



# SUMMARY OF REPRESENTATIONS TO MLDP2020 MAIN ISSUES REPORT & PROPOSED COUNCIL RESPONSE

SEPTEMBER 2018



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<b>Issue 1</b>	<b>Vision and Objectives</b>	
<b>Main Issues Report reference:</b>	LDP2020_MIR_PP4_VI LDP2020_MIR_Q1 vision and objectives?	Primary Policies - The Vision Question 1 - Do you agree with the proposed
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
000285	RSPB Scotland	
000442	Mr And Mrs Mark And Beverly Ellis	
000480	Scotia Homes Ltd	Emac Planning LLP
000569	SEPA	
001027	Scottish Natural Heritage	
001035	Homes For Scotland	
001524	Scottish Water	
001723	Mr Ian Rippon	
001815	Force 9 Energy Partners LLP	
001816	Joanna Taylor	Rafford Consulting
001818	Woodland Trust Scotland	
001746	Whitbread Group plc	
001862	EDF Energy	
<b>Planning authority's summary of the representation(s):</b>		
<b><u>Support for Vision</u></b>		
<b>Scottish Natural Heritage</b>		<b>001027</b>
SNH welcome the recognition of the important role that the environment plays in Moray and its inclusion in the vision and plan aims/objectives.		
<b>Scottish Water</b>		<b>001524</b>
Agree in principle with the proposed vision and objectives.		
<b>Mr And Mrs Mark And Beverly Ellis</b>		<b>000442</b>
Agree with the proposed vision and objectives.		
<b>Scotia Homes Ltd</b>		<b>000480</b>
Scotia Homes Ltd agrees with the proposed vision and objectives.		
<b>Homes For Scotland</b>		<b>001035</b>
Homes for Scotland (HFS) supports the overarching vision of the Moray LDP 2020 MIR which promotes Moray as a place in which people want to live, work and invest. The focus on a generous supply of land for housing, the necessary infrastructure to support new development, and importantly the investment to support the level of new development required in Moray are objectives which are fully supported by HFS. HFS member companies play an important role in delivering the vision and the plan aims and objectives are vital to this. By setting strong objectives the tone is clearly set for the rest of the Plan to positively and		

ambitiously plan for growth in Moray.

**RSPB Scotland 000285**

RSPB broadly welcome the proposed vision and objectives. In particular, the final two bullet points to protect and enhance the natural environment and improve resilience are welcomed.

**SEPA 000569**

SEPA agrees with vision and objectives and welcome specifically the Plan Aims/Objectives of: Apply a placemaking approach to development to create sustainable, welcoming, well connected and distinctive places that are safe, healthy and inclusive, Encourage efficient use of land and promote low carbon and sustainable development, Protect and enhance the built and natural environment, Improve resilience of the natural and build environment to climate change.

**Arable Land and Brownfield Sites**

**Mr Ian Rippon**

**001723**

Would like to see added to the Vision “Maintain the same area of arable land and woodland”. This is to ensure prudent use of natural resources and to create some tension between the use of the existing productive land, and releasing land for housing. Otherwise it is too easy to release more and more arable land and woodland for building. Queries how new people will be fed if arable land is lost.

Development of brownfield sites must be a priority over greenfield sites. Notes Moray doesn’t have a lot of brownfield sites, but what it does have should be fully utilised, before Greenfield sites are eaten into.

**Health and Wellbeing and A96 dualling**

**Joanna Taylor 001816**

While these objectives are laudable wish to see a specific objective about maintaining and enhancing the physical and mental well-being of the population included in the objectives.

The value of the plan, and feedback to that plan, is significantly reduced by the uncertainty arising from the lack of clarity on the routing and timing of a dualled A96, which will not be known until later in the year. Many of the detailed suggestions in the plan will need to be reconsidered once the A96 route is known. Additionally there will be other matters that will need planning for once the route is known. It would be helpful to have this acknowledged formally by the Council.

**Tourism**

**Whitbread Group Plc**

**001746**

The Vision should support growth in the tourist and visitor economy, including expansion of existing hotel facilities.

**Infrastructure**

**Woodland Trust Scotland**

**001818**

Agree with this vision. Strong policies are needed to guide this vision, particularly regarding the outstanding quality of the environment which requires protection and enhancement. The objectives are good, however, the objective 'Identify and provide for new social and physical infrastructure to support the expanding population whilst safeguarding existing infrastructure' could also touch on the preference to build on existing infrastructure before planning to expand further. In this way precious land and habitats can be saved for other environmental uses, such as woodland expansion. Encouraging building on existing infrastructure is desirable, as it would prevent further undesired and inappropriate development in the wider landscape of Moray, presented in MIR 6.

## **Renewable Energy**

### **Force 9 Energy Partners LLP**

**001815**

Vision is welcomed but should recognise the Scottish Government's desire to robustly address climate change and the vision set out in the Scottish Energy Strategy to have a flourishing, competitive local and national energy sector, delivering secure affordable, clean energy for Scotland's households, communities and business. SES specifically states that the Scottish Government will push for UK wide policy support for onshore wind given that this is now amongst the lowest cost forms of power generation of any kind, and is a vital component of the huge industrial opportunity that renewables create for Scotland. The themes and thrust of the Scottish Government's Onshore Wind Policy Statement should also be recognised in the proposed LDP vision. The Statement says that "our energy and climate change goals mean that onshore wind will continue to play a vital role in Scotland's future." Submit that the following should be included in the Plan aims/ objectives;

- recognise the important opportunities that renewable energy provides
- recognise the important role of renewable energy, including onshore wind, and energy infrastructure in the right places
- provide a framework to ensure Moray works to ensure that the energy sector delivers secure affordable and clean energy to its households, community and businesses.

Vision should make clear that Moray Council supports sustainable development, suggest "Support economically, environmentally and socially sustainable development" is added to Vision.

### **EDF Energy**

**001862**

The Vision is too simplistic and narrow. No reference within the MIR to the Scottish Energy Strategy (SES) by the Scottish Government . This sets a 2050 'vision' for energy in Scotland. The draft Climate Change Bill is an important consideration to be read alongside the Scottish Climate Change Plan (CCP). These together with the SES and the Onshore Wind Policy Statement (OWPS) contain challenging targets related to renewable energy, electricity and emissions reduction, stretching out to 2050.

The only objective that links to energy is the sixth, which seeks to "encourage efficient use of land and promote low carbon and sustainable development". That seems to relate to decarbonising urban form and more conventional forms of development as opposed to facilitating and encouraging renewable energy generation. There is no mention whatsoever of renewable energy within the vision, aims and objectives.

Suggests the Council look at the vision for Dumfries and Galloway LDP2.

The Council should not take a view that there are no opportunities for further renewable energy development in Moray because of the findings of its Landscape Capacity Study with regard to wind energy. The Council's approach that there is no further or only very limited capacity for further wind energy development is wrong, and one that is contrary to the Governments clear policy at the national level.

An important objective should be to ensure that Moray supports the continued growth of the renewable energy sector – this can be by way of supporting and encouraging new developments, but also by facilitating the implementation of technological developments that maximise the efficiency and energy yield from existing operational assets. Moray is host to operational renewable energy developments and this is an important consideration to help sustain renewable energy generation and carbon emission targets in the long term. For these reasons we do not agree with the proposed vision and objectives.

## **Officers comments on representations and recommendations:**

### **Support for Vision**

Support for the Vision noted.

### **Arable Land and Brownfield Sites**

Maintaining the same level of arable land and woodland is not considered to be a realistic objective. The

objectives already include “Encourage efficient use of land..” and it is noted that policy DP1 Development Principles requires development to avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.

Requiring brownfield sites to be utilised before greenfield sites would unreasonably constrain growth.

#### **Recommendation**

**No change to Vision objectives with regard to arable land and brownfield sites as a result of consultation response.**

#### **Health and Wellbeing and A96 dualling**

The Vision objectives already note the importance of placemaking to health. The health benefits of good placemaking are discussed further in the justification for policy PP1 Placemaking. The Vision does not need to be amended.

The Planning Authority is legally required to adopt a new Local Development Plan every 5 years. Therefore it was not possible to wait for the preferred A96 dualling route before publishing the Main Issues Report. It is however, anticipated that the preferred dualling route will be known and taken account of within the Proposed Plan.

#### **Recommendation**

**No change to Vision objectives with regard to health and wellbeing as a result of consultation response.**

#### **Tourism**

The objectives could be clearer that where sustainable economic growth is mentioned that this includes tourism.

#### **Recommendation**

**The third objective will be revised to “A strong framework for investment that provides sufficient land for development and support sustainable economic growth (including the tourism economy).”**

#### **Infrastructure**

Any existing capacity is taken into account when identifying requirements for new or upgraded infrastructure. The objective would be clearer if it noted that upgrading of existing infrastructure may also be identified to support expanding population. The objective will be amended to include upgrades of existing infrastructure to support a growing population.

#### **Recommendation**

**Update objective to “Identify and provide for new or upgraded social and physical infrastructure to support the expanding population whilst safeguarding existing infrastructure.”**

#### **Renewable Energy**

Moray Council positively supports and promotes all forms of renewable energy development of the right scale in the right place. The objectives aim to provide a broad strategic approach to the Vision. The objective to "encourage efficient use of land and promote low carbon and sustainable development" is sufficiently broad to include renewable energy. The suggestions are acknowledged but would dilute the short strong message set out in the vision, which is not the approach to a strategic vision the Council wish to take. The suggestions are more appropriately considered in the detail of the policies.

#### **Recommendation**

**No change to Vision objectives with regard to renewable energy as a result of consultation response.**



Issue 2	Proposed Growth Strategy	
Main Issues Report reference:	LDP2020_MIR_M1	Main Issues – Proposed Growth Strategy
	LDP2020_MIR_Q2	Question 2 – Do you agree with the proposed Growth Strategy?
	LDP2020_MIR_Q3	Question 3 – Do you agree with the proposal to undertake further research into the potential for a new settlement along the A96 corridor between Elgin and Forres as a long term option?
Body or person(s) submitting a representation raising the issue (including reference number):		
000107	Mr Allan Robertson	NHS Grampian
000111	Mr William Kidd	Historic Environment Scotland
000285	RSPB Scotland	
000352	Raymond Webber	
000370	John Scott	
000442	Mr & Mrs Mark & Beverly Ellis	
000569	SEPA	
001027	Scottish Natural Heritage	
001035	Homes for Scotland	
001041	Network Rail Infrastructure Limited	
001137	Colin Souter	Robertson Northern
001137	Philip Graham	Crown Estate Scotland c/o Savills
001524	David Carmichael	Scottish Water
001546	Miss Carol Benn	
001547	Mrs Eunice Benn	
001549	Mr David McKay	
001589	Mr Scott Barclay	
001723	Mr Ian Rippon	
001734	Mrs Barbara Caie	
001752	Miss Ruth Burkhill	
001816	Joanna Taylor	Rafford Consulting
001818	Woodland Trust Scotland	
001832	James Wiseman	Elgin Community Council
001861	Morlich Homes	c/o Aurora Planning Limited
<p><b>Support for Proposed Growth Strategy</b></p> <p><b>NHS Grampian</b> <span style="float: right;"><b>000107</b></span>  NHS Grampian supports the proposed growth strategy.</p> <p><b>Historic Environment Scotland</b> <span style="float: right;"><b>000111</b></span></p>		

Historic Environment Scotland (HES) welcome the opportunity to comment on sites through the development of the spatial strategy and note that those comments have influenced the choice of preferred sites. HES have no further comments to offer on preferred sites presented in the spatial strategy.

**RSPB Scotland**

**000285**

The RSPB support a growth strategy where the level of growth is proportionate to each town or village as this will help to minimise the impact on the wider countryside and reduce the need for new infrastructure.

**Mr & Mrs Mark & Beverly Ellis**

**000442**

Support proposed growth strategy.

**SEPA**

**000569**

SEPA supports the proposed growth strategy as this is considered to be an appropriate approach in working to achieve sustainable placemaking. SEPA supports development in areas which make best use of existing and proposed infrastructure whilst protecting natural resources as this has positive consequences for infrastructure maintenance and strategic future planning. It is also considered that this should lead to less reliance on private motor vehicles, less travel and therefore less air pollution, more sustainable use of resources, more potential for district heating provision and less carbon emissions.

**Homes for Scotland**

**001035**

Support for preferred growth strategy with Elgin continuing to be the primary focus for new home building given developer interest and marketability. Homes for Scotland also consider that the Plan should promote appropriate development in other areas where the market allows on deliverable sites to meet the needs of the whole region and allow for a range of development opportunities.

**Network Rail Infrastructure Limited**

**001041**

Support proposed growth strategy and considers that protection of existing strategic transport networks should be of prime importance.

**Robertson Northern**

**001137**

Support for hierarchical growth strategy as this enables all areas to grow proportionately and ensures vibrant communities.

**Crown Estate Scotland**

**001249**

Support in principle for proposed growth strategy where the level of growth is proportionate to each town or village. Propose that Mosstodloch is promoted to a tertiary growth area possibly combined with Fochabers to deliver growth over the LDP2020 period and beyond. The preferred options identified for employment and mixed uses are potential 'game changers' for Mosstodloch. The Crown Estate considers that Mosstodloch should be promoted as a location for growth as this helps their aim of regeneration by promoting employment opportunities and housing options. In other settlements the emphasis is on existing designated sites rather than new allocations.

**Scottish Water**

**001524**

Support in principle for proposed growth strategy.

**Mrs Eunice Benn**

**001547**

Agrees with the majority of the proposed growth strategy. Supports development in smaller settlements in rural areas as this will help to control random housing and retain the attractiveness of the countryside.

**Woodland Trust Scotland**

**001818**

Support for proposed growth strategy provided that research includes an environmental assessment which includes potential risk to woodland.

**Morlich Homes**

**001861**

Support for preferred growth strategy and inclusion of Buckie as a secondary growth centre.

**No Support for Proposed Growth Strategy**

**Raymond Webber**

**000352**

No support for current strategy of developing into the countryside around towns as the environmental impact and infrastructure requirements associated with urban sprawl has led to towns losing their attractiveness and charm. Further large development into the countryside is not supported.

**Mr David MacKay**

**001549**

No support for proposed growth strategy as Elgin is growing too fast. Considers that development should be spread out amongst surrounding towns to encourage the migration of Moray's population and ensure no town grows too quickly and consequently losing their character.

**Mrs Barbara Caie**

**001734**

No support for additional housing as services are unable to cope with the existing population of Moray; public services are experiencing recruitment difficulties, infrastructure is unable to cope, taxes are higher and facilities are worse than in England. The Government spends disproportionate money on education at the expense of the remainder of the community. Additional development will further deteriorate infrastructure and services and the Council will have to improve these at the expense of the general public.

**Rafford Consulting**

**001816**

No justification for significant further development. Detailed information on the need for further development should be made public and more clearly demonstrated by the Council. Development of greenfield sites should be treated with extreme care as the Plan acknowledges there has been over-expansion in some rural areas.

**Support for Further Research into a New Settlement**

**NHS Grampian**

**000107**

NHS Grampian supports the proposal to undertake further research into the potential for a new settlement along the A96 corridor between Elgin and Forres as a long term option. NHS Grampian considers that a new settlement would have a major impact on the current health service infrastructure and may require considerable investment to provide both physical infrastructure and required level of staffing. NHS Grampian is committed to continuing to work with Moray Council and being involved in the research required to determine a new settlement's viability.

**RSPB Scotland**

**000285**

Support proposal to undertake further research into the potential for a new settlement along the A96 corridor. Detailed consideration should be given to ensure there is no negative impact on biodiversity

generally, sensitive habitats and designed nature conservation sites.

**Raymond Webber**

**000352**

Supports the proposal for a new town to maintain Moray's attractiveness, safeguard the environment and provide a high quality development with good transport links and facilities within walking distance for residents.

**John Scott**

**000370**

Supports the principle of a new town and proposes 3 alternative locations (subject to the dualling of the A96 and any further development of military and civil operations at Kinloss) as follows i) around the B9013 between Roseisle and Newton, ii) around the B9015 possibly centred around the Dipple area and including Mosstodloch and Fochabers) and iii) around the B9018, half way between Keith and Cullen. Acknowledges that the significant cost of preparatory work for a new town would need substantial help from central Government as well as for the enlargement of public services.

**Mr & Mrs Mark & Beverly Ellis**

**000442**

Support proposal to undertake further research into the potential for a new settlement along the A96 corridor.

**SEPA**

**000569**

SEPA recommend further research on the feasibility and alternative locations for a new settlement only after it has been established that existing settlements cannot meet the need, why growth in these settlements has slowed and what measures have been put in place to address this. Careful consideration would need to be given to the environmental impacts such as flood risk, drainage requirements, air quality and impacts on the water environment. Flood risk areas must be avoided. Public waste water drainage infrastructure and early discussion with Scottish Water would be required. Development would have to ensure no negative impact on existing infrastructure. SEPA welcome consideration of drainage infrastructure in line with Scottish Water's 'storm water strategy' to maintain drainage above ground incorporating it into blue-green infrastructure. Consideration would need to be given to connections to transport routes and meeting energy needs and waste management in a sustainable manner. The important role of community engagement is cited.

**Scottish Natural Heritage**

**001027**

SNH consider proposal to undertake research into the potential for a new settlement an appropriate forward looking approach to identify the optimum location for future development. SNH are happy to work with Moray Council to provide advice on nature conservation, biodiversity, placemaking and landscape.

**Homes for Scotland**

**001035**

Support proposal to undertake further research into the potential for a new settlement to ensure robust evidence base is collated to support or reject proposal. Homes for Scotland consider that a new settlement must be consulted through a future LDP process as the LDP2020 has progressed to MIR without the new settlement as an option, and a cautious approach should be taken on over-reliance on one large site as other new towns have not delivered completions at rates required. Homes for Scotland support a range of site and locations to reduce risk.

**Network Rail Infrastructure Limited**

**001041**

Support proposal to undertake further research into the potential for a new settlement along the A96

corridor.

**Robertson Northern**

**001137**

Support further research into a new settlement however a cautious approach is urged given potentially slow completion rates and that masterplanning is a long process with high interim costs which brings financial challenges. Elswick and Tornagrain are cited as benchmarks for review.

**Scottish Water**

**001524**

Support in principle undertaking further research into a new settlement along A96 corridor.

**Miss Carol Benn**

**001546**

Supports new town along A96 corridor to prevent the spread of existing settlements.

**Mrs Eunice Benn**

**001547**

Supports new town along A96 corridor.

**Mr David MacKay**

**001549**

Supports new town along A96 corridor to relieve development requirements if Elgin remains primary growth area.

**Mr Ian Rippon**

**001723**

Suggests that MOD Kinloss is an excellent site for a new town should this become available and would like to see active engagement with the MOD over the current and future use of this base. Queries whether any contingency plans are in place should the MOD leave Kinloss.

**Woodland Trust Scotland**

**001818**

Generally supportive of proposal to undertake further research into the potential for a new settlement along the A96 corridor. Woodland Trust Scotland would need to review this on a site-by-site basis given the location of the proposed settlement is unknown and advises that development is planned away from ancient woodland and woodland of high conservation value.

**No Support for Further Research into New Settlement**

**Crown Estate Scotland**

**001249**

Further investigations and existing settlement should be actively considered for additional capacity before a new town is committed.

**Mr Scott Barclay**

**001589**

No support for new town between Elgin and Forres. Considers that any new town must have amenities to serve it and be of high quality design using local building materials to retain the character of Moray.

**Miss Ruth Burkhill**

**001752**

Considers that a new town between Forres and Elgin is not feasible as the new development would encroach upon Alves and possibly result in coalescence with Forres and Elgin. The principal of providing a 'generous supply of housing land' whilst promoting sustainable development seems incompatible.

<b>Elgin Community Council</b>	<b>001832</b>
Desirability of a new town is queried given the potential loss of good quality agricultural land and that there is unlikely to be the transport, retail and leisure infrastructure that Elgin can offer. At a bare minimum, a railway station is required to maximise environmental sustainability. Consideration of a new town should be deferred until the full impact of the A96 dualling is known.	
<b>Morlich Homes</b>	<b>001861</b>
No support for new town as the provisions of Scottish Planning Policy (SPP) for a new settlement are not met given that existing settlements (including Buckie and Fochabers) have no major constraints to growth. Morlich Homes consider that the focus should be on making sustainable use of land around existing settlements as it can deliver valuable benefits in terms of supporting existing town centres, maximising the use of existing infrastructure, strengthening the sense of place for existing communities, reducing the need to travel to work, and minimising the risk to deliverability.	
<b>Officers comments on representations and recommendations:</b>	
<p><b>Support for Proposed Growth Strategy</b> Support for proposed growth strategy noted. The LDP2020 growth strategy will continue to allocate development that is proportionate to each town and village.</p> <p><u><b>Recommendation</b></u> <b>No change to proposed growth strategy.</b></p> <p><b>Additional Tertiary Growth Centre - Mosstodloch</b> The tertiary growth centres in the preferred growth strategy reflect their position in the settlement hierarchy in terms of population size, access to facilities and services and development pressure. Whilst Mosstodloch has a number of well-established businesses it does not experience pressure for housing nor has a range of services (e.g. secondary school) that merits tertiary growth centre status. Modifying the growth strategy to include Mosstodloch as a tertiary growth centre may compound rather than alleviate pressures where development would be re-directed to a village with limited services and facilities.</p> <p><u><b>Recommendation</b></u> <b>No change to proposed growth strategy as a result of consultation response.</b></p> <p><b>Proposal for Further Research into New Settlement</b> Support for further research into a new settlement along the A96 corridor between Elgin and Forres is noted. Given the generous supply of housing land proposed within existing towns and villages and the annual housing land requirement identified in the Housing Need and Demand Assessment 2017 (HNDA) a new settlement is not required at present. However, given that the Planning (Scotland) Bill proposes to change the LDP timeframe from 5 to 10 years and the lead-in time required for establishing a new town, it is proposed to include an action within the LDP2020 Delivery Programme to start to establish options for longer term development beyond the LDP2020 period.</p> <p><u><b>Recommendation</b></u> <b>An action to start to establish options for a new settlement will be identified in the LDP2020 Delivery Programme.</b></p> <p><b>Environmental Considerations (Woodland)</b> A Strategic Environmental Assessment (SEA) has been undertaken in the preparation of the Proposed Plan which considers the impact (if any) on woodlands and necessary mitigation measures.</p> <p><u><b>Recommendation</b></u> <b>No change to proposed growth strategy as a result of consultation response.</b></p>	

**MOD Kinloss**

The Council is in regular dialogue with the MOD over the current and future use of bases in Moray. The MOD has made no comment on Kinloss through the MIR consultation.

**Recommendation**

**No change to proposed growth strategy as a result of consultation response.**

**Evidence Base**

Detailed information on the need for development was set out in the MIR and appended topic papers which were subject to public consultation. Sources of information were cited within these documents should further background information be required.

**Recommendation**

**No change to proposed growth strategy as a result of consultation response.**





the LDP. The requirement for a spatial mix of a minimum of 25 affordable/ 75 private per character area is overly onerous and would in practice lead to issues with marketability of new development to private buyers and other issues such as how could a developer ensure tenure mix across population age and household needs over time. Need to clarify what a character area is in this context. What does this policy mean in practice, tenure mix or pepper potting raises questions on how we sell such dispersed pockets of housing to the Council or RSL ad practical issues such as construction of houses adjacent to one another with differing standards in room and garden sizes. The challenges of developing and managing such a dispersed mixed tenure housing approach would add a further layer of complexity and add time delay to a system already encumbered by existing needs and requirements. Also concerned about the requirement to ensure that the mix and layout must offer choice and opportunity for residents to move within the development areas as their housing needs change over their lifetime. Social integration is completely down to behaviour, attitude and choice. Creating overly forced mixed communities removes choice and stymies supply. Stress that Springfield are focussed on delivering high quality homes which allow choice to our customers over where to live and style of their home, as dictated by market conditions. Stress ongoing objection to the accessible housing policy, particularly for these to be located within single storey dwellings as being simply overly prescriptive, along with an unreasonable and artificial brake on market conditions and having no demonstrable evidence basis or justification beyond seeming conjectural claims that there is aspirational demand for bungalow- type properties.

Not everyone in a wheelchair wants or can afford a bungalow. Flatted dev with lifts and accessible apartments on every level can tick the accessibility box just as readily as bungalows, which are more land hungry, lower density and leads to further sprawl and inefficient layouts.

**RSPB Scotland**

**000285**

Support policy requirement that all housing developments must include or be supported by a design statement which should include evidence to demonstrate that the development will conserve and enhance the natural environment as required by Policies DP1 and EP5.

**Scotia Homes Ltd**

**000480**

Supports the objectives of the draft policy, however concerned that a future policy may become unduly "prescriptive" based on the current terminology in the MIR. Approach fails to acknowledge that there may be other material considerations in support of the proposal. Suggested that a future policy also recognises that development proposals may be supported where justified through the masterplanning process or where other material considerations support an alternative design solution.

**SEPA**

**000569**

Support requirement for a design statement which should incorporate sustainability criteria.

**Homes for Scotland**

**001035**

Affordable housing- supports requirement for 25% of the total units as this complies with SPP and the flexibility of a lesser contribution, or alternative off site provision in specific circumstances. Housing density- supports the inclusion of clarity that site capacity figures within site designations are indicative only, and that densities of sites will be considered on a site by site basis.

Accessible housing- do not support the Accessible Housing policy on page 9. HfS members deliver homes which are adaptable to varying needs, therefore the requirement of 10% of units on a site to be accessible. Particularly object to the introduction of a requirement for all of the accessible units to be single storey. The units for sale can be sold to any individual and there is no guarantee they will go to individuals with accessibility needs. Leaves only 65% of the site for the builder to deliver its own mix of homes, a very inflexible approach which HfS strongly objects to. Single storey bungalow homes are more land hungry than double or more storey homes. Policy requirement will have a significant impact on the viability of sites and may render some unviable. Council provided and RSL provided affordable housing can more effectively be a means of implementing more accessible homes in Moray, rather than adding an additional burden on the private sector who already delivers 25% of a site as affordable housing.

Housing Mix and Tenure Integration- HfS does not support the overly detailed proposals within this section. Query the validity and principal of spatial mix between affordable and private units of 25/75 in all areas. Support a more flexible, encouraging approach whereby housing mix and tenure is taken on a site by site basis, encouraging more diversity in the delivery of homes.

**Elgin Community Council**

**001832**

Would like to see a clear definition of affordable housing being incorporated, capable of adjusting to changing circumstances and being clear to both developers and the public. Always been interested in genuine integration of private, social housing and affordable housing which accept will have difficulties. Tenure blind integration is a welcome aspiration but difficult to see it really working. Content with proposals to increase the number of houses required in Elgin by 2035 by 1,200 but reserve position as to where these should go, based on how much of the Elgin Transport Strategy is implemented to help absorb growth. Keen that developers are asked at the outset to consider designing as many houses as possible to be accessible (above 10% requirements) to minimise the amount of adaptations required for an ageing population later in life, but do not consider this should be a formal requirement.

A permanent site for travellers and gypsies should be identified in Moray, to minimise the problems which sometimes arise with temporary sites.

**Fiona Duncan**

**001826**

Welcome the inclusion of the minimum mix of 25/75 of affordable housing with private housing units but due to the current practice of implementation; believe this will not be enforced. Fairfield avenue and R7 do not appear to have any affordable units on site and appear to have been offset to other sites so that the site can be made more profitable for the developer. Further evidenced when comparing the quality of the open spaces/ play parks against that of the village green at Bain avenue. DP2 should have a list of criteria which could make the site available for off site provision or reduced mix character and any application which meets this criteria must have their application presented to the Planning and Regulatory Committee for decision, rather than off-site provision and reduced mix being solely agreed by the Council's Housing strategy and Development Manager.

**LDP2020\_MIR\_DP4**

**Homes For Scotland**

**001035**

Supports the LONG designations in the Moray LDP as an innovative approach to safeguarding land for the future and would support the inclusion of policy wording that allows these LONG sites to come forward where appropriate to add to the land supply if there is a shortage in the 5 year effective land supply, or where it makes sense in a planned approach to the delivery of homes in the area.

**LDP2020\_MIR\_MI2**

**NHS Grampian**

**000107**

Acknowledge the proposal of 30% generosity and the reasons behind this proposal and the annual housing supply target. Early discussions that take place between NHS Grampian and Moray Council ensures that the infrastructure required is considered fully so as to mitigate the impact the additional patients will have whilst protecting services for existing patients as far as possible.

**Robertson Northern**

**001137**

Lack of evidence base regarding the requirement for accessible housing. A 10% requirement for accessible homes within residential development sites, on top of the 25% affordable homes requirement and infrastructure payments, places a significant constraint on the economic viability of development. Requirement to deliver bungalows on residential sites has been set out with no reference to a clear

evidence base. Not clear why so many of the accessible homes sought are required to be bungalows. Accessible and wheelchair accessible units can be provided through ground floor flats. Providing disability accessible housing is entirely based on the needs and requirements of the individual and we question if current policy is delivering in this respect. Fundamentally question the remit of non- statutory guidance to require the delivery of specific house types on open market housing sites, wish to see the content of Accessible Housing SG included within the main body of the forthcoming LDP so that it may be considered through the examination stage. There is no legal method of ensuring that these accessible units are bought by individuals that require specially modified homes. As these units will be for open market sale, it is not guaranteed that they will be purchased by elderly or disabled people. There is no method of protecting these homes in perpetuity from any individual with limited mobility or not, from buying them. Seek evidence of how this policy has worked in practice.

**Scottish Water**

**001524**

Support in principle

**Mrs Geraldine McKillop**

**001567**

Not sure why we need more houses and if you continue to add to the population of towns you should be looking more at making better roads.

**Mr Ian Rippon**

**001723**

Disagree with the proposed annual housing unit supply of 304 units. Seems to be based on long term projections in Scotland of 7% population growth. Bulk of 7% growth in Scotland will be in Glasgow- Edinburgh- Stirling area. Figure for Moray should be much smaller. Disagree with 30% generosity, why need more than quoted in SPP. A high figure could create a housing boom, which will skew house prices. Would like to see work on improving success of bringing forward sites for development. Seems like a significant amount of sites which aren't viable, so current figures are unrepresentative, should re-zone the sites which are not developable. State that 3,000 people are on the waiting list, needs clarified, are they all looking for affordable housing. Is there a maximum number of Council houses which will be sold each year. It will take 20 years to house the 3,000 people currently on the waiting list- do you see this as acceptable. Should use the housing at Kinloss when the army move out and the massive brownfield site of the airbase itself.

**Miss Ruth Burkhill**

**001752**

There has been enough building of privately-owned houses in Elgin and Forres - particularly as there has been no accompanying increase in facilities or jobs. The cost to buy some of the houses in private schemes is out of reach of many local people. What is needed is not more private or so-called "affordable" housing but more local authority housing, so that local people can have the chance of a long-term home. Regarding the ageing population, it seems that the elderly are forced to live in flats, with no outside space. While some elderly people may not be able to maintain a garden themselves, it would be nice if developers could provide a private outside space for each dwelling. In other parts of the world, land has been reclaimed from the sea or areas which were previously swampland. This may not be an option for the immediate future but perhaps in time, it may be a consideration.

**LDP2020\_MIR\_Q4**

**Scotia Homes Ltd**

**000480**

Agree with preferred option of a longer term approach to housing land supply, promoting masterplanning and infrastructure co-ordination and ensuring an effective housing land supply is maintained through the plan period. The targets for housing land supply are supported. Flexibility is required to ensure deliverability, in addition to overcoming infrastructure constraints.

**Homes For Scotland**

**001035**

While HfS supports the approach in looking at the HST and HLR for the plan on an all tenure basis, note that the HST is not separated into market and affordable, as required by paragraph 120 of SPP. Table 1 should be amended to be far clearer, set out the authority's preferred option, should set the HST for the plan period and separate into affordable and market sector. Paragraph 115 of SPP requires that the HST must be set for each functional housing market area based on evidence from the HNDA. HfS commented

on a draft of the Moray HNDA 2017 but has not seen the final version. The total housing requirement set out in the HNDA is 5,941 homes to 2037/8. The figures provided in Table 1 of the MIR for the HST is 5,473 to 2035 which states that the housing land requirement has used the baseline figure of 5,473 units for the HNDA for the 18 year housing requirement. HfS query the different figures and timescales. HfS considers that the MIR could be clearer to set out the overall targets as clearly as the annualised ones. HfS supports the ability for longer term sites to come forward to be delivered within the plan period where appropriate and would hope this approach will continue.

**Crown Estate Scotland**

**001249**

Support the annual housing unit supply target and the housing land requirement.

**Mr David McKay**

**001549**

Do not agree with proposed housing target of 304 units/ annum.

**Morlich Homes**

**001861**

Agree that housing delivery should be frontloaded to a level of 424 units per year between 2018 and 2022, reducing thereafter as part of a long term strategy to provide the housing that Moray needs. This is consistent with Scottish Government policy, important however that in implementing such a strategy, sites which are capable of being delivered in the short to medium term are not artificially delayed, particularly given the historic shortfall in the delivery of units.

**LDP2020\_MIR\_Q5**

**Scotia Homes Ltd**

**000480**

Support generosity proposal and the proposed additional housing land requirement of 1700 units being met through 1200 in Elgin LHMA is also supported. Support proposal to require further evidence of viability of sites as part of the ongoing plan preparation process together with the approach that if sufficient evidence of both effectiveness and viability is not forthcoming then sites will not be included and existing designations may be deleted from the Plan.

**SEPA**

**000569**

Would like to see the Plan ensure that existing allocations are deliverable, rather than allocate additional sites to ensure that housing land requirements can be met, and give a greater emphasis to development of brownfield sites, redevelopment of existing buildings and development in areas where there is existing adequate infrastructure, rather than allocating previously undeveloped land. Therefore welcome the requirement to provide further evidence and viability of sites as part of the ongoing plan preparation process and that existing designations maybe deleted.

**Homes For Scotland**

**001035**

Support the proposed 30% generosity to add flexibility to ensure that the HST can be met in full across the plan period and to support economic growth in Moray. HFS understand the pressures of the ageing population on Moray as a region, but does not support the introduction of a policy on Accessible Housing as a solution to this issue.

**Crown Estate Scotland**

**001249**

Support generosity level proposed.

**Mr David McKay**

**001549**

30% generosity is too much and leads to farm land and countryside being allocated to building when it is not necessary.

**LDP2020\_MIR\_Q6**

**Mr and Mrs Mark and Beverly Ellis**

**000442**

Strongly feel there should be more provision for affordable housing to help encourage a younger population to live in Moray.	
<b>Scotia Homes Ltd</b>	<b>000480</b>
Site specific submissions support the extension of site R4 to provide a sufficiently flexible land area to effectively deliver the Moray LDP 2015 allocation at R4 of 80 houses.	
<b>Homes for Scotland</b>	<b>001035</b>
Support the review of deliverability of sites through the MIR process, to ensure that sites allocated within the new LDP are capable of contributing to the housing supply target within the plan period.	
<b>Mr David McKay</b>	<b>001549</b>
Do not support EL14 for housing, it should be kept for employment use and will reduce the need for employment land elsewhere.	
<b>Joanna Taylor</b>	<b>001816</b>
Plan should address work locations and shift patterns to ensure coherence with matters like traffic, public transport. No point building houses somewhere if jobs are elsewhere.	
<b>Officers comments on representations and recommendations:</b>	
<p><b>Accessible Housing</b></p> <p>The evidence base supporting the need for a policy on Accessible housing is set out in the Housing Need and Demand Assessment 2017 and has been discussed with local housebuilders through Homes for Scotland meetings. The HNDA has been assessed as being “robust and credible” by the Scottish Government Centre for Housing Market Analysis.</p> <p>The Accessible Housing policy has been described as innovative by the Scottish Government and the need for such a policy and the wording of the policy was considered through the Examination process for the Moray Local Development Plan 2015. The Report for the Examination recommended that the threshold and detail of how the policy would work should be set out in Supplementary Guidance, which the Council produced. In terms of controlling the occupant of the private sector accessible house units, the Council recognises there is currently no legal method of achieving this, however the intent of the policy is to increase the supply and availability of accessible housing in the private market, as presently the options are to carry out expensive adaptations often on unsuitable houses or require an accessible home from the Council, creating additional pressure on the Council’s waiting list.</p> <p>The Council recognises that the requirement for single storey accessible houses requires additional land and impacts upon density levels, however, this reflects need and demand and should be reflected in the land value and development costs for the site.</p> <p>It is not proposed to reproduce the Accessible Housing Supplementary Guidance, the proposal being to include the relevant parts of the Guidance within the policy and supporting text of the Proposed Plan.</p> <p><b><u>Recommendation</u></b></p> <p><b>No change to draft policy regarding Accessible Housing requirement as a result of consultation responses.</b></p> <p><b>Affordable Housing</b></p> <p>The comments on Housing Mix and Tenure Integration are noted and some changes are proposed to this policy, however, better tenure integration is required to improve life chances across society.</p>	

In terms of tenure integration, the Council recognises that development viability is a concern and a number of changes are proposed to this element of the policy, including; deleting the second bullet point as a 75/25 mix in all character areas on all sites will be difficult to achieve and raises issues of ongoing property management. The fourth and 5th bullet points will be amended to reflect that the mix across the wider area should reflect need, to ensure that a range of properties, especially smaller properties are built to meet demand for our changing demographics.

The policy will also require that there is a range of tenures within the affordable housing, including low cost ownership and shared equity, rather than all affordable housing being social rented.

The programme of new Council house building is supplemented by the work of Registered Social Landlords to provide affordable housing to meet the need identified, however, this relies upon substantial Scottish Government funding to address national housing needs.

The policy will be amended to include clear guidance on when offset affordable housing will be considered. The policy will also be amended to require agreement for offsets by both the Council's Housing Strategy and Development Manager and the Economic Development and Planning Manager.

A clear definition of affordable housing will be included within the Plan and kept up to date on the website.

### **Recommendations**

- **Revise Housing Policy to address above points, including deleting requirement for a 75/25% affordable/ private split in each character area and text requiring a range of affordable tenures.**
- **Text to be included regarding any offset affordable provision to be agreed both the Housing Strategy and Development Manager and the Economic Development and Planning Manager.**
- **Clear definition of affordable housing to be included in Proposed Plan.**

### **Housing Land Requirement and generosity level.**

The housing land requirement baseline figures are derived from a national model which involves a wide variety of statistics and considers migration and local economic factors. The model is called the Housing Need and Demand Assessment and was signed off by the Scottish Government's Centre for Housing Market Analysis as robust and credible. Moray's population has grown faster than projected and has matched the growth in Scotland and the number of households in Moray is projected to increase from 41,961 in 2016 to 49,153 in 2041 as household sizes reduce and people live longer. There is an existing backlog of demand for housing, with over 3,000 people on the Council house waiting list.

The Proposed Plan will set out the annual housing supply target divided into market and affordable tenures.

Scottish Planning Policy suggests adding a flexibility allowance of 10-20%, however to ensure a longer term approach is taken, as per previous Plans, and to reflect uncertainty over longer term demographic projections, the significant investment by the Ministry of Defence at RAF Lossiemouth and the potential for additional investment at Kinloss Barracks, a flexibility allowance of 30% has been used for the housing land calculation. Further justification for this approach is evidenced by Moray's population growth being significantly higher from long term population projections. When preparing the Moray Local Plan 2008, national population projections indicated Moray's population would drop below 80,000 by 2017, however the population estimated in 2016 was 96,070.

### **Recommendation**

- **The Proposed Plan will set out the housing supply target for both market and affordable housing.**

### **Effectiveness of sites**

The Local Development Plan process involves removing sites which are not considered to be effective or capable of becoming effective. Evidence that sites will come forward for development or that constraints can be overcome is required before sites will be considered for inclusion within the Plan.

### **Recommendation**

- **Sites where no clear evidence has been provided of effectiveness will be removed or highlighted as potentially being removed in the next Plan if they are not progressed.**

### **LONG term sites**

The triggers for controlling the release of LONG term designations are currently included in the annual housing land audit. The LONG term site policy as drafted refers to both long term housing and employment sites. For clarity, the triggers will be included in the Proposed Plan text.

### **Recommendation**

- **Include triggers for release of LONG term sites in the Proposed Plan.**

### **Gypsy/ Traveller site(s)**

Scottish Planning Policy requires planning authorities to identify sites for Gypsy/ Travellers where a need has been established. Research has identified the need in Moray for Gypsy/ Travellers pitches and this will be identified as an action in the Action Programme.

### **Recommendation**

- The Action Programme which accompanies the Plan will include an action to identify a suitable site(s) for a gypsy/ traveller site to meet the requirements of Scottish Planning Policy.

### **Development on greenfield/ brownfield land/ mixed use sites**

Moray LDP area does not have significant brownfield land available and these sites are often constrained due to flooding or transportation issues. Therefore release of greenfield sites is required to meet demand for housing and employment uses. Mixed use sites are often required to make a development financially viable, as was the case at Barmuckity Business Park. If a mix of uses, including residential, hadn't been introduced, then the site would not have come forward and Elgin's requirement for employment land in the short term would not have been met, risking significant economic losses for Moray.

### **Recommendation**

- **Include a new mixed use designation for greenfield sites where a more mixed use development is more appropriate, with supporting policy context written into the Proposed Plan.**

<b>Issue 4</b>	<b>Creating Integrated, Quality Healthy Places</b>	
<b>Main Issues Report reference:</b>	LDP2020_MIR_DP1	Development Policies – Development Principles
	LDP2020_MIR_EP4	Environment Policies – Open Space
	LDP2020_MIR_MI3	Main Issues – Creating integrated, quality healthy places
	LDP2020_MIR_PP1	Primary Policies - Placemaking
	LDP2020_MIR_Q6a	Question 6a – Do you agree that a new policy promoting higher standards of design is required?
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
000010	Springfield Properties Plc	
000107	Mr Allan Robertson	NHS Grampian
000111	Mr William Kidd	Historic Environment Scotland
000285	RSPB Scotland	
000442	Mr & Mrs Mark & Beverly Ellis	
000444	Sport Scotland	
000480	Scotia Homes Ltd	c/o Emac Planning LLP
000569	SEPA	
001027	Scottish Natural Heritage	
001035	Homes for Scotland	
001137	Colin Souter	Robertson Northern
001546	Miss Carol Benn	
001547	Mrs Eunice Benn	
001549	Mr David McKay	
001567	Mrs Geraldine McKillop	
001589	Mr Scott Barclay	
001600	Mr Nathan Matthews	
001723	Mr Ian Rippon	
001815	Alison Sidgewick	Force 9 Energy Partners LLP
001816	Joanna Taylor	Rafford Consulting
001818	Woodland Trust Scotland	
001832	James Wiseman	Elgin Community Council
<b><u>Development Principles (Policy DP1)</u></b>		
<b>RSPB Scotland</b>		<b>000285</b>
RSPB Scotland welcome requirement for developers to demonstrate how the development will conserve and enhance the natural and built environment. Suggest wording is changed to ensure the principle of ‘the right tree in the right place’ is adhered to when a tree is replaced as follows “undertaking replacement planting (if appropriate and if this does not negatively affect sensitive species or open habitats) to include native trees for any existing trees that are felled ...”.		



**Scotia Homes Ltd****000480**

Support objectives of draft policy principles. Raise concerns that policy may become unduly 'prescriptive' based on current terminology in MIR. Suggest that future policy also recognises that development proposals may be supported where justified through the masterplanning process or where other material considerations support an alternative design solution (or similar wording).

**SEPA****000569**

SEPA welcomes inclusion of coastal erosion in the policy and suggest that the Dynamic Coast website could be referenced in any subsequent revisions of the technical guidance. SEPA request a change to section iii) Water environment, pollution, contamination, b) 'Proposals must avoid areas at risk of flooding and where necessary carry out flood management measures (see policy EP6)' to 'Proposals must avoid areas at risk of flooding (see policy EP6)'. For section iii) SEPA request the following or similar additional wording (denoted in italics) 'Exceptions to this would only be considered in specific circumstances, e.g. extension to an existing building or change of use *to an equal or less vulnerable use*. Where this .... the developer must also demonstrate that the proposed development will not increase flood risk elsewhere *and not increase vulnerability to flooding*'.

**Scottish Natural Heritage (SNH)****001027**

SNH suggest that it would be beneficial for policies (DP1, EP2 and EP6) to recognise that coastal changes caused by flooding, climate change driven increases in storm frequency and severity, and/or development are not limited to coastal erosion. Sediment deposition (accretion) in coastal locations may also be an issue (e.g. where development reduces flow through or past a harbour entrance this may lead to sediment settling out in the harbour). Suggest that reference to National Coastal Change Assessment website ([www.dynamiccoast.com](http://www.dynamiccoast.com)) is made to help developers and others gain a better understanding of coastal change.

**Homes for Scotland****001035**

Homes for Scotland support the role of the LDP to drive quality development and a placemaking approach to achieving sustainable places. Consider policy to be overly prescriptive and suggest it is reworded to be more flexible and concise and reiteration of national policy Designing Streets is removed with a reference included instead.

**Miss Carol Benn****001546**

Supports development principles.

**Mrs Eunice Benn****001547**

Supports development principles, particularly incorporating more green spaces into and around developments. Would like to see as many native trees and planting as the development can sustain as recently consented developments are not landscaped. The LDP2020 is recommending developments do not look like streets with boxes/cars and this is very encouraging.

**Force 9 Energy Partners LLP****001815**

Suggests that policy text makes it clear that the policy only applies to the built environment rather than all development or if the policy is intended for all development then the first paragraph only applies to housing. Suggests revision of second paragraph from 'conform with the relevant LDP policies and addition guidance' to 'conforms with LDP policies when read as a whole' and that part (i) relates to the built environment only.

## **Open Space (Policy EP4)**

### **Springfield Properties Plc**

**000010**

Springfield Properties Plc consider that the requirements of the draft open space policy are overly detailed which will stifle creative placemaking, reduce flexibility in site design and place further burdens on developers. Notes that a separate Supplementary Guidance (SG) is to be prepared/carried forward and stress that the future role of SG is being questioned through the planning system reform. Considers that full and upfront consultation of any such documents is essential.

### **Sport Scotland**

**000444**

Sport Scotland set out that national policy on outdoor sports facilities as set out in Scottish Planning Policy (SPP), para 226, is slightly different to open space generally and request that this is reflected in the draft LDP policy or reference made to it.

### **Scotia Homes Ltd**

**000448**

Scotia Homes Ltd generally support the MIR suggested policy approach.

### **SEPA**

**000569**

SEPA are supportive of this policy subject to a request to include the following additional text (suggested amendments in *italics*) "New development must incorporate accessible multifunctional open space of appropriate quantity and quality to meet the needs of development and must provide green infrastructure as required in the green network mapping. *Blue drainage infrastructure will require to be incorporated within green open space. The blue-green context of the site will require to be considered from the very outset of the design phase to reduce fragmentation and maximise the multi-benefits arising from this infrastructure.* Open space provision in new developments must meet the accessibility, quality and quantity standards set out below and within the Moray Open Space Strategy SG and meet the requirements of Policy PP1 Placemaking. Under 'Biodiverse supporting ecological networks', SEPA request that the following criteria is amended from 'Connects with wider green networks' to 'Connects with wider *blue/green* networks'.

### **Scottish Natural Heritage**

**001027**

SNH suggest that it would be beneficial for the relevant policies (EP4 and EP6) to encourage opportunities for natural flood management as flooding is an issue that affects settlements, communities and nature in Moray. For example, the incorporation of open spaces that could also be used as flood storage during severe flood events, restoration of natural watercourse channels and riparian planting as part of larger developments, etc. SNH suggest moving the list of ENV classes with supporting explanatory text to the start of the section as it appears out of place at the end. This would allow readers to consider what kind of open space might be most appropriate for the development they are considering.

### **Homes for Scotland**

**001035**

Homes for Scotland consider that the policy is overly prescriptive and too long and would support a shorter, more flexible policy which allows for innovation and real placemaking rather than stifling the creativity of home builders.

## **Creating Integrated, Quality Healthy Places/Placemaking (Policy PP1)**

### **Springfield Properties Plc**

**000010**

Springfield Properties plc consider that aspirational standards of design must be balanced by the recognition that the delivery of new homes should be the over-riding priority and that the introduction of

further stringent design requirements such as public art, street naming details along with a hierarchy of open space requirements, semi-mature tree-lined street frontages along with tighter demands for all car parking to be to the rear of building lines on primary and secondary routes adds another tier of design regulation that is unduly prescriptive and overly restraining. Springfield Properties plc suggest that policy PP1 Placemaking contradicts policy DP1 Development Principles which reads ‘minimal parking to the front of buildings may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone walls’. Further consider that this raises significant questions about how to create effective and workable site layouts that can satisfactorily accommodate sufficient vehicle parking, visibility splays and garden ground as it fundamentally artificially forces urban form towards homogeneous street design. Springfield Properties plc suggest that national design policy is articulated within the Scottish Government’s Designing Places and Designing Streets which sets out the core principles of good urban design, notably allowing for sensitive car parking on street frontages. Springfield Properties plc consider that the Council’s drive for more prescriptive placemaking, car parking and landscaping requirements are overly onerous and significantly resource intensive which imply further slowed down determination timeframes and inevitable consequences for development costs. Further suggest that the proposed policy PP1 Placemaking contains too much-detailed requirements that the Council will slavishly apply to the detriment of innovative design. Springfield Properties plc highlight that there are moves to remove Supplementary Guidance and much more policy content from LDP’s and it is therefore considered that there is a need for greater flexibility not more prescription. It is considered that policies PP1 Placemaking, DP1 Development Principles and EP4 Open Space, as drafted, are all overly extensive and detailed in their requirements which will inevitably stifle creative placemaking, reduce flexibility in site design and place further burdens on developers. Springfield Properties plc requests that the Council adopt a more site-by-site approach where adherence with Designing Streets is utilised as a basis of the policy approach but without the need for a comprehensive point by point checklist. Springfield Properties plc consider that the discretionary role of the development management planner is continually being eroded away and that the principle ambition of documents such as Designing Streets is about encouraging flexibility of design, creativity and innovation in urban design and limiting formulaic, fixed and inflexible standards. Springfield Properties plc do not support a formal position where the applicant is required to formally consult Architecture and Design Scotland (A&DS) when preparing a masterplan and query whether this would add proportionate value to an already lengthy and iterative process where the Council appears to have their own in-house expertise and A&DS perhaps do not always have sufficient time and resources to review masterplans.

#### **NHS Grampian**

**000107**

NHS Grampian welcomes the recognition by Moray Council on the importance of providing well-designed buildings, streets and open spaces and the positive impact this has on health and wellbeing. NHS Grampian will continue to provide support and advice where required to promote higher standards of design that support healthy communities.

#### **Historic Environment Scotland (HES)**

**000111**

HES welcome and support the continued focus on placemaking and the key role that the historic environment plays in creating sustainable and attractive places for people to live and work. HES agree with the preferred option and welcome the updated policy PP1, particularly the principles around character and identity.

#### **RSPB Scotland**

**000285**

RSPB Scotland welcomes the publication of draft policies at MIR stage and a new policy promoting higher standards of design as habitat corridors and biodiversity enhancements of infrastructure are vital to sustain wildlife populations and to facilitate climate change adaptation. RSPB Scotland support the approach to provide a network of multi-functional green corridors, which should include a biodiversity function as the creation of wildlife corridors will be beneficial in terms of helping to meet the Council’s

biodiversity duty. RSPB Scotland consider that new housing and other developments should enhance the biodiversity value of development sites and make provision for wildlife, through for example, the planting of native tree species, incorporation of swift bricks and nest boxes, etc. as this would not only benefit biodiversity but also enhance the quality of life of residents and workers. RSPB Scotland suggest the following initial amendments (highlighted in *italics*) to policy PP1 Placemaking: amend first bullet point from 'Provide open spaces, a variety of green and blue networks, native trees and hedges throughout to improve and support habitats and wildlife ...' to 'Provide open spaces, a variety of green and blue networks, native trees and hedges *where appropriate* to improve and support habitats and wildlife ...' as the planting of trees and hedges can have a detrimental impact on some open ground species such as lapwing and curlew in some cases which are both species that are declining across the UK and are on the red list of birds of conservation concern; amend bullet point three from 'Development must safeguard and connect into wildlife corridors and prevent fragmentation of existing habitats' to 'Developments must safeguard and *if appropriate enhance or extend* wildlife corridors and prevent fragmentation of existing habitats' as this wording is considered to be clearer.

**Mr Mark & Beverly Ellis**

**000442**

Support a new policy promoting higher standards of design and suggest this policy should emphasise the importance of quality and views and should seek to protect open views and vistas.

**Scotia Homes Ltd**

**000480**

Scotia Homes Ltd supports the principles of the draft placemaking policy together with the balanced delivery of housing and issues associated with practical viability. Agrees that an important aspect of good placemaking is to integrate communities and improve the integration of affordable and market housing and considers this can be achieved through the masterplanning process. Supports architecturally blind housing and affordable and market housing sharing the same play areas which again can be achieved through the masterplanning process. Suggests that it may be beneficial to identify the policy criteria to be addressed in the design statement on how development promotes healthy living. Scotia Homes Ltd raise concerns about masterplans being subject to a design review forum facilitated by A&DS as this could result in delays to approving masterplans and that the policy wording suggests that A&DS comments may take precedence over the planning authorities for final approval or the applicant's design solution. Scotia Homes Ltd query that proposals for sites allocated in the LDP2020 must reflect key design principles and green networks set out in Proposals Maps and Town and Village Statements as this is considered to be unduly prescriptive and suggest removing 'must' from the future policy to recognise that 'key design principles' are indicative and that alternative development proposals can be supported where justified through the masterplanning process or where other material considerations support alternative design solutions. Scotia Homes Ltd raise concerns that the Proposals Maps are 'prescriptive' and are created with no detailed study back-up or formal input from landowners, developers, design consultants and therefore commit to a 'design principle' that may not be practical or appropriate to a specific site context.

**SEPA**

**000569**

SEPA supports and welcomes the revised placemaking policy and quality auditing process. SEPA welcomes development that is to be designed in accord with Our Planet Prosperity and designed through sustainable placemaking to provide high quality environments and deliver developments designed to improve health and well-being, free from significant risk to health caused by environmental harm or flood risk that do not create unacceptable risks to adjacent communities, and result in patterns of development that minimise greenhouse gases and local air quality pollutants by promoting resource efficiency and green infrastructure. SEPA welcome that 'greenspace mapping has been prepared for Elgin, Forres and Buckie and that it is proposed to extend this to other towns and villages. SEPA strongly support innovative approaches to sustainable design such as those promoted by Aberdeen City Council through the Supplementary Guidance requirements for development to meet the gold standard. SEPA would welcome surface water drainage having its own heading, embracing the storm water strategy that

Scottish Water are working on focusing on 'above ground' storage and highlight this should be seen as the default, incorporated within surrounding green infrastructure and linked to wider blue infrastructure. SEPA suggest this can be done by adding after biodiversity and rewording the biodiversity section to avoid duplication to "Surface Water Drainage Infrastructure: Consider treatment of surface water using 'above ground' features wherever possible. Integrate surface water drainage infrastructure (swales, SUDS ponds, etc.), with green networks and link it to existing blue features enhancing biodiversity and maintaining ecological function". In addition, under Transportation SEPA would welcome the addition of "Active travel routes should follow the line of blue-green networks, enhancing 'sense of place and well-being' by allowing communities to connect with nature" after "Access should be provided for public transport ... areas". SEPA request that an air quality reference is added such as "Development proposals should have no significant adverse impacts on air quality and as appropriate, mitigation to minimise any adverse effects is provided prior to development", as the Scottish Government's Cleaner Air for Scotland (CAFS) policy document outlines an expectation for all planning authorities to review the LDP and revise the next scheduled update to ensure policies are consistent with CAFS objectives and any local authority air quality action plans. Whilst Moray has no air quality management areas (AQMA) SEPA wish to ensure that future developments do not lead to AQMA. Typo on page 3, last bullet point under Healthier, Safer Environments highlighted.

#### **Scottish Natural Heritage**

**001027**

SNH welcome the promotion of higher standards of design and the emphasis on placemaking, green infrastructure and green networks running through the development policies and the proposed approaches set out in the MIR topic papers as implementation should contribute to the objectives of placemaking, active travel and biodiversity together with tackling climate change. SNH consider that the use of the Quality Audit (QA) described in the Housing Land, Policies and Creating Quality Places topic paper will play an important role in ensuring the approaches are successfully implemented. SNH consider that the promotion of higher standards of design through the proposed new policy and use of the QA should be positive by creating well designed places for people and nature to coexist, and that it is vital that the policy and QA are fully implemented to ensure that future development on the ground meets the intended standards. SNH welcome that the draft policies have taken their advice into account.

#### **Homes for Scotland**

**001035**

Homes for Scotland consider that policy PP1 Placemaking should be amended to be more flexible and less prescriptive as the policy contains too much detail that may result in less innovative design being taken forward which is the opposite intention of the policy. Homes for Scotland highlight that Designing Streets is a national policy followed by home builders which promotes a flexible approach to the delivery of places and is supported by the home building industry. Homes for Scotland do not support a formal position from the Council for an applicant to formally consult with A&DS on the preparation of a masterplan as the decision on engaging with A&DS should be on a case by case basis and should not be a default position. Homes for Scotland suggest that the Council should work with the industry to understand the varied and innovative home building techniques currently used, rather than imposing new design standards on the industry.

#### **Robertson Northern**

**001137**

Robertson Northern supports the strong emphasis on placemaking.

#### **Mr David McKay**

**001549**

Supports new policy promoting higher standards of design.

#### **Mrs Geraldine McKillop**

**001567**

Support for better quality design particularly self-sustainable development.

**Mr Scott Barclay****001589**

Supports higher standards of design as it is considered that new housing developments lack ambience due to the commonality of the houses. Considers that new housing should be of a design that promotes individuality such as using brick and wood construction rather than cheaper harling. The visual character and identity of housing needs to be a key part of the placemaking strategy. Considers that sprawling housing developments have a less close knit community and advocates cul-de-sacs. Homogeneous house design is not supported. New amenities (e.g. pubs, restaurants, schools, shops, etc.) should be constructed using local materials such as stone to be in keeping with the rural character of Moray.

**Mr Nathan Matthews****001600**

Supports higher standards of design as the type of housing currently being built is not what people want to live in long term as the gardens are too small and the building materials are poor quality. The homogeneous houses built by the same developers repetitively mean that attractive areas lose their character and desirability.

**Mr Ian Rippon****001723**

Supports a new policy promoting higher standards of design, and considers that the draft policy has good ideas.

**Force 9 Partners LLP****001815**

Suggests that the policy or set of policies should be clear that they relate to the built environment and not to renewable energy developments.

**Rafford Consulting****001816**

Supports improved design standards and considers that the objective of maintaining and enhancing the physical and mental well-being of the population is desirable.

**Woodland Trust Scotland****001818**

Woodland Trust Scotland support the creation of integrated, quality healthy places as proposed by the Council. Welcome that green infrastructure is a key consideration of good placemaking, and the aspiration of a policy that secures the provision of well-connected, multi-functional greenspaces. The Woodland Trust Scotland would like to see the Council select appropriate sites for green infrastructure, preventing further fragmentation, and connecting existing green sites. In the case of woodland specifically, the Council can work to connect existing woodland habitats to ensure a landscape-scale approach to green infrastructure provision. In support of green infrastructure, the Woodland Trust Scotland highlight clause 4.17 in the National Planning Framework 3 (NPF3) "Well-designed green infrastructure can support regeneration efforts within our towns and cities, and improved attractiveness and environmental performance can act as a catalyst for economic investment. Temporary uses for vacant and derelict land, for example for community growing or supporting biodiversity, can also help to attract investment in specific sites or wider areas. Whilst re-use of vacant land remains a priority, in some cases greening initiatives could be the best permanent solutions for sites where built development is unrealistic for cost or other reasons". The Woodland Trust Scotland would welcome the opportunity to work with the Council to identify any native woodland creation opportunities in Moray.

**Elgin Community Council****001832**

Elgin Community Council support the principle of higher standards of design in new development and the genuine integration of private, social and affordable housing but have reservations about the knock-on

<p>impact on cost potentially making housing more expensive and less affordable and the practicalities of ‘tenure blind’ housing as it is difficult to see this really working.</p>
<p><b>Officers comments on representations and recommendations:</b></p>
<p><b>Support for Placemaking, Open Space and Development Principles</b>  Support for better-designed development to create integrated, quality healthy places through the draft policies on Placemaking (PP1), Open Space (EP4) and Development Principles (DP1) is noted.</p> <p><u><b>Recommendation</b></u>  <b>No change to policies as a result of consultation responses supporting better design.</b></p> <p><b>Quality Audit</b>  Support for the important role of the Quality Audit in the implementation of good placemaking principles is noted. A multi-disciplinary team approach will continue to assess the design quality of development proposals through the Quality Audit. The revised Quality Audit 2 will be referenced in Policy PP1 Placemaking affording it further weight in the decision-making process. The Quality Audit 2 will include a section where developers will be expected to address how their development proposal promotes opportunities for healthy living.</p> <p><u><b>Recommendation</b></u>  <b>Revise policy PP1 Placemaking to include a reference to Quality Audit 2.</b></p> <p><b>Policy Ordering and Terminology</b>  Policy EP4 Open Space will be made more user-friendly by moving the list of ENV types to the first section of the policy and adding text noting that these are the ENV categories identified on the settlement proposals maps.</p> <p>In terms of the terminology pertaining to the policy criteria this is considered to provide certainty to developers on requirements that need to be met for development to be acceptable. However, policy PP1 Placemaking will be revised to reflect that alternative design solutions (other than those include in the key design principles and design concepts) may be acceptable provided satisfactory justification is provided to the planning authority.</p> <p><u><b>Recommendations</b></u></p> <ul style="list-style-type: none"> <li>• <b>Re-order policy EP4 Open Space and include additional ENV text to address the above points; and,</b></li> <li>• <b>Revise policy PP1 Placemaking to reflect that alternative design solutions may be acceptable.</b></li> </ul> <p><b>National Policy on Outdoor Sports Facilities</b>  In terms of national policy on outdoor sports facilities, it is considered that the proposed policy EP4 Open Space in certain respects goes beyond the requirements in SPP in that development of an ENV is not supported unless this is for essential community infrastructure or for site specific opportunities identified in settlement statements. However, it is noted that SPP would not support a change of use to another ENV category on an outdoor sports facility. SPP also requires outdoor sports facilities to be replaced or there to be an excess of this type of sports provision. This is a requirement of the proposed EP4 policy. Additional text will be added to the policy requiring consultation with Sport Scotland.</p> <p><u><b>Recommendation</b></u>  <b>Revise policy EP4 Open Space to include requirement to consult with Sport Scotland.</b></p> <p><b>Open Space Quantity Requirements/Green Network Mapping</b>  The open space quantity requirements in the existing Plan have not altered and there is flexibility in how this can be achieved. The green network mapping within the Plan shows at a strategic level the green/blue infrastructure and green network connections that require to be made. Without this strategic</p>

green/blue infrastructure, development in these locations would not be acceptable.

#### **Recommendation**

**No change to policy as a result of the consultation response.**

#### **Active Travel**

Active travel routes will follow green/blue infrastructure wherever practical. In this respect, the additional text (suggested by SEPA) will be incorporated into policy PP1 Placemaking.

#### **Recommendation**

**Revise policy PP1 Placemaking to include reference to active travel routes following green/blue infrastructure where practical.**

#### **Trees and Hedges**

The principle of 'the right tree, in the right place' for replacement trees will be reflected in amended criteria for policy DP1 Development Principles. Policy PP1 will be amended to reflect that native trees and hedges will be required where appropriate and where this is not appropriate, alternative species will be considered. The policy will continue to promote the enhancement and extension of wildlife corridors as this ensures consideration from the outset. Advice will continue to be sought from SNH and RSPB Scotland on a case by case basis.

The promotion of native woodland creation is an objective of the Moray Woodland and Forestry Strategy and the opportunity to continue to work with the Woodland Trust Scotland is welcomed.

#### **Recommendations**

- **Revise policy DP1 Development Principles to reflect the principle of 'the right tree, in the right place'; and,**
- **Revise policy PP1 Placemaking to reflect that native trees and hedge will be required where appropriate, and where this is not appropriate, alternative species are to be considered.**

#### **Flooding**

LDP2020 draft policies EP6 Managing the Water Environment and DP1 Development Principles guide development to areas that are not at risk of flooding, and settlement designations set out where a Flood Risk Assessment (FRA) is required. The criteria in policy DP1 will be amended to further reflect this (as suggested by SEPA) and ensure that development does not increase the vulnerability to flooding elsewhere. The Dynamic Coast website will be referenced in the justification text for policy DP1.

Policy DP1 Development Principles will be amended to reflect that coastal changes are not only a result of coastal erosion but also sediment deposition that can be caused by development. The National Coastal Change Assessment website will be referenced in the justification text for policy DP1.

It is not considered appropriate to rename the biodiversity section of policy PP1 Placemaking to Surface Water Drainage as this is afforded its own heading under policy EP6 Managing the Water Environment and will result in repetition and the biodiversity section of policy PP1 has a broader remit. However, the policy will be revised to include the additional wording suggested (by SEPA) on blue/green infrastructure.

#### **Recommendations**

- **Revise policy DP1 Development Principles to reflect that development on areas of flood risk will not be acceptable and development will not increase vulnerability to flooding elsewhere;**
- **Include reference to the Dynamic Coast website and National Coastal Change Assessment website within justification text for policy DP1 Development Principles; and,**
- **Revise policy DP1 Development Principles and policy PP1 Placemaking to include references to blue/green infrastructure.**



### **Natural Flood Management**

The opportunities for natural flood management within open space will be recognised in amended justification for policy EP4 Open Space.

#### **Recommendation**

**Revise justification for policy EP4 Open Space to reflect the opportunities for natural flood management within open space.**

### **Blue-green Infrastructure**

The importance of incorporating blue-green infrastructure will be recognised by amending policy EP4 Open Space to include the suggested additional text (by SEPA).

#### **Recommendation**

**Revise policy EP4 Open Space to include reference to blue/green infrastructure.**

### **Air Quality**

Development impact assessments (including air) are specifically addressed in policy DP1 Development Principles and therefore, it is not considered necessary to repeat this requirement in policy PP1 Placemaking. However, policy DP1 Development Principles will be amended to include text pertaining to the need to mitigate any adverse effects on the environment.

#### **Recommendation**

**Revise policy DP1 Development Principles to include text to mitigate any adverse impacts on the environment identified through development impact assessments that are a result of the proposed development.**

### **Need for Detailed Design Policy**

SPP sets out that planning's purpose is to create better places and that the design-led approach should be applied at all levels with LDP's cited for the local level. Uniform design solutions and 'anywhere' development that has become the norm need to change to meet Government aspirations for creating successful places. The principles of design included within policy PP1 Placemaking have been in circulation for some time as they are set out in national policy and the LDP2015 and associated Supplementary Guidance.

Given the increasing emphasis on good placemaking at the national level and the significant benefits it can bring particularly for health and well-being, the criteria provided in draft policies DP1 Development Principles, EP4 Open Space and PP1 Placemaking is considered to provide an appropriate balance between the level of detail necessary for certainty to the development industry over what will be required to merit an acceptable development proposal, in terms of design, that delivers the 6 key qualities of a successful place and the aspirations of Moray's Community Planning Partners, whilst being sufficiently broad to not stifle good placemaking or flexibility in design. The policy criteria can be built into development appraisals to inform land values and design concepts from the outset. The Council also offers an early design advice service to work in partnership with the industry on the design and layout of their development proposals. The Council has previously worked with national housebuilders on a joint approach to placemaking and will continue to do so. The inconsistency between policy DP1 and PP1 regarding parking will be addressed in the policies of the Proposed Plan.

#### **Recommendation**

**No change to policy as a result of consultation responses.**

### **Designing Streets**

The reiteration of Designing Streets within Policy PP1 Placemaking and DP1 Development Principles is

minimal and required to provide context as key points are built upon and expanded to provide policies that are specific to the local area, therefore this text will not be removed.

#### **Recommendation**

**No change to policies as a result of consultation responses.**

#### **Role of Supplementary Guidance**

Following the findings of the Stage 1 Report of the Scottish Government's Local Government and Communities Committee the removal of Supplementary Guidance through the planning system reform is inconclusive. For the avoidance of doubt, the LDP2020 must adhere to the provisions of the Planning etc. (Scotland) Act 2006.

Notwithstanding this, the number of Supplementary Guidance documents has been rationalised through the LDP2020 and the Open Space Strategy is one of a small number being carried forward. It is intended that in future Plans, once additional work for towns currently not audited has been completed, that the information and guidance within the Open Space Strategy Supplementary Guidance will be incorporated into policy and settlement statements.

#### **Recommendation**

**No change to policy wording or carrying forward of Open Space Strategy Supplementary Guidance as a result of consultation response.**

#### **A&DS Design Review Forum**

Given the housebuilding industry is committed to delivering high quality, innovative design, the proposal to review large-scale masterplans by an A&DS review panel that can provide additional design expertise should be an acceptable method of review and evaluation to inform both the Council and the developer. The Council will give further consideration on the use of A&DS review panels. The recognition of the Council's in-house design expertise is welcomed.

#### **Recommendation**

**Further consideration to be given on the use of A&DS review panels for large masterplans.**

#### **Integration of Affordable and Private Housing**

'Tenure blind' housing and shared play spaces, facilities and school catchments will continue to be sought by the Council through the relevant LDP2020 policies and masterplanning to ensure communities are integrated.

#### **Recommendation**

**No change to policy wording as a result of the consultation response.**

#### **Application of Policy to Development Types**

The supporting text of policies DP1 Development Principles and PP1 Placemaking will be amended to provide clarity over the types of development that they will apply to.

#### **Recommendation**

**Revise supporting text of policies DP1 Development Principles and PP1 Placemaking to provide clarity on the types of development that these policies will apply to.**

<b>Issue 5</b>	<b>Providing a Generous Employment Land Supply</b>	
<b>Main Issues Report reference:</b>	LDP2020_MIR_PP2	Primary Policies - Sustainable Economic Growth
	LDP2020_MIR_MI4	Main Issues - Employment Land Supply
	LDP2020_MIR_Q8	Question 8 - Do you agree with the levels of land to be identified for business and industrial uses?
	LDP2020_MIR_DP5	Development Policies - Business and Industry
	LDP2020_MIR_Q9	Question 9 - Do you agree that industrial and business designations could include a greater mix of uses to help support servicing of sites?
	LDP2020_MIR_Q10	Question 10 - Are there other ways that the plan can support delivery of land and industrial and business uses?
	LDP2020_MIR_Q11	Question 11 - Do you agree that several larger scale rural sites should be identified to direct inward investment opportunities?
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
000361	Hugh Fraser	
000480	Scotia Homes Ltd	Emac Planning LLP
000569	SEPA	
001027	Scottish Natural Heritage	
001035	Homes For Scotland	
001249	Crown Estate Scotland (Interim Management) c/o Savills	
001549	Mr David McKay	
001589	Mr Scott Barclay	
001723	Mr Ian Rippon	
001816	Joanna Taylor	Rafford Consulting
001818	Woodland Trust Scotland	
001832	Elgin Community Council	
<b>Planning authority's summary of the representation(s):</b>		
<b><u>Primary Policy – PP2 Sustainable Economic Growth</u></b>		
<b>Hugh Fraser</b>		<b>000361</b>
Agree with Council Policy re Sustainable Economic Growth.		
<b>Scotia Homes Ltd</b>		<b>000480</b>
Scotia Homes Ltd supports the draft policy principles i.e. Development proposals which support the Moray Economic Strategy and will contribute towards the delivery of sustainable economic growth.		
<b>SEPA</b>		<b>000569</b>
Note the policy supports the Moray Economic Strategy, however this strategy is now dated and it is not clear if there are any proposals to update the strategy. As such, SEPA support the policy in so far as Moray Economic Strategy provides for sustainable economic growth, building design, avoidance of flood risk and redevelopment of brownfield sites.		

**Main Issue 4 – Providing a Generous Employment Land Supply****Mr Scott Barclay****001589**

Agree with the Moray Economic Strategy 2012 that earnings from employment need to increase average take home pay in Moray is low so any strategy to optimise employment land supply would be good. A sizeable proportion of people in Moray work either Inverness or Aberdeen commuting daily as they have more employment land supply than Moray and any opportunities to increase supply in Moray could reduce commuting outside Moray and promote employment sourced locally.

**Elgin Community Council****001832**

Elgin Community Council agree with the stated outcomes. The Employment Land Audit highlighted a severe shortage of serviced sites for immediate development and the option of mixing the land use content with commercial, recreational or retail use with strict minimum levels of industrial use is good. The other option to consider compulsory purchase powers could be invoked if it is in the interest of a greater development objective. The inclusion of land identified as a strategic reserve that can be brought forward through phasing or “triggers” is a good option. As has been identified already, our needs are for medium sized sites primarily from existing businesses wanting to expand. Large sites of land for inward investment (100 acres/40ha+) will always be a gamble, the focus therefore must always be what is wanted at the time and the demand seems to be a mixture of small start-ups of renewable, digitally based businesses and decommissioning, especially around Elgin area. Progress should always be with what is available and not what you hope to have.

**Question 8 - Do you agree with the levels of land to be identified for business and industrial uses? and Policy DP5 Development Policies - Business and Industry****Crown Estate Scotland****001249**

Identification of a 15 year employment land supply is a pragmatic response to potential 10 year LDP periods, and we agree that the levels of employment land identified is reasonable.

**Mr David McKay****001549**

No: I feel they are over ambitious especially when you are already considering using land which is currently allocated to Employment to build houses on. If Employment land is such a priority then it should not have frittered away to appease Developers, necessitating the opening of new plots of Employment land.

**Joanna Taylor****001816**

Without any information about the expected nature and location of current and future employment it is not possible to assess the reasonableness of the plans. Different industries have very different land requirements and employment patterns but the plan does not explain the basis of the proposals.

**Mr Ian Rippon****001723**

Agree with the levels of land identified for business and industrial uses. But would like to see this include regeneration of town centres and re-use of all brownfield sites first.

**SEPA****000569**

More emphasis should be given to allocating development on previously developed land and investigation of what the council can do to make existing sites/allocations more attractive to developers/deliverable. For example providing site infrastructure or if indeed there is anything the council can work with SEPA on to address why existing sites are not being fully utilised by developers.

SEPA's preference is for redevelopment of brownfield sites and it is important for redevelopment of brownfield land to be encouraged for all the categories listed in the policy or at the start as an overarching principle. This must be addressed in the policy wording.

The policy must be expanded to enable the development of waste management facilities on employment and industrial land, and storage and distribution land in line with paragraph 186 of SPP. The Industrial

Estates or Other Uses section must be expanded to enable the development of waste management facilities on such sites.

**Woodland Trust Scotland**

**001818**

Woodland Trust Scotland does not agree or disagree on this issue; however, only appropriate sites for such land use should be allocated. Land on or adjacent to ancient and/or native woodland should not be allocated. Site by site comments have been provided. Developing a sustainable economy in Moray should take into account the environment in which the economy and society function, and aim to allocate appropriate sites for business and industrial uses.

**Question 9 - Do you agree that industrial and business designations could include a greater mix of uses to help support servicing of sites?**

**Crown Estate Scotland**

**001249**

Agree that a greater mix of uses could help support the servicing of sites. The greater the flexibility allowed (within certain parameters in terms of environmental health etc.) the more likely development is to come forward.

**Mr David McKay**

**001549**

Yes: But not housing, (Including affordable housing which developers will then try and write off against other housing Developments) as housing should be kept completely separate to offer residents a better quality of life.

**SEPA**

**000569**

A greater mix of uses is supported if this helped fund adequate site infrastructure such as connection to the public foul sewer or development of district heating, however consideration would need to be given to potential co-location issues.

**Question 10 - Are there other ways that the plan can support delivery of land and industrial and business uses?**

**Mr David McKay**

**001549**

Yes: Use all of the land that has already been allocated even when this is more difficult than opening virgin land.

**Homes For Scotland**

**001035**

Homes for Scotland has no specific comments to make on the deliverability of industrial and business uses, but would encourage the Council to consider the location of housing land in relation to any new land allocated for business and industrial use to make best use of new and existing infrastructure, and look at new development in the round, with opportunities for new homes near business uses to encourage sustainability of new places, and a positive impact on the distance required to travel to employment areas from new homes.

**SEPA**

**000569**

The best option is as proposed, to identify a longer term land reserve that can be assessed through the LDP for any environmental or other restrictions which would prevent the land being developed for the use proposed. SEPA would look for this to be identified within existing/brownfield sites and the council to look at ways to address existing issues, for example by providing infrastructure, to improve the neighbouring environment to make the sites more appealing to developers.

**Crown Estate Scotland**

**001249**

The Moray Growth Deal should look at infrastructure provision for employment sites, the LDP could then outline within the relevant Action Programme and/or Site Requirements what the particular interventions on each respective employment site are.

**Question 11 - Do you agree that several larger scale rural sites should be identified to direct inward investment opportunities?**

**Mr David McKay**

**001549**

No: Large rural sites by their definition will remove the rural aspect for anyone living in the area. This would be true all over Moray. Put the larger scale proposals in areas where there is a high social demand for local employment and there is already clearly defined employment areas e.g. Buckie and Forres. Stop Development being Elgin Centric.

**Scottish Natural Heritage**

**001027**

SNH have no comments on the need or otherwise for inward investment opportunity land as this is outwith our area of expertise. SNH advise that the proposal for such sites to be located in rural areas may give rise to greater impacts on the environment when compared to development within or adjoining existing larger settlements. Careful consideration of impacts of additional infrastructure creating suburbanisation of rural areas through increased development and traffic in rural areas (and associated emissions), and the effects of large scale development on rural character and landscapes will be required.

**Mr Ian Rippon**

**001723**

Would depend very much on the business and its impact on the existing businesses in the area.

**Woodland Trust Scotland**

**001818**

Woodland Trust Scotland does not agree or disagree with this; however where such sites are proposed ancient woodland and woodland of high natural value must be safeguarded from the negative impacts of development. Some of these allocated sites include areas of ancient woodland. Stronger policies are needed for environmental protection through development management, and also to work towards the vision of an outstanding natural environment in Moray. Better policy protection for ancient woodland is needed to ensure no further loss of this habitat, and to ensure an outstanding natural environment. Developments likely to cause disturbance should be located away from ancient woodland areas and that appropriate buffer areas should be specified as site specific requirements where development is proposed in proximity to ancient woodland.

**SEPA**

**000569**

Prior to identifying these further investigation of previously developed areas and why these are not coming forward should be undertaken. SEPA's preference for significant development is for it to be located in developed sites/areas where there is for example existing Scottish Water drainage infrastructure with available capacity or planned upgrades/investment and there are no environmental restrictions. However, identifying rural sites at an early stage gives the opportunity for any constraints to be identified, such as flood risk, lack of drainage infrastructure, impacts on the water environment etc and these sites to be discounted or appropriate mitigation proposed.

**Elgin Community Council**

**001832**

Elgin Community Council do not believe that large scale greenfield sites should be developed across Moray unless there is proper public transport connectivity. Young people and those on lower wages already have difficulty getting to work to or from the more rural areas in Moray.

**Crown Estate Scotland**

**001249**

The identification of rural inward investment sites is also strongly supported. Crown Estate Scotland are keen to secure such an allocation to help deliver on the organisation's vision and aims. The preferred option, 'Land West of Mosstodloch' is considered an attractive inward investment site and a site specific submission has been made.

**Officers comments on representations and recommendations:**

**Primary Policy – PP2 Sustainable Economic Growth**

Supportive comments noted.

**Recommendation**

**No change.**

**Main Issue 4 – Providing a Generous Employment Land Supply**

The support for identification of additional employment land is noted.

Whilst it is agreed it is necessary to ensure that demand can be met for small and medium businesses it is considered important to have options available that would be attractive to large scale inward investment of up to 40ha. This will help ensure Moray is an attractive proposition for investment. This is also important as if these sites were not identified this type of large scale inward investment could not be accommodated within designations in our settlements without significant impacts on the supply of land for small and medium businesses. It also means that early site assessment, any constraints and mitigation measures can be identified early rather than reacting to a “windfall site”.

**Recommendation**

**No change proposed as a result of comments.**

**Question 8 - Do you agree with the levels of land to be identified for business and industrial uses? and Policy DP5 Development Policies - Business and Industry**

Agreement to levels of employment land noted.

The Topic Paper on Employment Land sets out the expected nature and distribution of employment uses. It also explains how this evidence base has been reached and the methodology for identifying employment land. Annual requirements have been identified based on historic demand studies; build out rates, and from discussions with Highlands and Islands Enterprise and Business Gateway. The employment land requirement is calculated to allow 10 years beyond adoption of the Plan. However, as the Scottish planning system moves towards a 10 year replacement period for Local Development Plans, it is proposed to ensure that a 5 year effective land supply is available at 2030, or can be brought forward from an identified strategic reserve through appropriate phasing or triggers. This is considered to be a reasonable approach to identify the required levels proposed. Failure to identify sufficient land could stifle economic growth. As discussed in question 9 to aid viability a mix of uses may be proposed for some sites. This was the case on the site referred to. If the site did not have an element of housing proposed the whole site would be constrained and replacement land for the whole site would need to be found not just the housing element. See question 9 below regarding a mix of uses on sites.

The plan aims to ensure the land supply is flexible enough to meet different business requirements. This is by identifying a range of sites and identifying sites for higher amenity business uses.

The policy relating to town centres requires that any uses generating significant footfall, including offices, must apply a sequential approach to site selection whereby consideration is given first to available town centre sites.

Brownfield sites are identified as “Opportunity Sites “within the plan. These are sites that are no longer required for their original purpose that are suitable for redevelopment. The types of uses that could be accommodated on these brownfield sites is described within the settlement statements and take account of surrounding land uses and any site constraints. Therefore, redevelopment of brownfield sites is supported. The scale of available brownfield sites in Moray is far below the employment land requirements. Restricting development to brownfield sites or requiring reuse of these before greenfield sites would unreasonably constrain economic growth. However, the policy could be clearer that redevelopment of sites within existing business parks and industrial estates will be for the uses listed. Additional text will be added to the policy in this respect.

Additional text will be added to the section on Industrial Estates, noting that these could be suitable for waste management facilities. Text will be added to the section on “Other Uses” noting that this would apply to waste management sites.

The Action Programme will be used to identify any site infrastructure and any actions that can support delivery of sites. Once the details of the Growth Deal are available where relevant these will be reflected in the Action Programme.

Where mature trees exist bordering a site it is a policy requirement for a tree survey, and tree protection and mitigation plan to be submitted with planning application if the trees (or their roots) have the potential to be affected by development or construction activity. This requirement does not require to be repeated within policy relating to Business and Industrial sites. Consideration will be given through the Action Programme to the need for Tree Preservation Orders on an individual site basis.

**Recommendation**

**Add text to policy regarding redevelopment of existing sites and waste management sites. Use Action Programme to identify infrastructure required to support delivery of sites. When available reflect Growth Deal in the Action Programme.**

**Question 9 - Do you agree that industrial and business designations could include a greater mix of uses to help support servicing of sites?**

Agreement to greater mix of uses on sites noted. Policy will be amended to support a greater mix of uses across some sites where it is considered this could aid site delivery.

It is agreed that a reasonable offset is required between housing and industrial uses for amenity reasons. Comments from SEPA regarding co-location issues are noted. These issues are considered within Policy DP1 Development Principles and individual site requirements.

**Recommendation**

**Amend policy wording to allow a mix of uses where this is identified in the site designation.**

**Question 10 - Are there other ways that the plan can support delivery of land and industrial and business uses?**

Existing sites would not be able to meet the demand for employment land to 2030. Scottish Planning Policy also requires a choice of sites to be identified. It is therefore necessary to identify additional land.

The comments regarding the location of housing relative to employment uses are noted. When looking at sites there is a careful balance on ensuring sites are accessible to the people who will work there and ensuring amenity issues associated with industrial development are considered. Where possible sites should have existing active and sustainable travel networks or be located so these can be extended to sites.

Note the support from SEPA for identifying a longer term land reserve.

Once the details of the Growth Deal are available where relevant these will be reflected in the Action Programme.

**Recommendation**

**When available reflect Growth Deal in the Action Programme.**

**Question 11 - Do you agree that several larger scale rural sites should be identified to direct inward investment opportunities?**

SNH's comments regarding site assessment are noted. An action will be included within the Action Programme to assess sites and identify sites for large scale inward investment. This will take into account



woodland. See Issue 13 in respect of policy protection for ancient woodland.

It is considered important to have options available that would be attractive to large scale inward investment of up to 40ha. The scale of this investment is unlikely to be accommodated within settlement designations without causing a shortage of land for other new or expanding businesses. Employment land is identified across Moray, with new sites being identified in Forres, Buckie, Keith and Speyside. The levels identified in each settlement reflect historic demand and build out rates.

The site proposed in the Main Issues Report is a brownfield site, at the former Dallachy airfield. There will be an action with the Action Programme to identify potential large scale rural inward investment sites. This will include review of brownfield sites. However, given the sites being considered are for large scale inward investment of up to 40 hectares it is anticipated the number of available brownfield sites will be very limited due to the high land requirement.

The concerns regarding sustainable transport to rural sites are understandable. The sites to be identified are for large scale inward investment of up to 40 ha. The uses envisaged and land requirements are unlikely to be accommodated within designations within settlements. Development of this scale would however require to provide a Travel Plan to support an application.

Note the support for rural inward investment sites by Crown Estate Scotland. The site at Mosstodloch is discussed in more detail in Issue 15. The site at Mosstodloch is considered to be attractive for both large scale inward investment and but also has potential for small and medium sized businesses.

**Recommendation**

**Include an action in the Action Programme to assess and identify rural inward investment sites.**

6.	Taking an infrastructure first approach	
Main Issues Report reference:	Responses to	
	LDP2020_MIR_MI5 approach	Main Issues- Taking an infrastructure first approach
	LDP2020_MIR_PP3 Services	Development Policies – Infrastructure and Services
	LDP2020_MIR_Q12	Question 12-Are there opportunities for shared infrastructure provision such as neighbourhood “hubs”?
	LDP2020_MIR_Q13	Question 13-Are there additional infrastructure requirements which should be taken into account?
Body or person(s) submitting a representation raising the issue (including reference number):		
000010	Springfield Properties PLC	
000107	Mr Allan Robertson	NHS Grampian
000285	RSPB Scotland	RSPB Scotland
000352	Raymond Webber	
000444	Lorraine Jones	Sport Scotland
000480	Scotia Homes Ltd	Emac Planning LLP
000569	SEPA	
000610	James Richardson	
001027	Scottish Natural Heritage	
001035	Homes For Scotland	
001041	Network Rail Infrastructure Limited	Network Rail Infrastructure Limited
001137	Colin Souter	Robertson Northern
001211	Transport Scotland	Transport Scotland
001249	Philip Graham MRTPI	Crown Estate Scotland (Interim Management)
c/o Savills		
001524	David Carmichael	Scottish Water
001549	Mr David McKay	
001561	Mr & Mrs Lorraine & Iain Fraser	
001598	Mr Roger Vann	
001600	Mr Nathan Matthews	
001744	Mr Derek White	
001816	Joanna Taylor	Rafford Consulting
001818	Woodland Trust Scotland	
001832	James Wiseman	Elgin Community Council
001850	Mr John Ingle	

**Elgin Community Council****001832**

- A. Education- proposals are adequate
- B. Doctor Surgeries- over stretched and additional GPs do not seem to address the issue. 7GP surgery is welcomed such as a new Health Centre in Fochabers. New facilities should be built before existing ones reach capacity.
- C. A96 Dualling- it would make sense for the A96 route to be at south of Elgin to link up with A941 and A95 which are the main routes for Elgin and Keith. Only minor improvements are planned for the A95; politicians and the Transport Minister are aware of this unacceptable situation.
- D. Connectivity-reliable connections for road, rail and airports are required. Elgin does not have a direct bus service to Inverness Airport, just via Nairn. Improved connectivity is required between Elgin Train and Bus stations. Supportive of trains being stabled overnight by Scotrail at Elgin Station.
- E. Local Traffic Plan-There has been engagement between ECC and ETS which will be incorporated in the LDP in due course

**Raymond Webber****000352**

LDP should have been delayed until preferred A96 route is known, as it is hard to comment on site that might need to be amended.

In Forres several large developments accessing on to the Grantown Road (A940) and there is no link to the A96 other than through the town. The Forres South Transport Plan is 10 years old and inadequate for future planning. A new plan should be in place with the MIR so people can be better informed. New link road is required before more large development sites are started as roads are narrow single track (U83E) being used as a rat run with no regard for walkers or cyclists.

**Mr Nathan Matthews****001600**

The MIJB needs to look at Healthcare Provision. Dr Grays will not be able to cope with such population increase, not only from a constrained infrastructure point of view, but also from recruitment for which we are already feeling the effects. Welcome ideas for a 3G pitch. Extension at Forres Academy should be considered as a new school as it is not currently fit for purpose. Schools and facilities within Elgin are better.

**Mr James Richardson****000610**

Elgin Bus Station should be relocated to a site closer to the Railway Station to create a transport hub. Its current location in the town centre is an awful location and will never encourage travellers to use public transport. Having the bus and railway facilities in close proximity would encourage the use of public transport.

**NHS Grampian****000107**

Infrastructure First Approach is welcomed in order to plan infrastructure early to support Moray's growing and ageing population. The LDP also recognises the importance of healthcare alongside education, transport and other infrastructure providers. Many existing healthcare facilities are presently under pressure and will require internal alteration, extension or provision of new facilities. Developer obligations and land for development of new facilities will be essential to mitigate the impact arising from those new developments. NHS will continue working closely with Moray Council to identify the areas under pressure to ensure that healthcare is provided in the right location at the right time. Involvement in the Infrastructure Delivery Group is welcomed to work with other infrastructure providers and explore the opportunities of shared facilities to reduce build and operating costs where possible.

<b>Sport Scotland</b>	<b>000444</b>
<p>Taking an infrastructure first approach is supported, but would highlight that indoor and outdoor sport facilities are part of the required infrastructure. The supply and demand for these should form part of the evidence base for the development of the plan. Some of these will be considered as green infrastructure. There is also a potential for shared infrastructure such as co-location community sport facilities as part of the school estate.</p>	
<b>Transport Scotland</b>	<b>001211</b>
<p>Examination into the potential strategic transport implications of the spatial strategy options should be undertaken, focussing on Elgin and Forres. It is considered that an initial high level review of development should be undertaken, including an explanation on what is planned and what has changed from LDP1. This information should help to shape the preferred strategy taken forward, determining the potential nature and scale of any impact, mitigation measures required and how these will be funded and delivered. Above work should provide a more robust appraisal of the strategic network to inform the plan and provide a sound base for seeking developer obligations.</p> <p>Welcome any involvement as potential locations for the new town are investigated, particularly if options are located near or adjacent to the trunk road network. Cognisance should also be given to the potential route alignment options for the A96 dualling project.</p> <p>Further discussions on the access strategy to MU1 would be welcomed. Previous comments mentioned the access strategy should be taken from the B9015. It should be noted that new junctions with the A96 will be resisted for sites EL4 and EL20. Access should be taken from the local road network where available in the first instance.</p> <p>Potential development sites located along potential A96 dualling route options may be subject to change dependent upon the decision on the preferred route, which should happen during the second half of 2018.</p>	
<b>Mr &amp; Mrs Iain &amp; Lorraine Fraser</b>	<b>001561</b>
<p>Good roads, cycle paths, water &amp; drainage, energy efficient heating &amp; power systems (solar/wind/ground source) will be required.</p> <p>The Council should make sure there are adequate schools/health centres/nurseries/shops/dentists before continually expanding housing.</p> <p>Infrastructure needs updating to encourage business to want to come to Moray, e.g. roads/airports/broadband</p>	
<b>Robertson Northern</b>	<b>001137</b>
<p>Not supportive of introduction of local infrastructure levy and validity under the Circular which could be challenged under the policy tests whether it is appropriate and directly linked to requirements. Test cases, such as Elsick.</p>	
<b>LDP2020_MIR_PP3</b>	
<b>Mr Derek White</b>	<b>001744</b>
<p>Infrastructure for electrical supplies, water, gas, sewage is not in place for a major development which will mean major disruption to all surrounding areas.</p>	
<b>Mr Roger Vann</b>	<b>001598</b>
<p>Insufficient infrastructure to support proposed housing plans.</p>	
<b>Homes for Scotland</b>	<b>001035</b>
<p>It is considered that this policy (PP3) should be redrafted to be more concise and to avoid overlap with other policies such as low and zero carbon technologies. It is considered that Developer Obligations and Transportation should be a separate, stand-alone policy.</p>	

**Scotia Homes****000480**

Supports the draft policy principles to support sustainable economic growth and the transition of Moray towards a low carbon economy. Potential policy to provide infrastructure and services is supported, but future policy requirements should be in accordance with Scottish Government policy on Planning Obligations.

**Springfield Properties PLC****000010**

Draft policy is long and unwieldy; it should be reworded and rationalised. There is some clear overlap, such as low and zero carbon technologies. Developer Obligations and Transportation should be a stand-alone policy.

Role of the SG is questionable under the Proposed Planning System reform.

This policy should not be used as a vehicle to drive developer obligations aimed at addressing existing issues and shortfalls in infrastructure unrelated to proposed developments.

The level of developer obligations should not be overly disproportionate and burdensome to render a site unviable and undeliverable.

**RSPB Scotland****000285**

Welcome the requirements for green infrastructure, green networks and Sustainable Urban Drainage Systems (SUDS). SUDS should be designed to maximise benefits for biodiversity. Welcome the requirement for developments to implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland. Scottish Planning Policy states (para 194) that the planning system should seek benefits for biodiversity from new developments where possible. Seeking financial or in-kind contributions from developers towards off-site habitat creation, enhancement or restoration could help to fulfil this biodiversity duty and policy obligations, and help to address the cumulative impacts of development on biodiversity. Other local authorities, such as Scottish Borders Council and Angus Council may seek contributions towards bio-diversity. It is recommended that Moray Council explores the possibility of introducing such requirements.

**SEPA****000569**

Amendment of green infrastructure to blue-green infrastructure.

Third bullet point under “Development proposals will not be supported where they” is amended as follows “Adversely impact on the provisions of new blue/green infrastructure unless an equivalent or better alternative provision will be provided in a location convenient for users; any fragmentation of existing blue-green networks will require to be justified.”

Welcome reference to electric car charging points at commercial and community parking facilities, and requested that this is expanded to cover new residential developments to encourage/support low carbon/low emission transportation. New diesel and petrol cars are to be phased out in Scotland by 2032 and supporting infrastructure is required.

**LDP2020\_MIR\_Q12****Elgin Community Council****001832**

There is an opportunity for the strategic provision of neighbourhood hubs, primarily in rural areas, to accommodate all the local services for a community. This has less importance in Elgin.

**Scotia Homes****000480**

Wishes to comment further once more detail is known how shared infrastructure for neighbourhoods would be provided in accordance with the required policy tests.

<b>Homes for Scotland</b>	<b>001035</b>
<p>It is considered that further detail is required on the proposed “hubs” to provide clarity. It is not clear what will be included in the “hubs” and how they would operate. Further clarity is needed before support can be given.</p> <p>Support for the siting of community facilities, healthcare facilities, schools and other infrastructure in appropriate locations, which are easily accessible, add to the placemaking aspirations and maximises the use of facilities.</p>	
<b>SEPA</b>	<b>000569</b>
<p>There are opportunities to reduce environmental impacts by investigating the use of for example shared pipe runs and district heating.</p>	
<b>Scottish Natural Heritage</b>	<b>001027</b>
<p>The identification of neighbourhood hubs is best done by the Council and other stakeholders with transport interest. The outcome however will be relevant to the interest of SNH. It is considered that neighbourhood hubs will be beneficial as they have the potential to make it easier for people to use more sustainable transport options and reduce reliance on cars. Providing a variety of sustainable transport options for people to use in the same location with suitable connections to the wider area, should encourage a greater take up.</p>	
<b>Mr David McKay</b>	<b>001549</b>
<p>Neighbourhood hubs are supported.</p>	
<b>Woodland Trust Scotland</b>	<b>001818</b>
<p>Woodland Trust Scotland would like to see the preferred A96 route planned around ancient woodland and not near it.</p>	
<b>Springfield Properties PLC</b>	<b>000010</b>
<p>It is not clear what neighbourhood hubs are or intended to be and this should be clarified. Presumably it is a centralised community based shared facilities such as those found at Thornhill with medical centre, playing fields and local shops all based in and around the development. These are generally supported where it is residential development-led and of a sufficient size to support itself. It is stressed that there are commercial-related issues with delivering these that requires a flexible, market-led approach that allows for a number of potential uses and end-users.</p>	
<b>LDP2020_MIR_Q13</b>	
<b>Rafford Consulting</b>	<b>001816</b>
<p>Infrastructure requirements will also vary with the employment requirements, and one cannot reasonably comment on the infrastructure need without information on anticipated type and location of employment. The report notes the need for new developments for good digital connectivity. It is disappointing that this plan does not address the resolution of the lack of good digital connectivity in existing rural groupings.</p>	
<b>Homes for Scotland</b>	<b>001035</b>
<p>Support for Infrastructure First Approach. Contributions sought should be taken in a collaborative, coordinated and proportionate manner, where the building industry, other developments also proportionally contribute and authority takes responsibility. Any developer obligations sought must take into consideration Circular 3/2012 and must comply with legislation and the policy test (Elsick Supreme Court judgement).</p>	

<b>RSPB Scotland</b>	<b>000285</b>
<p>Should capitalise on opportunities to incorporate biodiversity enhancement, such as new areas or corridors of habitat. New infrastructure can have multiple functions- new habitat corridors and other linear green infrastructure can be created alongside new roads or SUDS could have multiple benefits including biodiversity enhancement.</p> <p>New developments should also maximise active and sustainable travel opportunities in order to contribute to carbon reduction.</p>	
<b>Network Rail Infrastructure Limited</b>	<b>001041</b>
<p>Support for Infrastructure Delivery Group. Early engagement is important with Network Rail in terms of future provision.</p> <p>It is requested that the LDP provides a specific policy provision to enable developer obligations to fund any rail related public transport improvements required in relation to existing station facilities and public rail infrastructure (inc level crossing) as a result of increased patronage/usage resulting from new developments.</p> <p>This approach is adopted by other local authorities, such as East Lothian Council.</p>	
<b>Crown Estate Scotland (Interim Management) c/o Savills</b>	<b>001249</b>
<p>Agree with the infrastructure first approach as it is critical to the delivery of development sites. However, Moray is marginal in terms of development delivery and securing profit, so there must be an appropriate balance between developer obligations and other infrastructure.</p> <p>Set-up of an Infrastructure Delivery Group is welcomed, especially the liaison with infrastructure providers.</p> <p>Exploring the possibility of relocating the replacement health centre in Fochabers to Mosstodloch. Reason for this is outlined in the representation for the Fochabers LONG site.</p>	
<b>SEPA</b>	<b>000569</b>
<p>Preference is for development to be located where there is existing infrastructure. Supportive of the Council's approach of working with for example, Scottish Water.</p>	
<b>Springfield Properties PLC</b>	<b>000010</b>
<p>Development should be directed in the first instance towards areas with existing or planned infrastructure. Investment is a matter for the infrastructure providers and a more proactive approach to delivering infrastructure should be led by Moray Council. Alternative sources of additional funding will be required to ensure there is not a funding gap and development is not delayed.</p> <p>Other types of developments should be required to contribute towards infrastructure, not just the residential development.</p> <p>Disagree with the principle of charging for the provision of healthcare facilities.</p>	
<b>Scottish Natural Heritage</b>	<b>001027</b>
<p>It is considered that appropriate infrastructure requirements have been identified.</p>	
<b>Mr David McKay</b>	<b>001549</b>
<p>A96 Dualling should be taken into account and ensure that access to it is beneficial to the communities around without impacting on their ability to enjoy their current environment.</p>	
<b>Scottish Water</b>	<b>001524</b>
<p>There are currently Drainage Impact Assessments (DIA) under way for Elgin, Forres and Buckie. The results will determine what network upgrades are required to serve development in these areas. Moray West and Moray East Wastewater Treatment Works currently have sufficient capacity, but developers are</p>	

encouraged to give as much notice as possible of their build out rates.

Currently Forres Wastewater Treatment Works does not have sufficient capacity; however a Strategic DIA has been initiated to understand the impact that proposed development would have on existing customers. Results will be available late 2018 following which responsibility for carrying out and funding upgrade works will be clarified.

The Keith Wastewater Treatment Work does not have sufficient capacity and evidence of 5 criteria for growth is required in order to support development.

Aberlour Wastewater Treatment Works has capacity to accommodate a further 30 units, further connections over and above this number may require growth at the treatment works. 5 Growth Criteria is required to be initiated.

Early engagement with Scottish Water is advisable as timescales for completing Network Impact Assessments can be considerable and should be initiated at the earliest opportunity to avoid any risk to proposed build out schedules.

### **Officers comments on representations and recommendations:**

#### **Planning for future infrastructure**

The Council works closely with the NHS Grampian, other Council Services (Education, Housing and Transportation) and key agencies such as Scottish Water to plan and co-ordinate development and infrastructure through their Delivery Group which meets on a regular basis.

Where necessary, the Council seeks developer obligations towards infrastructure (Education, Healthcare, Transportation, Sports and Recreation) to mitigate the impact of new development on existing residents. The infrastructure requirements for sites will be set out in the Proposed Plan. This information for allocated sites in the LDP 2015 is set out in Supplementary Guidance on Developer Obligations.

Providing utilities for the development is the responsibility of the developer. The developers are encouraged to contact Utility Providers as early in the process as possible.

#### **Recommendation**

No change required.

#### **Policy PP3-General**

PP3 is an overarching primary policy which sets out the main principles to be applied to all development proposals. Therefore, there will inevitably be some overlap with the detailed Development and Environment Policies. The LDP2020 will continue to adhere to provisions of the Planning (Scotland) Act 2006 given that the Planning (Scotland) Bill has not been enacted and debate is still taking place on the role of Supplementary Guidance at a national level.

#### **Recommendation**

No change required.

#### **Viability**

Developer Obligations are sought in accordance with the Circular 3/2012.

Viability issues have already been recognised through the introduction of a maximum cap of £6,500 per residential unit on 1 March 2018. The maximum cap of £6,500 per residential unit is in place until 2019 and will then be reviewed. The Proposed Plan will be informed by a Whole Plan Viability Study to ensure development remains viable and deliverable in Moray.

#### **Recommendation**

No change required.

#### **Infrastructure Levy**

The Local Infrastructure Levy is included within the Planning (Scotland) Bill proposed by the Scottish Government. Therefore, its introduction is outwith the control of Moray Council. Stage 1 of the Bill is



complete, with the next stage anticipated to be reported to the Scottish Government's Local Government and Communities Committee in late 2018.

**Recommendation**

No change required.

**Healthcare**

Moray Council is working closely with NHS Grampian to identify where additional healthcare facilities are required to mitigate the impact of new development. Developer obligations are currently sought towards new, extended or internally reconfigured primary healthcare facilities (GP's, Dental Chairs and Community Pharmacies) to accommodate the increase in population. This reflects healthcare being included within Policy IMP3 of the Moray Local Development Plan 2015.

Developer obligations are not sought towards diagnostic treatment facilities as it is difficult to establish a direct link between the use of these facilities and the development and as such, the tests for seeking obligations set out in Scottish Government Circular 3/2012 would not be met. Staffing of healthcare facilities is a matter for NHS Grampian.

The principle of mitigating the impact of new development on healthcare facilities has been established through the previous LDP. The Council is committed to working with its Community Planning Partners (including the NHS) to deliver high quality places that support health and well-being. The provision of healthcare facilities to cater for the residents generated by a new development is essential to creating communities.

**Recommendation**

No change required.

**Education**

The School Estate Strategy is currently being prepared to consider the school estate across Moray and will be reported to Council at a later date.

**Recommendation**

No change required.

**Recreational facilities**

The Council's Open Space Strategy identifies requirements for outdoor recreational facilities such as neighbourhood and pocket parks.

Further research will need to be undertaken by the Council to establish an evidence base to seek developer obligations towards indoor and outdoor sports facilities. Due to lack of resources, this will be included in the Action Programme as an action for the future. The Council is also exploring opportunities to share facilities such as co-locating schools and community facilities/sports pitches for the wider public.

**Recommendation**

No change required.

**Environment**

Rather than seeking developer obligations towards biodiversity, the Council's aspiration is to embed good biodiversity planning into the policies and delivery of the Local Development Plan with a significantly improved policy basis on this important subject.

**Recommendation**

Wording relating to green-blue infrastructure in PP3 has been amended accordingly.

**A96 Dualling**

The A96 Dualling Hardmuir to Fochabers is a Transport Scotland project. The alignment of the route will be determined by Transport Scotland through the Design Manual for Roads and Bridges scheme assessment process. For more information see [A96 Hardmuir to Fochabers](#). The Proposed Plan will take cognisance of the current options for the routes of the proposed A96 Dualling Hardmuir to Fochabers.

**Recommendation**

No change required.

#### **Connectivity/Relocation of Elgin Bus Station**

Wider improvements to connectivity in Moray are acknowledged as a sub-objective in the Moray Local Transport Strategy .

Whilst there are benefits of providing interchange facilities for buses at railway stations, the key destination for the users of the Elgin Bus Station is the town centre. The proposal included in the Elgin Transport Strategy to improve the bus station at its current location/adjacent to the A96 was informed by the Moray Economic Strategy and Elgin City for the Future.

#### **Recommendation**

No change required.

#### **Elgin Traffic Model**

Comments noted. Work is currently underway to identify the potential strategic transport implications of the spatial strategy options, which includes the development of a new traffic model for Elgin. It is anticipated that the new model for Elgin will be available for use in October 2018. Transport Scotland will continue to have the opportunity to review and comment on the new traffic model as it is developed, with dialogue continuing as the scale of any development impact is identified and any proposals for mitigation measures developed.

#### **Recommendation**

No change required.

#### **Forres Integrated Transport Plan**

It is currently being reviewed and updated and will inform transport interventions identified in the Proposed Plan.

#### **Recommendation**

No change required.

#### **Electric car charging**

Electric charging infrastructure would be sought for communal residential parking areas through the proposed Policy DP1 (for communal parking areas where the need is identified by the Transportation Manager).

#### **Recommendation**

No change required.

#### **Shared infrastructure**

The Council is currently exploring opportunities for 'hubs' whereby facilities could be shared (e.g. community and/or sports facilities co-located/incorporated within a school and utilised out-of-school hours).

#### **Recommendation**

No change required.

<b>7</b>	<b>Pressures on Moray's Landscape</b>
<b>Main Issues Report reference:</b>	<p><b>Responses to</b></p> <p>LDP2020_MIR_EP2                      Environment Policies - Landscape Designations</p> <p>LDP2020_MIR_MI6                      Main Issues - Landscape &amp; Cultural Heritage</p> <p>LDP2020_MIR_Q14                      Question 14 - Do you agree that there is limited capacity for further larger scale renewable energy projects in Moray's Landscape?</p> <p>LDP2020_MIR_Q15                      Question 15 - Do you agree that the current Areas of Great landscape Value designations and policy need to be reviewed?</p> <p>LDP2020_MIR_Q16                      Question 16 - Do you support better integration between existing/new green spaces and woodlands in and around towns?</p>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>	
<p>000285              RSPB Scotland                      RSPB Scotland</p> <p>000442              Mr And Mrs Mark And Beverly Ellis</p> <p>000569              SEPA</p> <p>001027              Scottish Natural Heritage</p> <p>001249              Crown Estate Scotland (Interim Management) c/o Savills</p> <p>001549              Mr David McKay</p> <p>001723              Mr Ian Rippon</p>	
<b>Planning authority's summary of the representation(s):</b>	
<p><b>000285              RSPB Scotland</b></p> <p>RSPB are supportive of the use of renewable energy, but projects must be carefully sited to avoid negative impacts on sites and species of nature conservation importance. No comments regarding the landscape capacity of Moray for further renewable energy development.</p> <p><b>000442 Mr And Mrs Mark And Beverly Ellis</b></p> <p>Agree that there is limited capacity for further large scale renewable energy projects in Moray's landscape. Agree that AGLV's should be reviewed and should take account of quality open views and vistas. Support better integration between existing/ new green spaces and woodlands in and around towns.</p> <p><b>000569              SEPA</b></p> <p>There is a need to also consider environmental issues as well as landscape issues. In addition to wind turbines, there are also other types of large scale renewable energy technologies and recommend that the Council ensure they do not restrict or prevent other types of renewable energy developments such as large scale solar farms.</p> <p>Fully support better integration between existing/ new green spaces and woodlands in and around towns. Welcome reference to compensatory planting, although note this is not specifically referenced in the Strategy or Policy EP3.</p> <p>Any measures the Council can implement to make development of existing allocations more attractive</p>	

should be taken. For example by attracting further development through the benefits of improved environment such as compensatory tree planting and development and enhancement of blue/ green infrastructure.

**001027 Scottish Natural Heritage**

Support the approach taken and the way in which the landscape capacity study has been used to inform the strategic mapping of areas with potential for wind energy development in the Guidance. Therefore agree that there is limited capacity for further large scale renewable energy developments, as identified in the Guidance.

Agree that the current Areas of Great Landscape Value designations need to be reviewed to bring them in line with national guidance and planning policy. As part of the review, the opportunity should be taken to consider if the current boundaries remain appropriate. Also be helpful to produce Statements of Importance along with boundary maps for each LLA.

Integration of existing and new green spaces and woodlands in and around towns should be of benefit to people and nature. For example by contributing to placemaking, providing recreation opportunities, enhancing habitats and green network connectivity. However, these benefits equally apply in rural settlements. Recommend expansion of ambition to apply to all settlements.

**001249 Crown Estate Scotland (Interim Management) c/o Savills**

Disappointed that the only reference to solar arrays in the MIR is in terms of a perceived negative effect on landscape. Solar energy is set to provide a significant source of renewable electricity for the UK in the coming years. Disappointing that large scale renewable energy projects appear to have been considered as one, as opposed to individual assessments. This is the incorrect approach because it is quite clear that the landscape impacts between a wind farm and a solar array are very different, with solar arrays much less intrusive and mitigation more straightforward.

A positive policy framework which supports solar arrays should be introduced in the Proposed Plan, outlining any specific landscape concerns which developers need to mitigate.

Any review of AGLV's should ensure that a diverse approach to development to support rural estates and their economic objectives can continue without being hindered.

**001549 Mr David McKay**

Do not agree there is limited capacity for large scale wind farms, Moray should consider these on an individual basis and not have a blanket "no" for certain areas.

Agree AGLV's need to be reviewed.

Do not feel that the current greenspaces are protected, with developers given carte blanche to build right up to woodlands and in some cases into them they can then allow these woodlands to become overgrown and untended, then ask for removal of TPO's and then build on cleared land. Unfortunately the Council has been complicit in this being allowed to happen. In addition there is little or no open space left around woodlands which seriously affects the perimeter wildlife.

**001723 Mr Ian Rippon**

Support better integration between existing and new greenspaces and woodlands in and around towns which should be extended to cover villages and settlement areas.

**Officers comments on representations and recommendations:**

**Capacity for large scale renewable energy projects**

Policy ER1 of the current Moray Local Development Plan 2015 was subject to considerable scrutiny through the Examination process and it is proposed to carry forward the policy largely unchanged. The Policy is supported by a Landscape Capacity Study and Onshore Wind Energy Policy Guidance which clearly highlight that Moray's landscapes have limited opportunity for further large scale wind energy developments. The policy and Supplementary Guidance conforms with Scottish Planning Policy.

The policy also covers other types of renewable energy and it is acknowledged that the issues for large scale solar power projects are very different to those of large scale wind turbines. However, the policy framework must ensure that natural and built heritage issues and other relevant issues are fully considered at the development management stage.

#### **Recommendation**

The current principles within Policy ER1 to be carried forward into the new Plan relatively unchanged and the new candidate Special Landscape Areas to be incorporated into updated Policy Guidance maps to be included in the Proposed Plan.

#### **Areas of Great Landscape Value**

A landscape study has been undertaken which has identified candidate Special Landscape Areas in the Moray Local Development Plan area with Statements of Importance explaining their key features and development pressures. These will be consulted upon during September and October 2018 and the final SLA's will be included in the Proposed Plan with a suitable policy framework proposed to safeguard their special characteristics.

#### **Recommendation**

Proposed Plan to include Special Landscape Areas and supporting policy which will replace the Areas of Great Landscape designation, Pluscarden Special Area of Control and Coastal Protection Zone.

8	Safeguarding and Promoting Biodiversity	
Main Issues Report reference:	Responses to	
	LDP2020_MIR_EP1	Environment Policies - Natural Heritage
	LDP2020_MIR_MI7	Main Issues - Safeguarding & Promoting Biodiversity
	LDP2020_MIR_Q17	Question 17 – How to better promote biodiversity
Body or person(s) submitting a representation raising the issue (including reference number):		
000010	Springfield Properties PLC	
000285	RSPB Scotland	
000569	SEPA	
001027	Scottish Natural Heritage	
001549	Mr David McKay	
001556	Mr Francis Mitchell	
001723	Mr Ian Rippon	
001752	Miss Ruth Burkhill	
001815	Force 9 Energy Partners LLP	
001816	Joanna Taylor	
001818	Woodland Trust Scotland	
Planning authority's summary of the representation(s):		
LDP2020_MIR_EP1		
RSPB Scotland		000285
<p>The term Natura 2000 designations should be defined in the Plan, and it should be confirmed that Natura sites consist of designated and proposed Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). The text in the first sentence should be changed to “Development likely to have a significant effect on a Natura 2000 site and which is not directly connected with or necessary to the conservation management of that site must be....”</p>		
<p>Local Designations should have a definition of “wildlife sites”. Non statutory Local Nature Conservation Sites were included in the 2008 and current LDP but were previously referred to as Sites of Interest to Natural Science. A map of Local Nature Conservation Sites should be included, to help guide development. A review of Local Nature Conservation Sites would be welcomed.</p>		
<p>In the first paragraph the Biodiversity and Geodiversity section suggest the wording is changed to “Developments must safeguard and if appropriate enhance or extend wildlife corridors and prevent fragmentation of existing habitats.” Suggest the wording in the second paragraph should be changed to read “Proposals for 4 or more housing units or 1000 m2 or more of commercial floorspace must create new, or where appropriate, enhance natural habitats of high ecological and amenity value and...”</p>		

Woodlands Compensatory planting must adhere to the principle of The Right Tree in the Right Place.

**SEPA**

**000569**

There may be habitats of importance which do not fall within the categories within this policy, such as wetlands including Ground Water Dependent Terrestrial Ecosystems which also should be provided with protection. Request reference to these in this policy, this could be included under biodiversity.

**Scottish Natural Heritage**

**001027**

The text under the bullet point at the end of the section repeats information in the first paragraph so can be removed.

**Force 9 Energy Partners LLP**

**001815**

In the Biodiversity and Geodiversity section it states that “All development proposals must retain protect and enhance features of biological or geological interest and provide for their appropriate management.” It is submitted that the use of the words protect and enhance are not appropriate. It is submitted that it should state: “The impact of development on designated features of biological or geological interest must be considered and where appropriate, mitigation should be provided.”

**LDP2020\_MIR\_MI7**

**Springfield Properties PLC**

**000010**

The promotion of biodiversity is already well catered for within the LDP via its existing environmental-based policies therefore Policy EP1 Natural Heritage is not required. Recognise the importance of greenspaces, trees and biodiversity in all of our developments as essential to creating attractive, good quality open spaces which have multiple benefits. Highlight that existing planning policies and strategies makes provision for green and blue ‘infrastructure’ such as open spaces and riparian areas around watercourses. Do not support moves to require further habitat creation and biodiversity enhancements via planning policy at a time when many land use activities, predominately agriculture, forestry and other land-management practices appear to be chiefly responsible for loss of biodiversity and habitats and have the biggest impacts upon the environment.

**Scottish Natural Heritage**

**001027**

The proposed incorporation of biodiversity into relevant policies should embed things that are beneficial to nature (as well as people) into future developments, such as green and blue infrastructure, green space provision, green network connections, use of native species for landscaping, etc. The Development Plan and planning processes could better promote biodiversity in the following ways. Make more use of masterplanning and development brief processes to be specific about what is expected of development for larger allocations. Using the Quality Audit to ensure that planning applications are optimising the opportunities for multifunctional spaces that enhance biodiversity as well as providing a service to people. Follow through by ensuring the development is built as set out in the masterplan/development brief and/or as agreed in the planning application. Promote examples of good practice to show what can be done.

**Mr David McKay**

**001549**

Leave more green spaces and ensure they are not allowed to be developed on. Leave more wild spaces rather than feeling that the only provision is wide grass areas with some trees. Don't try to tame everything.

**Mr Francis Mitchell**

**001556**

No definition of biodiversity, is it restricting biodiversity to only native flora and fauna or is it intended to enhance overall biodiversity with exception of invasive and destructive flora/fauna.

**Mr Ian Rippon**

**001723**

More green spaces around towns and villages, green corridors to allow wild animal movement, more diverse forests (not just monoculture). Monoculture forests only support the wildlife that live in and on that particular tree; more diverse planting would improve biodiversity. This does not have to be in conflict with exploitation/ extraction of wood, with good planning you could grow, manage and harvest a diverse forest.

**Miss Ruth Burkhill**

**001752**

Moray has a rich natural fauna and flora and still has significant populations of the red squirrel and capercaillie - a bird which has undergone extinction in Scotland once already, due to human activity. Within Moray there are numerous woodlands for sale. Rather than creating new woodland (which is still commendable) could the Local Plan for Moray not make a start by buying up at least some of these areas of woodland and protecting the species which are already there? It should also be noted that populations of certain species need "wildlife corridors" to thrive, so as to promote a wider gene pool, rather than being restricted to isolated pockets of habitat. Also, while some rural habitats may not be aesthetically pleasing to humans, they are often just as valuable in terms of biodiversity as a "prettified" landscape.

**Woodland Trust Scotland**

**001818**

Welcome Moray Council including biodiversity provision as a main issue and discusses this in the context of this report. This needs to be followed through by ensuring areas of rich biodiversity such as ancient woodland are not impacted on by development. The duty to safeguard and promote biodiversity needs to be made explicit in the MLDP and taken into account in the development management process. Agree with the preferred vision to strengthen policy in the new plan as a way to safeguard biodiversity better through the planning process. Through strong policies and enforcement, there need to be very clear asks of developers and those looking to develop infrastructure in Moray to ensure that development is built where appropriate. For example, the Council can set out site specific developer requirements in the MLDP outlining what sort of biodiversity planning should be embedded in new developments. New developments should also meet excellent sustainability standards through the house building process. Strong policy on ancient woodland is vital to this main issue. In addition, the planning authority should identify woodlands of high biodiversity value and recognise them as an important consideration in the development management process. The planning authority should seek ways to reverse the fragmentation of habitats. Developing guidance on green networks and habitats can provide a strategic framework which can be implemented through the LDP.

**LDP2020\_MIR\_Q17  
biodiversity**

**Question 17 – How to better promote**

**RSPB Scotland**

**000285**

Strongly supportive of the preferred option for safeguarding and promoting biodiversity in the Main Issues Report. The embedding of biodiversity planning for new developments should include the requirement to incorporate wildlife friendly measures such as swift bricks throughout the fabric of the development. Welcome stronger policy guidance in the new Plan and Quality Auditing process to safeguard and promote new habitat creation and the delivery of multi benefit greenspaces.

**SEPA**

**000569**

Strong policy requirement for a blue-green infrastructure led approach within development is required if the connectivity and quality of ecosystems required is to be maintained and enhanced allowing biodiversity



to flourish. It is crucial that local communities are aware of the functions and multi-benefits of blue-green infrastructure and have a say in how it is incorporated so they take ownership of it and help to ensure it is maintained in good order. Providing examples of what applicants should consider and how to assess this within applications may assist.

**Joanna Taylor**

**001816**

Better use of brownfield sites and limited expansion into what are currently undeveloped or underdeveloped sites will protect biodiversity more effectually than continuing to permit development in rural areas or the new rural groupings.

### **Officers comments on representations and recommendations:**

#### **LDP2020\_MIR\_EP1**

The definition of Natura 2000 designations and wildlife sites will be set out within the justification section accompanying the policy. The wording in the opening paragraph will be modified to reflect minor amendments requested and to clarify biodiversity policy applies to 1000sqm or more of commercial floorspace.

A map of Local Nature Conservation Sites will be prepared to support the LDP 2020 including local nature reserves and wildlife sites. A review of Local Nature Conservation sites will be added as an action within the LDP 2020 Delivery Programme.

It is proposed to move the Tree Preservation Orders and Woodlands sections of the policy from EP1 to EP3 Forestry and Agriculture to make it easier to understand requirements in relation to forestry and woodlands. The justification supporting the Forestry and Agriculture policy will be amended to include reference to The Right Tree in the Right Place.

Protection of Ground Water Dependent Terrestrial Ecosystems will be added to Policy EP6 Managing the Water Environment and/or the supporting Supplementary Guidance.

The amended wording seeking the removal of reference to protect and enhance feature of biological or geological interest is not accepted as it is seen to dilute the intent of the policy to seek a positive impact on biodiversity and geodiversity.

#### **Recommendation**

**Add definition of Natura 2000 and wildlife sites into the justification text supporting the policy and prepare mapping identifying Local Nature Conservation Sites. Identify a review of Local Conservation Sites as an action within the LDP 2020 Delivery Programme. Make minor modifications to the policy wording to aid understanding and remove repetition of text setting out the legislative framework. Add protection of Ground Water Dependent Terrestrial Ecosystems within Policy EP6 Managing the Water Environment and/or supporting Supplementary Guidance.**

**LDP2020\_MIR\_MI7 Safeguarding and Promoting Biodiversity/LDP2020\_MIR\_Q17 How to better promote biodiversity**

#### **Deletion of EP 1**

The deletion of EP1 is not supported as it includes policy requirements in relation to international, national and local environmental designations. There is an identified deficiency in terms of delivering biodiversity creation enhancement in new development. The policy aims to address this by requiring developers to give

further consideration to habitat creation when designing greenspaces and SUDS. It is proposed to remove the biodiversity and geodiversity section from Policy EP1 and create a separate policy to further highlight the importance of biodiversity within the LDP 2020. This approach is complementary to the policy framework set out within LDP 2020 in terms of creating high quality greenspaces and creating connected green and blue networks.

### **Strengthening approach to biodiversity**

In order to strengthen the approach to biodiversity, it is proposed to create a separate biodiversity and geodiversity policy. Scottish Natural Heritage currently sits on the quality audit panel and has direct input in terms of embedding biodiversity in new developments and has provided various examples of good practice. The Council has prepared a number of masterplans for large developments and these have identified biodiversity enhancement requirements in the form of wetlands and wildflower meadows. New habitats will include the promotion of natural and semi natural spaces that are not well manicured. The Council has sought to engage with communities on their environment and the positive impacts of high quality greenspaces during consultations on masterplans and development briefs. A series of short films were made to support engagement on the Main Issues Report and set out the importance of multi-benefit greenspaces.

A strong policy framework has been prepared to protect trees and woodlands. Woodland removal will only be permitted where it would achieve significant and clearly defined benefits and where removal would not result in unacceptable adverse effects on amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice the management of the forest.

Development proposals must seek to retain existing mature trees and where mature trees are on or bordering a development must provide a tree survey, tree protection and mitigation plan. The Council is actively seeking to safeguard trees by serving tree preservation orders on trees with high biodiversity and amenity value and integral to the character of sites. Green network mapping has been prepared for the main towns and the Biodiversity and Geodiversity policy requires the creation of new natural habitat and for developments to safeguard and connect into wildlife corridors and prevent fragmentation of existing habitats.

The Council is actively seeking to promote development on brownfield sites through the identification of opportunity sites, regeneration areas and mixed use designations in an effort to promote sustainable development. The spatial hierarchy set out within the Main Issues Report seeks to focus development on the main towns and villages, with only a small amount of growth being accommodated within rural groupings. The approach to rural housing itself is seeking to promote a more sustainable pattern of growth by clustering development.

### **Objectives of biodiversity policy and definition of biodiversity**

The policy framework within the LDP 2020 seeks to promote biodiversity in a variety of ways, through the creation of new natural habitats, the retention and creation of high quality greenspaces and creation and expansion of green networks. The Moray Woodland and Forestry Strategy Supplementary Guidance was adopted in 2017 and promotes the concept of multi-benefit woodlands and the planting of more diverse species. The justification section supporting the policy will explain that the aim of the policy is to enhance overall biodiversity and provide a definition of biodiversity.

### **Recommendation**

**Remove the biodiversity and geodiversity policy requirements from EP1 – Natural Heritage and create separate Biodiversity and Geodiversity policy. Prepare definition of biodiversity and explain objectives of the policy within justification text supporting policy.**

9	Delivering on Climate Change	
Main Issues Report reference:	Responses to	
	LDP2020_MIR_DP8	Development Policies - Renewable Energy
	LDP2020_MIR_DP9	Development Policies - Carbon Dioxide Reduction
	LDP2020_MIR_MI8	Main Issues - Climate Change
	LDP2020_MIR_Q18	Question 18 – Approach to Climate Change
Body or person(s) submitting a representation raising the issue (including reference number):		
000010	Springfield Properties PLC	
000285	RSPB Scotland	
000442	Mr And Mrs Mark And Beverly Ellis	
000480	Scotia Homes Ltd	
000569	SEPA	
001027	Scottish Natural Heritage	
001035	Homes For Scotland	
001137	Robertson Homes	
001249	Crown Estate Scotland	
001549	Mr David McKay	
001552	Mrs Patricia McCallum	
001589	Mr Scott Barclay	
001723	Mr Ian Rippon	
001752	Miss Ruth Burkhill	
001815	Force 9 Energy Partners LLP	
001816	Joanna Taylor	
001818	Woodland Trust Scotland	
001832	Elgin Community Council	
Planning authority’s summary of the representation(s):		
LDP2020_MIR_DP8		
RSPB Scotland		000285
The word "compatible" in point (i) should be "compliant".		
Force 9 Energy Partners LLP		001815
Appropriate to review wording of ER1, policy should seek to balance the positive and adverse impacts of a proposed development. The supporting text should be clear that there is positive support by Moray Council for renewable energy development generally in accordance with Scottish Government policy. The targets set by the SG should be explained and that the Council recognises the need to meet, and if possible exceed, these targets. In part i) it is not appropriate to require one development to conserve and enhance other land uses, this is a difficult policy hurdle for any development proposal. Should be revised to "they are		

compatible with the LDP policies to protect the built and natural environment from unacceptable effects." There are some changes in the bullet points under Part iii) of Policy DP8, which are considered to be appropriate and sensible. Part iii) should be clear that positive impacts of renewable energy developments should also be considered as well as unacceptable significant adverse impacts. SPP is clear that giving due weight to net economic benefit is also listed in para 169 of SPP as being a consideration for wind farm development and this should be included in the bullet points. There is an "\_" after "Areas of Significant Protection" but no corresponding note. Suggest this should read "qualities of these areas" rather than "qualities these areas". Under spatial framework section new text has been added. The spatial framework should be based upon SPP and the text should be clear that the spatial framework will be in accordance with SPP Table 1,

#### **LDP2020\_MIR\_DP9 – Carbon Dioxide Reduction**

##### **RSPB Scotland**

**000285**

Welcome the requirement for low and zero carbon generating technologies (LZCGT) to contribute at least 20% of the required carbon dioxide reduction target. Policy should also require developments to follow the energy hierarchy. In other words, steps should be taken to reduce energy demand and improve efficiency followed by the implementation of sustainable energy technologies (including LZCGT) once all reasonable steps to minimise energy demand have been taken.

##### **Scotia Homes Ltd**

**000480**

Support climate change objectives, however, it is considered that this issue should be addressed through the Building Regulations etc. and that the planning system should not seek through policy to duplicate existing legislative requirements. For example, the introduction of new policies in MLDP2020 including use of passive solar gain and use of sustainable materials may not be supported where they would result in duplication of existing legislation.

##### **SEPA**

**000569**

Fully support the introduction of this new policy. With reference to Scotland Heat Map it should be noted that the heat map is one of many tools that can be used to identify potential for heat networks. It identifies existing and planned heat networks, and existing and potential heat sources, but does not identify where new heat sources can be located, or whether it is appropriate to incorporate a new heat source within a site to provide heat and/or power to a new development.

##### **Robertson Homes**

**001137**

The process for delivering zero and low carbon technology should be aligned with the Building Standards and not planning. Scottish Government policy for the future concept of new buildings currently lies with the Building Standards charter and this should remain.

#### **LDP2020\_MIR\_MI8 Delivering on Climate Change**

##### **Springfield Properties PLC**

**000010**

Object to Policy DP9 Carbon Dioxide Reduction. Do support the introduction of a dedicated Low and Zero Carbon Technology (LZCT) policy. It is well established that CO2 reduction targets from new development should not be included in planning policy but should continue to be controlled through Building Standards. Such a policy would be incapable of being assessed properly through the planning process as it is an inherently technical process and would unduly overlap and duplicate the requirements of Building Standards. Instead an approach focusing on a hierarchy of measures for encouraging sustainable construction techniques and fabric-first led energy efficiency measures through achieving highly insulated

and air tight envelopes and avoid the need for technologies which are often not cost-effective and complex to operate. There is no specific reference or requirement within Scottish Planning Policy for the need for a policy seeking carbon emission reductions in new buildings from the installation of LZCT. Refer to the Examination into the 2015 LDP during which time the Reporter adjudged that the then policy ER2 should be deleted due to this and that it would be a more appropriate means of reflecting current national planning policy principles set out in the National Planning Framework 3 and Scottish Planning Policy that adjustments should be made to policy PP2 - Climate Change. Suggest that materially nothing has changed since that time to alter this position. Provision for such carbon reductions and energy efficiency are already encompassed within the Climate Change PP2 policy which requires the applicant to submit a checklist.

**Scottish Natural Heritage**

**001027**

The proposed intention to embed climate change into relevant policies should help promote measures to tackle climate change, for the benefit of people and nature. While some measures are effectively 'zero cost', such as orientating houses to maximise solar gain for natural heating, others have a financial implication and rely on specific conditions that may not be present on all sites e.g. solar photovoltaic panels). Multi-house (or building) developments are likely to have more options in terms of matching appropriate technologies to locations within a site, when compared to smaller scale or individual proposals. It is therefore important that the policy encourages maximising opportunities at each site, regardless of scale, to ensure that use of zero and low carbon technologies are encouraged for all sites without affecting affordability. This means some flexibility in the policy may be required for some small scale and individual proposals.

**Mr David McKay**

**001549**

Support policy.

**Mrs Patricia McCallum**

**001552**

Fail to understand why photovoltaics are not installed on all roofs. All public buildings e.g. Schools, community building should include them and all business units and properties would also benefit from this form of energy. The cost of batteries has reduced significantly over the past 3 years.

**Mr Scott Barclay**

**001589**

Promoting zero carbon within building design is great, it is good that the LDP2020 promotes how we can use our cars less. The proposed introduction of car parking charges at the Elgin Railway Station by the Council will regrettably have a detrimental impact to both this policy and also to various other policies in the Moray 2026 Community Plan and the Local Transport Strategy in promoting people to use public transport and benefit the environment. Unfortunately outwith the scope of the Main Issues Report but more of a political issue is the high cost of public transport in Moray. A monthly season ticket from Elgin to Inverness cost £208 10 years ago, today it costs £278 - an increase of more than 30% - it is very good that Forres has a new station with improved infrastructure but if public transport is not affordable then people will continue to use their car. Climate change needs to be incentivised rather than penalised. Unfortunately, other factors outside of planning can have an impact on the Main Issue Report Aims/Objectives.

**Mr Ian Rippon**

**001723**

Support the introduction of a new policy promoting zero and low carbon technologies. A quick win would be passive solar. There are many poor examples of house orientation in the new developments in Forres and Elgin (and elsewhere). In this climate the majority of the large windows in the house should be south facing. The Findhorn Eco-village gives many good examples of what is possible, so much could be gained by simply re-orienting the design of new houses.

**Force 9 Energy Partners LLP****001815**

Support for addressing climate change is welcomed. The proposed LDP should make the most of the opportunity to set a strong framework for development to maximise its potential to address the concerns of climate change. In the case of renewable energy the policy should look to maximise potential yields and opportunities for storage, subject to respecting environmental considerations as well as encouraging other forms of development to think sustainably.

**Miss Ruth Burkhill****001752**

Support policy.

**Woodland Trust Scotland****001818**

As well as new policies including use of passive solar gain, use of sustainable materials, flood prevention, planning for greenspaces, promoting sustainable transport options and sustainable urban drainage systems, and promoting zero and low carbon technologies in new developments, there needs to be effective implementation of these policies.

MLDP2020 should centre around conserving and creating rural and urban landscapes that are welcoming to wildlife in a time of rapid climate change. This can also contribute to promoting biodiversity. Focusing on whole landscapes, rather than individual sites, can make natural systems more resilient, and, at the same time, society can benefit from the invaluable ecosystem services that these landscapes provide such as healthy soils, flood prevention, carbon sequestration, improved water and air quality. Native woodland can provide all of these services, making it a vital terrestrial habitat in climate change adaptation and mitigation. Therefore, the MLDP2020 should consider increasing native woodland creation and encouraging developers to integrate native trees early on in the development process, while safeguarding existing woodlands.

**EDF Energy****001862**

Support the elevation of climate change to a 'main issue'; however, this topic is presented in too narrow a way as it focuses on buildings and urban form. There needs to be recognition of the significant resource that the Moray area has in terms of generating capacity for renewables and how this could be further enhanced and developed by way of technological change and new opportunities to assist the region's mitigation and adaptation to climate change. Such an approach would also better reflect the national policy drivers which, as noted, have been referenced at the outset of the MIR document and which underpin the vision and aims and objectives.

There should be specific mention of wind energy and the opportunity it presents for the reasons set out above. As noted, wind energy is only referenced in the MIR as a negative issue in terms of landscape pressure, and this is considered inappropriate in terms of the national policy position; the topic and sector justifies a clear presence within the topic on "delivering on climate change". Finally in terms of the Scottish Government's recent consultation on low carbon heat, there is now a proposal at the national level to amend the Housing Act 2011 to provide a statutory duty on all Local Authorities to prepare Local Heat and Energy Efficiency Strategies. These are to inform and to be informed by the statutory development plan. Therefore looking ahead to the Proposed Plan, it needs to take into account this emerging statutory duty which has clear links to the land use planning system.

**LDP2020\_MIR\_Q18**

<b>RSPB Scotland</b>	<b>000285</b>
<p>Supportive of preferred option to embed the issue of climate change across the LDP. Strongly encourage the setting of specific targets for carbon emission reductions. The LDP should include steps to reduce energy demand and improve efficiency followed by the implementation of sustainable energy technologies. Suggest consideration of the use of sustainability assessment schemes such as BREEAM to cover wider sustainability issues such as biodiversity, water efficiency and materials etc.</p> <p>Welcome the proposal to promote low and zero carbon technologies in new developments. Indeed, there is a requirement for all authorities to include policies requiring new buildings to avoid a specified and rising proportion of greenhouse gases through the use of low and zero carbon generating technologies. The LDP should also require all planning applications to be supported by an energy statement that demonstrated how the development would satisfy the policy requirements.</p>	
<b>Mr And Mrs Mark And Beverly Ellis</b>	<b>000442</b>
<p>Support policy.</p>	
<b>Homes For Scotland</b>	<b>001035</b>
<p>Concerned about the introduction of a new policy promoting zero and low carbon technologies in new development. Fully supportive of the aspiration to continue to cut emissions. Success will only be achieved where there is buy in across all sectors and risks of unintended consequences are avoided or over ambitious expectations are set for a particular sector. There must be a reasonable balance of the need to reduce emissions alongside the need to deliver enough new homes. In pursuing more energy efficient buildings and developments a pragmatic and proportionate approach must be adopted.</p> <p>Urge caution on how district heating networks are sought, spending time and money on a detailed feasibility study just to confirm that a heat network is not viable will delay much needed housing delivery. The common assumption that a housing developer can also deliver this form of infrastructure and absorb the risks associated is misplaced and inappropriate.</p>	
<b>Joanna Taylor</b>	<b>001816</b>
<p>The encouragement of low and zero carbon strategies in new developments is to be encouraged, but it should not be limited to new developments. The plan should include strategies for the improvement of the carbon footprint of existing towns and villages. For example new technology lighting can reduce light pollution, running costs and carbon footprint but the report does not consider this.</p>	
<b>Elgin Community Council</b>	<b>001832</b>
<p>Support in principle. However there are concerns that it may have impact of increasing house prices and making housing less affordable within Moray. Whether this would work partly may depend on costs reducing for low carbon technologies.</p>	
<b>SEPA</b>	<b>000569</b>
<p>Request a requirement that new developments incorporate space that can be safeguarded for future pipework/piperuns and energy centres to enable connection to existing or proposed heat networks and heat sources.</p>	
<b>Officers comments on representations and recommendations:</b>	
<b>LDP2020_MIR_DP8</b>	

Policy DP8 is largely unchanged from Policy ER1 of the MLDP2015 which was agreed through the Examination process. Some minor wording changes have been made to reflect updates in the policy background and some minor changes are proposed to address typos within the draft policy and make reference to the Spatial Framework.

**Recommendation**

**Agree to change "compatible" to "compliant" in point (i) and minor changes.**

**LDP2020\_MIR\_DP9**

Supportive comments noted. It is intended that low and zero carbon generating technologies will be part of a package of measures to reduce emissions including the use of insulation and improving the thermal performance of building materials etc. The policy seeks to promote renewable technologies as a means to meeting Building Regulations emission reduction targets. This as an effective way to ensure that renewable technologies are installed in new buildings. Climate Change is a primary policy in the current LDP. Despite promoting renewable technologies there has been a limited installation of these technologies in particular within the volume house build market.

**Recommendation**

**Further investigations into the implementation of this policy, the Building Regulation requirements, cost and impacts on viability will be undertaken and will inform the final policy position for the Proposed Plan.**

**LDP2020\_MIR\_MI8**

In the LDP 2020 climate change will not feature as primary policy and there will be no requirement to prepare a sustainability statement. Climate change has instead been embedded across the plan. This approach addresses most facets of climate change with the exception of promoting renewables and sustainable construction. The policy seeks to promote renewable technologies as a means to meeting Building Regulations emission reduction targets. This as an effective way to ensure that renewable technologies are installed in new buildings. Climate Change is a primary policy in the current LDP. Despite promoting renewable technologies there has been a limited installation of these technologies and in particular within the volume house build market.

Work is being undertaken in terms of the whole plan viability as part of this the Council is seeking to cost measures including the installation of zero and low carbon technologies to assist in discussions around viability and impact on costs. It is accepted that there will be different solutions dependent upon scale of development and site conditions and there will have to be a certain amount of flexibility. A policy requiring the use of low and zero carbon technologies in new developments is proposed to require the installation of renewable technologies in new development.

Supportive comments in relation to renewable technologies noted. Comments in respect of the high cost of public transport and other factors outside the remit of planning impacting on ability to deliver on climate change are also noted. Comments in respect of orientation of houses are accepted but it should be noted that there are other factors that also impact on siting and layout. Findhorn Ecovillage is an excellent resource with local examples of passive solar gain and use of renewable technologies.

The current Woodland and Forestry Strategy Supplementary Guidance seeks to encourage native woodland creation. Biodiversity is an identified main issue and the Council is seeking to ensure delivery of habitat creation and enhancement through new developments and has been working in partnership with Scottish natural Heritage through the quality audit process where developments are assessed in terms of meeting identified placemaking qualities.

It is accepted that renewable energy contributes to reducing emissions. There is a specific renewable



energy policy and it is not considered necessary to elaborate upon this this elsewhere within LDP policies. The Council is aware of emerging thinking on low carbon heat and has contributed to the various consultations. It is not considered appropriate to require developers to leave space for pipe runs within developments, especially as there is no commitment to the creation of a new heat source or an existing heat source nearby. The Council does not agree with the statement regarding maximising potential yields as it is important to ensure that the right development takes place in the right place.

**Recommendation**

**No changes are being made to the approach to climate change advocated within the Main Issues Report.**

<b>10</b>	<b>Rural Housing</b>
<b>Main Issues Report reference:</b>	<b>Responses to</b> LDP2020_MIR_DP3                      Development Policies - Rural Housing LDP2020_MIR_MI9                      Main Issues - Rural Housing LDP2020_MIR_Q20                      Question 20 - Identifying more Rural Groupings? LDP2020_MIR_Q21                      Question 21 – Improving design standards
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>	
000111 Historic Environment Scotland 000215 Altyre Estate 000285 RSPB Scotland 000401 Lorretta Oliphant 000569 SEPA 001027 Scottish Natural Heritage 001049 Howard Davenport 001249 Crown Estate Scotland 001339 Peter Graham & Associates LLP 001398 Finnerne Community Council 001557 Mrs H Sands 001589 Mr Scott Barclay 001600 Mr Nathan Matthews 001615 Mr Graham Oliphant 001617 Mr Chris Thompson 001742 Pinehurst Development Co 001750 Mr Stewart Mitchell 001752 Miss Ruth Burkhill 001798 Strathdee Properties Ltd 001816 Joanna Taylor 001818 Woodland Trust Scotland 001860 Neil Grant	
<b>Planning authority's summary of the representation(s):</b>	
<b>LDP2020_MIR_DP3 Rural Housing</b>  <b>Lorretta Oliphant</b> <b>000401</b> <p>The concept of a rural groupings policy to meet potential demand for rural development is flawed for the following reasons. Growth in Forres has been identified in the LDP2020 as slowing down due to the closure of RAF Kinloss, therefore why the need for rural groupings enlarging already identified rural hotspots? There also many sites, in particular in the Rafford and surrounding area around Forres, that have existing planning consent but remain undeveloped.</p> <p>Rural Groupings have the potential in future years to simply result in a never-ending expansion of those sites and ultimately end up in the creeping urbanisation of the rural landscape, which surely is incompatible with the very nature of the rural environment which we are trying to protect? Moreover, the proposed rural groupings have not been purpose designed with respect to transport, drainage, telecommunications and other infrastructure - they are almost entirely ad-hoc, and will not effectively or efficiently support new growth. A more selective approach to planning consent, avoiding rural hotspots,</p>	

siting and design criteria, better integration into the landscape, reduction in the scale of the buildings and a more traditional form should be pursued.

**Altyre Estate**

**000215**

The need for a balanced approach to rural housing development is noted. Where there are appropriate opportunities for refurbishment of older properties, or provision new houses, there should be a degree of flexibility on the design and extent of development. In some cases, it may be appropriate to allow more than one new property to be built. This can achieve economies of scale with services and drainage, create interesting grouped properties and in some cases help to support rural schools and services. There may often be opportunities to combine a small number of new properties with refurbishment or redevelopment of existing rural buildings. In areas where the cumulative impact of new rural houses has not been significant, there should be greater flexibility to provide more than one new house on appropriate sites. The criteria used in the draft policy can easily be adapted accordingly. New rural housing is important in sustaining Moray's rural population and can meet a valuable share of the housing land supply target over time.

**RSPB Scotland**

**000285**

The planting of trees adjacent to wader habitat can have a detrimental impact on the species and should be avoided. The creation of new woodland or trees in certain areas can have an adverse impact on breeding waders by providing perching posts for avian predators. Perching posts such as trees or man-made structures that allow predators to overlook nesting and brood rearing areas have a strong deterrence effect on the use of otherwise good habitat by waders. Waders such as lapwing, curlew and redshank have suffered large declines in recent years across the UK and it is important to protect existing habitat. Therefore the fourth bullet point should include a caveat that 15% of the plot must be landscaped with native tree species at least 1.5 metres in height to assist the development to integrate sensitively, unless this planting would negatively affect sensitive species or open habitats.

**SEPA**

**000569**

Support the policy. In the second last sentence there appears to be a typo where there is a reference to PP1 it appears this should be DP1.

**Howard Davenport**

**001049**

Support in principle the concept of Rural Groupings some are not appropriate.

**Peter Graham & Associates LLP**

**001339**

It seems that the proposals for housing in the countryside are moving to the extreme to the extent that it will impact heavily on those that would like to self-build and settle in the countryside. Much of the push for new housing is to be centered on larger urban centres with only a few smaller settlements being allocated further houses. Supporting existing communities businesses and services is important and utilising existing infrastructure helps saves costs. Creating house sites in woodland seems a sensible way to build houses with some existing screening. Moray is not short of woodland at 30% woodland coverage. 75% existing boundaries for new houses is also very restrictive. Clusters of new housing around perhaps a redundant farm building can also be a good way to make rural regeneration viable. A more balanced approach is required to ensure that rural housing can play a positive role in meeting the regions housing land supply.

**Mr Graham Oliphant**

**001615**

As a new policy, the promotion of the growth of rural groupings is flawed. Over future years this will simply result in a never-ending expansion of those rural groupings and ultimately end up in the creeping urbanisation of the rural landscape. Moreover, the proposed rural groupings have not been purpose designed with respect to transport, drainage, telecommunications and other infrastructure ,they are

almost entirely ad-hoc, and will not effectively or efficiently support new growth.

**Mrs H Sands**

**001557**

The planning authority should follow up and check that all new builds have adhered to their planning permissions and planted the trees within their properties. This would be especially beneficial regarding single detached properties in the countryside as they stand out too much. It might be worthwhile employing someone to do this and fines could be issued to anyone not complying. Planting breaks up the outline of properties, encourages wildlife and is aesthetically pleasing to the eye. This could become part of a completion certificate process.

**Mr Chris Thompson**

**001617**

Agree that Moray LDP should support Scottish Planning Policy in the prioritisation of new housing to major settlements, and not further the suburbanisation of the countryside. Agree in general with the development of rural groupings provided they are supported by the local communities on a case by case basis. Agree in general with the aim to direct new development to the least environmentally sensitive areas. Greater consideration should be given to the long term value of farming land as pressure is likely to continue for land resource for livestock and agriculture.

**Strathdee Properties Ltd**

**001798**

Support the policy allowances for the re-use and replacement of existing rural buildings and do not consider that these opportunities require to be amended. If a more hierarchical approach to rural housing is to be taken, with an emphasis on development within the Rural Groupings, then further Rural Groupings require to be identified in order to deliver the rural housing numbers required by the market. In addition to development within Rural Groupings, there still requires to be a policy allowance permitting appropriate small-scale housing development within rural areas. Policy should allow appropriately designed, sited and landscaped individual dwellinghouse plots within all rural areas. Do not support the approach of restricting opportunities for rural housing in 'identified hotspots' as set out by the Council in the Guidance on 'Landscape and Visual Impacts of Cumulative Build-Up of Houses. This approach is too restrictive. The majority of our client's rural developments have been undertaken in accordance with relevant planning policy at the time. Rather than preventing rural housing opportunities in specific areas, we suggest that it is controlled through a new 'Policy H7' that sets out the layout, siting and design criteria for rural housing.

**LDP2020\_MIR\_MI9 Rural Housing**

**LDP2020\_MIR\_Q20 Identifying more Rural Groupings**

**LDP2020\_MIR\_Q21 Improving design standards**

**Historic Environment Scotland**

**000111**

Agree with the preferred option for rural housing and welcome both the identification of the impact that an increasing volume of rural housing can have on the character of the area and the approach to offer greater control over this.

**RSPB Scotland**

**000285**

Welcome the approach to rural housing in terms of directing development to Rural Groupings. This will help to stop the historic unsustainable pattern of development highlighted in the MIR. Supportive of improved design standards that incorporate wildlife friendly measures to be included in the design of new buildings such as swift bricks.

**SEPA**

**000569**

Welcome the proposals to direct development to the least environmentally sensitive areas and in the re-

use and replacement of traditional stone and slate buildings in the countryside rather than development of previously undeveloped areas. Support sustainable developments using existing infrastructure rather than sporadic development. Support the aim of improving design standards in rural areas and promoting sustainable design and materials.

**Scottish Natural Heritage**

**001027**

Agree that in some places the cumulative effect of housing in the countryside is having an adverse effect on landscape character, as well as increasing pressure on previously less used areas supporting nature. Agree with the proposed approach, as this should safeguard the distinctive rural quality of Moray whilst also providing places for people to live and work. Support good design that meets placemaking criteria and provides a place for nature. Good design of all scales, from small scale affordable to large luxury housing, should complement the surroundings and provide attractive places for people to live, reducing landscape impacts. Improved design standards should also encourage the inclusion of spaces that allow nature to coexist with development, as well as providing natural flood management.

**Peter Graham & Associates LLP**

**001339**

It seems that the proposals for housing in the countryside are moving to the extreme to the extent that it will impact heavily on those that would like to self-build and settle in the countryside. Much of the push for new housing is to be centered on larger urban centres with only a few smaller settlements being allocated further houses. Supporting existing communities businesses and services is important and utilising existing infrastructure helps saves costs. Creating house sites in woodland seems a sensible way to build houses with some existing screening. Moray is not short of woodland at 30% woodland coverage. 75% existing boundaries for new houses is also very restrictive. Clusters of new housing around perhaps a redundant farm building can also be a good way to make rural regeneration viable. A more balance approach is required to ensure that rural housing can play a positive role in meeting the regions housing land supply.

**Howard Davenport**

**001398**

Concerned with the build-up of housing in the countryside, not fully supportive of rural groupings. Concerns over locations in terms of infrastructure provision, impact on traffic, drainage and sewage, refuse collections and broadband provision. General support for improving design standards, with some preferences expressed for low energy passive housing designs and innovative designs. In addition to high quality homes with large plots there is also a need for affordable housing for young families. Need to provide a quantitative definition of housing density with respect to rural groupings.

**Crown Estate Scotland**

**001249**

Concerns if rural housing development could not come forward which would result in adverse impacts on rural residents or prospective residents who require housing in rural areas. Housing delivery should not be made more onerous where there is a genuine need for that housing. Rural housing is a very important method of diversification to support rural living. Broadly it is accepted that there are challenging times ahead for farming in particular, as a result this source of alternative income has a significant economic impact and rural housing should still be facilitated. Accept measures to strive towards improved housing design, particularly where there are associated benefits for prospective residents i.e. In creating warm, secure and pleasant properties. Would welcome a collaborative approach with the Council to facilitate land being put forward for further rural building groups if deemed appropriate. This can consider particular challenges in terms of delivery of such sites, but also result in an agreed position on future small development sites.

**Mr Nathan Matthews**

**001600**

If committed to addressing the growth of car based commuting in rural areas, the provision of affordable public transport is essential. A direct link to the A96 dualling for cycle routes is also essential.

**Mr Scott Barclay****001589**

Not aware of suburbanisation of rural housing within Moray but appreciate that this is an unwanted issue that could compromise the rural beauty of Moray. The unique building design of rural housing mitigates the impact rather than having identical looking houses.

**Joanna Taylor****001816**

The Main Issues Report identifies a problem with the scale of house building in rural areas and in the nature of the houses built. This is ironic given it is the Council who have had control of these policies. Nevertheless a proposed change in policy and a proposal to limit rural development and improve the quality of the houses that are built is welcome.

**Miss Ruth Burkhill****001752**

Agree that the cumulative build-up of housing in the countryside is having an adverse effect on landscape character and quality. Agree with identifying more Rural Groupings and restricting or regulating house-building opportunities within them. Agree with directing development to the least environmentally sensitive areas, ensuring better integration in the landscape, reducing the scale of buildings and creating more traditional form and proportions.

**Woodland Trust Scotland****001818**

The cumulative build- up of housing in the countryside can be a problem in some cases, and put pressure on natural landscapes and sensitive habitats such as ancient woodland. Development should be focused on areas which are already developed, with existing infrastructure. The Council should designate appropriate building space and communicate clearly which areas are unsuitable for building due to landscape concerns providing strong and clear policies which protect natural assets such as ancient woodland. Within Scottish Planning Policy there is a strong presumption against developing on areas of semi-natural woodland, and areas with woodland of high conservation value. Ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development. The LDP provides the opportunity to strengthen these policies and adapt these to the local context. Agree with the preferred option of identifying further rural groupings, it makes sense to direct development where there is already existing infrastructure in place, rather than allow development throughout the countryside and in environmentally sensitive areas. Moray has experienced a significant level of inappropriate development due to permissive policies. To avoid this in the MDLP2020 there need to be strong and clear policies which encourage sustainable growth of existing settlements.

**Pinehurst Development Co****001742**

Welcome the approach taken by Moray Council with regard to the aims and objectives of the MIR, and the proposed sustainable pattern of development set out. Object to the defined existing 80 rural groupings and further proposed rural groupings.

The proposed growth strategy is supported, whereby development should be proportionate to the local area, and the size and provision of local services and facilities nearby. Also supportive of the approach to embed climate change in the development planning process. Particularly the use of design features in housing development, including through passive solar gain and the use of sustainable materials. Agree with the approach proposed in Main Issue Report to identify rural groupings in order to direct development to appropriate locations in the countryside. Due to a significant proportion of dwellings in Moray being located in small settlements, and given the continued need for housing growth in the area, consider it is necessary for more rural groupings to be included in order to strengthen the settlement hierarchy and promote a sustainable pattern of growth. On the basis that the new outlined policy approach to rural

development does not go far enough in defining all the new rural groupings, this could restrict opportunities for appropriate rural development in its current form, potentially producing a new development plan that is flawed by not supporting the delivery of new housing.

**Mr Stewart Mitchell**

**001750**

Rural housing ought to be more tightly controlled. How did these eyesores obtain permission?

**Strathdee Properties Ltd**

**001798**

Consider that small-scale rural housing development offers an important opportunity to meet an identified market demand. The identification of appropriate sites for such development should be achieved through a combination of further Rural Groupings and a revised Policy H7. Supplementary Guidance should be prepared setting out appropriate design standards.

**Neil Grant**

**001860**

#### **Impact on Landscape Character**

Whether the cumulative build-up of housing has had an adverse effect on landscape character is unproven. The Moray and Nairn Landscape Character Assessment is now 20 years old and therefore needs to be updated to reflect new influences that have been shaping the landscape over the past two decades and into the future. A revised Landscape Character Assessment will provide a baseline of information that can be used by landowners, developers and the planning authority when making decisions on future land use and management, informing whether there is capacity in a particular part of the landscape for development and what kind/ how much of it can be accommodated. The Moray Council should not be promoting a policy without the baseline information to inform that policy.

In regard to landscape quality, it is recognised that the prescriptive nature of the preceding policy has inadvertently led, in some cases, to unimaginative siting and design in the countryside to the detriment of landscape quality. Developers have sought to address the minimum requirements of the policy and this has in some cases led to suburban type layouts as well as insensitive house designs. It should also be noted that a lot of the poor quality siting and design examples have been refused by the planning authority and overturned at appeal by local members- this is much more unlikely in the present day. Further training, tailored for elected members, on the importance of design in the countryside should ensure that this remains the case.

There is high demand for development within the Pressured Areas identified but the benefits of concentrating development in one area also cannot be ignored i.e. it is cheaper to service, will lead to better infrastructure provision, attracts developer obligations to put towards public services, payment of planning fees etc. As an alternative to using landscape character as a reason to preclude all development in a certain area, to prescribe in policy the provision of a Landscape and Visual Impact Assessment (LVIA) to support individual planning applications, carried out by a suitably qualified person, to establish whether a certain site can be accommodated in the landscape. This places the onus on the applicant to provide satisfactory justification for a project in the same way as other technical matters such as Flood Risk Assessments/Ecology Reports etc. It would also ensure that proposals are assessed by the Council on a case by case basis in light of the prevailing circumstances around that site. This would ensure that any new development is appropriate to its site and surrounds because a robust LVIA would not only ensure that the development is in the right place but the expert advice within this assessment will also ensure that the development settles quickly into the landscape.

Without a revised Landscape Character Assessment to provide a base line of information, it is not possible to conclude that the best course of action is to preclude development in certain areas. If there was sufficient evidence to support the conclusion that the cumulative build-up of housing in a particular area is

having an adverse effect on landscape character and quality, then it may be that a moratorium on development is not the best course of action to address this in the context of the overall resource. As stated, further base line information is required to support the conclusions and proposed solutions.

Through this guidance, the Council seeks to encourage sustainable development in rural areas which means guiding development to places where existing services can be supported, so why not also support the small scale expansion of existing housing groups (not formally identified) in the countryside which respect the character, layout and building pattern of that group and maintain satisfactory levels of amenity? This could also apply to a house in garden ground and infill sites in certain circumstances.

### **Promoting Rural Groupings**

Provision should also be made to ensure that housing development in the countryside does not rely solely on the effectiveness of land within each of the Rural Groupings identified. There are a wide range of reasons why land identified within these groups may not be deliverable, there are several areas where this is highly likely to be the case, provision should be made to submit evidence in the form of a sequential test to ensure that in such circumstances, a suitable alternative site in that area can be justified during the plan period (which may well increase to 10 years). This will ensure that new housing development in the countryside can continue to revitalise and strengthen rural communities and bring greater choice to existing and new residents, whilst still protecting its character.

Consider there to be a requirement to recognise the potential for housing demand in relation to economic activity in the countryside, i.e. the possibility of housing for retiring farmers and local applicants who have lived/ worked in the area for an extended period and are currently inadequately housed? What about a presumption in favour of housing to attract key professionals such as teachers and doctors where there is a genuine shortage? Given the number of people involved in such practices, this would not lead to a proliferation of new housing in the Moray countryside.

### **Siting and Design Criteria**

The proposed siting and design criteria is unnecessarily detailed and it will lead to developers shaping proposals solely to meet with the minimum criteria prescribed, which will lead to the elimination of imaginative, responsive and sensitive design processes which enable high quality development. People often prioritise internal space with little thought to the overall design of the structure.

Revised policy implies that there are no instances where 70% or 55% or 40% would result in a well contained site and disregards the benefits of what could be effective means of defining a site such as long established roads, burns or hedging this simply cannot be the case in all development proposals.

What research has been done to support the conclusion that a height of 6.75m is the optimal height of a building in the entire Moray countryside? The prescription of a maximum height unnecessarily restricts the designer, something that effective design criteria should avoid at all costs. It does not always guarantee an improvement in the scale and proportions of the resultant dwelling either.

### **Development in Woodlands**

Understand that clear felling of entire stands of trees to create house plots will not be acceptable but the removal of a small amount of trees within a stand to accommodate a dwelling may in some circumstances provide for development opportunities, particularly when that proposal is supported by a survey of that stand carried out by a suitably qualified person and a long term landscaping scheme is implemented which includes compensatory planting and ensures the retention of that stand into the future. There needs to be cognisance that in some circumstances this is acceptable.



### **Promoting Innovative Design**

Moray Council has an opportunity to introduce a policy which enables new residential development in the countryside purely on the basis of innovative design; what constitutes truly innovative design is a matter which requires further thought but it will be unique to each individual site perhaps prescribed to reflect the highest standards of architecture, to enhance its immediate setting whilst being sensitive to the local area. This approach would undoubtedly help to raise design standards more generally in the Moray countryside, urge Moray Council to consider adopting such an approach.

### **Officers comments on representations and recommendations:**

#### **LDP2020\_MIR\_DP3 Rural Housing**

#### **Approach to Rural Housing**

Supportive comments to the proposed approach to rural housing are noted. It is acknowledged that the current housing in the countryside policy is relatively permissive and has contributed to the issues of cumulative build up and inappropriate design. The approach to rural housing has been strengthened to address identified issues including the suburbanisation of the countryside and a desire to improve design quality. The policy has been customised to address specific issues affecting Moray and still allows for individual houses in the countryside in certain areas in Moray however, the criteria for assessing new housing proposals have been strengthened to become more restrictive.

It is proposed to reinforce a rural hierarchy whereby development is accommodated mainly in rural groupings, then reuse and replacement of existing buildings and lastly to plots in the open countryside. This approach is being supported by the identification of more rural groupings with development opportunities. This supports a more sustainable pattern of growth whilst promoting appropriate rural development.

The policy makes it clear that the artificial creation of house plots in woodlands is not supported and is not in line with national policy guidance. The 75% boundary enclosure requirement is intended to ensure that houses integrate sensitively within the landscape and have adequate backdrop and containment.

#### **Rural Groupings**

New rural groupings have been identified to support development in areas of high demand, to assist in reducing the number of houses being built in the open countryside and to promote clustering of rural houses to promote a more sustainable pattern of growth. It is not intended that identified rural groupings will continue to expand in successive local development plans. In many cases rural groupings will reach their capacity whether that is in terms of infrastructure or landscape. Technical consultations have been sought to establish whether or not groupings are capable of being expanded in terms infrastructure, drainage etc. If the proposed new rural groupings are taken forward into the Proposed Plan designation text will be prepared identifying development opportunities and setting out technical, design and landscaping requirements. The Council would be supportive of appropriately sited and designed proposals for affordable self- build opportunities in rural groupings.

The Council has sought to identify new groupings in appropriate locations and matched these to identified areas of high demand. There have been opportunities for developers and landowners to submit bids for new groupings through the review of the Rural Groupings Supplementary Guidance in 2016 and consultations during the evidence gathering and Main Issues Report stages of the LDP2020 preparation. A number of rural groupings have been considered for inclusion and assessed many of these could not come forward due to technical constraints such as flooding and transportation issues.

#### **Availability of Plots**

The approach advocated for the Moray LDP 2020 will be reviewed and monitored to assess whether rural

housing policy is working effectively.

### **Reuse and Replacement of Existing Buildings**

The Council's approach to rural housing has been based on officer experience, implementation of the current policy and local review body cases. In terms of reuse and replacement of existing buildings, the criteria states that only stone and slate buildings are suitable for conversion or replacement and promotes high design standards. It is accepted that an element of new build development may be required to support conversion/rehabilitation of these stone and state buildings and further consideration will be given to this in the preparation of the final policy.

### **Siting Criteria**

The additional text requested to avoid the negative impact of tree planting on sensitive species and open habitats is not supported for inclusion within the Proposed Plan. This approach requires specialist input to assess whether or not there would be an impact and the Council does not have the expertise to make a determination on this issue.

### **Landscaping**

The Council undertakes condition monitoring and has recently appointed a Condition Compliance Monitoring Officer. A significant number of consents are issued each year and therefore it is not possible to monitor all new development.

### **Impact on Agricultural Land**

By reinforcing a hierarchy in rural areas whereby the majority of development is directed to rural groupings, then previously developed sites with stone and slate buildings and lastly to housing in the open countryside this should assist in reducing the pressure on agricultural land.

### **Rural Transport**

Comments in respect of affordable rural transport are noted. A demand responsive service is operated by the Council in order to support rural areas not on direct bus routes and work is ongoing to make improvements to this service to meet the needs of users. The A96 Dualling Hardmuir to Fochabers is a Transport Scotland project. A Non-Motorised Users Strategy has been prepared to support the dualling scheme.

### **Recommendation**

**Further consideration will be given to supporting new build alongside the re-use or rehabilitation of stone and slate buildings. Amend policy text to reference DP1 not PP1.**

**LDP2020\_MIR\_MI9 Rural Housing**

**LDP2020\_MIR\_Q20 Identifying more Rural Groupings**

**LDP2020\_MIR\_Q21 Improving design standards**

### **Landscape Impact**

As part of the preparation of the Cumulative Build-Up of Housing in the Countryside Guidance Note landscape input was sought to review the identified hotspots. The landscape report prepared stated that in some areas of Moray the landscape could no longer be considered high quality.

Work is underway to review all local landscape designations including Areas of Great Landscape Value,

Countryside Around Towns and Coastal Protection Zones. There is an overlap with the new approach to housing in the countryside and consideration of this has been fed into the review. The baseline information for the formulation of the new policy approach has been gathered and developed using data from Local Review Body cases, planning officer knowledge, GIS data to identify hotspots and a landscape report on specific hotspots across Moray. All the work done to date is being supplemented by the ongoing landscape review to ensure identified pressurised areas and special landscape areas are aligned. A new Landscape Character Area appraisal should be published this year by Scottish Natural Heritage this year.

### **Rural Groupings**

It is acknowledged that there is demand for development in the identified pressurised areas, new groupings have been identified within these areas to create opportunities for new development to come forward. Clustering development in this manner promotes a more sustainable pattern of development by concentrating development in a specific location and reducing the proliferation of individual houses that can have an adverse visual and landscape impact. A Landscape and Visual Impact Assessment (LVIA) for individual house plots is not considered necessary or appropriate for individual houses, as the siting criteria developed is intended to deliver development that can be sensitively accommodated into the landscape.

A blanket policy allowing the expansion of any grouping including those not formally designated is not supported. This is not a planned approach to development and it may not always be appropriate to extend existing clusters for various technical reasons. There is a network of identified rural groupings across Moray with identified development opportunities. This is considered an appropriate approach to directing and supporting rural development.

Additional work needs to be done to better understand and seek to address the reasons that impede sites in rural groupings coming forward. Although it has to be acknowledged that the significant number of housing plots in the open countryside has also contributed to a low uptake of alternative sites. A sequential test is not considered an effective means of establishing the acceptability of a site, it would be difficult to embed in policy and complex to assess or challenge.

### **Availability of Rural Plots**

There are a significant number of live consents for rural housing plots across Moray so it not considered there is a current shortage of plots. Within identified pressurised areas there are opportunities for development within identified rural grouping and previously developed sites with stone and slate buildings. To support this approach additional new groupings have been identified. Out with these pressurised areas there is still an opportunity for rural plots that meet criteria in terms of backdrop, containment and enclosure to ensure they integrate sensitively.

### **Siting Criteria**

The siting requirements are intended to ensure that sites provide adequate backdrop, enclosure and containment to ensure new housings sits sensitively within the landscape. The sensitive placement of housing in the landscape is important to reducing impact. The revised siting criteria seek to identify appropriate sites and therefore should not impede the ability to create an imaginative, responsive or sensitively designed house. It is seen as positive if more thought is given to the overall design, scale and proportion of new houses.

The current policy and previous iterations have used long established boundaries as a means of defining sites. A road, burn, hedge or fence can define the extent of a plot however, importantly these elements in themselves do not create the containment, enclosure or backdrop required to allow a new house to integrate sensitively. On this basis new criteria have been developed seeking immediate landform, trees and woodlands and houses which can frame the setting for a new house to create the required enclosure.

## **Design**

When preparing the revised rural housing policy one of the key issues related to the impact of new housing was the scale and proportion of buildings. A simple way of addressing this is to introduce a maximum height. A variety of different rural housing designs and types were analysed and it was concluded that 6.75m could comfortably accommodate a 1.5 storey house.

## **Development in Woodland**

The new policy approach seeks to protect woodlands and avoid felling to accommodate new housing. It is no longer considered appropriate to allow the felling of woodlands as a means to meet siting criteria in line with the Scottish Governments Policy on Control of Woodland Removal.

## **Innovative Design**

The design requirements set out within the policy are intended to support innovative design and raise design standards. It is acknowledged that the design criteria have been developed primarily to address identified issues including the prevalence of suburban features and detailing, scale of proportion of houses and quality of materials. There is an emphasis on traditional however, it is accepted that innovative responsive design should feature more prominently and be supported. On this basis the policy will be amended to make it clearer that innovative design is promoted and supported. Illustrations will be included within the Proposed Plan to demonstrate design intentions.

## **Recommendation**

**Revise design criteria section within the Rural Housing policy to strengthen reference to supporting innovative design and supplement this approach within the Proposed Plan with further text and illustrations.**

<b>Issue 11</b>	<b>Development Policies (Other)</b>	
<b>Main Issues Report reference:</b>	LDP2020_MIR_DP10 LDP2020_MIR_DP6 LDP2020_MIR_DP7 Accommodation	Development Policies - Minerals Development Policies - Retail / Town Centres Development Policies - Tourism Facilities & Accommodation
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
000361	Hugh Fraser	
000569	SEPA	
001728	David Gordon	
001746	Whitbread Group plc	
<b>Planning authority's summary of the representation(s):</b>		
<b><u>Policy DP6 Development Policies - Retail / Town Centres</u></b>		
<b>SEPA</b>		<b>000569</b>
SEPA support the sequential approach promoted by this policy.		
<b>David Gordon</b>		<b>001728</b>
All car-parking charges should be scrapped. Car parking charges do not encourage footfall into small towns. A £1 charge is enough to put one off. Free parking would encourage people back into small towns. Yellow lines should be removed where they are not needed, allow retailers to be more creative with open air events and outside seating. Parking is too inflexible as you cannot reuse your ticket to move to a different carpark.		
<b><u>Policy DP7 Development Policies - Tourism Facilities &amp; Accommodation</u></b>		
<b>Hugh Fraser</b>		<b>000361</b>
Need more Tourist Accommodation - camping, caravan, bunk house facilities (from requests / enquiries at Speyside Visitor Centre, Aberlour).		
<b>Whitbread Group plc</b>		<b>001746</b>
Policy should fully support the expansion of existing tourism facilities. Where existing facilities are to be expanded there should not be a requirement to demonstrate a locationally specific need.		
<b><u>Policy DP10 Development Policies - Minerals</u></b>		
<b>SEPA</b>		<b>000569</b>
SEPA support this policy.		
<b>Officers comments on representations and recommendations:</b>		
<b><u>Policy DP6 Development Policies - Retail / Town Centres</u></b>		
It is noted that SEPA support the sequential approach promoted by this policy.		

Parking charges are not a matter for planning policy and is dealt with by the Transportation Section.

Policy relating to retail and town centres does not restrict open air events or outdoor seating within town centres. 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.

**Recommendation**

**No change required.**

**Policy DP7 Development Policies - Tourism Facilities & Accommodation**

The policy supports proposals which contribute to Moray's tourism industry and the expansion of existing tourism facilities where they comply with relevant policies. Additional wording will be included in the policy's justification to address locational need and existing facilities.

**Recommendation**

**Policy's justification amended to address locational need and existing facilities.**

**Policy DP10 Development Policies - Minerals**

It is noted that SEPA support this policy.

**Recommendation**

**No change required.**

<b>12</b>	<b>Water Environment/Drainage</b>
<b>Main Issues Report reference:</b>	<p><b>Responses to</b></p> <p>LDP2020_MIR_EP6      Environment Policies - Managing the Water Environment</p> <p>LDP2020_MIR_EP7      Environment Policies - Foul Drainage</p>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>	
000569    SEPA 001027    Scottish Natural Heritage	
<b>Planning authority's summary of the representation(s):</b>	
<p><b>LDP2020_MIR_EP6 Managing the Water Environment</b></p> <p><b>SEPA</b> <span style="float: right;"><b>000569</b></span></p> <p>Opposed in principle to the Flood Risk Assessment and Drainage Impact Assessment for New Development Technical Guidance, which is referenced in Policy EP6. The policy references that there are different levels of Flood Risk Assessment dependent on the nature of the development. The nature of the flood risk is the most significant factor in determining the level of assessment required. The nature of the development does have some bearing, in that water compatible uses for example may not require an assessment even where the risk is known to be high, but the wording doesn't make that clear and indicates it may be related to the scale of development. Rewording should make this expressly clear and as such this policy is currently unacceptable on the whole.</p> <p>To reflect the fact that mitigation is only acceptable in limited circumstances, under the section Level 2 request the last sentence is amended as follows "full flood risk assessment providing details of flood risk from all sources, results of hydrological and hydraulic studies and any appropriate proposed mitigation."</p> <p>There are references within several policies, example Policy ES6 Landscape Protection, to change of use of existing buildings. Request that the surface water drainage section of this policy makes reference to "opportunities are taken to retrofit SuDS for example where previously developed buildings are being used."</p> <p>Welcome the reference to construction phase run-off. Given that site design may be affected by pollution prevention requirements applicants are strongly encouraged to engage in pre-CAR application discussions with a member of the local SEPA regulatory team. Support reference to this either under the policy or the supporting guidance as it is important that developers are aware that they still have the same duties to avoid pollution, even if they don't require a licence.</p> <p>Highlight the extra bracket after (SuDS) designed in line with CIRIA guidance).</p>	

Request reference made after water environment to “including all surface water, groundwater and wetlands. The Water Framework Directive defines the water environment to include all wetlands, rivers, lochs, transitional waters (estuaries), coastal waters and groundwater”.

Request the following amendments to the first sentence in this section: “Proposals, including associated construction works, must be designed to avoid adverse impacts upon the water environment and should seek opportunities for restoration and or enhancement, if appropriate”. Development can also have impacts on existing groundwater abstractions and request this is also added to the Waterbodies section.

Policy EP6 should be renamed “Management and enhancement of the water environment”.

A Strategic Flood Risk Assessment (SFRA) is required to inform the SEA and to facilitate a catchment based approach to identifying flood risk within the plan area. The assessment should identify and address any strategic cross boundary issues and the potential impacts of climate change on flood risk. Understand the SFRA is in draft and is still being finalised but will be issued for consultation.

Require allocations for most vulnerable uses must be avoided in areas protected by a scheme. Any protection offered by informal flood defences would not be taken into account when considering allocations behind or benefiting from them. Such allocations would be considered within the context of Scottish Planning Policy as if the scheme did not exist. Given the number of schemes in Moray, a reference to development in areas protected by schemes having to be a suitable land use to reflect the standard of protection and any residual risk behind the schemes should be added the Strategic Flood Risk Assessment.

#### **Scottish Natural Heritage**

**001027**

As flooding is an issue that affects settlements, communities and nature in Moray, it would be beneficial for EP6 Managing the Water Environment to encourage opportunities for natural flood management. For example, incorporation of open spaces that could also be used as flood storage during severe flood events, restoration of natural watercourse channels and riparian planting as part of larger developments, etc.

Would be beneficial EP6 to recognise that coastal changes caused by flooding, climate change driven increases in storm frequency and severity, and/or development are not limited to coastal erosion. Sediment deposition (accretion) in coastal locations may also be an issue. For example a development that reduces flow through or past a harbour entrance may lead to sediment settling out in the harbour. Reference could also be made to the National Coastal Change Assessment website.

#### **LDP2020\_MIR\_EP7 Foul Drainage**

**SEPA**

**000569**

Support this policy.

#### **Officers comments on representations and recommendations:**

##### **LDP2020\_MIR\_EP6 Managing the Water Environment**

Agree to rename policy EP6 – Management and Enhancement of the Water Environment.



Policy EP6 will be amended to delete reference to different levels of flood risk assessment being dependent on the nature of the development. Instead it has been changed to state the nature of the flood risk dictating the level of assessment. The text explaining a Level 2 assessment will add reference to appropriate proposed mitigation. A note will be added to the Flooding and Drainage Supplementary Guidance setting out that opportunities are taken to retrofit SuDS for example where previously developed buildings are being used. The extra bracket is a typographical error and will be deleted. The justification section of the policy will provide a definition of the water environment as per the text provided. The water environment section will be amended from opportunities for restoration or enhancement to restoration and/or enhancement.

Despite there being no explicit reference to natural flood management within Policy EP6 there will be significant emphasis within the LDP 2020 across various policies seeking the creation, expansion and enhancement of green networks and blue networks which assists in promoting natural flood management. Policy EP6 should be amended to refer to the National Coastal Change Assessment and further highlight coastal change issues, which the Council's State of the Environment report has highlighted.

A Strategic Flood Risk Assessment has been prepared, issued to SEPA and initial high level comments received. The assessment will be amended to include reference to development in areas protected by schemes having to be a suitable land use to reflect the standard of protections and any residual risk behind the schemes.

#### **Recommendation**

**Rename policy Management and Enhancement of the Water Environment. Amend to make clear that the nature of flooding is the most significant determining factor in terms of the level of assessment. Other minor amendments will also be undertaken.**

#### **LDP2020\_MIR\_EP7 Foul Drainage**

Supportive comments noted.

#### **Recommendation**

**No change.**

<b>13</b>	<b>Environmental Policies - Other</b>	
<b>Main Issues Report reference:</b>	LDP2020_MIR_EP_GEN      Environmental Policies - General LDP2020_MIR_EP10      Environment Policies - Soil Resources LDP2020_MIR_EP3      Environment Policies - Forestry & Agriculture LDP2020_MIR_EP5      Environment Policies - Historic Environment LDP2020_MIR_EP8      Environment Policies - Pollution, Contamination & Hazards	
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
000111	Historic Environment Scotland	
000285	RSPB Scotland	
000361	Hugh Fraser	
000569	SEPA	
001027	Scottish Natural Heritage	
001546	Miss Carol Benn	
001547	Mrs Eunice Benn	
001744	Mr Derek White	
001815	Force 9 Energy Partners LLP	
001818	Woodland Trust Scotland	
001832	Elgin Community Council	
<b>Planning authority's summary of the representation(s):</b>		
<p><b><u>LDP2020 MIR EP GEN – Environmental Policies General</u></b></p> <p><b>RSPB Scotland</b> <span style="float: right;"><b>000285</b></span></p> <p>Disagree with the statement on page 8 of the State of the Environment Report “Habitat loss threatens biodiversity, but habitats can be re-established and enhanced through development and land management.” It is not always possible to re-establish habitats. Some protected habitats will require protection as they cannot be re-instated through land management. Protected sites on page 8 and in Appendix 1 should have included Local Nature Conservation Sites which were included in the 2008 LDP and are mentioned in the current LDP. These were previously referred to as Sites of Interest to Natural Science.</p> <p>The collapse of the opencast coal industry in Scotland in 2013 demonstrated the importance of securing appropriate financial guarantees for the restoration and aftercare of sites with significant long-term liabilities. Financial guarantees might be required to secure ongoing and long-term mitigation, for example measures required by planning conditions or in site aftercare schemes, as well as to secure restoration of sites. Recommend the council should set out clear policy/supplementary guidance along the lines of guidance that has been developed by East Ayrshire Council which gives details and risk ratings for different types of financial guarantees.</p> <p>Supplementary guidance would also help to ensure there are robust processes for ensuring financial guarantees are appropriately quantified and monitoring to minimise financial and legal risks to the authority as well as risks to the environment and communities. Recommend that consideration is given to the approach by East Ayrshire Council to compliance monitoring - the council is now undertaking quarterly</p>		

compliance monitoring of major development in the region, including quarries, landfill, onshore windfarms and electrical transmission lines. Results are reported to the planning committee and published on the council website. Recommend that the council follows this approach and conducts annual reviews of the provision of financial guarantees for major developments with significant restoration and aftercare liabilities. This will help avoid a situation where liabilities pass to planning authorities in the case of failure of the developer to make adequate financial provision.

**Elgin Community Council**

**001832**

It would be extremely beneficial if the environment policies could promote anti-litter designs.

**LDP2020 MIR EP10 – Soil Resources**

**RSPB Scotland**

**000285**

Suggest the second sentence of the first paragraph should be changed to the following wording Applications should minimise this release, and should be accompanied by an assessment of the likely effects associated with any development work and aim to mitigate any adverse impacts arising”. In the third paragraph the commonly-accepted definition of deep peat as being peat of 0.5m or more should be used. The draft policy states that large scale commercial peat extraction will not be permitted. This is not fully in accordance with SPP, the policy should state commercial peat extraction will not be permitted. It would be very difficult if not impossible for applicants to demonstrate that a damaged peatland could not be restored, so we do not consider that the exceptional criteria set out in SPP paragraph 241 need to be included in the policy. If a proposal for peat extraction did satisfy those criteria, the council would have the option of approving it as a departure from the development plan.

**SEPA**

**000569**

The policy has several references to undisturbed peat. Request these references are taken out. Welcome reference “development will only be permitted where it has been demonstrated that unnecessary disturbance of soils, peat any associated vegetation is avoided” but request that this policy coverage is extended to cover avoidance on all sites and of all peat whether it has been previously disturbed or not. In addition to the referenced need for a peat depth survey request the policy also requires an assessment to be made on the short and long terms losses of carbon dioxide. Reference to “where development on undisturbed peat” is amended as follows “Where development on undisturbed peat is deemed justified as acceptable, a peat...” and “Where required, a peat management plan must also be submitted which demonstrates that unnecessary disturbance, degradation or erosion of peat is avoided and proposes suitable mitigation measures and appropriate reuse.”

**Scottish Natural Heritage**

**001027**

Recommend removal of the reference to “deep peat” and the accompanying definition. In Scotland it is generally agreed that an organic layer of less than 50cm is not peat, but there is no clear definition of at what depth peat becomes ‘deep’ peat. Recommend removal of the reference to “undisturbed” areas of peat. This is because historically disturbed areas of peat may still function as peatland habitats, capturing carbon. Disturbance of peatland habitats leads to carbon release, contributing to greenhouse gas emissions. The third paragraph should be amended to read “Major developments, minerals and large scale renewable energy proposals on areas of peat and/or peatland habitat will only be permitted for these uses”.

**LDP2020 MIR EP3 – Forestry & Agriculture**

**Hugh Fraser**

**000361**

Losing too much food productive land for house building such as at Findrassie and Elgin South. Development is putting pressure on inadequate infrastructure within Moray’s largest town. Affordable housing could be developed in towns and villages where there is a spare capacity.

**SEPA****000569**

Welcome the addition of the following wording or similar (amendments in italic and bold): “Proposals which support the economic, social and environmental objectives and projects identified in the Moray Forestry and Woodlands Strategy will be supported where they meet the requirements of all other relevant Local Development Plan policies and there is adequate management of forestry waste. The Council will consult Forestry Commission Scotland on proposals which are considered to adversely affect commercial forests.

**Mr Derek White****001744**

The forests of Roseisle were planted to stop land erosion. Major areas have been cleared for development and farming which will affect the landscapes further if planning is granted within Roseisle and Buthill.

**Woodland Trust Scotland****001818**

Have assessed each site and provided comments. Development on and adjacent to ancient woodland can lead to long term changes in species composition, particularly ground flora and sensitive fauna, i.e. nesting birds, mammals and reptiles. Majorly adverse impacts would occur as a result of removal of large areas of woodland. Edge effects can be harmful resulting in changes to environmental conditions within the woodland, which can be chemical, disturbance by noise, light, trampling and other human activity, fragmentation and introduction of non- native species. Creation of new areas of woodland or buffer zones around semi natural habitats and more importantly ancient woodland, will help to reduce and ameliorate the impact of damaging edge effects, improving their resilience. The size of the buffer is dependent on the intensity of land use.

**LDP2020 MIR EP5 – Historic Environment****Historic Environment Scotland 000111**

Current policy framework for the historic environment is working well. There are significant concerns that the proposed changes would lead to a less robust and clear policy when compared to the current adopted policies. The opening statement that “Proposals which adversely impact on Moray’s national and local historic environment will not be supported” would require qualification as this policy statement is not in line with rest of the policy framework as it stands.

**National/ Local Designations**

The purpose of the distinction between National and Local Designations is unclear. The Listed Buildings and Conservation Areas policy covers all categories as well as conservation areas. It would be beneficial for the description of local designations to offer further detail on sites to be considered under the policy “Other Locally Important Assets”.

**Scheduled Monuments, Archaeological Sites and Landscapes, Battlefields and Gardens or Designed Landscapes**

The criterion “there is no suitable alternative site for development” has been transposed from the Local Designations policy contained within the adopted Moray LDP. We do not consider this an appropriate measure for the protection of nationally important historic environment assets. (SPP) states that where development would have an adverse effect on a scheduled monument or the integrity of its setting permission should only be granted in exceptional circumstances. It is unlikely that a lack of a suitable alternative site would be considered an exceptional circumstance. “Archaeological Sites and Landscapes” are not included at the head of the policy.

### Listed Buildings and Conservation Areas

Merging the policies puts an emphasis on traditional materials. This is of importance to conservation areas but not directly transferable to the consideration of listed buildings which can cover a vast array of architectural styles and materials. In third paragraph it may be beneficial to state that the demolition of buildings or structures that make a positive contribution to a conservation area will not be permitted unless every effort has been made to retain it.

Concern over merging advice from the HESPS into one policy in relation to the appropriate consideration of listed building consent applications for demolition. This requires more detailed wording as follows;

- a) Insert “or has little townscape value” on conservation area consent.
- b) Do not consider that “the structural condition of the building rules out retention can be considered to offer the same level of consideration as “incapable of repair” in relation to listed buildings. Advise that the policy retains the previous wording.
- c) Reinstate the consideration of circumstances where significant benefits to economic growth or to the wider community that is in the HESPS and previous LDP framework.
- d) Welcome this inclusion

Merging of the two existing LDP policies raises concern and has consequences for the criteria for which decisions are considered. Substantial redrafting of this policy is required or the policies are separated.

### Replacement Windows and Doors

Welcome this policy.

### Other Locally Important Assets

Agree with findings of the environment assessment that identifies the need for clearer wording in relation to this policy area.

### Pluscarden Special Area of control

Welcome the retention of this policy.

### Battlefield, Gardens and Designed Landscapes

Unclear why a policy covers these assets has been included as these are covered in the first section. Separating these types of historic environment asset from the scheduled monument policy would be the preferred. Suggest as the policy relates to Battlefields that reference should be made to “key landscape characteristics and special qualities.

### **Miss Carol Benn**

**001546**

The history of Moray is important and should be maintained not only in the towns and countryside but areas just outwith conservation areas. Tytler Street in Forres is currently derelict and needs to be redeveloped. Retail signage on Forres High Street needs to be looked at.

### **Alison Sidgwick**

**001815**

Policy EP5 states that “Proposals which adversely impact on Moray’s national and local historic environment will not be supported”. As currently drafted the policy means that for any scheme where there is a single minor adverse effect on an asset this would result in failure to comply with this policy. This is considered to be overly restrictive and not consistent with SPP. This text should be removed. The policy should refer to Gardens and Designed Landscapes rather than Gardens or Designed Landscapes. With regards to Scheduled Monuments, Archaeological Sites and Landscapes, Battlefields, and Gardens or Designed Landscapes, Policy EP5 advises that where proposals affect these designations and their settings,

they will only be supported where they satisfy all three of the criteria. One of which states: “there is no suitable alternative site for development”. In the case of some developments it is not considered to be appropriate to have a sequential approach. It is submitted that this criterion should be removed from the policy as the 2 remaining criteria adequately protect the relevant designations.

#### **LDP2020 MIR EP8 – Pollution, Contamination & Hazards**

**SEPA**

**000569**

Considerable presence of MOD sites in Moray with the potential for these to be military airfields. Radium 226 was used in aircraft dials during WWII and so there is the potential for it to be present at such sites. It is important in Moray that radioactive contamination is taken into account at the planning stage and that this is given adequate policy coverage. Request that radioactive contaminated land is specifically referenced in the policy and that there is a requirement for redevelopment on former MOD sites to include an assessment for radioactive contaminants, details of appropriate mitigation and any necessary monitoring to be agreed. SEPA should be consulted on development on any former MOD sites/radioactively contaminated land sites.

**Mrs Eunice Benn**

**001547**

Pollution is an important issue that must be taken into consideration when developing. If there is a chance an issue could occur on land which has had an issue not just recently but in the long and distant past, development should be avoided. Old Tesco site in Forres has had issues and should be made into an area of open space.

#### **Summary of responses (including reasons) by planning authority:**

##### **Environmental Policies - General**

The State of the Environment Report will be amended to take account of the comments in relation to re-establishment of habitats not always being possible and Local Conservation sites will be listed in the Appendix of the Report when updated.

The strategic nature of the environment policies means that it is not possible to address this level of detail. Anti-litter design is better promoted through the placemaking policy, delivering better quality developments and open space will hopefully mean communities will have pride in the appearance of their area and help maintain its appearance by disposing of litter appropriately.

The identified good practice from East Ayrshire Council and Supplementary Guidance referenced is noted. The Council has a Condition Compliance Officer but is not currently in a position to undertake the level of condition monitoring and reporting highlighted. It is hoped that this can be revisited at some point in the future and will take account of best practice from elsewhere.

##### **Recommendation**

**Amend State of the Environment Report to take account of the RSPB's comments. SINS were removed from the MLDP 2015 as there were no up to date records on their condition. While the Council supports a review of local nature conservation sites in Moray, when resources permit, there is no robust evidence base to support inclusion of historic SINS in the LDP2020.**

##### **Environment Policies - Soil Resources**

The comments provided by SNH, SEPA and the RSPB on the draft policy are accepted. The policies are currently in a draft form and will be reworded to take these comments into consideration for the proposed plan.

### **Recommendation**

**The policy will be amended as per the comments received.**

### **Environment Policies - Forestry & Agriculture**

It is acknowledged that in Elgin there are significant future developments proposed to both the north and south of the settlement with masterplans having been approved for each area. The Council seeks to avoid the loss of prime agricultural land, however, in some cases it is required as we have limited brownfield land options available. Land is required to meet Moray's housing need and demand as a result of a growing population and demographic challenges such as an ageing population.

This future growth will undoubtedly put extra pressure on Elgin's infrastructure. By taking a masterplanned approach to planning for this growth the Council is able to establish what future infrastructure requirements are needed at an early stage so that they can be planned for. This will include the provision of affordable and accessible housing which is a policy requirement.

The Council is aware that there is pressure for housing in the open countryside around the Roseisle area. This development pressure has resulted in significant development pressures within woodland which can have a negative cumulative effect on the character of the area. The Council agrees that this is an issue and is seeking to revise the Housing in the Open Countryside Policy for the next LDP 2020. The policy seeks to identify pressurised areas where no new development will be permitted as well as revising the policy only encourage housing where it is well sited and of an appropriate design for a rural location. In order to address the issue of woodland being lost the policy will include a criterion that prevents the clear felling of woodland to create plots for housing.

Comments from the Woodland Trust in terms of the impact of development on and adjacent to ancient woodland are noted.

### **Recommendation**

**No change**

### **Environment Policies - Historic Environment**

#### **Overview**

Following the MIR consultation it is agreed that the approach to merge the existing suite of historic environment policies provides a less robust policy framework. The policy will be broken down into four separate policies for each aspect of the historic environment as per the MLDP 2015, with some changes. They will be separated into "Scheduled Monuments and National Designations", "Listed Buildings", "Conservation Areas", and "Battlefields, Gardens and Designed Landscapes".

It is acknowledged that the historic environment policies only relate to historic assets that are covered by a designation. Historic assets that are not covered can make a contribution to Moray's character and sense of place. The LDP 2020 will have a primary placemaking policy which seeks to promote the highest standards of design for new developments. This includes respecting existing buildings on a development site which may have architectural merit but have no formal designation.

#### **Scheduled Monuments**

The policy will be reworded to that of the one in the current MLDP 2015.

#### **Listed Buildings**

The policy has been will be separated from the conservation area policy to provide clarity. It has will be reworded to that of the current one in the MLDP 2015. This includes keeping the existing criteria of "incapable of repair" as recommended in relation to the demolition of a listed building. Criteria c) has been

reinstated from the MLDP 2015 with regards to the economic benefits that must be shown before the demolition of a listed building can be considered.

#### **Conservation Areas**

It is agreed that the draft policy could have caused confusion of how it would have applied to both Listed Buildings and Conservation Areas. This will be redrafted and will include keeping the criterion “of little townscape value” as recommended in relation to the demolition of a building within a conservation area. Welcome the support from HES with regards to the replacement windows and doors policy.

#### **Pluscarden Area of Special Control**

This policy will be removed from the Historic Environment policy. The existing The Pluscarden Area of Special Control designation will be partly covered by a new candidate Special Landscape Area which will still provide the same level of protection as before.

#### **Battlefields, Gardens and Designed Landscapes**

Agree with the comments and the policy has been will be separated to that of the one in the current MLDP 2015.

#### **Recommendation**

**The policy will be broken down into four separate policies as per the current MLDP to provide a more robust policy framework. The wording will be revised to take account of HES’s comments.**

#### **Environment Policies - Pollution, Contamination & Hazards**

The aim of this policy is 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. The policy aims to encourage proposals on previously used land while ensuring public health and environmental quality are not compromised. The Council will seek to ensure that appropriate mitigation or remediation measures are implemented prior to, or as part of, the development.

The comments regarding the potential for radioactive contaminants on airfields are noted. The justification text for Policy EP8 Pollution, Contamination & Hazards will be revised to highlight that there may be Radium 226 present on MOD sites and state that an assessment including mitigation and monitoring must be agreed. The text will state that SEPA should be consulted on former MOD sites.

#### **Recommendation**

**Reword policy justification to include reference for the potential of radioactive contaminants on MOD sites and airfields.**



Issue 14	Elgin LHMA – Elgin Housing Issues
<p><b>Main Issues Report reference:</b></p>	<p>LDP2020_MIR_EL1 Elgin EL1 - Land Adjacent to Mayne Farm</p> <p>LDP2020_MIR_EL2 Elgin EL2 - Land Adjacent to R12 Knockmasting Wood</p> <p>LDP2020_MIR_EL3 Elgin EL3 - Site at Bilbohall</p> <p>LDP2020_MIR_EL4 Elgin EL4 - R6 Hattonhill</p> <p>LDP2020_MIR_EL5 Elgin EL5 - Land at Oldmills</p> <p>LDP2020_MIR_EL6 Elgin EL6 - Land at Mayne Wood</p> <p>LDP2020_MIR_EL7 Elgin EL7 - Sunningdale</p> <p>LDP2020_MIR_EL9 Elgin EL9 - Land North of I8 and West of A941</p> <p>LDP2020_MIR_EL10 Elgin EL10 - Land to North of Maryfield Road</p> <p>LDP2020_MIR_EL14A Elgin EL14A - Barmuckity (part A)</p> <p>LDP2020_MIR_EL14B Elgin EL14B - Barmuckity (part B)</p> <p>LDP2020_MIR_EL14C Elgin EL14C - Barmuckity (part C)</p> <p>LDP2020_MIR_EL14F Elgin EL14F - Barmuckity (Part F)</p> <p>LDP2020_MIR_EL15 Elgin EL15 - Elgin South</p> <p>LDP2020_MIR_EL16 Elgin EL16 - Site at Bain Avenue</p> <p>LDP2020_MIR_EL18 Elgin EL18 - Jailhouse</p> <p>LDP2020_MIR_EL19 Elgin EL19 - Land adj to the Mansion House</p> <p>LDP2020_MIR_EL20 Elgin EL20 - Land at West Road</p> <p>LDP2020_MIR_EL21 Elgin EL21 - Land at ENV 4 South Lesmurdie</p> <p>LDP2020_MIR_EL22 Elgin EL22 - Land at the Firs</p> <p>LDP2020_MIR_EL23 Elgin EL 23 - Land at Pinegrove</p> <p>LDP2020_MIR_EL25 Elgin EL25 - CF2 Edgar Road</p> <p>LDP2020_MIR_EL26 Elgin EL26 - Land adj to 19 Elmfield Avenue</p> <p>LDP2020_MIR_EL29 Elgin EL29 - Land adj to 1 Janitors Cottage</p> <p>LDP2020_MIR_EL30 Elgin EL30 - Land Adjacent to 6 Alba Place</p> <p>LDP2020_MIR_EL31 Elgin EL31 - Land adj to 18 Manbeen Place</p> <p>LDP2020_MIR_EL32 Elgin EL32 - Land Adj to 55 Milnefield Avenue</p> <p>LDP2020_MIR_EL33 Elgin EL33 - Land at Deanshaugh</p> <p>LDP2020_MIR_EL35 Elgin EL35 - Land at Marleon Field</p> <p>LDP2020_MIR_EL37 Elgin EL37 - Land to the Rear of Riverside Kitchens</p> <p>LDP2020_MIR_EL38 Elgin EL38 - Land Adjacent to R4 Mayne Farm</p> <p>LDP2020_MIR_EL41 Elgin EL41 - Land to East of Fogwatt Lane</p> <p>LDP2020_MIR_EL43 Elgin EL43 - Land North East of I8</p> <p>LDP2020_MIR_EL44 Elgin EL44 - R3 Bilbohall South</p> <p>LDP2020_MIR_EL46 Elgin EL46 - Land at Birkenhill</p>
Body or person(s) submitting a representation raising the issue (including reference number):	

000010	Springfield Properties PLC	
000179	Moray Council Estates	
000214	Pitgaveny Estate	c/o Savills
000274	Osprey Housing Moray	
000285	RSPB Scotland	
000319	Mr Stephen Duff	
000480	Scotia Homes Ltd	Emac Planning LLP
000569	SEPA	
000888	Mr And Mrs John Mitchell	Murchison Law
001027	Scottish Natural Heritage	
001211	Transport Scotland	
001444	Oldmills Farm Partnership c/o Graham and Sibbald	
001495	Elaine Sutherland	c/o Grant and Geoghegan
001539	Margaret Spades	
001541	Mrs Emma Gallacher	
001549	Mr David McKay	
001551	Ms Jacqueline Rose	
001573	Mr David Allen	
001611	Mr Norman Birch	
001722	Mr David William Cameron	
001743	Mr Brian Taylor	
001818	Woodland Trust Scotland	
001826	Fiona Duncan	
001832	Elgin Community Council	
001834	Kathryn Macpherson	
001839	Albert Martin	c/o Neil Grant
001840	Mrs Britteny Wroblewska	
001858	Wayne Miles	
<b>Planning authority's summary of the representation(s):</b>		
<b><u>Elgin EL1/EL38 - Land Adjacent to Mayne Farm</u></b>		
<b>Scotia Homes Ltd</b>		<b>000480</b>
<p>Two illustrative options have been provided in support of the submission. The first would have a capacity of 70 units. An open space corridor would provide connections to the Bilbohall masterplan. Low density housing on the west to provide frontage with medium density to the east, backed by structural planting to the ridgeline. A landscape buffer would be provided to the existing mature avenue of trees along the access track to the south. The second option shows a fully integrated approach across the Bilbohall site and bid allowing for a rationalised and more effective implementation of the required landscaping. This option would have a potential capacity of 91 units.</p> <p>Committed to the masterplanning of the site through the Bilbohall masterplanning process. Site EL1/38 should be supported as an effective housing site capable of delivering both private and affordable housing in the LDP period.</p> <p>Previously commented on the key design principles in MLDP 2015 for Site R4 which were not considered to</p>		

be supported by a context analysis or masterplanning process. The same concerns exist in relation the Elgin Greenspace mapping on page 51 of the MIR. Support changes to this plan to reflect the ongoing masterplanning process together with proposals to integrate site EL1/EL38. The R4 boundary is constraining the development of a cohesive masterplanning process and achievement of key LDP design principles. The western boundary of R4 is an arbitrary line running through Rounds Wood land. The steep topography constrains cost effectiveness and restricts creating a high quality development and is difficult to masterplan. These constraints can be overcome with the allocation of site EL1/38. The site would represent a consolidation of the settlement limits to the south west. The site is well defined both visually and physically contained by existing topographic features. Mayne Wood establishes a sense of enclosure and landscape setting for both Site R4 and EL1/EL38.

Scotia supports the inclusion of the site with it being incorporated in the masterplanning process. The lead consultants of the Bilbohall masterplan have provided input to show the benefits of integrating the site into the masterplan.

**SEPA**

**000569**

A Flood Risk Assessment will be required to assess flood risk from the River Lossie and possibly surface water if risk is complex. Most of the site is elevated so only lowest lying areas affected. Connection to public sewer should be sought in conjunction with adjacent LDP areas.

**Elgin EL2 - Land Adjacent to R12 Knockmasting**

**SEPA**

**000569**

Flood Risk Assessment required. Connection to public sewer required.

**Elgin Community Council**

**001832**

Green space at the edge of town and having gateway features is important to giving Elgin character. Consequently agree with EL2 not being preferred.

**Elgin EL3 - Site at Bilbohall**

**SEPA**

**000569**

Site in SEA but not in MIR.

**Elgin EL4 - R6 Hattonhill**

**Oldmills Farm Partnership**

**001444**

Seeks to increase the current allocation from 20 to 38 units. The submission includes indicative sketch layout plan and a report on access opportunities. Continued allocation of this site is supported. Not been brought forward to date due to the uncertainty in relation to the Western Link Road (WLR). It is now confirmed the WLR is not progressing. Now propose to bring site forward in the short term. Current allocation and scale of development was restricted due to the northern part of the site being required to deliver the WLR. The site is 4.7ha and a 38 unit development would be low density. Increased unit numbers would create 10 affordable units. Access via Wittet Drive not possible due to existing residential properties. It has always been the intention to access the site from Bruceland Road. An Access Opportunities Report has been prepared which confirms access from Wittet Drive is not feasible or deliverable. Confirms Bruceland Road can provide a suitable access to the site for 38 units. Access to the site is justified from both a design and safety perspective and there are no transportation reasons the site cannot be developed for 38 units. There are no access constraints preventing the increase in proposed units. The site is contained within the settlement boundary and bounded by existing development. Recognise the site is located at entrance of the town. An attractive landscaped setting can be created and this can be addressed at the planning application stage and controlled by a policy requirement for the landscape character and setting of the site.

**Ms Jacqueline Rose**

**001551**

Concerned about access to site. Bruceland Road used as a short cut. There is no pavement on most of Bruceland Road, which is narrow with vans and cars parked at accesses. Site is at entrance to Elgin and

offers a green area of riparian woodland and grass. Houses would be less attractive unless screened.

**Elgin Community Council**

**001832**

The Community Council would like see a better access onto the A96 at Wittet Drive, via this site, rather than at Wittet Drive. Buses currently find the turn difficult to make without taking up both lanes of traffic on the A96 and Wittet Drive.

**Transport Scotland**

**001211**

It should be noted that new junctions with the A96(T) will be resisted for site EL4. Access should be taken from the local road network where available in the first instance.

**SEPA**

**000569**

Confirmation on whether any of site is reliant on Elgin FPS or whether site is outwith flood plain. This waterbody is currently at good status, and the indication that a large greenspace area will be placed along the meander of the water course in this allocation may help to prevent deterioration. River Lossie in close proximity on the NW boundary. A buffer strip should be put in place to avoid any pollution to the river.

**Scottish Natural Heritage**

**001027**

The southern boundary appears to include some trees listed in the Scottish Semi-natural Woodland Inventory. Trees contribute to distinctiveness for placemaking, as well as having biodiversity benefits by providing habitat that contributes to green network connectivity. SNH recommend that the allocation text in the LDP 2020 highlights this, and that a developer requirement is applied that proposals must retain the trees and demonstrate that development does not impact on the woodland (including roots).

**Elgin EL5 - Land at Oldmills**

**Oldmills Farm Partnership**

**001444**

Seeks residential designation on a revised site and response includes indicative layout and a report into access opportunities. Proposing reduced site of 2.57ha. This would accommodate 23 units (including 6 affordable), open space and play facilities. Access proposed from Oldmills Road. An Access Option Report concludes that the local network can accommodate the proposed development. Site is screened by existing trees and will not impact on the character and setting of Elgin. Connects to residential properties on Sheriffmill Road with properties directly opposite the site and onto Oldmills Road. Modest scale of development is appropriate for this location. This reduced proposal will not impact on the character and setting of the green corridor. The proposal would provide variety and certainty to the housing supply for Elgin. The scale is deliverable within the plan period. Site is free from physical constraint and the intention would be to bring the site forward. The site is appropriate given the adjacent development.

**Kathryn Macpherson**

**001834**

Agree with non-preferred status of site and this should not be considered for development in the forthcoming plan. Flooding occurs in the southern field where at least one field drain runs through the site and this often floods in heavy rain. Despite the flood alleviation scheme a significant amount of water still accumulates in the southern field. Proposal would ruin a green area which attracts people for healthy recreational activities such as walking, running and cycling. It is an important habitat for many mammals and birds. Notes that bats, stoats, hedgehogs, badgers, otters, and roe deer have been seen on EL5. There is also a great variety of birds including less commons species. Considers Oldmills area to be a unique, sensitive and essential part of Elgin.

**Elgin Community Council**

**001832**

People in Elgin value the green corridor through Elgin which has been enhanced by the recent construction of the paths along its length as a legacy of the flood alleviation works. Elgin Community Council agree with EL5 land at Oldmills not being preferred. The Oldmills site has the added difficulty of its appearance and usage by the current owner.

<b>SEPA</b>	<b>000569</b>
<p>Large parts of this site are thought to have flooded in the past. Part of the site is understood to still be a floodplain as part of the Elgin FAS and a large part of the site is floodplain which is now defended to the 1 in 200 year standard by the scheme. Even though much of the site now benefits from the Flood Scheme, highly vulnerable development including housing is not an appropriate land use for areas behind flood defences where the standard of protection is less than 1 in 200 years plus an allowance for climate change. This is a precautionary approach because flood protection schemes can reduce flood risk but they cannot eliminate it entirely. SEPA will object to the site being allocated for housing in the Plan unless supporting information is provided that can successfully demonstrate the Standard of Protection of the Scheme is appropriate for that land use, and the extent of the site is appropriate. This waterbody is currently at good status, and the indication that a large greenspace area will be placed along the meander of the water course in this allocation may help to prevent deterioration. River Lossie in close proximity on the North and West boundaries. A buffer strip should be put in place to avoid any pollution to the river.</p>	
<b>Scottish Natural Heritage</b>	<b>001027</b>
<p>The site forms a significant part of the green network, which runs east west across the middle of the settlement of Elgin. The location is identified as "ENV6 green corridor/natural/semi-natural greenspace" and has policy (E5 Open Spaces) protection in the LDP 2015. It is also located next to the River Lossie, and appears to be on floodplain at risk of flooding (using the SEPA flood risk map). The proposed review of the Open Space Strategy may help inform the decision on whether to include this allocation in the MIR. At present it would appear that development at this location is unlikely to be compatible with LDP policy E5, as it would lead to a loss of green and open space that has benefits for people and nature. Unless the Open Space Strategy review identifies that it is no longer suitable, SNH recommend against including this allocation in the LDP 2020. SEPA are best placed to advise on flood risk and the need or otherwise for developer requirements on this topic. However in relation SNH's interests, the effects of climate change on weather and flood patterns would also need to be taken into consideration and the risk of flooding thoroughly assessed. This would not only be to determine whether development is possible, but also to minimise adverse impacts on the green network and biodiversity in the immediate vicinity as well as up and down stream. The south western boundary of the largest of the three parts of this proposed allocation also appears to adjoin woodland listed on the Scottish Semi-natural Woodland Inventory. Trees contribute to distinctiveness for placemaking, as well as having biodiversity benefits by providing habitat that contributes to green network connectivity. Should this allocation be taken forward in the LDP 2020, SNH recommend that the allocation text in the LDP highlights this, and that a developer requirement is applied that proposals must demonstrate that development does not impact on the woodland (including roots).</p>	
<b><u>Elgin EL6 - Land at Mayne Wood</u></b>	
<b>Elgin Community Council</b>	<b>001832</b>
<p>Having green space at the edge of the town is important. Agree with recommendation not to allocate site for development.</p>	
<b>RSPB Scotland</b>	<b>000285</b>
<p>Agree with the identification of the site as "non-preferred", both due to the loss of woodland development and as the site is adjacent to restored wetland at Cloddach Quarry which now provides valuable wetland habitats. The LDP should not promote development in close proximity to this quarry as such development could result in adverse effects on the wetland biodiversity.</p>	
<b>Woodland Trust Scotland</b>	<b>001818</b>
<p>The site lies on land classified as Long Established Plantation Origin according to the Ancient Woodland Inventory. The name of the wood is Mayne Wood. The site has been identified as "not necessary or appropriate to identify a housing site in woodland." This view is supported and allocating the site is not recommended.</p>	
<b>SEPA</b>	<b>000569</b>

There is a drainage system, River Lossie and some ponds to the west of the site. These waterbodies must be protected from pollution.

**Scottish Natural Heritage**

**001027**

Agree with proposal to designate woodland as an ENV. Advise that if taken forward in the LDP for development, the majority of the site contains woodlands listed on the Ancient Woodland Inventory (AWI). The Scottish Government's Control of Woodland Removal would apply, as well as the relevant LDP policies. This would mean that there is likely to be very limited capacity for development. Should the site be taken forward it is recommended that the designation text highlights the woodland interest.

**Elgin EL7 – Sunningdale**

**Elgin Community Council**

**001832**

Having green space at the edge of the town is important. Agree with the recommendation not to allocate site for development.

**Woodland Trust Scotland**

**001818**

The site lies on land classified as Long Established Plantation Origin according to the Ancient Woodland Inventory. The name of the wood is Mayne Wood. This site has been identified as 'not necessary or appropriate to identify a housing site in woodland.' Support that the site is not recommended for allocation in the plan.

**SEPA**

**000569**

There is a drainage system, River Lossie and some ponds to the West of the site. These waterbodies must be protected from pollution.

**Scottish Natural Heritage**

**001027**

Advise that if taken forward in the LDP for development, the majority of the site contains woodlands listed on the Ancient Woodland Inventory (AWI). The Scottish Government's Control of Woodland Removal would apply, as well as the relevant LDP policies. This would mean that there is likely to be very limited capacity for development. Should the site be taken forward it is recommended that the designation text highlights the woodland interest.

**Elgin EL9 - Land North of I8 and West of A941**

**Pitgaveny Estate**

**000214**

Proposed mixed use allocation at the land to the north of the existing I8 allocation and east of the existing R11 allocation. Allocation of the land would bring forward a part of LONG1 for employment use. There would then be a new element of development land to the west of the A941 which would be housing. Note a masterplan would be required; this would incorporate a landscape and planting strategy, open space provision and consider buffers to the pipeline. Supportive of the continuation of the avenue planting defined by the Findrassie Masterplan.

The northern area of the Findrassie Masterplan is intended to be defined by low density housing (self-build and larger plots) with an informal grid pattern, taking advantage of northern views to Lossiemouth and defining the transition between urban fabric and countryside. It is considered that the residential element of EL9 should maintain this approach.

The site is traversed by Lossiemouth Road which gives footway and cycle access to the wider network and is a public transport corridor. Access to the site could be by direct access to Lossiemouth Road or access via the Findrassie Masterplan area or through the I8 site.

The employment land element is an extension to the existing I8 and expect development to maintain the gateway entrance to Elgin; sit within a landscaped setting; have parking at the rear of buildings; and contain detached footpaths and cyclepaths. The site would be located in the Elgin Market Area where

there is highest demand for employment land. Pitgaveny has recently appointed Shepherd Chartered Surveyors to lead the marketing of I8.

It is likely that EL9 will come forward towards the end of the 10-15 year period of LDP2 because infrastructure, marketing and placemaking considerations are dictating a south to north build programme at Findrassie. Internal access routes from the Findrassie Masterplan area are seen as preferable rather than more new access onto the A941.

**Elgin Community Council**

**001832**

Elgin Community Council would wish to see some element of gateway architecture provided for at the northern boundary of this site, if this is to become the northern boundary of the city.

**SEPA**

**000569**

Areas at southern end of site low lying and may be at risk from small watercourse and/or surface water. Flood Risk Assessment required if development proposed in these areas. Spynie burn running in the Southern boundary (70m) towards Loch Spynie; pollution to this watercourse should be avoided.

**Scottish Natural Heritage**

**001027**

The proposed allocation is approximately 750 metres from the Loch Spynie Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar sites - important for bird, open water and wetland habitat interests. Although it is unlikely that there will be direct watercourse connectivity to these areas protected for nature conservation, there is a problem in the wider area of diffuse pollution leading to nutrient enrichment, which changes water quality and impacts the habitats and species of Loch Spynie SPA, SSSI and Ramsar sites. Any built development will need to take account of this and incorporate appropriate mitigation measures, such as connection to mains sewerage and run off from road drains, driveways, outflows, etc, being captured by SUDS swales and ponds. Recommend a developer requirement that proposals must demonstrate how they will minimise diffuse pollution so that an adverse effect on the integrity on Loch Spynie SPA caused by changes in water quality is avoided (this would also minimise impacts on the habitats and species of Loch Spynie SSSI and Ramsar site). For example, development should be connected to mains sewerage and incorporate measures such as SUDS swales and ponds to capture run off from road drains, driveways, outflows, and other sources of diffuse pollution. The northern and north-eastern boundaries of both parts of the proposed allocation also adjoin woodland listed on the Ancient Woodland Inventory (AWI) and the Scottish Semi-Natural Woodland Inventory. Trees contribute to distinctiveness for placemaking, as well as having biodiversity benefits by providing habitat that contributes to green network connectivity. SNH recommend that the allocation text in the LDP highlights this, and that a developer requirement is applied that proposals must demonstrate that development does not impact on the woodland (including roots).

**Elgin EL10 - Land to North of Maryfield Road**

**Pitgaveny Estate**

**000214**

Statement provided in support of residential designation, noting this would bring forward part of LONG1. Anticipate that a masterplan will incorporate consideration of landscaping and planting.

The overall approach is to develop the principles of high quality design set by the Findrassie Masterplan through the EL10 site but reflecting the particular context of the site. The masterplan will consider open space provision, treatment of the pylon corridor, woodland setting, sustainable transport link, links to I8, SUDS and surface water, prospective character areas and high-level building features; and phasing of development at the site.

The site is bounded to the south by the existing C21E Linksfield-Caybriggs Road. This road can be upgraded to enable access to the development or it could be realigned within the development, perhaps with the existing alignment retained as an active travel route. Improvements within the site frontage to the footway network would enable connectivity with existing housing to the west and also enable access to the cycle

network either by this route or via site I8. Public transport is within walking distance of the site on Lossiemouth Road and direct linkages to these services could be provided via site I8.

EL10 is considered to be an effective site. It is likely that EL10 will come forward towards the middle to end of the 10-15 year period of LDP2. This is because Pitgaveny consider that energies will be focussed on ensuring Findrassie is a success before marketing an alternative site. EL10 allocation would likely provide for housing during the currency of the LDP2 but also beyond. Content with the indicative housing numbers identified on the site and Infrastructure Requirements sheet.

**SEPA**

**000569**

Around a quarter of the site may be constrained by flood risk and a Flood Risk Assessment will be required to assess risk from the watercourse. Spynie burn runs on the Northern boundary towards Loch Spynie; a strip buffer should be created and pollution to this watercourse should be avoided.

**Scottish Natural Heritage**

**001027**

Notes this is an existing LONG site. If the allocation is taken forward to the LDP 2020, the Masterplan and other developer requirements should be carried into the new LDP, for the benefit of people and nature. The allocation is within 800 metres of the Loch Spynie Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar sites - important for bird, open water and wetland habitats. There is a watercourse running along the northern boundary of the proposed allocation site that connects it with the SPA, SSSI and Ramsar. The LDP 2015 developer requirements relating to the SPA (SSSI and Ramsar site) must be included with the second bullet point amended to add reference to diffuse pollution. This is because there is a problem in the wider area of diffuse pollution leading to nutrient enrichment, which changes water quality and impacts the habitats and species of Loch Spynie SPA, SSSI and Ramsar sites. Any built development will need to take account of this and incorporate appropriate mitigation measures, such as connection to mains sewerage and run off from road drains, driveways, outflows, etc, being captured by SUDS swales and ponds.

The northern, western and part of the eastern boundary appear to adjoin woodland listed on the Scottish Semi-natural Woodland Inventory. Trees contribute to distinctiveness for placemaking, as well as having biodiversity benefits by providing habitat that contributes to green network connectivity. Recommend that the allocation text in the LDP highlights this, and that a developer requirement is applied that proposals must demonstrate that development does not impact on the woodland (including roots).

**Elgin EL14A - Barmuckity (part A), Elgin EL14B - Barmuckity (part B), Elgin EL14C - Barmuckity (part C)**

**SEPA**

**000569**

North western corner of the site is at risk of fluvial flooding from the Linkwood Burn. A Flood Risk Assessment will be needed to support an application. Buffer required to watercourses. There are significant physical condition pressures on this waterbody. There is potential for river restoration along the straightened reach on the western boundary. This would contribute to WFD status improvement and delivery of river basin plan objectives. There is a drainage system to the South and East of the site which enters the River Lossie to the North. A Phase 1 Habitat Survey will be required.

**Scottish Natural Heritage**

**001027**

Parts of the boundary adjoin woodland listed on the Scottish Semi-natural Woodland Inventory. Trees contribute to distinctiveness for placemaking as well as providing habitat that contributes to the green network. If taken forward a developer requirement to demonstrate development does not impact on the woodland must be applied.

**Elgin EL14F - Barmuckity (Part F)**

**Wayne Miles**

**001858**

Objects to housing at this location. Concerned about overlooking and impacts on privacy. Preference for countryside rather than development. If housing is to be provided single storey houses for people with



mobility needs should be located in the area in front of Barmuckity farm cottages. This would not block as much sun or cause overlooking. Building must be at the same ground level to reduce water run off which will also help with sunlight and privacy issues. There should be a substantial separation between Barmuckity Cottages and the new houses. A band of smaller trees and shrubs is suggested that would bring more wildlife or a community orchard. Concerned about capacity and maintenance of roads with increased development. Existing maintenance issues highlighted.

**David McKay**

**001549**

Additional employment land is required elsewhere in Elgin because part of Barmuckity has been changed to housing.

**SEPA**

**000569**

Up to half of the site is at risk of flooding. Despite a long planning history a detailed FRA has not been provided for the site and so far development has been limited to areas clearly outwith flood risk areas. Detailed FRA required to support any proposals and the desired volume and type of development may be unfeasible. Adequate buffering to watercourses required.

**Scottish Natural Heritage**

**001027**

Some of the south-western boundary of part F appears to adjoin woodland listed on the Scottish Semi-natural Woodland Inventory. Trees contribute to distinctiveness for placemaking, as well as having biodiversity benefits by providing habitat that contributes to green network connectivity. The allocation text in the LDP 2020 must highlight this, and a developer requirement must be applied that proposals demonstrate that development does not impact on the woodland.

**Elgin EL15 - Elgin South**

**Elgin Community Council**

**001832**

If part of this site is to be designated as LONG, the Community Council would prefer to see any trigger for release being capable of being more objectively assessed and integral to the LDP rather than being determined subsequently by the Council and not being subject to public consultation.

**SEPA**

**000569**

Much of the site is developable but large areas of flood risk that will need to be avoided. Detailed Flood Risk Assessment will be required to support proposals in or close to those areas. Linkwood burn running across the site. Adequate buffering will be required. GIS shows a small area of what looks like rough grassland between Linkwood burn and Ben Riach View (New Elgin). A Phase 1 Habitat Survey will be required to check for potential Ground Water Dependent Terrestrial Ecosystem.

**Woodland Trust Scotland**

**001818**

The southern end of part of the site borders onto land classified as Long Established Plantation Origin according to the Ancient Woodland Inventory. The name of the woodland in the central southern end is Birkenhill Wood. In the first instance a buffer between the development and the area of woodland should be recommended by the planning authority as a site specific requirement, when allocating this site for development. The appropriate size and type can be advised on at planning application stage, depending on the plans put forward. A site specific developer requirement to retain the woodland corridor within the site allocation should also be made.

**Elgin EL16 - Site at Bain Avenue/Elgin EL41 - Land to East of Fogwatt Lane**

**Springfield Properties PLC**

**000010**

Springfield Properties have submitted a plan in support of their proposal for additional housing. This shows 26 units (this includes 12 flats) to either side of a road that links between McMillan and Bain Avenue. This shows new tree planting around the edge of the green space and adjacent to the play park. 48 trees are proposed with a mix of Ash, Silver Birch, Cherry, Rowan and Pine 40-60cm whips to be planted. The play area is proposed to be relocated to the centre of the open space with a path leading through this between

McMillan and Bain Avenue. The drawing shows the existing bus bay be relocated further east along Bain Avenue.

**Mrs Britteny Wroblewska**

**001840**

Development on this land is not advantageous to the local area. Existing drainage problems would be exacerbated. The area is drainage for hundreds of homes and continuously waterlogged. Cites examples where heavy rain has caused several small ponds to appear. The site would have to be built up to avoid flooding. Development would increase traffic in a congested area. Construction traffic would damage road and make it unsafe for children to play. Proposal would lead to a "cut through" between Bain and McMillan Avenue instead of using roundabout. This would make it significantly more dangerous for children to play in the area. Moving play park away from homes that use it into waterlogged area is not beneficial. Existing park is well located for children to be easily observed. Understand the grass area wasn't developed properly and don't have promised village green but do have open space to look out on and safely raise families. Few places in surrounding area where there isn't ongoing development. Impact on sense of privacy and cause overlooking. With other development proposed in area fail to see how small development will significantly contribute to the affordable housing situation. Map on Detailed Site Summary inaccurate as it shows a cycle path located across the grass area. This goes through the park.

**Fiona Duncan**

**001826**

Site is an ENV1 and ENV4 within LDP2015. The site is prone to surface water flooding and shown on SEPA flood mapping. Site flooded in 2014 and is continuously affected by poor drainage. Photographs provided and highlighted in the bid site checklist. The ENV is an area of surface water storage. Construction on the site would increase the flood risk to current properties considerably. The capacity identified in previous plans was 390, however, 454 units have been built. The play park and village green is the primary open space for these units. It is also the closest playpark to the consented development at Linkwood Steading (R10). Reduction in open space would be detrimental to the resident's availability to open space, with impacts on health and wellbeing. The existing development and associated green space would not meet the requirement of Policy E5. The growing need for affordable housing appears to be dictating the planning process and allowing developers to maximise profit rather than policy ensuring well designed and mixed tenure of units. This means developers are dictating the location of affordable units rather than these being across locations. The bid site checklist for EL16 suggests that an alternative site is explored but as this is at the same location it should not be supported for the same planning constraints. There is no bid checklist for EL41 so no detail on what is proposed or consultee comments. EL41 appears to be a means of rectifying an earlier planning decision where Moray Council did not apply landscaping conditions that could be enforced; therefore residents have a poor rated open space. The decision at Waulkmill has set a precedent whereby developers, who have not ensured good upkeep of designated open space, have shown that it is acceptable to apply for and be granted affordable housing. This demonstrates that Moray Council condone this behaviour and allow developers to maximise profits at the cost of good quality open space.

**Mr Stephen Duff**

**000319**

Access required to rear of properties on McMillan Avenue to put bins out as these properties are terraced. A path or road to rear would mean more of the village green would be lost. Concerned about overlooking by new houses. Prolonged period of building on the site, from 2006 to 2015. Unfair for residents to have more building work. More building would increase disruption for a small number of houses. If development is supported stringent conditions must be applied, so that the play park is properly replaced (even upgraded). Equipment in need of repair must be replaced. The play equipment must be moved before building starts as this is a busy park. Current layout works well as the play park is overlooked and proposals would endanger this. There are issues of drainage and flooding. Two plots on Bain/McMillan Avenue that have not been built on should be compulsory purchased before the village green is developed.

**Mrs Emma Gallacher**

**001541**

Building behind existing houses and removing the playpark is not necessary as there is sufficient land either

side of the grass area that would not require the park to be removed or impact on existing houses. Concerned about the loss of playpark and the impact on young people. Children would have to cross busy roads to access the nearest play spaces. Loss of playpark impacts on childrens health and wellbeing. The playpark on McMillan Avenue is too small and insufficient for the size of development.

**Mr David William Cameron**

**001722**

Proposal goes against already agreed upon policies and removes valuable green space. Development on protected green space is not acceptable. Policy E5 in the current Local Development Plan requires developments of 201 units to have a minimum of 30% open space. The development is already below this, sitting at around 10% or 14500sqm. It is unacceptable to reduce this further. Questions how higher quality open space can be achieved by removing space. Development would remove what existing foliage and wildlife rich areas there are. The new open space would be surrounded on all sides by roads. This would not be safe for users. Queries the ownership of the site as this was understood to pass to the land maintenance company on completion of the development. Drainage in the open space is extremely poor and the space is waterlogged most of the year despite attempts to rectify the issue. Drainage will only get worse with building. Other areas are available to build on. Proposal would impact on house prices.

**Mr Brian Taylor**

**001743**

Agree with the comments made in EL16 concerning the poor state of the open area and the need to improve this space with proper drainage and landscaping this is an issue that should be addressed without the building of extra housing. Proposal would reduce open views and reduce sunlight to rear garden. Will impact on value of property.

**Elgin Community Council**

**001832**

Although not in the Green Corridor, Elgin Community Council agree with the treatment of EL16 Bain Avenue protecting the green space there. This area needs improvement to make it a more attractive green space.

**SEPA**

**000569**

For smaller site EL41 there are no flood risk concerns. However , for EL16 most of site affected on surface water map. Potential for development to increase probability of flooding elsewhere. Surface water is a matter for the local authority but given the proportion of the site at risk, it may be complex and suitable mitigation measures may not be feasible without increasing risk off-site. Proposals for development would have to be accompanied by a satisfactory Flood Risk Assessment. The outcome of the FRA could reduce the area of the site that is developable, the capacity of the site or the appropriate design or layout for the site. SEPA would object to their inclusion in the Local Development Plan unless wording is included in the allocation text that highlights that flooding is a constraint and an FRA would be required. This ensures that developers are aware from the earliest stage of the possible implications and of the additional costs that will be incurred in bringing development forward for the site. Private drainage not appropriate.

**Scottish Natural Heritage**

**001027**

Identified as "EV3 amenity greenspace" and has policy (E5 Open Spaces) protection in the LDP 2015. The proposed review of the Open Space Strategy may help inform the decision on whether to include this allocation in the LDP. However at present it would appear that development at this location is unlikely to be compatible with LDP 2015 policy E5, as it would lead to a loss of green space that has the potential for benefits for people and nature. SNH would therefore recommend against including this allocation in the LDP 2020.

**Elgin EL18 - Jailhouse**

**SEPA**

**000569**

No flood concerns raised.

**Elgin EL19 - Land adj to the Mansion House**

<b>Moray Council Estates</b>	<b>000179</b>
Propose identifying grass amenity land to the front of the Mansion House Hotel for low density residential development or hotel expansion. Considers there to be market interest and that water, electricity, telecoms and sewerage are in close proximity. Plan provided showing how suitable access could be achieved. Notes the Mansion House would retain access rights over this. The site is within easy walking distance of Elgin town centre and only a small new section of footpath is required to connect into existing pavements. The land is held by the Council on the Elgin Common Good account and the Elgin Ward members are supportive of the proposals. The property now benefits from 1:200 year flood protection.	
<b><u>Elgin EL20 - Land at West Road</u></b>	
<b>Mr and Mrs John Mitchell</b>	<b>000888</b>
Concerned development will have adverse impact on road and in particular the busy junction with the A96. Concerned about the impact of noise and air pollution on the amenity of the caravan park. Concerned about implications for caravan park security with increased visitors to business park. Negative impact of development on visual amenity of caravan park. Size and scale of proposal is unnecessarily large and will impact on privacy and have a visually overbearing impact on the amenity of existing properties.	
<b>Transport Scotland</b>	<b>001211</b>
Transport Scotland advise that new junctions with the A96(T) will be resisted at EL20 in Elgin. Access should be taken from the local road network where available in the first instance.	
<b>Woodland Trust Scotland</b>	<b>001818</b>
The western end of the site borders onto land classified as Long Established Plantation Origin according to the Ancient Woodland Inventory. The name of the woodland is Oak Wood. In the first instance a buffer between the development and the area of woodland should be recommended by the planning authority as a site specific requirement, when allocating this site for development.	
<b>SEPA</b>	<b>000569</b>
Surface water is a matter for the local authority but given the proportion of the site at risk, it may be complex.	
<b>Scottish Natural Heritage</b>	<b>001027</b>
The southern and western boundaries appear to adjoin woodland listed on the Scottish Semi-natural Woodland Inventory, which are connected to the woodlands of the Quarrywood Site of Special Scientific Interest (SSSI). SNH recommend that the allocation text in the LDP 2020 highlights this, and that a developer requirement is applied that proposals must demonstrate that development does not impact on the woodland (including roots).	
<b><u>Elgin EL21 - Land at ENV 4 South Lesmurdie</u></b>	
<b>Mr Norman Birch</b>	<b>001611</b>
Significant areas of the park have already been lost due to gas infrastructure. There are also gas, sewer and water pipes crossing the site which should remain accessible. The park is ENV and is the only recreational land for the South Lesmurdie community. It is well used, to change it in any way or size would be a great loss. Increasing traffic on Woodside Terrace would be a danger to children on the street and playing field. Lack of car parking. As SEPA have advised that half the site is not suitable for development it is wrong to squeeze housing in what remains. To change the outlook and view onto open space in any way would be upsetting to many.	
<b>SEPA</b>	<b>000569</b>
Around half of the site is floodplain which is defended by the Elgin Flood Alleviation Scheme. The land which forms floodplain behind the defences is not suitable for highly vulnerable development and so housing would be limited to the land outwith the floodplain which could significantly affect the capacity of	

the site. To prevent an objection from SEPA at the proposed plan stage the allocation text should make this expressly clearer. Defended flood plain not suitable for vulnerable development. FRA required to establish defended area and standard of protection. Development may be limited to land outwith flood plain, not behind defences. The area around the east boundary seems to be rough grassland and potentially GWDTE could be present. A Phase 1 Habitat Survey is required. The river Lossie runs along the Southern edge of the site. Special measures should be in place to protect this watercourse.

**Scottish Natural Heritage**

**001027**

The proposed allocation is located within an area that forms a peripheral (and so important) part of the green network, which runs east west across the middle of the settlement of Elgin. The location is identified as "ENV4 playspace for children and teenagers" and "ENV6 green corridor/natural/semi-natural greenspace" and has policy (E5 Open Spaces) protection in the LDP 2015. The proposed review of the Open Space Strategy may help inform the decision on whether to include this allocation in the LDP 2020. However at present it would appear that development at this location is unlikely to be compatible with LDP policy E5, as it would lead to a loss of green space that has the potential for benefits for people and nature. Unless the Open Space Strategy review identifies that it is no longer suitable for use, we recommend against including this allocation in the LDP 2020.

**Elgin EL22 - Land at the Firs**

**SEPA**

**000569**

No flood risk concerns.

**Scottish Natural Heritage**

**001027**

The site has remnants of woodlands that are listed on the Scottish semi-natural woodland inventory. Site forms part of the Bilbohall masterplan area however it is unclear from the masterplan if there is a presumption for the existing trees to be retained. Recommend that the site designation text highlights the presence of woodland listed on the Scottish semi-natural woodland inventory and that a developer requirement is applied that proposals must retain the trees.

**Elgin EL 23 - Land at Pinegrove**

**Osprey Housing Moray**

**000274**

Response includes an indicative layout. The boundary has been reduced to reflect ownership. The proposal no longer impacts on the play area and open space. The indicative layout takes into account a water main through the site. The existing flats would be demolished and replaced with new additional units. The most recently built block will be retained. Mix proposed is 39 flats, 4 houses and one office. The flats will be 4 storeys.

**Margaret Spades**

**001539**

Opposes development as is well used area and grass and trees provide amenity.

**SEPA**

**000569**

No flood risk issues raised.

**Scottish Natural Heritage**

**001027**

The location is identified as "ENV4 playspace for children and teenagers" and has policy (E5 Open Spaces) protection in the LDP 2015. The proposed review of the Open Space Strategy may help inform the decision on whether to include this allocation in the LDP 2020. However at present it would appear that development at this location is unlikely to be compatible with LDP policy E5, as it would lead to a loss of green space that has the potential for benefits for people and nature. Unless the Open Space Strategy review identifies that it is no longer suitable for use as open space, we recommend against including this allocation in the LDP 2020.

<b><u>Elgin EL25 - CF2 Edgar Road</u></b>	
<b>SEPA</b>	<b>000569</b>
Flood Risk Assessment required. There is a drainage system to the South and East of the site. The site is also directly adjacent to The Wards (local Wildlife Site). A buffer strip should be put in place to protect The Wards. With regard to the 2015 LDP The Wards is in the raised Bog inventory therefore GWTDE are present within 250m.	
<b><u>Elgin EL26 - Land adj to 19 Elmfield Avenue, Elgin EL29 - Land adj to 1 Janitors Cottage, Elgin EL31 - Land adj to 18 Manbeen Place, Elgin EL32 - Land Adj to 55 Milnefield Avenue, Elgin EL33 - Land at Deanshaugh and Elgin EL35 - Land Marleon Field</u></b>	
<b>SEPA</b>	<b>000569</b>
Site in SEA but not in MIR.	
<b><u>Elgin EL30 - Land Adjacent to 6 Alba Place</u></b>	
<b>SEPA</b>	<b>000569</b>
No flood risk comments.	
<b><u>Elgin EL37 - Land to the Rear of Riverside Kitchens</u></b>	
<b>Elaine Sutherland</b>	<b>001495</b>
Disappointed that the site is not considered to be suitable for the proposed micro-distillery at this time, welcome the removal of the CAT designation from the area under our client's control.	
<b>SEPA</b>	<b>000569</b>
Part of the adjacent site has been identified as being at medium to high risk of surface water flooding. This area is small and localised to the southern boundary of the site. The site is unsuitable for a micro distillery in terms of private drainage. There are no suitable watercourses, drainage to land may be an option however distillery effluent would require considerable treatment to achieve the required standards. There are likely to be a number of licencing issues depending on water source and effluent discharge option taken.	
<b><u>Elgin EL43 - Land North East of I8</u></b>	
<b>SEPA</b>	<b>000569</b>
No flood risk concerns. A small watercourse/drain runs to the South of the site. Pollution must be avoided.	
<b><u>Elgin EL44 - R3 Bilbohall South</u></b>	
<b>SEPA</b>	<b>000569</b>
The Wards Wildlife Site is to the East of the proposed site. It is a non-statutory Nature Conservation Site so adequate buffering will be required to minimise any disruption.	
<b>Scottish Natural Heritage</b>	<b>001027</b>
Note that the proposed increase in capacity is reflected and addressed in the Bilbohall Masterplan that is under preparation.	
<b>Elgin Community Council</b>	<b>001832</b>
Although it is an existing designation, there is concern that an increased level of housing units may impact on The Wards through changed levels of water run-off.	
<b><u>Elgin EL46 - Land at Birkenhill</u></b>	
<b>Albert Martin</b>	<b>001839</b>
Proposes area of land between Elgin South (EL15) and Burnside of Birnie (EL13) for housing, approximately 30 units. No environmental designations on the site and due to agricultural use of the site impacts on protected species and habitat are likely to be low. No significant loss of trees, hedgerows or woodland. The	

retention of existing trees and long term landscaping scheme with native trees would enhance the site in terms of screening . This could be a developer requirement. Does not appear to be any historic or archaeological interest in the site. Notes the site is identified in the 1 in 200 year flood risk maps and that this may affect the developable area. The site is safely and realistically accessible including by public transport, walking and cycling.

#### **Officers comments on representations and recommendations:**

##### **Elgin EL1/EL38 - Land Adjacent to Mayne Farm**

The site will be included in the proposed plan and will have an indicative capacity of 50 units. This will ensure that all of the Council's placemaking objectives can be met and that the substantial and necessary structural landscaping is provided. The bid proposes residential development immediately to the west of the existing R4 designation to cover the whole field. There are a number of existing designations (R1, R3, R4, R12 & CF2) for which the Bilbohall masterplan is currently being prepared for. The site is viewed as a natural extension to R4 and would round off the masterplan area. It would represent the limit for development in this area. It is welcomed that if the site were to be allocated then it would be incorporated into the wider Bilbohall masterplan area. This is imperative to ensure that the site does not sit isolated from the masterplan area with good connections provided. In landscape terms the site is located in a sensitive location due to its prominent location above the flood plain to the west and rising topography. While Mayne Wood does provide an element of a backdrop to the site, significant structural landscaping will be required to contain the site and reduce the visual impact, particularly when viewed from the west. Landscaping will also be required to maintain and enhance the character of the site to safeguard the mature tree avenue and establish and enhance the green corridor that the site currently benefits from. In response to the MIR the applicant has provided two options to how the site could potentially be incorporated into the Bilbohall masterplan. This is welcomed and shows how the site could be integrated. While this stage of the plan preparation is relating to the principle of development and the allocation of the site, there is concern that the indicative capacities provided in support of the submission are too high and the layouts do not achieve the required strategic landscaping. It is proposed to take forward the site into the proposed plan on the basis that it is incorporated in the wider Bilbohall Masterplan area.

SEPA's comments are noted. Requirements for a Flood Risk Assessment will be included in the site designation text.

##### **Recommendation**

**Designate site for residential use, 50 units. Include requirement for landscaping and flood risk assessment.**

##### **Elgin EL2 - Land Adjacent to R12 Knockmasting**

The site is not supported as the linear form of development along the road is not appropriate for this edge of settlement location and would be detrimental to the wider character of the area.

##### **Recommendation**

**Site EL2 is not supported and will not be designated in the Proposed Plan.**

##### **Elgin EL3 - Site at Bilbohall**

This site was withdrawn but it is noted this is the same site as EL22 The Firs.

##### **Recommendation**

**See site EL22.**

##### **Elgin EL4 - R6 Hattonhill**

It is incorrect to suggest that the scale of the allocation was restricted solely due to the Western Link Road proposals. The site is particularly steeply sloping to the north east with gentler gradients to the west and is highly visible from the A96. Landscape studies considered the site to only be appropriate for limited development provided landscape mitigation measures were undertaken. The landscape study

recommended that development is concentrated in the more gently sloping and less visible western part of the site. On the more steeply sloping eastern part of the site development should be widely spaced with woodland planted to filter views from the A96. It is noted that the more westerly part of the site is within the middle consultation zone for a major hazardous installation which may restrict the densities that could be achieved in this area. The landscape requirements mean development density requires to be low to achieve this character and avoid obtrusive cuttings/embankments. This character would not be achieved by accommodating 38 units and the indicative layout proposed does not reflect the landscape study. The information submitted does not confirm the suitability and deliverability of access to the site. The deliverability of visibility onto Bruceland Road (taking into account third party land), adequate junction spacing (when taking account of the distillery junction and HGV traffic), provision of a second access and provision of adequate footways has not been established.

The existing designation requires areas of open space and the design principles show significant areas of new planting to filter views. If the site were to continue to be supported these would continue to be requirements of the designation.

Elgin Community Council's comments are noted. The ability to achieve a new/re-routed access onto the A96 is unlikely to be viable for the number of units proposed on the site. This would require to be considered as part of a wider transport scheme. Improvements to the A96/Wittet Drive junction are an option in the Elgin Transport Strategy 'Aspirational' package of measures, which would be brought forward if bespoke funding for individual improvement schemes came forward. The comments from Transport Scotland regarding access onto the A96 are noted. As noted above the deliverability of access within the local road network including visibility onto Bruceland Road, ability to achieve adequate junction spacing, ability to provide a second access and provision of footways has not been established. The site is considered to be constrained in this respect.

The Council's Flood Team have previously advised that the site is close to the River Lossie but the topography is significantly higher than the river. If the site were to be supported detailed topographical information should be submitted to demonstrate that the proposals do not significantly alter the ground levels/river bank level thereby increasing the existing flood risk. A buffer strip (that is proportional to the watercourse width) between any new development and all water features is a policy requirement. This does not require to be written into the designation.

Where mature trees exist bordering a site it is a policy requirement for a tree survey, and tree protection and mitigation plan to be submitted with planning application if the trees (or their roots) have the potential to be affected by development or construction activity. If the proposal were to be supported this requirement does not require to be written into the designation as this is covered within policy.

The principle of development has been established in previous Local Development Plans; however, the deliverability of access and a low density development which enhances the landscape is unlikely to be achievable. The site is considered to be constrained for development and it is considered unlikely that these issues will be overcome in the foreseeable future.

#### **Recommendation**

**Remove site from Proposed Plan and leave as "whiteland".**

#### **Elgin EL5 - Land at Oldmills**

The site and reduced site forms part of the core green corridor which connects through central Elgin from west to east. This contributes greatly to the character and amenity of Elgin and supports biodiversity. This core corridor is made up of different elements and functions (e.g. Farmland, woodland, cycleway, pitches) and these combine to provide an important green core to Elgin. The proposal is not supported as it would detract and have adverse impacts on the character and setting of the central green corridor through Elgin. Piecemeal erosion of this core green area must be avoided.



The comments in respect of Flood Risk are noted. SEPA have advised that even though much of the site now benefits from the Flood Scheme, highly vulnerable development including housing is not an appropriate land use for areas behind flood defences where the standard of protection is less than 1 in 200 years plus an allowance for climate change. The reduced area proposed falls within part of the flood plain that is now defended by the Flood Alleviation Scheme. It is therefore not suitable for housing.

The deliverability of access has not been established. The deliverability of visibility splays (with regard to third party land) and required road upgrades (passing places/road widening, footway provision and junction improvements) has not been established. It is also noted that existing pedestrian/cycle provision is not a continuous network with significant missing links to provide routes to schools and local services. The ability to deliver a continuous network has not been established.

A buffer strip (that is proportional to the watercourse width) between any new development and all water features is a policy requirement. This does not require to be written into the designation if the site were to be supported. Where mature trees exist bordering a site it is a policy requirement for a tree survey, and tree protection and mitigation plan to be submitted with planning application if the trees (or their roots) have the potential to be affected by development or construction activity. If the site were to be supported this requirement does not require to be written into the designation as this is covered within policy.

The reduced proposal is not supported.

**Recommendation**

**Site EL5 is not supported and will not be identified in the Proposed Plan for housing. Retain ENV.**

**Elgin EL6 - Land at Mayne Wood**

Mayne Wood is well used public woodland and has a core path running through it. It provides a wooded edge to the south western edge of Elgin and allowing development to take place would be contrary to the Scottish Government's policy on the control of woodland removal. The proposal for housing in the woodland is not deemed acceptable. Mayne Wood will be included within the settlement boundary and will be designated as an ENV to protect the woods from inappropriate development.

The comments from SNH and SEPA are noted and will be taken into consideration should the site be taken forward. However, it is noted the LDP 2020 contains policies which will protect waterbodies from pollution should the site be taken forward.

**Recommendation**

**Site EL6 will be identified as an ENV in the Proposed Plan. Development is not supported.**

**Elgin EL7 – Sunningdale**

Mayne Wood is well used public woodland and has a core path running through it. It provides a wooded edge to the south western edge of Elgin and allowing development to take place would be contrary to the Scottish Government's policy on the control of woodland removal. The proposal for housing in the woodland is not deemed acceptable. Mayne Wood will be included within the settlement boundary and will be designated as an ENV to protect the woods from inappropriate development.

The proposal to designate this site for housing is not supported. SEPA and SNH's comments are however noted and will be taken into account if there is a change in position.

**Recommendation**

**Site EL7 will be identified as an ENV in the Proposed Plan. Development is not supported.**

**Elgin EL9 - Land North of I8 and West of A941**

Support for identification of the site by the landowner for a mix of uses is noted. The support for development of a masterplan and integration with the Findrassie masterplan area is welcomed. The site will be identified in the Local Development Plan for housing on the area to the west of the A941 and mixed use (primarily business uses) on the eastern side. It is agreed that this is a key gateway into Elgin and

creating an attractive entrance into Elgin both in terms of landscaping and architecture will be an important requirement for this site. This site would be impacted on if a northerly A96 dualling option was selected. Therefore, the extent of the designation may need reviewed when the preferred option is known. The requirement for a flood risk assessment will be detailed within the site designation. A buffer strip (that is proportional to the watercourse width) between any new development and all water features is a policy requirement. This does not require to be written into the designation. However, given the status of Loch Spynie the existing requirements in the LDP2015 LONG1 will be carried over into the designation. The existing text for the LONG 1 designation in respect of run off and SUDs will be carried over from the existing Local Development Plan, with text added regarding diffuse pollution.

Where mature trees exist bordering a site it is a policy requirement for a tree survey, and tree protection and mitigation plan to be submitted with planning application if the trees (or their roots) have the potential to be affected by development or construction activity. This requirement does not require to be written into the designation as this is covered within policy.

#### **Recommendation**

**Designate western part of site for housing and eastern part as a mixed use site.**

#### **Elgin EL10 - Land to North of Maryfield Road**

Support for identification of the site for residential use is noted. The site is unlikely to be required in 2020-2025 period as sufficient land is identified elsewhere. It is also noted that the landowner is unlikely to consider release of the site until the Findrassie site is more advanced. It is therefore proposed to continue to identify the site as LONG but show this area as the first phase. This site would be impacted on if a northerly A96 dualling option was selected. Therefore, the extent of the LONG designation may need reviewed when the preferred option is known.

Requirement for a flood risk assessment will be written into the designation. A buffer strip (that is proportional to the watercourse width) between any new development and all water features is a policy requirement. This does not require to be written into the designation. However, given the status of Loch Spynie the existing requirements in the LDP2015 LONG1 will be carried over into the designation, with text added regarding diffuse pollution.

Where mature trees exist bordering a site it is a policy requirement for a tree survey, and tree protection and mitigation plan to be submitted with planning application if the trees (or their roots) have the potential to be affected by development or construction activity. This requirement does not require to be written into the designation as this is covered within policy.

#### **Recommendation**

**The site will not be designated for housing within the timeframe of the Proposed Plan. It will continue to be designated LONG and the site highlighted as a first phase of the wider LONG1.**

#### **Elgin EL14A - Barmuckity (part A), Elgin EL14B - Barmuckity (part B), Elgin EL14C - Barmuckity (part C)**

It is not proposed to support development at this location due to restricted access and high landscape sensitivity. SNH and SEPA's comments are however noted and will be taken into account if there is a change in position.

#### **Recommendation**

**Site EL14 A,B and C is not supported and will not be identified in the Proposed Plan.**

#### **Elgin EL14F - Barmuckity (Part F)**

The site was previously designated for a Business Park (2008 Local Plan) and then for industrial use (LDP2015). Therefore, it has been earmarked for development for over 10 years. However, the change to include a mix of uses including housing alters the nature of development in terms of privacy and daylight. Policy (DP1) states that proposals must not adversely impact on neighbouring properties including in terms of privacy and daylight. When considering this policy planning officers would take into account ground levels when considering proposals. The Barmuckity Business Park Strategic Framework shows a green offset to the boundary of Barmuckity Farm Cottages. This along with a planting requirement will be written

into the housing designation. In line with policy PP3 and DP1 the developer will be required to consider the impact of development on the safety and efficiency of the existing transport network and provide appropriate mitigation/modification where required.

The existing designation text acknowledges that the site is prone to flooding and that such areas will require to be kept free from development. The existing designation text also requires a detailed flood risk assessment to be submitted. This requirement will be carried forward into the designation text.

A buffer strip (that is proportional to the watercourse width) between any new development and all water features is a policy requirement. Therefore this does not require to be written into the designation.

Where mature trees exist bordering a site it is a policy requirement for a tree survey, and tree protection and mitigation plan to be submitted with planning application if the trees (or their roots) have the potential to be affected by development or construction activity. This requirement does not require to be written into the designation as this is covered within policy.

The background to the identification of land for housing at Barmuckity is set out in a report to the Planning and Regulatory Services Committee on 1 November 2016 in respect of the Barmuckity Business Park Strategic Framework. The Employment Land Audit 2016 showed a shortage of marketable/effective land within Elgin and identified that action needed to be taken to address the constraints on land within Elgin in addition to identifying new land. The balance of uses within the framework aims to promote delivery by ensuring the project is economically viable. The mix of uses therefore includes some higher value uses such as housing to support the delivery of business and industrial uses. The inclusion of housing has made development at Barmuckity economically viable. Had the Barmuckity site remained constrained and undeveloped a replacement site would need to be identified to meet demand for industrial land.

#### **Recommendation**

**Designated part of EL14 F for housing with a landscaping and offset requirement to Barmuckity Farm Cottages and a Flood Risk Assessment. Northern part of site to remain part of Barmuckity Industrial designation.**

#### **Elgin EL15 - Elgin South**

The triggers for release of LONG term sites are included in the Housing Land Audit, however, the Council agrees that for the sake of transparency, these should be included within the LDP and subject to public consultation.

A Flood Risk Assessment was completed to inform the Elgin South Masterplan. A Phase 1 Habitat and Protected Species Survey was also completed to inform the masterplan. A green corridor through the site is proposed in the masterplan that will include buffering to the Linkwood Burn.

There is a buffer to the woodland area within the Elgin South Masterplan. Where mature trees exist bordering a site it is a policy requirement for a tree survey, and tree protection and mitigation plan to be submitted with planning application if the trees (or their roots) have the potential to be affected by development or construction activity. This requirement does not require to be written into the designation as this is covered within policy.

#### **Recommendation**

**Designate areas with consent for housing, with areas for School and Moray Sports Centre shown as Community Facilities. Remainder to continue to be designated as LONG. Include requirement for Flood Risk Assessment and Phase 1 Habitat Survey. Include triggers for release of LONG designations in the LDP policies.**

#### **Elgin EL16 - Site at Bain Avenue/Elgin EL41 - Land to East of Fogwatt Lane**

The proposal for 26 units would result in a significant area of open space being lost without any meaningful improvement to the open space being proposed. The only new elements appear to be some additional tree planting. It is noted that the compensatory planting from the consented development at Waulkmill has been planted at Bain Avenue. It is therefore, not considered that the improvements to the open space

justify the loss of open space and additional housing. The number of units proposed is considered to be excessive and would result in a significant loss of open space.

A proposal for a very small number of houses at this location could only ever be supported if this was associated with significant improvements to the open space, including enhanced play facilities. While quantity of open space is an important consideration it should not over-ride the importance of good quality and accessible spaces. A balance between quality and quantity is necessary. However, as stated above the improvements proposed do not justify the loss of open space identified or number of units proposed. A higher quality open space could be achieved by increasing planting levels across the site, enhancing biodiversity. More and varied play equipment for a wider age range would also help improve quality. Improving drainage to ensure the area remains functional would significantly improve the quality of the open.

### **Flooding**

The comments regarding surface water flooding are noted including those from SEPA. No proposals to resolve these issues have been submitted. As noted the surface water issues not only have the potential to impact on housing but also on the functionality of the open space. This would impact on the quality of the open space. SEPA's comments are noted.

### **Impact on traffic and Roads**

If the site were to be designated, Policy PP3 Infrastructure and Services and DP1 Development Principles would require developers to consider the impact of development on the safety and efficiency of the existing roads/transport network and provide appropriate mitigation/modification where required.

### **Impact on neighbouring property**

Policy (DP1) states that proposals must not adversely impact on neighbouring properties including in terms of privacy and daylight.

Any established access rights would require to be considered in the design and layout of any proposals. The loss of view or impacts on property value are not a material planning consideration.

### **ENV Status and Open Space Strategy**

ENV's are reviewed as part of the review of the Local Development Plan. The Open Space Strategy showed that the ENV was of poor quality as it lacked a clear function and had little character. Tree planting, provision of benches and surfaced paths are noted as opportunities to improve the ENV. The Open Space Strategy notes that there are opportunities to rationalise and improve the open space in conjunction with wider redevelopment being considered as part of the review of the Local Development Plan. Therefore, the strategy allowed for consideration of proposals that would improve the open space. However, the proposals do not show any meaningful improvement to the open space to justify the proposed level of housing. Therefore, the proposal is not supported.

It is agreed that open space is important for health and well-being. It is therefore important that residents have good access to good quality open space. It is not accepted that moving the playpark would materially affect how well this would be overlooked. This would continue to be overlooked by housing and children would continue to be observed.

### **Other**

The mapping base used is from Ordnance Survey. This also shows a path through the play area but this is obscured by the site hatching.

The vacant plots referred to are not under consideration in terms of the Local Development Plan review. In their submission Springfield Properties Plc have indicated they are sole owner of the site. The decision at Waulkmill was approved at appeal. The reporter concluded that " On balance therefore, I

find that the loss of the existing amenity area would be more than offset by the provision of affordable homes and would enable the site to be landscaped to provide far better amenity spaces for all, while the off-site planting would go some way to replacing the trees lost on this site, and the core path route and the Green Corridor would be preserved, albeit in a different form.” The comments regarding affordable housing are considered under issue 3.

The layout proposed in the submission from Emma Gallacher appears to suggest building around the edge of the existing open space. This would lead to an enclosed open space and poorer overlooking of the open space.

**Recommendation**

**Site EL16 and EL41 are not supported and will not be identified for development in the Proposed Plan. Area to be retained as ENV.**

**Elgin EL18 - Jailhouse**

It is not proposed to designate this site as the preferred approach is for policy to guide development within the wider town centre.

**Recommendation**

**Site EL18 will not be designated in the Proposed Plan.**

**Elgin EL19 - Land adj to the Mansion House**

The area is immediately adjacent to the Category B listed Mansion House and the lodge at the gateway is C Listed. On Ladyhill Elgin Castle is a scheduled Monument and the Duke of Gordon Monument is A listed. The setting and views to and from all these historic assets must be taken into account when considering the potential of the land at the front of the Mansion House. Buildings and monuments were almost always placed and orientated to take in views to other historic structures or landscape features. The setting of a building or monument can extend beyond the immediate property boundaries. The relationship with other features and assets also needs to be considered. Development of the land in front of the Mansion House would interrupt key views to and from the Mansion House and the other historic assets in the area. The sense of approach to the Mansion House would also be diminished by developing on this open space. A listed building like the Mansion House would be expected to have a reasonable level of undeveloped ground around it and development in front of the Mansion House would detract (and potentially have a dominating effect) on the way the historic assets are understood and appreciated. The Mansion House has already had significant levels of development around it and further development would remove any remaining land to the detriment of the building's setting. Development would diminish the setting of the listed buildings and other historic assets and is not supported.

The site is also not supported on transportation grounds due to the lack of dedicated access for pedestrians and the restricted junction visibility due to Listed Wall and mature trees. SEPA and the Council's Flood Team have advised that the site is protected to 1 in 200 year standard by the Elgin Flood Alleviation Scheme. It is therefore not suitable for 'highly vulnerable' uses including housing.

**Recommendation**

**Site EL19 is not supported and will not be designated in the Proposed Plan.**

**Elgin EL20 - Land at West Road**

The BP/OPP site is intended to be a high amenity business park with the potential for housing now also being considered. These uses would likely be compatible with the caravan site in terms of generating minimal noise levels and pollution. There is already an element of buffering between the site and the caravan park with a wooded embankment between the site boundary and the caravan stances. The caravan park sits lower than the site and therefore views and impacts on visual amenity are likely to be minimal and mitigable. The site is a small well defined area and the scale is not excessive. The detail of buildings and their scale will be best dealt with at the detailed planning application stage. At the planning application stage impact on amenity and on privacy would be considered. It is unclear how security would be substantially different to the situation at present. The detail of access arrangements to the site would

be the subject of a planning application and the impacts on the junction will be considered in a Transport Assessment. Any impact on this junction identified through a Transport Assessment, along with any required mitigation measures, will be reviewed by and agreed with Transport Scotland. The current designation could be clearer regarding the existing access onto the A96 and the wording would require to be amended to reflect Transport Scotland's comments.

Given the significance of this site on a key entrance into Elgin there are requirements for landscaping to ensure this provides an appropriate gateway to Elgin. The comments regarding surface water are noted. Where mature trees exist bordering a site it is a policy requirement for a tree survey, and tree protection and mitigation plan to be submitted with planning application if the trees (or their roots) have the potential to be affected by development or construction activity. This requirement does not require to be written into the designation as this is covered within policy.

**Recommendation**

**Designate EL20 as a Mixed Use site with potential for business, commercial or residential uses. Add text regarding access from local network, and landscaping requirements.**

**Elgin EL21 - Land at ENV 4 South Lesmurdie**

Development of this site will be conditional upon an improved open space being provided. It is likely that constraints on the site, including flood risk and pipelines will restrict the developable area of this site. These areas offer an opportunity to create a higher quality and more attractive space that benefits the neighbourhood and nature. There will be a requirement to replace the play park with enhanced play equipment. Given the constraints on the site a lower site designation is proposed of up to 15 houses. If the site were to be designated, Policy PP3 Infrastructure and Services and DP1 Development Principles would require developers to consider the impact of development on the safety and efficiency of the existing roads/transport network and provide appropriate mitigation/modification where required.

The comments from SEPA are noted and the potential impact on the developable area is an issue. Text will be added to the designation stating the requirement for a flood risk assessment and noting that the defended flood plain will not be suitable for highly vulnerable uses (including housing). A requirement for a phase 1 habitat survey will be added to the designation text.

**Recommendation**

**Designate site for residential with this being conditional upon improved open space provision including enhanced play equipment. Include text regarding flood risk and requiring a Phase 1 Habitat Survey.**

**Elgin EL22 - Land at the Firs**

The site forms part of the Bilbohall masterplan area and is currently designated as an opportunity site in the MLDP 2015 which allows for residential development. The value that the trees make to the site is recognised and a Tree Preservation Order has been served on the trees. This will ensure that any future development proposals will have to provide a tree survey and protection plan to ensure that the trees are retained and incorporated into the layout and design.

**Recommendation**

**Designate site for residential and highlight TPO on site.**

**Elgin EL 23 - Land at Pinegrove**

The proposal no longer impacts on the ENV4 Playspace and the revised layout also minimises impacts on the wider open space. The layout is largely on the footprint of existing buildings and provides a connected access from Pinefield Crescent to Pinegrove.

**Recommendation**

**Designate reduced site for residential redevelopment.**

**Elgin EL25 - CF2 Edgar Road**

Requirement for a flood risk assessment and habitat survey. A buffer strip between any new development

and all water features is a policy requirement. Therefore this does not require to be written into the designation.

**Recommendation**

**Designate site for housing with requirement for Flood Risk Assessment and phase 1 Habitat Survey.**

**Elgin EL26 - Land adj to 19 Elmfield Avenue, Elgin EL29 - Land adj to 1 Janitors Cottage, Elgin EL31 - Land adj to 18 Manbeen Place, Elgin EL32 - Land Adj to 55 Milnefield Avenue, Elgin EL33 - Land at Deanshaugh and Elgin EL35 - Land Marleon Field**

These sites were submitted as bids but subsequently withdrawn.

**Recommendation**

**No action required.**

**Elgin EL30 - Land Adjacent to 6 Alba Place**

SEPA's comments are noted.

**Recommendation**

**Designate site for housing.**

**Elgin EL37 - Land to the Rear of Riverside Kitchens**

Support for removing the existing building and its curtilage to the east from the CAT is noted. The comments in respect of surface water are noted. The site proposed for a micro distillery, to the north of the existing Oakwood Cookery school is not supported due to the impacts of woodland removal. SEPA's comments are however noted and will be taken into account if there is a change in position.

**Recommendation**

**Remove Oakwood Cookery School/Kitchen Showroom and its curtilage from the CAT.**

**Elgin EL43 - Land North East of I8**

SEPA's comments are noted. It is proposed to remove the area from LONG1 as it is understood the landowner has no proposals to develop this area.

**Recommendation**

**Remove area from LONG1.**

**Elgin EL44 - R3 Bilbohall South**

The site is an existing designation in the MLDP 2015 and forms part of the Bilbohall masterplan area which is currently under preparation. The masterplan sets out the long term growth for the wider area and the site capacity has been increased to reflect the density levels set out in the draft masterplan. The LDP 2020 will contain policies that will ensure that adequate buffering is provided between development and any watercourse. The preparation of a masterplan has allowed any potential drainage issues to be addressed so that there will be no negative impacts on The Wards.

**Recommendation**

**Increase capacity of site in line with Bilbohall Masterplan.**

**Elgin EL46 - Land at Birkenhill**

With the identification of land at Burnside of Birnie for employment uses it is likely this area of land would fall within the settlement boundary and it would appear sensible for the settlement boundary to follow the A941. Flood risk is likely to significantly restrict the developable area of the site. This flood risk is unlikely to be compatible with housing. SEPA and the Council's Flood Team are likely to object to inclusion of a standalone site for housing as most of the area is at risk of flooding with only around 10% suitable for development. It is therefore proposed to include the site within the EL13 Burnside of Birnie site that is proposed for industrial and employment uses adjacent. The site could accommodate some less vulnerable uses and contribute towards the open space requirements for the wider site. Any development proposals that come forward would require to demonstrate through a flood risk assessment that the proposal was not at risk from flooding or increase risk of flood elsewhere.

**Recommendation**

**Incorporate site within wider Burnside of Birnie designation for industrial use. Requirement for Flood Risk Assessment.**



Issue 15	Elgin LHMA – Other Issues including Employment Land, Opportunity Sites	
Main Issues Report reference:	<b><u>ELGIN</u></b>	
	LDP2020_MIR_EL_GEN	Elgin - General
	LDP2020_MIR_EL8	Elgin EL8 - Findrassie Wood
	LDP2020_MIR_EL11	Elgin EL11 - Ashgrove Yard
	LDP2020_MIR_EL12	Elgin EL12 - Kirkhill Quarry
	LDP2020_MIR_EL13	Elgin EL13 - Burnside of Birnie
	LDP2020_MIR_EL14D	Elgin EL14D - Barmuckity (Part D)
	LDP2020_MIR_EL14E	Elgin EL14E - Barmuckity (Part E)
	LDP2020_MIR_EL14G	Elgin EL14G - Barmuckity (part G)
	LDP2020_MIR_EL24	Elgin EL24 - Land at Pinefield Playing Fields
	LDP2020_MIR_EL39	Elgin EL39 - Land at Borough Briggs
	LDP2020_MIR_EL40	Elgin EL40 - Land South of Burnside of Birnie
	LDP2020_MIR_EL42	Elgin EL42 - Elgin Business Centre
	LDP2020_MIR_EL45 Park	Elgin EL45 - BoroughBriggs/Lossie Green/Cooper
	LDP2020_MIR_EL47	Elgin EL47 - Land at Grampian Road
	<b><u>FOCHABERS</u></b>	
	LDP2020_MIR_FC2	Fochabers FC2 - OPP3 Land at Lennox Crescent
	<b><u>HOPEMAN</u></b>	
	LDP2020_MIR_HP1	Hopeman HP1 - Land Adjacent to Tulloch House
	<b><u>MOSSTODLOCH</u></b>	
	LDP2020_MIR_MS1	Mosstodloch MS1 - Land West of Mosstodloch
	LDP2020_MIR_MS2	Mosstodloch MS2 - Field South of A96 Bypass
Body or person(s) submitting a representation raising the issue (including reference number):		
000074	Springfield Retail Park Elgin Real Estate S.A.R.L.	Montagu Evans LLP
000179	Moray Council Estates	
000214	Pitgaveny Estate	c/o Savills
000236	Third Sector Interface Moray	
000285	RSPB Scotland	
000297	Defence Infrastructure Organisation	Ministry of Defence
000569	SEPA	
001027	Scottish Natural Heritage	
001211	Transport Scotland	
001249	Crown Estate Scotland (Interim Management) c/o Savills	
001524	Scottish Water	
001548	Mr Stuart Hunter	
001549	Mr David McKay	

001553	Mrs Michela Roberts	
001558	Mrs Lydia Lunnon-Wood	
001564	Mr Stephen Morrison	
001565	Mr Stewart McAuslan	
001568	Mr John McCandless	
001573	Elgin Sports Community Trust	
001600	Mr Nathan Matthews	
001614	Mr Bill Hill	BP North Sea ETAP Andrew Reservoir
001740	Ms April Charleworth	
001746	Whitbread Group plc	
001747	Dr Alex McClure	
001798	Strathdee Properties Ltd	c/o Halliday Fraser Munro Planning
001818	Woodland Trust Scotland	
001832	Elgin Community Council	
001896	Hendry Hydraulics c/o C M Design	
<b>Planning authority's summary of the representation(s):</b>		
<b><u>ELGIN</u></b>		
<b><u>Elgin General</u></b>		
<b>Defence Infrastructure Organisation</b>		<b>000297</b>
Elgin falls within the statutory aerodrome height 91.4m (AGL) safeguarding zone surrounding RAF Lossiemouth and RAF Kinloss and also within the statutory birdstrike safeguarding zone surrounding RAF Lossiemouth. The Defence Infrastructure Organisation need to be consulted on all development within these areas exceeding this height criterion and review applications for developments which may have the potential to attract large flocking bird species hazardous to aviation (SUDS etc.).		
<b>Scottish Water</b>		<b>001524</b>
There is currently a Drainage Impact Assessment underway in Elgin. The results of this will determine what network upgrades are required to serve development. Moray West Wastewater Treatment Works currently has sufficient capacity but this may change as developments come on line. Scottish Water encourage developers to give as much notice as possible of their build out rates so future development can be accommodated.		
<b>Mr Nathan Matthews</b>		<b>001600</b>
The Council should consider park and ride facilities on the east and west of Elgin.		
<b>Elgin Community Council</b>		<b>001832</b>
People in Elgin value the green corridor through Elgin which has been enhanced by the recent construction of the paths along its length as a legacy of the flood alleviation works. Elgin Community Council think that a southerly A96 option would be better for the city forming a southern city limit after the Elgin South long-term development. The northerly options interrupt the Findrassie long term developments which is undesirable. Additional flood protection measures and impact of additional housing/roads will have on run-off is not dealt with. Potential flooding at Palmers Cross should be addressed in the LDP as concern has been raised by residents and no consideration was given to areas south of Elgin along the River Lossie when the initial flood assessment was undertaken in Elgin.		

## **Tourism**

### **Whitbread Group plc**

**001746**

The Plan should support the provision of additional visitor accommodation at the existing Premier Inn on Linkwood Way, to assist in the growth of the visitor and tourist economy. The Premier Inn, Linkwood Way, Elgin, including its car park, should be removed from the current industrial estate designation as, due to its current use, this serves no meaningful purpose.

## **Retail/Edgar Road Commercial Centre**

### **Springfield Retail Park Elgin Real Estate S.A.R.L.**

**000074**

The LDP should recognise that:-

- the retail park continues to be a major employer locally and its success ensures that a significant amount of retail expenditure is retained within the town;
- there has been significant investment in the retail park and the owners are actively considering development opportunities.
- Springfield Retail Park continue to actively market opportunities ; and supports the ongoing allocation of the site as a Commercial Centre;
- there continues to be demand in Springfield Retail Park, and the opportunity that it represents, from those retailers whose trading format or size requirements can only be accommodated in commercial centres;
- commercial leisure uses for example should be specifically referred to as being acceptable within commercial centres in line with SPP;
- as well as consolidating existing retail floorspace there are opportunities to introduce smaller scale retail development (including Class 1 or indeed Class 3) that could be supported in the commercial centre including where the retailer may have dual representation in the town or where its trading or locational format allows. Such development proposals would require to be considered on their merits and satisfy the sequential approach;
- Springfield Retail Park is an established retail location which should continue to be recognised as important to and supporting the Development Plan strategy. Springfield Retail Park is an established Commercial Centre forming part of the LDP retail hierarchy.

It is submitted that the Council should continue to support the allocation of the site, and recognise opportunities for new development in going forward. Commercial leisure uses should be specifically referred to as being acceptable within commercial centres in line with SPP.

## **Elgin Community Council**

**001832**

The LDP must contain policies to strengthen the twin retail hubs in Elgin or the city centre and Edgar Road, and avoid the development of a third centre, along the A96 corridor for example. Neighbourhood retail and other facilities are perfectly acceptable (and indeed essential) in the major new developments at Linkwood and Findrassie.

## **Civic Engagement Centre and North Port**

### **Third Sector Interface Moray**

**000236**

The need for a civic engagement centre / third sector hub, ideally in central Elgin, should be recognised. There may be potential to develop an existing building, e.g. Grant Lodge. There may also be opportunities for such a centre to be purpose built elsewhere in central Elgin. Anywhere in the central band either side of the A96 between Ladyhill and the Cathedral may be suitable, depending on how other plans develop. Consideration should be given to the redevelopment of the area known as North Port Square, i.e. between the high street and the North Port car park, immediately in front of the Muckle Cross pub. The area does not seem to work very well, is not aesthetically pleasing and does not seem to support successful business development. It would benefit from a total redesign, including the demolition of some buildings and the erection of more pleasing and functional buildings.

### **Site adjacent to Kirkhill Quarry**

#### **Moray Council Estates**

**000179**

Proposal for solar meadow on former landfill. Site to south of recycling facility operated by Council. Surrounded to northwest by Council property leased to Moto X track which provides a wooded screen to the site. Bounded to north east and east by woodland. Site is open to south and naturally sloping towards the southern boundary. This would screen low lying solar panels. Potential to connect to grid. Investigate viability of collecting landfill gas for gas powered generating plant and considering battery storage. Once developed limited additional traffic, and propose to use existing access for recycling facility. Capable of generating no more than 5Mw.

### **Elgin EL8 - Findrassie Wood**

#### **Pitgaveny Estate**

**000214**

Seek the inclusion of Findrassie Woods as an ENV designation within the Elgin town boundary but allowing for appropriate development opportunities of a low density, rural woodland character. Current use is commercial forestry with some informal recreational use. A report has been submitted in support of the proposal which appraises connectivity, vegetation cover, existing designations, and considers the capacity of the site to accommodate small scale pockets of uses. Proposal is for low density and low key activities, including working, living, learning and leisure. Potentially including community or education facilities, micro eco businesses and craft units, outdoor nurseries and a small number of homestead style houses. Proposal includes protecting and retaining the SSSI. The setting of the SSSI will be enhanced through management of the woodland. Pitgaveny proposes to plant a mixed use buffer zone along the length of the Findrassie Master Plan area, to create an 80m wide amenity backdrop to the future housing developments to the south. Site provides an opportunity to meet demand for rural houses that are in good proximity to Elgin whilst maintaining protection of the rural environment. An improved network of recreational path connections will make Findrassie Woods an attractive destination for leisure activities. The new built-up edge of the town will provide an opportunity to create "connected-in" rural working, living, learning and leisure opportunities all within easy reach of urban amenities using sustainable travel (walking and cycling). Rural Working could take the form of small craft units. Rural Living could take the form of homestead groupings, or steadying style clusters in small pocket clearings. Rural Learning could take the form of educational facilities whether related to Moray College, local schools or outdoor classrooms and outdoor nurseries. Rural Leisure / Tourism could take the form of cycling facilities, woodland walks / cyclepaths, pop up outdoor tea gardens, off grid tourism accommodation such as tree houses, and tree planting activities. The main access would be taken from the Findrassie Masterplan area. Clearing areas should link but not coalesce. Buildings designed in response to woodland setting. Roads shared surface to emphasise rural character.

*Propose ENV wording "Findrassie Woods is an extensive 75ha commercial plantation, forming a backdrop to the Findrassie Master Plan. It contains two SSSIs, has areas of managed clear-fell, and a network of footpaths and tracks. It is bounded to the north and east by single track public roads. The primary land-use function is "green space" woodland, for both commercial timber and informal recreational access, providing protection to the SSSIs, and securing a permanent 80 metre wide "buffer zone" of mature mixed woodland along the length of the Master Plan boundary. The scale of the Findrassie Woods ENV provides an opportunity within the built-up area of Elgin to accommodate discreet, small-scale pockets of development within an enclosing woodland setting. These pockets can address an unmet market demand for a form of rural community working, living, learning, and leisure / tourism which is not only close to the services of a town, but is connected to it by active travel. They can potentially be used for community or educational facilities, for micro eco-businesses, and low impact eco-tourism. As regards the housing, six clearings are proposed, each with a capacity of no more than 20 dwellings. Given the size of the site (75 hectares), this small number of homes will have minimum impact. Key to the assessment of the appropriateness of any individual proposal would be its compatibility with a primarily woodland setting, and active travel connectivity. Limited access from the Findrassie Woods road would be considered, to allow communities to*

*the north to use the woodland, and potentially one access from Covesea Road; while the others would be from the Master Plan internal road network. Clearings may not coalesce but may be linked by single track roads. Place-making integration and connectivity with the “parent” neighbourhood of Findrassie will be important as the two areas grow over time.”*

**Mrs Lydia Lunnon-Wood**

**001558**

Disappointed with proposal at Findrassie Wood. The Pitgavney Estate 'Findrassie Masterplan' document mentions the 'creation of cycleways and footpaths in the immediate proximity to the new housing areas but the proposal could now include a good deal of commercial development within the woodland. Having attended the Findrassie Forum this came as a great surprise. Findrassie Wood is an old woodland and a SSSI. It is home to many types of birds and animals including red squirrels, deer, badgers, pine martens and stoats. It is already greatly used as a recreational area for walkers. Beyond the creation of improved access by the creation of tracks strongly oppose the development of this beautiful woodland which should remain a natural legacy for generations to come in what is an increasingly diminishing country environment.

**Elgin Community Council**

**001832**

Elgin Community Council are engaged in the Findrassie Forum and are happy with the progress and level of consideration given to the development of the Findrassie development as a whole. There has been insufficient detail provided by Pitgavney Estate to date in connection with their proposed developments at Findrassie Woods. Elgin Community Council's view is that the preservation of most of Findrassie Woods is an essential part of the masterplan and ethos of the Findrassie masterplan and the linking of the city into the countryside, do not wish to see anything other than relatively minor developments at this site, and certainly nothing in a wide strip on the eastern and southern boundaries of the woods.

**SEPA**

**000569**

A Flood Risk Assessment may be required to determine the risk of fluvial flooding from the small watercourse on the southern boundary of the site if development is proposed in that vicinity. Parts of the site has been identified as being at medium to high risk of surface water flooding, however these are in small isolated patches within the site. Small pond within Findrassie woods, and small burn along southern edge, which looks like it might flow into Spynie Canal. Adequate buffer strips to protect watercourses required. Pond should be retained and habitat enhancement proposed.

**Scottish Natural Heritage**

**001027**

There is insufficient information on the 'mixed use development' for SNH to provide detailed advice. There are a number of natural heritage issues that must be taken into account. The proposed allocation is approximately 1.9km from the Loch Spynie SPA, SSSI and Ramsar sites - important for bird, open water and wetland habitat interests. A watercourse runs along the southern boundary of the site, flowing into the loch. There is a problem in the wider area of diffuse pollution leading to nutrient enrichment changing water quality, which impacts the habitats and species of Loch Spynie. Any built development will need to incorporate appropriate mitigation measures. Findrassie Woods contains the Findrassie SSSI, notified for geological fossil features that are also recognised as the Findrassie Geological Conservation Review site. The woodlands are on the Ancient Woodland Inventory and Scottish Semi-natural Woodland Inventory. The Scottish Government's Control of Woodland Removal Policy and Council's LDP policy would apply, which means that there is likely to be limited capacity for built development. However, there may be other opportunities to benefit the SSSI, woodlands and local community. SNH would welcome further discussion. Should this allocation be taken forward in the LDP 2020 developer requirements must be applied that: i) Any proposals for Findrassie Woods must avoid permanently damaging/preventing access to the SSSI (and GCR) features. It would be beneficial to incorporate interpretation for the SSSI (in consultation with SNH). ii) Development should avoid tree removal and ensure development does not cause other impacts on the woodland (for example soil compaction adversely affecting tree roots or ground flora). iii) Proposals must demonstrate how they will minimise diffuse pollution so that an adverse effect on the integrity on Loch Spynie SPA caused by changes in water quality is avoided (this would also minimise impacts on the habitats and species of Loch Spynie SSSI and Ramsar site). For example, development should be connected to mains

sewerage and incorporate measures such as SUDS swales and ponds to capture run off from road drains, driveways, outflows, and other sources of diffuse pollution.

**Elgin EL11 - Ashgrove Yard**

**SEPA**

**000569**

No flood risk comments.

**Elgin EL12 - Kirkhill Quarry**

**Elgin Community Council**

**001832**

EL12 Kirkhill Park and Ride is somewhat aspirational unless the A96 goes that way. As the route of the A96 dualling is not yet determined it makes sense for EL12 not to be preferred.

**SEPA**

**000569**

The proposed development is located adjacent to activities which are regulated by SEPA under a Waste Management Licence, Pollution Prevention and Control (PPC) Permit or Controlled Activities (CAR) Licence. Recommend removal of site due to co-location with regulated process/ activity which is likely to cause nuisance even with regulatory controls in place (separate report, discussion with PUM and referral to URRT required).

**Woodland Trust Scotland**

**001818**

The site is surrounded by land classified as Long Established Plantation Origin according to the Ancient Woodland Inventory. The name of the woodland is Kirkhill Wood. In the first instance a buffer between the development and the area of woodland should be recommended by the planning authority as a site specific requirement, when allocating this site for development. The appropriate size and type can be advised on at the planning application stage, depending on the plans put forward. Woodland Trust Scotland will be able to comment and make more detailed recommendations at that stage as well.

**Elgin EL13 - Burnside of Birnie and Elgin EL40 - Land South of Burnside of Birnie**

**Strathdee Properties Ltd**

**001798**

Supports proposal for business and industrial uses. The site would allow the creation of an attractive business location on the southern edge of Elgin with appropriate landscaped areas provided around the pipeline buffer and Burn of Linkwood areas. The scope for commercial roadside frontage along the A941 is an attractive option. Whilst the A96 dualling route has not been fixed the southern route would create excellent connectivity to the trunk road network and Elgin for commercial development. The southerly area identified (EL40) should be a future phase, with EL13 built out first. The pipeline and burn can be integrated into the development. There is a market for commercial development at this location and the site will be formally marketed if designated.

**Mr David McKay**

**001549**

Objects to loss of Countryside Around Towns (CAT) which is there to protect the spaces around town from development. Proposal would remove all of this to the south of Elgin. Will lead to urban sprawl to woodland edge. This will impact on open space for wildlife. This should remain as CAT or an ENV. This route into Elgin is currently one of the best gateways with greenery, open rolling views and good quality housing which gives a positive impression to visitors. Visitors first impression of Elgin would be changed to factories and industrial estates. Queries why the "Elgin South" masterplan area, which had no existing housing, was allocated for housing only with no industrial area. Queries why Burnside of Birnie which has existing housing should be designated for industrial. Existing houses will be surrounded by or on the edge of an industrial area which impacts on property value/investment. This has led to the risk of several families having their lives and quality of life adversely impacted on. Queries if requirement to identify land has arisen due to change of designation at Barmuckity, where 8.58ha has been changed from industrial to housing. Disregard for residents quality of life. The greenspace map is a graphical misdirection of what would be provided. The huge open spaces with softened edges suggest a country park and not factories. Looking at other developments around Elgin softened edges means a 6m grass verge with trees that offers

little screening.

EL40 has been included in the Main Issues Report without the evidence gathering having been completed. Consultation responses on EL13 may be different if they were responding to a larger site. Large areas of EL40 are constantly under water (especially the south eastern corner). This will be made worse by further urbanisation. Regular flooding at proposed gateway to Elgin is not a good impression for visitors.

**Mr Bill Hill**

**001614**

Site is at flood risk. The site shown includes flood plain that should not be built on. Any land raising to mitigate flood risk would put the existing housing at increased risk of flooding. Development outwith the flood plain could also increase flood risk due to the associated run off. This would be contrary to SPP. The proposal could constitute piecemeal development of the flood plain and potentially land raising which would negatively impact on surrounding properties. Development will undermine the natural amenities offered by the current environment at Burnside of Birnie. The existing road network in Elgin would not be able to accommodate increased traffic associated with development. Increased vehicle usage would also endanger pedestrians on an already stressed network. The development would increase pressure on education and medical services. New Elgin Primary School does not have sufficient capacity. EL40 includes an area that is owned by respondent, the acre plot to the east of property Blossombank is incorrectly included in proposed development boundary. This must be excluded from the boundary of the site.

**Mrs Michela Roberts**

**001553**

Key entrance for visitors to Elgin/Speyside and should be retained as an attractive, clean and green site. Industrial does not sound compatible with a major gateway. This would push Elgin out to the south to the proposed A96 dualling if the southern route is chosen; bringing Elgin closer to the distillery villages and Millbuies Country Park.

**Dr Alex McClure**

**001747**

Strong concerns about the suitability of this massive proposed floodplain site in relation to a number of important issues, including a likely substantial impact on quality of life. There will be a profound negative impact on the character/appearance of this attractive area of open country. Substantial area of the site is a flood plain from the Linkwood Burn. Burn banks are eroding. Open water in north west corner is fed by a spring. Development will increase flood risk due to associated run off. During heavy rain the burn is full with a great deal of surface water in the field. This has potential to increase flood risk to existing properties. Development on elevated land would overlook residential properties leading to a loss of privacy. This would breach right to quiet enjoyment of garden and amenities. The road network in Elgin is increasingly busy and this causes existing problems for pedestrians. The proposed development would significantly increase traffic and particularly heavy commercial vehicles. The A941 for journeys south would also not cope with additional pressure. Concerned about noise impacts from industrial uses on adjacent residential properties. If the site is designated businesses must ensure noise impacts from machinery and vehicles is assessed and mitigated. Industrial uses could increase air pollutants with associated impacts on health. The proposal contravenes national ambitions to protect landscape, wildlife habitats, and natural resources. Development would impact on wildlife and particularly birds including curlews that have declining populations. Infrastructure expansion/growth in Elgin has not happened at the same rate as development. A growing population may find itself without health facilities. Further expansion of Elgin is misguided. No effort has been made to mitigate light pollution from the expansion of Elgin. Concerned business would mean loss of night sky and quality of sleep. There are other alternative smaller sites around Moray that are suitable for the same purpose. Concerned about piecemeal and sporadic development. If designated a Placemaking approach must be applied to the site. It should ideally be attractive, imaginative, ground breaking, architecturally sustainable and interesting, wildlife and biodiversity enhancing and offering health and recreational opportunities and exposure to nature to local people. Flood risk must be taken into account, in line with comments from Council's flood team and SEPA. A 200m tree planted buffer would be required around existing houses to reduce noise, air pollution and provide privacy.

This could help mitigate against the reduction in biodiversity. Development should be concentrated to the north and west of the site beyond the raised areas adjacent to dwellings. This would also restrict visibility from the A941 and not overlook existing dwellings. This would reduce runoff risks and chemical, noise and light pollution. A walkway should be provided around the entire site, with a set back from the main road to allow access to the countryside. Open water to the north west of the site should be made accessible to view wildlife and educational visits. Under road and wildlife corridors to connect to surrounding woodlands should be provided. Mixed use and more progressive and sustainable designs should be employed on the site. Timber cladding would soften the overall appearance of buildings. Solar cells could offset power use and a central biofuel boiler could be incorporated.

**Elgin Community Council**

**001832**

Elgin Community Council consider green space at the edge of town and having gateway features is important to giving the town character. EL13 should not be designated unless a southerly A96 dualling route is selected. If a southerly A96 dualling is selected then only the part of EL13 to the north of the new A96 route should be designated.

**Woodland Trust Scotland**

**001818**

The western end and southern parts of the site border land classified as Long Established Plantation Origin according to the Ancient Woodland Inventory. A buffer between the development and woodland is recommended as a site specific requirement. Size and type can be advised at planning application stage.

**RSPB Scotland**

**000285**

The requirements for and environmental impacts of further development in the south of Elgin should be carefully considered. Recent development in the south of Elgin has removed large areas of agricultural land which supported farmland birds of conservation concern, including skylark and yellowhammer both on the red list of conservation due to declines in UK population. The site also contains a wetland area which should be retained, protected and enhanced. Further investigation of this area should take account of local community concerns and the biodiversity value of the site.

**SEPA**

**000569**

Fluvial and surface water flood map affect large areas of the site. Flood Risk Assessment (FRA) required to assess flood risk from the Burn of Linkwood. Indicative flood plain is extensive so capacity of site may be adversely affected by FRA outcome. Through the eastern half of site EL40 the floodplain is up to 140m wide. No development will be supported in flood plain areas. Any crossing of the Burn will have to be very large to prevent the floodplain being impacted, and this may affect accessibility for development of the site. The Burn of Linkwood is at bad status because of alterations to physical condition, barriers to migratory fish, abstraction and diffuse source pollution. The pressure on physical condition is the most significant of these pressures. A section of the Linkwood Burn which appears to be realigned runs through the middle of this proposal - the development could contribute towards the improvement of this waterbody; for example, by creating open space around this watercourse. SEPA hydrogeomorphologist advice should be sought to ensure that appropriate measures to improve physical condition are put in place as part of any development. In the centre of the proposed site there is an area of what looks like rough grassland. A Phase 1 Habitat Survey should be carried out to identify any potential Ground Water Dependent Terrestrial Ecosystems. Linkwood burn runs across site and a buffer strip should be put in place to avoid pollution.

**Scottish Natural Heritage**

**001027**

The western boundary appears to adjoin woodland listed on the Ancient Woodland Inventory and Scottish Semi-natural Woodland Inventory. Trees contribute to distinctiveness for placemaking, as well as providing habitat that contributes to green network connectivity. The designation text should highlight this and development requirement applied that proposals must demonstrate that development does not impact on the woodland (including roots). Given location adjacent to the Elgin South masterplan area a Development Brief and/or Masterplan would be beneficial to ensure good placemaking, consistency and connectivity



with the adjoining development for both people and nature.

**Elgin EL14D - Barmuckity (Part D)**

**SEPA**

**000569**

Object to the site being included unless a Flood Risk Assessment is provided in advance of the allocation which successfully demonstrates the site is not at risk of flooding. The majority of the site is at risk of fluvial flooding and it forms part of the functional flood plain. Avoidance is the only acceptable approach to flood risk management for the site. Development will have to avoid flood risk areas as mitigation will not be feasible or acceptable. Adequate buffering to watercourses will be required. Outside of site there is a field of rough grassland. (W). A Phase 1 Habitat Survey will be required.

**Elgin EL14E - Barmuckity (Part E)**

**SEPA**

**000569**

A detailed Flood Risk Assessment will be required for planning applications. Development in the south eastern corner of the site - most land below the 10m contour on the OS map - will have to be avoided. Adequate buffering will be required to watercourses. In the Southeast corner of site there seems to be what looks like rough grassland. A Phase 1 Habitat Survey will be required.

**Scottish Natural Heritage**

**001027**

Site appears to adjoin woodland listed on the Scottish Semi-natural Woodland Inventory. Trees contribute to distinctiveness for placemaking, as well as having biodiversity benefits by providing habitat that contributes to green network connectivity. The allocation text in the LDP 2020 must highlight this, and a developer requirement must be applied that proposals demonstrate that development does not impact on the woodland.

**Elgin EL14G - Barmuckity (part G)**

**SEPA**

**000569**

Nearly half of the combined site area of EL14G may be at risk of flooding. Detailed FRA required to support development proposals. Adequate buffering to watercourses required.

**Scottish Natural Heritage**

**001027**

Running between the boundaries of the two component parts of this allocation, and along the north eastern boundary of the smaller eastern section of the allocation, appears to be woodland listed on the Scottish Semi-natural Woodland Inventory. Should this allocation be taken forward the allocation text in the LDP must highlight this, and a developer requirement that proposals must demonstrate that development does not impact on the woodland must be applied.

**Elgin EL24 - Land at Pinefield Playing Fields**

**Hendry Hydraulics**

**001896**

Revised plan submitted with reduced building footprint and revised parking arrangements shown. Hendry Hydraulics have provided employment in the Elgin area for over 50 years with gradual expansion. Introduction of new technologies allows business to compete in a global market. Expansion of the existing site is needed to improve efficiency and allow manufacture at a price that ensures continuity for worldwide customers. An additional building would allow the paint line to be moved and a better flow through assembly. Existing accesses would be used. A new location to replace the existing operation has been considered but the cost of moving and business interruption is prohibitive. The business is under considerable pressure now and expansion is needed.

**SEPA**

**000569**

Site is defended by the Elgin FPS. Due to residual risk, not suitable for more vulnerable uses but proposed industrial expansion is appropriate for the flood risk expected.

**Scottish Natural Heritage**

**001027**

This location is identified as "ENV5 sports areas" and has policy (E5 Open Spaces) protection in the current Local Development Plan. The proposed review of the Open Space Strategy may help inform the decision on whether to include this allocation in the LDP 2020. However, at present it would appear that development at this location is unlikely to be compatible with LDP policy E5, as it would lead to a loss of green space that has the potential for benefits for people and nature. Unless the Open Space Strategy review identifies that it is no longer suitable for use, SNH recommend against including this allocation in the LDP 2020.

#### **Elgin EL39 - Land at Borough Briggs**

**SEPA**

**000569**

SEPA are likely to object to this site. The site is put forward for mixed use. It would be suitable for allocation for less-vulnerable uses, but due to the location of the site on the floodplain behind the Elgin FAS defences, it is not suitable for highly vulnerable land uses such as residential development. SEPA will remove our objection to this site being allocated if the type of use is amended or further information is provided to support the allocation to demonstrate that the standard of protection at the site is appropriate for the types of development promoted.

#### **Elgin EL42 - Elgin Business Centre**

**SEPA**

**000569**

Small site overlapping with I9 next to the station roundabout. Behind Elgin defences and possible pluvial issues. Flood Risk Assessment may be required depending on the land use vulnerability. Burn of Tyock running along the Southern boundary. Adequate buffering will be required to avoid pollution.

#### **Elgin EL45 - Borough Briggs/Lossie Green/Cooper Park**

**Elgin Community Council**

**001832**

People in Elgin value the green corridor through Elgin which has been enhanced by the recent construction of the paths along its length as a legacy of the flood alleviation works. Disagree with the Lesser Borough Briggs site and any of the green space in the vicinity, especially in Cooper park and its surroundings, being developed. The Lossie Green development is somewhat aspirational and much of it is on common good land, the value of which should be preserved for the benefit of the community. Elgin Community Council are aware of the proposal by the recently formed Elgin Sports Community Trust to use Lesser Borough Briggs for football and other sports and whilst we remain open minded to this proposal we have not reached a conclusion therefore would not wish to see this opportunity lost until it is more fully understood.

#### **Elgin Sport Community Trust**

**001573**

Elgin Sports Community Trust (ESCT) is a registered charity that has the aim of providing the advancement of public participation in sport in the local area by improving sports facilities in the community. Seeking to establish a quality sports facility at Lesser Borough Briggs (LBB). This area is already used by the Elgin Community Football Programme, however, the Trust would like to see the playing surface improved and eventually turned in to an all-weather playing surface. The Trust already has agreement in principle with clubs, groups and organisations that would use a better facility at LBB once it became available and the charitable donations that the football club is willing to make in terms of the use of the new changing facilities that have been built adjacent to the LBB area, free maintenance of the area and paying for any floodlighting of the area means that the project would be cash positive from day one. The sports played at LBB would not be limited to football; rugby, hockey, shinty, American Football, athletics, tennis would all be able to be played there to a greater or lesser degree. Understand that LBB is categorised for commercial use. The Trust is developing a Business Case that proves a much more beneficial use for the area and requests that LBB be re-categorised as future leisure use. This will make the land more affordable to acquire through a Community Asset Transfer and means the Community is more likely to benefit from something actually being built there as opposed to the theoretical building of a hotel at the site. Highlight considerable community and social benefits.

#### **Elgin EL47 - Land at Grampian Road**

**Moray Council Estates**

**000179**

The neighbouring land uses are predominantly residential (bungalows and 2-3 storey flats) and it is considered that the subject site would be well suited to residential development. It is proposed that the site be designated as an Opportunity Site suitable for industrial/commercial or residential use. All mains services are available in close proximity to the site. The site is accessed directly from Grampian Road. Active travel could be encouraged due to proximity to town centre, and adjacent to footpaths and national cycleway. It is considered likely that the site can be developed/brought back into use if there are clear options for residential development in addition to the current commercial use identification. There is already unsolicited interest in the site for residential development, and market knowledge indicates that there would be further interest if exposed to the market as a residential development opportunity.

## **FOCHABERS**

### **Fochabers FC2 - OPP3 Land at Lennox Crescent**

#### **Scottish Natural Heritage**

**001027**

The site is located within 150m of a tributary of the River Spey Special Area of Conservation (SAC). If taken forward to the LDP2020, a developer requirement should be applied to ensure that proposals demonstrate that there will not be any discharges likely to affect the water quality or quantity that could have an adverse effect on the integrity of the SAC.

#### **SEPA**

**000569**

Flood Risk Assessment or other information may be required to assess risk from small watercourse close to southern boundary, depending on site layout proposed. Aerial photographs show rough grassland covering the whole site. A Phase 1 Habitat Survey is required to identify potential Ground Water Dependent Terrestrial Ecosystems. Burn of Fochabers, which is part of the River Spey SAC, runs to the Southwest of the proposed area; therefore caution must be taken to protect this watercourse from any source of pollution

## **HOPEMAN**

### **Hopeman HP1 - Land Adjacent to Tulloch House**

#### **SEPA**

**000569**

There are surface water flooding issues in this area and Moray Council are currently working on a Flood Alleviation Scheme. Private drainage not appropriate.

#### **Ms April Charleworth**

**001740**

Currently over look Tullochs building yard but would not like to see a more permanent structure erected as this would detrimentally impact on our property.

## **MOSSTODLOCH**

### **Mosstodloch MS1 - Land West of Mosstodloch**

#### **Crown Estate Scotland**

**001249**

Submit a statement in respect of MS1 and a Landscape Capacity Study with indicative development framework has been provided on behalf of the Crown Estate. Recognise issues and concern about the attractiveness of industrial development and proximity to existing residential development, and the need for landscaping and planting. Connections to existing built environment and other development allocations are important in terms of placemaking, sustainable travel and achieving high quality development that protects the amenity of existing residents. The landscape capacity study identifies that

- the site is currently well connected and there is potential for new connections;
- has potential for landscape treatment to provide new gateway to Mosstodloch;
- has potential for a strong eastern boundary that protects residential amenity and the landscape setting of Mosstodloch;
- has potential to connect Balnacoul and Wood of Stynie through creation of landscape eastern boundary;
- has potential for SUDS and positive water manage to mitigate flood risk and incorporate green infrastructure;

- and plots with dividing path/green network and planting connections.

The site can meet the Open Space Strategy standards. MS1 is flexible in term of potential development and can cater for small, medium and large sites. Some interest already expressed. MS1 has excellent potential to deliver a significant level of employment land to support the Elgin Market Area. Potential for direct access to A96 subject to Transport Assessment. Site size would mean potential for district heating system. South facing therefore potential for solar panels.

**Mr Stewart McAuslan**

**001565**

The land is not suitable for industrial. Mosstodloch should not be surrounded by industrial units when the Council industrial estate is not filled. There are flooding issues on the site and potential for adverse environmental impacts on the River Spey. The Waste Water Treatment works is at capacity.

**Mr Stuart Hunter**

**001548**

Site is unnecessary. Development would impact on views to Mosstodloch. Industrial use would have unacceptable noise impacts and increase heavy traffic through Mosstodloch. Development would increase the risk of flooding to residential areas as the site sits higher and the agricultural land currently soaks up surface water. Site is used to access other agricultural areas avoiding farm traffic through Mosstodloch. Proposal would lead to industrial on 3 sides of Mosstodloch and the A96 on the other. This would be an extremely poor outlook for the village and reduce property values. The existing industrial estate is underutilised with half of the area no longer used. Better to utilise current industrial estate, site at vacant Balnacoul forestry and potential future expansion land at MS02 giving due consideration to A96 Dualling route when available. No known interest for industrial land in Mosstodloch. In the longer term the eastern portion of the site could be for housing as there is a safe route to schools.

**Mr Stephen Morrison**

**001564**

Objects to the volume of industrial sites in Mosstodloch and primarily the site MS1. The existing industrial site in Mosstodloch is not full and there are lots of other sites across Moray that have not been built. Mosstodloch will be surrounded on all sides by industrial. This is not happening to any other towns. The field is prone to surface water flooding. The Council shouldn't spend money on a site that would require intensive works.

**Mr John McCandless**

**001568**

Proposal for industrial unit to the west and south would mean that Mosstodloch has industrial on three sides. There are existing vacant units at the woodmill. This is not acceptable in a rural village.

**Woodland Trust Scotland**

**001818**

The northern, western and eastern ends of the site borders onto land classified as Long Established Plantation Origin on the Ancient Woodland Inventory. The name of the wood in the western end is Castlehill Wood. In the first instance a buffer between the development and the area of woodland should be recommended by the planning authority as a site specific requirement, when allocating this site for development. The appropriate size and type can be advised on at the planning application stage, depending on the plans put forward. Woodland Trust Scotland will be able to comment and make more detailed recommendations at that stage as well.

**SEPA**

**000569**

Large area of site affected by fluvial outline of the Stripe/Black Burn. Also some surface water risk shown. Potential development could increase probability of flooding elsewhere. Proposals for development would have to be accompanied by a satisfactory Flood Risk Assessment (FRA). The outcome of the FRA could reduce the area of the site that is developable, the capacity of the site or the appropriate design or layout for the site. SEPA would object to the site inclusion in the Local Development Plan unless wording is included in the allocation text that highlights that flooding is a constraint and an FRA would be required. This ensures that developers are aware from the earliest stage of the possible implications and of the additional costs that will be incurred in bringing development forward for the site. The Stripe/Black Burn is

at moderate status because of alterations to physical condition. The development proposal is on both sides of the waterbody in a section which appears to be straightened. There is therefore potential to improve the waterbody status, for example by creating open areas close to the waterbody. SEPA hydrogeomorphologist advice should be sought to ensure that appropriate measures to improve physical condition are put in place as part of any development. Connection to the public sewer should be sought in conjunction with adjacent LDP areas. Black burn running through proposed site. A buffer strip along the burn must be put in place.

**Scottish Natural Heritage**

**001027**

The eastern, north eastern and western boundaries of the allocation adjoin woodland listed on the Ancient Woodland Inventory (AWI) and the Scottish Semi-natural Woodland Inventory. Trees contribute to distinctiveness for placemaking, as well as having biodiversity benefits by providing habitat that contributes to green network connectivity. SNH recommend that the allocation text in the LDP highlights this, and that a developer requirement is applied that proposals must demonstrate that development does not impact on the woodland (including roots). The proposed allocation site is approximately 1.9km from the River Spey Special Area of Conservation (SAC) and although there appear to be a watercourse running between the site and the SAC, it enters the SAC several kilometres downstream. It is therefore very unlikely that there would be a significant effect on the SAC.

**Transport Scotland**

**001211**

Further discussion with Transport Scotland on the access strategy would be welcomed. Previous comments have mentioned the access strategy should be taken from the B9015.

**Mosstodloch MS2 - Field South of A96 Bypass**

**Crown Estate Scotland**

**001249**

The site has potential to deliver a significant level of employment land to support the Elgin Market Area and a new housing allocation. These uses would help to revitalise Mosstodloch during the LDP2 period and beyond. Potentially direct access to the trunk road network. New integrated, southern neighbourhood of Mosstodloch can be created. Potential for the provision of renewable heat and/or to generate electricity through solar panels. Opportunity for green infrastructure to be actively considered, particularly to mitigate surface water flood risk and to promote biodiversity. Due to the location south of the A96 effective connections to the built environment of Mosstodloch and the wider existing path network are required to integrate development and create a sense of place. Agree with the request for new cycle path provision at the U11E; provision for the safe route to school and local shops access; and connectivity between the residential and employment elements. Site has an attractive backdrop with mature woodland to the west and east, and rolling fields and distant hills to the south. Supportive of integrating woodland and open space into the site, but long views south should be maintained. Site is likely to benefit from a masterplan approach. Expect this to be developed in conjunction with Moray Council and Architecture and Design Scotland (and other stakeholders). Open space standards can be met given land available. Western side likely to be a focal point given key linkages under the A96 and the interface with the western woodland and potential development at MS3. As a result it is an area where key buildings/public art/open space would be well located. MS2/I3 is flexible and can cater for small and medium (including a combination) Class 4 (and Class 6 where permitted development allows) employment use. At 8ha site will provide a significant asset in terms of the supply of employment land in the Elgin Market Area.

**Mr Stuart Hunter**

**001548**

Retain MS2 as proposed Industrial only. This should only be developed after current industrial estate and MS3 have been built out. Industrial uses for this land would not require any infrastructure requirement for pedestrians.

**Mr John McCandless**

**001568**

Proposal for industrial unit to the west and south would mean that Mosstodloch has industrial on three sides. There are existing vacant units at the Woodmill. This is not acceptable in a rural village.

<p><b>SEPA</b></p> <p>Large areas of surface water risk. Connection to the public sewer should be sought in conjunction with adjacent LDP sites.</p>	<p><b>000569</b></p>
<p><b>Scottish Natural Heritage</b></p> <p>This allocation would extend development outwith the existing settlement pattern and is in a prominent location along the A96 route. It is also adjacent to the MS3 allocation. It would be beneficial for a Masterplan requirement in the LDP 2020 to cover both MS2 and MS3. This would enable issues such as landscape, biodiversity, placemaking and relationship to other developments in the vicinity, as well as connectivity (for both people e.g. Active travel routes, and nature e.g. Green networks) to be taken into account. This should result in a coherent development of Mosstodloch in the future that benefits both people and nature. The proposed allocation site is approximately 0.9km from the River Spey Special Area of Conservation (SAC), however there do not appear to be any watercourses connecting the site to the SAC.</p>	<p><b>001027</b></p>
<p><b>Officers comments on representations and recommendations:</b></p>	
<p><b><u>ELGIN</u></b></p> <p><b>Elgin General</b></p> <p>The comments from the Defence Infrastructure Organisation are noted and a policy is proposed to ensure MOD safeguarding is taken into account in applications where these are applicable. When a planning application is submitted these are checked against the consultation zones.</p> <p>The updated information from Scottish Water is welcomed and we will continue to liaise with Scottish Water in the development and ongoing review of the Action/Delivery Programme.</p> <p>The Elgin Transport Strategy notes that Elgin is likely too small an urban area to generate enough patronage to support the provision of a park and ride via bus only. The strategy does consider there to be merit in the introduction of 'Park and Change' sites where drivers could leave their vehicle and change to a range of transport modes, not just bus. The strategy proposes these on the main existing entry points into Elgin and it is understood these would likely be located with other uses and close to existing bus service routes. Specific sites have yet to be identified.</p> <p>The value of the central green corridor through Elgin is recognised with ENV designations, and a new ENV is proposed to identify the cycle track to the east of Elgin as an ENV.</p> <p>The A96 dualling is a Transport Scotland project. It is acknowledged that some sites will require to be reconsidered and revised when the preferred dualling option is known.</p> <p>Flood risk and surface water is dealt with by policy. A fundamental principle of the proposed policy EP6 is that new development will not be supported if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. Surface water from development also requires to be dealt with in a sustainable manner that has a neutral effect on flooding or reduces the risk of flooding. These policies are applicable everywhere, including Palmers Cross.</p> <p><b><u>Recommendation</u></b></p> <p><b>Designate cycle track to east of Elgin ENV. Review sites when preferred A96 dualling route available. Continue to liaise with Scottish water.</b></p> <p><b><u>Tourism</u></b></p> <p>The existing Premier Inn and Brewers Fayre restaurant falls within I1 Linkwood Industrial Estate. It is accepted that given the historic consents and established use on this area it does not have an industrial character. The Premier Inn, Brewers Fayre and their associated car parking will be identified as a Tourism site. The designation will however, not specifically promote additional visitor accommodation as it is</p>	

considered that there is limited scope within this site. Any new or additional proposals would be required to meet the policy requirements.

**Recommendation**

**Designate tourism site at Premier Inn and Brewer's Fayre.**

**Retail/Edgar Road Commercial Centre**

The Edgar Road area will continue to be identified as a Commercial Centre within the Local Development Plan. Amending the designation to explicitly support leisure and/or retail within Commercial Centres would not be reflective of the town centre first approach within Scottish Planning Policy (paragraph 60). In line with Scottish Planning Policy the focus of policy is to support town centres and the proposed policy sets out in what circumstances exceptions to this approach may be supported. The Commercial Centre at Edgar Road does not have the characteristics of a town centre and has a specific retail focus rather than the mixed use functions the High Street /town centre performs. Support for retail and/or leisure in the Commercial Centre is always conditional upon the sequential approach being met and there being no unacceptable impact on vitality and viability. The amendment requested is not required as the retail policy would be used to assess any proposed leisure use. It is considered that by identifying an area as a Commercial Centre support is given to appropriate investment.

It is not proposed to identify any new areas in Elgin as Commercial Centres (Edgar Road is identified as a Commercial Centre in the current LDP). Planning policy in respect of retail proposals and proposals that generate significant footfall require applicants to demonstrate that a sequential approach to site selection has been taken and for retail proposals to demonstrate that they will not have an unacceptable impact on the vitality and viability of town centres. The support for neighbourhood retail is noted, and the proposed policy seeks to support small shops that are intended primarily to serve the convenience needs of a local neighbourhood.

**Recommendation**

**Continue to identify the Edgar Road area as a Commercial Centre.**

**Civic Engagement Centre and North Port**

It is also noted the Proposed Plan will seek to include the aspirations within the Central Elgin Regeneration: Public Design Charrette. The vision is for Central Elgin to be a vibrant thriving city centre. The Charrette actions include projects on the High Street, within Cooper Park and the Lossie Green area. It is noted that the Vision for Central Elgin includes "a very committed and effective private, public and third sector partnership team that actively drives forward and promotes the Central Area."

The Charrette actions include potential redevelopment of buildings for the uses envisaged. It is also noted that this type of use is likely to be supported through policy as a mix of uses is encouraged in the town centre. The comments regarding North Port Square are noted, and in reflecting the Central Elgin Regeneration: Public Design Charrette aspirations we would look to identify the area for potential regeneration.

**Recommendation**

**Reflect Charrette actions in Elgin Settlement Statement. Identify North Port for regeneration.**

**Site adjacent to Kirkhill Quarry**

The proposal is for a commercial solar voltaic installation connecting to the grid. Scottish Planning Policy looks for the planning system to guide renewable energy development proposals to appropriate locations and advise on the issues that need to be taken into account when assessing specific proposals. Therefore, a policy led approach is taken to photo voltaic proposals rather than the identification of individual sites.

**Recommendation**

**Site designation not supported.**

**Elgin EL8 - Findrassie Wood**

The Council has significant concerns regarding the proposal. Findrassie Woods is located to the north of

R11 Findrassie. The woodland plays an important role in containing and providing a backdrop to that development. The area is also important for recreation as well as biodiversity. Both the Forestry Commission and SNH have raised concerns about woodland removal noting the site appears in the Ancient Woodland Inventory and that Scottish Government's Policy on Control of Woodland Removal has a strong presumption in favour of protecting woodland. This policy will be reflected in the Council's policy relating to woodland. The natural heritage issues including potential impacts on protected sites (Loch Spynie SPA, SSSI, and Ramsar sites and Findrassie SSSI) are noted. Given the level of development proposed it is considered this would be incompatible with the Scottish Government's Control of Woodland Removal Policy, which has a strong presumption in favour of protecting woodland. It is not considered possible to develop to the extent suggested without significant woodland removal. Whilst the proposals could benefit the Findrassie SSSI it is not considered these benefits outweigh the concerns about the extent of development proposed and the associated woodland removal. The overarching function of the area must be to provide access and opportunities for woodland recreation, supporting biodiversity and providing landscape benefits including containment of development and providing a robust settlement edge. The proposal as described is for significant levels of development and this would detract from these functions. It is noted from the designation text suggested that up to 120 houses would be proposed (six clearing each with capacity for 20 houses). This level of development is excessive for the woodland setting and is not required to meet housing requirements in the Elgin Housing Market Area. Given the level of development being sought the argument that these would meet demand for rural housing is not accepted. The site will be designated as an ENV, with no potential for development.

It is not proposed to support designation of the site for development. SEPA's comments are however noted and will be taken into account if there is a change in position.

**Recommendation**

**Designate EL8 as an ENV with no development potential.**

**Elgin EL11 - Ashgrove Yard**

It is not proposed to support a new designation at this location. The existing designation and policy already supports redevelopment. SEPA's comments are however noted and will be taken into account if there is a change in position.

**Recommendation**

**Site EL11 will continue to be designated within the I14 Ashgrove Road designation.**

**Elgin EL12 - Kirkhill Quarry**

It is not proposed to support development of a park and ride site at this location as it is not on a key entrance into Elgin and considerable infrastructure would be required to access the site. The comments are however noted and will be taken into account if there is a change in position.

**Recommendation**

**Site EL12 is not supported and will not be designated in the Proposed Plan.**

**Elgin EL13 - Burnside of Birnie and Elgin EL40 - Land South of Burnside of Birnie**

The support for business and industrial uses on the site from the landowner of site EL13 is noted as is the commitment to appropriate landscaping for the site. It is agreed that the wider site would require to be appropriately phased and the southerly parts of the site would be identified as a strategic reserve and would only be brought forward if appropriate triggers were met. The extent of the site designation will require to take into account the preferred A96 route when this is available.

**Employment Land Requirements**

There is a need to identify additional employment land within the Elgin Market Area. The greatest demand is likely to be within Elgin itself. Opportunities to identify additional land in and around Elgin are restricted due to flood risk, environmental designations and landscape constraints. This has led to the identification of the area at Burnside of Birnie as the main opportunity for new employment use in Elgin. The CAT boundary will be reviewed. Whilst it is acknowledged development of employment sites can be slow, a



Masterplan/Strategic Framework will ensure that decisions are taken within the context of a long term framework for both land use and landscape. This helps to provide consistency and continuity overtime to help create a quality environment.

The Elgin South designation was identified in LDP15 as a LONG for long term housing proposal. Part of this has been brought forward to ensure an adequate supply of housing land was available. At the time of designation the requirements for employment land were met through the identification of I8 and changing the I7 Barmuckity from Business Park to industrial. The background to the identification of land for housing at Barmuckity is set out in a report to the Planning and Regulatory Services Committee on 1 November 2016 in respect of the Barmuckity Business Park Strategic Framework. The Employment Land Audit 2016 showed a shortage of marketable/effective land within Elgin and identified that action needed to be taken to address the constraints on land within Elgin in addition to identifying new land. The balance of uses within the framework aims to promote delivery by ensuring the project is economically viable. The mix of uses therefore includes some higher value uses such as housing to support the delivery of business and industrial uses. The inclusion of housing has made development at Barmuckity economically viable. Had the Barmuckity site remained constrained and undeveloped additional land would need to be identified to meet demand for industrial land.

### **Countryside Around Towns (CAT)**

The CAT boundaries are reviewed at each Local Development Plan review.

### **Placemaking and Design**

A Masterplan or Strategic Framework will be required for the site to ensure a placemaking approach to the overall site is taken. This will include a framework for the range of site uses, site landscaping and open space details and high level design requirements. There will be a requirement for a green corridor along the edge of the A941 to filter views to the industrial uses. Creation of a “gateway” into Elgin will also be required. Mitigation will be required adjacent to existing housing to minimise impacts on residential amenity. This will likely be in the form of planted landscape buffers. The Masterplan/Strategic Framework will explore the options for development across the site. This will include exploring what type of development is located where, design requirements, sustainable energy options and, biodiversity, wildlife and recreation opportunities.

### **Green Networks, Open Space, and biodiversity**

A Masterplan or Strategic Framework will be required for the site. This will include a framework for the site landscaping and open space details and high level design requirements. Due to the flood risk and a gas main that crosses the site there will be a requirement for significant areas of the site to remain undeveloped. It will be a requirement that these areas are managed positively for flood risk, biodiversity and recreation. These areas will require to connect to the green corridors within the Elgin South Masterplan area to ensure that a well connected system of green infrastructure is provided for both people and nature. In addition to this there will be a requirement for a green corridor along the edge of the A941 to filter views to the industrial uses and reinforcement of the woodland edges to ensure the woodland provides a backdrop to development.

The greenspace mapping referred to aims to show proposed green networks and the likely landscaping and open space requirement associated with proposed development. This plan only highlights such networks and open space and was not intended to show any development.

A Phase 1 Habitat Survey will be required which will identify the presence of any wetland features. These will require to be incorporated into the sites open space and green infrastructure.

A buffer strip (that is proportional to the watercourse width) between any new development and all water features is a policy requirement. Therefore this does not require to be written into the designation.

Where mature trees exist bordering a site it is a policy requirement for a tree survey, and tree protection and mitigation plan to be submitted with planning application if the trees (or their roots) have the potential to be affected by development or construction activity. This requirement does not require to be written into the designation as this is covered within policy.

### **Flood Risk**

The requirement for a flood risk assessment will be detailed within the site designation. Areas at risk from flooding will require to be managed positively for flooding, biodiversity and recreation. This can be explored through the development of the Masterplan or Strategic Framework and any input at this stage from SEPA hydrogeomorphologist would be welcomed. A fundamental principle of the proposed policy EP6 is that new development will not be supported if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere.

### **Impacts on Infrastructure**

In line with policy PP3 and DP1 the developer will be required to consider the impact of development on the safety and efficiency of the existing transport network and provide appropriate mitigation/modification where required. Industrial development itself will not directly impact on education or medical services. However, it is acknowledged that population growth will have impacts on services and contributions are sought from developers to help mitigate these impacts.

### **Residential Amenity**

Mitigation will be required adjacent to existing housing to minimise impacts on the resident's quality of life. This will likely be in the form of planted landscape buffers. However, a 200m buffer is excessive and would unreasonably restrict development and reduce the ability to create a successful place. The extent of buffers will be explored through a masterplan/strategic framework.

Noise and air quality emissions would require further detailed assessment at planning application stage. Policy EP8 Pollution, Contamination and Hazards would apply. The Masterplan or Strategic Framework would consider the range of potential uses across this site and this would explore if a restriction on the type of uses is required adjacent to housing.

### **Other Issues Raised**

The Main Issues Report is an early stage of the plan development and further consultation is undertaken before decisions are reached regarding the suitability of site EL40 for development. The need for further information is acknowledged within the Main Issues Report by the "amber" status given to the site. All comments are taken into account when considering if a site should be taken forward in the Proposed Plan.

The extent to which Elgin can grow beyond the sites identified is considered to be limited and it is therefore important to ensure that appropriate landscaping provision is made to ensure a clear distinction between Elgin and surrounding settlements. Future plans will require to consider an appropriate growth strategy for Elgin.

The area to the east of Blossombank will be excluded from the designation boundary.

### **Recommendation**

**Designate site EL13 for industrial uses with a requirement for a masterplan or strategic framework. Requirements will include a Flood Risk Assessment, consideration of impacts on residential amenity, provision of landscaping and open space, a Phase 1 Habitat Survey and connections to the Elgin South Masterplan area. Site EL40 will be identified as LONG for industrial use (excluding the area at Blossombank).**

### **Elgin EL14D - Barmuckity (Part D)**

A flood risk assessment has not been submitted in support of designation of this site and therefore the extent of flood risk and developable land has not been established. The site will therefore not be included

within the Proposed Plan.

**Recommendation**

**Site EL14D is not supported and will not be designated in the Proposed Plan.**

**Elgin EL14E - Barmuckity (Part E)**

This is an existing designation and infrastructure for the site is currently being constructed. The existing designation text requires a detailed flood risk assessment to be submitted. This requirement will be carried forward into the designation text.

A Phase 1 Habitat Survey will be required which will identify the presence of any wetland features. Although it is noted that consent has already been granted for the road layout and associated SUDS. A buffer strip (that is proportional to the watercourse width) between any new development and all water features is a policy requirement. Therefore this does not require to be written into the designation.

**Recommendation**

**Site EL14E will continue to be designated for industrial uses with the requirement for a Flood Risk Assessment and Phase 1 Habitat Survey.**

**Elgin EL14G - Barmuckity (Part G)**

It is not proposed to support development at this location due to restricted access and high landscape sensitivity. SEPA and SNH's comments are however noted and will be taken into account if there is a change in position.

**Recommendation**

**Site EL14 G is not supported and will not be designated in the Proposed Plan.**

**Elgin EL24 - Land at Pinefield Playing Fields**

The proposal is currently designated as ENV5 Sports Area, however the proposal does not include the pitch area but amenity land around the pitches. The proposal would not impact on the primary function of the open space for sports. The open space does act as a buffer between industrial uses and housing. Removal of this area would have limited impact on the quality of the site and boundary landscaping and planting could potentially enhance quality. Access to open space would not be impacted on, and it is noted the closest neighbours are primarily industrial uses. The proposal would reduce the quantity of open space by 0.18ha; a reduction of this scale would not impact on the quantity guidelines within the Open Space Strategy or reduce the number of playing fields. The proposal could impact on amenity by reducing the size buffer between industrial and housing but this could be mitigated by appropriate landscaping.

The economic benefits of supporting the expansion of well-established business are recognised. The revised layout provided shows tree planting along the western boundary of the site. This is indicative at present and likely to require amendment due to the location of various sewers. A requirement for a landscaped edge will be added to the designation.

The comments in respect of residual flood risk are noted.

**Recommendation**

**Site EL24 will be included within the industrial designation I5 Pinefield Industrial Estate. Requirements for landscaping along western boundary.**

**Elgin EL39 - Land at Borough Briggs**

The area currently occupied by Gordon and Macphail will be identified as an Opportunity site that could be redeveloped. The designation will include text relating to flood risk and the associated suitable uses. A requirement for a Flood Risk Assessment will be added to the designation text.

**Recommendation**

**Site EL39 will be designated as an Opportunity Site (OPP) with text relating to the suitable use in terms of**

**flood risk. Requirement for a Flood Risk Assessment.**

**Elgin EL42 - Elgin Business Centre**

This area is being taken out of the wider industrial area (I9) as the former station has been redeveloped as Elgin Business Centre. The character and uses within the Elgin Business Centre is different to the railway sidings. It is therefore proposed Elgin Business Centre is whiteland.

**Recommendation**

**Site EL42 will be removed from I9 Railway Sidings/Ashgrove Road.**

**Elgin EL45 - Borough Briggs/Lossie Green/Cooper Park**

The value of the green corridor through the centre of Elgin is recognised in the Open Space Strategy and is recognised in the plan through ENV designations. The ENV designations will be extended to the east of Elgin where the cycle path extends beyond the existing ENV. Cooper Park and other ENV's in the area will be retained. However, within the Cooper Park ENV it is likely that Grant Lodge will be identified as an Opportunity Site (OPP) to allow for regeneration of this building to bring it back into use. It is noted that whilst an ENV designation restricts development the exception to this is where the proposal is for essential community infrastructure required to deliver the key objectives of the Council and its Community Planning Partners.

It is noted that the area over which a leisure designation at Lesser Borough Briggs is being sought is currently "whiteland" and has no specific designation. Surrounding this is an ENV6 designation which includes the riverside setting and cycle path along the flood alleviation bund. This is an important link between other green spaces. The "whiteland" status of the land means various proposals could be explored providing these meet other policies within the plan. It is noted that within the Central Elgin Regeneration Public Design Charrette proposals for this area include housing, hotel or employment uses. Given the range of potential uses that have been considered on this area, including for sports facilities, it is more appropriate to identify the Lossie Green area as an Opportunity Site. This gives the greatest flexibility for the future development of the site. Whilst the Charrette proposals included longer term aspirations it is important these are planned for to ensure future delivery is not compromised and the wider vision can be achieved.

**Recommendation**

**Identify the Lossie Green Area as an Opportunity Site (OPP) for a mix of uses. Identify OPP site at Grant Lodge to allow regeneration to bring this back into use. Retain ENV's at Cooper Park, and along River Lossie corridor.**

**Elgin EL47 - Land at Grampian Road**

This site falls within the I15 Grampian Road industrial designation, which is identified as a mixed use area in the current Local Development Plan. The wider I15 site requires to be reconsidered as the Flood Alleviation Scheme now limits the developable area. The boundaries therefore require to be adjusted. The easterly parts of the site should be incorporated into I3Tyock Industrial Estate and I4 Moycroft Industrial Estate. The more westerly parts have a different character as they are surrounded on 3 sides by residential uses. The residential buildings within the I15 designation should be removed from designation and the remainder will be identified as an opportunity site. The acceptable uses within the Opportunity site will be restricted due to flood risk. As the site is protected to 1 in 200 year standard by the Elgin Flood Alleviation Scheme it is not suitable for highly vulnerable uses in accordance with SEPA guidance. This means the site is not suitable for housing, and only less vulnerable uses will be supported.

**Recommendation**

**Site EL47 will be designated as an Opportunity Site (OPP) with text relating to the suitable uses in terms of flood risk.**

**FOCHABERS**

**Fochabers FC2 - OPP3 Land at Lennox Crescent**

The site is currently designated as an opportunity site in the MLDP 2015. It is proposed to retain the site in

the LDP 2020. The designation text will be revised to state that a Flood Risk Assessment may be required. It will include the requirement for a Phase 1 habitat survey. The existing designation text refers to the proximity of the site to the River Spey SAC which requires that proposals must demonstrate that adequate protection measures can be put in place to avoid impact on water quality. This text will be retained.

#### **Recommendation**

**Site FC2 will continue to be an Opportunity Site (OPP) with the text revised to identify medical and health facility as a potential use. Requirements for Flood Risk Assessment and Phase 1 Habitat Survey. Retain text regarding River Spey SAC.**

#### **HOPEMAN**

##### **Hopeman HP1 - Land Adjacent to Tulloch House**

The bid is a natural extension of the existing I1 Forsyth Street designation for an established use and will have no adverse impact on neighbouring residential properties. Surface water flooding issues are well known in Hopeman and development proposals on this site would be subject to a Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA). Therefore, the Council proposes to allocate the site as industrial land and incorporate it into I1 Forsyth Street.

#### **Recommendation**

**Site HP1 will be included in the I1 Forsyth Street industrial designation.**

#### **MOSSTODLOCH**

##### **Mosstodloch MS1 - Land West of Mosstodloch**

Support for the identification of the site for employment uses from the landowner is noted. The Landscape Capacity Study is welcomed. It is proposed to identify the site for employment uses with part of the site phased as a strategic reserve.

#### **Need for Employment Land**

There is a need to identify additional employment land within the Elgin Market Area. The greatest demand is likely to be within Elgin itself however, opportunities to identify additional land in and around Elgin are restricted due to flood risk, environmental designations and landscape constraints. Existing sites would not be able to meet the demand for employment land to 2030. SPP also requires a choice of sites to be identified. It is therefore necessary to identify additional land. This has led to the identification of land at Mosstodloch.

The Council's Estates section has advised there are currently no vacancies at Mosstodloch Industrial Estate.

#### **Landscape, Views and Residential Amenity**

The site will be landscaped to ensure that views on the approach to Mosstodloch will be filtered. The proposed site will require landscaping and 30% of the site will require to be open space. This will help development to integrate with the landscape and also provide an offset/screening between employment uses and residential. Therefore, whilst there are employment uses on other edges of Mosstodloch the placemaking approach to be taken for this site will mean it integrates well with its surroundings. Policy requires that development that may cause significant noise pollution will require to be accompanied by a detailed assessment report with measures to mitigate impacts.

#### **Flood Risk**

A requirement for a Flood Risk Assessment (FRA) will be written within the designation. The outcome of the FRA could reduce the area of the site that is developable, and it would be expected that areas at risk are designed into the open space of the site. Areas at risk from flooding will require to be managed positively for flooding, biodiversity and recreation. A fundamental principle of the proposed policy EP6 Managing the Water Environment is that new development will not be supported if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere.

The comments regarding the Stripe/Black Burn from SEPA are noted. A buffer strip (that is proportional to the watercourse width) between any new development and all water features is a policy requirement. Therefore this does not require to be written into the designation.

#### **Infrastructure Capacity**

There is limited capacity at Fochabers Waste Water Treatment Works and a Scottish Water Growth Project will be initiated for the period 2021-2027. It is a policy requirement for connection to public sewers within all settlements of less than 2,000 population unless a compelling case is made otherwise. Factors that will be taken into account include the scale of the development.

As the site is on the edge of Mosstodloch close to the roundabout on the A96 it would be anticipated that traffic would use the A96 rather than go through Mosstodloch.

#### **Other**

It is noted that the land is not owned by the Council and the proposal has been put forward by the Crown Estate.

Where mature trees exist bordering a site it is a policy requirement for a tree survey, and tree protection and mitigation plan to be submitted with planning application if the trees (or their roots) have the potential to be affected by development or construction activity. This requirement does not require to be written into the designation as this is covered within policy. However, strategic level landscaping will be shown within the plan and this will incorporate a buffer to existing trees.

Comments regarding River Spey SAC are noted. Transport Scotland's comments are noted.

#### **Recommendation**

**Designate MS1 for industrial uses with part as LONG. Requirements for landscaping, 30% open spaces, offset and landscaping to housing and Flood Risk Assessment.**

#### **Mosstodloch MS2 - Field South of A96 Bypass**

The introduction of an industrial designation to the south of the A96 in the LDP2015 was aimed at providing opportunity for existing large businesses to expand or relocate. The site was considered to be strategically positioned adjacent to the A96 bypass. Whilst there has been limited development in Mosstodloch development of sites in Fochabers is progressing. There is limited scope to expand Fochabers due to the heritage designations and woodland. Therefore, in the longer term housing expansion is likely to be accommodated in Mosstodloch to meet the need in the area. Therefore, consideration has been given to southerly expansion of Mosstodloch in the longer term. The proposal on MS2 is for a mix of uses and not solely industrial uses. The principle of development to the south of the A96 has been established through the I3 designation. If I3 was developed the character of this area would significantly alter. Extension of the I3 site to include the westerly area is supported and this re-designated as LONG mixed use area. The existing I3 site will be incorporated into a wider mixed use, which will require a minimum of 8ha of employment land. Industrial uses would still require pedestrian connections to ensure sustainable access for employees.

Support for identification of the site from the landowner is noted, however given the existing designations and proposed industrial area to the west of Mosstodloch this site should be a LONG. This is reflective of Mosstodloch's position within the growth strategy and historic build out rates. The extent of the site will require to take into account the preferred A96 route when this is available.

The requirement for a masterplan will be written into the designation. As MS3 is in different ownership and is a brownfield site that could be developed in the short term requiring the masterplan to cover both sites could unreasonably constrain development (See Issue 16A for MS3). SEPA's comments are noted.

The Council's Estates section has advised there are currently no vacancies at Mosstodloch Industrial Estate.

#### **Recommendation**

**Identify MS2 and I3 as LONG for mixed use. Minimum requirement for 8ha of employment uses and requirement for masterplan.**

Issue 16A	Elgin LHMA – Other Settlements
Main Issues Report reference:	<p><b><u>BURGHEAD</u></b></p> <p>LDP2020_MIR_BG_GEN      Burghead - General</p> <p>LDP2020_MIR_BG1      Burghead BG1 - West Foreshore</p> <p>LDP2020_MIR_BG2      Burghead BG2 - Burghead Harbour, Granary Street</p> <p>LDP2020_MIR_BG3      Burghead BG3 - Clarklyhill</p> <p>LDP2020_MIR_BG4      Burghead BG4 - Fraser Road (East)</p> <p>LDP2020_MIR_BG5      Burghead BG5 - Fraser Road (North)</p> <p><b><u>DUFFUS</u></b></p> <p>LDP2020_MIR_DU_GEN      Duffus - General</p> <p>LDP2020_MIR_DU1      Duffus DU1 - Land to the West of Duffus</p> <p>LDP2020_MIR_DU2      Duffus DU2 - Land to the South of Duffus</p> <p>LDP2020_MIR_DU3      Duffus DU3 - Land to the South of Duffus</p> <p>LDP2020_MIR_DU4      Duffus DU4 - Land to the South West of Duffus</p> <p>LDP2020_MIR_DU5      Duffus DU5 - Land to the East of Duffus</p> <p><b><u>FOCHABERS</u></b></p> <p>LDP2020_MIR_FC1      Fochabers FC1 - Land at Castle Street</p> <p>LDP2020_MIR_FC3      Fochabers FC3 - Land at Gordon Castle Farm</p> <p>LDP2020_MIR_FC4      Fochabers FC4 - Land at Castle Street (East)</p> <p>LDP2020_MIR_FC5      Fochabers FC5 - LONG Ordiquish Road East</p> <p><b><u>GARMOUTH</u></b></p> <p>LDP2020_MIR_GM_GEN      Garmouth - General</p> <p>LDP2020_MIR_GM1      Garmouth GM1 - Land North of Inness Road</p> <p>LDP2020_MIR_GM2      Garmouth GM2 - Land North of Northfield Place</p> <p>LDP2020_MIR_GM3      Garmouth GM3 - Whiteland West of Station Road</p> <p><b><u>LHANBRYDE</u></b></p> <p>LDP2020_MIR_LB1      Lhanbryde LB1 - R1 West of St Andrews Road</p> <p>LDP2020_MIR_LB2      Lhanbryde LB2 - OPP1 Garmouth Road</p> <p><b><u>LOSSIEMOUTH</u></b></p> <p>LDP2020_MIR_LM1      Lossiemouth LM1 - Land at Balmorie</p> <p>LDP2020_MIR_LM3      Lossiemouth LM3 - Land North of Seaview</p> <p>LDP2020_MIR_LM4      Lossiemouth LM4 - Land North of 21 Elgin Road</p> <p>LDP2020_MIR_LM5      Lossiemouth LM5 - Land to rear of 45 Elgin Road</p> <p>LDP2020_MIR_LM7      Lossiemouth LM7 - Station Park</p> <p>LDP2020_MIR_LM8      Lossiemouth LM8 - Land at Elgin Road</p> <p><b><u>MOSSTODLOCH</u></b></p> <p>LDP2020_MIR_MS_GEN      Mosstodloch - General</p> <p>LDP2020_MIR_MS3      Mosstodloch MS3 – Balnacoul</p> <p><b><u>URQUHART</u></b></p> <p>LDP2020_MIR_UQ_GEN      Urquhart - General</p> <p>LDP2020_MIR_UQ1      Urquhart UQ1 - Main Street</p>



	LDP2020_MIR_UQ2	Urquhart UQ2 - Land South of Urquhart
	LDP2020_MIR_UQ4	Urquhart UQ4 - Land at Station Road
	LDP2020_MIR_UQ5	Urquhart UQ5 - Land to South of Urquhart
	LDP2020_MIR_UQ6	Urquhart UQ6 - Land to East of Station Road
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
000045	Mr Colin Keir	Plans Plus
000119	Innes Community Council	
000179	The Moray Council Estates	
000297	Defence Infrastructure Organisation	Ministry of Defence
000359	Michael And Victoria Elsegood	
000399	Kate Gordon-Rogers	
000433	Tessa Beattie	
000569	SEPA	
000623	Allan Howie	
000881	A E Milne And Son	
001027	Scottish Natural Heritage	
001229	Anonymous	
001249	Crown Estate Scotland (Interim Management) c/o Savills	
001339	Ed Dunbar	Peter Graham & Associates LLP
001437	Duffus Estate	c/o Grant & Geoghegan
001451	Matheson's Ltd	c/o John Wink Design
001509	Mr Ian Dean	c/o Grant and Geoghegan
001538	Mrs M M Kendrick	
001548	Mr Stuart Hunter	
001550	Mr James Hall	
001555	Ms Georgia Maisie	
001560	Mr C Taylor	
001566	Mr Chris Tuke	
001572	Sarah Nicholson	
001574	Mrs Lesley Page	
001578	Mr Samuel Simpson	
001579	Mrs Elizabeth Simpson	
001581	Mr Brian Webb	
001584	Mrs Debbie Thompson	
001586	Mrs Cheryl Robinson	
001588	Mr Robert Wallen	
001592	Dr Tim Shallcross	
001594	Mr David McLellan	
001595	Mrs Christine McLellan	
001597	Mr David Landers	
001599	Mr Christopher Ince	

001605	Mrs Elizabeth Robertson	
001617	Mr Chris Thompson	
001619	Mrs Margaret Conway	
001620	Mr Douglas Conway	
001621	Mrs Valerie Andrews	
001724	Mr Hugh Findlay	
001730	Mr Stephen D Toner And Mrs Loretta Toner	
001737	Mr Cameron Beattie	
001745	Mr Stephen Paul Johnson	
001751	Mrs Hilary Wood	
001757	Mrs Alison Hall	
001758	Mr Alasdair Gordon-Rogers	
001798	Strathdee Properties Ltd	c/o Halliday Fraser Munro Planning
001809	Arqiva Ltd	
001813	Mrs Jane Welton	
001818	Woodland Trust Scotland	
001835	Mr Sandy Ian Newlands	
001838	Richard Schofield	
001846	Mrs Audrey MacLeod	
001850	Mr John Ingle	
001861	Morlich Homes	c/o Aurora Planning Limited
<b>Planning authority's summary of the representation(s):</b>		
<b><u>BURGHEAD</u></b>		
<b><u>General</u></b>		
<b>Defence Infrastructure Organisation      000297</b>		
Burghead falls within the statutory aerodrome height 91.4m (AGL) and bird strike safeguarding zones surrounding RAF Lossiemouth and also within the statutory aerodrome height 15.2m (AGL), bird strike and technical safeguarding zones surrounding RAF Kinloss. Therefore, Defence Infrastructure Organisation (MOD) would need to be consulted on all development within these areas exceeding this height criterion and review applications for developments which may have the potential to attract large flocking bird species hazardous to aviation (SUDS etc.).		
<b><u>BG1 West Foreshore</u></b>		
<b>Allan Howie</b>		<b>000623</b>
Since the decline of the fishing industry Burghead has been striving to reinvent itself as a tourist destination. The west foreshore area is regularly used by horse riders parking horse boxes in this area, kite surfers, walkers, mountain bikers all accessing the beach or forest from this area as the existing parking adjacent to the caravan park is insufficient for the numbers of people using the amenities. Financial pressure may force the Council to sell this land without regard to the impact not only on the character of this area but the impact on the whole village. This site would be a difficult site for any developer to build on as significant ground works would be required as such the need for multi occupancy dwellings or a large number of two or more storey houses would be required in order to make this a financially viable site. If a housing development was permitted by Council will they be responsible for the repair of future damage caused by rising sea levels. A warning was recently issued by the Scottish Executive, "that the sea level rise		

by 2050 is predicted to be 14cms. These figures will continue to increase over time and will have huge implications for the area and its environment. Work is beginning to get underway to look at the measure what will be needed in the Moray Firth to adapt to these changes". Hope that an alternative use for the site could be considered by creating an area which will encourage people to come and enjoy the beauty of the surrounding sea and forest. Is it possible for the Community to purchase this piece of ground with a view to improving the area?

**Mrs M M Kendrick**

**001538**

Historically this area has been undeveloped for good reason, as it was too low lying. Rainwater drains down to this spot for all the surrounding higher streets. During rainfall a stream forms and flows into this area. The cost of initially draining the area and maintaining the drainage need to be considered. Careful thought needs to be given to developing the area.

**Mr Chris Tuke 001566**

Support the proposal to split the site, with building on the solum of the Old Chemical Works, the roads and tracks for upgrade and access. The intermediate and upper platform levels should remain green space as it forms a green corridor from the Harbour along the entire south-western shore of the town, adding to its amenity. The same outcome could be achieved by including the grassed areas within any planning application but leaving them as green space.

**SEPA**

**000569**

Flood Risk Assessment or other information will be required to assess coastal flood risk including the effects of wave action and climate change.

**Scottish Natural Heritage**

**001027**

This site is within 500m of the Moray Firth Special Area of Conservation (SAC) and Special Protection Area (SPA). Understand there are contaminated land issues and so a risk of pollution to Moray Firth SAC and SPA. This could occur during construction (through sediment release from ground works and pollution released from the contaminated land), and during use (through waste water affecting water quality). Developer requirements should be applied in the LDP 2020 that development is connected to the main sewer, and that proposals demonstrate how they will avoid sedimentation and pollution reaching the SAC both from construction and activities arising from development, so as to avoid an adverse effect on integrity.

**BG2 Burghead Harbour, Granary Street**

**SEPA**

**000569**

Recommend wording added to highlight Flood Risk Assessment (FRA) required to support any proposals as new coastal information will be available shortly which could reassess level of risk at site. Site would be increase in vulnerability if it is at risk.

**Mr Chris Tuke**

**001566**

Support the proposal and assessment.

**BG3 Clarklyhill**

**Mr Chris Tuke**

**001566**

Support the designation as LONG site.

**Strathdee Properties Ltd**

**001798**

Support the Council's proposal to allocate site as a 'LONG' allocation for 60 houses. Landowner is currently in discussions with local housebuilders to build out R4 and proposed site.

**Arqiva Ltd**

**001809**

Medium Frequency (MF) broadcasting site at Clarklyhill is within a transition stage as radio services switchover from analogue to digital. Following switchover, expected during the 2020 Local Development Plan period, the site will become available for alternative use. Not immediately opposed to development at this site however there are a number of significant land constraints relating to radio masts whilst still in operation. Propose that consideration be given to redevelopment of the MF site as a more appropriate "rounding off" of Burghhead in settlement boundary and landscape context.

**Mr John Ingle**

**001850**

Does not support site for housing and expresses concerns regarding location, drainage and development within the fall zone of the radio masts. The changes necessary for BG3 Site would make the development unviable.

**SEPA**

**000569**

Private drainage not appropriate. Land use mainly arable land and improved grassland. However there is some rough grassland on the north-east corner (outside of development site) which will require a Phase 1 Habitat Survey in order to identify any potential Groundwater Dependent Terrestrial Ecosystems (GWDTE).

**BG4 Fraser Road (East)**

**Mr Chris Tuke**

**001566**

Do not support this site for the planning reasons given.

**Scottish Natural Heritage**

**001027**

Part of the allocation to the east appears to overlap with the Masonhaugh Geological Conservation Review (GCR) site, notified for geological interests. If taken forward to the LDP 2020, recommend that the boundary is redrawn to exclude the GCR to avoid adverse impacts on the geological interests. As this allocation would also significantly extend development outwith the existing settlement pattern, it would be beneficial to have a Development Brief and/or Masterplan that provides clear guidance on protected areas as well as other issues (such as landscape, placemaking and relationship to other developments in the vicinity - where relevant, connectivity, biodiversity, etc). The allocation is approximately 150 metres from the Moray Firth Special Area of Conservation (SAC) and Special Protection Area (SPA). There is unlikely to be connectivity to the SAC. With regard to the SPA, there is already a level of human activity along the coastline via the Moray Coastal Trail, with additional activity from the nearby caravan park, harbour and two main beaches at Hopeman. It is unlikely that additional human activity from residents of the proposed new housing development would add significantly to the existing effects on the bird interests of the SPA.

**SEPA**

**000569**

No flood risk concerns raised. Notes site is adjacent to Masonhaugh Geological SSSI and close to the Moray Firth SAC and SPA. Phase 1 Habitat Survey.

**BG5 Fraser Road (North)**

**Mr Chris Tuke**

**001566**

Do not support this site for the planning reasons given.

**Scottish Natural Heritage****001027**

The allocation is approximately 150 metres from the Moray Firth Special Area of Conservation (SAC) and Special Protection Area (SPA). There is unlikely to be connectivity to the SAC. With regard to the SPA, there is already a level of human activity along the coastline via the Moray Coastal Trail, with additional activity from the nearby caravan park, harbour and two main beaches at Hopeman. It is unlikely that additional human activity from residents of the proposed new housing development would add significantly to the existing effects on the bird interests of the SPA. Part of the allocation to the east also appears to overlap with the Masonhaugh Site of Special Scientific Interest (SSSI), notified for geological interests. If taken forward to the LDP 2020, recommend that the boundary is redrawn to exclude the SSSI to avoid adverse impacts on the geological interests.

**SEPA****000569**

No flood risk concerns raised. Notes site is adjacent to Masonhaugh Geological SSSI and close to the Moray Firth SAC and SPA. Phase 1 Habitat Survey.

**DUFFUS****General**

**Michael and Victoria Elsegood 000359, Kate Gordon-Rogers 000399, Tessa Beattie 000433, Anonymous 001229, Mr James Hall 001550, Mr C Taylor 001560, Mrs Lesley Page 001574, Mr Samuel Simpson 001578, Mrs Elizabeth Simpson 001579, Mr Brian Webb 001581, Mrs Debbie Thompson 001584, Dr Tim Shallcross 001592, Mr David McLellan 001594, Mrs Christine McLellan 001595, Mr Christopher Ince 001599, Mr Chris Thompson 001617, Mrs Margaret Conway 001619, Mr Douglas Conway 001620 Mrs Valerie Andrews 001621, Mr Hugh Findlay 001724, Mr Stephen D Toner And Mrs Loretta Toner 001730, Mr Cameron Beattie 001737, Mrs Hilary Wood 001751, Mrs Alison Hall 001757, Mr Alasdair Gordon-Rogers 001758, Mrs Jane Welton, 001813**

Support position of the Council. There is no recognised need for housing in Duffus, none of these bids should go forward to the next stage of the development plan. There is plentiful land elsewhere for development. All identified sites are on productive agricultural land that would be lost permanently. Development should not impact on the village character and planned form of the original village. Unless there is considerable changes to road infrastructure through Duffus further development should not be permitted. Given the large number of houses being built in Elgin are more houses needed in the surrounding villages. New housing would put strain on already over stretched local services. Can existing water, electricity and sewerage in the village meet the needs of this additional houses. Birds and other wildlife would suffer and are already in decline due to hedgerow and tree removal. There are a few little villages left round Moray.

**DU1 Land to the West of Duffus****Ed Dunbar****001339**

Disappointed the site has not been included, consider it is most suitable for some small scale sustainable development in a rural location. Duffus has not seen growth since the 1980's and has infrastructure and service capacity for sustainable growth to allow people the choice to live in a rural setting. Expansion would link to existing infrastructure, have affordable housing provision, and support local businesses such as the Post Office, pub and village hall. Enabling some development would help support the planned redevelopment of Duffus House that will bring increased visitors to the area and provide local employment opportunities. Appreciate that any development needs to be sympathetic to the existing character of the village. The proposed area is separated from the original part of the planned village by houses built in the 1970's. Any proposals would seek to retain the grid plan street layout, it seems more appropriate to locate houses adjacent to existing settlements than for instance creating a new rural grouping at Inverugie which lacks in infrastructure and would make vehicle ownership for residents almost essential.

**Duffus Estate****001437**

Disappointed the site is currently unsupported. The landowner is willing to undertake all of the required assessments to support a proposal as well as the implementation of a long term landscaping scheme to help integrate the development further into its surroundings. Duffus is a third tier settlement and should grow proportionately to its current size, whilst maintaining the character and features of the original village area. Duffus has a relatively compact form based upon a grid pattern, the importance of this for the character and appearance of the village and its surrounds is recognised. Existing settlement boundaries have prevented sporadic development and have maintained a clear distinction between the built up area and the countryside. The time has come to for a small scale release of land to accommodate further residential development. The proposed development is not considered to constitute an obtrusive and unsympathetic extension to the village and nor would it compromise the open character of its countryside setting particularly where appropriate landscaping is delivered (or in advance of) housing. The extension of the settlement boundary would consolidate the existing grid pattern of Duffus. The sensitive expansion of Duffus in the way proposed can be seen as a way of alleviating development pressure in the countryside around Elgin whilst providing good quality private market and affordable housing in close proximity to the main population centre. This will help support local businesses, facilities and bus service as well as providing much needed accommodation for staff of nearby Gordonstoun School.

**SEPA**

**000569**

A large area of the site is indicated to be at risk of surface water flooding at the southern end of the site. Given scale, the issue may be complex and FRA may be required.

**Michael and Victoria Elsegood 000359, Kate Gordon-Rogers 000399, Tessa Beattie 000433, Anonymous 001229, Mr James Hall 001550, Mr C Taylor 001560, Mrs Lesley Page 001574, Mr Samuel Simpson 001578, Mrs Elizabeth Simpson 001579, Mr Brian Webb 001581, Mrs Debbie Thompson 001584, Dr Tim Shallcross 001592, Mr David McLellan 001594, Mrs Christine McLellan 001595, Mr Christopher Ince 001599, Mr Chris Thompson 001617, Mrs Margaret Conway 001619, Mr Douglas Conway 001620 Mrs Valerie Andrews 001621, Mr Hugh Findlay 001724, Mr Stephen D Toner And Mrs Loretta Toner 001730, Mr Cameron Beattie 001737, Mrs Hilary Wood 001751, Mrs Alison Hall 001757, Mr Alasdair Gordon-Rogers 001758, Mrs Jane Welton, 001813**

The view of the listed Duffus Kirk would be lost if houses were built on this site. Houses would dominate the village. How would the site be accessed? Houses would affect the peace and tranquillity of this rural church yard.

A large area of the site is indicated to be at risk of surface water flooding at the southern end of the site. Given scale, the issue may be complex and FRA may be required.

#### **Land to the South of Duffus (Site DU2)**

**Ed Dunbar**

**001339**

Understand the reason for not supporting the site and wish to have these site removed from any further consideration.

**SEPA**

**000569**

There could be combined pluvial small watercourse issues at the eastern end. Flood Risk Assessment may be required. There is a drainage system around site which should be protected from any type of pollution.

**Duffus Estate**

**001437**

Wish to remove DU2 from further consideration from the LDP 2020.

**Michael and Victoria Elsegood 000359, Kate Gordon-Rogers 000399, Tessa Beattie 000433, Anonymous 001229, Mr James Hall 001550, Mr C Taylor 001560, Mrs Lesley Page 001574, Mr Samuel Simpson**

001578, Mrs Elizabeth Simpson 001579, Mr Brian Webb 001581, Mrs Debbie Thompson 001584, Dr Tim Shallcross 001592, Mr David McLellan 001594, Mrs Christine McLellan 001595, Mr Christopher Ince 001599, Mr Chris Thompson 001617, Mrs Margaret Conway 001619, Mr Douglas Conway 001620 Mrs Valerie Andrews 001621, Mr Hugh Findlay 001724, Mr Stephen D Toner And Mrs Loretta Toner 001730, Mr Cameron Beattie 001737, Mrs Hilary Wood 001751, Mrs Alison Hall 001757, Mr Alasdair Gordon-Rogers 001758, Mrs Jane Welton, 001813

There is inadequate drainage. Water overflows from the drains during heavy rains and floods this land. The Council has taken no action to alleviate the issue despite complaints. There could be combined pluvial small watercourse issues at the eastern end. Flood Risk Assessment may be required. There is a drainage system around site which should be protected from any type of pollution.

#### **Land to the South of Duffus (Site DU3)**

**Ed Dunbar**

**001339**

Understand the reason for not supporting the site and wish to have these site removed from any further consideration.

**SEPA**

**000569**

Around a quarter of the site is shown at surface water risk on the Flood Maps but small watercourse indicates source may also be fluvial flooding. Flood Risk Assessment (FRA) would be required to support development of the site. The outcome of the FRA could compromise the capacity of the site and flood risk areas will have to be avoided.

**Duffus Estate**

**001437**

Wish to remove DU3 from further consideration from the LDP 2020.

Michael and Victoria Elsegood 000359, Kate Gordon-Rogers 000399, Tessa Beattie 000433, Anonymous 001229, Mr James Hall 001550, Mr C Taylor 001560, Mrs Lesley Page 001574, Mr Samuel Simpson 001578, Mrs Elizabeth Simpson 001579, Mr Brian Webb 001581, Mrs Debbie Thompson 001584, Dr Tim Shallcross 001592, Mr David McLellan 001594, Mrs Christine McLellan 001595, Mr Christopher Ince 001599, Mr Chris Thompson 001617, Mrs Margaret Conway 001619, Mr Douglas Conway 001620 Mrs Valerie Andrews 001621, Mr Hugh Findlay 001724, Mr Stephen D Toner And Mrs Loretta Toner 001730, Mr Cameron Beattie 001737, Mrs Hilary Wood 001751, Mrs Alison Hall 001757, Mr Alasdair Gordon-Rogers 001758, Mrs Jane Welton, 001813

Together these sites would surround the dwelling on the south side of Duffus, one the original Duffus properties dating back to the early 19th century. These houses would negatively affect the settings of the planned village and B listed Kirk. Development south of the B9012 would breach this boundary to the detriment of the typical rolling agricultural and woodland landscape.

Support the Council's stance that these locations are inappropriate for housing. There would no longer be an open outlook. Productive farmland would be lost forever. Wildlife displaced. Access onto the B9012 would be a danger to cyclists, motorists as well as pedestrians.

There is inadequate drainage. Water overflows from the drains during heavy rains and floods this land. The Council has taken no action to alleviate the issue despite complaints.

**SEPA**

**000569**

Around a quarter of the site is shown at surface water risk on the Flood Maps but small watercourse indicates source may also be fluvial flooding. Flood Risk Assessment (FRA) would be required to support development of the site. The outcome of the FRA could compromise the capacity of the site and flood risk areas will have to be avoided.

**DU4 Land to the Sout West of Duffus****SEPA****000569**

Identified as a cemetery extension. Cemeteries can have a detrimental impact on groundwater. Their acceptability including the potential location and scale of development can be assessed only following intrusive ground investigation. In the absence of this information reserve position on the acceptability of this allocation. Applicant should submit a Stage 1 Risk screening initial assessment to ascertain if there is a potential risk to groundwater or due to the limited size of the extension, at least provide the annual burial rate and depth of ground water. If information is not provided prior to adoption allocation text should be attached requiring intrusive ground investigation.

**Ed Dunbar****001339**

Request the possible cemetery extension is removed from consideration on safety and practical grounds. Parking for the church is already dangerous, cars travel quickly into the village. A new site that better serves Hopeman community should be sought.

**Duffus Estate****001437**

Wish to remove DU4 from further consideration from the LDP 2020.

**Michael and Victoria Elsegood 000359, Kate Gordon-Rogers 000399, Tessa Beattie 000433, Anonymous 001229, Mr James Hall 001550, Mr C Taylor 001560, Mrs Lesley Page 001574, Mr Samuel Simpson 001578, Mrs Elizabeth Simpson 001579, Mr Brian Webb 001581, Mrs Debbie Thompson 001584, Dr Tim Shallcross 001592, Mr David McLellan 001594, Mrs Christine McLellan 001595, Mr Christopher Ince 001599, Mr Chris Thompson 001617, Mrs Margaret Conway 001619, Mr Douglas Conway 001620 Mrs Valerie Andrews 001621, Mr Hugh Findlay 001724, Mr Stephen D Toner And Mrs Loretta Toner 001730, Mr Cameron Beattie 001737, Mrs Hilary Wood 001751, Mrs Alison Hall 001757, Mr Alasdair Gordon-Rogers 001758, Mrs Jane Welton, 001813**

Question the need for an extension. Current trends are moving away from traditional burial to green burial or cremation. Spynie and Hopeman do not have graveyards and would perhaps appreciate this facility for those who do still desire a traditional burial.

As none of the bids are supported is there a need to expand the cemetery during the period of the new local plan. A new access road from the B9012 and a car park will be required for any cemetery extension should this be constructed when it opens up the potential development of the proposed housing site. Whilst the cemetery may be reaching capacity is an extension the only option. Nearby Hopeman is a large village where there is no cemetery despite its size. Prudent to consider a suitable new cemetery site in or around Hopeman/Cummingston.

Cemeteries can have a detrimental impact on groundwater. Their acceptability including the potential location and scale of development can be assessed only following intrusive ground investigation. In the absence of this information reserve position on the acceptability of this allocation.

**SEPA****000569**

Applicant should submit a Stage 1 Risk screening initial assessment to ascertain is there is a potential risk to groundwater or due to the limited size of the extension, at least provide the annual burial rate and depth of ground water. If information is not provided prior to adoption allocation text should be attached requiring intrusive ground investigation.

**DU5 Land to the East of Duffus****Scottish Natural Heritage****001027**

The southern boundary appears to include some tree listed in the Scottish semi-natural woodland inventory. A developer requirement should be applied for the retention of these trees and proposals must



demonstrate that development does not impact on the woodland.

**Michael and Victoria Elsegood 000359, Kate Gordon-Rogers 000399, Tessa Beattie 000433, Anonymous 001229, Mr James Hall 001550, Mr C Taylor 001560, Mrs Lesley Page 001574, Mr Samuel Simpson 001578, Mrs Elizabeth Simpson 001579, Mr Brian Webb 001581, Mrs Debbie Thompson 001584, Dr Tim Shallcross 001592, Mr David McLellan 001594, Mrs Christine McLellan 001595, Mr Christopher Ince 001599, Mr Chris Thompson 001617, Mrs Margaret Conway 001619, Mr Douglas Conway 001620 Mrs Valerie Andrews 001621, Mr Hugh Findlay 001724, Mr Stephen D Toner And Mrs Loretta Toner 001730, Mr Cameron Beattie 001737, Mrs Hilary Wood 001751, Mrs Alison Hall 001757, Mr Alasdair Gordon-Rogers 001758, Mrs Jane Welton, 001813**

The road leading to Gordonstoun is way beyond capacity and is unable to be widened. Vehicles are unable to pass at the best of times and increases with service provision – refuse/recycling. The main road to Elgin is in very poor condition and will only suffer further under increased traffic. The land proposed for development is very good agricultural land. It is vital to the surrounding economy of the village. There appears to be an element of short term, high gain turning good farm land into a profitable property development.

An increase in housing on this scale is unacceptable as it would increase the number of properties by some 30% thereby overwhelming the existing village.

There are already traffic/safety problems linked to the access road and the junction of the B9012. Effective road realignment would require acquisitions from a third party. Concerns about drainage of surface water on this sloping site. Existing traffic alone has compromised pedestrian safety and the junction and increased the rate of deterioration of the road surface. The alternative is to construct another road inside the children's playing field, this would be unacceptable as it would be a reduction in social amenity. An expansion of the village would lead to an increase in traffic on the B9012.

Any residential development would increase noise and light pollution and impinge on residents privacy.

There is inadequate drainage. Water overflows from the drains during heavy rains and floods this land. The Council has taken no action to alleviate the issue despite complaints.

**SEPA**

**000569**

No flood risk concerns.

#### **FOCHABERS**

##### **Fochabers FC1 - Land at Castle Street**

**SEPA**

**000569**

No flood risk concerns.

#### **Scottish Natural Heritage**

**001027**

Unclear where boundary between FC1 and FC4 occurs. Agree with LDP2015 allocation as amenity greenspace. Recommend against taking this allocation forward. North eastern boundary adjoins woodland identified in the Scottish Semi natural woodland inventory. Should allocation be taken forward it is recommended that the allocation boundary be amended to exclude the area of ancient woodlands to ensure the retention of the trees. A developer requirement should be applied to demonstrate that proposals do not impact on the woodland. As site is in a prominent location along the A96 route, if taken forward in the LDP 2020, it would be beneficial to have a masterplan or development brief for the site.

##### **Fochabers FC3 - Land at Gordon Castle Farm**

**Morlich Homes**

**001861**

MIR recognises that SPP requires planning authorities to identify a generous supply of housing land and the HNDA identifies a need for an average of 304 units per annum between 2018 and 2035. MIR indicates that delivery should be frontloaded to a level of 424 units between 2018 and 2022 reducing thereafter. Commitment to addressing the shortfall is welcomed. The Scottish Government is seeking to increase the supply of housing throughout Scotland with the impetus on Local Authorities to allocate more land. The MIR considers two alternatives. The first option is described as a short term approach to land supply, with the Council's view that this is not consistent with the growth strategy. The second option is a long term approach promoting masterplanning and infrastructure ensuring an effective housing land supply is maintained through the plan period. The long term approach is supported but it must not mean that sites that could be delivered in the short to medium term are artificially delayed given the historic shortfall in delivery. Fochabers is identified as a tertiary growth centre and in the current plan settlement objectives include provision for additional residential development. The MIR currently proposes another 50 units. Concern about the extent to which allocations in the MIR to contribute to the level of delivery the Council is committed to. Site R1 has a consent but there is no evidence of it being delivered. Question sites deliverability. Site R2 – currently allocated for 50 houses with development commencing when R1 is at least 75% complete. Concerns over deliverability. Site R3 – Allocated for 30 units as partial release of the existing LONG site with the remainder as LONG. Requires access through R1 and is therefore constrained. Contribution from opportunity sites being carried over to housing numbers is minimal.

Pending outcome of the Scottish Parliament's planning bill it is likely that emerging LDP will be an expected 10 year plan. There is an increased need to ensure that housing allocations are made to meet the development needs of the settlement during that time. Having all allocations dependent on the first of them being delivered, in the absence of which the others are all constrained, does not effectively do this. Therefore there is a need to allocate more land in Fochabers. Sensitive nature of Fochabers means that sites should be masterplanned rather than encouraging an ad-hoc pattern. Options of this scale of development are limited. Development to the south-east/east is ruled out as LONG represents limit to development. Development to the west ruled out due to River Spey SAC. Any future development needs to be to the north. The Council as expressed concern about development going beyond Castle Street on the basis that this acts as a definitive settlement boundary, even though the boundary is drawn beyond Castle Street. Proposed allocations in the plan show that the Council is willing to support the principle of development across a road, such as in Mosstodloch. The sites location to Castle Road should not be taken as a barrier to this. A key consideration is the proximity to Gordon Castle. SPP suggests that development should encourage positive change in the historic environment, informed by a clear understanding of the assets and that change should be sensitively managed. Development beyond Castle Street is only an issue if it is allowed to take place on a small scale, sporadic, or otherwise unplanned basis without a masterplan setting out how the heritage assets have been taken into account. FC3 is a good size to allow development beyond Castle Street to be properly planned and shaped to enhance Gordon Castle and the designed landscape. The site is in line with the MIR's ambition to deliver an increased number of homes in a well planned extension.

#### **SEPA**

**000569**

There are 2 ponds in close proximity to the site. Pollution entering this waterbodies must be avoided.

#### **Scottish Natural Heritage**

**001027**

As this allocation would significantly extend development outwith the existing settlement pattern it would be beneficial to have a masterplan or development brief to provide guidance on issue such as landscape, placemaking, biodiversity etc.

#### **Fochabers FC4 - Land at Castle Street (East)**

#### **SEPA**

**000569**

No flood risk concerns.

**Scottish Natural Heritage****001027**

Unclear where boundary between FC1 and FC4 occurs. Agree with LDP2015 allocation as amenity greenspace. Recommend against taking this allocation forward. North eastern boundary adjoins woodland identified in the Scottish Semi natural woodland inventory. Should allocation be taken forward it is recommended that the allocation boundary be amended to exclude the area of ancient woodlands to ensure the retention of the trees. A developer requirement should be applied to demonstrate that proposals do not impact on the woodland. As site is in a prominent location along the A96 route, if taken forward in the LDP 2020, it would be beneficial to have a masterplan or development brief for the site.

**Fochabers FC5 - LONG Ordiquish Road East****SEPA****000569**

No flood risk concerns.

**Crown Estate Scotland****001249**

The site is already allocated in the LDP and is considered in principle that development should be able to come forward during the LDP2 period. A residential allocation on the LONG site has the potential to connect into the walking/sustainable transport network. A development approach should consider development within a woodland setting taking advantage of Castlehill with links to Slorach's Wood. An existing Beech hedge provides an attractive feature to provide distinctiveness. The site is located within close proximity to Milne's High School and as Sites R1 and R2 develop there will be a safe transport link to the High School. A safe route already exists to the Primary School. Savills Energy have concluded that the LONG allocation is unlikely to support a viable district heating network. A more practical solution is likely to involve unit specific renewables and solar gain. Agree with the Council's assessment of FC1, FC3 and FC4. The draft HLA for 2018 states that 30 units are expected to be completed on R1 over the plan period (2018-2023) leaving a capacity of 20 units for the remaining 12 years (2020 to 2035). If it is assumed that there will be 30 completions in Fochabers every 5 years additional capacity will be required as Site R1 and R2 will be built out. Support allocation of R2 but will only be complete after R1 is developed. Having the LONG designation will assist in providing a choice of sites. An allocation of 2ha minimum should be allocated as residential. Provision should be made for a development approach to consider the whole of the site to provide a placemaking framework as well as catering for a scenario where LONG land needs to be released if there are housing supply issues elsewhere.

**GARMOUTH****Garmouth – General****Innes Community Council****000119**

Concerned that any further development in Garmouth would not be accommodated within the current sewage system. In previous years Scottish Water have said that there is no extra capacity at the Garmouth sewage works, works that are under long term threat from flooding by the River Spey. The sewage drainage system in Garmouth is very old and consists of additions of pipe work of varying diameter from developments over the past 20 plus years. Current sewage works are pumped out by tanker on an almost weekly basis showing that at the moment it is at capacity. Concerns over availability of utilities. Village subject to irregular electricity outs, poor telephone/broadband connections and very poor mobile phone signals. Concerns over capacity at Mosstodloch Primary School. Village has poor public transport systems. Large area of the village in a conservation area. Has been concerns over a number of years as to suitability of the street network for additional vehicles and pedestrian safety.

**Defence Infrastructure Organisation****000297**

Garmouth / Kingston fall within the statutory aerodrome height 91.4m (AGL) safeguarding zone surrounding RAF Lossiemouth. Therefore, the DIO would need to be consulted on all development within

this area exceeding this height criterion.

**Sarah Nicholson**

**001572**

Support continued identification of ENV6 at Garmouth. The area of land has been subject of several planning applications, refused or withdrawn. These have been opposed on the grounds of flooding and affecting downstream properties. ENV6 must be carried over to ensure that no building can take place on the two plots of land between Garmouth and Kingston Golf Club/Mill Lane.

**Garmouth GM1 - Land North of Inness Road**

**Mr Robert Wallen**

**001588**

Agree that this site is not suitable for development as it is outwith the settlement boundary and on higher ground than the nearby houses so would be visually intrusive.

**SEPA**

**000569**

No flood risk concerns

**Garmouth GM2 - Land North of Northfield Place**

**Mr Robert Wallen**

**001588**

Agree that this site is not appropriate for development.

**SEPA**

**000569**

Large proportion of the site shown at risk of flooding on the surface water flood map though the shape of the extent looks suspect. If it is reliable it may be difficult to manage without impact elsewhere. Flood Risk Assessment may be required to look at complex pluvial issues.

**Garmouth GM3 - Whiteland West of Station Road**

**Ms Georgia Maisie**

**001555**

If to be proposed for development, housing should be bungalows to blend with the properties already there.

**Mrs Cheryl Robinson**

**001586**

Would appear to be a difficult area to be used as housing. The area almost surrounds an existing property (The Anchorage), is currently in use as paddocks and is subject to flooding during periods of heavy rain. It would also potentially have houses which would overlook existing properties in Jockies Loan and Station Road.

**SEPA**

**000569**

Large proportion of the site shown at risk of flooding on the surface water flood map. Such a large area of the site affected may prove difficult to manage without impact elsewhere. Flood Risk Assessment may be required to look at complex pluvial issues.

**LHANBRYDE**

**Lhanbryde LB1 - R1 West of St Andrews Road**

**A E Milne And Son**

**000881**

Landowner confirms continued interest in selling land for development. When first designated at a tender process several developers came forward looking to develop the site with a preferred bidder selected.

However the financial crisis and uncertainty with property development the preferred bidder withdrew before purchase completion. Have written permission from Scottish Office to access the site from the old A96. There has been an approach by a small scale developer with whom phased development has been discussed. More recently a large national developer suggested they would consider the site. A local large scale developer has expressed interest in purchasing the field for full development. The landowner is looking to appoint an agent to promote the site and liaise with potential buyers. Lhanbryde flood alleviation scheme has mitigated any previous flood risk. The cycle/footpath to Elgin will encourage active travel to the business park and Elgin.

**Innes Community Council**

**000119**

Concern about flooding on site and the possible increase of that risk once building commenced and finished. Concern about houses close to link road from St Andrews Road to western roundabout on A96 Lhanbryde bypass having vehicular access direct to a very busy and main road. Feel vehicular access if the development goes ahead should be from the site through two suggested access points.

**SEPA**

**000569**

Carry forward wording requiring a flood risk assessment and Phase 1 Habitat Survey. Buffers to Lhanbryde Burn to east of site required.

**Lhanbryde LB2 - OPP1 Garmouth Road**

**Innes Community Council**

**000119**

This area was originally designated for industrial units before residential complex built for adults with severe learning difficulties. An area that was considered by the community as being a community garden area with allotments. Discussions with staff at the open day for the recent development indicated that they would be very happy if that suggestion went ahead as would help their client base. Feeling that a housing development in that area may be detrimental to the clients of the residential centre because of their personal learning difficulties.

**Woodland Trust Scotland**

**001818**

The north western end of the site borders onto land classified as Long Established Plantation Origin on the Ancient Woodland Inventory. The name of the woodland is Crooked Wood. In the first instance a buffer between the development and the area of woodland should be recommended by the planning authority as a site specific requirement, when allocating this site for development. The appropriate size and type can be advised on at planning application stage, depending on the plans put forward. Woodland Trust Scotland will be able to comment and make more detailed recommendations at that stage as well.

**SEPA**

**000569**

Carry forward wording requiring a flood risk assessment. Due to rough grassland and Phase 1 Habitat Survey will be required.

**LOSSIEMOUTH**

**Lossiemouth LM1 - Land at Balmorie**

**SEPA**

**000569**

Site is entirely within fluvial flood extent so if proposed land use changes then SEPA may object and a Flood Risk Assessment may be required. GIS shows rough grassland in and around the site. A Phase 1 Habitat Survey will be required. The site is also surrounded by drains and the Spynie Canal to the South. Adequate buffering will be required.

**Lossiemouth LM3 - Land North of Seaview, Lossiemouth LM4 - Land North of 21 Elgin Road, Lossiemouth LM5 - Land to rear of 45 Elgin Road**

**SEPA**

**000569**

Sites in SEA but not in MIR.

**Lossiemouth LM7 - Station Park**

**SEPA**

**000569**

A Flood Risk Assessment would be required to assess the risk of coastal flooding including from wave action. Part of the site has been identified as being at medium to high risk of surface water flooding.

**Scottish Natural Heritage**

**001027**

The proposed allocation is also identified in the current 2015 LDP as "ENV8 Foreshore Areas Esplanade, West Foreshore (West Beach car park to Shore Street industrial area), North Foreshore". The LDP states "The following sites are identified as open spaces which contribute to the environment and amenity of Lossiemouth. The over-riding policy E5 applies to each of these sites". While SNH would welcome improvements to the public realm that take advantage of the scenic coastal location, SNH agree with the 2015 LDP identification as open space. SNH recommend a developer requirement is applied in the LDP 2020 that proposals demonstrate how they will avoid adverse impacts on open space and amenity that contribute to placemaking. At the closest point, this allocation site is located within approximately 25 metres of the Moray Firth Special Protection Area (SPA), the furthest point being approximately 140 metres from the SPA. A developer requirement should be applied in the LDP 2020 requiring that mains water and sewerage should service any development at this location, to avoid significant effects through changes in water quality affecting the habitats and prey species that the qualifying interests of the SPA rely on. In relation to disturbance to SPA qualifying interests, there is already a level of human activity along this section of the coastline. It is unlikely that additional human activity from further land based development at this location would add significantly to the existing effects on the bird interests of the SPA. Further assessment would be required if the development would facilitate significant levels of water-based activities however, as this could cause disturbance.

**Lossiemouth LM8 - Land at Elgin Road**

**Moray Council Estates**

**000179**

Propose approximately 1.48 ha of land, currently under used grass amenity land to rear of houses on Elgin Road as residential. Propose a density of 8-10 per acre. Minimal impact on visual amenity from Elgin Road. Proposed to provide access in accordance with recommendations from Transportation. Site is close to a bus stop and within easy walking distance to centre of Lossiemouth. Site is owned by the Council and sale to a developer could be completed within 2-3 years. Land is held by the Council on the Lossiemouth Common Good account and the Ward members have no objections to the proposals. A suitable ball stop fence would be provided to the adjacent pitch. The Educational Resources Manager has been consulted and advised the proposed development should not interfere with proposals for the new Lossiemouth High School. The boundary of the site is to the boundary of the new High School site and as a temporary haul road during the construction phase of the school is likely to cross the proposed development site, it would not be intended to start development of this site until the new High School has been built.

**MOSSTODLOCH**

**Mosstodloch – General**

**Innes Community Council**

**000119**

Queries if the capacity of Mosstodloch Primary School is able to accommodate pupils from such a large suggested expansion. Also whether Fochabers Medical Centre has the capacity for an anticipated increase in population in that area.

**Defence Infrastructure Organisation****000297**

Mosstodloch falls within the statutory aerodrome height 91.4m (AGL) safeguarding zone surrounding for RAF Lossiemouth. Therefore, Defence Infrastructure Organisation would need to be consulted on all development within this area exceeding this height criterion.

**Crown Estate Scotland****001249**

Significant areas of land for employment and mixed use at Mosstodloch are identified as preferred options. These changes are potential "game changers" for Mosstodloch and Mosstodloch could be considered as a tertiary growth centre (whether stand alone or combined with Fochabers) and could serve the LDP2020 and beyond. Mosstodloch should be promoted as location for growth as this helps provide stimulus for the Crown Estates aim of regeneration of the settlement, promoting new employment and housing options. Noted that Fochabers is considered to require a new health centre and the Crown Estate would be interested in exploring the possibility of locating this health centre on their land at Mosstodloch if this was deemed to be acceptable.

**Mosstodloch MS3 – Balnacoul****Mr Stuart Hunter****001548**

The Balnacoull site is currently industrial and could be used in addition to the existing industrial estate and the existing I3/MS2. This should not be changed to housing. Housing would require children to cross the old A96 to get school and shops. This site should not be designated until the A96 route is finalised. Utilise existing Forestry Commission site for continuation of Industrial uses. No Change of use required.

**Woodland Trust Scotland****001818**

The land around the edge of the site (approx. 0.6 ha) lies on land or borders onto classified as Long Established Plantation Origin in the Ancient Woodland Inventory. As currently allocated the site is on approx. 0.6 ha of ancient woodland. Woodland Trust Scotland requests the site be reduced to exclude the area currently on ancient woodland and a buffer be put in place between the development and the area of woodland to minimise potential negative edge effects. The appropriate size and type can be advised on at planning application stage. Woodland Trust Scotland will be able to comment and make more detailed recommendations at that stage as well.

**Mr Stephen Paul Johnson****001745**

Housing development would impact on the setting of existing residential and mean they were exposed to the elements. When purchased property did not consider that there would be development surrounding property. Increase in traffic and noise during construction.

**SEPA****000569**

The site has a small areas within it that has been identified as being at medium to high risk of surface water flooding. The site is distant from the sewer and it may be difficult to connect.

**Scottish Natural Heritage****001027**

The proposed allocation adjoins woodland listed on the Ancient Woodland Inventory and the Scottish Semi-natural Woodland Inventory on the northern, southern and western boundaries. Trees contribute to distinctiveness for placemaking, as well as having to biodiversity benefits by providing habitat that contributes to green network connectivity. SNH recommend that the allocation text in the LDP highlights this, and that a developer requirement is applied that proposals must demonstrate that development does not impact on the woodland (including roots). As the proposed allocation is adjacent to the MS2 allocation, it would be beneficial for a Masterplan requirement in the LDP 2020 to cover both MS2 and MS3. This

would enable issues such as landscape, biodiversity, placemaking and relationship to other developments in the vicinity, as well as connectivity (for both people e.g. active travel routes, and nature e.g. green networks) to be taken into account. This should result in a coherent development of Mosstodloch in the future that benefits both people and nature.

#### **URQUHART**

**Innes Community Council**

**000119**

Suggest that any future Developer Contribution from any development(s) be considered for construction of a footpath along Garmouth Road to Muiry Hall Farm to improve pedestrian safety.

**Richard Schofield**

**001838**

The proposals build on agricultural land adjacent to the village, this is in direct contravention to, and outwith the spirit of, Scottish Planning Policy 1 (SSP1) Environmental Quality, The Countryside (Scotland) Act 1967 and National Planning Policy Guidelines 14 (NPPG 14) National Heritage. These documents discuss the adverse effect on Scotland's landscape and heritage. The current proposal for Urquhart falls into the remit of these texts. There are limited public transport links which forces residents to be reliant upon private transport. Increasing the population of the village will place an extra burden on the narrow and often dangerous minor roads in, and surrounding Urquhart. Provision for pedestrian travel as well as cyclists and horse-riders should be considered. If Planning is approved pavements and cycle lanes should be provided as well as lighting along the Garmouth Road approach to Urquhart. Consideration should be given to the facilities in the area. Urquhart did offer a range of facilities including shop, pub and post office and village hall. This is no longer the case, the shop and pub have already closed; and the post office which offers a limited service may close in the near future. Increasing the population of the village with no facilities to support this presents the issue of reliance upon private transport. The view and outlook from certain aspects in the village will be blocked. This will be detrimental to the value of those houses effected. Buildings constructed to take advantage of the unique views from Urquhart will suffer significant damage. The 2020 development proposal while not infilling is not in harmony with the findings of Moray Council which formed the basis for a 'No modification' decision. Indeed the decision not to build in Urquhart in the past has been well considered and based on sound reasoning. It is difficult to see what has changed. References previous reports decision.

#### **Urquhart UQ1 - Main Street**

**SEPA**

**000569**

No SEPA flood risk concerns. Area of surface water risk in local authority remit.

#### **Urquhart UQ2 - Land South of Urquhart**

**Mr David Landers**

**001597**

Support reasoning for not supporting UQ2 in the Main Issues Report. Development would destroy the visual appearance of the village in an agricultural setting. Development to the south of Urquhart could have potential to creep down towards Gramouth Road. Meft Road – R1 Building within the village boundary to the west of Meft Road would also impact on the village appearance approaching from the north. Great care needs to be taken to ensure new building does not distract from the Manse and general village line.

**SEPA**

**000569**

No SEPA flood risk concerns. Area of surface water risk in local authority remit.

#### **Urquhart UQ4 - Land at Station Road**

**SEPA**

**000569**



Site in SEA but not in MIR.

**Urquhart UQ5 - Land to South of Urquhart**

**Mr David Landers**

**001597**

Support reasoning for not supporting UQ5 in the Main Issues Report. Development would destroy the visual appearance of the village in an agricultural setting. Development to the south of Urquhart could have potential to creep down towards Gramouth Road.

**Matheson's Ltd**

**001451**

Propose site with capacity for 20 houses, with 10 of these phased in the plan period. Inclusion of this site would be an appropriate extension to the settlement. Land allocations in the LDP should be given appropriate consideration to their viability and subsequent deliverability of the proposals. The MIR supports LDP2020\_BID\_UQ6 for residential development, however we note that this site was also designated in LDP 2015 and has yet to be delivered. The site has not been deliverable under the current LDP and a more viable site should be considered in providing the housing requirements in Urquhart. UQ5 is deliverable within the plan period. UQ5 and UQ6 are both accessed off of Station Road, but this is wider at UQ5 with suitable visibility available. UQ5 can be accessed without increasing vehicle movements through the village. Development would be in keeping with the scale and character of the existing settlement and the visual impact is not considered to be out with the nature of the existing development. Opportunity to enhance the landscape with strategic landscaping. The east-west nature of the site will allow all properties to benefit from south facing aspect unlike the site at UQ6 which is more constrained by existing development to the west of the site.

**Mr Sandy Ian Newlands**

**001835**

UQ5 can only enhance the look of the village as you enter from the South. Currently the open field allows a direct view of the rear fencing and gardens of the properties along Main Street. A well designed, generously laid out rural street would help to project a far more aesthetically pleasing entrance into the village. Along with providing new much needed housing to the village, this site benefits from a prime location. Currently the village already suffers from excessive speed issues. With this site proposed on the outskirts of the village this current issue would be helped by the earlier entrance into the village whilst a road narrowing system upon approach to the new street entrance will also help both old and new streets alike. Urquhart, although a rural community, does not have much public open spaces aside from the playing field on Meft Road. More recent developments allowed for larger properties but plot sizes were kept borderline size. Usable open street layout with the potential for open public area would be a huge benefit to the village, giving existing residents conventional space for children and pets without having to walk outwith the village on the main un-paved routes in/out.

**Mrs Audrey MacLeod**

**001846**

Development of UQ5 would enhance the village and should be included in the plan as any development here would not impact on the through flow of traffic through the village via Station Road which is narrow in places. It would provide additional accommodation in the village, would enhance the appearance of the village from the South side showing a uniformity of houses and it could benefit the whole community. Allowing development on Station Road especially at the north side of the village would impact on the narrow stretch of road in front of the houses on Station Road. With the exit from Beils Brae to Station road already being a difficult junction due to the houses on road on the left being set further forward than where you stop at the junction and with cars parked at either side of the junction on Station Road visibility for cars pulling out on station road is hampered.

**SEPA**

**000569**

No flood risk concerns.

**Urquhart UQ6 - Land to East of Station Road****Innes Community Council****000119**

Noted red area (east of main Street) marked on previous consultation plans have been removed. Original concerns for that area were access route from opposite the cemetery which is considered very dangerous due to the elevations of the approach to Urquhart from the Garmouth/Lhanbryde road.

**Mrs Elizabeth Robertson****001605**

It was previously decided in a long term development plan that Urquhart would not be extended to the east or the west. Given the long Main Street this made sense in order to avoid ribbon development effect. I am against the current proposal for so many houses to be built on this eastern border as it will change the existing boundary and will be visually obtrusive. It will dramatically alter the village character.

**Mr Colin Keir****000045**

Object to the proposal to extend the village boundary to the East of Station Road. At present vehicles are passing through the villages at speeds in excess of 40 mph. This includes farm vehicles and lorries. This has been reported to police but until there are accidents they will do nothing. Urquhart always has been a quiet rural village but with the addition of the 55 houses in the Beils Brae development the village now supports many young families. These families are at risk from speeding motorists. If this development is to be given a green light a 20 mph speed limit into the village should be introduced along Station Road with speed bumps as an added deterrent. If such measures were to be considered objection would be withdrawn.

**Mr Robert Wallen****001588**

Note that two other proposed development sites in Urquhart, UQ1 and UQ2, are not favoured on the grounds that they "blur the distinction between the village and the countryside" and "are important in landscape terms". The same applies to UQ6 Land to the east of Station Road to build there would also blur the distinction between the village and the surrounding countryside and would have a negative visual impact. Do not support development here.

**Mr Ian Dean****001509**

Support inclusion of site in the Proposed Plan. Submit a phasing plan that sets out how the residential element will be delivered in two phases, the proposed position of the access arrangements, along with an extension to the cemetery, car parking provision and landscaping. Options for the delivery of the site are being explored, including self-build plots. The sensitive expansion of Urquhart in the way proposed can be seen as a way of alleviating development pressure in the countryside around Elgin whilst providing good quality house sites in close proximity to the main population centre. This site provides an opportunity to provide a modest, effective housing land supply consistent with the scale and character of Urquhart. The proposal also incorporates the potential for significant community gain through the provision of land for an extension to the cemetery, cemetery car parking and additional structural landscaping.

**SEPA****000569**

The surface water flood map is highlighting the route of an old watercourse along the southern boundary of the site (probably incorporated into field drainage). This may highlight potential problems for the low lying land along the southern boundary of the site and depending on proposals, this may need further consideration.

**Officers comments on representations and recommendations:****BURGHEAD**

### **General**

The comments are noted and a policy is proposed to ensure MOD safeguarding is taken into account in applications where these are applicable. When a planning application is submitted these are checked against the consultation zones. It is noted that at this early stage it is not considered likely the designations proposed within Burghead will exceed the stated height criterion of 91.4m and 15.2m.

### **Recommendation**

**Comments noted.**

### **BG1 West Foreshore**

The principle of development in this location has already been established as this site is an existing opportunity site in the LDP 2015. The LDP seeks to continue to support Burghead as a tourist destination. The Council wishes to see a comprehensive layout which links to improvements to the caravan park and includes the enhancement of the foreshore area, beach and harbour. A comprehensive redevelopment of the site is the preferred option as this ensures that the identified extension/improvements to the esplanade/walkway on the foreshore embankment are delivered as part of any development proposed. Without a comprehensive plan for redevelopment of the whole of the site this may not be achievable.

There are requirements with the designation requiring the esplanade to be equipped with street furniture and lighting. There is reference within the designation requiring various assessments which will inform the development of the site including a flood risk assessment. In terms of addressing coastal flooding the designation text further states that no buildings should be sited with 10m of the top of the sea defence embankment and a detailed flood risk assessment is also required for the site. As part of the flood risk assessment SEPA are requiring an assessment of coastal risk including the effects of wave action and climate change. Text will be added regarding the Moray Firth SAC and SPA. Proposals must demonstrate how they will avoid sedimentation and pollution reaching the Moray Firth Special Area of Conservation both from construction and activities arising from development, so as to avoid an adverse effect on integrity. There is no need to specify a connection to the main sewer as this is a policy requirement.

Further information is required in terms of addressing contaminated land and transportation assessment. These studies will all inform the development of the site. The site is an identified opportunity site which does not limit development on the site to purely residential use. If an eligible community-controlled organisation was to come forward then the Council could consider a Community Asset Transfer for that part under its ownership.

### **Recommendation**

**Site retained as a single Opportunity Site (i.e. not split) in the Proposed Plan. Designation text amended to include reference to Moray Firth SAC and SPA.**

### **BG2 Burghead Harbour, Granary Street**

Comment of support is noted. The Council supports the continued designation of the site for housing and propose that the designation text is amended to include requirement that a Flood Risk Assessment (FRA) must be provided for proposals on the site.

### **Recommendation**

**R1 North Quay, Harbour retained as residential designation in the Proposed Plan. Designation text amended to include requirement for Flood Risk Assessment (FRA).**

### **BG3 Clarklyhill**

Comments of support are noted. As the medium frequency broadcasting site will still be used during the forthcoming Plan period, its redevelopment is not considered appropriate at this time. No concerns have been raised regarding drainage other than advising that private drainage would not be appropriate. Therefore, the Council supports the allocation of the site as a LONG designation as it represents the longer term direction of growth of Burghead. No evidence has been provided to support the claim that the site constraints will make the development unviable. Designation text will reflect required assessments

identified by consultees, including a Drainage Impact Assessment (DIA) and Phase 1 Habitat Survey. Land constraints relating to the operational radio masts will be reflected in designation text.

**Recommendation**

**Allocate site as a LONG designation in the Proposed Plan. Designation text to reflect land constraints relating to the operational radio masts and any required assessments identified by consultees, including a Drainage Impact Assessment (DIA) and Phase 1 Habitat Survey.**

**BG4 Fraser Road (East)**

Comments noted. It is not proposed to support development at this location due to high landscape sensitivity. SNH and SEPA's comments are however noted and will be taken into account if there is a change in position.

**Recommendation**

**Site not allocated in the Proposed Plan.**

**BG5 Fraser Road (North)**

Comments noted. It is not proposed to support development at this location due to restricted high landscape sensitivity. SNH and SEPA's comments are however noted and will be taken into account if there is a change in position.

**Recommendation**

**Site not allocated in the Proposed Plan.**

**DUFFUS**

**General**

The Council remains unsupportive of bids to expand Duffus on the basis of impact on the character of the village and the planned form of the original village. DU5 – Land to the East of Duffus also has identified access constraints. SEPA's and SNH's comments are however noted and will be taken into account if there is a change in position.

The landowner has withdrawn bids DU2 and DU3 on land to the south of Duffus and DU4 the proposed cemetery has also been withdrawn.

**Recommendation**

**No bids are supported and therefore no development proposals will be identified in the Proposed Plan.**

**DU1 Land to the West of Duffus**

The Council remains unsupportive of bids to expand Duffus on the basis of impact on the character of the village and the planned form of the original village. Adequate housing land to meet local demand is being made available in surrounding towns and villages. It is noted that the landowner has chosen to withdraw bids for DU2, DU3 and DU4.

SEPA's comments are noted and will be taken into account if there is a change in position.

**Recommendation**

**Site not allocated in the Proposed Plan.**

**DU2 Land to the South of Duffus (Site DU2)**

Withdrawal of sites noted. The Council remains unsupportive of bids to expand Duffus on the basis of impact on the character of the village and the planned form of the original village. SEPA's comments are however noted and will be taken into account if there is a change in position.

**Recommendation**

**Site not allocated in the Proposed Plan.**

### **DU3 Land to the South of Duffus (Site DU3)**

Withdrawal of sites noted. The Council remains unsupportive of bids to expand Duffus on the basis of impact on the character of the village and the planned form of the original village. SEPA's comments are however noted and will be taken into account if there is a change in position.

#### **Recommendation**

**Site not allocated in the Proposed Plan.**

### **DU4 Land to the South West of Duffus**

Withdrawal of sites noted. The Council remains unsupportive of bids to expand Duffus on the basis of impact on the character of the village and the planned form of the original village. SEPA's comments are however noted and will be taken into account if there is a change in position.

#### **Recommendation**

**Site not allocated in the Proposed Plan.**

### **DU5 Land to the East of Duffus**

The Council remains unsupportive of bids to expand Duffus on the basis of impact on the character of the village and the planned form of the original village. DU5 – Land to the East of Duffus also has identified access constraints. SNH's comments are however noted and will be taken into account if there is a change in position.

#### **Recommendation**

**Site not allocated in the Proposed Plan.**

### **FOCHABERS**

#### **Fochabers FC1 - Land at Castle Street**

Note agreement with not taking site forward. The proposal is for housing on a linear strip of land to the north of Fochabers. It currently contains grass and trees and is covered by an ENV3 designation. It is also partly within the conservation area. The site is bounded by Castle Street to the south and the A96 to the north. The bid is not supported as it is not necessary or appropriate to extend the settlement into the ENV designation. Castle Street acts a definitive boundary which the ENV designation protects. SEPA's comments are noted.

#### **Recommendation**

**Site FC1 is not supported and will not be designated in the Proposed Plan.**

#### **Fochabers FC3 - Land at Gordon Castle Farm**

The proposal would represent a significant change in the designation of land for housing in Fochabers. There are currently no designations to the north of the A96 which acts as a definitive boundary edge to the settlement. The site is in a sensitive location as it is located adjacent to the Gordon Castle Walled Garden and is within the Gordon Castle Designed Landscape and Historic Gardens Designation. The site is also covered by a Prime Agricultural Land designation. The site is detached in terms of both physical and visual connection to the rest of the settlement due to the A96. It is acknowledged that in Mosstodloch sites have been allocated either side of the A96. However, this cannot be used as an acceptable justification for this allocation given the sensitive nature of the site and location within the designed landscape. There are currently existing sites within Fochabers including a LONG designation. These sites are more appropriate for future expansion as they are less sensitive and are better integrated in the settlement than the proposed site. It is proposed that part of the existing LONG site will be brought forward to allow development opportunities during the plan period. While the Council agrees with a masterplanned approach to developing large housing sites, the principle of developing a site within the Gordon Castle Designed Landscape is not deemed appropriate or is it required at this time due to there being more appropriate sites available. The site is not supported.

SEPA and SNH's comments are noted and will be taken into consideration if there is a change in position.

**Recommendation**

**Site FC3 is not supported and will not be designated in the Proposed Plan.**

**Fochabers FC4 - Land at Castle Street (East)**

Note agreement with not taking site forward. The proposal is for housing on a linear strip of land to the north of Fochabers. It currently contains grass and trees and is covered by an ENV3 designation. It is also partly within the Conservation Area. The site is bound by Castle Street to the south and the A96 to the north. The bid is not supported as it is not necessary or appropriate to extend the settlement into the ENV designation. Castle Street acts a definitive boundary which the ENV designation protects. SEPA's comments are noted and will be taken into consideration if there is a change in position.

**Recommendation**

**Site FC4 is not supported and will not be designated in the Proposed Plan.**

**Fochabers FC5 - LONG Ordiquish Road East**

The site is currently allocated as a LONG designation in the current LDP 2015 which provides a long term reserve of housing over the plan period. Due to the sensitive nature of Fochabers there are limited opportunities for expansion. The LONG site (adjacent R1 and R2) offers the best and most sensitive opportunity for growth that can connect easily into the existing settlement and is within close proximity to existing schools. The proposal is to bring forward 2ha of this land for development in the LDP 2020 is supported and is the next logical expansion of the settlement. The site will be given an indicative capacity of 50 units. The Council welcomes the support for a masterplan to cover the whole LONG to ensure that it is developed comprehensively and adheres to all of the Council's Placemaking ambitions. This would include taking advantage of the woodland setting. SEPA's comments are noted.

**Recommendation**

**Part of FC5 will be designated for housing with the remainder continuing to be identified as LONG.**

**GARMOUTH**

**Garmouth – General**

Note the concerns raised regarding sewage drainage. Scottish Water have advised that the Waste Water Treatment Works at Garmouth are to be the subject of a growth project in the period 2021 -2027. The developer would not be allowed to connect until any necessary mitigation work was completed.

The school roll forecasts for Mosstodloch Primary School do not show or predict the school to be at capacity. The poor access by public transport is noted and this is one reason why this fourth tier settlement only has limited development identified.

The development site proposed lies on the edge of the Conservation Area and it would be expected that this context is acknowledged within the layout and design of proposals in line with PP1 Placemaking. Development proposals would be assessed against DP1 Development Principles which requires development to address any impacts on road safety and the local road and public transport network. Any impacts would require to be mitigated.

The comments are noted and a policy is proposed to ensure MOD safeguarding is taken into account in applications where these are applicable. When a planning application is submitted these are checked against the consultation zones. It is noted that at this early stage it is not considered likely the designations proposed within Garmouth will exceed the stated height criterion of 91.4m.

The area referred to has not been proposed for housing through the Main Issues Report and will continue to be identified as ENV6.

**Recommendation**

**Continue to identify ENV6.**

**Garmouth GM1 - Land North of Inness Road**

It is not proposed to support development at this location due to the visual impact, the proposal breaches a robust settlement edge and the proposal has potential for detrimental impacts on the setting of Garmouth and its Conservation Area.

**Recommendation**

**Site GM1 is not supported and the site will not be designated within the Proposed Plan.**

**Garmouth GM2 - Land North of Northfield Place**

It is not proposed to support development at this location as demand can be met by existing designations. SEPA's comments are however noted and will be taken into account if there is a change in position.

**Recommendation**

**Site GM2 is not supported and the site will not be designated within the Proposed Plan.**

**Garmouth GM3 - Whiteland West of Station Road**

It is proposed to remove this area from the settlement boundary as no developer/landowner interest has been shown for its development. Therefore the deliverability of the area is unknown and continuing to include this within the settlement boundary gives unnecessary uncertainty.

**Recommendation**

**Remove site GM3 from within the settlement boundary.**

**LHANBRYDE**

**Lhanbryde LB1 - R1 West of St Andrews Road**

The site has been in two consecutive Local Plans but remains undeveloped. Whilst the landowner notes there has been renewed interest in the site there has been no planning application to date. The lack of development since 2008 and lack of active developer makes delivery of the site within a five year timescale questionable. It is therefore proposed that whilst the site will continue to be shown in the plan this will be on the basis that if no progress is made towards development this will be removed at the next review.

A flood risk assessment and Phase 1 Habitat Survey is a requirement for the existing designation and this will be carried forward. Consideration should be given to providing frontage access onto the main road to help achieve a better design outcome. This better reflects placemaking aspirations.

A buffer strip (that is proportional to the watercourse width) between any new development and all water features is a policy requirement. This does not require to be written into the designation.

**Recommendation**

**Site R1 will be carried forward in the Proposed Plan.**

**Lhanbryde LB2 - OPP1 Garmouth Road**

Residential use is considered to have less impact on amenity than the former industrial designation. It is also noted that there is existing residential development to the west of the site. Development proposals will require to take into account the amenity of neighbouring properties in line with proposed policy DP1 Development Principles. Proposals will require to deliver open space in line with policy and provision could include a community garden or allotment. A Flood Risk Assessment is a requirement for the existing designation and this will be carried forward if the site is included in the Local Development Plan. A requirement for a Phase 1 Habitat Survey will be added to the designation.

Where mature trees exist bordering a site it is a policy requirement for a tree survey, and tree protection and mitigation plan to be submitted with planning application if the trees (or their roots) have the potential to be affected by development or construction activity. This requirement does not require to be written into the designation as this is covered within policy.

**Recommendation**

**Site LB2 will be designated as a housing site with requirements for a Flood Risk Assessment and Phase 1 Habitat Survey.**

**LOSSIEMOUTH**

**Lossiemouth LM1 - Land at Balmorie**

The proposal is not supported as a policy led approach is preferred to photo voltaic proposals rather than the identification of individual sites through the Local Development Plan process. SEPA's comments are noted.

**Recommendation**

**Site LM1 will not be designated in the Proposed Plan.**

**Lossiemouth LM3 - Land North of Seaview, Lossiemouth LM4 - Land North of 21 Elgin Road, Lossiemouth LM5 - Land to rear of 45 Elgin Road**

These sites were submitted as bids but subsequently withdrawn

**Recommendation**

**No action required.**

**Lossiemouth LM7 - Station Park**

It is proposed to limit the extent of the tourism designation to the existing station building, the immediate area around this and the car parking area. The designation would also require retention or replacement of the play area. This would limit impacts on open space. Given the prominence and proposed tourism use of the site application of Placemaking principles will be a key consideration in respect of development of the site. The proposed policy EP7 Foul Drainage requires all development within or close to settlement of more than 2,000 population must connect to the public sewerage system. If there is a lack of capacity, temporary provision will only be allowed if there is no adverse effect on the water environment. Therefore, a developer requirement does not require to be added to the designation. The comments regarding human activity at this section of the coastline are noted. The requirement for a Flood Risk Assessment will be included within the designation.

**Recommendation**

**Site LM7 will be designated as a Tourism site with requirement for a Flood Risk Assessment and retention/replacement of the play area.**

**Lossiemouth LM8 - Land at Elgin Road**

This area is currently an ENV5, as the wider area performs primarily a sports function. Part of the proposal includes an area marked out as an athletics track on the day of the site visit. The other areas are not used for sports and include the Scout hut. The proposal for development is not supported due to the loss of open space. Lossiemouth does not currently meet the open space guideline for public parks, play areas and sports areas. This is one of the largest areas of open space within Lossiemouth and performs an important function for the settlement. Erosion of this would reduce the open nature of the site, reduce the area used for sports and would also reduce the flexibility of the site to accommodate any other sports or leisure uses that may be considered in the future.

**Recommendation**

**Site LM8 is not supported and will not be included within the Proposed Plan.**



## **MOSSTODLOCH**

### **Mosstodloch – General**

There is currently capacity at Mosstodloch primary school, and the school roll is predicted to fall.

Fochabers Medical Centre is currently working beyond capacity. A Strategic Assessment is being prepared for a replacement medical centre and a site has been identified in Fochabers for a replacement health centre. Developer contributions are likely to be required for this facility.

The comments are noted and a policy is proposed to ensure MOD safeguarding is taken into account in applications where these are applicable. When a planning application is submitted these are checked against the consultation zones. It is noted that at this early stage it is not considered likely the designations proposed within Mosstodloch will exceed the stated height criterion of 91.4m.

See Issue 2 in respect of Mosstodloch's position within the settlement hierarchy and growth strategy.

### **Recommendation**

**No action required.**

### **Mosstodloch MS3 – Balnacoul**

It is noted that under current Local Development Plan policies it is likely that redevelopment of the site for housing would be supported under the provisions of policies H7 (Re-use and replacement of existing buildings in the countryside) and H8 (New housing in the open countryside). Given the extent of the site and the proximity to Mosstodloch it is considered more appropriate to designate the site to ensure the most efficient use of the land and the application of placemaking standards to the development. As the site is being promoted for housing it is anticipated that if designated for industrial the site would be constrained due to an unwilling landowner. The extent of the proposal may require to be reviewed when the preferred A96 dualling route is available.

The site boundary will be amended to remove areas that overlap with the Ancient Woodland Inventory, except where these are cleared/occupied by buildings. Where mature trees exist bordering a site it is a policy requirement for a tree survey, and tree protection and mitigation plan to be submitted with planning application if the trees (or their roots) have the potential to be affected by development or construction activity. This requirement does not need to be written into the designation as this is covered within policy.

As MS3 is in different ownership to MS2 and is a brownfield site that could be developed in the short term requiring the masterplan to cover both sites could unreasonably constrain development. MS2 will be identified for LONG term development.

The comments regarding surface water flooding and sewer connections are noted.

### **Recommendation**

**Site MS3 will be designated for housing.**

## **URQUHART**

### **Urquhart – General**

Developer Obligations are identified based on the impact development has on infrastructure and facilities.

The land around Urquhart is not classed as Prime Agricultural Land. Scottish Planning Policy presumes against development on prime agricultural land. The scale of growth directed to Urquhart will be phased to be proportionate to the settlement size with the LONG term direction of growth identified to provide an indication and allow appropriate planning for future growth. The majority of the market area's housing supply requirement will be met within Elgin. It is recognised that public transport links and that community

facilities are restricted in Urquhart. However, it is considered preferable to build proportionally on existing settlements rather than meet demand in these areas through housing in the countryside. Scottish Planning Policy requires authorities to allocate a range of sites and development within Urquhart provides a choice of locations within the Elgin Market Area. Impact on property value is not a planning consideration.

The Placemaking policy will require proposals to reflect the traditional characteristics and pattern of development such that the character of the village will not be altered. There was no “active” allocation in the 2008 Local Plan to allow for a period of consolidation following extensive development. LDP2015 brought forward part of the LONG site which followed through on the agreed position to consider releasing the site in future reviews as set out in the Moray Local Plan 2008. The R1 and remaining LONG1 site have not been developed. The lack of effective sites leads to pressure on “infill” sites which can dilute settlement character. Providing for planned growth to meet demand could help relieve pressure on infill sites and pressure on the surrounding countryside.

#### **Recommendation**

**Identify development in Urquhart that is proportionate to the existing settlement.**

#### **Urquhart UQ1 - Main Street**

It is not proposed to support development at this location as it would blur the distinction between the village and countryside. The site is also important in landscape terms. SEPA’s comments are however noted and will be taken into account if there is a change in position.

#### **Recommendation**

**Site UQ1 is not supported and will not be designated in the Proposed Plan.**

#### **Urquhart UQ2 - Land South of Urquhart**

The lack of support for the site is noted. It is not proposed to support development at this location as it would blur the distinction between the village and countryside. The site is also important in landscape terms. The comments regarding R1/LONG1 are noted. The Placemaking policy will require the proposal to reflect the traditional characteristics and pattern of development such that the character of the village will not be altered. The existing R1/LONG1 designation requires development to be sympathetic to the listed Manse and this wording will be retained. SEPA’s comments are noted and will be taken into account if there is a change in position.

#### **Recommendation**

**Site UQ2 is not supported and will not be designated in the Proposed Plan.**

#### **Urquhart UQ4 - Land at Station Road**

This site was submitted as a bid but was subsequently withdrawn.

#### **Recommendation**

**No action required.**

#### **Urquhart UQ5 - Land to South of Urquhart**

Urquhart is built on a high ridge making it prominent and highly visible when approached from most directions. UQ5 is highly visible on the approach to the south of Urquhart (Station Road). The site would also be visible from the Garmouth to Lhanbryde Road (C1E). UQ5 would be a prominent addition to the settlement and would be detrimental to the character and setting of Urquhart.

If the site were to be supported in line with policy PP3 and DP1 the developer would be required to consider the impact of development on the safety and efficiency of the existing transport network and provide appropriate mitigation/modification where required. Therefore any traffic impacts associated with UQ6 would be considered at the application stage.

The existing R1 designation will be carried forward, along with an additional site to the north east of Urquhart. These will meet demand for housing. Housing development over 10 units are required by policy to include 15% open space within their boundaries. Therefore, any proposal within Urquhart would require to meet this regardless of location.

Part of the UQ6 site is identified as LONG 2 in the current Local Development Plan. As a LONG it is not available for immediate development. Therefore, the lack of development is not a reflection of the deliverability of the site.

It is not proposed to support development at this location as the site is prominent, impacting on the character and setting of Urquhart. SEPA's comments are however noted and will be taken into account if there is a change in position.

#### **Recommendation**

**Site UQ5 is not supported and will not be designated in the Proposed Plan.**

#### **Urquhart UQ6 - Land to East of Station Road**

The Local Development Plan is under review and there is scope to accommodate small scale growth within Urquhart. The scale of growth directed to Urquhart will be phased to be proportionate to the settlement size with the LONG term direction of growth identified to provide indication and allow appropriate planning for future growth. The majority of the housing supply requirement will be met within Elgin. It is recognised that public transport links and community facilities are restricted in Urquhart. However, it is considered preferable to build proportionally on existing settlements rather than meet demand in these areas through housing in the countryside. Scottish Planning Policy requires authorities to allocate a range of sites and this site provides a choice of locations within the Elgin Market Area.

There was no "active" allocation in the 2008 Local Plan to allow for a period of consolidation. LDP2015 brought forward part of the LONG site which followed through on the agreed position to consider releasing the site in future reviews as set out in the Moray Local Plan 2008. The R1 and remaining LONG1 site have not been developed. The lack of effective sites leads to pressure on "infill" sites which can dilute settlement character. Providing for planned growth to meet demand could help relieve pressure on infill sites and pressure on the surrounding countryside.

The location of UQ6 is on the least prominent approach to Urquhart and the open space and landscaping requirements will aim to integrate the development. Landscaping to the northern edge would be required to soften impacts on that approach to Urquhart. The Placemaking policy will require the proposal to reflect the traditional characteristics and pattern of development such that the character of the village will not be altered. Whilst any change will have a visual impact it is considered that application of the Placemaking policies and landscaping provision will minimise adverse impacts.

On the south western edge of Urquhart there has been significant development and consents granted for housing in the countryside. The concern is that these would merge with the settlement if site UQ1 and UQ2 were supported. This is not the case on the eastern edge of Urquhart.

In line with policy PP3 and DP1 the developer will be required to consider the impact of development on the safety and efficiency of the existing transport network and provide appropriate mitigation/modification where required. Therefore any traffic impacts and mitigation requirements associated with UQ6 would be considered at the planning application stage.

Support for inclusion of the site is noted. The indicative first phase shown is considered to be too large and this will be reduced to be more proportionate to the settlement by bringing this in-line with the housing to the south. With the remainder identified as LONG.

Housing within site UQ6 would not be accessed through the area referred to. However, as part of the wider development it is proposed to include a car park for the cemetery and the indicative plans show this accessed from the existing cemetery access.

SEPA's comments noted. The most southerly part of the site is not proposed for development and is proposed for additional landscaping for the existing cemetery.

**Recommendation**

**Site UQ6 is supported and will be identified in the Proposed Plan with a first phase designation and the remainder identified as LONG.**

17	Forres LHMA – Forres Housing and Employment Land Issues	
<b>Main Issues Report Reference:</b>	<b>Responses to</b>	
	LDP2020_MIR_FR_GEN	Forres - General
	LDP2020_MIR_FR10	Forres FR10 - OPP8 Whiterow
	LDP2020_MIR_FR11	Forres FR11 - Land North of A96
	LDP2020_MIR_FR12	Forres FR12 - R3 Ferrylea
	LDP2020_MIR_FR13	Forres FR13 - Enterprise Park
	LDP2020_MIR_FR14	Forres FR14 - Waterford Road Site 1
	LDP2020_MIR_FR15	Forres FR15 - Waterford Road Site 2
	LDP2020_MIR_FR16	Forres FR16 - Cassieford
	LDP2020_MIR_FR17	Forres FR17 - Land West of Benromach Distillery
	LDP2020_MIR_FR18	Forres FR18 - Former Forres Railway Station
	LDP2020_MIR_FR19	Forres FR19 - Lochyhill
	LDP2020_MIR_FR2	Forres FR2 - Land at Waterford
	LDP2020_MIR_FR20	Forres FR20 - Sueno's Stone Field
	LDP2020_MIR_FR21	Forres FR21 - Tarras Farm
	LDP2020_MIR_FR22	Forres FR22 - Site to rear of 139 High Street
	LDP2020_MIR_FR23	Forres FR23 - R8 Balnakeith
	LDP2020_MIR_FR24	Forres FR24 - Site at ENV9
	LDP2020_MIR_FR25	Forres FR25 - Site at LONG 1
	LDP2020_MIR_FR26	Forres FR26 - OPP4 Cathay
	LDP2020_MIR_FR27	Forres FR27 - Former Sawmill
	LDP2020_MIR_FR3	Forres FR3 - Land at Chapelton
	LDP2020_MIR_FR33	Forres FR33 - Extension to FR10
	LDP2020_MIR_FR34	Forres FR34 - I7 Springfield West
	LDP2020_MIR_FR4	Forres FR4 - R6, R10, LONG2
	LDP2020_MIR_FR5	Forres FR5 - R8 Balnakeith
	LDP2020_MIR_FR6	Forres FR6 - R1 Knockomie
	LDP2020_MIR_FR7	Forres FR7 - Land at Pilmuir Road West
	LDP2020_MIR_FR8	Forres FR8 - Greshop Industrial Estate
	LDP2020_MIR_FR9	Forres FR9 - Plantation Cottage
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
000215	Altyre Estate	c/o Urban Animation
000297	Defence Infrastructure Organisation	Ministry of Defence
000337	Stuart Johnston	
000352	Raymond Webber	
000353	J C Keenleyside	
000432	Wilson Metcalfe	
000442	Mr And Mrs Mark And Beverly Ellis	
000467	Mr I S Suttie	
000468	Donald J Wright	

000474	Anne Hogan	
000569	SEPA	
001027	Scottish Natural Heritage	
001229	Anonymous	
001297	Mike O'Driscoll Builders	c/o Grant and Geoghegan
001351	Forres Community Woodland Trust	
001435	Don Leith	c/o CM Design
001524	Scottish Water	
001540	Andrew Seaton	
001546	Miss Carol Benn	
001547	Mrs Eunice Benn	
001600	Mr Nathan Matthews	
001610	Mr Hugh Andrews	
001811	Benromach Distillery	
001812	Johnstone Macpherson-Stewart	
001817	Leiths (Scotland) Ltd	
001818	Woodland Trust Scotland	
001827	Grange Estate	c/o Grant and Geoghegan
001833	Mr Kevin Malcolm Grant	
001847	Mr Stuart Donald	
001854	Mr John Shackleton	
001856	Lyn And David Main	
<b>Planning authority's summary of the representation(s):</b>		
<b>General</b>		
<b>Lyn And David Main</b>		<b>001856</b>
<b>Impact on Character of Forres</b>		
<p>The concentration of residential developments to the south of Forres massively detracts from what it is at the moment, a quiet rural setting. The areas designated for housing to the south of the town will have a detrimental impact on the quality, accessibility and quantity of open space available to the existing residents in the town who value the area for walking, cycling and other outdoor activities. Development has been concentrated to the south and a more balanced approach giving consideration to development to the east is suggested. Current level of housing development is having a dramatic visual impact on the town and impacting on existing infrastructure, leading to congestion on the road and is already compromising the availability of green open space to the south of Forres.</p>		
<b>Infrastructure</b>		
<p>It is extremely important that robust measures are put in place to ensure there is capacity and adequate infrastructure in place before any additional planning permission is granted and development goes ahead. Robust regulation of this should be undertaken by the Council and not left to the discretion of developers. The area marked as Disused Campsite at High Camp Site, Whiterow, Forres is not disused or a camp site but a site of a self-build plot currently under construction. Development of R3 Ferrylea has had a direct impact on the water supply at times water flow is reduced to a trickle or stops all together. As the development proceeds the water supply has been further eroded. Measures need to be put in place to ensure compliance with planning permission conditions and improvements to water infrastructure are not being left up to the discretion of housing developers. Scottish Water appears powerless or unwilling to put any pressure on developers to comply with their planning conditions.</p>		
<b>Anonymous</b>		<b>001229</b>

Has it been considered that current, small, brown field or central town sites could be developed for ground floor accessible and higher levels for single occupancy. This could help regenerate High streets. Moray Council could offer incentives to Developers to look at small scale housing projects e.g. Old bus station, Forres, former bank buildings, old Church of Scotland near Forres Post Office.

**Defence Infrastructure Organisation**

**000297**

Forres falls within the statutory aerodrome height 45.7m (AGL) and birdstrike safeguarding zones surrounding RAF Kinloss. Need to be consulted on all development within this area exceeding this height criterion and review applications for developments which may have the potential to attract large flocking bird species hazardous to aviation (SUDS etc.)

**Scottish Water**

**001524**

The current Forres Wastewater Treatment Works does not have sufficient capacity, however a Strategic Drainage Impact Assessment has been initiated to understand the impact that proposed development will have on existing customers. Results will be made available in late 2018 after which responsibility for carrying out and funding upgrading works will be clarified.

**OPP8 Whiterow**

**J C Keenleyside**

**000353**

This site comes within 2-5 metres of the windows in my conservatory where I currently have a view of the countryside for more than one kilometre. Request that any boundary fence is limited to the height of the boundary hedge on my side. Currently have a private water pipe stretching from Balnageith Cottage to Cherrybank Cottage coming through this development site, this should either be a way leave or a connection to the water supply on the development site provided. The electric supply comes from a pole with transformer situated on the boundary between my property and the development site. Any changes in the electric must be carried out without disruption to the supply to this property as we are old and frail and dependent on having a heating system operating in this property. This property is currently operating on a septic tank system for sewage would welcome the opportunity to connect into a main sewage system if this was feasible and possible. Living here since 1979 with the views but are aware of the housing needs of others and that long term development was bound to happen. Not objecting to this proposal but hoping it can fit in with the existing houses in this location. The minor roads are currently not adequate to service a development of this size and there is also the question of re-alignment of the A96. Will there be a further opportunity for adjacent property owners to comment on the proposals.

**Scottish Natural Heritage**

**001027**

The developer requirements in the LDP 2015 should be carried into the LDP 2020, to address landscape, placemaking, connectivity and biodiversity, for the benefit of people and nature. The south western part of the site includes woodland listed in both the Ancient Woodland Inventory (AWI) and the Scottish Semi-natural Woodland Inventory. Trees contribute to distinctiveness for placemaking, as well as providing habitat that contributes to green network connectivity. The boundary should be amended to exclude the woodland interests from the developable area, and a developer requirement applied that proposals must demonstrate that development does not impact on the woodland. This allocation would significantly extend development outwith the existing settlement pattern and adjoins FR10, which also adjoins FR5 and FR23 (R8 in the LDP 2015). It would be beneficial for a Masterplan requirement to cover all of these allocations enabling issues such as landscape, biodiversity, placemaking and the relationship to other developments in the vicinity, as well as connectivity to be taken into account. This should result in a coherent development of this area of Forres in the future that benefits both people and nature.

**Altyre Estate**

**000215**

The capacity of the OPP8 site is limited by a development exclusion zone around a gas main which passes east-west across the site. The additional site area could accommodate approximately 120-160 houses, subject to further assessment of design and place making objectives. This matter can be addressed in detail through a master planning process as appropriate. Altyre Estate is bringing forward Phase 1 development at the site. Two house plots are already on the market and a planning application has been submitted for a second phase of a further two plots. Proposals for a mixed housing and business development are in

preparation for the former poultry shed area. Discussion with Council Roads Officers has confirmed an acceptable access position at the Grantown Road. A new access will be provided to the surrounding road network allowing the closure of the junction at the north east of the OPP8 area. It will also be possible to extend the new access road to provide a through route for traffic at the west of Forres, helping to resolve known issues with road capacity and junction safety. One of the Transport Scotland options for dualling of the A96 runs close to Whiterow. The new through access route at Whiterow can be designed to accommodate this new road, should it proceed. Altyre Estate supports allocation of this area of land in the Proposed LDP for housing and employment uses, with layout and design controlled by a master plan.

**Raymond Webber**

**000352**

Any expansion of site will impact on the southern gateway into Forres. The current site at Whiterow (OPP8) does have a planning application in progress and if successful will mean a total of four residential units taking up approx. 20% of the new proposed site for 120-160 units. This proposal will be plainly visible from the Grantown Road and the A96 at Findhorn Bridge. Even with the proposed landscaping it will be difficult to contain above the existing site R8 Balnakeith. The current site OPP8 including the old chicken shed area could be developed with an acceptable visual impact from the main roads into Forres. There is also no detail as to access for this new site but it is shown adjoining the Mundole Road (U83E) assuming there will be access here along with a new entrance to the Grantown Road. Should have a Transport Plan to see in conjunction with this because there are a lot of issues with this single track road(U83E) and its use as a cycle and walking route which has now become dangerous and with more homes planned for Pilmuir Road West, will become even more so. The tyre marks and erosion at the verges will testify to this. Concerned about the drainage of the expanded site. The field adjacent to Whiterow House and the U83E from the Grantown Road does get very boggy on the eastern side and the drain at the side of the road north of Whiterow seems to service these fields quickly developing into a stream. Any new developments in this area will surely impact this stream and have a detrimental effect to local residents living downstream on the northern and eastern side of the proposed site.

**SEPA**

**000569**

Suitable for development, minimal surface water issues. Existing designation text carried forward with additional requirements for Flood Risk Assessment (FRA), Phase 1 Habitat Survey and investigation of the potential for radioactive contamination.

**Woodland Trust Scotland**

**001818**

The north eastern end of the site borders onto land classified in the Ancient Woodland Inventory (AWI). A buffer strip between the development and the area of woodland should be identified as a site requirement.

#### **Land North of the A96**

**Mr And Mrs Mark And Beverly Ellis**

**000442**

Concerns regarding drainage due to ditch/watercourse that runs through the land.

**Miss Carol Benn**

**001546**

Believes site should be removed from Proposed Plan and any future plans as there is adequate space available for industrial/business use in and around Forres.

**Mrs Eunice Benn**

**001547**

Believes site should be removed from Proposed Plan as site will not enhance Forres, will obscure views and spoil the entrance into Forres from the east. Tree planting scheme is required in this area instead.

**SEPA**

**000569**

Surface water risk affecting parts of the site. Private drainage not appropriate.

#### **Ferrylea**

**Mr Hugh Andrews**

**001610**

Concerns regarding the increase of housing to the south of Forres and the pressures on junctions around the Health Centre and Thornhill Rd.



<b>Scottish Natural Heritage</b>	<b>001027</b>
A small part of this site is listed in the Scottish Semi-natural Woodland Inventory; however no longer appears to have trees present. Masterplan and developer requirements in the 2015 Plan should be carried forward.	
<b>SEPA</b>	<b>000569</b>
Surface water risk affecting parts of the site. Private drainage not appropriate.	
<b>Woodland Trust Scotland</b>	<b>001818</b>
The southern end of the site (LONG 3) borders onto land classified as long-established woodlands of plantation origin (LEPO) according to the Ancient Woodland Inventory (AWI). A buffer strip, to be determined at planning application stage, should be provided between the development and the area of woodland.	
<b><u>Enterprise Park Forres</u></b>	
<b>Mr And Mrs Mark And Beverly Ellis</b>	<b>000442</b>
Support inclusion of general industrial units as Enterprise Park is underused. Notes there is pressure for small units for general industrial use.	
<b>SEPA</b>	<b>000569</b>
No flood risk concerns.	
<b><u>Waterford and Benromach Distillery</u></b>	
<b>Mr And Mrs Mark And Beverly Ellis</b>	<b>000442</b>
Agree with industrial expansion in this area.	
<b>Scottish Natural Heritage</b>	<b>001027</b>
<b>Benromach Distillery</b>	
Most of the north eastern boundary adjoins woodland listed on Scottish Semi-natural Woodland Inventory. Trees contribute to distinctiveness for placemaking, as well as providing habitat that contributes to green network connectivity. Should this allocation be taken forward in the LDP 2020, SNH recommend that the allocation text in the LDP highlights this, and that a developer requirement is applied that proposals must demonstrate that development does not impact on the woodland (bearing in mind the spread of tree roots that may cross into the site).	
<b>Waterford</b>	
Parts of the boundary for this site adjoin woodland listed on the Scottish Semi-natural Woodland Inventory. Trees contribute to distinctiveness for placemaking, as well as providing habitat that contributes to green network connectivity. Should this allocation be taken forward in the LDP 2020, SNH recommend that the allocation text in the LDP highlights this, and that a developer requirement is applied that proposals must demonstrate that development does not impact on the woodland.	
<b>Waterford North</b>	
Parts of the boundary for this site adjoin woodland listed on the Scottish Semi-natural Woodland Inventory. Trees contribute to distinctiveness for placemaking, as well as providing habitat that contributes to green network connectivity. Should this allocation be taken forward in the LDP 2020, we recommend that the allocation text in the LDP highlights this, and that a developer requirement is applied that proposals must demonstrate that development does not impact on the woodland (bearing in mind the spread of tree roots that may cross into the site).	
<b>Johnstone Macpherson-Stewart</b>	<b>001812</b>
<b>Impact on Greshop House</b>	
An industrial designation at Waterford is going to have a serious impact on our property. As the two larger businesses immediately to the south of the railway line have changed and expanded, so have they steadily eroded what could be considered to be the minimum day-to-day living existence that	

any residential property might reasonably expect to experience. Any further development towards the house is likely to exacerbate this situation.

Greshop House is a detached building and together with its cottage is Grade II listed. The property will undoubtedly become blighted by the threat of an encroaching industrial estate. Should these proposals go ahead then the property will become unsaleable, clearly no-one of sound mind is going to buy a Grade II listed building surrounded, and effectively marooned, by a flood embankment and an industrial development. Currently the property is in poor repair with several separate outbreaks of dry rot having been discovered. The worthwhileness of investing the considerable sums of money required to address this has to be seen in the context of its future value.

Suggest two alternative solutions, the first is that the bid to develop these zones is rejected and alternative plans to provide Forres with the necessary space it needs for future expansion are investigated and put into place. The second is that with the support of the Council, seek to de-list the property and put in our own bid to have the buildings and paddocks south of the flood embankment included in the business/ industrial zones proposed. Alternatively, formally put forward the land south of the flood embankment and the buildings thereon as part of any future business/ industrial zoning for Forres.

#### **Benromach Distillery 001811**

There are plans for expansion of current operations at the Benromach Distillery and the availability of land is crucial to those plans. Support allocation of land at Waterford for industrial use in particular land to the west of Benromach Distillery. This appears to be a logical location for industrial land that should not be removed or reduced in size from what has been proposed.

#### **Grange Estate 001827**

Welcome support for inclusion of land at Waterford. The landowner is committed to the development of the proposed site. It should be noted that there has been considerable interest in the sites from several local businesses. If the designation is confirmed in the forthcoming plan the landowner will instruct the preparation of a masterplan for the whole of the site.

#### **SEPA 000569**

##### **Benromach Distillery**

Site behind defences, suitable for the proposed industrial use. Flood Risk Assessment may be required. Must consider impact on distillery abstractions. Burn of Mosset is less than 250m to the East of the site. Adequate buffering will be required.

##### **Waterford**

Defended flood plain may not be suitable for highly vulnerable development. Likely to be suitable for the land use classes proposed without further information being required. Flood Risk Assessment (FRA) may be required. GIS shows an area of rough grassland between the southern boundary of the proposed site and the railway line. A Phase 1 Habitat Survey will be required to identify any potential Ground Water Dependent Terrestrial Ecosystems.

##### **Waterford North**

The site has small isolated patches within in that have been identified as being at medium to high risk of surface water flooding. These are predominately on the eastern boundary of the site.

#### **I7 Springfield West**

##### **Mr And Mrs Mark And Beverly Ellis**

**000442**

Strongly agree with removal of site and query whether the land will be designated as Countryside Around Towns.

##### **Mrs Eunice Benn**

**001547**

Site should be removed from Plan as sufficient land has been identified for industrial use.

##### **Miss Carol Benn**

**001546**

Site should be removed from Plan otherwise it will detract from Forres and its wonderful setting and views.

### **I8 Springfield East**

**Mr And Mrs Mark And Beverly Ellis** **000442**

Agree with site being unsupported as it is a potentially important quality site that could be included in the new Special Landscape Areas.

**Scottish Natural Heritage** **001027**

The southern part of the western boundary and the north eastern boundary adjoin woodlands listed in the Scottish Semi-natural Woodland Inventory. If carried forward, the developer requirements for I8 in the 2015 Plan should be included into the Proposed Plan and strengthened to highlight trees and a further requirement applied that proposals must demonstrate that development does not impact on the woodland.

**SEPA** **000569**

Fairly large area at the north of the site adjacent to the railway line is shown to be at risk of flooding. Flood Risk Assessment (FRA) will be required to support any applications on the northern part of the site. Potential odour nuisance from Sewage Treatment Works.

**Mr Nathan Matthews** **001600**

Supports the removal of FR16 and FR20.

### **Lochyhill**

**Mrs Eunice Benn** **001547**

These sites should be very LONG sites and only be released when all the available sites released to the south of Forres e.g. Knockomie south, Ferrylea and Dallas Dhu have been exhausted and then only to be released if there is a very desperate need for housing and a school. Let's keep all the new builds to the South of Forres in one area and make that area look fantastic and somewhere people want to live and stay in for the future.

**Mr Kevin Malcolm Grant** **001833**

Development of this area significantly increases risk of surface water run-off and flooding at nearby low-lying property (Sycamore Cottage) and this requires careful mitigation. The mains water supply for nearby houses passes through this proposed site. Alternative supply may be required during the construction phase. Connection to the new mains water pipework for existing properties must be allowed for. Connection to the new gas pipework for existing properties should be allowed for. Connection to the waste water pipework for existing properties should be allowed for.

**Scottish Natural Heritage** **001027**

The southern part of the site includes woodland that is listed on the Scottish Semi-natural Woodland Inventory. Trees contribute to distinctiveness for placemaking, as well as providing habitat that contributes to green network connectivity. This allocation would also significantly extend development outwith the existing settlement pattern. The Masterplan and developer requirements in the LDP 2015 should be carried into the LDP 2020, to address landscape, placemaking, connectivity and biodiversity (particularly woodland), for the benefit of people and nature. Recommend strengthening the LDP 2015 text to include retention of the existing trees. This would contribute to distinctiveness for placemaking, as well as biodiversity benefits.

**Mr I S Suttie** **000467**

Alarmed at the spread of houses to occupy all the remaining Lochyhill farm ground – to the east of the town. Once again farmland is being lost to the political drive for more housing. Of particular concern is the small field west of Easter New Forres farm on the track leading to the back of the golf course and the cemetery. This field should be left as a green space, adding to the recreational space of the adjacent woodland. The track should be the boundary for housing with all the ground to the south west a breathing space and exercise area for the many new residents of the proposed development. In the past the local

scout group have used it for camping – with an abundance of firewood nearby. Being a flat field, it would lend itself to football and other games areas. This recreation area should have paths connecting walkers and cyclists to the Tarras woodland and its track provision, which is currently underused, mainly because access is not easy.

**Leiths (Scotland) Ltd**

**001817**

Object to the release of sites at Lochyhill in Forres at this time. Leiths are currently working the hard rock quarry at New Forres, which is situated off the unclassified Forres to Califer Road. The quarry has a current planning consent which runs until 2047. There are on average 50 HGV movements on a daily basis, although this number can increase significantly to meet occasional larger contracts. There are concerns that developing Lochyhill for residential development, and a new school, while the quarry is in operation will lead to potential traffic conflict with HGVs accessing/egressing the quarry, which may restrict the current quarrying operations. National and local planning policies seek to protect sites for the extraction of minerals and avoid development which will sterilise important reserves. There is no justification for releasing the sites for development in the 2020 Local Development Plan when there are other more appropriate sites to the south (and potentially Site FR11 to the north of the A96. The proposal to include a new school at Lochyhill is of particular concern, as is the suggested play park and playing fields shown on the Forres Greenspace plan. In the 2015 Local Development Plan, there is no indication that a new primary school would be located at Lochyhill. There is no mention of a new school in the indicative Masterplan for the area which is included within the 2015 Plan. There are more appropriate sites available if additional housing land is required in Forres. If a new school is also needed, it should be located in close proximity to the new housing, not in the far north east. If Lochyhill is to be released while the New Forres Quarry is still operating there should be no access into the sites from the unclassified road which is used by quarry vehicles to access the A96. Access should be through Site R4.

**SEPA**

**000569**

The site has small isolated patches within in that have been identified as being at medium of high risk of surface water flooding. These are predominately on the eastern boundary of the site. FR25 (Extension site) has no flood risk concerns, some possible surface water issues.

**Forres Community Woodlands Trust**

**001351**

Forres Community Woodlands Trust objects to the proposed extension of LONG2 into the small field to the south west. If the field is to be incorporated into the scheme then it should be preserved as green space to provide a buffer zone between the development and Muiry Woodlands. Concerned that any adjacent housing development will have an adverse impact on the ancient woodlands causing fragmentation and affecting native wildlife.

**Tarras Farm**

**Mrs Eunice Benn**

**001547**

This site should also be removed from the plan totally as development will detract from the entrance into Forres. All buildings on the Enterprise Park should be out of view from all angles.

**SEPA**

**000569**

No flood risk or Groundwater Dependent Terrestrial Ecosystems (GWDTE)/peat concerns.

**Site to rear of 139 High Street**

**SEPA**

**000569**

Site is adjacent to the area defended by the Mosset Burn Flood Alleviation Scheme (FAS) but not part of the floodplain so no flood risk concerns. Potential odour nuisance from Sewage Treatment Works (STW) (not SEPA remit). Adequate buffer strip required from Mosset Burn to the west of the site.

**R8 Balnageith**

**Scottish Natural Heritage**

**001027**

Masterplan and developer requirements in the Local Development Plan (LDP) 2015 should be carried forward to address the landscape, placemaking, connectivity and biodiversity. Masterplan area should also be extended to include FR10 and FR33 if they are also taken forward as the combination of allocations would significantly extend development outwith the existing settlement pattern.

**Altyre Estate**

**000215**

Supports allocation of the FR5, FR10 and FR23 areas in the Proposed Plan for housing and employment uses, with layout and design controlled by a master plan. A new access will be provided to the surrounding road network at the north of the FR5 area, allowing the closure of the junction at the north east of the OPP8 area.

**SEPA**

**000569**

Suitable for development, minimal surface water issues. Existing designation text carried forward with additional requirements for Flood Risk Assessment (FRA), Phase 1 Habitat Survey and investigation of the potential for radioactive contamination.

**Don Leith**

**001435**

Did not instruct, nor were aware of, BID FR23 for site and ask that priority be given to wishes of Mr Leith as owner of the site. Welcome proposed increased capacity as will have a very positive influence upon the likelihood of this site being developed within the period of the forthcoming Plan. Interested developers and individuals to date have rendered the development financially unfeasible due to road infrastructure requirements. Request that consideration be given to reducing the burden of conditions upon it by more creative means such as the release of individual plots or allocation as white land.

**ENV 9 Nursery at Pilmuir**

**Scottish Natural Heritage**

**001027**

Located beside the Forres (Pilmuir) Flood Alleviation Scheme. Built development on this ground could impact/put greater pressure on existing scheme. Recommend retention of ENV9 designation due to adverse impacts on greenspace, amenity, biodiversity and flooding.

**SEPA**

**000569**

Around half of the site is flood plain but now defended from the Forres (Findhorn & Pilmuir) Flood Alleviation Scheme (FAS). Part of the site has been identified as being at medium to high risk of surface water flooding.

**OPP4 Cathay**

**Forres Community Woodland Trust**

**001351**

The proposed development of OPP4 Cathay would have a devastating effect on the woodlands in that vicinity were it to be allowed to proceed. Strongly object to the inclusion of OPP4 Cathay in the 2020 Moray Local Development Plan (MLDP). This Development Opportunity was included in the 2015 MLDP, and the previous Plan, despite it clearly contravening several of the stated Environmental Resources (ER) policies of that Plan. The Draft Moray Local Development Plan 2020 Policy EP1 states that development which involves woodland removal will only be permitted where it would achieve significant and clearly defined benefits and where removal will not result in unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice the management of the forest. Development of Forres OPP4 could in no manner be said to achieve significant and clearly defined benefits. Moreover, there is no doubt that the removal of the woodland would result in adverse effects on the landscape and biodiversity of that area given that it forms part of a larger area of woodland including the Muiry Woods which are owned by Forres Community Woodlands Trust. OPP4 Cathay appears to be included in the 2020 MLDP because it had been included in previous MLDPs. This is despite the fact that any development in that area would require woodland to be removed contrary to several policy statements as outlined above. Policy on protecting woodland has undoubtedly evolved and strengthened significantly over the years since OPP4 was first included in the Plan. It should now be removed from MLDP 2020 as it is illogical to promote policies to protect the environment whilst in the same document support a development that is contrary to

them. OPP4 should never have been included in the 2015 LDP.

### **Land at Chapelton**

#### **Scottish Natural Heritage 001027**

Part of the western boundary adjoins an area of woodland listed on the Ancient Woodland Inventory (AWI) and the Scottish semi-natural Woodland Inventory. Part of the eastern boundary also adjoins woodland listed on the Scottish semi-natural Woodland Inventory. A developer requirement should be applied that proposals must demonstrate that development does not impact on the woodland.

#### **Anne Hogan 000474**

Emphasise continued opposition of any development of this site due to concerns about access, settlement boundary, flood risk and drainage.

#### **Wilson Metcalfe 000432**

Notes that, in the 2015 Plan, the Settlement Boundary and the Countryside Around Town (CAT) boundary has been moved since 2008 Plan. Notes that Main Issue Report boundary follows the line of the Chapelton Dam service track from the B 9010 to the Dam. States that there is no logical reason to have moved this boundary as it now means a small area of agricultural land is within the Settlement Boundary. Notes that the Reporter, in refusing a proposed development in this area in 2015, stated that existing housing forms a defensible long term boundary for the built up area and should not be breached and therefore emphasises the illogical move in 2015.

#### **Altyre Estate 000215**

Views the site as a good development prospect and has previously had developer interest. Notes that the site has scope for mixed use and potential other uses for the site related to employment, education and community uses as well as housing. States that the site sits beyond the reach of the Chapelton flood storage area, has vehicular access available from St Leonard's Road and pedestrian/cycle access can be provided directly to the town via existing core paths.

#### **SEPA 000569**

Likely to object to inclusion of site. Part of the site forms part of the flood storage area of the Mosset Burn Flood Alleviation Scheme (FAS) at Chapelton and the boundary also includes some of the scheme infrastructure. Development in the area would be at risk of flooding and would compromise the operation of the flood scheme. Adequate buffer strip required from Mosset Burn to the west of the site.

#### **Woodland Trust Scotland 001818**

The north western end of the site borders onto land classified as long-established woodlands of plantation origin (LEPO) according to the Ancient Woodland Inventory (AWI). Supports the conclusion to not allocate this site for development.

#### **Donald J Wright 000468**

Notes that, in the 2015 Plan, the Settlement Boundary and the Countryside Around Town (CAT) boundary has been moved since 2008 Plan. Notes that Main Issue Report boundary follows the line of the Chapelton Dam service track from the B 9010 to the Dam. States that there is no logical reason to have moved this boundary as it now means a small area of agricultural land is within the Settlement Boundary. Notes that the Reporter, in refusing a proposed development in this area in 2015, stated that existing housing forms a defensible long term boundary for the built up area and should not be breached and therefore emphasises the illogical move in 2015.

### **Dallas Dhu**

#### **Mr Hugh Andrews 001610**

Housing to the South of Forres is being increased to such an extent that access to town and the A96 is increasingly difficult particularly at the junctions around the Health centre and Thornhill Rd. With additional houses being planned the roads will come to a standstill at rush hours like school time, even if the planned traffic lights are installed. There might be some relief if the new A96 bypass goes to the south of Forres, but

otherwise the development Dallas Dhu should not go ahead.

**Scottish Natural Heritage**

**001027**

The majority of the R6 site includes woodland listed in the Ancient Woodland Inventory (AWI) and the Scottish Semi-natural Woodland Inventory. Trees contribute to distinctiveness for placemaking, as well as having biodiversity benefits by providing habitat that contributes to green network connectivity. Retention of the existing trees would contribute to distinctiveness for placemaking, as well as biodiversity benefits. Should this allocation be taken forward in the LDP 2020, SNH recommend that the allocation text in the LDP 2020 highlights this, and that the developer requirements in the LDP 2015 (particularly those safeguarding trees) should be carried into the LDP 2020, for the benefit of people and nature.

**Mr John Shackleton**

**001854**

The Dallas Dhu development would enclose the entire south-west corner of Sanquhar Woodland. Open woodland in R6 would be lost. Development would result in a significant increase in foot traffic to the woodland with erosion of paths, increased littering, noise, vandalism and anti-social behaviour already of concern. Sanquhar woodlands represents significant natural amenity for the local community. The development conflicts with the Moray Woodland and Forestry Strategy Supplementary Guidance. It also conflicts with Scottish Planning Policy, National Planning Framework and The Right Tree in the Right Place. Sanquhar woodlands is a key location for the red squirrel and home to pine martens. The development of Dallas Dhu will inevitably contribute to death by road for local wildlife. Disagree that development will respect the heritage of the area and would significantly urbanise the landscape. LONG2 extends beyond the natural barrier of the Dava Way. The proposed 13 dwellings at LONG 2 would dramatically increase traffic. Walkers and cyclists currently enjoy a traffic free path when starting the Dava Way and leading to the core woodland path. Street lighting across the entire development would result in the loss of dark night skies within a countryside landscape. Views of the Dava Way would be obstructed by buildings. An established long distance footpath would essentially start/finish through a housing estate.

**Forres Community Woodland Trust**

**001351**

This development will have a seriously detrimental effect on the amenity value of the general area and it will have a direct impact on our Sanquhar Woodlands. Due to the proximity of the woodlands any development will have a damaging fragmentation effect on the existing ancient woodland and the proposed removal of woodland is in clear contravention of Draft MLDP2020 Policy EP1. R10 and LONG2 encroach onto agricultural land which had been previously labelled as "green space". Inclusion of a housing development in this area would conflict with the previous finding of The Reporter who, in a similar case nearby, found that the development "would amount to considerable incursion into open countryside." Strongly object to the development of R10 and LONG2 on the basis that there should be no housing development to the south of Sanquhar Woodlands and to the east of Mannachie Road. In the event that the development is supported request that consideration is given to restricting the development to R10, with housing only on the west side of the Dava Way. If LONG2 is supported request that a substantial buffer zone of several hundred metres is created between Sanquhar Woodlands and the housing.

**Altyre Estate**

**000215**

Altyre Estate has prepared a Master Plan for development at the allocated R6 and R10 housing sites and the LONG2 housing site through a collaborative design process with Moray Council and Architecture + Design Scotland. The Master Plan is now adopted by the Council and proposes approximately 136 new houses. Preliminary discussions have been held with Council Planning and Housing Officers regarding delivery of the affordable housing. Discussions with prospective developers of these sites are proceeding. It is hoped that development will begin on site in 2019. Scoping work is underway for an initial planning application for the sites, setting out details of access, infrastructure, services and landscaped areas. A comprehensive engineering feasibility study has shown that delivery of the Master Plan proposals is viable and can meet all technical requirements for infrastructure, servicing and protection of the Chapelton flood storage area. With design and development preparation work at such an advanced stage, it is important that the R10 site remains allocated for housing use and the LONG2 site is confirmed for housing use in the new plan period. Mannachy Farm lies immediately south of the Dallas Dhu Master Plan area. It is now vacant. There is scope for redevelopment of agricultural and residential buildings and land at this site. Uses may include housing, employment, community and education. Upgraded services, access and drainage can

be provided in conjunction with the Dallas Dhu Master Plan development. The design of new development should reflect the principles set out in the Master Plan. The Mannachy Farm site should be included in the settlement boundary, reflecting its development potential and enabling it to be included in an extended Dallas Dhu Master Plan in due course.

**SEPA**

**000569**

The site lies immediately adjacent to the flood reservoir area. Development on this site must provide protection to level of 31.5m AOD and minimum finished floor level of 31.5m AOD. Protection measures may be subject to reservoir legislation. Any development in these areas should be limited to land with existing levels above 31.5m AOD to ensure that flood protection measures are not required and reservoir legislation does not apply to development which is outwith the control of the reservoir operator. This is a more sustainable approach which ensures public safety and avoids any compromise of the reservoir operation or the development for the long term.

**Woodland Trust Scotland**

**001818**

Part of the site, R6 partially lies on land classified as Ancient Woodland known as Keymoss Wood. Woodland Trust Scotland requests that this site be reduced to exclude this area. Recommend that the Council specifies a site specific developer requirement that a buffer area is established between the area of woodland and the development.

**Stuart Johnston**

**000337**

Object to any housing development on any part of the Dallas Dhu site. The proposed development would mean destruction of a substantial area of woodland on the south western edge of Forres. The partial enclosure/isolation of Sanquhar Community Woodlands. The destruction or obstruction of wildlife corridors linking neighbouring woodlands. The drainage and modification of marshland. The loss of amenity enjoyed by pedestrians and cyclists. Light and noise pollution would penetrate further into the surrounding countryside. Additional pressure would be placed on road, drainage, power and communications systems serving an already heavily developed area. Urge the Council to revoke decision to approve the Dallas Dhu site for housing development and the landowner to withdraw present proposals to develop the site for housing. Urge consideration of planting trees in R6 alongside the Dava Way to create a woodland link between Sanquhar Community Woodland and the Dallas Dhu Distillery as a more appropriate and rewarding use of this edge of town site. Urge compliance with the suggested guidelines in the Moray Woodland and Forestry Strategy.

**R1 Knockomie (South)**

**Scottish Natural Heritage**

**001027**

This location includes woodland listed in the Scottish Semi-natural Woodland Inventory. Trees contribute to distinctiveness for placemaking, as well as having to biodiversity benefits by providing habitat that contributes to green network connectivity. If the allocation is taken forward to the LDP2020, the developer requirements in the LDP2015 (particularly those safeguarding trees) should be carried into the LDP2020, for the benefit of people and nature.

**SEPA**

**000569**

Large areas of surface water risk. Flood Risk Assessment (FRA) may be required.

**Woodland Trust Scotland**

**001818**

The southern end of the site borders onto land classified as long-established woodlands of plantation origin (LEPO) according to the Ancient Woodland Inventory (AWI). In the first instance, a buffer between the development and the area of woodland should be recommended by the planning authority as a site specific requirement, when allocating this site for development. The appropriate size and type can be advised on at planning application stage, depending on the plans put forward.

**R11 Pilmuir Road West**

**Scottish Natural Heritage**

**001027**



Northern section of the allocation is covered by the Pilmuir Road West Development Brief. Development Brief and developer requirements in 2015 Local Development Plan (LDP) should be extended to cover the whole allocation area to address landscape, placemaking, connectivity and biodiversity, for the benefit of people and nature.	
<b>Mr Stuart Donald</b>	<b>001847</b>
Concerns regarding additional vehicular movements from the proposed site as road network is insufficient for current usage and privacy of own property, which was subject to restrictions to building height, and query where any restrictions would apply to any proposed development.	
<b>SEPA</b>	<b>000569</b>
Northern part of site is part of the defended Findhorn flood plain, southern parts at surface water risk. Surface water risk may be complex. Use for highly vulnerable development is acceptable in defended areas. Flood Risk Assessment (FRA) and Phase 1 Habitat Survey will be required.	
<b>Andrew Seaton</b>	<b>001540</b>
Concerns relating to access and road arrangements, road safety, provision of connecting paths and drainage.	
<b><u>Greshop Industrial Estate</u></b>	
<b>SEPA</b>	<b>000569</b>
No objection. Adequate buffer strip required between development and River Findhorn.	
<b>Mr And Mrs Mark And Beverly Ellis</b>	<b>000442</b>
Agrees with the expansion of industrial land all focused around Waterford.	
<b>SEPA</b>	<b>000569</b>
The whole site is on floodplain now defended by the Findhorn Flood Alleviation Scheme (FAS). Site is proposed for redevelopment to a use of the same vulnerability as present and so a Flood Risk Assessment (FRA) unlikely to be required. There is a high risk of contaminated land within the site given former uses.	
<b><u>R9 Plantation Cottage</u></b>	
<b>Scottish Natural Heritage</b>	<b>001027</b>
Limited capacity for development as majority of site includes woodland listed in the Scottish Semi-natural Woodland Inventory. If site is taken forward, the boundary should be amended to exclude the woodland interests from the developable area and developer requirements in the 2015 Plan be carried forward.	
<b>SEPA</b>	<b>000569</b>
Surface water risk affecting large part of site. Developer requirements as per existing Local Development Plan designation text and that the potential for radioactive contamination be investigated.	
<b>Mike O'Driscoll Builders</b>	<b>001297</b>
Disappointed to note that the site is currently not supported and the Council's recommendation is to remove the R9 designation. Site is defined and contained and well related to the settlement boundary for Forres, closely associated with existing housing and land designated for housing. Landowner is committed to the development of the site and reassures that progress is being made. Notes that once the designation has been confirmed in the forthcoming Plan then progress will be made to obtain the necessary consents.	
<b>Officers comments on representations and recommendations:</b>	
<b><u>General</u></b>	
Recent development in Forres has been concentrated in the south. There is no further housing development proposed in Forres beyond the sites already allocated within the MLDP2015. In the longer term growth in Forres will be focused on the large release at Lochyhill and Lochyhill LONG to the east. The Council is seeking to raise design standards and deliver higher quality developments. A masterplan has	

been prepared for designated sites at Dallas Dhu to deliver a high quality attractive development with character and identity that integrates sensitively into the landscape with accessible and useable areas of open space. This development will also provide enhanced access onto the Dava Way and wider countryside.

In terms of addressing roads infrastructure requirements for developments in the future, the Council is currently preparing a Forres Transport Appraisal to inform this. The background mapping used at the consultation event is Ordnance Survey data, it is understood that the mapping is updated regularly upon completion of houses. It is acknowledged that there is a house in this location and the environmental designation within the MLDP 2015 has been drawn to omit the house plot,

Scottish Water has advised that they are undertaking a Strategic Drainage Impact Assessment for Forres which will clarify responsibilities for carrying out and funding upgrading works. Scottish Water is ultimately responsible for ensuring there is adequate capacity and that required upgrading works are undertaken.

The Council is supportive of brownfield development and there are identified opportunity sites within Forres including the former bus station and Tesco site to promote development. The Council is currently investigating ways to unlock sites constrained sites and is seeking to identify redevelopment areas within town centres to promote development on these sites. The LDP includes identified Ministry of Defence (MOD) Safeguarding areas. Proposed developments within the vicinity of MOD airfields are screened to ensure they do not impact upon the safe operations of these facilities. It is unlikely that there will be development proposals in excess of 45.7 m within the Forres area. Note that a Strategic Drainage Impact Assessment will be undertaken by Scottish Water for Forres which will clarify responsibilities for carrying out and funding upgrading works.

#### **Recommendation**

- **No change.**

#### **OPP8 Whiterow**

##### **Impact on adjacent properties**

There are no detailed proposals to assess impact on adjacent properties, boundary treatments and fencing heights etc. as these will be dealt with at detailed planning application stage. The developer/landowner should undertake detailed surveys and utilities checks as part of site appraisal prior to formulating plans for developing the site and should address issues such as wayleaves and continuity of electricity supply to existing residents. It may be there is an opportunity for connection to the public sewer as a result of the development this however would not be a requirement for the development to gain planning consent. Any development must meet LDP Placemaking policies to ensure a high quality development in keeping with the character of the area is delivered on site. Adjoining properties will be neighbour notified in respect of planning applications where there will be an opportunity to comment on the proposal.

##### **Impact on Woodland**

There is a requirement that where mature trees exist on or border a development site, a tree survey and tree protection and mitigation plan must be provided if the trees (or roots) have potential to be affected by development and construction activity, it is therefore not considered necessary to repeat this requirement in the designation text. It is also not considered appropriate to ask for a masterplan for adjoining sites given that they are within separate ownerships and for differing uses and are not reliant upon one another to come forward for development.

##### **Strategic Development Framework**

The landowners support for the expansion of the OPP 8 designation is noted as are the potential road network improvements arising from it. The designation text will be amended to require a strategic development framework for the whole of the site setting out the required landscaping, access points, gas pipeline buffering, development areas and vehicle and pedestrian routes. This will be used to inform a revised indicative capacity for the site from the 120-160 referenced. The expanded site means that there will be enhanced opportunities for landscaping.

## **Transport**

In terms of addressing roads infrastructure requirements for developments in the future, the Council is currently preparing a Forres Transport Appraisal to inform this. The appraisal of development sites and transportation infrastructure requirements for Forres is informed by traffic surveys undertaken in Autumn 2017 at key locations and junction in Forres. Additional surveys have been undertaken in 2018 at the new bridge crossing the railway and on the U83E Mannachie to Pilmuir Road. The results of the consultation undertaken as part of the Forres Planning for Real exercise has been used to inform the identification of any perceived constraints on the transportation network.

The demand for travel from the current LDP sites which are undeveloped and the new sites within the Main Issues Report has been estimated and the locations where there may be an adverse impact due to development identified (see Action Plan/LDP Delivery Plan for locations and transportation interventions).

A further study on Active Travel in Forres will commence in the Autumn. This study is to be funded from external sources and will identify options for Active Travel improvements in Forres for both existing and future users. It is acknowledged that the A96 dualling route has potential implications for this site. Once the preferred route is known this can be further explored if necessary.

## **Additional Supporting Information**

The additional assessments identified by SEPA including a Flood Risk Assessment, Phase 1 Habitat Survey and investigation of the potential for radioactive contamination will be added into the designation text.

### **Recommendation**

- **OPP8 *Whiterow* retained as opportunity site designation in the Proposed Plan and boundary amended to incorporate expansion area.**
- **Designation text amended to require a strategic development framework for the whole of the site, Flood Risk Assessment, Phase 1 Habitat Survey and investigation of the potential for radioactive contamination.**

## **Land North of the A96**

Following further consideration of options for growth in Forres it is proposed to remove this site. There is an adequate effective supply of housing land in Forres and demand can be met elsewhere. Identified large releases at Lochyhill, incorporating land at Tarras Farm (BP2), and land at Dallas Dhu, Knockomie and Ferrylea in addition to a significant LONG designation is more than sufficient to meet need in the LDP 2020 period.

### **Recommendation**

- **Site not allocated in Proposed Plan.**

## **Ferrylea**

The Council proposes to support the retention of the existing designation for housing, where development has commenced, and the release of LONG3. In terms of addressing roads infrastructure requirements for developments in the future, the Council is currently preparing a Forres Transport Appraisal to inform this. The appraisal of development sites and transportation infrastructure requirements for Forres is informed by traffic surveys undertaken in Autumn 2017 at key locations and junction in Forres. Additional surveys have been undertaken in 2018 at the new bridge crossing the railway and on the U83E Mannachie to Pilmuir Road. The results of the consultation undertaken as part of the Forres Planning for Real exercise has been used to inform the identification of any perceived constraints on the transportation network. Requirements for a buffer strip are set out in policy within the LDP2020 and do not need to be repeated in the designation text. Designation text will be amended to require an updated masterplan which shows connections between all areas and proposed landscaping. The land at LONG3 represents the rural edge of Forres and housing in this location must be of a lower density than other parts of the Ferrylea development and take account of the gas pipeline which runs through the site.

### **Recommendation**

- **Release LONG3 into effective housing supply and allocate as part of R3 *Ferrylea* in the Proposed**

#### **Plan.**

- **Designation text amended to include requirement for updated masterplan, a lowering density of housing on the rural edge and any assessments identified by consultees.**

#### **Enterprise Park Forres**

Comment in support of general industrial uses on this site is noted. The Council supports the inclusion of industrial uses in the southern area of the Enterprise Park. Designation text to be amended to reflect that units must be designed and constructed to conform with the high amenity and design standards of the Enterprise Park and that appropriate landscaping must be provided to mitigate any potential visual impact of development against the other higher amenity parts of the Park.

#### **Recommendation**

- **Designation text amended to allow for a small area of industrial use, reflect that units must be designed and constructed to conform with the high amenity and design standards of the Enterprise Park and that appropriate landscaping must be provided to mitigate any potential visual impact of development against the other higher amenity parts of the Park.**

#### **Waterford and Benromach Distillery**

Supportive comments are noted. There is an identified shortage of employment land in Forres, the road infrastructure delivered as part of the construction of the new Forres railway station opened up opportunities at Waterford making it an attractive location given its proximity to the A96 and potential to expand an existing industrialised area.

#### **Impact on Greshop House**

Historic Environment Scotland were consulted on the Main Issues Report and made no comment in respect of impact of the proposed designation on Greshop House. In terms of impact on the amenity of occupiers of Greshop House this will be considered at detailed planning application stage, at which point the type of development proposed will be known and any impact assessed. The impact on the value of the property and views from Greshop House is acknowledged but this is not a material consideration when identifying land for development. In order to help mitigate the impact of the development on Greshop House, it is proposed to provide an appropriate landscape buffer to minimise any impact.

#### **Impact on Woodland**

There is a requirement that where mature trees exist on or border a development site, a tree survey and tree protection and mitigation plan must be provided if the trees (or roots) have potential to be affected by development and construction activity, it is therefore not considered necessary to repeat this requirement in the designation text.

#### **A96 dualling**

It should be noted that deliverability of this site would be significantly impeded should the proposed A96 dualling route north of Forres be chosen as the preferred option, as well as impacting on Greshop House itself. Alternative sites for industrial land in Forres have been investigated in case the north route is chosen as the preferred option. It should be made clear the alternative site/s are not the Council's first choice of location and the preference remains to locate industrial land at Waterford.

#### **Further information**

Designation text will be prepared stating a Phase 1 Habitat Survey will be required to identify any potential Ground Water Dependent Terrestrial Eco-systems.

#### **Recommendation**

- **Sites allocated as Industrial Land, ENV6 *railways Station and Old Sidings* redesignated as industrial land and industrial land reconfigured at Greshop and Waterford (as Waterford, Waterford North and Benromach Distillery) in the Proposed Plan.**
- **Designation text for Waterford to include requirement for landscaped buffer strip to the south of the site, a possible Flood Risk Assessment (FRA) and any assessments identified by consultees.**
- **Designation text for Waterford North to include requirements for a masterplan, a landscape buffer strip between development and Greshop House, a Phase 1 Habitat Survey and any assessments identified by consultees.**
- **Designation text for Benromach Distillery to include requirements for a Phase 1 Habitat Survey, a**

**possible Flood Risk Assessment (FRA) and any assessments identified by consultees.**

### **I7 Springfield West**

Comments in support of the removal of site are noted. The Council proposes to remove the existing I7 designation from the Proposed Plan, as appropriate industrial land has been identified elsewhere in the settlement, and the settlement boundary be amended to follow the A96.

#### **Recommendation**

- **I7 Springfield West removed from the Proposed Plan and settlement boundary amended to follow the A96.**

### **I8 Springfield East**

Comments in support of the removal of site are noted. The Council does not support the change in designation from industrial to residential use as demand for housing can be met by existing allocations which remain undeveloped. The Council proposes to remove the existing I8 designation from the Proposed Plan, as appropriate industrial land has been identified elsewhere in the settlement, and the settlement boundary be amended to follow the A96. SEPA and SNH's comments are noted and will be taken into account if there is a change in position.

#### **Recommendation**

- **Site not allocated as residential designation in the Proposed Plan, I8 Springfield East removed and settlement boundary amended to follow the A96.**

### **Lochyhill/Tarras Farm**

R4 *Lochyhill* and LONG are proposed for inclusion within the LDP2020 in order to meet housing land requirements for Forres and to ensure there is an effective supply for housing sites available for development. In recent years, housing development has been focused on the south however there are no additional sites proposed beyond those already allocated. Longer term growth in Forres will therefore be concentrated in the east. A masterplan must be prepared for the Lochyhill site (R4), the Lochyhill LONG 1 site and the adjacent BP2 Business Park designation which is proposed to be redesignated from business park to residential use. The masterplan will need to include land for a potential new primary school and a mix of uses.

#### **Tarras Farm**

Following further consideration of options for growth in Forres, it is proposed to amend the designation of BP2 *Business Park Forres Extension* from business park to residential use. This approach is taken on the basis of consolidating residential development on the southern side of the A96 and not taking forward the LONG residential designation North of the A96 floated as a proposal in the Main Issues Report. The LONG1 *Lochyhill* site will remain LONG. This is subject to confirmation of the preferred route for the dualling of the A96 which may impact on this site. There is still land available within the Enterprise Park Forres to attract inward investment opportunities. A LONG industrial designation to the south of the Enterprise Park has been identified as a contingency depending on the chosen route for the dualling of the A96 and the potential impact on the proposed industrial designation at Waterford.

#### **Impact on New Forres Quarry**

Development at Lochyhill is not considered to have a detrimental impact on the operations of the quarry and would not result in the sterilisation of mineral resources in this location. A Transport Assessment is required to support development proposals and this will allow transport implications to be more fully considered. The LONG site will not be developed in isolation with access being provided both through R4 and onto the C27E to form a well-connected permeable development. Quarry traffic would need to avoid using roads through residential sites to access the A96 and the preferred route for quarry traffic would be via the C27E through the Forres Enterprise Park. Further comment in terms of the preferred junction for A96 access by the quarry HGV traffic would be a matter for Transport Scotland to consider as the trunk roads authority.

#### **Surface Water Drainage and Flooding**

A Drainage Impact Assessment (DIA) is required for the site which must take account of site conditions and requirements for extensive structural landscaping that can contribute to natural flood management. It may

be that there is an opportunity for connection to the public sewer as a result of the development this would not be a requirement for the development to gain planning consent.

#### **Impact on Woodlands**

There is requirement that where mature trees exist on or border a development site, a tree survey and tree protection and mitigation plan must be provided if the trees (or roots) have potential to be affected by development and construction activity, it is therefore not considered necessary to repeat this requirement in the designation text.

#### **Small field at Easter Newforres Farm**

The small field west of Easter Newforres Farm is to be included within the Lochyhill LONG designation. The designation text will be amended to make clear that this area is to remain as green space and provide a buffer to the existing woodland and to facilitate the creation of a green corridor linking the development to the woodlands. A masterplan is required for the whole Lochyhill site including the current LONG designation and will include pedestrian and cycle connectivity into town, adjacent woodlands and the wider countryside.

#### **Recommendation**

- **Site FR19 allocated as part of LONG1 *Lochyhill* in the Proposed Plan.**
- **BP2 *Enterprise Park Forres Extension* redesignated from Business Park to Residential and allocated as part of R4 *Lochyhill* in the Proposed Plan. Existing LONG1 designation to remain a longer term designation.**
- **Designation text amended to reserve 2.5ha for a potential new school, provision of a masterplan for R4 (including Tarras Farm) and LONG1 *Lochyhill* and requirement that small field west of Easter Newforres Farm is to provide a buffer to the existing woodland and to allow the creation of a green corridor linking the development to the woodlands.**

#### **Site to Rear of 139 High Street**

The Council does not support the designation of an opportunity site at this location as it is within Forres Town Centre and therefore should be dealt with through the development management process, in accordance with relevant town centre and retail policies. SEPA's comments however are noted and will be taken into account if there is a change in position.

#### **Recommendation**

- **Site not allocated in the Proposed Plan.**

#### **R8 Balnageith**

The Council supports the continued designation for housing on this site and propose to increase the capacity to 12 houses. Designation text to be amended to include requirements for a Flood Risk Assessment (FRA), a Phase 1 Habitat Survey and investigation of the potential for radioactive contamination. No masterplan is proposed for this site however, with an increased capacity of 12 houses, development will be subject to a Quality Audit which SNH contribute towards.

#### **Recommendation**

- **R8 *Balnageith* retained as residential designation in the Proposed Plan with increased indicative capacity of 12 houses.**
- **Designation text amended to include requirements for a Flood Risk Assessment (FRA), a Phase 1 Habitat Survey and investigation of the potential for radioactive contamination.**

#### **ENV9 Nursery at Pilmuir**

The Council does not support development at this location due to flood risk. SEPA's comments however are noted and will be taken into account if there is a change in position.

#### **Recommendation**

- **ENV9 *Nursery at Pilmuir* retained as environmental designation in the Proposed Plan.**

#### **OPP4 Cathay**

OPP4 *Cathay* is a long standing designation that has been included within successive plans. The designation

text seeks to minimise tree removal within the site by promoting low density development. There is a requirement to ensure a buffer is retained to the surrounding woodland and for a tree survey to support any development proposals and ensure high quality specimens are retained and safeguarded during construction and occupation. A planning application has been submitted for development of part of the site for housing and subsequently withdrawn. As part of the planning application process the Council has been working closely with the landowner to ensure that the necessary habitat surveys are undertaken and to ensure a network of trees allowing movement of red squirrels is retained and to ensure that required compensatory planting is delivered on site to mitigate tree removal. The Forestry Commission Scotland was consulted on the planning application and raised no objections.

#### **Recommendation**

- **OPP4 Cathay retained as opportunity site designation in Proposed Plan.**

#### **Land at Chapelton**

The Council does not support development at this location due to flood risk, landscape and visual impact and that development would amount to considerable incursion into open countryside. No change is proposed to the environmental designation, covering part of the site, nor the settlement boundary. SEPA and SNH's comments are however noted and will be taken into account if there is a change in position.

#### **Recommendation**

- **Site not allocated in the Proposed Plan.**

#### **Dallas Dhu**

The Council remains supportive of the inclusion of R6, R10 and LONG 2. The Council has adopted a masterplan for the Dallas Dhu site. The development of the R6 *Mannachie* site will necessitate the removal of some trees. The Council is in the process of serving a Tree Preservation Order (TPO) seeking to protect the ancient woodlands immediately adjacent to the Dava Way on the eastern edge of the R6 *Mannachie* site. It is a policy requirement where mature trees exist on or border a development site, a tree survey and tree protection and mitigation plan must be provided if the trees (or roots) have potential to be affected by development and construction activity, it is therefore not considered necessary to repeat this requirement in the designation text. The masterplan has sought to create green corridors through the development linking into the wider countryside as well as enhancing existing shelterbelt planting and the introduction of avenue planting. A large proportion of the site remains undeveloped and there are proposals to create wetlands and enhance biodiversity on the site and support local wildlife. Efforts have been made to minimise the views of housing from the Dava Way and create a high quality transition from urban edge of Forres into the countryside. Connections onto the Dava Way for pedestrians and cyclists will be enhanced through a network of paths and cycle routes. The Council is seeking to promote walking and cycling to assist in improving the health and wellbeing of communities. The Reporters findings and reference to considerable incursion into open countryside refers to another site and is not considered relevant in the context of R6, R10 and LONG2. The LONG2 site is significantly constrained due to the flood scheme and will only accommodate a very small level of development that will not impact on the surrounding woodland.

The inclusion of Mannachie Farm within the settlement boundary is accepted, the boundary will be drawn tightly around the buildings to ensure that greenspace buffer separating the farm from Dallas Dhu Distillery is retained. The Settlement Boundaries and Countryside Around Towns designations will offer protection by preventing urban sprawl and the distinction between the town and country. Designation text will be amended to make clear that development will be limited to land with existing levels above 31.5m AOD to ensure that protection measures are not required.

#### **Recommendation**

- **Release LONG2 into effective housing supply and allocate as part of R10 *Dallas Dhu* in the Proposed Plan.**
- **Amend settlement boundary to include Mannachie Farm.**
- **Designation text amended to reflect that development will be limited to land with existing levels above 31.5m AOD to ensure that protection measures are not required.**

### **R1 Knockomie (South)**

R1 *Knockomie (South)* is an existing designated site in the LDP2015. It is proposed to add a small parcel of land currently designated as white land and increase the density from 85 to 100 houses. The existing designation text requires the retention of existing trees and will be carried forward into the Proposed Plan.

#### **Recommendation**

- **R1 *Knockomie (South)* retained as residential designation in the Proposed Plan and boundary amended to include small parcel of white land.**
- **Indicative capacity increased from 85 to 100 houses.**

### **R11 Pilmuir Road West**

The Council does not support the inclusion of the proposed extension to R11 due to surface water flood risk and demand able to be met appropriately elsewhere in the settlement by existing allocations which remain undeveloped and the release of existing LONG designations into the effective land supply. SEPA and SNH's comments are however noted and will be taken into account if there is a change in position.

#### **Recommendation**

- **Site not allocated in the Proposed Plan.**

### **Greshop Industrial Estate**

Comment in support is noted. Moray Council Transportation has advised that suitable access arrangements can be achieved. The Council supports the inclusion of the site as an extension of I2 *Greshop East* in the Proposed Plan. Designation text will be amended to reflect requirements identified by consultees, including a Contamination Assessment and Drainage Impact Assessment (DIA). Trees on the western boundary adjacent to the existing I2 designation to be retained.

#### **Recommendation**

- **Site designated as Industrial Land and allocated as part of I2 *Greshop East* in the Proposed Plan.**
- **Designation text amended to reflect requirements identified by consultees, including a Contamination Assessment and Drainage Impact Assessment (DIA) and that trees on the western boundary adjacent to the existing I2 designation are to be retained.**

### **R9 Plantation Cottage**

The Council proposes to remove the existing R9 designation from the Proposed Plan as significant loss of woodland would be required to accommodate development and there are surface water issues throughout the site. The Council propose to redesignate the site as ENV6 Natural/semi-natural greenspaces. SEPA and SNH's comments are however noted and will be taken into account if there is a change in position.

#### **Recommendation**

- **R9 *Plantation Cottage* redesignated from residential to ENV6 *Natural/Semi-natural greenspaces* in the Proposed Plan.**



18	Forres LHMA – Other Housing and Employment Land Issues	
Main Issues Report Reference:	Responses to	
	<u>DALLAS</u>	
	LDP2020_MIR_DA1A	Dallas DA1A - R1 Dallas School West
	LDP2020_MIR_DA1B	Dallas DA1B - R2 Dallas School East
	<u>DYKE</u>	
	LDP2020_MIR_DK1	Dyke DK1 - Land to the East of Dyke
	LDP2020_MIR_DK2	Dyke - Site Adjacent to Fir Park Road
	<u>FINDHORN</u>	
	LDP2020_MIR_FH1	Findhorn FH1 - Field at Bichan Farm
	LDP2020_MIR_FH3	Findhorn FH3 - Land at North Beach
	LDP2020_MIR_FH5	Findhorn FH5 - Land to the East of Elvin Place
	<u>KINLOSS</u>	
	LDP2020_MIR_KN_GEN	Kinloss KN - General
	LDP2020_MIR_KN1	Kinloss KN1 - Land Adjacent to R4 Damhead (Site 1)
	LDP2020_MIR_KN2	Kinloss KN2 - Land Adjacent to R4 Damhead (Site 2)
	LDP2020_MIR_KN3	Kinloss KN3 - Land at Former Abbeylands School
	LDP2020_MIR_KN4	Kinloss KN4 - Land to the South East of Kinloss
	<u>RAFFORD</u>	
LDP2020_MIR_RF1	Rafford RF1 - R1 Brockloch	
Body or person(s) submitting a representation raising the issue (including reference number):		
000032	Findhorn Foundation	
000111	Historic Environment Scotland	
000285	RSPB Scotland	
000569	SEPA	
000629	Findhorn Village Conservation Company	
001027	Scottish Natural Heritage	
001049	Howard Davenport	
001319	Dallas Estate	c/o Grant & Geoghegan
001398	Finderne Community Council	
001544	Mr George Morris	
001601	Mrs Gill Sendall	
001604	Mr Graham Sendall	
001613	Mr John Davidson	
001723	Mr Ian Rippon	
001748	David Legge	c/o Altype Plans
001755	Mr Jonathan Wheeler	
001759	Findhorn Foundation Titleholders' Association	

001810	Hans Bracker	
001818	Woodland Trust Scotland	
001830	Dallas Estate	c/o Neil Grant
001837	Mr Norman MacLeod	
001849	Beatrix Descamps	
001852	Mr Michael Shaw	
001863	Mrs Joyce Vaughan	
<b>Planning authority's summary of the representation(s):</b>		
<b><u>DALLAS</u></b>		
<b><u>R1 Dallas School West</u></b>		
<b>SEPA</b>		<b>000569</b>
Flood Risk Assessment (FRA) may be required for development on the lowest quarter of the site. Adequate buffer strip required from River Lossie to the south-east of the site.		
<b>Dallas Estate</b>		<b>001830</b>
Underline the Estate's commitment to the development of the proposed site and to reassure that progress is being made on these matters. Once confirmed in the forthcoming Plan, the Estate will engage in obtaining consents and installing services and roadworks for the development.		
<b><u>R2 Dallas School East</u></b>		
<b>SEPA</b>		<b>000569</b>
No flood risk concerns. Adequate buffer strip required from River Lossie to the south-east of the site.		
<b>Dallas Estate</b>		<b>001830</b>
Underline the Estate's commitment to the development of the proposed site and to reassure that progress is being made on these matters. Once confirmed in the forthcoming Plan, the Estate will engage in obtaining consents and installing services and roadworks for the development.		
<b>Woodland Trust Scotland</b>		<b>001818</b>
The western end of the site borders onto land classified as long-established woodlands of plantation origin (LEPO) according to the Ancient Woodland Inventory (AWI). A buffer strip, to be determined at planning application stage, should be provided between the development and the area of woodland.		
<b><u>DYKE</u></b>		
<b><u>Land to the East of Dyke</u></b>		
<b>SEPA</b>		<b>000569</b>
Records of flooding downstream of site on the Little (or Meikle) Burn. Flood Map indicates complex area of risk combined with Muckle Burn mechanisms. Flood Risk Assessment (FRA) will be required to assess flood risk from the Little Burn and consider potential for interaction with Muckle Burn flooding. Adequate buffer strip required from Little Burn to the east of the site.		
<b>Scottish Natural Heritage</b>		<b>001027</b>
The southern boundary appears to adjoin woodland listed on the Scottish Semi-natural Woodland Inventory. SNH recommend that the designation text requires that proposals must demonstrate development does not impact on the woodland.		
<b>Woodland Trust Scotland</b>		<b>001818</b>
The southern end of the site borders onto land classified as long-established woodlands of plantation origin (LEPO) on the Ancient Woodland Inventory (AWI). A buffer strip, to be determined at planning application stage, should be provided between the development and the area of woodland.		

**David Legge**

**001748**

Amended plan provided demonstrating that the development area is shortened to show non-coalescence with existing house to the west. States that the impact on character of the village is lessened by revised area which complements aerial outline of village and that beneficial secondary roadway gives access to western side of village. Willing to negotiate third party land with adjoining neighbour for transportation requirements.

**Site Adjacent to Fir Park Road**

**Mr John Davidson**

**001613**

Proposal to include new allocation for 3 houses. Indicative plans demonstrate an aspiration to implement a long term landscaping scheme with native trees and ground cover to enhance the site in terms of screening the new houses from public vantage points whilst affording privacy within the development itself. The site is safely and realistically accessible by public transport, walking and cycling given its proximity to the existing settlement.

**FINDHORN**

**Field at Bichan Farm**

**Findhorn Foundation**

**000032**

**Access and Traffic**

The entrance to the site is owned by Findhorn Foundation and there is currently no agreement in place for the landowner/developer to use this entrance. The current entrance is sized for the amount of traffic generated by the current eco-village and it is unclear if it would be sufficient for further traffic. There are two possible ways to access the site and both have a number of concerns and could be difficult to deliver. There are already concerns from residents about traffic speeds and volume within the ecovillage. The increase in traffic would be significant, with potential road and pedestrian safety conflicts to be addressed particularly at the entrance and the shop. It may be difficult to negotiate access and the financial commitment required for ongoing maintenance and formal agreements would have to be in place with any developer.

**Services**

Connection to the Foundation's private network would probably require new water pipes to accommodate any increased demand. The eco-village private sewerage system is at capacity. Any new build would need an onsite pumping station. Connection to the waste water main would have to cross Findhorn Foundation land. There are no agreements in place to tie into Findhorn Foundation infrastructure for any required upgrades to achieve this or to cross Foundation land.

**Design**

Anything built on this site would have to be consistent with the eco-village in order not to damage it as a tourist destination. Even if the road and infrastructure could be solved, it would be challenging to put agreements in place to ensure the design and build were consistent with the eco-village.

**Mr Ian Rippon**

**001723**

**Impact on Amenity**

Residential and tourism are incompatible uses because of noise and disturbance. Residential and holiday accommodation don't go well together in the same development, which has been proposed here. Any holiday development on this site is likely to cause noise and disturbance to residents around the site, as well as within the site. There are existing holiday accommodation sites in Kinloss, Findhorn Bay Caravan Park, Findhorn Village. The bid site should only be for residential accommodation.

**Planning History**

This site was not supported for inclusion within the LDP 2015 as there were still considerable effective development opportunities available to the north of the eco-village and further development beyond this could not be justified. No overriding reason for the eco-village to keep growing at the rate experienced

recently and currently planned, particularly if such growth becomes increasingly unbalanced in the context of the scale of Findhorn as a whole. A period of consolidation was proposed before further consideration of expansion plans at the eco-village (beyond that currently planned). All development opportunities in the eco-village have not yet been realised. North Whins (to the North of East Whins and West Whins) is currently within the settlement boundary and planned for development and is likely to be developed in the period covered by the LDP 2020. Following the conclusions of the LDP 2015, only North Whins should be developed in the LDP 2020. In the LDP 2025, there should be a period of consolidation (with no building in this period) and as part of the LDP 2025, the Findhorn Settlement Area plan reviewed as a whole (Findhorn village, including the eco-village).

#### **Lack of Services**

There are deficiencies in the social facilities. The Findhorn Settlement area doesn't have a school, health centre, dental practice or pharmacy. There are no new jobs in the local area and few employment opportunities.

#### **Strategic Environmental Assessment**

The draft SEA states the site has been scoped in due to potential impacts on landscape and biodiversity. Has the impact of the development on the Findhorn Bay Local Nature Reserve been considered?

#### **Access and Traffic**

Additional development may necessitate the need for a secondary access for all traffic rather than just emergency access. The primary road access for FH1 is seen as through the existing entrance to the eco-village. This entrance is owned by the Findhorn Foundation; there is currently no agreement in place for the landowner to use this for this development. Considering road safety and road capacity issues this as a primary access is not viable. Possible secondary access points are the road that turns off the B9011 to Bichan farm. This access point has visibility and width constraints and will require transport studies. It is currently a single track road. This bid would require land purchase for this access point to be viable. Making the whole eco-village site permeable, with a new road cut through Cullerne Gardens or out to the Dunes Road to the North of the eco-village site. There would be strong local objection to this route, as the Cullerne Gardens are very productive market garden.

#### **Flooding**

A Flood Risk Assessment (FRA) will be required to assess risk from coastal flooding. If the FRA concludes this is medium to high risk, this will not be suitable for residential or holiday accommodation. The FRA and Drainage Impact Assessment (DIA) also need to demonstrate that the development will not increase the risk of flooding in the (existing) eco-village.

#### **Design**

Anything built on this site would have to be consistent with the eco-village, in order not to damage the eco-village as a tourist destination. The eco-village is seen within Moray as a unique asset, as a demonstration of high eco/high design specification and delivering on climate change, with passive solar gain, use of sustainable materials and integrating renewable energy.

#### **Beatrix Descamps**

**001849**

#### **Access and Traffic**

The Findhorn Foundation community is built completely on privately owned lands the maintenance of which is paid only by its members with no support from Moray Council. On that basis, existing roads within the eco-village should not be used for people to reach houses/homes which are not part of our community. There are already concerns from residents about traffic speed and volume within the eco-village. The road infrastructure is already at capacity. The increase in traffic in the park would be substantial, with potential road and pedestrian safety conflicts, particularly around the entrance and the shop.

#### **Impact on existing residents**

Concern around having direct neighbours who have no connection with our community and who are not familiar with our ethos, way of thinking and living. Like for instance respect of neighbours and open communication. Other habits and advantages of living in our community would be threatened.

#### **Mr Michael Shaw**

**001852**

Concerned about development of the site for the following reasons. There is a Deed of Servitude on part of the identified site for an access road and car park.

#### **Flooding**

The rest of the land is low and relatively close to sea level. The Findhorn Foundation Park has a policy to avoid building permanent buildings on land nominally below 4 metres above sea level. This land regularly floods at spring tides and believe most of the land in question is subject to flooding as climate change takes effect. Believe there may be a proposal to build light structures well off the ground.

#### **Access**

There are obvious access issues. The turn off the road to the Village is tight and the road to the Bichan farm is narrow.

**Mr Jonathan Wheeler**

**001755**

#### **Impact on Amenity**

The proposed site is surrounded by residential accommodation and building holiday accommodation would not be appropriate on this site. The noise and activity would be a serious disturbance. The site has previously been rejected for development on the basis of flood risk, rate of growth of the eco-village.

#### **Access**

An access road would need to be built and coming from the Bichan farm entrance onto the B9011 this would need to be of considerable length and therefore costly. There is no agreement in place for access via the existing eco-village which in any case is already at capacity. There have been concerns for some time around traffic capacity, traffic speeds and pedestrian safety in the eco-village.

#### **Flooding**

The SEA site assessment summary states that the proposed site is at risk of coastal flooding. If the Findhorn Bay overflows the proposed site would be flooded. New developments should not be located in areas at risk of flooding. It would also need to be shown that there would be no increased risk of flooding in the existing eco-Village as a result of the development.

#### **Impact on Amenity**

The West boundary has some trees planted but there are gaps in this. There is no planting to the north and south. With residential accommodation on three sides this means privacy could be compromised and there would be issues of noise. Connections for water and waste water are likely to prove costly given the high water table and lack of an easy route to the main water supply and sewage system. The eco-village waste water system is already at capacity.

#### **Design**

The costs of the eco-buildings themselves is high. The development would need to follow eco-building specifications in order to integrate sensitively into the existing landscape and be in character with the surroundings.

**Findhorn Foundation Titleholders' Association**     **001759**

#### **Access**

The bid document does not state what the primary access to this site from the B9011 is. There are two possible ways to access the site, both have a number of concerns and would be difficult to deliver. It would be complex to negotiate access and financial commitment to any required ongoing maintenance. There are already concerns from residents about traffic speed and volume within the eco-village. The road infrastructure is already at capacity. There is no agreement between the Findhorn Foundation and the Landowner/Developer for the use and maintenance of the existing eco-village entrance.

#### **Services**

The developer may be interested in tying into the Foundation's private water and electricity networks. As users of the network the Titleholders' Association are against such connections. Disruptions to supply and road closure caused by any required upgrades to the system. Difficulty in assessing a fair and equitable cost for all users for maintenance of the system.

#### **Flooding**

The bid states a Flood Risk Assessment (FRA) will be required to assess risk from coastal flooding. Areas at medium to high risk will not be suitable for more vulnerable uses. In the light of the previous rejection and the current flooding assessment, before this site is included in any bid, a Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA) should be completed. There is no connection between the development and the eco-village.

#### **Design**

Anything built on this site would have to be consistent with the eco-village, in order not to damage the eco-village as a tourist destination.

**Mrs Joyce Vaughan**

**001863**

#### **Access and Traffic**

Concerned about development of the site for the following reasons. The proximity of the primary road access to existing properties would increase traffic, noise and pollution considerably. Road safety is already an issue in the area due to the lack of pavements and speeding traffic. Due to the recent development of East Whins, and West Whins; traffic through the small community has already increased considerably.

#### **Impact on existing residents**

Loss of outlook of properties that border the proposed site. Ongoing noise pollution for the duration of the proposed building works and infrastructure being carried out. Effect on the market value of surrounding properties. Is there really a need for more holiday accommodation in the area? The adjacent caravan park is often quiet, even during the height of the summer season. There are also other holiday sites available in Findhorn.

**Hans Bracker**

**001810**

#### **Access**

Concerned about development of the site for the following reasons. Lack of access. It will be difficult to tie this site to the existing roads in the Park or to the B road directly. Having a housing development or tourist development on that site will increase traffic in the Park, which is already strained through the increases due to developments of East Whins and West Whins, and later North Whins. Increase in noise pollution due to traffic affecting residents bordering the site.

#### **Services**

The site would need new infrastructure like sewage drains and electricity. The sewage treatment plant in the Park is already over capacity, and the local electricity generation at capacity for the size of the Park. New additions cannot be incorporated under our ecovillage concept.

#### **Environmental Impact**

Environmental concerns due to high water table and visual impact of housing development. The change from agricultural land to a housing estate is a huge one.

#### **Land at North Beach**

**RSPB Scotland**

**000285**

Any development at this site would need to be carefully considered and may require appropriate mitigation due to the proximity to the Findhorn Bay Local Nature Reserve. Development in this area would have to be carefully sited to ensure that disturbance of habitats and species is avoided.

**Scottish Natural Heritage**

**001027**

The allocation is approximately 160 metres from the Moray Firth Special Area of Conservation (SAC) and Special Protection Area (SPA). However there is unlikely to be connectivity to the SAC. With regard to the SPA, there is already a level of human activity along the coastline via the Moray Coastal Trail and at the beach at Findhorn, with additional activity from the nearby caravan park. It is unlikely that additional human activity from users of the small areas of proposed overnight motorhome/caravan/camping provision would add significantly to the existing effects on the bird interests of the SPA.

#### **Land to the East of Elvin Place**

**Findhorn Village Conservation Company****000629**

A revised site plan is submitted for consideration. The smaller site would have considerably less impact on the area, as its most northern boundary aligns with the R1 site northern boundary. There is already adjacent housing. The proposal would give this area of Findhorn a mix of housing provision where services are already in place. A green buffer strip is shown to be retained to the west and south boundaries. This will ensure privacy with adjacent residents. Other areas of gorse/vegetation within the site would be retained and enhanced with native planting species rather than clearing the entire area. A change in the environmental designation to a very small low density residential housing designation will not impact greatly on the environment or the character of Findhorn Dunes.

The previously permitted development at R1 Heathneuk has set a precedent in this location by visually preventing views towards the open dunes and landscape to the north. The recent Moray Council led Findhorn Planning for Real Action Plan showed that the housing needs level is high. This is due to the fact that Findhorn village has a very high percentage of holiday/second homes, most of which are not available as long term lets. Findhorn would benefit from being able to provide more diverse housing opportunities. As a landowner in Findhorn, the Findhorn Village Conservation Company is committed to providing social housing which will benefit the social demographic in the village.

**KINLOSS****General****Mr George Morris****001544**

Believes the ENV6 boundary is incorrect as there are areas of rubble heaps and ruins designated and areas of forests which aren't. Personal land is criss-crossed with large cables, pipes, drains and the roads and substations to access them and is required to keep these routes free of trees etc. to provide access.

**Mr Norman MacLeod****001837**

Believes the ENV6 designation should be replaced with an ENV2 (private gardens or grounds) designation. Land previously under ownership of MOD and available to public. Has since been disposed to the private properties and believe that residents should be able to use own land, horticulturally, as they wish with the exception of property development. Seeks the Tree Preservation Order to be revoked as the trees are, mostly, unsightly Scots pines and some are in a dangerous state.

**Land Adjacent to R4 Damhead (Sites 1 & 2)****SEPA****000569**

Area of surface water risk. Not supportive of further private systems in area. Adequate buffer strip required from Kinloss Burn to the south of the site.

**Woodland Trust Scotland****001818**

The northern end of Site 2 borders onto land classified as long-established woodlands of plantation origin (LEPO) on the Ancient Woodland Inventory (AWI). A buffer strip, to be determined at planning application stage, should be provided between the development and the area of woodland.

**Land at Former Abbeylands School****SEPA****000569**

Site partly within, and entirely surrounded by, fluvial map for Kinloss Burn. Depending on proposals for use/re-use, Flood Risk Assessment (FRA) may be required to ensure no loss of flood plain capacity and no increased vulnerability. Where fuelling or other activities involving oils are undertaken an oil interceptor or other mitigation should be provided. Pollution of Kinloss Burn - 100m to the north - must be avoided.

**Land to South East of Kinloss**

<b>Historic Environment Scotland</b>	<b>000111</b>
Welcome the non-inclusion of site. The proposed land allocation would encircle the scheduled monument and extend up to its boundaries to the north, east and south. It is unlikely that a buffer or screening could mitigate the effects of development on the open views to and from the Abbey.	
<b>SEPA</b>	<b>000569</b>
Areas of surface water risk, fluvial risk from Kinloss Burn and adjacent to coastal risk. Support the wording in the current Local Development Plan (LDP) for OPP1. The Kinloss Burn is canalised and should be renaturalised. Hydrogeomorphologist advice should be sought to ensure that appropriate measures to improve physical condition of waterbody are put in place as part of any development. Findhorn Bay (SAC/SSSI/GW SAC) in close proximity (80m) to the Northwest corner of the proposed site and Kinloss Burn runs through site, entering Findhorn Bay in the north-west. Adequate buffer strips required to protect watercourses and Findhorn Bay.	
<b>Scottish Natural Heritage</b>	<b>001027</b>
This allocation is in close proximity to the Moray & Nairn Coast Special Protection Area (SPA), the Moray & Nairn Coast Ramsar site and the Culbin Sands, Culbin Forest & Findhorn Bay Site of Special Scientific Interest (SSSI). Proposals must demonstrate how they will avoid an adverse effect on the integrity of the SPA; prevent sedimentation and pollution reaching the watercourse and affecting water quality, which would impact on habitats; and assess and mitigate indirect impacts through increased recreational use of the area, increased human activity causing disturbance to birds (particularly dog walking) and trampling damage of habitats, so that an adverse effect on the integrity on the SPA is avoided.	
<b>Mrs Gill Sendall</b>	<b>001601</b>
Dismayed to see a swathe of agricultural land being looked at for development of housing adjacent to Kinloss Abbey. Additional housing not required in Kinloss. Will not provide “enjoyable” space to live as any housing is far too dense and no gardens are ever allowed for. Should preserve our agricultural heritage which cannot be replaced.	
<b>Mr Graham Sendall</b>	<b>001604</b>
The land marked in RED south of the village should remain as it is.	
<b><u>RAFFORD</u></b>	
<b><u>R1 Brockloch</u></b>	
<b>SEPA</b>	<b>000569</b>
Areas of surface water risk. Not supportive of further private systems in area. Adequate buffer strip required from Cock’s Loch to the west and pollution of waterbody should be avoided.	
<b>Howard Davenport</b>	<b>001049</b>
Support the provisions of the current plan including restricting building behind the existing houses and providing a stone wall along the roadside. Concerns regarding drainage and light pollution.	
<b>Scottish Natural Heritage</b>	<b>001027</b>
The western boundary of the allocation adjoins woodland listed on the Ancient Woodland Inventory (AWI) and the Scottish Semi-natural Woodland Inventory. SNH recommend that the designation text highlights this and requires that proposals must demonstrate that development does not impact on the woodland.	
<b>Dallas Estate</b>	<b>001319</b>
Underline the Estate's commitment to the development of the proposed site and to reassure that progress is being made on these matters. Once confirmed in the forthcoming Plan, the Estate will engage in obtaining consents and installing services and roadworks for the development.	
<b>Finderne Community Council</b>	<b>001398</b>
Key concerns were drainage and sewage and increased road traffic.	
<b>Woodland Trust Scotland</b>	<b>001818</b>
The western end of the site borders onto land classified as long-established woodlands of plantation origin	



(LEPO) on the Ancient Woodland Inventory (AWI). A buffer strip, to be determined at planning application stage, should be provided between the development and the area of woodland.

#### **Officers comments on representations and recommendations:**

##### **DALLAS**

###### **R1 Dallas School West**

The Council proposes to retain the existing residential designation. Designation text to be amended to include requirement for possible Flood Risk Assessment (FRA). Requirements for a buffer strip are set out in policy within the LDP2020 and do not need to be repeated in the designation text.

###### **Recommendation**

- **R1 Dallas School West retained as residential designation in Proposed Plan but note that if site is not progressed, it will be considered for removal from the next Plan.**
- **Designation text amended to include requirement for possible Flood Risk Assessment (FRA).**

###### **R2 Dallas School East**

The Council proposes to retain the existing residential designation. Requirements for a buffer strip are set out in policy within the LDP2020 and do not need to be repeated in the designation text.

###### **Recommendation**

- **R2 Dallas School East retained as residential designation in Proposed Plan.**

##### **DYKE**

###### **Land to the East of Dyke**

The Council does not support development on this site due to the impact on the character of the settlement. The identification of a site in the north of the settlement means that demand can be met appropriately elsewhere. SEPA, SNH and Woodland Trust's comments are however noted and will be taken into account if there is a change in position.

###### **Recommendation**

- **Site not allocated in the Proposed Plan.**

###### **Site Adjacent to Fir Park Road**

The Council supports the allocation of the site for residential use in the Proposed Plan as it is a natural and modest extension of Dyke and in keeping with the character of the settlement. Designation text will reflect requirement for road upgrades and advanced planting along the eastern and northern boundary of the site, as well as any assessments identified by consultees including a Drainage Impact Assessment (DIA).

###### **Recommendation**

- **Site allocated for residential use in the Proposed Plan.**
- **Designation text to require road upgrades and advanced planting along the eastern and northern boundary of the site, as well as any assessments identified by consultees including a Drainage Impact Assessment (DIA).**

##### **FINDHORN**

###### **Field at Bichan Farm**

The site is not supported for inclusion within the Proposed Plan as the landowner/developer has failed to provide adequate information to demonstrate that the site is capable of being developed, in particular there is a lack of information on the provision of a secondary point of access to serve the site.

###### **Recommendation**

- **Site not allocated in Proposed Plan.**

### **Land at North Beach**

The Council proposes to expand the existing ENV9 designation areas and accept the principle of using the parking areas for the potential use for overnight motorhome, campervan and camping provisions, subject to relevant regulation consents if required. The area to the north-east is not supported for inclusion due to its proximity to the dunes and the identification of a more appropriate area to the east of the west car park and picnic site. Designation text to be carried forward and amended to include reference to the avoidance of disturbance to bird species and habitats.

### **Recommendation**

- **Amend boundaries of ENV9 designations.**
- **Designation text amended to accept the principle of using the parking areas for the potential use for overnight motorhome, campervan and camping provisions, subject to relevant regulation consents if required and require demonstration that disturbance to bird species and habitats can be avoided.**

### **Land to the East of Elvin Place**

The Council notes the size of the site has been reduced but does not support changing part of the ENV designation to housing as it will erode the semi-natural character of the access to the Findhorn Dunes. This issue has previously been considered at Examination and retention of the semi-natural character of the ENV area was supported by the Scottish Government Reporter. The housing at Heathneuk was similarly subject to an Examination process and supported and is also in accordance with a landscape study.

### **Recommendation**

- **Site not allocated in Proposed Plan.**

## **KINLOSS**

### **General**

The Council does not support the change or removal of the environmental designation at Kinloss Park, Kinloss as ENV6 Natural/Semi-natural Greenspaces best reflects the characteristics of the woodland and its contribution to the surrounding amenity. The Council does not support the removal of the Tree Preservation Order on this site as it protects the trees which are of significant amenity value and contributes significantly to the woodland characteristics of Kinloss Park. The TPO does not stop the removal of dead, dying or dangerous trees but does require the Council to be consulted on any such proposals.

### **Recommendation**

- **No change.**

### **Land Adjacent to R4 Damhead (Site 1 & 2)**

The Council does not support development at this location as demand can be met by existing allocations which remain undeveloped. SEPA and Woodland Trust's comments however are noted and will be taken into account if there is a change in position

### **Recommendation**

- **Sites not allocated in the Proposed Plan.**

### **Land at Former Abbeylands School**

Following clarification of the proposal and submission of an amended site plan (enlarged area), the Council proposes to allocate the site as an Opportunity Site in the Proposed Plan. Designation text will highlight the site's current tourism use (Morayvia), restrict development to tourism or residential and indicate the requirement for oil interceptor or other mitigation where fuelling or other activities involving oils are undertaken and possible Flood Risk Assessment (FRA).

### **Recommendation**

- **Enlarged site allocated as an Opportunity Site in the Proposed Plan.**
- **Designation text to highlight the site's current tourism use (Morayvia), restrict development to tourism or residential and indicate the requirement for any assessments identified by consultees including an oil interceptor or other mitigation where fuelling or other activities involving oils are**

undertaken, a Flood Risk Assessment (FRA) Level 2 and Drainage Impact Assessment (DIA).

**Land to South East of Kinloss**

Comments in support of the non-allocation of the site are noted. The Council does not support development at this location due to the inappropriate scale of development and adverse impact on setting of listed building and scheduled monument. SEPA and SNH's comments however are noted and will be taken into account if there is a change in position.

**Recommendation**

- **Site not allocated for housing and existing ENV9/OPP1 designations retained in the Proposed Plan.**

**RAFFORD**

**R1 Brockloch**

Concerns regarding drainage and pollution are noted and require to be addressed through the submission of any planning application. The Council proposes to retain the designation for housing.

**Recommendation**

- **R1 *Brockloch* retained as residential designation in Proposed Plan.**

<b>19</b>	<b>Buckie LHMA - Buckie Housing and Employment Land Issues</b>	
<b>Main Issues Report reference:</b>	LDP2020_MIR_BK_GEN      Buckie - General LDP2020_MIR_BK3      Buckie BK3 - Land Adjacent to Ardach Health Centre LDP2020_MIR_BK5      Buckie BK5 - Station Road, Portessie LDP2020_MIR_BK6      Buckie BK6 - Land at March Road (I1) LDP2020_MIR_BK7      Buckie BK7 - Land at Muirton LDP2020_MIR_BK9      Buckie BK9 - Land to the South West of Buckie LDP2020_MIR_BK10      Buckie BK10 - Buckie Ambulance Service Site LDP2020_MIR_BK11      Buckie BK11 - Land to the South West of Buckie LDP2020_MIR_BK13      Buckie BK13 - Land South of March Road/Rathven LDP2020_MIR_BK14      Buckie BK14 - R3 Archibald Grove LDP2020_MIR_BK15      Buckie BK15 - BP1 High Street LDP2020_MIR_BK19      Buckie - BK 19 Land at 86 - 94 Main Street LDP2020_MIR_BK20      Buckie BK20 - R5 Rathburn North LDP2020_MIR_BK21      Buckie BK21 - R6 Rathburn South	
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
000179	Moray Council Estates	
000297	Defence Infrastructure Organisation	Ministry of Defence
000569	SEPA	
001027	Scottish Natural Heritage	
001329	Seafield And Strathspey Estates	c/o Halliday Fraser Munro
001524	Scottish Water	
001559	Louie Paterson	Cluny Fish Ltd
001563	Mrs Moira Christie	
001569	Mr William Reid	
001570	Mr Angus Kerr	
001571	Karen MacRae	
001587	Mrs Ann Johnston	
001761	Mr Ron Stewart	
001857	Diageo (Scotland) Ltd	c/o Freya Pottinger, JLL
001861	Morlich Homes	c/o Aurora Planning Limited
<b>Planning authority's summary of the representation(s):</b>		
<b><u>LDP2020 MIR BK GEN – Buckie General</u></b>		
<b>Karen MacRae</b>		<b>001571</b>
Issue with increased traffic levels which are occurring as a result of the large numbers of houses that are being developed in the Buckpool area with an increased number of cars on Barhill Road. More housing		

means more children are going to school. Concern over the mini roundabout at Buckpool Square as it is a busy area. A sensible action to slow traffic would be a traffic light/crossing system.

**Scottish Water**

**001524**

There are currently Drainage Impact Assessments under way for Elgin, Forres and Buckie. The result will determine what network upgrades are required to serve development in these locations. Moray West and East Wastewater Treatment Works currently have sufficient capacity but may change as development progresses.

**Defence Infrastructure Organisation**

**000297**

Buckie area sits outside of the safeguarding area (SOSA), but within areas where low flying activity may take place. Proposed development over 50m AGL should be referred for review.

**LDP2020 MIR BK3 – Land at Ardach Health Centre**

**Mr Ron Stewart**

**001761**

Goes against all previous local plans as open space is being diminished. Advised that when Burnie was approved there would be no more development. This development and the proposal for a new Buckie High/Primary School would mean that there is little open space left. A flatted block would not be appropriate to the character of the surrounding area which is mainly single storey. Parking should not be allowed on Highfield Road as this is a bus route. Buses currently have difficulty rounding the corner from Cameron Crescent. The tarmac and footpath running down the western boundary cannot be included in the site as it has been a right of way for many years. Sewage from Burnie is pumped up to Highfield Road and may be a problem for proposed housing. Moray Council use this site as an access to cut and maintain the High School playing fields and all weather pitch.

**SEPA**

**000569**

No identified issues

**Mrs Moira Christie**

**001563**

More houses on Highfield Road will impact traffic. Suggests speed bumps on the road to slow down traffic and open up a bridge access at top of Highfield Road to give access to Buckpool (as was in past).

**Mrs Ann Johnston**

**001587**

Proposed development of housing is not in line with the community buildings already in that small area. The proposal is for flats for pensioners. There are no two storey buildings in the area and flats are not suitable for pensioners. The proposed area of ground is used for access vehicles for the High School. There is a path that people use daily. If there were buildings on one side of the path it would be very dangerous for children as they would be straight onto a road which is dangerous. When Burnie opened there was an open day where people were told that the area of land was to be retained for an extension.

**Mr William Reid**

**001569**

Told that no building would be in front of existing house when purchased in 1973 as it was educational ground. The school still use the land for sports activities. Government announced last year that no more educational ground was to be given up for building and that brownfield sites should be used for building instead of greenfield sites. Children still use this site for playing on. Only area of ground in this vicinity suitable for these activities as Linzee Gordon Park is too far away.

<b>Moray Council Estates</b>	<b>000179</b>
Proposal for 10 units on an area of land adjacent to the Ardach Health Centre	
<b><u>LDP2020 MIR BK5 – Station Road, Portessie</u></b>	
<b>SEPA</b>	<b>000569</b>
Drain running perpendicular to Station Road. SUDS must protect it.	
<b>Moray Council Estates</b>	<b>000179</b>
Proposal to designate an existing ENV designation for housing in the LDP 2020. An indicative capacity of 16 units has been provided.	
<b>Moray Council Transportation</b>	
Support in principle subject to the changes to the turning head type and additional foot and cyclepath requirements.	
<b><u>LDP2020 MIR BK6 – Land at March Road (I1)</u></b>	
<b>SEPA</b>	<b>000569</b>
No comments	
<b>Mr Angus Kerr 001570</b>	
Lives in property adjacent to the proposed site and bought it as it is not overlooked. Current area is a green field and is well used with dog walkers and joggers. Understand the need for development but some green areas should remain to meet the leisure and well-being needs of the local residents. Would like a maintenance strip/landbank between the site and east wall of the property. This will retain the existing tree and property wall and preserve privacy. Would like a strip of 1 ½ - 2m wide the length of the garden at 19 Erralston Marchmont Crescent.	
<b><u>LDP2020 MIR BK7 – Land at Muirton</u></b>	
<b>SEPA</b>	<b>000569</b>
Proposal forms part of a cumulatively large expansion with potential landscape impacts. SEPA have stated that should the bid be supported, adequate measures must be put in place to avoid pollution entering the drain. The site is also within proximity to Gollachy Civic Amenity & Transfer Station, Buckie and burn on east side of site has cooling water discharge from Inchgower distillery.	
<b>Morlich Homes</b>	<b>001861</b>
Request that the site is included as a residential allocation, indicatively for 142 units. To ensure it timely delivery and support the implementation of the Council's growth strategy, the site should be allocated without the need for it to be allocated as part of a masterplan for the wider area. A masterplanned approach runs contrary to the Council's preferred approach to deliver more housing units in the early part of the plan. Given the divided land ownership, the requirement of a joint masterplan potentially jeopardises the delivery of them.	
The allocation of the site without the requirement for it to be included in a masterplan would be in line with the MIR's ambition to deliver an increased number of homes in the early years of the emerging LDP in line with local and national government policy. It will ensure that the site is not constrained by the	

aspirations and actions of other landowners/developers. It will provide a well planned development which will meet all of the Council's requirements in terms of layout, landscaping and infrastructure, on a site which is relatively self-contained and better related to the existing settlement than the allocations to the south west of the town.

The Council's preference for Buckie to be a secondary growth centre indicates the settlements capacity for accommodating a certain level of growth with BK7 playing an important role in delivery. There is support for the Council's commitment to address the shortfall in delivery of housing units in the early years of the emerging LDP and support the long term strategy for delivering homes.

Existing sites in Buckie are either in the process of being developed out or have been carried forward in successive plans with no proposals for development which raises questions about deliverability. LONG sites have been brought forward which is indicative of the need for more immediate delivery. A distinction needs to be made between sites that meet the criteria of being effective and those which are likely to be delivered with alternative sites needing to be brought forward in that case.

#### **Moray Council Transportation**

Further information is required to demonstrate access feasibility. The information indicates that the two main accesses to the site, would be provided from Golf View and Muirton Way. It notes that Muirton Way would need to be upgraded and that the land is under the control of the same landowner. It states that "There are no servicing constraints or access issues".

The information submitted does not clarify that the end of the public road (Golf View Drive) is outwith the proposed site, the ownership or access rights onto the private road beyond or the need for improvements to that road including the removal of the access constraint at the end of the public road.

Whilst the information submitted indicates there are no ownership issues to upgrading of Muirton Way, no details on the available width between existing and approved property boundaries, or other geometry has been provided to demonstrate that an acceptable access can be provided to an adoptable standard.

#### **Note**

- A meeting between the Transportation Service, Development Plans, and the agent was held where it was clarified that there are no landownership issues that constrain making the necessary road improvements. Further detailed information has since been submitted which is currently under review. If deemed acceptable then the site will be allocated as a standalone site.

### **LDP2020 MIR BK9 – Land to the south west of Buckie**

#### **SEPA**

**000569**

Large expansion that could lead to potential landscape impacts. SEPA state that there is a drain running in the west of the development site. It is not clear if it enters at some point in the burn of Gollachy but adequate measure should be put in place to prevent any pollution entering the drain.

#### **Morlich Homes**

**001861**

Query as to why it is proposed to allocate sites BK9 and BK11 without including land to the eastern edge of the allocations. No obvious constraints for development on this land and it is not covered by any protected designations, is not visually prominent, easily accessible, and owned by the same landowner as BK9. Masterplanned approach would make more sense to combine the eastern part of BK9 with this area to create a coherent and logical extension. This should not be taken as an alternative to the existing proposed allocations which are separate from the combined BK9, BK11, and eastern site. Suggest that if the eastern site is included then the western part of BK9 could be removed. Recognise that there may be scope to develop all of BK9 and BK11. This would necessitate taking a long term approach, such that smaller sites which are suitable for development independently would need to be brought forward. With the focus of

masterplan on undeveloped land to the south of the settlement, there should be no question of any such other sites, which can be delivered independently, also being included in the masterplan.

### **LDP2020 MIR BK10 – Buckie Ambulance Service site**

**Louie Paterson**

**001559**

Received neighbour notification letter regarding change of use of a property at Low Street Buckie. Strongly oppose. Possible exit/entry of the ground in question at the low street end would also cross customer's entry point which is considered to be dangerous. Issue with land being made available for residential uses given the proximity of fish smoking kilns.

**SEPA**

**000569**

Potential issues regarding flooding and contamination have been raised which will have to be addressed before the site can be fully supported. Flood Risk Assessment should be undertaken to assess coastal flooding, including consideration of wave overtopping.

**Scottish Natural Heritage**

**001027**

At closest point the site is approximately 40m of the Moray Firth Special Protection Area (SPA), the furthest point being approximately 140m away from the SPA. Recommend a developer requirement is applied that mains water and sewerage should service development at this location to avoid significant effects through changes in water quality affecting the habitats and prey species that the qualifying interests of the SPA rely on. Unlikely that additional human activity at this location would add significantly to the existing effects on the bird interests of the SPA

### **LDP2020 MIR BK11 – Land to the south west of Buckie**

**Diageo (Scotland) Ltd**

**001857**

Inchgower Distillery lies directly adjacent to the eastern boundary of the proposed housing site. The Distillery is a key employer with the Moray area and the Council needs to take account of the ongoing operation and potential expansion of the Distillery. Support the identification of Buckie as a secondary growth area within the LDP. Highlight that housing development within close proximity of the Distillery could not only impact the Distillery's operation and potential expansion, but also the amenity of future residents due to the industrial nature of the Distillery. These concerns need to be taken account of when considering allocating this site in the LDP. Encourage that proposed LDP incorporates policy to safeguard the importance of the distillery as a local employer and tourism asset.

**SEPA 000569**

The need to carry out a FRA could possibly be avoided by taking a precautionary approach to the site design and layout. If included, allocation text wording would have to be similar to those in Section 1.4, indicating that a FRA may be required. Detailed comments in the "Flood Risk Detailed Comments" will indicate where this may be a suitable approach and in some cases we have recommended a buffer strip is provided. Ditches on site should be protected and can be part of a restoration feature. Cooling water from Distillery discharges into burn. Potential soakaway within the site should be dealt with privately by the developer. Pollution must be avoided from entering Buckie Burn and Burn of Gollachy. Area of rough grassland to the south of Tigh-na-Solus which could have a GWDTE. A Phase 1 habitat survey is required.

**Morlich Homes**

**001861**

Query as to why it is proposed to allocate sites BK9 and BK11 without including land to the eastern edge of the allocations. There are no obvious constraints for development on this land. It is not covered by any protected designations, is not visually prominent, easily accessible, and owned by the same landowner as BK9. A Masterplanned approach would make more sense to combine the eastern part of BK9 with this area



to create a coherent and logical extension. This should not be taken as an alternative to the existing proposed allocations which are separate from the combined BK9, BK11 and eastern site. If the eastern site is included then the western part of BK9 could be removed. Recognise that there may be scope to develop all of BK9 and BK11. This would necessitate taking a long term approach, such that smaller sites which are suitable for development independently would need to be brought forward. With the focus of masterplan on undeveloped land to the south of the settlement, there should be no question of any such other sites, which can be delivered independently, also being included in the masterplan.

#### **Scottish Natural Heritage**

**001027**

Recommend that the allocation is included in the masterplan to allow landscape, biodiversity, placemaking and connectivity to be taken into account.

#### **Moray Council Transportation**

Supported subject to a strategy to address the issue of accessibility to schools shops and services being agreed.

#### **LDP2020 MIR BK13 – Land south of March Road/Rathven**

**SEPA**

**000569**

No known flood risk.

#### **LDP2020 MIR BK14 – R3 Archibald Grove**

**SEPA**

**000569**

No known issues but drainage should be directed to public sewer. Site borders Freuchny Burn and must be protected by SUDS.

#### **LDP2020 MIR BK15 - BP1 High Street**

**SEPA**

**000569**

No peat issues. GIS shows an area of rough grassland. A Phase 1 Habitat Survey will be required. Buckie burn to the West of the site will require adequate buffering to avoid pollution

#### **LDP2020 MIR BK19 – Land at 86-94 Main Street**

**Stuart Beveridge**

**000179**

Proposal to remove an ENV designation for housing. The proposal would maintain the rear property line, the access routes, and the coastal path route. Any development would need the rear track line to be diverted to the rear of the new building line rather than the current configuration.

**SEPA**

**000569**

No comment

#### **LDP2020 MIR BK20 – R5 Rathburn North**

**Seafield And Strathspey Estates**

**001329**

Site is adjacent to existing housing and employment areas and to the north is the main cycle and footpath network to Buckie town centre. Portessie Primary school is close as are public transport routes and remains an obvious choice as a housing site. Site is presently being actively marketed as part of an estate wide marketing exercise. Developer interest has generally picked up across these sites but as with all development sites in this market it has suffered over the last plan period from a slower and more difficult

housing market. Moray's HNDA 2017 identifies that market activity on the Buckie sub-housing market reduced by almost half between 2010 and 2015. This location and site remain viable and marketable for both private and mixed tenure albeit within the context of a slower market than in more urban areas. It is presently being marketed and is essential that it remains an allocated development site to enable successful marketing of the site. There are no other sites more suited to development in the area.

## **LDP2020 MIR BK21 – R6 Rathburn South**

### **Seafield And Strathspey Estates**

**001329**

Site is adjacent to existing housing and employment areas and to the north is the main cycle and footpath network to Buckie town centre. Portessie Primary school is close as are public transport routes and remains an obvious choice as a housing site. Site is presently being actively marketed as part of an estate wide marketing exercise. Developer interest has generally picked up across these sites but as with all development sites in this market it has suffered over the last plan period from a slower and more difficult housing market. Moray's HNDA 2017 identifies that market activity on the Buckie sub-housing market reduced by almost half between 2010 and 2015. This location and site remain viable and marketable for both private and mixed tenure albeit within the context of a slower market than in more urban areas. It is presently being marketed and is essential that it remains an allocated development site to enable successful marketing of the site. There are no other sites more suited to development in the area.

## **Summary of responses (including reasons) by planning authority:**

### **Buckie – General**

The appraisal of development sites and transportation infrastructure requirements for Buckie has been informed by traffic information and recent Transport Assessments undertaken to support the R11 Barhill Road South and I3 March Road South East development sites. Transportation officers have also taken into consideration the views of local residents, communicated through queries to the council and approaches to Ward members to inform the identification of any perceived constraints on the transportation network. The demand for travel from the current LDP sites which are undeveloped and the new sites within the Main Issues Report has been estimated and the locations where there may be an adverse impact due to development identified.

### **Buckie BK3 - Land Adjacent to Ardach Health Centre**

#### **Overview**

The proposed bid is for residential with a possible emphasis on retirement flats or homes. The site is located on a flat strip of land that is identified as "white land" in the current local development plan. The site is adjacent to the Burnie day Centre, Ardach Health Centre, with residential development to the south. The proposal was supported in principle at the MIR stage as the proposed residential use is deemed acceptable in this area. Developing the site will undoubtedly result in the loss of this area of open space, however, the site is within close proximity to a large expanse of open space to the west and the Ian Johnston park is a short walk away. On balance, losing this strip of land is not detrimental to the overall provision of publicly usable open space in this part of the settlement. The issue of whether local residents were told that the land is reserved for the Health Centre is not a planning matter.

#### **Transportation**

Further information was sought as there were concerns about how a layout could be accommodated on the site which meets the necessary transportation and parking requirements while reflecting the character of the area. Transportation has not objected to the principle of development on the site. Details regarding parking requirements and any necessary road improvements will be dealt with if a planning application is submitted on the site at the Development Management stage.

### **Capacity/Connections**

There is concern that 10 units represents an overdevelopment on the site and does not reflect the existing housing density of the surrounding area. Highfield Road is predominantly characterised by single storey properties with relatively large plots. In order to reflect this character the capacity of the site will have an indicative capacity of 5 with the designation text restricting buildings to single storey. The designation text will be worded so that any development on the site will retain the existing paths and must not restrict access to the adjacent open space and school.

### **Recommendation**

**Include site in the proposed plan with an indicative capacity of five.**

## **Buckie BK5 - Station Road, Portessie**

### **Overview**

The site is located on the eastern Portessie side of Buckie and is currently covered by an ENV designation which protects areas of open space within settlements. The site is in a prominent location on a coastal ridge and is covered in gorse and vegetation. It has a cycle path running through it which is well used and helps to provide good east –west connections through the settlement. The site was previously designated for housing in the Moray Local Plan 2000, however, it was changed to an ENV designation in the Local Plan 2008 by the Reporter due to the high biodiversity and amenity value of the site. The Reporter concluded that development would result in the loss of an attractive and unspoilt landscape and that housing would raise sustainability issues being peripheral to the town centre. The view that the site should be retained as an ENV designation was maintained in the current MLDP 2015.

The site was evaluated during the preparation of the adopted Open Space Strategy 2018 Supplementary Planning Guidance where it was assessed as being of good quality with no development opportunities with a final recommendation that it should be retained as an ENV designation.

### **Biodiversity**

A biodiversity report has been provided in support of the proposal which demonstrates that there are no rare species of flora or fauna on the site. SNH were consulted and did not object to the proposal. Despite there being no objections from SNH and the biodiversity report showing no rare flora or fauna, the site due to its unspoilt nature is considered to be an important green corridor with a local biodiversity value.

### **Capacity**

Due to various constraints there are very limited options for development in the eastern side of Buckie. In order to try to facilitate development on the eastern side of Buckie there is scope to allocate a small section of this site for low density residential development. Allowing development of the proposed scale that was submitted (16 units) is inappropriate and would be detrimental to the character and amenity value of this well used area. Allowing development along the entire southern boundary will undoubtedly have a detrimental impact on the biodiversity value of the site which the ENV designation has protected in two Local Plans.

In order to protect the existing character of this area the proposed site will be reduced and will have an indicative capacity of five. This capacity reflects the prominent location and the existing development pattern/density on Station Road. The remainder of the site will be retained as an ENV designation to protect the amenity and character of the area which reflects the findings of the open space strategy and the Reporter's opinion of the site. The site designation text will include a requirement to retain the cycle path which must remain segregated. There will also be a requirement for landscaping along the southern boundary.

### **Recommendation**

**Accept proposal for residential in part. Part of the site will be included site for housing with an indicative capacity of five. The remainder of the site will be retained as an ENV.**

### **Buckie BK6 - Land at March Road (I1)**

The proposal is to change the designation of this land from industrial to mixed use to allow studio/office/commercial with the possibility of a small residential element. The principal of development has already been established on this area of land in the Moray Local Development Plan 2015 as the site is currently within the I1 March Road designation which allows for industrial uses.

The submission states that ground floor commercial use with upper floors residential could be an option for the site. While the site is located adjacent to existing housing, the site has an overall commercial character due to its location within I1. Given that the main vehicular access into the site is through the industrial site it would not be deemed suitable for residential use on its own as it could feel isolated from the existing housing. The proposal for mixed uses could be acceptable and could potentially accommodate a small element of residential use such as live/work units. Designating the site as an opportunity site will not have an adverse effect on the employment land provision at March Road with plenty of land still available for development.

#### **Recommendation**

**Re-designate as an Opportunity Site**

### **Buckie BK7 - Land at Muirton**

It is proposed to include the site in the proposed plan as it offers a visually contained western expansion to the settlement. During the consultation period, several issues relating to accessing the site were identified. The ability to address these issues would determine whether the site will be included in the proposed plan as a standalone site or as part of a wider masterplan with Site BK9. A meeting between the Transportation Service, Development Plans, and the agent was held where it was clarified that there are no landownership issues that constrain making the necessary road improvements. Further detailed information has since been submitted which is currently under review. If deemed acceptable then the site will be allocated as a standalone designation and the designation text will ensure that a connection is provided into Site BK9. SEPA and SNH's comments will be reflected in the site designation text.

#### **Recommendation**

**Allocate Site BK7 in the proposed plan.**

### **Buckie BK9 - Land to the South West of Buckie**

Buckie is identified as a secondary growth area in the LDP and in the MIR the Council proposed a long term growth area to the south west of Buckie. Within Buckie, development opportunities are limited and constrained on the eastern side making developing the western side the only option to provide effective sites through the plan period.

It has been identified that a site for a 2.5 ha Primary School could be required on the western side of Buckie. Site BK9 provides the opportunity to plan a Primary School into this part of the settlement. This will ensure that good connections are provided to the school and that all of the Council's placemaking ambitions are met. A masterplan will be sought for this site to ensure that all transportation and infrastructure requirements can be identified and progressed. Should the site be included in the proposed plan the designation text will require that a connection is made to Site BK7.

Barhill Road is a primary route into the settlement. Allocating land for development that has access to this road makes the proposed site the most logical location for the extension rather than extending into sites to

the east.

Following the consultation period it is proposed to only allocate Site BK9 as part of the growth area for this plan period. The housing land requirement for the Buckie LHMA for the LDP2020 is 250. With the allocation of Sites BK7 and BK9 this supply is being met without the need to allocate BK11. However, part of BK11 will be identified as LONG which will ensure that there is a reserve supply of land available for development. The site will form part of a masterplan for the wider growth area to ensure that future growth is planned effectively.

SEPA's comments regarding landscaping, flooding and drainage will be incorporated into the site designation text.

#### **Recommendation**

**Allocate Site BK9 in the proposed plan.**

#### **Buckie BK10 - Buckie Ambulance Service Site**

The site currently covers two existing Opportunity site designations in the MLDP 2015. The proposal was to designate these sites for housing. Following the MIR consultation it was established that there are a number of constraints on the site relating to flooding, contamination, and noise. The Council's Environmental Health section raised concerns with regards to the proximity of commercial businesses and whether residential development would be suitable given that there would likely be noise and odour issues. On this basis it is not proposed to re-designate this area for housing. The sites will retain their current designations and remain as opportunity sites. SEPA and SNH's comments are noted and should the site be taken forward for residential use they will be incorporated into the site designation.

#### **Recommendation**

**Retain designations as Opportunity Sites.**

#### **Buckie BK11 - Land to the South West of Buckie**

In the MIR the Council proposed a long term growth area to the south west of Buckie. The MIR states that the housing land requirement for the Buckie LHMA for the LDP2020 is 250. With the allocation of BK7 and BK9, this supply is being met without the need to allocate BK11 for development over the LDP2020 plan period. However, part of the site will be identified as LONG which will ensure that there is a reserve supply of land available for development. The site will form part of a masterplan for the wider growth area to ensure that future growth is planned effectively and that all infrastructure and placemaking requirements are identified and progressed.

The Council recognises the importance that the distillery makes to the local economy and allocating land immediately to the west of the distillery for housing is not deemed appropriate at this time given the industrial use of the distillery and the potential for land use conflict.

#### **Recommendation**

**Allocate part of Site BK11 as LONG in the proposed plan.**

#### **Buckie BK13 - Land South of March Road/Rathven**

Buckie currently benefits from a large supply of effective employment land. As the Scottish Planning System moves towards a 10 year period for Local Development Plans it is proposed to identify sufficient land to ensure there is a 5 year supply at the end of the plan period. A strategic reserve of employment land was identified which adjoins the existing March Road site that can be brought forward through phasing or triggers.

#### **Recommendation**

**Allocate strategic reserve of employment land in the proposed plan.**

#### **Buckie BK14 - R3 Archibald Grove**

The site is an existing housing designation in the MLDP 2015. It is proposed to increase the indicative capacity to 10 to reflect the surrounding area.

#### **Recommendation**

**Retain designation with an increased indicative capacity.**

#### **Buckie BK15 - BP1 & R10 High Street**

The two sites are existing designations in the current MLDP 2015. R10 is currently allocated for residential use and BP1 is allocated as a site for a high quality business park. It is proposed to merge the two sites to form a single mixed use site. The designation text will still require that the site is only suitable for high quality business uses but will be amended to include a hotel as an appropriate use. Merging the two sites to form a single mixed use site will allow greater flexibility of how the site could be developed as certain business uses may benefit from being closer and visible from the A98. Design principles will be prepared for the site to ensure that the site the Council's placemaking ambitions are achieved.

#### **Recommendation**

**Allocate as mixed use site in the proposed plan.**

#### **Buckie - BK 19 Land at 86 - 94 Main Street**

The site is currently an ENV designation which protects open spaces from inappropriate development. The area is characterised by a dense urban form with buildings fronting directly onto a narrow street. Although the ENV designation is currently in poor condition, it does provide a break in the dense streetscene and offers views towards the sea which adds to the character of this area. The condition of the site is not an acceptable form of justification for development of this ENV site. The site still has amenity value and therefore will be retained. Furthermore the Local Development Plan does not allocate sites for two houses.

#### **Recommendation**

**Retain site as an ENV designation in the proposed plan.**

#### **Buckie BK20 & BK21 - R5 Rathburn North & R6 Rathburn South**

The sites have been allocated in successive Local Plans with very little developer interest. Due to various constraints there are very limited options for residential development in the eastern side of Buckie, with the main areas of growth occurring on the western side of the town. It is acknowledged that over the current plan period the housing market has slowed. It is proposed that the sites are retained as housing designations to provide an option for housing development on the eastern side of Buckie. During the LDP2020 plan period the Council will be actively looking at ways to help facilitate development on these long standing sites. Should the sites not be developed over the LDP 2020 plan period they will be deleted from the next plan.

#### **Recommendation**

**Retain sites in the proposed plan**

20	Buckie LHMA - Other Housing and Employment Land Issues	
<b>Main Issues Report reference:</b>	LDP2020_MIR_CL1	Cullen CL1 - Land Opposite Cullen Cemetery
	LDP2020_MIR_CL2	Cullen CL2 - Site Adjacent to Cullen Caravan Park
	LDP2020_MIR_CL3	Cullen CL3 - R2 Seafield Road
	LDP2020_MIR_CL4	Cullen CL4 - I1 Site at Port Long Road
	LDP2020_MIR_CL5	Cullen CL5 - ENV3 Land at Bayview Road
	LDP2020_MIR_CL6	Cullen C6 - R1 Seafield Place
	LDP2020_MIR_FD_GEN	Findochty - General
	LDP2020_MIR_FD1	Findochty FD1 - R1 Morven Crescent
	LDP2020_MIR_FD2	Findochty FD2 - R2 West of Primary School
	LDP2020_MIR_PG1	Portgordon PG1 - Land to South of R1 Portgordon
	LDP2020_MIR_PG2	Portgordon PG2 - Land to West of R2 Portgordon
	LDP2020_MIR_PG3	Portgordon PG3 - R2 Crown Street
	LDP2020_MIR_PG4	Portgordon PG4 - Land at Richmond Place
	LDP2020_MIR_PG5	Portgordon PG5 - Land at Auchintae Road
	LDP2020_MIR_PK1	Portknockie PK1 - Patrol Road
	LDP2020_MIR_PK2	Portknockie PK2 - R1 Seabraes
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
000111	Historic Environment Scotland	
000179	The Moray Council Estates	
000297	Defence Infrastructure Organisation	Ministry of Defence
000569	SEPA	
001027	Scottish Natural Heritage	
001249	Crown Estate Scotland (Interim Management)	
001329	Seafield And Strathspey Estates	c/o Halliday Fraser Munro
001478	Councillor Donald Gatt	The Moray Council
001543	Brian Shepherd	
001562	Ms Shona Conlin	
001733	Mr Jake Smith	
001860	Neil Grant	
<b>Planning authority's summary of the representation(s):</b>		
<p><b><u>Cullen CL1 - Land Opposite Cullen Cemetery</u></b></p> <p><b>Historic Environment Scotland 000111</b></p> <p>No objection with the proposed use on the site but there are concerns regarding the access and the impact it would have on the formal entranceway of the Designed Landscape. The applicant provided revised plans with the access moved further to the south from the formal entranceway. Content that this separation is sufficient to mitigate the impact on the understanding of the designed landscape. Impact on the formal avenue could be further reduced by moving the buildings further away from the avenue and by introducing more planting along the northern boundary. Content with the principle of the allocation and the access</p>		

point to the immediate north of the existing allotments.

**Moray Council Estates**

**000179**

Proposal to designate a small area of land to the south of Cullen for small commercial uses. Discussions with Historic Environment Scotland have been held and are happy with the principle of development and that a suitable access into the site can be achieved that does not impact on the Designed Landscape.

**SEPA**

**000569**

No concerns with the proposal

**Scottish Natural Heritage**

**001027**

Northern boundary appears to adjoin woodland listed on the semi natural woodland inventory. Recommend that the allocation text in the LDP2020 highlights this, and that a developer requirement is applied that proposals must demonstrate that development does not impact on the woodland.

**Moray Council Transportation**

Visibility achievable to the left (north) is approximately 115 metres. Forward visibility for a vehicle waiting to turn right into the site is approx. 82 metres. Whilst there is a bend in the road and junction which should reduce the speeds at this location, a speed survey would be required to consider whether a relaxation of the visibility splay requirements to the available visibility would be appropriate.

**Cullen CL2 - Site Adjacent to Cullen Caravan Park**

**SEPA**

**000569**

No concerns

**Cullen CL3 - R2 Seafield Road**

**SEPA**

**000569**

No issues

**Scottish Natural Heritage**

**001027**

Site is approximately 700m from the Moray Firth Special Area of Conservation (SAC) and Special Protection Area (SPA). However there is unlikely to be connectivity to the SAC. There is already a level of human activity along Moray Coastal Trail with additional activity from settlements and caravan parks. Unlikely that additional activity from the proposed development would add significantly to the existing effects on the bird interests of the SPA.

**Cullen CL4 - I1 Site at Port Long Road**

**Neil Grant**

**001860**

Request to re-designate area to allow for tourism and residential uses. The site is already surrounded by housing and tourism uses. A number of applications have been refused in the area which is evidence that there is demand for residential/tourism development in this part of the village. The bid does not seek to deviate from the principal commercial/business use of the site. Flexibility in the new designation will make Cullen more attractive to existing residents and tourists in the long term.



**Moray Council Transportation**

Acceptable in principle subject to details of specific use, scale, assessment and consideration of any mitigation.

**Moray Council Environmental Health**

Contamination assessments may be required for any change of use to residential.

Any proposals for the introduction of residential use in this vicinity will require to account for the existing industrial use. There is a concern from this Section of juxtaposition of incompatible uses leading to future complaints against the existing industrial uses. Any proposals for residential use is anticipated to be provided with a detailed Noise Impact Assessment (NIA), pursuant to PAN 1/2011. (Previous residential applications have been refused in this locality – 15/01177/APP.)

**Moray Council Environmental Protection**

The development should incorporate upgrade to Core Path CU07 and the adjacent footpath to the south of the site from Lower Blantyre Street to Portlong Road. Core Path CU06 goes through the centre of the site on a road with no pavement and the development should separate vehicles from non-motorised users.

**Moray Council Flood Team**

There is no known fluvial, coastal or pluvial flood risk affecting the site. However due to the size of the development and close proximity to the coast a FRA level 2 is required, which should take wave action and coastal surge into account. A DIA, including details of drainage proposals and designs will be required to demonstrate suitable drainage can be achieved.

**SEPA**

Coastal site. Land levels are fairly high and agree there is no need for FRA for the proposed uses covered by the allocation. Any change to more vulnerable uses may require FRA.

**Cullen CL5 - ENV3 Land at Bayview Road**

Neil Grant

001860

Propose that the boundary of the ENV designation is amended slightly to enable the introduction of small scale tourism uses.

**Cullen C6 - R1 Seafield Place**

Seafield And Strathspey Estates

001329

Site is zoned for 30 houses (4.09Ha). It sits to the rear of Seafield Place and the access road to the R1 site has now been formed (2-lanes and a pavement). The access to this site is therefore in place. As with all housing sites in this market area it has suffered from a depressed housing market. That has changed over recent years and this site has specific developer interest. It should therefore be retained as a zoned site to enable that developer interest to be progressed. There are no issues with retaining the wording of the current LDP wording in relation to this site.

**Findochty - General**

Ms Shona Conlin

001562

Limited opportunity to buy or rent new stock. Wishes to downscale to a smaller two bedroomed house.

### **Findochty FD1 - R1 Morven Crescent**

**SEPA**

**000569**

No flood risk concerns

### **Seafield And Strathspey Estates**

**001329**

Site has good access and is located close to all local amenities. The site is presently being actively marketed as part of an estate-wide site marketing exercise. Developer interest has generally picked but market has suffered over the last plan period from a slower and more difficult housing market. This location and site remain viable and marketable for both private and mixed tenures albeit within the context of a slower market than in more urban areas. It is presently being marketed and is essential that it remain an allocated development site to enable successful ongoing marketing of the site. There are no other sites more suited to development in the area.

### **Findochty FD2 - R2 West of Primary School**

**SEPA**

**000569**

No comment

### **Portgordon PG1 - Land to South of R1 Portgordon**

**SEPA**

**000569**

Arable fields although there is rough grassland in adjacent fields. A Phase 1 Habitat Survey will be required to identify any potential GWDTE.

### **Scottish Natural Heritage**

**001027**

Allocation would significantly extend development outwith the existing settlement pattern. If taken forward a masterplan to cover this site and PG02 would be beneficial.

### **Portgordon PG2 - Land to West of R2 Portgordon**

**SEPA**

**000569**

Arable fields although there is rough grassland in adjacent fields. A Phase 1 Habitat Survey will be required to identify any potential GWDTE.

### **Scottish Natural Heritage**

**001027**

Allocation would significantly extend development outwith the existing settlement pattern. If taken forward a masterplan to cover this site and PG02 would be beneficial.

### **Portgordon PG3 - R2 Crown Street**

**SEPA**

**000569**

A Phase 1 habitat survey is required

### **Crown Estates Scotland**

**001249**

Potential for additional or alternative development to residential. Crown Estates Scotland (CES) are working with developers of the Beatrice Offshore windfarm. There is the potential to utilise the improvement in electrical grid infrastructure and the additional capacity this brings for development of battery storage and data centres. Site R2 lies in close proximity to on shore wind cables and could take

advantage of it. A mixed use allocation would provide flexibility for development on the site and would provide an opportunity for either residential and/or more industrial development. These two development types are considered compatible given appropriate landscape treatment to potential residential amenity. No further detail provided relating to prospects of battery storage but likely to be industrial storage (Class 4 or Class 6). Request that flexibility is allowed in terms of maintaining the capacity for a range of development types. As further detail becomes available site requirements can be updated in time for the production of the proposed LDP. Mixed use allocation would contribute to the employment land supply. Portgordon does not currently have an employment land allocation and the allocation will facilitate economic development in the settlement.

### **Portgordon PG4 - Land at Richmond Place**

**Brian Shepherd**

**001543**

Proposal for small scale housing.

#### **Moray Council Transportation**

Proposal not supported. The proposals show "Access via Portgordon to the west" however no details are provided and a viable access for vehicular traffic on the route shown does not appear to be possible without impacting on existing property boundaries. There appears to be a gap of approximately 3 metres between two properties on Tannachy Drive however the possibility of even a pedestrian or cycle connection is uncertain in terms of land ownership, utilities etc.

Access to Auchintae Road to the east of the site is also indicated. Auchintae Road is narrow with no footways and very limited passing place provision. To the north it connects with the A990 but involves crossing a bridge over the old railway line and a steep and twisting decent. To the south (Approx 1.85 Km), Auchintae Road forms a junction with the A98. The road serves a few other properties and farm accesses. The road lacks intervisible passing places, there is a small bridge on the route crossing the Burn of Gollachy.

### **Portgordon PG5 - Land at Auchintae Road**

**Brian Shepherd**

**001543**

Proposal for small scale housing.

#### **Moray Council Transportation**

Not supported. Additional development served by the existing Auchintae Road would not be acceptable. Intervisible passing places improvements would be required along the length of the road at not more than 150m centres to serve additional development. The applicant would need to demonstrate that this could be delivered. It is unclear how the site would be connected to Portgordon for walking and cycling. The site is isolated from the main Portgordon settlement with no footways. There are no local amenities within walking distance of the site. The Transportation Section do not support the allocation of this site for residential development.

### **Portknockie PK1 - Patrol Road**

**SEPA**

**000569**

No comment

**Scottish Natural Heritage**

**001027**

Site is located within approximately 125m of the Moray Firth Special Protection Area (SPA). A developer

requirement should be applied in the LDP 2020 that mains water and sewage should service any development at this location. Already a high level of human activity along this section of the coastline and unlikely that additional activity at this location would add significantly to the existing effects on the bird interest of the SPA.

**Councillor Donald Gatt**

**001478**

The site is allocated for small scale business use but has been run down and in a dilapidated state for some time. Disagree with the rejection of the proposal to make this area residential for the following reasons; The area is disused and is unsightly; The existing site is heavily constrained from expansion due to the adjacent residential area; The existing site is constrained for good vehicle access; The site is within 125m of the Moray Firth SPA. It is unlikely that additional human activity from further development at this location would add significantly to the existing effects on the bird interests of the pSPA; Residential development in this area could be entirely in character and sympathetic with the existing settlement pattern. There are few local businesses that operate within the town. The site is the only provision of identified land for small scale business within the settlement however changing the site designation would not necessarily be detrimental. The site designation should be changed to an "opportunity site" to allow proposals to be judged entirely on their merits without the constraint of a narrowly defined policy.

**Mr Alexander Laing**

**001733**

Site should be designated as a mixed use site to provide residential and employment uses. Portknockie will benefit economically with job provision within the retained and redeveloped small business area. A café will increase local employment and will have a positive effect on tourism. The sensitive re-development of a mixed use site will improve the aesthetics of the unsightly area. The site is on a lower level to that of dwellings on Addison Street which will provide a low impact development. Acknowledge that there are limited land opportunities to relocate a small business area. Consideration should be given to the large open area to the east of the village. Believe that relocation is not required due to the proposed business area being very small with non-intense usage.

**Portknockie PK2 - R1 Seabraes**

**SEPA**

**000569**

There is rough grassland to the North of the site (outside). A Phase 1 Habitat Survey will be required

**Scottish Natural Heritage**

**001027**

Site is located within approximately 250m of the Moray Firth Special Protection Area (SPA). A developer requirement should be applied in the LDP 2020 that mains water and sewage should service any development at this location. Already a high level of human activity along this section of the coastline and unlikely that additional activity at this location would add significantly to the existing effects on the bird interest of the SPA

**Seafeld And Strathspey Estates**

**001329**

Support the inclusion of the site in the LDP with the amendment of allowing phased development. There are no alternative development sites that could serve the settlement as effectively.

**Summary of responses (including reasons) by planning authority:**

**Cullen CL1 - Land Opposite Cullen Cemetery**

**Overview**

The proposal is for serviced development land for use classes (4,5,6). The site is located immediately to the south of Cullen (adjacent to the cemetery) and would represent an extension

to the settlement.

### **Designed landscape**

The site is located within the Cullen House designed landscape. Through the MIR consultation Historic Environment Scotland did not object to the principle of the use but raised concerns with the position of the access as it could have a negative impact on the formal entranceway into the designed landscape.

The applicant provided revised plans with the access moved to the south from the formal entranceway. In response to these revised plans HES stated that they are content that an acceptable separation is achievable to mitigate the impact on the understanding of the designed landscape. HES stated that further impacts could be reduced by moving the buildings away from the avenue and introduce further planting. The Council supports this recommendation and this requirement will be included in the site designation should the site be taken forward. The LDP 2020 contains policies to ensure that trees within sites and immediately outwith are protected through the need to provide a tree report and tree protection plan.

### **Access**

In response to the revised plans provided through the MIR consultation the Council's Transportation Section has stated that further information is required to demonstrate that an acceptable access could be achieved. A speed survey will be required to consider whether a relaxation of the visibility splay requirements to the available visibility would be appropriate.

### **Recommendation**

**It is proposed to allocate the site in the proposed plan for commercial use (4,5,6) and include it within the settlement boundary. The text will include the requirement for a speed survey to be undertaken and that proposals should be discussed with HES to ensure that a suitable access into the site can be achieved without being detrimental to the formal entranceway into the designed landscape.**

### **Cullen CL2 - Site Adjacent to Cullen Caravan Park**

The bid proposes an extension to the Cullen Caravan park for tourer pitches. The bid would extend into an existing area of open space which contains a pavilion, football pitch and a playpark. It is currently covered by an ENV designation. The bid was not made by the owners of the park and no detail was provided with regards to site size and access. The site is well used and provides a large area of publicly usable open space for the residents of Cullen.

### **Recommendation**

**Retain as an ENV designation in the proposed plan.**

### **Cullen CL3 - R2 Seafield Road**

The site is an existing housing designation in the MLDP 2015. It is proposed to retain the site in the proposed plan.

### **Recommendation**

**Retain site as a housing designation**

### **Cullen CL4 - I1 Site at Port Long Road**

The site is currently designated in the MLDP 2015 as a business site that is allocated for commercial and business use. The designation text currently acknowledges that there could be potential land use conflicts

between the principal use and tourism uses.

The site benefits from a coastal location and is within close proximity to the harbour. Although the site is a brownfield site it benefits from stone and slate buildings, which provides character to the site.

It is acknowledged that allowing a degree of flexibility on this site may help to facilitate its regeneration. Given the proximity to the harbour and main settlement it is proposed to designate the site as an opportunity site to accommodate tourism and commercial uses. The designation will also allow for the potential for residential development. This is on the basis that any proposal can demonstrate that any potential land use conflicts can be mitigated as The Council's Environmental Health section raised concerns with the potential juxtaposition of uses on the site.

Although designating the site as an opportunity site does provide a degree of flexibility to allow proposals to be assessed on their merits, the designation text will also include requirements for proposals to reflect the character of the area which is characterised by the traditional stone and slate buildings.

It is proposed to designate a new site to the south of Cullen for small commercial uses which will ensure that there is still land available for small commercial activity within the settlement.

#### **Recommendation**

**Re-designate as an Opportunity Site in the proposed plan.**

### **Cullen CL5 - ENV3 Land at Bayview Road**

The site is currently an ENV designation and is also located within the Cullen Seatown conservation area. The site is located on a prominent location due to the topography and being adjacent to the main road into the settlement. The proposal is to amend the ENV designation to allow for tourism use.

The Council is keen to support tourism uses in Cullen but it must not be at the detriment of the built environment or character of the conservation area. It is acknowledged that the existing building does not add to the character of the conservation area however this does not provide a justification to amend the ENV.

The bid provided no detail with regards to what the potential tourism uses could be. The site is visible from several locations around the settlement and there is concern with how a tourism use could be accommodated while being able to meet the Council's parking standards given the restricted nature of the site.

It is proposed to amend the designation of the I1 Port Long Road designation to allow for tourism uses. This site is less constrained and visually prominent than the proposed bid site and is more suitable for this type of use. Although the site is covered by an ENV designation the policy still allows for proposals should they meet the policy criteria. Any future proposals for development on this site should be explored through the Development Management process.

#### **Recommendation**

**The proposal is not supported. Retain existing ENV designation. It is proposed to amend the existing I1 site at Port Long Road to allow for tourism uses in Cullen.**

### **Cullen C6 - R1 Seafeld Place**

The site is a long standing housing designation that has been in successive local plans with little developer interest. The site sits high above Seafeld Place making any future development proposals likely to be extremely prominent in Cullen's skyline and on this basis it is not deemed to represent a suitable site for development. Given the lack of developer interest and the overtly prominent nature of the site, it is proposed to remove the site from the LDP 2020. Although this would only leave one designated housing

site in Cullen, Site R1 Seafield Place is deemed to be a more appropriate and logical site for development.

**Recommendation**

**Delete site**

**Findochty – General**

The LDP 2020 will carry over two existing housing designations from the current plan. The proposed new policies aim to try to facilitate development on these sites through phased or plot development.

**Findochty FD1 - R1 Morven Crescent**

The site has been longstanding and been in successive local plans with little developer interest. With limited development opportunities available in Findochty it is proposed to retain the designation in the LDP2020 as it represents a development opportunity that can be well integrated into the existing settlement.

**Recommendation**

**Retain housing designation**

**Findochty FD2 - R2 West of Primary School**

The site has been longstanding and been in successive local plans with little developer interest. With limited development opportunities available in Findochty it is proposed to retain the designation in the LDP2020 as it represents a development opportunity that can be well integrated into the existing settlement.

**Recommendation**

**Retain housing designation**

**Portgordon PG1 - Land to South of R1 Portgordon**

The proposed bid sites are deemed to represent an excessive expansion to Portgordon and due to the visual sensitivity they are not supported. The lack of containment and distance from the existing settlement would mean that any development would be significantly detached from Portgordon and would be detrimental to its overall character. The existing R1 designation allows for a modest expansion of Portgordon which is able to integrate and connect into the existing settlement.

There is no current need to designate further land for housing in Portgordon as sufficient land has been identified in the Buckie Housing Market Area to meet the land requirements for the period of the Moray Local Development Plan 2020.

Should the site be taken forward SEPA and SNH's comment will be taken into consideration.

**Recommendation**

**Proposal not supported.**

**Portgordon PG2 - Land to West of R1 Portgordon**

The proposed bid sites are deemed to represent an excessive expansion to Portgordon and due to the visual sensitivity they are not supported. The lack of containment and distance from the existing

settlement would mean that any development would be significantly detached from Portgordon and would be detrimental to its overall character. The existing R1 designation allows for a modest expansion of Portgordon which is able to integrate and connect into the existing settlement.

There is no current need to designate further land for housing in Portgordon as sufficient land has been identified in the Buckie Housing Market Area to meet the land requirements for the period of the Moray Local Development Plan 2020.

Should the site be taken forward SEPA and SNH's comment will be taken into consideration.

#### **Recommendation**

**Proposal not supported.**

#### **Portgordon PG3 - R2 Crown Street**

Site R2 was allocated for residential development in the MLDP 2015. Over the plan period there has been no developer interest in the site. While the reasoning and principle for re-designating the site for mixed uses is understood to try to facilitate development, it does not justify giving it this designation.

Portgordon has an existing housing designation (R1) which is located on the western edge of the settlement which allows for a modest expansion. Although it is located on the coastal slope it is able to integrate and connect into the existing settlement pattern without being detrimental to the overall character of Portgordon and is therefore deemed to be the most appropriate site for housing.

Although it is an existing site in the MLDP 2015, site R2 is relatively detached and isolated from the rest of the settlement and sits in a very prominent and open location with no visual containment. If the site were to be developed it would represent a southerly expansion which would be out of character from the existing settlement pattern.

Within the Buckie housing market area there is a significant amount of available employment land designated at March Road. With such a large effective supply in the locality there is no need at this stage to allocate land for employment uses in Portgordon. While the proximity to the underground cables is understood, no supporting information has been provided to merit potentially designating it as a mixed use site. Furthermore given the lack of landscape containment it is not deemed appropriate to allocate this area of land for employment uses.

The spatial strategy for the LDP2020 seeks to promote growth in Buckie as a secondary growth.. In the MIR a significant area of land is being proposed for development in Buckie. There is no current need to designate further land for housing in Portgordon as sufficient land has been identified in the Buckie Housing Market Area to meet the land requirements for the period of the Moray Local Development Plan 2020.

Should the site be retained SEPA's comments will be taken into consideration.

#### **Recommendation**

**Delete site**

#### **Portgordon PG4 - Land at Richmond Place**

The proposal is for small scale housing development in Portgordon. Council's Transportation department were consulted and have objected to this proposed access arrangements. Furthermore, Portgordon has an



existing site designated for housing which is proposed to be accrued forward into the LDP2020 which is in a more appropriate location.

#### **Recommendation**

**Proposal not supported**

#### **Portgordon PG5 - Land at Auchintae Road**

The proposal is for small scale housing development in Portgordon. The proposed access would be taken from Auchintae Road. The Council's Transportation department were consulted and have objected to this proposed access. Furthermore, Portgordon has an existing site designated for housing which is proposed to be carried forward into the LDP2020 which is in a more appropriate location.

#### **Recommendation**

**Proposal not supported.**

#### **Portknockie PK1 - Patrol Road**

The bid proposes a change of use on an existing site (I1) that is currently designated for small scale business use to residential. The site is located on the northern edge of the settlement and sits below the existing housing on Addison Street. The original bid was not supported on the grounds that the existing site allows the opportunity for small scale business activities and losing this small provision would be detrimental for the settlement as there are limited opportunities to identify land for this type of use elsewhere. It was also deemed to be out of character as there are no houses located beyond Patrol Road and Addison Street.

During the MIR consultation discussions were held between the applicant and members of the community. From the consultation it was clear that there was a desire to improve this area given its popularity due to its proximity to the coastal path and Bow Fiddle Rock. Discussions were had about the possibility of changing the designation to allow a mix of uses.

The key concern about the proposal in the original assessment was with regards to the loss of the area for small businesses to utilise. However, a new site for small business use has been identified in Cullen and will be taken forward in the proposed plan. This will provide an area for businesses to locate within the locality over the next plan period.

It is accepted that a form of small scale residential development could be acceptable in this location due to its proximity to existing residential development. While allowing residential development on this site does not guarantee that it will make an improvement it is accepted that it is potentially a means of regenerating the site.

It is proposed to re-designate the site as an opportunity site in the LDP 2020. This designation will allow a greater degree of flexibility for uses on the site and will allow for residential uses. However, re-development of the site will only be supported if it significantly improves the quality of the built environment and formalises parking and interpretation relating to Bow Fiddle Rock.

To avoid piecemeal development, the site designation text will state that proposals must be for the comprehensive redevelopment of the whole site with individual applications not being acceptable. Residential development will only being acceptable if it can be demonstrated that any potential land use conflict can be mitigated. Existing uses can still be accommodated on the site on the basis that it can be demonstrated that these are compatible with proposed uses to ensure that there is no conflict.

**Recommendation**

**Re-designate as an opportunity site.**

**Portknockie PK2 - R1 Seabraes**

The site has been longstanding and been in successive local plans with little developer interest. With limited development opportunities available in Portknockie with the site being the only available site for development in Portknockie it is proposed to retain the designation in the LDP2020. SEPA and SNH's comments will be reflected in the site designation text.

**Recommendation**

**Retain site in the LDP 2020.**

<b>21</b>	<b>Keith LHMA - Housing and Employment Land Issues</b>	
<b>Main Issues Report reference:</b>	LDP2020_MIR_KE_GEN      Keith KE - General LDP2020_MIR_KE2      Keith KE2 - Denwell Road LDP2020_MIR_KE3      Keith KE3 - Newmill LDP2020_MIR_KE4      Keith KE4 - Land South of Banff Road LDP2020_MIR_KE5      Keith KE5 - OPP4 Former Caravan Site LDP2020_MIR_KE7      Keith KE7 - Nursery Field LDP2020_MIR_KE8      Keith KE8 - R6 Banff Road North LDP2020_MIR_KE9      Keith KE9 - Land to East of I4 LDP2020_MIR_KE10      Keith KE10 - Land to the South of I3 LDP2020_MIR_KE11      Keith KE11 - BP1 Mulben Road LDP2020_MIR_KE12      Keith KE12 - LONG LDP2020_MIR_KE13      Keith KE13 - R5 Seafield Walk LDP2020_MIR_NM1      Newmill NM1 - R1 Isla Road	
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
000065	Craig MacKay	C M Design
000297	Defence Infrastructure Organisation	Ministry of Defence
000569	SEPA	
000617	Sheila Nicoll	
001027	Scottish Natural Heritage	
001524	Scottish Water	
001818	Woodland Trust Scotland	
001841	Mr Richard Davidson	c/o John Wink Design
<b>Planning authority's summary of the representation(s):</b>		
<u><b>Keith KE - General</b></u>		
<b>Defence Infrastructure Organisation</b>		<b>000297</b>
Keith sits outside of the safeguarding area (SOSA) but is within an area where military low flying activity may take place. Any proposed development exceeding 50m AGL must be referred to the MOD for review.		
<b>Scottish Water</b>		<b>001524</b>
Waste Water Treatment Works does not have sufficient capacity. Evidence of the 5 criteria for growth is required to support future development.		
<u><b>Keith KE2 - Denwell Road</b></u>		
<b>SEPA    000569</b>		
No objection to the site being included in the LDP 2020 provided that the following wording is included in the site designation text. "Any planning application for the site will require the support of a detailed flood risk assessment.		

Development will have to be avoided on all parts of the site found to be at risk of flooding and this may affect the options for site layout as well as the expected capacity of the site.” The FRA submitted in support of the site is not sufficiently detailed and robust to support detailed proposals. There is sufficient information to conclude that the site would have some capacity for development and do not object to its inclusion in the plan on this basis. Future assessments may find that the developable area is less than is expected from the FRA that has been provided.

**Keith KE3 - Newmill**

**SEPA 000569**

Mainly improved grassland although fields nearby have rough grassland which may have GWDTE in them. A Phase 1 Habitat Survey should be carried out. River Isla 150m to the North. Extra caution not to pollute the River Isla.

**Keith KE4 - Land South of Banff Road**

**SEPA**

**000569**

No flood risk requirements. SEPA flood maps show some pluvial risk so there may be additional drainage requirements.

**Keith KE5 - OPP4 Former Caravan Site**

**SEPA**

**000569**

No comment

**Keith KE7 - Nursery Field**

**SEPA**

**000569**

Some peat soils on part of the site, so any development may need to consider peat depth.

**Scottish Natural Heritage**

**001027**

Agree with the 2015 LDP identification as a functional greenspace. Unless the Open Space strategy review identifies that it is no longer suitable for use it is recommended that this allocation is not taken forward in the LDP 2020 due to adverse impacts on greenspace and amenity. Woodland listed in the Scottish semi-natural woodland inventory joins the north and eastern boundaries of the proposed allocation site. Recommend that the allocation text in the LDP 2020 highlights this, and that a developer requirement is applied that proposals must demonstrate that development does not impact on the woodland (bearing in mind the spread of tree roots that may cross into the site).

**Keith KE8 - R6 Banff Road North**

**SEPA**

**000569**

No comment

**Keith KE9 - Land to East of I4**

**SEPA**

**000569**

There is a drain to the south of the site which seems to enter the drum burn. Adequate buffering will be required.

**Keith KE10 - Land to the South of I3****SEPA****000569**

No comment

**Keith KE11 - BP1 Mulben Road****SEPA****000569**

GIS shows that there is rough grassland on site so a Phase 1 Habitat Survey will be required. Loan burn and a drainage system are present around the site. Adequate buffering will be required

**Woodland Trust Scotland****001818**

The eastern end of the site borders onto land classified as LEPO on the AWI. Support removal of the site due to site being adjacent to ancient woodland. If site is allocated then Council should specify a buffer between the development and ancient woodland.

**Mr Richard Davidson****001841**

During current plan period a number of constraints have prevented the delivery of development including the upgrading of existing access from the A95. Site is unviable for business use however it would be suitable for residential development and should remain in the settlement boundary under the LDP2020. There is the opportunity on the site to further enhance the landscape character of the area creating desirable housing within a rural setting. Open spaces will provide the opportunity for a play area and linking footpaths will provide dog walking opportunities. A strategic landscaping plan would be provided in support of any full planning application for approval prior to the commencement of development. The applicant is committed to delivering a marketable development on this site. Request that the site remains as a designated site in the LDP2020 but with an allocation for housing.

**Keith KE12 - LONG****SEPA****000569**

Drum burn and a drainage system to the east of the site. Adequate buffering will be required.

**Keith KE13 - R5 Seafeld Walk****SEPA****000569**

GIS is showing presence of rough grassland. Therefore a Phase 1 Habitat Survey will be required.

**Newmill NM1 - R1 Isla Road****SEPA****000569**

Kinminitie Burn 250m to the west and drain to the south which seems to enter the Drum Burn. Adequate buffering will be required

**Sheila Nicoll**

Concerned about the plan to build 6 -10 houses on land at Isla Road. The area that is proposed has a narrow road and if more houses were to be built the road would need to be widened. The refuse lorry comes down this road and often needs to reverse back up. Would be extremely dangerous if there were more houses unless a turning circle was incorporated and wider roads. The number of houses seems to be extreme for the size of the plot.

Summary of responses (including reasons) by planning authority:
<p><b><u>LDP2020 MIR KE GEN – Keith General</u></b></p> <p>A policy is proposed to ensure MOD safeguarding is taken into account in applications where these are applicable.</p> <p><b><u>Keith KE2 - Denwell Road</u></b></p> <p>The site was previously included in the Local Plan 2008 for housing. It was removed as a designation from the MLDP 2015 but retained within the settlement boundary as white land. The site has been identified as having flooding issues and SEPA previously objected to its allocation unless a Flood Risk Assessment (FRA) could be provided that demonstrated that the site could be developed. During the MIR consultation the applicant provided a FRA. In response SEPA have stated that they are happy that it provides sufficient detail to allocate the site in the plan. This is on the condition that text is included in the site designation that requires that any future planning application must be supported with a detailed FRA and that no development must take place on any parts of the site that are found to be at risk.</p> <p>On this basis the site will be included in the LDP 2020 for housing. No indicative capacity will be provided as the level of development will be determined by the developable area which will be determined by the FRA and the ability to meet all of the Council's LDP policies.</p> <p><b><u>Recommendation</u></b></p> <p><b>Include site for residential development in the proposed plan.</b></p> <p><b><u>Keith KE3 – Newmill</u></b></p> <p>Transportation Services do not support the proposal for housing as they do not think that an acceptable road gradient will be achievable. Transportation services are of the view that due to the topography of the site and road it would not be possible to develop this site for the proposed number of houses and provide a compliant road access onto the public road as well as pedestrian activity on the site. For these reasons the site is not considered suitable for development. Should the site be taken forward SEPA's comments will be taken into consideration.</p> <p><b><u>Recommendation</u></b></p> <p><b>Site not to be included in the proposed plan</b></p> <p><b><u>Keith KE4 - Land South of Banff Road</u></b></p> <p>The site is an existing designation in the MLDP 2015 for residential use. It is proposed to retain the designation but change it to allow for mixed uses. The NHS has identified the need for a healthcare facility in Keith and have identified the site as their preferred location which the Council supports. The mixed use designation will also provide an element of flexibility to allow for development that could be associated with a future healthcare facility. A map with key design principles will accompany the site designation text highlighting the preferred location for the healthcare facility.</p> <p><b><u>Recommendation</u></b></p> <p><b>Retain designation as a mixed use site to allow for a healthcare facility and residential development.</b></p> <p><b><u>Keith KE5 - OPP4 Former Caravan Site</u></b></p> <p>The site is currently designated as an Opportunity Site in the MLDP 2015. The current designation allows for a number of uses as long as they are compatible with the surrounding environment and that necessary road improvements are undertaken. The proposal is to change the designation to housing given that it is the most likely and appropriate use for the site given that it is surrounded by housing.</p>

### **Recommendation**

#### **Re-designate opportunity site to residential**

##### **Keith KE7 - Nursery Field**

The bid proposes residential development on a rectangular agricultural field to the south of Keith. The site is currently covered by an ENV designation. The site has the perception of being detached from the settlement due to its location, however, it does offer good connectivity into the town centre and is within easy walking distance.

SNH has stated that woodland listed in the Scottish semi-natural woodland inventory joins the north and eastern boundaries of the proposed allocation site. Any future development will have to take account of the trees to ensure that they are protected and the LDP will contain policies to ensure this. SEPA has also identified that there some peat soils on part of the site, so any development may need to consider peat depth.

There is currently an adequate housing supply in Keith with a number of effective sites available for development. It is not proposed to allocate this site immediately for housing but to allocate it as LONG. This identifies an area for future growth and will allow time for necessary landscaping and infrastructure measures to be identified and progressed.

### **Recommendation**

#### **Include site as LONG in the proposed plan.**

##### **Keith KE8 - R6 Banff Road North (KE4)**

The NHS has identified the new for a possible new healthcare facility in Keith. Through the MIR consultation it has been established that the preferred location is now R7 Banff Road South which the Council supports. The site will be retained as a housing designation but with an increased indicative capacity to reflect extant consents.

### **Recommendation**

#### **Retain site for housing in the proposed plan**

##### **Keith KE9 - Land to East of I4 (strategic reserve)**

As the Scottish Planning System moves towards a 10 year period for Local Development Plans it is proposed to identify sufficient land to ensure there is a 5 year supply at the end of the plan period. A strategic reserve of employment land was identified which adjoins the existing Westerton Road site that can be brought forward through phasing or triggers.

### **Recommendation**

#### **Allocate strategic reserve of employment land in the proposed plan.**

##### **Keith KE10 - Land to the South of I3**

Proposal is to allocate an extension to Westerton Road Industrial Estate to ensure an effective supply of employment land. No objections were received.

### **Recommendation**

#### **Allocate site for industrial use.**

**LDP2020 MIR KE11 Keith KE11 - BP1 Mulben Road**

The site has been allocated in successive local plans for high amenity business uses. There has been little interest in the site for this use and the comments regarding viability are noted. The site is not deemed suitable or appropriate for residential development as it sits isolated and detached from the rest of the settlement with Cottage Wood acting as a natural edge. While the comments regarding a landscape plan are noted, the site is in a prominent location and development would detract from the unbuilt character of this part of the settlement. Keith has a number of allocated housing sites in the LDP which are in more appropriate locations that provide greater connectivity and access to facilities. These sites provide an adequate supply of housing over the LDP2020 plan period. This includes the identification of a new LONG designation which ensures that there is a reserve of housing land to meet demand.

It is unclear how designating the site for residential use will help to overcome the stated constraints regarding access onto the trunk road.

The site is also not deemed appropriate for a business use and it is proposed to designate the existing Site R7 Banff Road South as a mixed use site which could accommodate any high end business use should the demand come forward. It is also proposed to allocate new industrial site and strategic reserve of employment land to ensure that there is an effective supply of general employment land available for businesses to locate. It is therefore proposed to remove the site from the plan and exclude it from the settlement boundary.

Should the site be taken forward SEPA and the Woodland Trust's comments will be taken into consideration.

**Recommendation**

**Remove site from the proposed plan and settlement.**

**Keith KE12 – LONG**

The MIR proposed to bring forward LONG into the effective supply with the majority of R8 built out. No objections were received.

**Recommendation**

**Bring forward site for housing in the proposed plan.**

**Keith KE13 - R5 Seafeld Walk**

The site has been in successive local plans with very little developer interest. There are issues with providing a suitable access in to the site. It is proposed to delete the site from the plan and make it white land. Any application for proposals on white land would be treated on its merits and considered against the details of Policy DP1 of the LDP 2020. Should the site remain in the plan there will be a requirement in the designation text for a Phase 1 habitat survey.

**Recommendation**

**Delete site from the proposed plan**

**Newmill NM1 - R1 Isla Road**

The site is an existing designation in the MLDP 2015 and is the only development opportunity available in Newmill. The capacity of the site is indicative and is subject to a planning application meeting all of the Council's LDP policies.

The Council's Transportation Department will comment on the suitability when detailed proposals come forward at a planning application stage. The LDP will contain policies to ensure that there is a suitable



buffer between development and any watercourse. As it is the only available site available in Newmill it is proposed to retain it in the proposed plan.

**Recommendation**

**Retain existing designation for housing in the proposed plan.**

<b>22</b>	<b>Elgin LHMA - Hopeman Issues</b>
<b>Main Issues Report reference:</b>	<b>Responses to</b> LDP2020_MIR_HP_GEN      Hopeman - General LDP2020_MIR_HP1      Hopeman HP1 - Land Adjacent to Tulloch House LDP2020_MIR_HP3      Hopeman HP3 - Land at Golf Club Car Park LDP2020_MIR_HP4      Hopeman HP4 - Land South of Hopeman LDP2020_MIR_HP5      Hopeman HP5 - R1 Hopeman LDP2020_MIR_HP6      Hopeman HP6 - Lower Backlands LDP2020_MIR_HP7      Hopeman HP7 - Land South of West Beach Caravan Park
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>	
000010 Springfield Properties PLC 000399 Kate Gordon-Rogers 000569 SEPA 001016 Tulloch Of Cummingston 001027 Scottish Natural Heritage 001542 Mrs Cath Lyall 001575 Mr David Mackay 001576 Mr Sandy Dubber 001577 Juliet Govier 001580 Mrs Pat Mackay 001596 Mr Paul O'Flaherty 001606 Mrs Bernadette Centrowska-Salt 001607 Mr Ed Parkin 001608 Mr Jeff Povoas 001609 Mrs Deborah Booth 001616 Mr Iain Campbell 001623 Dawn McMonagle 001624 W Grant 001626 Mrs Grace Angus 001627 Alan Hepburn 001628 Isa Macpherson 001629 Mr Douglas Thomson 001630 Mrs Barbara Wheeler 001631 Brian Burnel 001632 Emily Burnel 001633 Bella Robertson 001634 Neil Robertson 001635 Mrs M Sutherland 001636 Patt Carr 001637 James Carr 001638 Jessica Robertson 001639 Philip Wasteney 001640 Susan Dudley-Taylor 001641 James Bruce 001642 Mrs Emma Macpherson 001643 David Munro 001644 Mrs Elma Main	

001645	Frith Noble
001646	Doug Taylor
001647	Mr David Mortimer
001648	Mrs Zara Mortimer
001649	Mr Des Gillies
001650	Mr And Mrs Saville
001651	Marina Munsie
001652	Pat Bray
001653	Pam Jeanes
001654	Ann Kelman
001655	William Angus
001656	Eric McGillivray
001657	Norman Bellingham
001658	Amelia Burke
001659	John Burke
001660	Mrs I Payne
001661	Alwyn Riddoch
001662	Mrs Linda Gillies
001663	Mr David Gillies
001664	Leighanne Hepburn
001665	Katie Taylor
001666	Carmen Gillies
001667	Mrs Vera Bool
001668	Isobel Main
001669	Lynne Duncan
001670	Mrs J Dodd
001671	Steve Brown
001672	John Fletcher
001673	A Noble
001674	Andrew Robertson
001675	Jaci (Miller) Roberston
001676	Helen Hay
001677	Jacqueline Govier
001678	Martin Salt
001679	Fleur Goodwin
001680	Melinda McGiff
001681	James McGiff
001682	Lucy Monteith
001683	John Clark
001684	Jennifer Middlecote
001685	J Allan
001686	Jim McColm
001687	D Morrison
001688	Richard Campbell
001689	Shirley Campbell
001690	Kay Bevans Brown
001691	Eliz Burns
001692	Philip Boon
001693	Alasdair Monteith
001694	Nicola Burnel
001695	Margaret Taylor
001696	Mrs Janet Patricia Duncan
001697	Mr John Frederick Duncan
001698	James Burnel

001699	Margaret More
001700	Roy Cook
001701	Karen Cook
001702	Paul King
001703	Merlys King
001704	Helen Ritchie
001705	Michael Evans
001706	Fionna Shearer
001707	Lisa Mackenzie
001708	Graeme Fullerton
001709	Margaret Y Young
001710	S More
001711	Harry Hay
001712	William McIntosh
001713	Alexander Craib
001714	David Craib
001715	Paul Craib
001716	Janice Craib
001717	Elizabeth Fullerton
001718	Walter Deans
001719	Elizabeth McAllister And Dave Ball
001720	Mrs Elizabeth Harvey
001721	Duncan Anderson
001726	M S Porter
001727	D J Porter
001731	Mary MacDonald
001732	Kenneth MacDonald
001735	Mrs Alison Walton
001740	Ms April Charleworth
001749	Noreen Insh
001760	Ms Kirsty Deans
001762	Mrs Catherine Campbell
001763	Mr Ian Campbell
001765	Tanya Wilkins
001766	Mr Craig Staniforth
001767	Vivienne Wilkins
001768	Terry Brown
001769	Robert Stevenson
001770	Ann, Francis And James Meikleham
001771	Peter Anderson
001772	Craig A S Lamond
001773	Roderick Mackenzie
001774	Lucy Mackenzie
001775	Hector Mackenzie
001776	Isabella Mackenzie
001777	Billy Forsyth
001779	Alison Cannard
001780	Martin Cannard
001781	Jack O'Neill
001782	Katie O'Neill
001783	Chris O'Neill
001784	Mr James McPherson
001785	Mrs Norma McPherson
001786	Melonie Wharton

001787	Martin Boon	
001788	Michelle Boon	
001790	Pauline Lamond	
001791	Colin M Lamond	
001792	Catherine Main	
001793	Mr Stuart Simpkins	
001794	Robert Lyall	
001795	Jennifer Lyall	
001796	Mr Andrew Lyall	
001797	Janet MacWilliam	
001799	Margaret Simpson	
001802	John Verth	
001803	Jacqueline Verth	
001805	Mr Peter Goodwin	
001808	Amanda And John Jack	
001814	Joanna Baughan	
001818	Woodland Trust Scotland	
001819	Mr James Bremner	
001820	Colin And Pat Redmond	
001821	Lawson And Betty Slater	
001822	The Occupier	
001823	James And Ann Easton	
001824	Murray And Alison Easton	
001845	Martine Cazeau	
001851	Mrs Rosemary McKenzie	
001853	Carol Wood	
001855	Miss Maureen Main	
<b>Planning authority's summary of the representation(s):</b>		
<b>General</b>		
<b>Neil Robertson</b>		<b>001634</b>
Think about the quality of Hopeman keep as a village.		
<b>Mrs Grace Angus</b>		<b>001626</b>
Support LDP 2020 for Hopeman.		
<b>Isa Macpherson</b>		<b>001628</b>
Hopeman does not have the infrastructure to cope with all these houses, and neither does it have the work for all the people who would occupy them.		
<b>Mrs M Sutherland</b>		<b>001635</b>
Do not agree with the amount of houses being planned. Hopeman is a village and should remain a village.		
<b>Mrs Elma Main</b>		<b>001644</b>
Disagree with extra houses to be built. Will lose our sense of village life completely.		
<b>James Bruce</b>		<b>001641</b>
Keep Hopeman a village.		
<b>Mrs Pat Mackay</b>		<b>001580</b>
Road signs and parking in the village is an issue. The Main Street and Harbour Street are heavily congested with traffic, adjoining streets are too narrow to allow for more traffic.		
<b>Mrs Alison Walton</b>		<b>001735</b>
No objection to land adjacent to Manse Road being developed for further housing.		
<b>Patt Carr</b>		<b>001636</b>
100% against more development in Hopeman.		

<b>Susan Dudley-Taylor</b>	<b>001640</b>
Totally against any more houses in Hopeman. Cannot see anything to be gained from doubling the size of the village and most certainly spoiling Hopeman's unique charm.	
<b>Mrs Elma Macpherson</b>	<b>001642</b>
Hopeman being a village does not need to be expanded.	
<b>Juliet Govier</b>	<b>001577</b>
Unplanned, unsupported development.	
<b>Mr Sandy Dubber</b>	<b>001576</b>
Any chance of reducing 30mph to 20mph within Hopeman village. Request that rumble strips be considered on entry to the village from both sides and also traffic calming measure put in place.	
<b>W Grant</b>	<b>001624</b>
Where are all the jobs coming from?	
<b>James Carr</b>	<b>001637</b>
Completely against more development in Hopeman.	
<b>Mrs Bernadette Centrowska-Salt</b>	<b>001606</b>
Object to land being proposed for building in Hopeman. Hopeman is a village and should remain a village. The road structure was not designed and not adequate to take the amount of traffic that descends on Hopeman in the summer months. Greenbelt land is very precious and should be preserved. The explosion of development on the greenbelt is now encroaching on the very fabric of coastal living. Concerned about impact on house prices and safety of my property, social wellbeing of the village and infrastructure that is not adequate to sustain an influx of traffic and people to the local school.	
<b>Mr And Mrs Saville</b>	<b>001650</b>
Opposed to any further development.	
<b>Mrs Barbara Wheeler</b>	<b>001630</b>
If proposed houses were to go ahead it would kill the ambience of village life.	
<b>Robert Stevenson</b>	<b>001769</b>
Not against more housing in Hopeman, as long as the number of houses is kept within a sensible and reasonable amount then they could benefit younger generations living in Hopeman in the future.	
<b>Miss Maureen Main</b>	<b>001855</b>
Strongly oppose any new developments in Hopeman. This small picturesque village should be retained and not ruined by developments no one wants. There is absolutely very little greenbelt left. There are issues with traffic congestion, flooding, reducing services and capacity at the primary school. Additional development in Hopeman could affect tourism. Development should stop before the village is destroyed.	
<b>Mrs Deborah Booth</b>	<b>001609</b>
The main road is not up to the amount of traffic, concerns for the safety of children. Hopeman is a small village and would not become an attraction for holidaymakers if all these houses were built.	
<b><u>Land Adjacent to Tulloch House</u></b>	
<b>SEPA</b>	<b>000569</b>
There are surface water flooding issues in this area and Moray Council is currently working on a Flood Alleviation Scheme. Private drainage not appropriate.	
<b>Ms April Charleworth</b>	<b>001740</b>
Currently overlook Tullochs building yard but would not like to see a more permanent structure erected as this would detrimentally impact on our property.	
<b><u>Land at Hopeman Golf Club</u></b>	
<b>SEPA</b>	<b>000569</b>

Likely to object to inclusion of site. A large proportion of the site is highlighted as being at risk on the SEPA Surface Water Flood Map but it looks as though the major risk is more likely to be fluvial risk from the small watercourse which crosses the site. As the indicative risk affects such a large proportion of the site, a Flood Risk Assessment (FRA) would be required prior to the site being allocated to demonstrate the principle of development prior to allocation in the Plan. There are no drainage options other than public sewer. Adequate buffer strip required from small burn running along the southern boundary.

#### **Scottish Natural Heritage**

**001027**

The southern part of the site appears to include trees listed on the Scottish Semi-natural Woodland Inventory. Recommend that designation text includes reference to the woodland and that a developer requirement is applied that proposals must retain these trees and demonstrates that development does not impact on the woodland.

#### **Tulloch Of Cummingston**

**001016**

Flood Risk Assessment (FRA) provided based on existing ground levels. Confirmation provided that access to the site would be via the existing access to the green keepers sheds which would be upgraded to adoptable standards. Thereafter, a private access road would serve the development.

#### **Land to the South of Hopeman and Lower Backlands**

000399 Kate Gordon-Rogers, 001575 Mr David Mackay, 001596 Mr Paul O'Flaherty, 001607 Mr Ed Parkin, 001608 Mr Jeff Povoas, 001616 Mr Iain Campbell, 001623 Dawn McMonagle, 001627 Alan Hepburn, 001629 Mr Douglas Thomson, 001631 Brian Burnel, 001632 Emily Burnel, 001633 Bella Robertson, 001638 Jessica Robertson, 001639 Philip Wastenev, 001643 David Munro, 001645 Frith Noble, 001646 Doug Taylor, 001647 Mr David Mortimer, 001648 Mrs Zara Mortimer, 001649 Mr Des Gillies, 001651 Marina Munsie, 001652 Pat Bray, 001653 Pam Jeanes, 001654 Ann Kelman, 001655 William Angus, 001656 Eric McGillivray, 001657 Norman Bellingham, 001658 Amelia Burke, 001659 John Burke, 001660 Mrs I Payne, 001661 Alwyn Riddoch, 001662 Mrs Linda Gillies, 001663 Mr David Gillies, 001664 Leighanne Hepburn, 001665 Katie Taylor, 001666 Carmen Gillies, 001667 Mrs Vera Bool, 001668 Isobel Main, 001669 Lynne Duncan, 001670 Mrs J Dodd, 001671 Steve Brown, 001672 John Fletcher, 001673 A Noble, 001674 Andrew Robertson, 001675 Jaci (Miller) Roberston, 001676 Helen Hay, 001677 Jacqueline Govier, 001678 Martin Salt, 001679 Fleur Goodwin, 001680 Melinda McGiff, 001681 James McGiff, 001682 Lucy Monteith, 001683 John Clark, 001684 Jennifer Middlecote, 001685 J Allan, 001686 Jim McColm, 001687 D Morrison, 001688 Richard Campbell, 001689 Shirley Campbell, 001690 Kay Bevens Brown, 001691 Eliz Burns, 001692 Philip Boon, 001693 Alasdair Monteith, 001694 Nicola Burnel, 001695 Margaret Taylor, 001696 Mrs Janet Patricia Duncan, 001697 Mr John Frederick Duncan, 001698 James Burnel, 001699 Margaret More, 001700 Roy Cook, 001701 Karen Cook, 001702 Paul King, 001703 Merlys King, 001704 Helen Ritchie, 001705 Michael Evans, 001706 Fionna Shearer, 001707 Lisa Mackenzie, 001708 Graeme Fullerton, 001709 Margaret Y Young, 001710 S More, 001711 Harry Hay, 001712 William McIntosh, 001713 Alexander Craib, 001714 David Craib, 001715 Paul Craib, 001716 Janice Craib, 001717 Elizabeth Fullerton, 001718 Walter Deans, 001719 Elizabeth McAllister And Dave Ball, 001720 Mrs Elizabeth Harvey, 001721 Duncan Anderson, 001726 M S Porter, 001727 D J Porter, 001731 Mary MacDonald, 001732 Kenneth MacDonald, 001749 Noreen Insh, 001760 Ms Kirsty Deans, 001762 Mrs Catherine Campbell, 001763 Mr Ian Campbell, 001765 Tanya Wilkins, 001767 Vivienne Wilkins, 001768 Terry Brown, 001770 Ann, Francis And James Meikleham, 001771 Peter Anderson, 001772 Craig A S Lamond, 001773 Roderick Mackenzie, 001774 Lucy Mackenzie, 001775 Hector Mackenzie, 001776 Isabella Mackenzie, 001777 Billy Forsyth, 001779 Alison Cannard, 001780 Martin Cannard, 001781 Jack O'Neill, 001782 Katie O'Neill, 00178 Chris O'Neill, 001784 Mr James McPherson, 001785 Mrs Norma McPherson, 001786 Melonie Wharton, 001787 Martin Boon, 001788 Michelle Boon, 001790 Pauline Lamond, 001791 Colin M Lamond, 001792 Catherine Main, 001793 Mr Stuart Simpkins, 001794 Robert Lyall, 001795 Jennifer Lyall, 001796 Mr Andrew Lyall, 001797 Janet MacWilliam, 001799 Margaret Simpson, 001802 John Verth, 001803 Jacqueline Verth, 001805 Mr Peter Goodwin, 001808 Amanda And John Jack, 001814 Joanna Baughan, 001818 Woodland Trust Scotland, 001819 Mr James Bremner, 001820 Colin And Pat Redmond, 001821 Lawson And Betty Slater, 001822 The Occupier, 001823 James And Ann Easton, 001824 Murray And Alison Easton, 001845 Martine Cazeau, 001851 Mrs

**Rosemary McKenzie,001853 Carol Wood**

### **Growth Strategy**

Agree with the proposed growth strategy by specifically focusing on developing a primary settlement where employment and transportation infrastructure is accessible. Hopeman should have appropriate growth given limited services and limited facilities exist. Expand Elgin where the city needs development and influx of business. No objection to the building of a few warden controlled properties for the local elderly people of the village.

Disagree with the creation of a new town along the A96. The housing land audit shows sufficient land is available to meet housing needs in Moray. Support the action that the Council investigates the potential to establish a small new town within Moray along the lines of Tornagrain.

### **Impact on character**

The development is far too big and would completely change the character of the village. The character and identity of Hopeman should be respected and valued in all planning applications rather than prefab designs. Houses would kill the ambience of the village. Hopeman is a unique and very lovely fishing village and nothing will be gained by doubling the size of the village.

### **Landscape**

Agree the current Areas of Great Landscape Value designations and policy needs to be reviewed. Safeguarding the natural environment in Hopeman is essential to the quality of life for residents in Hopeman. Green belt land is being swallowed up for the sake of greed. Building on greenbelt is now encroaching on the very fabric of coastal living and the very existence of green areas of natural beauty. The development of HP4 will do damage to the Moray coast and its tourist appeal. If houses are built here then nowhere will be sacred. The green landscape of Hopeman is one of the villages distinguishing characteristics and should not be ruined by urban sprawl.

### **Recent planning approval**

The site includes an area of land recently approved for the building of 22 houses. There is a drainage scheme condition as part of the consent that is not financially viable for only 22 houses. How can developers be prevented from building unsuitable, unnecessary, unwanted houses that add to an infrastructure that is already at 100% capacity. What is the point in involving local people when local democracy is overruled? Planning permission has already been given for 22 affordable houses and development to the west of the village is proposed so a reasonable amount of expansion is already catered for. Acknowledge the need for affordable housing in the village but wonder why alternative sites already identified were overlooked. These 22 properties would be a precursor to a much larger development much like the one rejected a few years ago.

### **Flooding**

There has been major flooding and landslides in Hopeman as the land cannot absorb the rainwater. A solution has been delayed due to financial constraints. Further development to the south of the village will greatly increase the problem. Building the amount of houses proposed above the small village of Hopeman is a disaster waiting to happen. Existing houses would be vulnerable to damage. The slope above Hopeman is unsuitable for building on the grounds of environmental safety. No further development to the south of the village should be permitted. Building on the hill to the south will make current problem of flooding on the road worse, current drainage is not sufficient and the road is often flooded. Increasing hard surface on the hillside will hasten run off.

### **Transport**

The main road is not up to the amount of traffic, the safety of the road for children would become dangerous. The main road and Harbour Street are heavily congested with traffic and other streets are too narrow to allow for more traffic. If building goes ahead for that amount of houses there will be gridlock. Hopeman is a small village and would not become an attraction for holidaymakers with the build-up all these houses. The school is already at maximum capacity. Bringing more houses will destroy the beauty of the village and its natural habitat. One bus an hour Monday to Saturday 7am to 7pm makes employment



outside the village difficult unless you have a car. Is there a chance to reduce the 30mph limit to 20mph. Request that rumble strips be considered on entry into the village on both sides and traffic calming measures put in place. Harbour Street is the only way to the beach and is getting dangerous.

#### **Infrastructure**

The roads, local infrastructure and appeal of the village will be destroyed. The doctors surgery, school and local shops are nowhere near enough required to the doubling in size of the village. Concerned about house prices and safety after all the people come to live here. Concerned for the social wellbeing of a small village and infrastructure that is not adequate to sustain a huge influx of traffic, people and children. Sewage is already at full capacity and water reservoir is at full capacity. Already shortage of teachers and doctors.

#### **Scottish Natural Heritage**

**001027**

The southern part of the site includes woodland listed on the Ancient Woodland Inventory (AWI). A developer requirement should be applied that proposals must retain trees within the site and demonstrate that development does not impact on the woodland. A buffer between the proposed development and the area of woodland is recommended to minimise potential negative effects of development on the woodland.

As this allocation would also significantly extend development outwith the existing settlement pattern, it would be beneficial to have a Development Brief and/or Masterplan to address landscape, placemaking, connectivity and biodiversity (particularly woodland).

#### **Springfield Properties Plc**

**000010**

#### **Growth Strategy**

Hopeman can play an enhanced role in the proposed growth strategy and spatial strategies without compromising their approach. The proposed bid is not seeking the release of additional units over the 1700 requirement identified for the whole of Moray, but instead critically assessing land which is included within the established housing supply but which has not come forward over successive Development Plans. Some of these existing designations can be deleted or reduced in numbers to support the requested designation of 75 homes at HP4 Hopeman. Of the six settlements looked to for growth in the secondary and tertiary growth areas only Buckie is not identified as being constrained or with slow levels of growth. It is contradictory to promote growth outside of Elgin and expect it to be delivered by settlements in the hierarchy which are constrained or with low potential to deliver that growth.

A redistribution of a small part of housing land supply to Hopeman would not undermine the settlement hierarchy. The growth strategy approach is not consistent with the relationship of Hopeman to other settlements in the 4th tier of the hierarchy. It is the third largest of the 24 third tier towns behind Lhanbryde and Burghead and the 9th largest of all 32 towns and villages. The established housing supply for Hopeman is 25 effective and 50 constrained, total 75. Portgordon with a population less than half that of Hopeman, has a supply of 40 effective and 55 constrained, 95 in total. The same applies to Mosstodloch with 700 less of a population and a supply of 59 effective and 60 constrained, total 119. Mosstodloch has a much narrower range of services. Findochty with a lower population and also has less facilities and a supply of 55 constrained. Most noticeably Alves has a supply of 250 constrained and is the third smallest of all the 32 towns and villages and has very few services/facilities.

#### **New Settlement Search**

Consideration should be given to the role that expansion of existing settlements can play delivering new development which is well integrated with services. This would be more sustainable and achievable than the delivery of a new settlement. The scale of issue to be addressed does not immediately appear to justify the response of a new settlement. The options for consideration should be broadened to include a sustainable settlement expansion to deliver a strong relationship between development and supporting

services and facilities. The Landscape Capacity Study and Development Strategy prepared to support this bid shows how such an option could be achieved at Hopeman.

#### **Landscape Impact**

The Landscape Capacity Study and Development Strategy sets out how the proposed site can accommodate growth without having an adverse impact on the character of the village and landscape to the south. The designation of 25 houses and 50 LONG could be successfully incorporated into a development framework consistent with the character of Hopeman and landscape to the south with further detail evolving through a masterplan approach.

#### **Recent Planning Approval**

The recent appeal decision for 22 houses south of the B9040 shows that it is not a fundamental constraint on development. Clearly the B9040 was not seen by the Reporter as a limit on development to the south of Hopeman. The Reporter stated that this decision “cannot be used a precedent for allowing unfettered urban sprawl” which is why this representation is founded on a masterplanned approach informed by a Landscape Capacity Study and Development Framework Plan

#### **Hopeman’s Role in the Spatial Strategy**

Hopeman is well placed to support the proposed growth strategy. It is recognised as an attractive place to live and is well connected and within easy reach of Elgin. The secondary school for Hopeman is also nearby at Lossiemouth and the relationship between Hopeman and Lossiemouth will become more significant with the major expansion of the role of the RAF base and constraints on development in Lossiemouth. There are also comparisons with Dufftown that has a slightly lower population than Hopeman with an effective supply of 11 and 130 constrained. Burghead has a population of 200 more than Hopeman and has a supply of 112 effective and a new LONG designation proposed.

The case of Hopeman to accommodate growth is stronger still in the context of the Elgin Local Housing Market Area (LHMA). Outside of Elgin opportunities for growth are limited. In Lhanbryde the site has been designated for over 10 years and has not come forward. In Burghead despite there being effective land annual completion rates have been modest and are falling. In Mossodloch despite having planning approval since 2010 no development has come forward on the R1 site. However it was very recently purchased by the Council for affordable housing. No planning applications have been submitted on site R2 and it is constrained within the 2017 Housing Land Audit due to marketability.

Within Hopeman there has been no progress on bringing R1 forward. Not only does this make the programming in the 2017 Housing Land Audit for start in 2019 seem unlikely but the build out rate is modest with only 5 per year rising to 10 from 2022 onwards. It does not appear that the R1 site will make any significant contribution to the growth strategy in the 2020 Local Plan.

There is capacity within the primary school at Hopeman. A new 800 pupil secondary school is under construction in Lossiemouth. Hopeman has a good range of facilities and services.

#### **Mr Craig Staniforth**

**001766**

No objection to the planned development of HP4 while maintaining the character of the local area is important, it is also vital to the community that new developments are made available to re-invigorate the area and local businesses.

#### **R1 Manse Road**

#### **SEPA**

**000569**

Surface water map shows some risk to the site and a Flood Risk Assessment (FRA) may be required to identify how overland flow can be accommodated through the site. Rough grassland in the north boundary therefore a Phase 1 Habitat Survey will be required to identify any potential Groundwater Dependent Terrestrial Ecosystems (GWDTE).

<p><b>Mrs Cath Lyall</b></p> <p>Supports allocation as would be absorbed into the village.</p>	<p><b>001542</b></p>
<p><b><u>Land South of West Beach Caravan Park</u></b></p> <p><b>SEPA</b> <span style="float: right;"><b>000569</b></span></p> <p>Adjacent to the Coastal Flood Map. The surface water flood map highlights a natural flow path through the west of the site which may occur during times of heavy rain. A Flood Risk Assessment (FRA) may be required to demonstrate this as well as to consider any other sources of flood risk.</p> <p><b>Scottish Natural Heritage</b> <span style="float: right;"><b>001027</b></span></p> <p>The west of the proposed allocation comes close down to the shore, and the eastern part encroaches into the area of open space identified as ENV8 in the Local Development Plan (LDP) 2015. SNH recommend amending the western section of the proposed allocation boundary to provide sufficient set back from the shore and amending the eastern section so that ENV8 is safeguarded.</p>	
<p><b>Officers comments on representations and recommendations:</b></p>	
<p><b><u>General</u></b></p> <p>The Council's long term strategy for Hopeman is for expansion to the west at R1 and LONG, a small residential/tourism development at the golf course and a small expansion to I1 as designated in the MDLP2015 and thereafter for no further expansion of the village. This approach is considered to respect the setting of the village, infrastructure capacity and reflect the outcomes of the previous two Local Plan Inquiry/Local Development Plan Examinations.</p> <p><b><u>Land Adjacent to Tulloch House</u></b></p> <p>The bid is a natural and very small scale extension of the existing I1 <i>Forsyth Street</i> designation for an established use. The site will have no adverse impact on neighbouring residential properties and does not compromise the open aspect to the south of the village. Therefore, the Council proposes to allocate the site as industrial land and incorporated into I1 <i>Forsyth Street</i>. Surface water flooding issues are well known in Hopeman and development proposals on this site would be subject to a Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA).</p> <p><b><u>Recommendation</u></b></p> <p><b>Site designated as industrial land and allocated as part of I1 <i>Forsyth Street</i> in the Proposed Plan. Designation text amended to reflect assessments identified by consultees, including a Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA).</b></p>	
<p><b><u>Land at Golf Club Car Park</u></b></p> <p>A Flood Risk Assessment (FRA) for the site has been submitted to the satisfaction of SEPA. Therefore, the Council proposes the inclusion of the site in the Proposed Plan for residential use, in addition to extending the settlement boundary to include the site and Hopeman Golf Course (which will be designated as ENV4 Sports Areas). Designation text will reflect required assessments identified by consultees and the retention of woodland to the southern part of the site.</p> <p><b><u>Recommendation</u></b></p> <p><b>Site allocated as residential designation in the Proposed Plan and settlement boundary amended to include the site and Hopeman Golf Course (which will be designated as ENV4 <i>Sports Areas</i>). Designation text for residential site to reflect assessments identified by consultees and the retention of woodland to the southern part of the site.</b></p>	
<p><b><u>Land to the South of Hopeman</u></b></p> <p>The supportive comment in respect of allocation of land to the south of Hopeman (HP4) is noted.</p>	

The preferred Spatial Strategy proposed in the Main Issues will be carried forward into the Proposed Plan. Hopeman is identified in the Spatial Strategy as a smaller town and village where no or limited growth is proposed respecting the character of the village, limits on infrastructure and environmental considerations.

Sites which will be included in the Proposed Plan have been subject to detailed scrutiny regarding their effectiveness, reflecting the aspirations for delivery set out in the emerging reforms to the planning system. In the case of Hopeman, the Housing Land Audit 2018 which was uncontested and agreed by the Council's Planning and Regulatory Services Committee on 19th June, identifies site R1 as effective with development commencing in 2019. The LONG designation is classed as constrained in the audit as it is identified as "LONG" and subject to controls of Policy H2. However, it is proposed to bring the LONG designation forward into the effective land supply in the Moray Local Development Plan 2020 to ensure that the site can be masterplanned and respect the character and identity of Hopeman and provide a housing land supply for the village up to 2035. The Council has received the necessary information from the developer to confirm that R1 and LONG are effective and will come forward for development.

The Council's long term strategy for Hopeman is for expansion to the west at R1 and LONG, a small residential/tourism development at the golf course and a small expansion to I1 as designated in the MDLP2015 and thereafter for no further expansion of the village, respecting its setting, infrastructure and the outcomes of the previous two Local Plan Inquiry/ Local Development Plan Examinations.

The comments regarding Growth Strategy made by Springfield Properties assume that growth should simply match the size of each settlement, an unsustainable approach which takes no account of environmental considerations, infrastructure requirements and longer term strategy. The figures and examples quoted are incorrect and the Council are proactively engaging with landowners and developers to overcome barriers to development and bring sites forward for development in towns and villages across Moray.

The Main issues Report process requires consideration of options and alternatives and the option of a new settlement has been included in both Main Issues Reports prepared by Moray Council as an alternative to the preferred spatial strategy. However, the Housing Land Audit 2018 identifies an overall established housing land supply of 24 years, while this will be refined to remove any sites which the Council consider not to be effective, this meets the requirements of Scottish Planning Policy for an indication of growth up to year 20 and the Council does not consider there is any need to explore a new town option in the short term while significant housing land is available to support the preferred Spatial Strategy and deliver housing to meet need and demand up to 2035.

Furthermore, the area to the south of Hopeman, is included within a candidate Special Landscape Area which will be subject to public consultation prior to inclusion of Special Landscape Areas within the Proposed Plan. Proposed expansion of Hopeman to the south would compromise the integrity of the Special Landscape Area and is not supported by the Council and has not been supported at two previous Development Plan Examinations.

### **Recommendation**

**Development at HP4 South of Hopeman is unsupported. Hopeman is identified in the Spatial Strategy as a smaller town and village where no or limited growth is proposed respecting the character of the village, limits on infrastructure and environmental considerations.**

### **R1 Manse Road**

Comment of support is noted. The Council proposes to allocate the site in the Proposed Plan as part of R1 *Manse Road* to accommodate landscaping and paths. Designation text to be amended to include

requirement for a Phase 1 Habitat Survey and potential Flood Risk Assessment (FRA).

**Recommendation**

**Site allocated as part of R1 *Manse Road* to accommodate landscaping and paths in the Proposed Plan. Designation text amended to include requirement for a Phase 1 Habitat Survey and potential Flood Risk Assessment (FRA).**

**Land at Lower Backlands**

Hopeman is identified in the Spatial Strategy as a smaller town and village where no or limited growth is proposed respecting the character of the village, limits on infrastructure. Development in this location will have an adverse landscape impact and create coalescence with Cummingston.

**Recommendation**

**Site not allocated in the Proposed Plan.**

**Land South of West Beach Caravan Park**

The Council supports the inclusion of the site as part of T1 The Caravan Park in the Proposed Plan. The western boundary is to be amended to provide 6m setback from coastal path. Amendment to eastern boundary is not accepted as an extension to West Beach Caravan Park approved by the Local Review Body in 2016 covers this area and therefore the ENV8 designation has already been impacted upon. Consented area to also be allocated as part of T1. Designation text to be amended to include possible requirement for a Flood Risk Assessment (FRA) and settlement boundary amended accordingly.

**Recommendation**

**Site and area approved by the Local Review Body in 2016 to be allocated as part of T1 *The Caravan Park* in the Proposed Plan, settlement boundary amended accordingly and designation text amended to include possible requirement for a Flood Risk Assessment (FRA).**

23	Speyside LHMA – Housing and Employment Land Issues	
Main Issues Report Reference:	Responses to	
	<u>ABERLOUR</u>	
	LDP2020_MIR_AB_GEN	Aberlour AB - General
	LDP2020_MIR_AB1A	Aberlour AB1A - Land at Tombain Farm
	LDP2020_MIR_AB1B	Aberlour AB1B - Land at Tombain Farm
	LDP2020_MIR_AB2	Aberlour AB2 - R1 Chivas Field
	LDP2020_MIR_AB3	Aberlour AB3 - R2 Braes of Allachie
	LDP2020_MIR_AB4	Aberlour AB4 - R4 Speyview
	LDP2020_MIR_AB5	Aberlour AB5 - LONG Braes of Allachie
	<u>CRAIGELLACHIE</u>	
	LDP2020_MIR_CR1	Craigellachie CR1 - Old Cooperage Site
	LDP2020_MIR_CR2	Craigellachie CR2 - R2 Spey Road
	<u>DUFFTOWN</u>	
	LDP2020_MIR_DF1	Dufftown DF1 - Crachie / Corsemaul Drive
	<u>ROTHES</u>	
LDP2020_MIR_RO_GEN	Rothes - General	
LDP2020_MIR_RO1	Rothes RO1 - Land at Drumbain Farm	
LDP2020_MIR_RO2	Rothes R02 - OPP1 Greens of Rothes	
Body or person(s) submitting a representation raising the issue (including reference number):		
000179	The Moray Council Estates	
000361	Hugh Fraser	
000400	Kathleen Davies	
000569	SEPA	
001027	Scottish Natural Heritage	
001524	Scottish Water	
001554	Mrs Liz Ward	
001764	Mervyn And Heather Campbell	c/o GH Johnston Building Consultants
001789	Chivas Brothers Ltd	c/o Montagu Evans LLP
001818	Woodland Trust Scotland	
Planning authority's summary of the representation(s):		
<u>ABERLOUR</u>		
<u>General</u>		
Hugh Fraser		000361
Alice Littler Park is a memorial to the late wife of Sidney Littler and the area must be preserved in its present state without concrete structures etc.		
Scottish Water		001524

Aberlour Waste Water Treatment Works (WWTW) currently has capacity to accommodate a further 30 housing units. Further connections over and above this number may require growth at the treatment works. In order to accommodate this activity, the 5 criteria for growth must be supplied by the developer.

#### **Tombain Farm (Site 1 - Landowner)**

**SEPA**

**000569**

Nearly half of the site is thought to be floodplain. Do not object to the site being allocated for housing subject to a Flood Risk Assessment (FRA) being provided and only land outwith the floodplain developed. Concerns that the developable part of the site may not be sufficient for the capacity indicated and therefore the capacity reference should be removed from the allocation text. Aberlour Burn has phosphorous issues therefore development would need to ensure no increase in phosphorous load. Large riparian buffer zone required to minimise diffuse pollution. Adequate buffer strip required from Aberlour Burn. River Spey (and Aberlour Burn) SAC/SSSI must be protected during the construction phase.

**Scottish Natural Heritage**

**001027**

Eastern part of the proposed site adjoins a tributary that is part of the River Spey Special Area of Conservation (SAC) and a developer requirement should be applied that proposals demonstrate how they will avoid sedimentation and pollution reaching the SAC and ensure no disturbance to otter that may be using the watercourse and banks. The eastern part of the site also includes a section of woodland listed on the Ancient Woodland Inventory (AWI) and the Scottish Semi-natural Woodland Inventory. Boundary should be amended to exclude the woodland interests from the developable area (including an appropriate tree root protection area).

**Mervyn And Heather Campbell**

**001764**

Submitted revised site plan and Development Framework Plan and propose inclusion of western field (set back from Ruthrie Road) of Tombain Farm. Will help meet the strategic aims and objectives of the new Plan and implement the strategy, particularly in respect of delivering effective land for housing development to promote the growth of Aberlour and Speyside. Do not believe the Council can solely focus on delivery of housing on existing sites and not provide additional housing opportunities due to the constraints and effectiveness of those currently in the Plan. Considers that the land identified has scope to help meet the housing requirements in both the Plan period and the longer term, subject to the suitability of access from A95 via R4 site and the provision of an emergency vehicles access.

**Woodland Trust Scotland**

**001818**

The eastern end of the site (approx.2.25 ha) lies on land classified as ancient semi-natural woodland according to the Ancient Woodland Inventory (AWI). Recommend that the site is reduced to exclude the area currently on ancient woodland. A buffer strip, to be determined at planning application stage, should be provided between the development and the area of woodland.

#### **Tombain Farm (Site 2 - Officer-Identified)**

**SEPA**

**000569**

No flood risk concerns. Above ground SUDS should be in place but geology and topography may make for percolation issues. No Groundwater Dependent Terrestrial Ecosystems (GWDTE)/peat issues. The River Spey Special Area of Conservation (SAC) is in close proximity to site and pollution entering the River Spey must be avoided.

**Mervyn And Heather Campbell**

**001764**

The western part of AB1 coloured amber is indicated for "further investigation to consider including a small area of the site within the existing Spey View designation to create pedestrian/cycle networks into Aberlour." This does not, however, indicate any potential housing development. In the absence of this, the inclusion of land is of no benefit to clients and will not encourage them to make it available even for the pedestrian/cycle connections. Request that the western part of AB1 (Tombain Farm) is included for development. This would significantly improve the effectiveness of the Speyview site through accommodation of the active travel links between the existing built up area via Taylor Court and Sellar

Place to the north and potentially to the Ruthrie road to the east.

#### **R4 Speyview**

**Kathleen Davies**

**000400**

Area is zoned for about 100 new houses which would be right beside and behind property. Would adversely affect residents and seek assurances as to how close buildings would come to perimeter of property. Concerns about impact of long standing water supply issues.

**SEPA**

**000569**

A buffer strip or green corridor is probably sufficient to avoid flood risk around the small watercourse/drain but Flood Risk Assessment (FRA) may be required to inform development layout. SUDS should be in place but geology may make for percolation issues. Aberlour Distillery abstracts from Aberlour Burn. Protection of this infrastructure and the water environment must be demonstrated. No peat issues. Patch of rough grassland outwith boundary to the west that might potentially have Groundwater Dependent Terrestrial Ecosystems (GWDTE) therefore a Phase 1 Habitat Survey will be required. 2 drains running through and around the site.

**Scottish Natural Heritage**

**001027**

There appear to be two watercourses running through the site, connecting it with the River Spey Special Area of Conservation (SAC). A developer requirement should be applied that proposals must demonstrate how they will avoid sedimentation and pollution reaching the SAC, so as to avoid an adverse effect on integrity.

**Mrs Liz Ward**

**001554**

Concerns about water and waste services. The area which leads to the Glenallachie single track is very wet.

#### **R1 Chivas Field**

**SEPA**

**000569**

Nearly half of the site is thought to be flood plain, could seriously compromise the capacity. Flood Risk Assessment (FRA) required. Aberlour Distillery CAR/L/1002664 (Cooling water) and CAR/L/1002751 (Trade Effluent) outfall adjacent to proposed site. No peat issues. Adequate buffer strip required from River Spey Special Area of Conservation (SAC) to the south-east boundary.

**Scottish Natural Heritage**

**001027**

The allocation adjoins the Burn of Aberlour, part of the River Spey Special Area of Conservation (SAC). There also appears to be a watercourse running through the southern edge of the site into the Burn of Aberlour. A developer requirement would need to be applied that proposals must demonstrate that there would not be an adverse effect on the integrity of the River Spey SAC from development activity, either causing disturbance to otter that may be using the watercourse and banks or causing pollution/sediment to reach the SAC, and/or from water quality and quantity impacts from abstraction and/or discharge, if proposed. The western part of the site running along the Burn of Aberlour appears to include trees listed on the Scottish Semi-natural Woodland Inventory. Retention of these would contribute to distinctiveness for placemaking, as well as having biodiversity benefits. SNH would expect the policies on natural heritage (particularly in relation to trees and woodlands) to apply.

**Chivas Brothers Ltd**

**001789**

Propose that site is re-designated from residential to employment to support Chivas Brothers' vision to extend the existing distillery premises to provide ancillary uses, principally associated with an improvement of the visitor experience. Expansion of the existing distillery would create further jobs by not only employing staff directly, but as a result of the associated tourism that the attraction draws in thereby supporting the Council's ambition to stimulate economic growth.

#### **R2 Braes of Allachie and LONG Braes of Allachie**

**SEPA**

**000569**

Carry forward existing designation text for R2 *Braes of Allachie* relating to buffer strip from watercourse.



SUDS should be in place but geology may make for percolation issues.

No flood risk concerns regarding LONG *Braes of Allachie (Phase 2)*. The channel is a surface water drain but will be dealt with under surface water management for the site. SUDS should be in place but geology may make for percolation issues.

**Scottish Natural Heritage**

**001027**

There appear to be several watercourses/drainage channels running through the sites, connecting them with the River Spey Special Area of Conservation (SAC). A developer requirement should be applied that proposals must demonstrate how they will avoid sedimentation and pollution reaching the SAC, so as to avoid an adverse effect on integrity.

**CRAIGELLACHIE**

**Old Cooperage Site**

**SEPA**

**000569**

No flood risk concerns or Groundwater Dependent Terrestrial Ecosystems (GWDTE) and peat issues. Development should avoid pollution entering the River Spey Special Area of Conservation (SAC).

**R2 Spey Road**

**SEPA**

**000569**

No flood risk or peat concerns. Adequate buffer strip required from River Spey Special Area of Conservation (SAC) to avoid polluting the river.

**Scottish Natural Heritage**

**001027**

The site is in close proximity to the River Fiddich, a tributary and part of the River Spey Special Area of Conservation (SAC). A developer requirement should be applied that proposals demonstrate how they will avoid sedimentation and pollution reaching the SAC and to ensure no disturbance to otter that may be using the watercourse and banks, so as to avoid an adverse effect on integrity. The southern part of the site includes a section of woodland listed on the Ancient Woodland Inventory (AWI) and the Scottish Semi-natural Woodland Inventory. Recommend that boundary be amended to exclude the woodland interests from the developable area.

**Woodland Trust Scotland**

**001818**

The southern end of the site (approx. 1 ha) lies on land classified as long-established of plantation origin (LEPO) according to Ancient Woodland Inventory (AWI). Should exclude the area currently on ancient woodland and requests that a buffer strip, to be determined at planning application stage, be provided between the development and the area of woodland.

**DUFFTOWN**

**Crachie/Corsemaul Drive**

**SEPA**

**000569**

Adequate buffer strip required from Dullan Water and River Spey Special Area of Conservation (SAC).

**ROTHES**

**General**

**The Moray Council Estates**

**000179**

Proposal of two sites, outwith the Rothes settlement boundary, for industrial use. Access and services (water/power and BT nearby) appear viable from an initial investigation and landowner is willing to facilitate development.

### **Land at Drumbain Farm**

**SEPA**

**000569**

Small areas identified as having surface water inundation issues. Pollution of Back and Broad burns, close to the Southern and Northern boundary, must be avoided as part of the River Spey Special Area of Conservation (SAC).

**Scottish Natural Heritage**

**001027**

This allocation is in close proximity to several watercourses that flow into tributaries of the River Spey Special Area of Conservation (SAC). However, these are located down steep embankments outwith the proposed allocation site. SNH recommend a developer requirement that proposals must demonstrate that there are no changes in drainage/run off patterns and no discharges or abstraction likely to affect the water quality or quantity of these watercourses.

### **OPP1 Greens of Rothes**

**SEPA**

**000569**

Eastern end of the site may have some risk from the River Spey. Adequate buffer strip required from Broad Burn and River Spey.

### **Officers comments on representations and recommendations:**

#### **General**

No development is proposed on the ENV1 designation (Alice Litter Park) which contributes to the environment and amenity of Aberlour. Should any proposals be submitted for an ENV designation, they will be assessed against the Open Space policy of the Local Development Plan. Comments relating to the capacity of Aberlour Waste Water Treatment Works (WWTW) are noted.

#### **Recommendation**

- **No change.**

#### **Tombain Farm (Sites 1 and 2)**

Site 1 - The Council does not support development of the scale proposed at this location as an acceptable means of access cannot be achieved.

Site2 - Discussions are ongoing regarding access and the inclusion of employment land on R4 *Speyview*. The Council are considering the inclusion of the officer-identified site in the Proposed Plan to facilitate pedestrian and cycle access from the R4 site into the village alongside a small scale housing allocation. A decision on inclusion will be made following conclusion of discussions on the R4 designation.

#### **Recommendation**

- **Site 1 (AB1) not allocated in the Proposed Plan.**
- **Note a decision on inclusion of the Site 2 will be made following conclusion of discussions on R4 *Speyview*.**

#### **R4 *Speyview***

R4 *Speyview* is an existing residential designation. The Council are considering reducing the size of the site to develop the flat area and including Tombain Farm Site 2 in order to facilitate pedestrian and cycle access from the R4 site into the village alongside a small scale housing allocation. Discussions are ongoing regarding access and the inclusion of employment land on R4 *Speyview*. A decision on inclusion of land will be made following conclusion of discussions.

#### **Recommendation**

- **Note that discussions are ongoing regarding access and the inclusion of employment land on R4 *Speyview* and that a decision on inclusion of Tombain Farm Site 2 will be made following conclusion of discussions.**

### **R1 Chivas Field**

There has been no interest in developing the site for residential use. The extension of the existing distillery premises to provide ancillary uses, principally associated with an improvement of the visitor experience, is supported. The Council proposes the re-designation of R1 *Chivas Field* from residential to industrial use. Designation text will reflect required assessments identified by consultees, including a Transport Assessment, a Flood Risk Assessment (FRA) Level 2, a Drainage Impact Assessment (DIA) and demonstrate that there would be no adverse effect on the integrity of the River Spey SAC or amenity of nearby residential areas.

### **Recommendation**

- **Redesignate R1 *Chivas Field* from residential to industrial land.**
- **Designation text to be amended to reflect assessments identified by consultees, including a Transport Assessment, a Flood Risk Assessment (FRA) Level 2, a Drainage Impact Assessment (DIA) and demonstrate that there would be no adverse effect on the integrity of the River Spey SAC or amenity of nearby residential areas.**

### **R2 Braes of Allachie and LONG Braes of Allachie (Phase 2)**

The Council proposes to remove R2 *Braes of Allachie* and LONG *Braes of Allachie (Phase 2)* from the Proposed Plan due to viability issues associated with control over land to facilitate required road improvements. The sites have been designated over several Plans and no solution has been found to address this. SEPA and SNH's comments however are noted and will be taken into account if there is a change in position.

### **Recommendation**

- **R2 *Braes of Allachie* and LONG *Braes of Allachie (Phase 2)* removed from the Proposed Plan.**

## **CRAIGELLACHIE**

### **Old Cooperage Site**

The Council propose to re-designate this site from industrial to white-land. Any planning application for development in this location will be judged on its own merits against relevant planning policies, including drainage and pollution. SEPA's comments however are noted.

### **Recommendation**

- **Site re-designated from industrial to white-land in the Proposed Plan.**

### **R2 Spey Road**

The Council proposes to remove R2 *Spey Road* from the Proposed Plan as the site requires the loss of significant woodland to accommodate development. Demand can be met by existing allocations which remain undeveloped. SEPA, SNH and Woodland Trust's comments however are noted and will be taken into account if there is a change in position.

### **Recommendation**

- **R2 *Spey Road* removed from the Proposed Plan.**

## **DUFFTOWN**

### **Crachie/Corsemaul Drive**

As the site is garden ground and not available for public use as an amenity greenspace, the Council propose to re-designate this site from ENV3 to white-land. Any planning applications for development in this location will be judged on its own merits against relevant planning policies, including drainage and

pollution. SEPA's comments however are noted and will be taken into account if there is a change in position.

**Recommendation**

- **Site re-designated from ENV3 to white-land in the Proposed Plan.**

**ROTHES**

**General**

The Council does not support the allocation of sites for industrial use due to their locations outwith the settlement boundary. Any planning application for development in these locations will be judged on its own merits against relevant planning policies.

**Recommendation**

- **Sites not allocated in the Proposed Plan.**

**Land at Drumbain Farm**

The Council does not support development at this location due to significant adverse landscape and visual impact. SEPA and SNH's comments however are noted and will be taken into account if there is a change in position.

**Recommendation**

- **Site not allocated in the Proposed Plan.**

**OPP1 Greens of Rothes**

The Council supports the amended shape and re-designation of site from Opportunity Site to industrial. Requirements for a buffer strip are set out in policy within the LDP2020 and do not need to be repeated in the designation text. Designation text to be carried forward.

**Recommendation**

- **OPP1 *Greens of Rothes* re-designated from Opportunity Site to industrial land and boundary amended to avoid high-pressure gas pipe.**

<b>24</b>	<b>Rural Groupings</b>
<b>Main Issues Report reference:</b>	<p><b>Responses to</b></p> <p><b><u>Glenallachie (Ruthrie, Aberlour)</u></b></p> <p>LDP2020_MIR_AB6                      Aberlour AB6 - Land to South of Glenallachie Distillery</p> <p>LDP2020_MIR_AB7                      Aberlour AB7 – Land to East of Glenallachie Distillery</p> <p><b><u>Blinkbonnie</u></b></p> <p>LDP2020_MIR_BB1                      Blinkbonnie BB1 - Site to South of Blinkbonnie</p> <p><b><u>Birnie</u></b></p> <p>LDP2020_MIR_BI10                      Birnie BI10 - Land at Cockmuir</p> <p>LDP2020_MIR_BI11                      Birnie BI11 - Land at Wardend</p> <p>LDP2020_MIR_BI12                      Birnie BI12 - Birnie Grouping</p> <p>LDP2020_MIR_BI8                      Birnie BI8 - Land At Birnie</p> <p>LDP2020_MIR_BI9                      Birnie BI9 - Land at Birkenbaud</p> <p><b><u>Brodie</u></b></p> <p>LDP2020_MIR_BR1                      Brodie BR1 - Land Opposite Brodie Countryfare</p> <p>LDP2020_MIR_BR2                      Brodie BR2 - Land South of A96</p> <p><b><u>Brodieshill</u></b></p> <p>LDP2020_MIR_BS1                      Brodieshill BS1 - Brodieshill (Site 1)</p> <p>LDP2020_MIR_BS2                      Brodieshill BS2 - Brodieshill (Site 2)</p> <p>LDP2020_MIR_BS3                      Brodieshill BS3 - Brodieshill Rural Grouping</p> <p><b><u>Buthill</u></b></p> <p>LDP2020_MIR_BT1                      Buthill BT1 - Buthill Rural Grouping</p> <p><b><u>Burgie</u></b></p> <p>LDP2020_MIR_BU1                      Burgie BU1 - Land at Burgie</p> <p>LDP2020_MIR_BU2                      Burgie BU2 - Land at Burgie</p> <p><b><u>Craigmill</u></b></p> <p>LDP2020_MIR_CE1                      Craigmill CE1 - New Rural Grouping</p> <p><b><u>Clackmarras</u></b></p> <p>LDP2020_MIR_CK1                      Clackmarras CK1 - Land to West of County Cottages</p> <p><b><u>Catherinebraes</u></b></p> <p>LDP2020_MIR_CS1                      Catherinebraes CS1 - Proposed New Rural Grouping</p> <p><b><u>Darklands</u></b></p> <p>LDP2020_MIR_DN1                      Darklands DN1 - Darklands</p> <p>LDP2020_MIR_DN2                      Darklands DN2 - Darklands 2</p> <p><b><u>Darklass</u></b></p> <p>LDP2020_MIR_DS1                      Darklass DS1 - Land at Darklass</p> <p><b><u>Drybridge</u></b></p> <p>LDP2020_MIR_DY1                      Drybridge DY1 - Land Adjacent to Council Houses</p>

LDP2020_MIR_DY2	Drybridge DY2 - Hilton Farm
LDP2020_MIR_DY3	Drybridge DY3 - Hilton Farm South
<b><u>Hillockhead</u></b>	
LDP2020_MIR_HH1	Hillockhead HH1 - Hillockhead Rural Grouping
<b><u>Inverugie, Hopeman</u></b>	
LDP2020_MIR_HP2	Hopeman HP2 – Mains of Inverugie Rural Grouping
<b><u>Kintessack</u></b>	
LDP2020_MIR_KT1	Kintessack KT1 – Kintessack
<b><u>Logie</u></b>	
LDP2020_MIR_LG1	Logie LG1 - Logie Rural Grouping
<b><u>Marypark</u></b>	
LDP2020_MIR_MP1	Marypark MP1 - Burnside Road (Site 1)
LDP2020_MIR_MP2	Marypark MP2 - Burnside Road (Site 2)
<b><u>Maverston</u></b>	
LDP2020_MIR_MV1	Maverston MV1 - Land at Maverston
LDP2020_MIR_MV2	Maverston MV2 - Land at Maverston
<b><u>Miltonduff</u></b>	
LDP_2020_MIR_MD_GEN	Miltonduff General
LDP2020_MIR_MD1A	Miltonduff MD1A Site A to north west
LDP2020_MIR_MD1B	Miltonduff MD1B - Existing Site in MDLP 2015
LDP2020_MIR_MD1C	Miltonduff MD1C -Site C to north of existing site
<b><u>Miltonhill</u></b>	
LDP2020_MIR_MH1	Miltonhill MH1 – Miltonhill
<b><u>Nether Dallachy</u></b>	
LDP2020_MIR_ND1	Nether Dallachy ND1 - Existing Housing Site
<b><u>Newton of Struthers</u></b>	
LDP2020_MIR_NS2	Newton of Struthers NS1 - Land at Newton of Struthers
<b><u>Orton</u></b>	
LDP2020_MIR_OR1	Orton OR1 - Boat o' Brig
LDP2020_MIR_OR2	Orton OR2 - Orton Station
<b><u>Portgordon</u></b>	
LDP2020_MIR_PGE1	PGE1 Site to East of Portgordon
LDP2020_MIR_PGE2	PGE2 Site to south of Gollachy Mill
LDP2020_MIR_PGE3	PGE3 Site to south of Buckie Recycling Centre
LDP2020_MIR_PGE4	PGE4 Site to west of Buckie Recycling Centre
<b><u>Rafford Station</u></b>	
LDP2020_MIR_RD1	Rafford Station RD1 - Rafford Station Rural Grouping
<b><u>Roseisle</u></b>	
LDP2020_MIR_RS_GEN	Roseisle - General
LDP2020_MIR_RS1	Roseisle RS1 - Roseisle West

	LDP2020_MIR_RS2	Roseisle RS2 - Roseisle North Site
	LDP2020_MIR_RS3	Roseisle RS3 - Roseisle East Site
	<b><u>Templestones</u></b>	
	LDP2020_MIR_TE1	Templestones TE1 - New Grouping
	<b><u>Torrieston</u></b>	
	LDP2020_MIR_TO1	Torrieston TO1 – Torrieston
	<b><u>Troves</u></b>	
	LDP2020_MIR_TV2	Troves TV2 - Troves East
	LDP2020_MIR_TV3	Troves TV3 - Troves West
	LDP2020_MIR_TV4	Troves TV4 - Tyle Croft
	<b><u>Upper Dallachy</u></b>	
	LDP2020_MIR_UD1	Upper Dallachy UD1 - Uppr Dallachy
	LDP2020_MIR_UD2	Upper Dallachy UD2 - Upper Dallachy East
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
000055	Maverston LLP	Halliday Fraser Munro
000163	Angela Mitchell	
000333	Jonathan Meighan	
000401	Lorretta Oliphant	
000423	Eddie Middleton	
000527	Scott Hanton	Scott Hanton Joinery Ltd c/o Grant and
	Geoghegan	
000569	SEPA	
000638	Mr A Hughes	
001016	Tulloch of Cummingston	
001027	Scottish Natural Heritage	
001049	Howard Davenport	
001249	Crown Estate Scotland (Interim Management) c/o Savills	
001398	Finderne Community Council	
001425	Alan Duncan	c/o Grant and Geoghegan
001430	Bill Beaton	Rosebrae Farm Ltd. c/o John Wink Design
001453	Peter Graham	c/o Grant and Geoghegan
001492	Mr Stuart Innes	c/o HHL Scotland
001504	Mr James Silvestri	c/o Grant and Geoghegan
001508	Mr Ian Caird	c/o HHL Scotland
001543	Brian Shepherd	
001582	Mr Alexander Hall	
001583	Mrs Patricia Cowie	
001585	Dr Keith Fraser	
001591	Mr & Mrs Philip & Jane Jenkinson	
001593	Mrs Caroline Bury	
001602	Mr And Mrs Alan And Frances Hughes	

001603	Mr Peter Mitchell	
001615	Mr Graham Oliphant	
001618	Chris Lowe	
001625	Robert Williamson	
001725	Mr Bill Mohr	
001729	Mr Gary Watt	
001742	Pinehurst Development Co	c/o Turnberry
001744	Mr Derek White	
001753	Mr John Bisset	
001754	Miss Antonia Hausler	
001756	Richard & Jenny Legg	
001798	Strathdee Properties Ltd	c/o Halliday Fraser Munro Planning
001801	Mr Gordon McKandie	
001807	Dr Roger Gibbins	
001816	Joanna Taylor	Rafford Consulting
001818	Woodland Trust Scotland	
001828	Elaine Matthews	c/o Grant and Geoghegan
001829	James Yool	
001836	Logie Estates	
001842	Mr Alistair Shaw	
001843	Mrs Elizabeth Calder	
001844	Mrs Victoria Stevens	
001848	Mr And Mrs Boyne	c/o John Wink Design
001857	Diageo (Scotland) Ltd	c/o Freya Pottinger, JLL
001859	Glenallachie Distillery	c/o Grant and Geoghegan
001864	Mrs Sandra Duncan	c/o HHL Scotland
<b>Planning authority's summary of the representation(s):</b>		
<b><u>GLENALLACHIE (RUTHRIE, ABERLOUR)</u></b>		
<b><u>Land to South of Glenallachie Distillery</u></b>		
<b>Glenallachie Distillery</b>	<b>001859</b>	
Proposal to allocate land for warehousing, visitor accommodation and additional car parking at Glenallachie Distillery. This proposal is demand led and will provide significant direct and indirect economic and social benefits to Moray. The development of this site would not lead to the significant loss of trees, hedgerows or woodland and if necessary, the applicant is agreeable to the implementation of a long term landscaping scheme with native trees and ground cover to enhance the site in terms of screening the development from public vantage points whilst affording privacy within the development itself.		
<b><u>Land to East of Glenallachie Distillery</u></b>		
<b>Glenallachie Distillery</b>	<b>001859</b>	
Proposal for small scale residential development and associated works of approximately 5 units. The development of this site may lead to the loss of some trees but and the applicant is agreeable to the implementation of a long term landscaping scheme with native trees to consolidate the existing stand and to enhance the site in terms of screening the development from public vantage points whilst affording privacy within the development itself.		



**BLINKBONNIE****Site to South of Blinkbonnie****SEPA****000569**

No flood risk concerns. Site less than 250m from Lower River Spey SAC. Adequate buffering required.

**Scottish Natural Heritage****001027**

Diffuse pollution from septic tanks in the area is likely to be contributing to the unfavourable condition of the hydrological mire feature of the Spey Bay Site of Special Scientific Interest (SSSI). SNH therefore recommend that a developer requirement is applied that development should be connected to mains sewerage, and where this is not possible that private waste water treatment plants are used to ensure that there is no net increase in nutrients.

**Mr And Mrs Boyne****001848**

Support proposal for residential development at Blinkbonnie. The site is bounded by the rural grouping to the north and the site is an appropriate extension. Indicative layout shows capacity for 6 houses, in scale and character to existing grouping. Opportunity to enhance the landscape character of the area and include open space with a play area and linking footpaths. No greenfield sites identified in Kingston area due to flood risk. Proposed site is outwith flood risk areas. Not prime agricultural land.

Landowner/developer is committed to providing an attractive housing development that will enhance the rural community of Blinkbonnie.

**BIRNIE****Land at Cockmuir****SEPA 000569**

No flood risk concerns. Adequate buffer strip required from Rashcrook Burn to the south of the site.

**Scottish Natural Heritage****001027**

Support recommendation not to allocate site in the Proposed Plan. Entire site appears to be located within a large area of woodlands listed on the Ancient Woodland Inventory (AWI) and the Scottish Semi-natural Woodland Inventory. SNH recommend that the designation text highlights the woodland interests and that proposals must retain trees and demonstrate that development does not impact on the woodland.

**Woodland Trust Scotland****001818**

Support recommendation not to allocate site in the Proposed Plan. The site lies on land classified as long-established woodlands of plantation origin (LEPO) according to the Ancient Woodland Inventory (AWI).

**Land at Wardend****SEPA****000569**

No flood risk concerns. Adequate buffer strip required from Rashcrook Burn to the south of the site. Phase 1 Habitat Survey will be required as rough grassland in fields to the south could potentially have the presence of Groundwater Dependent Terrestrial Ecosystems (GWDTE).

**Scottish Natural Heritage****001027**

Support recommendation not to allocate site in the Proposed Plan. Entire site appears to be located within a large area of woodlands listed on the Ancient Woodland Inventory (AWI) and the Scottish Semi-natural Woodland Inventory. Should allocation be carried forward into the Local Development Plan 2020, SNH recommend that the designation text highlights the woodland interests and that proposals must retain trees and demonstrate that development does not impact on the woodland.

**Woodland Trust Scotland****001818**

Support recommendation not to allocate site in the Proposed Plan. Western section of site lies on land classified as long-established woodlands of plantation origin (LEPO) according to the Ancient Woodland Inventory (AWI).

**Birnie New Rural Grouping****SEPA****000569**

Fothes burn flows through site, so adequate buffer strips would be required to protect watercourse. The site is near to a distillery, there may be odour and noise issues. Foul drainage may limit development as

there is no suitable watercourse for disposal, disposal to land is likely the only option and porosity should be investigated. This allocation contains some extensive wet areas and may not be suitable for soakaways. Disposal to Foths burn may be acceptable subject to high level of treatment and taking account of potential impact on distillery abstraction. Part of the site, close to the Foths Burn, has been identified as being at medium to high risk of surface water flooding. The north-east boundary of the site has also been identified as being at risk. A FRA has been submitted in support of the proposed site, there are some technical queries and further information is required. No objection to the grouping as a whole, provided wording included to state FRA is required to assess risk and this could affect the developable areas and the capacity of the site for development.

**Scottish Natural Heritage**

**001027**

There is a small section of woodland between Foths Burn and the Muckle House that is listed in the Scottish Semi-natural Woodland Inventory. If the site is taken forward in the LDP 2020, recommend that the allocation text in the LDP highlights this. As trees would contribute to distinctiveness for placemaking, as well as by providing habitat that contributes to green network connectivity, recommend that a developer requirement is applied for the retention of these trees and that proposals must demonstrate that development does not impact on the woodland.

**Peter Graham**

**001453**

Owners of the site are committed to making it available for development. A Flood Risk Assessment is being commissioned and discussions with SEPA and the Flood Risk Management team are ongoing.

**Mr John Bisset**

**001753**

9 houses already form a rural grouping here. This is not a new grouping. The existing houses occupy the logical and readily usable positions in the area delineated. To add further houses will detract from the character of this quiet rural group. The fields are productive and in current use. Since many much more suitable house building sites, not yet being developed, are already in existence in the local area it seems inappropriate to nominate good agricultural land for further potential development. NW of the existing house group, includes a known flooding hazard. The flooding risk relates to the poor drainage of the fields and slope s in that area together with the constriction caused by the stream culvert for the Foths Burn which runs under the road. This is exacerbated by run-off from the area behind to the SW and SSE of the houses on the South side of the road. Allowing additional houses in these areas will make the flooding problem significantly worse. There is flooding in this area each year, despite previous attempts to improve drainage. It is suggested that if flooding occurs, the Council may be considered liable, since the flood risk is already known. Strongly recommend that the Council withdraws this area, from the Moray Local Development Plan 2020.

**Miss Antonia Hausler**

**001754**

The proposed rural grouping is unsuitable for further development, both in practical terms (flooding risk) and in terms of existing wildlife habitat value. The majority of the site has been identified by SEPA as a high risk area for surface water flooding, and attempts to improve drainage for building purposes would put further strain on the Foths burn and nearby reservoir, exacerbating the issue. Building to the west of the site would additionally endanger water quality and wildlife habitat in the burn and reservoir. To the eastern end of the site is productive farmland - an increasingly valuable resource. The MIR document makes note of the need to safeguard existing habitat and biodiversity and to improve the prospects of both. The proposed site covers an area of semi-natural woodland and scrub which supports populations of red squirrels, owls, lizards, various amphibians and other wildlife which is struggling elsewhere. It is surely more cost-effective, in terms of both money and effort, to maintain established woodland rather than clear it and attempt to make up for it with new planting elsewhere. Given the unsuitability - in practical terms - of much of the proposed land on the site for development, and its evident value for local biodiversity, there are much better (and easier) areas to focus on for housing development. Suggest designating it as a reserve or protected site and managing it as such, taking advantage of the existing natural infrastructure to expand the woodland or create a wetland or meadow to boost local wildlife.

**Land at Birnie**

**Scottish Natural Heritage**

**001027**

Entire site appears to be located within a large area of woodlands listed on the Ancient Woodland Inventory (AWI) and the Scottish Semi-natural Woodland Inventory. Should allocation be carried forward

into the Local Development Plan 2020, SNH recommend that the designation text highlights the woodland interests and that proposals must retain trees and demonstrate that development does not impact on the woodland.

#### **Land at Birkenbaud**

**SEPA 000569**

No flood risk concerns.

**Scottish Natural Heritage 001027**

Support recommendation not to allocate site in the Proposed Plan. Much of the site appears to be located within a large area of woodlands listed on the Ancient Woodland Inventory (AWI) and the Scottish Semi-natural Woodland Inventory. Should allocation be carried forward into the Local Development Plan 2020, SNH recommend that the designation text highlights the woodland interests and that proposals must retain trees and demonstrate that development does not impact on the woodland.

**Woodland Trust Scotland 001818**

Support recommendation not to allocate site in the Proposed Plan. The site lies on land classified as long-established woodlands of plantation origin (LEPO) according to the Ancient Woodland Inventory (AWI).

#### **BRODIE**

##### **Land Opposite Brodie Countryfare**

**SEPA**

**000569**

Areas of surface water risk. There may be some scope for private systems or a single larger system.

**Scottish Natural Heritage**

**001027**

The northern boundary along the A96 includes some mature trees listed in the Scottish Semi-natural Woodland Inventory. SNH recommend that the designation text highlights the woodland interests and requires that proposals must retain trees and demonstrate that development does not impact on the woodland.

**Mr Alexander Hall**

**001582**

Objects to proposed site due to concerns regarding road safety; access; impact on landscape; noise and pollution; loss of trees; overlooking/loss of privacy; and loss of daylight.

##### **Land South of A96**

**SEPA**

**000569**

The site lies adjacent to the 1 in 200 year flood extent of the Muckie Burn. A Flood Risk Assessment (FRA) should be undertaken to determine the risk of flooding from the Muckie Burn. Only land that is not at medium to high risk of flooding will be suitable for development.

**Mr Stuart Innes**

**001492**

Await Transport Scotland's response but have provided a 'draft' Masterplan demonstrating how client envisages the site being advanced. Proposal includes new access with required visibility splays which would replace the existing access to the east. Aware of flood risk and will provide Flood Risk Assessment (FRA) with planning application.

#### **BRODIESHILL**

##### **Brodieshill (Site 1)**

**SEPA**

**000569**

Small watercourse on the boundary of the site which may require some flood risk assessment to be carried out. Adequate buffer strip required from Burgie Burn to the west of the site.

**Scottish Natural Heritage**

**001027**

The western boundary of the site adjoins woodland listed in the Scottish Semi-natural Woodland Inventory. SNH recommends that the designation text highlights the woodland interests and that proposals must demonstrate that development does not impact on the woodland.

##### **Brodieshill (Site 2)**

<b>SEPA</b>	<b>000569</b>
Small watercourses through the site will need to be assessed for flood risk and accommodated within any development layout. Adequate buffer strip required from Burgie Burn to the west of the site and Mosstowie Canal to the east.	
<b>Scottish Natural Heritage</b>	<b>001027</b>
Entire site appears to be located within an area of woodlands listed on the Scottish Semi-natural Woodland Inventory. Agree with conclusion not to support site. SNH recommend that, if site was to be carried forward, the designation text highlights the woodland interests requires that proposals must retain trees and demonstrate that development does not impact on the woodland.	
<b><u>Brodieshill Rural Grouping</u></b>	
<b>SEPA</b>	<b>000569</b>
Small watercourses on the perimeter of the site, and may be some culverting. A Flood Risk Assessment (FRA) should be undertaken to determine the flood risk from the Burgie Burn and the small drain that flows into it, and any culverts identified. The site is adjacent to a distillery and there may be odour and noise issues. Adequate buffer strip required from Burgie Burn. Small watercourses on the perimeter of the site, and may be some culverting. A Flood Risk Assessment (FRA) should be undertaken to determine the flood risk from the Burgie Burn and the small drain that flows into it, and any culverts identified. The site is adjacent to a distillery and there may be odour and noise issues. Adequate buffer strip required from Burgie Burn.	
<b>Scottish Natural Heritage</b>	<b>001027</b>
The western boundary of the site adjoins woodland listed in the Scottish Semi-natural Woodland Inventory. SNH recommend that the designation text in highlights the woodland interests and that proposals must demonstrate that development does not impact on the woodland.	
<b><u>BUTHILL</u></b>	
<b><u>Buthill New Rural Grouping</u></b>	
<b>SEPA</b>	<b>000569</b>
A Flood Risk Assessment may be required for parts of the site depending on layout and proposals. Small areas within the site boundary have been identified as being at medium to high risk of surface water flooding. Applicants should be aware that if connection to the public network is not possible, foul drainage may limit development. There are no suitable watercourses for disposal, disposal to land is likely the only option and porosity should be investigated.	
<b>Scottish Natural Heritage</b>	<b>001027</b>
The majority of the proposed allocation includes woodlands identified in the Scottish Semi Natural Woodland Inventory. This limits the developable area. If this allocation is taken forward into the LDP 2020, the allocation boundary must be amended to exclude the Inventory woodlands from the developable area. Exclusion of the woodlands should ensure retention of the trees, which would contribute to placemaking and biodiversity. A developer requirement should be applied that proposals must demonstrate that development does not impact on the woodland.	
<b>Diageo (Scotland) Ltd</b>	<b>001857</b>
Several houses already exist at Buthill, intensification of such a use could potentially impact upon the Distillery's operation and potential to expand in the future. Encourage the Council to take into account the ongoing operation and potential for expansion of Roseisle Distillery when considering this site for inclusion in the Proposed Moray Local Development Plan 2020. Encourage that the Proposed Local Development Plan incorporates policy to safeguard the importance of the distillery as a major local employer. This, together with the potential impact on local residents' amenity due to the quasi-industrial use of the site, would need to be taken into account when considering any forthcoming housing development in proximity to the site.	
<b>Strathdee Properties Ltd</b>	<b>001798</b>
Support the proposals set out in the Main Issues Report to designate land at Buthill as a formal Rural Grouping and permit further measured rural housing development within its boundaries.	
<b>Mr Derek White</b>	<b>001744</b>

The map issued for identifying new rural grouping with opportunities for housing has not been updated to show the additional 20 plus properties /building plots that have already been approved.

Due to the additional properties there are over 40 additional cars, plus delivery vans, construction traffic and farm tractors using a single track lane with no passing places which is a mile long. The entrance to the lane is off of a 60mph carriageway, being single track lane and with the amount of traffic now using the lane, often unable to enter lane due to cars exiting, this is an accident waiting to happen. All properties now require cars due to no public transport to Roseisle. Bus route cancelled between Elgin, Roseisle and Forres No facilities have been proved for refuse collection in excess of 51 wheelie bins and 17 orange boxes to be left on side of lane. There is a major problem with land erosion, due to woodland being cleared for building, there are no natural wind breaks. So sand storms are now common in dry weather. Unable to use gardens.

Demand for electrical supplies has now become a problem with SSE, which results in power cuts. Internet speeds at less than 1.00Mb/s due to fibre optic cables infrastructure not being upgraded There are no local schools, medical centres, local amenities, local employment opportunities (any new housing means more traffic for commuting so more pollution).

Wildlife has been reduced already due to the additional construction. Red squirrels, Deer, hares and birds have lost their natural habitat and rarely seen now, where as little as 2/3 years ago they were common to the area. Farming areas need to increase not reduced and subsidised for more housing.

**Eddie Middleton**

**000423**

Additional development must require the developer to maintain and improve the existing access. The existing access lane is now potholed and subsiding due to the traffic increase directly resulting from approved developments.

## **BURGIE**

### **Land at Burgie**

**SEPA 000569**

Site is adjacent to the flood extent of the Den Burn on the SEPA Flood Map and a Flood Risk Assessment (FRA) may be required. Adequate buffer strip required from a number of drains and burns to the south and west of the site.

**Scottish Natural Heritage 001027**

The south west corner of the proposed allocation, and a strip running through the central part of the allocation, includes some woodlands identified on the Scottish Semi Natural Woodland Inventory. SNH recommend that the boundary be amended to exclude the Inventory woodlands from the developable area and that proposals must demonstrate that development does not impact on the woodland.

### **Land at Burgie (Rural Grouping)**

**SEPA 000569**

Part of the site at risk of fluvial flooding from the Den Burn and small tributary watercourses. There are a number of small watercourses within the site and to the south of it and there may also be some culverted watercourses. Flood Risk Assessment (FRA) required to assess flood risk from the watercourses which may affect the developable areas of the site and suitable uses. The site is adjacent to a distillery, there are likely to be odour and noise issues. Adequate buffer strip required from Burgie Burn.

**Scottish Natural Heritage 001027**

The south west corner and a strip running through the central part of the BU01 area include some woodland identified on the Scottish Semi Natural Woodland Inventory. SNH recommend that the boundary be amended to exclude the Inventory woodlands from the developable area and that proposals must demonstrate that development does not impact on the woodland.

## **CRAIGMILL**

**Craigmill Rural Grouping****SEPA****000569**

Part of the site lies within the 1 in 200 year flood extent of the Black Burn. There is a small watercourse within the site boundary and possibly culverts. There is a small drain to the south of the site that runs parallel to the Black Burn. Parts of the site likely to be suitable for development but Flood Risk Assessments (FRAs) will be required to support applications for flooding from Burns. Foul drainage may limit development. Adequate buffer strip required from Black Burn watercourses.

**Scottish Natural Heritage****001027**

A strip of woodlands identified in the Scottish Semi Natural Woodland Inventory run through the centre of the proposed allocation site, roughly from north to south, which limits the developable area. SNH recommend that the boundary be amended to exclude the Inventory woodlands from the developable area and that proposals must demonstrate that development does not impact on the woodland.

**CLACKMARRAS****Land to West of Country Cottages****SEPA****000569**

No flood risk concerns. Developer will need to manage privately the potential re-siting of the soakaway.

**Bill Beaton****001430**

Supports inclusion of site in Proposed Plan. Believe the proposed site is an appropriate extension to the boundary line. Opportunity to move the new access to meet requirements of Moray Council Transportation as Applicant owns the adjacent land. There is opportunity to further enhance the landscape character of the area creating an attractive entrance to Clackmarras.

**Mr Alistair Shaw****001842**

The site provides an opportunity to create a more attractive entrance to Clackmarras from the south and more open space for the benefit of the whole community. The development will also support local businesses and maintain employment in the local area.

**Mrs Elizabeth Calder****001843**

Supports proposal as it would bring the village back to life and bring a more pleasing look as at present it is pretty run down. Site would also provide support for local businesses and enhance the community by introducing new families.

**Mrs Victoria Stevens****001844**

Supports proposal as it would encourage the community to grow. Allocating housing would allow people to move into the area and promote rural communities.

**CATHERINEBRAES****Catherinebraes Rural Grouping****Richard & Jenny Legg****001756**

Proposal for bed and breakfast building (purpose built or extension of farmhouse) within a new Rural Grouping with purpose made access for holiday makers who have additional access requirements needs e.g. step free access, wider doors, wet rooms etc.

**DARKLANDS****Darklands****SEPA****000569**

The area flooded in 1997 along with properties in Darklands when the Lhanbryde Burn burst its banks and flowed through the area. The Lhanbryde Burn may have previously followed this course and the SEPA Flood Maps seem to pick up a likely flow route through the area. The area now benefits from the Lhanbryde FAS but there is some uncertainty with the standard of protection of the scheme and the residual risk. Given the proposed vulnerable use of the site the suitability for development is not clear. Some basic FRA work was undertaken to support the existing site but there were some issues with the detail of the work. As the extended area is lower-lying, more detailed assessment is required to demonstrate that the area is suitable

for development taking into account risk from the Lhanbryde Burn and the small watercourse.

**Mr James Silvestri**

**001504**

The owners of the site are committed to making the larger site available for development and fully intend to take things forward in recognition of the issues identified for consideration in the bid site checklist. Have understood that the provision of a satisfactory flood risk assessment to address the concerns of SEPA and the Council's Flood Risk Management Team is required before the inclusion of the site in the Proposed Plan can be considered. A revised Flood Risk Assessment is submitted in support of this bid. Discussions with SEPA and the Flood Risk Management Team are ongoing and confident that this matter can be resolved to the satisfaction of all parties in the very near future.

## **Darklands 2**

**Mr Gary Watt**

**001729**

Site A should be retained. Aim to apply for planning permission in 2018, with a view to construction in early 2019. Indicative site plans and elevations provided.

## **DARKLASS**

### **Land at Darklass**

**Pinehurst Development Co**

**001742**

Propose new rural grouping on land at Darklass, near Dyke in order to strengthen the settlement hierarchy and promote a sustainable pattern of growth. Principle of residential development has been established with live permission for 7 houses. Not an isolated site and is accessible and ready for development with capacity for approximately 9 houses. The site at Darklass is characteristic of a rural grouping because it is appropriate in terms of its siting, location and design. Sustainable site due to proximity to Forres and Brodie for services.

## **DRYBRIDGE**

### **Land Adjacent to Council Houses**

**SEPA**

**000569**

A flood risk assessment may be required to assess the risk from the Core Burn and from the old watercourse channel. A flow path may need to be provided through the site to avoid future problems. Site very close to Core Burn, 10m in places, adequate buffer strip to protect watercourse would be required. As per 2015 statement, any private drainage would require investigation, after justification for non-connection/upgrade of public system.

**Scottish Natural Heritage**

**001027**

Western boundary adjoins woodlands identified on the Ancient Woodland Inventory. Recommend that allocation text in the LDP highlights the woodland interest and that a developer requirement is applied to proposals that must demonstrate that development does not impact on the woodland.

**Alan Duncan**

**001425**

Site is within an area where there is a high demand for housing in the open countryside. Proposed site provides the opportunity to add a small extension to Drybridge. Supportive of the Council's decision to allocate site. Investigations regarding drainage for the site are currently on going.

**Woodland Trust Scotland**

**001818**

The western sector of the site lies on land classified as ASNW according to the AWI. A buffer between the development and the area of woodland is recommended as site specific requirement. The appropriate size and type can be advised at the planning application stage.

## **Hilton Farm**

**SEPA**

**000569**

Site in close proximity to Buckie and Freuchny burns. Adequate buffering will be required.

## **Hilton Farm South**

**SEPA**

**000569**

Site is less than 250m from Buckie burn and another unnamed small burn. Adequate buffering will be required.

### **HILLOCKHEAD**

#### **Hillockhead New Rural Grouping**

**SEPA**

**000569**

Jocks Burn and its tributary run within the boundaries of the site and if supported a Flood Risk Assessment may be required to assess flood risk from the watercourses. Buffering to watercourses required.

### **INVERUGIE, HOPEMAN**

#### **Mains of Inverugie Rural Grouping**

**SEPA**

**000569**

No flood risk concerns. Adequate buffer strip required from drains to the south of site.

#### **Tulloch of Cummingston**

**001016**

Evidence provided of access proposal and required visibility splays. Further consideration will be given to the layout of the proposed designation at detailed design stage to achieve more rural feel and to assist in this the existing steading has now been included within the proposed designation boundary.

### **KINTESSACK**

#### **Kintessack Rural Grouping (Site E)**

**SEPA**

**000569**

Part of the site is highlighted as potentially at risk of surface water flooding on the SEPA Flood Maps. SEPA have no other evidence of flood risk at the location so recommend it be considered as part of the site drainage investigation. Potential odour with poultry unit within 2km.

#### **Scott Hanton Joinery Ltd**

**000527**

Underlines the developer's commitment to the development of the proposed site and submission of a planning application will be forthcoming. The site provides an opportunity to provide modest, effective housing land supply consistent with the scale and character of Kintessack.

### **LOGIE**

#### **Logie Rural Grouping**

**Logie Estates**

**001836**

Logie Estate are in discussions with architects and builders regarding housing in the area around Logie Village that is currently designated in the 2015 plan and request that the designation is carried forward.

### **MARYPARK**

#### **Burnside Road (Site 1)**

**SEPA**

**000569**

A Flood Risk Assessment (FRA) may be required to assess risk from the small watercourse which runs along the site boundary. Adequate buffer strip required from Burn of Pitchaish (part of River Spey Special Area of Conservation (SAC)) and other small watercourse to the north and south of the site.

#### **Scottish Natural Heritage**

**001027**

The allocation is within 50 metres of the Burn of Pitchaish, part of the River Spey Special Area of Conservation (SAC). A developer requirement should be applied that proposals demonstrate how they will avoid sedimentation and pollution reaching the SAC and avoid an adverse effect on integrity.

#### **Burnside Road (Site 2)**

**SEPA**

**000569**

A Flood Risk Assessment (FRA) may be required to assess risk from the small watercourse which runs along the site boundary. Adequate buffer strip required from Burn of Pitchaish (part of River Spey Special Area of



Conservation (SAC)) and other small watercourse to the north and south of the site.

**Scottish Natural Heritage**

**001027**

The allocation is within 50 metres of the Burn of Pitchaish, part of the River Spey Special Area of Conservation (SAC). A developer requirement should be applied that proposals demonstrate how they will avoid sedimentation and pollution reaching the SAC and avoid an adverse effect on integrity.

**MAVERSTON**

**Land to west of Maverston**

**SEPA**

**000569**

No flood risk concerns. A small area of the proposed site has peat on it. A peat map should be provided. There are also drains and a pond to the South which should be protected from any source of pollution.

**Land at Maverston**

**Maverston LLP**

**000055**

Support the Council's designation of Maverston as a Rural Grouping, but consider the boundary should be extended around the golf course. This approach would still be fully in line with the Rural Groupings text which states: 'Maverston has an extant planning consent for 40 houses, two golf courses, and leisure facilities. A settlement boundary has been drawn around this consent.'

Seeks increase in capacity of rural grouping. A Transport Statement has been prepared to accurately reflect what the transportation impacts and mitigation may be from the larger proposal. A number of passing places have recently been installed on the public road between Maverston and Urquhart. The Transport Statement confirms that any impacts from additional development can be mitigated through the provision of two additional passing places west of the Maverston junction access prior to the Lochhills Road. There may be scope to extend public bus services in the area if this is shown to be necessary. Accessibility will also be improved through a secondary junction onto the Garmouth road, following the development of higher density 'Phase 3' housing. The principle of development has been firmly established through existing planning approvals. It is however not viable to build 40 houses at the density originally envisaged. A masterplan has been prepared for a viable proposal. Costings have been provided by engineers and quantity surveyors and a market view has been provided with the original bid submission. These are still relevant. The implementation of this masterplan has already commenced, with a higher density 'Phase 2' planning application for 28 houses to be lodged this summer, following the submission of Proposal of Application.

**SEPA**

**000569**

A Flood Risk Assessment will be required for many parts of the site. There are small areas of what could be rough grassland. A Phase 1 Habitat Survey will be required. There is peat around manmade loch on the western area of the proposed site. If this area is considered to be developed a peat map should be produced.

**Scottish Natural Heritage**

**001027**

The majority of the northern part of the site includes woodland listed on the Ancient Woodland Inventory (AWI), part of which is also listed on the Scottish Semi-natural Woodland Inventory. There are also three small pockets of woodland within the southern part of the site that are listed only on the Scottish Semi-natural Woodland Inventory. The Scottish Government's Control of Woodland Removal Policy would apply, as well as the Council's relevant LDP woodland policies. This limits the developable area. If this allocation is taken forward into the LDP 2020, SNH recommend that the allocation boundary be amended to exclude the woodlands from the developable area.

Exclusion of the woodlands should ensure retention of the trees, which would contribute to placemaking and biodiversity. SNH also recommend that a developer requirement is applied that proposals must demonstrate that development does not impact on the woodland (including tree roots).

**Woodland Trust Scotland**

**001818**

The northern end of the site lies on land classified as Long Established Plantation Origin according to the Ancient Woodland Inventory. The name of the woodland is Maverston Wood. This site is currently 'not supported' as it is 'excessive for the rural location, is distant from public services and does not reduce the

need to travel.' As allocated at the moment part of this site lies on land classified as ancient woodland, therefor The Woodland Trust Scotland support the Council conclusion not to allocate this site for development.

## **MILTONDUFF**

### **Miltonduff Rural Grouping**

#### **Scottish Natural Heritage**

**001027**

Majority of the existing site contains woodland listed on the Ancient Woodland Inventory (AWI). The Scottish Government's Control of Woodland Removal Policy would apply, as well as the Council's relevant LDP policies, which means that there is likely to be very limited capacity for built development in this location. Should the site be taken forward a developer requirement should be applied that requires proposals to retain the trees and that development does not impact on the woodland.

### **Site A to North West of Miltonduff**

#### **SEPA**

**000569**

Potential flood risk

#### **Elaine Matthews**

**001828**

Request that the site is allocated for housing in the proposed plan. Issues regarding visibility splays can be resolved as land is under ownership of the applicant.

### **Site B**

#### **James Yool**

**001829**

Committed to development on the proposed site. Request that the site is retained in the proposed plan.

#### **Woodland Trust Scotland**

**001818**

Most of the site lies on land classified as LEPO according to the AWI. Strongly object to the allocation of this site as development on an area of ancient woodland is unacceptable.

### **Site C to North of Existing Site**

#### **Robert Williamson**

**001625**

In 2017 works were carried out to alleviate flooding at the junction. The works helped drain some of the water but it has not completely cured the flooding issue. If additional housing is constructed in this field then it will have a negative impact on the existing poor drainage in the vicinity.

#### **SEPA**

**000569**

No comment

#### **Scottish Natural Heritage**

**001027**

The eastern boundary of the site adjoins woodlands identified on the ancient woodland inventory and the Scottish Semi-natural Woodland Inventory. The Scottish Government's Control of Woodland Removal Policy and LDP woodland policies, means that there is likely to be very limited capacity for built development. Should the site be taken forward a developer requirement must be applied that ensures that proposals must retain trees and that development does not impact on the woodland.

#### **Woodland Trust Scotland**

**001818**

The eastern end of the site borders onto land classified as LEP according to the AWI. A buffer between development and the area of woodland is recommended as a site specific requirement.

## **MILTONHILL**

### **Miltonhill New Rural Grouping**

#### **SEPA**

**000569**

Applicants should be aware that foul drainage may limit development. There are no suitable watercourses for disposal, disposal to land is likely the only option and porosity should be investigated.

#### **Dr Keith Fraser**

**001585**

Welcome the concept of Rural Groupings of high quality, sympathetically designed houses as an alternative

to random building in rural areas which is dictated more by the availability of a building plot rather than any overarching rural development plan. Planned rural development, where standards are set in advance and subsequently adhered to, would preserve the appeal of Moray as a place of unspoiled beauty with outstanding natural resources. In the case of this particular Rural Grouping, it would be hoped that the development would help to support the golf course and add to the tourism opportunities in the area. A development in a woodland setting, comprising environmentally sensitive, quality homes, screened by trees to reduce visual impact, is an exciting prospect.

#### **Access**

The access road to the plateau, where housing development has already taken place and where future development is planned, is unfit for purpose. In spite of repeated repairs, it remains rough, muddy and prone to pothole formation. Drainage is poor, with accumulation of surface water and flooding during periods of rain. It is readily damaged by heavy vehicles associated with construction and goods delivery. Passing places are lacking and turning areas are unsuitable for large vehicles. There are signs of water erosion, with silt and sand having been washed down the hill. The condition of the road might compromise emergency vehicles and could prove problematic to home carers and other services. In its present condition, the road would deter prospective buyers. Before there is any development it is essential that the road is upgraded and maintained to a suitable durable standard and there is appropriate drainage provision.

#### **Drainage**

Miltonhill is composed almost entirely of sand. There are no natural runoffs for surface water and this and an increasing volume of domestic waste water will have to be absorbed by the hill. Standard porosity tests suggest that the sand is highly porous. However, there are large patches of clay that cause water logging of the topsoil and particulate clay is present in the sand. When compressed, the sand becomes totally impervious. Concerns regarding the effect of compression during the building process and subsequent loss of porous land surface. Any loss of mature trees might also adversely affect the ability of the ground to absorb surface water. Water Supply.

#### **Water Pressure**

Mains water pressure is poor at 1.1 bar. Existing residents have had to install pumps to boost the water pressure to a satisfactory level of around 3.0 bar. Larger buildings have had to create bulk water storage for use by the Fire and Rescue Service in the event of fire.

#### **Deforestation**

Development and changes of use in the area of the Miltonhill Rural Grouping has reduced the tree cover over the past few years. This has already impacted on the biodiversity by reducing the habitat for the wildlife and insects. Pleased that the masterplan includes preservation of trees wherever possible and identifies areas for compensatory planting. Further development will undoubtedly result in the loss of more mature trees and the woodland will take many years to recover. Provided there is further planting of trees and possibly hedgerows, the impact on the wildlife will, hopefully, be temporary and minimal. There is also a need to look at management of the woodland: now and in the future.

#### **Digital Connectivity**

Current internet speed is 1.79 Mbps maximum, which is extremely poor. At times of pressure on the service, the speed falls further and there can be loss of connectivity. The poor digital connectivity will need to be rectified as a matter of some urgency if there is to be further development of the area.

Support a Rural Grouping supported by a masterplan that promotes sensitive development that integrates into the landscape and is of a high design quality.

#### **Dr Roger Gibbins**

**001807**

The designation of a rural grouping here will fundamentally change the nature of the area and will need to be handled very carefully.

#### **Infrastructure**

The infrastructure to the area does not support more development at the moment - especially the broadband facility which is very poor and the access road. These would need to be addressed before any more development was considered. The water pressure is very low and there is no mains sewerage. The area consists of golf fairways surrounded by trees and woods.

#### **Woodlands**

The woodland is part of the unique setting here and there are concerns about any loss of woodland.

Suggest the woodland should be subject to preservation restrictions with very close oversight and enforcement.

#### **Wildlife**

There is a rich variety of wildlife on the area, deer, badgers, rabbits, probably more, a huge variety of birds, insects. It is an important habitat amongst an area of intensive farmland and any development must recognise this and seek to maintain habitat. The area does enjoy 'dark night' characteristics and it is important to keep this. Therefore any further development would need to be modest and small scale. It needs to not alter the unique characteristics of the area and the important habitat. It needs to maintain the woodlands. It needs to respect the fact that current occupiers have invested in an area that was not a designated rural grouping having specifically built here because of the current characteristics of the area.

#### **Design Code**

A key factor in any development will be the design code for the houses. This could be a fantastic opportunity to promote a new kind of rural housing design, using natural Scottish materials especially wood, of sustainable design, interestingly architecturally, contemporary, fitting to the area, complementary to the landscape.

#### **Phasing**

There is a risk of living in a permanent building site, with construction traffic damaging the road etc. So, a carefully thought through implementation plan would be required, e.g. zoning/phasing of development. Ongoing dialogue and engagement (more than consultation) will be required with existing occupiers if any further development is going to be successful.

### **NETHER DALLACHY**

#### **Existing Site A**

##### **Jonathan Meighan**

**000333**

Concern with allocated site as Nether Dallachy has reached the limit of its capacity and character. 15 houses is excessive and is outwith the natural well defined boundary. No social facilities to support the expansion and lack of infrastructure. From main Spey Bay road it is served by a minor, narrow road with a poor road into the site. There is no mains gas, no drainage and a risk of damage to the high water table. If numbers were reduced and if the site were to be developed piecemeal then there is a risk that no extra infrastructure would be put in. Increasing the size of Nether Dallachy would harm its character of settlement and surrounding area. Appropriate time to remove it from the plan and look for a better area for 15 houses.

##### **SEPA**

**000569**

Unaware of any measured radioactive contaminants on the sites or any documentary evidence to suggest that radioactive contaminants may be present. Given the site's former use as a military airfield, radium 226 may be present due to its use in aircraft dials during WWII. The allocations are suitable for development but should include a Developer requirement that the potential for radioactive contamination should be investigated as part of any planning submission.

##### **Crown Estate Scotland**

**001249**

Site has been identified as being appropriate for development however the indicative number of 15 units is too high. An indicative capacity of 6 is deemed to be more appropriate. This will allay any local concern on the level of development proposed and allow for larger plots more in line with the surrounding area and market interest. Nether Dallachy seen as a priority in terms of a new marketing strategy and will be marketed actively in 2018.

### **NEWTON OF STRUTHERS**

#### **Land at Newton of Struthers**

##### **SEPA**

**000569**

Likely to object to inclusion of Site A. A large part of the site is shown to be at risk on the SEPA Surface Water Maps but the risk is likely to be combined with fluvial risk from the small watercourse and compromise the feasibility of development on the site. SEPA oppose site allocation without a Flood Risk Assessment (FRA) in advance to demonstrate development is appropriate. Adequate buffer strip required

from drains to the north and south. Small watercourse at Site B may need to be assessed for flood risk. Adequate buffer strip required from drains to the north and south.

## **ORTON**

### **Boat o' Brig**

**SEPA**

**000569**

Flood risk from the Burn of Garbity. A Flood Risk Assessment (FRA) will be required to assess flood risk from the Burn of Garbity which flows through the site. Adequate buffer strip would be from the Burn of Garbity. Investigation would be required for private drainage.

### **Woodland Trust Scotland**

**001818**

The western end of the site borders onto land classified as long-established woodlands of plantation origin (LEPO) according to the Ancient Woodland Inventory (AWI). A buffer strip, to be determined at planning application stage, should be provided between the development and the area of woodland.

### **Orton Station**

**SEPA**

**000569**

No flood risk concerns. Phase 1 Habitat Survey will be required due to heather/rough grassland.

## **PORTGORDON**

### **Site to East of Portgordon**

**Brian Shepherd**

**001543**

Proposal for small scale housing.

### **Site to South of Gollachy Mill**

**Brian Shepherd**

**001543**

Proposal for small scale housing.

### **Site to South of Buckie Recycling Centre**

**Brian Shepherd**

**001543**

Proposal for small scale housing.

### **Site to West of Buckie Recycling Centre**

**Brian Shepherd**

**001543**

Proposal for small scale housing.

## **RAFFORD STATION**

### **Rafford Station New Rural Grouping**

**SEPA**

**000569**

A Flood Risk Assessment will be required for any development in the eastern quarter of the site. Applicants should be aware that foul drainage may limit development. There are no suitable watercourses for disposal, disposal to land is likely the only option and porosity should be investigated. Some peat on site, any development would have to consider peat depth. Ponds present on part of site, adequate buffer strips would be required to protect ponds. Pond should be retained with proposed habitat enhancement.

### **Scottish Natural Heritage**

**001027**

The northern half of the eastern boundary adjoins woodland identified on the Ancient Woodland Inventory and the Scottish Semi-natural Woodland Inventory, with the north, west and southern boundaries adjoining woodland listed on the Scottish Semi-natural Woodland Inventory. Trees contribute to distinctiveness for placemaking, as well as having biodiversity benefits. Should this allocation be taken forward recommend that the allocation text in the LDP highlights the woodland interests, and that a developer requirement is applied that proposals must demonstrate that development does not impact on the woodland.

The Dava Way runs past the western boundary of the allocation. Should the allocation be taken forward, it would be beneficial to have a developer requirement for pedestrian and bicycle links to be provided to the Dava Way from the development. This would provide recreation opportunities and encourage active travel to/from Forres and the wider area, reducing reliance on the private car.

**Finderne Community Council**

**001398**

Access and drainage are key concerns.

**Mr & Mrs Philip & Jane Jenkinson**

**001591**

**Impact on Wildlife**

The area is a wildlife corridor used by hares, and leverets, deer and badger, oyster catchers, owls and badgers and will be lost if building occurs. Environment and sustainability was a top priority identified in the Forres 2020 Planning for Real. The proposed designation would appear not to adhere to the wishes of the stakeholder majority.

**Impact on Dava Way**

This section of the Dava Way is heavily used and appreciated by walkers and gives views to Califer Hill and lower Rafford. The view will no longer be open countryside.

**Road Safety**

The road is un-adopted, single track, potential increase in traffic will be a serious safety issue. Infrastructure is poor and would need to be improved before further development. The road is not maintained and there are many potholes and obstacles making it unsuitable for increased traffic use. The road has blind bends and obstructed views. Planning permission has already been granted for three dwellings in this area and will have access to this road. The road carries heavy vehicles. This is already a potentially dangerous road with risk increasing through further development. Due to the lack of public transport there will be an increase in traffic, this is a very low pollution area and should remain so. The area has an exceptionally low level of noise and light pollution and any increase in development will compromise this, thus affecting the well-being of current residents.

**Broadband**

There are issues in respect of phone line capacity and broadband speeds. The area is unsuitable for further development.

**Alternative proposal**

If it is concluded that the area should be re-designated then a revised boundary tighter around existing/consented housing is proposed.

**Joanna Taylor**

**001816**

**Rationale for Rural Groupings**

The proposed grouping seems to be simply adding to an existing small group of houses with no explanation as to why this location and no other similar small groups of houses have been selected. There are a number of other locations around the village of Rafford that would seem to be as if not better suited to re-designation as a rural grouping and opened for development.

At Rafford Station there are already more houses built (and planned) than shown on the maps on display and in the draft plan. Assured that when planners make their decision they take account of this but the plan as published does not give people an accurate understanding of the current position.

While the outcome of the A96 dualling is unknown at this time the two locations of Templestones and Rafford Station would be more adversely impacted than locations to the south of the village should the A96 route south of Forres be selected.

The implications of the designation of a site as a rural grouping site is not clear – is it simply that applications for development here will be regarded favourable while applications for development outwith these sites will be refused. Or is it that there is a presumption that there should be development in these areas? If the owners of land in these areas do not seek planning permission will allegations of “land banking” and pressure to develop follow, if not immediately then in a few years time? The owners should have the right to enjoy their land as it is, and not be pressured to develop/sell for development.

**Level of Development**

No details of any proposed development is given, as to scale or timeframe. These are rural sites and current plot sizes are large enough to enable the owners to live a rural lifestyle and participate in rural activities. Including having large gardens, developing woodland, growing vegetable, growing fruit, keeping

bees, keeping chickens, while encouraging birds and wildlife through developing and maintaining appropriate habitats etc. Existing residents should be given formal and public confirmation that any development would be limited to a small number of similar plots; any other proposal would be a fundamental and unwarranted change to the nature of the immediate area. Street furniture should be avoided.

The rural grouping is very quiet and dark at night, with good star visibility. Any development should be required to maintain the quiet and dark nature of the area so, for example, there should be no street lighting.

#### **Impact on wildlife**

Regular wildlife in the gardens (deer, hare, badger and many birds including buzzard and woodcock) is part of the rural nature of the area and any developments should be consistent with the retention of a good level of wildlife.

#### **Access and Roads**

The access for the larger part of the Rafford Station potential development would be via the unadopted road that turns onto the unnumbered, single-track road from Rafford to Dallas Dhu just beside the Dava Way Railway Bridge. The bridge restricts visibility, and increasing the traffic using this junction is not sensible. It is not clear whether the Council would adopt this road but clearly the road safety issues of any development would need to be assessed and addressed before development could take place.

#### **Broadband**

There is no access to mains drainage or gas on site and very poor digital connectivity. Seems unlikely a small grouping outwith the main area of the village is likely to drive the investment in a local fibre-enabled cabinet that is required.

#### **Impact on Character**

This is a rural area and any new building should be in keeping with that – with large gardens to permit rural activities such as growing veg, hay, fruit and nut trees, the keeping of chickens, bees, etc. (smallholding). Buildings should not be permitted to dominate their plots and should be of a style and size to fit with the existing houses.

#### **Name of Grouping**

The proposed name Rafford Station is inappropriate. The name makes it sound like brownfield site which it most clearly is not, and gives a false impression to decision makers. Wester Redhill might be a more appropriate name both geographically and culturally.

### **Roseisle**

#### **Roseisle General**

##### **Eddie Middleton**

**000423**

Concerns regarding safe access for non-vehicular users due to lack of bus services and pedestrian/cycle paths. Requests that a paved pedestrian/cycle path between Roseisle and Burghead and bus route including Roseisle be provided.

#### **Roseisle West**

##### **SEPA**

**000569**

No flood risk concerns.

##### **Strathdee Properties Ltd**

**001798**

The area around the settlement of Roseisle is subject to high demand for housing. The current allocation represents a 33% increase in the Roseisle grouping/settlement size and believes that further scope exists for future housing in this location, given its strategic location at the B9013/B9089 crossroads. Notes that the boundaries of Buthill Road and established woodland, along with housing and the topography, will ensure there is no detrimental impact on the setting of Roseisle and the wider landscape area.

#### **Roseisle North**

##### **SEPA**

**000569**

Likely to object to inclusion of site. The majority of the site is highlighted at risk of flooding on the Surface Water Maps but this indicates low lying ground which is likely to also be at risk of flooding from the

watercourse. A Flood Risk Assessment (FRA) would be required prior to the site being adopted to demonstrate there is a sufficient developable area free of flood risk. A Phase 1 Habitat Survey will be required due to rough grassland. Adequate buffer strip required from trib of the Terchick Burn along the southern boundary.

**Scottish Natural Heritage**

**001027**

Part of the allocation includes woodlands listed in the Scottish Semi Natural Woodland Inventory. SNH recommends that the boundary be amended to exclude the Inventory woodlands from the developable area and a developer requirement that proposals must demonstrate that development does not impact on the woodland.

**Mrs Sandra Duncan**

**001864**

Disappointed that site is not supported. Notes that Site A has planning permission and one of three houses have been constructed whilst Site B received planning permission in 2017 and is likely to be developed prior to the Plan's adoption in 2020. Strongly believes that site should be designated to ensure sustainable growth in the community.

**Roseisle East**

**Mr Ian Caird**

**001508**

Proposal to designate new housing site for approximately 4 houses (around a central courtyard area) and extend Roseisle Rural Grouping.

**TEMPLESTONES**

**Templestones New Rural Grouping**

**Angela Mitchell**

**000163**

Object to the proposals to allow for the development of more housing at Templestones. The Local Plan Guidance note of Landscape and Visual Impacts of Cumulative Build Up of Houses in the Countryside'- written last August- says 'In the wider area around Rafford, new houses are dispersed along roads and occasionally form more concentrated linear groupings associated with a defined bank, edge of woodland or set along a minor road or track. Additional houses in this location would increase the incidence, density and prominence of housing and have a detrimental impact on the rural character of the area. On that basis no further development should be permitted in this area.' Don't understand why an area which was ruled out in August and is now deemed viable only a few months later. The area doesn't appear on the 'Bid checklist' which does seem to suggest it was a very recent addition to the consultation process. The road through the Templestones area is very narrow which is why new houses have to build a passing place. How can the road possibly accommodate all the passing places required if more housing is built in the area.

**Lorretta Oliphant**

**000401**

There are severe issues with drainage in the local area as the ground porosity is poor and no mains drainage exists. Access is also an issue on a narrow and poorly-maintained single track road which barely supports its current traffic load. Telecommunications are poor, below Scottish Government guidelines and cannot support further growth. Additionally, the position of potential housing in the Northern part of the site (i.e., north of the Stone circle) would damage a high-quality landscape. There is no appropriate back drop and thus any houses would be visually prominent. This would be completely against the proposed new policy of better integration into the landscape.

**SEPA**

**000569**

FRA may be required for the small watercourse through the site. Applicants should be aware that foul drainage may limit development. There are no suitable watercourses for disposal, disposal to land is likely the only option and porosity should be investigated.

**Mr And Mrs Alan And Frances Hughes**

**001602**

There have been many planning applications refused over the years. The last refusal in 1994. The landowner's daughter is believed to work in the planning section. There is already much growth in the locality, a field of housing will irreversibly alter the appearance and character of the country. The single track road, even with more passing places will be inadequate for increased traffic. The road would need upgrading. There are many problems with rainwater drainage and swampy areas. Water run off causes potholes and damage to road edges, new housing will make this worse. If new housing is planned then



work will need to be done to install adequate surface water drainage. The scale and density and character of development proposed is inappropriate to the area. The development would be exposed and not integrate into the surrounding landscape. Do not see how developing a field of houses conserves and enhances the natural environment.

**Scottish Natural Heritage**

**001027**

The northern section of the allocation includes woodland identified on the Ancient Woodland Inventory and the Scottish Semi-natural Woodland Inventory. In addition, the northern boundary of the western section of the allocation adjoins woodlands listed in the Scottish Semi Natural Woodland Inventory. If this allocation is taken forward into the LDP 2020 the allocation boundary should be amended to exclude the Inventory woodlands from the developable area. Exclusion of the woodlands should ensure retention of the trees, which would contribute to placemaking and biodiversity. A developer requirement should be applied, that proposals must demonstrate that development does not impact on woodlands.

**Finderne Community Council**

**001398**

Almost no support for new rural grouping at Templestones. Concerns regarding visual impact, drainage and sewage and impact on existing roads.

**Howard Davenport**

**001049**

Support in principle the concept of Rural Groupings, some are not appropriate, in particular the proposed Rural Grouping at Templestones near Rafford will not be visually acceptable, as it is in a prominent position on the hillside.

**Mrs Caroline Bury**

**001593**

Shocked to see the planned area to develop for residential development is all around this small existing enclave of homes. Strongly object to this area being altered. The urbanisation and depletion of natural woodland reduces the corridors wildlife left. Along the road here stand majestic Scots pine trees, some of which would be in the way of either access or views of the Moray Firth and hence would be cut. The trees here are an integral part of this landscape and would be a great loss to future generations. Expansion of this part of Rafford, is misplaced and should be considered better attached to the existing village. A strain on all residents will be enforced if the proposal goes ahead and if access is on the only dirt track road available. Another point is that folk choose to live in areas like this because they don't want to live a suburban lifestyle. The building proposed would alter forever the rural haven here.

**Mr Peter Mitchell**

**001603**

There are already plenty of passing places on the public road that gives access to Templestones. How will the public road be upgraded to cater for increased traffic.

**Mr Graham Oliphant**

**001615**

The proposed rural grouping at Templestones is problematic. There are severe issues with drainage in the local area as the ground porosity is poor and no mains drainage exists. Access is also an issue on a narrow and poorly-maintained single track road which barely supports its current traffic load. Telecommunications are poor, below Scottish Government guidelines and cannot support further growth. Moreover, the position of potential housing in the Northern part of the site (i.e., north of the Stone circle) would damage a high-quality landscape. There is no appropriate back drop and thus any houses would be visually prominent. This would be completely against the proposed new policy of integration into the landscape.

**Chris Lowe**

**001618**

There has been scattered building in this area in recent years, mostly involving the building of one house in the corner of field. This sporadic building amounts to urbanisation of the countryside and detracts from the sweeping views of Moray. This hill is visible from Dallas Dhu Distillery and Rafford Village and would be quite conspicuous from many angles. This has been good agricultural land and has been used for growing crops and cereals and for rearing sheep and cattle over many years. Drainage may be a problem as there is no mains drainage. This area is not adjacent to Forres or the village of Rafford. Rafford is already a very scattered village with houses dotted along a long stretch of road. Surely it would be wise to encourage housing on suitable sites adjacent to the village where the occupants could enjoy the countryside and possibly a bus service, a pub, a shop or even a school. More houses around Templestones because there is a refuse collection is not a valid reason to build. The houses that are being built are not in keeping with the local neighbourhood. As can be seen from the loss of natural beauty of Califer Hill

**Mr Bill Mohr**

**001725**

Moray Council has adequate control mechanisms for good and sustainable planning approaches but the

current management of these (particular large property development in rural areas) has been allowed unchecked to grow. Particular concern on planning controls in the Templestone area in this respect but feel Rafford Station and Brochloch have encountered similar development overloads. Serious concerns about the proposed new rural development groupings, particularly no assurance development approaches associated with towns will not commence i.e. Large scale, high density, property development by construction companies. These groupings appear to be an invitation for a free for all. It is with disappointment Moray Council do not see development more akin to the Scottish rural landscape developing i.e. Low density, well planned, mixed housing opportunities to allow multi-generational families to move into the area enabling inequity. Significant concerns over rural service provision and the ability of current development to be supported by existing services (e.g. road infrastructure, digital services, water (waste management in particular), public transport.

**Joanna Taylor**

**001816**

No explanation as to why locations and no other similar small groups of houses have been selected. There are a number of other locations around the village of Rafford that would seem to be as if not better suited. Templestones would be more adversely impacted than locations to the south of the village should the A96 route south of Forres be selected. The implications of the designation of a site as a rural grouping site are not clear. If the owners of land in these areas do not seek planning permission will allegations of “land banking” and pressure to develop follow. The owners should have the right to enjoy their land as it is, and not be pressured to develop/sell for development. No details of any proposed development is given, as to scale or timeframe. These are rural sites and current plot sizes are large enough to enable the owners to live a rural lifestyle and participate in rural activities. Existing resident should be given formal and public confirmation that any development would be limited to a small number of similar plots. The rural groupings are very quiet and dark at night, with good star visibility. Any development should be required to maintain the quiet and dark nature of the area so, for example, there should be no street lighting. Regular wildlife in the gardens (deer, hare, badger and many birds including buzzard and woodcock) is part of the rural nature of the area and any developments should be consistent with the retention of a good level of wildlife. There is no access to mains drainage or gas and very poor digital connectivity. It seems unlikely a small groupings outwith the main area of the village is unlikely to drive the investment in a local fibre-enabled cabinet that is required. This is a rural area and any new building should be in keeping with that – with large gardens to permit rural activities such as growing veg, hay, fruit and nut trees, the keeping of chickens, bees, etc. (smallholding). Buildings should not be permitted to dominate their plots and should be of a style and size to fit with the existing houses.

**Woodland Trust Scotland**

**001818**

The area of the site to the north of the road (approx. 2.8 ha) mostly lies on land classified as LEPO according to the AWI. The name of the woodland is Wester Newforres Wood. Part of this site, area north of the road, is allocated on ancient woodland. Recommend that this area is excluded from this site allocation in order to safeguard the woodland area.

## **TORRIESTON**

### **Torrieston New Rural Grouping**

**SEPA**

**000569**

Adjacent/partly within the Flood Map. Fluvial flooding from the Black Burn. A Flood Risk Assessment (FRA) would be required to determine the flood risk of the Black Burn to the south of the site. Adequate buffer strip required from Black Burn. Foul drainage may limit development.

**Scottish Natural Heritage**

**001027**

Woodland listed in the Ancient Woodland Inventory (AWI) and the Scottish Semi-natural Woodland Inventory adjoins the southern and eastern boundaries of the proposed allocation site. SNH recommend that the designation text highlights the woodland interests and that proposals must demonstrate that development does not impact on the woodland.

## **TROVES**

**Troves East**

<b>SEPA</b>	<b>000569</b>
A Flood Risk Assessment may be required to assess flood risk from the small watercourse which runs along the site boundary, but as the site is steep, provision of an adequate buffer strip may be sufficient to ensure any flood risk is avoided.	
<b><u>Troves West</u></b>	
<b>SEPA</b>	<b>000569</b>
No flood risk concerns.	
<b><u>Tyle Croft</u></b>	
<b>Mr Gordon McKandie</b>	<b>001801</b>
Proposal for grouping of 6-8 houses adjacent to Tyle Croft. Originally formed part of Troves. Existing access constraint from Troves and query access constraint from A96.	
<b><u>UPPER DALLACHY</u></b>	
<b><u>Existing Designations</u></b>	
<b>SEPA</b>	<b>000569</b>
No flood risk concerns.	
<b>Crown Estate Scotland</b>	<b>001249</b>
Site A, B and D should be deleted as they are not deliverable due to onerous infrastructure requirements and third party land. Site D is considered to be deliverable. Propose that Site E should be included in the plan for 8 plots which would be delivered via sales of plots on the private market.	
<b>Mrs Patricia Cowie</b>	<b>001583</b>
No issue with housing on the site. Concern about the banking which supports the dirt road on top of the bank which is the only access to the property. Any slip would cause the road to subside. Would like a written statement that this would not happen if development goes ahead.	
<b>Officers comments on representations and recommendations:</b>	
<b><u>GLENALLACHIE (RUTHRIE, ABERLOUR)</u></b>	
<b><u>Land to South of Glenallachie Distillery</u></b>	
The proposal is a natural extension to the existing distillery and will contribute to tourism in Moray. Following further consultation with Transportation, the Council proposes to designate the two sites in the Proposed Plan for mixed uses relating to the operations of Glenallachie Distillery, including tourism. It is also proposed that Ruthrie Rural Grouping be renamed to Glenallachie Rural Grouping to more accurately reflect the name of the area. Designation text will reflect required assessments identified by consultees, including a Drainage Impact Assessment (DIA) and potential Noise Impact Assessment (NIA).	
<b><u>Recommendation</u></b>	
<b>Rename Ruthrie Rural Grouping as Glenallachie Rural Grouping. Allocate sites as mixed uses designations relating to the operations of Glenallachie Distillery, including tourism. Designation text to reflect required assessments identified by consultees, including a Drainage Impact Assessment (DIA) and potential Noise Impact Assessment (NIA).</b>	
<b><u>Land to East of Glenallachie Distillery</u></b>	
The Council does not support development at this location due to flood risk and loss of woodland required to accommodate development. Demand can be met appropriately in the nearby settlement of Aberlour.	
<b><u>Recommendation</u></b>	
<b>Site not allocated in the Proposed Plan.</b>	
<b><u>BLINKBONNIE</u></b>	
<b><u>Site to South of Blinkbonnie</u></b>	

The site sits prominently above existing housing at Blinkbonnie. This would have dominating effect over the rural grouping and wouldn't be in keeping with the established settlement pattern. Access to Blinkbonnie is poor and there are issues with site servicing that constrain further development. Development at Blinkbonnie is not supported. It is not proposed to support development at this location due to the dominating effect over the grouping and impact on established settlement pattern. SEPA and SNH's comments are however noted and will be taken into account if there is a change in position.

**Recommendation**

**Site not allocated in Proposed Plan.**

**BIRNIE**

**Land at Cockmuir, Birnie**

The Council does not support inclusion of this site within the Proposed Plan as a new rural grouping has been identified in Birnie with opportunities for housing. SNH and Woodland Trust's comments are however noted and will be taken into account if there is a change in position.

**Recommendation**

**Site not allocated in the Proposed Plan.**

**Land at Wardend**

The Council does not support inclusion of this site within the Proposed Plan as a new rural grouping has been identified in Birnie with opportunities for housing. SEPA, SNH and Woodland Trust's comments are however noted and will be taken into account if there is a change in position.

**Recommendation**

**Site not allocated in the Proposed Plan.**

**Birnie New Rural Grouping**

Birnie is not an identified grouping in the current Rural Groupings Supplementary Guidance. It is considered an appropriate location to direct rural housing development to in order to promote a more sustainable pattern of development by clustering housing. The surrounding area is an identified hotspot where there is an identified demand for rural plots. The designation text will provide detail on appropriate scale and design of new development to ensure that the development integrates sensitively with the character of the area. It is acknowledged that the identification of this grouping and potential for further housing will result in the loss of agricultural land. Directing development to rural groupings promotes a sustainable pattern of development by clustering development as opposed to permitting multiple individual houses in the countryside that may potentially have a greater impact on agricultural land.

**Flooding**

Various Flood Risk Assessments have been provided by the landowner/s to demonstrate that flooding issues can be appropriately managed. There are no objections from SEPA to the identification of the rural grouping with opportunities for development. SEPA has further advised that any development adjacent to Foths Burn must be located on land outwith the floodplain, either in accordance with the Flood Risk Assessment submitted or with the support of an additional Flood Risk Assessment which adequately demonstrates the avoidance of flood risk.

**Retention of Existing Trees**

Reference will be added within the rural grouping designation text to minimising tree removal on land adjacent to Foths Burn. In terms of protection of surrounding woodland, there will be a policy requirement that where mature trees exist on or border a development site, a tree survey and tree protection plan and mitigation plan must be provided if the trees (or roots) have potential to be affected by development and construction activity. Consideration will be given to serving a Tree Preservation Order to protect trees in this location.

**Wildlife and Biodiversity**

In terms of wildlife and biodiversity Scottish Natural Heritage has been consulted and raised no issues.

**Other Issues**

Reference to the proximity of the distillery and the potential for odour and noise issues and requirement for the investigation of foul drainage treatment will be added to the designation text supporting the rural

grouping. A buffer strip (that is proportional to the watercourse width) between any new development and all water features will be a policy requirement within the Proposed Plan and therefore, this does not require to be written into the designation.

#### **Recommendation**

**Designate Birnie as a new rural grouping in the Proposed Plan. The boundary will be drawn more tightly around the existing houses than shown in the Main Issues Report and create development opportunities for up to 6 plots. Designation text to identify proximity of distillery and potential for odour and noise issues and the requirement to investigate foul drainage treatment. Reference to flooding as per SEPA advice will also be added. Further consideration will be given to serving a Tree Preservation Order to protect existing trees. Details will be provided in terms of the design principles for the grouping in the accompanying designation text.**

#### **Land at Birnie**

The Council does not support inclusion of this site within the Proposed Plan as a new rural grouping has been identified in Birnie with opportunities for housing. SNH's comments are however noted and will be taken into account if there is a change in position.

#### **Recommendation**

**Site not allocated in the Proposed Plan.**

#### **Land at Birkenbaud**

The Council does not support inclusion of this site within the Proposed Plan as a new rural grouping has been identified in Birnie with opportunities for housing. SNH and Woodland Trust's comments are however noted and will be taken into account if there is a change in position.

#### **Recommendation**

**Site not allocated in the Proposed Plan.**

#### **BRODIE**

##### **Land Opposite Brodie Countryfare**

The Council support and recognise the economic value of rural businesses such as Brodie Countryfare; however Transport Scotland has advised that the proposal is not supported at this location on the grounds of road and pedestrian safety. Therefore, the Council does not support development on this site for these reasons. SEPA and SNH's comments are however noted and will be taken into account if there is a change in position. The Council are willing to explore alternative options and have made contact with Brodie Countryfare.

#### **Recommendation**

**Site not allocated in the Proposed Plan.**

##### **Land South of A96**

Transport Scotland has advised that the proposal is not supported at this location on the grounds of road and pedestrian safety. Therefore, the Council does not support development on this site for these reasons. SEPA's comments are however noted and will be taken into account if there is a change in position.

#### **Recommendation**

**Site not allocated in the Proposed Plan.**

#### **BRODIESHILL**

##### **Brodieshill (Site 1)**

The Council proposes the inclusion of the site as an opportunity for development within the new Brodieshill Rural Grouping. Designation text will reflect required assessments identified by consultees, including a possible Flood Risk Assessment (FRA), and an adequate buffer strip between development and woodland/Burgie Burn to the west.

#### **Recommendation**

**Site allocated as opportunity for development in new Brodieshill Rural Grouping.**

### **Brodieshill (Site 2)**

The Council does not support development on this site as it is detached from dwellings and Brodieshill Farm to the north-west and requires the loss of significant woodland to accommodate development. The identification of residential land nearby, within a proposed Brodieshill Rural Grouping, means that demand can be met appropriately elsewhere. SEPA and SNH's comments are however noted and will be taken into account if there is a change in position.

### **Recommendation**

**Site not allocated in the Proposed Plan.**

### **Brodieshill Rural Grouping**

The Council proposes the inclusion of the new Rural Grouping at Brodieshill in the Proposed Plan. Requirements for a buffer strip are set out in policy within the LDP2020 and do not need to be repeated in the designation text. Designation text will reflect required assessments identified by consultees, including a Flood Risk Assessment (FRA).

### **Recommendation**

**Allocated Brodieshill as a new rural grouping in the Proposed Plan. Designation text to require assessments identified by consultees, including a Flood Risk Assessment (FRA).**

## **BUTHILL**

### **Buthill New Rural Grouping**

Supportive comments are noted.

### **Roads Infrastructure and Traffic**

The purpose of the identification of a rural grouping in this location is to control further development. A tight boundary has been drawn around the existing consented development and there will be limited opportunities for further additional house plots. The Council's Transportation section has been consulted and raised no objections to a limited amount of additional housing. The access off the public road is via a road/track and the landowner/s and other interest parties are required to ensure that the road/track is suitable for access by emergency services as a minimum.

### **Development in Woodland**

Planning permission has already been granted for houses within the woodland which will result in felling. Additional development opportunities will be identified in cleared areas that require no tree felling. The retention and protection of existing woodlands will also help assist in mitigating further soil erosion. Existing woodland areas will be identified as amenity land.

### **Impact on Roseisle Distillery**

The proposed rural grouping is not seeking to promote housing any closer to Roseisle Distillery than existing properties. This grouping seeks to consolidate an existing cluster of housing and identify modest development opportunities in order to control further development in this location. It is not considered this will have a detrimental impact on the operation of Roseisle Distillery or any future plans to expand.

### **Services**

Rural groupings form an important part of the rural development hierarchy whereby new development is directed to existing clusters to support a more sustainable pattern of development, rather than allowing further individual plots throughout the countryside. Buthill is considered to be in close proximity to both Elgin and Burghead for access to services.

In terms of broadband connectivity there will be a policy requirement within the LDP 2020 requiring fibre broadband in new developments unless technically unfeasible. When considering new development owners/developers will have to liaise with utilities companies including energy providers to ensure there is adequate capacity to accommodate development.

### **Supporting Mapping**

The mapping provided does not show all properties, detail is dependent on how up to date the mapping the Council holds is. Planning Officers visited all potential new groupings and are aware of the level of development and planning history of sites.

### **Impact on wildlife**

Scottish Natural Heritage has been consulted and raised no objections in terms of impact on wildlife. SNH comments in respect of the retention and protection of woodlands will be taken forward into the rural grouping designation text.

### **Recommendation**

**Designate Buthill as a new rural grouping in the Proposed Plan. Prepare designation text to highlight there may be a need for a Flood Risk Assessment (FRA) and the requirement to investigate foul drainage treatment. Further detail will be provided in terms of the scale of development and the design principles for the grouping. Existing woodland areas will be identified as amenity land.**

### **CRAIGMILL**

#### **Craigmill Rural Grouping**

The Council does not support development on this site due to access constraints. SEPA and SNH's comments are however noted and will be taken into account if there is a change in position.

### **Recommendation**

**Site not allocated in the Proposed Plan.**

### **CLACKMARRAS**

#### **Land to West of County Cottages**

Comments of support are noted. Following further consultation with Transportation and the submission of a revised site layout, the Council supports the inclusion of the site as an opportunity for development within Clackmarras Rural Grouping. Designation text will reflect required assessments identified by consultees.

### **Recommendation**

**Site allocated as opportunity for development in Clackmarras Rural Grouping. Designation text amended to reflect required assessments as identified by consultees.**

### **CATHERINEBRAES**

#### **Catherinebraes Rural Grouping**

The Council does not support the creation of a new Rural Grouping at this location due to the scale of development and that the cumulative build-up of housing in this area threatens to detract from the distinctive pattern of small farms and planned settlements. Any planning application for development, such as a bed and breakfast facility, in this location will be judged on its own merits against relevant planning policies. SNH's comments are however noted and will be taken into account if there is a change in position.

### **Recommendation**

**Site not allocated in the Proposed Plan.**

### **DARKLANDS**

#### **Darklands 1**

A revised Flood Risk Assessment has been submitted and forwarded to SEPA and the Council's Flood Team for comments. SEPA have responded confirming they have no objection to the site being allocated.

### **Recommendation**

**The site B will continue to be designated but with an increased capacity of 8 houses.**

#### **Darklands 2**

**Mr Gary Watt**

**001729**

It is proposed to carry forward and retain this designation within the Darklands Rural Grouping.

### **Recommendation**

**Carry forward site A for a single house.**

## **DARKLASS**

### **Land at Darklass**

The Council proposes the inclusion of the new Rural Grouping at Darklass in the Proposed Plan. Designation text will reflect assessments identified by consultees and conditions applied to planning consent 08/00306/FUL.

### **Recommendation**

**Site allocated as new Rural Grouping at Darklass in the Proposed Plan and designation text to reflect assessments identified by consultees and conditions applied to planning consent 08/00306/FUL.**

## **DRYBRIDGE**

### **Land Adjacent to Council Houses**

The proposal is for a small extension to the south of Drybridge. During a recent review of rural groupings, the area surrounding Drybridge was identified as an area that is under high pressure from housing in the open countryside. The proposal provides the opportunity to add a small extension to an existing grouping which offers a more sustainable form of development within this area.

SNH and the Woodland Trust's comments are noted. Policies in the LDP will ensure that existing trees within and immediately adjacent to development sites are protected with the requirement that tree protection and mitigation plans are provided. An appropriate buffer will be determined at the development management stage.

The requirement for a buffer strip of at least 6 metres which should be designed to link into blue and green infrastructure is included in the Managing the Water Environment Policy.

### **Recommendation**

**Proposal supported. Site will be allocated for housing in proposed plan.**

### **Hilton Farm**

#### **SEPA**

**000569**

Comments noted.

### **Recommendation**

**The site is not supported. Should the site be taken forward SEPA's comments will be taken into consideration.**

### **Hilton Farm South**

#### **SEPA**

**000569**

Comments noted

### **Recommendation**

**The site is not supported. Should the site be taken forward SEPA's comments will be taken into consideration.**

## **HILLOCKHEAD**

### **Hillockhead New Rural Grouping**

Site not supported as it would be visibly prominent from the A95 and the scale of the proposal is not suitable for a rural location. SEPA's comments will be taken into consideration if the current position changes.

### **Recommendation**

**Hillockhead will not be identified as a rural grouping.**

## **INVERUGIE, HOPEMAN**



### **Mains of Inverugie Rural Grouping**

Following the submission of a revised site layout and visibility splay, the Council proposes to allocate the site as a new Rural Grouping. Requirements for a buffer strip are set out in policy within the LDP2020 and do not need to be repeated in the designation text. Designation text will reflect the requirement for physical restriction of vehicular access onto the U94E from the private track and any required assessments identified by consultees, including a Flood Risk Assessment (FRA).

#### **Recommendation**

**Site allocated as a Mains of Inverugie Rural Grouping in the Proposed Plan. Designation text to reflect the requirement for physical restriction of vehicular access onto the U94E from the private track and any required assessments identified by consultees, including a Flood Risk Assessment (FRA).**

### **KINTESSACK**

#### **Kintessack Rural Grouping (Site E)**

The Council proposes the release of land into the current hatched area of Site E (Kintessack Rural Grouping). Designation text will be carried forward from the existing Plan, which includes the need for a site drainage investigation. A comprehensive layout for the overall site, showing relevant connections and landscaping, is to be provided with any planning application.

#### **Recommendation**

**Site allocated as part of hatched area of Site E in Kintessack Rural Grouping. Designation text amended to include requirement for a comprehensive layout for the overall site, showing relevant connections and landscaping, to be provided with any planning application.**

### **LOGIE**

#### **Logie Rural Grouping**

Comment of support is noted. The Council propose the continued retention of Logie Rural Grouping and the housing sites within (Site A and B).

#### **Recommendation**

**No change.**

### **MARYPARK**

#### **Burnside Road (Site 1)**

The Council proposes to retain the site for housing within Marypark Rural Grouping. Requirements for a buffer strip are set out in policy within the LDP2020 and do not need to be repeated in the designation text. Designation text to be amended to include potential requirement for a Flood Risk Assessment (FRA).

#### **Recommendation**

**Site to be retained for housing and designation text amended to reflect potential requirement for a Flood Risk Assessment (FRA).**

#### **Burnside Road (Site 2)**

The Council proposes to retain the site for housing within Marypark Rural Grouping. Requirements for a buffer strip are set out in policy within the LDP2020 and do not need to be repeated in the designation text. Designation text to be amended to include potential requirement for a Flood Risk Assessment (FRA).

#### **Recommendation**

**Site to be retained for housing and designation text amended to reflect potential requirement for a Flood Risk Assessment (FRA).**

### **MAVERSTON**

#### **Land to West of Maverston**

It is not proposed to support development at this location as it is excessive for the rural location, is distant from public services and does not reduce the need to travel. SEPA's comments are however noted and will

be taken into account if there is a change in position.

**Recommendation**

**Site MV1 is not supported and will not be designated in the Proposed Plan.**

**Land at Maverston**

The proposal is to increase the density on the consented sites and also proposes a new area of development. This would substantially increase the levels of development (from a total of 56 units to 104 units). It is accepted that the principle of development has been established by historic planning consents and the comments in respect of financial viability are noted. However, this level of increase is excessive given the rural situation and is larger than designations made in some existing settlements. This is a concern given the restricted access to public services and the need to travel. The site is not supported by the Council Transportation section as it would not reduce the need to travel. Concern is also raised in respect of third party land at the secondary access and provision of passing places on the roads leading to the site. The preferred growth strategy directs growth to the main towns and the housing land requirement in the Elgin Housing Market Area will primarily be met in Elgin. The scale of this proposal is contrary to the spatial strategy. The Rural Grouping will however be updated to include the golf course.

The existing text requires a Flood Risk Assessment and this will be carried over. The requirement for a Phase 1 Habitat survey and peat map and this will be added to the text. The existing text requires a Flood Risk Assessment and this will be carried over.

Parts of the existing consent for 40 units is within the area identified on the Ancient Woodland Inventory. Given this historic consent and the ongoing development it is not possible to exclude all the woodland from the woodland grouping. However, additional housing beyond this will not be supported in the grouping text. The areas to the south are not proposed for development and would form part of the amenity ground of the rural grouping designation.

**Recommendation**

**Update boundary to include golf course as amenity land. Reference requirement for Flood Risk Assessment, Habitats Survey and peat map.**

**MILTONDUFF**

**Miltonduff Rural Grouping**

Comments noted. The LDP 2020 contains policies that will ensure that trees on-site and immediately offsite are protected through the requirement of a tree survey and tree protection plan.

**Site A to North West of Miltonduff**

The area around Miltonduff has been identified as an area that is under significant development pressure and through the MIR a number of potential officer identified sites were looked at with the proposed bid site being one of them. Although the proposed draft rural housing policy seeks to guide development towards established rural groupings, identifying new sites must not be to the detriment of the character of existing groupings or the surrounding countryside.

The Council's Transportation service did not support the site due the inability to achieve the required visibility splays. The agent has since stated that they are able to overcome these issues as they have control of the necessary land to able to provide the necessary visibility splays.

Access issues aside, following the MIR consultation it is deemed inappropriate to allocate these sites for development. Miltonduff already has an existing site within the rural grouping boundary and is viewed as offering the best opportunities for development in this area.

The area of Whitefield is characterised by sporadic housing running along the road with gaps that provide views of the countryside which contribute to the rural character of the area. The proposed site is a large paddock and allowing this site to be developed would detrimental to the character of the area and would

contribute to the further build-up of housing in an identified hotspot.

On the basis that there is an available development in the vicinity with an available site in the established rural grouping of Milntonduff it is not proposed to allocate the proposed site in the LDP 2020.

**Recommendation**

**The site will not be included in the proposed plan.**

**Existing Site**

The comments from the landowner to bring the site forward are noted.

The Woodland Trust has objected to the inclusion of the site due to most of it being on an area of ancient woodland. Allocating development sites in Woodland is contrary to the Scottish Government's Control of Woodland Removal Policy due to the unacceptable effects this can have on the amenity, biodiversity and recreational value of the woodland. The Council supports the Scottish Government's Woodland Removal Policy which will be reflected in the draft policies for the proposed plan. In particular, woodland removal within native woodland and ancient woodland will not be supported.

While it is acknowledged that the area of Milntonduff is in an area of high demand for housing, allocating development sites must not be to the detriment of the environment or the character of the surrounding area and does not provide appropriate justification for doing so. Site A will be retained which will still offer development opportunities for development in Milntonduff.

On this basis it is proposed to remove the site from the proposed plan.

**Recommendation**

**Delete Site B.**

**Site C to North of Existing Site**

Following the MIR consultation it is not proposed to allocate the site for development. The woodland Trust and SNH's comments will be taken into consideration should the site be allocated in the proposed plan

**Recommendation**

**Site not supported for inclusion in the proposed plan.**

**MILTONHILL**

**Miltonhill New Rural Grouping**

The Kinloss Golf Course Masterplan was submitted to and considered by the Planning and Regulatory Services Committee on 18/9/18. As part of the committee report all the comments received and the Council's response were set out and this included the comments summarised here.

The committee report also promoted the identification of the Kinloss Golf Course Masterplan area as part of a new rural grouping at Miltonhill.

**Recommendation**

**Designate Miltonhill as a new rural grouping to include Kinloss Golf Course and adjacent houses at Miltonhill. Designation text will set out the requirements within the Masterplan.**

**NETHER DALLACHY**

**Existing Site A**

The site is a long standing designation that has been in successive Local Plans with little developer interest. The site is currently allocated for 15 units. It is agreed that this is excessive and agree with reducing the indicative capacity to 6. Should no development be forthcoming over the next plan period we will seek to remove the site from the plan.

Having the site designated means that at the planning application stage a comprehensive layout for the whole site will be sought to avoid unplanned piecemeal development. Any development will have to reflect the existing character of the grouping and comply with Council's Placemaking policies. Issues regarding infrastructure are noted. Drainage arrangements have to be agreed with by SEPA. The existing designation text states that access must be primarily taken from the public road. Any future access arrangements will have to be to the satisfaction of the Council's Roads Authority.

SEPA's comments regarding the potential for radioactive contaminants on airfields are noted. The justification text for Policy EP8 Pollution, Contamination & Hazards will be revised to highlight that there may be Radium 226 present on MOD sites and state that an assessment including mitigation and monitoring must be agreed. The text will state that SEPA should be consulted on former MOD sites.

**Recommendation**

**Retain existing site with a reduced indicative capacity of six.**

**NEWTON OF STURTHERS**

**Land at Newton of Struthers**

The Council does not support development at this location due to flood risk and the significant loss of woodland and gorse. Opportunities for development in the rural grouping of Newton of Struthers only exist for subdivision and replacement. SEPA's comments however are noted and will be taken into account if there is a change in position.

**Recommendation**

**Site not allocated in the Proposed Plan. Existing Newton of Struthers Rural Grouping retained.**

**ORTON**

**Boat o' Brig**

The Council proposes to include the new Rural Grouping at Boat O' Brig in the Proposed Plan. Requirements for a buffer strip are set out in policy within the LDP2020 and do not need to be repeated in the designation text. Designation text will require assessments identified by consultees, including a Flood Risk Assessment.

**Recommendation**

**Site allocated as a Rural Grouping in the Proposed Plan and designation text to reflect required assessments identified by consultees, including a Flood Risk Assessment (FRA).**

**Orton Station**

The Council does not support inclusion of this site within the Proposed Plan due to severely restricted visibility splays and the identification of a new rural grouping in Boat O' Brig with opportunities for housing. SEPA's comments are however noted and will be taken into account if there is a change in position.

**Recommendation**

**Site not allocated in the Proposed Plan.**

**PORTGORDON**

**Site to East of Portgordon**

The proposed site sits detached and isolated from the rest of the settlement and it is not deemed an appropriate site for development. Portgordon has an existing housing designation (R1) which is located on the western edge of the settlement which allows for a modest expansion. It is able to integrate and connect into the existing settlement pattern without being detrimental to the overall character of Portgordon and is therefore deemed to be the most appropriate site for housing.

**Recommendation**

**Proposal not supported.**

**Site to South of Gollachy Mill**

The bid is for small scale housing development in the open countryside. The local development plan does not allocate areas in the open countryside for housing development. There is an established hierarchy for the allocation of housing land through the main settlements, towns, villages and rural communities. The bid does not request or propose rural community status. Applications for small housing proposals for housing in the countryside should be explored through the Development Management process.

**Recommendation**

**Proposal not supported.**

**Site To South Of Buckie Recycling Centre**

The bid is for a small scale housing development in the open countryside. The local development plan does not allocate areas in the open countryside for housing development. There is an established hierarchy for the allocation of housing land through the main settlements, towns, villages and rural communities. The bid does not request or propose rural community status. Applications for small housing proposals for housing in the countryside should be explored through the Development Management process.

**Recommendation**

**Proposal not supported.**

**Site To West Of Buckie Recycling Centre**

The bid is for a small scale housing development in the open countryside. The local development plan does not allocate areas in the open countryside for housing development. There is an established hierarchy for the allocation of housing land through the main settlements, towns, villages and rural communities. The bid does not request or propose rural community status. Applications for small housing proposals for housing in the countryside should be explored through the Development Management process.

**Recommendation**

**Proposal not supported.**

**RAFFORD**

**Rafford Station New Rural Grouping**

**Rationale for Identification of Additional Rural Groupings**

The revised approach to rural housing seeks to identify more rural groupings promoting a more sustainable pattern of development and to address the proliferation of individual houses in the open countryside. Rafford Station is an identified hotspot for housing in the countryside and there has been a significant amount of housing in recent years. The proposed approach set out within the new rural housing policy is to focus development in existing groupings and identify new groupings in areas of high demand. This promotes a more sustainable pattern of growth and seeks to reduce the numbers of individual houses in the countryside. Under the new policy in the LDP 2020 in the Rafford area, new housing development outwith the village and identified/proposed rural groupings housing will not be permitted.

**Roads and Access**

A bid checklist was completed for the grouping and all technical consultees provided input in terms of the suitability of this location as a potential new grouping. In principle there are no identified transportation issues and specific details will be considered at planning application stage.

**Drainage, Flooding and Peat**

Technical consultations have been sought to establish whether or not groupings are capable of being expanded in terms of infrastructure, drainage etc. Surface water drainage will have to be addressed and appropriately managed, and this will also be considered in detail at planning application stage. Designation text to support the proposed grouping will identify the need for a Flood Risk Assessment and reference the presence of peat and the need to consider peat depth. The requirement for a buffer to water features is already embedded in policy and does not require to be repeated in designation text

**Impact on wildlife**

Scottish Natural Heritage has been consulted and raised no issues in terms of impact on wildlife. It is proposed to require extensive landscaping where new development is proposed to help development integrate sensitively. This will support wildlife and create new habitat.

**Impact on Character**

The supporting designation text will set out specific design advice to ensure new housing respects the character and appearance of the area i.e. large plots with large gardens. An indicative capacity for the site will be given however development will be assessed against placemaking policies to ensure it is of a high design standard. The alternative of drawing a boundary tightly around existing houses is not accepted as this does not identify opportunities for additional housing. It is not anticipated that the site will be developed as a whole but instead on a phased basis over several years. The proposed boundary takes account of consented development and allows further modest development. . Technical consultations have been sought to establish whether or not groupings are capable of being expanded.

#### **A96 Dualling**

The A96 dualling route is unknown at this time, should the route be deemed to have a significant impact on further development in this location this position will be revisited.

#### **Impact on Woodland**

Where mature trees exist on or border a development site, a tree survey and tree protection plan and mitigation plan must be provided if the trees (or roots) have potential to be affected by development and construction activity. This will be set out in policy within the LDP2020.

#### **Broadband**

There will be policy requirements within the LDP 2020 requiring fibre broadband in new development unless technically unfeasible.

#### **Dava Way**

The introduction of a small scale level of development adjacent to existing houses is not considered to have a detrimental impact on the character or attractiveness of the Dava Way. In terms of linking into the Dava Way there is already a connection and signposting in place.

#### **Name of Grouping**

The name of the grouping is considered appropriate and in keeping with the history of the Dava Way.

#### **Recommendation**

**Designate Rafford Station as a new rural grouping in the Proposed Plan. Designation text will reference requirement for a Flood Risk Assessment (FRA) and the need to consider peat depth. Further detail will be provided in terms of the scale of development and the design principles for the grouping.**

### **ROSEISLE**

#### **Roseisle General**

It is unrealistic for the Council to be expected to provide a regular bus service which includes Roseisle within its cycle. Dial M for Moray is a door-to-door bus service that is available to everyone who are unable to use existing forms of transport or who do not have a regular scheduled bus service. There are no plans for a paved pedestrian/cycle path between Roseisle and Burghead, however, a core path and aspirational core path are available for use between the two settlements.

#### **Recommendation**

**No change**

#### **Roseisle West**

The Council does not support development on this site as it would be an inappropriate excessive extension that would be visually prominent and detrimental to the character of Roseisle. The identification of a new rural grouping at Buthill provides opportunities for housing in the vicinity. SEPA's comments are however noted and will be taken into account if there is a change in position.

#### **Recommendation**

**Site not allocated in the Proposed Plan.**

#### **Roseisle North**

The Council does not support development on this site as it is not considered necessary or appropriate to designate additional land as demand can be met by existing allocations. The identification of a new rural grouping at Buthill provides further opportunities for housing in the vicinity. Additionally, SEPA has identified that the site is at risk of flooding and would require a Flood Risk Assessment prior to adoption to

demonstrate there is a sufficient developable area free of flood risk. SEPA's comments are noted and will be taken into account if there is a change position.

**Recommendation**

**Site not allocated in the Proposed Plan.**

**Roseisle East**

Following consultation, the Council does not support development on this site as it is not considered necessary or appropriate to designate additional land as demand can be met by existing allocations. The identification of a new rural grouping at Buthill provides further opportunities.

**Recommendation**

**Site not allocated in the Proposed Plan**

**TEMPLESTONES**

**Templestones New Rural Grouping**

**Change in Position**

The Cumulative Build Up Guidance Note was prepared as an interim position to address the identified issue of build up until new approach to housing in the countryside for the LDP 2020 was formulated.

**Rationale for Identifying Templestones as a New Rural Grouping**

Templestones is an identified hotspot for housing in the countryside and there has been a significant amount of housing in recent years. The proposed approach set out within the new rural housing policy is to focus development in existing groupings and identify new groupings in areas of high demand. This promotes a more sustainable pattern of growth and seeks to reduce the numbers of individual houses in the countryside. Under the new policy, in the Rafford area new housing development outwith the village and identified/proposed rural groupings will not be permitted.

**Access, Roads and Drainage**

A bid checklist was completed for the grouping and all technical consultees provided input in terms of the suitability of this location as a potential new grouping. In principle there are no identified transportation issues and specific details will be considered at planning application stage. Surface water drainage will have to be addressed and appropriately managed, and this will be considered in detail at planning application stage.

**Landscape Impact**

It is proposed to require extensive landscaping to the northern edge of the site where new development is proposed to soften impact of new development. Furthermore specific design advice to ensure new housing respects the character and appearance of the area will be set out within the designation text supporting the allocation. It is not anticipated that the site will be developed as a whole but instead on a phased basis over several years. The proposed boundary takes account of consented development and creates a boundary around the existing housing and creates a definitive buffer between Blervie Castle and further development. Historic Environment Scotland has raised no objections to the proximity of the grouping to Blervie Castle Scheduled Monument.

Designation text will be prepared to support the proposed grouping seeking to maximise the retention of trees on site and the safeguarding of retained trees. It is unlikely the retention of all trees will be possible as trees may have to be removed to create adequate visibility. Further consideration will be given to serving a Tree Preservation Order to protect existing trees on the understanding that limited tree removal may be required to create safe and suitable access into the site.

**Impact on Character**

The supporting designation text will set out specific design advice to ensure new housing respects the character and appearance of the area. An indicative capacity for the site will be given however development will be assessed against placemaking policies to ensure it is of a high design standard.

It is not anticipated that the site will be developed as a whole but instead on a phased basis over several years. The proposed boundary takes account of consented development and allows further modest development. . Technical consultations have been sought to establish whether or not groupings are

capable of being expanded.

#### **Flooding**

Prepare designation text to highlight there may be a need for a Flood Risk Assessment (FRA) and the requirement to investigate foul drainage treatment.

#### **Planning History**

The planning history from 1994 is not considered relevant, as proposals would have been assessed against different policy criteria and in the context of the approach to housing in the countryside in place at that time. The Legal section has been consulted regarding the relationship of a member of staff to the landowner and no issues have been raised.

#### **A96 Dualling**

The A96 dualling route is unknown at this time, should the route be deemed to have a significant impact on further development in this location this position will be revisited.

#### **Broadband**

There will be policy requirements within the LDP 2020 requiring fibre broadband in new development unless technically unfeasible.

#### **Recommendation**

**Designate Templestones as a new rural grouping. The boundary will be drawn more tightly around the existing houses than shown in the Main Issues Report and create development opportunities for up to 5 plots. Designation text will require a Flood Risk Assessment (FRA) and the need to investigate foul drainage treatment. Further consideration will be given to serving a Tree Preservation Order to protect existing trees within the designated grouping. Designation text will require extensive landscaping to be provided to assist identified sites to integrate sensitively. Further detail will be provided in terms of design principles for the grouping.**

#### **TORRIESTON**

##### **Torrieston New Rural Grouping**

The Council does not support development at this location due to access constraints. SEPA and SNH's comments however are noted and will be taken into account if there is a change in position.

#### **Recommendation**

**Site not allocated in the Proposed Plan.**

#### **TROVES**

##### **Troves East**

It is not proposed to support development at this location due to the impact on landscape character. SEPA's comments are however noted and will be taken into account if there is a change in position.

#### **Recommendation**

**Site TV2 is not supported and will not be designated in the Proposed Plan.**

##### **Troves West**

It is not proposed to support development at this location would blur the distinction between rural and urban. SEPA's comments are however noted and will be taken into account if there is a change in position.

#### **Recommendation**

**Site TV3 is not supported and will not be designated in the Proposed Plan.**

##### **Tyle Croft**

Proposed grouping is not supported. Further expansion at Troves is not supported due the impacts on landscape character. Given the proximity to the edge of Elgin it would also blur the distinction between rural and urban.

#### **Recommendation**

**Proposed new grouping is not supported.**



## **UPPER DALLACHY**

### **Existing Designations**

The viability issues with sites A, B and C are noted and the deletion of these sites is supported. The principle of development on Site E is supported given that A and B will be deleted. This will still allow for development opportunities within the grouping. However allocating the whole site in the current plan is deemed to be excessive. The site will be reduced and will be given an indicative capacity of 4 to allow for a small expansion which is deemed to be more in keeping with the existing character of Upper Dallachy.

The concerns regarding access to a nearby property are noted. The Council's Transportation department were consulted on the proposal and did not object. The Transportation department will be consulted on any future planning application on the site should one be forthcoming.

### **Recommendation**

**Sites A, B and C will be deleted. Support inclusion of part of Site E with an indicative capacity of 4 to reflect the existing character of Upper Dallachy.**

# **S.E.A. RESPONSES**

Consultation Authority	Subject	Comment	Response	Actions
Scottish Natural Heritage	General	Page 23-any new or altered allocations should be assessed as allocations rather than under the policy. The different allocations have different environmental issues that require separate consideration. Site specific assessment would allow appropriate mitigation/ safeguarding to be applied at an individual level.	Agreed.	New designations to be assessed in final SEA.
Scottish Natural Heritage		Page 23 – it is not clear whether Natura assessments have been considered as part of the draft ER or if they are only being considered as part of the Habitats Regulations Appraisal as the text implies. The two assessments should be used to inform each other, with mitigation being identified in the ER either to avoid impacts so that the HRA is not required for particular allocations or to reduce impacts on Natura sites so that the HRA can conclude no adverse effects on site integrity.	Agreed.	Better relationship between the two documents will be evidenced in final SEA.
Scottish Natural Heritage		A number of carried forward allocations have the potential for significant environmental effects, due to proximity/ connectivity to areas protected for nature conservation. While the draft ER identifies which allocations have been scoped out having been subject to assessment for the LDP 2015, no detail is provided on the environmental interests which could be affected, making it difficult to see where cumulative effects may start to become significant. Would be helpful to provide the text of the previous SEA assessment for each of the relevant allocations identifying what interests have connectivity to the allocation, with a short statement considering whether there have been changes in the intervening period that could cause the assessment to change.	Agreed.	Better explanation of scoping and reasons for scoping out to be set out in the final SEA.
Scottish Natural Heritage	Appendix3, Appendix 4, Appendix 6	Unfortunately many of the reasons given do not recognise the range of environmental interests that would be significantly affected. Reference should be made to SNH's detailed comments on individual allocations. This issue also affects the assessments presented in Table 11 and Appendix 6 as; <ul style="list-style-type: none"> <li>Policy EP1 (Natural Heritage) will apply as</li> </ul>	Agreed.	Better explanation and reasons given to explain the range of environmental interests which would be significantly affected.

		<p>safeguarding/mitigation to allocations with connectivity to areas protected for nature conservation;</p> <ul style="list-style-type: none"> <li>• Policy EP3 (Forestry and Agriculture) will apply to allocations with the potential to affect woodlands identified on the Ancient Woodland Inventory or Scottish semi natural woodland inventory.</li> <li>• Policy EP4 will apply to areas currently safeguarded as open space with an ENV designation that are proposed for development or other changes in the MIR (i.e. allocations FC1 land at Castle Street, FC4, KE07, EL21, ENV4 South Lesmurdie, EL23 Land at Pinegrove, EL24 Pinefield, adjacent to playing field, EL5 Land at Oldmills, FR24 site at ENV9.</li> </ul>		
Scottish Natural Heritage	Appendix 4,3	As a result of the above we recommend that the tables and appendices are reviewed and updated to reflect our advice on individual allocations, which may affect the scoring.	Agreed.	Tables to be amended and updated to reflect the advice on individual designations.
	Scoring	It would be helpful to have a key for the scoring symbols.	Agreed.	Key to be included in final SEA.
	Scoping	If any unsupported allocations are reintroduced in the proposed LDP and be subject to assessment in the ER then these allocations should be used to ensure the assessment of their environmental effects is comprehensive.	Agreed.	
		Table 10 page 46 refers to E37, but unable to find this allocation. Appendix 4 also includes reference to a number of allocations that are not identified in the MIR. Advise that if they are not in the MIR then they do not need to be included in the ER.	Site is rural, on western approach to Elgin.	No change.
	Monitoring	Page 60. Unclear what will happen to the results or if there is an unexpected result.	Unexpected results would need to be discussed with statutory consultees to consider	No change.

			mitigation/ actions required.	
	Appendix 5 and 6	Helpful to include an explanation of 0 scorings as well as other scorings. Particularly important for impacts of development on soils which might have been scored as negative due to soil sealing and or compaction.	Agreed.	Include explanation for 0 scorings.
SEPA	General	Welcome summary of comments and details of how these have been actioned.	Noted.	
		Consider it acceptable for sites to be grouped together, for example by settlement , for assessment and carried over sites with no changes in environmental issues, to not be re-assessed. However, the ER needs to clearly demonstrate the assessment process and that all sites/ policies have been adequately assessed to inform scoping in/out and need for further assessment.	Agreed.	Further explanation of process to be included in SEA.
	Checklist	Would welcome further clarification of how the checklist considers the 12 environmental objectives to identify whether there are likely to be significant environmental impacts.	Agreed.	Further explanation of checklist/ 12 environmental objectives to be included in final SEA.
	Section 16	Recommend check tables for consistency in the identification of issues. For example BID KN3 is scoped in with a justification of potential flooding issues, however in table 11 under mitigation it has no requirement for a FRA. BID BK7 which also has potential for flooding does not reference this in section 16, however table 11 does identify flooding as an issue and that FRA is required as a mitigation measure.	Noted.	Check tables for consistency.
	Table 12: Summary Assessment of Policies and Appendix 5	Disagree with the assessment of Policy EP6 as strongly positive, have flood risk concerns about the policy so do not agree with the assessment. Assume SG will be included in the next ER.	Noted.	Supplementary Guidance to be included in final SEA.
	Appendix 3 Existing	Agree that not every site/ policy needs to be reassessed if there are no changes and it has previously been assessed through SEA ,	Agreed.	Sites will be re-assessed if changes are made which

	designations scoped in/out	ER has to adequately demonstrate this.  It is not clear what assessment has been made of the carried over sites in regard to environmental changes or whether the majority of these have been scoped out on the basis there are no changes to the site boundary and the allocation type. For any carried over sites where there are significant changes to the environment we would expect these to be scoped in to the ER and appropriate mitigation proposed.		necessitate such action.
	Appendix 4 Bid site scoping and Appendix 6 bid site assessment	Recommend cross check the tables with these comments and update the ER where necessary. Note there are some sites which are included in the ER which have not been included in the shapefiles e.g BK1 and BK2 and some included in MIR which are not in ER e.g. ELI9, EL42 and ELR3.	Agreed.	Check tables for consistency.
	Appendix 6	Welcome these tables but suggest you add an additional column for scoring post mitigation e.g after FRA a site could be scored as neutral.	Agreed.	Add extra column for scoring post mitigation.
	General	There is a need to scope back in any alternative sites that are brought forward in the Proposed Plan but were not considered as a preferred site at this stage.	Agreed.	Any sites brought back in and new sites will be scoped back in.
	Rural Groupings	Agree that the existing RG's are scoped out as these were recently reviewed and subject to separate SEA. Individual assessment of proposed new Rural Groupings is required to identify any impacts.	Agreed.	Individual assessment of proposed new Rural Groupings to be included.
	Assessment matrices	Would be helpful to have a legend to understand the symbols.	Agreed.	Legend to be included.
Historic Environment Scotland	Changes arising from SEA	Few changes arising from the SEA process are highlighted in the ER but much of assessment work referred to has formed the SEA process. Apparent that changes have been made in relation to decisions regarding the non -preference of sites as a result of the environmental assessment. Unclear why these have not been reported within the ER for stakeholders to understand the rationale behind decisions.	Noted. These are considered to be an integral part of the LDP process rather than standalone	No change.

			SEA “work” and are therefore attributed to arising from LDP process.	
		Revision of the historic environment policy framework is reported in the summary of assessment of policies (section 17) however there is no discourse in relation to this in policy assessment in Appendix 5.	Agreed.	Reference to revisions to historic environment framework will be added.
		Welcome provision of draft policies. Concern that proposed policy framework is not robust as existing suite of policies and consider that this should currently be scored accordingly.	Noted.	Comments on policies have been received and amendments are proposed to addresses statutory consultees comments.
	Responses to Scoping	Unclear as to the status of non-preferred sites in relation to the consideration of reasonable alternatives. If sites are brought back later in the plan period then the ER should have provided an assessment of these sites. Unclear if views were being sought on the inclusion or otherwise of the non-preferred sites.	Noted.	Any sites brought back into contention will be subject to SEA.
	Monitoring	Important that monitoring indicators are driven by the likely effects of the plan. “Buildings at risk register” may not be reflective of the action of the plan.”	Agreed.	Monitoring indicators to be revised.
	Scoping potential development sites	Understand that it has been assumed that any mitigation of significant effects had been delivered in relation to sites “carried over”. Caution against assumed mitigation as this often sets out parameters for the successful delivery of the site and is only delivered when such requirements are successfully enacted.	Noted.	
		Last paragraph states that a designation which is not supported but included by elected members will be scoped in automatically for more detailed assessment at the proposed plan stage. It is assumed that this could apply to sites considered not preferred. It would have been beneficial for these sites to have been included in	Noted. This will be flagged up to elected members.	

		the assessment given the important role it plays in evidencing decisions on whether to support a site or not. If a site was to be brought back it may avoid further consultation on any modifications.		
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