

**Report to Moray Council – 19 May 2020
Recommendations by Issue Number**

ISSUES	REPORTER'S RECOMMENDATIONS	REPORT PAGE NO																																																								
01 Vision, Spatial Strategy and Strategic Requirements	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. Amending the Spatial Strategy diagrams on pages 8 and 11 of the plan to include Mosstodloch as a Tertiary Growth Area and adding Duffus to the list of Smaller Towns and Villages on page 8 of the Spatial Strategy. 2. Amending the Spatial Strategy Key on page 11 by inserting the following text: <ul style="list-style-type: none"> • “Opportunities at Buckie harbour relating to” before “Offshore Renewable Developments”. 3. Page 13, paragraph two line one, inserting “2017” before HNDA. 4. Deleting table 1 on page 13, inserting new table as follows, but with figures to be updated by the council to take account of sites recommended for deletion or with altered capacities in other schedule 4s: <table border="1" data-bbox="656 954 1917 1318"> <thead> <tr> <th>LHMA</th> <th>Housing supply Target 2018 to 2035</th> <th>Proposed Generosity (30%)</th> <th>Housing Land Requirement to 2035</th> <th>Effective Housing Land Supply 2018-2023</th> <th>Effective Housing Land Supply beyond 2023</th> <th>Remaining Housing Land Requirement</th> <th>New Allocations Proposed</th> </tr> </thead> <tbody> <tr> <td>Buckie</td> <td>897</td> <td>269</td> <td>1166</td> <td>330</td> <td>60</td> <td>776</td> <td>250</td> </tr> <tr> <td>Elgin</td> <td>2712</td> <td>314</td> <td>3526</td> <td>2304</td> <td>1230</td> <td>8</td> <td>1200</td> </tr> <tr> <td>Forres</td> <td>949</td> <td>285</td> <td>1234</td> <td>1066</td> <td>10</td> <td>158</td> <td>250</td> </tr> <tr> <td>Keith</td> <td>447</td> <td>134</td> <td>581</td> <td>303</td> <td>10</td> <td>268</td> <td>0</td> </tr> <tr> <td>Speyside</td> <td>417</td> <td>125</td> <td>542</td> <td>91</td> <td>10</td> <td>441</td> <td>0</td> </tr> <tr> <td>Total</td> <td>5422</td> <td>1627</td> <td>7049</td> <td>4094</td> <td>1320</td> <td>1635</td> <td>1700</td> </tr> </tbody> </table> <p>Note: * Supply Figures based on the 2017 Housing Land Audit</p>	LHMA	Housing supply Target 2018 to 2035	Proposed Generosity (30%)	Housing Land Requirement to 2035	Effective Housing Land Supply 2018-2023	Effective Housing Land Supply beyond 2023	Remaining Housing Land Requirement	New Allocations Proposed	Buckie	897	269	1166	330	60	776	250	Elgin	2712	314	3526	2304	1230	8	1200	Forres	949	285	1234	1066	10	158	250	Keith	447	134	581	303	10	268	0	Speyside	417	125	542	91	10	441	0	Total	5422	1627	7049	4094	1320	1635	1700	26
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	<p>5. Page 14, deleting paragraph one and inserting:</p> <ul style="list-style-type: none"> • “A generosity figure of 30% has been added onto the baseline HNDA derived housing supply target. Scottish Planning Policy suggests a generosity figure of 10-20%. The higher generosity figure is intended to ensure enough land is available in the right places to meet demand and to ensure the land supply is flexible and responsive to adapt if some sites do not come forward for development or are slower to develop than anticipated. The higher generosity figure also reflects uncertainty over Moray’s longer term demographic projections, the significant investment by the Ministry of Defence at RAF Lossiemouth and associated build- up of personnel and the potential for additional investment at Kinloss Barracks.” • The council is exploring innovative ways of bringing forward constrained sites into the effective land supply and further details are set out in the Action/ Delivery Programme. A LONG term supply of land has also been identified as a reserve which is controlled and released through the annual Housing Land Audit if the triggers for release have been met. Land releases must be in conformity with the Spatial Strategy.” <p>6. On page 14, after paragraph one, inserting new paragraph as follows:</p> <ul style="list-style-type: none"> • ”Scottish Planning Policy states that the level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses. This is reflected in the Plan policies and results in the setting of realistic supply targets which will help to meet identified needs. This means a more optimistic and realistic market supply target has been set than the annual amount required in the HNDA which reflects historic trends and reflects the amount of affordable houses that are realistically able to be delivered. However, the Council will continue to explore innovative ways of providing additional affordable housing, 	

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	<p>within the Spatial Strategy to meet the need identified in the HNDA.”</p> <p>7. On page 14 inserting a new table as follows but with figures to be updated by the council to take account of sites recommended for deletion or with altered capacities in other schedule 4s:</p> <table border="1" data-bbox="656 544 1617 815"> <thead> <tr> <th colspan="4">Housing Supply Target 2018-2035</th> </tr> <tr> <th>LHMA</th> <th>Affordable</th> <th>Market</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Buckie</td> <td>224</td> <td>673</td> <td>897</td> </tr> <tr> <td>Elgin</td> <td>678</td> <td>2034</td> <td>2712</td> </tr> <tr> <td>Forres</td> <td>237</td> <td>712</td> <td>949</td> </tr> <tr> <td>Keith</td> <td>112</td> <td>335</td> <td>447</td> </tr> <tr> <td>Speyside</td> <td>104</td> <td>313</td> <td>417</td> </tr> <tr> <td>Total</td> <td>1,355</td> <td>4,067</td> <td>5422</td> </tr> </tbody> </table> <p>8. Updating Table 5 on page 17 to reflect that the works at Rothes and Aberlour have been completed.</p>	Housing Supply Target 2018-2035				LHMA	Affordable	Market	Total	Buckie	224	673	897	Elgin	678	2034	2712	Forres	237	712	949	Keith	112	335	447	Speyside	104	313	417	Total	1,355	4,067	5422	
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02 Primary Policies PP1, PP2, PP3 and Development Policy DP1	<p>Modify the local development plan by:</p> <p>1. Amending Policy PP1 Placemaking as follows:</p> <ul style="list-style-type: none"> Part b) Deleting the second sentence and inserting the following text: <p>“The Placemaking Statement must include sufficient information for the council to carry out a Quality Audit. Where considered appropriate by the council, taking account of the nature and scale of the proposed development and of the site circumstances, this shall include a landscaping plan, a topographical survey, slope analysis, site sections, 3D visualisations, a Street Engineering Review and a Biodiversity Plan.”</p>	71																																

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	<ul style="list-style-type: none"> • Part c) i) "Character and Identity", deleting bullet point 2 and inserting text as follows: "Provide a number of character areas reflecting site characteristics that have their own distinctive identity and are clearly distinguishable". • Part c) (v) "Biodiversity", deleting bullet point four and inserting text as follows: "Developments must safeguard and where physically possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats". • Part c) (iv) "Open Spaces/Landscaping": deleting bullet point 3 and inserting text as follows: "Landscaping areas that because of their size, shape or location would not form any useable space or that will not positively contribute to the character of an area will not contribute to the open space requirements of Policy EP4 Open Space". • Part c) (vi) "Parking" In bullet point 1, deleting second sentence and inserting text as follows: "On all streets a minimum of 50% of car parking must be provided to the side or rear and behind the building line with a maximum of 50% car parking within the front curtilage or on street, subject to the visual impact being mitigated by hedging, low stone boundary walls or other acceptable treatments that enhance the streetscape." • Part c) (vii) "Street Layout and Detail": In bullet point four deleting "on rural edges or where topography dictates" and inserting 	

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	<p>text as follows:</p> <p>“such as on rural edges or where topography, site size, shape or relationship to adjacent developments prevent an alternative more permeable layout.”</p> <ul style="list-style-type: none"> • Part c) vii) deleting bullet point five and inserting text as follows: <p>“Where a roundabout forms a gateway into, or a landmark within, a town and/or a development, it must be designed to create a gateway feature or to contribute positively to the character of the area.”</p> <ul style="list-style-type: none"> • Part d) deleting existing paragraph and inserting text as follows: <p>“Future masterplans will be prepared through collaborative working and in partnership between the developer and the council for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. Masterplans that are not prepared collaboratively and in partnership with the council will not be supported. Masterplans that are approved will be Supplementary Guidance to the Plan”.</p> <p>2. Amending Policy PP2 Sustainable Economic Growth as follows:</p> <ul style="list-style-type: none"> • In first line, deleting “for employment land”, <p>3. Amending Policy PP3 Infrastructure & Services as follows:</p> <ul style="list-style-type: none"> • In paragraph one, deleting the second sentence as follows: 	

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	<p>“A Utilities Plan must be submitted with planning applications setting out how existing and new utility (including gas, water, electricity, pipelines and pylons) provision has been incorporated into the layout and design of the proposal.”</p> <ul style="list-style-type: none"> • Part a) deleting first paragraph, “Development proposals will need to provide for the following infrastructure and development” and inserting text as follows: <p>“In relation to infrastructure and services developments will be required to provide the following as may be considered appropriate by the planning authority, unless these requirements are considered not to be necessary”.</p> <ul style="list-style-type: none"> • Part a) iii) after “transport network” inserting “(including road and rail)” • Part a) iv) deleting existing text and inserting text as follows: <p>“Electric car charging points must be provided at all commercial and community parking facilities. Access to charging points must also be provided for residential properties, where in-curtilage facilities cannot be provided to any individual residential property then access to communal charging facilities should be made available. Access to other nearby charging facilities will be taken into consideration when identifying the need for communal electric charging points.”</p> <ul style="list-style-type: none"> • Part a) Inserting an additional criterion as follows: <p>“xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built</p>	

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	<p>developments and some changes of use.”</p> <ul style="list-style-type: none"> • Part b) i) Inserting additional text at end of existing sentence as follows: “or such access is required to facilitate development that supports the provisions of the development plan.” • Part d) In the first sentence, after “transport” inserting “(including rail)” • Part d) Inserting additional sentence at the end of paragraph one as follows: “Developer obligations may also be sought to mitigate any adverse impacts of a development, alone or cumulatively with other developments in the area, on the natural environment.” <p>4. Amending Policy DP1 Development Principles as follows:</p> <ul style="list-style-type: none"> • Deleting the first paragraph and inserting text as follows: “This policy applies to all development, including extensions and conversions and will be applied reasonably taking into account the nature and scale of a proposal and individual circumstances”. • In part ii) c) after “local road” inserting “,rail” • Part ii) f) deleting the second sentence and inserting text as follows: “The road layout must also be designed to enable safe working practices, minimising 	

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	<p>reversing of service vehicles, with hammerheads minimised in preference to turning areas such as road stubs or hatchets, and to provide adequate space for the collection of waste and movement of waste collection vehicles”.</p> <p>Inserting an additional criterion as follows:</p> <ul style="list-style-type: none"> • Part ii) j) “All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) through the installation and operation of low and zero-carbon generating technologies.” 	
<p>03 Development Policies DP2, 5, 6, 7, 8, 10</p>	<p>Modify the local development plan by:</p> <p>1. Amending Policy DP2 Housing as follows:</p> <ul style="list-style-type: none"> • Part a) delete paragraph 1 and insert the following text: <p>“Proposals for development on all designated and windfall housing sites must include a design statement and shall include supporting information regarding the comprehensive layout and development of the whole site, addressing infrastructure, access for pedestrians, cyclists, public transport and service vehicles, landscaping, drainage, affordable and accessible housing and other matters as may be required by the planning authority, unless these requirements are not specified in the site designation or are considered not to be required”.</p> <ul style="list-style-type: none"> • Part e) delete first paragraph. • Part e) after “units” insert “incorporating affordable housing”. • Part f) delete “with all of the accessible units to be in single storey form”. 	<p>94</p>

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	<p>2. In Policy DP5 Business and Industry a) inserting additional paragraph as follows: “Efficient energy and waste innovations should be considered and integrated within developments wherever possible.”</p> <p>3. On page 15 deleting table 3 and inserting:</p> <p>Table 3</p> <table border="1" data-bbox="656 580 1917 1219"> <thead> <tr> <th>Market Area</th> <th>Minimum Additional Land Requirement</th> <th>Sites Designated in the Plan to meet Requirement</th> </tr> </thead> <tbody> <tr> <td>Elgin</td> <td>23 hectares</td> <td>I16 Burnside of Birnie – 9 ha I3 West Mosstodloch -16 ha MU Lossiemouth Road NE- 5 ha</td> </tr> <tr> <td>Forres</td> <td>12 hectares</td> <td>15 Easter New Forres 18 ha</td> </tr> <tr> <td>Buckie</td> <td>None required</td> <td></td> </tr> <tr> <td>Keith</td> <td>3.5 hectares</td> <td>MU Banff Road for mixed uses minimum 1.75 ha I11 Westerton Road East Expansion – 1.75 ha</td> </tr> <tr> <td>Speyside</td> <td>4.8 hectares</td> <td>R2 Speyview, Aberlour – 1 ha</td> </tr> </tbody> </table> <p>3. At page 15 inserting additional paragraph as follows: “A LONG term approach is taken to employment land whereby the annual employment</p>	Market Area	Minimum Additional Land Requirement	Sites Designated in the Plan to meet Requirement	Elgin	23 hectares	I16 Burnside of Birnie – 9 ha I3 West Mosstodloch -16 ha MU Lossiemouth Road NE- 5 ha	Forres	12 hectares	15 Easter New Forres 18 ha	Buckie	None required		Keith	3.5 hectares	MU Banff Road for mixed uses minimum 1.75 ha I11 Westerton Road East Expansion – 1.75 ha	Speyside	4.8 hectares	R2 Speyview, Aberlour – 1 ha	
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	<p>land audit, the triggers in Policy DP3 and the new Delivery Policies will be used to monitor employment land and ensure an effective supply is maintained. It is important that a range of sites are available across Moray to accommodate inward investment, including sites for large scale users. On that basis land is identified in excess of the minimum employment land requirements in the form of LONG sites with strategic inward investment sites capable of accommodating large scale users identified in Elgin at Burnside of Birnie, West of Mosstodloch and at March Road in Buckie. The identification of these sites and their potential for longer term expansion allows for more strategic infrastructure and planning co-ordination between the relevant community planning partners and agencies.”</p> <p>4. In Policy DP 7 Retail/Town Centres at a) inserting additional text at end of paragraph 2 as follows:</p> <p>“Above ground floor level residential use will, in principle, be supported as an appropriate use.”</p>	
04 Rural Housing	<p>Modify the local development plan by:</p> <p>1. Amending Policy DP4 Rural Housing d) iii) Areas of Intermediate Pressure a) Siting Criteria as follows:</p> <ul style="list-style-type: none"> • Deleting first sentence “Proposals for single houses will be assessed against the following criteria” and inserting “Proposals for single houses must be well-sited and designed to fit with the local landscape character and will be assessed on a case by case basis taking account of the following siting and design criteria.” <p>2. Amending Policy DP4 Rural Housing d) iii) Areas of Intermediate Pressure a) Siting Criteria a) 1):</p> <ul style="list-style-type: none"> • Deleting “75%” and inserting “acceptable”. 	107

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05 DP9 Renewable Energy	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. Removing Policy Guidance Maps 3, 4 and 5 and associated text (pages 65-70). 2. Replacing Policy DP9 to read as follows: <p>DP9 Renewable Energy</p> <p>a) All Renewable Energy Proposals</p> <p>All renewable energy proposals will be considered favourably where they meet the following criteria:</p> <ol style="list-style-type: none"> i) they are compliant with policies to safeguard and enhance the built and natural environment; ii) they do not result in the permanent loss or permanent damage of prime agricultural land; iii) they avoid or address any unacceptable significant adverse impacts including: <ul style="list-style-type: none"> • Landscape and visual impacts • Noise impacts • Air quality impacts • Electromagnetic disturbance • Impact on water environment • Impact on carbon rich soils and peat land hydrology • Impact on woodland and forestry interests 	142

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	<ul style="list-style-type: none"> • Traffic impact - mitigation during both construction and operation • Ecological impact • Impact on tourism and recreational interests. <p>In addition to the above criteria, detailed assessment of impact will include consideration of the extent to which the proposal contributes to renewable energy generation targets, its effect on greenhouse gas emissions and net economic impact, including socio-economic benefits such as employment.</p> <p>b) Onshore Wind Turbines</p> <p>In addition to the assessment of the impacts outlined in part a) above, the following considerations will apply:</p> <p>i) The Spatial Framework</p> <p>Areas of Significant Protection (Map 2): where the Council will apply significant protection and proposals may be appropriate in circumstances where any significant effects on the qualities of these areas can be substantially overcome by siting, design and other mitigation.</p> <p>Areas with Potential (Map 1): where proposals are likely to be acceptable subject to Detailed Consideration.</p> <p>ii) Detailed Consideration</p> <p>The proposal will be determined through site specific consideration of the following on which further guidance will be set out in supplementary guidance and as informed by the landscape capacity study:</p>	

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	<p>Landscape and Visual Impact</p> <ul style="list-style-type: none"> • the landscape is capable of accommodating the development without unacceptable significant adverse impact on landscape character or visual amenity. • the proposal is appropriate to the scale and character of its setting, respects the main features of the site and the wider environment and addresses the potential for mitigation. <p>Cumulative Impact</p> <ul style="list-style-type: none"> • unacceptable significant adverse impact from two or more wind energy developments and the potential for mitigation is addressed. <p>Impact on Local Communities</p> <ul style="list-style-type: none"> • the proposal addresses unacceptable significant adverse impact on communities and local amenity including the impacts of noise, shadow flicker, visual dominance and the potential for associated mitigation. <p>Other</p> <ul style="list-style-type: none"> • the proposal addresses unacceptable significant adverse impacts arising from the location within an area subject to potential aviation and defence constraints including flight paths and aircraft radar. • the proposal avoids or adequately resolves other impacts including on the natural and historic environment, cultural heritage, biodiversity, forest and woodlands and tourism and recreational interests - core paths, visitor centres, 	

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	<p>tourist trails and key scenic routes.</p> <ul style="list-style-type: none"> • the proposal addresses any physical site constraints and appropriate provision for decommissioning and restoration. <p>iii) Extensions and Repowering of Existing Wind Farms</p> <p>The proposal will be determined through assessment of the details of the proposal against Part a) and Parts b) (i) and (ii) above. Detailed assessment of impact will include consideration of the extent to which:</p> <ul style="list-style-type: none"> • the proposal, for extensions, impacts on the existing wind farm(s) setting and the ability to sit in the landscape on its own should the existing wind farm be decommissioned before the extension. • the proposal, for repowering, makes use of existing infrastructure and resources, where possible, and limits the need for additional footprint. <p>c) Biomass</p> <p>Proposals for the development of commercial biomass will be supported if the following criteria are met:</p> <ul style="list-style-type: none"> • Applicants must confirm which form of biomass will fuel the plant and if a mixture of biomass is proposed then what percentage split will be attributed to each fuel source. • Proposals must demonstrate that they have taken account of the amount of supply fuel over the life of the project. • When considering wood biomass proposals, the scale and location of new 	

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	<p>development is appropriate to the volume of local woodfuel available. Sources of fuel must be identified and must be sustainable.</p> <ul style="list-style-type: none"> • The location must have suitable safe access arrangements and be capable of accommodating the potential transport impacts within the surrounding roads network. • A design statement must be submitted, which should include photomontages from viewpoints agreed by the Council. • There must be a locational justification for proposals outwith general employment land designations. The proposed energy use, local heat users and connectivity of both heat users and electricity networks must be detailed. Proposals which involve potential or future heat users will not be supported unless these users can be brought online in conjunction with the operation of the plant. • Details of the predicted energy input and output from the plant demonstrating the plant efficiency and utilisation of heat must be provided. • Where necessary, appropriate structural landscaping must be provided to assist the development to integrate sensitively. <p>The criteria set out in relation to all renewable energy proposals (part a) must also be met.</p> <p>The Council will consult with Scottish Forestry to help predict potential woodfuel supply projections in the area.</p> <p>d) Heat</p> <p>Where a heat network exists or is planned, proposals should include infrastructure to allow connection to that network.</p>	

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	<p>Where no heat network is present or planned:</p> <ul style="list-style-type: none"> • Proposals should consider the feasibility for the creation of or connection to a heat network. • Proposals should safeguard pipeworks within the development, to its curtilage, for future connection to a heat network. • Proposals should consider the provision of energy centres, or the reservation of land for an energy centre to facilitate future connection to a heat network. <p>Proposals for new development will be compared with the Scotland Heat Map to identify if it could make use of an existing heat supply or provide excess heat to heat users. This will be the case until the Council has concluded work on identifying where heat networks, heat storage and energy centres exist or would be appropriate in the plan area, at which point reference to that work should be made. Developments which have a high heat demand are encouraged to co-locate with sources of heat supply.</p> <p>Where heat networks are not viable, proposals should include the use of microgeneration technologies and heat recovery associated with individual properties, unless demonstrating this is unnecessary or unviable.</p> <p>The criteria set out in relation to all renewable energy proposals (part a) must also be met.</p> <p>Justification/Notes</p> <p>Renewable energy proposals can be in a variety of forms, including wind, hydro, solar, geothermal and biomass and bring a new technology approach to provision. Moray offers the potential for renewable energy proposals and this policy provides a range of criteria to consider applications against. Proposals for heat and power generation need</p>	

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	<p>to be carefully considered to avoid unacceptable significant adverse impacts upon the environment.</p> <p>The onshore wind energy supplementary guidance provides further guidance on the council's approach to considering and determining applications and making observations, the information requirements and issues to be addressed at pre-application and application stages, and links to relevant detailed guidance.</p> <p>The landscape capacity study is strategic level guidance and is a technical appendix to the statutory supplementary guidance – it does not replace the need to assess the landscape or visual impacts of individual wind farm proposals. Interpretation of the Landscape Capacity Study as part of the development management process will be applied on case-by-case basis by the Council's appointed Landscape Capacity Adviser.</p>	
06 Environment Policies	<p>Modify the local development plan by:</p> <p>1. Amending Policy EP2 Biodiversity as follows:</p> <ul style="list-style-type: none"> • Deleting paragraph one and inserting the following text: <p>“All development proposals must, where possible, retain, protect and enhance features of biological interest and provide for their appropriate management. Development must safeguard and where physically possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats.”</p> <ul style="list-style-type: none"> • Paragraph four, replacing the first sentence with the following sentence: “Developers must demonstrate, through a Placemaking Statement where required by Policy PP1 which incorporates a Biodiversity Plan, that they have included biodiversity features in the design of the development.” 	185

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	<ul style="list-style-type: none"> • Paragraph four, in second sentence deleting “This” and insert “Habitat creation”. • Deleting paragraph five and inserting the following text: “Where development would result in loss of natural habitats of ecological amenity value, compensatory habitat creation will be required where deemed appropriate.” • Justification/Notes, at the end of paragraph three inserting additional text as follows: “It should be noted that reference to compensatory habitat creation within the policy does not apply to woodland removal which must meet the requirements set out in Policy EP7 “Forestry, Woodlands and Trees.” <p>2. Amending Policy EP3 Special Landscape Areas and Landscape Character as follows:</p> <ul style="list-style-type: none"> • In paragraph one deleting “avoid adverse effect” and inserting “minimises adverse impacts” <p>3. Amending Policy EP5 Open Space as follows:</p> <ul style="list-style-type: none"> • Adding an additional sentence at the end of paragraph one as follows: “The temporary use of unused or underused land as green infrastructure is encouraged, this will not prevent any future development potential which has been identified from being realised.” • In b) ii) Quality Standard, deleting the first sentence and inserting the following text: 	

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	<p>“All new development proposals will be assessed and must achieve a very good quality score of no less than 75%.”</p> <ul style="list-style-type: none"> • In b) ii) Quality Standard, amending the second sentence of the first paragraph so this reads: <p>“Quality will be assessed by planning officers at the planning application stage against the five criteria below using the bullet point prompts.”</p> <ul style="list-style-type: none"> • In Justification/Notes adding an additional sentence at the end as follows: <p>“The drawings within the policy provide examples of how good quality multi-functional open space can be achieved within development.”</p> <p>4. In Policy EP7 Forestry, Woodlands and Trees deleting existing policy text and replacing as follows:</p> <p>“a) Moray Forestry and Woodland Strategy</p> <p>Proposals which support the economic, social and environmental objectives and projects identified in the Moray Forestry and Woodlands Strategy will be supported where they meet the requirements of other relevant Local Development Plan policies. The council will consult Scottish Forestry on proposals which are considered to adversely affect forests and woodland. Development proposals must give consideration to the relationship with existing woodland and trees including shading, leaf/needle cast, branch cast, wind blow, water table impacts and commercial forestry operations.</p> <p>b) Tree Retention and Survey</p>	

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	<p>Proposals must retain healthy trees and incorporate them within the proposal unless it is technically unfeasible to retain these. Where trees exist on or bordering a development site, a tree survey, tree protection plan and mitigation plan must be provided with the planning application if the trees or trees bordering the site (or their roots) have the potential to be affected by development and construction activity. Proposals must identify a safeguarding distance to ensure construction works, including access and drainage arrangements, will not damage or interfere with the root systems in the short or longer term. A landscaped buffer may be required where the council considers that this is required to maintain an appropriate long term relationship between proposed development and existing trees and woodland.</p> <p>Where it is technically unfeasible to retain trees, compensatory planting on a one for one basis must be provided in accordance with (e) below.</p> <p>c) Control of Woodland Removal</p> <p>In support of the Scottish Government's Control of Woodland Removal Policy, Woodland removal within native woodlands identified as a feature of sites protected under Policy EP1 or woodland identified as Ancient Woodland will not be supported.</p> <p>In all other woodlands development which involves permanent woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits (excluding housing) and where removal will not result in unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice the management of the woodland.</p> <p>Where it is proposed to remove woodland, compensatory planting at least equal to the area to be felled must be provided in accordance with e) below.</p> <p>d) Tree Preservation Orders and Conservation Areas</p>	

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	<p>The council will serve Tree Preservation Orders (TPO's) on potentially vulnerable trees which are of significant amenity value to the community as whole, trees that contribute to the distinctiveness of a place or trees of significant biodiversity value.</p> <p>Within Conservation Areas, the council will only agree to the felling of dead, dying, or dangerous trees. Trees felled within Conservation Areas or subject to TPO must be replaced, unless otherwise agreed by the council.</p> <p>e) Compensatory Planting</p> <p>Where trees or woodland are removed in association with development, developers must provide compensatory planting to be agreed with the planning authority either on site, or an alternative site in Moray which is in the applicant's control or through a commuted payment to the planning authority to deliver compensatory planting and recreational greenspace."</p> <p>5. In Policy EP7 Forestry, Woodland and Trees deleting the existing text within Justification/Notes, and replacing as follows:</p> <p>"Moray is recognised for the quality of its scenery and natural heritage for which forests and woodlands play an integral part of. They are an important renewable and beneficial resource in terms of climate change, economic, landscape, recreational, biodiversity and tourism opportunities. In line with the Scottish Forestry's guidance document "The Right Tree in the Right Place", the council supports the good management of this resource to balance the potential economic benefits with protecting and enhancing forests and woodland from inappropriate development and uses.</p> <p>The Scottish Government is committed to maintain and enhancing Scotland's forest and woodland resource. Preventing inappropriate woodland removal is a key policy within the</p>	

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	<p>Scottish Forestry Strategy February 2019, and the Control of Woodland Removal Policy (along with associated Implementation Guidance published in February 2019). Woodlands identified as Ancient Woodland are important not just for the trees, but for the soil structure, flora and fauna that rely on such woodlands. Ancient woodland ecosystems have been created over hundreds of years and are irreplaceable.</p> <p>For the purposes of policy EP7, “woodland removal” under part c) is defined as the permanent removal of 0.1 hectares or more of woodland for the purposes of conversion to another type of land use. Proposals affecting a tree or trees covering an area less than 0.1 hectares will be considered against criteria b).</p> <p>Development proposals which result in the permanent loss of woodland will be required to provide compensatory planting which will be of an appropriate species and will include the cost of management and establishment of the woodland/ greenspace. Further details of mechanisms to deliver compensatory planting are available from Moray Council. Compensatory planting requires to be agreed with Scottish Forestry before a felling licence is approved.</p> <p>The Scottish Forestry, the Moray Access Manager and Scottish Natural Heritage will be consulted on issues relating to the recreational and biodiversity value of woodland.</p> <p>Proposals for works to trees in Conservation Areas and trees covered by a TPO must be made in writing and be supported by a tree surgeon’s report to provide justification for its removal.”</p> <p>6. In Policy EP7 Forestry, Woodland and Trees, amending Trees and Development Guidance as follows:</p> <ul style="list-style-type: none"> • At the end of paragraph two inserting: 	

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	<p>“Developers proposing compensatory planting are asked to follow the guidance for site assessment and woodland design as laid out in Scottish Forestry’s “Woodland Creation, Application Guidance” and its subsequent updates, when preparing their proposal.”</p> <ul style="list-style-type: none"> • At bullet point three after “Height and canopy spread in metres” inserting: “(including consideration of full height and spread).” • At paragraph six deleting “development assessment” and inserting: “Based on the guidance in BS5837, only category U trees are discounted from the Tree Survey and Tree Protection Plan process.” • Adding new sentence to end of paragraph six as follows: “It is noted that in line with part b) of policy EP7 where woodland is removed compensatory planting must be provided regardless of tree categorisation.” • At final paragraph deleting “Ash” from the list of recommended planting. <p>7. Amending Policy EP8 Historic Environment as follows:</p> <ul style="list-style-type: none"> • Deleting the existing title a) and inserting: “Scheduled Monuments and Unscheduled Archaeological Sites of Potential National Importance.” • In paragraph one, deleting first sentence and inserting text as follows: 	

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	<p>“Where a proposed development potentially has a direct impact on a Scheduled Monument, Scheduled Monument Consent (SMC) is required, in addition to any other necessary consents. Historic Environment Scotland manage these consents.”</p> <ul style="list-style-type: none"> • Deleting paragraph two, and inserting text as follows: <p>“Development proposals will be refused where they adversely affect the integrity of the setting of Scheduled Monuments and unscheduled archaeological sites of potential national importance unless the developer proves that any significant adverse effects are clearly outweighed by exceptional circumstances, including social or economic benefits of national importance.”</p> <ul style="list-style-type: none"> • In b) Local Designations, deleting bullet point 2 and inserting text as follows: <p>“Consideration has been given to alternative sites for the development and preservation in situ is not possible.”</p> <ul style="list-style-type: none"> • Amending bullet point 3 by inserting “Where possible” at the start of this sentence. <p>8. In Policy EP12 Management and Enhancement of the Water Environment at a) Flooding, page 98 c) final paragraph,</p> <ul style="list-style-type: none"> • Deleting “as they are unsustainable in the long term due to sea level rise and coastal change”. <p>9. Adding new policy EP17 Coastal Change as follows:</p> <p>“New development will not generally be supported in areas that are vulnerable to adverse</p>	

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	<p>effects of coastal erosion and/or wider coastal change as identified in Scotland's Dynamic Coast project (National Coastal Change Assessment).</p> <p>In vulnerable areas, proposals for new developments will only be permitted if they demonstrate that they:</p> <ul style="list-style-type: none"> • are adaptive to anticipated coastal change, and • avoid the need for coastal defence measures over their lifetime, and • will not have a detrimental impact on coastal processes. <p>Beyond this, only in exceptional circumstances will proposals within areas vulnerable to coastal change be approved and only where it has been demonstrated that there are:</p> <ul style="list-style-type: none"> • no alternative solutions, and • imperative reasons of over-riding public interest including those of a social or economic nature." <p>10. Adding Justification/Notes to accompany Policy EP17, as follows:</p> <p>"Moray has approximately 190 kilometres of coastline hosting a number of settlements, as well as other assets such as harbours, beaches, coastal trails and agricultural land. These settlements and assets are important for the economy, natural and cultural heritage of the region. The increasing effects of climate change, including the consequences of sea level rise, will continue to change our coastline and put existing and planned built development and infrastructure at risk. Around 60% of the Moray coastline is made up of soft material susceptible to erosion. The proportion of soft coastline experiencing erosion has tripled in recent years from 10% to 34%. A significant length of the coast has experienced substantial erosion, 13 kilometres of shoreline has retreated</p>	

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	<p>more than 30 metres since the 1970's and there is likely to be increased erosion and flooding to be managed in the future. Coastal settlements such as Kingston and Cullen are already experiencing issues. Further information on areas of the Moray coast affected and detailed mapping is available to view at http://www.dynamiccoast.com/."</p>	
07 Elgin	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. Adding the following bullet point to R5 Bilbohall West: <ul style="list-style-type: none"> • "Phase 1 Habitat Survey Required". 2. Adding the following bullet point to R3 Bilbohall South: <ul style="list-style-type: none"> • "Landscaped buffer of minimum 40 metres between the housing and the rear elevations of properties at Fairfield Avenue." 3. Adding the following bullet point to R11 Findrassie: <ul style="list-style-type: none"> • "A suitable buffer zone is required to ensure protection of the Long-Established Woodland of Plantation Origin (LEPO) at Findrassie Wood." 4. Removing R14 South Lesmurdie, Elgin and designating the site as ENV3: Playspace for Children and Teenagers and ENV5: Green Corridors. 5. Adding the following bullet point to R19 Easter Linkwood and Linkwood: <ul style="list-style-type: none"> • "Avoid the loss of Long-Established Woodland of Plantation Origin (LEPO) along Linkwood Road." 6. Adding the following bullet point to R22 Spynie Hospital: 	270

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	<ul style="list-style-type: none"> • “Given the site’s former use, a Contamination Assessment is required.” <p>7. Replacing the first bullet point of I6 Linkwood East with the following:</p> <ul style="list-style-type: none"> • “Site is partly built out for restaurant, café and retail uses. The remaining undeveloped land is suitable for Use Class 4 Business, Use Class 5 General Industrial and Use Class 6 Storage and Distribution.” <p>8. Making the following changes At I16 Burnside of Birnie and LONG3:</p> <ul style="list-style-type: none"> • Adjust the site boundary so land to the north of the A96 dualling is identified as I16 and land to the south of the A96 dualling is identified as LONG3. • Amend the designation text for I16 (third bullet point) to refer to 9 hectares. • Amend the designation text for I16 fourth bullet point to read as follows: “A greater mix of uses is supported across 5ha of the site;...” • Insert revised Key Design Principles (CD08) to replace those on page 130. • Replace ninth bullet point of I16 to read as follows: “New junction on A941 required, see TSP23. Links through to the Elgin South Masterplan area to be provided. To create a second access onto the A941 careful consideration must be given to junction spacing.” • Amend eleventh bullet point of LONG3 to read as follows: “New junction on A941 required (TSP24).” • Amend second bullet point of LONG3 to read as follows: “A landscaped corridor of minimum 15 metres width planted with heavy standard trees, must be provided along the A941 to filter views”. • Amend third bullet point of LONG3 to refer to “Woodland structure planting...”. • Include the properties at Burnside of Birnie and Blossombank within the Elgin Settlement Boundary. 	

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	<p>9. Amending fifth bullet point of OPP5 Auction Mart, Linkwood Road to read as follows:</p> <ul style="list-style-type: none"> • “Proposals must reflect the historic use of the site as an agricultural auction mart in the character and design of key buildings and public art.” <p>10. Amending the fourth bullet point of OPP5 Auction Mart, Linkwood Road to read as follows:</p> <ul style="list-style-type: none"> • “Pedestrian and cycle connection to Market Drive to the south of the site to be provided, where realistically feasible.” <p>11. Inserting the following as a separate Opportunity Site:</p> <p>“OPP*** Lesser Borough Briggs 1.1 ha Suitable Uses</p> <p>Leisure, office retail</p> <p>Site Specific Requirements</p> <ul style="list-style-type: none"> • Transport Assessment required, the scope of which must be agreed with Transport Scotland and Moray Council Transportation. • Connectivity through the site, to the town centre and river for pedestrian and cyclists required. • Level 2 Flood Risk Assessment (FRA) required. • Drainage Impact Assessment (DIA) required. • No development within 6m of existing flood alleviation measures will be permitted. 	

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	<ul style="list-style-type: none"> • The site lies within the defended flood plain and is therefore not suitable for vulnerable uses, including housing.” <p>12. Amending the designation text and map for OPP8 Lossie Green, Elgin by removing the Lesser Borough Briggs area to show the site area as 2.6 ha and removing the requirement “No development within 6m of existing flood alleviation measures will be permitted”.</p> <p>13. Replacing OPP11 Walled Garden with the following:</p> <p>“CF6 Walled Garden</p> <ul style="list-style-type: none"> • Site safeguarded for educational and training facilities primarily related to horticulture, gardening and outdoor education. • Opportunities for the expansion of existing facilities will be supported. • Given the listed buildings on the site and proximity to the Scheduled Monuments of Bishop’s House and Elgin Cathedral, any development must be informed by a detailed assessment of potential heritage impacts. Consideration must be given to the scale and height of proposals and impacts on views to and from the Cathedral, and detrimental impacts must be avoided. • A Standing Building Survey may be required depending on the scale and type of any expansion proposals. • Any development proposals will require a Level 2 Flood Risk Assessment (FRA), and Drainage Impact Assessment (DIA) required. A Transport Statement may be required depending on the scale of development proposed. No development within 6m of existing flood alleviation measures. ” <p>14. Altering the map for ENV1 within Elgin which would extend the Biblical Garden to the north as set out in CD09.</p>	

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08 Fochabers, Garmouth, Lossiemouth, Mosstodloch and Urquhart – Elgin Housing Market Area	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. Amending the third bullet point of the site specific requirements for T1 Caravan Site, Fochabers to read as follows: <ul style="list-style-type: none"> • “Demonstrate that there will be no adverse effect on the integrity of the River Spey Special Area of Conservation from development activity either causing disturbance to otters that may be using the watercourse and banks, or pollution or sediment to reach the SAC, or changes to water quality and quantity.” 2. Adding the following bullet point to the site specific requirements for T1 Caravan Site, Fochabers: <ul style="list-style-type: none"> • “Avoid the loss of ancient woodland within the site and provide suitable buffers.” 3. At the eighth bullet point for R1 South of Innes Road, Garmouth, replacing the word “sought” with “required”. 4. Adding the following bullet point to R1 South of Innes Road, Garmouth: <ul style="list-style-type: none"> • “Development must demonstrate that there will be no adverse effect on the integrity of the River Spey or the Lower River Spey – Spey Bay Special Areas of Conservation, or the Moray & Nairn Coast Special Protection Area caused by changes in water quality affecting the habitats and prey species that SAC qualifying interests rely on.” 5. Amending the suitable uses for OPP1 Sunbank, Lossiemouth to read as follows: <p>“Suitable Uses Business Park, Industrial, Retail and Housing where this is part of development of the</p> 	304

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	<p>whole site for a wider mix of uses.”</p> <p>6. Adding the following bullet points to the Site Specific Requirements for OPP1 Sunbank, Lossiemouth:</p> <ul style="list-style-type: none"> • “Access to public transport must be provided either through the site or new bus laybys on the A941 with associated pedestrian crossing facilities.” • “Pedestrian and cycle connections to the north of the site and to the Core Path (CP-LM24) required to provide connections to Lossiemouth High School, and the open space.” <p>7. Altering R3 Balnacoul, Mosstodloch to an Opportunity Site with the suitable uses referring to “Business or residential”.</p> <p>8. Adding the following bullet point to R3 Balnacoul, Mosstodloch (altered to an Opportunity Site):</p> <ul style="list-style-type: none"> • “Ensuring safe connections for cyclists and pedestrians should be considered in the development and use of this site.” <p>9. Amending the designation I3 West of Mosstodloch to refer to 16 hectares and LONG2 West of Mosstodloch to refer to 14 hectares, and altering the maps accordingly.</p> <p>10. Adding the following bullet point to R2 Station Road, Urquhart:</p> <ul style="list-style-type: none"> • “Footway must be extended along the Station Road frontage and into the site.” <p>11. Removing LONG2 Station Road, Urquhart.</p>	

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09 Burghead, Cummington, Duffus and Hopeman – Elgin Housing Market Area	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. Adding a bullet point to R2 Clarkly Hill, Burghead as follows: <ul style="list-style-type: none"> • “Land constraints relating to the operational radio masts must be incorporated into the layout.” 2. Adding the following bullet point to LONG Clarkly Hill, Burghead: <ul style="list-style-type: none"> • “Phase 1 Habitat Survey required.” 3. Adding the following bullet points to T2 Caravan Park Extension, Burghead: <ul style="list-style-type: none"> • “Proposals must be lower density than the existing caravan park to retain a woodland setting for any chalets/caravans/camping.” • “Proposals must minimise woodland removal by locating development in natural clearings where physically possible and maximising woodland retention.” • “Proposals must not negatively impact on the Moray Coastal Trail that runs through the site.” 4. Amending the first bullet of T2 Caravan Park Extension, Burghead to read as follows: <ul style="list-style-type: none"> • “Extension of Caravan Park including chalets and camping provision.” 5. Adding the following to R1 Manse Road, Hopeman: “Landfill gas assessment 	333

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	required.” 6. Removing R2 Hopeman Golf Club .	
10 Forres Housing Market Area – Forres – Dallas, Dyke, Findhorn, Kinloss and Rafford	Modify the local development plan by: 1. Removing I4 Waterford North, Forres . 2. Adding the following bullet point to OPP7 Whiterow, Forres : • “Avoid the loss of ancient woodland within the site.” 3. Replacing the second bullet point of R3 Fir Park Road with the following: • “Houses must be one storey in height, front onto C7E and create a gateway into the village.” 4. Adding the following bullet points to R1 Brochloch, Rafford : • “The area to the rear of the existing houses must be retained as open space/ landscaping.” • “Consideration must be given to safe routes to school, which may take the form of a bus bay for school buses.”	374
11 Buckie – Cullen, Findochty, Portgordon and Portknockie – Buckie Housing Market Area	Modify the local development plan by: 1. Removing R10 Site at Station Road, Portessie and identifying the site under ENV5 Green Corridor. 2. Adding a bullet point to LONG1 Land to South West of Buckie as follows:	399

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	<ul style="list-style-type: none"> • “Flood Risk Assessment (FRA) required.” <p>3. Amending the ENV5 Burn of Buckie designation boundary as follows: to reflect the planning approval at the property Ferndale; at Burnbank to reflect the approach taken at Ferndale; and to remove the properties and curtilages of Burnside and Doonahree.</p> <p>4. Removing the designation ENV6 Mill of Buckie and identifying the site for residential purposes (11 units) and a community woodland (ENV). Suitable site requirements should be added to the designation to reflect the planning permission approved for the site.</p> <p>5. Replacing the bullet point referring to mains water and sewerage within OPP3 Barron Street, OPP4 Bank Street, OPP5 James Jones Shipyard, OPP6 Former Grampian Country Park, T1 Strathlene Caravan Site, T2 Coastal Strip, Strathlene with the following:</p> <ul style="list-style-type: none"> • “Development must demonstrate that there will be no adverse effect on the integrity of the proposed Moray Firth Special Protection Area (pSPA), for example caused by changes in water quality affecting the habitats and prey species that the qualifying interests of the pSPA rely on.” <p>6. Removing residential as a suitable use for OPP4 Bank Street, Buckie and inserting the following bullet point:</p> <ul style="list-style-type: none"> • “Likely amenity issues given the adjacent commercial uses in the vicinity and in particular the extent of fish processing activities. These will be required to be addressed in proposals.” <p>7. Amending the second bullet point of OPP6 Former Grampian Country Park,</p>	

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	<p>Buckie to read as follows:</p> <ul style="list-style-type: none"> • “Whilst established use rights’ would allow continued industrial/business use, such activity may be restricted given the adjacent residential properties.” 	
12 Keith – Newmill – Keith Housing Market Area	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. Removing R7 Jessieman’s Brae, Keith as a housing designation and designate the site as part of the ENV5 River Isla Corridor. 	410
13 Speyside Housing Market Area – Aberlour, Archiestown and Rothes	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. Amending the tenth bullet point of the site requirements for R2 Speyview, Aberlour to read as follows: <ul style="list-style-type: none"> • “An active travel connection to Taylor Court must be provided.” 2. Adding a bullet point to R2 Speyview, Aberlour as follows: <ul style="list-style-type: none"> • “Phase 1 Habitat Survey required.” 3. Removing an area of land to rear of 45 Green Street, Rothes from R2 Green Street, Rothes as set out in Site Map 13-7. 4. Removing I5 Greens of Rothes and revising the settlement boundary to exclude that site. 	437
14 Rural Groupings	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. Removing Site A, Auchbreck but retaining the land within the Rural Grouping boundary. 	499

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	<p>2. Removing Site A, Bridgend of Glenlivet and amending the Rural Grouping boundary to exclude the land.</p> <p>3. Amending the boundary of Site A, Cardhu to allow for existing road frontage development only and adding the following sentence at the end of the first paragraph of the designation text: "To be in keeping with this traditional character, development is restricted to the existing road frontage."</p> <p>4. Removing Site A, Clackmarras and amending the Rural Grouping boundary to exclude the land.</p> <p>5. Removing Site A, Cragganmore and identify the land as Amenity Land.</p> <p>6. Amending the Rural Grouping boundary of Craighead by removing the land to the east.</p> <p>7. Amending the Rural Grouping boundary of Darklass by adding the area of land indicated within the representation.</p> <p>8. Removing Sites A and B, Glenfarclas and amending the Rural Grouping boundary to exclude the land.</p> <p>9. Amending Site B, Kellas by removing the triangle of land contained within the adjacent property Chapelstane.</p> <p>10. Removing Site A, Knock and identify the land as Amenity Land.</p> <p>11. Removing Site A, Logie and amending the Rural Grouping boundary to exclude the land.</p>	

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	<p>12. Increasing the number of houses referred to in the designation text for Mains of Inverugie Site A from “up to 12” to “up to 15”.</p> <p>13. Replacing the fourth and fifth paragraphs of the designation text for Maverston with the following:</p> <p>“There is an opportunity to redevelop the site of the existing steading buildings. No more than 16 houses will be permitted and development should be in keeping with the scale and proportions of the original steading building. The layout, siting and design of any new development should be in keeping with the character of the area and must reflect traditional design and layout. No further development opportunities for development have been identified or will be supported at Maverston.”</p> <p>14. Adding the following wording to the designation text for Maverston: “Connection to the public sewer is required.”</p> <p>15. Adding the following wording to the designation text for Site A at Miltonduff North: “This must also include landscape screening between the Community Hall and the site”.</p> <p>16. Adding the following wording to the designation text for Site A at Rafford Station: “Peat soils are present on site and proposals may need to be supported by a peat survey to establish peat depths.”</p> <p>17. Adding the following wording to the designation text for Sites A and B at Upper Dallachy: “Flood Risk Assessments (FRAs) required.”</p> <p>18. Adding the following wording to the designation text for Site B at Upper Dallachy:</p> <p>“Planting along its eastern and northern boundaries should be provided as part of a landscaping plan for the site which reflects its elevated position adjacent to the</p>	

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	<p>countryside.”</p> <p>19. Removing Site A, Woodside of Ballintomb and identify the land as Amenity Land.</p>	