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## Planning and Regulatory Services Committee

Thursday, 13 June 2024

**NOTICE IS HEREBY GIVEN** that a Special Meeting of the **Planning and Regulatory Services Committee** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Thursday, 13 June 2024** at **09:30**.

### BUSINESS

- 1 **Sederunt**
- 2 **Declaration of Group Decisions and Members Interests \***  
**Guidance Note** 5 - 6
- 4 **Planning Application 24/00532/APP** 7 - 26  
Report by Appointed Officer  
  
Installation and operation of 1x wind turbine (up to 200m to blade tip) with associated infrastructure for a period of 35 years in association with ref 23/01165/APP (PPA-300-2066) at Garbet Windfarm, Site 5.5km Southeast of Dufftown, Moray for Energiekontor
- 5 **Planning Application 2400770APP** 27 - 40  
Report by Appointed Officer  
  
Renovation and shopfit, install two heritage skylights in extension at rear, replacement of single glazed shop front windows with double glazed units and Install air conditioning unit at rear at 128 High Street, Forres, Moray IV36 1NP for Mr Draeyk Van Der Horn
- 6 **Mosstodloch Masterplan** 41 - 138  
Report by Depute Chief Executive (Economy, Environment and Finance)

## **Information Reports - Not for Discussion at this Meeting**

Any member wishing to call in a noting or information report from one meeting shall give notice to Committee Services at least 48 hours before the meeting for which the report is published. The Notice shall be countersigned by one other elected member and shall explain the reason for call in including any action sought.

**Information Report - Learning Estate Strategy -** 139 -  
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### **Programme Delivery Update**

Report by Depute Chief Executive (Economy, Environment and Finance)

**Information Report - Building Standards Futures Board** 167 -  
**Update** 174

Report by Depute Chief Executive (Economy, Environment and Finance)

## **Summary of Planning and Regulatory Services**

### **Committee functions:**

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

## **Watching the Meeting**

You can watch the webcast live by going to:

[http://www.moray.gov.uk/moray\\_standard/page\\_43661.html](http://www.moray.gov.uk/moray_standard/page_43661.html)

**Webcasts are available to view for 1 year following the meeting.**

**You can also attend the meeting in person, if you wish to do so, please come to the High Street entrance door and a member of staff will be let into the building.**

## GUIDANCE NOTES

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

# MORAY COUNCIL

## Planning and Regulatory Services Committee

### SEDERUNT

Councillor David Gordon (Chair)  
Councillor Marc Macrae (Depute Chair)

Councillor Neil Cameron (Member)  
Councillor Theresa Coull (Member)  
Councillor John Cowe (Member)  
Councillor John Divers (Member)  
Councillor Amber Dunbar (Member)  
Councillor Jérémie Fernandes (Member)  
Councillor Donald Gatt (Member)  
Councillor Sandy Keith (Member)  
Councillor Scott Lawrence (Member)  
Councillor Paul McBain (Member)  
Councillor Draeyk van der Horn (Member)  
Councillor Sonya Warren (Member)

Clerk Name:	Lissa Rowan
Clerk Telephone:	07765 741754
Clerk Email:	<a href="mailto:committee.services@moray.gov.uk">committee.services@moray.gov.uk</a>



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**GUIDANCE NOTE PRODUCED FOR PLANNING AND REGULATORY SERVICES COMMITTEE  
MEETING OF 13 JUNE 2024**

**REPORT ON APPLICATION**

**“Note for guidance of the Committee where the decision of the Planning and Regulatory Services Committee is contrary to the recommendations of the Depute Chief Executive (Economy, Environment and Finance) in respect to a Planning Application.”**

Any Councillor putting forward a motion to refuse an application, contrary to recommendation, shall clearly state the reasons for refusal. These reasons should be based on policies contained in the approved National Planning Framework 4 (NPF4), Local Development Plan or some other material consideration. Time should be allowed to ensure that these reasons are carefully noted for minuting purposes.

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

**Note for guidance where the decision of the Planning and Regulatory Services Committee is to depart from the Development Plan (NFP4 and or Local Development Plan)**

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

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

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

Censure of a Councillor or an Officer  
Suspension of a Councillor for up to one year  
Disqualification of a Councillor for up to five years

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

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

Consistent implementation of departure procedures maintains public confidence in the planning system and is consistent with the time and effort invested in preparing the **NPF4 and Local Development Plan**.



WARD 01\_17

**24/00532/APP**  
10th April 2024

**Installation and operation of 1x wind turbine (up to 200m to blade tip) with associated infrastructure for a period of 35 years in association with ref 23/01165/APP (PPA-300-2066) at Garbet Windfarm Site 5.5km Southeast Of Dufftown Moray for Energiekontor**

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**Comments:**

- A Site visit has been carried out.
- The application was advertised for Neighbour Notification and under the Environmental Impact Assessment Regulations.
- No representations have been received.

**Procedure:**

- None

**Recommendation**

Grant Planning Permission - Subject to the following:

**Conditions/Reasons**

**Length of planning permission**

1. Unless otherwise agreed in writing with the planning authority, the permission hereby granted shall endure for a period no longer than 35 years from the date of final commissioning, after which the development shall cease to export electricity to the national grid and shall be decommissioned in accordance with the details otherwise approved elsewhere within this planning permission. The date of final commissioning shall be as informed to the planning authority in writing or 18 months from the date of this planning permission, whichever is the sooner. The date of final commissioning must coincide with the associated wind energy development approved under planning reference 23/01165/APP on the 16 February 2024. Similarly, the date of decommissioning required under condition 27 of planning reference 23/01165/APP, must see the approved turbine comply with the requirements of condition 27 also and cease to operate, be decommissioned and site restored at the same time as the other 7 adjacent turbines.

**Reason:** To avoid uncertainty and ensure that the permission is implemented within a reasonable period, and to allow the planning authority to monitor compliance with the other conditions imposed. The commissioning of the turbine to concur with the associated development ensures consistent management and decommissioning of the development alongside the consented scheme.

2. The turbine selected must be of the same make, colour, rotor length and overall height as the turbines utilised in the associated wind energy development approved under condition 4 of planning reference 23/01165/APP on the 16 February 2024.

**Reason:** In order to ensure that the turbine hereby approved matches visually with the turbines approved under the associated mean wind farm consent. This will ensure that there is visual consistency between the turbines erected avoiding any unnecessary detrimental impact arising from the choice of turbine.

#### **Expiry of planning permission**

3. This planning permission will lapse on the expiration of a period of five years from the date of this planning permission unless the development has been started within that period.

**Reason:** To apply a reasonable time limit for the implementation of the planning permission.

#### **Micro-siting**

4. The wind turbine, areas of hardstanding and track shall be constructed in the locations shown in the approved Location Layout. The location of the wind turbine, hardstanding and track may be varied (micro-sited) within the site subject to the following, unless otherwise approved in advance in writing by the planning authority:
  - a) no wind turbine, track, hardstanding or other ancillary infrastructure shall be moved more than 100 metres from the position shown within the Location Layout. If any micro-siting is sought, it must first of all be approved in writing by the planning authority (in consultation with the Ministry of Defence - Safeguarding).
  - b) all micro-siting permissible under this condition must be approved in advance in writing by the ECoW appointed in accordance with condition 10 of 23/01165/APP granted consent by Moray council on the 16 February 2024.
  - c) all micro-siting permissible under this condition must be approved in advance in writing by the ECoW appointed in accordance with condition 10 of planning permission 23/01165/APP approved on 16 February 2024.
  - d) for any micro-siting of the turbine which results in an increase in altitude of more than 5m from the approved position, a prior request for approval in writing must be made to the planning authority (in consultation with the Ministry of Defence, Safeguarding). Such a request must be accompanied by an updated and comparative ZTV plan and wireline montages as required by the planning authority. No such micro-siting can take place without the written approval of the planning authority.
  - e) no later than two months after the date of final commissioning, an updated site plan shall be submitted to the planning authority showing the final



position of all wind turbines, anemometry masts, areas of hardstanding, tracks and associated infrastructure forming part of the development. The plan must also specify areas where micro-siting has taken place and, for each instance, be accompanied by the ECoW or the planning authority's written approval, as applicable.

**Reason:** To ensure that micro-siting decisions take account of environmental impacts and local ground conditions, including existing infrastructure.

5. Unless otherwise agreed in writing with the Council as Planning Authority prior to development commencing, the development must accord with conditions 3, 7-18, 21, 24, 28- 31 of planning approval 23/01165/APP granted consent by Moray council on the 16 February 2024. Reference to the approved EIA Report within these conditions however refers to submitted EIA Report where it differs from the EIA Report approved under appeal decision PPA-300-2066.

**Reason:** To ensure the turbine approved is installed, operated and managed in line with the other surrounding turbines previously approved.

#### **Aviation Lighting**

6. Prior to commencing construction of any wind turbine generators, or deploying any construction equipment or temporal structure(s) 50 metres or more in height (above ground level) the undertaker must submit an aviation lighting scheme for the approval of the Moray Council in conjunction with the Ministry of Defence defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence.

This should set out:

- a) details of any construction equipment and temporal structures with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with; and
- b) the locations and heights of all wind turbine generators and any anemometry mast featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.

**Reason:** To maintain aviation safety.

### **Aviation Charting and Safety Management**

7. The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:
- a) the date of the commencement of the erection of wind turbine generator;
  - b) the maximum height of any construction equipment to be used in the erection of the wind turbine;
  - c) the date the wind turbine generator is brought into use;
  - d) the latitude and longitude and maximum heights of the wind turbine generator, and any anemometer mast(s).

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

**Reason:** To maintain aviation safety.

### **Reason(s) for Decision**

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

The proposal accords with the relevant policies of the National Planning Framework 4 and those of the Moray Local Development Plan 2020. The proposed development will sit amongst and within the consented windfarm and is acceptable and there are no material considerations that would indicate otherwise.

### **List of Informatives:**

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

Prior to the commencement of deliveries or any construction work, a Wear and Tear agreement will be required to be approved between the developer and the roads Authority. The scope of the Wear and Tear Agreement must be agreed with the Roads Authority and must include a condition survey of the network undertaken jointly by the developer and a representative from the Roads Authority. The survey must include the full extent of the agreed construction traffic route(s) (within Moray) between the site and the 'A' class road network. In addition, the wear and tear agreement shall also include condition surveys of all roads identified as 'unsuitable' which must be agreed with the Roads Authority.

The Construction Traffic Management Plan must cover the duration of the development, include methods of dealing with large and abnormal delivery vehicles. The plan shall also include, the methods of marshalling and manoeuvring at junctions on the public road network and any temporary traffic waiting restriction requirements and all modifications to the road network and traffic management arrangements. Routes for deliveries to and from the site and routes which must not be used by development traffic (construction or staff) to access the site. A programme of monitoring for all routes identified within the CTMP during construction will be required.

It is not acceptable to overrun central refuge/splitter islands, they are not constructed to take vehicle loadings. Proposals submitted must show how this will be managed during deliveries. It is also not appropriate to remove signing for the duration of the abnormal loads therefore confirmation of how signs will be managed during the delivery phase needs to be agreed.

Some of the side tracks which join the public road may appear to be part of the public road as they have a thin layer of tar on them. It is unlikely that there is suitable road construction under any of them and where they are being utilised each location should be assessed and reconstructed if necessary.

Prior to completion of the development, all areas of temporary over-run must be reinstated to an appropriate standard. Example 300mm thick dressed topsoil and reseeded appropriate for the surroundings.

Additional details for all areas of road widening and new passing places must also include drainage details to accommodate the additional road surface area.

Transport Scotland must be consulted with respect to all deliveries proposed via the Trunk Road.

The neighbouring Local Authorities, through which the delivery route may pass, Highland/Aberdeenshire/Aberdeen City, must be consulted as appropriate.

Planning consent does not carry with it the right to construct a new road or any part of a road. In accordance with Section 21 of the Roads (Scotland) Act 1984 Construction Consent for new roads (includes passing places, modified junctions and footpaths) that will form part of the public road will be required. Advice on this matter can be obtained by emailing [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk) and reference to the following pages on the Council website.

Checklist: <http://www.moray.gov.uk/downloads/file68812.pdf>

RCC: [http://www.moray.gov.uk/moray\\_standard/page\\_65638.html](http://www.moray.gov.uk/moray_standard/page_65638.html)

Specification <http://www.moray.gov.uk/downloads/file68813.pdf>

The applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. Advice on this matter can be obtained by emailing [roads.permits@moray.gov.uk](mailto:roads.permits@moray.gov.uk) and reference to the following page on the Council web site.

Road Opening: [http://www.moray.gov.uk/moray\\_standard/page\\_79860.html](http://www.moray.gov.uk/moray_standard/page_79860.html)

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

If required, street furniture will need to be repositioned at the expense of the developer. In addition, any existing roadside ditch may require a pipe or culvert. Advice on these matters can be obtained by emailing [road.maint@moray.gov.uk](mailto:road.maint@moray.gov.uk)

The applicants shall be responsible for any necessary diversion of any utilities or drainage present at the locations where works are to be undertaken.

The applicants shall meet all costs of improvements to the road infrastructure, which are required as a result of the development.

The applicants shall meet all costs of removal and re-erection of road signage, which are required as a result of the delivery of the abnormal loads.

The applicants shall meet all costs of diverting any footpath or cycleway during the construction period, including signage.

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

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

Bridges and Structures - The developer must contact the Senior Engineer for Bridges and Structures to discuss the proposals via [structures@moray.gov.uk](mailto:structures@moray.gov.uk)

Traffic Management Plan - The developer must contact the Senior Engineer Transportation discuss the proposals via [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
		Location plan
		Elevation
		Turbine foundation
		Track cross section
		Crane hardstanding
		Cable trench design



## PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:  
24/00532/APP

13

**Site Address:**

Garbet Windfarm

Site 5.5km Southeast Of Dufftown

**Applicant Name:**

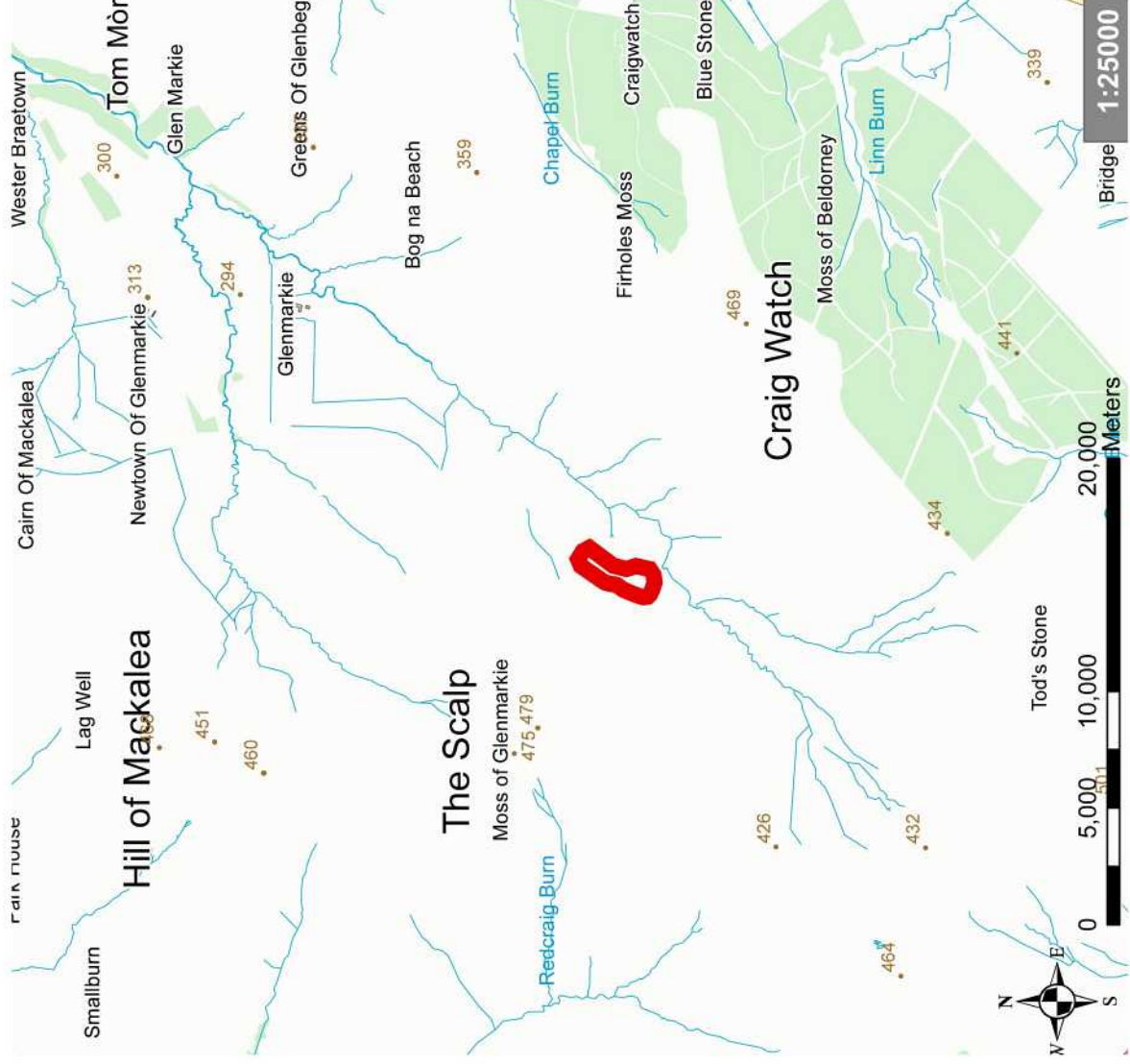
Energiekontor

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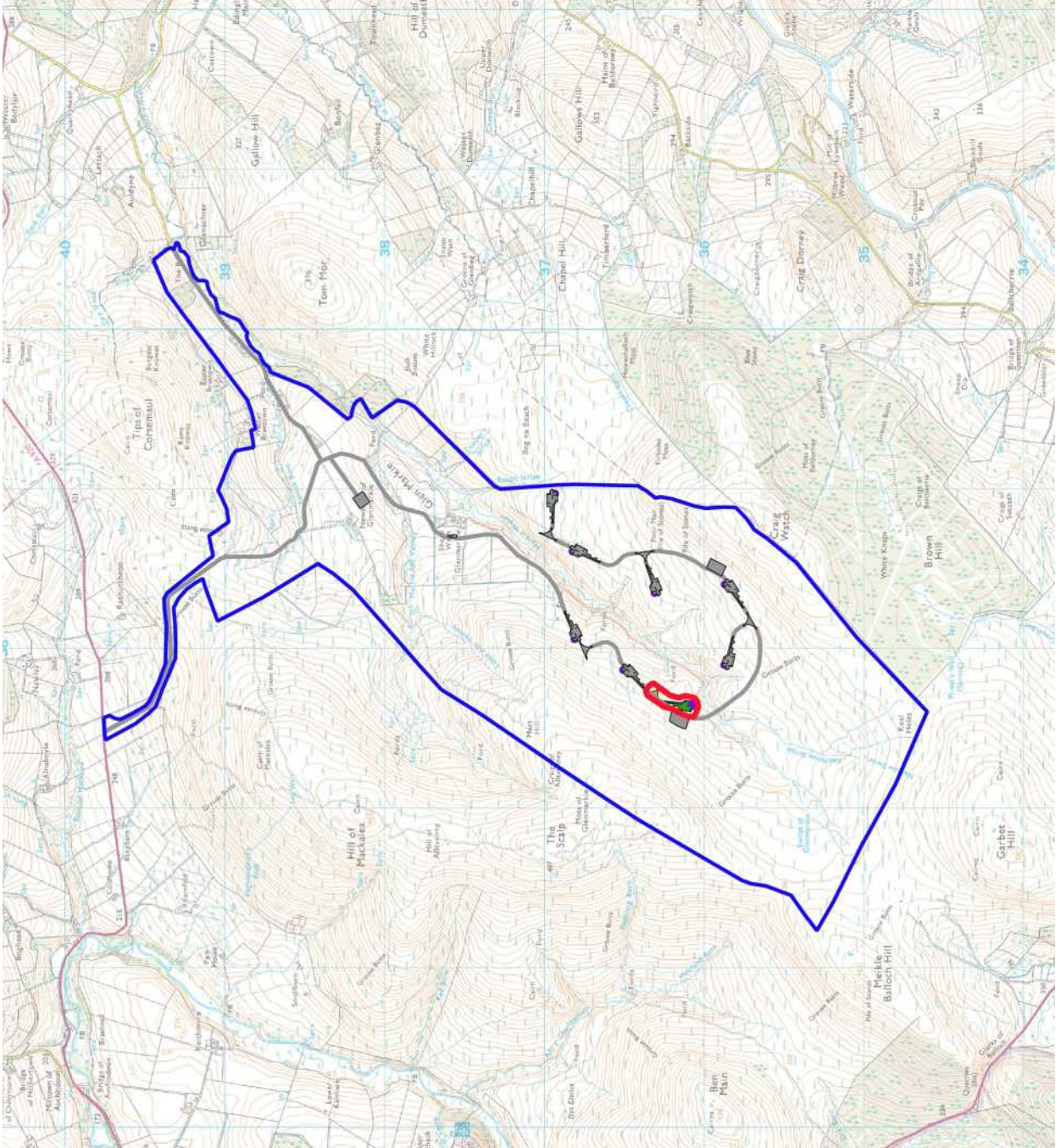
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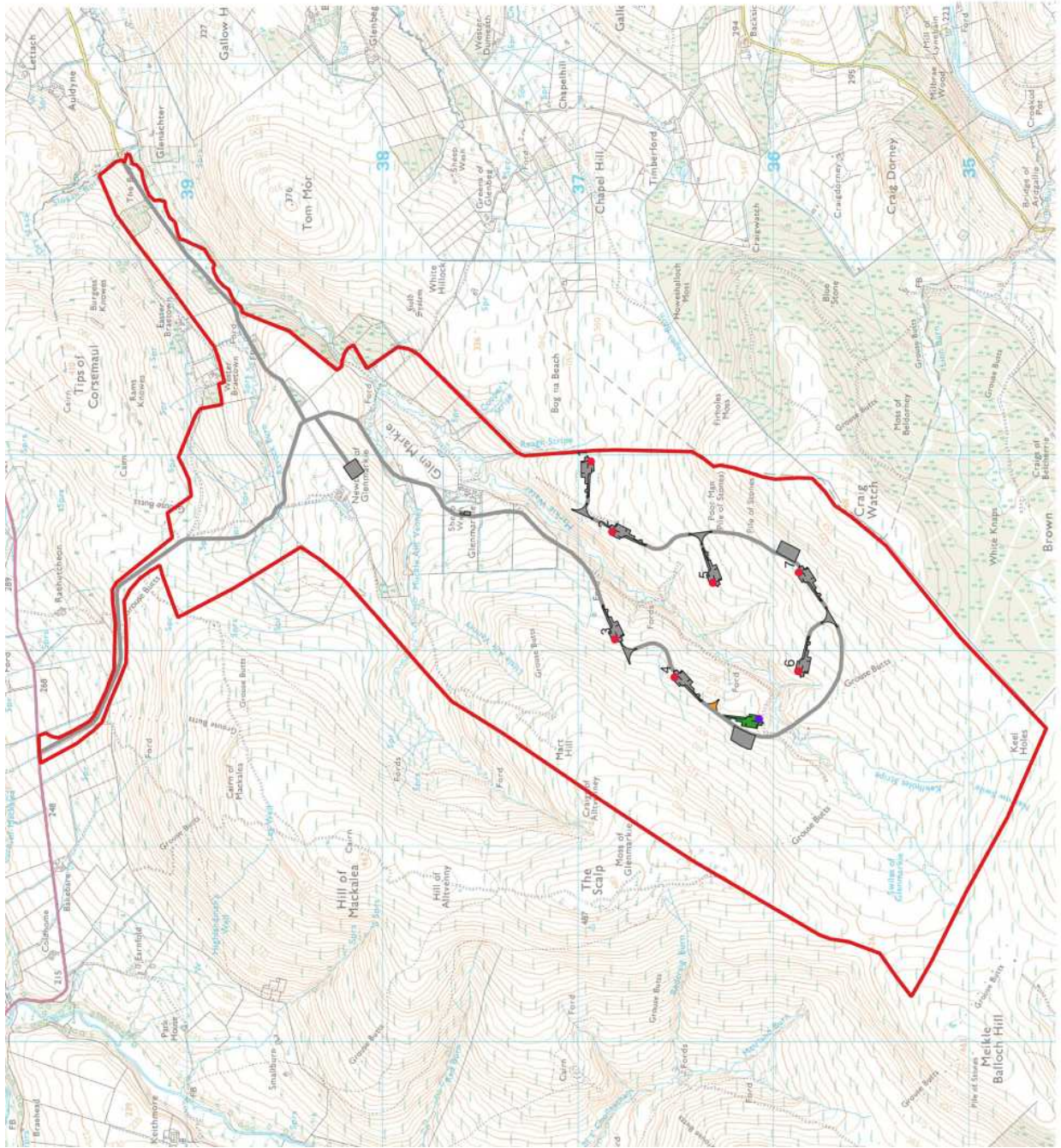
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## Location Plan

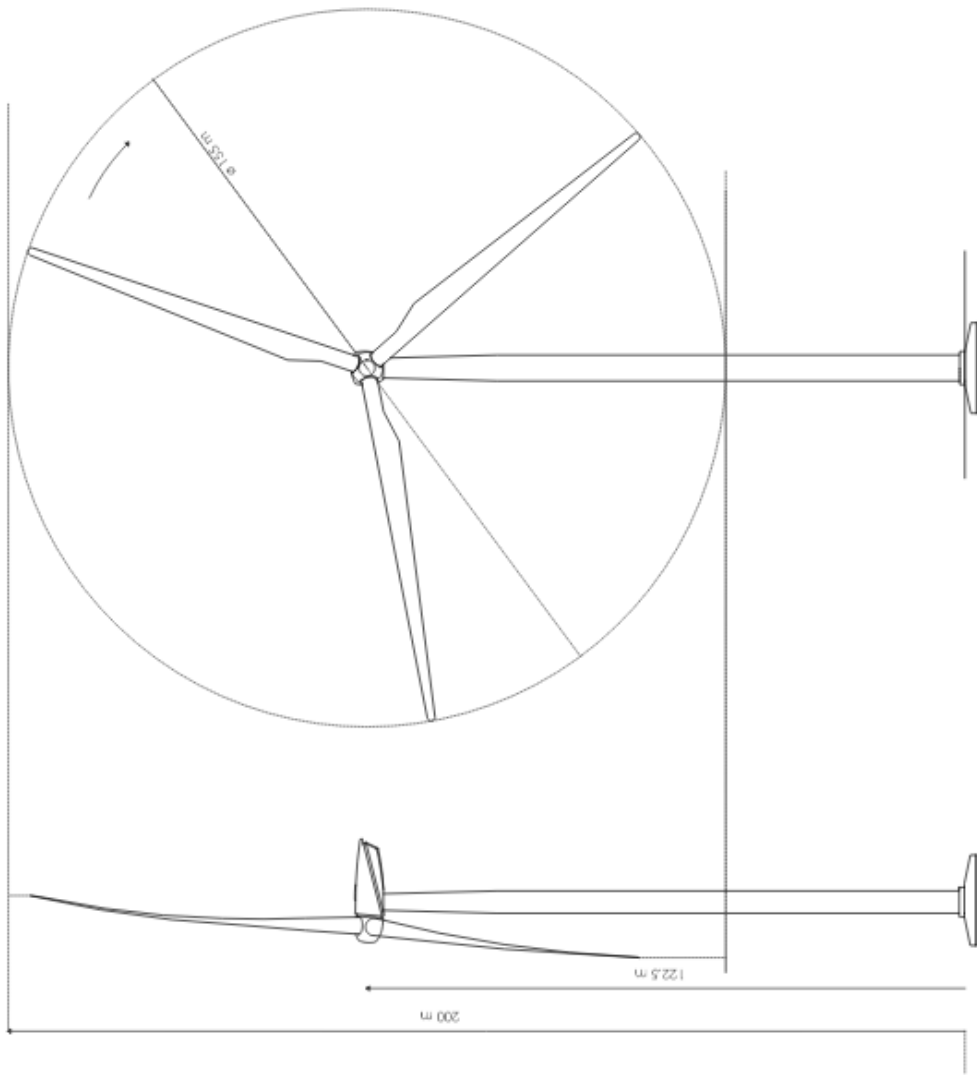


# Site Location





# Turbine elevation





## PLANNING APPLICATION: 24/00532/APP

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

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### 1. THE PROPOSAL

- Installation and operation of 1x wind turbine (up to 200m to blade tip) with associated infrastructure for a period of 35 years in association with ref 23/01165/APP (previously approved under Directorate for Planning and Environmental Appeals reference PPA-300-2066).
- The turbine would sit amongst the already consented seven 200m high wind turbines and be served by a spur off the approved track and connect into the approved substation. The rotor diameter will be a maximum of 155m.
- A further turbine foundation, track spur, crane pad and cable trench tying into the approved track will be required.

### 2. THE SITE

- The site occupies an area of moorland and upland heathland, used for grazing and is close to several derelict farms.
- The rural settlement of Haugh of Glass lies 4km to the east.
- The Markie Water flows through the site in a north-easterly direction prior to joining the River Deveron. There are a couple other minor watercourses, tributaries of the Markie Water, which also flow through the wider site of the wider windfarm, with the proposed turbines sitting with this.
- The site lies within an enclosed glen that opens up to the north-east. The site lies within the Moray Landscape Sensitivity Study, Landscape Character type14 'Open Uplands with Settled Glens'.
- The windfarm site lies within the area designated where windfarm extensions and repowering may be possible. The proposed turbine location sits within this area with potential for extension and repowering.
- A key scenic approach into Moray along the A920 (Huntly to Dufftown Road) lies to the north-east of the windfarm development.
- A few occupied dwellings lie approximately 3km to the north east of the new turbine at Wester Braetown and Easter Braetown.
- An archaeological site at Craig Dorney (hillfort site), immediately southeast of the site, lies just outwith Moray and 2.5km from the proposed turbine.

### 3. HISTORY

**23/01165/APP** – Section 42 to vary condition 3 and condition 20 of the original planning consent ref 21/00020/EIA, which sought to vary the turbine models and heights (now 200m) and micro-siting of the proposed windfarm. This was approved by Members in February 2024.

**21/00020/EIA** - Installation and operation of a windfarm comprising seven turbines with a generating capacity of up to 46.2MW an electricity storage facility with a maximum capacity of 3MW and associated infrastructure on land 5.5km south-west of Dufftown. This comprised of seven 190m high metre high turbines and following a refusal by the Planning and Regulatory Services Committee in November 2021. The development was subsequently approved at appeal by the Scottish Government in September 2022.

**23/00144/APP** - Upgrade works to the existing access track running south of the A920 to Garbet windfarm, Site 5.5km Southeast of Dufftown, Moray. A alteration to the approved access track to the site has recently been approved, which would see the developers upgrade and use an existing hill track to the site, accessed via the A920 to the north. This application was approved under delegated power on 25.09.2023.

Off site:

**22/00913/S36** – Proposed wind energy comprising of up to 11 wind turbines, up 200m high at Craig Watch immediately south of Garbet windfarm. This Section 36 application is still under consideration by the Energy Consents Unit and Moray Council has yet to respond. Amendments have not yet been submitted, but it is anticipated that changes to the proposal are forthcoming.

**23/00047/S36** – Construct, operate and decommission a wind farm with a generating capacity in excess of 50MW consisting of up to 22 wind turbines. Approximately 3 km south of the site, a Section 36 application for an extension to Clashindarroch windfarm has been submitted to the Energy Consents Unit. Moray Council considered this application earlier in 2023 and did not object subject to recommending conditions to the energy consents unit.

Aberdeenshire Council, determined by Scottish Government (ECU Ref. ECU00002002) Clashindarroch II windfarm proposes to develop fourteen turbines, each with up to a 6MW capacity and with a tip height of 180m. The proposal was consented after a Public Inquiry and lies within Aberdeenshire adjacent to the existing Clashindarroch windfarm.

Aberdeenshire Council application - APP/2009/1380 Clashindarroch Windfarm – Eighteen turbines at 110m. The site is located immediately east of the currently proposed windfarm site and has been in operation since 2015.

#### 4. **POLICIES**

##### **National Planning Framework 4**

NPF3 - Biodiversity

NPF5 - Soils

NPF7 - Historic assets and places

NPF11 - Energy

NPF25 - Community wealth building

NPF1 - Tackling the Climate

NPF2 - Climate mitigation and adaptation

##### **Moray Local Development Plan 2020**

PP2 Sustainable Economic Growth

PP3 Infrastructure and Services

DP1 Development Principles

DP9 Renewable Energy

EP2 Biodiversity

EP3 Special Landscape Areas

EP7 Forestry Woodland and Trees

EP10 Listed Buildings

EP12 Management and Enhancement Water

EP13 Foul Drainage

EP16 Geodiversity and Soil Resources

#### 5. **ADVERTISEMENTS**

- 5.1 The application was advertised as an EIA development and for neighbour notification purposes.

#### 6. **CONSULTATIONS**

**MOD Safeguarding – Wind** - No objection subject to conditions. The turbine would fall below and outwith the low-flying zone and would also be subject to aviation mitigation by the previous approved scheme.

**Contaminated Land** - No objection.

**Environmental Health Manager** - Previous conditions regarding noise under the consented windfarm to be attached.

**Private Water Supplies** - No objection.

**Transportation Manager** - No objection, subject to the relevant conditions of Appeal Decision being re-iterated. Use of the alternative access onto the A920 to the north of the site approved under 23/00144/APP is also noted. Informative advice to be attached also.

**Atkins Global** - No objection.

**JRC - Windfarms** - No objection.

**National Air Traffic Systems Limited** - No objection.

**BAA Aerodrome Safeguarding** - No objection.

**Aberdeenshire Council (North)** - No objection.

**Scottish Environment Protection Agency** - No objection and note the proposed additional turbine should be subject of the same Peat Management Plan. Suggested content of the PMP is passed to the applicant for their information and the previously approved wind farm also contains a Peat Management Plan.

**Aberdeenshire Council Archaeology Service** - No objections.

**Strathbogie Community Council** - No response received.

## **7. OBJECTIONS-REPRESENTATIONS**

None received.

## **8. OBSERVATIONS**

8.1 Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e., the adopted National Planning Framework 4 (NPF4) and adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise.

### **8.2 Background**

As the proposed turbine and consented windfarm are located immediately adjacent to the local authority boundary with Aberdeenshire, consultation has been undertaken with Aberdeenshire Council. Aberdeenshire Council previously significant concerns about the windfarm under planning application 21/00020/EIA, but this did not formally object. These concerns alongside the grounds for refusal by Moray Council were considered by the DPEA in arriving at their decision to approve the planning application. Of note, nor did Aberdeenshire Council object to the Section 42 variation and increase in turbine height considered under 23/01165/APP last year.

8.3 Of note, the approved windfarm was to take access primarily from road within Aberdeenshire to the east of the approved site. However, due to difficulties, the applicants subsequently applied for an alternative access route into the site from the north via the A920 to the north (see planning history 23/00144/APP above). This new access, which would serve as the delivery route for this planning application leads to the A920 within Moray.

### **8.4 Environmental Impact Assessment (EIA)**

Proposals for more than two wind turbines are 'schedule 2' developments for the purposes of the Town and Country Planning (Environmental Impact

Assessment) (Scotland) Regulations 2017. The original application (21/00020/EIA) was an EIA application. The applicant has volunteered and update the relevant sections of the EIA Report submitted with the original windfarm and as updated by the subsequent Section 42 application 23/01165/APP (see history Section).

- 8.5 The applicant has however provided an updated EIA Report in support of the application which reviewed those matters affected by the revised tracks, turbine positions and turbine heights. The EIA Report covers a range of issues related to soils, peat, Groundwater Dependent Terrestrial Ecosystems, other habitat and water environments such as water courses.
- 8.6 **Relationship of proposal to national renewable energy policy/guidance** National Planning Framework 4 (NPF4) which was adopted in 2023 nationally effectively becomes the top tier development plan for use by all planning authorities or bodies making planning related decisions.
- 8.7 The Climate Change (Scotland) Act 2009 places a duty on public bodies to act sustainability and meet emissions targets including a requirement to achieve at least an 80% reduction in greenhouse gas emissions by 2050 (over 1990 levels). They are The Scottish Government's Programme for Scotland 2020-21, The Environment Strategy for Scotland, February 2020, Climate Change (Emissions Reductions Targets) (Scotland) Act 2019, Scottish Government Climate Change Plan (2018), Scottish Government Onshore Wind Policy Statement 2017 and Scottish Energy Strategy (2017). These generally stress the need to reduce carbon emissions (for which wind energy will clearly play a part) but do qualify this with the need to protect landscapes, built and natural heritage, residents and other interests.
- 8.8 The applicant's submissions regard national policy as being significant and supportive of this proposal where this development, as a proven technology providing a source of safe and locally produced renewable energy for many years, will make a significant contribution towards renewable energy production at the national and local level. Whilst it is noted that some targets have been met for renewable energy production it is noted that the Scottish Governments guidance in pursuit of renewables has not diminish support for renewable energy proposals.
- 8.9 The applicants have submitted a planning statement addressing NPF4 policy 11 Energy. It is clear that in tackling climate change a key aim of NPF4 is to support renewable energy proposals that reduce greenhouse gas and reduce carbon emissions. It therefore refers to policy 2 climate Change Mitigation and Adaption that 'significant weight' will be given to tackling climate change, and onshore wind is a part of that solution.
- 8.10 National legislation is increasingly supportive of onshore wind development but does within NPF4 policy 11 seek to state some caveats. Policy 11 energy lists impacts which need to be addressed such as cumulative impacts, significant landscape and visual impacts and impacts on historic environment to name several of the thirteen impacts identified. These particular matters will be addressed below.

- 8.11 **Climate Change and Principle of Renewable Energy Proposal (NPF4 Policy 1, 2, 11 and DP9)**  
NPF4 Policy 1 'Tackling The Climate And Nature Crises' states that significant weight must be attached to the global climate and nature crisis. It aims seeks to reduce emissions and supports development that addresses these goals. Development of renewable energy is one such development and therefore significant weight must be attached to its contribution toward emissions reductions. Similarly, Policy 2 'Climate Change and adaptation' seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. This can directly be linked to other wider objectives of NPF4 in creating sustainable places and the production and transmission of clean energy is part of the spatial strategy or the north of Scotland.
- 8.12 Policy 11 'Energy' states that project design and mitigation will demonstrate how the various impacts are addressed and these are listed in section e) of the policy. One within section e) being significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable. This goes beyond the comparable MLDP policy DP9 by implying that under certain circumstances, even significant landscape impacts are to be accepted. Policy 11 Energy states that local landscape and visual impact are to be expected, and this must therefore be born in mind for the A920 and Glen Markie area north of the proposed and cumulatively with the rest of the consented windfarm.
- 8.13 MLDP Policy DP9 Renewable Energy (informed by Moray Councils – Moray Wind Energy Landscape Sensitivity Study 2023) states that all renewable energy proposals will be considered favourably where they meet criteria identified in policy. DP9a)i) where proposals should be compliant with policies to safeguard and enhance the built and natural environment, while DP9a)iii) gives a list of impacts that must be avoided to prevent an overall unacceptable significant adverse impact occurring. The Moray Councils Wind Energy Landscape Sensitivity Study states that this particular landscape (Open Uplands with Settled Glens) would be highly sensitive to larger wind turbines of as scale such as those now sought. Weight must however be attached to the consented Garbet windfarm which would alter the sensitivity caused by this further turbine.
- 8.14 **Impact of additional wind turbine (Policy 11 and DP9)**  
The proposed additional turbine would site within the consented grouping of seven turbines and would sit slightly below the over altitude of several of the adjoining turbines. Importantly it would not extend the width or vertical view of the proposal.
- 8.15 Within the supplementary Landscape and Visual Impact Assessment one of the key viewpoints from which the turbine would be visible from the public road, is Viewpoint 4 from the A920 looking south when travelling westbound. As you leave Aberdeenshire and enter Moray, the current grouping of seven turbines, would see an infill between of a gap between the two north-western most turbines and the remainder of the group. Given the consented scheme as a

material consideration, the additional turbine would not detrimentally alter or exacerbate the view from the A920. As with the original scheme, and the conclusions of the Scottish Government Reporter who consented the wider windfarm in 2022, the other views of the proposed additional turbine will be visually contained by immediate hills to the north, west and south. Other than walkers on the nearby or other local summits who may note the additional turbine, the proposed addition would not depart from Policy 11, where its visual impact would be confined to views in the locality of Glenmarkie and short section of the A920.

- 8.16 This additional turbine would need to be lit, resulting in a further aviation light in the otherwise dark skyline, but would still amongst the other lit turbines already consented, so this additional turbine would not overly change to night sky when taking into consideration the consented scheme. Of note the previous condition attached to 23/01165/APP pursuing a reduced lighting scheme (in consultation with the Ministry of Defence Windfarm Safeguarding and the Civil Aviation Authority) for the additional turbine will be re-iterated.
- 8.17 **Impact on natural environment (EP1, EP2 and EP12)**  
In EP1 Natural Heritage Designations there are no international, national or local environmental designations present. A number of Groundwater Dependent Terrestrial Ecosystems (GWDTE's) were noted in the wider area, areas of bog as well as other habitats such as riparian woodland along the small water courses running through the site. Policy EP12 Management and Enhancement of the Water Environment, and EP2 Biodiversity seeks to ensure proposals do not have an adverse effect on protected species. The proposed turbine, its track and other infrastructure have sought to avoid deep peat, and land subject to any other environmental designations and is an acceptable distance from water courses.
- 8.18 The submitted EIA report, which supplements the previously approved supporting EIA Report for 21/00020/EIA) and as update 23/01165/APP is designed to tie the development into much of the mitigation proposed for the wider development. Conditions covering the necessary mitigation and good practice will be attached or repeated from the overall windfarm consent.
- 8.19 **Impact on soil resources/minerals (NPF4 Policy 5 and EP16)**  
Policy 5 does state that while generally carbon rich soils should be avoided by development, c) ii. within the policy states generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets may be accepted in peatland.
- 8.20 Policy EP16 Geodiversity and Soil Resources states that for large scale (over 20MW) renewable energy proposals, development will only be permitted where it has been demonstrated that unnecessary disturbance of soils, geological interests, peat and any associated vegetation is avoided.
- 8.21 Revised ground assessments have been undertaken for the position of the proposed crane pad, track extension, turbine base and cable trench. The additional turbine will not be located in a position of deep peat or peat liable to slippage. It is noted that conditions are carried forward from the main consent that require a finalised Habitat Management Plan, and Peat Management

Plans, inclusive of the Peat slide risk assessment. It is recommended that this turbine comply with the relevant conditions of the adjoining windfarm to achieve a coherent approach.

- 8.22 **Impact on cultural heritage (NPF4 policy 7 and EP8 and EP10)**  
NPF4 Policy 7 Historic assets and places and MLDP EP8 Historic Environment seeks to protect historic and archaeological assets. Policy EP8 Historic Environment seeks to protect historic and archaeological assets. EP10 Listed Buildings states that development proposals will be refused where they would have a detrimental effect on the character, integrity or setting of a listed building. Structures such as windfarms have the potential to affect the setting of listed buildings and other cultural heritage assets some distance away.
- 8.23 The submitted Zone of Theoretical Visibility for heritage assets shows that the proposed turbine would have minimal impact upon the setting of heritage assets and would not be visible from assets such as Auchindoun Castle due to intervening landscape. As such there is no conflict with heritage interests or above policies.
- 8.24 **Access and traffic impacts (NPF4 policy 13 and DP1)**  
NPF4 policy 13 Policy Sustainable transport and Policy DP1 Development Principles (ii) and its associated appendix in the MLDP 2020 identifies the transportation requirement for development in Moray and seek to ensure that a safe and appropriate access is provided to new developments.
- 8.25 Further to the approval of an access to the windfarm via the minor public road to the east of Glenmarkie, leading to the Haugh of Glass U146H and C8H, the applicants subsequently obtained consent under planning application reference 23/00144/APP taking access onto the A920 to the north, via an upgraded hill track. This approval in addition to repeating the relevant conditions of the overall windfarm development (as requested by the Transportation Manager) would ensure compliance with the above policies. This revised access sees the proposed delivery of the currently sought and consented turbines avoiding several road side residences to the north within Glenmarkie.
- 8.26 **Aviation Issues (NPF4 Policy 11, DP9 and EP15)**  
NPF4 policy 11 Energy e) iv. requires wind energy proposals to mitigate impacts aviation and defence interests.
- 8.27 Policy DP9 seeks to ensure that renewable energy proposals avoid any impacts resulting from aviation and defence constraints including flight paths and aircraft radar. As the originally approved windfarm was subsequently amended with the turbines heights increased by 10m and some of the turbines repositioned, the planning consent under Section 42 of the Act 23/01165/APP came into conflict with the RAF radar system.
- 8.28 The applicant then, working with the Ministry of Defence – Safeguarding (MoD) team agreed the installation of a proven radar mitigation scheme, which ensure the windfarm would not be compromised by the development. Consultation with the MoD for the proposed additional turbine confirmed that the approved radar mitigation scheme could be installed to cover this turbine also. Conditions from the MoD are attached to the recommendation.



8.29 **Planning Obligations and community investment opportunities (NPF4 Policy 11, 25 and IMP3)**

NPF4 Policy 11 states that proposals will only be supported where they maximise net economic impact, including local and community socio economic benefits. Policy 25 states developments that contribute towards local/regional community wealth building strategies and are consistent with local economic priorities will be supported. While for new wind energy projects consideration is being given as to how net economic benefits might be realised.

8.30 No planning obligations contributions are due as such development would not have any impact on community facilities, schools etc. It has been deemed previously in the Scottish Planning System "Community Benefit Funds" from the development management system. The setting up of a Community Benefit Fund should not be a matter that influences the planning decision and would be arranged separate to the planning process in the event that permission is granted. This approach is highlighted in Annex A 'Defining a Material Consideration' of the Circular 3/2013: Development Management Procedures. The applicants have referred to contributing to a Community Benefit Fund in submissions, and it is noted that the seven turbines of Garbet windfarm were consented in 2022, prior to adoption of NPF4. This therefore predates the requirement NPF4 for community wealth building and maximise net economic impact, including local and community socio-economic benefits. For a single turbine, utilising already consented tracks, substations and infrastructure there is limited scope to pursue community benefit or other economic benefits in isolation from the rest of the development. In this instance, no additional action is being sought under these policies, and the turbine will be managed and operated in line with the rest of the previously wind energy development.

**Conclusions**

Various conditions of the consented windfarm such as decommissioning, environmental mitigation and operational matters including noise are addressed in the conditions repeated and bound to planning permission 23/01165/APP. The turbine will read as part of the already consented Garbet windfarm and will site wholly within the grouping of turbines if developed. This significant weight to be attached to supporting renewable energy development such as this under NPF4 justifies it approval.

**REASON(S) FOR DECISION**

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

The proposal accords with the relevant policies of the National Planning Framework 4 and those of the Moray Local Development Plan 2020. The proposed development will sit amongst and within the consented windfarm and is acceptable and there are no material considerations that would indicate otherwise.

**EIA Reasoning for decision**

Moray Council's assessment of the information presented within the EIA Report and other environmental information in relation to this development is contained within the Report of Handling. It is considered that the development will not have any significant impacts on the environment. The various mitigation measures remain in place under the Scottish Government appeal decision in September 2022, with all conditions relating to mitigation repeated within this consent.

Moray Council is satisfied that other effects/issues can be addressed by way of mitigation.

A detailed description of the proposed mitigation is contained within the EIA Report and this Report of Handling.

<b>Author/Contact Officer:</b>	Neal MacPherson Acting Development Management and Building Standards Manager	<b>Ext:</b> 01343 563266
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**Neal MacPherson  
Acting Development Management & Building Standards Manager**

WARD 08\_17

24/00770/APP  
14th May 2024

**Renovation and shopfit install two heritage skylights in extension at rear replacement of single glazed shop front windows with double glazed units and Install air conditioning unit at rear at 128 High Street Forres Moray IV36 1NP for Mr Draeyk Van Der Horn**

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**Comments:**

- Application is being reported to the committee as it is submitted by a Councillor that is involved in the statutory planning process.
- No representations have received to date.

**Procedure:**

- Delegated authority to Head of Economic Growth and Development to issue decision subject to no further substantive representations being received following expiry of neighbour notification period.

**Recommendation**

Grant planning permission subject to the following conditions:

**Conditions/Reasons**

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the permission is granted.

**Reason:** The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. Noise emissions arising from the new air conditioning unit shall not exceed Noise Rating Curve (NR) 25, as determined within a living apartment of the nearest noise sensitive dwelling with the window moderately open. This limit would apply and be determined over a minimum of 5 minutes duration between the hours of 0700 to 2300 hours.

**Reason:** To protect local residents from noise nuisance from the development.

- Noise emissions arising from the new air conditioning unit shall not exceed Noise Rating Curve (NR) 20, as determined within a bedroom of the nearest noise sensitive dwelling with the window moderately open. This limit would apply and be determined over a minimum of 5 minutes duration between the hours of 2300 to 0700 hours.

**Reason:** To protect local residents from noise nuisance from the development.

- The rating level of noise associated with the new air conditioning unit shall not exceed the background sound level by more than 5 dB(A) at the nearest noise sensitive dwelling(s). For the avoidance of doubt, the rating level and background sound level associated with this condition is defined within BS 4142: 2014+A1:2019 Methods for rating and assessing industrial and commercial sound. Measurement and assessment to demonstrate compliance with the rating level shall be undertaken in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.

**Reason:** To protect local residents from noise nuisance from the development.

**Reason(s) for Decision**

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

The proposal accords with the relevant provisions of the National Planning Framework 4 and Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

**List of Informatives:**

THE ENVIRONMENTAL HEALTH MANAGER, has commented that:-

Operation of the premises shall not give rise to a Statutory Nuisance in terms of the Environmental Protection Act 1990.

<b>LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT</b>	
<b>Reference No. Version No.</b>	<b>Title/Description</b>
128.13	Front window details
128.08 A	Rear elevation
128.09 A	Roof plan
128.11	Proposed floor plan
128.01	Location plan
128.12	Front elevation



## PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:  
**24/00770/APP**

Page 29

**Site Address:**  
**128 High Street**  
**Forres**

**Applicant Name:**  
**Mr Draeyk Van Der Horn**

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## Location Plan



**Site Location**



# Photo Location Plan



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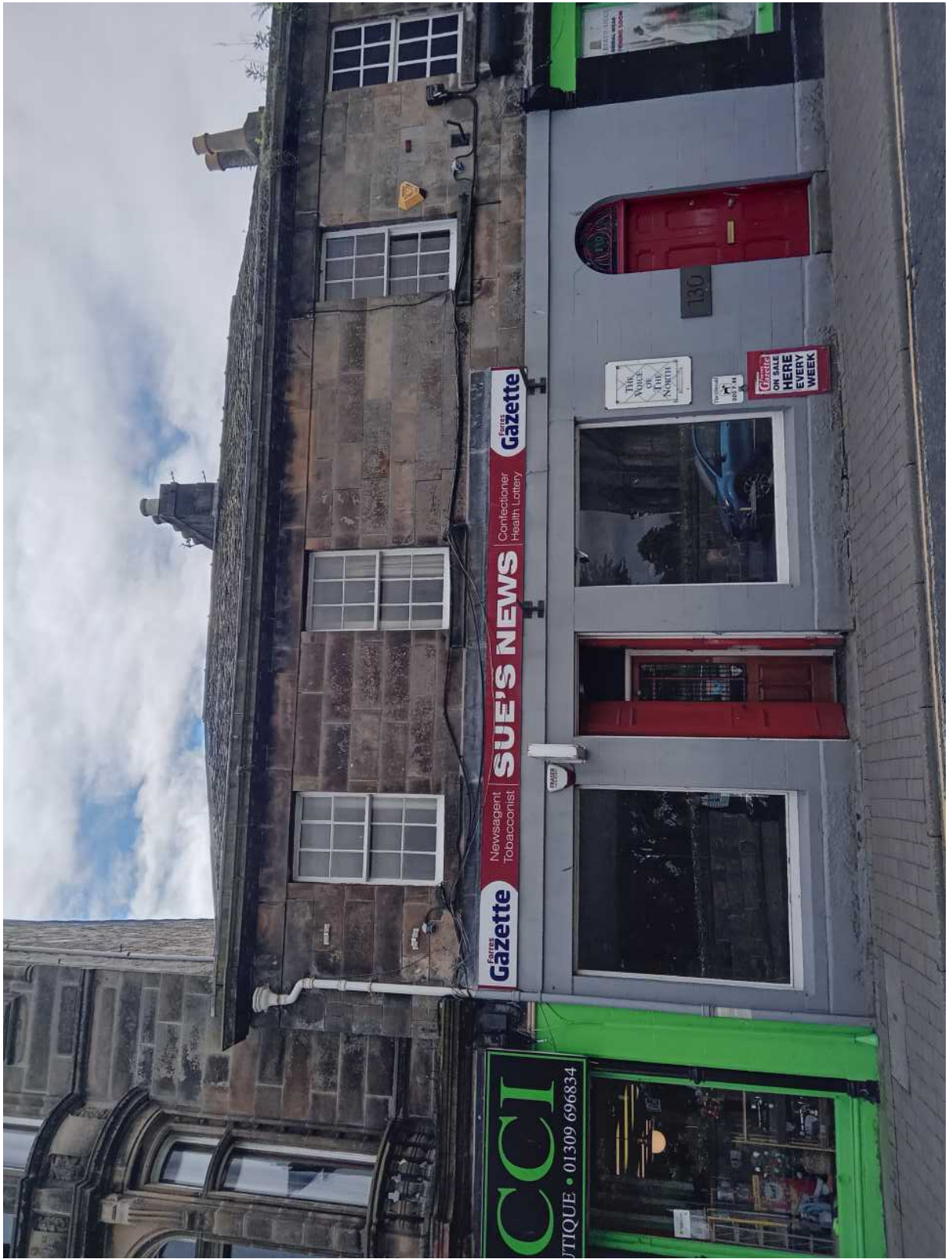
PROHIBITED FOR THE USE WITH PLANNING APPLICATIONS

Map Description: Photo Location Plan for planning application 24/00770/APP - 128 High Street, Forbes

Scale: 1:134 @ A4

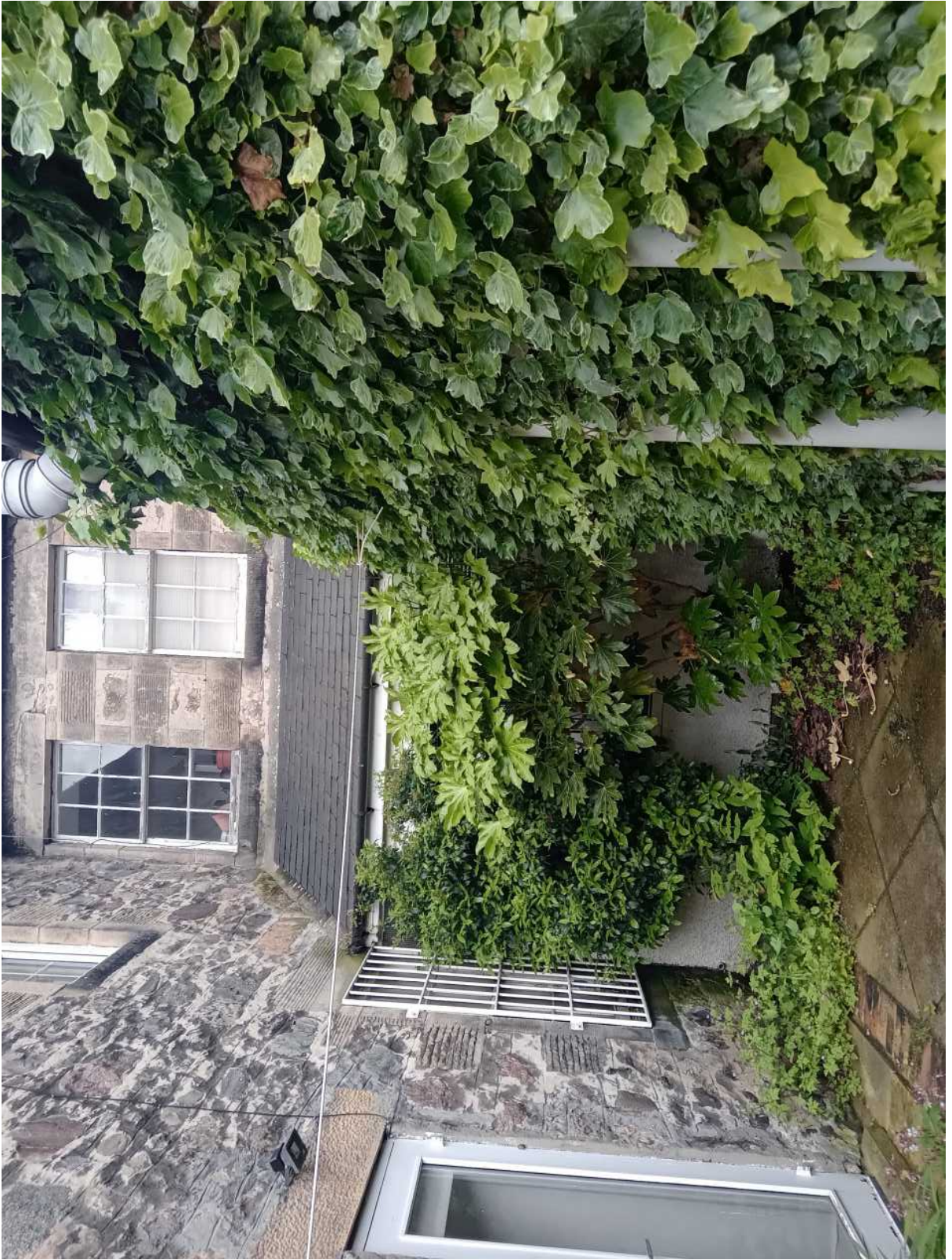


**Photo 1—Front elevation**





**Photo 2—Rear elevation**



**Photo 3—Rear elevation**



## PLANNING APPLICATION: 24/00770/APP

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

### 1. THE PROPOSAL

- Planning permission is sought in this case for the renovation of 128 High Street, Forres.
- The renovation works comprise:-
  - The replacement of single glazed front shop windows with timber double glazed windows (same design), painted to match existing.
  - The installation of two heritage skylights in the rear extension.
  - The installation of an air conditioning unit on the rear elevation.
  - The existing storm door is to be refurbished.
  - The front elevation is to be repainted in a colour similar to the existing.
  - Internally the existing shop fitting removed, and a new store area is to be created.
  - Two windows on the rear of the building are to be refurbished.
  - Removal of a hanging sign and bracket and the removal of a wall mounted sign.

### 2. THE SITE

- 128 High Street, Forres is located at the west end of Forres Town Centre, in the Forres Conservation Area.
- 128 High Street is part of a larger building (130, 132 and 132A High Street) which is Grade B Listed.
- 128 High Street is currently vacant, and its most recent use was a Newsagent.
- This part of the High Street comprises a variety of uses with mainly retail on the ground floor and residential properties above. 128 High Street has a flat above it and dwellinghouses to the rear, with shops either side on the ground floor.

### 3. HISTORY

**24/00672/LBC** – Application for listed building consent for renovation and shop-fit works, install two heritage skylights in extension at rear, replacement of single glazed shop front windows with double glazed units and Install air conditioning unit at rear at 128 High Street, submitted 16 May 2024 and currently under consideration. This is the associated listed building application for these proposals and shall be determined under delegated powers (in line

with the delegation scheme) once the application which is the subject of this report is determined.

#### **4. POLICIES**

##### **National Planning Framework 4 (NPF)**

Policy 1 - Tackling the Climate and Nature Crises

Policy 2 - Climate mitigation and adaptation

Policy 3 – Biodiversity

Policy 7 – Historic Assets

Policy 14 – Design, Quality and Place

Policy 23 – Health and Safety

Policy 27 – City, Town, Local and Commercial Centres

##### **Moray Local Development Plan 2020 (MLDP)**

PP1 – Placemaking

DP1 Development Principles

DP7 – Retail / Town Centres

EP9 – Conservation Areas

EP10 – Listed Buildings

EP14 – Pollution, Contamination and Hazards

#### **5. ADVERTISEMENTS**

- 5.1 Forres Gazette – Planning application affecting Listed Building/Conservation Area.

#### **6. CONSULTATIONS**

**Environmental Health** - No objection, subject to conditions being attached to the consent relating to acceptable noise levels from the proposed air conditioning unit.

#### **7. OBJECTIONS-REPRESENTATIONS**

NOTE: Following the determination of this application, name and address details will be/have been removed (i.e. redacted) in accordance with the General Data Protection Regulations (paragraph 3 of Minute, Planning & Regulatory Services Committee 16 September 2014).

The neighbour notification expiry date for this application is 18.06.2024.

No letters of representation had been received at the time of writing this report.

## **8. OBSERVATIONS**

- 8.1 Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e., the adopted National Planning Framework 4 (NPF4) and adopted Moral Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main issues are:
- 8.2 **Impact of proposal on Listed Building and Conservation Area (NPF 7 / MLDP EP9 and EP10)**  
Policy 7 together with policy EP9 Conservation Areas seek to ensure that new development preserves and enhances the established traditional character or appearance of the area, highlighting that this will typically require the use of traditional materials and style. Policy EP9 states that contemporary designs and materials may be acceptable as long as they respect the architectural authenticity of the building and the character of the conservation area. Policy 7 and Policy EP10 Listed Buildings require that development proposals which would have a detrimental effect on the character, integrity, or setting of a listed building be refused.
- 8.3 The Grade B Listed Building was built circa 1820. It is 2 storeys with 4 bays to the High Street, it has a slightly recessed bowed corner, 4 bays to a court, all ashlar fronted. Number 128 and 132 are late 19<sup>th</sup> century shopfronts.
- 8.4 128 High Street operated previously as a newsagent and is currently vacant. The renovations are required as part of proposals to operate an Art Gallery from the premises.
- 8.5 The proposals represent an appropriate set of renovation works that would respect the architectural integrity of the building and its setting. The new double glazed timber windows (to match existing), refurbished storm doors and other works will enhance the front elevation of the building and preserve and enhance the character and appearance of the conservation area.
- 8.6 A windows schedule (including photographs) has been submitted with the proposal. This details the existing condition of the windows and doors and what works are to be carried out on each. The schedule states the existing front windows (which are to be replaced with double glazed timber windows) are in a poor condition, they have been subject to water ingress, condensation and pest damage and have deteriorated beyond repair. Visually the new windows will have the same appearance as the existing. On the basis of this information the replacement of the front windows is considered acceptable.
- 8.7 As noted from the history section above, a separate Listed Building Consent (24/00672/LBC) for the works has been submitted is currently under consideration. Historic Environment Scotland were consulted and have confirmed that it has no comments to make on the proposal (their response is under 24/00672/LBC).
- 8.8 The proposed works are in accordance with relevant planning policy and guidance and will not have a detrimental impact on the character or architectural interest of the Listed Building or Conservation Area. The proposed alterations will ensure the continued beneficial use of the building.

- 8.9 **Design and Impact on Town Centre (NPF 14 and 27 / MLDP DP1 and DP7)**  
Policy 14 and DP1 together set out the need for the scale, density, and character of development to be appropriate to the surrounding area and to create a sense of place, and to not adversely impact neighbouring properties in terms of privacy, daylighting, or overbearing loss of amenity.
- 8.10 Policies 27 and DP7 aims are to encourage, promote and facilitate development in town centres. Policy DP7 states Town Centres are at the heart of communities and can be hubs for a range of activities. The policy intends to promote the continued use of town centres for a diverse mix of uses including retail, commercial and leisure uses and as centres for social, community and tourism activity.
- 8.11 The renovation of this property on the High Street of Forres is welcomed, and the premises being brought back into use will increase footfall to the town centre which is of benefit to the area.
- 8.12 The works are in scale and keeping with surrounding area and there are no issues in terms of loss of amenity. The criteria in these policies have been met.
- 8.13 **Pollution (NPF 23 / MLDP 14)**  
Policies 23 and 14 together seek to ensure that new developments do not create pollution which could adversely affect the environment or local amenity. Pollution can take various forms including run off into watercourses, noise pollution, air pollution and light pollution.
- 8.14 The proposal includes the installation of an air conditioning unit on the rear elevation of the building. Environmental Health were consulted on the proposal and following review of the noise data for the air conditioning unit have raised no objection subject to conditions being attached to the consent relating to acceptable noise levels being adhered with.
- 8.15 **Climate Change and Biodiversity (NPF4 Policies 1, 2 & 3)**  
The proposal is of very small nature that will result in minimal impact in terms of climate change. It is not necessary to seek formal biodiversity enhancement on a minor proposal of this nature. The proposal therefore is deemed to comply with NPF policies 1, 2 and 3.

### **Conclusion and Recommendation**

The proposal represents an acceptable renovation of a vacant historic property in the Forres Town Centre and by bringing it back into use would contribute to the vitality of the centre. The proposal complies with relevant Development Plan policies and is recommended for approval, subject to conditions.

**REASON(S) FOR DECISION**

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

The proposal accords with the relevant provisions of the National Planning Framework 4 and Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

**Author/Contact**

Emma Mitchell

**Ext:** 01343 563249**Officer:**

Planning Officer

**Neal Macpherson****Acting Development Management & Building Standards Manager**







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**REPORT TO: SPECIAL PLANNING AND REGULATORY SERVICES  
COMMITTEE ON 13 JUNE 2024**

**SUBJECT: MOSSTODLOCH MASTERPLAN**

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

**1. REASON FOR REPORT**

- 1.1 This report asks the Committee to agree the Mosstodloch Masterplan.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the review and preparation of Local Development Plans.

**2. RECOMMENDATION**

**2.1 It is recommended that the Committee;**

- (i) notes the representations received to the public consultation on the draft Mosstodloch masterplan and agrees the Council's response to these as set out in Appendix 1;**
- (ii) agree that the masterplan at Appendix 2 will be treated as a material consideration in the determination of planning applications with significant weight given to sites designated within the adopted Local Development Plan (LDP) and that sites not currently within the adopted LDP (namely sites E3, E4, ENG1, ENG2 and the proposed leisure/tourism use adjacent to site O1) will have limited weight; and**
- (iii) Delegate authority to the Head of Economic Growth and Development to work with Crown Estate Scotland to make additional technical changes required in respect of active travel, public transport and the A96 and to adopt the masterplan as non-statutory supplementary guidance.**

### 3. **BACKGROUND**

- 3.1 In Mosstodloch the Moray Local Development Plan 2020 (MLDP2020) designates land for significant strategic long-term growth. This includes a mixed-use LONG site (MU LONG1) to the south of the A96 for residential and business use. Large areas of employment land are designated to the west of Mosstodloch including I3 and LONG2. These designations have requirements for a masterplan and development framework respectively.
- 3.2 Crown Estate Scotland (CES) control large areas of land around Mosstodloch including designated sites. Given their wider land ownership CES wanted to prepare a masterplan that considered the whole village and not just individual development sites. As set out in the report to a meeting of this Committee on 30 May 2023 CES's design team engaged with the community and stakeholders in developing proposals for the masterplan. At the meeting it was agreed that the draft Mosstodloch masterplan would be consulted on for a 12-week period with the comments received and final masterplan to be reported back to this Committee for approval (para 11 of the minute refers). Given the previous engagement by the CES design team the consultation on the draft masterplan was held virtually online.
- 3.3 The draft masterplan was available for comments from 5 June to the 28 August 2023 with the consultation advertised via social media, press release and emails to interest groups. Bookable 1-2-1 sessions were offered but none were booked. A total of 20 representations were received from the public. The representations raised a number of issues including the impact on local services and infrastructure including health, education, shops and roads; concerns about the scale of development proposed; impact on woodlands; noise impacts; delivery of the proposed spine road; delivery of landscaping; and cumulative impacts of surface and waste water. A summary of the representations and the Council's response to these is provided in **Appendix 1**. Comments were also received from Scottish Environment Protection Agency, NHS Grampian, Aberdeenshire Archaeology, Transport Scotland, Historic Environment Scotland, and internal consultees.
- 3.4 The draft masterplan was given no status at the point of approving it for public consultation as a number of key issues needed to be addressed through the consultation process. These have now been addressed and with the changes resulting from the consultation process, officers recommend that the masterplan (**Appendix 2**) be considered as material consideration to be given weight in the development management process. Officers are consulting internally for any additional technical changes required to the masterplan before it is considered for adoption with some outstanding issues including requirements for active travel, amendments to text related to public transport and text changes related to the A96. Delegated authority is requested for officers to make any resultant text and technical changes and move to adopt the masterplan as non-statutory supplementary guidance.

#### **4. MOSSTODLOCH MASTERPLAN**

- 4.1 The masterplan (**Appendix 2**) is framed around considering what Mosstodloch could be in 2040 and beyond. Taking this village wide longer-term approach has included review of existing designations and the suitability of these to support a longer-term vision for Mosstodloch. As a result the masterplan proposes changes to existing designations and introduction of new sites in order to support the long term vision for Mosstodloch.
- 4.2 New sites proposed in the masterplan are not part of the adopted Local Development Plan and therefore have not been through the same examination process as existing sites. Therefore, only limited weight can be given to the masterplan in respect of these proposals in planning decisions. This affects sites E3, E4, ENG1, ENG2 and the tourism/leisure opportunity adjacent to O1 (page 55 of **Appendix 2**). These sites will be considered through the review of the LDP and if taken forward in the new LDP (programmed to be adopted in 2027) could be given more weight at this point.
- 4.3 The vision in the masterplan is for Mosstodloch to be:
- A place with a choice of good homes for all sections of the community
  - A place with a heart where a growing community can come together and interact
  - A place that is designed for people movement
  - A place that provides the opportunity to work locally
  - A place that is well connected with its environment
  - A zero carbon place
- 4.4 To achieve this, the Masterplan proposes the following elements:
- A western spine road from the Cowfords roundabout that connects into the Garmouth Road. A mix of employment uses would be accessible from this spine road. The spine road would offer an alternative route to access Garmouth Road that would avoid going through the village centre, particularly for HGV's. The spine road would access land currently designated for industrial but also proposed new designations to the north of Mosstodloch for employment and renewable energy proposals (E3, E4, ENG1 and ENG2). The new employment site would incorporate and replace the R1 site in MLDP2020 which has remained undeveloped since the 2015 Local Development Plan and is understood from informal discussions with house builders to be unattractive.
  - A new residential housing site is proposed for 120-150 houses to the west of Mosstodloch on land currently designated for industrial use. This site would create an attractive new edge and gateway to the settlement and could be accessed off the proposed spine road.
  - The site to the south of the A96 currently designated for a mix of residential and business uses is now proposed to be largely residential. Development of a masterplan will still be required that sets out the placemaking principles for this site in more detail.
  - The opportunity site at Balnacoul (OPP1) is carried over for development as proposed within the Local Development Plan.

- A key concept of the masterplan is strengthening the village centre and creating a village spine that connects from the existing industrial estate in the north through the village centre to the mixed-use LONG site to the south of the A96. Enhancement of the village centre could range from environmental enhancements to more significant redevelopment to help support the concept of local living. A site to the east of the Ian Baxter Picnic Area is identified as a mixed-use site that would have the potential to accommodate an expanded village centre with a mixture of community or village uses. This would strengthen the north south spine and provide space to accommodate services to support the expanding village.
- The masterplan promotes a range of net zero objectives and identifies potential sites for solar, combined heat and power (CHP) and a hydrogen hub. It is proposed these are accommodated to the north of the proposed new employment designation north of Mosstodloch.
- Two versions of the land use masterplan are shown one without the A96 dualling and one with. The main difference between these is that the proposed junction location for the dualling gives the opportunity for a tourism/leisure use close to this which could also serve a function for vehicle fuelling (EV and potentially hydrogen).
- The masterplan sets out proposals for a green network including extension and enhancement of the path network to create green loops around the village, improving the function of the small green space to the east of Mosstodloch Services so this provides an active function that compliments the village centre, expanding the green space to the north of Pinewood Road to provide a community growing space and a buffer to proposed employment use while continuing to accommodate the core path, a new landscaped gateway to the west of Mosstodloch, a new area of parkland along the Black Burn that will positively manage SUDS within the employment sites, improvements to the existing Speymouth Park and maximising safe active travel routes in new development.
- The land to the north of the existing sawmill is shown within the masterplan reflecting consented proposals to expand James Jones sawmill.

4.5 A village wide approach has been taken to the masterplan and not all the proposals are on land within Crown Estate Scotland's control. A partnership approach to delivery with key stakeholders and landowners will be required.

4.6 Crown Estate Scotland have offered to provide consultant support to the community to develop a Local Place Plan if this is something the community wishes to pursue.

## 5. **SUMMARY OF IMPLICATIONS**

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

The Mosstodloch masterplan provides a long-term vision for the growth of Mosstodloch including infrastructure, employment and affordable housing which are priorities for the Council.

**(b) Policy and Legal**

Once approved the masterplan will become non-statutory Supplementary Guidance which planning applications will be determined against.

**(c) Financial implications**

None.

**(d) Risk Implications**

None.

**(e) Staffing Implications**

Work on the Mosstodloch masterplan has been carried out within existing staff workloads of the Strategic Planning and Development section with input and review of documents by Transportation, Education Resources and Communities, Strategic Planning and Development, Consultancy (Flooding) and Environmental Health.

**(f) Property**

As the masterplan covers the whole of Mosstodloch this includes property owned by the Council including Mosstodloch Primary School and Mosstodloch Industrial Estate.

**(g) Equalities/Socio Economic Impact**

None at this stage.

**(h) Climate Change and Biodiversity Impacts**

The NPF4, specifically policy 1 (Tackling the climate and nature crises) gives significant weight to the global climate and nature crises in the determination of planning applications. NPF4 Policy 2 (Climate mitigation and adaption) states that all proposals should be designed to minimise emissions over their lifecycle and development is to be sited and designed to adapt to current and future risk from climate change. Similarly, policy 3 (Biodiversity) requires development to contribute to the enhancement of biodiversity. Whilst policy 15 (Local Living and 20-minute neighbourhoods) supports the principle of Local Living.

By taking a whole village approach the Mosstodloch masterplan seeks to achieve some of the aspirations of NPF4 in terms of providing opportunities for local services and active travel connections to support Local Living. The masterplan also identifies opportunities for renewable energy. Future applications will be assessed against NPF4 policies.

**(i) Consultations**

Consultation has taken place with the Depute Chief Executive Economy, Environment and Finance, the Head of Economic Growth and Development, the Head of Education Resources and Communities, the Head of Housing and Property, the Legal Services Manager, the Senior Engineer Transportation, the Principal Climate Change Officer, the Equal

Opportunities Officer, the Democratic Services Manager, and Chief Financial Officer and their comments incorporated into the report.

**6. CONCLUSION**

- 6.1 The draft masterplan was made available for consultation and responses have resulted in a number of amendments to the masterplan.**
- 6.2 The Mosstodloch masterplan provides a vision and strategic framework for the long-term development of Mosstodloch. The masterplan aspires to provide a choice of good homes, opportunities to work locally, an enhanced village centre, connections to the environment and a zero carbon place.**

Author of Report: Rowena MacDougall, Senior Planning Officer

Background Papers:  
Ref:

Response Reference	Name	Comments	Moray Council Response	Proposed Change to Masterplan
<b>Support for Masterplan</b>				
MSMP001	Tom Andryszewski	<p>Welcome the masterplan. The plan should include more places to work including more retail around the “strengthened” village centre and expansion of the industrial to the north of the village. This will help reduce the need to commute.</p> <p>Important that development provides a sense of place around a central meeting point. Important that the new housing to the south of the bypass are not disconnected from the rest of the village and pedestrian access to the school and shops will be paramount.</p>	<p>Support for the masterplan including the key elements of strengthening the village centre and expansion of employment land are noted.</p> <p>Policies within NPF4 and Moray Local Development Plan 2020 require development to contribute to creating a sense of place. However, this could be further acknowledged on page 51 under the heading of “Village Centre” by stating that opportunities must be designed to help to create a strong sense of place and identity.</p> <p>The designation of the MU LONG 1 (to the south of the A96) site in MLDP2020 has requirements for cycle paths and improvement to provide safe routes to the school and local shops. The connection to/from the housing to the south of the A96 to the rest of the village will be a key consideration for the masterplan that requires to be developed for that site.</p>	Text added to page 51 regarding creating a sense of place.
MSMP011	Angela Costello	Supports proposals. Mosstodloch is a friendly community to grow up in and the plan is great idea for the future. On waiting list for a property.	Support noted.	
<b>Impacts on Infrastructure and services</b>				
MSMP002	Emma Craig	Will put bigger strain on the hospital in Elgin which is already terrible.	The masterplan includes proposals to strengthen the village centre this includes potential for enhanced retail provision to support new homes and support local living.	
MSMP003	Michelle Graham	Any expansion proposals must include building of a new school. The existing school is not fit for		

		purpose and could not support an influx of families from 500 new houses.	<p>A masterplan led approach ensures that all necessary long term infrastructure and transportation requirements are identified from the outset. The MLDP takes an infrastructure first approach to ensure that any adverse impact upon existing infrastructure is mitigated. The Council seeks developer obligations, which are financial contributions, from developers towards infrastructure items to mitigate the impact of developments. In this case, to satisfy policy PP3 Infrastructure and Services of the MLDP 2020 and NPF4 Policy 18 Infrastructure First, any future proposal will have to proportionately contribute towards increasing capacity at Fochabers Medical Practice. This requirement is set out within the LDP2020 Developer Obligations Supplementary Guidance</p> <p>NHS Grampian have been consulted on the masterplan and the impacts on the GP practice are acknowledged. To address the impact on existing healthcare infrastructure contributions would be required to increase capacity. This requirement is set out within the LDP2020 Developer Obligations Supplementary Guidance. Comments relating to healthcare staffing are noted but is not an issue the masterplan or Moray Council can address as it is under the remit of NHS Grampian.</p> <p>A site was identified within MLDP2020 for a GP surgery at the OPP2 Lennox Crescent site in</p>	
MSMP004	Jan Mcgarrigle	A bigger hospital is needed to provide effective and efficient care safely to the increasing population. Dr Grays is unable to cope with increased population. New housing shouldn't be put up with an inadequate NHS provider in Moray.		
MSMP005	Brenda Hillson	Concerned about the impacts of 500 additional houses on GP surgery as the Fochabers Medical Practice can't cope already. A new GP surgery staffed with GPs required. Additional housing will also overwhelm the school.		
MSMP007	Nicola Tennant	Masterplan lacks detail on primary health care provision for new residents.		
MSMP008	Ross Gordon	No capacity at doctors, dentists, schools and other services. More people will also mean services like bin lorries, gritters that impact on Council budgets.		
MSMP010	Sophie Marshall	Queries what will be put in place to support the expansion of schools to accommodate the additional children the housing will bring. GP service already overstretched, and the new housing should not impact on current services. Even if funding is provided, GP recruitment is an issue.		
MSMP013	Sam Milne	Concerned about the capacity of primary and secondary school but also the condition of the school.		
		There is a lack of capacity in public services – dentist, hospital etc. Issues with recruitment of		



		<p>qualified staff need to be overcome before adding additional pressure.</p> <p>No nursery to provide childcare.</p> <p>Support expansion, new jobs and new opportunities but Council must address issues that will arise from expansion.</p>	<p>Fochabers. However, the suitability of the site will be reviewed as part of the development of the new Local Development Plan. Opportunities within the masterplan of a strengthened village centre could potentially include health care.</p> <p>Both Mosstodloch and Milnes Primary School currently have a school roll that is below the school capacity. Decisions and planning for the school will depend on a wider assessment by the Moray Council learning estates team and the potential needs arising from the housing land identified as part of the masterplan process.</p> <p>Maintenance of roads is a separate issue and is not part of the planning process.</p>	
MSMP014	Lindsay Smith	<p>Welcomes expansion and job opportunities that would be created but concerned about the pressure this will put on schools and primary care/hospitals. Services already overstretched. People living in the area should be able to live a satisfactory life with adequate education and healthcare facilities. Expansion will make situation worse.</p>		
MSMP009	Russell Adam	<p>Schools in Mosstodloch and Fochabers not big enough to support more pupils. Shopping facilities will not cope with additional people. Road infrastructure is in poor condition. Bus services to Elgin are not good.</p>		
MSMP0015	Michael Thain	<p>Object to proposed masterplan as apprehensive about current proposal and the potential implication for the local community and the environment.</p> <p>The scale of development raises concern about the ability of existing infrastructure to support growth. Adequate provision of schools, healthcare facilities and transportation</p>		

		networks essential to ensure services are not compromised.		
MSMP016	Stuart Hunter	<p>Expansion requires a commitment to redevelop the existing school. This could be done by setting a threshold for potential new school roll as new housing is planned/built.</p> <p>Why haven't Moray Council committed to identifying and securing an area of land to replace the existing GP surgery. This should be closer to Mosstodloch and on the main bus route.</p>		
MSMP017	Geraldine Moran	<p>As well as the primary school not being fit for purpose the same may be said for Milnes High.</p> <p>The masterplan does not mention local access to medical facilities and shops.</p> <p>The masterplan states Mosstodloch is 1 hours from Inverness or Aberdeen. The bus is closer to 2 and half hours. Bus services only run once an hour and on a Saturday there is no bus around 4/5pm from Aberdeen.</p>		
MSMP020	Innes Community Council	Fochabers Medical Centre is an independent contractor for the NHS, therefore will it be necessary to discuss development with NHS Grampian for a medical facility, or an outreach facility to cater for up to 1000 new residents?		

MSMP006	Pat McDonald	Queries what the strengthened village centre will comprise of– Nursery New School Doctor Surgery Dentist Amenities for elderly and children?	The strengthened town centre provides an opportunity to include a strong mix of community uses such as those listed alongside enhanced retail and leisure uses.	
<b>Scale of Development</b>				
MSMP002	Emma Craig	Proposal turns a small, nice village into an industrial town.	The masterplan includes a mix of land uses including residential, industrial, and community uses. The purpose of the masterplan is to ensure growth takes place within a planned framework with key community aspirations reflected.	
<b>Housing</b>				
MSMP013	Sam Milne	Housing needs to be balanced between private and social to allow new homeowners a chance to buy property.	The proposed development is likely to provide a variety of house types and tenures to provide a mix of development and integrated community. Providing affordable housing is a key priority for Moray Council which is reflected within the Local Housing Strategy. Current planning policy requires new housing development to provide 25% of the total units as affordable housing.	
MSMP009	Russell Adam	Housing proposals should be for Council to help ease Council waiting lists.		
<b>Employment Sites</b>				
MSMP0015	Michael Thain	Object to proposed masterplan as apprehensive about current proposal and the potential implication for the local community and the environment.	Demand for employment land (class 4, 5 and 6) is evidenced with the Moray Business Property Needs Study that was completed in 2023. This study acknowledges that viability is a barrier to delivery. However, allocation of land to support business and industry is required to support the	

		Concerned about the viability of employment areas due to oversaturation of vacant businesses in neighbouring towns. Careful planning is needed and consideration of demand and feasibility of new employment areas.	economy. It is also noted that the timescales of the masterplan is to 2040 and beyond and therefore has long timeframe.	
MSMP016	Stuart Hunter	<p>The new spine road from Cowfords roundabout has no funding or commitment from any businesses or authorities.</p> <p>Employment opportunities should be provided on LONG 1 with direct access to either or/and the dualled A96, any additional employment could be provided on land to the west of I3 and LONG 2 with direct access to Cowfords roundabout and the existing bypass which would direct industrial traffic outwith the village.</p> <p>I2 and LONG2 have direct access to the main walking and cycling routes and should be longer term housing sites.</p>	The masterplan largely reflects the designations in the Moray Local Development Plan 2020. The direction of growth in the masterplan for housing and industrial therefore reflects that approach. However it is noted that part of I3 is now proposed for housing on the immediate west of the settlement.	
<b>Noise, Residential Amenity, Woodland Loss</b>				
MSMP0015	Michael Thain	Object to proposed masterplan as apprehensive about current proposal and the potential implication for the local community and the environment.	Noise impacts would be considered at the planning application stage to ensure the design, layout and any proposed mitigation can be taken into account. This is required by NPF4 Policy 23 Health and safety. It is noted that the spine road is offset from existing housing and is proposed to	

		<p>Potential for noise pollution from spine road. Increase in traffic and heavy good vehicles would be disruptive and impacts on quality of life.</p> <p>Comprehensive noise assessment with effective mitigation required to address adverse impacts on residents. Prospect of an inactive road being reactivated is distressing.</p> <p>Destruction of Balnacoul Wood behind Forestry Scotland's yard is distressing. This space supports physical and mental well-being and contributes to biodiversity. Proposals should include strategies to preserve such areas.</p>	<p>the north of the settlement in a primarily industrial area.</p> <p>Any future proposals will need to take account of local residential amenity, both existing and proposed, as well as mitigate potential impacts which would be evidenced through supporting studies which may include noise assessments if required. It is noted that that the housing proposal to the south of the A96 would be accessible to cycle and pedestrians through the existing underpass and the masterplan does not propose that this route would be used by vehicular traffic.</p> <p>Development of Balnacoul Woods is not proposed as part of the masterplan. This is proposed for environmental improvement/investment with the focus at Balnacoul Woods around improved access and paths within the woodland.</p>	
<b>Spine Road and Traffic</b>				
MSMP020	Innes Community Council	Extremely concerned about the increase in HGV traffic on Garmouth Road (based on Jone's figures at least 250 HGVs, plus Greens of Garmouth 30 HGV's). Even with the spine road from Cowfords, this will create a greater hazard for the Primary School - Therefore, is a weight limit ban feasible at the South end of Garmouth Road?	<p>Any proposals for development would be assessed and where these generate a significant increase in trips a transport assessment will be required. Any impacts identified will require to mitigated.</p> <p>Development of the spine road will be a requirement of development. If it is not possible to deliver the full spine road phasing of industrial</p>	

		The ICC feels that there are serious traffic management issues within all aspects of the development, particularly in regard to the safety of the children attending the primary school.	development is likely to be from west to east reflecting the designations within the Local Development Plan and the timeline within the masterplan. This would allow for the spine road to be built out alongside phased development with only later phases of development being accessed from Garmouth Road helping to reduce new industrial traffic going through the village.	
MSMP016	Stuart Hunter	<p>The new spine road from Cowfords roundabout has no funding or commitment from any businesses or authorities.</p> <p>Small scale industrial would not attract funding for spine road. Development proposed to the west of Garmouth Road would therefore increase traffic passing the school. The A96 dualling proposals indicated a grade separated junction on the South of the Village. Employment opportunities should be provided on LONG 1 with direct access to either or/and the dualled A96, any additional employment could be provided on land to the west of I3 and LONG 2 with direct access to Cowfords roundabout and the existing bypass which would direct industrial traffic outwith the village.</p> <p>I2 and LONG2 have direct access to the main walking and cycling routes and should be longer term housing sites.</p>	<p>Introducing weight restrictions on the southern end of Garmouth Road is a separate process to planning and would require to be considered by the Council's Transportation service. However, the policing of any such restrictions would be by the Police. It will be important that the spine road provides an attractive and direct route to encourage HGV's to use this. Local businesses, such as James Jones, will also play in role in encouraging HGV's to use the spine road through their own traffic management plans.</p> <p>The proposed spine road is a key intervention proposed within the masterplan. This will take traffic away from the village centre including the school. Individual applications will require to meet policy requirements in respect of road safety. Where proposals will generate a significant increase in trips a transport assessment will be required. Any impacts identified will require to mitigated.</p>	
MSMP019	Angus Fettes	Link road from Cowfords should be a must. Additional HGV traffic through the village would be detrimental.		

MSMP018	James Jones and Sons Limited	<p>James Jones and Sons Ltd support the community engagement led masterplan that was presented for public consultation on 1<sup>st</sup> June 2023. This creates a clear picture of what the village could be in 2040 and beyond and serves as a platform to support and balance business growth and development which in turn shall benefit the community.</p> <p>The proposal to deliver a new spine road from the Cowfords roundabout to the Garmouth Road is an aspect of the plan that James Jones and Sons Ltd recognise and support. However, given the existing consent to expand James Jones recommend the route/junction is amended to join Garmouth Road in line with proposed new entrance to the sawmill further north.</p>	<p>Support for masterplan noted.</p> <p>The route of the proposed spine road is subject to detailed design and the location of junctions will be reviewed at this point.</p>	
<b>Renewable Energy</b>				
MSMP019	Angus Fettes	The Village should benefit from any renewable plants installed.	<p>NPF4 Policy 11 Energy states that development proposals will only be supported where they maximise net economic impacts, including local and community socio-economic benefits. Therefore, proposals that do not benefit the local area would not be supported.</p>	
<b>Masterplan Consultation</b>				
MSMP0015	Michael Thain	Lack of adequate notification of residents. Residents must receive timely and transparent information about significant development	<p>Crown Estate Scotland have developed the masterplan following community engagement. This included promotion of events via a flyer delivered to 540 addresses in and around the</p>	

		projects that could substantially impact on their lives and property.	village nine days before the first community event on 20 and 21st June 2022 (12-7pm). This flyer included a questionnaire. Adverts were also placed in the Northern Scot. A second engagement was similarly promoted by a flyer sent to addresses in and around Mosstodloch for an event held on 4th and 5th October (12 to 7pm). In addition to the engagement events at Speymouth Hall a website provided the option to view the presentation online. The draft masterplan and consultation was promoted through the Council's social media channels with the consultation open for 12 weeks for people to comment. The draft masterplan was also available to comment on at the LDP event held at Milne's Institute on the 22nd June 2023. There have therefore been several opportunities for residents to engage and comment on the masterplan.	
<b>Landscaping</b>				
MSMP016	Stuart Hunter	Proposals include landscaping and planting to enhance entrances and to break up and screen sites. However, tree planting associated with the A96 bypass wasn't completed so why would residents trust this plan?  Active travel links already exist from Elgin to Fochabers and core paths around Mosstodloch.	Provision of landscaping would be a planning requirement with conditions likely applied to any planning consents relating to the timing of provision and ongoing maintenance of this.  Active travel links noted.	
<b>Surface Water</b>				
MSMP020	Innes Community Council	What serious consideration to the massive increase in surface and waste water has been given to the impact on the River Spey? Given Jones proposals for a suds system within their new project ?	All development proposals are required to meet policy requirements in respect of surface and waste water. This includes NPF4 Policy 22 Flood risk and water management which requires development proposals to	



			<ul style="list-style-type: none"> <li>i. not increase the risk of surface water flooding to others, or itself be at risk.</li> <li>ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue green infrastructure. All proposals should presume no surface water connection to the combined sewer;</li> <li>iii. seek to minimise the area of impermeable surface.</li> </ul>	
<b>Parking</b>				
MSMP020	Innes Community Council	Has provision been made for parking facilities close to the school/petrol station/store?	Parking requirements will depend on the uses proposed and will require to be in line with the Council's parking standards set out within the Local Development Plan.	
<b>Other</b>				
MSMP012	Aaron Ralph	Tax payer's money would be better spent on other projects, including the Cloddach Bridge.	The masterplan has been landowner led. Delivery will be dependent on landowners and other partners.	

<b>Key Agencies and other Stakeholders</b>		
Scottish Environment Protection Agency (SEPA)	<p>Page 59 Black Burn Park - A new area of parkland could be created at the centre of the new employment sites through which the Black Burn flows. A large portion of this area is also at risk of flooding and so the integration of blue / green infrastructure to accommodate SuDS is important.</p> <p>SEPA wouldn't consider blue/green infrastructure or SUDS an appropriate flood management technique, whilst we support</p>	<p>Page 59 Black Burn Park – Noted text amended to acknowledge the flood risk but not linking this to the proposed blue/green infrastructure or SUDS.</p> <p>Page 22, figure 5 – the shading will be reviewed to make this clearer.</p>

	<p>both blue/green infrastructure as a means of active travel and SUDS for the treatment of surface water run-off.</p> <p>Page 22, figure 5 – The shading for flooding is difficult to interpret.</p> <p>Queries if there is a constraints or other background document that assesses flood risk at a strategic level for Mosstodloch.</p>	<p>Flood constraints considered through Strategic Flood Risk for LDP.</p>
NHS Grampian	<p>Notes that the masterplan echoes and aligns with aims of NHS Grampian: Plan for the Future (2022-2028).</p> <p>Dwellings at Mosstodloch will be served by the Fochabers Medical Practice. At the moment the Practice is over capacity. It is a concern that the proposed development at Mosstodloch will put Fochabers Medical Practice further over capacity. To address the impact on existing healthcare infrastructure contributions would be required to increase capacity.</p>	<p>Noted.</p> <p>The MLDP takes an infrastructure first approach to ensure that any adverse impact upon existing infrastructure is mitigated. The Council seeks developer obligations towards infrastructure items to mitigate the impact of developments. In this case, to satisfy policy PP3 Infrastructure and Services of the MLDP 2020 and NPF4 Policy 18 Infrastructure First, any future proposals will have to proportionately contribute towards increasing capacity at Fochabers Medical Practice.</p>
Archaeology	<p>Welcome that Masterplan provides a clear vision for the settlement however, currently the draft document is missing detail on the historic environment and the opportunities some of those sites may be able to provide (the former railway line being the most obvious one).</p> <p>Notes the recognition that one of the key strengths of the village is its proximity to local heritage (as noted within the settlement profile and SWOT Analysis on p19) however, disappointing that Figure 5 showing the 'Settlement Network' only includes point data from Canmore rather than the polygonised known site extents available from the Moray Historic Environment Record.</p>	<p>Text added and reference made to Moray Historic Environment Record.</p> <p>The potential requirement for archaeological evaluation is referenced on page 51.</p>

	<p>Indeed, within the planning process best practice dictates that Canmore data is not suitable as a data source in isolation.</p> <p>This lack of detailed information on the numerous historic sites around the village is further emphasised by the two short paragraphs under the heading 'Heritage' on p23 for potential opportunities and constraints. This omits upstanding features such as the remains of the Highland Railway Fochabers railway line, the historic Fochabers Bridge, and the buried features of the Redhall prehistoric settlement and other cropmark features that encompass a large part of the northern side of the village. The lack of consideration of the known historic assets within the vicinity is reflected in the subsequent options testing where potential visitor attractions are highlighted.</p> <p>Several options (as identified in the Land Schedule Plan page 55) will have direct impacts on archaeological sites (E3, E4, E5, VC2 for instance) and acknowledgement of these and the requirement for archaeological mitigation should be included within the document.</p>	
Transport Scotland	<p>The development proposals without the A96 bypass include residential development (R2) located to the south of the existing settlement and A96(T) and is indicated as being accessed from the local road network. We note this development is allocated within the existing LDP as LONG1. The site is separated from the existing settlement and would require pedestrians, cyclists and wheelers to cross the A96 to access the main facilities and amenities using the existing underpass to the north west of the site. An at-grade crossing facility of the existing bypass would not be acceptable to Transport Scotland. There is currently no pedestrian access or crossing facilities to, or at, the Coul Brae roundabout. Access to site R2 would not be acceptable from the A96(T).</p>	<p>It is noted that pedestrian, cycling and wheeling access to the R2 (MLDP LONG1) would be via the existing underpass under the A96 and it is noted that access from the A96 would not be acceptable.</p> <p>Text added to require further engagement with Transport Scotland.</p>

	<p>The National Transport Strategy 2 details that “transport accessibility will influence the location and design of future development. Transport will help planning and development and also ensure our communities are sustainable” and “the transport system and the consideration of the current and future transport needs of people will be at the heart of planning decisions to ensure sustainable places.”</p> <p>Careful consideration of where developments should be located is of key importance. NPF4 promotes developments that prioritise walking, wheeling and cycling and reduces the need to travel by unsustainable modes. The consideration of the 20 minute neighbourhood concept is welcomed and Transport Scotland is supportive of promoting active travel within the village.</p> <p>The development proposals with the A96 bypass include a tourism/ leisure development (site F on Figure 15). This site is part of the allocated site LONG1 within the adopted LDP. Access to this development is not indicated in the land use plan, however, it should be noted that Transport Scotland would not support access being taken from the trunk road slip road. While this site is part of the LONG 1 allocation within the LDP, given the current status of the A96 project, it may be premature to promote land directly adjacent to the potential junction.</p> <p>Development Opportunity Site (O1), which is allocated as site OPP1 in the adopted LDP, should be accessed from the local road network. Transport Scotland would not support access to the development being taken from the proposed trunk road slip road.</p>	
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	<p>We note the site G6 is for woodland and is to be accessed by new/upgraded paths and active travel routes. Additionally, the masterplan details that with the dualling, the old A96 could accommodate active travel and connect to the existing underpass and to integrate with new development proposals. Discussions with Transport Scotland are recommended to determine any future plans to de-trunk the old A96.</p>	
Historic Environment Scotland	<p>Welcome preparation of masterplan and in particular recognition of the strength and opportunities afforded by the historic environment in the wider area and the importance of considering the historic context of the village.</p> <p>Long term land not currently proposed in the LDP are unlikely to impact on any historic assets within HES's remit.</p>	Noted
Nature Scot	No comments	
MC Transportation	<p>Page 11 – reference to the A96 Corridor Review concluding in 2023 needs to be updated to “awaiting its conclusion”.</p> <p>Page 47 – Text to be added noting the draft masterplan included consultation with Transport Scotland. Reference should also mention other key consultees including SEPA, NHS Grampian, Historic Environment Scotland and Nature Scot.</p> <p>Page 56/57/58/59 There is a general lack of detail on the existing and proposed active travel/corepaths networks being proposed, It is essential to include a plan specifically showing active travel and where there are cyclepath/ corepaths/ footways etc, where the issues are in terms of providing the appropriate level of connectivity and where new provision is proposed. The</p>	Delegated authority sought to amend masterplan.

	<p>masterplan requires to be updated to include the widening of Garmouth Road and providing a 3m shared use cyclepath (as required for James Jones application) and to add the completed section of cyclepath on Stynie Road. The core path through the western edge of Mosstodloch needs to be provided as a 3m wide shared use cyclepath from the Old A96 up to the spine road.</p> <p>Page 57 – Items 15 and 16 requires to be caveated given the outcomes of the A96 Corridor Review have not concluded.</p> <p>Page 57 – Item 17 should refer to the appendix with walkable distances to existing public bus stops and potential bus routes.</p> <p>Page 59 - Text should be added to Item 7 to state “Upgrading of existing and provision of new remote foot and cyclepaths will need to be developed and agreed through detailed planning applications.”</p> <p>Page 68- The programming of the A96 needs to be caveated as this is currently unknown.</p> <p>Page 70 -The actions on page 70 need to be updated with a caveat around the A96 as until such time that a design for the A96 dualling is available, it is unclear as to whether active travel infrastructure to cross the dualled A96 can be provided. Transport Scotland are encouraged to provide an appropriate level of active infrastructure as part of their design.</p> <p>Page 73 - Rather than describe as “alternative route” the routes should be referred to as “potential bus route”.</p>	
MC Open Space, Access and Policy Officer	The Draft Masterplan key sites feature 10 shows a paths network based on existing and proposed routes. The existing routes seem to relate to the Core paths network in and around the	Mapping has been updated.

	<p>settlement. It would be helpful if the existing Core Paths were highlighted on the map and the new proposed path developments were highlighted separately. This would better show what the aspirations are for expansion of the network.</p>	
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# Moss To Loch 2020

## Masterplan Report

May 2024

DRAFT

**Mosstodloch 2040 is a community engagement-led masterplan for Mosstodloch, Moray. This process has sought the views, opinions and ideas of local people in the context of what their vision for ‘what the village could be’ in 2040 and beyond.**

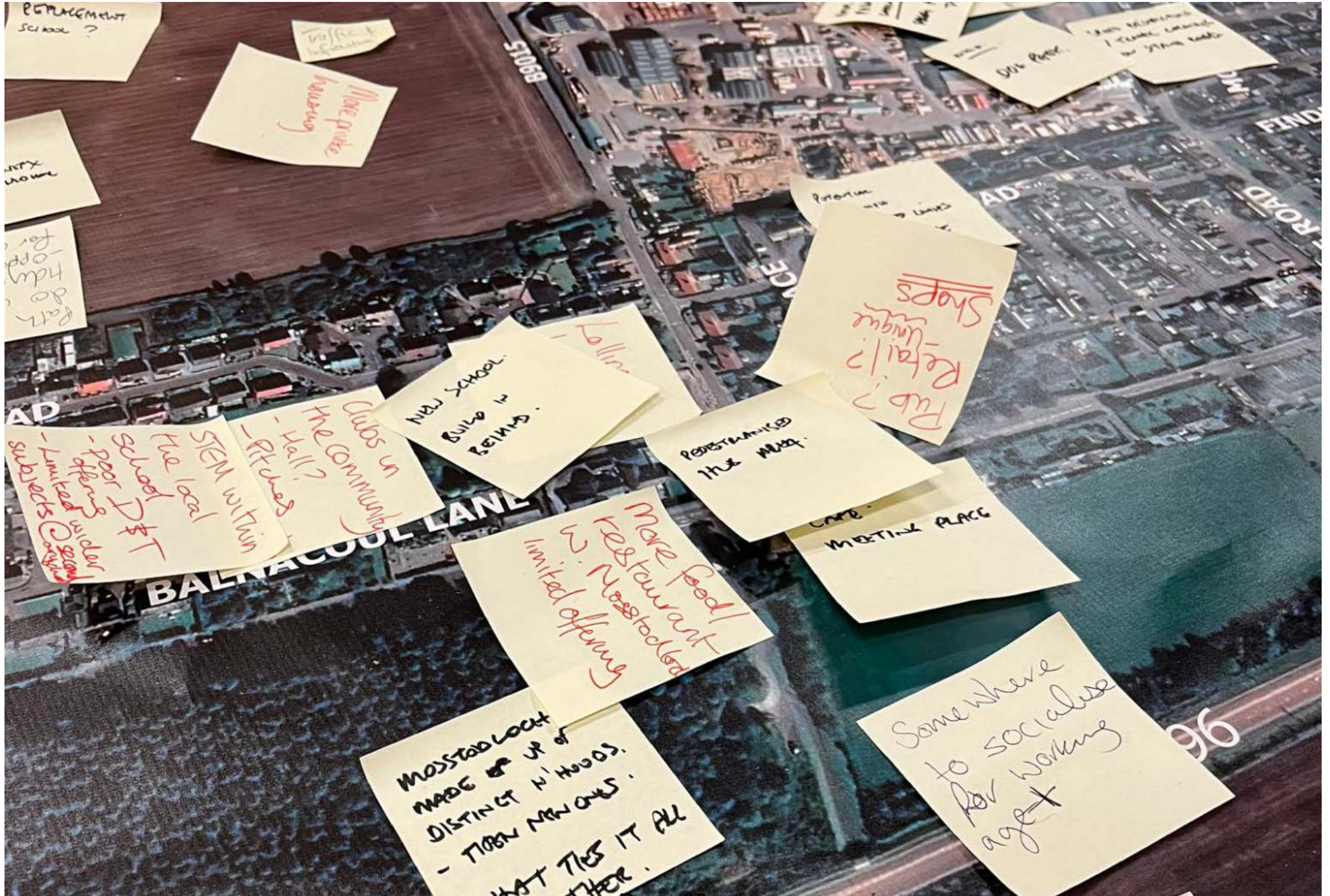
**This Masterplan Report records the engagement process and its high-level outcomes. It demonstrates how engagement with the local community and stakeholders has directly informed the proposals for the village, which could be implemented over the next 5, 10 or 20+ years.**

DRAFT

Revision:	J
Author:	JF
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REPLACEMENT School?

More private housing

Why move

Path do  
- oppo  
- fids

Use Paper

Clubs in the Community  
- Hall?  
- Pitches  
STEM within the local school & T  
- poor opening  
- limited subjects  
- limited subjects

New School  
Build 14  
Belongs

Killing

Shops  
Retail?  
Pub?

RESTAURANT  
THE PUB

More food!  
Restaurant  
limited offering

MEETING PLACE

Mosstodloch  
MADE UP OF  
DISTINCT HOODS.  
- TIGER MANORS.  
WHAT TIES IT ALL  
TOGETHER.

Some where  
to socialise  
for working  
age

# Opportunity and Vision

**Crown Estate Scotland control a large amount of land around Mosstodloch which includes many of the allocated sites for development identified in the Moray Council Local Development Plan (LDP). The LDP requires a masterplan to be prepared for the land to the south of the A96. However, given their wider land holding, Crown Estate Scotland wanted to prepare a wider masterplan that considered the whole village and that was shaped by the community.**

**They have sought to ensure that the Masterplan has been prepared on the basis of collaboration and recognition that all parties need to work together to develop and maximise the opportunities.**

Often there is a key driver that instigates change and requires a masterplan process to help shape a place for the future i.e. the need for regeneration of housing / delivery of new housing or inward investment for business and employment. In the case of Mosstodloch, it feels as though this is the right point in time for a pro-active plan to map the future of the village, one that maximises a range of opportunities, working with all stakeholders to recognize both historic and some that are only now beginning to present themselves.

In our view, a key aim of the engagement and masterplan process was to provide the structure for Crown Estate Scotland, the local community and other key stakeholders to reach consensus on both the big questions of strategic direction and the identification of localised placemaking and economic development opportunities.

The way in which we live and choose to live is changing. Each place and its community will have a different range of opportunities and threats which it must identify and deal with in order to maximise its potential and sustain a high-quality environment for living, working and enjoying. Some key considerations include:

- Post Covid living and working
- Sustainable living and the journey to net zero carbon
- Tourism and economic opportunities, both now and following the A96 dualling
- A focus on community ownership

## Vision

This engagement-led masterplan process sought to draw out from the community its aspirations for what Mosstodloch could be. This was framed by considering what Mosstodloch could be in 2040 and beyond. In order to achieve the intended outcomes the building blocks must be put in place now and the first steps must be taken.

## Mosstodloch should be:

- **a place with a choice of good homes for all sections of the community.**
- **a place with a heart where a growing community can come together and interact.**
- **a place that is designed for people movement**
- **a place that provides the opportunity to work locally.**
- **a place that is well connected with its environment.**
- **a zero carbon place.**

## NPF4

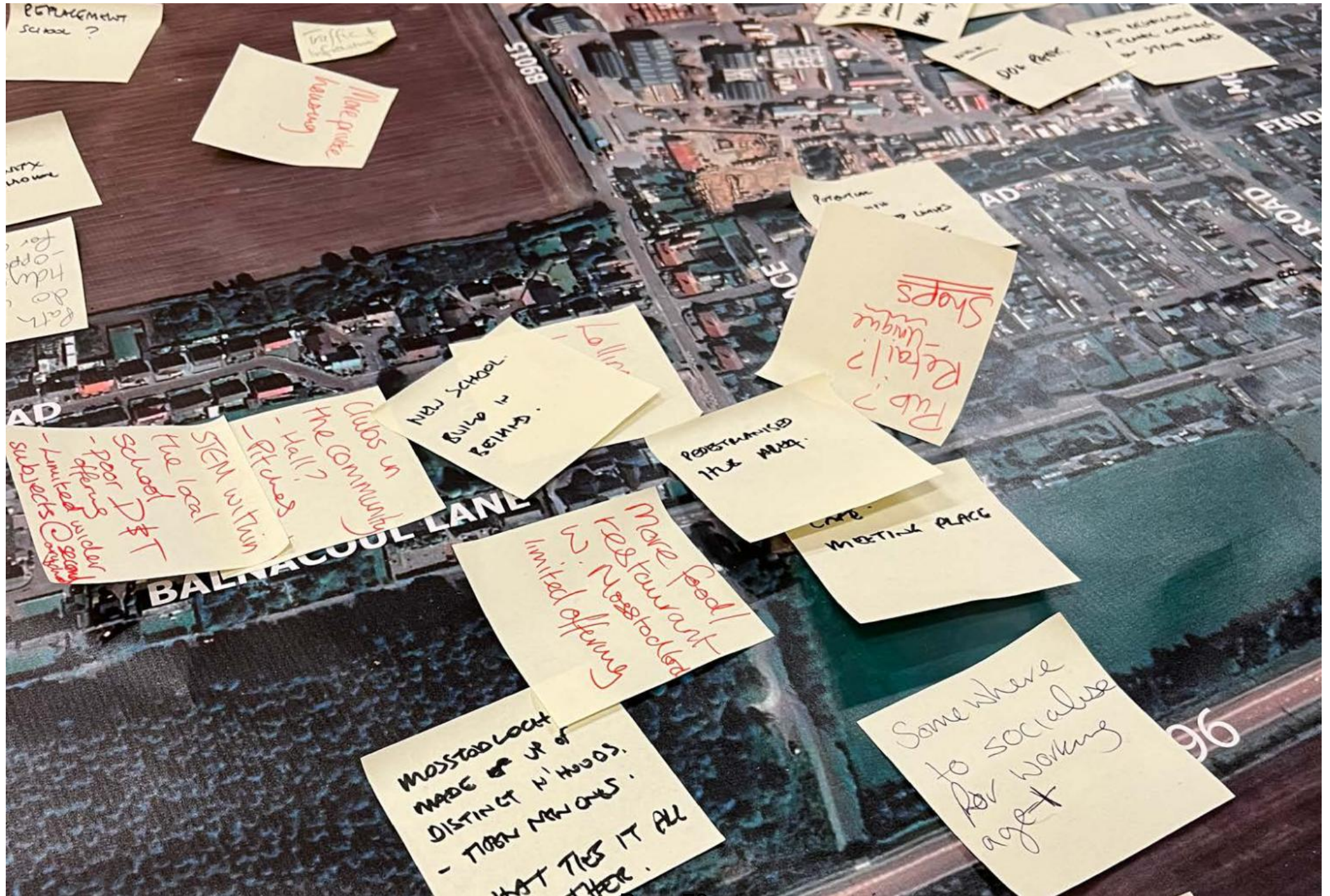
This report recognises the recent adoption of National Planning Framework 4. NPF4 places the climate crisis and biodiversity interests front and centre and in this regard the delivery of any aspects of the Mosstodloch Masterplan (or a potential future Local Place Plan) will need to meet these nation policy requirements.

The engagement-led masterplan process set out within this document is a first step towards positive change and seeks to support community wealth building through a people-centred approach to local economic development that would address economic disadvantage and inequality and provide added social value.

The masterplan supports the concept of 20-Minute Neighbourhoods / Local Living by ensuring a mix of uses is sustained in the village (homes, jobs, local retail, community / education and high-quality open spaces) which are easily accessible through a well-connected path / active travel network.



# 01 Introduction



REPLACEMENT School ?

More private housing

Why move

Path do  
- oppo  
- fids

Use Paper

Priorities

Shops  
Retail?  
Pub?

Clubs in the Community  
- Hall?  
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New School  
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Reinstated the pub

More food!  
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limited offering

MEETING PLACE

Mosstodloch made up of distinct neighborhoods.  
- TIGER MANOR.  
- WHAT TIES IT ALL TOGETHER.

Some where to socialise for working age



# 01 Introduction

Crown Estate Scotland commissioned Barton Willmore, now Stantec, to talk with the community in Mosstodloch to understand what’s important to people locally and help make a plan for the village over the longer term.

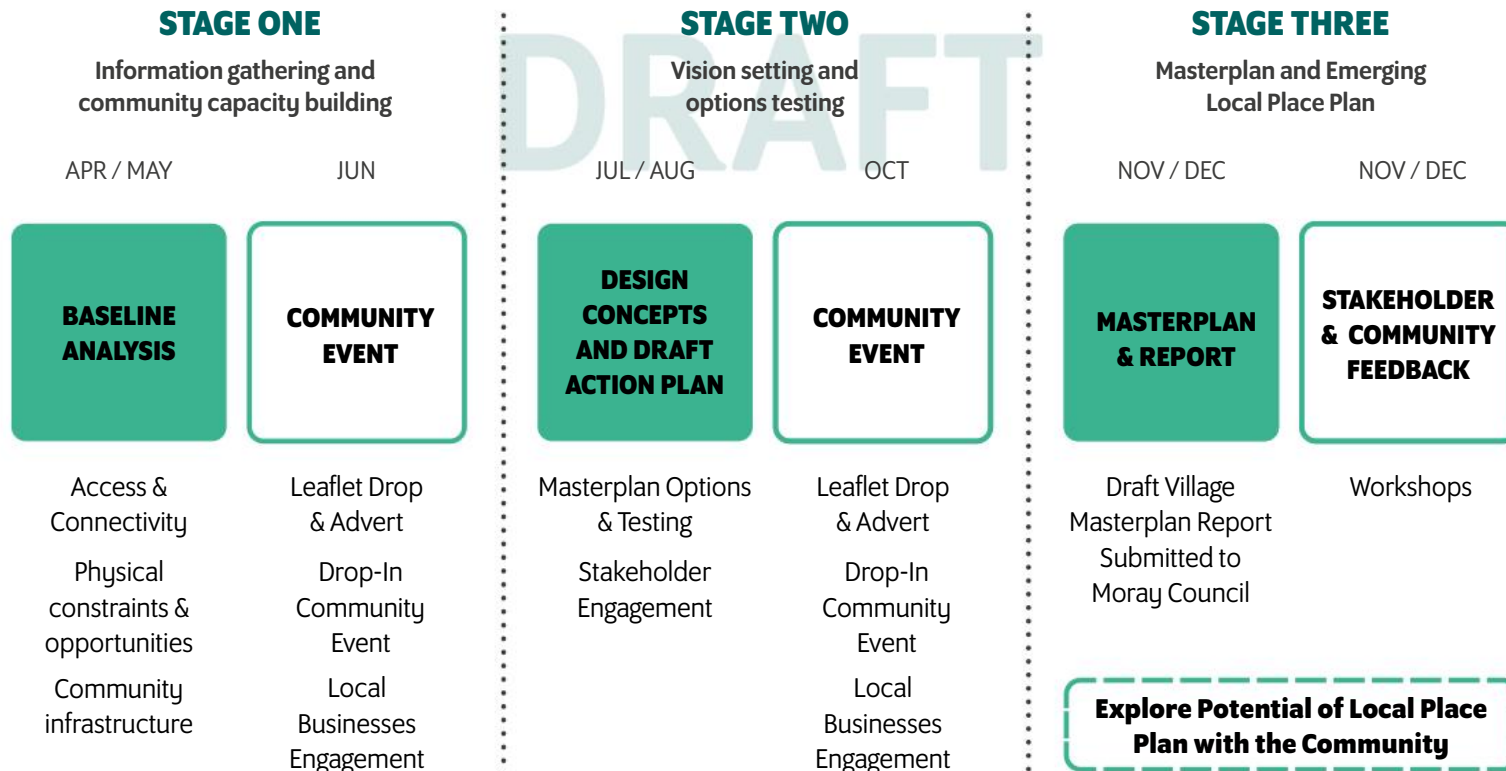
Mosstodloch 2040 is a project which has collected ideas and insights from local people, and used them to prepare a plan for what should happen here over the next 20 years.

We sought to listen to everyone in the community about:

- what works well / less well within the village; and
- which things they would like to change, or see happen, that might make the village a better place to live, work and enjoy spending time

In the course of the project, we tested options and ideas with the community that considered:

- potential development sites, most of which were already identified for development in Moray Council’s LDP;
- opportunities for placemaking improvements; and
- what opportunities or issues there might be for the village following the dualling of the A96, which would include a junction at Mosstodloch.



# MOSSTODLOCH

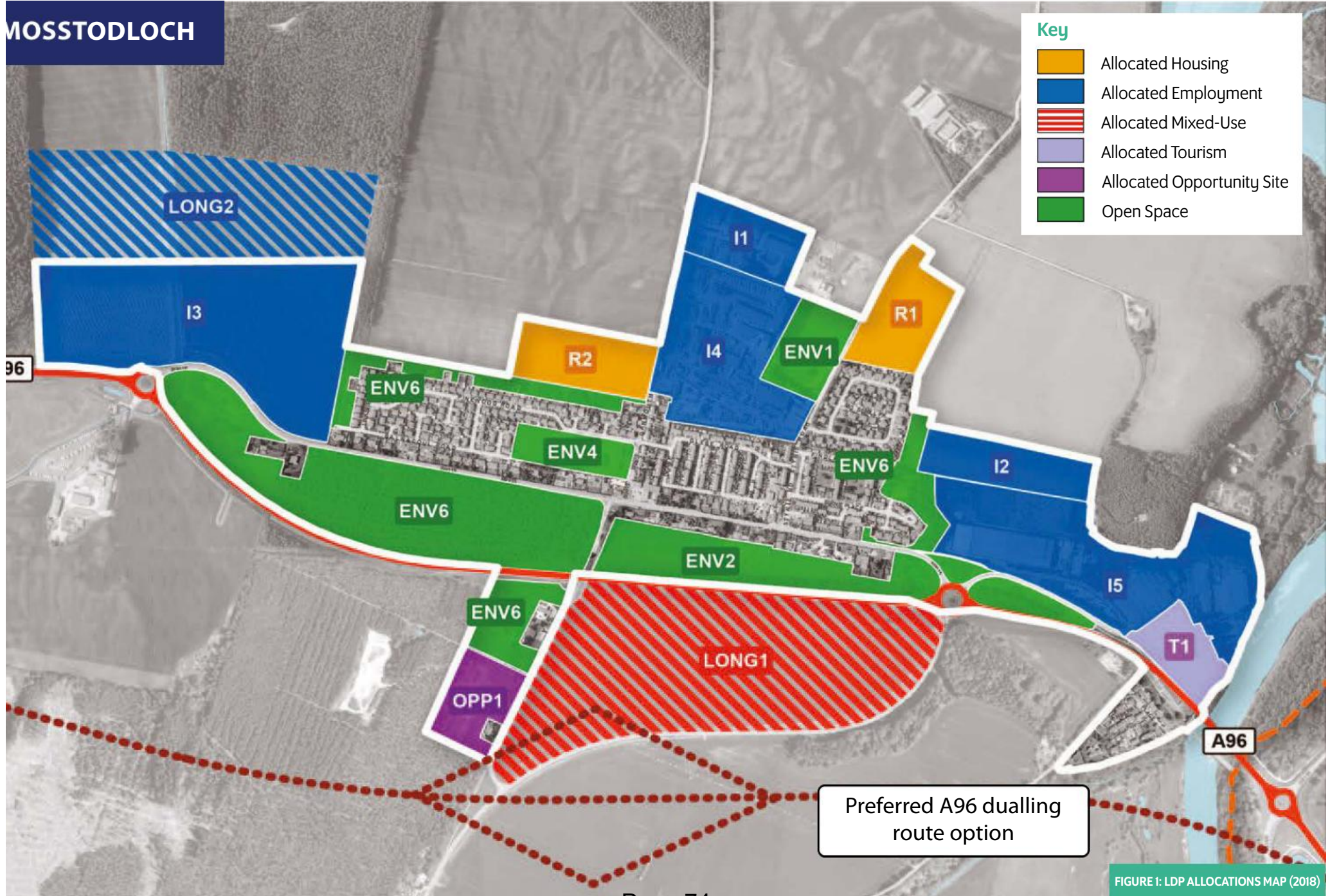


FIGURE 1: LDP ALLOCATIONS MAP (2018)

## PLANNING CONTEXT

The current LDP was adopted in 2020 and is expected to be renewed in the coming years, meaning that this engagement-led masterplan process is timely. Also, despite some sites being in successive plans these have not been developed. We believe that this is a logical starting point to test the areas identified and the mix of land uses.

## A96 Dualling

Scottish Government’s Infrastructure Investment Plan (2011) contained a commitment to complete the dualling of the A96 between Inverness and Aberdeen by 2030, thus completing the dual carriageway network between all Scottish cities.

Since 2011 a range of assessment and options have been tested and consulted upon. In 2019 a preferred option was identified and ground investigations took place in 2020. For Mosstodloch, the relevant section of the project is the 46km A96 Dualling Hardmuir to Fochabers scheme.

The overall ‘A96 Corridor Review’ is ongoing and expected to conclude in 2023.

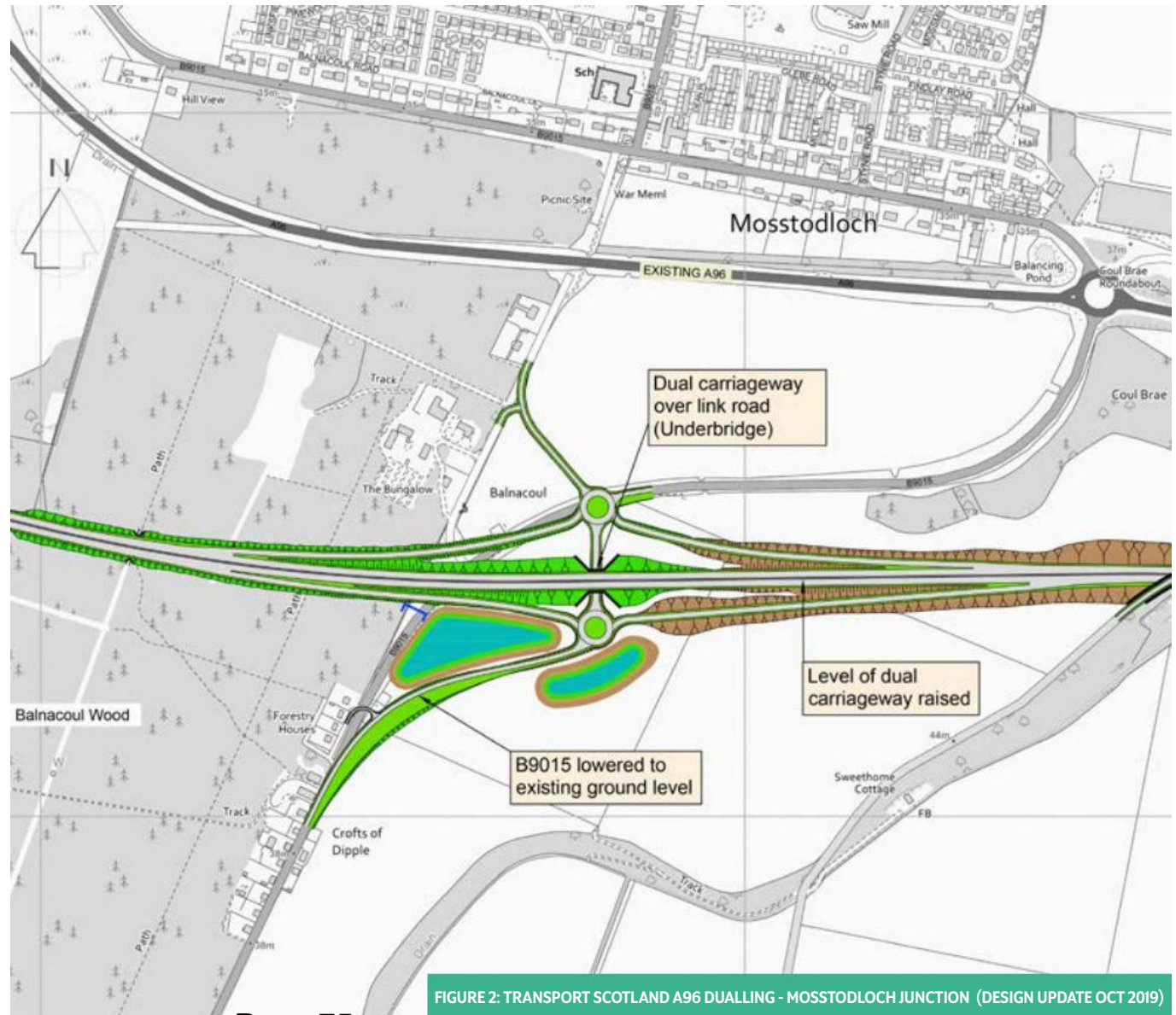


FIGURE 2: TRANSPORT SCOTLAND A96 DUALLING - MOSSTODLOCH JUNCTION (DESIGN UPDATE OCT 2019)



# 02 Settlement Assessment

## 02 Settlement Assessment

### Location

Mosstodloch is a village located approximately half way between Aberdeen (80km) and Inverness (70km). It lies in close proximity to Fochabers, 10km from Elgin and just 5km from the Moray Firth coastline.

It sits on the old A96 which has historically been the main east-west route through Moray connecting Aberdeenshire and the Scottish Highlands.



FIGURE 3: STRATEGIC LOCATION PLAN



FIGURE 4: SETTLEMENT NETWORK



1871



1903



1968



The Cross Roads, Mosstodloch



EAST END, MOSSTODLOCH



CROSS ROAD, MOSSTODLOCH



## Historical Context

Mosstodloch started as a small linear village set along an historic east-west route through Moray and at a crossing point over the River Spey. It was also influenced by its close proximity to the nearby market town of Fochabers.

The 1960s saw the start of its growth which saw two large employers and several phases of residential development established.

### The River Spey

The River Spey runs to the east of Mosstodloch and historically supported many local industries, including Garmouth - at one stage the shipbuilding capital of Britain - and for distilleries across Speyside.

Today, locally, it serves as an important recreational resource providing a wide network of walking routes.

### The A96

The historic A96 east-west route was diverted and formed a by-pass to Mosstodloch and Fochabers in 2011 and 2012 respectively.

The A96 serves as a major road in the north of Scotland, running from Aberdeen to Inverness. The dualling programme will deliver a number benefits including improved journey time and reliability, delivering economic growth, improved connectivity and reduce the rate and severity of accidents.

## Residential Growth / Phases / Neighbourhoods

Residential growth in Mosstodloch was led by ribbon development along the old A96 in the late 1800's/early 1900's.

Development continued in Mosstodloch with the opening of a public house, petrol station and sawmill throughout the early and mid 1900's.

Residential growth continued largely in the form of linear development, until the 1960's, when a neighbourhood development between Garmouth Road and Stynie Road was established. This saw the beginning of neighbourhood developments which supported the growing sawmill business (established in 1956) and latterly the Baxters' Food Factory (1960s).

Additional neighbourhoods emerged throughout the 1970s around Birnie Place, Pinewood Road and Mossmill Park, with Mosstodloch expanding to the east and west.

Little residential development took place between the 1980 and 2020 until the recent development off Stynie Road and north of Mossmill Park was completed.

In summary and as identified above, the village has five distinct zones / character areas:

- The main street / cross (historic core of the village)
- Glebe Road / Dene Place (1960s)
- Pinewood Road (1970s)

- Birnie Place / Stynie Road (1970s)
- Mossmill Park (1970s)
- Speymouth Drive Phase 1 (2020)

It is clear that the majority of the village's residential growth took place in the 1960s / 1970s and will have supported the growth of the two local large businesses. At this time, the local primary school and Speymouth Hall were built to serve the community but the village never developed a true 'centre' or 'high street', tending instead to use nearby Fochabers for additional shops and services.

## Profile and SWOT Analysis

An assessment of the villages Strengths, Weaknesses, Opportunities and Threats (SWOT) was undertaken to inform the engagement and masterplan process.

### Statistics

- Approx 1k population (1,022)
- Village with 448 Households

### Health Services

- Fochabers Medical Practice (5-min drive)
- Seafeld Hospital in Buckie (10-min drive) / Dr Gray's Hospital in Elgin (15-min drive)

### Education

- Mosstodloch Primary School (10-min walk for whole village)
- Milnes High School in Fochabers (30-min walk)

### Local Amenities

- Petrol filling station with local shop
- Post office (located in local shop)
- Three retail units (beauty treatment, laundrette and a vacant unit)

### Placemaking Objectives (Moray LDP)

- Identify longer term housing and employment areas
- Identify an additional 10ha for employment and support proposals for business development and growth.
- Highlight potential of longer term site for large scale inward investment.
- Enhance the approaches to the settlement through landscaping and planting including the characteristic beech hedging.

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## Strengths

- Links to surrounding hubs via A96
- Rural setting and close proximity to the coast
- Walkable village
- Proximity to local heritage

## Weaknesses

- No high street / close proximity to Fochabers
- Lack of local services
- Walkability (outwith village)
- Transport
- Varied local character (separate / distinct) neighbourhoods)

## Opportunities

- Village centre
- Green Infrastructure
- 1hr to Aberdeen/Inverness
- Outdoor activities
- Greenfield land
- Tourism
- River Spey
- Gordon Castle Estate

## Threats

- Lack of employment diversity
- Decreasing population
- Ageing population
- Mosstodloch has a higher proportion of households (27.5%), where all residents are aged 65 and over, than Moray (23.4%) and Scotland (20.9%) reinforcing the population profile
- 16.7% of population without access to car
- Only 57% of 16/17 year olds in education
- Health of Population



Mosstodloch Cross / Village Centre



Mosstodloch Primary School

## Sustainability Assessment

The following section provides the zero carbon context and masterplan objectives.

### Placemaking Objectives

- Identify longer term housing and employment areas
- Identify an additional 10ha for employment and support proposals for business development and growth
- Highlight potential of longer term site for large scale inward investment
- Enhance the approaches to the settlement through landscaping and planting including the characteristic beech hedging

### Relevant Design Principles

- Active travel routes and linkages to existing Core Paths and cycle routes
- Opportunity to improve ‘Street Space’ within Mosstodloch to enhance spaces for people and re-prioritise these over the movement functions
- Create /enhance pocket parks & neighbourhood parks
- Landscaping used to break up sites and provide screening to existing residential areas and employment uses
- Reinforce woodland boundaries
- Create new cycle path routes
- Safe routes to schools and local shops

## Policy Context

### *The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019*

- Net-zero greenhouse gas emissions by 2045
- Interim targets, to reduce greenhouse gas emissions
  - » 56% by 2020
  - » 75% by 2030
  - » 90% by 2040
- All new homes consented from 2024 to use zero emission heating
- All buildings to achieve a good level of energy efficiency
- Reduce car kilometres by 20% by 2030
- Phase out the need for new petrol and diesel cars and vans by 2030
- Continue to embed circular economy principles into the wider green recovery and take steps to reduce food waste

### Moray Climate Action Plan

- Aim to achieve zero carbon standards in all new buildings, including housing and schools
- Council to develop and adopt design standard for sustainable construction and maintenance i.e. increase in % of recycled and sustainable material used in construction

- Continue to encourage a reduction of waste arising’s (top of waste hierarchy) and thereafter increase recycling rates
- Promote sustainable urban drainage systems incorporating blue and green networks in all new developments
- Safeguard existing woodlands and promote additional planting in all new developments
- Ensure new developments make provisions for Electric Vehicle Charging facilities, including communal charging facilities where no on-plot parking is available
- Ensure all new developments make provisions for Cycle Parking, including secure cycle parking for flats and properties with no gardens

### Zero Carbon Objectives for Masterplan

1. Develop a low carbon renewable energy strategy for new development
2. All new dwellings will undergo an assessment to mitigate overheating risk, ensuring a thermally comfortable home
3. All new houses to be provided with a 7kW electric vehicle charging point and potential for existing homes to be investigated
4. All dwellings to achieve minimum B rated EPC to ensure no new home will be the cause of fuel poverty
5. All new dwellings to achieve a 10% reduction in energy demand by fabric efficiency measures over Building Regulation Section 6 – new technical handbook to apply from 1 October 2022

6. Half of regulated energy demand met by on-site PV provision in line with the Scottish Government’s energy strategy
7. Creation of delivery hubs/lockers in convenient locations e.g., within local centre to reduce ‘last mile’ emissions
8. Creation of safe active travel networks – if feasible, provide cycle paths separated from road to access local centre and main employers (Baxter’s & Sawmill) from the entrance of each new settlement/phase
9. Commit to undertake a circular economy assessment

**Supporting sustainability objectives for masterplan**

- a. Developers/contractors to provide apprenticeship opportunities
- b. Any new large commercial uses to consider inclusion of small units for flexible/community uses
- c. Provide facilities for local food growth and reduction of food waste
- d. Collaborate to improve and enhance new and existing green infrastructure including active travel routes
- e. Ensure that development and associated projects prioritise native species with a biodiversity net gain



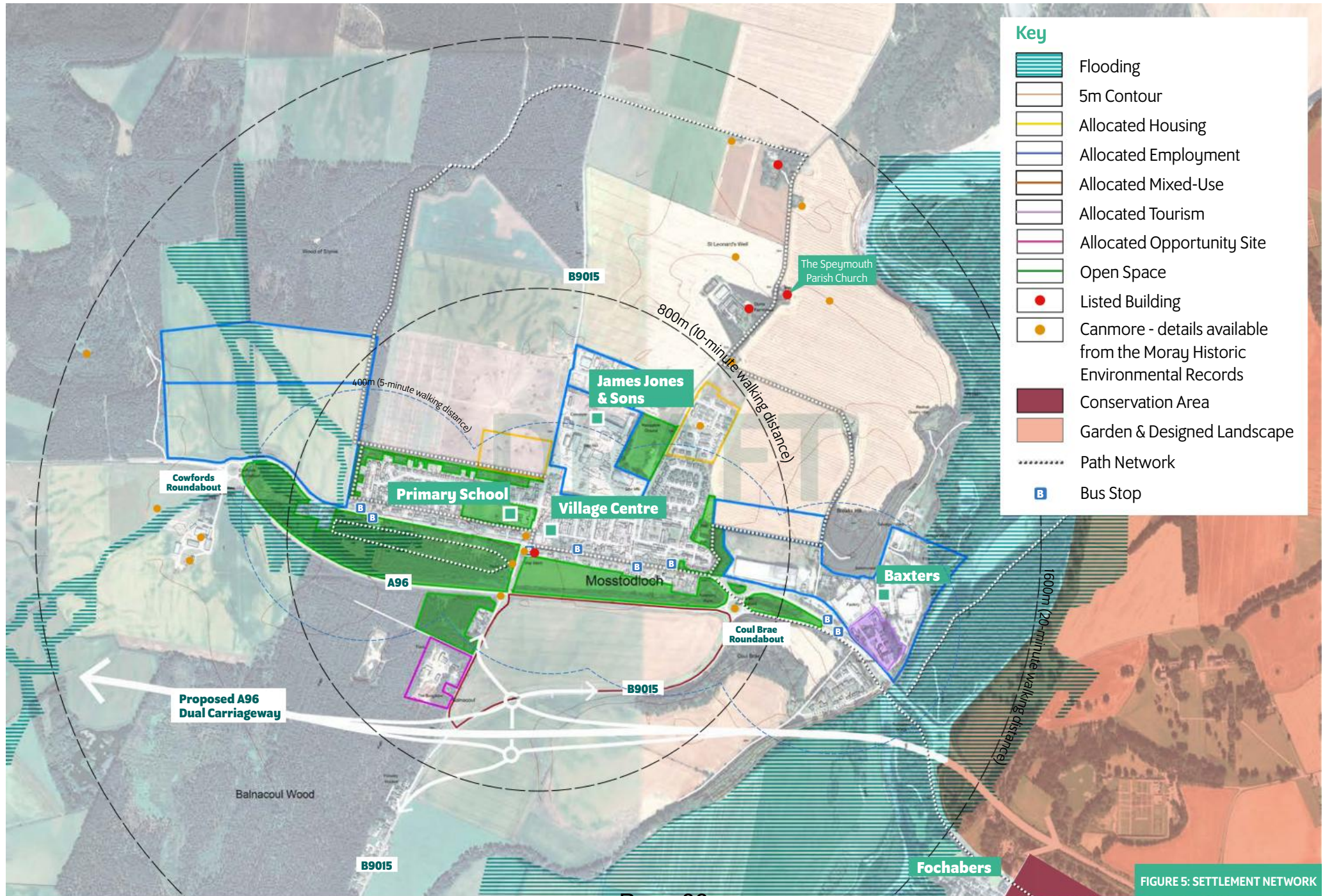


FIGURE 5: SETTLEMENT NETWORK

## Opportunities and Constraints

The village and its surrounding area has been assessed at a high-level to identify potential opportunities and constraints to physical development.

### Local Plan Allocation

Land allocations identified in the 2020 LDP broadly reflect those identified in the previous plan. Testing the extent and location of these uses will be a critical part of the engagement and masterplan process to test whether they could adapt to better support community aspirations and be more attractive to the market.

### Flooding

There are areas of flood risk alongside the River Spey which do not affect the settlement to any great extent. However, there are areas of flood risk to the west of the village and within an area of land identified for future employment use.

### Landscape

Mosstodloch has a beautiful landscape setting which is largely defined by the River Spey and large areas of woodland, many of which are commercial forests of Scots pine. While the village is located on relatively flat coastal land on the edge of the Moray Firth, there are views of higher ground to the south.

### Heritage

There is one listed building within Mosstodloch (Cosy Corner) and three located off Stynie Road to the North of the settlement, including The Speymouth Parish Church. There

are no Conservation Areas (CA) within Mosstodloch.

East of Mosstodloch is Fochabers CA and the Gordon Castle Garden and Designed Landscape. Other opportunities include upstanding features such as the remains of the Highland Railway Fochabers railway line, the historic Fochabers Bridge, and the buried features of the Redhall prehistoric settlement and other cropmark features that encompass a large part of the northern side of the village.

### Access and Movement Networks

#### Walking and Cycling

A number of Core Paths combine to form a broad loop around the north of the village while the Speyside Way is located on the eastern side of the river. Beyond this there is a further network of woodland walks.

An active travel route has recently been completed that connects from Mosstodloch village to Elgin and comprises of a cycle path which is largely off-road.

#### Vehicles

The village by-pass constructed in 2011/12 saw the A96 diverted away from the village centre and significantly reduced the amount of traffic within the settlement.

Mosstodloch Service Station is still located in the village centre and draws in vehicles from the A96 as well as from the local network.

James Jones and Sons Ltd Sawmill also generates vehicle movements within the village which draws Heavy Goods Vehicles (HGVs) up Garmouth Road and past the Primary School.

Baxters has its own direct access from the A96 via the Coul Brae Roundabout.

### A96 Dualling

The Mosstodloch junction of the proposed A96 dualling is located south of the village and will connect with the B9015.

### 20-Minute Neighbourhood

#### Local Facilities and Amenities

Within Mosstodloch (800m / 10-minute walking distance):

- Primary School
- Speymouth Hall (community hall)
- Mosstodloch Service station with mini-market and Post Office
- Laundrette
- Beauty Salon
- Scout Hall
- Park (at Speymouth Hall) with playing pitches and equipped children's play area

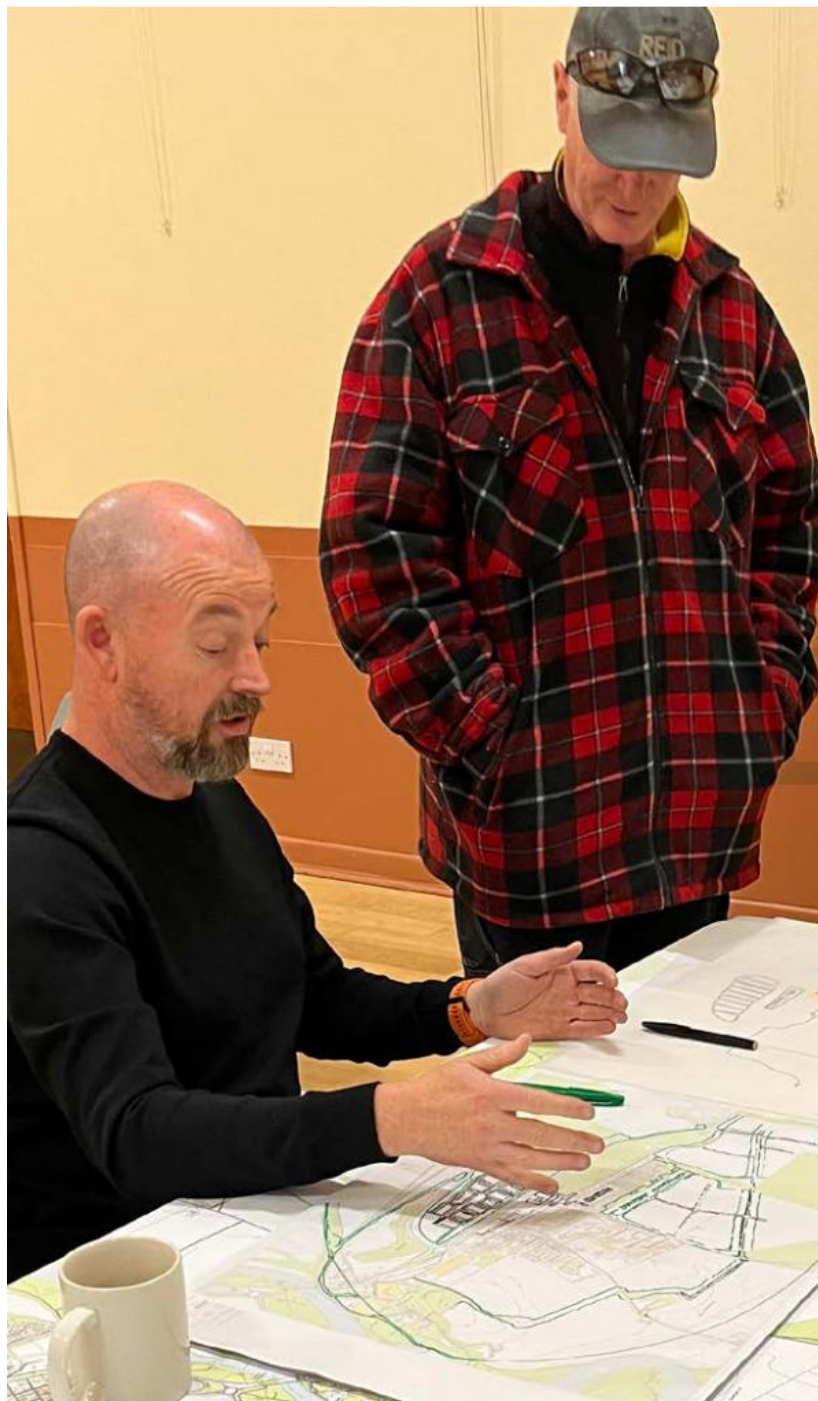
Additionally, within Fochabers (2400m / 30-minute walking or 10-minute cycle distance):

- Library
- Leisure facilities
- Fochabers Medical Practice
- Milnes High School





# 03 Community Engagement



## Come and have your say about the future of your area

### When:

Monday 20 & Tuesday 21 June  
11am to 6.30pm

### Where:

Speymouth Hall, Mosstodloch

### Why:

We're working with Crown Estate Scotland to develop a longer term plan for the village. We'd like you to come along and share your views on what you'd like to see happen over the next 20 years.

This is just the start of the process and we intend to come back with updates and more chances to discuss your ideas towards the end of the summer.

For further information  
please visit:  
[www.mosstodloch2040.co.uk](http://www.mosstodloch2040.co.uk)



## 03 Community Engagement / Community Capacity Building

### Stage One

Stage One engagement ran from May to July 2022 and comprised the information gathering and baseline analysis part of the engagement / masterplan process. This engagement was also undertaken to help with 'community capacity building' in that it could provide information and understanding around the local planning context and how a masterplan might fit with that process going forwards.

During the early part of this engagement the project team sought to make contact with groups and prominent individuals from within the community that could help the team structure and organise the first round of engagement events

### Seeking to Establish a Community Steering Group

Given the low level of representation for Mosstodloch within the Community Council the project team sought to identify members of the community as first contacts to explain the project and the engagement strategy. This process offered an opportunity for individuals to join a Community Steering Group that could inform the process and act as a conduit between the project team and community to gather and circulate information.

However, during the early weeks of the project it became clear that a formal steering group would not be formed initially and it was more likely to develop during the course of the project with the hope that by the end a group would be in place that could help steer delivery of recommendations resulting from this process.

### Speymouth Hall Committee

Contact was made with the Speymouth Hall committee which helped provide background information on community infrastructure and networks within the village. It was also clear that the hall, and its committee, provide an important function within the community.

### Choosing a Location for the Engagement Event

Informed by sites visits and discussions with community representatives it was agreed that a single location for a drop-in event over two days was the best way to invite the community to speak with the team. While not geographically central to the village, Speymouth Hall was an obvious choice of venue in which to base the in-person event.

### The Launch Event

As the project was unknown to the community, the initial engagement exercise was advertised as a 'launch event' so that local people would understand straight away that the process was just getting underway and that this was the initial opportunity to get involved.

### Leaflet Drop & Questionnaire

A double sided flyer was produced which:

- notified the community of the first engagement event;
- gave an introduction to the project and team; and
- included a short questionnaire to help our initial information gathering exercise.

The flyer was delivered to 540 addresses in and around the village approximately nine days before the community engagement event at Speymouth Hall on 20 and 21 June 2022.

### Newspaper Advert

A advert was placed in The Northern Scot weekly newspaper on Friday 10 June, nine days before the community engagement event.

### Website

A website was created ([www.Mosstodloch2040.co.uk](http://www.Mosstodloch2040.co.uk)) which gave a background to the project and team, information relating to the two day event and included an on-line version of the short questionnaire.

### 2-Day Community Engagement Session

On 20 and 21 June the community engagement event was held at Speymouth Hall in the Mosstodloch. It took place between 11am and 6.30pm on each day.

The event gave the team the opportunity to introduce the project and explain what it hoped to achieve and how the community could play a central role. The team explained that the launch event was an information gathering / fact finding exercise to better understand Mosstodloch.

The primary engagement method used was to record comments made during conversation on a series of maps and plans that identified opportunities and issues within the village.

Questionnaires and feedback forms were also available for those attending to complete.



## Stage One Feedback

### Website activity

- w/c 27 June - 139 users / 166 sessions
- w/c July - 152 users / 184 sessions

### Questionnaire Feedback

Through the flyer drop and the website the team received 26 completed questionnaires.

### *What is the Best Thing About Mosstodloch?*

A summary of the most common responses:

- Quiet and friendly
- Rural setting and access to countryside
- Walkable neighbourhood i.e. close proximity to shops and facilities (school / hall)
- Shop / Post Office / petrol filling station

### *What Might You Change about Mosstodloch?*

A summary of the most common responses:

- A (better) centre / heart of the village
- Better connectivity (e.g. Garmouth via cycle path)
- More shops
- A cafe - informal meeting place
- More things to do for all ages
- More things for young people to do (skate park etc.)
- Improve certain areas of green space and provide areas for sitting
- New school
- Reduce traffic
- Remove speed bumps
- More facilities for all ages
- A pedestrian crossing at the school
- No more new houses
- More new houses for sale
- Less council houses
- Maintenance - less litter / weed killing
- Create a better sense of pride
- New road into saw mill

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FIGURE 6: QUESTIONNAIRE FEEDBACK BAR CHARTS

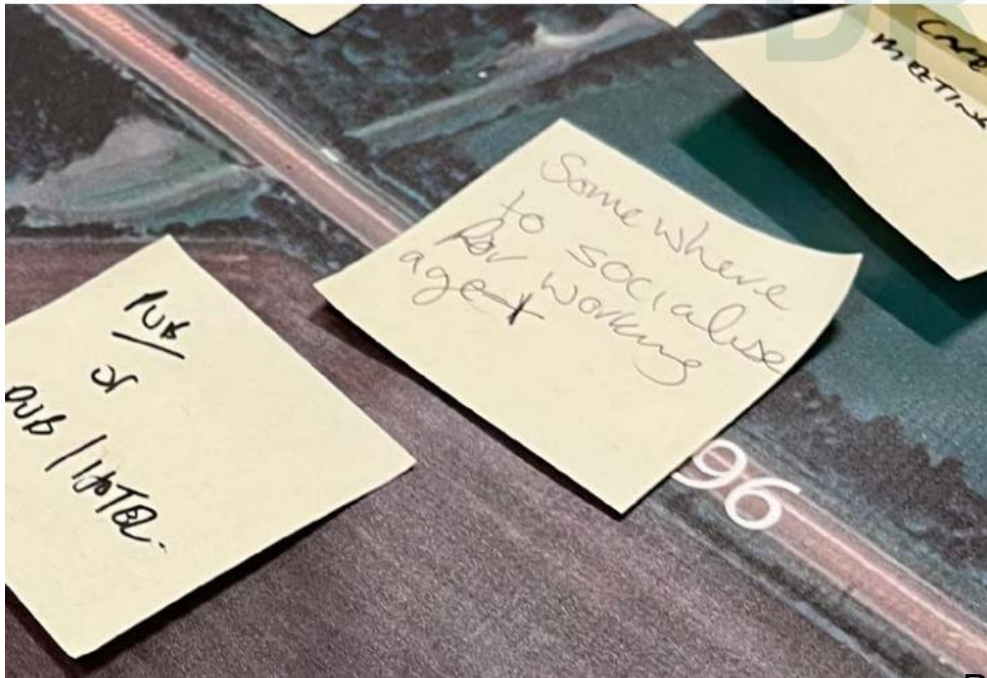
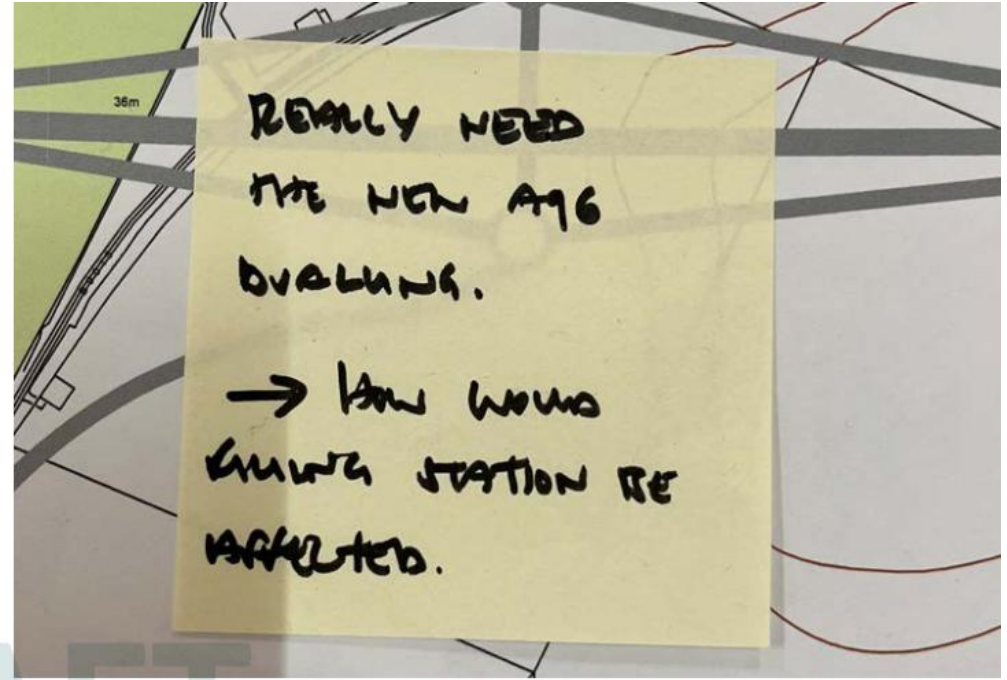
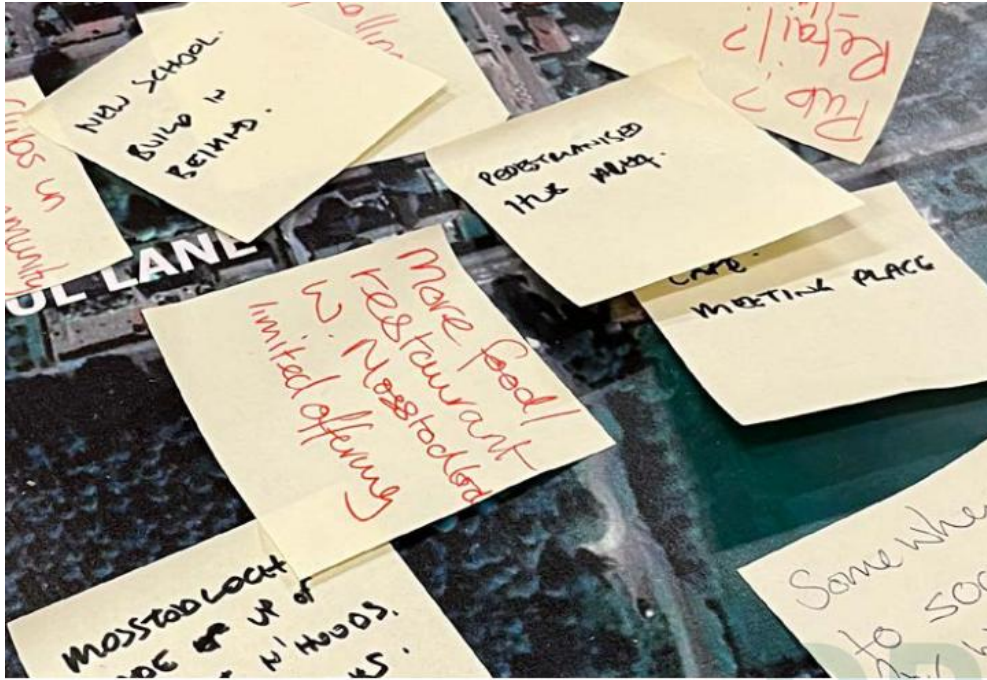
**How important do you think the following are to Mosstodloch over the next 20 years?**

- New homes
- New employment opportunities
- New/improved community facilities
- Improved green spaces
- Additional green spaces
- Connectivity

The results from c.18 completed questions showed that the community strongly supports the enhancement of green spaces, improved connectivity and new / improved community facilities. They also largely supported new employment opportunity while less considered new housing as important. With that said, it was acknowledges that new homes and a growth in population would help support the enhancements / improvements within the village.

SCORE	New Homes	New Employment Opportunities	New/Improved Community Facilities	Improved Green Spaces	Additional Green Spaces	Connectivity
	no. of responses	no. of responses	no. of responses	no. of responses	no. of responses	no. of responses
1 - Least Important	<b>8</b>	3	0	3	3	0
2	5	3	5	4	4	3
3	1	4	5	3	2	4
4	2	4	3	3	2	<b>7</b>
5 - Most Important	4	<b>8</b>	<b>8</b>	<b>7</b>	<b>8</b>	<b>8</b>
	more important - <b>6 responses</b> less important - <b>13 responses</b>	more important - <b>12 responses</b> less important - <b>6 responses</b>	more important - <b>11 responses</b> less important - <b>5 responses</b>	more important - <b>10 responses</b> less important - <b>7 responses</b>	more important - <b>10 responses</b> less important - <b>7 responses</b>	more important - <b>15 responses</b> less important - <b>3 responses</b>

FIGURE 7: QUESTIONNAIRE FEEDBACK TABLE







## Stage One Conclusion

### Recurring Themes

- **New village heart**
- **Social hub**
- **Green walkable connections**
- **Clear signage (walking paths, locations etc.)**
- **Reducing traffic in the village centre\***
- **Preserve “intimately rural” setting**
- **Increase retail offering**
- **Greater variety of things to do**
- **Improved green / community space(s)**



\*While comments were provided regarding ‘reducing traffic in the village centre’, subsequently it has been considered reasonable that this about both reducing the amount of large vehicles in the village and road safety more generally.



# 04 Option Testing

# 04 Options Testing

A series of options were derived from the earlier community and stakeholder engagement. They all shared common themes that responded to the key issues and observations that emerged during this earlier process. As these were drawn up they were streamlined into three broad options that sought to explore land use and place improvements from a minimal / do less approach to a maximum / do more approach. To be clear, there is no commitment from Crown Estate Scotland to deliver any or / all of the options, however they were keen that the ideas expressed locally were accurately captured in the options exercise.

## A Partnership Approach to Delivery

Crown Estate Scotland cannot deliver all elements of the masterplan options in isolation but will need to work in partnership with the community and other key stakeholders and landowners.

## LDP Allocations

For reference, Figure 8 opposite identifies the adopted LDP (2020) land allocations.

- ① Housing site at Garmouth Road
- ② Employment site north of Baxter's
- ③ Employment site(s) west of Mosstodloch
- ④ Mixed use site south of A96
- ⑤ Opportunity site at Balnacoul

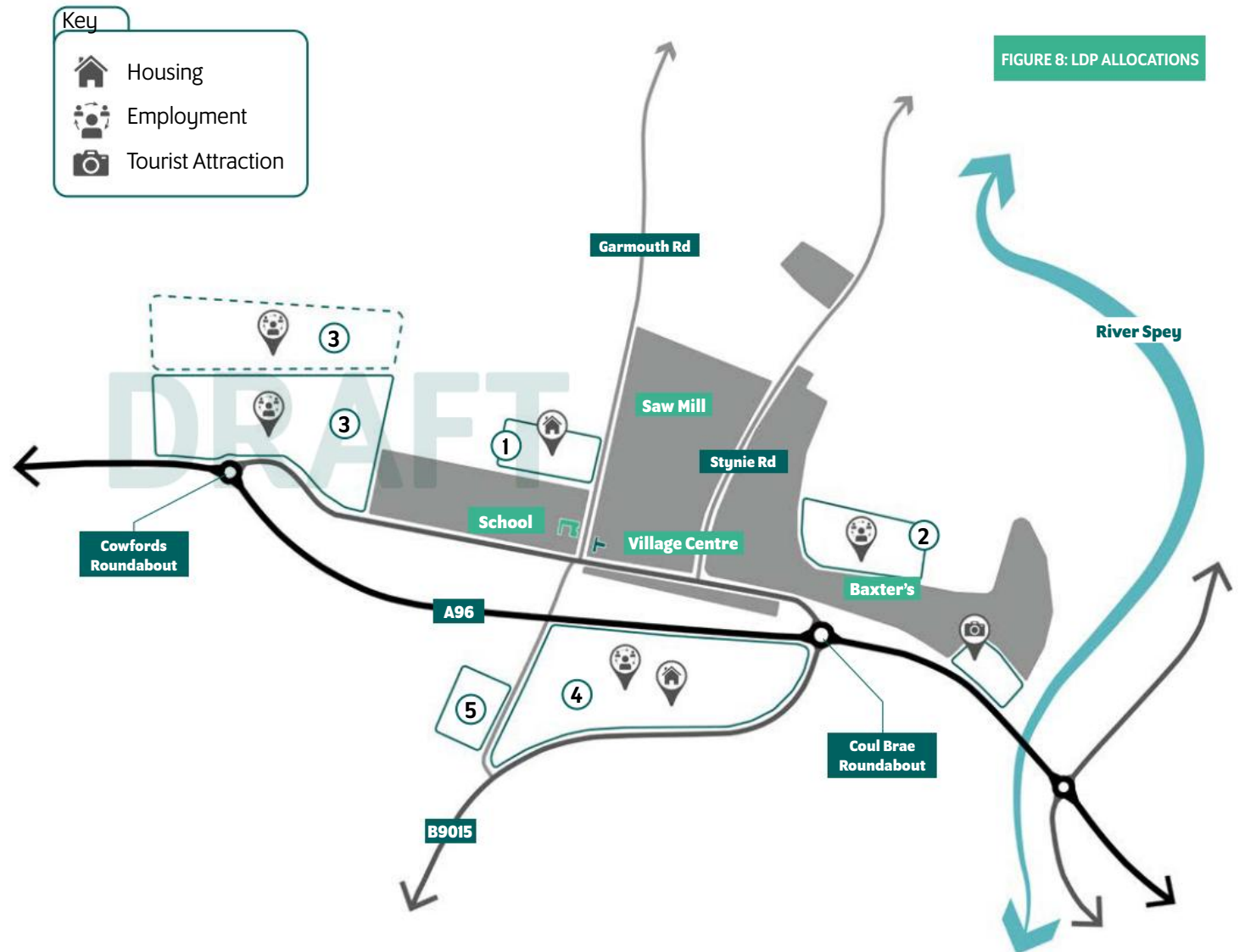
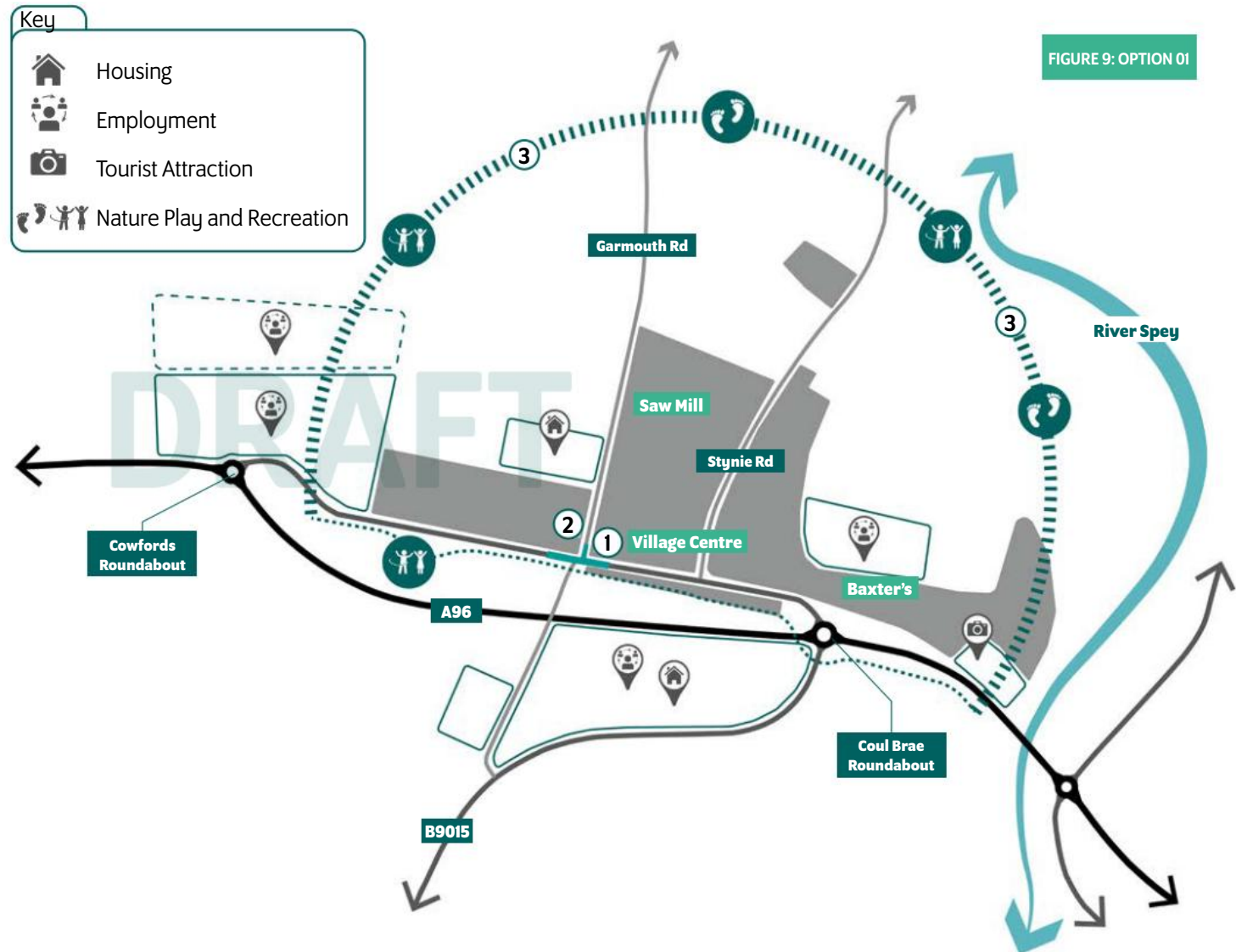


FIGURE 8: LDP ALLOCATIONS

## Option 01

### Delivering Current LDP Allocations

Option 01 would see the current LDP allocations taken to market for delivery with potential for only limited village-wide / community infrastructure interventions / improvements given uncertainty of delivery (allocations carried over from previous LDP).



- ① Limited environmental improvements at village centre
- ② Improvements to primary school / community infrastructure on existing site\*
- ③ Create a Northern Green Loop for walking

\* currently there is not commitment from Moray Council to build a new school

## Option 02

### Supporting an Enhanced Village Centre

Option 02 seeks to deliver tangible improvements at the centre of the village by re-routing HGV traffic to a new 'spine road' providing access to the JJS saw mill as well as future employment sites.

- 1 New 'spine' from Cowfords roundabout to Garmouth Road removing HGV traffic from the village centre
- 2 Enhance the village centre
- 3 Improvements to / expansion / redevelopment of primary school / community infrastructure on existing site\*
- 4 Create a Northern Green Loop for walking
- 5 Local (vehicle) access only beyond The Speymouth Parish Church to create a pedestrian and cycle friendly route to Garmouth / Kingston

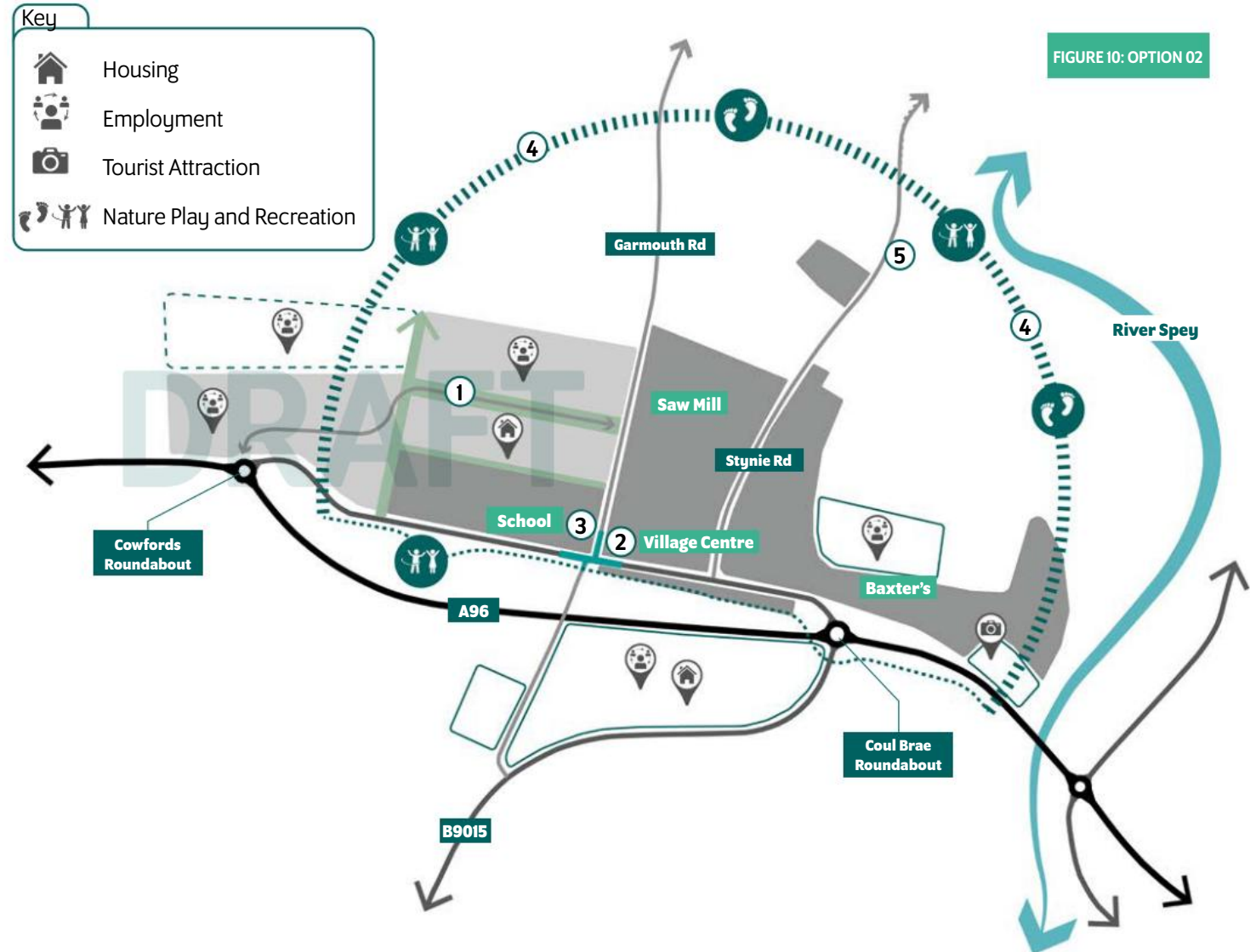


FIGURE 10: OPTION 02

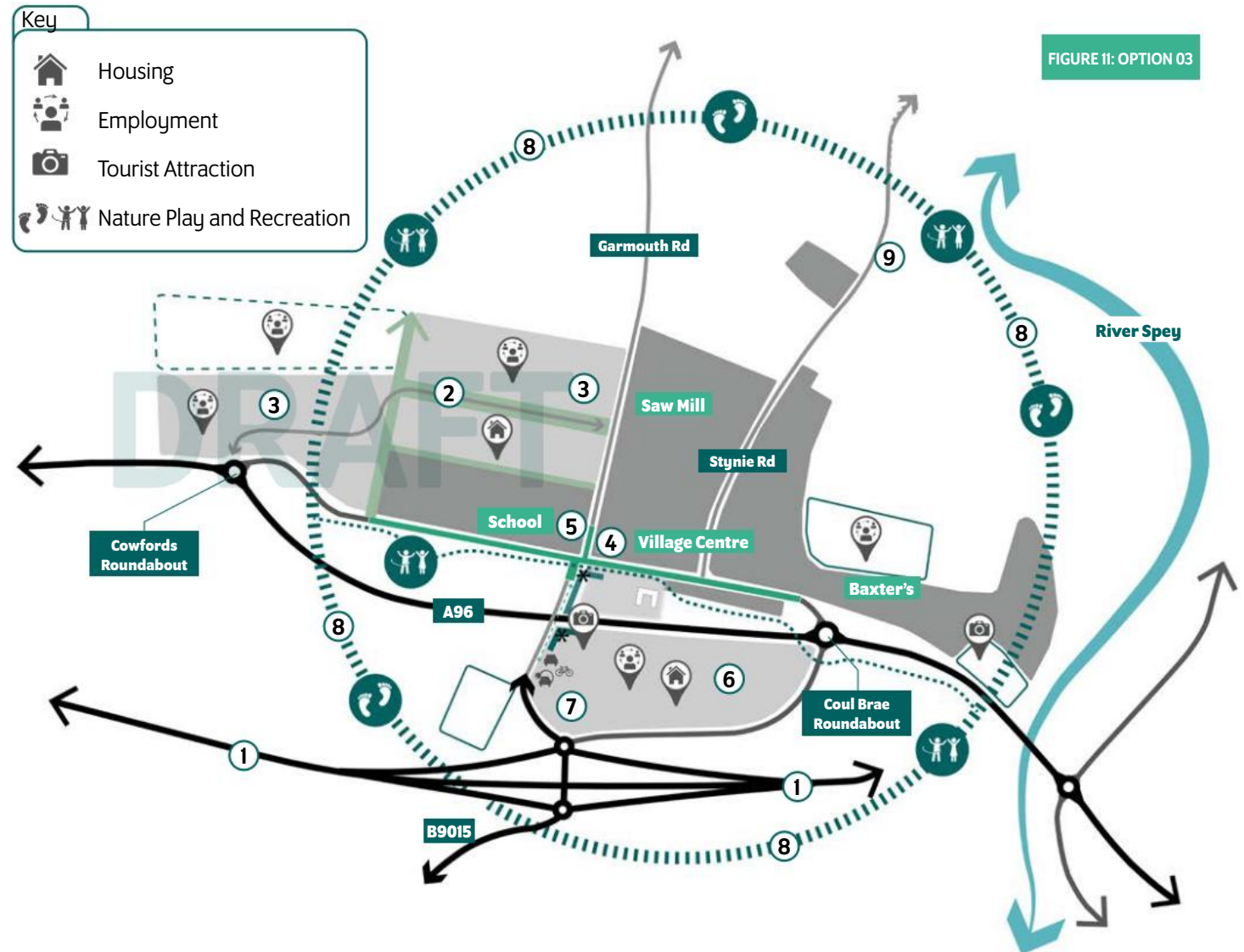
\* currently there is not commitment from Moray Council to build a new school

\*\*any changes to road traffic arrangements / restrictions will need to be explored further with Moray Council

### Option 03

Option 03 considers further opportunities relative to the potential dualling of the A96.

- ① A96 Dualling
- ② New 'spine road' from Cowfords roundabout to Garmouth Road removing HGV traffic from the village centre
- ③ Employment and residential development to the north and west
- ④ Enhance and extend the village centre
- ⑤ Improvements to / expansion / redevelopment of primary school / community infrastructure on existing site\*
- ⑥ Mixed-use development
- ⑦ Potential for Visitor Centre/Cafe
- ⑧ Create a full Green Loop for walking
- ⑨ Local (vehicle) access only beyond The Speymouth Parish Church to create a pedestrian and cycle friendly route to Garmouth / Kingston\*\*



\* currently there is not commitment from Moray Council to build a new school

\*\*any changes to road traffic arrangements / restrictions will need to be explored further with Moray Council



## Second Consultation Event

### Feedback and village masterplan options

#### When:

Tuesday 04 & Wednesday 05 October  
12pm to 7pm

#### Where:

Speymouth Hall, Mosstodloch

#### Why:

After meeting with the community back in June, our team has developed a number of options based on the feedback gathered for the future growth of the village. At this next event we would like to present and discuss these ideas further with you.

For further information  
please visit:  
[www.mosstodloch2040.co.uk](http://www.mosstodloch2040.co.uk)

MOSSTODLOCH  
2040

 Crown Estate  
Scotland  
Oighreachd a' Chrùin Alba



## Stage 2 - Community Options Testing

### 2-Day Community Engagement Session

On 04 and 05 October, the second community engagement events were held at Speymouth Hall in the Mosstodloch. It took place between 12 noon and 7pm on each day.

Exhibition boards were used to present feedback and three high-level masterplan options. The team used the boards to explain the process and discuss the relative opportunities of each option.

Questionnaires were then used to record options and comments on each of the options.

## Summary of Feedback from the Launch Event in June

### What is the best thing about Mosstodloch?

- Quiet and friendly
- Rural setting and access to countryside
- Walkable neighbourhood i.e. close proximity to shops and facilities
- Shop / Post Office / petrol filling station

### What might you change about Mosstodloch?

- A (better) centre / heart of the village
- Better connectivity (e.g. Garmouth via cycle path)
- More shops
- A cafe / informal meeting place
- More things to do for all ages
- More things for young people to do (e.g. skate park)
- Improve certain areas of green space and provide areas for sitting
- New school
- Reduce traffic
- Remove speed bumps

- More facilities for all ages
- A pedestrian crossing at the school
- No more new houses
- More new houses for sale / less council houses
- Better maintained - less litter / weeds etc.
- Create a better sense of pride
- New road into saw mill

### Emerging Themes for Options to Consider

- Support an enhanced village heart / centre
- Social hub
- New school
- Green walkable connections
- Clear signage (walking paths, locations etc.)
- Reducing Traffic
- Preserve "intimately rural" setting
- Increase retail offering
- Increase variety of things to do
- Improved quality green / community space(s)

Please try and make it along to our event or view the presentation online from 03 October at [www.mosstodloch2040.co.uk](http://www.mosstodloch2040.co.uk)

Selection of Exhibition Boards from the Second Community Engagement Event



**BOARD 02**



Crown Estate Scotland  
Oighearachd & Crann Alba

## SWOT Analysis

### Statistics

- Approx 1k population (1,022)
- Village with 448 Households

### Health Services

- Fochabers Medical Practice (5-min drive)
- Closest hospital is Dr Gray's Hospital in Elgin (15-min drive) / Seafield Hospital in Buckie (10-min drive)

### Education

- Mosstodloch Primary School
- Milnes High School (30-min walk)

### Local Amenities

- Petrol filling station with convenience store
- Post office
- Three retail units

### Placemaking Objectives (Moray Local Development Plan)

- Identify longer term housing and employment areas
- Identify an additional 10ha for employment and support proposals for business development and growth.
- Highlight potential of longer term site for large scale inward investment.
- Enhance the approaches to the settlement through landscaping and planting including the characteristic beech hedging.

### Strengths

- Links to Surrounding Hubs (A96)
- Proximity to local heritage
- Rural setting

### Weaknesses

- No High Street
- Lack of local services
- Walkability
- Transport
- Varied local character (separate / distinct neighbourhoods)

### Opportunities

- Village centre
- Greenfield Land
- Green Infrastructure
- Fochabers
- River Spey
- Gordon Castle Estate
- 1hr to Aberdeen/Inverness
- Moray Monster Trails

### Threats

- Employment Diversity
- Decreasing Population
- Ageing population
- Mosstodloch has a higher proportion of households (27.5%), where all residents are aged 65 and over, than Moray (23.4%) and Scotland (20.9%) reinforcing the population profile.
- 16.7% of population without access to car
- Only 57% of 16/17 year olds in education
- Health of Population





**BOARD 04**



Crown Estate Scotland  
Oighearachd & Crann Alba

## WHAT YOU TOLD US




### What is the Best Thing About Mosstodloch?

- Quiet and friendly
- Rural setting and access to countryside
- Walkable neighbourhood i.e. close proximity to shops and facilities (school / hall)
- Shop / Post Office / petrol filling station

### What Might You Change about Mosstodloch?

- A (better) centre point / heart of the village
- Better connectivity (e.g. Garmouth via cycle path)
- More shops
- A cafe - informal meeting place


### How important do you think the following are to Mosstodloch over the next 20 years?

SCORE	New Homes	New Employment Opportunities	New/Improved Community Facilities	Improved Green Spaces	Additional Green Spaces	Connectivity
1 (Least important)	0	1	0	3	5	0
2	5	3	5	4	4	3
3	1	0	5	2	2	4
4	2	0	3	2	2	1
5 (Most important)	4	0	0	7	0	0


- New homes
- New employment opportunities
- New/improved community facilities
- Improved green spaces
- Additional green spaces







## BOARD 06



### Option 01

**Minimal Intervention**  
Deliver LDP development sites over time (market-led)

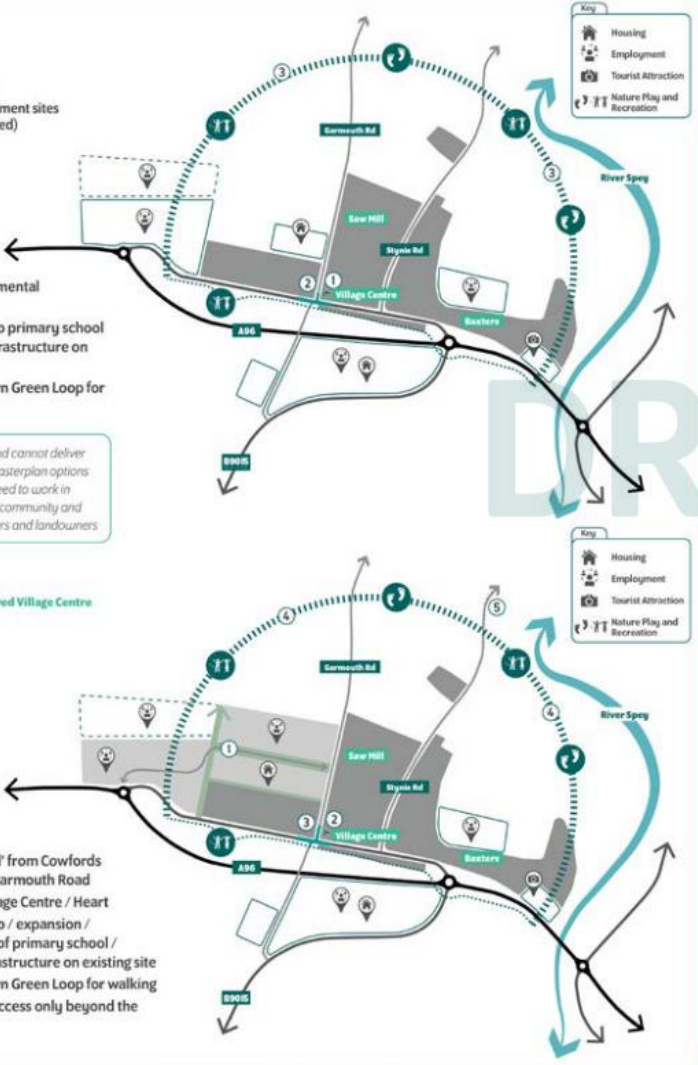
- 1 Limited environmental improvements
- 2 Improvements to primary school / community infrastructure on existing site
- 3 Create a Northern Green Loop for walking



*Crown Estate Scotland cannot deliver all elements of the masterplan options in isolation but will need to work in partnership with the community and other key stakeholders and landowners*


### Option 02

**Supporting an Improved Village Centre**


- 1 New 'estate road' from Cowfords roundabout to Garmouth Road
- 2 Enhance the Village Centre / Heart
- 3 Improvements to / expansion / redevelopment of primary school / community infrastructure on existing site
- 4 Create a Northern Green Loop for walking
- 5 Local (vehicle) access only beyond the Parish Church




now




## BOARD 07




### Option 03


**Maximising the benefit of the A96 Dualling**



- 1 A96 Dualling
- 2 New 'estate road' from Cowfords roundabout to Garmouth Road
- 3 Employment and residential development to the north and west
- 4 Enhance and extend the Village Centre / Heart
- 5 Potential new build community infrastructure on existing site / relocation
- 6 Mixed-use development
- 7 Potential for Visitor Centre/Cafe
- 8 Create a full Green Loop for walking
- 9 Local (vehicle) access only beyond the Parish Church

*Crown Estate Scotland cannot deliver all elements of the masterplan options in isolation but will need to work in partnership with the community and other key stakeholders and landowners*

### Mixed-Use Development Site (South of A96)






now


**QUESTIONNAIRE**

Did you come along to our first event in June this year?

Yes  No

How do you feel about the opportunities and issues that were expressed at the first event?

Agree  Disagree  Neither Agree nor Disagree

Are there any other opportunities or issues that you think this masterplan process should consider?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

While we have shown three options, there are many possible variations on these. To help us develop a preferred option please provide feedback on these draft options:

**Option 1: Minimal Intervention**

Agree  Disagree  Neither

Any Comments \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Option 2: Supporting an Improved Village Centre**

Agree  Disagree  Neither

Any Comments \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Option 3: Maximising the Benefit of the A96 Dualling**

Agree  Disagree  Neither

Any Comments \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Would you like to be kept informed regarding a Local Place Plan to help deliver wider opportunities?

Yes  No If you are keen to become involved, please provide contact details:

\_\_\_\_\_

### Stage 2 Event Statistics

- Approx. 60 people attended over two days
- 17 completed questionnaires
- 65% of visitors had attended the first event / 35% of visitors engaging for first time
- 63% agreed with feedback gathered from first event / 31% neither agreed nor disagreed / 6% disagreed

### Questionnaire Feedback

#### Are there any other opportunities and issues that you think this masterplan process should consider?

A summary of the most common responses:

- Keep traffic away from village centre
- Do not trap housing between industrial areas
- Potential for pharmacy / health care
- Need to strike balance between employment and environment
- More private homes needed
- Housing for older people
- James Jones shouldn't expand and should move
- Too much employment / commercial land for size of village
- More employment opportunities
- Character of the village should not be lost
- Enhance small green space east of the garage
- Improve digital infrastructure

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## Option 1

### Delivering Current LDP Allocations

Agree	Disagree	Neither
10	1	4
66%	7%	27%

#### Comments from the community

- Village works well as is, but good to plan for future
- Scope to develop / expand the community
- Good for job creation
- Does too little - there is so much potential
- Village needs more
- New school required\*
- Support green loop

## Option 2

### Supporting an Enhanced Village Centre

Agree	Disagree	Neither
8	4	2
57%	29%	14%

#### Comments from the community

- More shops
- School replacement required\*
- Development to have community feel
- Remove HGVs from village centre and create spine road
- Currently no obvious village centre - should try to create
- A community hub in addition to Speymouth Hall
- Understand housing / employment to deliver spine road
- No link / spine road
- Good to have wider plan for retail and school

## Option 3

### Maximising the Benefit of A96 Dualling

Agree	Disagree	Neither
13	1	2
82%	6%	12%

#### Comments from the community

- Difficult to plan without knowing about A96 dualling
- Too prescriptive and not community-led
- No more affordable housing, need more private
- There needs to be a careful balance of uses
- Improve children's recreation
- A96 dualling would create lots of opportunity

\* currently there is not commitment from Moray Council to build a new school



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## Summary and Outcomes

As shown in the questionnaire responses, there was support from the community for all options which indicates that there is general support for growth and enhancement for the village, however, Option 3 was chosen as the preferred approach, indicating the desire to maximise the potential benefit by:

- delivering a new road link from the Cowfords Roundabout to Garmouth Road
- reducing traffic (particularly HGVs) through the centre of the village
- forming logical development sites (potentially employment and residential) to the west of the village and either side of the new 'spine road'
- enhancing green spaces /social spaces and village
- create new green spaces to support an improved green network and 'green loop'

It should be noted that from the responses received that there continues to be a general split in opinion regarding the scale of new employment and residential development but that there is an acknowledgement that development is required to deliver many of the aspirational changes to the village regarding shops, services and open spaces.

## Community Steering Group

Through the second engagement event the team sought to identify members of the community that would be interested in joining a Community Steering Group (CSG). The CSG would be a useful conduit between the masterplan team and the community in the short term, but in the medium to long term could help guide a Local Place Plan for the village.

## Soft Market Testing

Informal discussions took place with a number of housebuilders to test the market in and around Mosstodloch and determine at what scale housing development could take place in the short, medium and long term.

From these discussions it was clear that the local area is attractive to house builders. Post Covid living and working practices was identified as a factor when considering locations such as this.

## Stakeholder Engagement

### Moray Council

A series of virtual and in-person meetings were held with Moray Council departments which included:

- Planning
- Roads and Transport
- Education Resources and Communities
- Flooding
- Climate Change

## Forestry and Land Scotland

A series of virtual and in-person meetings were held with Forestry and Land Scotland (FLS) to explore the emerging masterplan. Key points of discussion included:

- Forestry
- Access
- Minerals

## Local Employers

James Jones and Sons Ltd (JJS) and Baxter's were invited to meet with the project team in advance of each of the two public engagement events. Representatives from JJS attended but not from Baxter's.

### James Jones and Sons Ltd

The team was able to discuss the emerging options and any potential opportunities or issues relative to JJS current operation as well as their ambitions for an expanded site to the north of their current operation (the site in question was, at the time, subject to a live planning application). Key points discussed included

- the potential new 'spine road' that could serve JJS' operation; and
- the opportunity for Combined Heat and Power (CHP) that could potentially provide renewable heat energy for a range of end users.

### Mosstodloch Services

Mosstodloch Services did not respond to an invitation to meet and discuss the emerging masterplan.





**05**

# Village Masterplan

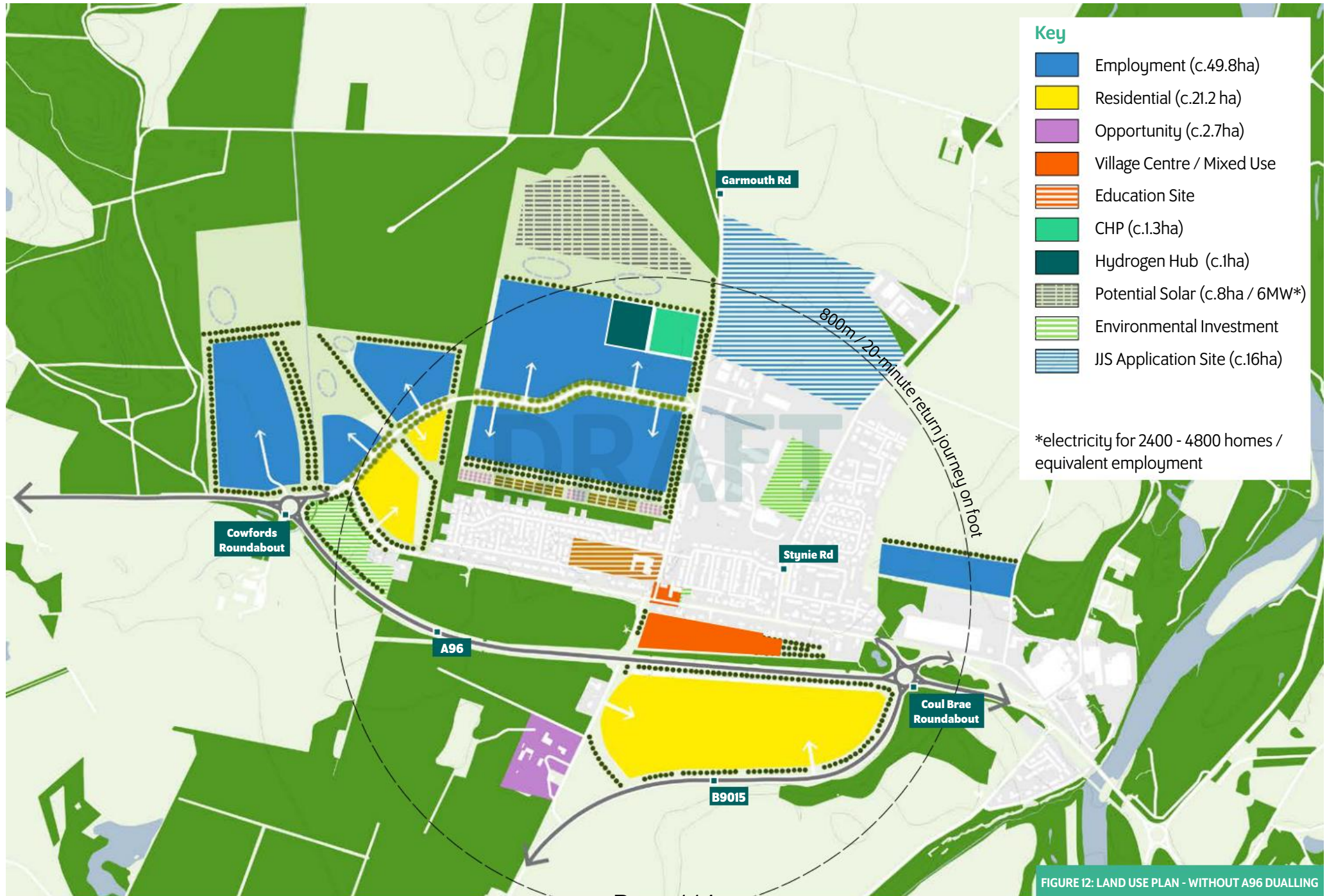


FIGURE 12: LAND USE PLAN - WITHOUT A96 DUALLING

# 05 Village Masterplan

## Land Use Masterplan

Following the second round of public and stakeholder engagement a draft Land Use Masterplan was generated to reflect the preferred Option 3 as well as respond to the additional comments received by the community and stakeholders. The draft masterplan takes further cognisance of site opportunities and constraints in terms of flooding and drainage, access, green network and the sympathetic / logical location of land uses.

Two version of the masterplan are shown as Figure 12 'without A96 dualling' and Figure 13 'with A96 dualling'. The only difference in terms in land use proposals is the potential for a tourism / leisure site that would take advantage of the new road junction.

A further opportunity presented by the A96 dualling would be the significantly reduced traffic along the current A96 village by-pass. This route could accommodate active travel routes with a potential link into the existing underpass. Such re-purposing of this road would also help to integrate proposed new development to the south with the existing village. Further discussion is required with the roads authority and Transport Scotland.

Any future proposals will need to take account of local residential amenity, both existing and proposed, as well as mitigate potential impacts which would be evidenced through supporting studies such as flood risk assessment, drainage impact assessment, landscape and visual assessment, archaeological evaluation, habitat assessment, glare assessment, and contamination assessment depending on the site and detailed proposals. Pre-application planning advice should also be sought.

Proposals within the masterplan are indicative and seek to explore the longer term potential opportunities for the village. At this stage they have not been market tested and, given the timescales in question (20+ years), demand will vary and so flexibility is required to maximise potential environmental, social and economic benefit.

## Infrastructure

### *Cowfords Roundabout and New 'Spine Road'*

The Cowfords roundabout could be modified to introduce an additional arm to the north and a realigned arm to form the new 'spine road' from which the old A96 (village main street) would be connected. The alignment of the road could be subject to change to accommodate best viable design given the flooding and as yet unknown requirements of end users / site requirements within the employment areas. This road will require co-investment or shared partnership funding and will not be funded by Crown Estate Scotland alone. The route/junctions and phasing of the new spine road will be subject to detailed design.

### *Garmouth Road (B9015)*

With the new 'spine road' there is the potential for the Council to restrict use of the southern section of Garmouth Road to vehicle under a certain weight in order to prevent HGVs movements close to the school and village centre.

## Employment

A mix of employment sites will be accessible from the Cowfords roundabout / new 'spine road', delivering up to approximately 47 ha of land (which includes landscape and drainage) with the potential for c.1.5m sqft of floorspace. Use Class 4 (Business), Use Class 5 (General industrial), Use Class

6 (Storage or distribution) Use Class 7 (Hotels and hostels).

An employment site north of Baxters, extending to c.3 ha will provide the opportunity for the future expansion of that business.

## Residential

Two areas of residential land have been identified. The western site (east of Cowfords roundabout) would serve a function of contributing to a high-quality mixed use western gateway to the settlement and could deliver approximately 120-150 new homes in the short to medium term. The southern site (south of the current A96) would serve a function of contributing to a high-quality mixed use southern gateway to the settlement and could deliver approximately 250-350 new homes in the medium to long term (a detailed masterplan will be required).

## Village Centre

A key area for consideration is land at and around the existing village centre which currently comprises the Mosstodloch Services and three retail units. The village centre should be the focus for retail uses within the village and support the concept of Local Living. There is opportunity for short, medium and long term enhancement / development of the village centre, ranging from environmental / public realm / carriageway enhancements to more significant redevelopment if there is commitment from the land owners / in response to the evolving function of Mosstodloch Services relative to the potential future A96 dualling. Opportunities must be designed to help create a strong sense of place and identity.



FIGURE 13: LAND USE PLAN - WITH A96 DUALLING

## Mixed Use

A site has been identified east of The Ian Baxter Picnic Area which could potentially accommodate a mixture of community or village centre uses helping to link the proposed residential development to the south and supporting a larger village centre and a strong north-south spine through the village.

Suitable uses could include small scale retail, cafe, small businesses or community facilities. Uses must contribute to strengthening the village centre and be designed to respect the setting of the village and support the concept of Local Living.

The site could also include accessible open space and play facilities, however this element would need to be explored further through additional community engagement and its delivery and maintenance undertaken by a community group.

## Primary School / Community

The primary school will likely need substantial future investment. The decision and planning for this will depend on a wider assessment by the Moray Council learning estates team and the potential needs arising from the housing land identified as part of the masterplan process / subsequent development plans.

Speymouth Hall has been a valuable community asset for decades but its general usage has declined. A potentially significant increase in village population size over the next 20+ years could see greater demand which could be supported by investment and outreach work to provide better leisure, learning and cultural opportunities.

## Opportunity Sites

The site at Balnacoul remains as identified in the current LDP. In the context of this masterplan, it could potentially deliver housing or alternative uses associate with the current or future use of the adjacent forestry land.

## Environment

There are two areas of open space which would benefit from environmental improvements / investment.

The park set around Speymouth Hall is a valuable village resource but would benefit from increased amenity through the improvements to play area(s), paths and the provision of seating, picnic areas to make the park more inclusive and accessible to all abilities. Additionally, the park is of a scale that a portion of land could be used to provide an alternative location for a facility such as a skate park.

At the western a gateway to the settlement is an area of open space that is currently scrub vegetation. This area has significant potential to be included in the overall planning of the new western gateway and could include amenity open space, planting and public art.

## Tree and Hedge Planting

At the village gateways as well as around / within new development there is a significant opportunity for new native tree planting. Scots pine together with other native species which will support biodiversity enrichment. The use of Scots pine or suitable alternatives in key locations would successfully stitch the new landscape in with the existing setting.

Beech hedging is distinct characteristic of the village and

should be used at gateways and as a key part of landscape strategies within future development sites.

## Renewable Energy / Net Zero

The suitability of the sites proposed for the renewable energy proposals below will require further investigation with particular consideration given to addressing the potential impacts set out with relevant planning policy.

### Solar

A site of approximately 10ha could accommodate a solar array of c.8ha which could generate around 6MW of electricity, enough to power between 2,400 and 4,800 homes.

### CHP

The potential expansion of the sawmill could see the generation of a fuel source from their processes to power a Combined Heat and Power (CHP) plant which could provide renewable heat energy locally as well as renewable electricity.

### Hydrogen

A 1ha site could accommodate a Hydrogen Hub that would consist of an electrolyzer plant (production) and distribution capabilities. The plan could generate approximately 35MW of energy and the heat generated through the process could be used locally. A plant such as this would require 30-35MW of electricity to power the process and ideally this would come from local renewable sources like solar or from a CHP plant (fuel mix depending regarding renewable energy credentials).

### Net Zero

There are a range of net zero objectives identified as objectives for this masterplan (outlined in the Sustainability Assessment p.20), the delivery of which will be the responsibility of all stakeholders going forwards, with the primary responsibility lying with those developing the space (though supported by Crown Estate Scotland and the Council).

### James Jones and Sons Ltd

The land to the north of the existing sawmill is currently subject to a live planning application to expand the mills current operations. This masterplan neither supports nor objects to the application but acknowledges that there are a range of considerations such as the increase in traffic as a result of the expansion but also the potential benefit in terms of employment and the opportunity for CHP.

### Tourism

With the growth of the village south of the current A96 and with the potentially significant influence of the dualled A96 in the medium to long term, there is an opportunity for the provision of a tourism / leisure use close to the new Mosstodloch junction. In time this could also serve a function for vehicle fuelling, be that hydrogen for HGV / buses and coaches or EV charging for cars.

The timing of delivery and its relationship with other uses at the village centre is an important consideration. Discussion will continue with the local roads authority and Transport Scotland through the Local Place Plan process.

### Land Use Schedule

- Approximately 50 ha of employment land potentially delivering around 1.5m sqft of floorspace.
- Approximately 21 ha of residential land (gross) potentially delivering around 400 homes in the short, medium and long term.

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Site	Land Use	Area (ha)
E1	Employment	10.6
E2	Employment	8.1
E3	Employment	12.3
E4	Employment	15.5
E5	Employment	3
R1	Residential	4.4
R2	Residential	16.8
ENG1	Renewable Energy	11.2
ENG2	Renewable Energy	2.5
O1	Opportunity	2.7
VC1	Village Centre	0.3
VC2	Village Centre / Mixed Use	1.4
T1	Tourism	1.5
G1	Speymouth Park	2.3
G2	Community Growing Park	1.8
G3	Village Pocket Park / Community Space	0.05
G4	Gateway Park	2.3
G5	Black Burn Park	6.5
G6	Balnacoul Wood	23.5

*Note : Developer obligations may be sought to mitigate the impact of their development on the community. The LDP2020 Developer Obligations Supplementary Guidance sets out the requirements and when these may be sought.*

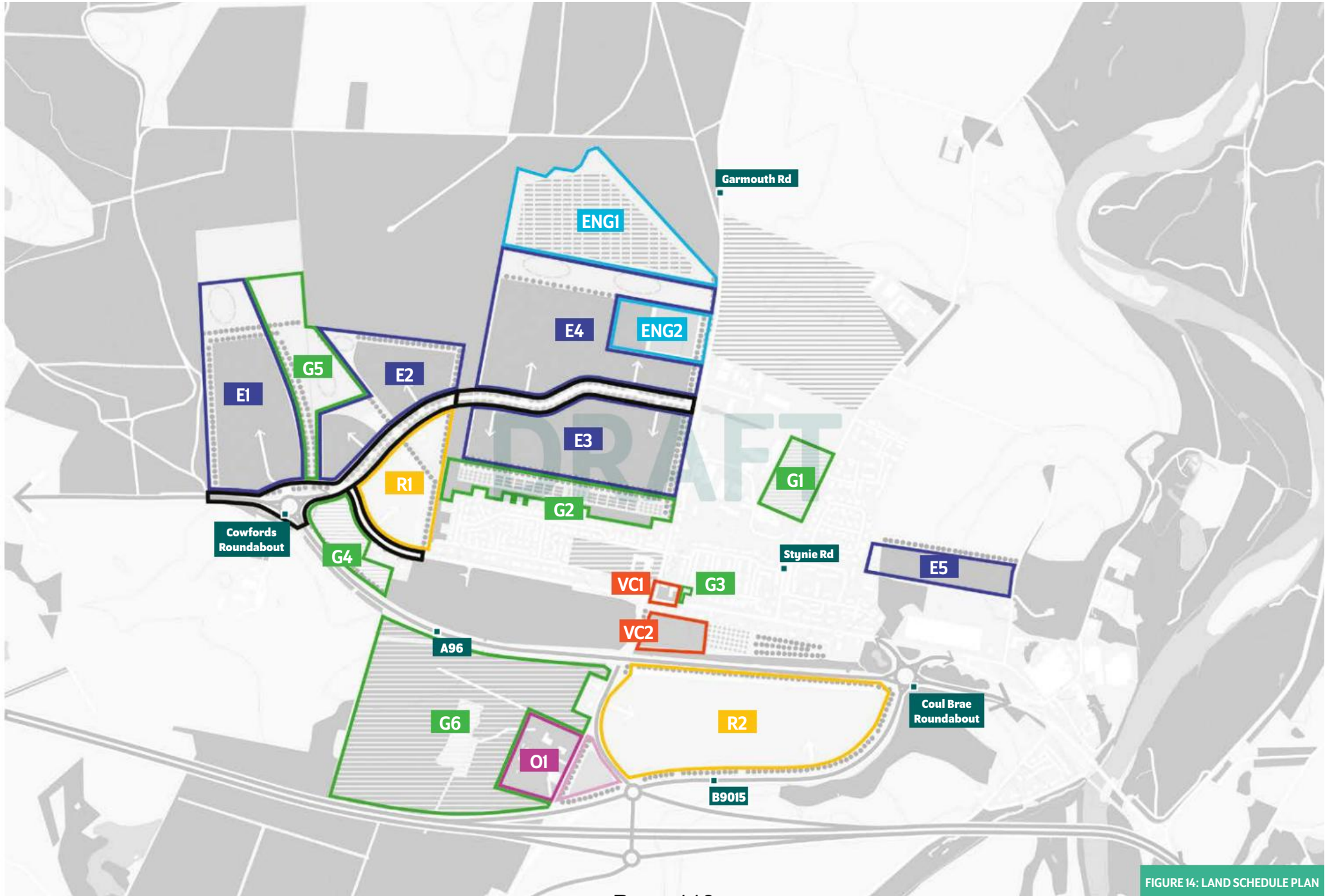


FIGURE 14: LAND SCHEDULE PLAN



FIGURE 15: ILLUSTRATIVE MASTERPLAN



## Illustrative Masterplan

The illustrative masterplan provides a visual summary of the outcomes from the engagement and design process, indicating the main land uses and key features / interventions.

### Six Key Components

- **The new (spine) road - completing the principles of taking traffic away from the village centre** (initiated in 2011 with the village bypass)
- **Strengthen the village centre / heart / space**
- **Development to the south, thinking carefully on how it links and relates to the village**
- **Support and expand upon the series of paths around the village**
- **Test ways of making Mosstodloch a net zero carbon place**
- **Working with stakeholders to invest and build on land value that might be generated through continued and planned development, back into the village**

### Land Uses

- A** Employment Sites
- B** Housing Sites
- C** Village Centre Expansion / Mixed-Use
- D** Potential solar farm (c. 8MW)
- E** Site subject to detailed planning application for timber yard expansion (James Jones & Sons Ltd)
- F** Tourism / Gateway opportunity including EV charging / hydrogen refuelling
- G** Opportunity Site

### Key Features / Interventions

- 1** New Road linking Cowfords Roundabout to Garmouth Road (B9015) serving employment land and timber yard
- 2** New gateway / green arrival
- 3** School site
- 4** Enhancements to existing village centre
- 5** Potential to restrict use to vehicles under a certain weight classification
- 6** Improvements to 'Speymouth Park' to improve / enhancement of paths, play area and benches / tables
- 7** Improvements to existing pocket park / green space
- 8** New linear park with community growing and orchards and improved existing core path
- 9** New biodiversity park with ecological enhancements
- 10** Improved / extended path network
- 11** Pedestrian / cycle crossing
- 12** Active travel (cycle lane) extended through Mosstodloch and connecting to Fochabers
- 13** Potential Combined Heat and Power plant
- 14** Potential Hydrogen Hub (production and distribution)
- 15** Potential pedestrian / cycle connection under dualled A96
- 16** Reduced traffic on current A96 provides opportunity for active travel and positive activation by development
- 17** Additional bus stops to provide greater accessibility for western expansion



## Green Infrastructure / Network

In addition to the strategic proposals outlined all development proposals will require to provide open space, planting, green corridors and biodiversity enhancement within sites in line with the Local Development Plan and NPF4 policies.

### 1 The Green Loops

The existing Core Path network can be extended west to provide access in and around the proposed employment sites.

The potential for a pedestrian / cycle crossing over the A96 west of Cowfords roundabout would facilitate a new southern loop that could connect through Forestry and Land Scotland land towards the old B9015 and around the southern housing site (Balnacoul). The A96 crossing becomes more deliverable following the A96 dualling and the subsequent reduction in traffic on the current A96.

Details are not currently available regarding pedestrian and cycle routes associated with the with the A96 dualling infrastructure i.e. north-south which would be convoluted if via the dumbbell junction. Therefore, a pedestrian / cycle underpass would provide direct north-south connectivity and would allow potential recreation access to Balnacoul Wood and the small loch on its western flank (a feature that is currently visited on foot by walkers from Mosstodloch).

Further to the provision of additional routes, the addition of clear and attractive signage, wayfinding and information giving will improve the value and this network of routes.

### 2 Village Centre Green Space

Currently, there is a small green space to the east of Mosstodloch Services and south of Dene Place. It is an under used space and has the potential to form part of an enhanced village centre, be it as a community garden or general area for congregation with some form of shelter. The shape and form of the space could be explored further with the community.

### 3 Community Growing and Orchard

The existing area of green space, north of Pinewood Road and containing a Core Path, can be expanded to form a substantial buffer between current residential and future employment uses. The space will also function as a key east-west green corridor for movement and also production in the form of community growing.

### 4 Western Gateway

Given the proposed development sites, the western approach to Mosstodloch from Elgin will be changing. While this will be mixed-use with focus on high-quality building design and materials to support its gateway / arrival point function, there is also a significant opportunity for high-quality landscape and green space to support this further.

Significantly, the area of land east of Cowfords roundabout and set between the old and new A96 could be enhanced to form a gateway park with a public art feature and footpath link into Balnacoul Wood / The Ian Baxter Picnic Area.

Landscaping associated with the redeveloped Cowfords roundabout and the new 'spine road' will be provided and should feature native species tree (Scots pine) and locally common hedge (Beech) planting.

### 5 Black Burn Park

A new area of parkland could be created at the centre of the new employment sites through which the Black Burn flows. A large portion of this area is also at risk of flooding. The integration of blue / green infrastructure to accommodate SuDS beyond this zone is important. There is also an opportunity for biodiversity net gain through ecological enhancements which could see the creation of a high-quality 'eco-park'.

### 6 Speymouth Park Improvements

The park set around Speymouth is a fantastic community resource but its amenity value could be increased by the provision of additional sitting in the form of both benches and picnic tables.

Given the large size of the park, including the car parking area, this is a potential location for a use / facility that would be attractive to older children. The detail of this would need to be explored further and likely delivered and maintained by a community-led group / organisation.

### 7 Active Travel

Currently, there is a mixture of on and off road active travel around Mosstodloch. New development proposals, including active travel routes, must consider opportunities to maximize safe travel routes

An additional route would be incorporated into the design of the new 'spine road' linking through the new area of employment towards the sawmill.

### Biodiversity Improvements

Seek to deliver significant biodiversity net gain through village wide opportunities.

### Drainage

Through the proposed development drainage should be carefully considered along the provision of open space. Proposals must pro-actively and positively design SUDS that are integrated throughout development and maximise biodiversity and landscape enhancement.



FIGURE 17: ILLUSTRATIVE VILLAGE VIEW

## Over-Arching Concepts

The following drawings are provided for illustrative purposes and to help visualise how some of the key components of the masterplan could be delivered. All proposals will be subject to detailed design through a planning application process.

### The Village Spine

The north-south spine of the village could be strengthened with proposed development / uses that activate the streets and support the village centre as a focal point for the community.

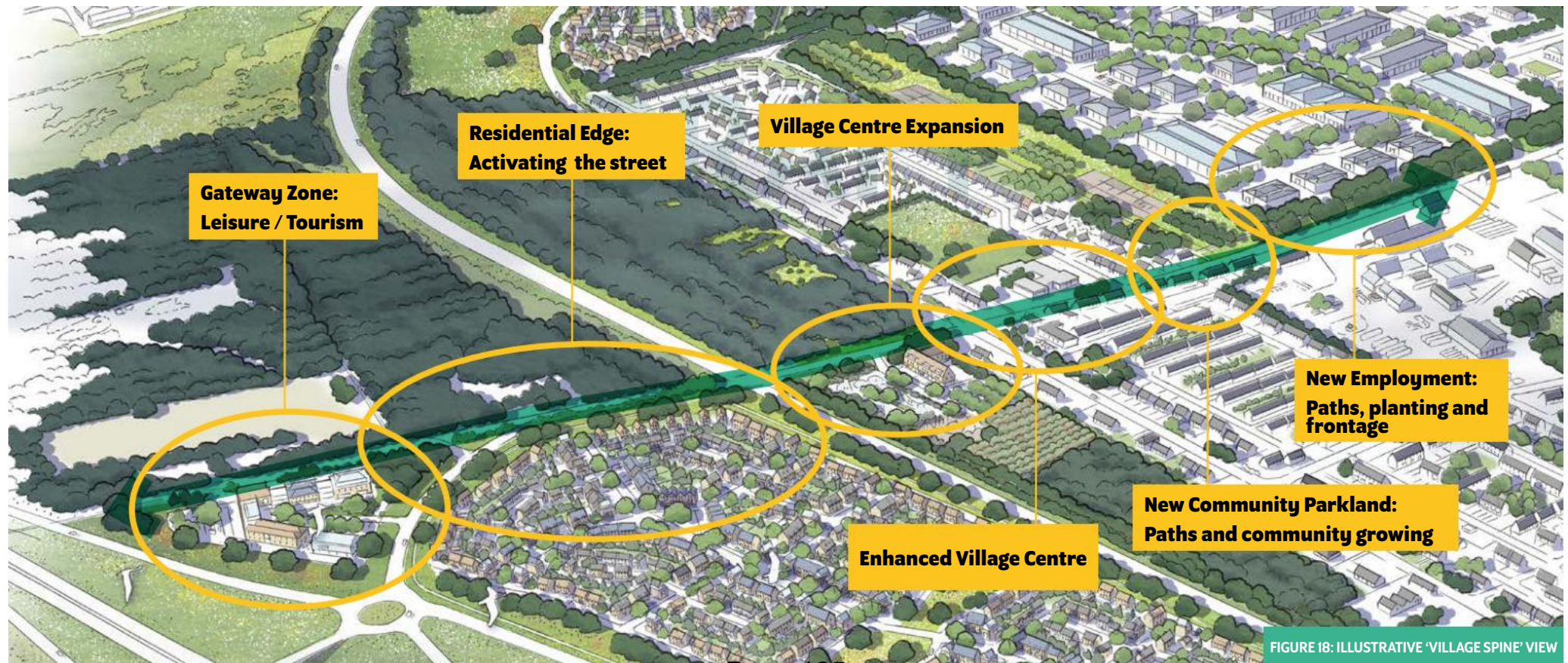


FIGURE 18: ILLUSTRATIVE 'VILLAGE SPINE' VIEW

### The Western Gateway

Proposed development, open space and landscaping at the western point of arrival provides a significant opportunity to establish a high-quality gateway that celebrates the village as a great place to live and work.

New development will be carefully integrated with the existing village and will use the proposed 'new spine road' as a buffer between employment and residential uses. In terms of landscaping, native trees (Scots pine) and beech hedges will be used.



FIGURE 19: ILLUSTRATIVE 'WESTERN GATEWAY' VIEW

### The Eastern Gateway

New development should positively address the Coul Brae roundabout while providing an attractive landscape setting with native tree and hedge planting. The exact positioning of new development will be subject to technical assessments such as noise and air quality, but the principle is for high-quality new homes and development to be visible from the roundabout but supported by an attractive landscape framework.

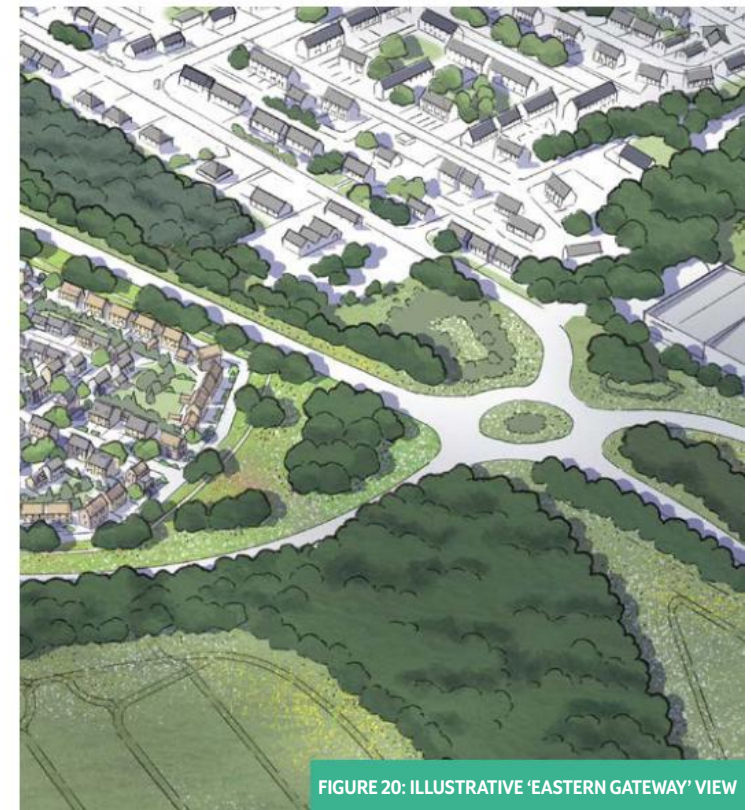


FIGURE 20: ILLUSTRATIVE 'EASTERN GATEWAY' VIEW

## The Southern Expansion

The expansion of the village south and beyond the existing A96 provides the opportunity to deliver a range of new homes, green infrastructure, path networks and create a significant new southern point of arrival to the village.

New housing at this scale, around 300 homes and delivered in phases over the next 15 years, could support an expansion to the village centre, improvement to services and the expansion of community infrastructure.

A substantial proportion of the housing would likely be open market / private housing which could play an important role in relieving the pressure on the existing housing stock.



FIGURE 21: ILLUSTRATIVE 'SOUTHERN EXPANSION' VIEW

## Net Zero Carbon Place

Over the next 20+ years Mosstodloch has a significant opportunity to embrace growth in a highly sustainable way and evolving into a genuine net zero carbon place.

This ambition and way in which Mosstodloch approaches growth and development going forwards can form the framework to proposals and decision making and could include:

- renewable energy production and storage
- heat networks
- highly energy efficient new homes and potential retrofitting of existing homes
- improved / expanded active travel networks
- improved / expanded village centre and community infrastructure
- mobility hub - EV charging, hydrogen refuelling, last mile deliveries etc.



FIGURE 22: ILLUSTRATIVE 'EMPLOYMENT / RENEWABLE ENERGY' VIEW





FIGURE 23: ILLUSTRATIVE VILLAGE VIEW



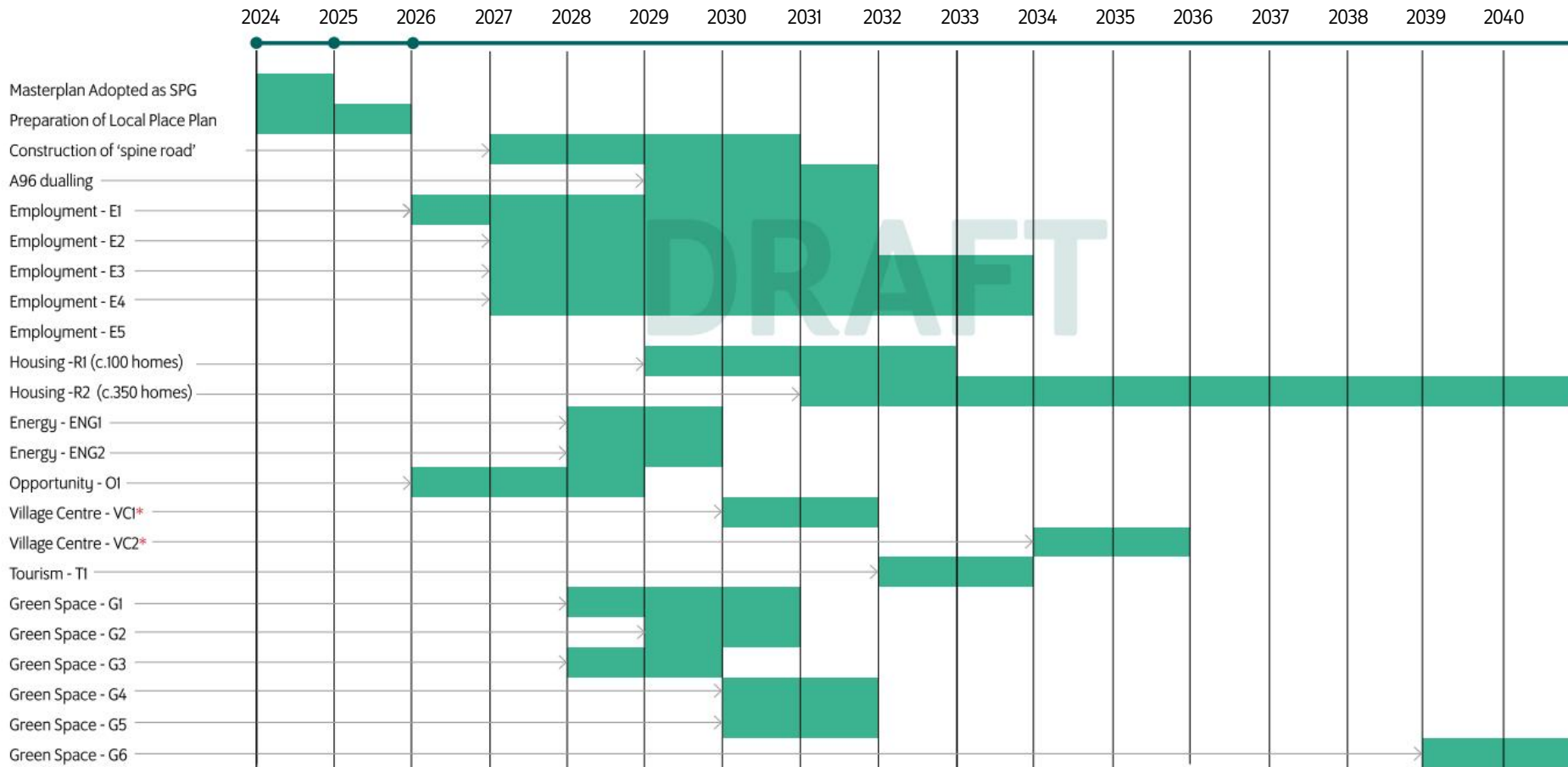
**06**

# Action Plan & Timeline

# 06 Timeline and Action Plan

## Timeline

The timeline below is indicative and relies upon partnership working between landowners, Moray Council and the community, among others, and estimates the delivery period of each component.



\* the majority of the land is privately owned and timescales could change as proposals have not been formed or developed

FIGURE 24: TIMELINE

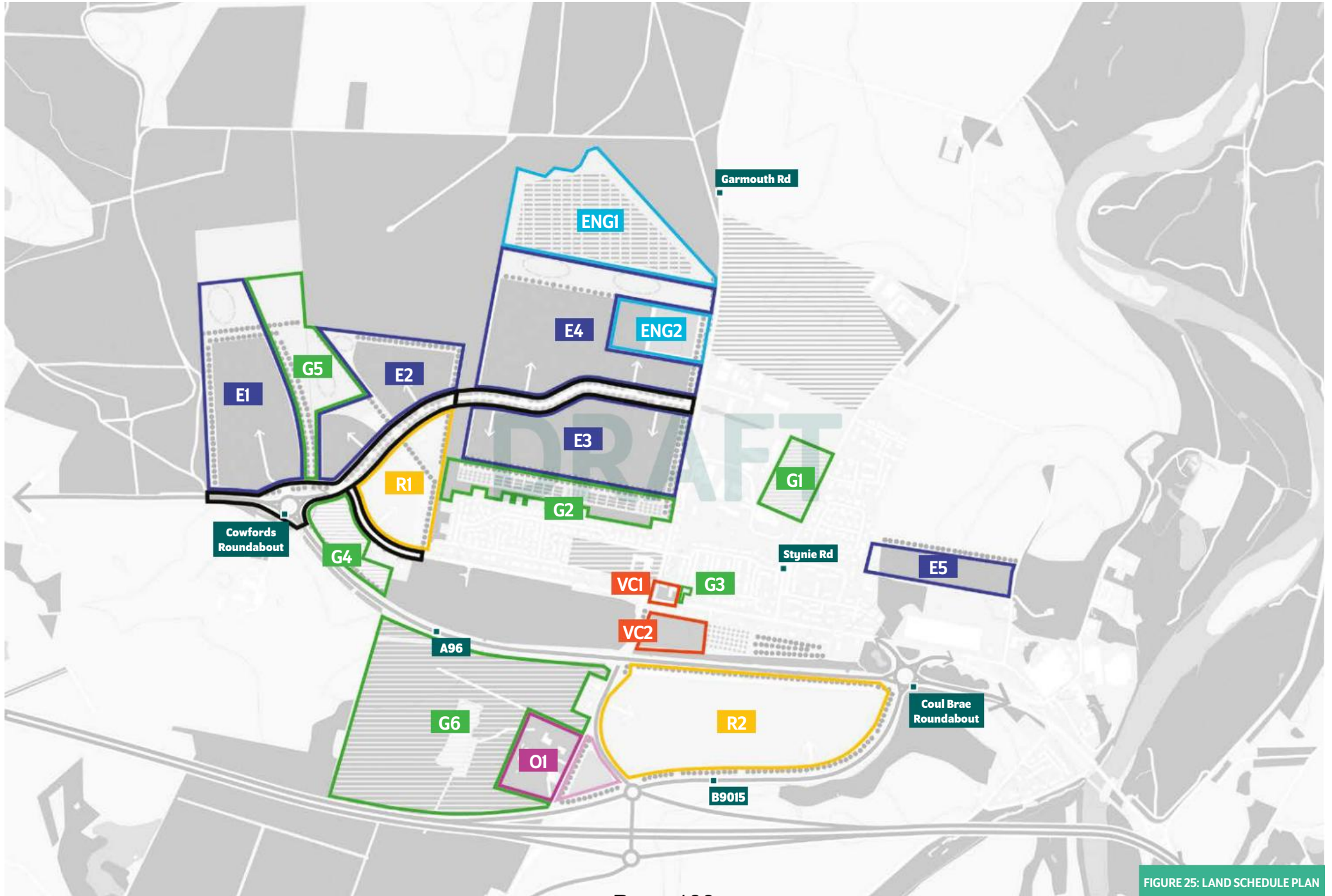


FIGURE 25: LAND SCHEDULE PLAN

## Action Plan

The two overarching documents that will guide development and placemaking in Mosstodloch over the next 20 years + will be the Masterplan and Local Place Plan. Each is expected to form part of the LDP and will be material planning considerations and will use the identified Six Themes:

- The new (estate) road - completing the principles of taking traffic away from the village centre
- Strengthen the village centre / heart / space
- Development to the south, thinking carefully on how it links and relates to the village
- Support and expand upon the series of paths around the village
- Test ways of making Mosstodloch a net zero carbon place
- Recycling the investment and land value that might be generated through continued and planning development, back into the village

## Masterplan

Potential adoption of the Masterplan as Supplementary Guidance (SG) in early to mid 2023.

The masterplan will guide land use within Mosstodloch primarily dealing with physical development such as housing and employment uses.

It seeks to tie in short, medium and long term development to delivering a range of placemaking components which will be actively driven by the community through the Local Place Plan.

### Key Features / Interventions

- New spine road connecting Cowfords Roundabout to Garmouth Road (B9015) serving employment land and timber yard
- School potentially developed on existing site
- Potential Combined Heat and Power plant
- Potential Hydrogen Hub (production and distribution)
- Potential alternative land uses such as renewable energy and leisure / recreation

## Local Place Plan

The LPP will be driven by the community / Community Steering Group and will focus on the deliver of placemaking objectives.

### Key Features / Interventions

- New gateway / green arrival
- Enhancements to existing village centre
- Potential to stop up Garmouth Road to vehicles
- Opportunities to enhance the street furniture and the recreational facilities within Speymouth Park' and wider settlement
- Improvements to existing pocket park / green space
- New linear park with community growing and orchards
- New biodiversity park with ecological enhancements
- Extended path network
- Pedestrian / cycle crossing
- Active travel (cycle lane) extended through Mosstodloch and connecting to Fochabers
- Potential pedestrian / cycle connection under dualled A96
- Reduced traffic on current A96 provides opportunity for active travel and positive activation by development

## Next Steps

The intention is for this master planning document to be approved as Supplementary Guidance (SG) by Moray Council.

It is likely that the existing allocation will be reaffirmed through this process and the new sites formally identified in future local plans. The SG is useful because it creates a level of certainty that allows aspects (such as the proposed new road) to move forward. These elements will take significant time to plan, design and secure funding. The masterplan should be seen as the 'product' of this engagement-led process; a process that will continue.

In this regard Crown Estate Scotland has agreed to provide some limited support to the ongoing task of preparing a Local Place Plan. A small group of local people has been formed on a purely voluntary basis and the local community council has also been kept informed. The potential exists for this group to consider and develop some of the more site specific ideas identified in the Action Plan section and produce an evolved document that could formally be adopted in time as a Local Place Plan.

Further to this, future site specific proposal will be subject to a planning application process and detailed design to demonstrate technical deliverability and placemaking. A review of the design and place quality of all planning applications will be completed through the Council's Quality Audit process when applications are submitted.

# Appendix 01



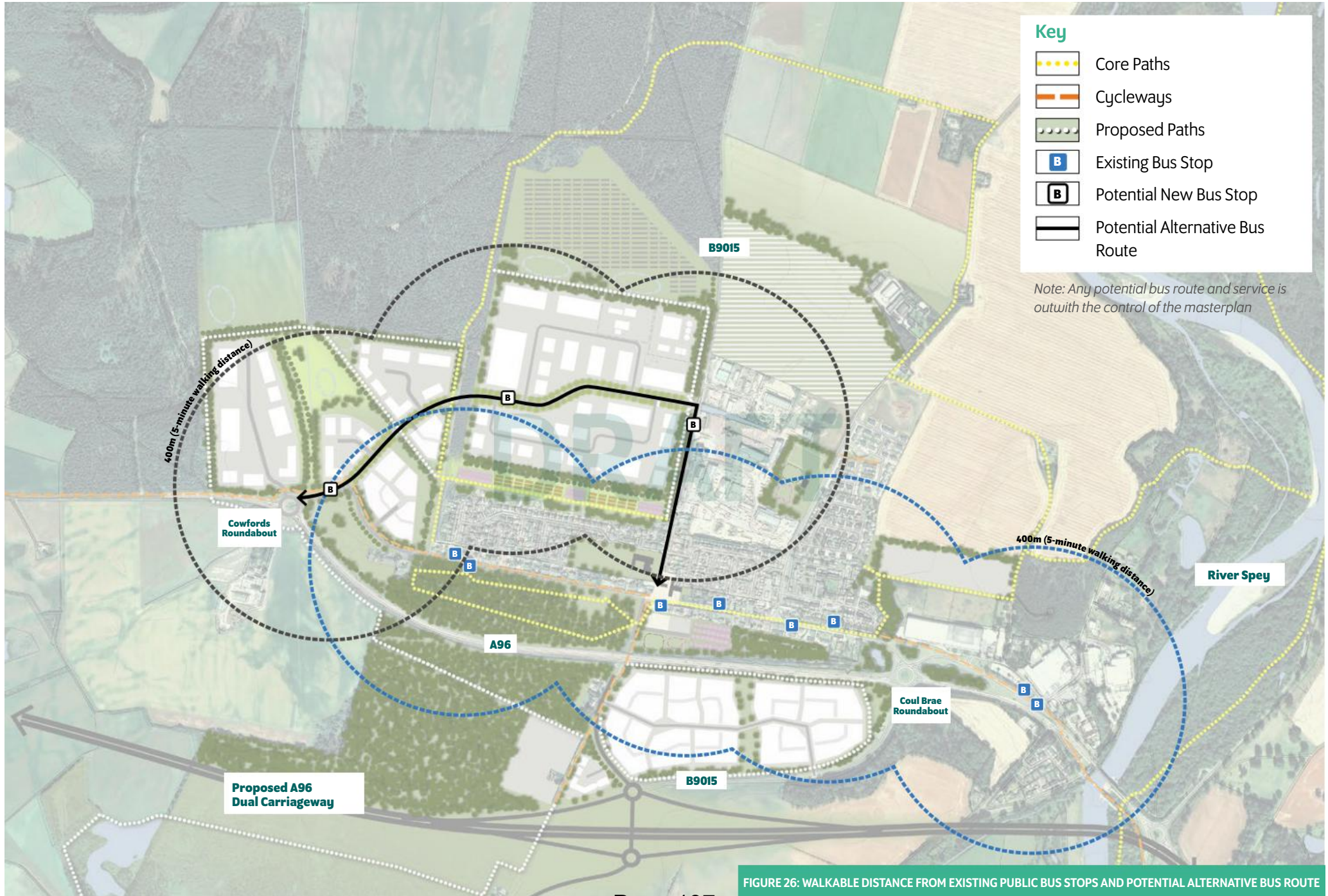


FIGURE 26: WALKABLE DISTANCE FROM EXISTING PUBLIC BUS STOPS AND POTENTIAL ALTERNATIVE BUS ROUTE





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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 13 JUNE 2024**

**SUBJECT: INFORMATION REPORT: LEARNING ESTATE STRATEGY – PROGRAMME DELIVERY UPDATE**

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

**1. REASON FOR REPORT**

- 1.1 To inform the Committee of changes to the methodology to determine school capacity which is likely to have an impact on the level of developer obligations sought for education infrastructure.
- 1.2 This report is submitted to Committee in terms of Section III (E) of the Council's Scheme of Administration relating to functions of the Council under Section 127 Town and Country Planning (Scotland) Act 1997.

**2. BACKGROUND**

- 2.1 A report on the Learning Estate Strategy – Programme Delivery Update was approved by the Education, Children's and Leisure Services (ECLS) committee on 14 May 2024. This set out that a change in methodology to determine primary and secondary school capacity is being implemented by the Council. This is to ensure that the Council's methodology is better aligned with the Scottish Government's 2014 Determining Primary School Capacity guidance and to provide a more accurate indicator of current and future school capacities for planning. The report and appendices are set out in **Appendix 1**.
- 2.2 Whilst the principle of seeking developer obligations for education infrastructure is not altered by revising the methodology to calculate capacities in accord with the Scottish Government's 2014 guidance, the impact is that this will likely result in a differential between the new and previous planning capacities (previously referred to as physical capacity). In the majority of cases the planning capacity is lower than the physical capacity which means there is less capacity available in schools to accommodate pupils arising from new developments, which may impact on the level of developer obligations sought. In some cases, this may result in a higher level of developer obligations being sought to address the impact of the proposed development on education infrastructure.

### 3. **SUMMARY OF IMPLICATIONS**

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

Developer obligations will assist in delivering the infrastructure necessary to support the Council's priorities, such as developing a sustainable economy, creating ambitious and confident young people and safer communities.

**(b) Policy and Legal**

The Scottish Government National Planning Framework 4 (NPF4) and the Moray Local Development Plan 2020 (LDP) form the statutory Development Plan for Moray. Both have policies on an infrastructure first approach and developer obligations. Moray Council's Supplementary Guidance on Developer Obligations (SG) forms part of the statutory Development Plan.

The principle of seeking developer obligations for education infrastructure is not altered by revising the methodology to calculate capacities in accord with the Scottish Government's 2014 guidance. The impact is that this will likely result in a differential between the new and previous planning capacities (previously referred to as physical capacity). In the majority of cases the planning capacity is lower than the previous planning capacity which means there is less capacity available in schools to accommodate pupils arising from new developments, and this may impact on the level of developer obligations sought.

**(c) Financial implications**

The Council may need to provide for any adverse impact on existing infrastructure and facilities from new development should developer obligations not cover the costs following viability appraisals or any successful legal challenges on developer obligations/viability.

**(d) Risk Implications**

There is the potential for increased viability challenges and/or appeals on viability where the level of developer obligations rises. As set out in the Developer Obligations SG and on the Council's website, developers are encouraged to contact the Strategic Planning and Development team as early as possible in the development process to ascertain the likely level of developer obligations that will be sought in order that this can be accounted for within development appraisals and reflected in the purchase price of land.

Where an appeal is granted in the developers favour there is a reputational risk to the Council.

**(e) Staffing Implications**

Work on developer obligations is carried out by the Strategic Planning and Development Team, supported by officers in Education,

Transportation, Housing, Legal, Finance, and NHS Grampian. Challenges from developers result in significant staff time to enable the Council to defend their position.

**(f) Property**

The property implications arising from the ECLS report on 14 May 2024 are addressed in **Appendix 1**.

**(g) Equalities/Socio Economic Impact**

The equalities/socio economic impacts arising from the ELCS report on 14 May 2024 are addressed in **Appendix 1**.

**(h) Climate Change and Biodiversity Impacts**

All aspects of the Learning Estate programme will be aligned with current and future Council policy on climate change and biodiversity.

**(i) Consultations**

The Depute Chief Executive (Economy, Environment and Finance), the Acting Head of Economic Growth and Development, Strategic Planning & Development Manager, the Head of Education, the Legal Services Manager, the Chief Financial Officer, Committee Services and the Equal Opportunities Officer have been consulted and the comments received have been incorporated into the report.

**4. CONCLUSION**

**4.1 The Committee is asked to note the changes to the methodology in calculating school capacity and the potential impact this may have on the level of developer obligations sought for education infrastructure.**

Author of Report: Eily Webster, Principal Planning Officer, Strategic Planning and Development

Background Papers:

Ref:





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**REPORT TO: EDUCATION, CHILDREN'S AND LEISURE SERVICES  
COMMITTEE ON 14 MAY 2024**

**SUBJECT: LEARNING ESTATE STRATEGY - PROGRAMME DELIVERY  
UPDATE**

**BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND  
ORGANISATIONS DEVELOPMENT)**

**1. REASON FOR REPORT**

- 1.1 To provide the Committee with an annual update on the status of the Learning Estate Strategy Delivery Programme.
- 1.2 This report is submitted to the Council in terms of Section III (D) (1) of the Council's Scheme of Administration relating to all the functions of the Council as an Education Authority.

**2. RECOMMENDATION**

**2.1 It is recommended that Committee:**

- (i) notes the annual update on the status of the Moray Learning Estate Delivery Programme;**
- (ii) notes the planned Capital budget investment to deliver the Programme;**
- (iii) approves the requirement for additional workforce resources to deliver the programme; and**
- (iv) agrees to recommend to the Corporate Committee approval of the allocation of funding from the transformation reserve to meet the costs of posts that require revenue budget for up to 3 years.**

**3. BACKGROUND**

- 3.1 'The Learning Estate Strategy 2022 to 2032' was approved by Moray Council on 28 September 2022 (para 15 minute refers). The Strategy took account of the themes within the previous 'Developing a Strategic Approach to the Learning Estate', and of current and developing priorities, including the Climate Change targets, and set out how the new Learning Estate Team would manage investment in our Learning Estate over the next 10 years to deliver the strategic vision for a Learning Estate "that is flexible and

inspirational that supports excellence and equity for all in Moray, building a better future for our children and young people, provision of life-long learning opportunities and provides the foundations for a growing and diverse sustainable economy’.

3.2 To meet these principles and determine the investment strategies in line with the Council’s 10 year capital plan the following factors are considered:

- Sufficiency - School Estate and Capacity Need
- Quality - School Condition and Suitability
- Efficiency and Sustainability – Energy, Net Zero Carbon and Repair and Maintenance
- Affordability

The location, as well as the design of facilities, contributes to energy reduction and achieving net zero, and local living; where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, cycling, wheeling or sustainable transport modes. This reflects the policies within the Scottish Government’s National Planning Framework 4 (NPF4) which aim to create sustainable communities where services are located within a walkable catchment which promotes healthier lifestyles and reduces the need for people to drive.

#### 4. **STATUS**

##### **Current Learning Estate Assessment**

4.1 Currently the Moray Learning Estate consists of:

- 8 Secondary Schools
- 46 Primary Schools (1 currently mothballed)
- 63 Early Learning Centres – 24 are local authority managed (23 are in within Council settings with the exception of Lady Cathcart) and 39 partner provided (13 of these are tenants within school grounds or community buildings - with the exception of VIP)

##### **Determining School Capacity - Primary Schools**

4.2 An Information Report on Primary and Secondary School Capacity, Occupancy and General Purpose Spaces for 2023/24 was submitted to the Education, Children’s and Leisure Services (ECLS) Committee on 20 February 2024. It highlighted a change in methodology, to better align with Scottish Government’s 2014 [Determining Primary School Capacity](#) guidance and provide a more accurate indicator of current and future school capacities for planning.

4.3 Working Capacity is now used to determine annual school staffing resource need, the planning the methodology change does not impact this process. The Planning Capacity is the trigger for Developer Obligations currently where an intervention is required i.e. placement restrictions, rezoning, refurbishment, extension or new build then the threshold at which money will start to be taken from developments is currently 80% as set out within the Developer Obligations Supplementary Guidance 2020.



### **Determining School Capacity - Secondary Schools**

- 4.4 The determination of Secondary School capacities follows a formula developed across a number of Scottish local authorities and is based on space standards, use of specific rooms and maximum class sizes.
- 4.5 The calculation is more complex as: the number of pupils in each year group changes each year; pupils make different subject choices each year; and, each subject area requires different and specific space (eg science v social subjects). Furthermore, it is impossible to have every classroom in a secondary school occupied 100% of the time – and to do so would severely restrict the curriculum.
- 4.6 The formula used to determine the number of usable spaces in a secondary school is dated and does not fully reflect the current curriculum. The Learning Estate team is currently reviewing the formula, in collaboration with our Northern Alliance partners, and wider Association of Directors of Education Scotland, to better inform our secondary school capacity calculation in the future. In addition, in order to better inform the Elgin High School extension project we have conducted analysis of the current timetabling and teaching space utilisation to determine future design improvements, effective space utilisation and better 'ways of working'. The same methodology will be adopted for future secondary school new builds and refurbishments.

### **Determining School Capacity – Additional Support Needs**

- 4.7 Additional Support Needs (ASN) provision is provided within mainstream schools. Capacity for ASN provision is not currently detailed within Moray schools capacity reporting. There is no national guidance on how to calculate this; however, there are Scottish Negotiating Committee for Teachers (SNCT) recommendations on the number of children and young people in a class outlined in Annex 2.9 of the SNCT Handbook and is dependent on specific needs. The Learning Estate team are working with the ASN Team to determine the actual capacities of each school and to formalise assumptions and/or develop a formula for forecasting future requirements that could influence future school working capacities.
- 4.8 The Programme is cognisant that there has been a recent increase in numbers of children and young people that require some level of ASN support and this increase is anticipated to continue in the future. This need is already evidenced at Elgin High School, where the re-purposing of mainstream space to support ASN reduced the overall mainstream capacity of the school and necessitated a requirement for temporary modular accommodation and accelerated the need for a permanent capacity extension at the school.
- 4.9 The Learning Estate asset management and capital investment planning remain cognisant of the developing infrastructure requirements for ASN education support and are working with both Education and Property colleagues to determine these requirements that will align with the maturing Moray ASN Strategy.

### **School Roll Forecasts**

- 4.10 The December 2023 School Census reports the planning capacity for the primary school estate is now 9913. There are 6677 primary children (in 2021 this was 6889) and therefore, in theory, 3236 surplus places. This gives an

average occupancy of 67.4% (68% in 2021). The primary school roll is forecast to further decrease to 6591 by 2031. This is not consistent across the 8 Associated School Groups (ASG) with some areas forecasting an increase in primary school children, by nearly 14% (Elgin HS ASG) and others have a declining primary school roll of 10% (Lossiemouth ASG), over the next 6 years. Other factors will impact on the overall surplus that can be incorporated into future operational planning including increasing ASN space provision and utilisation.

- 4.11 The same Census reports the planning capacity for the secondary school estate is now 6724. There are currently 5458 young people in secondary schools (5328 in 2021) and therefore in theory there are 1266 surplus spaces (1400 in 2021). This gives an average occupancy of 81.2% (79% in 2021). Again, there are differences across the 8 ASGs from a forecast increase of over 11% (Elgin HS) to small decreases of between 4% (Elgin Academy) and less than 2% (Lossiemouth HS, Milnes HS, and Speyside HS) over the next 6 years.
- 4.12 It is inevitable that there will be variations in capacity across the Learning Estate. However, pupil intake from catchment areas, placing requests (from out of catchment), proposals for new housing and local birth rates all have an impact, and this varies between the 8 ASGs in Moray. The Learning Estate team continue to review and analyse the school roll forecast every 6 months to identify any areas of concern – in terms of both increasing and decreasing future demands. This information will inform the development of any necessary future intervention actions for consideration by Committee.
- 4.13 Birth rates have declined (11%) over the last 4 years from a high of 825 registered births in 2018 to 736 in 2023.
- 4.14 The building output rate across Moray did decline during and after the COVID pandemic. Although the future forecast appears to show a recovery to pre-pandemic levels it is uncertain given a number of factors that will influence it including: the cost of construction; availability of skilled labour, both locally and nationally; and the increases and current uncertainty with residential mortgage rates and therefore housing demand.
- 4.15 The Learning Estate team, working with Planning (and local developers), will continue to regularly review the build out rate across a number of major housing developments in Elgin, Buckie and Forres and undertake sensitivity analysis and scenario planning to ascertain any changes and impacts on school rolls.
- 4.16 There are currently 9 primary schools in Moray operating with capacities below 50% planning capacity and forecasts indicate this number will rise to 11 schools over the next 5 years with a further 2 schools just above 50% (29% of all primary schools).
- 4.17 A key factor in managing current and future school roll capacity is out of catchment placing requests.
- 4.18 In Moray, 30% of primary school and 10% of secondary school pupils attend a school outwith of their catchment area. At the individual school level, 12

primary schools have between 30-50% of pupils from out of catchment and 4 schools have over 50% with one of these school operating with 74% of children from out of catchment. Detail on out of catchment numbers is set out on a school-by-school basis is at **Appendix 1**.

### **Building Condition**

- 4.19 Building condition is concerned with the current state of the fabric of the school and with safety and security. Condition has a direct impact on what goes on in the school. Schools in good condition – irrespective of age or design – signal to all users (pupils, teachers, staff and community) that learning is a values activity, that the learning environment is a priority and often gives that all important ‘feel good’ factor.
- 4.20 The Property Asset Management team is currently engaged in completing Core Condition surveys for all schools. The surveys commenced in early 2022 and are planned to complete by February 2025. They are undertaken in line with the [Scottish Government Condition Core Fact](#) assessment methodology which considers a range of components and elements from the structural frame, mechanical and electrical equipment, through to the décor. Each component is consider separately and an overall rating is determined that range from:

A: Good	Performing well and operating efficiently
B: Satisfactory	Performing adequately but showing minor deterioration
C: Poor	Showing major defects and/or not operating adequately
D: Bad	Economic life expired and/or risk failure

A summary of overall Condition ratings for schools in Moray is set out in the table below.

No of Schools	A Condition	B Condition	C Condition	D Condition
53*	5	16	30	2

\* 11 school surveys that that are 9 years or older

- 4.21 A more detailed breakdown of the current school conditions is set out in **Appendix 2**.
- 4.22 The Condition rating is a key factor in determining and directing forward improvement works planning and informing prudent and timely decisions on ongoing maintenance to enable delivery and sustainment of the quality and asset value of school buildings over the long term. For the past 10 years, the council has followed a “make do and mend” approach. However, over the last 12 months there has been a commitment for capital funding for school condition improvement. In order to address improvement across the whole Learning Estate this has been at the determined minimum level of annual investment (index linked) that is required for at least the next 15 years. Spend will be focused on the areas of highest need (with major fabric and component renewal focus together with health and safety and other statutory building requirements a priority) taking account of the sustainability of investment, complimenting any investment within the capital programme and general maintenance costs.

### **Building Suitability**

- 4.23 Suitability assesses the usability of the school building and how the internal space and layout of the building helps support learning and teaching.
- 4.24 The assessment of Suitability covers a wide range of aspects in relation to learning and teaching, community use and health promotion. It takes into account the following physical issues:
- Internal environment (temperature, ventilation, lighting, finish, cleanliness etc.);
  - The size, flexibility, accessibility and number of different types of accommodation;
  - Location of spaces; and
  - Fittings and fixed furniture.
- 4.25 Suitability assessment are undertaken in line with the [Scottish Government Suitability Core Facts](#) guidance that assesses each school against an A to D category, with:

- A: Performing well and operating efficiently;  
B: Performing well but with minor problems;  
C: Showing major problems and/or not operating optimally; and  
D: Does not support the delivery of services to children and communities

A summary of Moray schools is set out in the table below.

No of Schools	A Suitability	B Suitability	C Suitability	D Suitability
53*	39	14	0	0

\* Majority of current assessments completed in 2019/20 so due reassessment over next 2 years.

- 4.26 There has been an improvement in the suitability over the last few years as there has been a focus of capital investment around the accessibility and the safety and security aspect of schools. Investment in further improvement and maintenance is a key focus for the future delivery programme.
- 4.27 A more detailed breakdown of the current school suitability assessments is set out in **Appendix 3**.

### **Affordability**

- 4.28 A report to Moray Council on 24 January 2024 on the 2024-25 Capital Plan (para 11 of minute refers) noted a £40m capital budget requirement for financial year 24/25 and an overall 10 year capital investment in the Learning Estate of £383m to deliver new build projects, BB Condition/Suitability upgrade and refurbishment and repair and maintenance projects. Further significant capital investment in the BB Condition/Suitability upgrade projects would be required for a further 5 years (out to 2039). A breakdown of these capital costs is at **Appendix 4**.
- 4.29 The report stated that the prime cost driver for the Capital Plan is asset management and so the focus for reviewing the 10 year plan was asset management based. The potential areas of focus were identified as:

- Reduce the asset base
- Reduce the asset standard
- Lengthen the period over which capital is spent (effectively increasing the asset life)

4.30 In applying that focus to the Learning Estate the asset standard (condition and suitability) for schools is mandated as a B (satisfactory) minimum. In addition, if there is a reduction in planned upgrade works there is a risk the assets will continue to deteriorate and the risk likelihood of building failure will increase. The realistic options for the Learning Estate is therefore to reduce assets or lengthen programmes of work. The BB upgrade programme plan has now been extended from 10 to 15 years.

4.31 The 24 January 2024 Council report concluded the need to cap capital expenditure to contain the cost of borrowing within the agreed limit of affordability. A report on how the cap might operate will be brought to a future meeting of the Council. However, as the most significant element of the indicative 10 year plan is the Learning Estate the cap is likely to be brought most heavily to bear on planned investment in the Learning Estate and that without significant levels of Scottish Government funding the Council is unlikely to be able to achieve its aspirations.

#### **Status - Conclusion**

4.32 The overall status of the Moray Learning Estate is one of that reflects change and decline. Recent year-on-year falls in birth rates and minimal population growth leads to a forecast future reduction in a significant number of primary school rolls and under-utilisation of buildings. In a small number of schools there is a risk of short and longer term capacity issues that need to be fully assessed and mitigated. Capacity planning across Moray is further exacerbated by the significant number (17%) of primary school pupils on the school roll of out of catchment schools at parental request. A majority of these same schools are currently operating below the minimum condition standard required and need significant financial investment to upgrade and maintain, through informed and planned preventative asset management, and, in some cases, replacement of buildings and equipment, in order to avoid serious building failure and compromise education continuity. There is a requirement to review and rationalise the current learning estate, seeking options to ensure greater utilisation of school buildings and prioritise investment to achieve maximum and timely benefit and ensure that the future learning estate is affordable and sustainable - including meeting net zero commitments.

4.33 To be successfully accepted, any proposed future changes to deliver the future learning estate will require ongoing engagement and statutory consultation with stakeholders.

## **5. STRATEGY DELIVERY PROGRAMME**

### **Strategy Update/Assessment**

5.1 The requirement for the establishment of a Learning Estate Delivery Programme was in response to the approval of the 'Developing a Strategic

Approach to the Learning Estate’ by Council on 16 December 2020 (para 5 of minute refers) and a number of key steps and actions detailed therein. A number of which have already been implemented or are address within in-progress projects or activities.

5.2 The adoption of a programme approach assigns accountability and responsibility to the delivery of the aims and objectives of the strategy and supports a robust governance framework to monitor progress against these and time and cost to ensure that at completion of the programme that Moray has a sustainable learning estate that is fit for purpose, sustainable and affordable.

5.3 The programme has a defined themes framework for a range of projects and supporting activities of work delivered individually and collectively to ensure an alignment of effort and to reduce the likelihood of duplication. The key programme themes are:

- New Build and Major Refurbishment
- Asset Management
- Net Zero Carbon Intervention
- Estate Rationalisation
- Engagement and Consultation
- Estate Transformation

### **Progress Updates**

#### **New Build and Major Refurbishment**

5.4 A major capital cost to the Learning Estate Programme over the next 10-15 years will be associated with new build or major refurbishment projects to meet the future primary and secondary capacity requirements or to replace and/or refurbish an entire school or component buildings as that asset has reached or is close to life expired.

5.5 A number of new build projects are in various stages of design and development and a number of other new build and/or significant refurbishment projects will need to be considered over the next 10 years. These are:

Capital Project	Planned/ <b>Earliest</b> Operational Date	Status
Elgin Academy Capacity Extension	Aug 2026	Detailed design phase
Future Forres Academy	Jan 2028	Design Brief/Site Selection
Future Buckie High School	<b>Aug 2029</b>	Design Brief
Findrassie PS	<b>Aug 2029</b>	Concept design (Paused)
Elgin South Primary Capacity Expansion (Glassgreen PS)	<b>Aug 2028</b>	Options appraisal

- 5.6 The current estimate of capital required to deliver these projects is £259m. The Elgin High School Capacity Extension and the Future Forres Academy projects will receive financial support from Scottish Government under the Learning Estate Investment Programme (LEIP). It is estimated this could contribute up to £50m of funding although it should be noted this would be provided via a Revenue Based Funding Model over the first 25 years of the operational life of the new buildings rather than an upfront capital contribution.

### **Asset Management**

- 5.7 As noted earlier in this report 32 out of the 53 schools in the Moray Learning Estate have been assessed as poor (C) or bad (D) Condition – an increase of 2 schools from previous years reporting. The Learning Estate Asset Management Group has been established to develop and manage a long-term condition and suitability upgrade programme of works that will take up to 15 years to deliver. It is also seeking to develop a long-term asset management plans for every school that will consider a planned preventative maintenance approach.
- 5.8 A priority list for condition upgrade works has been created based on an assumption of a £5m budget for financial year 2024/25 and year-on-year annual capital investment of £10m from financial year 2025/26 onwards and for at least the next 15 years. This investment will focus on building refurbishment and component replacement, together with any statutory requirement standards, and detailed works planning is in progress. It is estimated that the capital investment required to upgrade and maintain the school estate over the next 15 years could be as high as £190m.
- 5.9 Planned BB upgrade works for this year includes:

- Keith Grammar – Upgraded fire alarm system
- East End Primary School – Replacement Windows and External Doors and External Wall Insulation
- Milnes High School - Windows and lighting replacement and roof upgrade
- Speyside High School - Windows and door replacement
- Forres Academy - Toilet upgrades
- East End Primary School, Millbank Primary School, Seafield Primary School and Aberlour Primary School - Drainage improvements
- Bishopmill Primary School - sports hall floor replacement
- Greenwards Primary School – air quality/ventilation improvements
- Cullen Primary School B upgrade refurbishment (Phase 1 - design)
- Mortlach Primary School (Phase 1 – design)

Final costings for each of the projects and affordability this year is still be determined. Any surplus will be allocated to BB upgrade design works to support 2025/26 and 2026/27 works planning.

### **Net Zero Carbon**

- 5.10 The Learning Estate is acknowledged as a major contributor of carbon through inefficient energy buildings and use of fossil fuel heating sources. The programme is committed to meeting the Council targets for next zero through the adoption of a ‘fabric-first’ approach together with a phased replacement of

fossil fuel heating sources. The location of facilities also plays an important role in reducing or increasing carbon emissions.

- 5.11 In order to understand the 'fabric-first' requirements 5 primary schools (Cullen, Kinloss, Pilmuir, West End and Burghead) have been selected as building archetypes. This is a proof of concept cost benefit assessment of net zero invention opportunities. The technical approach adopted to do this is informed Enerphit retrofit analysis which has been successfully used by other local authorities in Scotland to benchmark their assets, including schools, for net zero carbon interventions.
- 5.12 Enerphit is a defined standard of thermal comfort, energy efficiency and climate protection that can be adopted and retrofitted to current infrastructure with specific reference to fabric, heating and ventilation refurbishment that would delivery net zero building performance. The analysis undertaken will provide a detailed assessment of the cost and performance value of various intervention strategies that can be evidenced to support future investment decisions.
- 5.13 No specific budget has been provided to support net zero intervention project; but it could add an additional £20m or more to the school condition upgrade programme. The challenge is to combine both upgrade design with net zero intervention strategies to achieve maximum benefit of capital investment e.g. upgrade/replacement roofing works is synchronised with roof insulation works. The Property Asset Management team is also exploring opportunities to bid into future funding schemes that support public sector building energy efficiency improvements.
- 5.14 Cullen Primary School is a pilot project to combine B condition upgrade and Enerphit retrofit building efficiency works. A detailed analysis report is expected in April to support detail design and planning in financial year 2024/25 and refurbishment works in financial year 2025/26. The project also bid for Scottish Government 2024/25 SALIX funding to support the energy efficiency elements of the upgrade. Although the Council's detailed application was not successful at this time the option was given to convert to a concept application. This has been done and the application has been successful. This means that funding has been reserved for the project however the funding is conditional on the submission of an updated detailed application and a full technical assessment of the revised application which will be submitted before the deadline of 19 May 2024-

#### **Estate Rationalisation and Engagement**

- 5.15 The Learning Estate rationalisation project seeks to determine what form a future sustainable and affordable learning estate will take. It takes account of the factors discussed earlier in this report such future school rolls, capacity and need, building utilisation, condition, suitability, efficiency and affordability. This determination of the future learning estate will be undertaken in collaboration with all stakeholders to support the development of options for recommendation to elected members for consideration and approval. This could see options to repurpose spare capacity in schools, rezoning to better utilise capacity across ASGs, mothballing of schools that are not able to deliver equitable education benefit and school mergers or any combination of those. School closures options cannot be ruled out but are a considered a



final option if all other options to deliver a sustainable and affordable school are not viable.

5.16 The Learning Estate team are currently engaged in an extensive stakeholder engagement exercise across the 8 ASG to support the collaborative development of future options. This takes the form of briefings, online surveys, drop-in community information sessions and stakeholder focus groups together with the sharing of all detailed data and information relevant to the learning estate. Forres ASG and Buckie ASG engagements are currently in progress and the details of future engagement activity dates is set out below.

Month	ASG							
	Forres A	Buckie HS	Elgin (HS and A)	Keith G	Speyside HS	Milnes HS	Lossiemouth HS	
Sep-23	Survey Prep							
Oct-23	Forres Community Engagement							
Nov-23								
Dec-23								
Holidays								
Jan-24	Analyse Survey	Survey Prep						
Feb-24	Forres Focus Group	Buckie Community Engagement						
Mar-24								
Holidays								
Apr-24		Analyse Survey	Survey Prep					
May-24		Buckie Focus Group	Elgin Community Engagement					
Jun-24								
Holidays								
Jul-24			Analyse Survey					
Aug-24								
Sep-24			Elgin Focus Group	Survey Prep				
Holidays					Keith Community Engagement			
Oct-24					Survey Prep			
Nov-24								
Holidays								
Dec-24					Analyse Survey	Speyside Community Engagement	Survey Prep	
Jan-25					Keith Focus Group	Milnes Community Engagement	Survey Prep	
Feb-25							Lossiemouth Community Engagement	
Mar-25						Analyse Survey		
Holidays					Speyside Focus Group			
Apr-25						Milnes Focus Group	Analyse Survey	
May-25							Lossiemouth Focus Group	
Jun-25								

5.17 Options and recommendations will be reported to Elected Members at various stages over the next 18 months for review and approval of next step options.

### Consultations

5.18 Some proposed future changes (e.g. rezoning, merging and closure) to the Learning Estate would require formal consultation in accordance with the Schools (Consultation)(Scotland) Act 2010. Although the Council will be responsible for approving the final recommendation for change the final decision with Scottish Government Ministers who need to be convinced of the education benefits of change.

5.19 Anticipated formal consultations expected take place over the next 12-18 months, dependent on resource available to support, are:

- Future of Crossroad Primary School
- Rezoning of Cluny Primary School and Millbank Primary School
- Future Forres Academy change of location

- 5.20 Any additional formal consultations will be dependent on proposed outcomes of the ongoing ASG engagements on estate rationalisation.

### **Estate Transformation**

- 5.21 With the current and expected future under-utilisation of some areas of the Learning Estate there is an onus on the programme to ensure the best use of the existing assets and to review opportunities for shared use and multi-tenancy models in the future that could provide revenue savings or income generation and offset the cost of ownership of the learning estate assets.
- 5.22 Due to resourcing constraints, this programme theme has not been progressed beyond initial meetings with other Council services and partner organisations. With proposed additional resource there would be a renewed focus and effort over the next 12 months in this area in order to inform any future new build and refurbishment activity so that it considers the creation of adaptable and flexible spaces within some schools together with delivery of shared access security models.
- 5.23 Initial engagement will target the other Council Services, Community Planning Partnership and Blue light services – some of whom have previously expressed some interest in shared use of school buildings.

### **Programme Progress Status**

- 5.24 The Learning Estate programme delivery themes are linked dependent on a detailed understanding of a number of key factors that will impact investment decisions and their priority. These factors are capacity, condition and suitability. It has already been noted that the Moray Learning Estate programme environment is one that reflects change and decline both of which need to be managed.
- 5.25 The current new build capital investments, the extension at Elgin High School and a new build Forres Academy, reflect interventions to address capacity need and failing building condition respectively. These major investments by the Council are financially supported by up to 50% of the construction costs as part of the Scottish Government's Learning Estate Investment Programme. This funding is outcome-based funding over 25 years and the Council will meet the full initial capital cost.
- 5.26 Future new build capital investments requirements include Future Buckie High School and potential new build primary schools in Elgin (Glassgreen and Findrassie), and these would also address capacity need and failing school building. However in light of affordability challenges the future design and options for delivery need to be fully justified and evidenced.
- 5.27 The poor condition of the majority of existing schools reflects the low investment in asset management over many years. The ongoing condition survey activity is providing detailed information to support the development of short, medium and long term asset management plans and these surveys will be complete in early 2025. A number of schools have been prioritised for condition upgrade work for 2024/25 and 2025/26 and further asset management plans will be developed over the next 12-24 months to facilitate

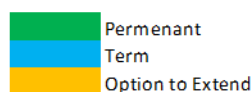
upgrade and maintenance planning over the next 5-10 years. However, progress in this area assumes the support provided by the appointment of a dedicated learning estate asset manager.

- 5.28 The cost of ownership of the current learning estate is significant. The in-progress ASG level engagement with all learning estate stakeholders is informing the estate rationalisation task and options development process and although some early options may be presented to councillors for consideration some will take longer to develop. As part of this, the promotion and adoption of shared use assets are an option to address under-utilisation of the estate. With support from other services and partner agencies opportunities for share used will be jointly investigated over the next 6 months.

## 6. PROGRAMME STAFF RESOURCING

- 6.1 The initial staffing plan for the Learning Estate team only considered the development of the strategy not the actual capacity to delivery it. The current team configuration is unable to deliver all aspects of the strategy as the programme develops for implementation of multiple projects. Without additional staff resource a number of programme activities will be delayed or deferred – with the risk of incurring ongoing Learning Estate costs elsewhere. The table below indicates the current team resource and proposed additional resource.

	FTE	2024	2025	2026	2027	2028	Funding	Responsibility
<b>Current</b>								
Learning Estate Programme Manager	1.0	Green	Green	Green	Green	Green	Revenue	LEIP3 Project Manager Forres Academy Schools B Upgrade Projects/ASN/ELC/PPP Schools Management Engagement and Consultation Community and Stakeholder Management Programme and Project Communications and Engagement
Senior Project Officer - New Projects	1.0	Green	Green	Green	Green	Green	Capital	
Senior Project Officer - Existing Schools	1.0	Green	Green	Green	Green	Green	Revenue	
Community Support Officer	0.6	Green	Green	Green	Green	Green	Revenue	
Communications and Engagement Officer	1.0	Green	Green	Green	Green	Green	Revenue	
<b>Total</b>	<b>4.6</b>							
<b>Future</b>								
Asset Manager	1.0	Blue	Blue	Blue	Yellow	Yellow	Capital	BB Upgrade and Maintenance Management and Planning
Project Manager - New Projects	1.0	Blue	Blue	Blue	Yellow	Yellow	Capital	Elgin HS Extension Project Manager/ELC Projects
Education Support Officer	0.5	Blue	Blue	Blue	Yellow	Yellow	Revenue	Statutory consultation education support
Design and Delivery Support (Education)	0.5	Blue	Blue	Blue	Yellow	Yellow	Capital	New build projects design support and operational readiness planning
Project Support Officer	0.5	Blue	Blue	Blue	Yellow	Yellow	Revenue	Programme and Project Admin
Community Support Officer	0.4	Green	Green	Green	Green	Green	Revenue	Engagement and Consultation Community and Stakeholder Management
<b>Revised Total</b>	<b>8.5</b>							



- 6.2 The Community Resource Officer (0.4xFTE) is already budgeted from within the Learning Estate staffing resource budget and recruitment is in progress. The Project Support Officer role will be fulfilled by the reallocation of current resources from the corporate Project Management Office which can be accommodated as a result of the conclusion of a number of projects. This

may require to be reviewed in future should there be an expansion of the corporate transformation work but would be considered at the appropriate time. These posts, together with the additional 0.5FTE Education Support Officer will facilitate the existing learning estate rationalisation projects – including future options appraisals and the associated statutory consultation processes associated with Crossroads future, possible rezoning within Buckie ASG and potential rezoning of Elgin HS primary school catchment.

It is proposed that the 0.5 ESO post is funded from the Transformation Reserve for a temporary period of up to 3 years.

## **7. SUMMARY OF IMPLICATIONS**

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

This report supports the LOIP outcomes of building a better future for children and young people in Moray and growing a diverse and sustainable economy. Together with the aims of the Corporate Plan to review and transform the learning environment.

### **(b) Policy and Legal**

The Schools (Consultation) (Scotland) Act 2010 sets out the legal requirements for consultation on relevant proposals that will result in major change to schools. Any engagement and consultation activity focussing on options within ASGs and for individual schools will follow the legal requirements as set out in this Act.

The principle of seeking developer obligations for education infrastructure is not altered by revising the methodology to calculate capacities in accord with the Scottish Government's 2014 guidance. The impact is that this will likely result in a differential between the planning capacity and the current physical capacity. In the majority of cases the planning capacity is lower than the physical capacity which means there is less capacity available in schools to accommodate pupils arising from new developments, and this may impact on the level of developer obligations sought.

### **(c) Financial implications**

#### **Capital**

The Council at its meeting on 24 January 2024 noted the need to cap capital expenditure to contain the cost of borrowing within the agreed limit of affordability. A report on how the cap might operate will be brought to a future meeting of the Council. However, as the most significant element of the indicative 10 year plan is the Learning Estate the cap is likely to be brought most heavily to bear on planned investment in the Learning Estate and the report on 24 January noted that without significant levels of Scottish Government funding the Council is unlikely to be able to achieve its aspirations for the Learning Estate.

#### **Revenue**

When the Council approved the budget for 2024/25 on 28 February 2024 (paragraph 7 of the Minute refers) it balanced only by using reserves.

The indicative 3 year budget shows a likely requirement to continue to make savings in the order of £13 million in the next two years. All financial decisions must be made in this context and only essential additional expenditure should be agreed in the course of the year. In making this determination the committee should consider whether the financial risk to the Council of incurring additional expenditure outweighs the risk to the Council of not incurring that expenditure, as set out in the risk section below and whether a decision on funding could reasonably be deferred until the budget for future years is approved.

As the budget has been balanced using reserves and reduced free general reserves to the policy minimum, this would use further earmarked reserves of approximately £40,000 in 2024/25 and increase savings required in 2025/26 if approved.

The proposed increase in Learning Estate staffing resource would cost a minimum £266,125. This is broken down into estimated capital cost (that can be accommodated within specific project budgets) of £198,208/year and an estimated minimum revenue cost of £67,917. A breakdown of these costs is set out in the table below. The table in Para 7.2 identifies permanent or temporary status for these expanded Learning Estate team roles.

Role	Grade	FTE	Annual Cost	Revenue/Capital
Asset Manager	11	1.0	£75,920	Capital
Project Manager	11	1.0	£75,920	Capital
Education Support Officer	ESO 3	0.5	£ 37,175	Revenue
Dep Head Teacher	Point 8 Scale	0.5	£46,368	Capital

The 0.4FTE community support officer is already funded through Learning Estate staffing budget although the post has not yet been established and the Project Support Officer is met from existing resources.

It is proposed that the funding for the Education Support Officer is taken from the Transformation Reserve, subject to approval from the Corporate Committee.

**(d) Risk Implications**

The following risks are already identified and should be noted:

- Project indicative costs take account of current market uncertainty and inflationary forecast. There is a risk of continuing market uncertainty through the life of the programme, with a consequential

impact on costs. With the programme duration extended to 15 years there is an increased risk of future market uncertainty.

- The affordability risk has been identified within the Finance implications.
- The programme anticipates and is planning for change. The majority of change within the Learning Estate will need to be undertaken in accordance with the 2010 Statutory Guidance. There is a risk of local stakeholder challenge, non-agreement to change by elected members and Scottish ministers overturning a Council recommendation. To mitigate this risk, consistent and persistent robust stakeholder communication and engagement is key to ensure all parties are aware and supportive of the benefits of change.
- Changes to current proposals for new schools, extensions or rezoning as a result of changing school roll forecasts may result in developer obligations having to be paid back to developers.
- Changes to current proposals may result in the inability to deliver on NPF4 policies in regard to local living, placemaking, health and well-being and the transition to net zero.

**(e) Staffing Implications**

Increased staffing proposals are set out in the body of the report.

**(f) Property**

The property implications are set out in the body of the report.

**(g) Equalities/Socio Economic Impact**

The quality of the learning environment can impact on learning and attainment by as much as 16%. The condition and suitability of our learning estate, and capacity challenges associated with both growth and population decline in some areas, give rise to unequal opportunity across Moray.

The Learning Estate Strategy requirement is that all school buildings meet minimum standards and are fit for purpose.

Any future change to the Learning Estate that would come under the 2010 Statutory Guidance will be required to have completed an Integrated Impact Assessment.

**(h) Climate Change and Biodiversity Impacts**

All aspects of the Learning Estate programme will be aligned with current and future Council policy on climate change and biodiversity.

**(i) Consultations**

Head of Governance, Strategy and Performance, Chief Financial Officer, Head of Education (Chief Education Officer), Head of Housing and Property, Head of Economic Growth and Development, Legal Services Manager, Equal Opportunities Officer and Caroline O'Connor,

Committee Services Officer have been consulted and the comments received have been incorporated into the report.

## 8. **CONCLUSION**

- 8.1 **The Committee is asked to note the current status of the Moray Learning Estate and the ongoing programme to deliver a sustainable and affordable school estate that meets the educational needs of the future. A significant capital investment spread over at least 15 years is required to support the programme and the detailed investment is qualified and quantified for review. Finally, to assist in the effective and efficient delivery of the projects within the strategic programme the Committee is asked to agree the request for additional staff resources for the Learning Estate Team.**

Authors of Report: Andy Hall, Programme Manager (Learning Estate)

Background Papers: Information Report to ECLS Committee on 20 February 2024: [Primary and Secondary School Capacity, Occupancy and General Purpose Spaces 2023/24](#)

Ref:





Appendix 1 - Primary School In-Out Catchment

2023/24 (Census 2023)		School Roll	In catchment		Outside catchment	
School	Catchment			%		%
Aberlour		105	79	75%	26	25%
Alves		77	24	31%	53	69%
Anderson's		259	77	30%	182	70%
Applegrove		278	99	36%	179	64%
Bishopmill		381	304	80%	77	20%
Botriphnie		18	16	89%	2	11%
Burghead		107	100	93%	7	7%
Cluny		318	253	80%	65	20%
Craigellachie		46	28	61%	18	39%
Cullen		102	90	88%	12	12%
Dallas		30	21	70%	9	30%
Dyke		72	47	65%	25	35%
East End		175	112	64%	63	36%
Findochty		58	54	93%	4	7%
Glenlivet		16	16	100%	0	0%
Greenwards		326	277	85%	49	15%
Hopeman		141	120	85%	21	15%
Hythehill		287	207	72%	80	28%
Keith		325	281	86%	44	14%
Kinloss		221	199	90%	22	10%
Knockando		44	30	68%	14	32%
Lhanbryde		156	144	92%	12	8%
Linkwood		295	170	58%	125	42%
Logie		42	11	26%	31	74%
Millbank		212	145	68%	67	32%
Milne's		196	151	77%	45	23%
Mortlach		125	120	96%	5	4%
Mosstodloch		179	150	84%	29	16%
Mosstowie		56	28	50%	28	50%

2023/24 (Census 2023)		In catchment		Outside catchment	
School	Catchment	Roll	%	Roll	%
New Elgin		364	54%	166	46%
Newmill		67	69%	21	31%
Pilmuir		124	87%	16	13%
Portessie		121	73%	33	27%
Portgordon		43	77%	10	23%
Portknockie		67	93%	5	7%
Roths		80	90%	8	10%
Rothiemay		55	75%	14	25%
Seafield		358	65%	126	35%
St Gerardine		300	53%	142	47%
Tomintoul		29	93%	2	7%
West End		185	64%	66	36%
St Peter's		102			
St Sylvester's		95			
St Thomas		38			
<b>Moray Roll</b>		<b>6675</b>			
Less RC pupils		235			
<b>Totals</b>		<b>6440</b>	<b>70%</b>	<b>1903</b>	<b>30%</b>

Appendix 2 - School Condition

Name	ASG	Report Date	Roofs 15%	Floors & Stairs 7%	Ceilings 1%	Ext. Walls, Windows & Doors 20%	Int. Walls & Doors 7%	Sanitary Services 5%	Mechanical 14%	Electrical 11%	Decoration 2%	Fixed Int. Facilities, Furniture & Fitting 5%	External Areas 10%	Outdoor Sports Facilities & Permanent 3%	Overall Score	Condition Category		
Buckie High School	Buckie	Oct-21	D	D	C	C	C	D	C	C	C	B	C	B	45.25	C		
Cluny Primary School	Buckie	Apr-22	C	C	B	C	C	B	B	A	C	B	D	B	60.00	C		
Cullen Primary School	Buckie	Jun-22	C	C	C	D	B	C	D	C	C	C	D	B	41.50	C		
Findochty Primary School	Buckie	Jul-22	C	C	B	C	B	B	C	B	C	B	C	C	57.25	C		
Millbank Primary School	Buckie	Jul-22	C	C	B	B	B	B	B	B	C	B	C	B	66.50	B		
Portessie Primary School	Buckie	Aug-22	C	C	B	C	C	B	C	B	C	B	C	B	56.25	C		
Portgordon Primary School	Buckie	Sep-22	C	C	C	C	C	B	D	C	C	B	C	NA	48.97	C		
Portknockie Primary School	Buckie	Oct-22	B	C	C	B	C	B	C	C	C	C	C	B	60.75	B		
St Peters Primary School	Buckie	Dec-22	C	B	C	C	C	B	D	C	C	B	B	NA	53.35	C		
Bishopmill Primary School	Elgin Ac	Aug-23	C	B	C	C	C	C	C	C	C	D	C	C	50.50	C		
East End Primary School	Elgin Ac	Apr-23	C	C	B	C	B	C	B	B	C	B	D	B	57.75	C		
Elgin Academy (PPP)	Elgin Ac	Apr-12	A	A	A	A	A	A	A	A	A	A	A	A	100.00	A		
Seafeld Primary School	Elgin Ac	May-23	B	B	B	B	C	B	A	A	B	B	C	B	77.00	B		
St Sylvesters Primary School	Elgin Ac	Jun-23	B	C	B	C	B	B	C	D	C	C	D	B	52.50	C		
West End Primary School	Elgin Ac	Jul-23	C	C	B	C	C	C	C	B	C	C	C	B	53.75	C		
Elgin High School (DBFM)	Elgin High	Aug-17	A	A	A	A	A	A	A	A	A	A	A	A	100.00	A		
Greenwards Primary School	Elgin High	Nov-22	C	B	B	B	B	B	C	B	C	B	C	C	64.00	B		
Linkwood Primary School	Elgin High	Jan-21	A	A	A	A	A	A	A	A	A	A	A	A	100.00	A		
Mosstownie Primary School	Elgin High	Apr-23	C	B	B	B	B	B	D	C	D	B	B	B	60.50	B		
New Elgin Primary School	Elgin High	Jan-23	C	B	C	C	B	B	B	B	C	C	C	B	61.75	B		
Andersons Primary School	Forres	Feb-22	B	B	B	B	B	C	B	B	B	B	B	B	73.75	B		
Applegrove Primary School	Forres	Feb-22	C	B	B	B	C	B	A	A	B	B	C	C	72.50	B		
Dyke Primary School	Forres	Oct-21	C	C	C	D	C	A	D	C	B	B	C	B	46.50	C		
Forres Academy	Forres	Oct-21	D	D	D	D	D	D	B	C	C	C	C	C	39.75	D		
Kinloss Primary School	Forres	Mar-22	C	C	B	B	B	C	C	C	C	C	B	D	56.50	C		
Logie Primary School	Forres	Oct-21	D	C	B	C	B	C	C	C	D	B	C	B	49.75	C		
Pilmuir Primary School	Forres	Mar-22	C	C	B	C	B	B	B	B	C	C	C	B	62.75	B		
Alves Primary School	Forres	May-22	D	D	C	D	C	B	C	C	C	C	B	D	39.50	D		
Dallas Primary School	Forres	May-22	C	C	B	B	B	B	B	C	C	B	C	B	63.75	B		
Botriphnie Primary School	Keith	Aug-23	C	C	B	C	B	B	C	C	C	B	C	NA	54.64	C		
Crossroads Primary School	Keith	Oct-22	D	C	C	D	C	C	C	C	C	C	C	NA	40.98	C		
Keith Grammar School	Keith	Jan-24	C	C	B	C	B	B	B	B	C	C	C	B	60.25	B		
Keith Primary School (PPP)	Keith	Jan-12	A	A	A	A	A	A	A	A	A	A	A	NA	100.00	A		
Newmill Primary School	Keith	Sep-23	B	B	C	B	B	B	C	C	C	C	C	B	64.25	B		
Rothiemay Primary School	Keith	Sep-23	C	B	B	C	C	B	C	C	C	C	C	B	54.00	C		
St Thomas Primary School	Keith	Jan-24	D	B	B	C	B	C	C	C	C	C	B	C	51.29	C		
Burghead Primary School & Public	Lossiemouth	May-23	C	C	B	C	C	C	C	C	C	C	B	NA	52.84	C		
Hopeman Primary School	Lossiemouth	Jan-14	B	B	B	B	B	B	C	A	B	B	B	B	74.25	B		
Hythehill Primary School	Lossiemouth	Jan-14	C	C	C	C	B	C	C	C	C	C	B	B	55.00	C		
Lossiemouth High School	Lossiemouth	Apr-22	A	A	A	A	A	A	A	A	A	A	A	A	100.00	A		
St Gerardines Primary School	Lossiemouth	Sep-13	B	A	B	B	B	B	A	A	B	B	C	B	80.50	B		
Lhanbryde Primary School	Milnes	Oct-13	B	B	B	B	B	B	C	D	B	B	B	B	66.00	B		
Milnes High School	Milnes	Dec-14	D	C	B	C	B	C	C	C	C	C	C	B	49.00	C		
Milnes Primary School	Milnes	May-14	C	C	B	C	B	B	C	D	C	B	B	B	55.00	C		
Mosstodloch Primary School	Milnes	Feb-23	C	C	B	D	C	D	C	C	C	C	B	B	47.25	C		
Aberlour Primary School	Speyside	Feb-24	B	B	B	B	B	B	C	B	C	B	B	B	71.00	B		
Craigellachie Primary School	Speyside	Mar-24	B	B	B	C	C	C	C	C	C	C	C	B	56.50	C		
Glenlivet Primary School	Speyside	May-13	C	B	B	C	B	B	D	D	B	B	B	NA	53.09	C		
Knockando Primary School	Speyside	Jun-13	D	B	C	D	B	B	B	D	C	B	B	B	51.25	C		
Mortlach Primary School	Speyside	Feb-24	D	C	B	B	C	C	C	C	C	B	C	NA	52.84	C		
Rothies Primary School	Speyside	Jun-13	B	B	B	B	B	B	C	C	B	B	B	B	68.75	B		
Speyside High School	Speyside	Sep-14	B	C	C	D	C	C	C	B	C	C	C	B	52.25	C		
Tomintoul Primary School & Public	Speyside	May-13	C	B	B	C	B	B	B	D	B	B	C	B	58.25	C		
			cat.	val.	Definition													
			A	1.00	Good - Performing well and operating efficiently													
			B	0.75	Satisfactory - Performing adequately but showing minor deterioration													
			C	0.50	Poor - showing major defects and/or not operating adequately													
			D	0.25	Bad - Life expired and/or serious risk of imminent failure													
			NA		Not Applicable													

Name	Last Survey	Due Date	Functionality	Accessibility	Environment	Safety & Security	Fixed F&F
			50%	15%	15%	10%	10%
Aberlour Primary School	12.03.20	12.03.25	A	A	B	A	B
Alves Primary School	20.10.20	20.10.25	A	A	B	A	B
Andersons Primary School	28.10.20	28.10.25	A	B	B	A	B
Applegrove Primary School	28.10.20	28.10.25	A	A	B	A	B
Bishopmill Primary School	04.03.24	04.03.29	B	B	B	B	B
Botriphnie Primary School	11.03.20	11.03.25	B	B	C	B	B
Buckie High School	24.01.23	24.01.28	A	B	B	A	B
Burghead Primary School	15.01.24	14.01.29	B	A	B	B	B
Cluny Primary School	01.03.20	01.03.25	A	B	B	A	B
Craigellachie Primary School	01.03.20	01.03.25	B	B	C	B	B
Crossroads Primary School*	01.03.20	01.03.25	B	B	C	B	B
Cullen Primary School	29.01.24	28.01.29	B	A	C	B	B
Dallas Primary School	29.10.20	29.10.25	A	B	B	A	B
Dyke Primary School	28.10.20	28.10.25	A	A	B	A	B
East End Primary School	01.10.20	01.10.25	A	A	B	A	B
Elgin Academy	01.04.18	01.04.23	A	A	A	A	A
Elgin High School	01.04.18	01.04.23	A	A	A	A	A
Findochty Primary School	01.03.20	01.03.25	A	A	B	A	B
Forres Academy	22.05.23	21.05.28	A	A	B	A	B
Glenlivet Primary School	01.03.20	01.03.25	A	B	B	A	B
Greenwards Primary School	01.10.20	01.10.25	A	A	B	A	B
Hopeman Primary School	01.10.20	01.10.25	A	A	B	A	B
Hythehill Primary School	01.10.20	01.10.25	A	A	A	A	A
Keith Grammar School	11.03.20	11.03.25	A	A	B	A	B
Keith Primary School (New)	01.10.20	01.10.25	A	A	A	A	A
Kinloss Primary School	24.01.24	23.01.29	B	B	B	B	B
Knockando Primary School	01.10.20	01.10.25	A	A	B	A	B
Lhanbryde Primary School	01.01.21	01.01.26	A	A	A	A	A
Linkwood	01.10.20	01.10.25	A	A	A	A	A
Logie Primary School	01.03.20	01.03.25	A	B	B	A	B
Lossiemouth High School	01.03.20	01.03.25	A	A	A	A	A
Millbank Primary School	24.01.23	24.01.28	A	A	A	A	A
Milnes High School	26.02.24	25.02.29	B	B	C	B	B
Milnes Primary School	01.03.20	01.03.25	A	A	B	A	B
Mortlach Primary School	20.03.24	20.03.29	B	B	C	B	B
Mosstodloch Primary School	01.10.20	01.10.25	A	A	B	A	B
Mosstowie Primary School	01.10.20	01.10.25	A	A	B	A	B
New Elgin Primary School	01.03.20	01.03.25	A	A	B	A	B
Newmill Primary School	01.10.20	01.10.25	A	A	B	A	A
Pilmuir Primary School	16.02.24	15.02.29	B	A	D	B	B
Portessie Primary School	01.03.20	01.03.25	A	B	B	A	B
Portgordon Primary School	01.03.20	01.03.25	B	B	A	A	B
Portknockie Primary School	01.03.20	01.03.25	A	A	B	A	B
Roths Primary School	12.03.20	12.03.25	A	A	A	A	A
Rothiemay Primary School	01.10.20	01.10.25	A	A	B	A	B
Seafeld Primary School	01.10.20	01.10.25	A	A	B	A	B
Speyside High School	12.03.20	12.03.25	A	A	B	B	A
St Gerardines Primary School	01.03.20	01.03.25	A	A	A	A	A
St Peters Primary School	01.10.20	01.10.25	B	B	B	A	B
St Sylvesters Primary School	01.03.20	01.03.25	A	A	C	A	B
St Thomas Primary School	01.03.20	01.03.25	A	A	B	A	B
Tomintoul Primary School & Public Library	01.10.20	01.10.25	A	A	B	A	B
West End Primary School	11.01.24	10.01.29	B	B	B	A	B

Appendix 4 - Learning Estate (Indicative) Capital Plan

Area	Capital Project	Project Details	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	Total
			£000s	£000s	£000s	£000s	£000s	£000s	£000s	£000s	£000s	£000	£000
Schools H&S	Legionella works - Schools		15	15	15	15	15	15	15	15	15	15	150
Schools - H&S	Schools -Fire, Safety and Security - Minor Works	Improvements to meet safety and security standards (incl. fire)	200	150	150	150	150	150	150	150	150	150	1,550
Schools Estate	Schools accessibility		40	40	40	40	40	40	40	40	40	40	400
School Estate	Learning Estate Strategy	Total of refurb/new builds - to be drawn down as strategy is developed	1,008	32,508	52,758	55,750	44,000	27,500	18,410	37,000	10,000	10,750	289,684
Schools Estate	Building element replacement	Transition to BB	1,000	1,000									2,000
School Estate	Schools - BB	Investment to bring all schools to B for condition and B for suitability	3,000	6,500	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	89,500
		Total	5,263	40,213	62,963	65,955	54,205	37,705	28,615	47,205	20,205	20,955	383,284

**Breakdown of line 5 (Max Risk)**

Area	Capital Project	Project Details	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	Total
			£000s	£000s	£000s	£000s	£000s	£000s	£000s	£000s	£000s	£000	£000
School Estate	Elgin HS Modular Unit	2 classroom unit planned on site until 2026	8	8	8								24
Schools - New Build	Extension to Elgin High	Capacity increase to 1150 - internal refurbishment and new annex (LEIP 2)	500	6,750	11,050	1,000							19,300
Schools - New Build	Future Buckie Campus	Secondary community campus - hybrid approach with new build and refurbishment)	250	1,000	29,750	39,500	17,500	1,500					89,500
Schools - New Build	Future Forres Academy	Secondary community campus - new build (LEIP 3)	250	25,750	40,000	20,000	1,500						87,500
Schools - New Build, Extension, Refurbishment	Capacity Extension - Elgin South	Options for justification: 1. Extension of Greenward PS Extensions (2025-2028) 2. New school - Glassgreen (2029-2033)			350	2,500	1,500	11,750	12,500	2,500			31,100
Schools - New Build, Extension, Refurbishment	Capacity Extension - Elgin North	Options for justification: 1. Extension of Seafield PS Extensions (2025-2028) 2. New school - Findrassie (2029-2033)			350	2,500	1,500	5,160	14,500	7,500	750		32,260
Schools - Refurbishment	Milnes HS refurbishment	Condition and Suitability Upgrade/Maintain					10,000						10,000
Schools - Refurbishment	Keith Grammar refurbishment	Condition and Suitability Upgrade/Maintain						10,000					10,000
Schools - Refurbishment	Speyside HS refurbishment	Condition and Suitability Upgrade/Maintain									10,000		10,000
		Total	1,008	32,508	52,758	55,750	44,000	27,500	18,410	37,000	10,000	10,750	289,684





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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 13 JUNE 2024**

**SUBJECT: INFORMATION REPORT: BUILDING STANDARDS FUTURES BOARD UPDATE**

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

**1. REASON FOR REPORT**

- 1.1 To inform the Committee of work being carried out by the Building Standards Futures Board and raise awareness of the workstreams which will change the way the building standards service is delivered going forward.
- 1.2 This report is submitted to Committee in terms of Section III E (4) of the Council's Scheme of Administration relating to exercising the functions of the Council under Building Standards Regulations and Orders and relaxations.

**2. BACKGROUND**

**Futures Board Work Overview**

- 2.1 The Building Standards Futures Board (BSFB) was set up at the beginning of 2019 to provide guidance and direction on the development and implementation of recommendations made by the Review Panels on Compliance and Enforcement and Fire Safety. The Review Panels were formed by the Ministerial Working Group on Building and Fire Safety following failings in the construction of Edinburgh School Buildings and the fire at Grenfell Tower, London.
- 2.2 The Board's remit is to strategically advise and direct a broad programme of work aimed at improving the performance, expertise, resilience and sustainability of the Scottish Building Standards Framework and services across Scotland.
- 2.3 A number of work streams are being taken forward by the Building Standards Division, Scottish Government, a range of stakeholders from construction industry organisations, professional and public bodies including Scottish Futures Trust, Skills Development Scotland, Universities and local authorities (through Local Authority Building Standards Scotland - LABSS).

2.4 The seven work streams are:

- Workforce strategy
- Compliance plan
- Certification strategy
- Digital transformation
- Technical strategy
- Verification standards
- Delivery Models

### **Workforce strategy**

2.5 Across Scotland, Building Standards services are facing an ageing workforce as well as lack of re-investment in staff and innovation of the service the principles of the workforce strategy will focus on identifying what is required to underpin a verification service for the future.

2.6 The Workforce Strategy for the Building Standards Verification Service was published on 1 October 2020 and contained 43 actions across five core projects for delivery over a three year period.

2.7 The aim of the strategy was to create a first-class and sustainable verification service for the future.

2.8 The strategy was based around four themes each with supporting national and local commitments for delivering change. The national and local commitments related to four key themes:

- A profession for everyone
- A professional framework
- A sustainable workforce
- A skilled workforce

2.9 The national commitments were opportunities for Building Standards Division to bring the influence of Scottish Government to the delivery of outcomes. The local commitments were hands-on activities for local authorities to lead change across the workforce, to embed improvements arising from the strategy for the long term.

2.10 Delivery of actions contributed to the achievement of local and national commitments. The outcomes delivered crossed over different themes and commitments. Due to the synergies across the themes, it was sensible to group all actions in a practical way into five core projects. This was done to support effective programme management and frequent reporting of progress to verifiers.

- Implementing the Competency Assessment System
- Promoting the Profession
- Implementing a Professional Framework
- Developing Vocational Pathways
- Developing a Learning and Development Hub



### **Compliance plan**

- 2.11 Large complex projects often change during the construction journey. Recent building failures have highlighted the need to ensure that designs, receiving a building warrant, are constructed in accordance with that design (especially the safety critical features). A compliance plan approach for complex and high value public buildings is being explored.
- 2.12 Compliance Plan process for High Risk Buildings is now developed and out for trialling and at an early adopter stage to inform future legislation and guidance. It is expected this will be in place by the end of 2026 and could be brought in sooner if it is considered that authorities will have capacity to do so.

### **Certification strategy**

- 2.13 All Certification Scheme Providers have been re-appointed from October 2020 for a period of six years. A strategy for the future development of certification has been agreed by the Futures Board.

This workstream will be progressed from April 2024 however will be dependent upon Building Standards Division resources.

### **Digital transformation**

- 2.14 An eBuilding standards national portal was introduced in 2016. The portal enables the electronic submission of applications for building warrants and other forms, such as completion certificates. This project will explore how digital technology can support and enhance building standards.
- 2.15 This area is currently moving more into a Delivery Model, verifier back office and Compliance Plan support phase.

### **Technical strategy**

- 2.16 Technical guidance is used to meet building regulations and assist with compliance with the mandatory functional standards. A review on how the Technical Handbooks are developed and communicated is being undertaken. The technical strategy will direct how Scottish Government updates and provides guidance in the future. The technical strategy may encompass more digital options to improve compliance.

### **Verification standards and Formation of Building Standards HUB**

- 2.17 A review of the Operating and Performance Frameworks to assist verifiers in assessing their service against requirements is being undertaken. Verification standards will focus on the quality with which verification work is undertaken linking with the skills and experience of verifiers and applicants.
- 2.18 Operating and Performance Framework

Phase 1: Minor Updates and Hub References for April 2024.

Phase 2: Research and Wider Review to inform April 2025 and beyond changes – customer and compliance outcome focussed.

Auditing (planned twice in 6 year appointment) – Certification Scheme Providers, LA Verifiers (with new Compliance and Futures Board changes and application of increased fees focus).

### **Delivery models**

- 2.19 The delivery model has the 32 Scottish local authorities appointed as verifiers, covering their own geographical area. The need for a potentially improved and reshaped verification delivery model was identified, including a review of the need for central hubs of expertise.
- 2.20 Scottish Building Standards Hub is in place from May 2024 (the necessary Delivery Model strengthening) with additional Verification & Hub Resources secured for April including increase in fees.
- 2.21 Recognising broad agreement that the Hub would be best based within a local authority to support and work with building standards teams to improve and deliver the building standards system, Fife Council were formally invited to host the permanent Hub from May 2024 onwards, and on the 11 January 2024, Fife Council Cabinet approved this request.
- 2.22 The aim of the Scottish Building Standards Hub is to strengthen the building standards system in Scotland by playing a key role in supporting the transformation and quality in building standards services and the delivery of compliant buildings through the building warrant process. The Hub will consist of a number of business units and employ a cohort of permanent staff to help it achieve this. These are: Business Unit, Operational Partnership Unit, Learning & Development Unit, Technical & Procedural Unit, STAS Unit & Digital Transformation Unit.
- 2.23 The objectives of the Hub are closely aligned to those of the Delivery Model Working Group:
- Increase consistency
  - Increase capacity to deliver across all types of construction work
  - Provide resilience
  - Drive efficiencies
  - Ensure investment in skills and new technology
- 2.24 The Hub is not part of the Scottish Government and will be overseen by an Advisory Board consisting of representatives from key stakeholders such as BSD, LABSS, COSLA/SOLACE and industry representatives. The BSD role within the Board is to represent the views of Scottish Ministers and the Advisory Board will set the strategic direction of the Hub and ensure it achieves its objectives.
- 2.25 The Hub will undertake a number of activities, but not limited to, below:
- Provide specialist expertise in fire and structural engineering
  - Facilitate and support workload sharing between verifiers
  - Arrange and deliver training to verifiers on new energy standards and other areas where appropriate
  - Provide access to digital transformational support
  - Undertake administration of STAS, dispute resolution and Information papers

- Maintain and develop a Learning Management System containing digitised training modules
- Develop a digital skills builder platform that will provide a Competency Assessment System (CAS) for verifiers
- Provide access to building & construction industry stakeholders for advice and information

2.26 The Hub will continue to develop where necessary to provide appropriate level of support to the building standards service in Scotland. Scottish Government officials will provide progress reports to Ministers on the development and progress of the Hub.

Funding the Hub is estimated to be £1.2 – £1.3 million per year and this will be provided through the planned annual phased increase in building warrant fees, which will also be used to support changes to strengthen the system being brought through the work of the Futures Board Programme.

2.27 The first year fee increase has been agreed by the Minister, with future year increases subject to review, and further approval from the Minister.

2.28 The intention is that part of future years fee increase reviews will be based on local authorities demonstrating how the fees increase will be re-invested in the building standards service to meet the terms of the operating and performance frameworks, including performance targets.

2.29 Year 1 (2024/25) is designed to deliver, approximately, an increase of £5m (14%) nationally in building warrant fee income based on modelled current fee income. In real terms, this would result in local authorities receiving, approximately, an increase of 10% in fee income based on their current income.

2.30 Year 2 (2025/26) is designed to deliver, approximately, an increase of £8m (23%) nationally in building warrant fee income based on modelled current fee income. In real terms, this would result in local authorities receiving, approximately, a cumulative increase of 18% in fee income based on their current income.

2.31 Year 3 (2026/27) is designed to deliver, approximately, an increase of £12m (35%) nationally in building warrant fee income based on modelled current fee income. In real terms, this would result in local authorities receiving a cumulative increase of 30% in fee income based on their current income.

2.32 In 2026/27 the Building Standards Division envisage the enhanced compliance plan will be introduced for High Risk Buildings (HRB) and as such, an enhanced, HRB fee will also be introduced to the fee model.

### **3. SUMMARY OF IMPLICATIONS**

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

The 10 year plan's top priority is a growing, diverse and sustainable economy. It covers business, employment, infrastructure, public

services and developing sustainable communities. Delivering improvements to the building standards service is a vital aspect of supporting and facilitating the Council's priority for economic growth and supports the Service Plan to deliver service improvements.

**(b) Policy and Legal**

Building (Scotland) Act 2003

It is a responsibility of all building standards services to meet the Operating and Performance Frameworks for verifiers as part of our terms of appointment. Current appointment period extends to April 2029. However we require to meet this through the period through auditing.

The Scottish Ministers have powers to give verifiers directions of a general or specific character as to the exercise of their functions under the Building (Scotland) Act 2003. This intervention would come when a building standards service is not meeting, or have not been, satisfactorily performing in terms of the agreed terms of appointment. Demonstrating that the building standards service meets or exceeds the requirements of the outcomes and framework is vital in retaining the appointment for the geographical area of Moray.

**(c) Financial implications**

There are no direct financial implications arising from this report at this stage. However, there are increased fee income over a 3 year period highlighted however this comes with financial risks associated, increased expectations and workloads.

**(d) Risk Implications**

There is a risk if this authority doesn't continue to drive change in terms of resourcing the building standards service there will be an impact on supporting sustainable economic growth.

The appointment in 2020 was conditional on the service meeting the Operating Framework and the Performance Framework. This includes satisfying Scottish Ministers that we are meeting, and continue to meet, performance measures. The annual performance report and auditing will be key to demonstrating how we meet the frameworks, how continuous improvement is being achieved and how increased income is being reinvested back into the service. Risk of not meeting our terms of appointment is that we are not appointed as verifiers or the period of appointment is reduced.

**(e) Staffing Implications**

Currently no staffing resource implications arising from this report however as the workstreams come to fruition, clarity received on intent, and the operating and performance frameworks are updated in 2025, staff resources will require to be considered to achieve performance levels and make further improvements to meet our obligations as a verifier.

Any significant increases in building warrant applications would likely impact on performance but would depend on their complexity.

**(f) Property**

None.

**(g) Equalities/Socio Economic Impact**

None.

**(h) Climate Change and Biodiversity Impacts**

No climate Change and Biodiversity implications for the local authority arise from the content of this report.

**(i) Consultations**

Depute Chief Executive (Economy, Environment & Finance),  
Head of Economic Growth and Development, Legal Services Manager,  
Lissa Rowan (Committee Services Officer), Equal Opportunities Officer,  
Principal Climate Change Officer, Anne Smith (Senior HR Adviser)

**4. CONCLUSION**

**4.1 This report summarises the current workstreams of the Building Standards Futures Board. These are key areas of work which will require integration into our priorities going forward with a view to providing an improved building standards service both within Moray and Nationally.**

Author of Report: William Clark, Acting Development Management & Building Standards Manager

Background Papers:

Ref:

