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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON  
3 AUGUST 2021**

**SUBJECT: 21/00670/PAN – PROPOSED RESIDENTIAL DEVELOPMENT  
INCLUDING ASSOCIATED ROADS, DRAINAGE AND  
LANDSCAPING AT DUFFUS ROAD, FINDRASSIE, ELGIN,  
MORAY**

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

**1. REASON FOR REPORT**

- 1.1 To inform the Committee that a Proposal of Application Notice (PAN) was submitted on 4 May 2021 on behalf of Robertson Homes Limited.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as a Planning Authority.

**2. RECOMMENDATION**

**2.1 It is recommended that:**

- (i) in noting the terms of this report, the Committee advise upon any provisional views/relevant issues that Members of this Committee (or any other Member(s) of the Council) wish to raise about the proposed development so that these matters can be recorded and thereafter fed back to the prospective applicant in order to inform the development of their proposed formal application for planning permission; and
- (ii) the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

**3. BACKGROUND**

- 3.1 Scottish Government has published guidance which encourages elected members to highlight any issues with a proposed development at the pre-

application stage which they would wish to see taken into account within any formal application for planning permission.

- 3.2 Following consideration by this Committee on 11 November 2014 it was agreed that any PAN received after this date would be reported to Committee to give Members of the Committee, and the Council, the opportunity to identify any key issues/provisional views about the proposed development and that these matters be reported back to applicant (paragraph 4 of the Minute refers).
- 3.3 This current report is not about the merits of the proposed development but rather, based on local knowledge of local issues and wider concerns, etc. Members are invited to identify any matters relevant to the proposal. These will be reported back to the prospective applicant for their information and attention, and to inform the development of the proposed application. It is also proposed that, for information, Members' comments be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.
- 3.4 This PAN relates to a proposed residential development including associated roads, drainage and landscaping at Duffus Road, Findrassie on land forming part of the Elgin R11 Findrassie site as designated in the Moray Local Development Plan (MLDP) (2020).
- 3.5 The area subject to the PAN extends to approx. 14.86ha, and covers the western part of the Elgin R11 site that abuts Findrassie Wood. The extent of the PAN area is shown on the site plan appended to this report (**Appendix 1**).
- 3.6 The site as identified forms a small part of the total combined area of the Elgin R11 designation (approx. 100ha, indicative capacity of 1500 houses). From the MLDP 2020, the Elgin R11 site is a large designated site for residential development. The site-specific requirements of the designation require proposals to comply with the Findrassie Masterplan Supplementary Guidance; the safeguarding of the integrity of the Loch Spynie Special Protection Area; provision of a Flood Risk Assessment (FRA), Drainage Impact Assessment (DIA) and Phase 1 Habitat Survey. A suitable buffer zone is required to ensure protection of the Long-Established Woodland of Plantation Origin (LEPO) at Findrassie Wood. 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.
- 3.7 In addition to requirements for footway, cycleway and public transport connections (including the provision of new bus laybys on the A941) a Transport Assessment is required which must assess the impacts on junctions TSP30 and 31 (all as defined in the MLDP 2020)) to determine the level of developer obligations for any necessary mitigation. Off site road improvements (Roads Infrastructure Improvements (TSPs)) are required, as set out within the Action Programme. Connections to R10 and new junctions onto A941 are also required as part of the designation as well as widening and improvements to Covsea and Myreside Road.

- 3.8 As part of the requirements of the Elgin R11 designations, the Findrassie Masterplan was approved at a meeting of this Committee on 1 December 2015 as Supplementary Guidance to be used as a material consideration that will be given significant weight in the determination of planning applications pertaining to the Elgin R11 (paragraph 7 of the Minute refers). The masterplan covers the whole of the designated site and seeks to ensure that a high quality design, reflective of Elgin, is achieved on the ground in a coherent and consistent manner and that a strategic approach is taken towards the provision of education, community facilities and transportation infrastructure. The site as identified falls within the Duffus Road and part of the Findrassie Wood Edge Character Zones. The masterplan sets out a design code which includes the key principles for the design of these new neighbourhoods.
- 3.9 A formal response has been issued to the applicant's agent to confirm that the proposed arrangements for engaging with the local community outlined would meet the statutory minimum consultation requirement i.e. consultation with the local Community Council and one public event, in this case i.e. consultation with the local Community Council (Elgin) and a virtual consultation event (including a 'live chat' function'), given the current temporary Covid 19 legislative arrangements (Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020). In this case, the Council also advised that Heldon Community Council should be served a copy of the PAN.
- 3.10 The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 have temporarily suspended the need to hold a public event in relation to PANs from 24 April 2020 provided that the PAN was submitted before the end of the emergency period and that any formal planning application following on from the PAN is lodged within 6 months of the end of the emergency period. In order to be valid a Major application it must be supported by a pre-application consultation report setting out the steps taken to consult with the local community, details of comments made on the proposal and how the applicant has responded to all comments made on the proposal in the development of the application.

#### **4. SUMMARY OF IMPLICATIONS**

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

Identifying key issues at an early stage to assist with front loading major planning applications is a vital aspect of supporting and facilitating the Council's priority for economic development in Moray.

**(b) Policy and Legal**

Scottish Government guidance on the role of councillors in pre-application procedures affords elected members the opportunity to offer general provisional views on forthcoming developments which are the subject of a PAN where the details of the development have yet to be finalised.

**(c) Financial implications**

None.

**(d) Risk Implications**

None.

**(e) Staffing Implications**

None.

**(f) Property**

None.

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

None.

**(h) Consultations**

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Development Management and Building Standards Manager, the Equal Opportunities Officer, the Strategic Planning and Development Manager, and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

Members of Moray Council who are not on the Planning & Regulatory Services Committee have also been consulted and any views received on the proposal will be made known at the meeting.

**5. CONCLUSION**

- 5.1 The Council has received a PAN intimating that a formal application for planning permission will be submitted for a Major development proposal, in this case for residential development including associated roads drainage and landscaping. The Committee (and any other Member(s) of the Council) are asked to identify any provisional views/relevant issues which they would wish to see taken into account and inform the development of the proposal.**

Author of Report:

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Background Papers:

Ref:

21/00670/PAN