

Moray Local Development Plan 2023 Monitoring Report – 27th July 2021 to 26th July 2023

The Monitoring Report is intended to examine the performance of the Moray Local Development Plan (MLDP) 2020 and provide an update on land use planning issues. The Main Issues Report 2018 set out what was considered to be the main land use issues facing Moray and set out options on how these could be addressed within the MLDP. It will also provide an update on planning appeals by both the Moray Local Review Body and the DPEA. The previous Monitoring Report (2021) was structured around these issues.

This report will cover two years as opposed to the previous Monitoring Reports which only covered one. However, to provide a comparison over the plan period the 2023 report will be structured in the same way and where possible information will be broken down between the two years.

The nine main issues are

1. The proposed Growth Strategy
2. Providing a generous and effective supply of land for housing
3. Creating integrated, quality healthy places
4. Providing a generous employment land supply
5. Taking an infrastructure first approach
6. Pressures on Moray's landscapes and rural cultural heritage
7. Safeguarding and promoting biodiversity
8. Delivering on Climate Change
9. Rural Housing
10. Planning appeals

1. Demographics & Growth/Spatial Strategy

Please note the following statistics cover the period from July 2021 – July 2023 as well as identifying other longer term demographic trends.

1.1 Demographics

General

- Between 2001 and 2021 Moray's population grew by 11% compared with 8% growth across Scotland.
- The population was 96,410 on 30th June 2021. This is an increase of 0.6% from 2019.
- However, population growth is projected to reverse between 2018 and 2043 with a decline in population of just under -3%.

Ageing Population

- Since 2001, there has been a 52% increase in those aged 65+ and an 86% increase in the 85+ age group. Over the same period the 25 – 44 age group shows the largest decrease of -13%.
- This projected trend is expected to continue between 2022 and 2042 with a 32% increase in those aged over 65. Over this same period negative growth is expected for those of a working age with a -12% decline across Moray which is an issue that will need to be addressed.
- Data for the period between 2018 and 2028 for the age groups of 65 to 74, and 75 and over show projections of 13.9% and 32.4% increases. In comparison, the 0 to 15, 16-24, and 45 to 64 age groups show percentage decreases of 14.1%, 5.3%, and 7.6% respectively.
- These projections have been reflected in previous Monitoring Reports and statistics and highlight the trend that Moray is going to have to address an ageing population with a declining working age population which will have an impact on the economy, housing, and health care provision.

Households

- Although the projected population of Moray is projected to decline (-3% from 2018 to 2043), data from NRS shows that the number of households living in Moray is projected to increase by 5% between 2022 and 2042. This is lower than previous projections where in 2018 an 8.2% increase was projected. This trend is expected to continue which will be fuelled by the demand for smaller households.
- In 2022 there were an estimated 43,995 households in Moray. This is a 0.9% increase from 2021 and a 2.47% increase from 2019. In comparison the number of households in Scotland increased by 0.8% from 2021.
- The number of 75+ year old head of households in Moray is projected to grow by 84% by 2043 whilst every other age range will decrease. Single Person and 2 Adult households will be subject to the greatest growth levels in Moray with 17% and 11% projected between 2018-38 respectively. This trend reflects the 2021 Monitoring Report which showed that the "two or more adult, one or more children" household is projected to see the largest percentage decrease (5.4%) and the "one adult" household is projected to see the largest increase over a 2018 – 2028 period.

- Based on these trends it is clear that housing delivery plans will need to be aligned to accommodate an ageing and smaller household profile.
- The accuracy of projections is variable and they therefore should be treated with caution. Whilst over time the projections have differed in terms of the levels of change projected, the overall trend of an increasing ageing population and declining working age population has not changed from previous Monitoring Reports.

1.2 Growth & Spatial Strategy

The MLDP 2020 introduced a revised Growth/Spatial Strategy for Moray which better reflects population size, access to services and jobs and development pressure for housing and employment. Elgin continues to be identified as the primary growth area, with Buckie and Forres identified as secondary growth areas. Aberlour, Fochabers, Keith, Lossiemouth and Mosstodloch are identified as tertiary growth areas.

Approvals and Completions

	2018	2019	2020	2021	2022
Moray	358	414	231	398	418

Table 1: Completions

Spatial Strategy	No. of Approvals (2021-22)	No. of Completions (2021)	No. of Approvals (2022-23)	No. of Completions (2022)
Primary Growth Area	367	121	334	146
Secondary Growth Area	163	115	81	156
Tertiary Growth Area	5	108	11	61
Smaller Towns & Villages	93	14	3	15
Rural Groupings	5	40	11	40

Table 2: Approvals and completions by Spatial Strategy

Local Housing Market Area	No. of Approvals (2021-22)	No. of Completions (2021)*	No. of Approvals (2022-23)	No. of Completions (2022)*
Buckie	118	74	66	37
Elgin	457	226	352	176
Forres	52	55	21	134

Keith	0	3	0	31
Speyside	6	0	0	0

Table 3: Approvals and completions by Spatial Strategy

**Does not include Rural Groupings*

2021/22

- A total of 633 units received approval in the towns, villages and rural groupings between 2021 and 2022, compared to 470 units in 2020/21. The increase is primarily due to consents relating to the next phases of masterplanned areas at Findrassie and Elgin South.
- The focus of approvals was in the Primary (58%) and Secondary (26%) Growth Areas, reflecting the hierarchy of the Growth/Spatial Strategy.
- Approvals in Tertiary Growth Areas continues to be low, with five units consented in 2021/22, and do not reflect its position in the Growth/Spatial Strategy.
- 93 units received consent in Smaller Towns/Villages, compared to 14 in 2020/21. This was due to developments in Lhanbryde (32 units) and Hopeman (48 units).
- Completions in 2021/22 were up from 2020-21, reflecting the recovery from the impacts of the Covid-19 pandemic, with 398 units. The locations of completions reflect the hierarchy of the Growth/Spatial Strategy.

2022/23

- Between 2022 and 2023, a total of 440 units received planning consent.
- 80% of approvals were in the Primary Growth Area, with 19.7% in the Secondary Growth Areas.
- 11 units were consented in Tertiary Growth Areas and 3 units approved in Smaller Towns/Villages, reflective of the Growth/Spatial Strategy.
- Completions continue to show a positive return to pre-Covid figures with 418 units completed in 2022/23.

1.3 Conclusion

- Approvals and completions are largely in line with the Growth\Spatial Strategy although growth in the Tertiary Growth Areas continues to be modest.
- Recovery from the impacts of the Covid-19 pandemic is evidenced in the increased completions across 2021/22 and 2022/23.
- Moray is going to have to continue to address issues with an ageing population and a declining working age population which will have an impact on the economy, housing, and health care provision.

2. Providing a Generous and Effective Supply of Land for Housing

2.1 Effective Housing Land Supply

	2019	2020	2021	2022	2023
Moray	4,189	5,811	5,508	5,365	5,022

Table 4: Effective housing land supply (Housing Land Audit (HLA) 2023 [base date January 2023])

- The Moray HLA 2023 identifies an effective housing land supply of 5,022 units, which is 12 years supply.
- There remains a surplus of effective housing land in all Local Housing Market Areas (LHMA) with the exception of Keith LHMA where there is a deficit. To address this, the release of Keith LONG1 *Nursery Fields* was approved.
- There is a further 3,875 units (9 years supply) which are designated as LONG and can be unlocked if specific triggers for their release are met.
- This means that a generous supply of land is available, with land identified for approximately 28 years.
- The majority of completions between 2012 and 2022 were in Elgin, Forres and Buckie. The projected house completions reflect the low supply of new housing in Keith and Speyside. However, work at Banff Road (Keith R4) is progressing and discussions are ongoing regarding Speyview (Aberlour R2). In addition, a masterplan is being developed for Hillside Farm (Dufftown R1) in partnership with Dufftown & District Community Association.
- The Moray Growth Deal Housing Mix Delivery project will bring further investment to help unlock previously constrained housing land sites.
- The appendix provides an overview on progress on residential development sites.

2.2 Affordable Housing

2021/22

Area	No. of Affordable Units	No. of Bedrooms	No. of Units
Elgin	237	1-bed flat	62 (inc. 2 accessible)
		2-bed flat	8
		2-bed bungalow (detached)	41 (inc. 3 accessible)
		2-bed house (semi)	4
		3-bed flat	2
		3-bed bungalow (detached)	5
		3-bed house (terraced)	6

		3-bed house (semi)	49
		3-bed house (detached)	4
		4-bed bungalow (detached)	2 (inc. 2 accessible)
		4-bed house (terraced)	7
		4-bed house (semi)	16
		4-bed house (detached)	5
		5-bed house (semi)	1
		5-bed house (detached)	3
		Extra Care	22
Forres	48	1-bed flat	19 (inc. 7 accessible)
		3-bed house (terraced)	26
		4-bed house (terraced)	3 (inc. 3 accessible)
Lhanbryde	32	1-bed flat	8
		2-bed bungalow (detached)	2
		3-bed house (terraced)	6
		3-bed house (semi)	6
		4-bed house (semi)	2
		Specialist bungalow	8
Hopeman	12	1-bed flat	4
		2-bed house (semi)	2
		3-bed house (semi)	4
		4-bed house (semi)	2
Urquhart	2	3-bed house (semi)	2

Table 5: Number of affordable housing units and type consented in 2021-2022

- A total of 331 affordable houses are proposed across eight applications approved in the year to 31 July 2022. This represents 72% of the consented units in this period, in excess of the 25% required by policy. This is a result of three applications which were 100% affordable housing developments.
- The Council completed 46 new build affordable units in the 2021/22 period, with other RSLs completing a further 101 units.
- Following review of the Housing Business Plan in 2022, the Council agreed that 50 Council houses would be built per annum.

2022/23

Area	No. of Affordable Units	No. of Bedrooms	No. of Units
Elgin	65	1-bed flat	24
		2-bed bungalow (semi)	2
		2-bed house (semi)	14
		2-bed house (detached)	1
		3-bed house (terraced)	14
		3-bed house (semi)	1
		4-bed house (semi)	7
		4-bed house (detached)	1
		5-bed house (detached)	1
Buckie	44	1-bed flat	12
		2-bed flat	4
		2-bed house (semi)	6
		2-bed house (detached)	1
		3-bed house (terraced)	4
		3-bed house (semi)	10
		3-bed house (detached)	1
		4-bed house (semi)	5
		4-bed house (detached)	1

Table 6: Number of affordable housing units and type consented in 2022-2023

- 110 affordable housing units were consented across six applications between 2022 and 2023. This represents 25% of the consented units as required by policy.
- One application made a commuted payment in lieu of on-site delivery of affordable housing, as agreed with the Housing Strategy and Development Manager, due to the proposal requiring multi-tenure/multi-use provision under one communal roof structure.
- 45 units were completed/acquired by the Council in 2022/23, with RSLs completing a further 114 units.

2.3 Accessible Housing

Proposals of 10 or more units are required to provide 10% of the private sector units to wheelchair accessible standards.

2021/22

Area	Type of Unit	No. of Units
Elgin	2-bed bungalow	3
	2-bed house (terraced)	12
	4-bed bungalow	2
Hopeman	3-bed bungalow (semi)	1
	3-bed bungalow	7
Urquhart	4-bed house (detached)	1

Table 7: Number of accessible housing units and type consented in 2021-2022

- 26 units to wheelchair accessible standard were secured from 176 consented private units between 2021 and 2022. This in excess of the 10% requirement set out in policy.
- Due to the Reporter's removal of the requirement for accessible housing to be single storey, there is a reduction in the number of units that are single storey dwellings with no accommodation in the upper roof space. 50% of the accessible units are bungalows.

2022/23

Area	Type of Unit	No. of Units
Elgin	2-bed flat (GF)	21
	3-bed house (semi)	8
Buckie	2-bed flat (GF)	9
	3-bed bungalow (detached)	6

Table 8: Number of accessible housing units and type from planning consents granted in 2022-2023

- Between 2022 and 2023, 44 units were secured as wheelchair accessible standard from 378 consented units. This equates to 11.6%, continuing the trend of provision in excess of policy requirements.
- Only 14% of units are single storey dwellings with no upper roof space, with a large proportion (47%) meeting the requirement through ground floor flats. This highlights the lack of choice in the private market (ie a small supply of bungalows) for elderly people or people with disabilities or mobility issues. The extent of this trend will be monitored to identify if housing mixes reflect the trends of an aging population.

2.4 Housing Mix

2021/22

Area	No. of Bedrooms	No. of Units	Percentage
Aberlour	4-bed house (detached)	5	
Buckie	1-bed flat	8 (7%)	7%
	2-bed flat	23 (21%)	21%
	2-bed house (semi)	2 (2%)	2%
	3-bed flat	2 (2%)	2%
	3-bed house (terraced)	10 (9%)	9%
	3-bed house (semi)	28 (26%)	26%
	3-bed house (detached)	7 (7%)	7%
	4-bed house (semi)	4 (4%)	4%
	4-bed house (detached)	24 (22%)	22%
	TOTAL	108	
Elgin	1-bed flat	62 (17%)	17%
	2-bed flat	8 (2%)	2%
	2-bed bungalow (detached)	41 (11%)	11%
	2-bed house (terraced)	12 (3.3%)	3.3%
	2-bed house (semi)	4 (1%)	1%
	3-bed flat	2 (0.5%)	0.5%
	3-bed bungalow (detached)	5 (1%)	1%
	3-bed house (terraced)	16 (4%)	4%
	3-bed house (semi)	87 (24%)	24%
	3-bed house (detached)	16 (4%)	4%

	4-bed bungalow (detached)	2	1%
	4-bed house (terraced)	7	2%
	4-bed house (semi)	16	4%
	4-bed house (detached)	58	16%
	5-bed house (semi)	1	0.01%
	5-bed house (detached)	3	0.01%
	Extra care	22	6%
	TOTAL	362	
Forres	1-bed flat	19	40%
	3-bed house (terraced)	26	54%
	4-bed house (terraced)	3	6%
	TOTAL	48	
Hopeman	1-bed flat	6	15%
	2-bed flat	6	15%
	2-bed bungalow (semi)	3	7.5%
	2-bed house (semi)	6	15%
	3-bed bungalow (semi)	1	2.5%
	3-bed bungalow (detached)	7	17.5%
	3-bed house (semi)	4	10%
	3-bed house (detached)	2	5%
	4-bed bungalow (detached)	1	2.5%
	4-bed house (detached)	2	5%
	5-bed house (detached)	2	5%
	TOTAL	40	
Lhanbryde	1-bed flat	8	25%
	2-bed bungalow (detached)	2	6%
	3-bed house (terraced)	6	19%
	3-bed house (semi)	6	19%
	4-bed house (semi)	2	6%
	Specialist bungalow	8	25%
	TOTAL	32	
Urquhart	3-bed house (semi)	2	20%

	3-bed house (detached)	3	30%
	4-bed house (detached)	5	50%
	TOTAL	10	

Table 9: Private and affordable housing mix from planning consents granted in 2021-2022 (excludes applications under 4 units, PPP and remix applications)

- 3-bed houses made up the greatest proportion of consented units (38.3%, 230 units) between 2021 and 2022. This is made up of 4 flats, 1 semi-detached bungalow, 12 detached bungalows, 58 terraced houses, 127 semi-detached houses and 28 detached houses.
- 4-bed properties make up the next greatest proportion was 21.5% (129 units).
- 1-bed flats make up 17.5% (105 units).
- 16.8% (101 units) are 2-bed properties, with 31 flats, 3 semi-detached bungalows, 49 detached bungalows, 12 terraced houses and 6 semi-detached house.
- 5-bedroom houses make up only a very small number of consented units with 6 (1%) in total.
- The number of bungalows continues to decrease, with 11.3% (68 units) making up the housing mix.
- The housing mix however continues to reflect the trend for smaller household sizes, with 4/5-bed houses making up around 22% of the consented mix.

2022/23

Area	No. of Bedrooms	No. of Units	Percentage
Buckie	1-bed flat	4	6%
	2-bed house (terraced)	4	6%
	2-bed house (semi)	12	19%
	2-bed house (detached)	1	2%
	3-bed bungalow (detached)	6	9%
	3-bed house (terraced)	13	20%
	3-bed house (semi)	4	6%
	3-bed house (detached)	7	6%
	4-bed house (semi)	2	3%
	4-bed house (detached)	12	19%
	TOTAL	65	
Elgin	1-bed flat	27	8%

	2-bed flat	76	24%
	2-bed bungalow (semi)	2	1%
	2-bed house (semi)	14	4%
	2-bed house (detached)	1	0.5%
	3-bed flat	10	3%
	3-bed house (terraced)	18	6%
	3-bed house (semi)	51	16%
	3-bed house (detached)	16	5%
	4-bed house (semi)	7	2%
	4-bed house (detached)	74	23%
	5-bed house (detached)	25	8%
	TOTAL	321	

Table 10: Private and affordable housing mix from planning consents granted in 2022-2023 (excludes applications under 4 units, PPP and remix applications)

- 3-bed properties continue to make up the greatest proportion of consented units with 33.5% (125 units) between 2022 and 2023. This is made up of 10 flats, 6 detached bungalows, 31 terraced houses, 55 semi-detached houses and 23 detached houses.
- 2-bed properties make up 26% (97 units), closely followed by 4-bed houses with 25.5% (95 units). These are predominately 2-bed flats and 4-bed detached houses.
- There is a significant drop in the number of bungalows being consented, with 2.1% (8 units). This is a decrease compared to 2020/21 (23%) and 2021/22 (11.3%).
- 1-bed flats have dropped by 9.2% whilst there has been an increase of 5.7% in 5-bed houses compared to 2021/22.

2.5 Conclusion

- There is a generous supply of effective housing land to meet targets set out in the MLDP 2020. Land has been released in Keith LHMA where a deficit of supply was identified. The triggers for releasing LONG designations continue to ensure that an effective land supply can be maintained.
- MLDP policies continue to deliver land for affordable housing, with limited use of commuted payments, and securing wheelchair accessible standard housing.
- The mix of housing types reflects the trend for smaller households (2/3-bedroom). Fewer bungalows in the private market are being secured which reflects the change in policy which removed the requirement for accessible housing to be single storey. These are now being met through ground floor flats which reflects limited choice in the private market

3. Creating Integrated, Quality Healthy Places.

3.1 Introduction

Improving the standards of urban design is embodied throughout the MLDP with PP1 Placemaking being the first Primary Policy in the plan. This recognises the importance that good design has on people's health and well-being through creating attractive places to live and work as well as encouraging inward investment and economic growth.

PP1 Placemaking is a more prescriptive policy than the one in the 2015 Moray Local Development Plan with less ambiguous wording to ensure that higher standards of urban design are delivered. As highlighted in the 2021 Monitoring Report the delivery of PP1 is supported by the Quality Audit (QA) process. Led by Officers from Strategic Planning & Development the QA process provides a consistent and multi-disciplinary approach to the assessment of design quality of development proposals.

Following the adoption of the MLDP 2020 the Quality Audit process was revised to remove the "amber" category. This removed unnecessary ambiguity as to whether a proposal was deemed to comply with PP1 or not and allowed Officers to successfully push for improvements in design.

Further revisions to the QA process were undertaken 2022 which were approved by the Planning and Regulatory Services Committee. This involved revising the categories used to assess the proposal against PP1. The way information was provided to applicants was also revised to streamline the process to provide further clarity to applicants on the design issues and improvements necessary to comply with PP1 Placemaking, and other relevant policies of the MLDP 2020.

Given that NPF4 now forms part of the Moray 'development plan' the QA has been reformatted to align with the 6 qualities of a successful place and Annex D of Policy 14 Design, quality and place. The QA update streamlines the assessment of the design quality of development proposals against the relevant development plan policies clearly and consistently and NPF4 via one collective process, and provides further clarity of the interpretation of the 6 qualities of a successful place set out in NPF4 in a Moray context. This approach not only ensures that proposals comply with the current MLDP policy but also the aspirations of NPF4 and Policy 14 Design, quality and to create well designed and successful places.

The policy also has the NPF4 principle of Local Living and climate resilience embedded throughout it and recognises the importance of creating well-designed mixed-use neighbourhoods and all of the associated health benefits that come from them.

Future monitoring reports will evaluate how well this version of the QA is at assessing proposals against both the MLDP 2020 and NPF4.

3.2 Quality Audits

The table below shows the number of QA's that were undertaken over the monitoring report period. In the two years since the 2021 Monitoring Report 7 QA's have been completed. Several applications are subject to ongoing QA's the outcome of which will be reported in the next monitoring report.

Settlement	Site name and designation	Application number	Approved/refused	PP1 Departures and NPF4 (if applicable) & Justification
Elgin	R11 – Findrassie	21/00961/AMC	Approved	Parking (iv) -acceptable departure given the limited extent of the remix, mitigation to parking provided.
	R13 – Lesmurdie Fields	19/01510/APP	Approved	Character & Identity (i) & Biodiversity (v) – Proposal was departure from Policy EP7 part c) Control of Woodland Removal as woodland was removed for the SUDS. Compensatory planting was provided.
	R14 – Spynie Hospital	20/00781/APP	Approved (Dec 2022. However, application has been subsequently withdrawn)	None
	LONG2 South – Glassgreen Village	21/01163/APP	Approved	None
Buckie	R7 – Land at Muirton	21/01963/APP	Approved	Parking (iv) – Two streets did not meet quantitative element of the policy. Acceptable departure as there were overriding design and placemaking benefits to these streets, which outweigh this quantitative assessment criteria.
	R8 Land at Barhill Road	21/01224/APP	Approved (application was subject to an	The proposal scored 7 “reds” signifying departures on all aspects of PP1 in addition to failing to comply with the draft masterplan.

			appeal and approved by the DPEA)	
Lhanbryde	R2 – Garmouth Road	20/01615/APP	Approved	None subject to conditions.

Table 11: Table showing the number of Quality Audits completed 2021/23.

3.3 Additional Planning Policy Guidance

At the time of writing the 2021 Monitoring Report, the new placemaking policy had only been adopted for 1 year. While improvements in the standards of design were noticeable in terms of the layouts received and the changes negotiated by Officers it was tricky to ascertain how well the new policy was delivering high quality developments given the relatively short period of monitoring.

Throughout the time period of this Monitoring Report, additional planning guidance was prepared to aide developers, agents, and Officers interpret some of the MLDP policies and provide further detail and clarity. This included guidance on how to achieve “greens” in the QA as well as a number of other key Placemaking and policy areas.

The following is a summary of some key design areas which the guidance covers which are relevant to the interpretation of the Placemaking Policy;

- **Parking** – The issue of streets and developments being visually dominated by parked cars is a long standing issue. The removal of cars from streets brings many benefits in terms of making streets more visually attractive, encourage social interaction, increased natural surveillance, and increasing biodiversity as more space is left for gardens and boundary treatments. The guidance provides clarity on section (vi) Parking of PP1 and provides examples of what types of arrangements are deemed acceptable.
- **Placemaking Statement** – Further detail and a template as to what type of information is required to be submitted. This covers a number of key design areas with examples of good practice to help applicant achieve green in the QA.
- **Landscaping** – Detail of what type of species will be acceptable in developments. Provides information relating to what species will support biodiversity and provide seasonal colour and pollination opportunities.
- **Biodiversity** – Applicants must provide biodiversity statements which must be a standalone document. The guidance provides information as to what is expected and what must be demonstrated by applicants.
- **Safe Environments** – Detail on how layouts can be safe and welcoming by designing out opportunities for crime and anti-social behaviour. For example having public fronts and private backs, the use of “turn a corner buildings” on key plots, and ensuring that all paths and areas of open space are overlooked with good natural surveillance.

- **Inclusive and Accessible Play** - Play areas in new developments must be inclusive and accessible, providing children and young people of different abilities with equal access to high quality social and play provision. The guidance provides clarity as to what exactly is expected to be provided with a park hierarchy setting out how many pieces of equipment must be provided including inclusive, non-inclusive and wheelchair specifications. The next LDP will continue to seek to ensure that all open and green spaces including allotments are fully accessible for all users.

3.4 Observations and Trends in Placemaking

Character & Identity

The following highlights some of the key areas where improvements have been made to both the design of layouts and the information provided in detailed submissions since the adoption of the MLDP 2020.

- There has been an improvement in the standard of placemaking statements that have been received since the adoption of the MLDP 2020. Officers have ensured that these provide a thorough townscape analysis to ensure that the development is reflective of the location in terms of street pattern, architectural details, landscaping, natural features/topography etc. There has also been an increased use of 3D visualisations which helps to understand what the proposal will look like and how it responds to the site and wider landscape.
- Greater differentiation between and within character areas is now being achieved that goes beyond different house types. This includes variation between renders, street materials, landscape/planting, and architectural details.

Open Space

- There has been a significant reduction in areas classed as being “leftover” space that lacks any function as a result of PP1 Placemaking and Policy EP5 Open Space. All proposals must comply with the quantitative and qualitative aspect of Policy EP5. All applications over the time period of this report met this standard and complied with policy.
- Open spaces have become focal points in developments and have clear multi-functional benefits such as providing play areas, seating areas, blue/green habitats, and food growing opportunities.
- Good quality open spaces are seen as being fundamental to delivering attractive developments and improving the mental health and well being of residents. The provision of benches (including accessible benches) and other forms of seating within these spaces and along key routes is now standard which provides good opportunities for social interaction and rest.
- Additional Planning Policy Guidance was introduced to ensure that high quality play areas were introduced and that they were inclusive and accessible. This ensures that at least 50% of play equipment provided in play areas is to inclusive standards and integrated throughout the layout. The additional guidance provides clarity to developers with regards to both the quantity and type of equipment that must be provided.

- All open spaces are now planted with a variety of species including shrubs, fruit trees, and woodland planting to create attractive spaces with seasonal variation that supports and enhances biodiversity. Where tree planting is proposed semi mature trees are being provided. This ensures that developments are attractive from the outset and avoids the planting of small whips which are prone to damage and can take several years to mature.
- Food growing opportunities such as raised beds or food growing trees shrubs provide and encourage social interaction within communities. However, guidance will be updated to ensure that these are fully accessible for wheelchair users ie waist high.
- Since the adoption of the MLDP 2020, the integration of blue infrastructure has increased significantly as there is a desire to move away from large single SUDs ponds, not only to from a visual perspective but also in terms of supporting biodiversity. Planted swales are being proposed as standard features and have been successfully incorporated not only within areas of open space but also by roadsides which helps to improve the attractiveness of developments. Similarly rain gardens and other bio-retention features are now being incorporated into layouts as standard features which is aided by the QA process.

Landscaping

- Since the adoption of the MLDP 2020 the standard and quality of landscaping plans has improved which reflects the importance that landscaping can have on the character of a development. As such the conditioning of landscape plans is now no longer acceptable. Recently approved landscape plans provided details relating to numbers, species, height and girth of trees, as well as providing seasonal variation and food growing opportunities.
- The additional planning guidance that was prepared provides significant detail and clarity as to what is required and provides information relating to what type of planting (height, species, girth etc) will be deemed acceptable.
- An issue that was previously highlighted in the 2021 Monitoring Report was the inconsistency between plans as often landscape plans did not match with what is shown with site plans. This can make it difficult to assess a proposal if landscaping is being proposed as visual mitigation for example. To address this Officers make it clear to developers that all plans received must match up as failure to do so can impact on the time to make an assessment.

Car Parking

- The visual dominance of parked cars in developments is a recurring and longstanding problem that was identified in previous Monitoring Reports. The requirement for 50% of parking on all streets to be behind the building line has seen significant improvements made to the character of streets as they are less visually dominated by parked cars.
- To aide with the interpretation of this policy requirement additional planning policy guidance was provided to help developers understand the policy and what parking arrangements will be acceptable or not. This guidance has been useful and provides clarity when negotiating changes.

- Parking plans are being provided by developers which define each street and clearly highlight each number of spaces showing how the layout complies with policy as well as allowing an easier assessment to be undertaken.
- Communal parking areas continue to be a challenge, particularly where flats and terraced housing are proposed. While the policy continues to be successful in breaking up communal parking where areas at intervals of 4 spaces with landscaping/planting, ensuring that these spaces are well overlooked and not unattractive parts of the development can be challenging.
- The requirement that a detailed landscape plan is provided upfront remains essential to ensuring that appropriate landscape mitigation is provided. This requirement ensures that any planting is of an appropriate height and species to provide the necessary landscape mitigation.

Public Art

- Since the adoption of the MLDP 2020 all developments must include public art. The additional planning policy guidance that was prepared seeks to provide clarity and help developers understand what is expected. It also provides further detail as to why this is required in terms of wayfinding and legibility but also creating and reflecting local heritage and culture.
- While public art can be a standalone feature it does not necessarily need to be and can be built incorporated into the layout in other ways. In Buckie R7 the layout will provide standalone lighthouse sculptures but also a fishing boat climbing frame which reflects Buckie's maritime and fishing history.

Biodiversity

- The MLDP 2020 introduced Policy EP2 Biodiversity which is also embedded into PP1 Placemaking to support existing habitats as well as creating new ones within developments. Biodiversity plans are assessed through the QA process.
- Biodiversity enhancement and connections into existing networks continue to be a key element of the design of layouts. A number of features such as bat boxes, hedgehog highways and a greater variation of plants, shrubs, and trees all provide greater seasonal variation and pollination opportunities.
- The continued integration of blue infrastructure through swales and rain gardens are becoming standard design features and not only improve the visual appearance of developments but also improve and support biodiversity.
- In some instances some developers thought that the landscape plan would be enough to satisfy PP1 and EP2. This approach is not acceptable. While landscaping can contribute to supporting biodiversity a separate biodiversity plan that goes beyond a landscape plan must be provided. Failure to do so would result in the layout failing to comply with Policy EP2 and PP1 by scoring a "red" in the QA.

Street Layout & Design

- The policy has continued to deliver improvements to the street layout and connectivity of layouts. Through the QA process layouts are permeable and well connected by connecting into natural desire lines.
- Active travel continues to be supported through the provision well connected legible layouts. Infrastructure such as cycle storage is now being provided on every layout to support this key policy aim.
- The use of different street materials has become more common in helping to differentiate between character areas which helps to aide legibility and add visual interest.

3.5 Key Benefits

A number of wide ranging benefits are being delivered as an outcome of the improvements to these key design areas. These could only have been achieved through the detailed nature of PP1 Placemaking. As a result, well designed places benefit residents and communities through the creation of safe and welcoming environments which has knock on benefits for mental health and well-being. The following are a summary of some of the key benefits attributed to improving these key design areas as a result of PP1.

- Well designed developments that are reflective of their surroundings and promote a “sense of place” are beneficial for mental health and well being of residents.
- The significant reduction in streets being visually dominated by parked cars helps to create more attractive streets that prioritise people over cars. It also helps to encourage social interaction and biodiversity by increasing the size of front gardens. This also helps to create the perception that streets are designed for people and not cars and therefore walking is encouraged. Creating opportunities for social interaction is a key component of good design and creating healthy and inclusive communities.
- Well connected routes that support active travel seek to prioritise cycling and walking over the car improving physical and mental health as well as addressing climate change.
- Health and well-being is supported through the provision of high quality multi-functional open space. Seating areas provide opportunities for rest, social interaction, and inter-generational mixing.
- Play areas that are accessible and inclusive for supporting the delivery of healthy vibrant and inclusive communities.
- Increased and varied planting across development not only supports biodiversity and links to nature networks but also helps to improve the mental well being of residents.
- Food growing opportunities such as raised beds or food growing trees shrubs provide and encourage social interaction within communities. Guidance will need to be updated to ensure that these are fully accessible ie are designed for wheelchair users and are waist high.
- Well designed neighbourhoods and open space are designed to reduce crime and anti-social behaviour by providing spaces that benefit from natural surveillance and activity.

3.6 Conclusion

The 2019, 2021 Monitoring Reports contain updates as to how both the MLDP 2015 and 2020 Placemaking policies have improved standards of urban design. As has been demonstrated, PP1 has continued to deliver improvements to Placemaking and the standards of information being submitted in planning applications now that the policy has had time to “bed in”.

NPF4 was adopted in February 2023 and the next Monitoring Report will provide a better understanding of how the revised QA is operating in assessing proposals against PP1 and NPF4 which could have implications for the MLDP 2027.

4 Providing a Generous Employment Land Supply

4.1 Introduction

To facilitate economic development and support diversification of the economy the MLDP seeks to provide a generous supply of employment land that meets the needs for different types of employment. This has been a long standing identified issue in Moray and as was highlighted in the 2018 Main Issues Report, creating a greater mix of uses across newly identified employment sites in the MLDP could aid the delivery of serviced land as some higher value uses could aid site viability.

4.2 Effective Employment Land

Established Supply	225.98 ha	
Effective/Marketable Supply	99.87 ha	21 sites ha
Effective General Industrial	63.28 ha	16 sites ha
Effective High Amenity	36.59 ha	8 sites ha
Immediate Available Supply	33.34 ha	6
Constrained Supply	78.03 ha	15 sites

Table 12: Summary of Employment Land Supply 2022

4.3 General Summary

- There is 63.28ha of effective/marketable general industrial land providing a generous supply equating to approximately 20 years.
- The Elgin and Buckie market areas have relatively healthy supplies of general industrial land providing at least the equivalent of 15 years supply.
- Around 34% (78.03ha) of the established supply has some form of constraint that is likely to prevent land being brought forward in the next five years.
- In Forres there remains a significant shortage of general industrial land with approximately 2.75ha of industrial land left. 14 Easter Newhouse remains constrained due to infrastructure costs.
- In Keith the general industrial supply is limited. However, there is a LONG allocation that could be released should the space be required.
- The shortage of employment land in Speyside has been a long standing identified issue. The shortage of identified sites for employment uses means that there is a reliance on windfall proposals. Within site R2 Speyview in Aberlour 1ha of land is reserved for employment land uses to the south of the site but this does not form part of the residential development that has recently been consented.

- Immediately available land has decreased by 1.71ha since 2021 with there being 33.63 ha (net) available across 6 sites.
- In addition to the longstanding issues identified in Forres and Speyside, the good progress and take up of land at Elgin Business Park/Barmuckity suggests the Immediately Available Supply in the Elgin Market Area will become limited in the next few years and will need to be addressed in next Local Development Plan.
- In the last year, 1.24 ha of land was developed. This includes completion or occupation of sites at I7 Barmuckity, OPP4 Ashgrove in Elgin, and an energy management facility at I3 in Keith.

4.4 Observations and Trends in Employment and Business Land

General

- Since the 2021 Monitoring Report there have been 30 applications on employment sites.
- A number were for non-employment uses including an inflatable leisure facility at I2 Chanonry Elgin, a sandwich shop and drive through at I6 Linkwood East, an office block at I7 Barmuckity. The sandwich shop and drive through on I6 Linkwood East was approved by the Local Review Body.
- The 2022 Employment Land Audit reported a high uptake at I7 Barmuckity/Elgin Business Park. There is now limited availability with many of these plots now developed, sold or under offer. It is therefore it is anticipated that the level of immediately available land in the Elgin Market Area will reduce significantly over the next few years. Given this there is a need to ensure that new industrial and employment land sites are progressed to ensure that there is land available to meet any future demand.
- A review of data from the Council's Address Gazetteer has allowed a high level analysis of non-industrial/business uses (i.e. not use class 4 business, use class 5 general industrial, or class 6 storage or distribution) on industrial estates to identify what types of non-industrial/business uses are present on industrial estates and where the proportion of these uses is greatest.
 - This highlights that there is pressure for restaurants/cafes, showrooms, and leisure activities including gyms.
 - The majority of sites identified in LDP2020 as Industrial Estates have predominantly employment uses (i.e. over 85% of addresses identified within the Gazetteer were for employment uses within class 4, 5 and 6).
 - The exceptions to this are I4 Tyock, I5 Pinefield, I6 Linkwood East in Elgin and I4 Shore Street Lossiemouth where a greater proportion of addresses were for non-employment uses. Within I4 Shore Street there is a high proportion of residential addresses.

Where there are greater numbers of "other uses" this can change the character of the industrial estate and undermine the intended use. This could result in making it more difficult for heavier industrial uses to locate to these industrial estates and mean new employment land is taken up more rapidly.

4.5 Moray Business Property Needs Study

Consultants were commissioned to provide up to date information and analysis of the current and projected demand for commercial land and buildings to help inform the Evidence Report for the new Local Development Plan and the Regional Spatial Strategy.

The report highlighted that demand for employment land is anticipated from existing businesses looking to expand and relocate, and identified key growth sectors where demand is likely to come from. It highlighted that Moray has several land-hungry extraction and production industries as well as growth prospects at the other end of the spectrum in technology-rich sectors which require more space per job than traditional industrial premises.

These require a generous approach to employment land estimates and allocations which will need to be considered in the next LDP. To accommodate these anticipated trends the report states that over the next LDP period (2027 – 2037) approximately 5–6 ha per annum will be required which is 20-25% higher than the 4-5ha used for the LDP 2020. The study recommends that this requirement is split across market areas in the same way as the 2020 LDP with 54% of the requirement directed towards the Elgin market area, 15% to the Forres and Buckie market area and 8% to the Keith and Speyside market areas. In addition, pressure is being put on several of Moray's rural areas with a clear trend in long established industries such as Distilling, alongside the renewable and the wider energy sector with the drive towards net zero. In terms of employment in the manufacturing sector, the report identifies the electoral ward of Speyside and Glenlivet having the greatest concentration of employment.

In 2021, total employment in the manufacture of food and beverages was 3,250 in Moray. The sector accounted for 8.3% of all employment in the local authority area, compared to 1.9% of employment across Scotland as a whole. Almost half of the jobs in the sector (1,600) were in Speyside Glenlivet, which hosts the Glenlivet, Glenfiddich and MacCallan distilleries which are the largest single-malt producers by volume globally, as well as the Walkers Shortbread factory.

A clear pattern of development has been noted with several of these established indigenous businesses expanding in their current locations due to their locational needs. Of note is the trend for applications relating to the desire for new or expanding whisky storage warehouse facilities. As highlighted below, this is putting pressure on the periphery of certain settlements (on sites not designated in the MLDP) and in rural locations due there being a lack of suitable sites available to accommodate their requirements.

4.6 Emerging Trends

This chapter of the Monitoring Report primarily focuses on development proposals of designated Employment Land sites. However, the Monitoring Report also plays an important role in picking up emerging land use planning issues. This is particularly important given that the next LDP is currently under being

prepared. While the next section may not directly relate to designated sites in the LDP, some of the issues may have future policy implications as well as implications for these sites and the wider employment land supply. It will be for future Monitoring Reports to continue to assess and monitor these trends.

Energy & Renewables

- It is anticipated that across Moray there will likely be an increase in demand for proposals and the associated grid infrastructure relating to the renewable energy sector. This includes battery storage and energy management facilities, Anaerobic Digestion facilities, and solar arrays. While there have been significant pressures around Blackhillock and Keith, there has also been interest for these types of facility on designated employment land sites and other areas across Moray, including on designations such as Designed Gardens & Landscapes and Special Landscape Areas (SLA). This includes an application for a battery storage facility on the I8 Site in the Findrassie Masterplan which was recently approved even though it was regarded as a departure from the Local Development Plan and site designation which formed part of the Findrassie Masterplan. This trend has potential implications for the MLDP 2027 as these facilities do not fall within the use classes normally associated with industrial estates (use class 4 business, use class 5 general industrial, and class 6 storage or distribution). This raises potential issues regarding the employment land supply in Moray should more of these facilities be approved on designated sites, given that they are land hungry and offer limited permanent employment opportunities. The potential implications are that the MLDP may not be able to meet the demand for uses that would normally be associated for industrial and employment use sites which has been a long standing issue in Moray.
- Below is a table showing two approved applications for battery storage facilities over the Monitoring Report period. Given that this infrastructure is required to support the National Grid it is anticipated that this will demand will likely increase. Although these applications are outwith the settlement boundary, there is concern that there could be demand for these facilities on designated employment land sites in the future which could raise issues with the employment land supply.

22/00715/APP	Land at Drum Farm Keith	Battery Storage Facility	Site located immediately outwith the Countryside Around Towns (CAT) designation.
22/01488/APP	Land adjacent to Westerton Road Keith	Battery Storage	Site located within the CAT.

Table 13: Approved applications for battery storage facilities over the report period

- To address this trend in the wider Keith area, the Keith Green Energy and Infrastructure Framework was commissioned by the Council which provides a strategic framework that seeks to guide development proposals for grid infrastructure and energy systems/storage associated with renewable energy to the most appropriate locations in and around Keith. Based on a landscape sensitivity assessment, the Framework identifies

potential development sites for a range of uses and associated landscape mitigation required. The framework has not been adopted yet and future monitoring reports will require to monitor applications for these types of use. While this framework addresses the issue in the wider Keith area, it is worth noting that there are increasing pressures in other areas of Moray as well.

- Around the Buckie area there is significant opportunity associated with the renewable energy sector with expected growth in on and off shore wind and hydrogen developments as well as maintenance activity and pressure. Although falling outwith the period of this report, there have also been applications submitted for Anaerobic Digestion plants. At the time of writing these have still to be determined. Due to their nature these proposals are often located in rural areas, can be of significant size and massing, are land hungry, and provide limited permanent employment opportunities. While these applications cannot be prejudged, these types of applications could have significant impacts on the landscape should this trend continue and there is the possibility that applications could be submitted for these types of proposals on designated sites. They also could have potential issues with the Countryside Around Towns (CAT) designation with potential for policy conflict. This could have implications for the MLDP 2027 and the approach it takes to rural development proposals, particularly in terms of the locational justification that is provided.

Manufacturing - Food & Beverage

- A key industry for Moray is whisky distilling and this area has seen considerable expansion over recent years, including bonded warehousing, upgrading visitor experiences, and investing in renewable technologies, which is expected to increase. These businesses are long established and often in rural areas.
- There have been several applications received for expansions to distilleries relating to the erection of malt processing and storage facilities along with the associated infrastructure. This is putting pressure on the periphery of certain settlements (such as Rothes) as applications for this use have been submitted on sites not designated in the MLDP.
- While there have been several smaller applications for extensions to existing whisky storage facilities, there have been three large applications of note relating to distilling (see table below). Two were in Rothes and one just outside of Portgordon. Both Rothes applications were located on the periphery of the settlement outside of the settlement boundary and were therefore departures from the MLDP. There is also known further development interest for similar types of development within the Rothes area.
- Based on recent applications and location of these industries, this pressure is expected to continue in the Speyside and the Buckie area.
- The lack of available sites for these types of proposals will need to be taken into consideration by the next MLDP to ensure that the requirements of these industries can continue to be met. This will also have implications in terms of the locational justification that is provided with applications particularly given these proposals are large and land hungry and are often located in rural areas. A tailored approach or strategic framework may need to be considered to address this issue.
- Below is a table of applications received for the purposes of distilling that fell outwith designated sites in rural areas.

Application number	Settlement	Proposal	Approved /Refused	Policy Departures/comments
22/01673/EIA	Rothies	Erection of 10 whisky maturation warehouses and associated infrastructure	Approved	EP6 Settlement Boundaries – Considered acceptable as site is obscured from the A941 and the majority of the settlement. EP7 Forestry, Woodland & Trees acceptable Departure for removal of woodland & trees on the basis of the economic benefits associated with supporting the distilling industry
21/01901/EIA	Rothies	Erection of malt production facility with associated infrastructure	Approved	EP6 Settlement Boundaries – Locational justification provided with reference to PP2 Sustainable Economic Growth.
22/01269/APP	Portgordon	4 Whisky Storage Warehouses	Approved	Expansion was part of the existing facility. Concerns raised with visual impact of the proposal, lack of landscaping and locational need.

Table 14: Approved applications relating to distilling.

4.7 Conclusion

- Despite an overall generous supply of land there are significant shortages of industrial land in the Forres and Speyside areas. Both these areas are included within an action to deliver employment sites and industrial units as part of the Economic Recovery Plan.
- Development in Elgin, particularly at I7 Barmuckity/Elgin Business Park, is progressing well and work is needed to bring new sites forward to ensure a continued supply of land.
- Pressure for leisure and retail uses on industrial estates is anticipated to continue and will require to be monitored to assess the effectiveness of Policy DP5 Business and Industry and DP7 Retail/Town Centres.
- There are emerging trends for development proposals such as battery storage facilities which will need to be monitored. This could have implication for the employment land supply and the next LDP if applications are approved on designated employment land sites.
- Demand for the expansion of distilleries is expected to increase, in particular for warehouse storage facilities. This is currently putting pressure on the periphery of certain settlements such as Rothies where demand is high but there is a lack of available designated sites. The next LDP will have to consider how these requirements can be accommodated as well as the level of locational justification that is required to be provided with applications.

5. Taking an Infrastructure First Approach

5.1 Introduction

The 2018 Main Issue Report highlighted the need to align stakeholders, phasing, financing and infrastructure investment over the long term to provide the transportation, education, health and other infrastructure to support Moray's growing and ageing population. To address this the MLDP 2020 contained its own policy on infrastructure.

Developer obligations can form part of the funding for education infrastructure where the 5 tests of Circular 3/2012 and NPF4 policy 18 are met. Given that development viability is a key consideration in development planning, the level of developer obligations sought does not cover the full cost of education infrastructure. Therefore, the timescales for delivery is largely dependent on the availability of other forms of funding such as the Scottish Government Learning Estate Investment Programme (LEIP).

A review of the Developer Obligations SG is currently underway. The Learning Estate Strategy (LES), School Roll Forecast (SRF) and any other associated documents or decisions by the Moray Council will continue to inform the level and type of developer obligations sought. The review will inform the LDP27, Delivery Programme and any associated planning guidance.

5.2 MLDP 2020 Policy PP3 Infrastructure and Services

- Policy PP3 Infrastructure and Services is a primary policy within the Moray Local Development Plan (MLDP) 2020 in recognition of the importance of an infrastructure first approach.
- New infrastructure necessary to facilitate development is set out in the MLDP 2020 on the spatial strategy maps, settlement statements and maps.
- The Council seeks developer obligations towards education, healthcare, transportation and a 3G pitch in Forres in accord with policy PP3 of the MLDP 2020 and the Developer Obligations Supplementary Guidance (SG)
- Site specific infrastructure requirements, methodology and rates to seek developer obligations towards the identified infrastructure requirements are set out in the statutory Developer Obligations Supplementary Guidance (SG). The current SG came into effect on 30 September 2020 following approval of the Scottish Government and the Council's Planning and Regulatory Services Committee. This forms part of the adopted MLDP 2020 and is currently under review.
- Moray Council facilitate a LDP Delivery Group which includes a wide range of representatives from NHS Grampian, Moray Health and Social Care Partnership (HSCP), Scottish Water, Scottish Gas Networks (SGN), SSEN, Transport Scotland, and Council Services for Education, Transportation, Sports and Recreation, and Housing. Other representatives attend, as and when required. In accord with the Place Principle, opportunities to work together to share resources are identified and explored through this Group as well keeping the evidence base up-to-date. This Group informed the

LDP2020 infrastructure requirements as well as subsequent reviews of the SG, and similarly the Group will inform the evidence base for the LDP27 and Delivery Programme.

- Commuted sums for affordable housing are not developer obligations, however the Strategic Planning and Development Team are also responsible for collecting and administering these funds as well as developer obligations. Therefore, commuted sums received and spent will be included within this section.

In terms of the necessary infrastructure to facilitate development growth, an approach similar to that currently set out in the Moray Local Development Plan 2020 (LDP 2020) and associated Development Obligations Supplementary Guidance (SG) will be considered for the LDP27. The LDP 2020 Primary Policy 3 (PP3) Infrastructure and Services together with the Settlement Statements sets out the level, type and location of infrastructure necessary to support development. Sites expected to contribute are also identified. Further detail is set out in the SG which allows regular reviews to be undertaken to reflect changing local circumstances or policies, inflationary increases for rates, etc. (i.e. areas that cannot wait for a 10-year LDP review). The LDP 2020 Delivery Programme sets out who, when, how and by whom the infrastructure will be delivered, and priorities, as far as practically possible.

5.3 Learning Estate Strategy (LES)

- Developing a strategic approach to the Learning Estate-Moray document was approved by Full Council on 16 December 2020, which will guide the long term development of the learning estate in Moray.
- The Moray Council Learning Estate Strategy 2022-32 (LES) aligns with both the Scottish Government's 'Scotland's National Learning Estate Strategy: Connecting Peoples, Places and Learning' and the National Improvement Framework and the local priorities set out in Moray Council's Local Outcomes Improvement Plan (LOIP) and Corporate Plan.
- The LES covers Early Learning, Additional Support Needs (ASN), and Primary and Secondary Education. It sets out a 10-year plan on how Moray Council will work to optimise its investment of resources in a prioritised manner to meet the future needs of learning and teaching. The LES aspirations and key drivers of excellence, inclusion, place and sustainability are underpinned by 10 Guiding Principles of the National Learning Estate Strategy.
- A range of factors influence the LES proposals and their delivery. These include pre-school/school roll trends, Additional Support Need (ASN) requirements, early learning centre/school/enhanced provision capacities, space to grow, building condition (fabric, safety and security), building sustainability, educational factors such as opportunities for outdoor learning and pupil choice, community benefit factors, partnership opportunities to align building investment across local public sector providers, and net zero targets. Together these factors will determine future recommendations to close, merge, extend, build, rezone or mothball educational facilities in Moray. The LDP informs, and is informed by, the LES to determine the future planning and coordination of the learning estate with development in Moray. The outcome of any actions within the LES that has spatial implications (i.e. rationalisation or expansion of the estate) will be reflected in the LDP.

5.4 Developer Obligations

- Financial contributions of £446,622.06 have been received between 27 July 2021 and 26 July 2022 towards affordable housing, healthcare, primary education, secondary education, 3G pitch in Forres and Transportation interventions. The breakdown of these can be found in Table 15.
- Financial contributions of £305,991.91 have been received between 27 July 2022 and 26 July 2023. The breakdown of these can be found in Table 16.
- A total of £1,166,938.40 was secured between 27 July 2021 and 26 July 2022 towards affordable housing, 3G pitch in Forres, Transportation, Healthcare and Primary Education via Section 75 legal agreements and simplified agreements. These contributions will be received as triggers (i.e. completion of units) are reached in the future. The breakdown of these can be found in Table 17.
- A total of £949,861.93 between 27 July 2022 and 26 July 2023 was secured via Section 75 legal agreements and simplified agreements. The breakdown of these can be found in Table 16.
- A total of £73,863.35 developer obligations were spent between 27 July 2021 and 26 July 2022 and £11,745.43 between 27 July 2022 and 26 July 2023. The breakdown of this expenditure is further detailed in the tables below.

	<i>Buckie ASG</i>	<i>EA ASG</i>	<i>EH ASG</i>	<i>Forres ASG</i>	<i>Keith ASG</i>	<i>Lossiemouth ASG</i>	<i>Milne`s ASG</i>	<i>Speyside ASG</i>	TOTAL
Healthcare	£7,526.00	£0.00	£2,684.20	£10,909.72	£6,701.20	£5,482.80	£14,835.00	£4,568.00	£52,706.92
Primary Education	£0.00	£0.00	£10,717.60	£4,024.52	£0.00	£0.00	£0.00	£0.00	£14,742.12
Secondary Education	£0.00	£0.00	£0.00	£111,627.91	£0.00	£0.00	£0.00	£0.00	£111,627.91
3G pitch	£0.00	£0.00	£0.00	£1,251.30	£0.00	£0.00	£0.00	£0.00	£1,251.30
Transportation	£0.00	£0.00	£726.24	£7,737.80	£1,331.44	£0.00	£302.60	£242.08	£10,340.16
Affordable housing	£28,000.00	£96,000.00	£11,250.00	£61,578.65	£20,000.00	£12,000.00	£13,625.00	£13,500.00	£255,953.65
TOTAL	£35,526.00	£96,000.00	£25,378.04	£197,129.90	£28,032.64	£17,482.80	£28,762.60	£18,310.08	£446,622.06

Table 15: Developer obligations and affordable housing commuted sums received 2021-22

	<i>Buckie ASG</i>	<i>EA ASG</i>	<i>EH ASG</i>	<i>Forres ASG</i>	<i>Keith ASG</i>	<i>Lossiemouth ASG</i>	<i>Milne`s ASG</i>	<i>Speyside ASG</i>	TOTAL
Healthcare	£91.08	£0.00	£0.00	88,987.24	£5,178.20	£11,574.80	£2,161.60	£1,722.60	£109,715.52
Primary Education	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
Secondary Education	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
3G pitch	£0.00	£0.00	£0.00	£6,258.90	£0.00	£0.00	£0.00	£0.00	£6,258.90
Transportation	£0.00	£0.00	£0.00	£1,513.00	£0.00	£363.12	£1,694.56	£0.00	£3,570.68
Affordable housing	£16,602.15	£0.00	£0.00	£27,197.60	£46,250.00	£22,500.00	£65,772.06	£8,125.00	£186,446.81
TOTAL	£16,693.23	£0.00	£0.00	£123,956.74	£51,428.20	£34,437.92	£69,628.22	£9,847.60	£305,991.91

Table 16: Developer obligations and affordable housing commuted sums received 2022-23

	21/01176/ APP	21/01284/ APP	20/00590/ APP	20/00317/ APP	19/01614/ APP	20/00905/ APP	20/01615/ APP	20/00278/ APP	Total
Primary Education	£0.00	£0.00	£0.00	£0.00	£70,554.25	£0.00	£0.00	£0.00	£70,554.25
Secondary Education	£0.00	£0.00	£0.00	£0.00	£18,851.30	£295,240.00	£0.00	£0.00	£314,091.30
Healthcare	£1,360.20	£580.00	£21,370.00	£0.00	£21,094.45	£583,596.00	£31,678.40	£57,276.00	£716,955.05
Transportation	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
Sports and Recreation	£121.80	£0.00	£1,216.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
Affordable Housing	£4,000.00	£8,000.00	£32,000.00	£20,000.00	£0.00	£0.00	£0.00	£0.00	£1,337.80
Total	£5,482.00	£8,580.00	£54,586.00	£20,000.00	£110,500.00	£878,836.00	£31,678.40	£57,276.00	£1,166,938.40

Table 17: Developer obligations and affordable housing commuted sums secured 2021-22

	22/00872/ APP	22/01583/ PPP	20/00795/ APP	22/00996/ APP	22/00021/ APP	22/00042/ APP	20/01455/ APP	19/01510/ APP	21/00739/ APP	22/00996/ APP	Total
Secondary Education	£0.00	£0.00	£39,688.00	£23,232.00	£0.00	£0.00	£0.00	£0.00	£271,854.15	£23,232.00	£358,006.15
Healthcare	£2,267.00	£1,413.00	£24,252.00	£9,792.00	£1,813.60	£1,218.40	£92,947.00	£161,976.00	£127,607.60	£9,792.00	£433,078.60
Transportation	£302.60	£0.00	£0.00	£1,452.48	£242.08	£0.00	£0.00	£0.00	£14,514.14	£1,452.48	£17,963.78
Sports and Recreation	£203.00	£0.00	£0.00	£0.00	£162.40	£0.00	£8,323.00	£0.00	£0.00	£0.00	£8,688.40
Affordable Housing	£4,937.50	£4,125.00	£67,500.00	£22,500.00	£4,937.50	£5,625.00	£0.00	£0.00	£0.00	£22,500.00	£132,125.00
Total	£7,710.10	£5,538.00	£131,440.00	£56,976.48	£7,155.58	£6,843.40	£101,270.00	£161,976.00	£413,975.89	£56,976.48	£949,861.93

Table 18: Developer obligations and affordable housing commuted sums secured 2022-23

	Buckie High ASG	Elgin Academy ASG	Elgin High ASG	Forres Academy ASG	Keith Grammar ASG	Lossiemouth High ASG	Milnes High ASG	Speyside High ASG	Total
Indoor/outdoor sports	£0.00	£987.00	£871.00	£3,200.00	£0.00	£0.00	£0.00	£0.00	£5,058.00
Playing Fields	£0.00	£432.00	£538.00		£0.00	£0.00	£0.00	£0.00	£970.00
Community Facilities	£0.00	£0.00	£11,803.90	£24,012.92	£0.00	£0.00	£0.00	£0.00	£35,816.82
Community Halls	£0.00	£0.00	£0.00	£6,755.96	£0.00	£0.00	£0.00	£0.00	£6,755.96
Community Woodland	£11,350.57	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£11,350.57
Town Centre	£7,752.81	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£7,752.81
Libraries	£0.00	£2,784.88	£1,239.56	£1,495.00	£639.75	£0.00	£0.00	£0.00	£6,159.19
Total	£19,103.38	£4,203.88	£14,452.46	£35,463.88	£639.75	£0.00	£0.00	£0.00	£73,863.35

Table 19: Developer obligations and affordable housing commuted sums spent 2021-22

	Buckie High ASG	Elgin Academy ASG	Elgin High ASG	Forres Academy ASG	Keith Grammar ASG	Lossiemouth High ASG	Milnes High ASG	Speyside High ASG	Total
Community Facilities	£0.00	£0.00	£0.00	£11,607.05	£0.00	£0.00	£0.00	£0.00	£11,607.05
Community Halls	£0.00	£0.00	£0.00	£138.38	£0.00	£0.00	£0.00	£0.00	£138.38
Total	£0.00	£0.00	£0.00	£11,745.43	£0.00	£0.00	£0.00	£0.00	£11,745.43

Table 20: Developer obligations and affordable housing commuted sums spent 2022-23

6. Pressures on Moray's Landscape and Rural Cultural Heritage

6.1 Applications within Special Landscape Areas (SLAs)

MLDP Policy EP3 *Special Landscape Areas and Landscape Character* aims to protect landscapes from inappropriate development. Within SLAs, proposals must not prejudice the special qualities of the designated area, avoid adverse effects on the landscape and visual qualities and adopt the highest standard of design. In Rural Areas (outwith settlement and rural grouping boundaries) development must also be for specified uses.

2021/22

- In Urban Areas, four applications were refused on the grounds that the proposal failed to reflect the traditional settlement character, had an adverse impact on character or was contrary to the settlement designation. One application was approved as an acceptable departure as the proposal complied with MLDP Policies PP1 *Placemaking* and DP1 *Development Requirements* and wouldn't compromise the special qualities.
- Four applications were refused in Rural Areas on the basis of adverse impact on character, cumulative build-up and location within 'sensitive' area. 4 applications were approved as acceptable departures from MLDP Policy EP3 as development was for military air traffic control services, digital infrastructure, would have a low impact or contributed to long-term planning of construction aggregates.
- There were 3 applications which crossed boundaries with Rural and Urban Areas. All three were consented as acceptable departures from MLDP Policy EP3 – one on the grounds of sustainable economic growth (tourism), one due to the recognised need for parking in the area and one for its low impact and wider tourism benefits.
- It is observed that the location of a development within the SLA and consideration of the requirement of MLDP Policy EP3 is not always being referenced within Reports of Handling and reasons for refusal (where applicable).

2022/23

- 8 applications were refused in Urban Areas between 2022 and 2023. This included 3 dwellinghouses, a change of use to garden ground, and a change of use of a house to a store. Reasons for refusal were on the grounds that development failed to adopt the highest standard of design, would have an adverse impact on the landscape/special qualities or did not reflect the traditional settlement character.
- In Rural Areas, three applications were refused due to non-confirming uses that would impact on the special qualities of the area. Two applications were approved as an acceptable departure on the basis that the uses were for the enhancement of digital infrastructure or would supersede an extant consent resulting in a lower impact.

6.2 Large-Scale Renewable Energy Developments

Large scale renewable energy developments exceeding 50MW are determined by the Energy Consents Unit (ECU). In these circumstances, Moray Council are a consultee rather than the determining authority.

2021/22

- Berry Burn Wind Farm Extension, for 9 turbines (149.9m blade tip height), received consent in December 2021. The Council had raised no objection to the proposal.

2022/23

- Section 36 consent was issued in September 2022 for a Battery Electricity Storage System (BESS) facility at Blackhillock Substation, Keith. The electrical export capacity of the development will be approximately 300MW.
- Following a conjoined Public Inquiry, Scottish Ministers consented two wind farms in October 2022 (which Moray Council objected to) – Clash Gour consists of 48 turbines with blade tip heights of 130m, 136.5, 143m, 149.5, and 180m whilst Rothes III consists of 29 turbines with blade tip heights of 149.9m, 200m and 225m.
- A pre-application scoping opinion for Teindland Wind Farm, consisting of approximately 17 turbines with blade tip heights between 149m and 230m, was issued by the ECU in October 2022. Moray Council expressed concerns regarding the number, siting and heights of the proposed turbines which, based on the proposed layout, has the potential to have unacceptable significant adverse impacts in addition to cumulative impact.

6.3 Development within Open Spaces (ENVs)**2021/22**

- 6 applications directly impacting on ENV sites were determined between 2021 and 2022 including stores/workshop, car parking, overnight caravan/campervan stances, an office extension and change of use to garden ground.
- 1 application was approved on the basis that the loss of ENV was for an acceptable use under MLDP Policy EP5 *Open Space* (essential community infrastructure).
- 4 applications were consented as acceptable departures as they were small scale and would have no adverse impact on the ENVV designation identified, with additional benefits such as tourism facilities and economic growth.
- Combined, these applications resulted in the loss of 0.124ha of designated open space.
- One of the applications (car parking) was refused as an unacceptable departure from MLDP Policy EP5 and ENV4.

2022/23

- Between 2022 and 2023, 4 applications were consented that had direct impacts on ENV designations. Proposals included residential developments, a toilet block extension and change of use to garden ground.
- Two applications were approved as acceptable departures on the grounds that the loss of open space would achieve wider Quality Audit (MLDP Policy PP1) aims or was a small extension of an existing property which wouldn't impact on the wider ENV designation.

- Another application was initially identified as an acceptable departure on the grounds that the proposal would have no adverse impact on the ENV designation and the redevelopment of brownfield land within the ENV was identified as an opportunity in the Open Space Strategy. Following the adoption of NPF4, this application was deemed to comply with MLDP Policy EP5 as the application complied with NPF4 Policy 9 *Brownfield, vacant and derelict land and empty buildings* which superseded the MLDP.
- These applications resulted in the combined loss of 0.68ha of open space.
- One application was refused as an unacceptable intrusion into the ENV, and this was upheld by the LRB on review.

6.4 Development on Prime Agricultural Land

Prime agricultural land is that identified as being Class 1, 2 or 3.1 in the land capability classification for agriculture, based on environmental and soil characteristics, as developed by the James Hutton Institute. MLDP Policy DP1 requires development to avoid sterilising prime agricultural land whilst NPF4 Policy 5 *Soils* will only support development on such land where it is for specific uses and it has been demonstrated that the layout and design of the proposal minimises the amount of protected land required.

2021/22

- 18.47ha of Class 3.1 was lost in respect of an application for residential development in Buckie, approved by the DPEA on appeal. The site is designated in the MLDP 2020 for residential use. The presence of prime agricultural land was not acknowledged in the Reporter's findings.

2022/23

- 28ha (0.18ha of Class 2 and 28.82ha of Class 3.1) was lost to development across 9 applications between 2022 and 2023.
- Of this, 12.84ha were designated sites within the MLDP 2020.
- It is observed that the presence of prime agricultural land is not always being referenced within Reports of Handling.

6.5 Development on Deep Peat

Classes 1, 2 and 5 of the carbon and peatland classification, developed by NatureScot, indicate the likely presence of carbon-rich soils and deep peat. MLDP Policy EP16 *Geodiversity and Soil Resources* seeks to protect the disturbance of soils and assure the effects of development are assessed and appropriately mitigated. NPF4 Policy 5 will only support development on such land where it is for specific uses and have provided a detailed site-specific assessment.

2021/22

- One application, for a large-scale wind farm, received consent between 2021 and 2022. Impacts on Class 1 and 5 peat soils were adequately addressed through design and a Peat Management Plan.

2022/23

- Between 2022 and 2023, 3 applications received consent for development on Class 1 and/or 5, and one application, where Moray Council were a consultee on a Section 36 application, raised no objection but expressed concern about the potential impacts of 3 turbines on deep peat.
- It is observed that the presence of carbon-rich soils and deep peat is not always being referenced within Reports of Handling.

6.6 Trees and Woodland Removal

Since the 2021 Monitoring Report, internal guidance has been introduced in relation to Tree Surveys which has resulted in the consistent submission of surveys by appropriately qualified professionals.

Development linked to the Kinloss Golf Course Masterplan accounts for 0.14ha of woodland removal across 2021/22 and 2022/23. The adopted masterplan has sought to deliver a high-quality development within the setting of the golf course and introduced sensitively sited housing within the landscape. Planned woodland removal and compensatory planting forms part of the masterplan's Woodland Management Plan and as such is an acceptable departure from MLDP Policy EP7 *Forestry, Woodlands and Trees*. Compensatory planting has, and will be, provided in appropriate phases of the development as per the masterplan as part of a wider planting scheme and is therefore not included in the figures above.

2021/22

Type	Amount lost to development	Compensatory Planting Secured
Trees	145	113
Groupings	2	-
Woodland (ha)	21.84	25.62 (+3.28 commuted payment)

Table 21: Number/area of trees or woodland lost to development granted in 2021-2022

- Between 2021 and 2022, planning consents resulted in the loss of 145 trees, 2 groupings and 21.84 ha of woodland.
- Justification for removal in most cases was due to it being technically unfeasible to retain the tress/woodland or achieved significant additional public benefits, in compliance with MLDP Policy EP7.
- 20.7ha of woodland removal related specially to two applications – a national development project and the extension of an established business.
- In two applications, tree/woodland removal was deemed as an acceptable departure from MLDP Policy EP7 on the grounds that the proposal had extant consent on the site and to meet operational requirements.

- Three applications did not clearly identify compensatory planting and included this requirement within the minimum landscaping requirements for the site. Compensatory planting should be over and above any other landscaping policy requirements to ensure that the loss of trees/woodland is truly compensated.

2022/23

Type	Amount lost to development	Compensatory Planting Secured
Trees	174	88
Groupings	7	-
Woodland (ha)	1.119	0.599

Table 22: Number/area of trees or woodland lost to development granted in 2022-2023

- Consents between 2022 and 2023 resulted in the loss of 174 trees, 7 groupings and 1.119ha of woodland.
- Justification for removal in most cases was due to it being technically unfeasible to retain the trees/woodland or the proposal resulted in wider additional public benefits. In four applications, removal was deemed as an acceptable departure from MLDP Policy EP7 on the grounds of ecosystem threat, site conditions and wider economic benefits of proposal and to achieve wider Quality Audit (MLDP Policy PP1) aims.
- Six applications either incorrectly stated that removal complied with MLDP Policy EP7 or did not address the matter.
- Significantly less compensatory planting was secured compared to that that was lost. In four applications, no compensatory planting was sought/conditioned due to the level of landscaping proposed as part of the development.

6.7 Ancient Woodland

In Scotland, Ancient Woodland (1a or 2a) is defined as land that is currently wooded and has been continually wooded, at least since 1750. These areas therefore contribute significantly to the landscape but also play a key role in ecosystems and soil conditions.

2021/22

- Between 2021 and 2022, one application impacted on Ancient Woodland. An area of approximately 0.03ha of 2a Ancient Woodland was lost to accommodate a pedestrian track. Whilst no trees were removed and was for a relatively small area, the loss of woodland was not acknowledged in the Report of Handling.

2022/23

- Between 2022 and 2023, there were no applications that impacted on Ancient Woodland.

6.8 Woodland Creation

Scottish Forestry administer and determine applications for woodland creation and Moray Council are a consultee.

2021/22

Location	Urban or Rural	Area (ha)	Woodland & Forestry Strategy
Lower Corryhabbie (Dufftown)	Rural	6.88	Preferred
Corryhabbie (Dufftown)	Rural	86.52	Preferred and Potentially Sensitive
Redhill (Rothiemay)	Rural	19.09	Preferred
Aswanley Bellyhack (Dufftown)	Rural	50	Preferred
Little Tullich (Dufftown)	Rural	4.79	Preferred
Morinsh (Glenlivet)	Rural	10.33	Preferred

Table 23: Woodland creation schemes consented in 2021-2022

- 177.61ha of new woodland received consent between 2021 and 2022, compared to 49.73ha in 2020/21.
- All 6 applications were within rural areas and 'Preferred' areas as identified in the Moray Woodland and Forestry Strategy, with one area also identified as 'Potentially Sensitive'.

2022/23

Location	Urban or Rural	Area (ha)	Woodland & Forestry Strategy
The Level Farm (Thomshill)	Rural	7.3	Preferred
Easter Marchhead (Mosstowie)	Rural	1.11	Preferred
Newtonbrae (Newmill)	Rural	6.83	Preferred
Bellyhack Farm (Drummuir)	Rural	17.10	Preferred

Table 24: Woodland creation schemes consented in 2022-2023

- Between 2022 and 2023, 32.34ha of new woodland received consent.

- All 4 applications were within rural areas and identified as ‘Preferred’ areas for woodland creation in the Moray Woodland and Forestry Strategy.

6.9 Listed Building and Conservation Area Consents

- Three applications for conservation area consent were submitted over the report period with two being approved and one refused. The refusal related to a storage building in the Cullen Seatown. It was refused on the grounds that there was no acceptable scheme of replacement which would result in harm to the character and appearance of the conservation area.
- 101 Listed Building Consents (LBC) were submitted. Two of these applications were refused. One refusal related to an application for replacement uPVC windows on a listed building. The appeal for planning permission was upheld by the Moray Local Review Body (MLRB) with the DPEA allowing the appeal and granting LBC.
- Through the Scottish Government’s Place Based Investment Programme, Moray Council has been running a Windows Repair and Replacement grant scheme to help homeowners install and repair traditional windows in their property if it is located within a conservation area. This fund has proven to be extremely popular and has helped to not only improve the character of individual properties but also the character of Moray’s conservation areas. In the first round of funding 8 properties across Moray were successful.

6.10 Conclusion

- Departures from MLDP Policy EP3 have been limited, however it is observed that the location of a development within the SLA and consideration of the requirement of MLDP Policy EP3 is not always being referenced within Reports of Handling and reasons for refusal.
- Impacts on the landscape from large-scale onshore wind developments will remain a pressure.
- MLDP Policy EP5 has been largely effective in restricting new housing within ENVs. The loss of open space to accommodate development remains low.
- The loss of prime agricultural land is largely restricted to sites that have been designated in the MLDP.
- Potential impacts on peat are being adequately addressed through management plans, however it is observed that the presence of carbon-rich soils and deep peat is not always being referenced within Reports of Handling.
- Whilst the level of tree and woodland removal associated with developments has largely been consistent since the adoption of MLDP 2020, the introduction of NPF4 Policy 6 *Forestry, woodland and trees* has seen an increase in removal that does not comply with or is deemed an acceptable departure to MLDP Policy EP7. In addition, significantly less compensatory planting is being secured compared to that that was lost.
- Impacts on Ancient Woodland remain extremely low.
- New woodland creation has been in line with the Moray Woodland and Forestry Strategy.

7. Safeguarding and Promoting Biodiversity

7.1 Introduction

The current Moray Local Development Plan (MLDP2020) contains several policies that relate to biodiversity, either directly or indirectly. The direct planning policies relate to placemaking, protected sites and biodiversity. However, a number of other policy areas contain elements that relate to wider biodiversity. The MLDP has been adopted for a number of years and the relevant policies have been tested through the submission of planning applications.

7.2 Changes since last monitoring report

The significant change since the last monitoring report is the adoption of NPF4 in February 2023. This is now part of the Development Plan and there is significant focus on the climate and nature crisis. The Spatial Principles, specifically Sustainable Places highlights the importance of the environment and addressing a number of these issues. Furthermore, this strategy highlights a number of cross cutting policy themes that will require to be addressed in order to improve biodiversity.

Therefore, the adoption of NPF4 has highlighted and further emphasised the need to tackle the nature crisis and deliver biodiversity improvements through the planning system. The existing local development plan and the policy contained within NPF4 puts further emphasis on delivering and improving on the current requirements in the development plan.

NPF4 has been adopted for a number of months and the policy considerations are filtering through planning decisions that are now being made. Although there are not any direct contradictions between the biodiversity policy 's contained within NPF 4 and the local development plan there is clearly an increased recognition and importance on the need to delivery improved biodiversity across planning.

7.3 Themes from Development Plan

Biodiversity plans

The current local development plan requires that biodiversity plans are submitted for proposals of 10 or more houses under policy DP1 – 24 in total. The plans submitted as part of the planning application are often a mix of a landscape plan and biodiversity plan combined with some suggestions for biodiversity improvements. Most of the time this includes tree/shrub planting, bird boxes, bat boxes and hedgehog highways. However, it is common that these plans are generic and not site specific, therefore it is not always clear if these suggestions are relevant to the specific site.

NPF4 states that all developments should protect and enhance biodiversity. This is not being fully addressed through planning applications at the current time.

7.4 Protected sites/habitats

The existing planning policies within the LDP and within NPF4 provide sufficient protection for existing designated sites. This approach appears to be working successfully with little impact on the existing protected sites. Appropriate assessment as required through HRA regulations has been undertaken on a small number of occasions.

7.5 Protected species

There has been considerable amount of planning applications that have considered protected species, however a fairly high percentage of these are in relation to bat protection. A number of bat surveys have been submitted and this has resulted in mitigation through the licencing procedure or to establish that there are no bats on site. However, there are some occasions that assessment is undertaken by the applicant and it is not clear if this is robust in terms of determining planning applications. Planning conditions and informatives are often attached to ensure any impact on bats is mitigated.

There have been a small number of applications that have been refused due to protected species concerns although this was not the primary reason for refusal.

7.6 Delivery, condition monitoring

As noted, the development plan has put an increased emphasis on biodiversity improvements on all scales of development. There are a number of mechanisms to ensure biodiversity is improved through the planning system through policy requirements and guidance and there is an emphasis on delivery of these improvements.

7.7 Conclusion

It is acknowledged that the current local development plan provides opportunities for biodiversity improvements and also protection for habitats and species. This is reinforced in the relevant policies of the NPF4, with an increased emphasis on biodiversity enhancement and associated benefits.

The policies for protection of designated sites are working as intended, however there is scope to improve the mechanism for assessment of protected species. The main issue is the lack of site specific biodiversity improvements across development sites; this is particularly prevalent in smaller housing development sites. Going forward there should be an emphasis on proper biodiversity assessment of sites, resulting in specific plans that enhance biodiversity and help link to the wider environment.

8. Delivering on Climate Change

8.1 Low and Zero Carbon Generating Technologies

National Planning Framework 4 (NPF4) requires new developments to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and adapt to current and future risks from climate change. Local guidance was introduced from 1 July 2023 and implementation of the policy will be monitored in future reports.

8.2 Renewable Energy Proposals

2021/22

Planning App	Location	Type of Development	Departure Reasons
21/0020/EIA	Cabrach	Wind farm (7 x 190m [46.2MW] and Battery Energy Storage System (BESS) [3MW]	Adverse landscape and visual impacts, including cumulative. Approved on appeal by DPEA on grounds that proposal complied with policy.
21/00484/APP	Drybridge	Operational period of wind farm	N/A
21/01044/APP	Newmill	Domestic solar array (21 panels - 6kW) and 11.1m wind turbine	N/A
21/01402/AMC 21/01561/AMC	Keith	Onshore electrical transmission infrastructure (inc. substation)	N/A
21/01777/APP	Keith	Synchronous compensators	N/A
21/01948/APP	Roseisle	Air source heat pump	N/A
21/01976/APP	Forres	Solar panels (23)	N/A

22/00067/S36	Keith	BESS (300MW)	N/A
22/00071/APP	Kinloss	Solar panels	N/A
22/00339/APP	Deskford	Operational period of wind farm	N/A
22/00555/APP	Forres	Biomass plant	N/A

Table 25: Renewable energy consents granted in 2021-2022

- 11 applications relating to renewable energy developments was consented between 2021 and 2022.
- One application was deemed a departure from MLDP Policy DP9 on the grounds that the proposal would result in adverse landscape and visual impacts, including cumulative. Consent was granted on appeal by the DPEA who considered the proposal complied with policy.

2022/23

Planning App	Location	Type of Development	Departure Reasons
22/01117/APP	Fochabers	Solar panels (19)	N/A
22/00424/APP	Keith	Solar panels (317kW)	N/A
22/00715/APP	Keith	BESS (49.9MW)	N/A
22/01208/APP	Dallas	Operational period of wind farm	N/A
22/01369/APP	Findhorn	Solar panels (10 – 3kW)	N/A
22/01615/APP	Forres	Solar panels (115kW)	N/A
22/01642/APP	Forres	Solar panels (110kW)	N/A
22/00563/APP	Deskford	Wind farm (3 x 149.9m)	Acceptable departure on basis that the proposal was a reduced scheme of existing consent which resulted in less landscape and

			visual impacts. Amendment also mitigated some impacts on residential properties.
21/01805/APP	Lochhill	BESS (19.9MW)	N/A
22/01798/APP	Clochachan	Solar panels (14)	N/A
22/01488/APP	Keith	BESS (49.9MW)	N/A
22/01880/APP	Glenfarclas	Solar panels (129kW)	N/A
23/00143/APP	Lossiemouth	Air source heat pumps	N/A
23/00255/APP	Forres	Solar panels (16)	N/A
23/00047/S36	Cabrach	Wind farm (22 x 180/200m [145.2MW]) and BESS [50MW]	Proposal results in significant landscape and visual effects that are not either sufficiently localised or mitigated. No objection raised to ECU. Application still to be determined.

Table 26: Renewable energy consents granted in 2022-2023

- Between 2022 and 2023, 14 applications for renewable energy developments were approved. A further application was considered by Moray Council as a consultee.
- Two applications, both for wind farms, were considered to depart from policy. One was considered an acceptable departure on the grounds that the development was a reduced scheme of an existing consent which resulted in less landscape and visual impacts. The second application was a departure from NPF4 Policy 11; however, the Council raised no objection to the proposal which is determined by the ECU.

8.3 Electric Vehicle (EV) Charging Points and Secure Cycle Parking

MLDP Policy PP3 *Infrastructure and Services* requires electric car charging points to be provided at all commercial and community parking facilities. Access to charging points must be provided for residential properties. Where in-curtilage facilities cannot be provided to an individual property, access to communal charging facilities must be made available. MLDP Policy DP1 *Development Principles* requires covered and secured facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.

- EV charging points are being provided largely in line with policy and Planning Policy Guidance (PPG). However, it is noted that there is an inconsistency with how this is being delivered by developers with examples of development going beyond the minimum requirements.
- Covered cycle parking is also being provided in line with policy, although it can be difficult to clearly identify these on plans.
- One application (20/00795/APP) did not provide communal changing facilities for the flat/apartment development and instead provided individual EV charging connections for each unit via dedicated garage parking. Secured cycle storage was also provided through the individual garages.

8.4 Conclusion

- Planning guidance was introduced from 1 July 2023 to support the implementation of NPF4 which requires new developments to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and adapt to current and future risks from climate change.
- There continues to be significant pressure from renewable energy developments in the form of large-scale onshore wind developments. An increase in solar development has been experienced however these are limited to domestic scale. It is anticipated that demand for BESS will increase, and this will be closely monitored in future reports.
- EV charging points and covered and secured cycle parking are being provided in line with policy requirements.

9. Rural Housing

A new hierarchical policy approach was developed and introduced in the MLDP 2020. MLDP Policy DP4 *Rural housing* sought to restrict opportunities within pressurised and sensitive areas and direct development to Rural Groupings, then re-use and replacement of traditional buildings and then lastly to the open countryside. Siting and design criteria were set out in policy with the aim to integrate proposals better with the landscape, reduce the scale of buildings, have more traditional form and proportions, reduce excessive glazing and use better materials. Monitoring for 2021-2022 and 2022-2023 does not include applications which have extant/live consents, unless departing from policy, as the principle of a house has been established.

9.1 New Rural Housing

2021/22

Rural Housing Hierarchy	No. of Planning Applications	No. of Approvals	No. of Refusals	No. of Advertised Departures	Departure Issues	Summary of Refusal Reasons
Pressurised and Sensitive Area	4	0	4	4	Siting	Adverse landscape and visual impact
Rural Grouping	3	3 (5 units)	0	1	Design (addressed through revised plans)	N/A
Re-use and Replacement	5	5	0	2	1 x Policy DP4 1 x Design (addressed through revised plans)	N/A
Area of Immediate Pressure	7	3 (1 x APP, 2 x PPP)	4	1	Siting	1 x Access 1 x Siting, prejudicing the special qualities of an SLA and lack of acceptable water supply 1 x Siting and permanent loss of woodland

						1 x Cumulative build-up
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Table 27: Summary of new rural housing applications in 2021-2022

- Of the 19 new rural houses applications submitted between 2021 and 2022, four were in Pressurised and Sensitive Areas and all were refused in line with MLDP Policy EP4. Three of these applications sought review by the MLRB, who dismissed the appeals and upheld the Appointed Officer's decision to refuse planning permission.
- Three applications, for five units, were submitted for houses in Rural Groupings. One application was advertised as a departure due to its design, which was resolved through revised plans and no proposals for housing in Rural Groupings were refused.
- Four of the five applications for Re-use and Replacement were for the demolition of existing buildings due to their structural condition. Two applications were advertised as departures from MLDP Policy DP4 and issues were resolved prior to receiving consent.
- There was a 57% refusal rate for houses within Areas of Immediate Pressure. This was predominately due to proposals not complying with siting criteria, resulting in adverse landscape and visual impacts.
- There were a number of applications with extant consents that applied to revise house designs and resulted in being advertised as a departure. Of the 13 applications, nine were approved following the submission of revised plans, three were approved as acceptable departures from MLDP Policy DP4 on the grounds of extant consents and/or character and one was refused and dismissed on review by the MLRB.

2022/23

Rural Housing Hierarchy	No. of Planning Applications	No. of Approvals	No. of Refusals	No. of Advertised Departures	Departure Issues	Summary of Refusal Reasons
Pressurised and Sensitive Area	2	0	2	2	2 x Siting	2 x Developer obligation payment, adverse landscape and visual impact and lack of tree and bat surveys.
Rural Grouping	5 (11 units)	4 (10 units)	1	4	1 x Access 2 x Design (addressed through revised plans)	Detrimental to the road safety of road users (approved by MLRB on review)

					1 x Tree Survey and design/materials (addressed through revised plans)	
Re-use and Replacement	10 (15 units)	10 (15 units)	0	2	1 x Design and structural report 1 x Policy DP4 1 x Acceptable departure due to exceptional building suitable for conversion (not advertised)	N/A
Area of Immediate Pressure	4	1 (PPP)	3	1	Siting (concluded it complied)	1 x Lack of enclosure 1 x Impact on landscape character and lack of enclosure 1 x Impact on landscape character and unacceptable build-up (approved by MLRB on review)

Table 28: Summary of new rural housing applications in 2022-2023

- Between August 2022 and July 2023, 21 applications were submitted for a combined 32 rural houses.
- Two houses in Pressurised and Sensitive Areas were refused due to not complying with siting criteria, resulting in adverse landscape and visual impacts.
- Of the five applications within Rural Groupings, four were advertised as departures on the grounds of access, design/materials and/or lack of tree survey. One application was refused on the grounds of road safety and was subsequently approved on review by the MLRB.
- 13 of the 15 applications for Re-use and Replacement were for the demolition of existing buildings due to their structural condition. One application was deemed an acceptable departure from MLDP Policy DP4 as the building, whilst not of traditional stone and slate form, was an exceptional building suitable for conversion into residential use.
- There was a 75% refusal rate for applications in Areas of Immediate Pressure due to proposals not complying with siting criteria, resulting in impacts on landscape characters and/or lacking enclosure. One application was subsequently approved on review by the MLRB.

- There were three applications with extant consents that applied to revise house designs and resulted in being advertised as a departure. Following the submission of amended plans, all were approved.

9.2 Conclusion

- The new hierarchical policy approach introduced in the MLDP 2020 has been successful in protecting pressurised areas from further inappropriate development.
- All applications within Pressurised and Sensitive Areas have been refused and this position has been subsequently supported by the MLRB where reviews were requested.
- Siting and design policy requirements are also driving better located houses within the landscape and design standards have also improved with more traditional simple forms of homes being delivered on the ground.

10 Planning Appeals

10.1 Introduction

During the monitoring plan period a small number of planning appeals have been considered through the Local Review Body and DPEA process. The following table provides a summary of the outcomes.

Application Type	Approved	Refused	Summary of reasons
Householder	3	9	<ul style="list-style-type: none"> • Approvals related to windows in a conservation area, dormers on a rear elevation, and a retrospective boundary fence. • Refusals were mainly based on the amenity impacts of the proposed developments.
Housing (local)	1	9	<ul style="list-style-type: none"> • Majority of refusals were for new single dwellings. Reasons were based on scale, design, and amenity.
Business (local)	2	2	<ul style="list-style-type: none"> • A hot food takeaway on an employment site and an increase in child-minding provision within an existing business were approved as acceptable departures. • The two refusals were based on amenity impact of a new takeaway and the location of a hair/beauty salon within a residential garden

Table 29: Table showing the breakdown of LRB decisions

In conclusion, it is recognised that the LRB did overturn a small number of delegated decisions. However, these were based on small issues rather than the principle of development. Furthermore, the majority of refusals within the local housing category considered a number of issues and demonstrates that the policies are working as intended.

10.2 DPEA Decisions

- 8 cases were submitted to the DPEA for appeal consideration. 4 were rejected as there was no remit for determination and referred to the LRB.

- One case was dismissed and refused planning permission due to the lack of need for additional car parking to serve a restaurant, and therefore not supported by the relevant planning policies.
- Three cases were allowed, and planning permission was granted.
- A large scale mixed use development was approved in Buckie, on balance the reporter accepted that the proposal was satisfactory even though they did not fully address key and fundamental issues raised by the Council in their decision. Following the signing of the legal agreement the development was approved.
- A wind energy development was approved as the reporter determined that the visual impact of the development was acceptable and therefore met the policy requirements.
- A residential development was approved in Forres contrary to the development plan, however the reporter determined that the 100% affordable housing proposal and the opportunity to redevelop a vacant site outweighed the stated conflict.