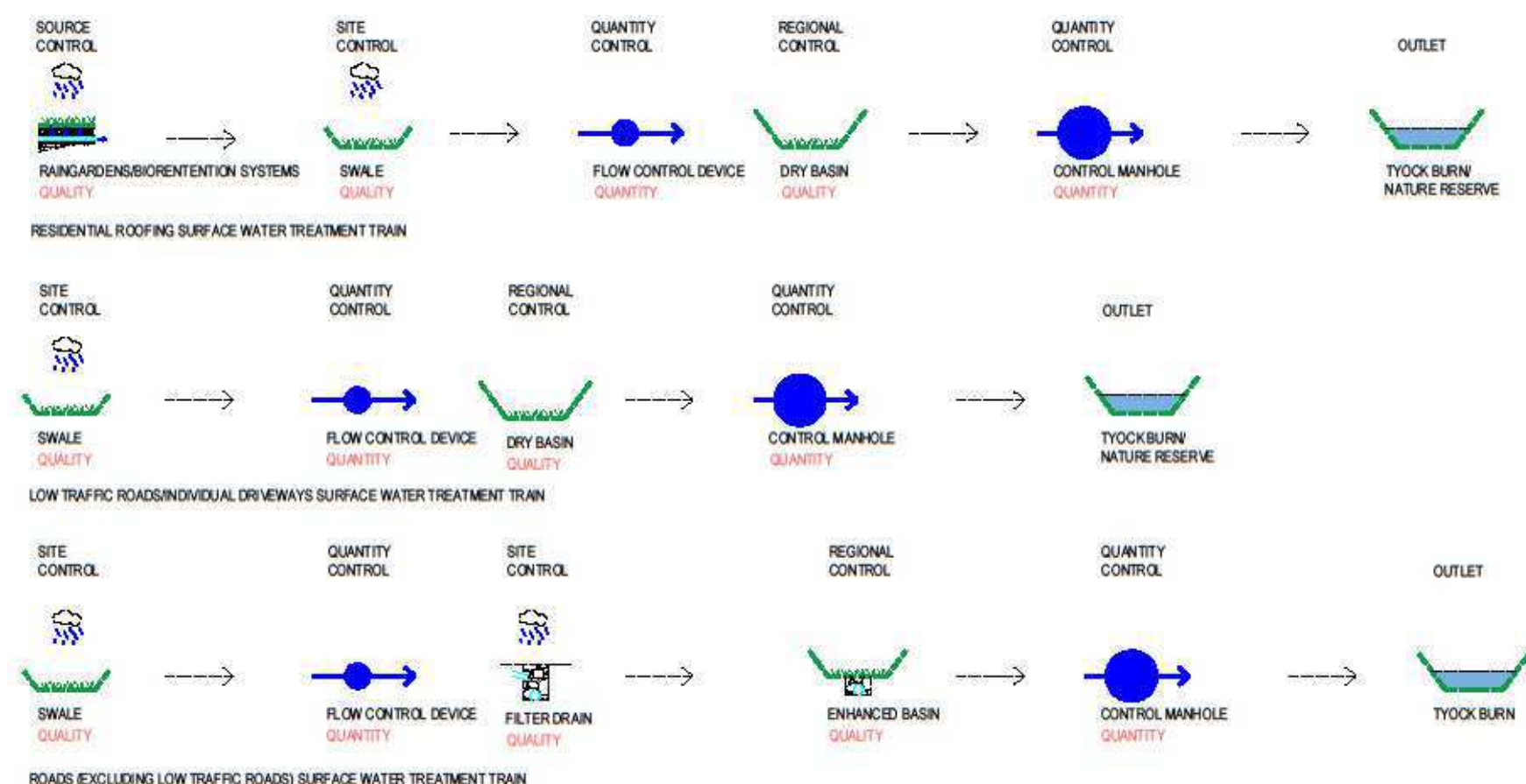


fig. 30: Surface water treatment train

ha, 3.87 ha reduction from the pre development scenario. The catchment area proposed to drain directly to the Tyock Burn will be 26.38 ha, 5.14 ha increase at the post development scenario and the catchment area proposed to drain west to the river Lossie will be 2.24 ha, 1.27 ha reduction from the pre development scenario.

A Flood Risk Assessment has been undertaken to ensure the proposal will not increase the flood risk downstream of the site, along the Tyock Burn. A 1D hydraulic modelling has been developed, using Flood Modeller software, to represent the Tyock Burn. As the main scope of the report is to demonstrate that the proposed drainage strategy will not increase the flood risk downstream of the site and along the Tyock Burn, the 1D approach has been considered to be the most suitable method.

Eight scenarios have been considered for the modelling:

- The 1 in 30 year event + 30% Climate change pre development scenario;
- The 1 in 200 year event + 20% Climate change pre development scenario;
- The 1 in 200 year event + 30% Climate change pre development scenario;
- The 1 in 30 year event + 30% Climate change post development scenario;
- The 1 in 200 year event + 20% Climate change post development scenario;
- The 1 in 200 year event + 30% Climate change post development scenario;
- The 1 in 200 year event + 30% Climate Change + 40% blockage pre development scenario; and
- The 1 in 200 year event + 30% Climate Change + 40% blockage post development scenario;

The assessment shows, based on the proposed strategy, that there is a reduction in flood risk along the Tyock Burn at all the post development scenarios considered. The masterplan area can, therefore, be considered suitable for residential development, from a flooding perspective.

4.6.3 Design Considerations

Because of the phased approach to development and the positioning of some site areas, there may be a need to design parts of both the foul and surface water systems with extra capacity, allowing for the addition of upstream flows as the wider development progresses. Where possible, sewers will be kept to the access roads, but in some situations, sites may need to connect to the public sewer network through another site, or by connecting into another site's sewer network.

4.6.4 PDE (Pre-Development Enquiry Form)

Prior to any development taking place, and to allow Scottish Water to conduct further assessment of the development's impact on the local network, the developer should submit a Pre-Development Enquiry form (PDE). Scottish Water Recommends that all planned development relating to more than a single house connection submits a PDE as early as possible.

4.6.5 Site investigation works

Further site investigation work, to include groundwater monitoring and infiltration testing to BRE 365 standards, will be required to accompany all subsequent planning applications. This will identify high / low infiltration zones

and groundwater levels and should confirm final locations for SUDS features. Storage of surface water will be provided above ground.

4.6.6 Requirements for subsequent planning applications

Water and drainage assessments help to identify sustainable methods for the following objectives:

1. Supplying water
2. Disposing of wastewater
3. A Drainage Impact Assessment
4. Overland flow study
5. A Full Flood Risk Assessment managing flooding from all sources; and
6. Groundwater monitoring and infiltration testing to BRE 365 standards to inform the SUDS design in the final site layout.

Subsequent planning applications must undertake the required studies and assessments to demonstrate how individual phases fit into the masterplan area drainage network. All individual phases of development must be drained by Sustainable Drainage Systems (SUDS) designed in accordance with the CIRIA SUDS Manual (C753) along with Sewer for Scotland 3rd Edition and developers must submit a drainage impact assessment for any development proposals coming forward in line with PAN 61, Policy NE6 of the Local Development Plan and Supplementary Guidance on Drainage Assessments.

Developers should look for opportunities to protect and improve the water environment by taking account of the water features within and close to their sites. Work carried out by the developer should conform to the standards as indicated in the Scottish Water publications, 'Water for Scotland 3rd Edition' and 'Sewers for Scotland 3rd Edition'.

As the Tyock Burn is currently at fluvial flood risk, a flap valve must be installed at all surface water direct discharge outfalls into the Tyock in order to prevent further flows entering the Burn and maintaining the flood flows within the site.

Unless under management of a factor or management company, the SUDS solutions will require to satisfy the adoption and maintenance requirements of Scottish Water and/or Moray Council.

A summary of planning application requirements (for flooding and drainage) is included in Appendix I within the Drainage Strategy document.

4.6.7 Integration of SUDS components into the site

The masterplan shows indicative locations for SUDS basins which have been integrated into the development and located such that the community can benefit from them. These will require to be designed in detail to be part of multi-functional open space, adding to the overall bio-diversity of the landscape and to meet the requirements of the Council and SEPA as well as Scottish Natural Heritage. Final layout, configuration and engineering design of the SUDS basins will be informed by proposed developments on each plot.

Further guidance as to how these components are integrated into the masterplan can be found in section 5.10 of the Design Code.

4.7 Residential density

An appropriate residential density for each development block has been determined through a careful assessment of the existing site topography and their immediate context. The densities have also been informed by a separate study of existing residential densities in the surrounding context of Elgin to ensure that the Bilbohall development is in keeping with the surrounding housing (see section 2.10).

The residential density categories below have been applied to the development block areas to give an indication of the potential residential units which might be delivered:

- Low density: 15 - 25 units/Ha
- Medium density: around 30 units/Ha
- High density: 35 - 45 units/Ha.

Development Blocks	Block Area (Hectares)	Potential Residential Units
A	0.51	18
B	0.90	27
C	1.13	40
D	0.62	10
E	0.53	17
F	0.65	20
G	0.36	11
H	0.50	13
I	0.61	16
J	1.09	28
K	0.53	16
L	0.24	8
M	1.38	51
N	0.35	10
O	0.70	21
P	0.87	20
Q	0.39	10
R	0.93	28
S	0.53	13
T	0.15	5
TOTAL	12.98	382

4.7.1 Residential types

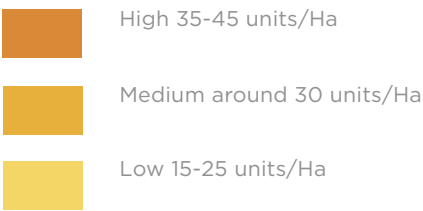
A mix of building typologies, tenures and plot sizes will ensure that Bilbohall is a diverse and inclusive development. By providing a range of accommodation, a broad variety of residents will be able to find a form of residence that works for them, regardless of their position in the housing lifecycle. Because of the scale of the proposed development and the opportunities inherent in the site relating to access to open space and surrounding facilities, a range of market sectors and densities is proposed which will include:

- Detached;
- Semi-detached;
- Townhouses and terraces;
- Apartments and flats (potentially within block D)

The final mix will be developed in response to market demand and detailed layout design, to ensure that an appropriate development can emerge which makes the most of the unique site. The aim is to appeal to a variety of residents and provide them with a choice of types of places for them to live and work.



fig. 31: Density



4.7.2 Affordable housing

Bilbohall will provide a range of tenures and housetype and will include a significant element of affordable housing. As Grampian Housing Association and Moray Council are both committed to delivering affordable housing, the level of affordable housing provided at Bilbohall will be above the 25% minimum required by the Moray Local Development Plan. It is anticipated that over 60% of the housing will be affordable. This is akin to the actual need for affordable housing in Elgin as set out in the Housing Needs and Demand Assessment.

This housing will be provided on-site and will generally be distributed across the masterplan

area, integrated so as to ensure that affordable and private housing sit comfortably side by side in a 'tenure blind' fashion. The type of affordable housing will be determined on a site-by-site basis and will include social rented accommodation, mid-market rent accommodation and low-cost home ownership.

Specialist housing, including housing for the elderly and assisted living will also be provided. Wheelchair accessible units (as defined by Housing for Varying Needs) must be provided to the level set out in Policy H9 and the Accessible Housing SG.

4.8 Building heights

Indicative building storey heights have been assigned to each development block, however during detailed design a variety of heights should be used to ensure that a varied roofscape and associated streetscape can be created. The storey height categories shown in the adjacent diagram have considered:

- Height of adjacent existing properties;
- Slope and ground conditions to ensure appropriate visual impact;
- Requirement on primary street to provide an appropriate sense of enclosure;
- Potential for split-level house types where upslope and downslope storey heights may be different.
- The density of the residential blocks.

Areas which are potentially visually sensitive, such as the existing knoll at block J, have been assigned low storey heights to help mitigate development, while the lower slopes and valley floor have slightly higher storey heights.

Note: Single storey properties will be required to be provided in accordance with H9 Housing Mix/ Accessible Housing policy. These may fall into any of the areas identified above.

4.8.1 Block E specific requirements

In addition to limiting Block E to single-storey heights, development in this location has a number of other requirements in order to respond to the existing properties on Fairfield Avenue:

- Provision of a planted landscape buffer of 15m in depth between the existing fenceline and the back garden plot boundary of Block E. Note that this dimension is in addition to the existing 'buffer' that has been established by the Fairfield Avenue development which measures between 8 and 10m in depth; and
- A minimum of 40m distance between the main rear elevations of Fairfield Avenue and the new housing in Block E. This compares with the a distance of between 20 and 21m between front elevations of houses on Fairfield Avenue.
- Species and mix for the planted landscape buffer should be selected to prevent access and screen views. Species should include multi-stemmed and fastigate forms with a mature height of 5-12m. An evergreen component should be included in the mix. Typical species would include: Common Yew (*Taxus baccata*); Box (*Buxus sempervirens*); Port laurel (*Prunus lusitanica*) Holly (*Ilex aquifolium*); Field maple (*Acer campestre*); Beech (*Fagus sylvatica*); Hazel (*Corylus avellana*) Spruce (*Picea abies*); and Scot's Pine (*Pinus sylvestris*).



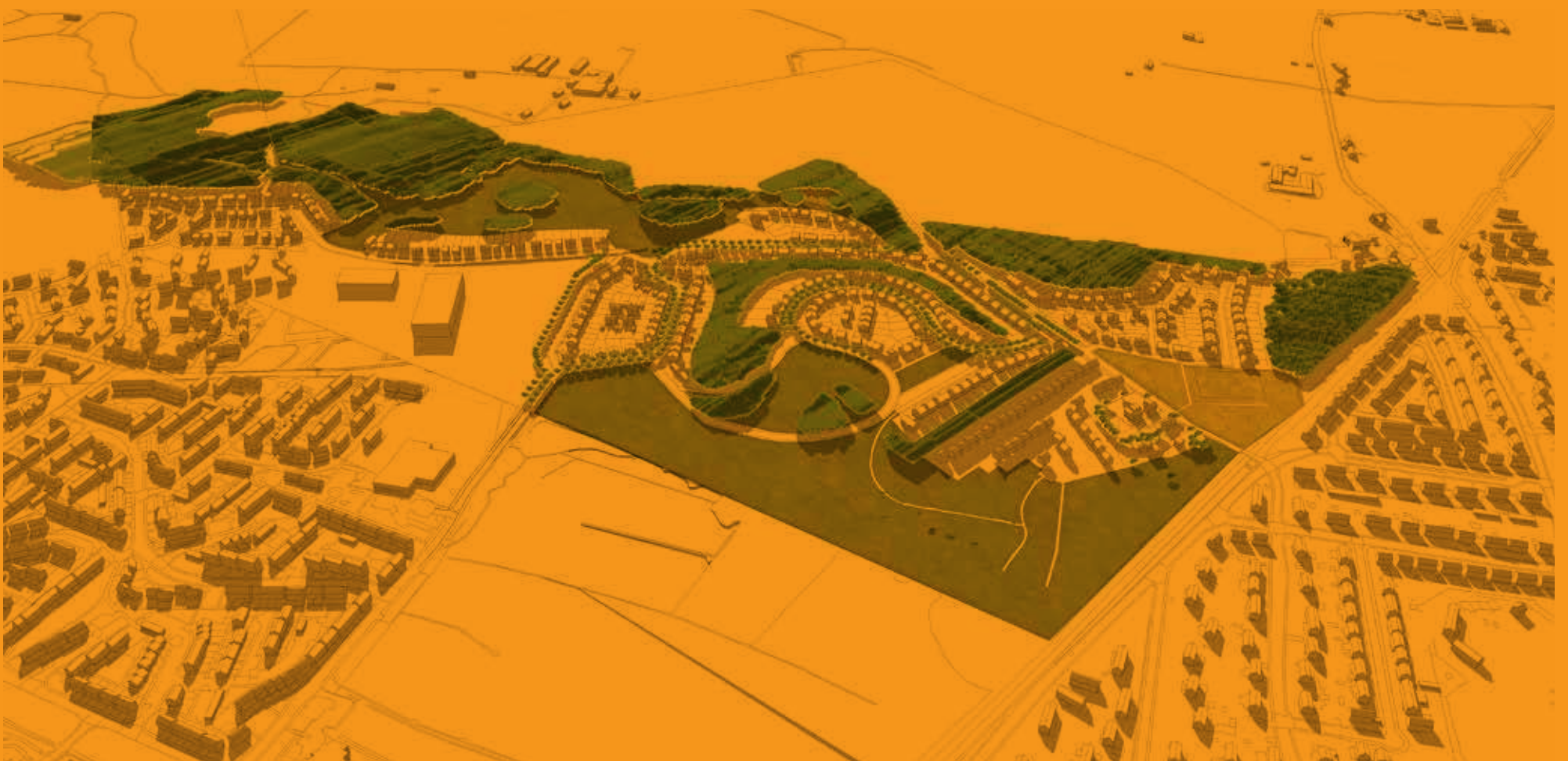
fig. 32: Building Heights

Single storey to address existing residential sensitivities
2 storey to reflect adjacent existing housing / provide appropriate street containment on primary streets
Generally 2 storeys with potential for inhabited roof



Visualisation from Wards Road West illustrating indicative housing blocks and embedded landscape mitigation

5. Design Code



5.1 Pattern of Development

The adjacent layout progresses the key design principles for the development area, spaces and streets previously set out in the Masterplan chapter and demonstrates how the spirit of the guidance can be translated into reality. The resultant plan sets out the pattern of development that should emerge through subsequent detailed planning applications.

This chapter sets out further detail guidance in the form of a design code which expands on particular aspects of best practice. The design code aims to allow a strong identity to emerge which responds to both the immediate context and the wider Bilbohall masterplan area. It is intended that this guidance will provide the starting point for detailed design solutions which will follow throughout the planning application process.

- 1 Elgin High School
- 2 Greenwards Primary School
- 3 The Wards Wildlife Area
- 4 Knockmasting Wood
- 5 Pocket Park
- 6 Mayne Wood
- 7 Neighbourhood Park

5.2 Urban design principles

In development of the masterplan a ‘design code’ has been established that builds upon the vision for the masterplan area and aims to ensure a high quality development is realised as the masterplan develops over time. The ‘design code’ focuses on the key generators of character including key routes, corners, buildings, edges, spaces, in order to articulate the main design intent. It includes information on:

- Parking;
- Frontage;
- Density and building heights;
- Key and focal buildings, street hierarchy;
- Key spaces and open spaces;
- Public art;
- Building types;
- Pattern of development;
- Palette of materials within distinct character area; and
- SUDs and waste benchmarks.

5.3 Built form and spatial definition

The adjacent plan identifies those locations which must function to define spaces and key urban conditions such as corners and street frontages.

5.3.1 Key corners

The establishment of locations for key corners where buildings wrap around to address both streets is crucial to both anchor a legible structure but also identify where ‘special’ buildings must be located. These corner sites are visually prominent, have two frontages and need to face both ways. The buildings can include an L-shaped footprint or windows built into the gable elevation in order to address another street, avoid blank elevations and provide natural surveillance. Other architectural devices such as chimneys, articulated window surrounds or feature windows in gables will also be considered to provide focal points.

These special buildings must be distinctive because of their function, quality of materials, detailing and considered architectural form. In some instances, the simple identification of a junction or corner which would benefit from a particularly positioned building is enough to create an urban marker which helps with wayfinding and orientation.

5.3.2 Street trees

There are a number of street lengths where avenue trees or single lines of trees must be provided to create identity and help to strengthen the hierarchy of the core routes identified, see figure 27. This shows how character can be established with simple landscape elements used repetitively. Trees are not only proposed on the core routes identified and must also be provided on streets and courtyards within blocks to add character and enhance the public environment.

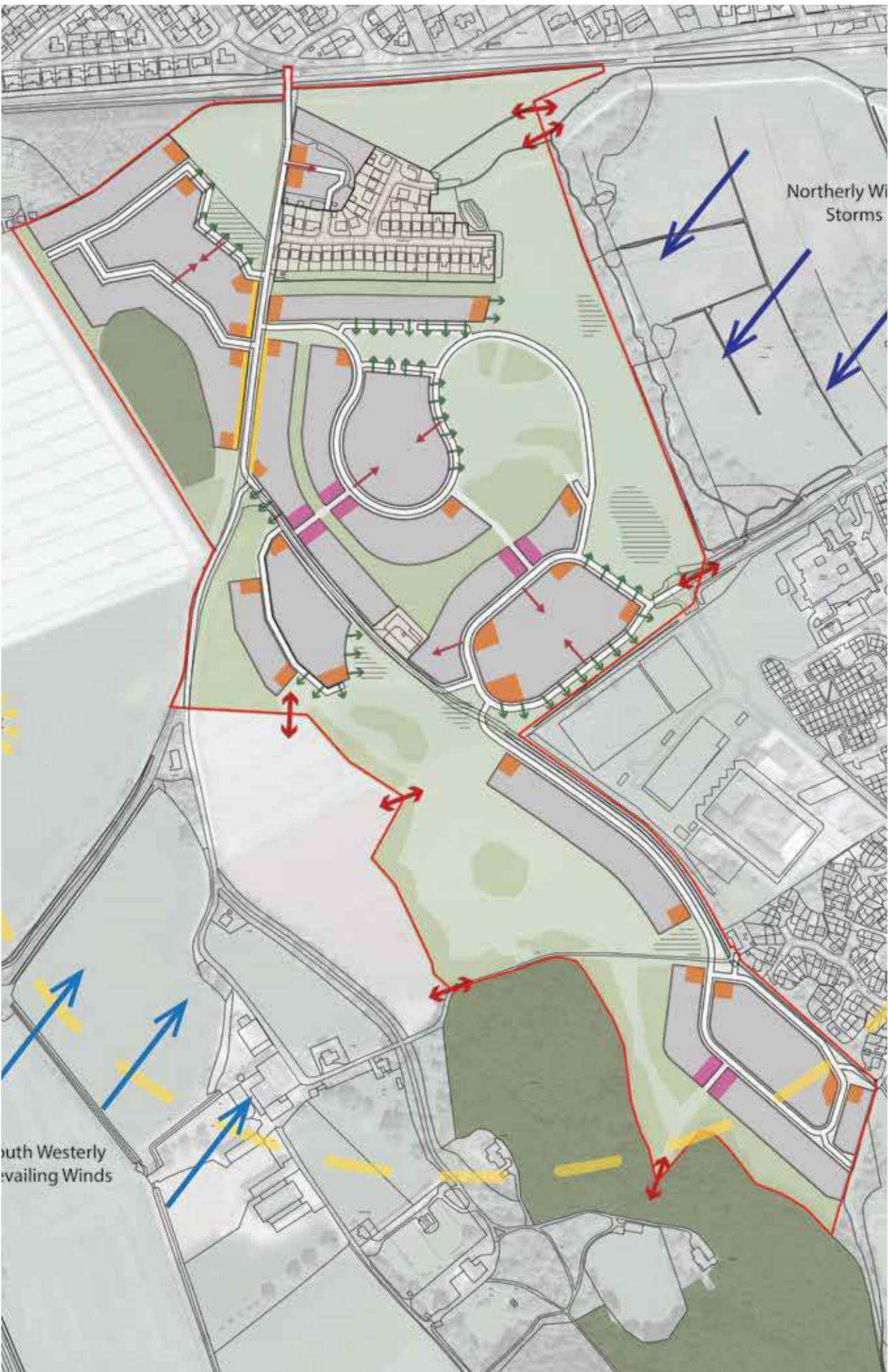


fig. 33: Urban design principles

- Key corners which require ‘special’ buildings to ‘turn the corner’
- Adjacent buildings to overlooking pedestrian route
- Access via shared driveways to allow for retention of existing hedgerows

- Buildings to address adjacent open space
- Suggested development block internal access
- Open space connections

5.3.3 Buildings addressing open space

New streets have been laid out to overlook adjacent open space in order to encourage activity and natural surveillance of the space. Private ‘backs’ onto public open space are not supported and the aim is to create secure perimeter blocks where there is clear definition between public fronts and private backs.



fig. 34: Streets with potential for tree planting

5.4 Parking

Parking requirements will be informed by the current Parking Standards at the time of the planning application(s), or any associated guidance setting out the standards for parking including any equivalent planning policy and/or guidance which supersedes or replaces the parking standards. Parking must not dominate the streetscape and will be provided through a mixture of parking courts, in-curtilage parking and on-street parking. Parking must be to the side or rear of properties set back behind the building line of the house to minimise the impact of the car on the street scene. Limited parking may be permitted to the front of buildings provided this is satisfactorily mitigated by planting and other boundary treatments such as low stone walls and fencing.

Rear parking courtyards can be appropriate for certain types of housing such as flats. Where rear parking courtyards are used, they must be carefully designed to ensure overlooking for natural surveillance and security. Soft landscape and planting should be used to break up parking bays. On-street parking can be considered for shared surfaces on minor streets and small-scale lanes where low traffic speeds are expected and street furniture and planting can be used to influence driver behaviour and also visually mitigate parking. Locations for EV charging points and car share parking spaces must be considered in subsequent planning applications.

Examples of good practice when it comes to parking are illustrated below.



Detached housing with parking behind building line.



On-street parking within shared surface lane to be limited and integrated with soft and hard landscape



Parking courtyard overlooked with good integrated landscape structure and privacy.



Off street parking behind building line.

5.5 Public Art Integration

Public art must be integrated from the outset of the development as it can contribute to the creation of a sense of place and identity. Public art should be considered for its potential to be a character generator that can contribute to the overall Bilbohall identity while providing interpretation, joy and beauty. Public art may not necessarily result in a physical manifestation or object but could also be in the form of events, processes and public engagement. Furthermore, public art should be considered for the potential ‘upgrading’ of standard specifications of such items as seating, boundary treatments, paving and other elements such that it is integrated into the public realm.



Vitamin G project by the Arts Partnership Surrey

5.6 Recreation and play areas

Neighbourhood and pocket parks are included that will provide public amenity and recreation for all ages. Green corridors and cycle/footpaths will link these spaces together.

Play spaces must be designed to provide an element of adventure play, education and interpretation of the natural environment. Structures such as magnifying posts, planters, herb gardens, etc. could be considered.



Informal play areas



Formal play areas



Formal play areas



Trails/cycle paths



M.U.G.A



Formal play areas

Potential themes include:

The planting knolls of Bilbohall

Taking landscape as its theme, there is an opportunity to use public art to interpret the existing landscape and provide new planting to embed Bilbohall into the landscape.

Allotments

There is the potential for artist involvement in the planning and delivery of the the allotments, whether through the formal launch event, early ideas on growing and food production or ongoing planning of public engagement. This would be public art as process-driven rather than providing a fixed end result.

Play related

Providing for interaction with children and young adults, this public art project could emerge from the design of play areas and equipment, allowing the new residents to input into the process and shape their own environment.



Peckham Vision. Bellenden. Integrated public art

5.7 General Palette of materials

Given the scale of the development, a broad palette of materials has been included for buildings and street which would be suitable for all character areas with ‘accent’ or substitute materials allowing for particular differentiation across the site. While there may be a range of materials apparent across the masterplan, it is important that there is consistency through the public realm or street scene materials in order to avoid a patchwork of materials which distract and confuse.

5.7.1 Building materials

In general, walls should draw from a palette of render and masonry. Accent walling materials may include coloured render, feature panels, timber feature walls or weatherboarding. Roofs should draw from a palette of slate and tiles.

5.7.2 Streetscape and public realm

Despite the variations that there are across the site in terms of slope and character, the streetscape and public realm will aim to provide a consistent and coherent identity across the masterplan area. A common palette of materials will be used across both soft and hard landscape elements to tie the masterplan together. In general, surfacing should consider tarmac, or charcoal and grey block for pedestrian surfaces and to break up the carriageway as required for traffic calming measures. Informal paths through open space may use whinstone or self-binding gravel.

5.7.3 Boundary treatments

Existing elements such as mature hedegrows will be retained to enhance the sense of place. If new street corridors widths require the removal of such features, they must be reinstated in the form of formal boundary hedging. Certain principle streets will benefit from stone boundary walls to generate character and further define public/private spaces.

5.7.4 Street trees

Tree species should be selected in response to the respective design principles of the character areas within the masterplan area. Each selection will take into account the identity of the respective area and serve to enhance the aesthetic quality of the area by responding to the site conditions and scale of development.

There are certain areas that run through character areas, such as the primary street, a consistent tree species will be used throughout this area which will convey an identity and specific character to Bilbohall.

Examples of species that would be suitable for use as street trees are, Lime, Pear, Maple, Birch.



Render



Masonry Features



Slate effect / concrete tile



Coloured Render



Cladding



Standing seam



Grey and brindle block paving



Bound gravel for pedestrian/ low traffic shared areas



Compacted gravel pathways through open space



Stone feature boundary wall



Boundary hedge



Street trees

5.8 Character areas

Whilst the preceding sections have described the urban design principles and best practice, this section expands on those specific guidelines to give overarching guidance on architectural character and built-form for grouped areas. The aim is to identify areas and zones across which a consistent and sympathetic character must emerge. The zones are therefore drawn in order to capture both sides of streets and catch those areas which must have a common relationship to adjacent open space. Six key character areas have been identified and these character areas have developed as a response to the existing landscape, topography, and the location within the development. They must inform the detail layout of these areas, the character of open space, the palette of materials and architecture in each area.



fig. 35: Character Areas

Summary table of key attributes

Character Area	Predominant building materials	Architectural features	Boundaries	Predominant public realm, planting and soft landscape character
The Firs	Coloured textured render /wet dash with slate or slate effect.	Traditional forms to reflect Wards area. Pitched roofs, chimneys. Window and door surrounds. Gable features.	Stone walls.	Large format paving slabs and units. Integration of mature trees. Formal hedging to separate public and private space. Where replacement trees are required these should be large species to reflect existing forms (eg. Castanea sativa, Fagus sylvatica)
Top of Knoll	Render and cast stone. Masonry features. Slate or slate effect.	Porches and entrance features. Masonry/stone feature walls or gables.	Light railings and informal shrub boundary planting.	Bound gravel within minor streets and shared surfaces. Flowering tree species used as small street tree (eg. Prunus Sunset Boulevard). Characterful Scots Pine on plateau to reflect adjacent wooded knolls.
Lower Slopes	Coloured render and timber cladding. Red/brown roofing tones.	Dormers and inhabited roofs. Dark window frames and tertiary elements. Traditional roof features.	Post and wire with hedges.	Setts and block units within minor streets and shared surfaces. Soft verge to accommodate filter strips to edge of carriageway. Formal medium-sized street tree (eg. Tilia cordata 'Greenspire')
Knockmasting	Timber cladding and white/off white texture render. Masonry features. Dark roofing tones.	Picture windows towards Knockmasting Wood. Window and door surrounds.	Hedges.	Existing hedgerows retained and integrated where possible. Soft and green frontages. Planting within public accent open spaces to include Scots Pine to reflect Knockmasting Wood.
Valley Floor	Coloured metal / timber feature cladding to pick up Elgin High School language and colours. Render. Standing seam roof.	Opportunities for modern and contemporary design.	Rendered walls.	Smaller street trees (eg. Sorbus aria Lutescens) and colourful accent trees (eg. Acer rubrum) to line pedestrian routes.

5.8.1 The Firs

Description

‘The Firs’ character area covers the former NHS site adjacent to the recent Fairfield Avenue development. The development area and proposed character are largely driven by the existing mature trees on the site which are subject to a TPO. Residential development must retain and integrate these trees into the layout and the likely density is low to reflect the existing constraints.

Key characteristics

- Double frontages to address key corders;
- Specific design responding to existing trees and open space;
- Layout responds to existing TPO trees.

Materials

A combination of coloured render with slate or slate effect and stone boundary walls to respond to the existing buildings and stone walls in this part of the site.



fig. 36: Extract from illustrative masterplan



New development responding to existing mature trees with masonry feature walls



Traditional forms, materials and details.



fig. 37: ‘The Firs’ character area

Materials



3d massing sketch showing character area in context

5.8.2 Top of Knoll

Description

The 'Top of Knoll' character is made up of development blocks on top of and surrounding the top of the existing knoll in the centre of the masterplan area. The block arrangement is outward looking and is integrated with the adjacent parkland, providing natural surveillance and active frontage.

Key characteristics

- Houses arranged to overlook open space on top plateau of knoll
- Low density, predominantly detached, responding to existing topography
- Shared surface streets within internal blocks
- Double-frontage units turn corners adjacent to open space

Materials

Primarily render to be used at the top of knoll with cast stone and masonry feature accents to create subtle variation to facades. Light railings and informal shrub boundary planting treatments to be used to respond to the adjacent open space.



fig. 38: Extract from illustrative masterplan



Masonry features



Buildings overlooking public space with light railings and informal shrub planting



Shared surface streets | landscaping extends into road to slow traffic



fig. 39: "Top of Knoll" character area

Materials



3d massing sketch showing character area in context

5.8.3 Lower Slopes

Description

The ‘Lower Slopes’ character is made up of development fronting on to streets and generally backing onto slopes with steep back gardens. Long plots take up the level change, and structural woodland planting is incorporated where the topography is too steep for development. Development runs along the lower slopes of the main landforms on the site.

Key characteristics

- Frontage overlooking primary streets
- Low - medium density
- Long rear gardens backing onto slope
- Private drives behind retained hedgerows
- Potential for swales to run along street corridors as part of blue-green infrastructure

Materials

Coloured render and timber cladding. Red/brown roofing tones. Existing landscape features to be retained.



fig. 40: Extract from illustrative masterplan



Colour render and red/brown tone roof



Parking well considered to side of properties



fig. 41: “Lower Slopes” character area

Materials



3d massing sketch showing character area in context

5.8.4 Knockmasting

Description

The ‘Knockmasting’ character is defined by an existing woodland knoll and a neighbourhood park. Development in this area forms part of the entrance into the site.

Key characteristics

- Buildings arranged to overlook neighbourhood park and ensure natural surveillance
- Medium - high density
- Backs of plots to existing woodland for security purposes
- Existing hedgerows retained

Materials

The full range of materials in the palette are available however consideration should be given to cladding and masonry used as features in response to the strong geometry of the development block. Existing hedges to be retained and tree planting should compliment the adjacent neighbourhood park.



fig. 42: Extract from illustrative masterplan



fig. 43: “Knockmasting” character area



3d massing sketch showing character area in context



Housing facing onto open space



Pleasant green frontages | safe pathways | space hierarchy



Housing overlooking parkland space



Plot design responding to Knockmasting Wood

Materials



5.8.5 Valley Floor

Description

The ‘Valley Floor’ character is made up of predominantly terraced and semi-detached properties. Shared surface streets within internal blocks are overlooked to ensure natural surveillance.

Key characteristics

- Natural surveillance overlooking amenity space including integrated SUDS feature
- Medium - high density
- Predominantly terraced and semi-detached units
- Double frontage plots on corners

Materials

Predominantly render with coloured metal / timber feature cladding. Standing seam roof.



fig. 44: Extract from illustrative masterplan



fig. 45: “Valley Floor” character area

Materials



3d massing sketch showing character area in context



Clean and contemporary details



Clean and unfussy building lines



Contemporary details and roof forms

5.9 Sustainability principles

5.9.1 Energy efficiency

The Moray Local Development Plan Climate Change SG contains comprehensive guidance outlining energy efficiency principles which should be considered when progressing detailed design applications. All developments should be designed in accordance with the ‘energy hierarchy’ that is set out in the Climate Change document. Reducing energy demand is the priority, followed by energy efficiency measures and then the use of renewable energy technology. The adjacent table sets out some of the measures that can be used to achieve this.

In practice, this means good design (ie. efficient layout which considers orientation, micro-climate and exposure) and fabric in first instance (ie. high levels of insulation and air tightness). The table below sets out specific principles and standards which are applicable at Bilbohall in relation to energy efficiency measures.

Passive Energy Efficiency Measures	Operational Energy Efficiency Measures	Renewable Technology Measures	Emerging Technological Measures
Orientation	Heating systems	Photovoltaic	Hydrogen fuel cells
Day lighting	Insulation	Solar water heating	Anaerobic digestion
Natural Ventilation	Lighting and Appliances	Micro wind	
Air Tightness	Glazing	Micro hydro	
Using natural features of site for shelter etc	Building materials	Biomass	
	Mechanical Ventilation / Heat air source recovery	Ground and air source heat pumps	

Maximising passive solar gains	<p>The street hierarchy of primary and secondary streets and resultant development blocks have been oriented to generally run in an east-west alignment which allows elevations to be oriented as close to south as possible. This is to maximise opportunities for passive solar energy gain and reduced lighting loads through the use of natural daylight through south-facing orientation. As detailed layouts are progressed, these principles must be translated into plot-specific responses which also promote east-west street alignments for minor streets and lanes and arrange elevations to the south.</p> <p>Principles of windbreak and shelter from prevailing winds (South-Westerly and particularly Northerly winter storms) has been considered in the positioning of woodland belts within the masterplan and will be further strengthened through street alignments and positioning of built form to act as a windbreak against prevailing winds, to prevent the direct passage of wind and limit exposure.</p>
Natural ventilation	<p>There is a presumption in favour of natural ventilation strategy for all residential dwellings. Limiting building depths helps with natural ventilation and daylighting levels. Additionally, the use of chimneys or stack features should be considered to help with ventilation during summer months.</p>
Improving fabric	<ul style="list-style-type: none">Higher levels of Insulation to external, floors, party walls, ground floors & roofs;Improved air tightness;Improved thermal bridging detailing;Improved glazing specifications;Higher insulated external door components;Low energy lighting;Improved heating controls;Improved hot water storage;Heat recovery systems (eg. Shower Waste Water & Flue Gas Boilers); andNatural, trickle and Mechanical Extract Ventilation, utilising low speed fans
Water efficiency measures	<p>Water efficient fixtures must be specified for all water sources and features. This may include:</p> <ul style="list-style-type: none">Low water use appliances (such as washing machines and dishwashers if provided);Ultra-low volume or dual flush WC cisterns;Factory fitted restrictors to tap fittings/aerated taps; andLow flow showers and reduced volume baths; <p>Dwellings with a garden should include provision for rainwater harvesting for irrigation purposes.</p>
Potential for home composting and food production	<p>Dwellings with a garden to have private open space arranged in such a way that there is space for a composting bin to be accommodated. A location should be identified which receives some sun during the day and away from any windows and doors on the dwelling itself or neighbouring properties.</p>
Sustainable Transport	<p>The Masterplan promotes walking and cycling through new and improved links to, from and within the Masterplan area, as well as provision for a bus route through the site.</p> <p>Electric vehicle charging bays and Car Club (or similar) parking spaces will also be provided as appropriate.</p>

5.9.2 Inclusion of wildlife friendly measures

By incorporating measures which accommodate wildlife, the overall sustainability of the development can be increased. A range of measures should be considered for use at Bilbohall, such as:

- Wildlife friendly kerbstones, gully pots and SUDs;
- Bat-friendly lighting;
- Native tree species;
- Flower rich grasslands and associated wildlife friendly mowing regime to benefit pollinating insects; and
- Bird boxes.

5.9.3 Ground conditions

The site is largely greenfield and there are no great contamination concerns that would impact on the masterplan. There are possible issues with historical land use around the Firs while the known presence of peat in some areas will likely require a ground gas assessment.

A standard Phase I desk study contamination assessment for the whole development will be required with the subsequent planning application(s). Any requirement for further investigation or mitigation measures would need to be identified in this report and implementation of these measures would then become a condition of consent.

5.10 Water as feature of design

Sustainable Urban Drainage (SUDS)

SUDS features must be above ground and integrated into the development, reflecting a character that is appropriate to the existing site features and the development. SUDs features must help to form a sense of place and create a local identity incorporated as part of the local amenity space. A well-designed feature must substantially increase local biodiversity while also creating an attractive landscape setting. The character and form of these features will be developed in detailed design, but in principle the features must be integrated into the development so that the community can benefit from using the SuDS. The SuDS location within the development will also improve people’s understanding of how runoff from their development is being managed and used, and the benefits of more sustainable approaches.

The illustrations on this page demonstrate how SUDS features can be fully integrated into open-space to provide multi-functional spaces which not only function to hold water during storm events, but act as biodiverse habitats and amenity space at other times. They are designed to be overlooked, providing an ever-changing character through the selection of seasonal species which flower and transform over the course of the year. Fencing has been eliminated through the careful design of slope and water depth and earth-modelling is natural and does not utilise ‘engineering’ approaches.



Interconnected SUDS basins with two levels of treatment, including wetland channels and areas and drier secondary basins.



Water systems integrated into the path network, allowing multiple routes through and around the features and giving access to wetland edges.



SUDS features designed as an attractive landscape setting which changes with the seasons.



Swales integrated into residential layout to collect and treat surface water while also creating an engaging landscape feature.



Water and SUDS systems adjacent to street network, providing open space with biodiversity benefits.



More structured and formal ‘rain gardens’ which gather and hold storm water during events and slowly release water back into the environment in a controlled rate.
Bilbohall Masterplan

6. Phasing, Shared Infrastructure & Developer Requirements

6.1 Phasing strategy

6.1.1 Anticipated completions

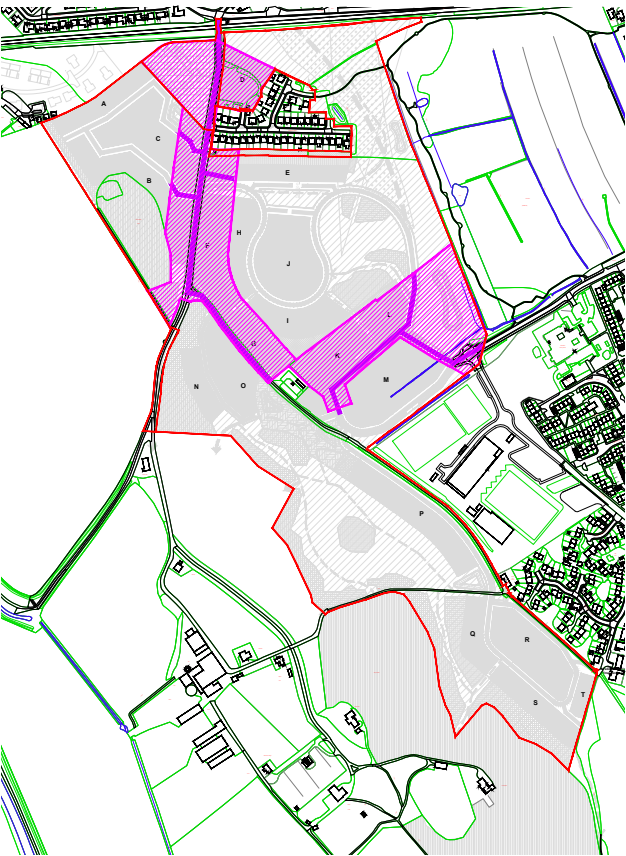
A matrix of anticipated housing completions has been agreed which sets out the various rates of construction expected by the three landowners/promoters. This is indicative at this stage and should be viewed as a guide to overall completion rates which will ultimately be determined by the market. It is estimated that there will be around 25-30 units completed per year per active site with multiple sites under construction in parallel.

6.1.2 Key Principles

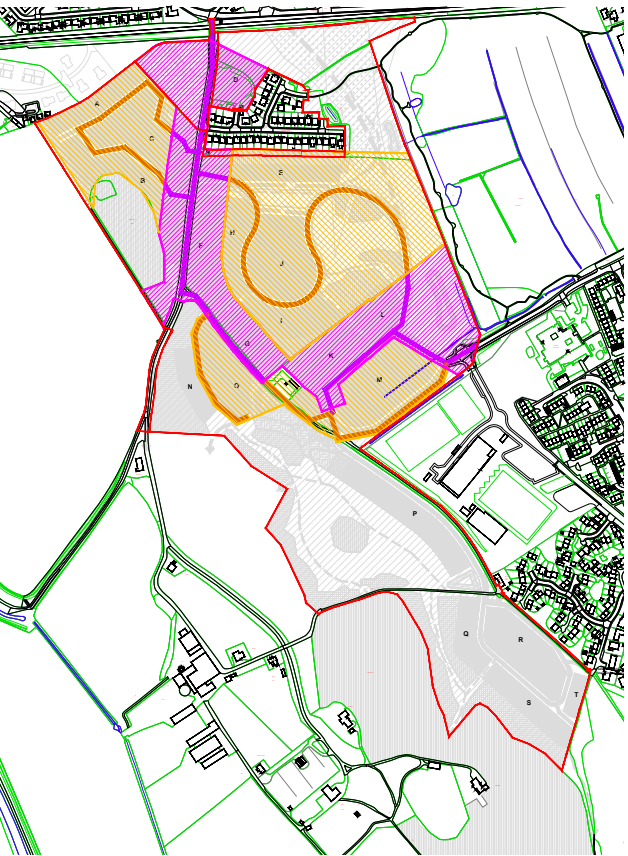
The phasing diagrams below illustrate the desired direction of growth from existing points of access and are not intended to be a rigid guide. Open space will be delivered in parallel with adjacent development.

Developer	Block		2018	2019	2020	2021	2022	2023	2024	2025	Total
MC/GHA	R3	Annual completions			10	20	20	30	20	5	105
		Cumulative			10	30	50	80	100	105	
Scotia	R4	Annual completions				5	25	30	30	17	107
		Cumulative				5	30	60	90	107	
Scotia	R12	Annual completions			10	25	25	25			85
		Cumulative			10	35	60	85			
MC	OPP7	Annual completions			5	5					10
		Cumulative			5	10					
MC	CF2	Annual completions				20	20	25	10		75
		Cumulative				20	40	65	75		

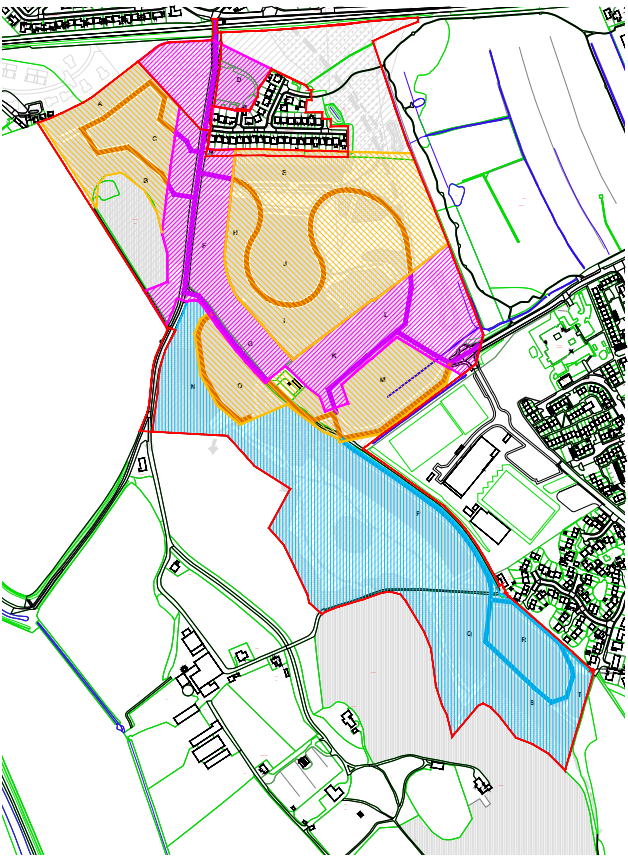
Summary	2018	2019	2020	2021	2022	2023	2024	2025
Total completions	0	0	25	75	90	110	60	22
Cumulative	0	0	25	100	190	300	360	382



Phase 1
c 2018 - 2021
100 units



Phase 2
c 2021 - 2023
200 units (300 units cumulative)

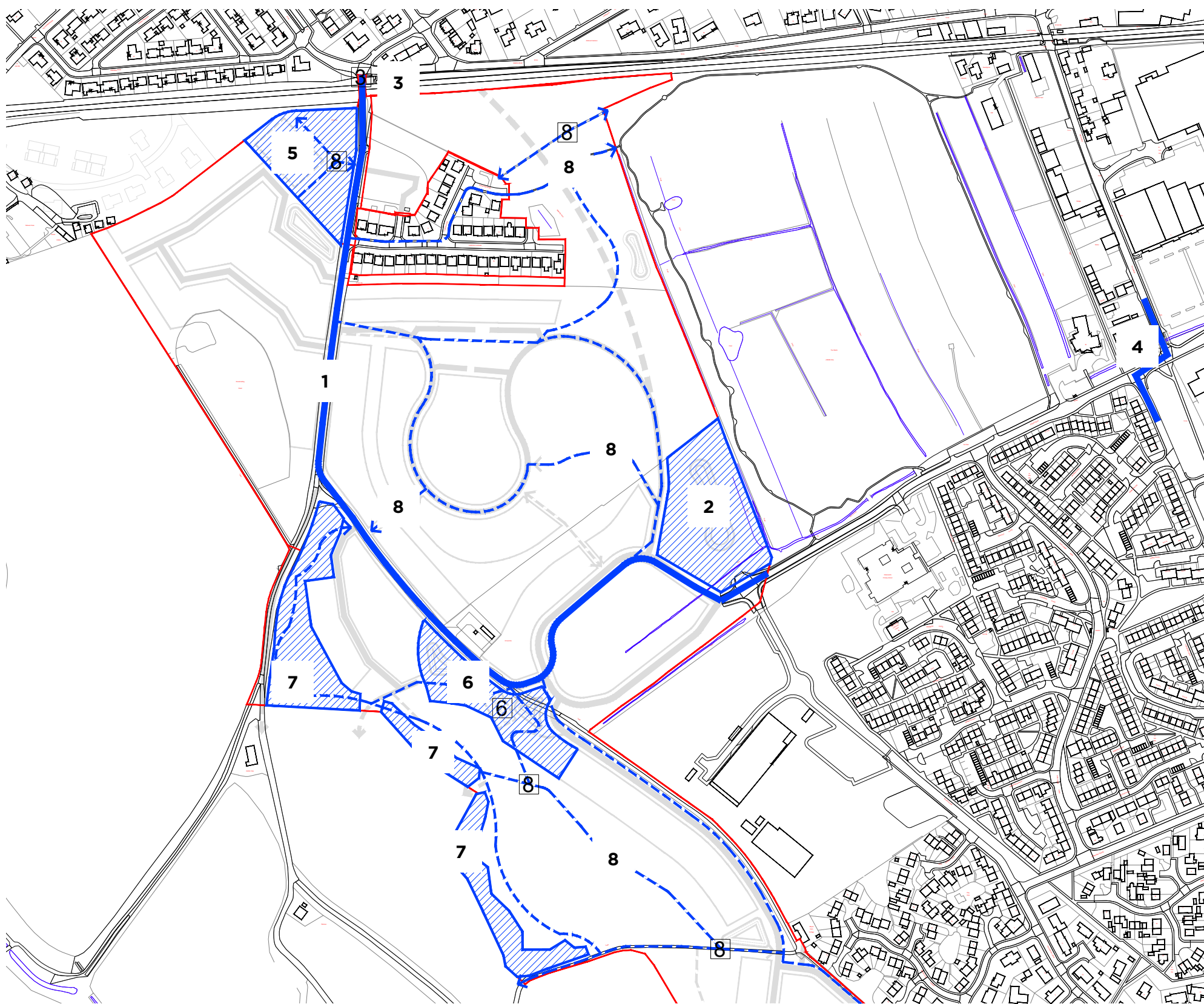


Phase 3
c 2023 - 2025
82 units (382 units cumulative)

6.2 Shared infrastructure

The following elements have been assessed to be considered as 'shared infrastructure' given that all the Bilbohall sites require them to be implemented in order to either provide adequate access or mitigate the impact of development.

1. Upgrade of Bilbohall Road and connection through to Edgar Road
2. Site-wide SUDS as required
3. Capacity improvements at Mayne Farm Rail bridge and any associated changes to the road and pedestrian network in the vicinity of Mayne Road and Wittet Drive.
4. Capacity improvements of Edgar Road / GMD / The Wards
5. Neighbourhood park provision (including visitor car parking) and upgrades to existing open space facilities.
6. Pocket park provision.
7. Structural landscape to contain western edge of development.
8. Site-wide path network



6.3 Developer Requirements

6.3.1 Developer obligations

Developer Obligations will be sought in accordance with policy IMP3 Developer Obligations of the MLDP2015 and associated Supplementary Guidance Developer Obligations to mitigate any adverse impact the development may have on education, healthcare, transport, and access and recreational infrastructure. Developers are encouraged to enter into early dialogue with the Council's Developer Obligations Team (email: developerobligations@moray.gov.uk).

6.3.2 CEMP

Pollution prevention and environmental management will be addressed during the construction phases of the development of the site through the submission of a site specific Construction Management Plan

6.3.3 Flood Risk and Drainage

SEPA will require the below key issues to be addressed in any subsequent planning submissions and to be supported by the following assessments and drawings/maps:

- Flood risk – Flood Risk Assessment. Note: SEPA only have a specific flood risk issue for site R12, however Moray Council require Flood Risk Assessments for sites R1, R3, R12, OPP7 which have text in the adopted plan requiring this;
- Drainage – foul drainage to the public sewer and surface water treated by SUDS – Drainage Impact Assessment, map of proposed waste

water drainage layout and map of proposed surface water drainage layout;

- Pollution prevention – Schedule of Mitigation and construction site layout, including mitigation, supporting drawing(s);
- Protection of the water environment - A site survey of existing water features, confirmation of any engineering works with justification and a map of the location of all proposed engineering activities in or impacting on the water environment, including proposed buffers and demonstrating compliance with the flood risk assessment;
- Existing groundwater abstractions - Confirmation of the location of groundwater abstractions within 250m of all excavations supported by a map demonstrating adequate buffers and, where relevant, assessment of impacts ;
- Environmental enhancements – Assessment of potential measures and map showing location of these;
- Use of carbon neutral technologies and design measures – consideration of the potential for heat network and details of sustainable design considerations, map showing proposed heat network infrastructure or areas secured for future use;
- Confirmation if the development will be phased and map of proposed phases of development; and

- Adequate information to enable assessment and comment on the potential consentability of any aspects of the proposal that may require authorisation from SEPA.

6.3.4 Scottish Water

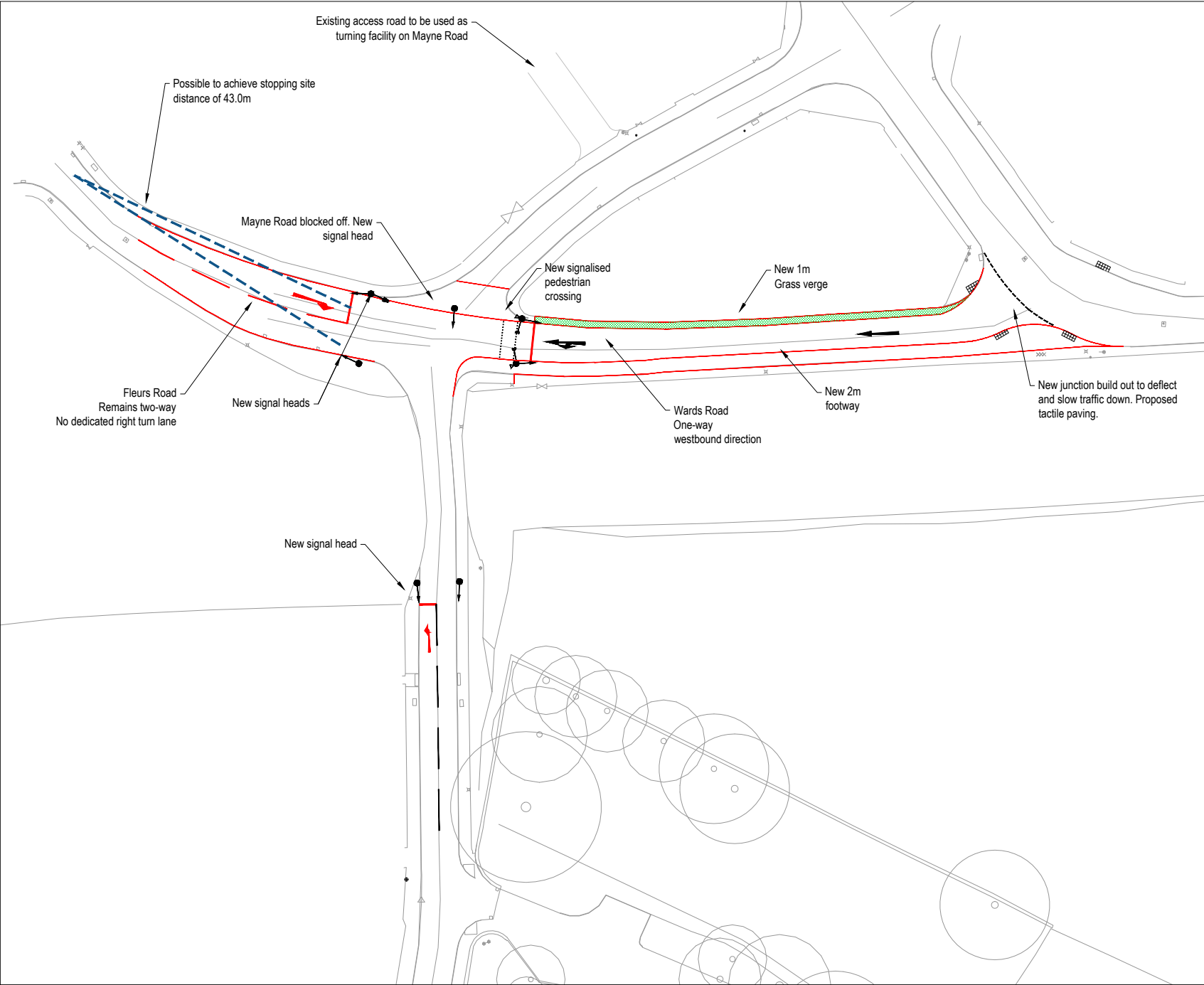
Developers would be advised to submit Pre-Development Enquiries at their earliest convenience to Scottish Water to permit an accurate assessment of our current ability to service proposed sites. Pre and post development flows and other factors (such as the use of pumping stations) will determine existing capacity within both the immediate water and wastewater networks in particular. Water and Drainage Impact Assessments may be needed for some or all of the sites above. Where network mitigation is identified following these assessments, upgrade works must be funded and carried out by developers. Scottish Water can contribute to upgrade works via Reasonable Cost Contributions. However, it should be noted that in some cases where significant upgrades are identified, all costs may not be fully recoverable.

6.3.5 Noise Impact Assessments

Future planning applications which impact traffic flow around existing residential dwellings centred on Fairfield Avenue off Mayne Farm Road will require detailed noise impact assessments, including site noise surveys to determine the baseline noise environment.

7. Junction Alternatives Proposed

Several different options have been designed and subject to initial testing for the Wards Road / Bilbohall Road / Fleurs Road / Mayne Road junction:. These options are outlined in the following pages to show the extent of study and testing which has been undertaken and demonstrate that a deliverable solution can be achieved at the subsequent detail application stage.



GENERAL NOTES:

PI03

Third Issue

20/10/18

JM

MR

PI02

Second Issue

16/10/18

SG

MR

PI01

First Issue

15/05/18

JW

GM

Rev

Description

Date

By

Chk

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Civil & Structural • Transport Planning • Environmental • Information • Geotechnical • Construction & Heritage • Project Design

Transportation • Marine • Commercial • Civil • Design • Urban • Landscape • Design • Historic • Leisure • Commercial • Leisure • Maritime • International

Notes:

For Information

Project

Bilbohall Masterplan

Dwg Title

Mayne Farm - Wards Road
Signalised Junction
Option 1b

Project No

063268

Size

A3

Date

18/05/18

Drawn By

JW

Designed By

JW

Checked By

GM

Project Code

063268

Originator

CUR

Zone

00

Level

XX

Type

DR

Category/Number

TP - 06017

Rev

P03

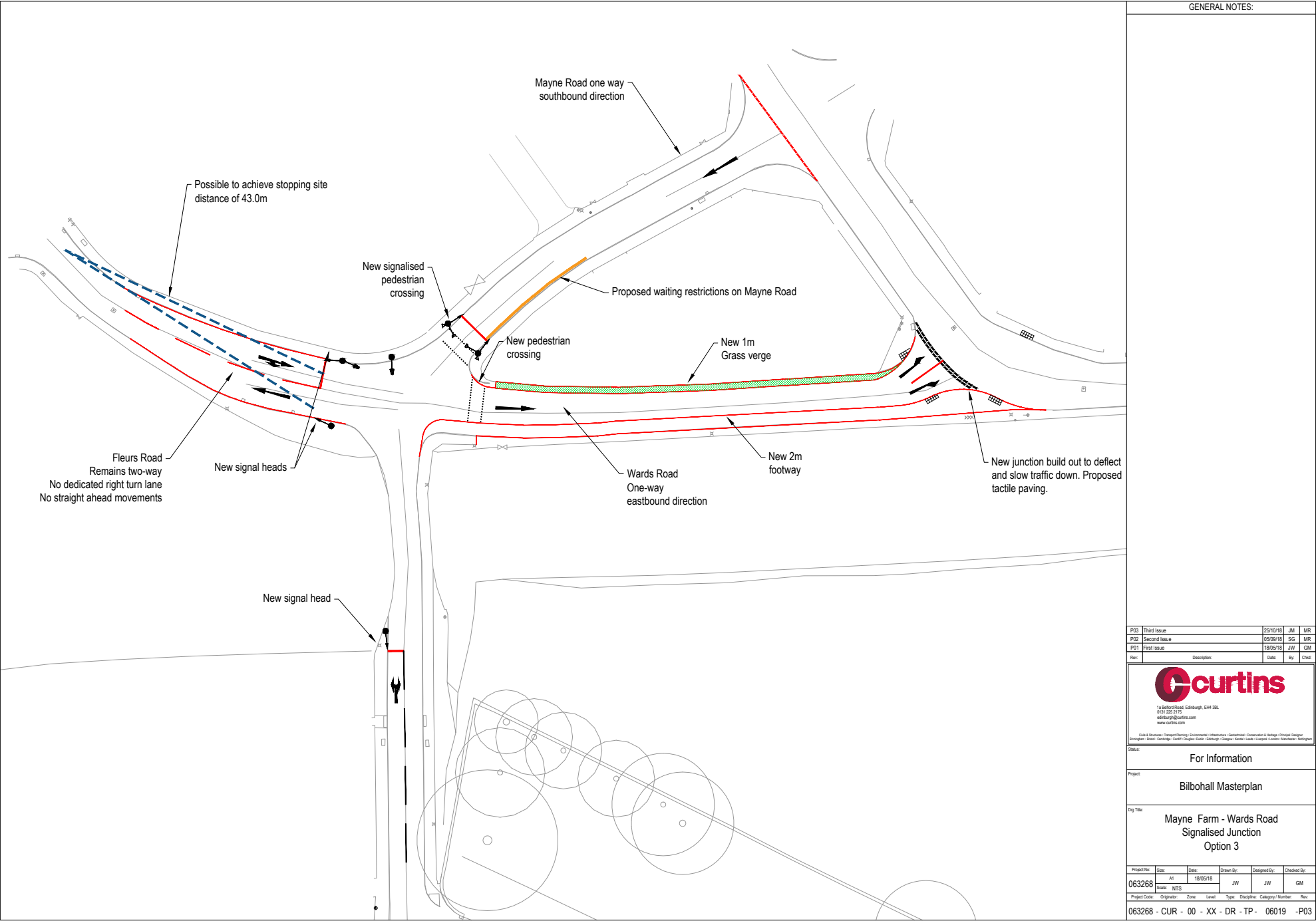
Option 1b

- An alternative to Option 1a, with the exception of Fleurs Road layout, which caters for two-way traffic, allowing a direct access to Bilbohall Road from the west.

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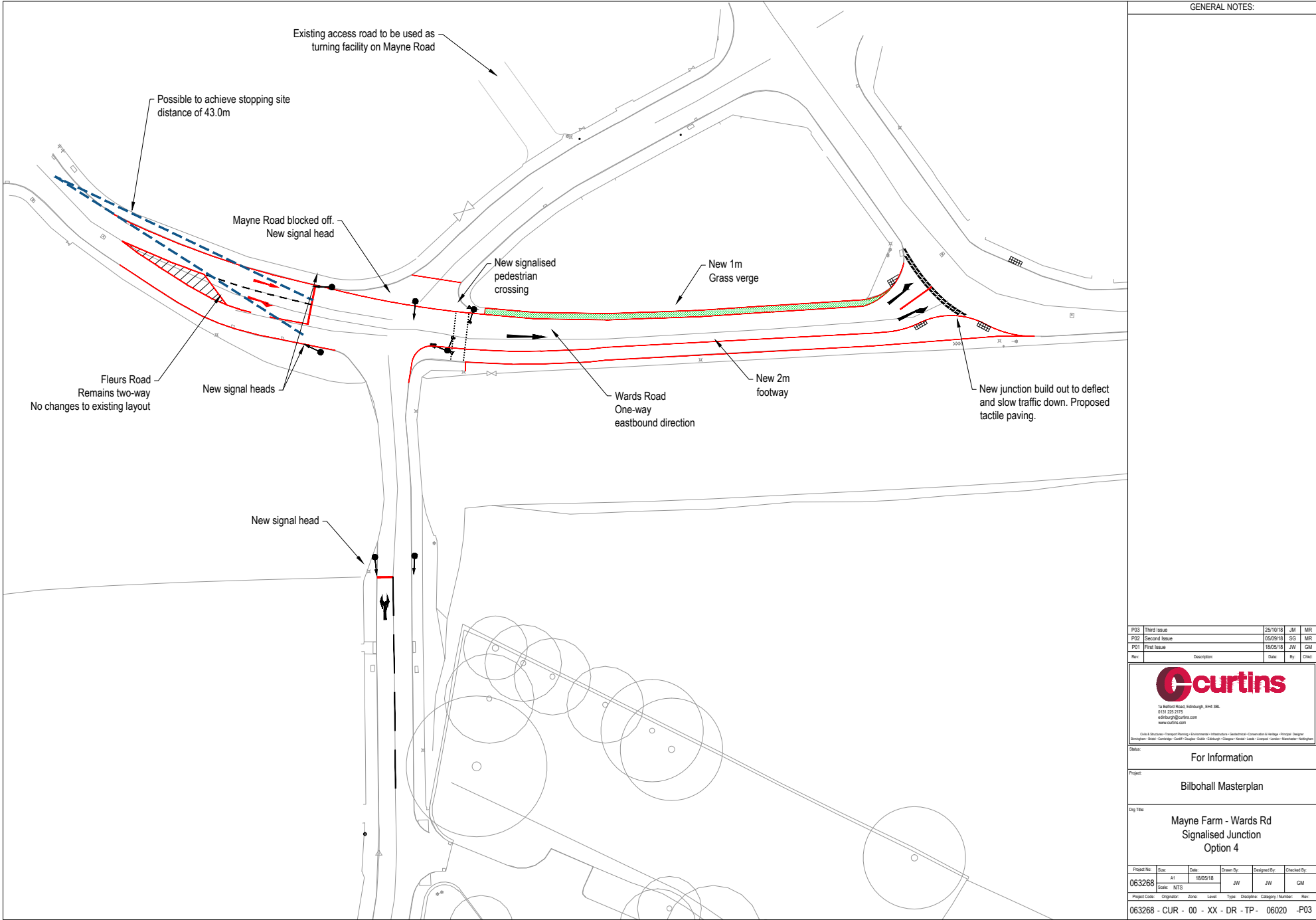
Page 261

Bilbohall Masterplan
pg. 69



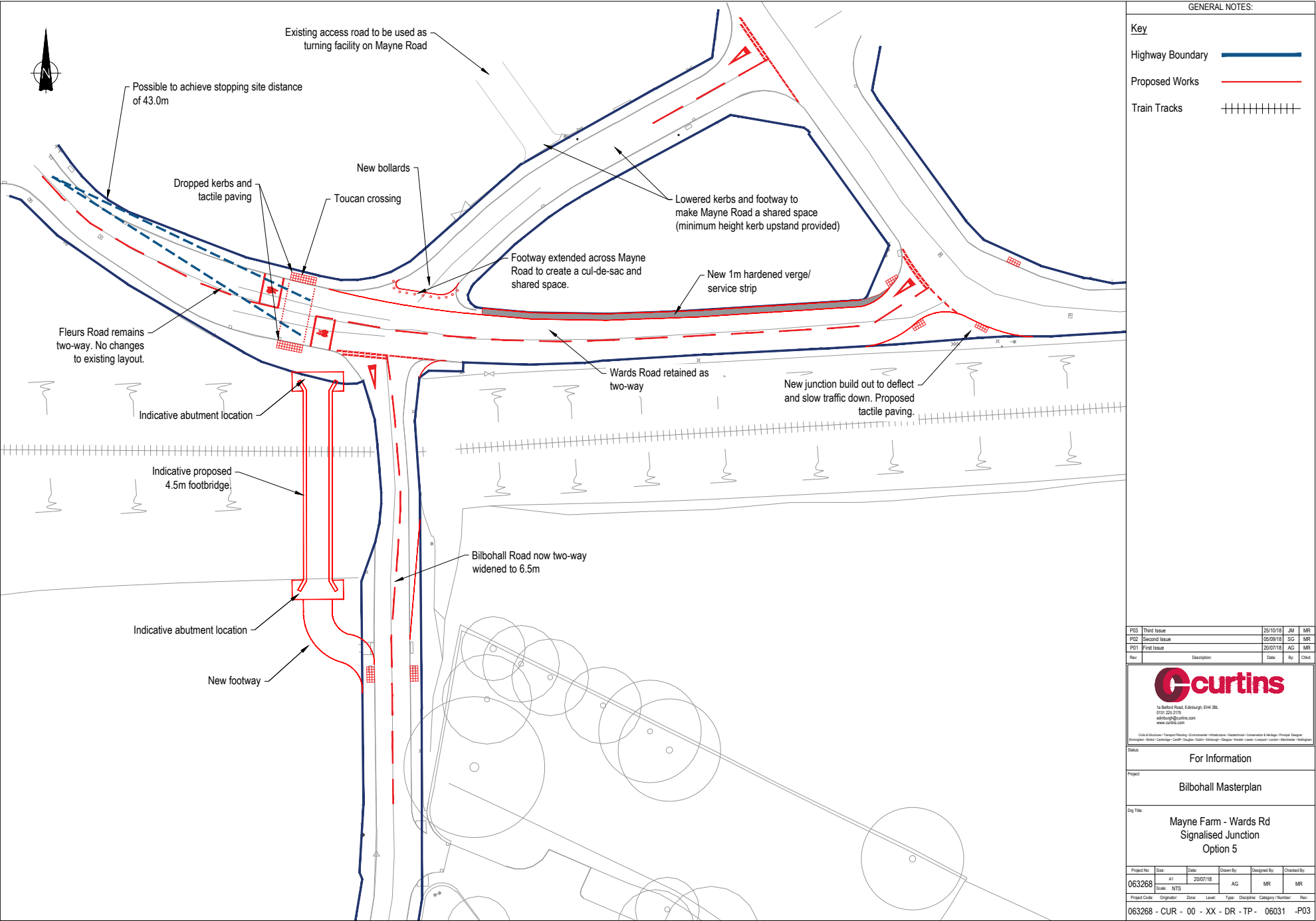
Option 3

- The Wards Road / Bilbohall Road / Fleurs Road / Mayne Road would be signal-controlled, with signal heads controlling traffic on all arms except Mayne Road, which would be exit (from the junction)-only;
- Two traffic heads for each arm would be installed to minimise the extension of the intervisibility area;
- The stop line on Bilbohall Road would be located to the south of the bridge over the rail tracks, as there is not enough width to accommodate two-way traffic at the same time and also a footway;
- Wards Road would be a one-way (eastbound) road with two lanes for turning left (Wittet Drive) or right (Wards Road) at its easternmost end, while Fleurs Road would remain as a two-way road with no dedicated turn lanes and with the left movement not permitted;
- This means that traffic from Fleurs Road and Bilbohall Road driving northeastbound would need to slightly detour via Wittet Drive and Wards Road, as Mayne Road would not be available for them;
- Mayne Road would be a one-way road (southwestbound);
- New 2m wide footway and 1m wide grass verge to be built along the southern and northern sides of Wards Road respectively;
- A new build out on Wards Road to the west of the junction with Wittet Drive would be installed to deflect and slow traffic down; and
- New pedestrian crossings would be installed on Wards Road (signalised) and Mayne Road (informal) around the junction between them and also on Wards Road and Wittet Drive (both informal) around the junction between them.



Option 4

- The Wards Road / Bilbohall Road / Fleurs Road would be signal-controlled, with signal heads controlling traffic on all arms;
- Two traffic heads for each arm would be installed to minimise the extension of the intervisibility area;
- The stop line on Bilbohall Road would be marked to the south of the bridge over the rail tracks, as there is not enough width to accommodate two-way traffic at the same time and also a footway;
- Wards Road would be a one-way (eastbound) road with two lanes for turning left (Wittet Drive) or right (Wards Road) at its easternmost end, while Fleurs Road would remain as a two-way road with a dedicated right turn lane;
- Mayne Road would be blocked off and therefore could not be accessed via Wards Road / Bilbohall Road / Fleurs Road junction, only through Wittet Drive; the existing back alley off this road would be used as a turning head for long-size vehicles;
- The back alley is not a public road and although it is considered to be adequate to be used as a turning head, Moray Council may require upgrading it to adoption standards and adopting the 12m-long section of back alley immediately to the west of Mayne Road;
- This means that traffic from Fleurs Road and Bilbohall Road driving northeastbound would need to slightly detour via Wittet Drive and Wards Road, as Mayne Road would not be available for them;
- New 2m wide footway and 1m wide grass verge to be built along the southern and northern sides of Wards Road respectively;
- A new build out on Wards Road to the west of the junction with Wittet Drive would be installed to deflect and slow traffic down; and
- New pedestrian crossings would be installed on Wards Road (signalised) around the junction with Fleurs Road and Bilbohall Road and also on Wards Road and Wittet Drive (both informal) around the junction between them.



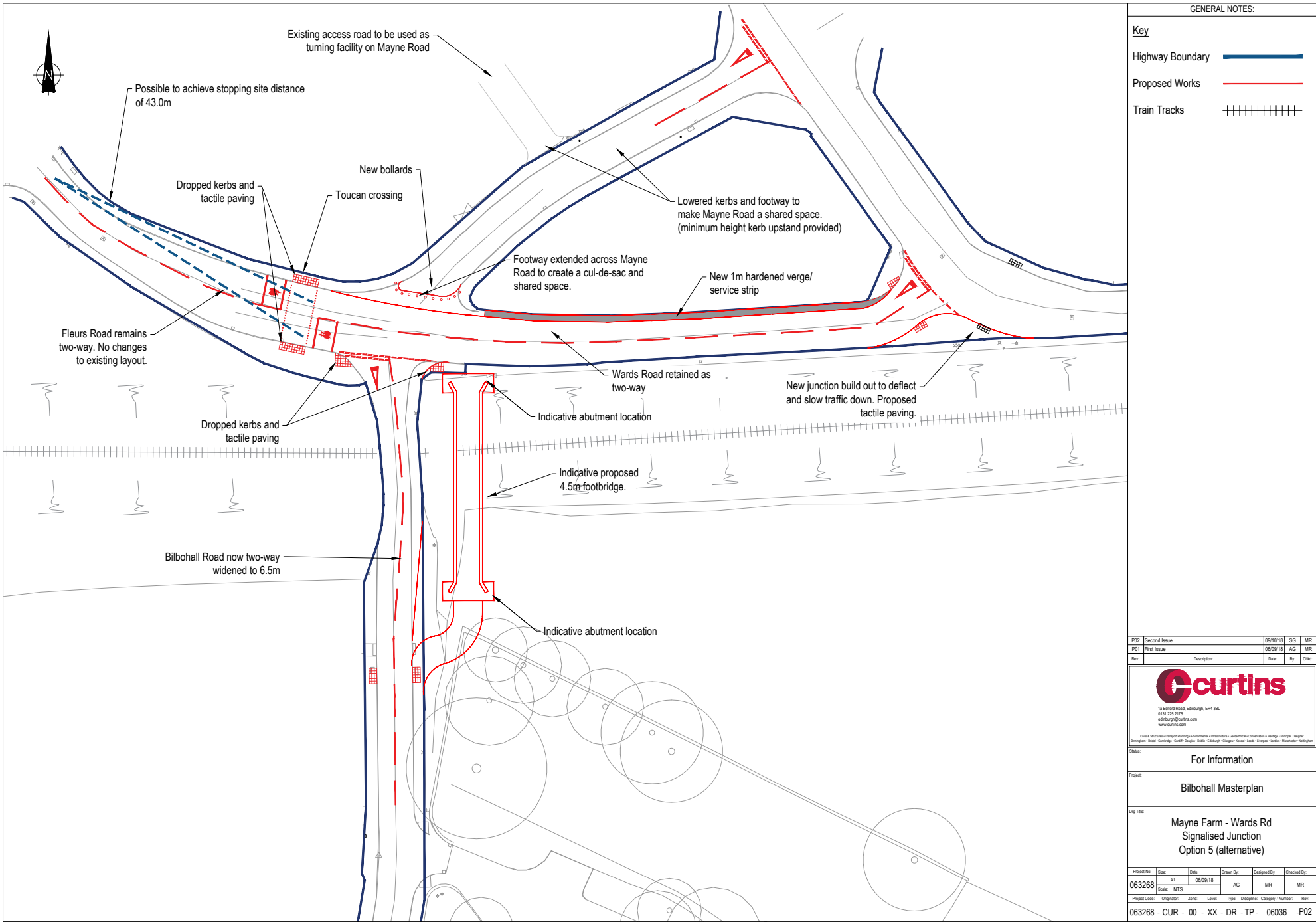
Option 5

- The Wards Road / Bilbohall Road / Fleurs Road would be a priority T-junction, with Bilbohall Road being the minor arm.
- The give way line on Bilbohall Road would be installed at the junction with Wards Road and Fleurs Road as the footway on the existing bridge over the rail tracks would be removed, allowing two-way traffic to drive at the same time along the bridge;
- Wards Road and Fleurs Road would remain as two-way roads;
- Mayne Road would be blocked off and therefore could not be accessed via Wards Road / Bilbohall Road / Fleurs Road junction, only though Wittet Drive; the existing back alley off this road could be use as a turning head for long-size vehicles;

- The back alley is not a public road and although it is considered to be adequate to be used as a turning head, Moray Council may require upgrading it to adoption standards and adopting the 12m-long section of back alley immediately to the west of Mayne Road;
- Mayne Road would have lowered kerbs to the minimum permitted to make it a shared space;
- This means that traffic from Fleurs Road and Bilbohall Road driving northeastbound would need to slightly detour via Wittet Drive and Wards Road, as Mayne Road would not be available for them;
- A new pedestrian/cycling bridge would be built over the rail tracks, which would be for active travel; it would have 4.5m in total width with 3.5m available width to the inside of the bridge

parapets;

- New 1m hardened strip to be built along the northern side of Wards Road, while the southern side will not be provided with a footway;
- A new build out on Wards Road to the west of the junction with Wittet Drive would be installed to deflect and slow traffic down; and
- New pedestrian crossings would be installed on Fleurs Road (signalised – potentially TOUCAN) around the junction with Wards Road and Bilbohall Road, on Bilbohall Road to the south of the existing bridge to connect the new pedestrian bridge with the footway on the eastern side, and on Wittet Drive and Wards Road (both informal) around the junction between them.



Option 5 (alternative)

- There is an alternative Option 5 where the new pedestrian/cycling bridge over the rail tracks would be constructed the east of the existing bridge and not the west. It would also have 4.5m in total width with 3.5m available width to the inside of the bridge parapets; and
- As the new signalised pedestrian crossing to be installed on Fleurs Road would still be built to the west of Bilbohall Road, but the pedestrian bridge would be to the west, a new informal crossing would be needed on Bilbohall Road to allow pedestrian to safely cross the road when walking between the two facilities; and
- The rest of the elements would be similar to the 'original' Option 5 proposed.

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Appendix 2	Summary of Representation to Draft Bilbohall Masterplan and Planning Authority's Response
Body or person(s) submitting a representation:	
<p>Ms Carlyne Anderson Mr Keith Anderson Mr R & Mrs S Badenoch Mr Mike Banks Mr Chris Britton Mr B & Mrs S Cassidy Ms Lorna Cruickshank Mr Ross Cruickshank Mr Ian Davidson Mr Josh Davidson Elgin Community Council Fairfield Residents Association Dr Rafik Hamdy Mr D & Mrs A Jess Mr Cooper Long Mrs Denise Long (2) Mr Oliver Long Mr Peter Long (2) Mr Samuel Long Mr David MacBeath Mr G & Mrs S MacKenzie Mr Craig Macmillan</p>	<p>Mr Stewart Mitchell Ms Fiona Osunrinade Mr A & Mrs E Rae Miss Jennifer Rae A R & S E Smith Ms Lynne Strachan Mr Bill Stewart Ms Jennifer Stewart Mr Konrad Wallach Mr M & Mrs J Wilcox Mr Jay Wright Ms Sofie Wright Historic Environment Scotland Network Rail RSPB Scottish Natural Heritage Scottish Water SEPA Stagecoach North Scotland Transport Scotland</p>
Planning Authority's summary of the representation(s):	
<p>Housing</p> <p><u><i>Affordable Housing</i></u></p> <p>Ms Carlyne Anderson Objects to number of low cost houses. Suggests relocating affordable housing to high school area to increase distance between existing properties in Fairfield Avenue and proposed one storey houses (Block E, formerly Block D in draft Masterplan) of the development. Alternatively suggests using the earth moved from the development to build up the hill (site R3) thereby creating separation between private and affordable houses.</p> <p>Mr Chris Britton A high percentage of affordable homes are proposed (60% of over 300 homes). Normally only 25% of developments must be affordable. The recent Hamilton Gardens development has very little affordable housing provision.</p> <p>Mr B & Mrs S Cassidy, Mr Josh Davidson, Mr Ian Davidson Considers that Scotia's perceived request to have their proportion of affordable housing relocated to the site to the rear of Fairfield Avenue (R3) is unacceptable.</p> <p>Mr Josh Davidson, Mr Ian Davidson Considers it incongruous that private development has 25% affordable housing whereas development to the rear of Fairfield Avenue is 100% affordable housing and suggests a more appropriate mixture should be sought. Cites difficulties encountered with Little Canada.</p>	

Elgin Community Council

Cites interest in genuine integration of private, social and affordable housing and accept this may be difficult so 'tenure blind' integration is a welcome aspiration. Seek clear definition of affordable housing in LDP and applied to Bilbohall, capable of adjusting to changing circumstances, and being clear to both developers and the public as to what is required to be provided in any housing development.

Fairfield Residents Association, Mr Bill Stewart, Ms Jennifer Stewart

Concerned about impact on quality of life of existing residents given level of affordable housing proposed. Proposes that the right amount and right mix of housing should be built for the area to keep everyone safe.

Fairfield Residents Association

Consider that there are too many low cost/affordable houses in one area and these are located too close to Fairfield Avenue. This will devalue properties and spoil the outlook of the area. Cites that over 75% of the total development will be affordable as opposed to 25% in other developments. Suggests that the area that will accommodate the majority of affordable housing should be accessed via one road onto Edgar Road rather than over the bridge. Consider that the amount of low cost housing should be reduced and located further away from Fairfield Avenue so that it looks better and less cluttered and does not devalue Fairfield Avenue properties.

Do not support 3 storey flats that are either local cost or affordable at the Firs (site OPP7). Suggest this should be a courtyard of private houses to keep the look and value of the Fairfield Avenue housing estate. These properties should have their own access and the small road leading to the Fairfield Avenue housing estate should be closed.

Ms Fiona Osunrinade

Acknowledges need for affordable and social housing however, queries the disproportionate split between private and affordable housing in the proposed development as opposed to other developments. Queries the percentage of affordable homes provided in Hamilton Gardens.

Mr A & Mrs E Smith

Concerns about Robertson Homes not fulfilling their requirement for the provision of 8 affordable homes as part of the Fairfield Avenue development and seeks assurances that developers of Bilbohall cannot avoid building much needed affordable homes. Considers that Robertson Homes should be prevented from building further homes until they provide their affordable housing obligation on-site.

Accessible Housing

Elgin Community Council

Would like to see developers asked at outset to consider designing as many houses as possible to be accessible (above the current 10% requirement) so as to minimise the number of adaptations required for the ageing population. Consider that one bedroom houses are no longer suitable for social needs.

Mr Stewart Mitchell

Suggests that housing for older people should be more integrated within the development.

Privacy and Overshadowing

Ms Carolyn Anderson, Mr Konrad Wallach

Development will intrude on the privacy of properties in Fairfield Avenue. Considers that the

reduction in height of properties in Block D (Block E in final Masterplan) will still impact on privacy.

Mr Chris Britton

Development will intrude on the privacy of properties on the south side of Fairfield Avenue. Queries the distance between the rear boundary fence of the properties along Fairfield Avenue and Block D (Block E in final Masterplan) and asks for clarification of the distance between rear gardens. Suggests the removal of Block D (Block E in final Masterplan) entirely.

Elgin Community Council

Cite that the height of building is a concern to adjacent residents due to overlooking issues. Welcome that original plans have been amended to take account of these concerns.

Fairfield Residents Association

Suggests that the mound on the hill to the rear of Fairfield Avenue (site R3) should be removed so that the houses do not sit as high and that the majority of these houses should be located at the top end (south) of the field so that they are located further away from Fairfield Avenue.

Mr Peter Long, Mrs Denise Long, Mr Oliver Long, Mr Samuel Long, Mr Cooper Long

Concerns about time period required for screening to rear of Fairfield Avenue to develop. Suggests relocation of bungalows to rear of Fairfield Avenue.

Mr Mike Banks, Mr Peter Long

Development will impact on the privacy of properties on Fairfield Avenue. Considers that existing residents should be treated as a priority. Suggest removal of properties to rear of Fairfield Avenue (Block E, formerly Block D in draft Masterplan) and replacement with open space and that buffer strip needs to be widened. Concerns about proposed height of development at the former hospital/day care centre (OPP7 The Firs) as this compromises the privacy of existing residents. Suggest that existing residents should be treated with sympathy and priority.

Mr David MacBeath

Objects to further development within the grounds of the Firs (OPP7) due to potential overlooking and that a premium has been paid for properties in Fairfield Avenue. Suggest any development should remain on the site of the existing buildings. Concerns about position and elevation of building to the rear of Fairfield Avenue resulting in overlooking of existing properties. Objects to bus route or bus stop being situated next to Fairfield Avenue due to the potential for overlooking into back gardens of Fairfield Avenue properties.

Mr G & Mrs S MacKenzie

Concerns about overlooking and in particular, privacy of children in existing properties.

Ms F Osunrinade

Welcomes reduction in height of properties to rear of Fairfield Avenue (Block E, formerly Block D in draft Masterplan) and second buffer of trees as this will partially alleviate overlooking issues.

Mr M & Mrs J Wilcox

Considers that privacy and sunlight to existing houses and gardens will be impacted upon given gradient of the field to the rear of Fairfield Avenue and proximity of proposed bungalows.

Mr Craig Macmillan

Strongly objects as development will block out sunlight during the winter months to properties in Fairfield Avenue. Considers that this will lead to higher energy costs. Suggests the relocation of

properties to the rear of Fairfield Avenue (Block E, formerly Block D in draft Masterplan) around the hill onto the proposed open space to prevent overlooking or overshadowing issues for existing properties.

Design and Density

Ms Carlyne Anderson

Queries increase in numbers from 75 to 100 on site R3 and that previous plans related to the western link road had an area unsuitable for development.

Mr Ross Cruickshank

Concerns about volume of houses proposed and that proposed development is not in keeping with existing area, in appearance, style or substance.

Mr Josh Davidson, Mr Ian Davidson

Cites increase in numbers for site R3 from indicative capacity of 75 units in MLDP2015 to 100 in the draft Masterplan.

Fairfield Residents Association

Consider that the Council need to rethink the design of the development in terms of the size and amount of houses, the access, bridge and design of the roads so that it is more attractive, with less houses and nicer finishes, more planting and grass, and more separation between the different areas.

Local Development Plan and Principle of Development

Mr Chris Britton,

Does not consider that there is sufficient need or demand for further housing development given existing developments in and around Elgin.

Elgin Community Council

Consider that any benefits to this development from documents currently under discussion (e.g. LDP2020, Elgin Transport Strategy, A96 dualling) are incorporated into the Masterplan at a later date, when available.

Mr Konrad Wallach

Objects to principle of development to rear of Fairfield Avenue as previous plans did not show development to rear of all properties when property was purchased. Considers that draft masterplan contradicts principles of Moray LDP 2015.

Flooding and Drainage

Ms Carlyne Anderson, Mr Ken Anderson, Mr Chris Britton, Ms Lorna Cruickshank, Mr Josh Davidson, Mr Ian Davidson, Fairfield Residents Association, Mr Peter Long, Mrs Denise Long, Mr Bill Stewart, Ms Jennifer Stewart, Ms Lynne Strachan, Mr Jay Wright, Ms Sofie Wright

Concerns about the development causing water run-off into the rear gardens of Fairfield Avenue properties.

Ms Carlyne Anderson

Drainage and flood risk do not appear to have been taken account of as the Council wants to build on floodplains. The gardens and surrounding areas of Fairfield Avenue are sodden with lying water after heavy rainfall. Fairfield Avenue properties cannot be extended due to the unsuitability of the ground.

Mr Ken Anderson, Mr B & Mrs S Cassidy, Ms Lorna Cruickshank, Mr Josh Davidson, Mr Ian Davidson, Fairfield Residents Association, Mr D & Mrs A Jess, Mr Peter Long, Mrs Denise Long, Mr Oliver Long, Mr Samuel Long, Ms Fiona Osunrinade, Mr A & Mrs E Rae, Miss Jennifer Rae, Mr Bill Stewart, Ms Jennifer Stewart, Ms Lynne Strachan, Mr Jay Wright, Ms Sofie Wright

Seek guarantees that properties in Fairfield Avenue will not be subjected to adverse effects of flooding that may arise from the proposed development, and queries who is responsible if flooding does occur. Seek evidence of SEPA reports and test holes.

Considers that wetlands cannot absorb an infinite amount of water run-off from the proposed development.

Mr R & Mrs S Badenoch

Concerns about adequate drainage given hard standing and impact on surface water run-off. Seeks assurances that drainage will be able to cope in lower lying areas and that existing properties will not be flooded.

Mr Ross Cruickshank

Concerns about the impact of the proposed development on drainage.

Mr Josh Davidson, Mr Ian Davidson

Understands that there is a 1 in 200 year guarantee on a flood plain and that properties at the end of Edgar Road near Cedarwood fall into this category. Seeks assurance that these properties are safe. Suggests that the majority of Bilbohall is not fit for purpose in terms of an extensive housing development and the numbers need to be reduced.

Queries capacity of current pumping system in Fairfield Avenue/Sunnyside Way and whether this will be able to cope with the increase in housing numbers.

Elgin Community Council

Considers that the draft Masterplan lacks clarity on whether the development will be entirely flood free nor that it will have no effect on flooding of surrounding parts of Elgin. Suggests drainage via Tyock Burn, by surface flows or by soakaways must not increase any flood risk to properties on Edgar Road or other adjacent low-lying properties.

Dr Rafik Hamdy

Concerns about the development causing water run-off and repeated flooding for the residents of Fairfield Avenue. Cites that the land is already saturated with an existing negative impact on gardens, grass and house settlement.

Mr Peter Long, Mrs Denise Long, Mr Oliver Long, Mr Samuel Long, Mr Cooper Long
Mayne Road Farm is flooded after a rain shower which is caused by surface water roll off.

Mr G & Mrs S MacKenzie

Concerns about adequate drainage and filtration given the land is boggy. Suggests levelling the hill (site R3) and seeks guarantees that the drainage and soakaway systems are adequate.

Mr A & Mrs E Smith

Concerns about flooding at Mayne Farm Road and Knockmasting Wood (site R12) despite flood alleviation scheme being in place.

Mr M & Mrs J Wilcox

Concerns about increasing hard standing and impact on surface water run-off. Seeks clarity on further tests that were to be carried out and questions why the site is suitable for development now when it was deemed unsuitable in 2004.

Ms Lorna Cruickshank, Mr Jay Wright, Ms Sofie Wright

Concerns about the 'marsh' land around Fairfield Avenue coping with additional development.

Mr Konrad Wallach

Objects to development as past documents have stated increase in potential flooding that will put property at risk. Cites Moray Local Development Plan Assessment dated 22nd August 2012 in that the conclusion states that Knockmasting Wood (part of the development site) 'raises a number of environmental concerns' and identifies the site as being at risk of flooding. Report on Integration of New Development into the Landscape for Elgin (May 2005) which shows the area of the proposed development states that "There are no sites appropriate for development in landscape terms within the Level Flood Plain area. It is noted that this area might also be inappropriate due to potential flood risk, the dynamics of which are also part of its landscape character". Queries what has changed, and suggests that new flood prevention scheme has moved the potential flooding area up river to the vicinity of the proposed development increasing the likelihood of flooding. States that Moray Local Development Plan 2015 sets out the need for a detailed flood risk assessment for the whole site, including sewer flooding.

Scottish Water

Advises that Water and Drainage Impact Assessments may be needed for some or all of the sites and where network mitigation is identified following these assessments, upgrade works must be funded and carried out by developers and that Scottish Water can contribute to upgrade works via Reasonable Cost Contributions. Advises that modelling work for Elgin currently being undertaken will provide data for assessing the impact of the development and identifying any mitigation that may be required to support the development.

SEPA

SEPA have no objection to the draft Masterplan or updated Flood Risk Assessment and Preliminary Drainage Strategy. SEPA request that two amendments are made to the draft Masterplan: Section 6.1.4 is renamed from SEPA and that the corresponding first sentence amended from 'SEPA will require ...' as these are not just SEPA requirements; and, Section 6.1.4 and first sentence is reworded to 'Developer Environmental Requirements or Developer Requirements' with all assessments/requirements of the masterplan detailed here to provide clarity. SEPA support Flood Risk Assessments for the sites set out in the Masterplan, but only have specific flood risk issues for site R12 on which a Flood Risk Assessment is a requirement for a planning application.

Transport Infrastructure

Road Network Capacity and Traffic Calming

Ms Carolyn Anderson

Considers that the development will cause traffic issues that have not been taken account of through the masterplan.

Mr B & Mrs S Cassidy

Seeks guarantees that infrastructure will be able to cope with proposed development. Queries calculations on traffic impact and whether consideration has been taken of 3 approach directions on the north side of the railway bridge.

Mr Ken Anderson, Fairfield Residents Association, Mr D & Mrs A Jess, Mr Bill Stewart, Ms Jennifer Stewart, Ms Lynne Strachan

Seek guarantees that infrastructure will be able to cope with the proposed development. Considers that traffic calming measures proposed to slow down traffic will create traffic jams at the railway bridge as this is the natural choke point.

Fairfield Residents Association

Considers that the bridge and road are too narrow and that a bottle neck will be created. Query how development can be permitted when further traffic was not allowed over the bridge in the past and development by Robertson's was prevented until a new access was formed.

Mr Ken Anderson

States that the choke point at the bridge leads to one of 3 junctions leading to Edgar Road or Wittet Drive and considers that the volume of traffic will lead to very long queues that will block the roads for existing residents and increase the risk of access for emergency vehicles.

Mr R & Mrs S Badenoch

Concerns about the capacity of transport infrastructure to cope with the proposed development.

Mr Ross Cruickshank

Concerns about increase in traffic caused by proposed development and that the bridge is not capable or structurally sound to support a 10 fold increase in traffic. Suggests that despite traffic calming measures and the provision of an alternative access onto Edgar Road, that people travelling north or onto the A96 to Inverness will continue to use the bridge.

Mr Josh Davidson, Ian Davidson

Seeks guarantees that infrastructure will be able to cope with proposed development. Queries the calculations that have been made to calculate the impact on the road network of increased traffic, particularly given there are three approaches on the north side of the railway bridge. Suggests the bridge and proposed junction is not fit for purpose. Considers that the impact of the increased traffic will have a knock on effect on Wittet Drive and access to the A96. Similar to the Western Link Road proposal, a detailed traffic management and impact scheme is required setting out how this will inevitably impact on traffic numbers in this part of the town.

Considers the footpath over the railway bridge to be a smokescreen to force three-way traffic over or through the current railway bridge. Queries the width of the bridge.

Mr B & Mrs S Cassidy, Mr Josh Davidson, Mr Ian Davidson

Suggests that development on site R12 Knockmasting Wood would be more easily accessed via an entrance on Pluscarden Road, thereby easing the choke point at the bridge.

Suggests the main access to the development should be from the High School area (Edgar Road) as there is no need to use the old railway bridge other than for existing Fairfield Avenue residents.

Elgin Community Council

Queries the capacity of the access bridge at Mayne Farm Road and considers that this should be improved at this stage, both to allow increased capacity across the bridge for the houses being developed, and to allow for the future electrification of the railway line, with the developers of the masterplan sites meeting much of the cost of improving the bridge as developer contributions. Considers that whilst a through routes offers resilience to the road network it is important that any

route through the site does not become a 'rat run' or attractive alternative route across the railway line from Palmers Cross or Wittet Drive to Edgar Road. Connectivity to the surrounding areas for active travel is also required.

Dr Rafik Hamdy

Concerns about capacity of bridge to cope with resident, farm and construction traffic. Considers that the traffic solution of signals will detrimentally impact on residents who may choose the alternative route to their houses. Suggests that the demolition of the bridge due to dual rail tracks will force everyone to use the small access to Edgar Road which is an oversight by the planners.

Mr D & Mrs A Jess

Seek evidence based report for traffic planning given bridge (choke point) is to allow for two-way traffic.

Mr Peter Long, Mrs Denise Long, Mr Oliver Long, Mr Samuel Long, Mr Cooper Long

Seeks guarantees that infrastructure will be able to cope with proposed development. Considers that the detailed studies for the masterplan do no offset the previous constraints placed on land at Bilbohall after the abandonment of the Western Link Road. Suggests that the railway bridge is a contentious and limiting factor due to integrity and width. Concerns about this natural choke point accommodating two-way traffic and limited visibility for drivers. Seeks evidence based report for traffic planning.

Mr Mike Banks, Mr Peter Long

Cites that no further development could (or would) access development via Mayne Road when property purchased. Considers that widening of this route will create a mini relief road (by-pass) north and south of the railway line with high potential for rat-running causing major noise pollution and a severe increase in traffic and congestion. Suggests road should be widened in field opposite Fairfield Avenue. Traffic calming measures will increase noise and pollution. Concerns about traffic management over the railway bridge as the immediate area is not capable of safely and efficiently handling traffic. Considers that there is no requirement to access the proposed development over the bridge and that all traffic generated by new development should access the site from Edgar Road to reduce traffic levels, avoid the creation of a mini relief road/bypass and address safety concerns.

Mr David MacBeath

Concerns about increase in traffic using the bridge and greater potential for accidents, and incompatibility with farm vehicles. Cites that Robertson Homes assured Fairfield Avenue residents that no further development would take place due to constraints on the bridge as it could not support any increase. Concerns about rat-running given current congestion, particularly when the level crossing is in place and that Mayne Farm Road is a cheap alternative to a relief road. Cites disappointment that the Wittet Drive relief road is no longer a strategic project for the Council given expenditure involved.

Mr Craig Macmillan

Concerns about choke point crossing at the railway bridge as previously set out in response to consultation held in November 2017.

Mr G & Mrs S MacKenzie

Concerns about high level of traffic creating a bottle neck when trying to access the main road network and associated safety issues. Queries main through road will have speed bumps to lower traffic speed. Suggests this is an alternative means of creating an access to the bypass.

Ms Fiona Osunrinade

Concerns about capacity of bridge to cope with increase in traffic and that two-way traffic will result in gridlock. Considers the angle of cars accessing the bridge and visibility. Queries traffic planning that has been carried out and whether parking will be made available for park and new football pitch. Concerns about whether the new footbridge will be suitable for children, dogs, prams, etc. and queries whether it will be similar to new railway bridges in Elgin and Forres train stations that have lift access.

Mr A & Mrs E Rae, Miss Jennifer Rae

Seeks guarantees that infrastructure will be able to cope with the proposed development. Cites that no further development would take place when property purchased as the bridge capacity was only for a maximum of 40 houses and would be unable to handle large volumes of traffic. Concerns about choking point at bridge restricting access to Fairfield Avenue. Concerns about parking associated with people visiting the children's play park and the impact on Fairfield Avenue. Queries evidence base report for traffic planning.

Miss Jennifer Rae

Queries stability and safety of bridge with increase in traffic.

Mr A & Mrs E Smith

Concerns about railway bridge being used as one of the main access points for the development. Despite proposal to widen bridge and provide separate footbridge, considers that the proposal has not been thought through properly. States that Robertson Homes development (site R1) was limited to 40 houses by Moray Council due to concerns about bridge capacity, poor visibility associated with junction of Mayne Road and Fleurs Road and safety concerns for pedestrians, and that an appeal by the Robertsons to the Scottish Government found in favour of the Council. Considers that the Council has done a U-turn. Bridge widening will not address the poor standard of access over the bridge because of the alignment and visibility of the Fleurs Road, Mayne Road and Wards Road junction created by boundary fences and hedges, and hump in the bridge exacerbated by high parapets which also restrict the view of pedestrians. Considers this to be a hazardous crossing point as pedestrians need to rely on hearing rather than sight. Concerned about width of bridge and inability for two HGV's to cross at the same time or HGV's, cars and farm traffic. Cites two collisions where bridge repairs were necessary. Suggests alternative route between existing railway bridge and river Lossie bridge along Pluscarden Road as this would give direct access to the development. Considers that proposed traffic calming is inadequate as this will not deter traffic using the road as a through route for commuting (rat running). Concerns about the negotiation of the staggered junction at the Wards Road and Glen Moray Drive with an increase in traffic and considers that this needs to be addressed to ensure road safety and avoid bottlenecks. Concerns about widening of bridge further increasing traffic given the Robertson Homes development (site R1) will be able to be completed.

Mr Konrad Wallach

Considers that the bridge is not capable of carrying the significant increase in traffic and will need replacing. Suggests the route would be used as a western link road and no traffic calming measures will deter motorists from using the route. Considers that the traffic calming suggested is misguided as the level of traffic during parts of the day will ensure the route will be used with busier times increasing safety concerns. Cites documents pertaining to Western Link Road; Scottish Government Directorate of Planning and Environmental Appeals states Western Link Road was the prerequisite for the development of site R3 and until provided 'vehicular traffic to R3 will not be permitted to use the Mayne Farm bridge to access the site'; and, MLDP2015 Site R3 designation text states that "the site is constrained until TSP3, 21, 22 and 24 can be provided together with connectivity to adjacent

development and routes to schools". Objects to development as documents indicate that development requires the bridge to be significantly improved or replaced, and if so, it will be viewed as an access routes to the west of Elgin.

Mr M & Mrs J Wilcox

Considers that the main route through the development has the potential to become one of the busiest roads in Elgin accessing the A96. Raises concerns about this shorter route becoming a link road as drivers will take this route given delays at level crossing on the Wards road. Considers that inadequate measures have been put in place to deter traffic.

Ms Lorna Cruickshank, Mr Jay Wright, Ms Sofie Wright

Concerns about increase in traffic exacerbating queuing at the bridge. Queries why the bridge is capable of further traffic when previously it was not and whether there will be traffic calming. Seeks evidence based report for traffic planning. Queries whether previous link road would be needed given increase in traffic.

Strategic Transport Modelling

Transport Scotland

Transport Scotland supports the planning objective to provide supplementary guidance in the form of an approved Masterplan to assist the delivery of six sites within the Bilbohall Masterplan area as identified in the LDP 2015. Transport Scotland provides detailed comments on the Strategic Modelling Report including that the scope requires to be agreed with Transport Scotland and the dualling of the A96 needs to be referenced in the modelling. Transport Scotland set out that the following issues need to be considered: the performance or safety of the strategic transport network needs to be fully assessed to determine the developments impact and the cost of any mitigation measures met by the developer; identification of any trunk road infrastructure improvements to be provided by the Bilbohall development to mitigate the impact; consultation with Transport Scotland by the Planning Authority on the planning application for Bilbohall and requirement for a TA to be undertaken in support of any major planning applications and for Transport Scotland to be consulted on the scoping of the Bilbohall TA. Transport Scotland set out that the Bilbohall Masterplan developer obligations should identify that the developer obligation do not include for mitigation of development impact on the trunk road network through Elgin and either the scale or operation of the proposed development may be restricted or infrastructure mitigation to offset the development impact on the A96(T) will require to be agreed through a TA which should be undertaken in support of the development proposals and implemented to the satisfaction of the Planning Authority, in consultation with Transport Scotland.

Safety Concerns

Mr Ken Anderson, Mr B & Mrs S Cassidy, Fairfield Residents Association, Mr Bill Stewart, Ms Jennifer Stewart, Ms Lynne Strachan

Concerned about children crossing the road to the play park and walking to school if bridge is to allow for two-way traffic. An evidence based impact report on traffic planning is required.

Mr Peter Long, Mrs Denise Long, Mr Oliver Long, Mr Samuel Long, Mr Cooper Long

Concerned about increasing traffic levels on a road that directly passes a children's play area particularly given pedestrian crossing point near the bridge. Considers that increasing traffic in this area is not safe.

Ms Carlyne Anderson

Concerned that people from outside the development will use the sports and recreational facilities leading to traffic and parking problems. Suggests that this is already a problem with people using the

existing play park.

Mr R & Mrs S Badenoch

Concerns about the safety of children using the access point over Mayne Farm Road with construction traffic, and ability of existing residents to access their properties with increased traffic and poor visibility over the bridge.

Mr David MacBeath

Concerns about parking for the park and football pitch and the associated impact on traffic and safety.

Mr G & Mrs S MacKenzie

Concerns about impact of pollution on child's health over construction period. Concerns about parking to access the proposed play park/football pitch and the safety implications given current parking issues. Queries whether a car park for the football pitch has been considered.

Mr A & Mrs E Rae

Concerns about safety of children attending schools with increased traffic levels.

Miss Jennifer Rae

Queries safety measures to be put in place around the play park.

Mr A & Mrs E Smith

Concerns about safety of pedestrians and children accessing the park given there is currently no parking provision and cars park on the road.

Mr M & Mrs J Wilcox

Concerns about safety of children attending schools and using the play park with increased traffic levels.

Ms Lorna Cruickshank, Mr D & Mrs A Jess, Mr Jay Wright, Ms Sofie Wright

Concerns about safety of children crossing the road to access the play park.

Mr Konrad Wallach

Concerns about the impact of increased traffic on child safety as route will become the unofficial western link road. Considers that proposed traffic calming measures are inadequate.

Public Transport

Elgin Community Council

Consider that the design must allow for buses to service the area.

Fairfield Residents Association

Consider that a bus route cannot be implemented.

Mr Stewart Mitchell

Considers that it is vital that public transport is provided.

Mr Jay Wright, Ms Sofie Wright

Concerned that a bus route will result in more traffic and congestion that the road network will be unable to cope with.

Network Rail

Network Rail has no comments as previous comments have been included in the draft masterplan.

Stagecoach North Scotland

Stagecoach North Scotland suggests a bus service would focus on the primary route through the development omitting the spur to the south (R4) and discourages the use of width restrictions on this route whilst seeking clarification on how through traffic will be dissuaded. Requests street trees are set back from the carriageway, on-street parking does not impede the flow of buses and that development is future proofed. Concerns about two-way traffic on the bridge and accommodation of buses. Seeks further clarification on proposed bus stops and offers assistance in detailed transport assessments.

Wildlife and Biodiversity

Scottish Natural Heritage (SNH)

Scottish Natural Heritage welcome their involvement in the masterplan throughout its preparation and consider that there are lots of different approaches to the provision of green and open space that will be beneficial for residents and wildlife. No further comments to make given previous comments have been incorporated into draft masterplan.

RSPB

RSPB welcomes consultation on draft masterplan and advises on measures to ensure the development supports wildlife and improves biodiversity such as bat friendly lighting, amphibian friendly kerbstones, swift boxes/bricks and nature friendly planting. Advises SUDS should be engineered to be wildlife friendly and renewables/sustainability built into the development.

Ms Carolyne Anderson

Concerns about the development having a detrimental impact on wildlife that currently use the fields identified for development.

Mr Ross Cruickshank

Concerns about detrimental impact on wildlife in the wetlands as they will be disconnected from the surrounding countryside.

Mr Ian Davidson

The existing buffer strip to the rear of Fairfield Avenue is frequented by roe deer who have freedom to roam with little danger from traffic.

Elgin Community Council

Considers that connectivity to the surrounding area for wildlife is required.

Dr Rafik Hamdy

Considers there will be a major effect on wildlife. Concerned about the displacement of wildlife or risk to residents and animals if they move into the existing development.

Mr Peter Long, Mrs Denise Long

Concerned that the final 'wildlife corridor' from the west (the Wards) will be cut off by the proposed development and destroy various habitats. Cites that the land to the west was previously considered unsuitable for development by Moray Council and was designated as a non-statutory wildlife site by Moray Council, SNH and the Wildlife Trust in 2002. At the time of designation, it was stated that 'wildlife corridors' were to be retained to and from the site, and this should be a key

consideration in future housing development. Cites that further protection was afforded through the Nature Conservation (Scotland) Act 2004. Considers that the site is an educational and community resource as well as a conservation area for endangered priority animals such as roaming roe deer, brown hare and breeding birds. Suggests that the Council no longer cares about the wildlife site with permission for the railway authority to remove planting on the northern boundary. Appeals for preservation of wildlife site and prevention of erosion of countryside, and that a proposed extension of the protected area is incorporated into any further housing development.

Mr David MacBeath

Queries whether an impact assessment has been undertaken to identify the effect of the development on bat safety and breeding.

Mr G & Mrs S MacKenzie

Concerns about the detrimental impact of the development on existing wildlife utilising the wetlands. Suggests there are alternative sites that could be built on with less impact on wildlife to create the Council's 'vision'.

Mr Craig Macmillan

Concerns regarding wildlife as set out previously to consultation held in November 2017.

Mr A & Mrs E Smith

Concerns about impact on wildlife, particularly roe deer, supported by the adjacent nature reserve. Considers that the development would enclose the nature reserve leaving no safe transit to ensure welfare and health of wildlife. Draft masterplan does not provide for transit of roe deer and wildlife corridors must take into account deer crossing roads to prevent accidents and loss of grazing.

Ms Lorna Cruickshank, Mr Jay Wright, Ms Sofie Wright

Considers the proposed development will have a significant adverse impact on the Wards Wildlife site and that measures have not been taken to minimise the impact and conserve the site. Concerns about the development blocking the free movement of wildlife from the wetlands to the surrounding countryside. Considers that it would be very sad if the Wards Wildlife site were put at risk due to development as it is a popular for walks and the only wildlife site in Elgin. Considers the proposed development is contrary to the Wards Management Plan.

Mr Konrad Wallach

Objects to proposed development due to detrimental impact on environment and wildlife. States that Strategic Environmental Assessment (SEA) November 2013 set out that site R12 Knockmasting Wood could have an 'impact upon habitats and species within the Wards'. Concerns about impact of development on roe deer as these are 'species of conservation concern' (UK BAP) and brown hare as these are afforded the status of 'priority species' (UK BAP) as set out in the Wards Wildlife Site Management Plan. Moray Council's Biodiversity Report 2015-2017 stated for the Wards Wildlife site it's 'importance in terms of natural heritage value and community benefit'. The Ward Wildlife Site Management Plan, Section 4, Current Factors affecting the Wards sets out that for Development Plan designations "It is important that 'wildlife corridors' are retained to and from the Wards Wildlife site and this should be a key consideration in the future development of the housing sites", and that the green corridor in the area behind Fairfield Avenue should be maintained by Moray Council.

Landscape, Green Space and Trees

Visual Impact

Mr K Anderson, Mr B & Mrs S Cassidy, Ms Lorna Cruickshank, Mr Josh Davidson, Mr Ian Davidson, Fairfield Residents Association, Mr D & Mrs A Jess, Mr A & Mrs E Rae, Miss Jennifer Rae, Ms L Strachan, Mr Bill Stewart, Ms Jennifer Stewart, Ms Lynne Strachan, Mr Konrad Wallach, Mr Jay Wright, Ms Sofie Wright

Cite that previous landscape study 'Integration of new developments into the landscape' (2005) outlined that the area was not suitable for development.

Dr Rafik Hamdy

Concerned that the proposed development will completely transform the scenery, a main attraction of the area and influencing factor in the purchase of properties. Concerned about the expansion of the settlement boundary.

Mr Stewart Mitchell

Suggests renewable energy options such as solar and thermal power ought to be mandatory in new builds.

Protection of Green Space

Elgin Community Council

Would like to see appropriate safeguards afforded to green space identified in masterplan to ensure these are not developed.

Trees

Mr Ross Cruickshank

Considers that the protected trees close to bridge (OPP7) will be disturbed by development and that root networks must cover a large part of the area thereby making it difficult to develop without causing damage. Does not think it is possible to construct the proposed development whilst protecting the trees.

Ms F Osunrinade

Welcomes second buffer of trees to help alleviate overlooking issues. Suggests intelligent planting of buffer to ensure trees are deciduous and provide all year round screening and are suitable for boggy conditions to help soak up excess water. Suggests planting starts imminently given time period for maturity.

Historic Environment

Historic Environment Scotland

No comments as the draft Masterplan is unlikely to impact on any of the designations within Historic Environment Scotland's remit (scheduled monuments and their setting, category A listed buildings and their setting and gardens and designed landscapes and battlefields and their respective Inventories).

Health, Education and Community Infrastructure

Mr Peter Long, Mrs Denise Long, Mr Oliver Long, Mr Samuel Long, Mr Cooper Long

No specific plans have been published on how education, health and social care will cope with an increase in housing.

Mr R & Mrs S Badenoch, Mr D & Mrs A Jess, Mr Konrad Wallach

Concerns about the capability of local school and health care facilities, which appear to be at

maximum capacity, to cope with the proposed development.

Mr D & Mrs A Jess

Queries whether contributions will be sought from developers to increase resources to support increase in population from this development and in Elgin as a whole.

Mr A & Mrs E Rae, Miss Jennifer Rae

Concerns about capacity of schools and GP practices to cope with increased numbers of pupils/patients. Suggests that consulting with the NHS is different to consulting with GP's and contests that GP's in the local area have not been consulted. Queries how these services will be provided if schools and GP practices are unable to accommodate the rise in numbers given the shortage of teachers and GP's.

Mr A & Mrs E Smith

Concerns about capability of medical facilities and schools to cope with additional demand given problems with recruitment. Concerns about the capacity of other community facilities (libraries, leisure centre, town hall, public toilets) to cope with increased demand given Council budget constraints.

Support for Development

Mr Craig Macmillan

Supports development apart from properties within Block D as this is considered to impact on the quality of life of existing residents.

Mr R & Mrs S Badenoch

Do not fully object to development as are aware of need for affordable housing but has concerns (as listed in summary of responses).

Mr A & Mrs Smith

States not against principle of new housing but consider that this must be carried out responsibly and sensitively.

General

Impact on TV Signal

Mr Craig Macmillan

Cites that the existing sky TV signal is weak for properties in Fairfield Avenue due to the topography of site R3, and concerned this will be completely lost due to the proposed development.

Property Devaluation/Loss of View

Mr Mike Banks, Mr Chris Britton, Mr Peter Long, Mr Bill Stewart, Ms Jennifer Stewart, Fairfield Residents Association

The value of properties will be reduced.

Mr G & Mrs S MacKenzie

Objects due to loss of view from south facing rear garden.

Crime & Anti-Social Behaviour

Mr David MacBeath

Queries whether the Council has considered the consequences of increased crime in the area, anti-social behaviour, underage drinking in the park and smashed bottles in the play area as this has been happening for some time. Reports from concerned homeowners to the police will verify this.

Purchase of Properties

Fairfield Residents Association

Suggest that Council should consider purchasing the properties of Fairfield Avenue at full market value in order to be able to do what they want.

Demolition Costs

Mr Ross Cruickshank

Considers that the demolition costs associated with the redevelopment of site OPP7 are unviable and that this is not value for money for the taxpayer. Suggests it would be more economical to develop on a 'clear' plot of land.

Replacement of Fencing

Mr B & Mrs S Cassidy, Mr Josh Davidson, Mr Ian Davidson

Seeks replacement of current wire fencing to a more substantial boundary treatment. Cites that the existing planted buffer zone is the property of Fairfield Avenue Housing Estate and is maintained at the cost of residents. This area is currently frequented by dog walkers.

Maintenance of Open Space

Mr Ross Cruickshank

Queries maintenance of open space given Council does not maintain common ground in new developments and limited Council funds. Queries who will pay the maintenance of 'affordable' properties; as the residents may not be able to. Suggests these areas will not maintain themselves.

Public Consultation

Mr Keith Anderson

Considers that there has been very little consultation with the existing residents of Fairfield Avenue and that development planning does not take the existing residents into account.

Mr B & Mrs S Cassidy, Mr Ian Davidson

Welcome that the Council has listened to comments with regards to overlooking by new properties and changes to the proposed height to single storey to the rear of Fairfield Avenue, and included a planted buffer zone.

Mr David MacBeath

Cites disappointment in public consultation as development will go ahead regardless. Suggest the Council rethinks their proposals.

Mr G & Mrs S MacKenzie

Considers that there has been very little consultation with the existing residents of Fairfield Avenue.

Quality of Life

Mr Ross Cruickshank

Considers that whilst development may need to take place, it should be the right development in the right location.

Mr B & Mrs S Cassidy, Mr Josh Davidson, Mr Ian Davidson

Considers that the proposed development will negatively impact on existing residents' quality of life

and seeks to minimise this. Welcomes that the Council has listened to comments regarding overlooking and reduced height of properties to rear of Fairfield Avenue and included a planted buffer zone.

Fairfield Residents Association, Mr D & Mrs A Jess, Mr Peter Long, Mrs Denise Long, Mr Oliver Long, Mr Samuel Long, Mr Cooper Long, Mr Bill Stewart, Ms Jennifer Stewart, Ms Lynne Strachan, Mr Konrad Wallach, Mr M & Mrs J Wilcox

States that a key principle of planning is 'A Quality of Life for all' which includes existing residents. Concerned that quality of life will be negatively impacted on as a result of the proposed development.

Fairfield Residents Association, Ms Fiona Osunrinade

Concern about the disruption caused during the construction phase on existing residents.

Dr Rafik Hamdy

Concerns about the impact of the development on quality of life in terms of personal and family safety, flooding, increased traffic, and transformation of the environment and scenery.

Mr Peter Long, Mrs Denise Long, Mr Oliver Long, Mr Samuel Long, Mr Cooper Long

Concerns about time period for construction particularly given private developer involvement. Suggest this may take longer if market conditions are not favourable.

Mr Mike Banks, Mr Peter Long

The proposed development is causing stress and anxiety to the existing residents of Fairfield Avenue and there is a general feeling that the sense of community is being sacrificed for additional housing. Considers that the existing residents of Fairfield Avenue will not be treated sympathetically and that the interests of the proposed development will take priority. Do not consider that the Council will listen.

Mr A Rae & Mrs E Rae, Miss Jennifer Rae

Concerns about impact of development on quality of life in terms of potential harassment, vandalism and fear inflicted by the behaviour of school pupils.

Mr A & Mrs E Smith

Concerns about noise pollution associated with construction over build-out period and impact on existing residents. Suggests that restrictions are placed on construction hours and that construction traffic accesses the development via Edgar Road subject to improvements to Wards/Edgar Road and Moray Drive junction before commencement.

Mr G & Mrs S Mackenzie

Concerns about environmental changes, pollution and disruption caused by proposed development on health of existing residents.

Ms Lorna Cruickshank, Mr Jay Wright, Ms Sofie Wright

Considers quality of life of existing residents will be detrimentally affected by the proposed development in terms of traffic issues, drainage and flooding, disruption due to construction, and an increase in number of people within the area which will bring noise and possible vandalism.

Planning Authority's response:

Housing

Affordable Housing

The provision of affordable housing is a key priority of Moray 2026: A Plan for the Future, the Local Housing Strategy (LHS) and the Moray Health and Social Care Strategic Plan 2016-19. The Housing Needs and Demand Assessment (HNDA) which has been afforded 'robust and credible' status by the Scottish Government identifies the Elgin Housing Market Area (HMA) as having the greatest need for affordable housing with approximately 63% of development requiring to be affordable over the period 2018-22. The level of affordable housing proposed (62% of total development) in the Bilbohall Masterplan is therefore more akin to the actual need than the 25% requirement stipulated in Scottish Planning Policy (SPP).

The sites being developed for affordable and private housing are determined to a large extent by land ownership. Discussion has taken place by the Consortium over potential land swaps. As set out in policy H8 Affordable Housing and associated Affordable Housing Supplementary Guidance the 25% affordable housing requirement pertaining to sites R4 and R12 will be integrated with private housing. It should be noted that the Affordable Housing Supplementary Guidance states that "there may be proposals for 100% provision of affordable housing and these will be acceptable as part of a wider mixed community and where all other relevant Local Development Plan policies are met". The Bilbohall development when considered in the context of the immediate vicinity is considered to create a wider mixed community.

The sites owned by the Council and Grampian Housing Association (GHA) are identified as key priorities for investment in the Strategic Housing Investment Plan (SHIP). The affordable housing will be provided in the form of social rented housing and low cost home ownership and the mix will meet the needs of a broad range of household types, including specially adapted accommodation for older and disabled people, mainstream family housing and flats for single people.

Robertson Homes have a historical agreement with Moray Council to provide the affordable housing requirement of 8 units attributed to site R1 (Fairfield Avenue) off-site, and this is to be provided within the Hamilton Gardens development currently under construction. Since the granting of planning consent for site R1, the policy on affordable housing has been significantly reviewed through subsequent Local Development Plans and the provision of affordable housing off-site will only be permitted in exceptional circumstances.

The definition of affordable housing will be included in the Housing Policy of the Proposed MLDP 2020.

Accessible Housing

Accessible housing will be provided in accordance with the MLDP 2015 policy H9 Accessible Housing which requires 10% of private units to be provided to wheelchair accessible standards, where 50% is to be provided as single storey. The number of units to be provided as single storey (bungalows) will increase from 50% to 100% through the new Housing policy in the Proposed MLDP 2020, and future development proposals will accord with this. The percentage of properties provided to wheelchair accessible standards is likely to be higher for housing developed by the Council to meet the needs set out in the HNDA 2017 and cater for Moray's ageing population. Accessible housing will be integrated within the Bilbohall development sites taking into account the proximity of public transport routes and access to facilities.

Privacy and Overshadowing

To reflect concerns raised during the initial consultation on the preferred option for the draft Masterplan the height of properties within Block E (formerly Block D) was reduced to single storey

and the length of rear gardens decreased to enlarge the buffer strip, which will be planted with trees, in the draft Masterplan. Further clarity is provided in the final Masterplan on the minimum distance of 40m between the rear elevations of properties within Block E and Fairfield Avenue which is double the distance of 20m between the front elevations of properties on Fairfield Avenue, and a minimum 15m wide buffer strip to be planted alongside the existing 10m buffer strip to the rear of Fairfield Avenue together with detail on tree species to ensure an overall maturity height of 10-12m, year-round foliage and coverage at understorey level. Section A-A (page 37) illustrates that despite the elevated position of Block E the privacy of properties on Fairfield Avenue will not be detrimentally impacted upon given the provisions that have been made through the final Masterplan.

The height of development within site OPP7 has been reduced from 3-storey in the draft Masterplan to 2-storey in the final Masterplan to reflect concerns raised about overlooking and privacy. Existing properties within OPP7 and Fairfield Avenue are 2-storey.

The location of the bus stop is a detailed matter that will be determined at planning application stage in consultation with the bus operating company.

It is not considered that the proposed development will restrict sunlight to existing properties given the provisions made in the final Masterplan in terms of reducing the height of development in Block E, separation distances between rear elevations, and that the existing planted buffer strip currently restricts sunlight to some degree.

Density and Design

Policy H1 Housing Land of the MLDP 2015 sets out that capacity figures for site designations are indicative and the proposed capacities will be determined by the characteristics of the site and conformity with other relevant policies of the Plan. The capacity of the sites within the Bilbohall Masterplan have been informed by detailed landform and topographic surveys, density levels in the surrounding area and a high quality design incorporating existing landscape features.

A variety of densities are provided in the Bilbohall Masterplan ranging from 20-25 units per ha (low) to 25-35 units per ha (medium) to 35-45 units per ha (high). This is comparable to density levels in the surrounding area of 42 units per ha (Heldon Place), 37 units per ha (Bardon Place), 29 units per ha (Hardhillock Avenue) and 21 units per ha (Connon Crescent) as shown on page 27 of the Masterplan.

Bilbohall is a landscape-led Masterplan that address the unique topography and mature landscape setting of the area. The Masterplan proposes a high quality development that is in accord with Scottish Planning Policy (SPP), Scottish Government policy Designing Streets and Creating Places, and the MLDP 2015 Policy PP3 Placemaking and associated Urban Design Supplementary Guidance. 51% of the total masterplan area is proposed as high quality, multi-benefit open space which is 21% above the minimum requirement of 30% for developments of 201+ residential units as set out in policy E5 Open Space of the Moray Local Development Plan 2015.

Local Development Plan and the Principle of Development

The principle of residential development at Bilbohall has been established for some time. Sites R3 and CF2 along with R1 were allocated in the Moray Local Plan 2000, site R4 was allocated in the Moray Local Plan 2008 and site R12 in the Moray Local Development Plan 2015. Extensive public consultation was carried out during the preparation of each Plan. When purchasing a property, it is the responsibility of the individual to undertake research into development planned in the vicinity. The Council are not responsible for information provided by third parties. Copies of the LDP are

readily available on the Council's website and in local libraries.

The Masterplan will be updated to reflect the adoption of the Moray Local Development Plan 2020 and other relevant documents in due course.

Scottish Planning Policy (SPP) requires planning authorities to identify a generous supply of land for housing through allocating a range of sites to provide choice and ensure deliverability, and to plan for a 20 year period. 7115 units (HNDA baseline of 5473 units plus 30% generosity 1642 units to ensure a good supply of land is available) over the period 2018 to 2035 or 395 units per annum is required to meet need and demand for housing in Moray. This is not evenly distributed throughout the period with 424 units per year required between 2018 and 2022 to meet existing housing need. Whilst a number of larger developments have been recently consented in Elgin these cannot deliver the level of housing required to meet need and demand or satisfy SPP in terms of providing choice.

Flooding and Drainage

Additional technical studies have been carried out as part of the preliminary Drainage Strategy and Flood Risk Assessment to assess pre-development and post-development run-off rates and ensure that adequate storage is provided in order that a 1 in 200 year event plus climate change can be contained and managed on-site. This has included an analysis of catchments, discharge rates and volumes. The strategic flood risk assessment and preliminary drainage strategy form an appendix to the final Masterplan.

The Flood Team are satisfied that surface water from the development can be adequately discharged without causing flooding problems in the immediate vicinity or further downstream. Run-off produced from the proposed development will be dealt with as part of the detailed drainage design which will be assessed at the planning application stage to ensure there will be no increase in flood risk to the Tyock burn. As with all new developments, the proposed drainage strategy will be subject to scrutiny as standard and will be undertaken in accord with planning policy requirements, best practice guidelines and Moray Council Flood Risk and Drainage Advisory Note. Further testing including groundwater monitoring and infiltration testing will be undertaken at the detailed planning application stage by the developer.

SEPA's flood map shows that the masterplan area is not within a fluvial flood plain and there is no fluvial flooding across the masterplan area. SEPA have no objections and the suggested amendments to text have been incorporated into the final Masterplan. Further clarity has been provided in the Masterplan at Section 4.6 on the Drainage Strategy and Surface Water Treatment Train.

SEPA's flood map identifies some surface water flooding across the development site which is generally due to low lying areas. Surface water issues will be taken into consideration in the detailed drainage design at the planning application stage. Drainage from the proposed development does not depend on the wetland and the majority of surface water produced will be discharged to the Tyock burn at a rate that currently occurs, using storage within the development to restrict this rate.

The final Masterplan sets out that gravity sewers will be used, where possible, to pump foul drainage from the development, but that due to distances involved additional pumping station(s) may be necessary. Scottish Water has no objection to the final Masterplan and advises that where network mitigation is identified the upgrade works must be funded and carried out by the developer. Scottish Water are currently undertaking modelling work for Elgin which will provide further detail on any mitigation required to support the development.

Transport Infrastructure

Road Network Capacity

The Strategic Traffic Modelling undertaken in the preparation of the Masterplan shows that the link capacity of the roads in the vicinity of the development can generally accommodate the increase in the volume of traffic associated with the Bilbohall development. Improvements will be required to the existing bridge over the rail line at Bilbohall Road and to the north. Options for improvement which have been assessed include the removal of the footway on the eastern side of the existing rail bridge to provide a southern carriageway to allow two-way traffic over the bridge with the provision of a separate active travel bridge across the rail line. Alternative options considered would retain the bridge in its current form with the signalisation of Bilbohall Road/Mayne Road/Wards Road/Fleurs Road junction. Initial analysis of junction options has been explored and is presented in the final Masterplan and further detailed transport modelling and design will be required as part of planning applications. Transport Assessments will accompany subsequent planning applications which will set out detailed proposals for the necessary mitigation measures on the local transport network, which will include the signalisation of the Edgar Road/The Wards/Glen Moray Drive junction.

It is acknowledged that development set out in the MLDP 2015 would result in additional traffic using the A96 through Elgin and that without the provision of any required upgrades to the Trunk Road junctions, development may be constrained until the completion of the A96(T) Hardmuir to Fochabers dualling scheme.

The Elgin Traffic model is currently being updated. New traffic model runs will be undertaken to identify any capacity constraints on the road network associated with the development in the LDP/Proposed Plan. The new model runs will also include the preferred route of the A96 Hardmuir to Fochabers dualling once this route has been announced.

Locations on the road network where there would be capacity constraints due to the LDP development will be identified, including on the A96. Any required mitigation measures would be identified and development in association with Transport Scotland.

The Robertson development at Fairfield Avenue has a single point of access. At the time of the Robertson planning application there was no proposal to connect the development to Edgar Road to the south. The limit of 40 houses applied to the Robertson planning permission was based on road safety concerns, with specific regard to the available waiting space for vehicles to the north of the railway bridge.

Options for improvements to the bridge and junction to the north seeking to address the road safety concern by removing the one-way priority working have been identified in the Masterplan and the improvements would be required in advance of any further development accessed via Mayne Farm Rail Bridge.

Traffic Calming and Safety

The Bilbohall road network has been designed to discourage through traffic travelling between the south and west of Elgin through a combination of measures which respond to the location rather than apply rigid standards, regardless of context, and prioritises pedestrians over motor vehicles. This is in accord with Scottish Government policy 'Designing Streets', the National Roads Development Guide 2014 (NRDG) and the Council's Supplementary Guidance on Urban Design which promotes good placemaking in which designing natural traffic calming into the development and creating attractive, safe streets is a key component. Examples of such traffic calming measures are

illustrated in the final Masterplan on page 42.

A car park is to be provided for visitor parking for the neighbourhood park. Open spaces including the neighbourhood park and pocket park will be linked via a network of footpaths/cyclepaths and green corridors to encourage people to walk or cycle to these facilities.

Public Transport

Following further dialogue with the bus operating company the final Masterplan reflects the likely bus route and future proofs for additional services whilst ensuring that a balance is struck between facilitating bus access and the Masterplan's design principles including the discouragement of traffic between the west and south of Elgin.

Wildlife and Biodiversity

An extended Phase 1 Habitat Survey has been undertaken during the preparation of the Masterplan which identified that the predominant grasslands are typically low value to biodiversity and recommends that further surveys for bats, badgers and nesting birds are undertaken at planning application stage. SNH have been involved in the preparation of the Masterplan from the outset and the wildlife corridor proposed along the marshy grassland within the northern section of the 'valley floor' character area which is considered to be better suited to accommodate wildlife than the rear of houses and gardens has been incorporated into the Masterplan. Wildlife friendly measures suggested by the RSPB have been incorporated into the final Masterplan. At the planning application stage additional, more detailed measures will be required to accord with the new Biodiversity policy in the Proposed Moray LDP 2020. The Wards Wildlife Site Plan will be reviewed in the near future.

Landscape, Green Space and Trees

Visual Impact

The Landscape Report titled 'Integration of New Developments into the Landscape' (2005) was a high level study to assess the potential effects of new development on the character of the landscape surrounding the five main settlements in Moray, and provide an indication of developable areas. This study informed the Moray Local Plan 2008 and Moray Local Development Plan 2015. A detailed Landscape and Visual Appraisal has been undertaken in the preparation of the Bilbohall Masterplan which correlates with the 2005 study and MLDP2015 key design principles and concluded that a slightly larger developable area in site R3 was possible without detrimentally impacting on the landscape character. A visualisation of the proposed development from Wards Road illustrating the integration of the development into the landscape is shown on page 49 of final Masterplan.

Protection of Green Space

Green spaces of amenity or recreational value identified in the final Bilbohall Masterplan will be protected as an Environmental (ENV) designation on approval of planning applications.

Protection of Trees

The site designation text pertaining to site OPP7 in the MLDP 2015 sets out that a Tree Survey and Protection Plan will need to be submitted for proposals at planning application stage.

Historic Environment

No further comment by Historic Environment Scotland is noted.

Health, Education and Community Infrastructure

Developer obligations will be sought from developers to mitigate any adverse impact the proposed development may have on education, health and transport infrastructure at the time of a planning application.

The Bilbohall development is currently zoned to the Greenwards Primary School and Elgin High School. Greenwards Primary School is currently operating at capacity, and developer obligations will be sought from developers towards a new primary school planned as part of the recently consented Elgin South development. Elgin High School is currently operating at 68% capacity (School Roll Forecast, 2017) and has capacity to accommodate the majority of pupils generated by the Bilbohall development. Developer obligations will be sought towards an extension to the High School when this capacity reaches 90%.

NHS Grampian have advised that healthcare facilities are currently operating at capacity, and developer obligations will be sought towards new healthcare facilities planned as part of the recently consented Elgin South development, dental chairs and a community pharmacy.

The NHS and Moray Council Education Service are working to identify different ways to address staffing issues and ensure a satisfactory service for the growing population of Moray. This includes investigating advancements in technology for which modern, high quality facilities are essential.

Developer obligations are not currently sought towards community facilities as there is insufficient evidence to substantiate a direct link between the residents of a new development utilising the facility, and seeking these obligations could subject the Council to legal challenge as the tests set out in the Scottish Government's Circular 3/2012 Planning Obligations and Good Neighbour Agreements would not be met. The evidence base for community and recreational facilities will be reviewed and is identified as an action in the Delivery Programme for the Proposed MLDP 2020.

Support for Development

Support for principle of development is noted.

General

TV Signal

This is not a material planning consideration and is a private matter between the householder and TV company.

Property Devaluation/Loss of View

These are not material planning considerations.

Crime & Anti-social behaviour

In accordance with the principles of good placemaking the development has been designed to minimise opportunities for crime and anti-social behaviour through ensuring buildings overlook open space, public and private space is clearly defined, and creating a distribution of activities in the street to create active public spaces.

Purchase of Properties

The Council does not have a remit to purchase private property due to the concerns raised about development at Bilbohall.

Demolition Costs

Scottish Planning Policy (SPP) encourages brownfield redevelopment to make efficient use of land.

The costs associated with the redevelopment of OPP7 will have influenced the land value of the site when purchased.

Replacement of Fencing

It is understood that the existing planted buffer strip is owned by the residents of the Fairfield housing development and therefore, responsibility for the replacement of fencing lies with the property owners.

Maintenance of Open Space

Within 100% affordable housing sites the maintenance cost of open space is accounted for within rental income. Where affordable housing is integrated within a private development, the proportionate cost associated with maintenance is a matter for the developer to address. Further investigation will take place into a joint management approach for the maintenance of open space by the Bilbohall Consortium.

Public Consultation

Public consultation has taken place to inform the emerging draft Masterplan and at draft Masterplan stage, during which drop-in exhibitions have been held where the Masterplan consultants, members of the Bilbohall Consortium and Moray Council officers from Housing, Transportation and Planning have been available to deal with queries. The consultations were advertised widely via the Council's website, newspaper articles, social media and local radio. Amendments have been made to both the draft and final Masterplan to reflect concerns, where considered appropriate.

Quality of Life

Concerns regarding the potential impact of the proposed development on existing residents quality of life has been taken into consideration in the preparation of the Masterplan. Further environmental assessments will take place at the detailed planning application stage to control any environmental impacts associated with the development (e.g. operation times for construction, noise, dust, vibration monitoring, etc.) and conditions placed on planning consent(s), where necessary. Environmental Health has been involved in the preparation of the Masterplan from the outset and will be consulted on future planning applications.



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
13 NOVEMBER 2018**

**SUBJECT: FLOOD RISK AND DRAINAGE IMPACT ASSESSMENT FOR
NEW DEVELOPMENTS SUPPLEMENTARY GUIDANCE**

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING AND INFRASTRUCTURE)**

1. REASON FOR REPORT

- 1.1 This report summarises the representations received to the consultation on the “Flood Risk and Drainage Impact Assessment for New Development Supplementary Guidance” and asks the Committee to approve the responses provided to these and delegates authority to the Head of Development Services to submit the Guidance to the Scottish Government for approval.
- 1.2 This report is submitted 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) notes the representations received to the “Draft Flood Risk and Drainage Impact Assessment for New Development Supplementary Guidance”;
- (ii) agrees the responses provided to the representations, which are provided on the portal;
- (iii) agrees that the final draft Supplementary Guidance be used as a material consideration for development management purposes; and
- (iv) agrees that the final draft Supplementary Guidance be submitted to the Scottish Government and, upon approval, forms part of the statutory Moray Local Development Plan (MLDP) 2015.

3. BACKGROUND

- 3.1 On 3 May 2016 Economic Development and Infrastructure Services Committee agreed the first cycle of Local Flood Risk Management Plans for the Findhorn Nairn and Speyside and the North East Local Plan Districts (Paragraphs 6 and 7 of the Minute refer).
- 3.2 Identified in these plans is Moray Council's duty to avoid overall flood risk, which can be achieved through promoting responsible development. Preparation of supplementary guidance on surface water drainage and flooding was identified as an action in the Moray Local Development Plan (MLDP) 2015.
- 3.3 On 19 June 2018 this Committee agreed the content of draft Supplementary Guidance on Flood Risk and Drainage Impact Assessment for new development; that the guidance be used as a material consideration for development management purposes; that the guidance be issued for public consultation; and that the consultation responses and final Supplementary Guidance (SG) be reported to a future meeting of this Committee (paragraph 9 of the Minute refers).

4. CONSULTATION

- 4.1 Consultation on the SG started on 29 June 2018 and finished on 24 August 2018. A total of seven responses were received and any points raised have been addressed below. A copy of the consultation responses are provided on the portal and the main points outlined below.

Scottish Natural Heritage (SNH)

- 4.2 The response from SNH is focused on protected areas and it has asked that the guidance be more explicit about the impact changes to the water environment may have on protected species and habitats. This has been added to Section 4 of the SG. SNH has also been added to Appendix 4 "Roles and Responsibilities" of the guidance, as requested.

Archaeology Service

- 4.3 The Archaeology Service is largely supportive of the guidance and has not asked for any changes.

Elgin Community Council

- 4.4 Elgin Community Council appears to be supportive of the guidance but has asked that the person checking the indemnity insurance and competence of the professional certifying the flood risk assessment and drainage impact assessment be named. Checking this information will be part of the planning application review and may be undertaken by one of a number of members of the flood team, as such it is not considered practical to have a named person in the guidance document.

Historic Environment Scotland (HES)

- 4.5 HES is supportive of the guidance and has not requested any changes.

SEPA

- 4.6 SEPA has not objected to the guidance but has made a number of requests and recommendations, which have been addressed below.

- (i) SEPA has suggested that the document title be changed to “Consideration of surface water drainage and flood risk in place-making”. In the interest of making it clear what the purpose of this guidance document is, it is not considered practical to change its title.
- (ii) SEPA has asked that the document express the multiple benefits SuDS can have. As this is the subject of EP5, which is included in the guidance document it is not considered necessary to repeat this.
- (iii) SEPA has requested that “in consultation with SEPA” be removed from EP5, that the surface water drainage section of policy ES6 make reference to opportunities to retrofit SuDS and that reference to enhancement be added to EP6. However, this is not possible as it forms part of the policy in the current approved MLDP 2015, but will be addressed in the new Local Development Plan.
- (iv) SEPA has recommended that reference to the water environment be made in either the SG or MLDP. SEPA has been consulted on the new policies to be included in the MLDP 2020 and this comment is addressed.
- (v) SEPA has requested that a statement regarding Groundwater Dependent Terrestrial Ecosystems (GDTE) be included in either the SG or the MLDP. It is not appropriate to include this in the SG as we have no in-house knowledge of this subject and could not comment on it as part of a planning consultation. However, this has again been included in the policies of the new MLDP 2020, but determining the impact on GDTE rests with statutory consultees.
- (vi) SEPA has asked that a question regarding multiple benefits associated with SuDS be added to Section 4. This has been included in the final guidance document.
- (vii) SEPA has recommended a minor word change to Section 5.2 of the guidance document. This is not considered necessary.
- (viii) SEPA has recommended that the last sentence of the first paragraph in Section 6 of the guidance document be removed. This sentence has been taken out of the final document.
- (ix) SEPA has asked that the wording in EP5 be changed from DA to DIA for consistency with the rest of the guidance document. This will be addressed in the new MLDP 2020.
- (x) SEPA has requested additional text after the first sentence of the third paragraph in Section 6. This text has been added to the final document.
- (xi) SEPA has recommended that Section 6.1 references the Technical Handbook – Domestic. This has been added to the guidance document.

- (xii) SEPA has asked that text advising applicants to use the Simple Index Approach to identifying suitable SuDS be added to Section 6.2 of the guidance. This text has been included in the final guidance document.
- (xiii) SEPA has asked that additional text regarding the Controlled Activities Regulations (CAR) be added to Section 6.2 of the guidance document. Additional text has been included in the final document.
- (xiv) SEPA has asked that the Domestic Technical Handbook is referenced in Section 6.2 in addition to an industry standard document. This is not considered necessary and has not been added to the text.
- (xv) SEPA has asked that the bullet point about appropriate SuDS design be moved to the top of the list. This change has been included in the final guidance document.
- (xvi) SEPA has recommended that the statement regarding foul water is removed from the guidance and replaced with alternative text, referencing the Council's planning policy on this matter. The final guidance document has been amended to comply with this recommendation.
- (xvii) SEPA has asked that a statement stressing the importance of drainage considerations at the start of the development process be added to Section 8. This statement has been added to the final guidance document.
- (xviii) SEPA has asked that section 11 be modified to reflect its Development Management requirements regarding buffer strips. This modification has been made to the final guidance document.
- (xix) SEPA has asked that additional references be added to Appendix 5. These references have been added.

Savills-on behalf of Pitgaveny

4.7 Savills has made a number of requests for clarification and modifications to the guidance. These requests have been addressed below.

- (i) Savills has asked that the document title be changed from Flood Risk and Drainage Impact Assessment for New Developments to Flood Risk and Drainage Assessment for New Development. The reason stated is that Drainage Impact Assessments are undertaken by Scottish Water to assess its sewerage network and this term may cause confusion. Drainage Impact Assessment is the industry standard term used for all drainage assessments and is consistently used by other local authorities in supplementary guidance for flooding and drainage. This term has not been changed.
- (ii) Savills has asked for clarity on the Council's position regarding permeable paving as a sustainable drainage solution. This is one of many SuDS options that can be adopted as part of a drainage scheme. If this option conflicts with road adoption standards the developer should investigate alternative options.

- (iii) Savills has advised that Scottish Water, as “approving/adopting authority” will accept below ground storage. Scottish Water’s Surface Water Policy which states that “surface water can be more sustainably treated above ground, often in conjunction with other existing surface waters, in a way that contributes to flood risk management, place making and biodiversity.” It is unlikely that Scottish Water would adopt a below ground attenuation system.
- (iv) Savills has questioned the practicality of providing details regarding which party will be responsible for maintaining the SuDS post construction. It is important that the responsible party is identified at planning stage to reduce the risk of the system not being maintained post construction.
- (v) Savills has questioned the need for an operation and maintenance manual for the SuDS. An Operation and Maintenance manual would be part of the Health and Safety file for new development and is required to make sure the SuDS is maintained in a safe and effective manner.
- (vi) Savills has questioned Moray Council’s commitment to SuDS for Roads publication. Moray Council supports the principles set out in the SuDS for Roads publication and it is referenced in the SG document.
- (vii) Savills has questioned who the most appropriate consultee would be with regard to the final drainage design. The Council’s flood team will review the proposed drainage design and consult SEPA if there are any concerns with regard to water quality. Scottish Water is also consulted on proposed development as part of the planning process.
- (viii) Savills has questioned the need to evidence professional indemnity insurance for the professional who signs off the final drainage design. This is requested for public protection to enable property owners who may suffer a negative impact, if flooding occurs due to inadequate design, to make a claim.
- (ix) Savills has requested clarification on the progress of the Section 7 Agreements between Scottish Water and Moray Council under the Sewerage (Scotland) Act 1968. On 14 August 2018, Moray Council’s Economic Development and Infrastructure Services Committee agreed to sign up to a Memorandum of Understanding, which sets out the principles for the Section 7 Agreements (paragraph 15 of the Minute refers). Details regarding governance and how the agreements will be implemented have yet to be agreed between Moray Council and Scottish Water. Until these details have been agreed, maintenance of SuDS will be managed as set out in the SG document.
- (x) Savills has questioned the need for a buffer strip between the development and waterbodies. This requirement has been taken from SEPA’s Development Management Water Environment guidance document.

- 4.8 The changes identified in Section 4 of this report have been included in the final SG document which is provided on the portal.

5. SUMMARY OF IMPLICATIONS

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

Flood Risk Management is a key priority in the 10 year plan "Building a better future for our children and young people in Moray."

(b) Policy and Legal

Preparing Supplementary Guidance on Flood Risk and Drainage is an action identified in the statutory MLDP2015. The final version of the Guidance will be submitted to the Scottish Government for a period of 28 days, with details of the consultation exercise and then adopted forming part of the statutory MLDP2015.

(c) Financial implications

There are no financial implications associated with the recommendations in this report.

(d) Risk Implications

There are no risk implications associated with the recommendations in this report.

(e) Staffing Implications

There are no staffing implications associated with the recommendations in this report.

(f) Property

There are no property implications associated with the recommendations in this report.

(g) Equalities/Socio Economic Impact

An Equalities Impact Assessment is not needed because the proposals in the guidance document do not impact on people.

(h) Consultations

Corporate Director (Economic Development Planning & Infrastructure), Head of Development Services, Paul Connor (Principal Accountant), Senior Engineer (Transportation), Legal Services Manager (Property & Contracts), Gary Templeton (Principal Planning Officer), Development Management Manager, the Equalities Officer, and Lissa Rowan (Committee Services Officer) have been consulted and comments incorporated into this report.

6. CONCLUSION

- 6.1 The flood team has drafted supplementary guidance which aims to improve the design and construction of new developments with regard to flood risk and drainage.**

- 6.2 The guidance provides clear advice on the flood risk and drainage factors that should be considered when planning a new development, and the documentation required to support the planning application.**
- 6.3 Following a public consultation, the guidance document has been updated to include relevant and reasonable requests.**
- 6.4 The report asks the Committee to approve responses to the representations made to the draft and that the final version of the Guidance is submitted to the Scottish Government for 28 days for approval prior to adoption as part of the statutory MLDP2015.**

Author of Report: Debbie Halliday, Consultancy Manager

Background Papers: None

Ref:



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
13 NOVEMBER 2018**

**SUBJECT: DEVELOPMENT SERVICES PERFORMANCE REPORT – HALF
YEAR TO SEPTEMBER 2018**

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING & INFRASTRUCTURE)**

1. REASON FOR REPORT

- 1.1 To inform the Committee of performance of the service for the period from 1 April 2018 to 30 September 2018.
- 1.2 This report is submitted to Committee in terms of Section III (A) (4) and Section III (E) (19) of the Council's Scheme of Administration relating to contributing to public performance reporting; and developing and monitoring the Council's Performance Management Framework for the Planning and Regulatory Services.

2. RECOMMENDATION

2.1 It is recommended that Committee:

- (i) **scrutinises performance against Planning and Regulatory Performance Indicators; Service Plan; and Complaints to the end of September 2018 as outlined;**
- (ii) **welcomes good performance as indicated in the report; and**
- (iii) **notes the actions being taken to improve performance where required.**

3. BACKGROUND

- 3.1 The Policy and Resources Committee, at its meeting on 27 April 2010 (paragraph 12 of the Minute refers), approved the development of a Quarterly Performance Monitoring document which provides supporting information for the Performance Management Framework. The half-yearly performance report refers to this document. The document includes performance indicators, service plan, and complaints data (including codes as referred to in

Section 5 of this report), and can be found at:
http://www.moray.gov.uk/moray_standard/page_92321.html

- 3.2 The Economic Development and Infrastructure Services Committee at its meeting on 23 October 2012 (paragraph 11 of the Minute refers) asked whether Transportation Planning performance indicators could also be reported to this Committee. To comply with this request the indicators are now reported to both Committees. The responsibility for oversight of the Transportation Planning indicators remains with the Economic Development and Infrastructure Services Committee.
- 3.3 Performance indicators are reviewed annually. Changes to the indicators require approval from this Committee. On 19 June 2018 this Committee agreed changes to a small number of performance indicators (paragraph 11 of the Minute refers).
- 3.4 The Service Plan for 2018-22 was approved by this Committee on 18 September 2018, (paragraph 14 of the Minute refers).

4. SUMMARY OF PERFORMANCE

Performance Indicators

- 4.1 The tables below summarise performance: –

Service	No. of Indicators	Green Performing Well	Amber Close Monitoring	Red Action Required	Annual PI / Data Only
Building Standards	6	3	0	0	3
Development Management	9	0	0	0	9
Economic Development	4	0	0	0	4
Environmental Health	9	2	2	0	5
Planning and Development	6	0	0	0	6
Trading Standards	9	1	0	0	8
Transportation Planning	2	1	0	0	1
Total	45	7	2	0	36
Total Quarter 2	9	78%	22%	0%	

- 4.2 Performance at this stage of the year is presented across seven service areas and involves nine indicators. Seven of the indicators are regarded as performing well, two require close monitoring and none require action if the targets are to be met.

Service Plan

Number of actions in 2018/22 plan	Number of actions due by end of 2018/19	Completed (of due) by end of Q2 2018/19	Incomplete (of due) by end of Q2 2018/19	Completed ahead of time	Total complete by end of Q2 2018/19	Total complete of whole plan
23	18	3 (of 0)	0 (of 0)	3	3 (of 18)	3 (of 23)

- 4.3 At the end of the reporting period, of the 23 actions on the 2018/22 plan, 18 are due for completion in 2018/19. Out of these 18, none were due to be completed by the end of Q2 however 3 have been completed ahead of time. The remaining 15 that are due to be completed in 2018/19 are either underway or due to commence in Q3. Overall and including progress on actions that are not yet complete, the 2018/22 plan made significant progress and was **45%** complete at the end of the reporting period.

Complaints

- 4.4 During the half year to September, Development Services received 12 complaints, and 10 were closed. Of the 6 frontline complaints closed, none were upheld; and of the 4 investigative complaints closed, 1 was partly upheld and one was escalated. The average time for frontline complaints was 4.2 days against a target of 5 days while the average time for investigative complaints was 16.3 days against a target of 20 days. Of the 10 complaints closed, 90% (9) complaints were closed within the target timescales. Performance on this has improved since Q3 and Q4 of 2017/18 and despite a rise in the number of MP/MSP enquiries.

5. PERFORMANCE ANALYSIS

Areas of Good Performance

Performance indicator references are shown in brackets and refer to the relevant quarterly monitoring statements published on-line:

http://www.moray.gov.uk/moray_standard/page_92321.html

Performance Indicators

Building Standards

- 5.1 The percentage of building warrant and amendment first reports issued within 20 days (ENVDV-BS-KPO1(B)) exceeded the 95% target in Q1 with 97% and has risen to 98.5% in Q2, and is the highest quarterly percentage achieved since recording began in 2013/14. The new system, training, and new processes seem to be taking effect.
- 5.2 The percentage of building warrants and amendments issued within 10 days of receipt of satisfactory information (ENVDV-BS-KPO2(C)) started out with 81% in Q1 (reflecting the higher number of building warrant applications and amended plans responded to in that quarter) but has since risen to 97.4% in Q2 exceeding the 90% target.

- 5.3 The number of days taken to respond to amended plans (ENVDV046b) remained well below the target (15 days) at 6.5 days in Q1 of 2018/19 and 6.9 days in Q2.

Development Management *(these PIs are currently reported in line with quarterly Scottish Government Reporting hence being reported one quarter later in 2017-18. However as Scottish Government Reporting for Development Management is moving to 6 monthly from 2018-19 onwards, performance covering Q1 & Q2 of 2018/19 will appear in the end of year report).*

- 5.4 The average time to deal with local planning applications (SDS2b) has been maintained at between 6 and 7 wks from Q2 2016/17 to Q4 2017/18 with an average of 6.1 weeks in Q4 against a target of 10.4 weeks. In addition, the proportion of applications taking less than two months (Envdv263) continues to perform well with over 97% being processed in under 2 months during Q4.

Economic Development

- 5.5 There were 70 new business start-ups in the first half of 2018/19, which have allowed 95.5 FTE jobs to be either retained or created by start-up businesses, business purchasers, and growing businesses. This data is collected by BG Moray as a result of direct BG interventions. Total enquiries have also remained steady with 413 instances of assistance to small or medium enterprises. More details of Business Gateway's activities are available in the Business Gateway Moray quarterly reports - http://www.moray.gov.uk/moray_standard/page_59743.html

Environmental Health *(Food Safety PIs are reported quarterly in line with Scottish Government Reporting hence being reported one quarter later).*

- 5.6 The percentage of category A (6 month) premises inspected within time (ENVDV069a) returned to meet the target of 100% during Q4 and Q1 following a dip in performance in the previously reported Q3.
- 5.7 The percentage of category C (18 month) premises inspected within time (ENVDV259a) recovered to 90% following a dip in performance in Q4 (80.9%). This is the highest proportion since recording of this indicator began in 2015/16.
- 5.8 The percentage of rated registered food premises that are broadly compliant with food law (ENVDV070c) has remained comfortably above the 80% target at 88.8% in Q4 and 88.7% in Q1.

Trading Standards

- 5.9 In relation to the Welfare Benefits Clients, the percentage of clients with successful appeals (Envdv218b) slipped below target to 71% in Q3 last year but has since recovered to 80% in Q1 and 91% in Q2 against a target of 75%. The estimated benefit gain (Envdv217) was £429k for the first half of 2018/19.

Service Plan

The following actions show good performance:-

Economic Development

- 5.10 “Review our customer satisfaction methods & implement new or improved methods to capture relevant data - Economic Development” (DevS18-22.2.02e) – Business Gateway has in place a Client Records Management System that includes records of customer satisfaction. Economic Development Programmes include records of customer engagement including surveys.
- 5.11 “Review shared service provisions with Highland Council for Small and Medium Enterprise (SME) business support to ensure best value” (DevS18-22.2.03) – Service Agreement is kept under review each year. The Local Growth Accelerator Programme (LGAP) is match funded from the Business Competitiveness Strategic Intervention. There is a need to retain at minimum an oversight of LGAP whilst undertaking LGAP in partnership with Highland Council.
- 5.12 “Review the Business Loan Scheme and determine best value in terms of ongoing support and management of funds and alternative options for Moray.” (DevS18-22.2.04) – BLS Phase 1 is scheduled to end in December 2018. 5-year loans will not be fully repaid until 2022. BLS has been awarded a contract for the second phase of the SME loan fund. Transitional arrangements should be agreed between BLS and the Scottish Government by Dec 2018.

Areas of performance identified for improvement

Performance Indicators

- 5.13 No performance indicators required additional action for the targets to be met and only a couple require monitoring.

Service Plan

- 5.14 At the end of the reporting period, no service plan actions were overdue.

6. SUMMARY OF IMPLICATIONS

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

Development Services performance indicators reflect priorities included within the Local Outcomes Improvement Plan (LOIP)) and the Moray Corporate Plan 2017-2022.

(b) Policy and Legal

The Council has a statutory requirement to publish a range of information that will demonstrate that it is securing best value and assist in comparing performance both over time and between authorities where appropriate.

(c) Financial implications

None.

(d) Risk Implications

None.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities/Socio Economic Impact

An Equality Impact Assessment is not needed because the report is to inform the Committee on performance.

(h) Consultations

Corporate Director (Economic Development Planning & Infrastructure), Head of Development Services, Senior Officers in Development Services, the Head of Financial Services, the Legal Services Manager (Property and Contracts), the Equal Opportunities Officer and Lissa Rowan (Committee Services Officer) have been consulted and their comments have been incorporated into this report.

7. CONCLUSION

7.1. At the end of the reporting period, which is the first half of 2018/19, 78% of the performance indicators showed good performance and the 2018/22 Service Plan was 45% complete.

Author of Report: Catriona Campbell

Background Papers: Held by Catriona Campbell, (Research & Information Officer)

Ref: