

**21/00961/AMC**  
**27th August 2021**

**Approval of Matters specified in conditions 1 -19, 23, 25-58 & 61-64 on planning consent 17/00834/PPP and in relation to S42 application reference 19/01085/APP for a proposed residential development of 156 homes and 570 sq m flexible retail/commercial floor space (potential Class 1, 2, 3, & 10) including affordable housing with landscaping, parking, access and associated works within part of Area 1 at Site R11 Findrassie/Myreside And I8 Newfield Elgin Moray for Barratt North Scotland**

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**Comments:**

- Application is a major development as defined under the Hierarchy Regulations 2009 for a development of more than 50 houses, and the site exceeds 2ha.
- Advertised for neighbour notification purposes - notification not possible because no premises situated on land to which notification can be sent and as a departure to the development plan.
- One representation has been received.

**Procedure:**

None.

**Recommendation**

**Grant planning permission – Subject to the Following:**

1. Adoption of “appropriate assessment” (Appendix 2) prior to issue: and
2. The following conditions:

**Conditions/Reasons**

1. No development shall commence until details of the affordable housing delivery have been submitted to and approved by the Council, as Planning Authority in consultation with the Head of Housing and Property Service regarding the detailed arrangements for the long-term delivery and provision of the affordable housing accommodation on the site. This shall include evidence to confirm the identity of the organisation (or other similar agency) responsible for the provision and management of all affordable housing provided on the site, and thereafter

evidence of a signed contract between the organisation and applicant which is to be submitted to the Council prior to start of construction of the proposed apartment building (affordable flats) hereby approved, unless otherwise agreed by the Council. Thereafter the development shall be implemented in accordance with the approved details.

**Reason:** To ensure an acceptable form of development in terms of the required provision and delivery of affordable housing within the site, and that it is managed accordingly for the lifetime of the development.

2. The accessible housing units (minimum 11) shall be provided in accordance with the submitted drawing numbers 17045(PL01)007\_D, 17045(PL)114-2,4 and 5 Type K, unless otherwise agreed in writing by the Council, as Planning Authority. Thereafter, the units shall at all times remain as accessible housing and capable for adaptation for accessible housing needs unless otherwise agreed with the Council, as Planning Authority.

**Reason:** To ensure an acceptable form of development in terms of the required provision and delivery of accessible housing on the site.

3. All surface water drainage arrangements for the development site shall be in accordance with the submitted report Drainage Impact Assessment and Level 1 Flood Risk Assessment (Revision D) by Goodson Associates, updated 4 March 2022, and associated drainage drawings submitted with this application (with the exception of the proposed swale on the north/south road adjacent to plots 13 to 16 and 36 to 52, which shall be planted with street trees as per condition 25 below). All measures for the management of surface water as outlined within the abovementioned DIA (including maintenance) shall be fully implemented prior to the first occupation of any residential unit hereby approved.

**Reason:** To ensure that surface water drainage is provided timeously, complies with the principles of SuDS and in order to protect the water environment; and to mitigate against potential birdstrike risks to aircraft operations at RAF Lossiemouth (by ensuring that the SuDS detention is generally dry, holding water only during and immediately after extreme rainfall events).

4. That all foul water drainage arrangements for the development site shall be in accordance with the submitted report Drainage Impact Assessment and Level 1 Flood Risk Assessment (Revision D) by Goodson Associates, updated 4 March 2022, and associated drainage drawings submitted in support of this application.

**Reason:** To ensure an acceptable form of development in terms of the provision of foul drainage infrastructure for the development.

5. The properties facades identified in yellow on figure 6 of the Noise Impact Assessment supporting document by KSG Acoustics, dated 24 February 2022 (rev 1), and titled "Findrassie Area E2. Noise Impact Assessment addressing Planning Conditions 58, 61, 63 & 64 relating to Planning Consent reference 19/01085/APP prepared for Barratt North Scotland" shall have enhanced double glazing and acoustically rated ventilation required to an insulation value of R w

(C;C tr) of 37 dB (-1;-5) for glazing and 40 dB (dn,e,w) ventilation. These mitigation measures shall be implemented and maintained throughout the lifetime of the development.

**Reason:** In order to protect residents from road traffic noise.

6. A 2 metre high acoustic fence barrier of minimum surface density of 15 kg/m<sup>2</sup> shall be provided at the locations (plots 1, 57 and 140) identified on the Site Layout plan reference number 17045(PL01)002\_F. A scaled drawing (1:50) and details of the final selected acoustic barrier in terms of chosen material, design, surface density shall be submitted to and approved in writing by the Council, as Planning Authority prior to the occupation of the houses on these plots, and shall thereafter be installed and maintained throughout the lifetime of the development.

**Reason:** In order to protect residents from road traffic noise and to ensure a satisfactory form of development.

7. Dust emissions associated with the construction phase of the development shall be suitably managed and mitigated by adhering to the submitted scheme in the supporting document by Enviro Centre on behalf of Barratt Homes, dated July 2020, and titled "Findrassie, Elgin – Area 1 (E1 and E2) Dust Management Plan".

**Reason:** To ensure an acceptable form of development in the interests of the amenities of the surrounding area, including the neighbouring residential amenity.

8. Construction works (including vehicle movements) associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0800 – 1900 hours, Monday to Friday and 0800 – 1600 hours on Saturdays only, and at no other times out with these permitted hours (including National Holidays) shall construction works be undertaken except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken out with the permitted/stated hours of working.

**Reason:** To ensure the times of construction are controlled so as to prevent noise disturbance to neighbouring residential amenity.

9. Noise, vibration, dust and artificial lighting during the construction phase shall be suitably managed and mitigated by adhering to the submitted scheme in the supporting document by Enviro Centre on behalf of Barratt Homes, dated August 2021, and titled "Findrassie E2. Construction Environmental Management Plan (CEMP)."

**Reason:** To ensure environmental impacts are suitably managed and maintained during the construction phase.

10. This planning permission does not include approval for any external ventilation/ extraction or odour control plant or equipment associated with the flexible retail/commercial units (Use Classes 1, 2, 3 and 10) proposed on the ground floor

shown on drawing reference 17045(PL01)400-B titled "E2 Flats – Plan". Should any of these units give rise to such plant or equipment this shall be the subject of a formal planning application for the approval of the Council, as Planning Authority prior to first operation/use of that unit.

**Reason:** To ensure any future external development is subject to suitable planning controls and as these details are currently lacking from the application.

11. Unless otherwise agreed with the Council, as Planning Authority, none of the flexible retail/commercial units (Use Classes 1, 2, 3 and 10) proposed on the ground floor shown on drawing reference 17045(PL01)400-B titled "E2 Flats – Plan" shall be operated/used until a Noise Impact Assessment pursuant to Planning Advice Note PAN 1/2011 and the associated Technical Advice Note Assessment of Noise (TAN) has been submitted to and approved in writing by the Planning Authority, in consultation with the Environmental Health and Trading Standards Manager, detailing all noise sources associated with that unit. The Assessment shall also identify all measures (including their location, design specifications and external impact) to be adopted to mitigate the impact of noise emissions from the development.

Thereafter, all resulting noise mitigation arrangements shall be implemented in accordance with the approved details prior to the first use of the flexible retail/commercial unit(s).

**Reason:** To ensure an acceptable form of development in the interests of the amenities of the surrounding area, including neighbouring residential property.

12. Fixed plant and machinery noise emissions associated with any flexible retail/commercial units (Use Classes 1, 2, 3 and 10) proposed on the ground floor shown on drawing reference 17045(PL01)400-B titled "E2 Flats – Plan" shall, between the daytime of 0700 to 2300 hours, not exceed Noise Rating Curve (NR) 25, as determined within a living apartment of the nearest noise sensitive property with the external window moderately open. This limit would apply and be determined over a one-hour duration within any day-time period.

**Reason:** To ensure an acceptable form of development in the interests of the amenities of the surrounding area, including neighbouring residential property.

13. Fixed plant and machinery noise emissions associated with any flexible retail/commercial units (Use Classes 1, 2, 3 and 10) proposed on the ground floor shown on drawing reference 17045(PL01)400-B titled "E2 Flats – Plan" shall, between the night time of 2300 to 0700 hours, not exceed Noise Rating Curve (NR) 20, as determined within the bedroom of the nearest noise sensitive property with the external window moderately open. This limit would apply and be determined over a five-minute duration within any night-time period.

**Reason:** To ensure an acceptable form of development in the interests of the amenities of the surrounding area, including neighbouring residential property.

14. The temporary external construction lighting arrangements for the development shall be implemented in accordance with the submitted details, as shown in the plan titled "Findrassie Traffic Plan" (approved as part of application reference 20/00753/AMC). No further lighting shall be provided, installed or used within this phase except where otherwise agreed in writing by the Council, as Planning Authority.

**Reason:** To ensure an acceptable form of development in particular to minimise the potential for light pollution including light glare/spill and disturbance impacts upon the visual amenity and appearance of the surrounding area, including any existing or proposed neighbouring residential property.

15. No development shall commence until details of the proposed sub-station including elevations of all works, means of enclosures and associated plant (including noise levels) have been submitted to, and approved by the Council, as Planning Authority, in consultation with Environmental Health and Trading Standards Manager. Thereafter the approved details shall be implemented in full prior to the first occupation of any part of the development.

**Reason:** To ensure an acceptable form of development as these details are lacking from the application.

16. The mitigation measures as detailed within the submitted documents titled 'Condition 43 Mitigation Statement' dated 19 August 2021 and 'Findrassie E2 Construction Environmental Management Plan (CEMP)' dated August 2021 prepared by Enviro Centre, and Pollution Prevention Plan drawing number CSL001 shall be fully adhered to by the developer and appointed contractor during the construction period and operational life of the development, unless otherwise agreed in writing by the Council, as Planning Authority.

**Reason:** In order to protect the water quantity and quality of Loch Spynie SPA, Ramsar Site and SSSI and to prevent adverse impacts on the integrity of these protected areas and the water environment.

17. The pre-work checks, future survey requirements and mitigation as detailed within the submitted documents titled 'Findrassie E2 Ecology Survey 2019-2021' and 'Findrassie E2 Construction Environmental Management Plan (CEMP)' dated August 2021 prepared by Enviro Centre shall be fully implemented by the developer and appointed contractor, unless otherwise agreed in writing with this Council, as Planning Authority.

**Reason:** To ensure an acceptable form of development taking into account the need to afford protection to all protected species identified as using the site or adjoining land.

18. Condition 51 of the Planning Permission in Principle (application number 17/00834/PPP) and related Section 42 approval (application number 19/01085/APP) regarding implementation and completion of a Programme of Archaeological Works is discharged for this application for approval of matters specified in conditions (AMC) only, and shall continue to remain applicable to any

future AMC applications for development within the wider Area 1 development, granted under application 17/00834/PPP and associated Section 42 application 19/01085/APP.

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

19. No development shall commence until details confirming the installation of fibre broadband connection for each residential unit (to be provided prior to occupation of each unit) have been submitted to and approved in writing by the Council, as Planning Authority. Thereafter, the development shall be implemented in accordance with these approved details, unless otherwise agreed in writing by the Council.

**Reason:** To ensure the residential units hereby approved are served by appropriate high speed internet connections.

20. No trees other than those identified for removal in the submitted Tree Survey Report and associated Tree Protection Plans prepared by Envirocentre dated February 2022 shall be removed without the prior written approval of the planning authority.

**Reason:** In order to ensure tree removal is adequately controlled.

21. The mitigation and enhancement recommendations as set out within Chapter 4 of the Tree Survey Report, prepared by Envirocentre dated February 2022 shall be fully adhered to by the developer and appointed contractor, unless otherwise agreed in writing by this Council, as Planning Authority. Any protection measures shall be implemented prior to any development commencing within that part of the site and retained until completion of that part of the development.

**Reason:** To ensure an acceptable form of development is provided in accordance with the submitted landscape plans and tree survey, and that suitable protection is afforded to existing trees, shrubs and hedgerows.

22. The mitigation, planting and habitat establishment/management measures as set out within the submitted Biodiversity Plan document and accompanying drawing titled "Landscape Proposals Sheet 1 of 7", number 415.52.01f (to be amended in accordance with condition 25 of this consent) shall be fully implemented by the developer and appointed contractor, unless otherwise agreed in writing with this Council, as Planning Authority.

**Reason:** In order to retain, protect and enhance biodiversity interests on the site and adjoining the site.

23. No development shall commence until a phasing delivery plan which shows the provision of the equipped play area within the central open space upon completion of 50% of the character area to which it pertains has been submitted to and approved in writing by the Council, as planning authority. This relates to the Character Area defined as the 'Open Space' area, shaded pink in the submitted Placemaking Statement, and the approved equipped play area shall be provided

by the completion of the 35<sup>th</sup> residential unit within this character area. Thereafter the development shall be implemented in accordance with these approved details, unless otherwise agreed in writing by the Council, as Planning Authority.

**Reason:** To ensure the adequate and timeous provision of an equipped play area.

24. No development shall commence until the following information has been submitted to and approved in writing by the Council, as Planning Authority. This shall be closely based upon the submitted Placemaking Statement and Play Equipment document (prepared by HAGS) accompanying the application, and show the following:
- a) Details (scaled drawings 1:100 and equipment specification schedule) of the equipped play area, surfacing, benches/picnic table including maintenance arrangements, which shall be inclusive for all abilities (and is to be agreed in consultation with ParentAble Moray);
  - b) Details of all public artwork on the site, which shall reflect local and cultural associations with Thomas Telford and/or Pitgaveny's farming legacy, including timescale for delivery;
  - c) Revised details of the waveform drystone dyke incorporating shorter sections with landform/banking orientated southwards to more closely mirror the arrangement approved at Phase E1 (to tie E1 and E2 together and provide a cohesive "theme" at this gateway location);
  - d) Details of all seating, benches and litter bins to be provided on the site, including timescale for their provision;
  - e) Phasing plan including timescales for provision of all landscaping works, which shall be carried out upon completion of each character area; and
  - f) Details of the external material finishes of the bin stores for the flats and retail/commercial units.

Thereafter the development shall be implemented in accordance with these approved details, plans and timescales.

**Reason:** To ensure that the works to install the approved equipped play area, benches/picnic tables, seating and bins are timeously carried out and properly maintained for the lifetime of the development; and to ensure that the play area is inclusive, providing equipment so the facility is for every child/young person regardless of ability; provision of a revised entrance drystone/landform feature which ties phase E1 and E2 together and provides a cohesive "theme" at this gateway location in accordance with the masterplan; ensure distinctive urban form with public art to provide good orientation and navigation; and provides seating opportunities for all generations and mobilities.

25. No development shall commence until revised landscape plans have been submitted to and approved in writing by the Council, as Planning Authority. This shall be closely based upon the approved landscape plans, biodiversity plan and Placemaking Statement accompanying the application, and show the following:
- a) Updated landscape schedule identifying fruit/orchard trees within the central open space identified for community growing;
  - b) Revised landscape plans and schedules incorporating the provision of at least 6 street trees along the north/south route between plots 16 and 52, and

- c) 2 trees to mitigate parking for plots 106/107, and 121 along that route;
- c) Revised landscape plans and schedules incorporating hedge planting showing the parking broken up at plots 122/123, 105 and at the front and rear of the retail/apartment building;
- d) The AP-E planting incorporating the retention of existing trees within the northern part of the site (identified as tree group TG4) and recommended in the Tree Survey Report and associated Tree Protection Plans prepared by Envirocentre dated February 2022; and
- e) Details of long-term maintenance arrangements for the AP-E planting area;

Thereafter the development shall be implemented in accordance with these approved plans and timescales. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council, as Planning Authority gives written consent to any variation of this planning condition.

**Reason:** To ensure that the approved landscaping works are timeously carried out and properly maintained for the lifetime of the development, and ensure provision of additional street trees along the main north/south route in accordance with the masterplan/placemaking principles and to mitigate parking impacts.

26. The temporary bus turning loop and supporting infrastructure (Shelters/flags etc) shall be maintained and available for use until either alternative public transport infrastructure has been provided, or the infrastructure is no longer required in agreement with the Council, as Planning Authority in consultation with the Roads Authority. Thereafter, once no longer in use/required, the bus turning loop and supporting infrastructure area shall be removed and the impacted area shall be landscaped and reconfigured in the first planting season, in accordance with the drawing titled "Proposed Treatment for removed Bus Loop" number 415-42-09. Any plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council, as Planning Authority gives written consent to any variation of this planning condition.

**Reason:** In order to ensure that the approved landscaping works are timeously carried out in accordance with the masterplan, and properly maintained in a manner which will not adversely affect the development or amenity and character of the area

27. Prior to the completion of the 150<sup>th</sup> dwellinghouse and/or flat/apartment within phases E1 and E2 combined, the flexible retail/commercial units (Use Classes 1, 2, 3 and 10) proposed on the ground floor shown on drawing reference 17045(PL01)400-B titled "E2 Flats – Plan" shall be completed and made available for use. Notwithstanding the submitted floorplan identifying the proposed use classes the flexible retail/commercial units can be operated within any Use Class 1, 2, 3, and 10 and shall include the following: One unit a minimum of 200 sqm GFA for Class 1 (Shops, food) and Class 3 (Food and Drink) and a minimum of three flexible ground floor retail/commercial units for Class 1 (Shops), Class 2 (Financial, Professional and other services) and Class 3 (Food and Drink) and



Class 10 (non-residential institutions) (a minimum of 250 sqm GFA in total) (as set out in the Findrassie Masterplan dated November 2015 (including any subsequently reviewed Findrassie Masterplan which supersedes or replaces the identified provisions of the current Findrassie Masterplan during the life-time of the permission hereby approved). The units shall be advertised for sale or lease on the open market by a chartered surveyor, for a minimum of 5 years/60 months from the completion of phase E2 after which a review of the marketing period will be required if units remain vacant. In order to inform this process the following details shall be provided for written approval by the Council, as Planning Authority:

- a) Within three months of the completion of all of the units within Phase E2 a detailed schedule for the sale/letting arrangements of the retail/commercial units must be provided to include details of the rent proposed, potential letting terms, and marketing arrangements. The units must be advertised at a market rent as defined by the RICS Valuation – Global Standards or less.
- b) If any of the units remain vacant after 5 years/60 months from the completion of phase E2 a review by the Council, as Planning Authority of the sale/letting arrangements and marketing period will be undertaken with evidence provided by the applicant in respect of the period which the units were marketed, where they have been marketed and the sales letting price.

**Reason:** In order to ensure the timely and effective delivery of the ground floor retail/commercial units within the Lossiemouth Road Character Zone to ensure the masterplan is delivered and that a sustainable community is provided, including a unit of sufficient size that will meet the day to day convenience needs of the neighbourhood.

28. Condition 15 of the planning permission in principle (application number 17/00834/PPP) and related Section 42 approval (application number 19/01085/APP) regarding off-site junction works on the A96 trunk road network is not discharged by this application.

**Reason:** To ensure that the scale and operation of the proposed development beyond 350 dwellings does not adversely affect the safe and efficient operation of the A96 trunk road network.

29. Development shall not commence until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority, in consultation with Defence Infrastructure Organisation covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the details of cranes and other tall construction equipment (including the details of obstacle lighting). The approved strategy (or any variation approved in writing by the Local Planning Authority) shall be implemented for the duration of the construction period.

**Reason:** To ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems.

30. No tree felling shall commence on site until a compensatory planting scheme for the removal of the 37 trees from the site has been submitted to and approved in

writing by the Council, as Planning Authority. The replanting scheme shall comply with the requirements set out in the UK Forestry Standard (Forestry Commissions, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers, shall include:-

- a) details of the location of the area(s) to be planted;
- b) the nature, design and specification of the trees to be planted (to be mixed native species);
- c) the timescales for implementing the Replanting Scheme;
- d) proposals for the maintenance and establishment of the Replanting Scheme, including; annual checks; replacement planting; fencing; ground preparation; and drainage etc;

The approved Replanting Scheme shall thereafter be implemented in accordance with the timescales set out therein, unless other arrangements are agreed in writing by the Council, as Planning Authority.

**Reason:** In order to ensure compensatory tree planting is provided to mitigate for that lost as a result of the development.

31. Prior to the commencement of the 50th unit accessed from the A941 Elgin to Lossiemouth Road, detailed drawings (scale 1:500) shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority to show the location, design specifications and timescale for delivery of the northern access to the development on the A941 including the proposed design speed, visibility splay requirements and junction type. The design details shall be informed by a Stage 1/2 Road Safety Audit for the proposed junction and any other works proposed on the A941 e.g. bus laybys and pedestrian crossings, and the Road Safety Audit shall be included as part of the required details.

Thereafter, the development access, bus laybys and pedestrian crossings shall be provided in accordance with the approved details and agreed timescales.

**Reason:** To ensure the provision of a safe and suitable access, including for pedestrians and cyclists, to the development in the interests of road safety.

32. No development shall commence on more than 50 housing units which are accessed from the A941 Elgin - Lossiemouth Road, until a second point of access and/or a route to enable an emergency access for use by all emergency vehicles, pedestrians and cyclists has been provided.

**Reason:** To ensure an acceptable alternative means of access to the development, including for the emergency services.

33. Prior to the operation of the northern access, as detailed in condition 18 of decision notice (19/01085/APP), a detailed drawing (scale 1:500) shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority to show:
- i) the modifications to the A941/Myreside Road junction, design specifications and timescale for delivery of the junction modification to prevent vehicular access from the A941 onto Myreside Road;

- ii) the proposed design for restricting vehicular access at the western end of Myreside Road; and
- iii) written evidence to confirm that a Road Traffic Regulation Order has been secured to remove rights of access for motorised vehicles on the section of Myreside Road between the A941 and Myreside Farm Cottage.

Thereafter, unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority, the modification to the junction and the vehicular access arrangements shall be provided in accordance with the approved details and agreed timescales.

**Reason:** To ensure the provision of a safe and suitable access, including for pedestrians and cyclists, to the development in the interest of road safety.

34. No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway, measured from the level of the public carriageway, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

**Reason:** To enable drivers of vehicles leaving driveways to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users.

35. No walls or any other obstruction whatsoever over 0.6m measured from the level of the public carriageway shall be permitted within any 'forward visibility' areas or any visibility splays crossing plot boundaries within all areas of the residential development, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

**Reason:** To enable drivers of vehicles to have an acceptable clear forward visibility, in the interests of road safety for the proposed development and other road users.

36. Driveways over service verges shall be constructed to accommodate vehicles and shall be surfaced with bituminous macadam.

**Reason:** To ensure acceptable infrastructure is provided at the property accesses.

37. No works shall commence on any phase of the development until details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority regarding:

- a) A Construction Traffic Management Plan which shall include the following information:
  - duration of works;
  - construction programme;
  - number of vehicle movements (i.e. materials, plant, staff, components);
  - anticipated schedule for delivery of materials and plant;
  - full details of construction traffic routes from the Strategic Road

Network (A941/A96) to the site, including any proposals for temporary haul routes and routes to be used for the disposal of any materials from the site;

- measures to be put in place to prevent material being deposited on the public road;
- measures to be put in place to safeguard the movements of pedestrians;
- traffic management measures to be put in place during works including any specific instructions to drivers; and
- parking provision, loading and unloading areas for construction traffic.

and

b) Details of any required/proposed temporary construction access which shall include the following information:

- a drawing (scale 1:500 minimum) regarding the location and design specifications of the proposed access(es);
- specification of the materials used for the construction access(es);
- all traffic management measures required to ensure safe operation of the construction access(es);
- details, including materials, for the reinstatement of any temporary construction access(es); and
- details regarding the timescale for the opening up and closure of any temporary access(es) together with the time period over which the temporary access(es) will be used.

Thereafter, the development of that phase(s) shall be implemented in accordance with the approved details.

**Reason:** To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site, road safety and the amenity of the area/adjacent properties.

38. Prior to the commencement of the 50th dwelling (house and/or flat/apartment) within E1 and E2 combined OR prior to the commencement of any non-residential, including commercial development but excluding the proposed primary school and local community 'hub', the following shall be provided:

- written details of the timescale for delivery of junction improvements at North Street/Morrison Road.

Thereafter, and prior to the commencement of the 100th dwelling (house and/or flat/apartment) within E1 or E2 combined OR prior to the commencement of any non-residential, including commercial development but excluding the proposed primary school and local community 'hub', the North Street/Morrison Road junction improvements and pedestrian and cycle facilities shall be provided in accordance with the approved details and agreed timescales.

**Reason:** To ensure that the road network continues to operate safely and efficiently for the benefit of all road users, including for pedestrians and cyclists.

39. Notwithstanding the details submitted on Drawing 2714 Rev A 'Bus Tracking Plan' which are not accepted, no development shall commence until details (Plans scale 1:500 minimum) have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority which demonstrate that bus and HGV swept paths can be safely accommodated with opposing vehicle movements, within turning areas and at junctions with safe clearance from any features (landscaping, walls, parked vehicles etc) and without over-run of any area not designed to accommodate vehicle over-run. Thereafter the development shall be completed in accordance with the approved details.

**Reason:** To ensure an acceptable infrastructure is provided to accommodate the development in road safety terms through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

40. Notwithstanding the details submitted in the Street Engineering Review and shown on Drawing 17045(PL01)002\_F 'Site Layout', for the 'steps' located to the south of plot 105 which are not accepted, no development shall commence until details (Plans scale 1:500 minimum) have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority which show provision of a path either in place of, or in addition to the proposed steps which are DDA compliant. Thereafter the development shall be completed in accordance with the approved details.

**Reason:** To ensure acceptable infrastructure is provided on the route to/from the development and the provision of details currently lacking.

41. Notwithstanding the details shown on Drawing 17045 (PL01)008\_A and 17045 (PL01)002 F (which are not accepted), no development shall commence on Plot 85 until revised details (Plan scale 1:500 min) have been submitted for approval in writing by the Planning Authority in consultation with the Roads Authority, which show the proposed 1800mm pier wall and fence boundary set back a minimum of 2 metres from the edge of the public road. Thereafter the development shall be completed in accordance with the approved details.

**Reason:** To ensure an acceptable form of development and the provision of visibility for Plot 85 in the interests of road safety and the submission of details currently lacking or incorrectly shown.

42. Prior to any Flexible Retail/Commercial unit being first occupied or brought into use, whichever is the sooner, a Deliveries Management Plan for that unit shall be submitted to and approved in writing by the Council, as Planning Authority, in consultation with the Roads Authority, for the management of all deliveries to the development, with all loading and unloading to be undertaken within the dedicated servicing area, and thereafter all deliveries shall be undertaken in accordance with the approved plan.

**Reason:** In the interests of road safety and the submission of details currently lacking from the submission.

43. No development shall commence until the following information has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority:
- a) Details (Plans 1:500 min and Specifications) showing the design of an enclosed bus shelter, flags to be provided at the bus turning loop.
  - b) Details (Plans 1:1000 min) showing the extents of all roads and paths to be completed to enable access to be provided for bus services.
  - c) evidence of a written agreement with local bus operators for the provision of bus services to serve that phase, including the extension/enhancement of existing bus services and/or the provision of new dedicated bus services to provide a minimum level of service operating from 7.00am to 6.00pm at a half hourly frequency, Monday to Friday inclusive, and from 8.00am to 6.00pm at an hourly service on Saturday, for a minimum duration of two years.

Thereafter, the bus stop infrastructure, and roads required to access the infrastructure from the A941 shall be completed and bus services shall be provided in accordance with the approved details prior to the completion of the first house within the development (E2).

**Reason:** To ensure the satisfactory provision of public transport infrastructure to serve the development.

44. No development shall commence until the following details have been submitted for approval in writing by the Council, as Planning Authority in consultation with the Roads Authority:
- a) Details to confirm the proposed phasing/build out programme of roads within the site including timescales for the completion of the southern and northern A941 accesses.
  - b) Evidence that the statutory process (Roads Construction Consent) to consider the details of the northern A941 site access including, kerbing, street lighting and drainage has been completed.

Thereafter, unless otherwise agreed by the Council, as Planning Authority in consultation with the Roads Authority, the development shall be completed in accordance with the approved details and no house or flat shall be completed prior to the completion of the A941 site access and roads required to provide access.

The following requirements shall be complied with:-

- a) Visibility splays shall be provided in both directions at the site accesses from Findrassie onto the A941 Lossiemouth Road and shall be maintained clear of any obstruction above 0.6 metres in height, measured from the level of the carriageway;
- b) The visibility requirements and landscaping provision within the 9m x 215m visibility splay shall be reviewed upon any proposed change to the agreed junction layout or the A941 speed limit and the advanced planting shall be planted in the first bare root planting season following the completion of any approved changes to the junction layout or the speed limit; and

- c) The visibility splay arrangement shall be reviewed no-less than 3-years from the commencement of construction, and thereafter every 18 months until such time as the splays are reduced, as confirmed by the Council, as Planning Authority in consultation with the Roads Authority. Within 3 months of the reduced splay being confirmed, a revised scaled landscape plan showing the re-introduction of the trees (as many as is practicably possible) within the affected splay areas including timescales for planting shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority.

**Reason:** To ensure an acceptable road and junction layout is provided and maintained for road users at all times in the interests of road safety and the advance planting requirements are reviewed in association with any changes to the A941 junction layout and A941 speed limit.

45. No house or flat shall be occupied until parking has been provided and made available for use by that house or flat and unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority. The parking arrangements shall be retained and maintained in perpetuity as parking spaces for use in conjunction with that house or flat hereby approved.

**Reason:** To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.

46. Notwithstanding the details submitted (Drawings EVC P003 Rev E, 17045(PL01)004\_D, 17045(PL01)005\_C and 17045(PL01)006\_C) and the EV charging provision and car park layout for the proposed flats (Plots 143-156) and retail/commercial units (which are not acceptable), no development shall commence until the following details have been submitted for approval by the Council, as Planning Authority in consultation with the Roads Authority:
- a) Details (Plans scale 1:500 min) showing provision and layout of EV charging infrastructure and parking spaces serving the flats (Plots 143-156) and Retail/Commercial units compliant with Moray Council Planning Policy and Guidance.
  - b) Design/specifications for the proposed mounting/installations to be provided for any future EV charging points which would not be mounted on a wall/within a garage.

Thereafter the development shall be completed in accordance with the approved details and parking provision and EV charging infrastructure shall be maintained and available for this purpose unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority.

**Reason:** In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport, through the provision of details currently lacking from the submission.

47. No house or flat shall be completed until the roads and paths connecting it to the existing A941 and Elgin-Lossiemouth cyclepath have been completed and opened to the public.

**Reason:** In the interests of an acceptable form of development and the provision of safe access for all road users in the interests of road safety.

**Reason(s) for Decision**

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

The proposal accords with the provisions of the development plan and there are no material considerations that indicate otherwise.

**List of Informatives:**

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

A Building Warrant will be required for the proposals. Should you require further assistance please contact the Building Standards Duty Officer between 2pm and 4pm or telephone on 03001234561. No appointment is necessary. Alternatively e-mail [buildingstandards@moray.gov.uk](mailto:buildingstandards@moray.gov.uk)

This application is covered by the existing S75 legal agreement associated with the planning consent 17/00834/PPP and S42 application 19/01085/PPP. Developer obligations relating to primary education facilities (2.5ha serviced site for a primary school), secondary education facilities, healthcare, transportation and sports and recreation facilities will be secured through this agreement in accordance with the triggers set out within the agreement, the first being payment towards transportation upon completion of the 130th dwelling.

SCOTTISH WATER, has commented that:

See attached consultation responses dated 10 September 2021.

THE DEFENCE INFRASTRUCTURE ORGANISATION, has commented that:

See attached consultation responses dated 28 September 2021.

THE ENVIRONMENTAL HEALTH AND TRADING STANDARDS MANAGER, has commented that:

Conditions 61,63,64 - the lack of details on the proposed end users to the shell commercial uses on the ground floor of supporting drawing reference 17045(PL01)400-B , combined with the unknown nature of any external or internal plant and delivery activities, requires these issues to be addressed by the existing conditions on consent 19/01085/APP. It is anticipated that further applications for



planning permission will be required and will necessitate detailed assessment of noise and odour impacts in accordance with the most up to date guidance at the time of application.

THE TRANSPORTATION MANAGER, DIRECT SERVICES, has commented that:

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

Road Safety Audit requirements for the proposed development shall be determined through the Road Construction Consent process as required.

Construction Consent shall include a CCTV survey of all existing roads drainage to be adopted and core samples to determine the construction depths and materials of the existing road.

Requirement for any traffic calming, road construction materials and specifications and any SuDS related to the drainage of the public road must be submitted and approved through the formal Roads Construction Consent process.

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

If any street furniture will need to be repositioned or any existing roadside ditch requires a pipe or culvert these works shall be at the expense of the developer. Advice on these matters can be obtained by e-mailing [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)

Street lighting will be required as part of the development proposal.

Private Roads - A responsible party, constituting the road manager, must be nominated for a private road and this information included within the National Gazetteer through the Scottish Road Works Register (SRWR).

The developer shall ensure that no water or loose material shall drain or be carried onto the public footpath/carriageway.

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

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

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

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

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

THE HOUSING STRATEGY AND DEVELOPMENT MANAGE, has commented that:

The applicant is advised that the WC turning circle will not be required in the ground floor WC in the accessible units and may wish to consider to enlarging the kitchen instead as this would be more useful to the likely occupants. The protected area for potential future through floor lift and a WC turning circle in the first floor bathroom would be sufficient.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
EVCP003 E	Electric charging areas
17045(PL)130 B	Single garage
17045(PL)190	1.8m feature boundary wall
17045(PL)191	700mm high wall
17045(PL)193	700mm wall
B	Site compound with covid signage
DET/07/03/01	1800mm screen fence
P13779-SK60-A	Morrison Road A941 Revised Mitigation
17045(OS)006 A	Location plan
	CTMP
415.29.51 K	SUDS and Lossiemouth Landscape 2-E1
17045(PL)312	Type 2 semi - elevations and floor plans
17045(PL)140-1A	Type Z - elevations and floor plans
17045(PL)140-2A	Type Z - elevations and floor plans

17045 PL 344		Type 4 Ralston CA1-K
17045 PL 390		Type 10 Duns CA1-K
17045 PL 391		Type 10 Duns CA2-K
17045 PL132		Refuse storage
17045_PL01_008		Site boundary treatment
17045_PL01_003		Site layout Topo
17045_PL01_004		Electric vehicle charging - sheet 1
17045_PL01_005		Electric vehicle charging - sheet 2
17045_PL01_006		Electric vehicle charging - sheet 2
17045_PL01_008	A	Boundary treatments
17045_PL01_010	D	Materials plan
17045_PL01_050	C	Site sections
17045_PL01_400	B	E Flats - floor plans
17045_PL01_401	B	E Flats - elevations
415-42-01	F	Landscape - sheet 1
415-42-02	F	Landscape - sheet 2
415-42-03	F	Landscape - sheet 3
415-42-04	F	Landscape - sheet 4
415-42-05	F	Landscape - sheet 5
415-42-06	F	Landscape - sheet 6
415-42-07	F	Landscape - sheet 7
13779 - 2500	K	Drainage layout - phase E2
13779 - 2520	D	Proposed overland flow
13779 - 2522	E	Proposed flooding extents

415-42-09	Remove bus loop planting
17045(PL)107-3	House Type G - elevations and floor plans
13779 - 2550 E	Site levels sheet 1 of 2
13779 - 2551 E	Site levels sheet 2 of 2
13779 - 2570 E	Burn plan and sections
13779 - 2700 E	Roads general arrangement plan - phase E2
13779 - 2709 C	Indicative service trench location
13779 - 2709 C	Tracking plan - Phase E2
13779 - 2712 C	Street lighting layout - Phase E2
17045(PL)107-2	House type G - elevations and floor plans
13779 - 2713 D	Kerbing plan - Phase E2
13779 - 2714 B	Bus tracking plan
13779 - 2715 A	Bus terminus layout
13779 - 650 J	Surface water drainage strategy
13779 - 9000 N	Volumetric analysis
13779 - SK25 F	Flooding
13779 - SK66	Safe route to school
CSL001	Pollution Prevention plan layout
17045 PL 103-4 TYPE C_CA2 - K	Type C - elevations and floor plans
17045 PL 103-4 TYPE D_CA1 - K	Type D - elevations and floor plans
17045 PL 104-2 TYPE D_CA1	Type D - elevations and floor plans
17045 PL 104-6 TYPE D_CA3-CREAM	Type D- elevations and floor plans
17045 PL 104-7 TYPE D_CA3-WHITE	Type D - elevations and floor plans

17045 PL 108-2 TYPE H_CA3-WHITE	Type H- elevations and floor plans
17045 PL 108-3 TYPE H_CA2-PINK	Type H - elevations and floor plans
17045 PL 109 TYPE V_CA2-PINK	Type V - elevations and floor plans
17045 PL 109-1 TYPE J_CA2-CREAM	Type J - elevations and floor plans
17045 PL 109-2 TYPE J_CA3-CREAM	Type J- elevations and floor plans
17045 PL 109-3 TYPE J_CA3-WHITE	Type J - elevations and floor plans
17045 PL 109-4 TYPE J_CA3-K	Type J Glamis - elevations and floor plans
17045 PL 109-5 TYPE J_CA2-PINK	Type J - elevations and floor plans
17045 PL 114-4 TYPE K_CA3-CREAM	Type K - elevations and floor plans
17045 PL 109-6 TYPE J_CA2-K	Type J Glamis - elevations and floor plans
17045 PL 112-3 TYPE M_CA3-CREAM	Type M - elevations and floor plans
17045 PL 114-2 TYPE K_CA3-K	Type K - elevations and floor plan
17045 PL 114-5 TYPE K_CA2-PINK	Type K - elevations and floor plans
17045 PL 200-3 TYPE N_CA2-CREAM	Type N - elevations and floor plans
17045 PL 200-4 TYPE N_CA2-PINK	Type N - elevations and floor plans
17045 PL 204-1 TYPE S_CA2-K	Type S - elevations and floor plans
17045(PL)1)007           D	Accessible housing location
17045_PL_371_TYPE 8_CAS-CREAM	Type 8 - elevations and floor plans
17045 PL 208 TYPE W_CA3-CREAM	Type W- elevations and floor plans
17045 PL 205-2 TYPE T_CA3-WHITE	Type T- elevations and floor plans
17045 PL 206-4 TYPE U_CA3-K	Type U - elevations and floor plans

17045 PL 206-4 TYPE U_CA3-K	Type U- elevations and floor plans
17045 PL 300 TYPE 1_CA2-PINK	Type 1 - elevations and floor plans
17045 PL 303 TYPE 1_CA1-K	Type 1 - elevations and floor plans
17045 PL 304 TYPE 1_CA2-CREAM	Type 1 - elevations and floor plans
17045 PL 310 TYPE 2_CA3-WHITE	Type 2 - elevations and floor plans
17045 PL 351 TYPE 5_CA1-K	Type 5 - elevations and floor plans
17045 PL 352 TYPE 5_CA2-CREAM	Type 5 - elevations and floor plans
17045 PL 353 TYPE 5_CA2-K	Type 5 - elevations and floor plans
17045 PL 360 TYPE 6_CA3-CREAM	Type 6 - elevations and floor plans
17045 PL 361 TYPE 6_CA3-WHITE	Type 6 - elevations and floor plans
17045 PL 363 TYPE 6_CA2-PINK	Type 6 - elevations and floor plans
17045 PL 370 TYPE 8_CA1	Type 8 - elevations and floor plans
17045 PL 372 TYPE 8_CA3-CREAM	Type 8 - elevations and floor plans
17045 PL 373 TYPE 8_CA3-WHITE	Type 8 - elevations and floor plans
17045 PL 374 TYPE 8_CA2-PINK	Type 8 - elevations and floor plans
17045 PL 380 TYPE 9_CA1	Type 9 - elevations and floor plans
17045 PL 381 TYPE 9_CA2-CREAM	Type 9 - elevations and floor plans
17045 PL 382 TYPE 9_CA1-K	Type 9 - elevations and floor plans
17045 PL 383 TYPE 9_CA3-WHITE	Type 9 - elevations and floor plans
17045 PL 384 TYPE 9_CA3-CREAM	Type 9 - elevations and floor plans
17045 PL 385 TYPE 9_CA2-K	Type 9 - elevations and floor plans

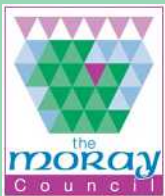
17045 PL 400 TYPE 11_CA2-K	Type 11 - elevations and floor plans
17045 PL 401 TYPE 11_CA3-WHITE	Type 11 - elevations and floor plans
17045 PL112-4 TYPE M_CA2-PINK	Type M - elevations and floor plans
17045 PL 105-1	Type E Campbell - elevations and floor plans
17045 PL 105-2	Type E Campbell - elevations and floor plans
17045 PL 131	Double garage
17045 PL 211-1	Type Y Strathconnon CA3-K
17045 PL 211-2	Type Y Strathconnon CA2-K
17045 PL 342	Type 4 Ralston CA2-K
17045 PL 343	Type 4 Ralston-CA3-K
17045(PL01)001          D	Presentation layout
17045(PL01)002          F	Site layout

Additional information to be issued with decision:

Scottish Water consultation response dated 10 September 2021  
 Design, Compliance and Placemaking Statement February 2022 – Issue 4  
 Placemaking Statement February 2022  
 Biodiversity Plan received 11 March 2022  
 Drainage Impact Assessment and Level 1 Flood Risk Assessment Rev B - 04.03.2022  
 Noise Impact Assessment by KSG Acoustics rev 1 -24 February 2022  
 Construction Environmental Management Plan by Envirocentre – August 2021  
 Dust Management Plan by Envirocentre – July 2020  
 Tree Survey Report by Envirocentre V4 – February 2022  
 Condition 43 Mitigation Statement by Envirocentre – 19 August 2021  
 Ecology Survey Report by Envirocentre – 21 June 2021  
 Play Equipment Document by HAGS - 3 March 2022







## PLANNING APPLICATION COMMITTEE SITE PLAN

**Planning Application Ref Number:**

**21/00961/AMC**

**Site Address:**

**Site R11 Findrassie/Myreside And I8 Newfield  
Elgin**

**Applicant Name:**

**Barratt North Scotland**

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## Location Plan



Site Location



Site plan





# Street scene

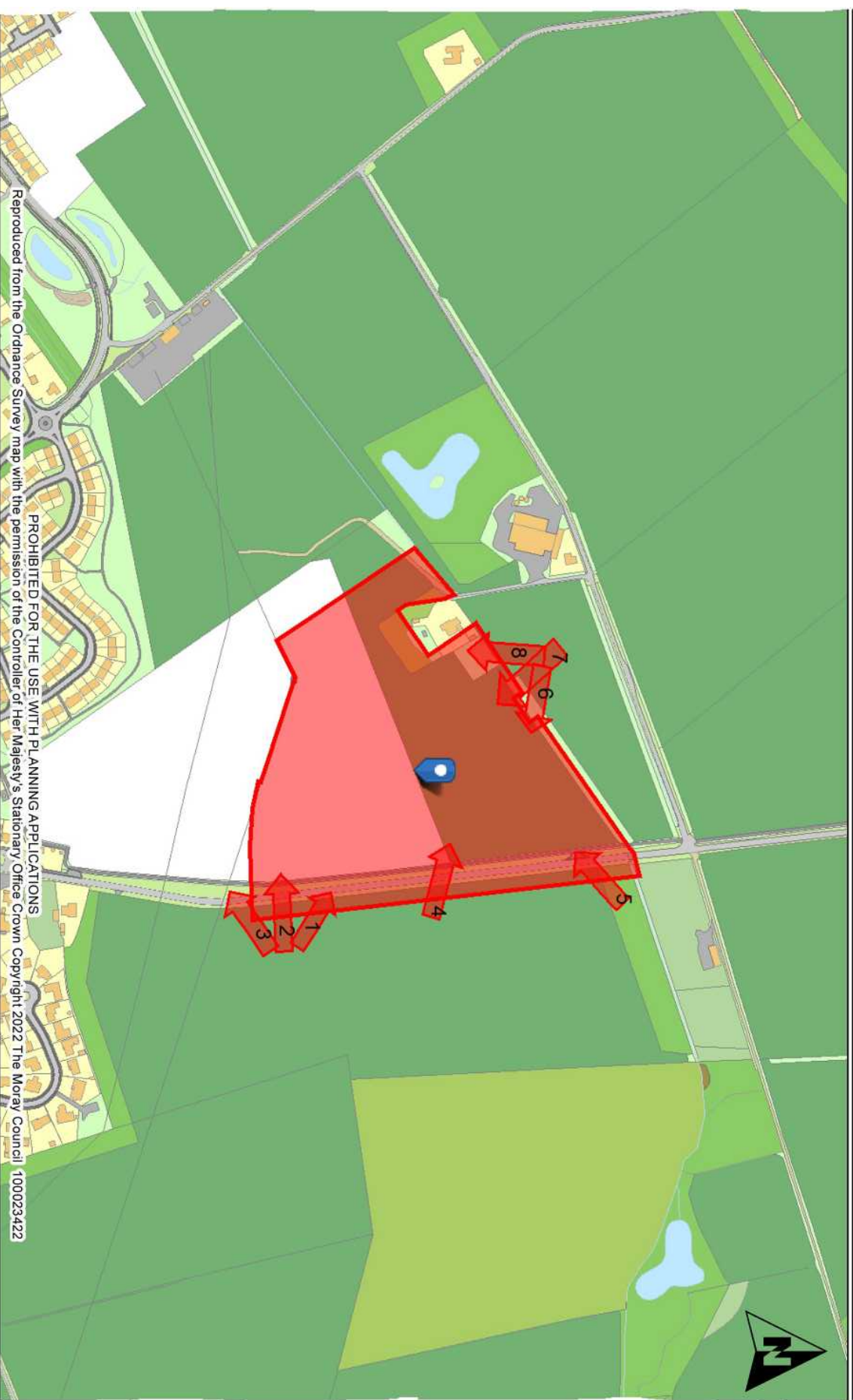


SECTION A-A  
SCALE 1:500



SECTION B-B  
SCALE 1:500

## Photograph Positions



Map Description: Arrows point in direction photograph was taken.

Scale: 1:5,000 @ A4



**Photo 1**





**Photo 2**





**Photo 3**





**Photo 4**



**Photo 5**





**Photo 6**





**Photo 7**





**Photo 8**





## PLANNING APPLICATION: 21/00961/AMC

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

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### **THE PROPOSAL**

- This AMC application (revised) seeks approval of matters specified in conditions 1 - 19, 25-58 & 61-64 on planning consent 17/00834/PPP and in relation to S42 application reference 19/01085/APP for a proposed residential development of 156 homes and 570sqm flexible retail/commercial floor space (potential Class 1, 2, 3, & 10) including affordable housing with landscaping parking access and associated works within Phase E2 of Area 1 at site R11 Findrassie/Myreside Site and I8 Newfield Elgin.
- The application originally sought approval for 178 units, however this has been reduced to 156 units to allow for the retention of existing mature trees within the northwest part of the site.
- The application comprises the following:
  - 156 residential units with associated infrastructure in housing phase E2 and E2B of the masterplan area. This would comprise a series of roadways, cycle/footpaths and landscaped open spaces with housing laid out across the area;
  - A landscape strip (and access junction) within Advanced Planting Area A-PE (East) along Lossiemouth Road within the eastern part of the site. This would consist of avenues of Lime trees along both sides of the A941 Lossiemouth Road and an access junction providing access to the Elgin R11 development; and
  - A SuDS detention basin within the north of the site (already approved under 20/00753/AMC), within the south-eastern part of the P1 Primary Open Space phase of the masterplan area;
- The housing site would be served by two primary vehicular accesses, the first onto Lossiemouth Road to the east and the second to the south which would connect into the E1 phase of housing currently under construction. Footpath and/or cycle path connections are proposed to the north, northwest and south.
- 117 residential units would be private/open market and 39 would be affordable.
- Nineteen open market house types (all two storey) are proposed:- K (2 bedroom terraced house), C (3 bedroom terraced), M (3 bedroom semi-detached), D (3 bedroom semi-detached), J (3 bedroom plus office/study detached with integral garage), H (3 bedroom plus office/study detached with integral garage), E (3 bedroom plus office/study detached), Y (3 bedroom detached), Z (3 bedroom terraced), G (4 bedroom detached with integral garage), 1 (3 bedroom semi-detached), 2 (3 bedroom semi-detached with integral garage), 4 (3 bedroom plus office/study detached), 5 (3 bedroom plus office/study detached), 6 (4 bedroom detached with integral garage), 8 (3 bedroom plus office/study detached), 9 (3 bedroom plus office/study detached), 10 (4 bedroom detached) and 11 (4 bedroom plus office/study detached).

- Eight affordable types are proposed – U (4 bedroom terraced 2 storey), T (3 bedroom terraced 2 storey), N (2 bedroom terraced bungalow), W (5 bedroom detached 2 storey), V (3 bedroom bungalow), S (2 bedroom bungalow), F2 (1 bedroom apartment) and F3 (3 bedroom apartment).
- 10% of the private dwellings would be accessible units (11).
- The site layout would comprise three character areas - Lossiemouth Road, Open Space and Internal Housing Pockets, with each distinguished by different material finishes to the houses and flats. These include smooth white render, pink and cream drydash render, cast/precast stone, re-constituted slates/concrete roof tiles and window/doors of various colours.
- Surface water drainage infrastructure would consist of a range of SuDS measures including roadside swales, tree pits, a bio retention system (rain garden) and roads drainage which would discharge to a detention basin and swale within the northern part of the site (with outfall to the adjacent watercourse (Sey Burn)). These latter elements (basin and swale) were approved under planning consent 20/00753/AMC as part of the phase E1 development to the south and are currently under construction.
- The houses and flats would be connected to the public sewer and water supply network. This would be via a new permanent pumping station/rising main located on ground to the northeast of the proposed SuDS detention basin on the opposite side of the A941 that would connect to the Moray West Water Treatment Works at Lossiemouth.
- Detailed landscaping plans for the site set out species, sizes, spacing and maintenance information across the site and along the adjacent A941 corridor. An accompanying Tree Survey contains details of 116 trees and three tree groups; this confirms the removal of 37 trees (23 Category C, 1 Category A, 8 Category and 5 U Category) surveyed to accommodate the proposed development.
- Supporting information includes:
  - Design, Compliance and Placemaking Statement
  - Placemaking Statement
  - Landscape Scheme, Planting Specification and Maintenance Information
  - Biodiversity Plan and Biodiversity Net Gain Barratt Good Practice Guide
  - Traffic Impact Assessment and addendum report
  - Drainage Impact Assessment and Level 1 Flood Risk Assessment
  - Noise Impact Assessment (Construction Noise and Vibration)
  - Construction Environmental Management Plan
  - Air Quality Assessment and Dust Management Plan
  - Geotechnical Design and Environmental Risk Assessment
  - Tree Survey Report
  - Mitigation Statement detailing measures to protect the Loch Spynie SSSI, SPA and Ramsar Sites
  - Ecology Report
  - Archaeological evaluation (Data Structure Report)
  - Planning Conditions Tracker
  - Policy EP7 Compliance Statement
  - Parking Strategy Statement



## **THE SITE**

- The application site extends to 8.22 hectares and lies to the north of the E1 phase of housing development currently under construction at Findrassie. It forms part of Area 1, an irregular shaped area of land approximately 48.6 hectares (with planning permission in principle 17/00834/PPP and 19/01085/APP) which represents the south-eastern part of Elgin R11 Findrassie Site and western edge of the I8 Newfield Elgin designations (Findrassie Masterplan), as identified in the Moray Local Development Plan 2020.
- The application site encompasses the following areas as identified in the phasing plan for Area 1: housing phases E2 and E2B, Advanced Planting Area A-PE (East) and the eastern part of the P1 Primary Open Space phase to accommodate a SuDS detention basin and drainage pipework.
- No development is proposed within the Elgin I8 Newfield designation except for a 20m wide strip of landscaping located on the edge of the A941 Lossiemouth Road.
- The site currently comprises grassland, areas where works are ongoing to lay sewage and SuDS basin infrastructure and an area of woodland and garden ground associated with a property named Myreside. The A941 Lossiemouth/Elgin Road and adjacent cycle way also run through the eastern part of the site. The Sey Burn runs west-east along north boundary of the site.
- Agricultural land lies the north and west, prospective phases E3 and E4 to the southwest, agricultural land to the east (I8 Newfield Elgin), and phase E1 to the southwest/south, which is currently being developed. Myreside farm lies to the west.
- The SEPA flood map shows the site being at 'little or no risk' from river flooding, and indicates that parts of the eastern and northern areas of the site are at risk (low, medium and high) from surface water flooding.
- An overhead electricity power line runs along the southern site boundary. A second smaller overhead to the north would be underground.
- Land within Area 1 is not subject to any landscape or natural or cultural heritage designations except in relation to known areas of archaeological interest located over parts of the site.

## **HISTORY**

**20/00753/AMC** – Application for Approval of Matters Specified in Conditions 1-17, 19, 25-34 and 36-58 on planning consent 17/00834/PPP and in relation to S42 application reference 19/01085/APP for a proposed residential development of 113 homes including affordable housing with landscaping parking access and associated works within part of Area 1 (E1) at Site R11 Findrassie/Myreside and I8 Newfield, Findrassie. Consent issued 27 January 2021. Construction works commenced early 2021 and are ongoing.

**19/01085/APP** - Application approved under Section 42 to vary conditions 1-12, 14-16, 18, 20, 21, 23-25, 31, 32, 37, 38, 40, 41, 43-51, 53-58, 60-62 and 65 (total 46 of 65) of planning consent 17/00834/PPP to allow for development of the site and associated infrastructure to be built in phases through submission/approval of details of elements (including triggers for infrastructure requirements) in accordance with an overall phasing plan at Site R11 and I8 Newfield, Findrassie. Consent issued 18 August 2020.

**19/01220/AMC** - Application for Approval of Matters Specified in Conditions 1-17, 19, 23, 25-30, 37-44, 45-47, 52, 53 and 58 on planning consent 17/00834/PPP for proposed residential development of 92 homes including affordable housing with landscaping

parking access and associated works within part of Area 1, R11 Findrassie/I8 Newfield – this extends to 5.3ha, forms the southern corner of the Area 1 site. Application withdrawn 29 June 2020.

**17/00834/PPP** – Planning permission in principle for "mixed use development" with Class 9 residential development including affordable housing and student residential accommodation, community facilities including a primary school with playing fields, associated neighbourhood uses within Class 1 (Shops), Class 2 (Financial, professional and other services), Class 3 (Food and drink), Class 4 (Business), Class 7 (Hotel), Class 8 (Residential institutions) and Class 10 (Non-residential institutions) (Use Classes Order 1997 refers) together with associated infrastructure, for example, roads, drainage, services, open space, and landscaping including advance landscaping at sites R11 Findrassie/Myreside Site and I8 Newfield Elgin. This was granted subject to 65 conditions and a S75 legal agreement requiring developer obligations towards primary education facilities (2.5ha serviced site for a primary school), secondary education facilities, healthcare, transportation and sports and recreation facilities; and delivery of positive boundary treatment to western edge of existing electricity sub-station. Consent issued 1 July 2019.

**16/00413/PAN** - Proposal of Application Notice (PAN) for mixed use development with Class 9 residential development including affordable housing and student residential accommodation, community facilities, a primary school with playing fields, associated neighbourhood uses within Class 1 Shops, Class 2 Financial, professional and other services, Class 3 Food and drink, Class 4 Business, Class 5 General Industrial, Class 6 Storage and distribution, Class 7 Hotel, Class 8 Residential institutions, Class 10 Non-residential institutions (Use Classes Order 1997 refers) together with associated infrastructure (for example roads, drainage, services, open space, landscaping including advance landscaping) at R11 Findrassie/Myreside and 18 Newfield - response (28 March 2016) confirms the requirements for consultation with the local community. Following consideration of the PAN, the Planning & Regulatory Services Committee advised (19 April 2016) that consideration should be given to placing overhead electricity lines underground, and to note the current pressure of school rolls in the area [paragraph 13 of Minute refers].

**16/01374/SCN** - Screening Opinion for mixed use development comprising Class 1 Shops, Class 2 Financial, professional and other services, Class 3 Food and drink, Class 4 Business, Class 5 General Industrial, Class 6 Storage and distribution, Class 7 Hotel, Class 8 Residential institutions, Class 10 Non-residential institutions (Use Classes Order 1997 refers) sui generis student residential accommodation and associated infrastructure works (including roads drainage open space and landscaping) at Findrassie - formal Screening Opinion adopted/issued (17 October 2016) confirmed that the proposed development was not EIA development.

## **POLICY - SEE APPENDIX 1**

## **ADVERTISEMENTS**

- Advertised for neighbour notification purposes and as a departure to the development plan.

## **CONSULTATIONS**

**Strategic Planning & Delivery:** The proposals meet the relevant policy requirements set out in the Moray Local Development Plan 2020. Design issues are addressed in detail within the Quality Audit carried out in relation to the application, and the proposal satisfies the criteria and 7 principles set out on PP1 Placemaking and other provisions of the plan, including PP1, PP3, DP1, DP2, DP7, EP2, EP5, EP7, EP12 and EP15.

The Findrassie Masterplan seeks to create a mixed use neighbourhood that will provide facilities such as a school, community hub, retail/commercial space, as well as a significant central open space for residents to enjoy. The whole masterplan area is identified in the Moray Local Development Plan 2020 as being effective for the plan period and has an indicative capacity of 1500 units. This site represents the second phase of the Findrassie Masterplan and is located within the Lossiemouth Road Character Zone.

PP1 Placemaking, R11 Findrassie and Findrassie Masterplan - The purpose of PP1 is to create distinctive places with their own character and identity that support healthier lifestyles and climate change. This is reflected within the Findrassie Masterplan. The site designation text for site R11 Findrassie sets out that proposals must comply with the Findrassie Masterplan SG. The Findrassie Masterplan was approved in December 2015. Whilst the Masterplan is not Supplementary Guidance to the LDP2020 it continues to be a material consideration in the determination of planning applications. A review of the Masterplan to reflect the new LDP2020 policies is being progressed.

Quality Audit - A Quality Audit (QA) was undertaken on the proposal by a multi-disciplinary team consisting of Council Officers from Strategic Planning and Development, Development Management, Transportation, Housing, Flood Risk Management and Nature Scot. The QA represents the collective view of internal consultees and Nature Scot in terms of whether the proposal complies with PP1 and the Masterplan. The QA assessed the proposal against the seven fundamental placemaking principles of PP1 and the Findrassie Masterplan. To comply with PP1 and the Masterplan and deliver a distinctive place with all the health and environmental benefits associated with this the proposal must achieve green in all categories of the QA.

Officers have worked with the applicant to achieve revisions to the proposals. This has involved several meetings with the applicant and assessment of revised proposals. It is noted that the applicant had taken cognisance of the discussions on Placemaking from the previous E1 application with significant progress made in the Character and Identify category when the application was first submitted.

The final QA that accompanies this response shows that the proposal scores green on 9 out of the 9 categories on the proviso that the conditions detailed in this response and in the QA are attached to the consent. The revisions made by the applicant are summarised within the observations and summary table below.

PP3 Infrastructure and Services: The proposal must have the necessary infrastructure and services to serve the development. Consultees will respond individually in terms of whether the proposal meets the policy requirements for transportation, foul and surface water drainage (including SuDS) and active travel requirements.

Plans showing EV charging points in-curtilage and at communal parking areas have been provided. However, there is a shortfall of EV charging spaces in the communal parking areas for the flats and retail/commercial. Conditions are required to ensure adequate provision is delivered as set out in the response from Moray Council Transportation.

Developer obligations pertaining to this application have previously been secured through a s.75 agreement for planning application 17/00834/APP.

DP1 Development Principles: Design matters are addressed above through PP1 and the Findrassie Masterplan. Consultees have identified the necessary impact assessments and these must be undertaken to their satisfaction and mitigation measures put in place where required. Matters identified in individual consultee responses will require to be addressed to comply with policy DP1.

A car parking plan has been submitted within the Placemaking Statement showing a maximum of 50% of parking to the front of buildings. On most streets, hedging, trees or on some corner plots, walls have been used to mitigate the impacts of parking on the street scape. However, additional tree planting is required to mitigate the impact of parking on the street identified as "O" within the Placemaking Statement at plots 106, 107 and 121. Parking at the front of plots 121-123 and in front and to the rear of the retail units/apartments must be broken up with hedging, trees or shrub planting. These elements require to be conditioned.

On the basis that parking provision has been agreed with Transportation Services, the parking arrangements are considered to comply with policy DP1, PP1 and the PPG, subject to the required mitigation being provided.

DP2 Housing: A comprehensive layout for this phase of the Findrassie development has been provided as required by policy.

The quantitative requirements for affordable and accessible housing have been met. Affordable housing is considered to be integrated within the development and has similar architectural styles and materials to private houses.

Subject to a condition in respect of the detailed delivery arrangements for affordable housing the proposal is considered to comply with policy DP2 Housing and condition 8 of planning consent 17/00834/PPP and S42 application 19/01085/APP.

DP7 Retail/Town Centre: Small shops intended to primarily serve the convenience needs of a local neighbourhood are supported by part c of policy DP7. Other small units of up to 150sqm that contribute to creating a mix of uses in a neighbourhood are also supported. 570 sqm of retail and commercial floor space is proposed in line with condition 22 of consent 20/00753/AMC and the uses proposed within the masterplan. This will help to create a "walkable" neighbourhood and help to meet the day to day needs of the neighbourhood. This is considered to be in line with policy DP7. As required by condition 22 of consent 20/00753/AMC the units are to be advertised for sale or lease on the open market for a minimum of 5 years from their completion after which a review of the marketing period will be required if the units remain vacant. 200sqm of space should be reserved for class 1 (shop, food) and class 3 in line with condition 22 of consent 20/00753/AMC. The smaller units contribute to creating a mix of uses in a neighbourhood centre as supported by policy DP7.

Therefore the proposal is considered to comply with policy DP7 Retail/Town Centre and condition 14 of planning consent 17/00834/PPP and S42 application 19/01085/APP.

EP2 Biodiversity: Policy EP2 requires proposal to provide a Biodiversity Plan to demonstrate how the layout will integrate measures to enhance biodiversity and create new habitats by including biodiversity features in the design of the development.

The applicant has provided a Biodiversity Plan (within Placemaking Statement) and separate written biodiversity statement in conjunction with a detailed landscape plan. This shows a number of measures will be incorporated into the layout to promote and enhance biodiversity. The plan shows that plots will have hedgehog highways in gardens to allow movement of hedgehogs. Swift bricks are to be incorporated into a number of houses. The rain garden will be planted with emergent/species in the central open space and swales on the north/south route and on site edges planted with a wet meadow mix. Most of the trees around Myreside Farmhouse and the habitat along the Sey Burn corridor is to be retained. The layout also features hedges as boundary treatments and planting along streets helping to soften the streetscene but also promote biodiversity and green networks. A variety of shrub species that act as pollinators have been proposed throughout the phase.

On the basis of the measures provided in the Biodiversity and Landscape plans the proposal is considered to comply with EP2.

EP5 Open Space/PP1 Placemaking c (iv) Open Space/Landscaping:

#### Open Space Provision

The layout includes a central rectangular open space within the grid/block structure. This acts as a focal point within the development and is a feature reflected across the first and future phases of Findrassie. The space includes a play area, rain garden, space for future community growing, and seating. This gives the space a clear function and provides opportunities for social interaction. In terms of quantity the central open space and other landscape areas meet the policy requirement for 20% of the site to be open space. An assessment against the quality criteria of EP5 was undertaken as part of the QA and resulted in a score of over 75% for quality. However, this was based on indicative proposals for the play area as finalised details of the play area have not been provided. Whilst an indication has been provided that the type of equipment that could be included incorporates accessible inclusive play the design and detail of the play area are not finalised. This must be subject to a condition to ensure this meets the quality requirements of EP5 and requirements of PP1. A condition covering the detailed design and delivery of the central open space (including play area and community growing space) should be applied, this should also cover the requirement for inclusive accessible play equipment, surfaces and access.

A condition will also be required to ensure that the play area is delivered upon completion of 50% of the character area to which they pertain i.e. Character Area 2/Open Space. A condition will also need to be attached regarding maintenance arrangements for play equipment, seating, paths and landscaping etc.

#### Landscaping and Planting

Landscaping throughout the development incorporates a variety of tree, hedge and shrub species. This variation has been used to help define character areas. A detailed

landscape plan has been provided which shows the location, number and height/species/girth of all trees and planting proposed.

The planting of trees adjacent to Lossiemouth Road is impacted upon by the junction arrangement and associated visibility splay until an alternative road junction arrangement such as a traffic light system is necessary to serve a higher level of development. A condition will need to be attached to ensure for the provision of the avenue of trees as much as practically possible subject to the review of the road network at regular intervals and taking into account road and junction design and road safety.

Policy PP1 requires planting on all routes and within communal parking areas to be semi-mature. The landscape schedules submitted indicated that this has been provided for. A condition however is required on the timeframe for delivery of the landscaping/open space in each character area.

Subject to conditions in respect of the detailed design of the play area, timing of the play area delivery and delivery of the wider landscaping in each character area (as set out above) then the proposal is considered to comply with EP5, the Findrassie Masterplan SG and conditions 7, 41 and the relevant part of condition 12 of planning consent 17/00834/PPP and s42 application 19/01085/APP pertaining to phase AP-E (adjacent to Lossiemouth Road).

EP7 Forestry, Woodland and Trees: Initial layouts included the removal of the trees around Myreside Farmhouse to accommodate housing. Policy EP7 requires the retention of healthy trees unless it is technically unfeasible to retain these. The applicant has therefore revised the proposal substantially to incorporate the retention of the majority of trees around Myreside Farmhouse which has resulted in a reduction in the number of homes proposed by 22. However, in order to establish access to Myreside Farmhouse 37 trees require to be removed of which 1 is category A and 8 category B. It would not be technically feasible to retain these and create safe access to Myreside Farmhouse and therefore their removal is acceptable under the terms of policy EP7. However, compensatory planting for the 37 trees being removed is required. The application has identified an area of compensatory planting to the back of plots 23 and 24 but the number and types of trees to be provided have not been specified. A condition should be applied to ensure that compensatory planting is delivered on a 1 for 1 basis for the 37 trees to be removed.

Subject to a condition in respect of the delivery of compensatory planting the proposal is now considered to comply with policy EP7 and condition 41 of planning consent 17/00834/PPP and s42 application 19/01085/APP subject to the application of appropriate conditions.

EP12 Management & Enhancement of the Water Environment, EP13 Foul Drainage and Flood Risk Assessment and Drainage Impact Assessment for New Development Supplementary Guidance (SG): As set out above, the proposal incorporates blue and green infrastructure which contributes to placemaking, biodiversity and recreational objectives. The Council's Flood Risk Management Team (FRMT) has provided a detailed response on whether the proposal meets the technical requirements for flooding and drainage.

EP15 MOD Safeguarding: The application site is located within the statutory birdstrike and the statutory height and technical safeguarding zones surrounding the RAF Lossiemouth

aerodrome. The MOD have provided a consultation response which is to be taken into account in the determination of this application in order to comply with policy EP15.

**Building Standards Manager:** Building Warrant required.

**Estates Manager:** No objection.

**Developer Obligations:** Developer obligations for Area 1 of the Findrassie development were secured via a s75 legal agreement under planning application 17/00834/PPP and the legal agreement was subsequently modified under planning application 19/01085/APP. This AMC application does not trigger further developer obligations or modifications to the existing s75 legal agreement.

**Environmental Health Manager:** No objection subject to conditions requiring the insertion of glazing/ventilation to windows of dwellings within the eastern part of the site closest to the A941 (as identified in the Noise Impact Assessment), erection of an acoustic fence barrier to plots 1, 57 and 140, adherence to mitigation measures regarding noise, vibration, dust and artificial lighting as outlined within the CEMP and Dust Management Plan, control of construction hours and assessment/approval of any proposed external plant and equipment which will necessitate submission of separate planning applications.

**Environmental Health, Contaminated Land:** No objection.

**Environmental Health, Private Water:** No objection.

**Environmental Protection Manager:** No comments received.

**Moray Access Manager:** No objection. Proposed layout is acceptable from a public access standpoint with good connectivity to neighbouring core paths.

**Transportation Manager:** No objection subject to the re-application of conditions 18, 19, 23, 26, 27, 28, 32 and 35(ii) attached to 19/01085/APP, and additional conditions to address specific details of the application, namely;

- 1) Updated bus and HGV swept path plans;
- 2) Provision of a DDA compliant path in lieu of/in addition to steps south of plot 105;
- 3) Revised wall/fence arrangement to plot 85 set 2 metres back from edge of public road;
- 4) Bus stop infrastructure, associated roads and evidence of written agreement with local bus operator for the provision of bus services;
- 5) Phasing/build out programme of roads, timescales for completion of north and south A941 accesses and evidence of completion of RCC process, and thereafter provision of visibility splays at the A941 accesses and review of visibility splays upon any proposed change to the agreed junction layout or A941 speed limit to allow completion of advanced planting;
- 6) Parking provision for flats and houses;
- 7) Updated EV charging details for the flats and retail/commercial units and
- 8) Deliveries Management Plan for retail/commercial units.

Recommends the planning conditions 16, 20, 21, 22, 24, 29, 30, 31, 33, 34, 35(i) and 36 attached to 19/01085/APP can be discharged in respect of the current application (Phase E2 of the Masterplan).

**Transport Scotland:** Does not propose to advise against the granting of permission. This response is on the understanding that the requirements of Condition 15 that restrict development to a maximum of 350 residential units, still remain applicable for this development, and Condition 15 therefore cannot be considered discharged at this stage.

**Moray Council, Housing Strategy & Development Manager:** No objection subject to conditions regarding submission/approval of details of delivery arrangements of 39 units of affordable housing, and provision of the accessible housing as per the submitted plans.

**Moray Council, Education:** No comments.

**Moray Flood Risk Management:** Following submission of revised drainage information, no objection.

**Scottish Environment Protection Agency (SEPA):** No objection, with responses for each condition outlined as follows:

- Conditions 37 Foul drainage and 38 Surface Water Drainage: No comments/concerns raised as the proposal raises no matters in relation to SEPA's interests.
- Condition 39 Flood Risk: Following review of submitted cross sections and flood risk plan SEPA notes that this phase is outwith the 1 in 200-year flood extent. SEPA also offers no comments in relation to finished flood levels and development in the vicinity of culverts.
- Condition 40 Water Engineering: No comments raised as no water engineering is proposed in this phase.
- Condition 45 Construction Environmental Management Plan: SEPA has reviewed the submitted information (which includes an existing CARS licence and pollution prevention plan for the E1 to E4) and confirms that satisfactory information has been provided in relation to Condition 45 (CEMP) in terms of SEPA's interests.
- Condition 46 Groundwater Abstractions: No comments raised on the basis that there are no identified private water supplies relevant to this phase.
- Condition 47 Schedule of Green Measures: Notes that a 10m buffer is generally shown on site layout plan - although buffer from edge of driveway at plots 21/22/23 (including to culverted watercourse) may be less than 10m. This is acceptable to SEPA in this instance as open space is to be provided on opposite bank of watercourse & watercourse to be de-culverted in future.
- Condition 49 District Heating: SEPA has reviewed the district heating report and confirms that it is acceptable in relation to SEPA's interests.

**NatureScot:** Submitted information meets relevant conditions 43, 44 and 45 and is satisfactory to NatureScot.

Condition 45: We can confirm that we are happy that the applicant's 'Mitigation Statement' combined with their Construction Environmental Management Plan (CEMP) does address the points in this condition and we remain satisfied that the proposal will not adversely affect Loch Spynie's protected features.

Condition 44 & 45: The applicant has confirmed the intention to carry out pre-construction surveys with due time to consider any licensing implications and mitigation needs should they be required. Their CEMP includes the measures that will be required during the construction phase to ensure impacts to any wildlife using the site at the time can be minimised. We are satisfied that their proposals and CEMP are adequate to protect species and habitats.



**Aberdeenshire Archaeology Service:** Notes that Condition 51 cannot be discharged in full at this time, but this can however be partially discharged in respect of this part of Area 1 (of which the current application forms part) where archaeological mitigation has been carried out. Recommends a further condition taken forward on the application to cover the remainder of necessary archaeological mitigation confirming that condition 51 shall continue to remain applicable to any future AMC applications for development within the wider Area 1 development, granted under application 17/00834/PPP and associated Section 42 application 19/01085/APP.

**Ministry of Defence:** No safeguarding objection on the basis that the maximum build height of the flats will not exceed 15.2m, and subject to a condition regarding a construction management strategy to ensure that construction work/equipment (cranes or other tall equipment) on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems. Further notes that, as with the previous consultation the developers have taken on board previous recommendations in designing the drainage scheme for this part of the development to ensure that the development (SuDS basin) does not result in the creation of new habitats which may attract and support populations of large and, or, flocking birds close to aerodromes. As the roof for the retail/commercial building/proposed flats will be steeply pitched a Bird Management Plan will not be necessary.

**Scottish Water:** No objection, however this does not confirm that the proposed development can currently be serviced. In terms of water supply, Scottish Water can confirm that there is currently sufficient capacity at the Glenlaterach Water Treatment Works to service the development, however further investigation may be required once a formal application is submitted to Scottish Water. With regard to foul drainage, there is currently sufficient capacity at the Moray West Waste Water Treatment works to service the development but further investigations may be required once a formal connection application has been submitted to Scottish Water. We are unable to reserve capacity at our water and/or waste water treatment works for this development. Once a formal connection application is submitted, after full planning permission has been granted, Scottish Water will review the availability of capacity at that time and advise the applicant accordingly. According to our records the development proposals impact on existing Scottish Water assets; the applicant must identify any potential conflicts and contact Scottish Water to apply for a diversion.

**Scottish & Southern Energy:** No comments received.

**Scottish Gas:** No comments received.

**Elgin Community Council:** No response received.

**Heldon Community Council:** No comments received.

**Innes Community Council:** No comments received.

**ParentAble Moray:** Notes comprehensive list of recreational equipment, which if included would be a good addition to the development. Also satisfied with responses to queries set out below regarding inclusive/accessible elements of the scheme:-

1. Queries what recreational facilities are included within the development?

*Applicant's response:* In addition to the play area this phase provides a central community growing area this will be accessible with footpaths and raised/low planters and fruit trees allowing all abilities of the community to take part in a collaborative way.

2. What provision is being made to make these recreation facilities inclusive and accessible for all ages and abilities, paying particular attention to those users who have physical disabilities, wheelchair/buggy users, visually impaired and hearing impaired?

*Applicant's response:* Variety of play equipment proposed which includes allowance for all abilities of user. All areas of equipped play also ensure assortment of equipment is designed into the proposal so there is variety throughout E1 - E4.

3. What considerations have been given to the proposed landscaping of the development in terms of making the general accessibility within the development inclusive for all abilities?

*Applicant's response:* Varieties of planting/species/landscaping has been proposed which provides variety of colour/scents and smells/heights and textures and will be maintained by a factor to ensure the landscaping doesn't impact on adoptable footways.

4. Given the application proposes residential/affordable housing aspects, what factors have the developers considered for the provision of public transport links from/to the development and other parts of Moray, again with particular emphasis on residents with disabilities/accessibility issues?

*Applicant's response:* A temporary bus loop has been proposed which once the masterplan progresses this will be replaced with a permanent bus shelter / bus stop. The development also allows for pedestrian connectivity throughout by means of tarmac surfaces predominantly of level surface to allow easy transition to and from facilities and to the perimeter edges of the sites.

**Moray Disability Forum** – No comments received.

## **OBJECTIONS-REPRESENTATIONS**

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

[REDACTED]

The grounds for objection/representation(s) are summarised as follows:

**Issue:** General concerns regarding impact from development on wildlife, flora and fauna and the need for protection of species.

**Comment (PO):** The submitted Construction Environmental Management Plan, Ecology (Protected Species) Surveys and Mitigation Statement accompanying the application outline a range of ecological mitigation and pre-construction checks in order to minimise adverse impacts on species during construction. NatureScot has advised that adherence to this plan would avoid adverse ecological impacts, the implementation of which shall be covered by condition.

## **OBSERVATIONS**

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

The main issues are considered below.

### **Planning History**

Planning permission in principle (17/00834/PPP) was granted on 1st July 2019 for a "mixed use development" on Area 1 at site R11 Findrassie/Myreside Site and I8 Newfield Elgin. This comprises residential development, including private/affordable housing and student residential accommodation, community facilities including a primary school with playing fields, associated neighbourhood uses within Class 1 (Shops), Class 2 (Financial, professional and other services), Class 3 (Food and drink), Class 4 (Business), Class 7 (Hotel), Class 8 (Residential institutions) and Class 10 (Non-residential institutions) (Use Classes Order 1997 refers) together with associated infrastructure, for example, roads, drainage, services, open space, and landscaping including advance landscaping. This was granted subject to 65 conditions requiring approval of matters regarding layout, design and materials of all buildings, transport and drainage infrastructure and open space/landscaping.

A subsequent Section 42 application (19/01085/APP) was granted on 18 August 2020 for the variation of 46 of 65 conditions of this planning permission in principle to allow for development of the site and associated infrastructure to come forward in a phased manner through submission/approval of details of elements (including triggers for infrastructure requirements) in accordance with an overall phasing plan, which was also submitted and approved as part of the application.

This AMC application seeks approval of matters specified in conditions 1-19, 25-58 & 61-64 of these consents, which require submission of the following information to support the development proposal (in line with the approved phasing plan):

- detailed drawings of the siting, design and external appearance of all buildings, structures/boundary treatment, access thereto, drainage, and landscaping/open space (conditions 1-13);
- design statement to demonstrate compliance with place-making principles and Design Codes/Character Zones within the Findrassie Masterplan (conditions 8, 9 and 12);
- details of provision of transportation infrastructure/information (roads, junctions, improvements to the local road network, footpaths/cycleways including route(s) to school(s), pedestrian crossings, bus laybys, construction traffic management plan etc.) (conditions 1, 2, 4, 9, 15-17, 19, 25-36);
- details of provision of drainage infrastructure/information (foul and surface water SuDS, and levels/details to address flood risk) (conditions 1, 2, 4, 9, 37-40, 46 and 47);
- detailed landscape scheme(s) which accord with approved Masterplan requirements (conditions 7, 9, 12 and 41);
- provision of affordable and accessible housing (condition 8);
- pre-construction species surveys and mitigation measures to protect the Loch Spynie SSSI, SPA and Ramsar Sites to the north (conditions 43-45);
- Construction Environmental Management Plans (condition 45);
- mitigation measures to protect private water supplies (condition 46);

- details for the provision of a 10m buffer for watercourses and other green measures (condition 47);
- sustainability statements to demonstrate compliance with sustainability objectives (condition 48);
- details demonstrating the potential or otherwise for district heating investigations (condition 49);
- contaminated land assessment (condition 50);
- archaeological investigation works (condition 51); and
- updated noise impact assessments, external lighting, dust and air control measures and noise emission limits (conditions 52-58, and 61-64).

This AMC application is not a planning application but the second part of the two-stage planning permission in principle process, and relates solely to the site/phases identified within the application documents. The application specifically covers the abovementioned conditions, and assessment is therefore restricted to assessing the detail of these conditions against the policies of the adopted Moray Local Development Plan 2020 (MLDP) and Findrassie Masterplan Supplementary Guidance.

The application has been screened under the EIA regulations and is not considered to be EIA development.

### **Development on land at Findrassie R11 and Newfield I8 (Elgin R11, I8, DP2, PP1 and DP1) (Conditions: 1-12, 25-30, 37, 38 and 41)**

This AMC application site occupies part of Area 1 which forms the eastern area of the Elgin R11 Findrassie and western edge of I8 Newfield designations (20m wide landscape strip), as identified in the Moray Local Development Plan 2020. This land allocation is subject to the Findrassie Masterplan Supplementary Guidance which sets a framework, including design and siting principles and codes for the delivery of development at Findrassie. Development requires to be provided in accordance with this supplementary guidance, site-specific requirements for these designations and other development requirements as identified within planning policy (**Appendix 1**).

The Findrassie Masterplan seeks to create a mixed use neighbourhood that will provide facilities such as a school, community hub, retail/commercial space, as well as a significant central open space for residents to enjoy. The whole masterplan area is identified in the Moray Local Development Plan 2020 as being effective for the plan period and has an indicative capacity of 1500 units. This site represents the second phase of the Findrassie Masterplan and is located within the Lossiemouth Road Character Zone.

The conditions of the PPP and S42 identified above require AMC applications to be supported by detailed drawings showing the siting and design of all buildings, boundary treatment/structures (conditions 1 - 13), transportation infrastructure/information (conditions 1, 2, 4, 9, 15-17, 19, 25-36) drainage infrastructure/information/flood risk details (conditions 1, 2, 4, 9, 37-40, 46 and 47), open space/landscaping (conditions 7, 9-12 and 41), and supporting information including design statements to demonstrate compliance with place-making principles and Design Codes/Character Zones within the Findrassie Masterplan (conditions 8, 9 and 12). This includes taking into account provision of transportation and drainage infrastructure for each AMC application and the wider Area 1, and the advance and central landscape areas (condition 12 and 41) which are key strategic elements of the masterplan, as approved by the PPP and S42. An assessment of the plans and information submitted with this application to meet these requirements is set out within the following sections under their relevant topic headings.

Associated policy DP2 Housing a) requires proposals on designated sites to be supported by a design statement and supporting information regarding the comprehensive layout and development of the whole site, addressing infrastructure, access for pedestrians, cyclists, public transport and service vehicles, landscaping, drainage, affordable and accessible housing and other matters identified by the Council, as well as to comply with policy PP1 Placemaking, DP1 Development Principles, site development (designation) requirements and relevant MLDP policies. A design statement and supporting information have been submitted with the application to inform consideration.

Primary Policy PP1 Placemaking contains a number of design criteria which all residential development must meet, with significant emphasis on placemaking, biodiversity and promoting health and well-being through good urban design. The purpose of PP1 is to create distinctive places with their own character and identity that support healthier lifestyles and climate change. This is reflected in the Findrassie Masterplan.

Policy DP1: Development Principles sets out detailed criteria to ensure proposals meet siting, design and servicing requirements, provide sustainable drainage arrangements and avoid adverse effects on environmental interests.

Site development requirements for Elgin R11 include compliance with the Findrassie Masterplan Supplementary Guidance and Masterplan layout of the designation within the settlement plan for Elgin. These include provision of open/green space in accordance with the Masterplan (Neighbourhood Park, series of pocket parks, and allotments), on and off-site transportation infrastructure and improvements, footway/cycleway and public transport infrastructure/connections, proposals to demonstrate no adverse effect on the integrity of Loch Spynie SPA by minimising/preventing pollution reaching watercourses during construction and requirements for a Transport Assessment, Flood Risk and Drainage Risk Assessments and a Phase 1 Habitat Survey. Designation requirements for I8 Newfield similarly include compliance with the Findrassie Masterplan Supplementary Guidance and Masterplan layout, the requirement for provision of transportation infrastructure improvements (informed by a Transport Assessment), identify that the site is suitable for business uses (Class 4 and 5) which are compatible with surrounding uses and predominantly residential, and the requirement for provision of a high amenity setting on the site.

The proposed layout and supporting submissions provide sufficient information to inform assessment against policy DP2 and the designation requirements. The Masterplan guidance for the current AMC application area (E2 and E2B) sets out an indicative capacity of 178 residential units, 151 houses and 27 flats. Policy DP2 states that such figures are indicative only and proposed capacities will be considered through the Quality Auditing process against the characteristics of the site, character of the surrounding area and conformity with all policies and the requirements of good Placemaking as set out in policies PP1 and DP1. The conclusions of the Quality Audit process carried out for this application (summarised below) confirm that the proposal would represent an acceptable form of development for this location which meets the principles of good placemaking, and would provide acceptable housing with private gardens and acceptable levels of public open space/landscaping in accordance with the Masterplan.

From more detailed assessment below the development satisfies siting, design and servicing requirements, provides acceptable open space/landscaping, sustainable urban drainage arrangements and avoids any adverse effects on environmental interests in

accordance with the abovementioned PPP conditions and policies PP1 and DP1. It also includes provision of appropriate levels of affordable and accessible housing provision in line with policy DP2.

The proposal would bring investment to the Elgin area through construction of new homes in a sustainable location that makes efficient use of land and infrastructure, supported by PP2 Sustainable Economic Growth.

The application is also supported by a Utilities Plan and complies with the requirements of PP3 Infrastructure and Services.

**Placemaking, Siting and Design (Elgin R11, 18, DP1, DP2, EP2 and EP5)  
(Conditions: 1-13, and 41)**

In line with the PPP and S42 conditions, AMC applications are required to demonstrate compliance with the Masterplan Guidance and how the Masterplan principles and place-making principles have informed the development. To this end, the conditions identified above require submission/approval of site layout plans, detailed designs, open space/landscaping, transport and drainage infrastructure and supporting information including design statements to demonstrate compliance with placemaking principles and Design Codes/Character Zones within the Findrassie Masterplan.

Conditions 1 to 13 – Specified matters in relation to siting and design: These conditions require approval of specified matters including the siting, design and external appearance of all buildings, boundary treatment/structures, access thereto, routes to schools of including walking and cycling infrastructure, and drainage and landscaping proposals within that phase as identified on the approved phasing plan. Further requirements include provision of section plans, details of earthworks/levels taking account of flood risk and submission of supporting information including design statements to demonstrate compliance with place-making principles and Design Codes/Character Zones within the Findrassie Masterplan (conditions 8, 9 and 12).

Conditions 7, 9, 12 and 41 - Open space/landscaping and advanced planting: These conditions require the approval and delivery of detailed landscape schemes for each phase of development which accords with placemaking principles and Design Codes/Character Zones within the Findrassie Masterplan.

Policy PP1 Placemaking requires development proposals to meet the following criteria;

- a) to be designed to create successful, healthy places that support good physical and mental health, safeguard the environment and support economic growth;
- b) be supported by a Placemaking Statement (and sufficient information) for 10 or more units which demonstrates how the development proposal addresses PP1 requirements and other relevant LDP policies and guidance; and
- c) to comply with Scottish Government Policy Creating Places and Designing Streets and incorporate seven fundamental principles addressing:
  - i) Character and Identity
  - ii) Healthier, Safer Environments
  - iii) Housing Mix
  - iv) Open Spaces/Landscaping
  - v) Biodiversity
  - vi) Parking
  - vii) Street Layout and Detail

A Design, Compliance and Placemaking Statement, Placemaking Statement and supporting information (landscape plans, site sections, Street Engineering Review and Biodiversity Plan) have been submitted with the application which demonstrate how it meets the requirements of the Masterplan, PP1 and associated relevant policies. These set out the proposal has been designed to create a high quality modern placemaking focused development that residents would wish to live in, will be well-connected with good pedestrian links throughout the site and connecting into existing networks, and will provide opportunities for recreation through provision of open space and landscaped areas.

The proposal has been the subject of a Quality Audit to assess its conformity against the 7 fundamental placemaking principles of PP1 and the Findrassie Masterplan. To comply with PP1 and the Masterplan and deliver a distinctive place with all the health and environmental benefits associated with this the proposal should achieve green in all categories of the QA.

The first QA showed that the layout scored red in various categories and that changes were needed to achieve green; to address this officers have worked with the applicant to achieve revisions to the proposals. This has involved several meetings with the applicant and assessment of revised proposals. It is noted that the applicant had taken cognisance of the discussions on Placemaking from the previous E1 application, with significant progress made in the Character and Identify category when the application was first submitted.

The final QA shows that the proposal scores green in all 9 categories subject to compliance with conditions identified in the QA to be attached to the consent. The results of the QA are detailed in the following table and accompanying assessment below:

QA Category	QA 1 score	QA2 Score (if mitigation/ conditions are secured)	Mitigation/Conditions necessary to score green.
Character and Identity	Red	Green	<ul style="list-style-type: none"> <li>Condition requiring details of 2m acoustic wall to be submitted for approval.</li> <li>Condition requiring revised details of the wave form drystone dyke to be submitted to ensure these mirror the same feature in E1.</li> <li>Condition requiring details of the compensatory planting to be provided and when this will be delivered.</li> </ul>
Healthier, Safer Environments	Red	Green	<ul style="list-style-type: none"> <li>Condition public art to ensure this reflects local and cultural associations with Findrassie (Thomas Telford and/or Pitgaveny's farming legacy) and timeframe for delivery.</li> <li>As above, condition for revised wave form drystone dyke details.</li> <li>Condition detail of play area, surfacing, benches/picnic table, to ensure these meet accessible needs (to be agreed in consultation with ParentAble). A condition will also be required for maintenance arrangements.</li> <li>Condition details of seating, benches, and litter</li> </ul>

			bins and the timescales for their provision.
Housing Mix			<ul style="list-style-type: none"> <li>Condition regarding evidence to support proposed delivery of affordable housing.</li> </ul>
Open Spaces & Landscaping			<ul style="list-style-type: none"> <li>Condition requiring submission of updated landscaping schedules identifying fruit/orchard trees within the space identified for community growing.</li> <li>Condition Landscape Delivery Plan to ensure the central play area is delivered upon completion of 50% of character area 2 and the timeframe for delivery of planting within each character area.</li> <li>As above condition detail of play area, surfacing, benches/picnic table</li> <li>Condition trees incorporated back into the north south route and to break up parking at 106/107, and 121 and provide trees on that route.</li> <li>Condition provision of advanced landscaping along Lossiemouth Road subject to review of road network at regular intervals and taking into account any junction, road design and road safety issues.</li> <li>Condition delivery of tree planting once temporary bus loop is no longer required.</li> </ul>
Biodiversity			
Parking			<ul style="list-style-type: none"> <li>Condition requiring updated landscape plans and schedules showing parking broken up at plots 122/123 and to the front and rear of the apartments/retail.</li> <li>Condition addressing shortfall in EV charging spaces at the apartments and retail/commercial units.</li> </ul>
Street Structure			
Street Layout			<ul style="list-style-type: none"> <li>Condition bus and HGV swept path analysis</li> <li>Condition revised details at plot 85 to achieve adequate visibility.</li> </ul>
Street Detail			

## 1) Character and Identity

PP1 states developments must provide a number of character areas reflecting site characteristics so that they have their own identity and are clearly distinguishable. The Placemaking Statement submitted to support the proposal sets out how distinctiveness has been achieved within the development.

The proposal reflects the grid/block structure of the Masterplan. Three character areas have been provided with variation within and between each created through architectural features (walls and chimneys), colour and materials (buildings and surfaces), open spaces and landscaping. Similar to phase E1 higher quality materials are used on the Lossiemouth Road frontage where reconstituted slate and smooth render are to be used. Significant time has been spent with the applicant in ensuring as many trees around Myresdie Farmhouse are retained. This has involved substantial revisions to the proposals in this area by the applicant and a reduction in



proposed house numbers of 22 units. 37 trees require to be removed in order to accommodate access to the existing Myreside Farmhouse and allow for provision of future recreational routes in line with the masterplan layout. Details of compensatory planting, along with provision of revised details of the wave form dry stone dyke/landform feature at the site entrance and 2m acoustic wall (to 3 plots along the Lossiemouth Road frontage) is required and shall be addressed by condition.

## **2) Healthier, Safer Environments**

PP1 section (ii) Healthier and Safer Environments states that developments must be designed to prevent crime and anti-social behaviour, encourage physical exercise for all abilities, create attractive urban form through natural features and creation of landmarks. Developments must also prioritise pedestrians and cyclists, create active travels routes and provide seating areas.

The grid like layout is permeable with buildings having public fronts and private backs with good surveillance to streets and open spaces. Through the QA revisions have been made to ensure that key corners are addressed by dual fronted houses that have principal rooms overlooking two streets. Desire lines and connections to the Elgin/Lossiemouth cycleway have been incorporated into the layout. Through the QA more key buildings have also been identified reflecting the location within the masterplan, and aiding orientation and navigation as well as helping to define character. Provision of public art reflecting local associations with Thomas Telford and Pitgaveny's farming legacy shall be addressed by condition. The applicant has also submitted suggested street naming to retain and enhance local associations with the area.

To support the 20 minute neighbourhood concept advocated in draft National Planning Framework 4 and to reflect condition 22 in the phase E1 consent 20/00753/AMC retail and commercial uses are proposed on the ground floor of the apartment building at the south eastern corner of the site at a key entrance to Findrassie. This three storey building to be finished in Anstone cast stone and render (and re-constituted slate roof) will help to create a strong frontage to the entrance to development.

## **3) Housing Mix**

The proposal incorporates a range of house types including private terraces, semi-detached and detached properties ranging in size from 2 to 4 bedrooms. Affordable housing meets the 25% requirement and incorporates apartments, terraces, bungalows and detached houses ranging in size from 1 to 5 bedrooms. The affordable housing is considered to be integrated within the development and has similar architectural styles and materials to open market/private houses. The detailed delivery arrangements for the affordable housing shall be covered by condition.

## **4) Open Spaces/Landscaping**

PP1 states developments must provide accessible, multi-functional open space within a clearly defined hierarchy integrated into the development and connected via an active travel network of green/blue corridors that are fully incorporated into the development and to the surrounding area, and meet the requirements of policy EP5 Open Space and the Open Space Strategy Supplementary Guidance.

A central, rectangular open space is included within the phase in line with the Masterplan. The design of this space has been revised through discussions and

incorporates a play area, rain garden, tree planting, seating and space for future community growing (initially incorporating fruit trees). This creates a multi-functional focal point to the phase and provides opportunities for social interaction. Accessible play equipment/surfacing and seating require to be provided; indicative details of inclusive play equipment have been submitted and are considered acceptable to Parent Able Moray. Conditions shall be attached requiring submission/approval of final details of the play area/equipment, seating, bins and maintenance arrangements for the play equipment, seating, paths and landscaping and to ensure that the play area is delivered upon completion of 50% of the character area (to which it pertains).

Conditions shall also be imposed requiring submission/approval of details of the 2m high acoustic wall/fencing and revised details of the wave form drystone dyke to ensure that it mirrors the same feature in E1.

The applicant has also provided details of the tree planting that will replace the temporary bus loop when this is no longer required. This brings the proposal in line with the masterplan which shows tree planting at this location.

In terms of quantity the central open space and other landscape areas meet the policy requirement for 20% of the site to be open space (as this covers 2.69 ha of 8.22ha, equating to 32%). An assessment against the quality criteria of EP5 was undertaken as part of the QA and resulted in it scoring over 75% meaning it complies with EP5.

As set out above the applicant has taken on board the work on the earlier phase and the landscaping and planting is enhanced with semi mature trees provided on streets, with the exception of two streets where additional tree planting is to be secured by conditions (see Landscaping and Planting Section below). Similar to phase E1, a condition shall be imposed to secure the avenue of trees along Lossiemouth Road as much as practically possible following regular review of the road network and taking into account road and junction design/road safety issues (see Transportation section below).

## **5) Biodiversity**

Policy EP2 requires proposal to provide a Biodiversity Plan to demonstrate how the layout will integrate measures to enhance biodiversity and create new habitats by including biodiversity features in the design of the development.

The applicant has provided a Biodiversity Plan (within Placemaking Statement) and separate written biodiversity statement in conjunction with a detailed landscape plan. This shows a number of measures will be incorporated into the layout to promote and enhance biodiversity. The plan shows that plots will have hedgehog highways in gardens to allow movement of hedgehogs. Swift bricks are to be incorporated into a number of houses. Swales and rain gardens are incorporated and will be planted with emergent/species. Most of the trees around Myreside Farmhouse and the habitat along the Sey Burn corridor would be retained. The layout also features hedges as boundary treatments and planting along streets helping to soften the streetscene but also promote biodiversity and green networks. A variety of shrub species that act as pollinators have been proposed throughout the phase. On the basis of the measures provided in the Biodiversity and Landscape plans the proposal is considered to comply with EP2.

## 6) Car Parking

PP1 states that car parking must not dominate the streetscape to the front of properties. A minimum of 50% of car parking must be provided to the side or rear and behind the building line with a maximum of 50% car parking within the front curtilage or street, subject to the visual impact being mitigated by hedging, low stone boundary walls or other acceptable treatments.

The proposed layout has been designed to ensure that a maximum of 50% of parking is shown to the front of buildings and hedging, trees and walls have been used to mitigate parking in most streets. However additional tree planting at the parking for plots 106, 107, and 121 requires to be conditioned to mitigate impacts of parked cars on the streetscape. Similarly, communal parking at the apartments and retail/commercial units (front and rear) and at plots 121-123 requires to be broken up with hedge, tree or shrub planting and shall be addressed by condition.

A shortfall in Electric Vehicle charging spaces at the apartments and retail/commercial units has also been identified and is to be addressed by condition. EV charging points for all other residential properties (on-plot and courtyard) are to be provided.

## 7) Street Structure, Layout and Detail

- **Street Structure** – The proposed layout has a clear hierarchy of streets with varied geometry and shared surfaces for quieter streets. The landscaping and variation in street material further defines the hierarchy and character areas.
- **Street Layout** – Additional details in respect of bus and HGV swept path and the detailed arrangement at one plot (85) in respect of visibility are to be subject to condition.
- **Street Detail** – Drainage, SuDS details and a utilities strategy have been provided.

## Residential Amenity (DP1)

Policy DP1: Development Principles requires proposals to have regard to the amenity of neighbouring properties and to avoid adverse amenity impacts in terms of privacy, daylight or overbearing effects.

The proposed development would be sited to the south and east of an existing property Myreside Farm. Assessment of the original layout highlighted unacceptable impacts upon the amenity (privacy and overbearing effects) of this property due to inadequate separation and close proximity of proposed two storey houses with the boundary. These impacts have been addressed by off-setting plots 23-35 away from the east boundary of Myreside and providing an intervening planting strip and 1.8m screen fencing; and by relocating plots 88 to 92, previously positioned approx. 1 metre from the south boundary further to the south (with intervening woodland/trees within this area retained). The proposed flexible retail/commercial and apartment block is also set sufficiently far from proposed housing to the north to avoid overshadowing. On this basis the proposal accords with policy DP1.

## Retail/Commercial Uses (DP7) (Condition 14)

The Masterplan requires an entrance to be created at the north-east corner of the application site within which flexible retail/commercial space is to be provided at ground

floor level to create a 'sense of arrival' into the neighbourhood and activity at this location. This provision was addressed by condition 14 of planning consent 17/00834/PPP and S42 application 19/01085/APP, and also by condition 22 of the approval of matters specified in conditions consent 20/00753/AMC.

Associated policy DP7 Retail/Town Centres, part c) Neighbourhood Retail supports small shops intended to primarily serve the convenience needs of a local neighbourhood. Small units of up to 150sqm that contribute to creating a mix of uses in a neighbourhood are also supported.

The proposal includes provision of 570 sqm of retail and commercial floor space (Use class 1, 2, 3 and 10) within the ground floor space of the proposed 3 storey building located adjacent to the southern entrance to the site. This would be in accordance with condition 22 of consent 20/00753/AMC and the uses proposed within the masterplan for this gateway location. This would help to create a "walkable" neighbourhood and meet the day to day needs of the neighbourhood, and is considered to be in line with policy DP7. As required by condition 22 of consent 20/00753/AMC the units would be completed prior to completion of the 150<sup>th</sup> residential unit within phases E1 and E2 combined, and advertised for sale or lease on the open market for a minimum of 5 years from their completion after which a review of the marketing period will be required if the units remain vacant. To ensure this provision this condition, with updated wording to reflect the current proposal, shall be re-imposed.

With the above considerations in mind (and condition attached) the proposal is considered to comply with policy DP7 Retail/Town Centre and condition 14 of planning consent 17/00834/PPP and S42 application 19/01085/APP, and 22 of 20/00753/AMC.

### **Landscaping and Planting (PP1 and EP5) (Conditions 7, 9, 12 and 41)**

Conditions 7, 9, 12 and 41 - Open space/landscaping and advanced planting: These conditions require the approval and delivery of detailed landscape schemes (including planting timescales and maintenance) for each phase of development which accord with placemaking principles and Design Codes/Character Zones within the Findrassie Masterplan.

The proposals are supported by detailed landscaping plans setting out the location, number and height/species/girth of all trees, maintenance details, and retention/protection of existing trees on the site. The soft landscaping plan includes a range of species to create variety and colour across the site, support habitats and has been used to define the 3 character areas across the site and A941 advanced planting corridor. These include proposed native species trees and shrubs within the public open spaces and along the site frontage on Lossiemouth Road, planting of street trees, hedging in public areas and front gardens, shrubs and grass/wild flower seed mixes across the site and marginal/emergent species for SuDS basin, swales and rain garden.

Policy PP1 requires planting on all routes and within communal parking areas to be semi-mature. The landscape schedules submitted indicated that this has been provided for. A condition however is required and shall be attached to confirm the timeframe for delivery of the landscaping/open space in each character area (to be undertaken upon completion of each area). A further condition is required and shall be imposed requiring the submission/approval of revised landscape plans/schedules identifying fruit/orchard trees within the central open space proposed for community growing (currently shown as non-

fruit), and to meet PP1 and masterplan requirements, incorporating the provision of additional street trees along the north/south route between plots 16 and 52, trees to mitigate parking for plots 106/107, and 121 along that route; and hedge planting to break up parking at plots 122/123, 105 and at the front and rear of the retail/apartment building.

As already outlined, and similar to the phase E1 application, the proposed planting of the row of trees immediately adjacent to Lossiemouth Road is impacted upon by the ghost island junction arrangement and associated visibility splay until an alternative road junction arrangement such as a traffic light system is necessary to serve a higher level of development. A condition shall be attached to ensure for the provision of the avenue of trees as much as practically possible subject to the review of the road network at regular intervals and taking into account road and junction design and road safety.

Subject to conditions in respect of the detailed design of the play area, timing of the play area delivery and delivery of the wider landscaping in each character area (as set out above), the proposal is considered to comply with EP5, the Findrassie Masterplan SG and conditions 7, 41 and the relevant part of condition 12 of planning consent 17/00834/PPP and s42 application 19/01085/APP pertaining to phase AP-E (adjacent to Lossiemouth Road).

**Transport and Access (R11, I8, PP1, PP3, DP1 and DP2)  
(Conditions 1, 2, 4, 9, 12, 15-19, 25-36);**

The previous Transport Assessment (TA) which accompanied the PPP and S42 applications identified that the development would have an impact upon the local and trunk road networks and the need for transport infrastructure. The applications were approved subject to conditions and developer obligations requiring the provision of transport infrastructure both on and off-site, and mitigation measures to address the development traffic impacts on the wider local and trunk road networks.

The submitted AMC application supported by transportation drawings and a Traffic Impact Assessment (2 Parts and Addendum) seeks to discharge several of these transport related conditions for this site/phase and proposes a number of off-site junction improvements at various triggers. This information has been assessed by the Transportation Section and observations are set out below.

Policies PP3 Infrastructure and Services and DP1 Development Principles (ii) Transportation require development to be planned and co-ordinated with infrastructure to ensure places function properly, and proposals are adequately served by infrastructure and services.

Policy PP1 Placemaking and DP2 Housing require proposals on designated sites to be supported by Placemaking and a design statement addressing roads infrastructure, access for pedestrians, cyclists, public transport and service vehicles.

The Elgin R11 designation contains a number of transport related requirements. These include compliance with the Findrassie Masterplan Supplementary Guidance and Masterplan layout of the designation, off-site road improvements, the requirement for a Transport Assessment to assess impacts on junctions in the surrounding area, connections to R10 Spynie Hospital North to the west and new junctions onto the A941, footway/cycleway and public transport infrastructure/connections to access local services, including provision of new bus laybys on the A941 and widening and improvements to Covesea Road and Myreside Road. Designation requirements for I8 Newfield include compliance with the Findrassie Masterplan Supplementary Guidance and Masterplan

layout and the requirement for provision of transportation infrastructure improvements (informed by a Transport Assessment).

Conditions 1, 2, 4, 9(b) and 25 to 30 - Site layout and transportation infrastructure: These conditions require submission of site layout information for each AMC proposal/phase of development, including provision of access junctions onto the surrounding public road network, internal transport network arrangements for road, footpaths and cycle networks, parking provision and details of routes to schools including walking and cycling infrastructure (on and off-site), to be in accordance with the Findrassie Masterplan.

Associated conditions 25 to 30 for each development proposal set out specifications/requirements regarding positioning of fencing/hedges/walls in relation to the edge of carriageways, visibility, parking, secure cycle parking and electric vehicle charging. The submitted site layout (Drawing 17045 (PL01) 002F and associated engineering plans/information sets out the transport infrastructure for the development, has been assessed by the Transportation Section and confirmed as acceptable subject to conditions regarding the site access junction design, visibility splays, parking provision, Electric Vehicle (EV) charging infrastructure details.

Conditions 16 and 25 - Public Transport: These require details of the provision for public transport for each phase including bus stop infrastructure (laybys, shelters and flags within the 400 metre walking isochrones for that phase), widening of road bends and provision for bus services. The submitted plans and information detailing public transport infrastructure propose a temporary turning loop arrangement with bus stop in order to service phase E2 satisfies these requirements for this phase of development and are acceptable to the Transportation Section subject to planning condition(s) regarding the details for bus infrastructure details (Shelter/waiting facilities and information/signage), provision of bus services and trigger for the delivery of the infrastructure.

Condition 17 – Access from the A941 Elgin to Lossiemouth Road: This condition requires any development accessed from the A941 to be supported by detailed drawings showing the location, design specifications and timescale for delivery of the southern access (phase E1) to the development on the A941, along with a Stage 1/2 Road Safety Audit for the proposed junction and any other works proposed on the A941 e.g. bus laybys and pedestrian crossings. The southern access to the A941 and interim ghost island junction arrangement which was the subject of approval for phase E1 is currently under construction. A suspensive planning condition shall be attached to ensure that either the southern A941 or an alternative means of access are agreed, completed in accordance with the approved details and made open to the public, prior to the completion of any house, flat or commercial unit within E2.

Condition 18 – Northern access from the A941 Elgin to Lossiemouth Road: This condition requires any development accessed from the A941 to be supported by detailed drawings showing the location, design specifications and timescale for delivery of the northern access to the development on the A941, along with a Stage 1/2 Road Safety Audit for the proposed junction and any other works proposed on the A941 e.g. bus laybys and pedestrian crossings. The proposed ghost island junction submitted is a change to the signalised junction on the masterplan. This change has been determined as necessary due to the existing national speed limit, site frontage design and lack of development on the east side of the A941 which mean that a signalised junction cannot be supported at this time. This suspensive condition requires to be reapplied to address the requirement for further submissions and the approval of details (Road Safety Audit and design details) required to achieve this.



Condition 19 - Emergency access: This requires, prior to the commencement of the 51st housing unit accessed from the A941 Elgin - Lossiemouth Road, provision of a second point of access and/or a route to enable an emergency access for use by all emergency vehicles, pedestrians and cyclists. The construction of the southern access junction onto the A941 will provide a single point of access to E2 until completion of either the northern access and internal roads or the E1 emergency access and internal roads, therefore the Transportation Sections confirms that this suspensive condition must be reapplied to ensure that, prior to the commencement of the 51<sup>st</sup> unit within E2, provision has been made for a second or temporary emergency access which serves E2.

Condition 23 – Myreside Road modifications: This refers to the submission of details for the design of modifications to Myreside Road which are required prior to the northern A941 access becoming operational. Proposals for this have been submitted separate to this application which the Transportation Section have assessed and provided comments, and are awaiting revised submissions to address this. On this basis the condition requires to be re-applied to address the requirement for the approval of details.

Condition 30 – Car parking, cycle parking and Electric Vehicle charging: This condition requires provision of car parking, secure cycle parking (i.e. flats) and EV charging facilities to satisfy the relevant current parking standards. The current standards are taken from the 2020 Moray Local Development Plan. Secure cycle parking for the flats on the development would be located at the north end of the block with access from the car park to the west and the public space to the east. Electric Vehicle (EV) provision has been shown for all plots and is acceptable subject to further details on the specifications for any infrastructure, not wall or garage, mounted within the curtilage of the plot. The proposed communal car parking and EV charging arrangements to serve the flats (Plots 143-156) and retail/commercial units are not acceptable as shown based on a shortfall in the provision of 22Kw EV charging units required and the number of dedicated EV charging spaces. The proposals are acceptable to the Transportation Section subject to a suspensive condition requiring details to address the number and location of dedicated EV charging spaces and the provision of either additional 22Kw charging points or alternative EV charging arrangements compliant with the Moray Council Planning Policy and Supplementary Guidance.

The application is supported by a residential parking strategy and supporting information which sets out the applicant's rationale for proposing the current layout and schedule of house types. This has been informed by new research into homebuyer requirements which indicates that many buyers consider home offices to be an essential requirement of a new home, and reflects the applicant's own experience in North Scotland of the shift in post-pandemic homebuyers' requirements for houses to accommodate a permanent home office where practicable. To this end the current proposed layout includes seven 3 bed house types (39 plots) which include a further small room designated as home study/office to meet demand for home offices. The Transportation Section notes that 5 of these 7 house types (26 plots) include provision for 3 parking spaces. House Types 'H' (6 plots) and 'J' (7 plots) include integral garages (which do not meet the minimum dimensions) however 2 on-plot car parking spaces have been provided. Three of these plots (70, 71 and 95) are located in close proximity to unallocated visitor parking spaces, which would provide potential access to additional parking. With the above in mind it is considered that the proposal based on the plans the applicant has submitted meets car parking standards as set out in the MLDP 2020 and PPG, and are acceptable.

Condition 31 – Active Travel: This requires for each phase/application, the submission of details and timescales for provision of active travel corridors and connections between the development and Elgin Core Paths EG31 and EG33 to the south of the current AMC application site, and an indicative network of active travel corridors linking that phase and remaining phases with the wider existing/committed network. The submitted design statement and site layout plans include information outlining an indicative network of active travel corridors between the application site and future phases/wider area and adjacent core paths. The Transportation Section advises that the details submitted are considered sufficient to discharge part (a) of the condition for this phase, and that part (b) of the condition is not triggered by the current application but the condition should be re-applied to future applications as it continues to remain applicable to the wider PPP development and future AMC applications.

Condition 32 – Construction Traffic Management Plan: This condition seeks submission and approval of a Construction Traffic Management Plan to address construction traffic management, road safety and amenity impacts during works. The application is supported by a 'Traffic Plan' which details the temporary site compound and operational details based on a superseded site layout plan). The Transportation Section has recommended that the condition should be re-applied to ensure the details are updated and missing details (construction programme, duration of works, measures to be put in place to prevent loose material being deposited on the public road) are provided and agreed.

Condition 33 – Morriston Road/Duffus Road Junction: This condition requires submission of details and delivery timescales for improvements to the Morriston Road/Duffus Road Junction prior to commencement of any development. The Transportation Section notes that the development of the masterplan has not been brought forward as anticipated, this phase would not have access from Duffus Road through the Findrassie masterplan as part of the current application, and that the TA submitted indicates a negligible impact on this junction with no existing capacity issue or additional pedestrian demand. Transportation Section considers it reasonable to exclude the requirements of this condition for the current application. With this in mind the requirement for improvements at this junction is not triggered by the current application and the need for mitigation will be re-visited when subsequent AMC applications are submitted. Transportation recommend that this condition remains applicable to the wider PPP development and future AMC applications.

Condition 34 - A941/Morriston Road signalised junction: This condition requires submission of design details and delivery timescales for improvements to the A941/Morriston Road junction prior to commencement of any part of the development. Modelling information within the Transport Assessment indicates that the current junction will require to be improved to accommodate additional traffic generated by this phase of development. To support the discharging of this condition the application includes a proposed design for improvements to the layout traffic signals at this junction, which would involve demolition of nos. 52 and 54 Lossiemouth Road to accommodate an enlarged junction footprint. The details submitted are acceptable in principle but subject to detailed approval through Roads Construction Consent which is currently under consideration by Transportation. A condition is required for the delivery of these junction improvements based on triggers for E1 and E2, this is addressed through amendments to Condition 35 as noted below.

Condition 35 - A941/Morriston Road signalised junction: This requires, prior to the commencement of the 50th residential unit, submission of evidence to demonstrate

control of the land through ownership or legal agreement to deliver the junction improvements at the A941/Morrison Road (Condition 34), delivery timescales and thereafter provision of the improvements prior to commencement of the 100th residential unit. Details have been submitted for the proposed junction improvement which are subject to detailed design approval through RCC and a Road Safety Audit, however they are acceptable in principle to Transportation. The TA submitted in support of the application confirms that Barratt North Scotland has acquired control of the land required for these junction improvement works (TA Part 2, para 3.11, page 16). The Transportation Section consider that condition 35 (i) has been met but condition 35 (ii) remains applicable to this application and shall be re-imposed.

Condition 36 – Covesea Road/A941 Junction: This refers to the Covesea Road/A941 priority junction and the submission of design details and delivery timescales prior to the commencement of any part of the development. Modelling information within the Transport Assessment indicates there to be no capacity issues with this particular junction for the current AMC application and the Transportation Section considers it reasonable to exclude the requirements of this condition for the current application. With this in mind the requirement for improvements at this junction is not triggered by the current application and the need for mitigation will be re-visited when subsequent AMC applications are submitted. The Transportation Section recommends that this condition remains applicable to the wider PPP development and future AMC applications.

Condition 12 – Advanced Planting Area AP-E (East): This condition requires the submission/approval of landscaping proposals along the Lossiemouth Road corridor prior to completion of the 25th residential unit, and thereafter planting prior to completion of the 50th residential unit. The submitted landscape plan proposes rows of lime trees along each side of the road, the provision of which shall be addressed by condition. A further row of prospective trees are shown outlined within visibility splays (9 metres x 215 metres) at the proposed access junction onto the A941, however these cannot be planted until such time as an alternative junction arrangement (i.e. traffic light system) is necessary to serve a higher level of development. To address this matter, and as recommended by the Transportation Section a condition shall be attached to the AMC decision requiring a review of the visibility splays within 3 years of commencement of construction and if required, subsequent reviews until such time as the splay is reduced to allow for these outstanding trees to be planted. This would align with the masterplan which seeks a tree lined corridor.

The following conditions are not directly applicable to the current AMC application, however are included/summarised for the sake of completeness:

Conditions 20 to 22 inclusive refer to access junctions for development accessed from the C24E Covesea Road 300m to the west of the current AMC application. These requirements are not applicable for the current AMC application as it is remote from these and there are no proposed connections onto Covesea Road associated with this application.

Condition 24 refers to modifications to the A941/Myreside Road junction and western end of Myreside Road to be upgraded to a primary route with pedestrian and cycle facilities. These requirements are not applicable for the current AMC application as it is remote from these works.

Condition 15 - Trunk Road improvements: This condition requires, upon completion of 350 residential units, either confirmation of completion of the A96 (T) Fochabers to Hardmuir A96 dualling programme, provision of improvements to the A96 trunk road network (Pansport Roundabout) in accordance with details approved under the S42 application or submission/approval of a revised Transport Assessment identifying implemented trunk road mitigation measures to offset the impact of the development. As the current AMC application is for 156 residential units which when combined with the 113 units approved in phase E1 give a total of 269 residential units, these requirements are not triggered by the current proposal. Following consultation Transport Scotland has raised no objection on the basis that the condition remains applicable to the wider PPP development and cannot be discharged at this stage. A condition to this effect shall be attached to the AMC approval.

On the basis of the above considerations, and subject to the conditions identified, the proposal would accord with the transport requirements of policies R11, I8, PP1, PP3 and DP1 of the MDLP 2020 and would satisfy the relevant conditions for the current AMC application.

**Water Supply, Drainage and Flooding (R11, I8, PP3, DP1 and EP12)  
(Conditions 1, 2, 4, 9, 11, 37, 38 - 40, 46 and 47)**

In line with the PPP and S42 application(s), the proposed development would be served by a public water supply and connect to the public foul drainage network (with the first 100 residential units connecting to the town network and subsequent units via a new rising main that would connect to the Moray West Water Treatment Works at Lossiemouth to be installed by the applicant). The development would have a surface water drainage system with SuDS integrated within the development area involving roadside swales, bio retention system (rain garden), gravity piped drainage and SuDS detention basin/swale, together with associated landscape treatment.

As previously identified, development in this area also requires to take account of flood risk from the Sey Burn which flows along the northern edge of the site; as mitigation, the Drainage and Flood Risk Assessment accompanying the PPP and S42 applications recommends that housing development is directed away from these areas and that proposed finished floor levels are set 1m above specified flood event levels (1 in 200/and or 1 in 1000). The need for mitigation measures to address potential surface water flooding, protection of private water supplies/abstractions in the area and for provision of a 10m buffer between development and the water course was also identified.

To address the above, conditions require the submission/approval of details for the provision of foul and surface water drainage infrastructure for each development proposal (conditions 1, 2, 4, 9, 37 and 38), construction phase surface water management plan(s) (condition 38), finished floor levels to be set above specified flood event levels (as shown in the submitted Drainage Assessment and Flood Risk Assessment) (condition 39) and mitigation measures to protect private water supplies and the water course (conditions 40, 46 and 47). Conditions 37- 40, 46 and 47 were imposed upon the recommendation of SEPA.

Associated policies PP3 Infrastructure and Services and DP1 Development Principles (iii) Water Environment, Pollution, Contamination require development to be planned and co-ordinated with infrastructure to ensure places function properly, and proposals are adequately served by infrastructure and services in terms of foul and surface water drainage and water supply. Policy EP12 Management and Enhancement of the Water

Environment requires surface water from development to be dealt with in a sustainable manner (SuDS) that has a neutral effect on the risk of flooding or which reduces the risk of flooding, including temporary/construction phase SuDS. The R11 designation requires submission of Flood Risk and Drainage Impact Assessments to support applications.

The submitted application supported by drainage layout drawings, a Drainage Impact Assessment and Flood Risk Assessment (DIA/FRA) and Construction Environmental Management Plan provide the necessary information required to meet the abovementioned conditions and policy requirements for these phases.

Conditions 1, 2, 4, 9 and 37 - Foul Drainage: Submitted layout plans/information show the proposed foul drainage network along with connections between the development and public foul drainage network. Scottish Water have raised no objection to this drainage infrastructure, subject to advisory comments regarding capacity, application procedures and asset protection. Similarly, SEPA and Flood Risk Management have raised no objection to these elements. These include a permanent pumping station and rising main to the northeast of the proposed SuDS detention basin, which are currently under construction and would connect to the Moray West Water Treatment Works at Lossiemouth.

Conditions 1, 2, 4, 9 and 38 - Surface water drainage: Surface water drainage arrangements as detailed on layout plans and supporting information would consist of a series of roadside swales, a bio retention system within the central open space, gravity piped drainage and SuDS detention basin and swale which would discharge to the adjacent watercourse at an agreed attenuated rate without detriment to the watercourse or surrounding area. These proposals and information have been assessed by SEPA and Moray Flood Risk Management and confirmed as acceptable. A condition requiring adherence to the submitted drainage details shall be attached.

Condition 38 b) - Construction Phase Surface Water Management Plan (CPSWMP): A CPSWMP contained within the Construction Environmental Management Plan and an associated pollution prevention plan (CAR licence) set out measures to ensure protection from surface water run-off during construction. SEPA has reviewed and is content with this information.

Condition 39 - Flood Risk: The application includes a Flood Envelope plan and site level plans, these show that no development is proposed within the flood risk area and that finished floor levels of the proposed housing which lies to the south of the area are to be set above specified flood event levels (as detailed in the submitted Drainage Assessment and Flood Risk Assessment). SEPA and Moray Flood Risk Management have reviewed this information and have raised no objection in terms of flood risk.

Condition 40 - Engineering activities in the water environment: The current application proposes no work to the water environment other than a discharge pipe from the SuDS detention basin to the adjacent burn. With this in mind, and noting that there are no engineering activities in the water environment, SEPA has advised that it has no concerns in terms of impact on the water environment.

Condition 46 - Groundwater Abstractions: This condition seeks submission/approval of details which demonstrate that there are no private water supplies within 250m of the phase. SEPA has advised that it has no objection in regard to this aspect of the proposal

as there are no identified private water supplies within the 250m limit identified relevant to this phase.

Condition 47 - Schedule of Green Measures and 10m buffer (between watercourse and development): Landscape proposals and a Biodiversity Plan submitted with the application include the use of tree, shrub, hedgerow, meadow and wet meadow mix, emergent and marginal species across the site and around the SuDS basin, rain garden and swales. The proposals also include provision of a 10m buffer between the SuDS basin/swale and the adjacent Sey Burn which reduces to 6m along a short section in front of plots 21/22/23. SEPA has confirmed that this is acceptable in this instance as open space is to be provided on opposite bank of watercourse & watercourse to be de-culverted in future.

On the basis of the above, the proposal would accord with the policies R11, I8, PP3, DP1 and EP12 of the MDLP 2020 and would satisfy the conditions insofar as they relate to the current site/phase(s) of development.

**Pollution Control (R11, DP1 and EP14)  
(Conditions 45, 50, 53 – 58, 61 – 64)**

Conditions 45, 50, 53 to 58, and 61 to 64 inclusive seek to address potential pollution impacts from development on the environment and amenity for each phase of development. These include the requirement for applications to be supported by Construction Environmental Management Plans (CEMP) to address potential pollution risks from development that might adversely affect the environment and amenity (condition 45), contaminated land assessments (condition 50), updated noise and construction noise impact assessments (conditions 53, 55 and 58), and measures to control external lighting (condition 54), dust (condition 56) and air quality (condition 57). Conditions 61 to 64 relate to the proposed commercial uses within the ground floor of the 3 storey building, and require applications to be supported by a Noise Impact Assessment and mitigation measures to protect residential amenity (condition 61), details of ventilation/extraction systems and odour control arrangements (condition 62), and also set limits on fixed plant and machinery emissions associated with each commercial use during daytime and night time hours (conditions 63 and 64).

Associated policies DP1 Development Principles (iii) Water Environment, Pollution, Contamination and EP14 Pollution, Contamination and Hazards seek to ensure that new developments do not create pollution which could adversely affect the environment or local amenity, and where impacts are identified these include appropriate mitigation. The R11 designation requires proposals to demonstrate no adverse effect on the integrity of Loch Spynie SPA by minimising/preventing pollution reaching watercourses during and post construction.

The application and supporting information comprising Construction Environmental Management Plan, Geotechnical Design and Environmental Risk Assessment Report, updated Noise Impact Assessment and measures to control external lighting and air quality provide the information required to meet the above conditions and policy requirements.

Condition 45 – Construction Environmental Management Plan (CEMP): The application is supported by a site specific Construction Environmental Management Plan and Construction Site Licence/Pollution Prevention Plan (issued by SEPA). These set out measures that will be adopted/implemented by contractors, including best practice to manage/mitigate the impact of the construction phase upon the environment together with



account of materials, soil, waste, surface water run-off (in terms of water quality and quantity) and ecological mitigation measures. SEPA has reviewed this information and confirmed that it is satisfied that the measures outlined would minimise impacts of the development upon the environment. Adherence to this plan shall be addressed by planning condition.

Condition 50 – Contaminated Land Assessment: The Geotechnical Design and Environmental Risk Assessment Report accompanying the application has established that the site is not subject to land contamination and is suitable for residential development. The Contaminated Land Section has reviewed this information and has raised no objection to the proposed development.

Conditions 53 - Noise Assessment (for development in proximity to sub-station): Supporting information submitted with the application highlights that the separation distance between the site and Elgin sub-station to the west is substantial (300m) negating the requirement for a Noise Impact Assessment at this stage to assess impacts from the sub-station. The applicant has confirmed that a further Noise Assessment will be provided to address this requirement in subsequent applications. The Environmental Health Section has clarified that the proposal is sufficiently remote from the Elgin Sub-station to not warrant further detailed Noise Impact Assessment of this aspect.

Condition 54 - Lighting: Existing temporary external lighting during construction is already in place and approved by phase E1. The applicant has confirmed no changes to these arrangements. This comprises lighting on three 9m high towers positioned to minimise light spill or glare exiting the site. The Environmental Health Section has assessed these arrangements and is satisfied that no significant light pollution would occur. A condition is recommended requiring implementation of these arrangements, with no further lighting permitted unless otherwise agreed.

Condition 55 – Construction Noise Impact Assessment: This is addressed by the provision of the CEMP which sets out a mitigation scheme to be adopted/implemented by contractors, including employment of best practice and working within consented hours to ensure that noise and vibration generated is within acceptable parameters. The Environmental Health Section has reviewed this scheme and is content with the recommended mitigation subject to its implementation being covered by condition.

Condition 56 - Dust Control Measures (Construction): The submitted Dust Management Plan sets out a framework of dust construction management to ensure that construction levels at sensitive receptors remain within reasonable limits throughout the works. The Environmental Health Section has reviewed and is content with this information, and a condition requiring adherence to the scheme is recommended.

Condition 57 - Air Quality Assessment: The submitted Air Quality Assessment (covering both E1 and E2) addresses impacts from potential traffic emissions upon future and existing residents close to road networks in the vicinity of the site; based on air quality modelling this predicts no significant air quality impacts on existing residents or future residents of the housing scheme as a result of the development. Following review, the Environmental Health Section is content with this assessment.

Condition 58 - Noise Impact Assessment (Road Traffic): The submitted Noise Impact Assessment addresses the potential effects of road traffic noise on the dwellings across the site, and for the dwellings in the eastern part of the site closest to Lossiemouth Road

recommends acoustic mitigation measures, including installation of enhanced double glazing (with trickle vents) and solid close boarded fencing (with acoustic performance), as identified in submitted plans. The Environmental Health Section has reviewed this scheme, is content with the proposed mitigation and has raised no objection subject to conditions requiring adherence to the scheme.

Conditions 61 - Noise Impact Assessment (Use Class 3, 7, 8 and 10): The submitted Noise Impact Assessment considers noise from fixed plant and deliveries associated with the proposed shell commercial uses, but due to lack of detail at this stage acknowledges that these elements will require further consideration when more information becomes available and that these can be addressed by appropriately worded conditions. The Environmental Health Section advises that, as there are insufficient details provided at this stage on the proposed end user, the requirements of this condition for a detailed Noise Impact Assessment cannot be addressed as yet. As such this condition cannot be discharged at this time and shall be re-imposed with updated wording to reflect the current proposal.

Condition 62 - Ventilation/extraction systems and odour control arrangements (Use Class 3, 7, 8 and 10): No details of any external plant and equipment have been submitted at this time. The Environmental Health Section advises that, as there are insufficient details provided on the proposed end user and plant/equipment the requirements of this condition cannot be addressed as yet, and therefore recommends a condition requiring submission/approval of these details, which will necessitate further applications for planning permission (due to statutory neighbour notification requirements). This shall be attached to the decision notice.

Condition 63 - Fixed Plant and machinery noise emission (daytime) (Use Class 1, 2, 3 and 4): The submitted Noise Impact Assessment highlights that due to lack of detail at this stage these elements will require further consideration when more information becomes available, however it considers that these matters can be appropriately mitigated providing mitigation measures meet the minimum standards set out in the NIA report. The Environmental Health Section advises that this condition remains a requirement for any future fixed plant and machinery at this stage, and as there are no details available that confirm the noise limit will be met this can be dealt with by retaining/re-imposing this condition.

Condition 64 - Fixed Plant and machinery noise emissions (night time) (Use Class 1, 2, 3 and 4): The submitted NIA acknowledges the lack of detail at this stage and that these elements will require further consideration when more information becomes available, however it considers that these matters can be appropriately mitigated providing mitigation measures meet the minimum standards set out in the NIA report. The Environmental Health Section advises that that this condition remains a requirement for any future fixed plant and machinery at this stage, and as there are no details available that confirm the noise limit will be met this can be dealt with by retaining/re-imposing this condition.

The proposal includes a small sub-station adjacent to the southern entrance of the site. Approval of details of this infrastructure shall be covered by condition as recommended by the Environmental Health Section.

On the basis of the above, the proposal would accord with the requirements of policies R11, DP1 and EP14 of the MDLP 2020 in relation to pollution control and satisfy the conditions insofar as they relate to the current site/phase(s) of development.

### **Affordable and Accessible Housing (DP2) (Condition 8 d), e) and f))**

Condition 8 requires that 25% of residential units in each AMC housing application are affordable and that 10% of private sector units are to wheelchair accessible standard (with 50% of those units delivered as single storey dwellings in accordance with policy H9 (and associated supplementary guidance) of the former MLDP 2015, or any equivalent planning policy and guidance in the MLPD 2020).

Policy DP2 Housing requires proposals for all housing developments to provide 25% of the total units as affordable housing in affordable tenures (to be agreed with the Housing Strategy and Development Manager) and demonstrate tenure integration having regard to policy criteria (i.e. is of an architectural style/external finish to ensure that homes are tenure blind and is of appropriate mix). It also requires housing proposals of 10 or more units incorporating affordable housing, to provide 10% of the private sector units to wheelchair accessible standard, however this does not stipulate bungalows.

As required by the condition and in line with DP2 the submitted plans include provision of 39 affordable units which represents 25% contribution to affordable housing. The mix meets the current need for affordable housing as identified in the Local Housing Strategy and is acceptable to the Housing Strategy and Development Manager. It is also considered to be tenure neutral as the affordable homes have the same external material finishes to other homes elsewhere on the site. A condition requiring arrangements for delivery to be agreed shall be attached, as recommended by the Housing Strategy and Development Manager.

Based on supporting information 10% of the private sector homes (eleven, 2 storey units) will be built to wheelchair accessible standard in accordance with DP2 policy requirements and associated policy guidance of the MLDP 2020. Although this provision does not include 50% bungalows, this requirement, which derived from previous supplementary guidance was superseded by the requirements of the equivalent policy DP2 and associated guidance which no longer requires single storey units. As such this provision meets policy DP2, associated guidance and the requirements of the condition. A condition requiring this provision in accordance with the submitted plans shall be imposed as recommended by the Housing Strategy and Development Manager.

### **Nature Conservation (Elgin R11, I8, EP1, EP14, PP1, DP1) (Conditions 43, 44 and 45)**

Conditions 43- 45 seek to protect nature conservation interests on the site and within the wider area. In this case these include natural heritage interests of national and international importance, namely the Loch Spynie Special Protection Area, Ramsar and SSSI, approximately 2 km to the north east which is hydrologically connected with the site via the Sey Burn. The conditions require applications to be supported by a mitigation statement setting out measures to ensure that development does not adversely affect the integrity of the abovementioned protected areas (condition 43), pre-construction surveys for any protected species on/adjacent to the site (condition 44) and site specific Construction Environmental Management Plans (CEMPs for each phasing zone i.e. E1 to 4) to address potential pollution risks on local ecological receptors during construction (condition 45).

Associated policy EP1 Natural Heritage Designations seeks to protect nature conservation interests from adverse development impacts, and where proposals are likely to have an

effect on European Site designations (not connected with conservation management) for these to be subject to appropriate assessment which has ascertained that there will be no adverse effect on the integrity of the site(s). It also seeks to avoid adverse impacts on protected species through submission of species surveys and mitigation of any identified impacts. DP1 Development Principles (iii) Water Environment, Pollution, Contamination and EP14 Pollution, Contamination and Hazards further seek to ensure that new development does not create pollution which could adversely affect the environment, and where impacts are identified, that these include appropriate mitigation. The R11 designation requires proposals to demonstrate no adverse effect on the integrity of Loch Spynie SPA by minimising/preventing pollution reaching watercourses during construction and to be supported by a Phase 1 Habitat Survey.

Submitted supporting information comprising a Mitigation Statement, Protected Species Surveys (2021) and Construction Environmental Management Document/Plan (CEMP and Pollution Prevention Plan (PPP)) provide the information required to meet the above conditions and policies.

Condition 43 - Mitigation Statement: The submitted Mitigation Statement sets out a range of measures designed to prevent adverse impacts and protect the water quantity/quality of Loch Spynie SPA, Ramsar Site and SSSI during construction and the operational life of the development. These include adherence to the submitted CEMP and Pollution Prevention Plan, good practice site management/staff training, employment of an Environmental Clerk of Works (ECOW) to ensure the CEMP/PPP is being followed, provision/maintenance of a minimum 6m vegetated buffer between Sey Burn and construction works, silt fencing, and surface water mitigation strategies amongst various other measures. These also set out that the overall design incorporating the SuDS basin and swales to treat surface water run-off from the development and landscaping to further help reduce surface water run-off would ensure that the operational site will not result in pollution risks to Loch Spynie. SEPA is content with this information. NatureScot has also assessed this information and confirmed that the measures detailed in the statement would prevent risks of pollution to Loch Spynie, and is sufficient to satisfy the condition.

Condition 44 - Pre-construction Species Protection Surveys: The CEMP and Ecology (Protected Species) Surveys outline ecological mitigation and pre-construction checks in order to minimise adverse impacts on species during construction. These include maintenance/protection of watercourses and ecological connectivity on site to conserve existing function including suitable foraging and commuting opportunity for otter, bats, badgers and other protected species identified in the locale; where green-infrastructure is lost, suitable replacement and enhancement applied within landscaping plans; contractors to be made aware of the known and potential presence of protected species on site and in the wider landscape via a toolbox talk and site induction material; vegetation clearance to be scheduled to commence between September to February inclusive to avoid any roosting bats, nesting bird constraints or the brown hare breeding season (should this not be possible then support from an ecologist or Ecological Clerk of Works to be provided in the form of pre-works checks); measures to be adopted to preserve water quality and prevent pollution of watercourses by following SEPA Guidelines for Pollution Prevention (GPPs); retention/protection of appropriate vegetative margins between works and areas of running water to reduce impacts to commuting or foraging otters present in the locale; excavations created during works not left open for mammals to become trapped and appropriate covers to be fitted at the end of every working day; temporary lighting required during works and permanent exterior lighting not to illuminate adjacent habitats (e.g. woodland, hedgerows, scattered trees and running water), which can affect the foraging

and commuting success of bats and other nocturnal species; use of native and berry, seed and nectar producing species within the landscaping of the development to maintain and promote biodiversity on site; and liaison with the neighbouring landowner regarding the need to eradicate giant hogweed.

The Ecology Survey undertaken in 2021 found no signs of species activity within the site itself, other than the presence/activity of birds which typically nest in the habitats on site. Evidence of badger and otter foraging activity was identified along one of the site boundaries and surrounding area (but no dens or setts), and potential bat roost features within trees within the northwest corner of the site. The survey report recommends the carrying out of a further survey of any trees to be removed to check for evidence of roosting bats and consider any licencing implications and mitigation needs should they be required. Adherence to these recommendations shall be covered by planning condition. NatureScot has advised that it considers these measures are satisfactory in terms of protection of species and habitat, and that the condition is met for this application.

Condition 45 - Construction Environmental Management Plan: As already outlined, the CEMP and Pollution Prevention Plan set out pollution prevention measures to mitigate the impact of construction works upon the environment including in particular Loch Spynie to the north, which is hydrologically connected to the site via the Sey Burn adjacent to the proposed SuDS detention basin (with a surface water outfall into the burn). SEPA has confirmed that it is satisfied that the measures outlined (also addressed by the CAR licence) would minimise impacts of the development upon the environment. With this in mind NatureScot has also confirmed that adherence to the plan would prevent impacts on the environment including Loch Spynie and its protected habitats/species. Adherence to this plan shall be addressed by planning condition.

In light of the above the proposal would accord with policies I8, EP1, EP14, PP1, DP1 and the requirements of R11 of the MLDP 2020 and would satisfy the conditions insofar as they relate to the current site/phase of development.

During the course of consideration of the PPP application (and S42 application) and in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994, as competent authority, Moray Council (in consultation with SNH) undertook an 'appropriate assessment' which concluded that the development would not adversely affect the integrity of Loch Spynie. A further 'appropriate assessment' has been undertaken in relation to the current AMC application. This concludes that, with implementation of the measures outlined in the abovementioned mitigation statement, CEMP and Pollution Prevention Plan the proposal will not adversely affect the integrity of Loch Spynie and is supported/endorsed by NatureScot. The assessment to be adopted is attached at **Appendix 2**.

### **Cultural Heritage (EP8) (Condition 51)**

Archaeological interests and features are present within Area 1 at Myreside i.e. cropmarks of possible enclosures and as such mitigation is required by condition 51. This requires a programme of archaeological works in accordance with a written scheme of investigation to be undertaken for each phase of development, including a post-excavation research design (PERD) where the need for post excavation analysis is identified.

Policy EP8 Historic Environment seeks the preservation of sites of local archaeological importance, and the integrity of their settings.

An archaeological evaluation (Phase 1 Data Structure Report) for the area covered by phases E1 to E4, has been submitted with the application which sets out findings from extensive trenching evaluation and metal detector surveys. The Aberdeenshire Archaeology Service has reviewed and is content with this information, and advises that condition 51 can be partially purified insofar as it relates to the current application, but will continue to remain applicable to any future AMC applications for development within the wider Area 1 development, granted under application 17/00834/PPP and associated Section 42 application 19/01085/APP where mitigation has yet to be carried out. A condition to this effect shall be attached to the decision notice as recommended by the Archaeology Service and on this basis policy EP8 is met.

### **Forestry, Woodland and Trees (EP7) (Condition 41)**

Condition 41 requires AMC applications to identify trees and vegetation proposed for retention and removal, together with protection measures during construction. Associated policy EP7 Forestry, Woodlands and Trees seeks to control or mitigate the impact of lost woodland or trees in relation to proposed development, and to encourage new woodland planting within development proposals, connection of woodlands to form a wider green network and protection of important existing woodland habitat.

There are a number of trees and areas of vegetation within and bordering the application site. These include trees within the northwest part of the site within garden ground associated with the property 'Myreside', and three further tree groupings within the northwest and northeast site corners.

To meet this condition and policy EP7 requirements, a Tree Survey Report and Tree Constraints/Protection Plans and accompanying Policy EP7 Compliance Statement have been submitted. These inform assessment of trees and set out the background and reasoning for tree removal and retention on the site.

Initial layouts included the removal of the trees around Myreside Farmhouse. Policy EP7 requires the retention of healthy trees unless it is technically unfeasible to retain these. The applicant has revised the proposal substantially to incorporate the retention of the majority of trees around Myreside Farmhouse which has resulted in a reduction in the number of homes proposed by 22. However, in order to establish access to Myreside Farmhouse and allow for key recreational links (in line with the masterplan) 37 trees require to be removed of which 1 is category A (apple), 8 are category B (Sycamore and cherry), 23 are category C (23, blackthorn, sycamore, cherry, elder, cypress), and 5 are U category (douglas fir, sitka spruce). It would not be technically feasible to retain these and create safe access to Myreside Farmhouse or to provide the recreational link, and therefore their removal is acceptable under the terms of policy EP7. Compensatory planting for the 37 trees being removed is required (on a 1 for 1 basis) and these are to be provided on site to the rear of plots 23 and 24 and within the retained woodland to the rear of plots 88 to 93, but the number and types of trees to be provided has not been specified. To address this, a condition shall be attached to ensure delivery of the planting, with any remaining tree planting to be provided off site on phase E3 or E4 (if required).

A condition is also recommended requiring adherence to the mitigation and enhancement measures as recommended within the submitted Tree Survey Report and associated Tree Constraints Plan showing root protection zones.



In light of the above, and subject to the above conditions the proposal accords with policy EP7 and would satisfy condition 41 for the current AMC application.

### **Sustainability (Conditions 48 and 49)**

Condition 48 requires each AMC application to be supported by a Sustainability Statement (checklist) which identifies all measures to be incorporated into the development to address objectives contributing to greenhouse gas emissions, in accordance with planning policy (previously PP2 Climate Change of the MLDP 2015, now replaced by DP1 Development Principles (i) Design j) of the MLDP 2020.

The Sustainability Statement/checklist accompanying the application sets out how the proposed housing development meets these objectives through provision of a range of measures, and contains the information required to meet the condition and policy. These include having regard to site layout and design (i.e. by minimising energy demand through orientation and passive solar gain and maximising building thermal performance), use of renewable technology (installation of photovoltaic panels on all roofs), green infrastructure (open space and landscaping which contribute to biodiversity), active travel (cycle, pedestrian and other transport links to minimise car use), resource efficiency (minimising water consumption/maximising water recycling and waste management), climate change adaptation (designing buildings to accommodate possible future uses and mobility needs) and surface water management and flooding (development avoids flood risk areas and incorporates SuDS).

Condition 49 requires that each AMC application include details to establish and demonstrate the potential or otherwise for district heating on that phase, to be met through connection to an existing heating network or implementation of an on-site district heating network, as envisaged by the Findrassie Masterplan, and recommended by SEPA. The applicant has submitted information containing an assessment of the feasibility of installing such a network; this confirms that a standalone network for the development of the Findrassie E1 to E4 phase is not viable at this time, however it could be feasible in the future as development of the Masterplan evolves which includes commercial, leisure and educational facilities. With this in mind a layout plan has been submitted which proposes to leave space within the below ground service zone to allow pipework to be laid in the future. SEPA has reviewed these details and associated plan, and confirms that these are satisfactory in terms of addressing its interests with regard to this aspect of the proposal.

On the basis of the above, the proposal would satisfy the conditions insofar as they relate to the current site/phase(s) of development.

### **Developer Obligations (PP3)**

As part of the consideration of the PPP application, developer obligations were identified and secured by a legal agreement with an agreed schedule of payments related to progress in house completions. The obligations relate to primary education facilities (2.5ha serviced site for a primary school), secondary education facilities, healthcare, transportation and sports and recreation facilities. The subsequent S42 application allowing for the development to be delivered in phases required the legal agreement to be modified to reflect the new application details, with the same triggers and levels of contributions.

The current AMC application is covered by the existing S75 legal agreement associated with the planning consent 17/00834/PPP and S42 application 19/01085/APP. Developer

obligations will be secured through this agreement in accordance with the triggers set out within the agreement, the first being payment towards transportation upon completion of the 130th house within this part of Area 1 (phases E1 to E4 inclusive).

### **MOD (EP15)**

Policy EP15 MOD Safeguarding outlines that development proposals must not adversely impact upon Ministry of Defence safeguarding operations and that for certain categories of development within safeguarding zones/distances around RAF Lossiemouth (and Kinloss Barracks), consultation is required with the Defence Infrastructure Organisation (DIO). This applies to a range of development proposals which could have implications for the operation of the airfield and includes aspects such as height of buildings/structures, use of reflective surfaces, refuse tips, nature reserves and other proposals which might attract birds and have an adverse impact on air safety.

The site falls within the safeguarding zone for RAF Lossiemouth and the Defence Infrastructure Organisation (DIO) has provided consultation comments. These confirm that it raises no safeguarding objection on the basis that the maximum build height of the flats will not exceed 15.2m, and subject to a condition regarding a construction management strategy to ensure that construction work/equipment (cranes or other tall equipment) on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems. It further notes that, as with the previous consultation the developers have taken on board previous recommendations in designing the drainage scheme for this part of the development to ensure that the development (SuDS basin) does not result in the creation of new habitats which may attract and support populations of large and, or, flocking birds close to aerodromes. As the roof for the retail/commercial building/proposed flats will be steeply pitched a Bird Management Plan will also not be necessary. With the abovementioned condition imposed the proposal would meet policy EP15.

### **Information Communication Technology (ICT) (PP3)**

Policy PP3 Infrastructure & Services vii) requires development proposals to incorporate the installation of Information Communication Technology and fibre optic broadband connections (unless justification can be provided to show that ICT is technically unfeasible). The applicant has confirmed that IT cabling to the development will be Fibre Optic, the provision of which will be covered by planning condition.

### **Conclusion and Recommendation**

The proposal is an acceptable housing development on the second phase of the Findrassie residential designation as identified in the adopted Moray Local Development Plan 2020. The site layout and density is appropriate to the location and meets the principles of good placemaking and the Findrassie Masterplan. The site can be adequately serviced and will not adversely impact the surrounding area in terms of amenity or environmental impact.

### **REASON(S) FOR DECISION**

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

The proposal accords with the provisions of the development plan and there are no material considerations that indicate otherwise.

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Development Management & Building Standards Manager**

## **APPENDIX 1**

### **POLICY**

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

##### **PP1 PLACEMAKING**

- a) Development must be designed to create successful, healthy places that support good physical and mental health, help reduce health inequalities, improve people's wellbeing, safeguard the environment and support economic development.
- b) A Placemaking Statement is required for residential developments of 10 units and above to be submitted with the planning application to articulate how the development proposal addresses the requirements of policy PP1 Placemaking and other relevant LDP policies and guidance. The Placemaking Statement must include sufficient information for the council to carry out a Quality Audit. Where considered appropriate by the council, taking account of the nature and scale of the proposed development and of the site circumstances, this shall include a landscaping plan, a topographical survey, slope analysis, site sections, 3D visualisations, a Street Engineering Review and a Biodiversity Plan. The Placemaking Statement must demonstrate how the development promotes opportunities for healthy living and working. The landscape plan must set out details of species type, size, timescales for planting and maintenance.
- c) To create successful, healthy places residential developments of 10 units and above must comply with Scottish Government policy Creating Places and Designing Streets and must incorporate the following fundamental principles:
  - (i) **Character and Identity**
    - Create places that are distinctive to prevent homogenous 'anywhere' development;
    - Provide a number of character areas reflecting site characteristics that have their own distinctive identity and are clearly distinguishable;
    - Provide distinctiveness between and in each character area through a combination of measures including variation in urban form, street structure/network, architecture and masonry, accent features (such as porches), surrounds and detailing, materials (buildings and surfaces), colour, boundary treatments, hard/soft landscaping and a variety of approaches to tree species and planting that emphasises the hierarchy of open spaces and streets within a cohesive design strategy for the whole development;
    - Distinctiveness must be reinforced along main thoroughfares, open spaces and places where people may congregate such as shopping/service centres;
    - Retain, incorporate and/or respond to relevant elements of the landscape such as topography and planted features, natural and historic environment, and propose street naming (in residential developments of 20 units and above, where proposed names are to be submitted with the planning application) to retain and enhance local associations;

**(ii) Healthier, Safer Environments**

- Designed to prevent crime, fear of crime and anti-social behaviour with good levels of natural surveillance and security using treatments such as low boundary walls, dual frontages (principal rooms) and well-lit routes to encourage social interaction. Unbroken high boundary treatments such as wooden fencing and blank gables onto routes, open spaces and communal areas will not be acceptable.
- Designed to encourage physical exercise for people of all abilities.
- Create a distinctive urban form with landmarks, key buildings, vistas, gateways and public art to provide good orientation and navigation through the development.
- Provide a mix of compatible uses, where indicated within settlement statements, integrated into the fabric of buildings within the street.
- Prioritise pedestrians and cyclists by providing a permeable movement framework that incorporates desire lines (including connecting to and upgrading existing desire lines) and is fully integrated with the surrounding network to create walkable neighbourhoods and encourage physical activity.
- Integrate multi- functional active travel routes, green and open space into layout and design, to create well connected places that encourage physical activity, provide attractive spaces for people to interact and to connect with nature.
- Create safe streets that influence driver behaviour to reduce vehicle speeds that are appropriate to the local context such as through shorter streets, reduced visibility and varying the building line.
- Provide seating opportunities within streets, paths and open spaces for all generations and mobility's to interact, participate in activity, and rest and reflect.
- Provide for people with mobility problems or a disability to access buildings, places and open spaces.
- Create development with public fronts and private backs.
- Maximise environmental benefits through the orientation of buildings, streets and open space to maximise the health benefits associated with solar gain and wind shelter.

**(iii) Housing Mix**

- Provide a wide range of well integrated tenures, including a range of house types and plot sizes for different household sizes, incomes and generations and meet the affordable and accessible requirements of policy DP2 Housing.
- All tenures of housing should have equal access to amenities, greenspace and active travel routes.

**(iv) Open Spaces/Landscaping**

- Provide accessible, multi-functional open space within a clearly defined hierarchy integrated into the development and connected via an active travel network of green/blue corridors that are fully incorporated into the development and to the surrounding area, and meet the requirements of policy EP5 Open Space and the Open Space Strategy Supplementary Guidance and Policy EP12 Managing the Water Environment and Drainage Impact Assessment for New Developments Supplementary Guidance.

- Landscaped areas must provide seasonal variation, (mix of planting and colour) including native planting for pollination and food production.
- Landscaping areas that because of their size, shape or location would not form any useable space or that will not positively contribute to the character of an area will not contribute to the open space requirements of Policy EP4 Open Space.
- Semi-mature tree planting and shrubs must be provided along all routes with the variety of approaches reflecting and accentuating the street hierarchy.
- Public and private space must be clearly defined.
- Play areas (where identified) must be inclusive, providing equipment so the facility is for every child/young person regardless of ability and provided upon completion of 50% of the character area.
- Proposals must provide advance landscaping identified in site designations and meet the quality requirements of policy EP5 Open Space.
- Structural landscaping must incorporate countryside style paths (such as bound or compacted gravel) with waymarkers.
- Maintenance arrangements for all paths, trees, hedging, shrubs, play/sports areas, roundabouts and other open/ green spaces and blue/green corridors must be provided.

**v) Biodiversity**

- Create a variety of high quality multi- functional green/blue spaces and networks that connect people and nature, that include trees, hedges and planting to enhance biodiversity and support habitats/wildlife and comply with policy EP2 Biodiversity and Geodiversity and EP5 Open Space.
- A plan detailing how different elements of the development will contribute to supporting biodiversity must be included in the design statement submitted with the planning application.
- Integrate green and blue infrastructure such as swales, permeable paving, SUDS ponds, green roofs and walls and grass/wildflower verges into streets, parking areas and plots to sustainably address drainage and flooding issues and enhance biodiversity from the outset of the development.
- Developments must safeguard and where physically possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats.

**(vi) Parking**

- Car parking must not dominate the streetscape to the front or rear of properties. On all streets a minimum of 50% of car parking must be provided to the side or rear and behind the building line with a maximum of 50% car parking within the front curtilage or on street, subject to the visual impact being mitigated by hedging, low stone boundary walls or other acceptable treatments that enhance the streetscape.
- Provide semi-mature trees and planting within communal private and public/visitor parking areas and on-street parking at a maximum interval of 4 car parking spaces.
- Secure and covered cycle parking and storage, car sharing spaces and electric car charging points must be provided in accordance with policy DP1 Development Principles.



- Parking areas must use a variation in materials to reduce the visual impact on the streetscene.

**(vii) Street Layout and Detail**

- Provide a clear hierarchy of streets reinforced through street width, building density and street and building design, materials, hard/soft landscaping and a variety of approaches to tree planting and shrubs.
- Streets and connecting routes should encourage walking and cycling over use of the private car by providing well connected, safe and appealing routes.
- Design junctions to prioritise pedestrians, accommodate active travel and public transport and service/emergency vehicles to reflect the context and urban form and ensure that the street pattern is not standardised.
- Dead-end streets/cul-de-sacs will only be selectively permitted such as on rural edges or where topography, site size, shape or relationship to adjacent developments prevent an alternative more permeable layout. These must be short, serving no more than 10 units and provide walking and cycling through routes to maximise connectivity to the surrounding area.
- Where a roundabout forms a gateway into, or a landmark within, a town and/or a development, it must be designed to create a gateway feature or to contribute positively to the character of the area.
- Design principles for street layouts must be informed by a Street Engineering Review (SER) and align with Roads Construction Consent (RCC) to provide certainty that the development will be delivered as per the planning consent.

- (d) Future masterplans will be prepared through collaborative working and in partnership between the developer and the council for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. Masterplans that are not prepared collaboratively and in partnership with the council will not be supported. Masterplans that are approved will be Supplementary Guidance to the Plan.
- (e) Proposals for sites must reflect the key design principles and safeguard or enhance the green networks set out in the Proposals Maps and Settlement Statements. Alternative design solutions may be proposed where justification is provided to the planning authority's satisfaction to merit this.

**PP2 SUSTAINABLE ECONOMIC GROWTH**

Development proposals which support the Moray Economic Strategy to deliver sustainable economic growth will be supported where the quality of the natural and built environment is safeguarded, there is a clear locational need and all potential impacts can be satisfactorily mitigated.

**PP3 INFRASTRUCTURE & SERVICES**

Development must be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services.

- a) In relation to infrastructure and services developments will be required to provide the following as may be considered appropriate by the planning authority, unless these requirements are considered not to be necessary:

- i) Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space.
- ii) Green infrastructure and network requirements specified in policy EP5 Open Space, Town and Village Maps and, contained within Supplementary Guidance on the Open Space Strategy, Masterplans and Development Briefs.
- iii) Mitigation/modification to the existing transport network (including road and rail) to address the impact of the proposed development in terms of safety and efficiency. This may include but not be limited to passing places, road widening, junction enhancement, bus stop infrastructure, and drainage infrastructure. A number of potential road and transport improvements are identified and shown on the Town and Village Maps as Transport Proposals (TSP's) including the interventions in the Elgin Transport Strategy. These requirements are not exhaustive and do not pre-empt any measures which may result from the Transport Assessment process.
- iv) Electric car charging points must be provided at all commercial and community parking facilities. Access to charging points must also be provided for residential properties, where in-curtilage facilities cannot be provided to any individual residential property then access to communal charging facilities should be made available. Access to other nearby charging facilities will be taken into consideration when identifying the need for communal electric charging points.
- v) Active Travel and Core Path requirements specified in the Council's Active Travel Strategy and Core Path Plan.
- vi) Safe transport and access routes linking to existing networks and mitigating the impacts of development off-site.
- vii) Information Communication Technology (ICT) and fibre optic broadband connections for all premises unless justification is provided to substantiate it is technically unfeasible.
- viii) Foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS), including construction phase SUDS.
- ix) Measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland including the provision of local waste storage and recycling facilities designed into the development in accord with policy PP1 Placemaking. For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.
- x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.

- xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built developments and some changes of use.

**b) Development proposals will not be supported where they:**

- i) Create new accesses onto trunk roads and other main/key routes (A941 & A98) unless significant economic benefits are demonstrated or such access is required to facilitate development that supports the provisions of the development plan.
- ii) Adversely impact on active travel routes, core paths, rights of way, long distance and other access routes and cannot be adequately mitigated by an equivalent or better alternative provision in a location convenient for users.
- iii) Adversely impact on blue/green infrastructure, including green networks important for wildlife unless an equivalent or better alternative provision will be provided.
- iv) Are incompatible with key waste sites at Dallachy, Gollanfield, Moycroft and Waterford and would prejudice their operation.
- v) Adversely impact on community and recreational sites, buildings or infrastructure including CF designations and cannot be adequately mitigated.
- vi) Adversely impact on flood alleviation and mitigation infrastructure.
- vii) Compromise the economic viability of bus or rail facilities.

**c) Harbours**

Development within and diversification of harbours to support their sustainable operation will be supported subject to compliance with other policies and settlement statements.

**d) Developer Obligations**

Developer obligations will be sought to mitigate any measurable adverse impact of a development proposal on local infrastructure, including education, healthcare, transport (including rail), sports and recreational facilities and access routes. Obligations will be sought to reduce, eliminate or compensate for this impact. Developer obligations may also be sought to mitigate any adverse impacts of a development, alone or cumulatively with other developments in the area, on the natural environment.

Where necessary obligations that can be secured satisfactorily by means of a planning condition attached to planning permission will be done this way. Where this cannot be achieved, the required obligation will be secured through a planning agreement in accordance with Circular 3/2012 on Planning Obligations.

Developer obligations will be sought in accordance with the Council's Supplementary Guidance on Developer Obligations. This sets out the anticipated infrastructure requirements, including methodology and rates.

Where a developer considers that the application of developer obligations renders a development commercially unviable a viability assessment and 'open-book accounting' must be provided by the developer which Moray Council, via the District Valuer, will verify, at the developer's expense. Should this be deemed accurate then the Council will enter into negotiation with the developer to determine a viable level of developer obligations.

The Council's Developer Obligations Supplementary Guidance provides further detail to support this policy.

### **R11 Findrassie 100ha 1500 units**

- Proposals must comply with the Findrassie Masterplan Supplementary Guidance. The Masterplan layout is shown on page 169.
- Demonstrate that there will not be an adverse effect on the integrity of Loch Spynie Special Protection Area e.g. by minimising diffuse pollution, preventing pollution reaching watercourses during construction, and connection of houses to mains water and sewerage.
- A Transport Assessment is required which must assess the impacts on junctions TSP 30 and 31 to determine the level of developer obligations for any necessary mitigation. The scope of the assessment must be agreed with Transport Scotland and the Moray Council Transportation.
- Off site road improvements are required, see Roads Infrastructure Improvements (TSPs) within the Action Programme Appendix 1 for a full list.
- Connections to R10 and new junctions onto A941 required.
- Widening and improvements required to Covesea and Myreside Road.
- Footway, cycleway and public transportation connections required to access local services, including the provision of new bus laybys on the A941.
- Provision of open and green space must be provided in compliance with the masterplan. A Neighbourhood Park and series of Pocket Parks must be provided in compliance with the masterplan. Allotments must be provided.
- A suitable buffer zone is required to ensure protection of the Long-Established Woodland of Plantation Origin (LEPO) at Findrassie Wood.
- Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.
- Phase 1 Habitat Survey required.

### **I8 Newfield Industrial Estate**

- Proposals must comply with the Findrassie Masterplan Supplementary Guidance. The Masterplan layout is shown on page 169.
- Suitable for business uses within use Class 4 (Business) or Class 5 industrial uses that are compatible with surrounding uses which is predominantly residential.
- High amenity setting required.
- Transport Assessment required. The impacts on junctions TSP9, 12, 17, 20 and 21 must be assessed and addressed.
- Connections to the adjacent MU2 and LONG 1A sites must be safeguarded.
- Phase 1 Habitat Survey required.
- Demonstrate that there will not be an adverse effect on the integrity of Loch Spynie Special Protection Area e.g. by minimising diffuse pollution, preventing pollution

reaching watercourses during construction, and connection of buildings to mains water and sewerage should avoid such changes.

- Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.
- No development to occur within 6m of the watercourse.
- The site may be impacted by the A96 dualling and development may require to take into account the preferred A96 dualling route.

## **DP1 DEVELOPMENT PRINCIPLES**

This policy applies to all development, including extensions and conversions and will be applied reasonably taking into account the nature and scale of a proposal and individual circumstances.

The Council will require applicants to provide impact assessments in order to determine the impact of a proposal. Applicants may be asked to determine the impacts upon the environment, transport network, town centres, noise, air quality, landscape, trees, flood risk, protected habitats and species, contaminated land, built heritage and archaeology and provide mitigation to address these impacts.

Development proposals will be supported if they conform to the relevant Local Development Plan policies, proposals and additional guidance, meet the following criteria and address their individual and cumulative impacts:

### **(i) Design**

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).
- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.

- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m<sup>2</sup>, excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.
- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain.
- j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) through the installation and operation of low and zero-carbon generating technologies.

**(ii) Transportation**

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.
- b) Car parking must not dominate the street scene and must be provided to the side or rear and behind the building line. Maximum (50%) parking to the front of buildings and on street may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls. Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements.
- c) Provide safe access to and from the road network, address any impacts on road safety and the local road, rail and public transport network. Any impacts identified through Transport Assessments/ Statements must be identified and mitigated. This may include but would not be limited to, passing places, road widening, junction improvements, bus stop infrastructure and drainage infrastructure. A number of potential mitigation measures have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's.
- d) Provide covered and secure facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.



- e) Garages and parking provision must be designed to comply with Moray Council parking specifications see Appendix 2.
- f) The road layout must be designed to allow for the efficient mechanical sweeping of all roadways and channels, pavements, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles, with hammerheads minimised in preference to turning areas such as road stubs or hatchets, and to provide adequate space for the collection of waste and movement of waste collection vehicles.
- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.
- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines;
- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

**(iii) Water environment, pollution, contamination**

- a) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water including temporary/ construction phase SUDS (see Policy EP12).
- b) New development should not be located in areas at flood risk or increase vulnerability to flooding (see Policy EP12). 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 exception is applied the proposed development must include resilience measures such as raised floor levels and electrical sockets.
- c) Proposals must avoid major hazard sites and address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- d) Proposals must protect and wherever practicable enhance water features through for example naturalisation of watercourses by introducing a more natural planform and removing redundant or unnecessary structures.
- e) Proposals must address and sufficiently mitigate any contaminated land issues.
- f) Make acceptable arrangements for waste collection and management and encourage recycling.

- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.
- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

## **DP2 HOUSING**

- a) Proposals for development on all designated and windfall housing sites must include a design statement and shall include supporting information regarding the comprehensive layout and development of the whole site, addressing infrastructure, access for pedestrians, cyclists, public transport and service vehicles, landscaping, drainage, affordable and accessible housing and other matters as may be required by the planning authority, unless these requirements are not specified in the site designation or are considered not to be required.

Proposals must comply with Policy PP1, DP1, the site development requirements within the settlement plans, all other relevant policies within the Plan and must comply with the following requirements;

- b) Piecemeal/ individual plot development proposals**

Piecemeal and individual/ plot development proposals will only be acceptable where details for the comprehensive redevelopment of the site are provided to the satisfaction of the planning authority and proposals comply with the terms of Policy DP1, other relevant policies including access, affordable and accessible housing, landscaping and open space and where appropriate key design principles and site designation requirements are met.

Proposals for piecemeal/ plot development must be accompanied by a Delivery Plan setting out how the comprehensive development of the site will be achieved.

- c) Housing density**

Capacity figures indicated within site designations are indicative only. Proposed capacities will be considered through the Quality Auditing process against the characteristics of the site, character of the surrounding area, conformity with all policies and the requirements of good Placemaking as set out in Policies PP1 and DP1.

- d) Affordable Housing**

Proposals for all housing developments (including conversions) must provide a contribution towards the provision of affordable housing.

Proposals for new housing developments of 4 or more units (including conversions) must provide 25% of the total units as affordable housing in affordable tenures to be agreed by the Housing Strategy and Development Manager. For proposals of less than 4 market housing units a commuted payment will be required towards meeting housing needs in the local housing market area.

A higher percentage contribution will be considered subject to funding availability, as informed by the Local Housing Strategy. A lesser contribution or alternative in the form of off-site provision or a commuted payment will only be considered where exceptional site development costs or other project viability issues are demonstrated and agreed by the Housing Strategy and Development Manager and the Strategic

Planning and Development Manager. Intermediate tenures will be considered in accordance with the HNDA and Local Housing Strategy, and agreed with the Housing Strategy and Development Manager.

Further detail on the implementation of this policy is provided in the Policy Guidance note on page 40.

#### **e) Housing Mix and Tenure Integration**

Proposals must demonstrate tenure integration and meet the following criteria;

- Architectural style and external finishes must ensure that homes are tenure blind
- The spatial mix must ensure communities are integrated to share school catchment areas, open spaces, play areas, sports areas, bus stops and other community facilities.

#### **f) Accessible Housing**

Housing proposals of 10 or more units incorporating affordable housing will be required to provide 10% of the private sector units to wheelchair accessible standard. Flexibility may be applied on sites where topography would be particularly challenging for wheelchair users.

Further detail on the implementation of this policy is provided in the Policy Guidance note on page 41.

### **POLICY GUIDANCE NOTE- AFFORDABLE AND ACCESSIBLE HOUSING**

#### **Affordable Housing**

Providing affordable housing is a key priority for Moray Council and this is reflected in the Local Outcomes Improvement Plan (LOIP) and the Local Housing Strategy (LHS). The Council's Housing Need and Demand Assessment 2017 highlights the significant requirement for affordable housing in Moray, which is a national issue, resulting from a number of factors including affordability issues, downturn in the economy and the shortage of public and private sector rented houses.

Planning policies assist with the provision of affordable housing, which is defined in Scottish Planning Policy (SPP) as;

"housing of a reasonable quality that is affordable to people on modest incomes. Affordable housing may be provided in the form of social rented accommodation, mid-market rented accommodation, shared ownership housing, shared equity housing, housing sold at a discount (including plots for self-build and low cost housing without subsidy." This local development plan regards lower quartile earnings as "modest incomes".

The 2017 HNDA identified a requirement for 56% of all need and demand to be affordable units in Moray between 2017 and 2035. This Local Development Plan has lowered the threshold so that individual house proposals are required to make a contribution towards affordable housing provision, which is intended to ensure proposals do not circumnavigate the policy and provide a fair and transparent process.

A number of variables influence affordability of housing, including mortgage deposit requirements, mortgage interest rates, lower quartile house prices, lower quartile private rents, lower quartile full time gross earnings. Changes in these variables will affect the affordability of housing in Moray. The maximum affordable rent and maximum affordable house purchase prices is published on the Council's website at [http://www.moray.gov.uk/moray\\_standard/page\\_90100.html](http://www.moray.gov.uk/moray_standard/page_90100.html). The current Local Housing Allowance will be used as a proxy for average private sector rents.

Affordable housing should be provided on site and as part of a mixed development of private and affordable units. To meet the need for affordable housing there may be proposals for 100% provision of affordable housing and these will be acceptable as part of a wider mixed community, provided all other Local Development Plan policies are met.

The policy requires single house proposals to make a commuted sum payment as a developer obligation towards affordable housing, with the cost figure published annually on the Council website at [http://www.moray.gov.uk/moray\\_standard/page\\_94665.html](http://www.moray.gov.uk/moray_standard/page_94665.html) and determined by the District Valuer's assessment of the value of serviced land for affordable housing in Moray. This allows developers to be clear at the outset of a project about the potential cost of commuted payments and should be reflected in land values.

The type of affordable housing to be provided will be determined by the Housing and Property service. Developers should contact Housing and Property as early as possible. Housing and Property will decide whether a commuted payment or affordable units will be required on a site by site basis. Housing and Property will provide developers with an affordable housing mix, detailing the size and type of housing required based on HNDA/LHS requirements.

The Council will consider the following categories of affordable housing within the context of the needs identified in the HNDA/ LHS;

- Social rented accommodation- housing provided by an affordable rent managed by a Registered Social Landlord such as a housing association or another body regulated by the Scottish Housing Regulator, including Moray Council.
- Mid-market rent accommodation- housing with rents set at a level higher than purely social rent, but lower than market rent levels and affordable by households in housing need. Mid-market rent housing can be provided by the private and social housing sectors.
- Shared equity housing- sales to low income households, administered through a Scottish Government scheme e.g. Low-cost initiative for First Time Buyers (LIFT).

Any proposals to provide affordable housing in a form other than those listed above, must demonstrate that the cost to the householder is "affordable" in the Moray context and that the property will remain "affordable" in perpetuity.

Affordable housing requirement figures will be rounded up.

The Strategic Housing Investment Plan (SHIP) is produced annually by the Council and identifies details of the proposed delivery of affordable housing.

### **Accessible housing**

Scottish Planning Policy states (para 28) that "the aim is to achieve the right development in the right place; it is not to allow development at any cost" and "that policies and decisions should be.....supporting delivery of accessible housing."

Policy DP2 aims to;

- Assist the Council, the NHS and the Health and Social Care Moray to meet the challenges presented by our ageing population and the shared aim of helping people to live well at home or in a homely setting. The HNDA 2017 demonstrates that Moray's population is ageing and there is a trend towards older and smaller households.
- Provide increased choice of tenure to people with physical disabilities or mobility impairments, by increasing the supply of accessible housing in the private sector. There is currently a mismatch between the size and type of housing required and the size and type of housing available across all tenures. This mismatch, along with increasing housing needs associated with physical disability, are the likely drivers of owner occupiers seeking public sector accessible housing to meet medical needs.

Accessible/ adapted housing can promote independence and wellbeing for older or disabled people, can facilitate self- care, informal care and unpaid care, potentially prevent falls and hospital admissions and can delay entry into residential care.

Policy DP2 requires that housing proposals of 10 or more units incorporating affordable housing must provide 10% of the private sector units to wheelchair accessible standard where all the rooms are accessible to a wheelchair user.

This applies to new build and conversion/ redevelopment projects. Flexibility may apply where there is extremely challenging topography or where the site is in a remote location. For the purposes of Policy DP2, "remote" locations are defined as being rural areas outside settlement and Rural Grouping boundaries as defined in the Local Development Plan.

Accessible units should be in a location which provides convenient access, in terms of distance, gradient and available public transport, to reach the facilities needed for independent living. Small, low maintenance gardens are generally regarded as a positive feature by this customer group.

New wheelchair accessible housing in any tenure must comply with Housing for Varying Needs Standards (HfVNs), including the standards specific to dwellings for wheelchair users. HfVNs is available at [http://webarchive.nationalarchives.gov.uk/20131205115152uo\\_/http://www.archive2.official-documents.co.uk/document/deps/cs/HousingOutput/start.htm](http://webarchive.nationalarchives.gov.uk/20131205115152uo_/http://www.archive2.official-documents.co.uk/document/deps/cs/HousingOutput/start.htm)

The specific design specification required to meet the terms of this policy are;

#### External requirements

- location(s) convenient for amenities and facilities e.g. public transport, local shops etc
- car parking space as close as possible to the entrance door and at a maximum distance of 15m (HfVNs para 7.13.4 refers).
- Step free paths within curtilage, ramp gradients preferably of 1:20 but no steeper than 1:12 (HfVNs para 7.7.1 refers)

#### Internal requirements

- Hallways- minimum 1200mm wide (HfVNs para 10.2.3 refers)

- Door frames- minimum 926mm wide door leaf, giving a clear width of 870mm (HfVNs para 10.5.7 refers)
- Bathrooms/ wet rooms- 1500mm wheelchair turning circle required (HfVNs para 14.9.2 refers)

Accessible housing requirement figures will be rounded down.

All proposals for new build or converted housing should set out details of how they will comply with this policy in their planning application.

## **DP5 BUSINESS & INDUSTRY**

- a) Development of employment land is supported to deliver the aims of the Moray Economic Strategy. A hierarchical approach will be taken when assessing proposals for business and industrial uses. New and existing employment designations are set out in Settlement Statements and their description identifies where these fall within the policy hierarchy.

Proposals must comply with Policy DP1, site development requirements within town and village statements, and all other relevant policies within the Plan. Office development that will attract significant numbers of people must comply with Policy DP7 Retail/Town Centres.

Efficient energy and waste innovations should be considered and integrated within developments wherever possible.

### **b) Business Parks**

Business parks will be kept predominantly for 'high-end' businesses such as those related to life sciences and high technology uses. These are defined as Class 4 (business) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. This applies to new proposals as well as redevelopment within established Business Parks.

Proposals for the development of new business parks must adhere to the key design principles set out in town statements or Development Frameworks adopted by the Council.

### **c) Industrial Estates**

Industrial Estates will be primarily reserved for uses defined by Classes 4 (business), 5 (general) and 6 (storage and distribution) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. This applies to new proposals as well as redevelopment within established Industrial Estates. Industrial Estates could be suitable sites for waste management facilities.

### **d) Existing Business Areas**

Long established business uses will be protected from non-conforming uses (e.g. housing). The introduction or expansion of non-business uses (e.g. retail) will not be permitted, except where the total redevelopment of the site is proposed.

### **e) Other Uses**

Class 2 (business and financial), 3 (food and drink), 11 (assembly and leisure) and activities which do not fall within a specific use class (sui generis), including waste management facilities will be considered in relation to their suitability to the business

or industrial area concerned, their compatibility with neighbouring uses and the supply of serviced employment land. Retail uses will not be permitted unless they are considered ancillary to the principal use (e.g. manufacture, wholesale). For this purpose, 'ancillary' is taken as being linked directly to the existing use of the unit and comprising no more than 10% of the total floor area up to a total of 1,000 sq metres (gross) or where a sequential approach in accordance with town centre first principles has identified no other suitable sites and the proposal is in accordance with all other relevant policies and site requirements are met.

**f) Areas of Mixed Use**

Proposals for a mix of uses where site specific opportunities are identified within Industrial Estate designations in the Settlement Statement, will be considered favourably where evidence is provided to the authority's satisfaction that the proposed mix will enable the servicing of employment land and will not compromise the supply of effective employment land. A Development Framework that shows the layout of the whole site, range of uses, landscaping, open space and site specific design requirements must be provided. The minimum levels of industrial use specified within designations must be achieved on the rest of the site.

**g) Rural Businesses and Farm Diversification**

Proposals for new business development and extensions to existing businesses in rural locations including tourism and distillery operations will be supported where there is a locational need for the site and the proposal is in accordance with all other relevant policies.

A high standard of design appropriate to the rural environment will be required and proposals involving the rehabilitation of existing properties (e.g. farm steadings) to provide business premises will be encouraged.

Outright retail activities will be considered against policy DP7, and impacts on established shopping areas, but ancillary retailing (e.g. farm shop) will generally be acceptable.

Farm diversification proposals and business proposals that will support the economic viability of the farm business are supported where they meet the requirements of all other relevant Local Development Plan policies.

**h) Inward Investment Sites**

The proposals map identifies a proposed inward investment site at Dallachy which is safeguarded for a single user business proposal seeking a large (up to 40ha), rural site. Additional inward investment sites may be identified during the lifetime of the Plan.

Proposals must comply with Policy DP1 and other relevant policies.

**DP7 RETAIL/ TOWN CENTRES**

**a) Town Centres**

Developments likely to attract significant footfall including retail, offices, leisure, entertainment/cultural and community facilities must be located in town centres.



Within Core Retail Areas (identified on settlement maps, CRA), at ground level, only development for Use Class 1 Shops, Use Class 2 Financial, professional and other services, or Use Class 3 Food and drink will be supported. Above ground floor level residential use will, in principle, be supported as an appropriate use.

Proposals must be appropriate to the scale, character and role of the town centre (Table 6) and support a mix of uses within the town centre. Proposals that would lead to a concentration of a particular use to the detriment of the town's vitality and viability will not be supported.

**b) Outwith Town Centres**

Outwith town centres, development (including extensions and subdivisions) likely to attract significant footfall including retail, offices, leisure, entertainment/cultural and community facilities must;

- a) Demonstrate that no sequentially preferable sites are available. Locations will be considered in the following order of preference;
  - Town centres (as shown on settlement maps).
  - Edge of centre.
  - Commercial Centres (as shown on settlement maps, CC).
  - Brownfield or OPP sites that are or can be made easily accessible by pedestrians and a choice of modes of transport.
  - Out of centre sites that are or can be made easily accessible by pedestrians and a choice of modes of transport.
- b) Demonstrate that there is no unacceptable individual or cumulative impact on the vitality and viability of the network of town centres (Table 6), where appropriate by a Retail Impact Assessment.

Flexibility will be allowed to ensure that community, education and health care uses are located where they are easily accessible to the communities they serve.

**c) Neighbourhood Retail**

Small shops that are intended to primarily serve the convenience needs of a local neighbourhood within a settlement boundary will be supported. Depending on scale, proposals may be required to demonstrate that they will not have an unacceptable adverse impact on the vitality and viability of the network of town centres (Table 6), by a Retail Impact Assessment or Retail Statement. Within a neighbourhood one unit of up to 400m<sup>2</sup> designed to meet the day to day convenience needs of the neighbourhood will be supported. Other small units of up to 150m<sup>2</sup> that contribute to creating a mix of uses in a neighbourhood centre/hub will be supported. This could include small retail uses (Class 1 nonfood), financial and professional services (Class2) and cafes and small restaurants (Class 3).

Neighbourhood hubs/centres should aim to contribute to the sense of community and place, the sustainability of an area, reduce the need to travel for day to day requirements and provide adequate parking and servicing areas.

Change of use of established or consented neighbourhood retail units will only be supported where it can be demonstrated that active marketing has failed to find a retail use for the premise. For a change of use to be considered, the premises must have been vacant and actively marketed for a minimum of three years at an

appropriate market rent/value. Where the unit is part of a consent for wider development, the three year marketing period will be counted from the completion of the development as a whole i.e. change of use of a retail unit will not be considered half way through completion of a development or in the three years after the completion of the whole development.

**d) Ancillary Retailing**

See policy DP5 Business and Industry in respect of ancillary retailing to an industrial or commercial business.

**e) Outwith Settlement Boundaries**

Outwith settlement boundaries, proposals for small scale retail development will only be supported if these are ancillary to a tourism or agricultural use. Small scale extensions to existing retail activity will only be supported where this does not undermine the vitality and viability of the network of town centres (Table 6).

**EP1 NATURAL HERITAGE DESIGNATIONS**

**a) European Site designations**

Development likely to have a significant effect on a European Site and which is not directly connected with or necessary to the conservation management of that site must be subject to an appropriate assessment of the implications for its conservation objectives. Proposals will only be approved where the appropriate assessment has ascertained that there will be no adverse effect on the integrity of the site.

In exceptional circumstances, proposals that could affect the integrity of a European Site may be approved where:

- i) There are no alternative solutions, and
- ii) There are imperative reasons of over-riding public interest including those of a social or economic nature, and
- iii) Compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

For European Sites hosting a priority habitat or species (as defined in Article 1 of the The Conservation (Natural Habitat & c.) Regulations 1994), prior consultation with the European Commission via Scottish Ministers is required unless the imperative reasons of overriding public interest relate to human health, public safety or beneficial consequences of primary importance to the environment.

**b) National designations**

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

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

**c) Local Designations**

Development proposals likely to have a significant adverse effect on Local Nature Reserves, wildlife sites or other valuable local habitats will be refused unless it can be demonstrated that;

- i) Public benefits clearly outweigh the nature conservation value of the site, and
- ii) There is a specific locational requirement for the development, and
- iii) Any potential impacts can be satisfactorily mitigated to conserve and enhance the site's residual conservation interest.

**d) European Protected Species**

European Protected Species are identified in the Habitats Regulations 1994 (as amended in Scotland). Where a European Protected Species may be present or affected by development or activity arising from development, a species survey and where necessary a Species Protection Plan should be prepared to accompany the planning application, to demonstrate how the Regulations will be complied with. The survey should be carried out by a suitably experienced and licensed ecological surveyor.

Proposals that would have an adverse effect on European Protected Species will not be approved unless;

- The need for development is one that is possible for SNH to grant a license for under the Regulations (e.g. to preserve public health or public safety).
- There is no satisfactory alternative to the development.
- The development will not be detrimental to the maintenance of the favourable conservation status of the species.

**e) Other protected species**

Wild birds and a variety of other animals are protected under domestic legislation, such as the Wildlife and Countryside Act 1981 (as amended in Scotland by the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011), Protection of Badgers Act 1992 and Marine (Scotland) Act 2010. Where a protected species may be present or affected by development or activity arising from development, a species survey and where necessary a Species Protection Plan should be prepared to accompany the planning application to demonstrate how legislation will be complied with. The survey should be carried out by a suitably experienced ecological surveyor, who may also need to be licensed depending on the species being surveyed for.

Proposals which would have an adverse effect on badgers or their setts must be accompanied by a Badger Protection Plan demonstrating how impacts will be avoided, mitigated, minimised or compensated for.

**EP2 BIODIVERSITY**

All development proposals must, where possible, retain, protect and enhance features of biological interest and provide for their appropriate management. Development must safeguard and where physically possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats.

Development should integrate measures to enhance biodiversity as part of multi-functional spaces/ routes.

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 ecological and amenity value.

Developers must demonstrate, through a Placemaking Statement where required by Policy PP1 which incorporates a Biodiversity Plan, that they have included biodiversity features in the design of the development. Habitat creation can be achieved by providing links into existing green and blue networks, wildlife friendly features such as wildflower verges and meadows, bird and bat boxes, amphibian friendly kerbing, wildlife crossing points such as hedgehog highways and planting to encourage pollination, wildlife friendly climbing plants, use of hedges rather than fences, incorporating biodiversity measures into SUDS and retaining some standing or lying dead wood, allotments, orchards and woodlands.

Where development would result in loss of natural habitats of ecological amenity value, compensatory habitat creation will be required where deemed appropriate.

## **EP5 OPEN SPACE**

### **a) Existing Open Space (ENV's and Amenity Land)**

Development which would result in a change of use of a site identified under the ENV designation in settlement statements or amenity land designations in rural groupings to anything other than open space use will be refused. Proposals that would result in a change of use of an ENV4 Sports Area to any other use (including other ENV categories) will be refused. The only exceptions are where the proposal is for essential community infrastructure required to deliver the key objectives of the Council and its Community Planning Partners, excluding housing, or for a site specific opportunity identified within the settlement statement. Where one of these exceptions applies, proposals must:

- Be sited and designed to minimise adverse impacts on the principal function of the space and the key qualities and features identified in the Moray Open Space Strategy Supplementary Guidance.
- Demonstrate that there is a clear excess of the type of ENV and the loss of the open space will not negatively impact upon the quality, accessibility and quantity of open space provision and does not fragment green networks (with reference to the Moray Open Space Strategy Supplementary Guidance, green network mapping and for ENV4 Sports Area in consultation with SportScotland) or replacement open space provision of equivalent function, quality and accessibility is made.

The temporary use of unused or underused land as green infrastructure is encouraged, this will not prevent any future development potential which has been identified from being realised. Proposals that would result in a change of use of an ENV4 Sports Area to any other use (including other ENV categories) will be refused.

Proposals for allotments or community growing on existing open space will be supported where they do not adversely affect the primary function of the space or the key qualities and features identified in the Moray Open Space Strategy Supplementary Guidance and a locational requirement has been identified in the Council's Food Growing Strategy. Consideration will include related aspects such as access, layout, design and car parking requirements.

Any new/proposed extension to existing cemetery sites requiring an intrusive ground investigation must be undertaken in accordance with SEPA's guidance on assessing the impacts of cemeteries on groundwater before any development occurs at the site.

Areas identified in Settlement Statements as ENV are categorised based on their primary function as set out below. These are defined in the Open Space Strategy Supplementary Guidance.

- ENV 1** Public Parks and Gardens
- ENV 2** Amenity Greenspace
- ENV 3** Playspace for children and teenagers
- ENV 4** Sports Areas
- ENV 5** Green Corridors
- ENV 6** Natural/Semi-Natural Greenspace
- ENV 7** Civic Space
- ENV 8** Allotments
- ENV 9** Cemeteries and proposed extensions
- ENV 10** Private Gardens and Grounds
- ENV 11** Other Functional Greenspace

**b) Green Infrastructure and Open Space in New Development**

New development must incorporate accessible multifunctional open space of appropriate quantity and quality to meet the needs of development and must provide green infrastructure to connect to wider green/blue networks. In Elgin, Buckie and Forres green infrastructure must be provided 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 maximize 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 meet the requirements of policy PP1 Placemaking, EP2 Biodiversity, other relevant policies and any site specific requirements within the Settlement Statements. Developers must demonstrate through a Placemaking Statement that they have considered these standards in the design of the open space, this must include submission of a wider analysis plan that details existing open space outwith the site, key community facilities in the area and wider path networks.

**i) Accessibility Standard**

Everyone will live within a five minute walk of a publicly usable space of at least 0.2ha.

**ii) Quality Standard**

All new development proposals will be assessed and must achieve a very good quality score of no less than 75%. Quality will be assessed by planning officers at the planning application stage against the five criteria below using the bullet point prompts. Each criterion will be scored on a scale of 0 (poor) to 5 (very good) with an overall score for the whole development expressed as a percentage.

**Accessible and well connected**

- Allows movement in and between places, consideration to be given to reflecting desire lines, permeable boundaries, and multiple access points
- Accessible entrances in the right places.
- Accessible for all generations and mobility's, including consideration of gradient and path surfaces.
- Provide appropriately surfaced, inclusive, high quality paths.
- Connects with paths, active travel routes and other transport modes including bus routes.
- Offers connecting path network with legible waymarking and signage.

**Attractive and Appealing Places**

- Attractive with positive image created through character and quality elements.
- Attractive setting for urban areas.
- Quality materials, equipment and furniture.
- Attractive plants and landscape elements that support character, including providing seasonal and sensory variation and food production.
- Welcoming boundaries and entrance areas.
- Adequate bin provision.
- Long term maintenance measures in place. ▸

**Biodiverse supporting ecological networks (see Policy EP2 Biodiversity)**

- Contribute positively to biodiversity through the creation of new natural habitats for ecological and amenity value.
- Large enough to sustain wildlife populations, including green/blue networks and landscaping.
- Offers a diversity of habitats.
- Landscaping and open space form part of wider landscape structure and setting.
- Connects with wider blue/green networks Provide connections to existing green/blue networks and avoids fragmentation of existing habitats.
- Ensure a balance between areas managed positively for biodiversity and areas managed primarily for other activities e.g. play, sport.
- Resource efficient, including ensuring open space has a clear function and is not "left over".

**Promotes activity, health and well being**

- Provides multifunctional open space for a range of outdoor physical activities reflecting user needs and location.
- Provides diverse play, sport, and recreational facilities for a range of ages and user groups.
- Providing places for social interaction, including supporting furniture to provide seating and resting opportunities.
- Appropriate high quality facilities meeting needs and reflecting the site location and site.
- Carefully sited facilities for a range of ages with consideration to be given to existing facilities, overlooking, and ease of access for users.
- Open space is flexible to accommodate changing needs.

**Safe, Welcoming and contributing to Character and Identity**

- Safe and welcoming.
- Good levels of natural surveillance.
- Discourage anti-social behaviour.
- Appropriate lighting levels.
- Sense of local identity and place.
- Good routes to wider community facilities e.g connecting to schools, shops, or transport nodes.
- Distinctive and memorable places that support local culture and identity.
- Catering for a range of functions and activities providing a multi-functional space meeting needs.
- Community involvement in management.

b iii) Quantity Standard

Unless otherwise stated in site designations, the following quantity standards will apply.

- Residential sites less than 10 units - landscaping to be determined under the terms of Policy DP1 Development Principles to integrate the new development.
- Residential sites 10-50 units and new industrial sites- minimum 15% open space
- Residential sites 51-200 units- minimum 20% open space
- Residential sites 201 units and above and Business Parks- minimum 30% open space which must include allotments, formal parks and playspaces within residential sites.

In meeting the quantity requirements, only spaces which have a clear multi benefit function will be counted. Structure and boundary landscaping areas must make provision for public access and link into adjacent green corridors. The quantity standard must be met within the designation boundaries. For windfall sites the quantity standard must be new open space provision within the application boundaries.

Open Spaces approved in new developments will be classed as ENV spaces upon granting of consent.

Proposals must also comply with the Council's Open Space Strategy Supplementary Guidance.

## **EP7 FORESTRY, WOODLANDS AND TREES**

### **a) Moray Forestry and Woodland Strategy**

Proposals which support the economic, social and environmental objectives and projects identified in the Moray Forestry and Woodlands Strategy will be supported where they meet the requirements of other relevant Local Development Plan policies. The council will consult Scottish Forestry on proposals which are considered to adversely affect forests and woodland. Development proposals must give consideration to the relationship with existing woodland and trees including shading, leaf/needle cast, branch cast, wind blow, water table impacts and commercial forestry operations.



**b) Tree Retention and Survey**

Proposals must retain healthy trees and incorporate them within the proposal unless it is technically unfeasible to retain these. Where trees exist on or bordering a development site, a tree survey, tree protection plan and mitigation plan must be provided with the planning application if the trees or trees bordering the site (or their roots) have the potential to be affected by development and construction activity. Proposals must identify a safeguarding distance to ensure construction works, including access and drainage arrangements, will not damage or interfere with the root systems in the short or longer term. A landscaped buffer may be required where the council considers that this is required to maintain an appropriate long term relationship between proposed development and existing trees and woodland.

Where it is technically unfeasible to retain trees, compensatory planting on a one for one basis must be provided in accordance with (e) below.

**c) Control of Woodland Removal**

In support of the Scottish Government's Control of Woodland Removal Policy, Woodland removal within native woodlands identified as a feature of sites protected under Policy EP1 or woodland identified as Ancient Woodland will not be supported.

In all other woodlands development which involves permanent woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits (excluding housing) and where removal will not result in unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice the management of the woodland.

Where it is proposed to remove woodland, compensatory planting at least equal to the area to be felled must be provided in accordance with e) below.

**d) Tree Preservation Orders and Conservation Areas**

The council will serve Tree Preservation Orders (TPO's) on potentially vulnerable trees which are of significant amenity value to the community as whole, trees that contribute to the distinctiveness of a place or trees of significant biodiversity value.

Within Conservation Areas, the council will only agree to the felling of dead, dying, or dangerous trees. Trees felled within Conservation Areas or subject to TPO must be replaced, unless otherwise agreed by the council.

**e) Compensatory Planting**

Where trees or woodland are removed in association with development, developers must provide compensatory planting to be agreed with the planning authority either on site, or an alternative site in Moray which is in the applicant's control or through a commuted payment to the planning authority to deliver compensatory planting and recreational greenspace.

**GUIDANCE TREES AND DEVELOPMENT**

Trees are an important part of Moray's towns and villages and surrounding countryside, adding colour and interest to the townscape and a sense of nature in our built environment. They contribute to the diversity of the countryside, in terms of landscape, wildlife habitat and shelterbelts. Trees also have a key role to play in terms of climate change by helping to absorb carbon dioxide which is one of the main greenhouse gases that cause global warming.

The cumulative loss of woodlands to development can result in significant loss of woodland cover. In compliance with the Scottish Government Control of Woodland Removal policy, woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for compensatory planting may form part of this balance. Where woodland is to be removed then the Council will require compensatory planting to be provided on site, on another site in Moray within the applicant's control or through a commuted payment to the Council towards woodland and greenspace creation and enhancement. Developers proposing compensatory planting are asked to follow the guidance for site assessment and woodland design as laid out in Scottish Forestry's "Woodland Creation, Application Guidance" and its subsequent updates, when preparing their proposal.

The Council requires a Tree Survey and Tree Protection Plan to be submitted by the applicant with any planning application for detailed permission on designated or windfall sites which have trees on them. The survey should include a schedule of trees and/or groups of trees and a plan showing their location, along with the following details;

- Reference number for each tree or group of trees.
- Scientific and common names.
- Height and canopy spread in metres (including consideration of full height and spread).
- Root protection area.
- Crown clearance in metres.
- Trunk diameters in metres (measures at 1.5m above adjacent ground level for single stem trees or immediately above the root flare for multi stemmed trees).
- Age and life expectancy.
- Condition (physiological and structural).
- Management works required.
- Category rating for all trees within the site (U, A, B or C \*). This arboricultural assessment will be used to identify which trees are suitable for retention within the proposed development.

\*BS5837 provides a cascading quality assessment process for categorisation of trees which tree surveys must follow. An appropriately scaled tree survey plan needs to accompany the schedule. The plan should be annotated with the details of the tree survey, showing the location, both within and adjacent to the site, of existing trees, shrubs and hedgerows. Each numbered tree or groups of trees should show the root protection area and its category U, A, B, C.

Based on the guidance in BS5837, only category U trees are discounted from the Tree Survey and Tree Protection Plan process. Trees in category A and B must be retained, with category C trees retained as far as practicable and appropriate. Trees proposed for removal should be replaced with appropriate planting in a landscape plan which should accompany the application. Trees to be retained will likely be set out in planning conditions, if not already covered by a Tree Preservation Order.

If a tree with habitat value is removed, then measures for habitat reinstatement must be included in the landscape plan. It is noted that in line with part b) of policy EP7 where woodland is removed compensatory planting must be provided regardless of tree categorisation."

A Tree Protection Plan (TPP) must also be submitted with planning applications, comprising a plan and schedule showing;

- Proposed design/ layout of final development, including accesses and services.
- Trees to be retained- with those requiring remedial work indicated.
- Trees to be removed.
- Location (and specification) of protective fencing around those trees to be retained based on the Root Protection Area.

The TPP should show how the tree survey information has informed the design/ layout explaining the reasoning for any removal of trees.

### **Landscape Scheme**

Where appropriate a landscape scheme must be submitted with planning applications, clearly setting out details of what species of trees, shrubs and grass are proposed, where, what standard and when planting will take place. Landscape schemes must aim to deliver multiple benefits in terms of biodiversity, amenity, drainage and recreation as set out in policy.

The scheme should also set out the maintenance plan. Applicants/ developers will be required to replace any trees, shrubs or hedges on the site which die, or are dying, severely damaged or diseased which will be specified in planning conditions.

Tree species native to Scotland are recommended for planting in new development - Alder, Aspen, Birch, Bird Cherry, Blackthorn, Crab Apple, Elm, Gean, Hawthorn, Hazel, Holly, Juniper, Sessile Oak, Rowan, Scots Pine, Whitebeam, Willow.

## **EP8 HISTORIC ENVIRONMENT**

### **a) Scheduled Monuments and Unscheduled Archaeological Sites of Potential National Importance.**

Where a proposed development potentially has a direct impact on a Scheduled Monument, Scheduled Monument Consent (SMC) is required, in addition to any other necessary consents. Historic Environment Scotland manage these consents.

Development proposals will be refused where they adversely affect the integrity of the setting of Scheduled Monuments and unscheduled archaeological sites of potential national importance unless the developer proves that any significant adverse effects are clearly outweighed by exceptional circumstances, including social or economic benefits of national importance.

### **b) Local Designations**

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

- Local public benefits clearly outweigh the archaeological value of the site, and
- Consideration has been given to alternative sites for the development and preservation in situ is not possible.
- Where possible any adverse effects can be satisfactorily mitigated at the developer's expense.

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

## **EP12 MANAGEMENT AND ENHANCEMENT OF THE WATER ENVIRONMENT**

### **a) Flooding**

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. For development at or near coastal locations, this includes consideration of future flooding that may be caused by sea level rise and/or coastal change eroding existing natural defences in the medium and long term.

Proposals for development in areas considered to be at risk from flooding will only be permitted where a flood risk assessment to comply with the recommendations of Scottish Planning Policy and to the satisfaction of Scottish Environment Protection Agency and the Council is provided by the applicant.

There are different levels of flood risk assessment dependent on the nature of the flood risk. The level of assessment should be discussed with the Council prior to submitting a planning application.

**Level 1** - a flood statement with basic information with regard to flood risk.

**Level 2** - full flood risk assessment providing details of flood risk from all sources, results of hydrological and hydraulic studies and any appropriate proposed mitigation.

Assessments must demonstrate that the development is not at risk of flooding and would not increase the probability of flooding elsewhere. Level 2 flood risk assessments must be signed off by a competent professional. The Flood Risk Assessment and Drainage Impact Assessment for New Development Supplementary Guidance provides further detail on the information required.

Due to continuing changes in climatic patterns, the precautionary principle will apply when reviewing any application for an area at risk from inundation by floodwater. Proposed development in coastal areas must consider the impact of tidal events and wave action when assessing potential flood risk.

The following limitations on development will also be applied to take account of the degree of flooding as defined in Scottish Planning Policy;

- a) In areas of little to no risk (less than 0.1%), there will be no general constraint to development.
- b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the probability range i.e. (close to 0.5%) and for essential civil infrastructure and the most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during flooding events.
- c) Areas of medium to high risk (0.5% or above) may be suitable for:

- Residential, institutional, commercial and industrial development within built up areas provided that flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood management plan.
- Essential infrastructure within built up areas, designed and constructed to remain operational during floods and not impede water flow.
- Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place, and
- Employment related accommodation e.g. caretakers or operational staff.

Areas within these risk categories will generally not be suitable for the following uses and where an alternative/lower risk location is not available;

- Civil infrastructure and most vulnerable uses.
- Additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons e.g. for navigation and water based recreation, agriculture, transport or utilities infrastructure (which should be designed to be operational during floods and not impede water flows).
- New caravan and camping sites

Where development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome. Water resistant materials and construction must be used where appropriate. Land raising and elevated buildings on structures such as stilts are unlikely to be acceptable.

#### **b) Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)**

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

When considering the appropriate SUDS design for the development the most sustainable methods, such as rainwater harvesting, green roofs, bio retention systems, soakaways, and permeable pavements must be considered first. If it is necessary to include surface water attenuation as part of the drainage system, only above ground attenuation solutions will be considered, unless this is not possible due to site constraints.

If below ground attenuation is proposed the developer must provide a robust justification for this proposal. Over development of a site or a justification on economic grounds will not be acceptable. When investigating appropriate SUDS solutions developers must integrate the SUDS with allocated green space, green networks and active travel routes to maximise amenity and biodiversity benefits.

Specific arrangements must be made to avoid the issue of permanent SUDS features becoming silted-up with run-off. Care must be taken to avoid the spreading and/or introduction of invasive non-native species during the construction of all SUDS features. On completion of SUDS construction the developer must submit a

comprehensive Operation and Maintenance Manual. The ongoing maintenance of SUDS for all new development will be undertaken through a factoring agreement, the details of which must be supplied to the Planning Authority.

All developments of less than 3 houses or a non-householder extension under 100 square metres must provide a Drainage Statement. A Drainage Assessment will be required for all developments other than those identified above.

**c) Water Environment**

Proposals, including associated construction works, must be designed to avoid adverse impacts upon the water environment including Ground Water Dependent Terrestrial Ecosystems and should seek opportunities for restoration and/or enhancement, if appropriate. The Council will only approve proposals impacting on water features where the applicant provides a report to the satisfaction of the Council that demonstrates that any impact (including cumulative) on water quality, water quantity, physical form (morphology), river hydrology, sediment transport and erosion, coastal processes (where relevant) nature conservation (including protected species), fisheries, recreational, landscape, amenity and economic and social impact can be adequately mitigated.

The report must consider existing and potential impacts up and downstream of the development particularly in respect of potential flooding. The Council operates a presumption against the culverting of watercourses and any unnecessary engineering works in the water environment.

A buffer strip of at least 6 metres between any new development and all water features is required and should be proportional to the bank width and functional river corridor (see table on page 96). This must achieve the minimum width within the specified range as a standard, however, the actual required width within the range should be calculated on a case by case basis by an appropriately qualified individual. These must be designed to link with blue and green networks, including appropriate native riparian vegetation and can contribute to open space requirements.

Developers may be required to make improvements to the water environment as part of the development. Where a Water Framework Directive (WFD) water body specific objective is within the development boundary, or in proximity, developers will need to address this within the planning submission through assessment of potential measures to address the objective and implementation, unless adequate justification is provided. Where there is no WFD objective the applicant should still investigate the potential for watercourse restoration along straightened sections or removal of redundant structures and implement these measures where viable.

<b>Width to watercourse (top of bank)</b>	<b>Width of buffer strip (either side)</b>
Less than 1m	6m
1-5m	6-12m
5-15m	12-20m
15m+	20m+

The Flood Risk Assessment and Drainage Impact Assessment for New Development Supplementary Guidance provides further detail on the information required to support proposals.

## **EP13 FOUL DRAINAGE**

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

- Systems must not have an adverse effect on the water environment
- Systems must be designed and built to a standard which will allow adoption by Scottish Water
- Systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as above) of less than 2,000 population will require to connect to public sewerage except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area.

Where a compelling case is made, a private system may be acceptable provided it does not pose or add a risk of detrimental effects, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area.

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

## **EP14 POLLUTION, CONTAMINATION & HAZARDS**

### **a) Pollution**

Development proposals which may cause significant air, water, soil, light or noise pollution or exacerbate existing issues must be accompanied by a detailed assessment report on the levels, character and transmission of the potential pollution with measures to mitigate impacts. Where significant or unacceptable impacts cannot be mitigated, proposals will be refused.

### **b) Contamination**

Development proposals on potentially contaminated land will be approved where they comply with other relevant policies and;

- i) The applicant can demonstrate through site investigations and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment; and
- ii) Where necessary, effective remediation measures are agreed to ensure the site is made suitable for the new use and to ensure appropriate disposal and/ or treatment of any hazardous material.



**c) Hazardous sites**

Development proposals must avoid and not impact upon hazardous sites or result in public safety concerns due to proximity or use in the vicinity of hazardous sites.

**EP15 MOD SAFEGUARDING**

Development proposals must not adversely impact upon Ministry of Defence safeguarding operations. Details of consultation zones for Kinloss Barracks and RAF Lossiemouth and development types which will be subject to consultation with the Defence Infrastructure Organisation are available from Moray Council. The outer boundaries of the zones are shown on the Proposals Map.