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## **Planning and Regulatory Services Committee**

**Tuesday, 03 August 2021**

**NOTICE IS HEREBY GIVEN** that a Meeting of the **Planning and Regulatory Services Committee** is to be held at **Various Locations via Video-Conference**, on **Tuesday, 03 August 2021** at **09:30**.

### **BUSINESS**

**1 Sederunt**

**2 Declaration of Group Decisions and Members Interests \***

**3 Resolution**

Consider, and if so decide, adopt the following resolution:  
"That under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Items 21 and 22 of business on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act."

**4 Minute of Meeting dated 18 May 2021**

**7 - 22**

**5 Written Questions \*\***

**Guidance Note**

**23 - 24**

**6 Planning Application 21/00420/APP**

**25 - 60**

Report by Appointed Officer

<b>7</b>	<b>Planning Application 21/00484/APP</b>	<b>61 - 110</b>
	Report by Appointed Officer	
	Vary condition 1 attached to planning permission 16/01657/APP to increase the operational life period of Aultmore Wind Farm from 27 to 30 years at Aultmore Forest Drybridge Buckie Moray for Vattenfall Wind Power Limited	
<b>8</b>	<b>Planning Application 21/00120/APP</b>	<b>111 - 170</b>
	Report by Appointed Officer	
	Proposed residential development comprising 10 dwellings and associated roads and landscaping R1 Land Off Meft Road Urquhart Moray for Mr Edward Rattray	
<b>9</b>	<b>Planning Application 21/00809/APP</b>	<b>171 - 212</b>
	Report by Appointed Officer	
<b>10</b>	<b>21/00803/PAN</b>	<b>213 - 218</b>
	Report by Depute Chief Executive (Economy, Environment and Finance)	
	Proposed residential development, landscaping and associated infrastructure at R7 Land at Muirton, Buckpool, Buckie	
<b>11</b>	<b>21/00740/PAN</b>	<b>219 - 224</b>
	Report by Depute Chief Executive (Economy, Environment and Finance)	
	Proposed 100,000 tonnes per annum malt production facility on land at Greens of Rothes, Rothes, Moray	
<b>12</b>	<b>21/00670/PAN</b>	<b>225 - 230</b>
	Report by Depute Chief Executive (Economy, Environment and Finance)	
	Proposed residential development including associated roads, drainage and landscaping at Duffus Road, Findrassie, Elgin, Moray	
<b>13</b>	<b>21/00653/PAN</b>	<b>231 - 236</b>
	Report by Depute Chief Executive (Economy, Environment and Finance)	
	Proposed installation of underground electricity cables and associated development at land between Greenhill and Factors Park Plantation Deskford, Cullen, Moray	



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|-----------|--|----------------------|
| <b>14</b> | <b>Performance Report (Economic Growth and Development) - Period to March 2021</b>                                   | <b>237 -<br/>246</b> |
|           | Report by Depute Chief Executive (Economy, Environment and Finance)  |                      |
| <b>15</b> | <b>Elgin South Masterplan Update 2021</b>  | <b>247 -<br/>332</b> |
|           | Report by Depute Chief Executive (Economy, Environment and Finance)  |                      |
| <b>16</b> | <b>Developer Obligations Service Update</b>  | <b>333 -<br/>378</b> |
|           | Report by Depute Chief Executive (Economy, Environment and Finance)  |                      |
| <b>17</b> | <b>Employment Land Audit 2021</b>  | <b>379 -<br/>422</b> |
|           | Report by Depute Chief Executive (Economy, Environment and Finance)  |                      |
| <b>18</b> | <b>Housing Land Audit 2021</b>   | <b>423 -<br/>450</b> |
|           | Report by Depute Chief Executive (Economy, Environment and Finance)  |                      |
| <b>19</b> | <b>Procedure for Pre-Determination Hearings</b>  | <b>451 -<br/>456</b> |
|           | Report by Depute Chief Executive (Economy, Environment and Finance)  |                      |
| <b>20</b> | <b>Question Time ***</b>   |                      |
|           | Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration. |                      |

**Item(s) which the Committee may wish to consider with the Press and Public excluded**

**21 Update on Planning Application S.75 - Elgin [Para 6 and 9]**

- Information relating to the financial or business affairs of any particular person(s);
- Information on proposed terms and/or expenditure to be incurred by the Authority;

**22 Tree Preservation Order**

- Information relating to action taken, or to be taken, in connection with the prevention, investigation or prosecution of crime.

**Summary of Planning and Regulatory Services**

**Committee functions:**

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

**Moray Council Committee meetings are currently being held virtually due to Covid-19. If you wish to watch the webcast of the meeting please go to:**

**[http://www.moray.gov.uk/moray\\_standard/page\\_43661.html](http://www.moray.gov.uk/moray_standard/page_43661.html)**  
**to watch the meeting live.**

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

\*\* **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

\*\*\* **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

# **THE MORAY COUNCIL**

## **Planning and Regulatory Services Committee**

### **SEDERUNT**

Councillor David Bremner (Chair)  
Councillor Aaron McLean (Depute Chair)

Councillor Frank Brown (Member)  
Councillor John Cowe (Member)  
Councillor Gordon Cowie (Member)  
Councillor Ryan Edwards (Member)  
Councillor Claire Feaver (Member)  
Councillor Marc Macrae (Member)  
Councillor Ray McLean (Member)  
Councillor Louise Nicol (Member)  
Councillor Laura Powell (Member)  
Councillor Derek Ross (Member)  
Councillor Amy Taylor (Member)  
Councillor Sonya Warren (Member)

Clerk Name:	Lissa Rowan
Clerk Telephone:	07765 741754
Clerk Email:	committee.services@moray.gov.uk

**Minute of Meeting of the Planning and Regulatory Services Committee**

**18 May 2021**

**Various Locations via Video Conference**

**PRESENT**

Councillors Bremner, A McLean, Cowe, Cowie, Divers, Feaver, Macrae, R McLean, Nicol, Powell, Ross, Taylor and Warren

**APOLOGIES**

Apologies were intimated on behalf of Councillor Brown

**IN ATTENDANCE**

Head of Economic Growth and Development, Development Management and Building Standards Manager, Mr N MacPherson, Principal Planning Officer, Mr R Smith, Principal Planning Officer, Strategic Planning and Development Manager, Mrs D Anderson, Senior Engineer (Transportation), Ms L MacDonald, Senior Planning Officer, Legal Services Manager and Mrs L Rowan, Committee Services Officer as Clerk to the Committee.

**1. SEDERUNT**

The Chair stated that, although the sederunt did not reflect that Councillor Divers was a member of the Planning and Regulatory Services Committee, this was an error and Councillor Divers had been appointed to the Committee from 1 April 2021 and welcomed Councillor Divers back onto the Committee. This was noted.

**2. DECLARATION OF GROUP DECISIONS AND MEMBER'S INTERESTS**

In terms of Standing Order 20 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

**3. MINUTE OF THE PLANNING AND REGULATORY SERVICES COMMITTEE  
DATED 23 MARCH 2021**

Under reference to paragraph 6 of the minute of the meeting of the Planning and Regulatory Services Committee dated 23 March 2021, Councillor Feaver raised a point of accuracy and sought clarification from the Chair as to whether he had suggested holly as a variety of hedgerow. In response, the Chair stated that he had suggested holly and asked that the minute be updated to reflect this. This was agreed.

Thereafter the minute of the Planning and Regulatory Services Committee dated 23 March 2021 was submitted and approved subject to the inclusion of holly as a variety of hedgerow at paragraph 6 of the minute.

#### 4. WRITTEN QUESTIONS

The Committee noted that no written questions had been submitted.

#### 5. PLANNING APPLICATION 20/01251/MIN

##### Ward 2 – Keith and Cullen

##### **Proposed hard rock quarry and mineral processing area extraction area 1.99Ha at Backmuir Keith Moray AB55 5PE for Backmuir Trading Limited**

A report by the Appointed Officer recommended that, for reasons detailed in the report, planning permission be granted for an application for a proposed hard rock quarry and mineral processing area extraction area 1.99Ha at Backmuir Keith Moray AB55 5PE for Backmuir Trading Limited.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the site exceeds 2 hectares.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 20/01251/MIN subject to the following conditions and reasons:

1. Unless otherwise agreed in writing with the Council, as Planning Authority, the approval hereby granted is for a limited period only expiring 30 years from the date of this consent. This permission consists of a 29 year period for extraction with the final year to be solely for the purposes of site restoration and planting. If the quarry is exhausted sooner than this period, then the full restoration must be carried out within 12 months from when mineral extraction ceases.

**Reason:** In order that the Council, as Planning Authority may retain control over the use of the site and to ensure that further consideration can be given to the operation, effects and impact of the use approved herewith on the amenity and character of the area.

2. The quarries operations must be carried out in accordance with the updated Site Specific Management Plan, submitted in December 2020, and in particular the mitigation measures for environmental, amenity traffic, health and safety impacts arising from the quarrying operation.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

3. Prior to the commencement of works a detailed restoration and aftercare plan shall be submitted to and approved in writing by the Council, as Planning Authority (in consultation with SEPA) and all work shall be carried out in accordance with the said scheme.

The restoration and aftercare plan, must be based upon the approved Remediation Strategy and include:-

- a) detailed landscaping proposal identifying the specific number, species and location of tree and shrub planting so as to maximise biodiversity and

replace felled trees;

- b) details of the specific wetland planting to enhance the biodiversity of the approved pond;
- c) further mitigation and habitat enhancements recommended in the Habitat Survey namely a variety of bat/bird boxes;
- d) details of any proposals for phased working and progressive restoration where possible;
- e) measures to replace within 5 years of planting any trees that are damaged, become diseased or die.

**Reason:** To retain control over this temporary form of development and ensure that the site is appropriately restored in the interests of the protection of the environment.

- 4. The development shall not become operational until vehicle wheel cleansing facilities have been installed and brought into operation on the site, the design and siting of which shall be subject to the prior written approval of the Council, as Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority. Thereafter, the vehicle wheel cleansing facilities shall be in operation for the lifetime of the quarry.

**Reason:** To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

- 5. The 'control measures' identified in section 4 of the submitted Local Residential Amenity Impact Management Method Statement to mitigate the effect of quarrying on local residents, must be adhered to throughout the lifetime of the quarry.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

- 6. The 'control measures' identified in section 5 of the submitted Noise Management Method Statement to mitigate the effect of quarrying on local residents, must be adhered to throughout the lifetime of the quarry.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

- 7. The measures identified in the submitted Tree Protection Plan must be adhered to as the quarry is being established.

**Reason:** In order to ensure protection of neighbouring trees that add the biodiversity and visual screening of the quarry.

- 8. All quarry operations shall be carried out and permitted between 0800 - 1800, Monday to Friday, and 0800 - 1300, Saturdays and at no other times without the prior written consent of the Council, as Planning Authority in consultation with the Environmental Health Manager, notwithstanding the separate time periods in condition 9 as it specifically relates to blasting times. There shall be no quarry operations on Bank Holidays or National Holidays.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

9. During the normal daytime working hours defined in the above condition, the free-field Equivalent Continuous Noise Level (LAeq, 1h) for the mineral extraction, processing and dispatch of products, (excluding bund formation, soil and overburden handling activity, and drilling operations), shall not exceed the greater of 45dB(A) or 10 dB above the existing background sound level for operations, as measured at any existing noise sensitive property. The existing average background sound levels (L A 90) are confirmed in Tables 1.1 to 1.3 of the Noise Impact Assessment supporting document by Vibrock Limited, Shanakeil, Ilkeston Road, Heanor, Derbyshire, dated 9 February 2021, Report Ref. R21.10820/3/AF and titled "Assessment of Environmental Impact of Noise at Backmuir Quarry, Moray."

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

10. During the normal daytime working hours defined in the condition above, the free-field Equivalent Continuous Noise Level (LAeq, 1h) for the mineral extraction, processing and dispatch of products, in combination with drilling operations (and excluding bund formation, soil and overburden handling activity), shall not exceed 55dB(A), as measured at any existing noise sensitive property, and be limited to a period not exceeding 15 days in any calendar year.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

11. The proposed noise attenuation bunds shall be installed at the locations and heights as described in the supporting document drawing by Fairhurst, dated 10 February 2021, Drawing No. 135521/8106 and titled "Backmuir Quarry, Keith. Proposed Noise Attenuation Bund." Noise from soil and overburden handling and other works in connection with landscaping the noise attenuation bunds, shall not exceed the free-field Equivalent Continuous Noise level (LAeq,1h) of 70 dB(A) at any existing noise sensitive property and be limited to a period not exceeding 8 weeks in a year at any one property. This proposed noise attenuation bunds shall be maintained throughout the lifetime of quarrying operations at the development.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

12. At the reasonable request of the Council, as Planning Authority, following a complaint relating to noise from quarry operations at the development, the developer shall measure at its own expense noise emissions as they relate to the permitted consent limits, having regard to measurement locations and methodologies as detailed in Planning Advice Note 'PAN50, Annex A: The Control of Noise at Surface Mineral Workings'. The results of such monitoring shall thereafter be forwarded to the Council, as Planning Authority. In the event that the results of the subsequent monitoring confirms noise levels exceeding that in the above noise limit conditions, further timeous mitigation measures will be required to be identified in a scheme agreed in writing by the Council, as Planning Authority, in consultation with the Environmental Health Manager, and



thereafter implemented.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area. Also to allow further controls to protect neighbouring amenity if required.

13. Prior to the commencement of any blasting operations a scheme for the monitoring of blasting including the location of monitoring points and equipment to be used shall be submitted to the Council, as Planning Authority for written approval. All blasting operations shall take place only in accordance with the scheme as approved or with such subsequent amendments as may receive the written approval of the Council, as Planning Authority.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

14. Ground vibration as a result of blasting operations at the development shall not exceed a peak particle velocity of 6 mms-1 at 95% of all blasts over a 12 month period, and no individual blast shall exceed a peak particle velocity of 10mms-1, as measured at vibration sensitive third party dwellings. The measurement shall be the maximum of 3 mutually perpendicular directions taken at the ground surface at any vibration sensitive third party dwelling.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

15. No blasting shall be carried out on the site except between the following times (1000 and 1200 hours) and (1400 and 1600 hours) Monday to Friday and (1000 and 1200 hours) on Saturday.

There shall be no blasting or drilling operations on Sundays, Bank Holidays or National Holidays.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

16. The above condition shall not apply in cases of emergency when it is considered necessary to carry out blasting operations in the interests of safety. The Council, as Planning Authority shall be notified in writing immediately of the nature and circumstances of any such event.

**Reason:** In order to ensure that, if necessary, blasting may take place in the interests of safe working.

17. Dust emissions associated with the development shall be suitably managed and mitigated by adhering to the submitted scheme in the supporting document by Fairhurst dated 14 September 2020 and titled "Backmuir Quarry Dust Management Method Statement, Project Reference 137251".

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

18. Notwithstanding the submitted details, no works shall commence until the following has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:

- a) Detailed drawings (Scale 1:500 minimum) showing the location, design specifications and timescale for the provision of a passing place on the public road, minimum length of 25 metres with 15 metre long tapers at each end and a minimum width of 6.0 metres with a minimum verge width to the rear of the passing place of 1.0 metres.
- b) Detailed drawings (Scale 1:500 minimum) showing the provision of a clear line of sight between the western end of the passing place and a point on the centreline of the development access 25 metres back from the edge of the public carriageway. The area of land between the public road, development access and sightline shall be kept clear of any obstruction above 1.0 metres in height measured from the level of the public carriageway for the lifetime of the development.
- c) Detailed drawings (Scale 1:500 minimum) showing the design specifications and timescale for the upgrading of the development access onto the public road for a minimum distance of 15 metres measured from the edge of the public carriageway and covering the widened area identified by the vehicle swept path analysis (Fairhurst drawing no 137521/1002 Rev A) and the provision of Hot Rolled Asphalt overlay on the entire width of the A43bH Backmuir Road for a minimum distance of 25 metres either side of the centreline of the development access.

Thereafter the passing place, access improvements, over-lay and sightline between the passing place and development access shall be provided in accordance with the approved details and agreed timescales.

**Reason:** To ensure provision of a safe and suitable access for vehicles, including the provision of a safe passing place and inter-visibility between the passing place and vehicles using the development access in the interests of road safety.

## **6. PLANNING APPLICATION 21/00115/APP**

### **Ward 2 – Keith and Cullen**

#### **Section 42 Planning Application for a variation of Condition 1 of Planning Permission ref 10/01801/MIN to extend duration of operations until 22nd September 2026 at Cairdshill Quarry, Keith, Moray, AB55 5PA for Tarmac Caledonian Ltd**

A report by the Appointed Officer recommended that, for reasons detailed in the report, planning permission be granted for an application for a Section 42 Planning Application for a variation of Condition 1 of Planning Permission ref 10/01801/MIN to extend duration of operations until 22nd September 2026 at Cairdshill Quarry, Keith Moray, AB55 5PA for Tarmac Caledonian Ltd.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the application is a “major” development as defined under the Hierarchy Regulations 2009 because the site area exceeds 2 ha.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 21/00115/APP subject to the following conditions and reasons:

1. The approval hereby granted is only for a limited period expiring on 22 September 2026.

**Reason:** In order that the Council, as Planning Authority may retain control over the use of the site and to ensure that further consideration can be given to the operation, effects and impact of the use approved herewith on the amenity and character of the area.

2. On expiry of the consent or completion of extraction, whichever is the sooner, all buildings, plant and machinery and other materials brought onto the site during extraction shall be removed and the site shall be restored in accordance with the approved plans within a period of 6 months to the satisfaction of the Council, as Planning Authority unless otherwise agreed.

**Reason:** In the interests of visual amenity and to ensure the proper reinstatement of the site.

3. Unless otherwise agreed with the Council, as Planning Authority an Aftercare Scheme, showing such steps as may be necessary to bring the site to the standard required for sustaining the restoration proposals (as detailed in accompanying drawing number C161/21 and the Landscape and Visual Report prepared by Pleydell Smithyman Ltd), shall be submitted for the approval of the Council, as Planning Authority not later than 1 year prior to the date on which it is expected that Condition 2 will be complied with and the Aftercare Scheme shall show:

- a) The steps to be taken and the period during which they are to be taken; and,
- b) That the aftercare of the site shall be carried out in accordance with the Aftercare Scheme.

**Reason:** In the interests of visual amenity and to ensure the proper reinstatement of the site.

4. Unless otherwise agreed with the Council, as Planning Authority:

- a) The mobile plant and stockpiles shall be maintained in their present positions at the lowest level available in the view of the Council, as Planning Authority.
- b) Stockpiles shall be no higher than 8 metres.

**Reason:** In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.

5. Unless otherwise agreed with the Council, as Planning Authority the annual rate of extraction shall not exceed 75,000 tonnes.

**Reason:** In order to retain control over the working of the site and its impact on the area.

6. Unless otherwise agreed with the Council, as Planning Authority all vehicles leaving the site shall turn right (east) towards the A96.

**Reason:** In the interests of road safety.

7. If in the view of the Council, as Planning Authority unacceptable amounts of material are carried onto the public road from the site then;
  - a) plans shall be submitted for the approval of the Council, as Planning Authority showing details of vehicle wheel washing facilities; and,
  - b) any wheel washing facilities approved shall be put in place, to the satisfaction of the Council, as Planning Authority, no later than 2 months from the date of their approval.

**Reason:** To ensure acceptable development that does not create any hazard to road users in the interests of road safety.

8. That, notwithstanding the provisions of Paragraphs 1a and 1b of Class 55 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, a planning application will be required for the installation of any further buildings (toilets etc.) not specified in this or any previous planning approvals and permitted development rights under this Class are hereby withdrawn.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

9. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) any proposal to install any additional plant or machinery at the site shall require planning consent.

**Reason:** In the interests of amenity and effective planning control and in order to control any processing of material on site.

10. Unless otherwise agreed by the Council, as Planning Authority, the development works shall be implemented in accordance with the blasting regime set out in document entitled "Cairdshill Quarry, Environmental Statement for Drilling and Blasting Operations dated 13 December 2010", prepared by Bam Ritchies, which was previously submitted for approval on 14 June 2011.

**Reason:** In order to control these effects of the working on the amenity of the area.

11. Ground vibration as a result of blasting operations to form borrow pits at the site shall not exceed a peak particle velocity of 10mms<sup>-1</sup> in 95% of all blasts and no individual blast shall exceed a peak particle velocity of 12mms<sup>-1</sup> as measured at vibration sensitive buildings. The measurement shall be the maximum of 3 mutually perpendicular directions taken at the ground surface at any vibration sensitive building.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

12. Unless otherwise agreed by the Council, as Planning Authority, the development works shall be implemented in accordance with the dust regime set out in document entitled "Cairdshill Quarry, Environmental Statement for Drilling and Blasting Operations dated 13 December 2010", prepared by Bam Ritchies, which was previously submitted for approval on 14 June 2011.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

13. Unless otherwise agreed with the Council, as Planning Authority, noise emissions from the site shall not exceed the background level by more than 5 dBA measured at the nearest noise sensitive dwelling.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

14. Unless otherwise agreed with the Council, as Planning Authority there shall be no working at the site outwith the hours of 7 am to 6 pm on Mondays to Fridays and 7 am to 12.30 pm on Saturdays. Any occasional working which may be required outwith these hours shall be agreed, in advance, with the Council, as Planning Authority.

**Reason:** In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

15. Within 3 months of the date of this permission, a Site Specific Management Plan shall be submitted to and approved in writing by the Council, as Planning Authority. The Plan shall cover all site specific environmental sensitivities, pollution prevention and mitigation measures identified to avoid or minimise environmental effects including (but not limited to) groundwater, surface water, waste management, noise and dust impacts associated with the development.

Thereafter, the development shall be implemented in accordance with the approved Plan.

**Reason:** In order to minimise the impacts of the mineral extraction works on the environment and ensure up-to-date operating and environmental standards on site.

## **7. PLANNING APPLICATION 21/00181/APP**

### **Ward 5 – Heldon And Laich**

#### **Section 42 Planning Application to Vary Condition 1 of Planning Permission 15/01768/APP to extend duration of working for a further 5 years Auchtertyre Quarry, Elgin, Moray for Tarmac Caledonian Ltd**

A report by the Appointed Officer recommended that, for reasons detailed in the report, planning permission be granted for an application for a Section 42 Planning Application to Vary Condition 1 of Planning Permission 15/01768/APP to extend duration of working for a further 5 years Auchtertyre Quarry, Elgin, Moray for Tarmac Caledonian Ltd.

It was noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the application is a major development as defined under the Council's Scheme of Delegation and also under the Hierarchy Regulations 2009 as it relates to mineral development on a site that exceeds 2ha.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 21/00181/APP subject to the following conditions and reasons:

1. The permission hereby granted shall be for a limited period only and shall cease on 28 February 2026 (the 'cessation date') by which time and prior to that cessation date, the application site shall be cleared of all development approved or involved in implementing the terms of the permission hereby granted (including all mobile plant and machinery, any ancillary works, infrastructure, fixtures and fittings, etc.), and the site shall be re-instated in accordance with a restoration and aftercare scheme which shall previously have been submitted to and approved in writing by the Council, as planning authority (see Condition 4 below).

**Reason:** To ensure an acceptable form of development enabling the development to progress in accordance with the applicant's submitted particulars to allow for full extraction of available resources and site restoration thereafter, to enable the Council, as planning authority to retain control over the use of the site and enable further consideration to be given to the operations, effects and impact of the use upon the amenity, character and appearance of the site and surrounding area together with securing removal of all site infrastructure used in the extraction process prior to embarking upon the restoration of the site.

- 2 As part of the development hereby approved:
  - a) the permission hereby granted is for the extraction of sand and gravel only;
  - b) there shall be no extraction of sand and gravel below the level (46m AOD) shown on the approved drawings (A052/00027 and 00028) or within any groundwater encountered;
  - c) notwithstanding the provisions of Class 55, Part 16 of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 as amended, no (fixed) buildings/structures, plant or machinery etc. shall be installed, erected or operated on the site without the prior written approval of the Council, as planning authority;
  - d) prior to expiry of the permission or upon completion of extraction, whichever is the sooner, all buildings/structures, plant and machinery including mobile plant and machinery, etc. shall be permanently removed from the site;
  - e) the extraction of sand and gravel shall proceed progressively in an easterly direction across the site (drawing A052/00024 refers);
  - f) sub-soil and top-soil shall be stripped and stored separately, in accordance with details which shall be submitted to and approved by the Council, as planning authority prior to the commencement of the

development regarding the location and maximum height of all stockpiles of stored soil materials (and where the latter should not exceed 6m as measured from the base level of the excavated quarry area (46m AOD as shown, drawings A052/ 00027 and 00028 refer));

- g) there shall be no washing or other processing of the extracted material on the site;
- h) all vehicles entering/leaving the site shall use the existing site access (as identified on drawing A052/00023);
- i) the annual rate of extraction shall not exceed 60,000 tonnes, and the operator shall maintain monthly records of output/production from the excavated area, to be made available to the Council, as planning authority at any time and on request;
- j) there shall be no working at the quarry outwith the hours of 07:30 - 17:00, Monday to Friday, and 07:30 - 12:00 noon, Saturdays unless with the prior written approval of Council, as planning authority;
- k) on expiry of the permission or completion of extraction, whichever is the sooner, the site shall be restored to agricultural grassland (see Condition 4).

**Reason:** To ensure the operation of the quarry continues to progress in an environmentally acceptable manner (and in accordance with the terms of previous permissions granted at the site) and in the interests of the amenities and appearance of the development and the surrounding area.

- 3 No development shall commence until a Site Specific Management Plan has been submitted to and approved in writing by the Council, as planning authority in consultation with SEPA. The plan shall cover all site specific environmental sensitivities, pollution prevention and mitigation measures identified to avoid or minimise environmental effects including (but not limited to) groundwater, surface water, waste management, noise and dust impacts associated with the development.

Thereafter, the development shall be implemented solely in accordance with the approved plan details.

**Reason:** In order to minimise the impacts of the mineral extraction works on the environment and ensure up-to-date operating and environmental standards on site.

- 4 Notwithstanding the indicative final site restoration details shown on A052/00025 (which are not approved), at least one (1) year prior to mineral workings ceasing on the site and prior to any phased restoration works, a Site Specific Restoration and Aftercare Plan shall be submitted to and approved in writing by the Council, as planning authority in consultation with SEPA. The plan shall include (but not be limited to) the following information:

- proposals for phased working and progressive restoration;
- existing and proposed finished ground levels relative to a fixed datum;
- surface water drainage arrangements;

- details of any buffer strips between the works and any water features, wetlands or peatlands on site and other measures to minimise pollution;
- demonstration that the restoration proposals will not have a detrimental impact on the water environment, including groundwater quality and quantity and an assessment of the effect that any backfilling below the water table will have on groundwater flow;
- a programme for the completion of the restoration and subsequent maintenance arrangements.

Thereafter, all site restoration and aftercare works shall be implemented in accordance with the approved plan.

**Reason:** To retain control over this temporary form of development and ensure that the site is appropriately restored in the interests of the protection of the environment.

- 5 The site access onto the C3E Elgin - Pluscarden - Rafford Road shall be maintained at all times throughout the lifetime of the development (unless otherwise agreed in writing with the Council, as Planning Authority) in accordance with section 3.2 of the previously approved Junction Maintenance Scheme, namely:

- the junction will undergo weekly cleaning during operational periods at the quarry, and at the request of Moray Council;
- grass and other vegetation within the verges will be cut to ensure it does not encroach into the visibility splay;
- the ditch located within the southern verge will be cleared from time to time, and at the request of Moray Council, to ensure surface water is channelled from the access track into the ditch and away from the public road; and
- the road surface will be kept under review and where potholes develop, they will be repaired.

**Reason:** To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous materials and surface water in the vicinity of the access, an acceptable development in the interests of road safety and that use of the access does not create any hazard to other roads users.

## 8. 21/00286/PAN

### Proposed School Site at Glassgreen, Elgin

Under reference to paragraph 4 of the Minute of the meeting of this Committee dated 11 November 2014, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) was submitted on 2 March 2021 on behalf of Springfield Properties PLC.

During discussion, Councillor Divers referred to 20/00274/PAN that had been considered by the Committee on 15 September 2020 and raised the same concerns as he had on that occasion in relation to moving the existing 40 mph signage and "Welcome to Elgin" signage, as these are as causing a visibility obstruction to lorry drivers.



During further discussion, Councillor Feaver sought assurance that the proposal will not result in denser housing and reduced green space.

In response, Mrs MacDonald, Senior Planning Officer agreed to forward on these comments to the Developer.

Thereafter, the Committee agreed

- (i) to note the terms of the report and asked that the following provisional views/relevant issues be recorded and forwarded to the Applicant in order to inform the development of their proposed formal application for planning permission:
  - a) consideration be given to moving the existing 40 mph signage and “Welcome to Elgin” signage as these are as causing a visibility obstruction to lorry drivers; and
  - b) assurance that the proposal will not result in denser housing and reduced green space; 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.

## **9. 21/00308/PAN**

### **Proposed Erection of a Unit for use Classes 4 (Business) 5 (General Industrial) and 6 (Storage And Distribution) with Maximum Floor Area of 15,000 Sqm, Associated Landscaping, Car Parking and Ancillary Work at Forres Enterprise Park, Forres**

Under reference to paragraph 4 of the Minute of the meeting of this Committee dated 11 November 2014, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) was submitted on 8 March 2021 on behalf of Highlands and Islands Enterprise.

During discussion, Councillor Feaver stated that the Forres Enterprise Park benefits from being surrounded by wooded areas and boundaries which can be used for recreational purposes however noted that the pathway that surrounds the Forres Enterprise Park is in poor repair and asked that consideration be given to a long term action plan to ensure maintenance of the recreational areas.

In response, Mr Smith, Principal Planning Officer agreed to forward on the comment to the Developer.

Thereafter, the Committee agreed

- (i) to note the terms of the report and asked that the following provisional views/relevant issues be recorded and forwarded to the Applicant in order to inform the development of their proposed formal application for planning permission:
  - a) consideration be given to a long term action plan to ensure maintenance of the recreational areas; 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.

## **10.21/00318/PAN**

### **South West Extension of Coble and Sand Quarry Comprising Circa 15 Hectares at Lossie Forest Quarry**

Under reference to paragraph 8 of the Minute of the meeting of this Committee dated 23 March 2021, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) was submitted on 9 March on behalf of Tennants (Elgin) Limited.

During her introduction, Mrs MacDonald, Senior Planning Officer advised that this proposal is almost identical to PAN (21/00186/PAN) that was considered by this Committee at it's last meeting on 23 March 2021 except that it includes the full extent of the access track to the west of the quarry works.

During discussion, Councillor Cowie sought assurance that the first 15 metres of the access road onto the main road will be surfaced.

In response, Mrs Anderson, Senior Engineer (Transportation) advised that this would be assessed when the planning application is received and upgrades sought if required.

Following consideration, the Committee agreed to note the terms of the report and raised no provisional views/relevant issues in relation to the proposed development

## **11. PROPOSALS FOR REGULATIONS ON LOCAL PLACE PLANS**

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to consider the proposals for regulations on Local Place Plans (LPP) and to agree the proposed response set out in Appendix 1 of the report to be submitted to the Scottish Government.

Following consideration, the Committee agreed:

- (i) to note the proposals for regulations on Local Place Plans published by the Scottish Government; and
- (ii) the response set out in Appendix 1 of the report be submitted to the Scottish Government.

## **12. NATIONAL PLANNING FRAMEWORK 4 – MINIMUM ALL TENURE LAND REQUIREMENT**

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to consider the proposals for setting minimum all tenure housing land requirements for planning authorities in National Planning Framework 4 and to agree the proposed response in Paragraph 4.5 of the report to be submitted to the Scottish Government, with additional evidence.

Following consideration, the Committee agreed:

- (i) to note the proposals for setting minimum all tenure housing land requirements in National Planning Framework 4; and
- (ii) the response set out in Paragraphs 4.4 to 4.6 of the report be discussed with Homes for Scotland and the Housing Market Partnership for submission to the Scottish Government, with additional evidence, before the deadline of 4 June 2021.

### **13. QUESTION TIME**

Councillor A McLean sought clarification as to whether neighbour notification takes place if a path is added to an existing housing development.

In response, the Development Management and Building Standards Manager advised that the neighbour notification process only takes place when a planning application is submitted.





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**GUIDANCE NOTE PRODUCED FOR PLANNING & REGULATORY SERVICES COMMITTEE  
MEETING OF 3 AUGUST 2021**

**REPORT ON APPLICATION**

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***“Note for guidance of the Committee where the decision of the Planning and Regulatory Services Committee is contrary to the recommendations of the Director of Environmental Services in respect to a Planning Application.”***

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

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

***Note for guidance where the decision of the Planning and Regulatory Services Committee is to depart from the Local or Structure Plan.***

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

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

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

*Censure of a Councillor or an Officer*

*Suspension of a Councillor for up to one year*

*Disqualification of a Councillor for up to five years*

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

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

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



## WARD 01\_17

**21/00420/APP**  
**24th March 2021**

**Proposed bonded warehouses at Glenfarclas Distillery  
Ballindalloch Moray AB37 9BD  
for Glenfarclas Distillery**

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**Comments:**

- The application relates to two buildings that exceed 2000 sqm.
- Advertised as a departure from the Moray Local Development Plan 2020.
- One representation has been received.

**Procedure:**

- None.

**Recommendation:** **Grant Planning Permission - Subject to the following conditions:**

**Conditions/Reasons**

1. Unless otherwise approved in writing by the Council, as Planning Authority in consultation with the Roads Authority all development construction works shall be undertaken in accordance with the submitted Construction Traffic Management Plan (dated 6 May 2021).

**Reason:** To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site.

2. Upon completion of construction works a joint inspection/ ('after') condition survey of the public carriageway and verge shall be undertaken of the section of U126H Glenfarclas - Peterfair Road between the site access and the junction with the A95(T) Granish – Keith Trunk Road, including photographic evidence. Any damage to public verge/ carriageway identified through the comparison of this joint inspection/ ('after') condition survey with the previously submitted photographic evidence dated 11 May 2021 ('before' condition survey) shall be reinstated and repaired, in consultation with the Roads Authority within a period of 6 weeks from the date of the joint inspection.

**Reason:** To ensure that the condition of the road does not deteriorate as a result of traffic associated with the development, in the interests of road safety.

3. The surface water drainage arrangements for the development shall be provided and maintained in accordance with the approved Drainage Impact Assessment 15640 – Development at Glenfarclas Distillery, Ballindalloch, AB37 9BD (15640-DIA-001) (REV B 09/04/21), Site Plan and Section (drawing no. 1020/06-24 B), Conceptual Drainage Layout (drawing no. 2001 C) and Conceptual Site Levels (1500 C) unless otherwise agreed by the Council, as Planning Authority. These shall be installed and operational prior to the first use of the warehouses hereby approved.

**Reason:** To ensure that surface water drainage is provided timeously and complies with the principles of SUDs in order to protect the water environment.

4. Prior to the commencement of any works, a construction environment management plan incorporating a site specific pollution prevention plan shall be submitted to and approved in writing by the Council, as Planning Authority; and thereafter all work shall be carried out in accordance with the approved plan.

**Reason:** In order to prevent potential pollution of the environment and minimise impacts from construction works on the environment.

5. No development shall commence until revised landscape plans have been submitted to, and approved in writing by, the Council, as Planning Authority. These shall be closely based upon the submitted plan entitled Biodiversity Enhancements and supporting document entitled Biodiversity Statement, and show the following information:
  - (a) All soft landscaping and planting works, including plans and schedules showing the location, species, number/density and size of trees within each tree group and shrub planting;
  - (b) Details of the arrangements for the protection and long-term maintenance of all landscaped areas; and
  - (c) Details and location of bird and bat boxes.

Thereafter the landscaping and bird/bat boxes 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:** In order to ensure an acceptable level of planting in the interests of the amenity and appearance of the surrounding countryside and to enhance biodiversity in the area.

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

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

The proposal represents an acceptable departure from policy EP6 Settlement Boundaries on the basis that it supports sustainable economic growth in line with policy PP2 through the expansion of a long established, traditional business operation in a



rural area which has a historic connection with the whisky industry. The erection of the bonded warehouses for whisky storage in this location is considered acceptable and would not have an adverse impact on the surrounding area. The proposal complies with all other 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)

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest. For information please see: [www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp](http://www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp)

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

Planning consent does not carry with it the right to carry out works within the public road boundary.

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

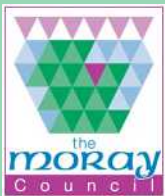
No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

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

SEPA, has commented that:-

See attached SEPA response dated 8 June 2021.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
1001	A	Conceptual road levels
1002	A	Road longitudinal sections
1003	A	Swept path analysis
1020/06-20		Warehouse 39 & 40 - floor plans
1020/06-21		Warehouse 39 & 40 - elevations and sections
1020/06-22	A	Warehouse 41 & 42 - floor plans
1020/06-23	A	Warehouse 41 & 42 - elevations and sections
1020/06-24	B	Site plan and sections
1020/06-SLP		Location plan
1500	C	Conceptual site levels-
2001	C	Conceptual drainage layout
		Biodiversity Enhancement Plan



## PLANNING APPLICATION COMMITTEE SITE PLAN

**Planning Application Ref Number:**

**21/00420/APP**

**Site Address:**

Glenfarclas Distillery

Ballindalloch

**Applicant Name:**

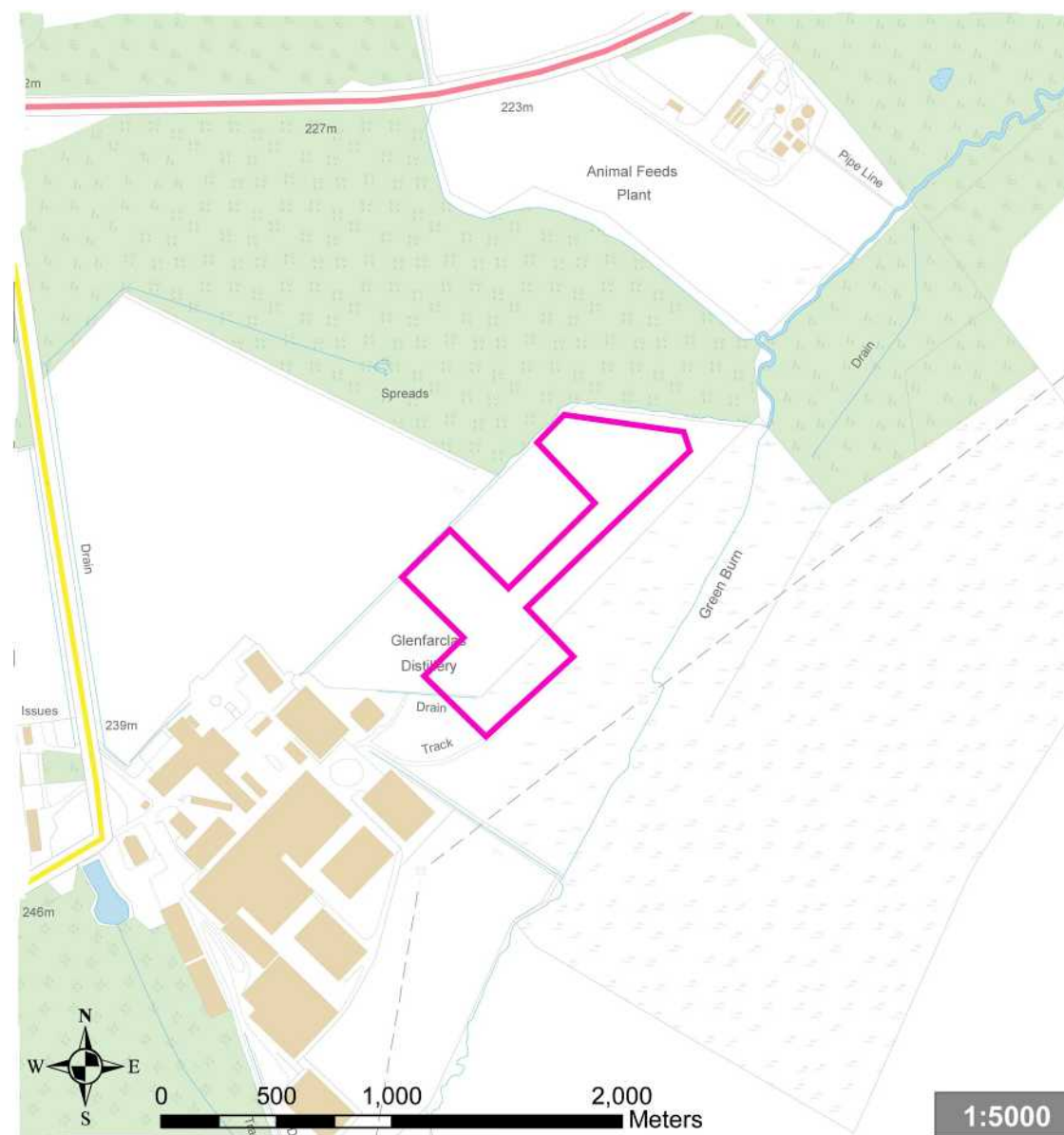
**Glenfarclas Distillery**

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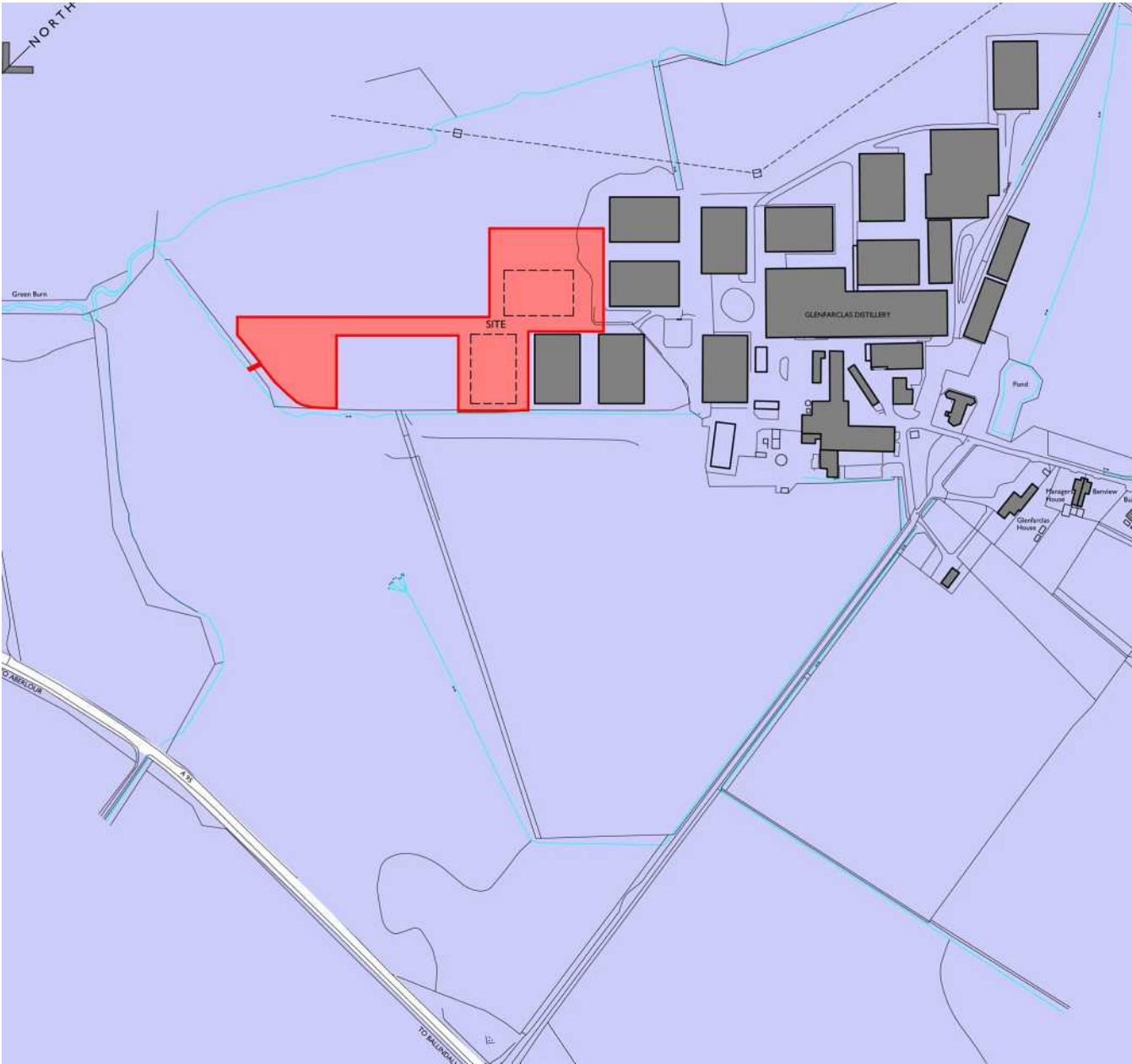
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## Location Plan



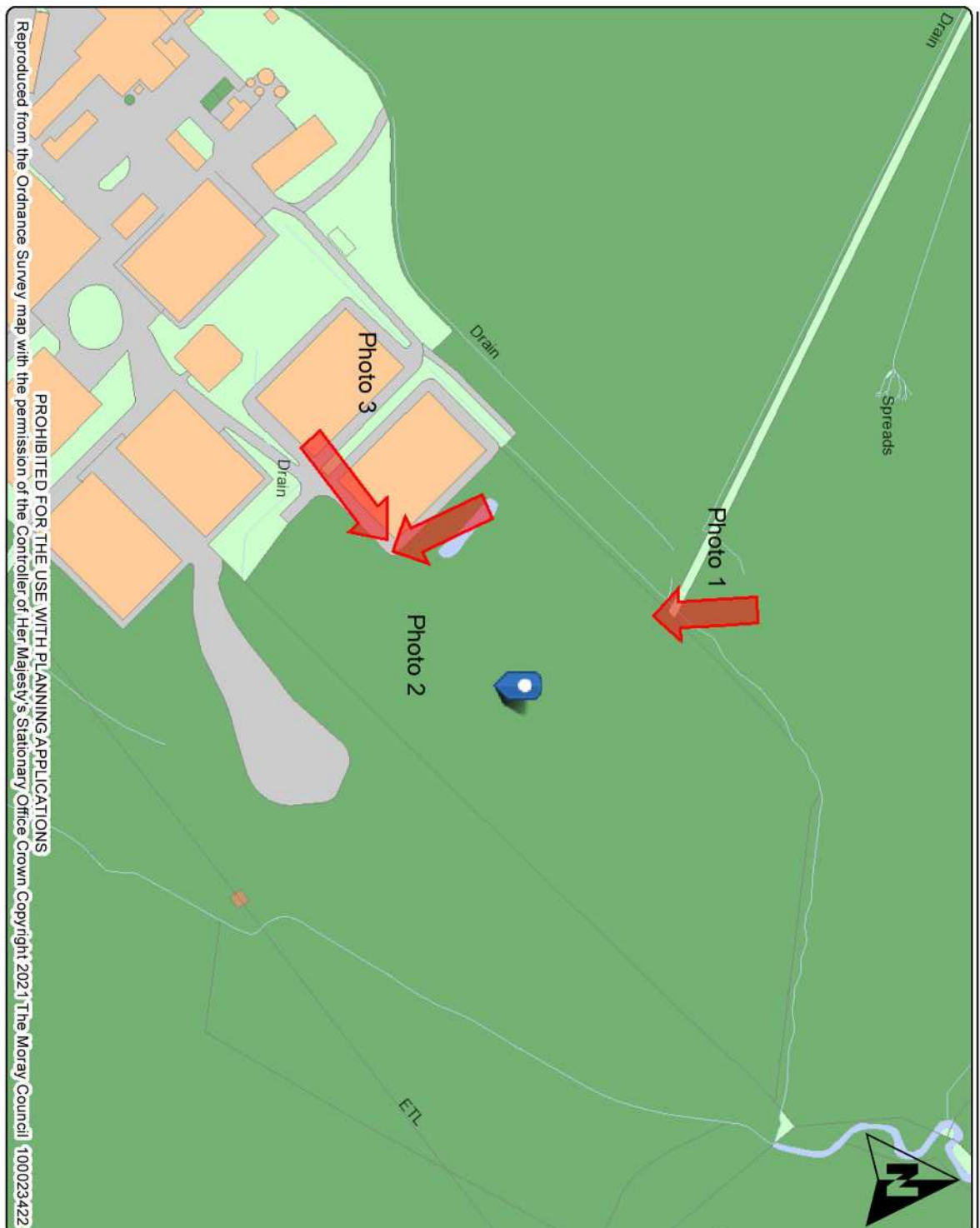
Site Location



Site plan



## Photo Location Plan





**PHOTO 1**





**PHOTO 2**





**PHOTO 3**





## PLANNING APPLICATION: 21/00420/APP

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

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### **THE PROPOSAL**

- Planning permission is sought for the erection of 2 bonded warehouses (numbered as units 39, 40, 41 and 42 on the site plan) for whisky storage at Glenfarclas Distillery, Ballindalloch.
- The warehouses (2 double cells) have a footprint of 1993 sqm and are 7.4m in height. Units 39 and 40 are attached as are units 41 and 42.
- Each building has a capacity to store approximately 2,500 casks. The casks range in volumes and include 190, 250 and 500 litres and are stored to a maximum of 3 barrels high, using wooden rails (also referred to as dunnage and is a traditional method of storing the liquid).
- Proposed external materials include grey wetdash blockwork with grey metal cladding on the roof to match the existing warehouses on the site.
- Associated works include the construction of access roads to the proposed warehouses leading from the existing access road, earthworks, sewage treatment plant and landscaping/biodiversity enhancement.
- Proposed surface water drainage arrangements comprise conveying surface water to a new SUDs detention basin which would discharge to a nearby watercourse located to the north east of the proposal site.
- Existing access arrangements to the Glenfarclas Distillery will be utilised to access the proposal site.
- Supporting documents include a Drainage Impact Assessment, Design Statement, Construction Traffic Management Plan, Biodiversity Enhancement Plan and a Biodiversity Statement.

### **THE SITE**

- The application site sits to the north east of Glenfarclas Distillery, it is located 6km southwest of Aberlour and is 1.75 ha in size.
- The site is low-lying and falls gently to the northeast and is currently unused grassland that appears to be regularly cut.
- Rising landform lies to the east, distillery buildings to the south and west, and woodland/farmland to the north and north-west.
- The site is located within the Special Landscape area of The Spey Valley, as identified in the Moray Local Development Plan 2020.
- The site is immediately outwith the Glenfarclas Rural Group Boundary.

## **HISTORY**

For the Site:

**20/01163/HAZ** – Hazardous Substance Consent notification for Glenfarclas Distillery (covers an area of 151 ha to allow for future expansion of the distillery) submitted on 10 September 2020 pending consideration.

**16/01882/APP** – Planning approval granted for two bonded warehouses on 28 February 2017. This has been implemented.

**12/01263/APP** - Planning approval granted for two bonded warehouses on 9 Oct 2012. This has been implemented.

## **POLICY - SEE APPENDIX**

## **ADVERTISEMENTS**

- Advertised as a departure from the Moray Local Development Plan 2020.

## **CONSULTATIONS**

**Environmental Health** – No objection.

**Moray Flood Risk Management** – No objection.

**Strategic Planning and Development** – No objection, proposal complies with required policies of the Moray Local Development Plan. Additional Biodiversity information was required to be submitted, this was received and is satisfactory subject to a condition being attached to the planning consent regarding a revised landscaping scheme being received and agreed in writing with the council. It must include details of species, numbers and specifications of any planting to be carried out and maintenance of it.

**Transportation** – No objections subject to conditions and informatives.

**Transport Scotland** – Does not advise against the granting of planning permission.

**SEPA** – No objection from a land use planning perspective with regard to the Control of Major Accident Hazards Regulations 2015 (COMAH), and no objection on flood risk grounds.

**The Health and Safety Executive** – Does not advise against the granting of planning permission.

**Contaminated Land** – No objection.

**Planning and Development Obligations** – None sought.

## **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).

**Issue:** Ensure that all flora and fauna is fully protected and applicants/developers are aware of their obligations and responsibilities.

**Response (PO):** As the site has low ecological/biodiversity value given its former agricultural use the proposal will have minimal impact on flora and fauna. An informative regarding the protection of wild birds from development is attached to the consent. Impacts from construction activities upon the environment will also be mitigated/minimised through adherence to a Construction Environment Management Plan (CEMP) to be conditioned.

## **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 planning issues are considered below:

### **Siting/Character and Design (PP2, DP1, DP5 and EP3)**

Policy PP2 Sustainable Economic Growth supports proposals which deliver sustainable economic growth where the natural and built environment is safeguarded, there is clear locational need and any potential impacts can be satisfactorily mitigated.

Policy DP1 Development Principles, sets out detailed criteria to ensure development proposals satisfy siting, design and servicing requirements. The aim of policy EP3 Special Landscape Areas and Landscape Character (The Spey Valley) is to protect landscapes from inappropriate development. Development proposals within SLA's are only permitted where they do not prejudice the special qualities of the designated area set out in the Moray Local Designation Review.

Policy DP5 Business and Industry states 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 location need subject to high standard of design appropriate to the rural environment.

The proposal is to erect bonded warehouses for cask storage associated with the operational Glenfarclas Distillery. Glenfarclas Distillery is a long established, traditional business operation in a rural area which has a historic connection with the whisky industry.

The proposed warehouses are located on a site adjacent to existing warehouses. The warehouses due to the surrounding landform and their low profile design represent an

appropriate form of development which is of scale, density and character that reflects the surrounding area. The proposed materials for the new warehouses match the existing warehouses. The proposal would largely be screened from the A95 public road to the north due to intervening mature woodland. Food and drink are identified as a key growth sector areas in the Moray Economic Strategy, the proposal contributes towards the delivery of this sustainable economic growth.

The proposed warehouses located in The Spey Valley Special Landscape Area are in keeping with the surrounding buildings as detailed above in terms of their scale and proportions. The development is not readily visible in the surrounding area including from the public road (A95 or access road) given the surrounding topography and screening provided by mature trees. The development will be viewed in the context of the existing buildings and will not have an adverse impact on the special qualities of the landscape in this location.

In light of the above, the proposal satisfies the requirements of policies PP2, DP1, DP5 and EP3 in relation to siting, character and design.

### **Biodiversity (EP2)**

Policy EP2 requires development proposals to, where possible, retain, protect and enhance all biological interest and provide for their appropriate management. This also states that proposals for 1000 sqm or more of commercial floorspace must create new or where appropriate enhance natural habitats of ecological value.

The site where the new bonded warehouses are to be sited is part of a disused agricultural field, which has low ecological/biodiversity value. A Biodiversity Enhancement Plan and Statement have been provided as required by Policy EP2. These detail biodiversity enhancement around the site including tree planting, wildflower planting, wetland planting and bird and bat boxes being installed. A condition is attached to the consent requiring submission and approval of a revised landscaping scheme detailing species, numbers and planting to be carried out, maintenance and location/details of bird and bat boxes.

### **Access and Parking (DP1 and PP3)**

Policy DP1 requires that proposals must provide a safe entry and exit from the development and conform to the Council's current policy on Parking Standards. Policy PP3 requires development to be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services.

The Transportation Section following consultation have raised no objection subject to conditions and informatives being attached to the consent covering construction traffic management and pre and post condition surveys. Transport Scotland have also been consulted on the proposal and have raised no objections.

In terms of access and parking, with the above conditions the proposal complies with policy DP1 (ii) and PP3.

### **Settlement Boundaries (EP6)**

Policy EP6 seeks to guide development to identified settlements and rural groupings, preventing ribbon development and maintaining a clear distinction between the built-up area and the countryside. The policy states that development proposals immediately

outwith settlement boundaries will not be acceptable unless the site is a designated 'LONG'. The site is immediately outwith the settlement boundary of Glenfarclas Rural Grouping, is not a designated 'LONG' term development site and is therefore a departure from Policy EP6.

Whilst a departure in terms of settlement boundary, the proposal is supported by sustainable economic growth through the expansion of a long established, traditional business operation in a rural area which has a historic connection with the whisky industry. Any potential adverse impacts have been mitigated through the design and infrastructure of the development, and on this basis the proposal is considered to be an acceptable departure from Policy EP6.

### **Drainage and Flooding (PP3, DP1, and EP12)**

Policies DP1 Development Principles, PP3 Infrastructure and Services and EP12 Management and Enhancement of the Water Environment set out detailed criteria to ensure proposals meet siting, design and servicing requirements including the provision of Sustainable Urban Drainage Systems (SUDs). This includes requirements for surface water from new development to be dealt with in a sustainable manner that has a neutral effect on the risk of flooding or which reduces the risk of flooding.

Part of the proposal includes the provision of drainage infrastructure to serve both the new and existing warehouses. The capacity of the new drainage infrastructure has also been sized to accommodate any potential future development, up to a total developable drain area of 2.3 hectares.

### **Surface Water Drainage**

Surface water from the proposed development will be collected by a surface water drainage network within the site, conveyed to the detention basin and then discharged into the existing watercourse located along the norther perimeter of the site at a controlled rate via appropriate measures. To minimise the risk of surface flooding, adequate on-site SUDs will be put in place to provide the necessary surface water treatment and attenuation.

The surface water run-off from the warehouses will discharge via a series of downpipes to the private drainage network. The private drainage will convey these flows to the surface water detention basin, which will allow the surface water to discharge into the watercourse, at a controlled rate via the installation of a Hydro-Brake flow control device located downstream of the basin.

The surface water from the access road will shed into gullies located along its length, and be conveyed into the private drainage network. The private drainage will convey these flows to the surface water detention basin, which will allow the surface water to discharge into the watercourse, at a controlled rate via the installation of a Hydro-Brake flow control device located downstream of the basin

### **Foul Water**

The results of the percolation testing, carried out at the site, established that the subsoil materials are not suitable for a full foul water soakaway. It is therefore proposed to dispose of foul drainage through a sewage treatment plant with a sample chamber downstream, and a partial sub-surface soakaway, with an overflow, prior to discharging into the watercourse to the north of the site.



The Moray Flood Risk Management Team have assessed and are content with the submitted drainage information and have raised no objections to the proposal.

Similarly, SEPA has not raised objection to the proposal with regard to flood risk as it notes that no land raising works will occur within a 6m buffer strip between the development and the top of the bank of the adjacent watercourse. A condition shall be attached requiring the proposal to adhere with the Drainage Impact Assessment and associated plans.

Based on above considerations the proposal complies with policies DP1, PP3 in terms of drainage and flooding and EP12.

#### **Pollution Prevention (EP14)**

The aim of Policy EP14 is to ensure that new developments do not create pollution which could adversely affect the environment or local amenity.

The SUDs basin has a flow control chamber containing an outlet 'hydro-brake' flow limiting device and an emergency shut-off valve provision within the device to allow site containment of ethanol and/or any firefighting waters in the event of a significant or major accident at the premises as required.

A condition is recommended requiring the submission and approval of a site specific Construction Environmental Management Plan (CEMP) to minimise impacts of the construction works upon the environment in terms of dust/water.

SEPA and Environmental Health Manager have been consulted on the proposal and have no objections. The proposal complies with policy EP14.

#### **Conclusion**

Approval is recommend subject to conditions.

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

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

The proposal represents an acceptable departure from policy EP6 Settlement Boundaries on the basis that it supports sustainable economic growth in line with policy PP2 through the expansion of a long established, traditional business operation in a rural area which has a historic connection with the whisky industry. The erection of the bonded warehouses for whisky storage in this location is considered acceptable and would not have an adverse impact on the surrounding area. The proposal complies with all other provisions of the development plan and there are no material considerations that indicate otherwise.

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## **APPENDIX**

### **POLICY**

#### **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 street scene.

**(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.

## **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.

## **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.

**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 m<sup>2</sup> 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.

**EP3 SPECIAL LANDSCAPE AREAS AND LANDSCAPE CHARACTER**

**i) Special Landscape Areas (SLA's)**

Development proposals within SLA's will only be permitted where they do not prejudice the special qualities of the designated area set out in the Moray Local Landscape Designation Review, adopt the highest standards of design in accordance with Policy DP1 and other relevant policies, minimises adverse impacts on the landscape and visual qualities the area is important for, and are for one of the following uses;

- a) In rural areas (outwith defined settlement and rural grouping boundaries);

- i) Where the proposal involves an appropriate extension or change of use to existing buildings, or
  - ii) For uses directly related to distilling, agriculture, forestry and fishing which have a clear locational need and demonstrate that there is no alternative location, or
  - iii) For nationally significant infrastructure developments identified in the National Planning Framework,
- b) In urban areas (within defined settlement, rural grouping boundaries and LONG designations);
  - i) Where proposals conform with the requirements of the settlement statements, Policies PP1, DP1 and DP3 as appropriate and all other policy requirements, and
  - ii) Proposals reflect the traditional settlement character in terms of siting and design.
- c) The Coastal (Culbin to Burghead, Burghead to Lossiemouth, Lossiemouth to Portgordon, Portgordon to Cullen Coast), Cluny Hill, Spynie, Quarrywood and Pluscarden SLA's are classed as "sensitive" in terms of Policy DP4 and no new housing in the open countryside will be permitted within these SLA's.

Proposals for new housing within other SLA's not specified in the preceding para will be considered against the criteria set out above and the criteria of Policy DP4.

- d) Where a proposal is covered by both a SLA and CAT or ENV policy/designation, the CAT policy or ENV policy/designation will take precedence.

**b ii) Landscape Character**

New developments must be designed to reflect the landscape characteristics identified in the Landscape Character Assessment of the area in which they are proposed.

Proposals for new roads and hill tracks associated with rural development must ensure that their alignment and use minimises visual impact, avoids sensitive natural heritage and historic environment features, including areas protected for nature conservation, carbon rich soils and protected species, avoids adverse impacts upon the local hydrology and takes account of recreational use of the track and links to the wider network.

## **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.

## **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.

**Glenfarclas**

A distillery complex where development is limited to replacement and renovation only to protect the predominately industrial character of the community.

No public water supply or drainage system.

Parts of Glenfarclas are at risk of flooding and proposals must be supported by a Flood Risk Assessment.

## WARD 02\_17

**21/00484/APP**  
**14th April 2021**

**Vary condition 1 attached to planning permission  
 16/01657/APP to increase the operational life period of  
 Aultmore Wind Farm from 27 to 30 years at Aultmore  
 Forest Drybridge Buckie Moray  
 for Vattenfall Wind Power Limited**

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**Comments:**

1. The application is reported to Committee as it is a major application. Given that this is an application under section 42 of the planning act to vary the terms of an existing consent the pre application requirements for major applications was not required.
2. No representations received.
3. Advertised for the purposes of Neighbour Notification and as Schedule 3 (The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013) development.

**Procedure:**

- None

**Recommendation**

Grant Planning Permission – Subject to the following:

**Conditions/Reasons**

1. This permission shall endure for a period of 30 years from the date on which the first turbine becomes operational. The applicant shall confirm when this occurs and in the absence of any such confirmation within 12 months of development commencing, permission will expire within 30 years from the date of this decision. Within 12 months of the expiry of this period the wind turbines and ancillary equipment shall be dismantled to ground level and removed from the site and the land shall be restored in accordance with a method statement to be approved in writing in advance by the Council, as Planning Authority.

**Reason:** To ensure that the turbines are removed at the end of their use and to ensure the satisfactory restoration of the site.

2. In the event that the equipment hereby permitted for installation is no longer required or is not in operation for a continuous period in excess of 6 months, it

shall be removed and the site reinstated. Details of the proposed reinstatement shall be submitted for approval in writing to the Council, as Planning Authority within 2 months of either the equipment ceasing to be required or from the end of the 6 months period when it is not in operation, and the reinstatement work shall be completed within 3 months of the planning authority's approval of that proposed reinstatement scheme, or such other period agreed in writing by the Council, as Planning Authority.

**Reason:** To ensure that the reinstatement work is appropriate and to a satisfactory standard.

3. Prior to commencement of deliveries to site a Route Access Report must be submitted to and approved in writing to the Council, as Planning Authority (in consultation with Transport Scotland). It must include details of swept path analysis undertaken to ensure that exceptional loads can be transported through the Trunk Road network safely. The complete report shall also include details of any accommodation measures required including the temporary removal of street furniture, junction widening, traffic management and demonstrate that the transportation of abnormal loads will not have any detrimental effect on structures within the route path. The deliveries to the site must be carried out in accordance with the approved Route Access Report.

**Reason:** To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development.

4. During the delivery period of the wind turbine and of other construction materials any additional signage or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised QA traffic management consultant, to be submitted to and approved by the Council, as Planning Authority (in consultation with Transport Scotland) before delivery commences.

**Reason:** To ensure that the transportation will not have any detrimental effect on the road and structures along the route.

5. Prior to the commencement of development, a detailed survey of the chosen route for delivery of abnormal loads shall be carried out to determine the locations of structures (e.g. bridges) and street furniture affected by any construction and abnormal load. Prior to commencement of abnormal deliveries this survey must be submitted to and approved in writing by the Council, as Planning Authority (in consultation with the Transportation Section of Moray Council).

**Reason:** To consider the impact on infrastructure on the route to the development access and in the interests of road safety.

6. Prior to the commencement of development, a Traffic Management Plan shall be submitted to and approved in writing by the Council, as Planning Authority showing the methods of dealing with the large delivery vehicles. This plan shall include vehicle swept path analysis and the methods of marshalling and manoeuvring at junctions on the public road network.

**Reason:** To minimise interference with the safety and free flow of traffic on the public road network.

7. Unless otherwise agreed in writing with the Council, as Planning Authority, an abnormal load trial run must be undertaken prior to the commencement of construction and deliveries to identify any restrictions not previously addressed and the frequency and location of abnormal load passing places/oncoming vehicle holding areas. Representatives from Aberdeenshire/Highland Council and Moray Council Transportation (Traffic), the Trunk Road Authority and Police Scotland must be invited to the trial run in writing at least 14 days in advance of the event.

**Reason:** To ensure acceptable infrastructure on the route to the development access in the interests of road safety.

8. Prior to the commencement of development (inclusive of timber extraction or delivery of materials to site):
  - i) the U72L shall be widened to at least 5m with 2m wide verges on each side of the road to the Moray Council standards and specification, including any necessary road drainage;
  - ii) the U72L shall be realigned to form a new junction onto the B9016, meeting at a right angle;
  - iii) the new junction onto the B9016 shall have visibility splays of 4.5m by 215m in both directions, clear of any obstruction above 0.26m (measured from the level of the carriageway);
  - iv) the new junction onto the B9016 shall have a minimum radius of 15m and shall be kerbed using 254mm x 127mm p.c.c. kerbs;
  - v) the new junction shall be surfaced using Hot Rolled asphalt for a minimum distance of 15m or the longest length of vehicle, whichever is greater;
  - vi) a 50m length of hot rolled asphalt shall be provided on the B9016, (25m on either side of the centre line of the new junction) and the B9016 widened to at least 6m over the length of the hot rolled asphalt, such that the delivery/construction vehicles do not have to mount the verges when negotiating the junction.
  - vii) suitable signage shall be in place at the above junction in consultation with The Moray Council Traffic Section.

**Reason:** To ensure acceptable infrastructure on the route to the development access in the interests of road safety.

9. Unless otherwise agreed in writing with the Council, as planning authority no heavy construction traffic shall access the site from the B9018 at the east end of the site.

**Reason:** To ensure acceptable development that does not create any hazard to road users in the interests of road safety.

10. Unless otherwise agreed in writing with the Council, as planning authority, the applicant must run 'before and after' condition video surveys of the proposed delivery and construction traffic routes, namely the U72L Oxhill Road. A copy of

the video surveys must be provided to Moray Council Transportation (Traffic). The applicant shall make good any damage which may be caused to the road network, including the verge, as a result of the construction traffic and passing vehicles.

**Reason:** To ensure that the construction and delivery vehicles associated with the development will not have any detrimental effect on the U72L Oxhill Road which would provide access to the development.

11. At least 2 months prior to the commencement of any works, a site specific Environmental Management Plan (EMP) must be submitted for the written approval of the Council, as Planning Authority in consultation with SEPA [and other agencies such as Nature Scot as appropriate] and all work shall be carried out in accordance with the approved plan. It should cover all aspects of the development; include construction method statements, preparation works such as forest clearing and on site works such as the formation of borrow pits and works relating to the cement batching plant. Unless otherwise agreed in writing with the Council, as Planning Authority, the EMP must also include a drainage impact assessment which shows that the post-development surface water discharge rate will not exceed the pre-development discharge rate. Thereafter the development must be developed in accordance with the approved EMP.

**Reason:** To control pollution of air, land and water.

12. Prior to the commencement of development, detailed plans and method statements for the reinstatement of any temporary access tracks, borrow pits, disturbed peat/other over burden, construction compound areas and other construction areas at the end of the construction period, shall be submitted to, and approved in writing by the Council, as Planning Authority (in consultation with SEPA). The approved reinstatement method statements shall then be followed, and the approved plans shall be implemented to the satisfaction of the Council, as Planning Authority within 6 months of becoming operational or as otherwise approved in writing by the Council, as Planning Authority.

**Reason:** In order to minimise the level of visual intrusion, and to ensure the satisfactory reinstatement of the site.

13. Prior to development commencing a Habitat Management Plan must be submitted to and approved in writing by the Council, as Planning Authority (in consultation with SEPA and Nature Scot). The development must then be developed and operated in accordance with the approved Habitat Management Plan unless otherwise approved by the Council, as Planning Authority (in consultation with the SEPA and Nature Scot).

**Reason:** In order to ensure that wildlife habitat is not unnecessarily removed and to enhance habitat provision where possible.

14. Prior to development commencing a Capercaillie Management Plan must be submitted to and approved in writing with the Council, as Planning Authority (in consultation with Nature Scot). The development must then be developed and operated in accordance with the approved Capercaillie Management Plan unless

otherwise approved by the Council, as Planning Authority (in consultation with Nature Scot).

**Reason:** In order to ensure adequate protection is provided for Capercaillie.

15. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Aberdeenshire Council Archaeology Service (on behalf of the Moray Council, as Planning Authority) during any ground breaking and development work for the turbine bases. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the Aberdeenshire Council Archaeology Service.

The name of the archaeological organisation retained by the developer shall be given to the Council, as Planning Authority and to the Aberdeenshire Council Archaeology Service in writing not less than 14 days before development commences.

**Reason:** In order to record items of archaeological interest and finds.

16. Ministry of Defence approved omni-directional 25 candela red aviation lighting or infrared warning lighting shall be placed upon the perimeter turbines (this relates to all turbines on the approved layout plan, except turbines 9 and 13). The turbines will be erected with the lighting installed and functional and the lighting will remain operational throughout the duration of this consent.

**Reason:** In the interests of air traffic safety.

17. No development shall commence until a Radar Mitigation Scheme for this site has been submitted to and obtained written approval from the Council, as Planning Authority (in consultation with the Ministry of Defence). The Radar Mitigation Scheme shall address how, and by what measures, the impact of the development upon the operation of the Primary Surveillance Radar, Precision Approach Radar and Ministry of Defence air traffic control operations using these radar at RAF Lossiemouth will be mitigated. The development must then be developed and operated in accordance with the approved Radar Mitigation Scheme unless otherwise approved by the Council, as Planning Authority (in consultation with the Ministry of Defence).

**Reason:** In the interests of air traffic safety.

18. No turbines shall become operational until all mitigation measures required within the approved Radar Mitigation Scheme have been implemented to the satisfaction of the Council, as Planning Authority (in consultation with the Ministry of Defence).

**Reason:** In the interests of air traffic safety.

19. No development (apart from that required for remediation) shall commence until all necessary works to remediate the site have been carried out in accordance

with the details of the required remediation measures which have previously been submitted to and approved by the Council, as Planning Authority in consultation with the Council's Environmental Health (Contaminated Land) Section, where the required remediation measures shall be fully implemented as detailed and described in the applicant's Remediation Strategy for Unexploded Ordnance dated 15 April 2005.

**Reason:** In order to ensure safety of construction workers and future users of the site.

20. At least two months prior to commencement of development, the developer shall provide to the Council, as Planning Authority written details of the bond or other financial provision which it proposes to put in place to cover all decommissioning and site restoration costs on the expiry of the consent/permission period. No development shall start on site until the developer has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the Council, as Planning Authority that the proposed bond or other financial provision is satisfactory. The developer shall ensure that the approved bond or other financial provision is maintained throughout the duration of this consent/permission.

**Reason:** To ensure that there are sufficient funds available for the full costs of site restoration.

21. The adequacy of the approved bond or other financial provision shall be subject to a review at ten yearly intervals from commencement of development, to be paid for by the developer and conducted by a competent independent professional who has relevant experience within the wind energy sector. The findings of such reviews shall be provided to the developer and the Council, as Planning Authority.

**Reason:** To ensure that there are sufficient funds available for the full costs of site restoration.

22. In the event that the wind farm is found to cause interference to television reception and following a complaint made within two years of the windfarm operating, the developer shall take whatever action is deemed necessary by the Council, as Planning Authority to alleviate the problems.

**Reason:** To protect the amenity of local residents.

23. The development must be developed and operated in accordance with the approved Peat Management Plan submitted by the developer to the Council, as Planning Authority and SEPA on 3 February 2014.

**Reason:** In order to ensure that disturbance to peat upon the site is minimised or disturbance is managed in an environmentally responsible manner.

24. The rating level of noise emissions from the combined effects of the wind turbines associated exclusively with Aultmore Wind Farm (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes



to this condition in the informatives section of the planning consent notice, shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to these conditions at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

- a) The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). This data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
- b) Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.
- c) The assessment of the rating level of noise emissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (b), and such others as the independent consultant considers likely to result in a breach of the noise limits.
- d) Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise emissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.
- e) The wind farm operator shall provide to the Local Planning Authority the

independent consultant's assessment of the rating level of noise emissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under paragraph (b), unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise emissions.

- f) Where a further assessment of the rating level of noise emissions from the wind farm is required pursuant to Guidance Note 4(c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (c) above unless the time limit has been extended in writing by the Local Planning Authority.

**Table 1: Between 07:00 and 23:00 – Noise limits expressed in dB LA90,10 minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.**

Location	Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods								
	4	5	6	7	8	9	10	11	12
Drodland	35	35	35	37.1	39.6	42.4	45.6	49.2	53.1
Hill Head Farm	35	35.2	37.2	39.2	41.3	43.2	45.2	47.1	49.0
Myreside	35	35	35	36.9	39.2	41.7	44.5	47.5	50.8
School Hill Farm	35	35	36.1	38.9	42.0	45.5	49.2	53.4	57.8
Aultmore Lodge	35	36.7	39.4	42.5	46.2	50.3	55.0	60.2	65.8

**Table 2: Between 23:00 and 07:00 – Noise limits expressed in dB LA90,10 minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.**

Location	Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods								
	4	5	6	7	8	9	10	11	12
Drodland	40	40	40	40	40	40	41.8	45.3	49.2
Hill Head Farm	40	40	40	40	42.7	46.2	49.8	53.5	57.5
Myreside	40	40	40	40	40	40	43	46.7	50.9
School Hill Farm	40	40	40	40	40.7	43.8	47.3	51.1	55.3
Aultmore Lodge	40	40	40	40	41.2	43.6	46.3	49.2	52.3

**Table 3: Coordinate locations of the properties listed in Tables 1 and 2.**

Property	Easting	Northing
Drodland	345297	857565
Hill Head Farm	344475	860074
Myreside	348538	857433
School Hill Farm	346311	861306
Aultmore Lodge	349117	859524

**Note to Table 3: The geographical coordinate references are provided for the** purpose of identifying the general location of dwellings to which a given set of noise limits applies.

**Reason:** To protect nearby residents from undue noise and disturbance and to provide the factual basis for ensuring that the noise limits are not exceeded.

25. Construction activities associated with the development, including vehicle movements at the site, shall be permitted between 07:00 to 19:00 hours Monday - Friday and 07:00 to 16:00 hours on Saturdays. Any required works outwith those times shall not be permitted unless prior written details are provided to and approved by the Council, as Planning Authority.

**Reason:** To protect nearby residents from undue noise and disturbance.

26. Blasting times associated with the formation of borrow pits shall be restricted as follows:
- No blasting shall be carried out on the site except between the following times (10:00 and 12:00 hours) and (14:00 and 16:00 hours) on Mondays to Fridays and (10:00 and 12:00 hours) on Saturdays.
  - There shall be no blasting or drilling operations on Sundays, Bank Holidays or National Holidays.
  - The above condition shall not apply in cases of emergency when it is considered necessary to carry out blasting operations in the interests of safety. The Council, as planning authority shall be notified in writing immediately of the nature and circumstances of any such event.

**Reason:** To protect nearby residents from undue noise and disturbance.

27. Ground vibration as a result of blasting operations to form borrow pits at the site shall not exceed a peak particle velocity of 10mms-1 in 95% of all blasts and no individual blast shall exceed a peak particle velocity of 12mms-1 as measured at vibration sensitive buildings. The measurement shall be the maximum of 3 mutually perpendicular directions taken at the ground surface at any vibration sensitive building.

**Reason:** To protect nearby residents from undue noise and disturbance.

28. At the reasonable request of the Council, as planning authority, following a complaint relating to vibration from blasting operations to form borrow pits, the

developer shall measure at its own expense ground vibration to ensure compliance with the above condition. The results of such monitoring shall thereafter be forwarded to the Council, as planning authority.

**Reason:** To protect nearby residents from undue disturbance and loss of amenity.

29. At the reasonable request of the Council, as planning authority, following a complaint relating to vibration from blasting operations to form borrow pits, the developer shall measure at its own expense ground vibration to ensure compliance with the above condition. The results of such monitoring shall thereafter be forwarded to the Council, as planning authority.

**Reason:** To protect nearby residents from undue disturbance and loss of amenity.

30. At the reasonable request of the Council, as planning authority following a complaint the Wind Turbine Operator shall investigate and instigate appropriate mitigation measures to minimise the effects of shadow flicker.

**Reason:** To protect nearby residents from undue disturbance and loss of amenity.

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

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

The proposal accords with the adopted Moray Local Development Plan 2020 and there were no other material considerations preventing approval.

### **List of Informatives:**

THE CONTAMINATED LAND SECTION has commented that:-

Your property has been identified as being in the vicinity of the following potential source of contamination:

Marshlands on site as indicated on map group D.

- Map Group A 1868 - 1897 Ordnance Survey Maps
- Map Group B 1898 - 1906 Ordnance Survey Maps
- Map Group C 1930 - 1938 Ordnance Survey Maps
- Map Group D 1959 - 1971 Ordnance Survey Maps
- Map Group E 1969 - 1992 Ordnance Survey Maps
- Map Group F Present Day Ordnance Survey Maps

The Moray Council does not have information to confirm whether or not the ground has been contaminated, however it is recommended that you investigate this matter prior to proceeding with the proposed works. Should contamination be identified you should contact the Environmental Health section immediately and

carry out agreed remediation works. For advice on researching/investigating a site, please visit the Council website at [www.moray.gov.uk/ContaminatedLand](http://www.moray.gov.uk/ContaminatedLand). Alternatively you can contact the Environmental Health Section on 01343 563345 or by email to [contaminated.land@moray.gov.uk](mailto:contaminated.land@moray.gov.uk)

THE ENVIRONMENTAL HEALTH MANAGER, DEVELOPMENT SERVICES, has commented that:-

#### **Guidance Notes for Noise Condition 24**

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise emissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).

- (a) Values of the LA90,10 minute noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.
- (b) The microphone should be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.
- (c) The LA90, 10 minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.
- (d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine and arithmetic mean power generated by each turbine, all in

successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. All 10 minute arithmetic average mean wind speed data measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres . It is this standardised 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10- minute periods shall commence on the hour and in 10- minute increments thereafter.

- (e) Data provided to the Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.
- (f) A data logging rain gauge shall be installed in the course of the assessment of the levels of noise emissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

### **Guidance Note 2**

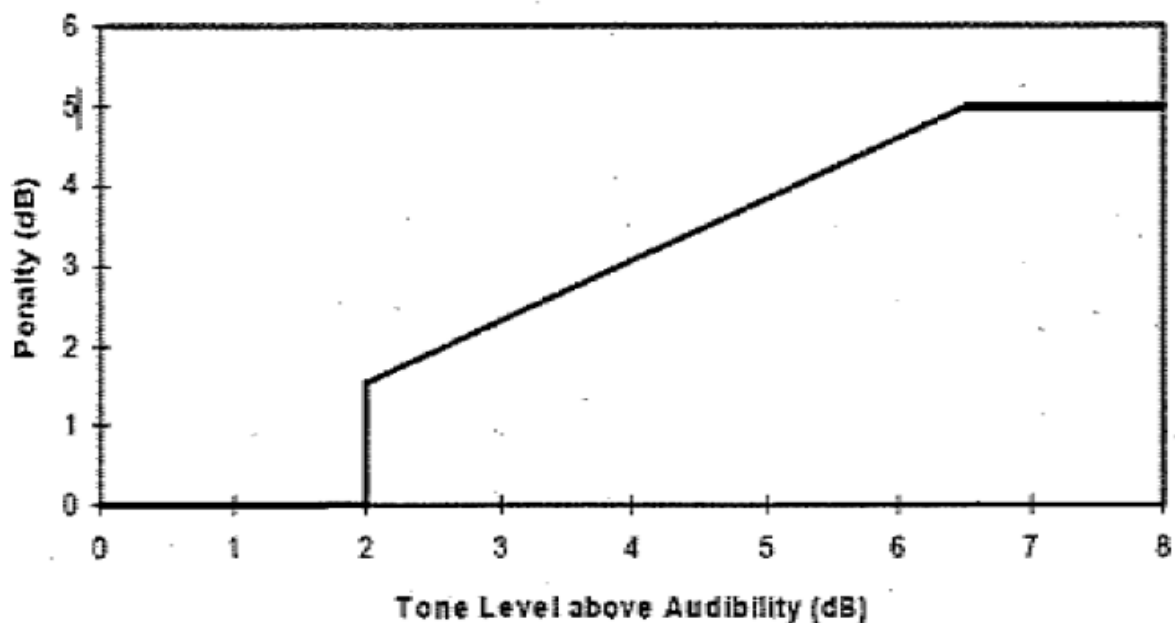
- (a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2
- (b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (c) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.
- (c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90, 10 minute noise measurements and corresponding values of the 10-minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

### **Guidance Note 3**

- (a) Where, in accordance with the approved assessment protocol under paragraph (c) of the noise condition, noise emissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.
- (b) For each 10 minute interval for which LA90, 10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment

shall be performed on noise emissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

- (c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 to 109 of ETSU-R-97.
- (d) The tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used.
- (e) A least squares "best fit" linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.
- (f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



#### Guidance Note 4

- (a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written protocol under paragraph (c) of

- the noise condition.
- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.
  - (c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (d) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise emission only.
  - (d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:
  - (f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[ 10^{L_2/10} - 10^{L_3/10} \right]$$

- (g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.
- (h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (d) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (d) of the noise condition then the development fails to comply with the conditions.

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

Planning consent does not carry with it the right to construct a new road or any part of a road. In accordance with Section 21 of the Roads (Scotland) Act 1984 Construction Consent for new roads (includes passing places, modified junctions and footpaths) that will form part of the public road will be required. Advice on this matter can be obtained by emailing [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk) and reference to the following pages on the Council web site Checklist: <http://www.moray.gov.uk/downloads/file68812.pdf> RCC: [http://www.moray.gov.uk/moray\\_standard/page\\_65638.html](http://www.moray.gov.uk/moray_standard/page_65638.html) Specification: <http://www.moray.gov.uk/downloads/file68813.pdf>

The applicant is obliged to apply for a road opening permit in accordance with Section 85 of the Roads (Scotland) Act 1984. Advice on this matter can be



obtained by emailing [roads.permits@moray.gov.uk](mailto:roads.permits@moray.gov.uk) and reference to the following page on the Council web site Road Opening:

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

Visibility splays relate to the visibility available to a driver at or approaching a junction in both directions. It is related to the driver's eye height, object height above the road, distance back from the main road known as the 'X' distance and a distance along the main road known as the 'Y' distance. The Y distance is related either to the design speed of the road and a corresponding 'stopping sight distance' or in some circumstances may be based on observed '85th percentile vehicle speeds'. Advice on this matter can be obtained by emailing

[transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk) and reference to the following pages on the Council web site Transportation Service Requirements for Small Developments in the Countryside

Full document <http://www.moray.gov.uk/downloads/file79761.pdf>

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

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

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

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

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into his property.

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

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

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

The applicants shall meet all costs of diverting any footpath or cycleway during the construction period, including signage. No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

Bridges and Structures - The developer must contact Moray Council Consultancy to discuss the proposals.

Traffic Management - The developer must contact the Senior Engineer Traffic Section at Academy Street, Elgin - Tel (01343) 562537 to discuss the proposals.

Roads Construction Consent - The developer must contact the Senior Technician at Academy Street, Elgin - Tel (01343) 562537 to discuss the proposals.

Roads Drainage - The developer must contact the Roads Authority Roads Maintenance Manager (East) at Ashgrove Depot, Elgin - Tel (01343) 557300, Ext 7325 to discuss the proposals.

Road Opening Permits - The developer must contact the Senior Engineer Traffic Section at Academy Street, Elgin - Tel (01343) 562537 to obtain the necessary permissions and permits.

THE SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:-

**Environmental Management Plan (EMP)**

The EMP should incorporate detailed pollution prevention, wildlife monitoring and mitigation measures for all construction elements potentially capable of giving rise to pollution during all phases of construction, reinstatement after construction and final site decommissioning. It should follow recognised best practice (such as those outlined on our website at [www.sepa.org.uk/planning/energy.aspx](http://www.sepa.org.uk/planning/energy.aspx)) and the issues specifically outlined on the pollution prevention and environmental management section of our website ([www.sepa.org.uk/planning/construction\\_and\\_pollution.aspx](http://www.sepa.org.uk/planning/construction_and_pollution.aspx))

It should be noted that there are two geological faults dissect the development site. The hydrogeological behaviour of these features is not known however, it is possible that the bedrock permeability is locally enhanced along the fault line due to a greater fracture density.

The fault could therefore act as preferential pathways for contaminants to enter groundwater and surface water features. The EMP should specifically take this into account when outlining proposed pollution prevention methods and mitigation.

Full details of what else should be included in the EMP can be found on our website at [www.sepa.org.uk/planning/construction\\_and\\_pollution.aspx](http://www.sepa.org.uk/planning/construction_and_pollution.aspx).

**Reinstatement and habitat management conditions**

Conditions are applied so that final proposals for reinstatement and habitat management can be agreed at a later stage. The Habitat Management Plan should ensure the site is positively managed "with a view to encouraging the restoration of semi natural habitats within the windfarm".

SEPA welcome the proposals to improve riparian habitats. SEPA are also interested in protecting and if possible enhancing groundwater dependant terrestrial ecosystems, types of wetland protected under the Water Framework

Directive. As a result SEPA also have a specific interested in the proposals for blanket bog protection and reinstatement.

No information is currently provided on how bog habitats are proposed to be restored and this can be agreed while working up the submission to discharge the related conditions. It should be noted that if the habitat restoration proposals intend to make use of disturbed peat or other over burden then there will be significant overlap between the Environmental Management Plan, reinstatement and habitat management plan condition submissions. SEPA recommend that they be submitted at the same time so that a complete understanding of what is occurring on site can be gained.

SEPA presume that all trees that are felled will be removed from the site for suitable use. In line with the waste hierarchy we expect the principles of waste minimisation adopted with strenuous efforts taken to avoid waste production where possible, to maximise resource utilisation and optimise recovery of any waste subsequently requiring to be managed.

There may be limited opportunities for use of lop/top and similar arising on site if there is a genuine and justified use, which should be detailed in any subsequent information to discharge the conditions. Proposals for large areas of chipping or mulching, for example, will not be acceptable to SEPA as they will be considered as a waste disposal operation and therefore need a waste management licence from SEPA.

To assist further on request SEPA can provide you with a copy of our Management of Forestry Waste Advisory Note. In addition, in collaboration with Nature Scot and Forestry Commission Scotland, we are producing a joint position statement on use of forest residues. This will again be available from SEPA's website.

### **Regulatory requirements**

Details of regulatory requirements (for example in relation to watercourse crossings and dewatering activities) and good practice advice for the applicant can be found on our website at [www.sepa.org.uk/planning.aspx](http://www.sepa.org.uk/planning.aspx).

If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at: 28 Perimeter Road, Pinefield, Elgin, Moray, IV30 6AF

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
FIGURE 1.1	Location Plan





## PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

21/00484/APP

Page 79

### Site Address:

Aultmore Forest  
Drybridge  
Buckie

### Applicant Name:

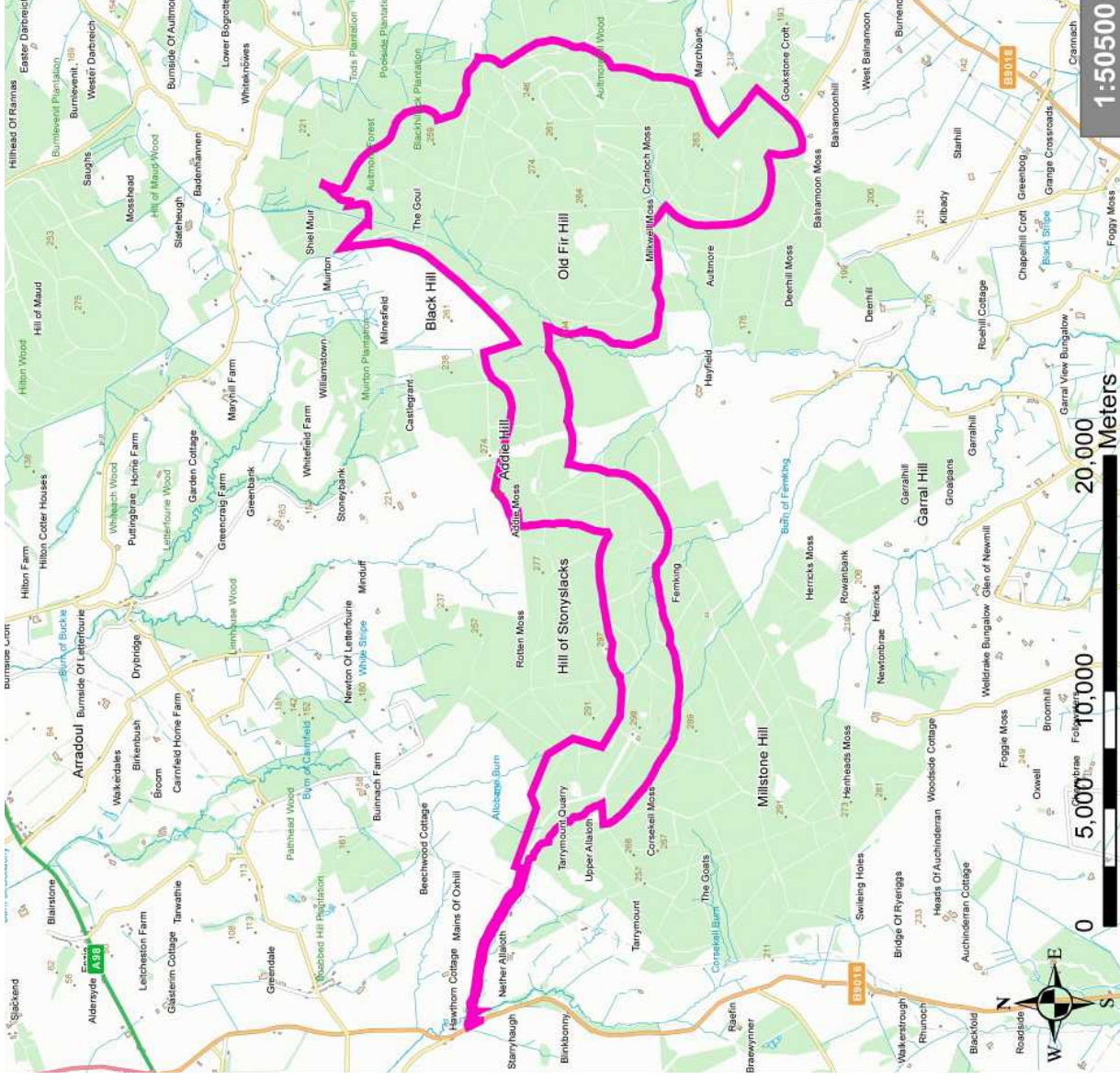
Vattenfall Wind Power Limited

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## Location Plan





## Location plan













## PLANNING APPLICATION: 21/00484/APP

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

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### **THE PROPOSAL**

- This is an application under section 42 of the Planning Act, which seeks to vary the terms of condition 1 of 16/01657/APP to extend the operational lifetime of the approved Aultmore windfarm from 27 years to 30 years.
- The application to be varied (16/01657/APP) was itself a variation to the original planning permission (07/02375/EIA) for the Aultmore wind farm. The 2016 application increased the operation lifetime of the development from 25 to 27 years (condition 1) and varied condition 18 which related to the provision of a radar mitigation scheme and condition 24 which related to measures to control of noise levels and how these would be applied cumulatively across this and neighbouring wind farms. This permission was granted subject to a 5 year period for commencement rather than the standard 3 year period.
- The 2007 application granted permission for the following:
  - 13 turbines, one at 90m and the remaining twelve at 110m in height. Turbines to have a blade diameter no greater than 80m. The 90m turbine (turbine No. 8) will have a hub height of 64m and rotor diameter of 52m;
  - One permanent wind monitoring mast (70m in height);
  - Reinforced concrete foundation pads for each turbine to sit on and an area of hardstanding alongside each turbine;
  - A 70m x 70m electricity substation compound which will contain electrical switchgear, control building, workshop and welfare provision;
  - Two temporary borrow pits to the west end of the site;
  - Approximately 22km of access road, of which 17km is existing or upgraded forestry tracks; and
  - A temporary 50m by 50m temporary site compound and concrete batching plant will be required during construction.

### **THE SITE**

- Occupying a raised plateau of land across several flat topped summits within Aultmore Forest. The site lies between the summits identified as Old Fir Hill (260m), Hill of Clashmadin (259m) and Leomond Hill (268m).
- Access to the site from the B9016 to the west travels along existing and proposed forestry tracks (and proposed tracks) leading to the site. A secondary access to the site from the B9018 to the east at Balnamoon would utilise an existing forestry track (non-heavy vehicles only).

- The site is almost entirely occupied by existing or felled forestry plantation. There has been substantive felling and replanting of the Aultmore Forest since the original consent was granted.
- The site is not covered by any national or local environmental designations.
- The site lies within the Moray Onshore Wind Energy non-guidance (2020) 'Area of Search' for medium turbines (50m to 80m) but outwith the search area for larger wind turbines.

## **HISTORY**

### **For the site.**

**16/01657/APP**- Vary conditions 1, 18 and 24 of planning permission 07/02375/EIA relating to the Aultmore Wind Farm approved 28/02/17. This consent was granted for a 5 year period, therefore remaining extant until 28/02/22.

**07/02375/EIA** - Construction operation and decommission of a wind farm comprising 13 no wind turbines and other ancillary development approved 27/02/14

**03/02383/S36** - Construct and operate a wind farm. This was a Section 36 application determined by the Scottish Government Energy Consents and Deployment Unit (under the Electricity Act). The Moray Council were therefore consultees and following consideration by Committee the Council objected to the proposal to the Scottish Government in 2004. The Section 36 application was subsequently withdrawn prior to public enquiry.

### **Relevant wind energy developments in the wider area:**

**17/01198/EIA** - Erection of 5 wind turbines (at max height 130m to blade tip) control building and substation and formation of access tracks (including turning heads) hardstanding temporary construction compound and associated works and infrastructure at Lurg Hill, Deskford. Approved on appeal in February 2019, but not yet constructed.

**13/02057/S36** - Erect 16 wind turbines (125m to blade tip) at Hill of Towie Windfarm, known as Hill of Towie II. Located immediately south of the existing Hill of Towie windfarm, these proposed turbines were subject of a Public Inquiry in September 2015 following an objection by the Moray Council to the Scottish Government Energy Consents and Deployment Unit in 2014. Permission was granted by the Energy Consents Unit in 2017

**12/01165/APP** - Planning approval (allowed on appeal by Scottish Ministers in January 2013) to erect 1 no. turbine (80m to tip) at Edingight, Grange, Keith next to Knock Hill. This lies 6.5km to the east of Aultmore and has been constructed.

**11/01384/APP** - Erection of 1 no. wind turbine (56m rotor diameter) with a maximum height of up to 78m and ancillary infrastructure at Followsters, Newmill, Keith, Moray, AB55 6UY. Approved 6.5km west of the current application and is now operational.

**10/02092/EIA** - Formation of windfarm comprising of 6 wind turbines (125m in height total capacity up to 21mW) and associated infrastructure including access tracks, control building housing switchgear equipment and buried cables at Edintore, Keith. Located

approximately 13km south of the Aultmore, this application was approved at Appeal by the DPEA in 2012 and has now been constructed.

**04/02472/FUL** - Planning approval to construct 1 no. wind turbine (70m to tip height) at Balnamoon, Crossroads, Keith. This is operational and lies 3.5km to the south (allowed on appeal by Scottish Ministers) and has been in situ for some time.

**02/02099/EIA** - Planning approval allowed on appeal for the erection 21 wind turbines (100m to tip) and 2 wind masts at Hills of Towie, Knockan and McHattie's Cairn, Drummuir on 2nd Feb 2005. These have been erected and are located 16km south west of Aultmore.

## **POLICY - SEE APPENDIX**

## **ADVERTISEMENTS**

Advertised for the purposes of Neighbour Notification and as Schedule 3 (The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013) development.

## **CONSULTATIONS**

**Strategic Planning And Development** – No objection. On the basis that the proposal is solely to vary Condition 1 (operational life period) of planning permission 16/01657/APP, a full assessment of the merits of the wind farm against MLDP 2020 policies has not been undertaken as planning permission remains extant and no physical changes to the development are proposed. *(Officer note – For clarity, an assessment of the proposal against the relevant policies of MLDP 2020 has been undertaken by the Development Management Section and as referred to below in the Observations Section of this report).*

**Cullen & Deskford Community Council** - No response at time of writing.

**Findochty Community Council** - No response at time of writing.

**Lennox Community Council** – No response at time of writing.

**Strathisla Community Council**- No response at time of writing.

**Planning And Development Obligations** – None sought.

**Environmental Protection Manager** – No response at time of writing.

**Environmental Health Manager** – No objection.

**Contaminated Land** – No objection subject to the previous condition being reiterated.

**Transportation Manager** – No objection.

**RSPB Scotland** – No objection.

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

**Aberdeen Airport** – No objection.

**Ofcom** - No response at time of writing.

**Moray Flood Risk Management** – No objection.

**Moray Access Manager** – No objection.

**Aberdeenshire Council** – No objection. It is noted that the original application 07/02375/EIA was approved in February 2014 with an operational life of 25 years. This was later extended to a 27 year operational life by way of application 16/01657/APP. Although the operational life would be extended further, Aberdeenshire Council has no objection to the proposal given a 30 year life span is not uncommon for wind energy developments and would not cause significant and unacceptable effects by virtue of the time extension.

**Transport Scotland** – No objection.

**Scottish And Southern Energy** - No response at time of writing.

**Scotland Gas Networks Ltd** – No response at time of writing.

**Scottish Environment Protection Agency** –No objection.

**MOD Safeguarding – Wind** – No objection provided that the extant conditional requirements for installing MOD accredited lighting on to the turbines (Condition 16), and submission of a Radar Mitigation Scheme (Condition 17 and Condition 18) are carried forward on to any new planning permission that may be issued.

**Nature Scot** - NatureScot does not have any concerns regarding the proposal to extend the lifetime/consent of this project by 3 years. Conditions remain in place to ensure that all necessary pre-construction surveys and species mitigation will take place in advance of any work commencing.

**Scottish Forestry** – No response at time of writing.

**Aberdeenshire Council Archaeology Service** – No objection.

**Atkins Global** – No objection.

**JRC – Windfarms** - No objection.

## **OBJECTIONS-REPRESENTATIONS**

None

## **OBSERVATIONS**

Section 42 of the Town and Country Planning (Scotland) Act 1997 as amended allows applicants to apply to develop land without compliance with conditions previous attached to a planning consent. In determining such an application, the Council, as Planning Authority can only consider the conditions subject to which planning permission should be granted and may:

- grant permission unconditionally (i.e. remove the conditions attached to the planning consent);
- grant permission conditionally with differing conditions; or
- refuse the application (i.e. keep the conditions attached to the planning consent).

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.

### **Background to the Proposal**

Planning Permission (07/02375/EIA) for the windfarm at Aultmore was approved by Committee and issued on 27 February 2014. The application had been in the system for a considerable period due to negotiation between the applicant and the MOD regarding potential conflicts with radar at RAF Lossiemouth. It was eventually agreed that consent could be issued subject to a condition (condition 18) that required a Radar Mitigation Scheme to be provided. A Section 42 application (16/01657/APP) was then approved on 28 February 2017. That application increased the operational lifetime of the development from 25 to 27 years (condition 1), altered the triggers for the provision of the Radar Mitigation Scheme (condition 18) and altered the noise controls and how noise levels would be assessed cumulatively with surrounding developments. The 2016 permission was granted with a 5 year commencement period instead of the standard statutory 3 year period and the consent therefore remains live until 28 February 2022. The current proposal again relates to the operational lifetime (condition 1) of the development only. If approved the planning permission would allow the wind farm to operate for 30 years from the date of first export of electricity. A Section 42 application effectively creates a new planning permission and the effect of granting permission for the current application would be to allow an additional 3 years from the date of determination for the development to commence.

The 2007 application was supported by an Environmental Statement in accordance with the Environmental Impact Assessment (EIA) regulations in force at the time. The Environmental Statement (ES), Supplementary Environmental Information (SEI) and other supporting information have been taken into consideration for the current Section 42 application to vary condition 1. For the purposes of the ES and SEI supporting documents, appendices and other information taken into consideration for the decision made in 2014, form part of the assessment of the current application. The current proposal was screened as a Schedule 2 development within the current (2017) EIA regulations but was found not to require a fresh EIA submission as it is supported by the previously approved Environmental Statement and appropriate mitigation of environmental impacts forms part of the conditions which are to be reiterated.

It is noted that Section 42 applications are not required to go through the statutory pre-application consultation process even if they relate to a major application as defined by

The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. In this case the original application (07/02375/EIA) pre-dated the change in regulations that introduced the hierarchy of developments and the requirement for formal pre-application consultation. Several relevant Community Councils have been formally consulted on the current application in line with the agreed procedures for dealing with larger wind energy applications.

Both the original permission (07/02375/EIA) and the approved Section 42 application (16/01657/APP) were considered under previous local plans. It is therefore necessary to consider the proposal against current local and national policy.

### **Relationship of proposal to national renewable energy policy/guidance**

International and UK policy frameworks are generally supportive of renewable energy proposals which help to facilitate a transition to a low carbon economy. National Planning Framework (NPF3) for Scotland sets out the spatial strategy for Scotland's development. NPF3 makes specific reference to onshore wind energy having an important role in delivering the commitment to a low carbon energy generation. The November 2020 Position Statement on the 4th National Planning Framework indicates that measures to address climate change and reduction of carbon emissions will be accelerated. Support for onshore wind energy production is likely to be re-iterated.

The Climate Change (Scotland) Act 2009 places a duty on public bodies to act sustainably and meet emissions targets including a requirement to achieve at least an 80% reduction in greenhouse gas emissions by 2050 (over 1990 levels). Beyond the NPF3 there are a number of considerations relevant to the Section 36 process, which are taken into account in arriving at the below recommendation. They are The Scottish Government's Programme for Scotland 2020-21, The Environment Strategy for Scotland, February 2020, Climate Change (Emissions Reductions Targets) (Scotland) Act 2019, Scottish Government Climate Change Plan (2018), Scottish Government Onshore Wind Policy Statement 2017 and Scottish Energy Strategy (2017). These generally stress the need to reduce carbon emissions (for which wind energy will clearly play a part) but do qualify this with the need to protect landscapes, built and natural heritage, residents and other interests.

The commitment to the creation of a low carbon place is reiterated in Scottish Planning Policy. The applicants submissions regard national policy as being significant and supportive of this proposal where this development, as a proven technology providing a source of safe and locally produced renewable energy for many years, will make a significant contribution towards renewable energy production at the national and local level. Whilst it is noted that some targets have been met for renewable energy production it is noted that the Scottish Government's guidance continues to support renewable energy development and it is recognised that this reflects the thrust of national policy.

Scottish Planning Policy (SPP) requires that "planning should direct the right development to the right place", which is an important issue in this proposal. The policy principles set out for "Delivering Heat and Electricity" in SPP include;

- Support the transformational change to a low carbon economy, consistent with national objectives and targets;
- Support the development of a diverse range of electricity generation from renewable energy technologies - including the expansion of renewable energy generation capacity and the development of heat networks;



- Guide developments to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed.

(SPP) requires planning authorities to set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities, following a set methodology (para 161). This has been done through the spatial framework included within the Moray Local Development Plan 2020. This is a broad-brush approach required to comply with Scottish Planning Policy and covers approximately 40% of the Moray Local Development Plan Area. The proposed site is located within an area with potential for wind farm development of turbines over 35 metres to tip height, with no upper height limit identified. SPP (para 162) recognises the limitations of the strategic spatial framework and further requires that local development planning authorities should identify where there is strategic capacity for wind farms and areas with the greatest potential for wind development. The Moray Onshore Wind Energy (MOWE) Non-Statutory Guidance 2020 identifies such areas. The application site is within an area of greatest potential for medium typologies (50-80m).

The detailed mapping of constraints and guidance on areas with greatest potential is set out in the Moray Onshore Wind Energy Guidance 2017 (MOWE), with the proposal site located partially within an area identified as having opportunities for extension and repowering. Of note, as identified in the consultation from Strategic Planning & Development the 2017 MOWE and Landscape Capacity Study are currently non statutory guidance and are under review and is likely to become a sensitivity study in line with Nature Scot guidance. They still do however represent the most detailed and up to date guidance on wind energy landscape capacity in Moray and remain fit for purpose.

### **MOWE Non-Statutory Guidance 2020 and Moray Wind Energy Landscape Capacity Study 2017**

The MOWE Non-Statutory Guidance and the Landscape Capacity Study are material considerations for development management purposes. Incorporating the outcomes from the Landscape Capacity Study, the Guidance identifies five typologies of wind turbine and highlights that there is very limited scope to accommodate further large scale wind turbine developments in Moray in landscape and visual terms.

The proposed development is located within the Broad Forested Hills within Upland Farmland (8a) landscape character type (LCT) as defined in MOWE and Landscape Capacity Study. LCT8a is assessed in the study as having a High-Medium sensitivity to the large typology (80-130m) with very limited scope to accommodate this scale of turbine. Within this LCT, there are a number of operational large single turbines in the vicinity of the site and surrounding area, which are highly visible in eastern Moray. The LCT consists predominantly of broader forested hills and upland plateau. MOWE concludes that turbines towards the lower height band of this typology (less than 100m to tip) would minimise effects on adjacent settled landscapes and that turbines should be set well back into the interior of more extensive areas of upland plateau to minimise intrusion on adjacent settled landscapes and to ensure sufficient separation. The study also highlights the potential cumulative effects with the consented wind farm at Aultmore (07/2375/EIA & 16/01657/APP), and wind turbines located in the adjacent Upland Farmland LCT which are a major constraint to capacity in this LCT.

## **Compliance with Renewable Energy Policy (PP1, PP2, DP1, DP9, EP1, EP7, EP8 and MOWE)**

It is noted about that national planning policy and guidance supports wind energy developments. Since the original wind farm was approved at Aultmore (07/2375/EIA) the development plan has changed twice including once since the subsequent s.42 application (16/01657/APP). In considering the current proposal to extend the operational lifetime of the development the Committee should consider the extent to which the proposal continues to comply with the development. Policy DP9 is the principle policy on which the application must be determined but this includes a requirement to comply with all other relevant policies of the development plan. The policy requires renewable energy proposals to address unacceptable impacts in relation to landscape and visual impacts, noise, air quality, electromagnetic disturbance, the water environment, carbon rich soils and peat, woodland and forestry, traffic both during construction and operation, impact on tourism and recreational interests. For wind farms the policy specifically requires compliance with the spatial framework, and site specific consideration informed by the Landscape Character Study, impacts on communities including through issues such as shadow flicker, aviation and defence issues, cumulative issues and decommissioning and restoration.

In terms of Landscape and Visual Impact the Landscape Character Study which supports policy DP9 and MOWE is dated 2017. It takes account of the approved wind farm at Aultmore in its baseline assessment and the assessment of scope for future development assumes that this development will be built and will be present in the landscape for some time to come. Any development approved since the original consent at Aultmore (07/2375/EIA) would have considered it as part of the assessment of cumulative impact so the proposed extension of the operational lifetime will not result in any additional cumulative impacts. Given that the approved wind farm is an established part of the assessment of wind farm capacity in the area the siting is considered to comply with policy. The most notable change in this locality in terms of windfarm capacity has been the approval of 17/01198/EIA Lurg Hill to the east (see history section), but while this would contribute cumulatively to the wind turbines already present on Lurg Hill, it would excessively diminish the capacity and separation from neighbouring settlements/properties of the Aultmore plateau to accommodate the currently consented windfarm.

There are no changes to the proposal in terms of the layout, height or number of turbines proposed. The impacts of the development will therefore be the same as those associated with the previous development. At the time of the original application (07/2375/EIA) and the subsequent s.42 (16/01657/APP) impacts were identified in terms of noise, shadow flicker, electromagnetic disturbance, impacts on the water environment and peat, forestry, traffic impact, ecology, tourism and recreation and archaeology. No concerns in relation to these matters have been raised by consultees. Where necessary mitigation or other suitable controls is covered by condition. The granting of a s.42 application has the effect of creating a new planning application therefore the conditions of the previous consent will be reiterated to ensure that all mitigation measures remain in place.

There are 30 conditions attached to the planning permission and it is recommended that these are repeated in full in this case. It is noted that the terms of conditions 18 and 24 of the original consent (07/2375/EIA) relating to the provision of a Radar Mitigation Plan and noise respectively were varied by the subsequent s.42 application (16/01657/APP). The

amended conditions remain fit for purpose and it is recommended that they are reapplied in their amended form.

It is noted that some of the original survey work in relation to protected species and habitats is now out of date. However, there are conditions (13 & 14) proposed which require a Habitat Management Plan and a specific Capercaillie Management Plan. Nature Scot have been consulted and confirm that they are content that the recommended conditions will ensure that all necessary pre-construction surveys and species mitigation will take place in advance of any work commencing.

It is considered that the previous conditions which are to be reiterated are sufficient in relation to decommissioning and restoration. Condition 1 requires the turbines to be removed within a year of the recommended 30 year operational life span ending and restoration to be carried out in accordance with an approved method statement. Conditions 20 and 21 require the provision of a bond to cover the cost of restoration and review of that bond. These arrangements are considered to be sufficient to ensure adequate decommissioning and restoration.

### **Operational Lifetime of the Development**

The purpose of the current application is to increase the operational lifetime of the development from 27 years to 30 years. The original approval (07/2375/EIA) was granted subject to a condition that limited the operational period to 25 years. The applicant has stated that this extension is required to reflect changes in technology and experience that have demonstrated that wind turbines can operate safely and efficiently for longer periods. They also note that a 30 year operational period would be in line with other more recent consents nearby. The applicant's submission in this case is considered to be reasonable.

At the time of the original approval (07/2375/EIA) wind farms were typically granted permission for a period of 25 years which reflected the standard manufacturers warranty. These periods have increased as technology and experience has increased. Operational periods of 30 years or longer are now common. The Lurg Hill development (17/01198/EIA) which is just to the east of the development and was approved on appeal in 2019 was granted subject to a 30 year operational lifetime. In the case of the current application the approved development would not be altered in any way but would be present on site for an additional 3 years. This would have the benefit of increasing the renewable energy output of the development and would reduce the net carbon impact of the development over its lifetime. All the existing proposed mitigation measures would remain in place and it is noted that no consultees have expressed any concern about the proposed extension of the operational lifetime of the development. The modest extension is therefore considered reasonable in this case and would prolong the output of a renewable energy source.

### **Developer Obligations**

In line with policy no developer contribution has been sought in this case. Any required "Community benefit" is given separate consideration from the planning merits of the proposal.

### **Conclusion**

The proposed variation of condition 1 would extend the operational lifetime of the development from 27 to 30 years. The effect of granting this permission would be to allow a further 3 years from the date of determination for development to commence. For the avoidance of doubt the recommendation reiterates all other conditions and informatives of

the previous consents (07/2375/EIA & 16/01657/APP), and relates back to the approved plans and supporting documents approved under the original planning permission 07/02375/EIA. The extension of operational lifetime will bring the development in line with more recent consents and will allow the renewable energy benefits of the scheme to be maximised. It is therefore recommended that planning permission is granted.

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

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

The proposal accords with the adopted Moray Local Development Plan 2020 and there were no other material considerations preventing approval.

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## **APPENDIX**

### **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.

## **DP9 RENEWABLE ENERGY**

### **a) All Renewable Energy Proposals**

All renewable energy proposals will be considered favourably where they meet the following criteria:

- i) They are compliant with policies to safeguard and enhance the built and natural environment;
- ii) They do not result in the permanent loss or permanent damage of prime agricultural land;
- iii) They avoid or address any unacceptable significant adverse impacts including:
  - Landscape and visual impacts.
  - Noise impacts.
  - Air quality impacts.
  - Electromagnetic disturbance.
  - Impact on water environment.
  - Impact on carbon rich soils and peat land hydrology.
  - Impact on woodland and forestry interests.
  - Traffic impact -mitigation during both construction and operation.
  - Ecological Impact.
  - Impact on tourism and recreational interests.

In addition to the above criteria, detailed assessment of impact will include consideration of the extent to which the proposal contributes to renewable energy generation targets, its effect on greenhouse gas emissions and net economic impact, including socio-economic benefits such as employment.

### **b) Onshore wind turbines**

In addition to the assessment of the impacts outlined in part a) above, the following considerations will apply:

#### **i) The Spatial Framework**

Areas of Significant Protection (Map 2): where the Council will apply significant protection and proposals may be appropriate in circumstances where any

significant effects on the qualities of these areas can be substantially overcome by siting, design and other mitigation.

Areas with Potential (Map 1): where proposals are likely to be acceptable subject to Detailed Consideration.

ii) **Detailed Consideration**

The proposal will be determined through site specific consideration of the following on which further guidance will be set out in supplementary guidance and as informed by the landscape capacity study:

**Landscape and visual impact:**

- the landscape is capable of accommodating the development without unacceptable significant adverse impact on landscape character or visual amenity.
- the proposal is appropriate to the scale and character of its setting, respects the main features of the site and the wider environment and addresses the potential for mitigation.

**Cumulative impact**

- unacceptable significant adverse impact from two or more wind energy developments and the potential for mitigation is addressed.

**Impact on local communities**

- the proposal addresses unacceptable significant adverse impact on communities and local amenity including the impacts of noise, shadow flicker, visual dominance and the potential for associated mitigation.

**Other**

- the proposal addresses unacceptable significant adverse impacts arising from the location within an area subject to potential aviation and defence constraints including flight paths and aircraft radar.
- the proposal avoids or adequately resolves other impacts including on the natural and historic environment, cultural heritage, biodiversity, forest and woodlands and tourism and recreational interests - core paths, visitor centres, tourist trails and key scenic routes.
- the proposal addresses any physical site constraints and appropriate provision for decommissioning and restoration.

iii) **Extensions and Repowering of Existing Wind Farms**

The proposal will be determined through assessment of the details of the proposal against Part a) and Parts b) (i) and (ii) above. Detailed assessment of impact will include consideration of the extent to which:

- the proposal, for extensions, impacts on the existing wind farm(s) setting and the ability to sit in the landscape on its own should the existing wind farm be decommissioned before the extension.
- the proposal, for repowering, makes use of existing infrastructure and resources, where possible, and limits the need for additional footprint.

c) **Biomass**

Proposals for the development of commercial biomass will be supported if the following criteria are met.

- Applicants must confirm which form of biomass will fuel the plant and if a mixture of biomass is proposed then what percentage split will be attributed to each fuel source.
- Proposals must demonstrate that they have taken account of the amount of supply fuel over the life of the project.
- When considering wood biomass proposals, the scale and location of new development is appropriate to the volume of local woodfuel available. Sources of fuel must be identified and must be sustainable.
- The location must have suitable safe access arrangements and be capable of accommodating the potential transport impacts within the surrounding roads network.
- A design statement must be submitted, which should include photomontages from viewpoints agreed by the Council.
- There must be a locational justification for proposals outwith general employment land designations. The proposed energy use, local heat users and connectivity of both heat users and electricity networks must be detailed. Proposals which involve potential or future heat users will not be supported unless these users can be brought online in conjunction with the operation of the plant.
- Details of the predicted energy input and output from the plant demonstrating the plant efficiency and utilisation of heat must be provided.
- Where necessary, appropriate structural landscaping must be provided to assist the development to integrate sensitively.

The criteria set out in relation to all renewable energy proposals (part a) must also be met.

The Council will consult with Scottish Forestry to help predict potential woodfuel supply projections in the area.

d) Heat

Where a heat network exists or is planned, proposals should include infrastructure to allow connection to that network.

Where no heat network is present or planned:

- Proposals should consider the feasibility for the creation of or connection to a heat network.
- Proposals should safeguard piperuns within the development, to its curtilage, for future connection to a heat network.
- Proposals should consider the provision of energy centres, or the reservation of land for an energy centre to facilitate future connection to a heat network.

Proposals for new development will be compared with the Scotland Heat Map to identify if it could make use of an existing heat supply or provide excess heat to heat users. This will be the case until the Council has concluded work on identifying where heat networks, heat storage and energy centres exist or would be appropriate in the plan area, at which point reference to that work should be made.

Developments which have a high heat demand are encouraged to co-locate with sources of heat supply.

Where heat networks are not viable, proposals should include the use of microgeneration technologies and heat recovery associated with individual properties, unless demonstrating this is unnecessary or unviable.

The criteria set out in relation to all renewable energy proposals (part a) must also be met.

## **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 m<sup>2</sup> 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.

## **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, Glean, 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.

**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.



## WARD 04\_17

**20/00120/APP**  
**31st January 2020**

**Proposed residential development comprising 10 dwellings and associated roads and landscaping R1 Land Off Meft Road Urquhart Moray for Mr Edward Rattray**

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**Comments:**

- Refer to Committee in accordance with the approved scheme of delegation - where the site is allocated in the MLDP 2020 for less than 50 houses but the proposal is a departure from the development plan.
- The proposal has been advertised as a departure and for neighbour notification purposes.
- 14 objections from 9 parties, 1 petition from 2 signatories, and 1 comment in support have been received on the proposal.

**Procedure:**

- Completion of a Section 75 Legal Agreement required prior to the issue of consent to cover developer obligations relating to health care and affordable housing.

**Recommendation**

Grant planning permission – subject to the following:-

**Conditions/Reasons**

1. No development shall commence until full details (scaled drawing 1:100 and equipment specification schedule) of the equipped play area as identified on the approved Site Plan (Drawing Number 838 (20) 001 H) inclusive of maintenance arrangements have been submitted to and approved in writing by the Council, as Planning Authority. The equipped play area shall include provision for all-abilities access including in relation to the surface finish, play equipment and seating. The equipped play area shall be provided in accordance with the approved details and be available for use prior to the occupation of the 5th unit hereby approved. Thereafter the play area shall be maintained in accordance with the approved maintenance arrangements.

**Reason:** To ensure the adequate provision of an equipped play area and its future maintenance.

2. The development shall be carried out in accordance with the Tree Survey and tree

protection measures set out on the Existing Tree Protection Plan (Drawing Number 838 (90) 002) to ensure that trees T1 and T2 are protected through the development works.

**Reason:** To protect neighbouring trees in the interests of tree preservation in line with the requirements of Policy EP7.

3. All works shall be carried out in accordance with the agreed Landscape and Biodiversity Diversity Plan (drawing number 838 (90) 001 C). Unless otherwise agreed as part of the approved details all planting, seeding or turfing shall be carried out in the first planting season following the first occupation of any of the units hereby approved. 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 otherwise approved by the Council, as Planning Authority.

**Reason:** To ensure that the approved landscaping and biodiversity features are carried out in accordance with the approved details and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.

4. The boundary treatments for the development shall be carried out in accordance with the approved plan Boundary Fence (drawing number 838 (90) 0004). Thereafter the boundary treatments as specified on the approved details shall be retained in perpetuity throughout the lifetime of the development, unless otherwise agreed in writing by the Council, as Planning Authority.

**Reason:** To ensure the timely implementation and retention of the approved 'hedgehog highway' in the interest of biodiversity.

5. The accessible housing on plot 5 shall be implemented in accordance with the approved Wheelchair Accessible Housing Statement of Compliance and the approved drawing Wheelchair Accessible Housing (drawing reference 838 (20) 010), unless otherwise agreed with the Council, as Planning Authority. Thereafter, the accommodation as identified shall, at all times, remain as accessible housing and remain 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, as required and defined in terms of current planning policy and associated supplementary planning guidance.

6. The two plots (6 and 7) identified as affordable housing on the approved Site Plan (Drawing Number 838 (20) 001 H, plots ) shall only be occupied as affordable housing in accordance with the agreement(s) concluded between the applicant/developer and Moray Council and/or any registered social landlord (e.g. housing association or similar) to enable the long term delivery of affordable housing on this site; And no development shall commence until details of the agreement(s) to confirm the arrangements for the delivery of the proposed

affordable accommodation have been submitted to and approved in writing by the Council, as Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details, 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 the affordable housing accommodation proposed for this site wherein the benefits of such provision are passed on to serve the community in future years.

7. All surface water drainage proposals shall be in accordance with the submitted report 'Drainage Assessment R1 Meft Road, Urquhart'. All measures for the management of surface water shall be implemented in full prior to the first occupation of any residential unit hereby approved.

**Reason:** To ensure that surface water drainage is provided timeously and complies with the principles of SUDs; in order to protect the water environment.

8. Notwithstanding the details shown on Drawing 900 Rev C (Roads Layout) for the fencing and gating of the SUDs area associated with the Road Safety Audit mitigation works which are not accepted. No development shall commence until design details for the SUDs area (Plan 1:500) have been agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority. For the avoidance of doubt these details shall either omit the fencing and gates entirely or provide revised proposals to address maintenance access and road safety issues. Thereafter the agreed details shall be implemented in full prior to the first occupation of any house hereby approved.

**Reason:** The submission of additional roads design information in the interests of road safety.

9. Unless otherwise agreed in writing by the Council as Planning Authority in consultation with Transportation, no other works shall commence on site until the works to widen Meft Road and the improvements to the Meft Road Main Street junction have been completed in accordance with the approved details as indicated on (Drawing 904b).

**Reason:** In the interests of road safety for the proposed development traffic, construction traffic and other road users.

10. No works shall commence on site until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with Transportation. The Construction Traffic Management Plan shall include the following information:
  - duration of works;
  - construction programme;
  - anticipated schedule for delivery of materials and plant;
  - full details of any temporary construction access;
  - 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;
- No articulated HGV delivery vehicles to the site shall be permitted via the Meft Road/Main Street junction unless otherwise agreed in writing by Transportation;
- traffic management measures to be put in place during works including any specific instructions to drivers; and
- parking provision, loading and unloading and turning areas for construction traffic.
- Condition surveys of Meft Road (from Main Street to the C19E Scotstonhill – Fernyfield Road) and Main Street (from the C18E Station Road to Meft Road) to be undertaken and submitted to [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk).

Thereafter, the development shall be implemented in accordance with the approved details and additional condition surveys as set out in the CTMP and shall be undertaken on completion of the final house within the development.

**Reason:** To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site.

11. Prior to the completion of any house within the development the remote footpath link from Meft Road to Main Street shall be completed in accordance with the approved details.

**Reason:** To ensure adequate provision for non-vehicular road users is provided in the interests of road safety.

12. Unless otherwise agreed in writing by the Council, as Planning Authority in consultation with Transportation, car parking for each house shall be provided at a rate of 2 spaces per 3 bed house and 4 spaces per 4 bed house and maintained available for that use at all times.

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

13. No works shall commence until the following details for Electric Vehicle charging provision has been submitted for approval by the Council, as Planning Authority in consultation with the Roads Authority:
  - Statement/specifications to confirm that the EV charging supply and cabling provisions for each plot will be suitable for the connection of a 7Kw 'Fast' type charging unit as a minimum.
  - Design/specifications for the proposed mounting/installations to be provided for any future EV charging points which would not be mounted on a wall.

Thereafter the development shall be completed in accordance with the approved details before occupation of the unit to which the charging provision relates.

**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.



14. No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0 metre in height and fronting onto the public road shall be within 2.4 metres 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.

15. Accesses and Driveways over service verges shall be constructed to accommodate vehicles and shall be surfaced with bituminous macadam unless otherwise agreed with the Council, as Planning Authority in consultation with the Roads Authority.

**Reason:** To ensure acceptable infrastructure is provided at accesses and driveways.

16. 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, as Planning Authority.

**Reason:** To ensure the residential units hereby approved are served by appropriate high speed internet connections, in accordance with policy PP3 Infrastructure and Services of the Moray Local Development Plan 2020.

17. 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 outwith 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 outwith the permitted/stated hours of working.

**Reason:** To ensure acceptable working practice in the interests of residential amenity.

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

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

The proposal is a well designed housing development which reflects good placemaking principles on land designated for residential use under the Urquhart R1 Designation and the partial early release of the eastern extent of the Urquhart LONG1 designation.

The partial early release of the Urquhart LONG1 designation can be supported as an acceptable departure against LONG1 and Policy DP3 because the application has been supported by a masterplan and delivery plan which sets out an indicative layout for the comprehensive development and delivery of Urquhart R1 and LONG1 designation, demonstrating a cohesive development which does not compromise the remainder of the LONG1 designation.

The proposal entails access upgrades including upgrading an existing offsite footpath which lies to the east of the site, connecting to Main Street via the playing field and the provision of an improved visibility splay of 2.0m by 43m at the Meft Road/Main Street Junction. The access proposals have been supported by a Road Safety Audit and sufficient technical details. The Transportation Manager has confirmed that the alternative proposals for pedestrian access and the upgrades to the Meft Road/Main Street junction are acceptable and that the proposed alternative access arrangements can be supported as an acceptable departure from Urquhart R1 and LONG1.

Based on the information provided in the application submission and the recommendations received from consultees (including conditions proposed) the development can be adequately serviced and will not adversely impact the character and amenity of the locality. The proposal therefore represents an acceptable departure from Policies DP3, Urquhart R1 Meft Road and Urquhart LONG1 Meft Road. In all other regards, subject to conditions, the proposal complies with the requirements of the MLDP 2020 and there are no material considerations that indicate otherwise.

### **List of Informatives:**

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

This development is subject to a S.75 legal agreement in regard to arrangements for payment of developer obligations to address the impact of the development upon healthcare and towards affordable housing.

Construction works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest. For information please see:

[www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp](http://www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp)

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)

THE TRANSPORTATION MANAGER, has commented that:

Construction deliveries to the site shall be managed and where possible large or heavy vehicles shall avoid routing through the Meft Road/Main Street junction to reduce the impact on local residents and road users. No articulated HGV delivery vehicles shall use the Meft Road/Main Street junction and details shall be provided within the construction management plan showing the route to be taken by these vehicles avoiding this junction.

Notwithstanding the details shown for the road widening construction on Drawing 904, the wearing course for Meft Road shall be resurfaced over the full width of the road for the extents of the road widening. Details for this to be approved under the Roads Construction Consent.

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)

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. Any requirement for additional Road Safety Audit stages may be determined through the Roads Construction Consent process or subsequent to the road construction prior to any road adoption.

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 street furniture needs to be repositioned this will 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.

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

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into his property.

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.

<b>LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT</b>	
<b>Reference No. Version No.</b>	<b>Title/Description</b>
838 (20) 002	House type 1 - elevations and floor plans
838 (20) 003	House type 2 - elevations and floor plans
838 (20) 004	House type 3 - elevations and floor plans
838 (20) 005	House type 4 - elevations and floor plans
838 (20) 006	House type 5 - elevations and floor plans
909	Drainage construction details
838 (20) 010	Wheelchair accessible housing
838 (90) 002	Existing tree protection
838 (90) 004	Boundary fence
838 (05) 001 A	Proposed site sections
838 (05) 002	Proposed site sections
901	Road long section
907	Road construction details
908	Drainage long sections
909	Road drainage construction details
910	Drainage construction details

911	Surface water soakaway details
914	Utilities plan
838 (00) 001 A	Location plan
838 (20) 007	House type 6 - elevations and floor plans
838 (20) 008 C	Proposed masterplan
838 (90) 001	Landscape and Bio-diversity plan
838 (20) 001 H	Proposed site plan
900 C	Road layout
902 A	Drainage layout
903 B	Kerbing layout
904 B	Engineering construction
905 C	Traffic signs and road markings
838 (20) 009 D	Proposed ground floor site plan
912 C	Junction alterations sheet 1 of 2
912 C	Junction alterations sheet 2 of 2
915 B	Swept path analysis 1 of 2
916 B	Swept path analysis 2 of 2





## PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:  
**20/00120/APP**

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Site Address:

R1

Land Off Meft Road

Applicant Name:

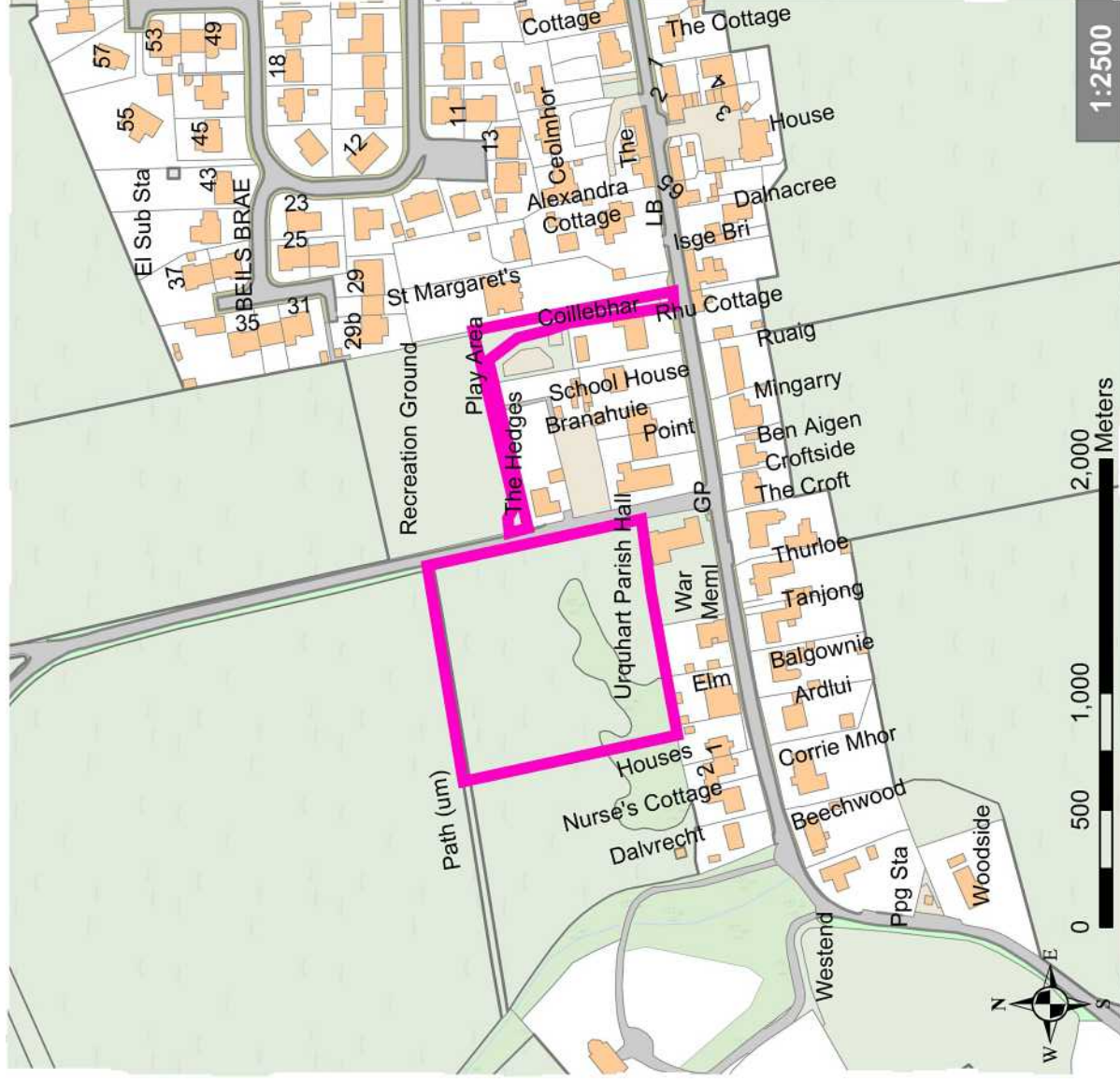
**Mr Edward Rattray**

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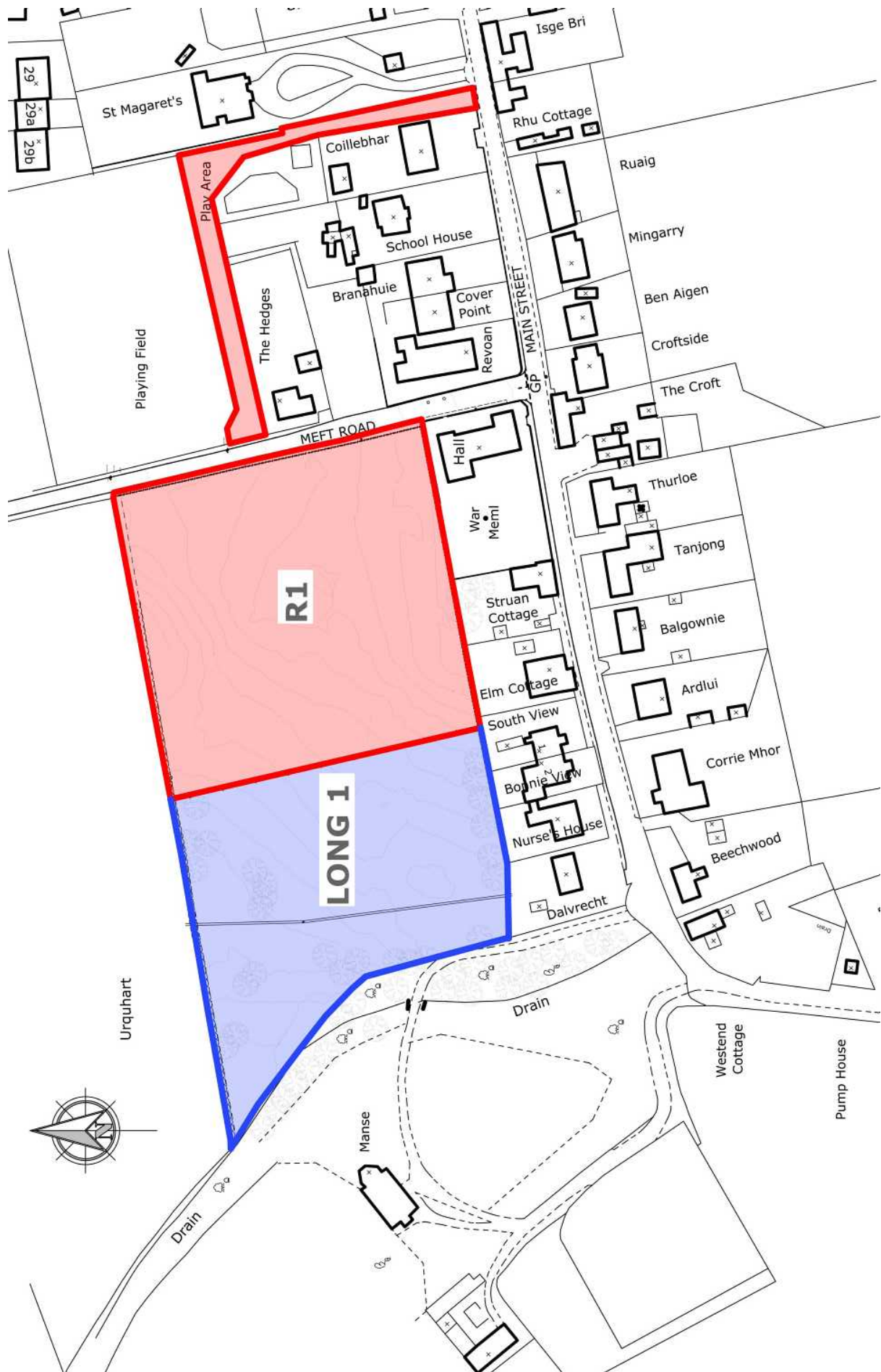
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## Location Plan





## Site Location

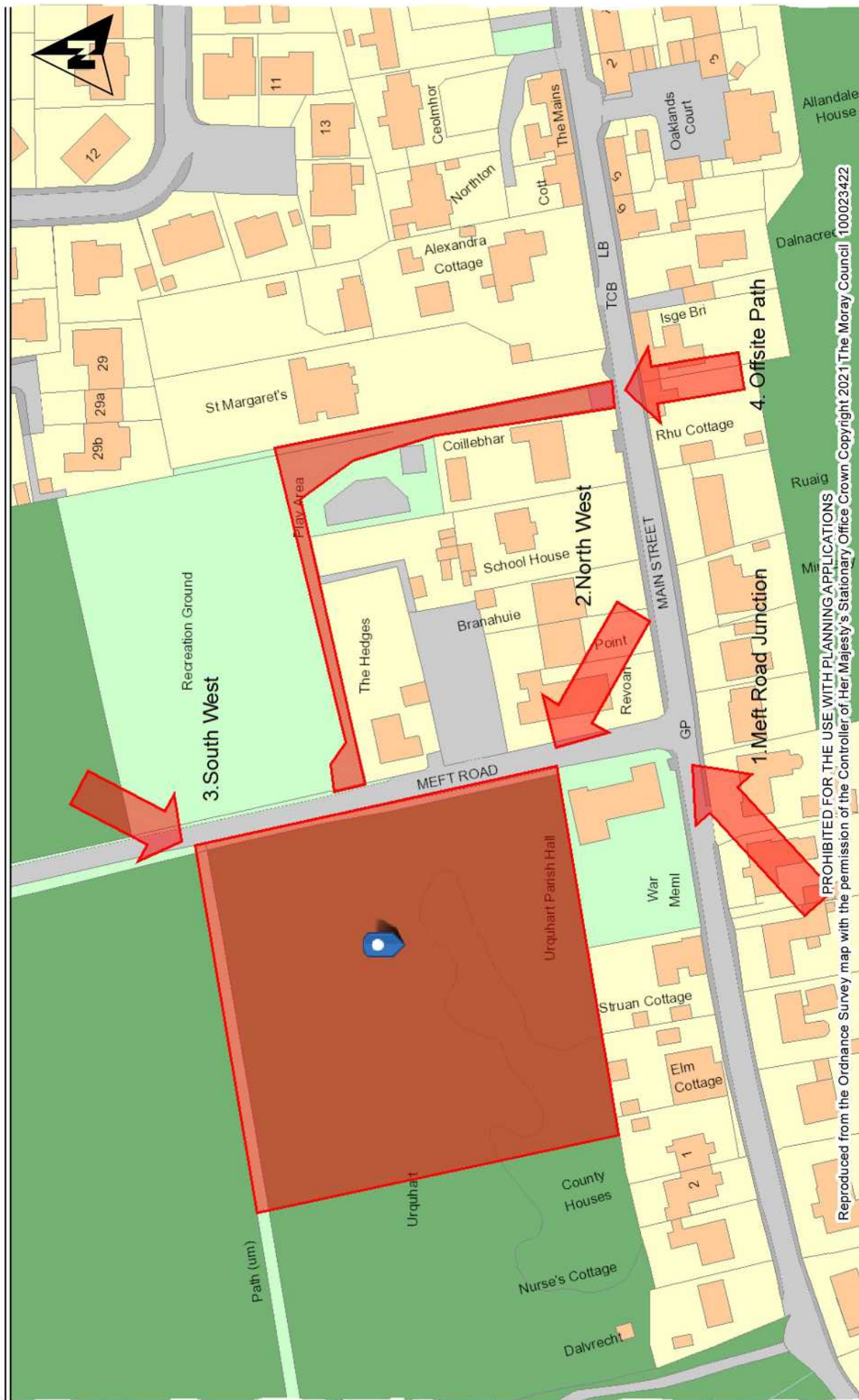




# Site plan



# 20/00120/APP Meft Road - Photo positions



Map Description: a Description of a Moray Council Map

Scale: 1:1,250 @ A4

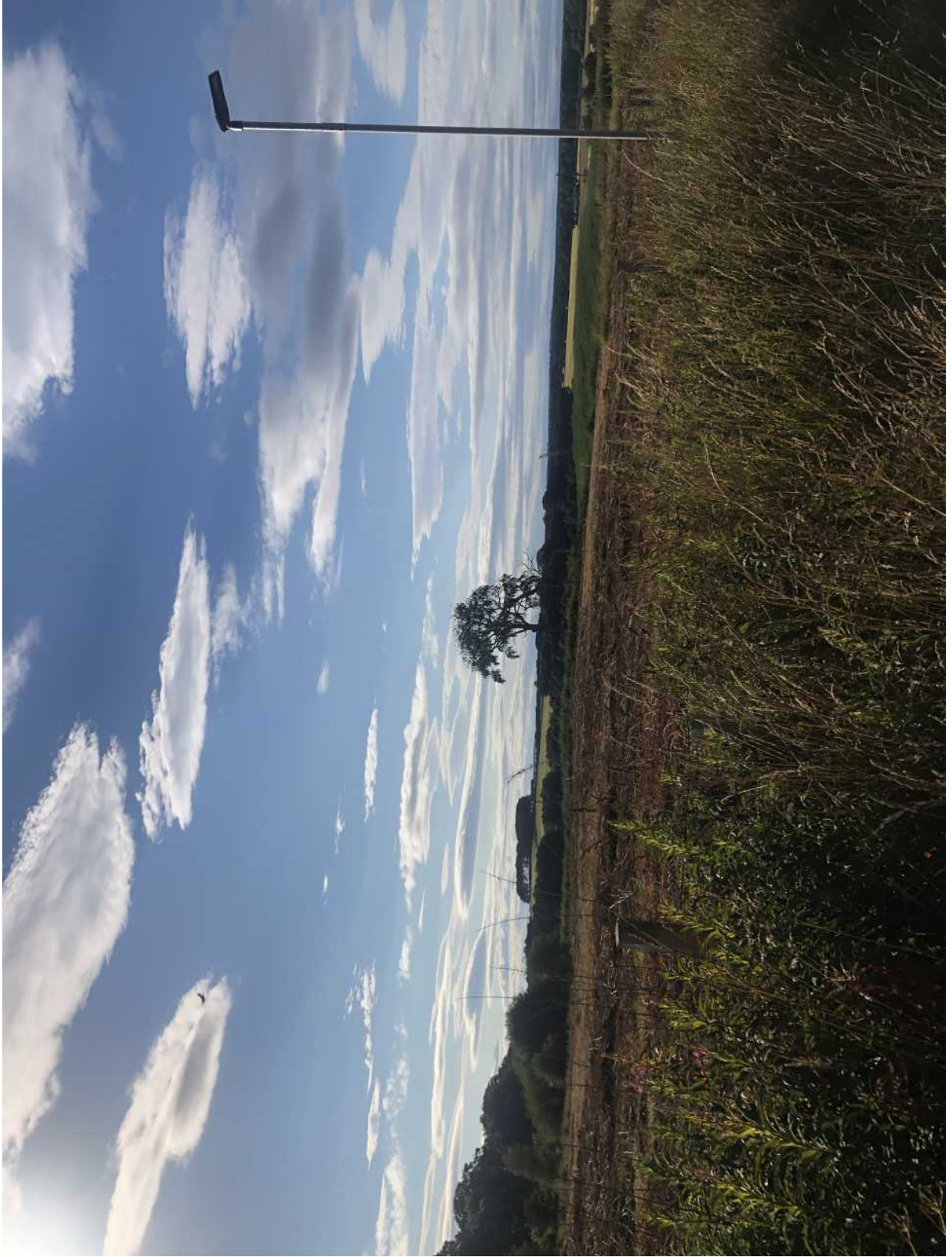




## 1 Meft Road Junction



## 2 Looking north west





### 3 Looking south west





#### **4 Off site path location**



## PLANNING APPLICATION: 20/00120/APP

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

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### **THE PROPOSAL**

- This application seeks planning permission for 10 houses, associated access, parking and drainage (foul and surface water). Open space with provision for play area and landscaping.
- Plots 1-4 front on to Meft Road, with plots 1 and 2 to the north of the new access road from Meft Road which will serve the development and plots 3 and 4 to the south.
- The new access road intersects the development creating a linear street scene, with plots 8, 9 and 10 located to the north of the road, set on to the open space/pay area and plots 5, 6 and 7 located to the south.
- There are six house types proposed for the development:
  - House type 1: 4 Bedroom, one and a half storey design with adjoining garage (plots 1 and 2)
  - House type 2: 4 bedroom, one and a half storey design with adjoining garage (plot 3)
  - House type 3: 4 bedroom, one and a half storey design (plot 4)
  - House type 4: 3 bedroom wheelchair accessible, single storey design (plot 5)
  - House type 5: 3 bedroom, one and a half storey design (plots 8, 9 and 10)
  - House type 6: 3 bedroom affordable, one and a half storey design (plots 6 and 7)

The dwellings will be finished with natural slate roof tiles, off white wet dash render and timber cladding.

- Open space and play area will be located centrally on the north side of the development road and an existing access path along the northern boundary of the site will be retained to connect to the open space and play area. There will be tree planting along the northern and western boundaries of the site.
- The dwellings will connect to the public water supply. Foul drainage will be to the existing sewer located on Meft Road via the proposed private packaged sewage pump. Each plot will have its own surface water soakaway and road drainage will be split between surface water sewer, infiltration basis and roadside swales.
- A new access will be formed from Meft Road (U31E public road) to serve the development.
- The proposal entails upgrading the existing Meft Road/Main Street junction. This includes the building out of the junction which would bring forward the giveway line into Main Street and associated traffic calming measures on Main Street, with the provision of an improved visibility splay of 2.0m by 43m.
- A 2m wide footpath is provided along the Meft Road frontage of the development, wider pedestrian access is proposed via the upgrading of an existing offsite footpath which lies to the east of the site, connecting to Main Street via the playing field to the east.

- The application has been supported by the following assessments/statements: Placemaking Statement, Drainage Assessment, Site Insight Report, Accessible Housing Statement of Compliance, Site Access Statement, Sustainability Statement/Checklist, Road Safety Audit and Tree Survey.
- An updated Environmental Impact Assessment (EIA) screening has been undertaken on the development which has concluded that no EIA procedures are necessary.

## **THE SITE**

- The site extends to approximately 0.8 of a hectare a significant majority of which is located on the R1 Meft Road Urquhart Residential Designation.
- The site is located at the north western extent of the Urquhart settlement boundary. The westernmost part of the site (approximately 15m strip) is on the LONG 1 Meft Road Urquhart Designation, falling outwith the defined settlement boundary.
- The offsite path to be upgraded/formalised is located to the east of the site on the playing field and currently already serves to connect Main Street to Meft Road.
- The site is scrub ground with no trees on the site, there is a gradual slope on the site from north to south.
- To the north of the site runs an informal path with open farmland beyond. To the east of the site is Meft Road and the playing field directly beyond. The LONG 1 designation is located to the west of the site with the Urquhart Manse listed buildings located beyond. Immediately to the south of the site lies the parish hall, a memorial garden, and residential dwellings located along Main Street.

## **HISTORY**

18/01225/SCN – Proposed new development at R1 Meft Road Urquhart. Screening assessment concluded that Environmental Impact Assessment (EIA) procedures are not required for this development. Decision issued on 9 November 2018.

## **POLICY - SEE APPENDIX**

## **ADVERTISEMENTS**

Advertised as a departure from the MLDP 2020 and for neighbour notification purposes.

## **CONSULTATIONS**

**Strategic Planning & Delivery** – Summary of key points raised:

- The layout has been well designed, to create a development with character and identity.
- Given the size of the development (10 units) and the amendments that have been made to comply with Policy PP1, it is considered that the proposal constitutes one character area that is distinctive in character and identity, and will be easy to navigate. On balance, and given the small scale nature of the development and high quality design, key buildings or public art are not deemed necessary to help orientate people around the development in this instance.



- The front elevations of buildings front onto the street and open space/play area and creates good natural surveillance throughout the development.
- All houses are of traditional design with a contemporary style, reflecting qualities of traditional properties within Urquhart in terms of character and form.
- A variety of tree and shrub species are proposed as part of the landscaping and the choice of species will add colour and seasonal variation to the development as well as improve biodiversity throughout the site.
- Whilst the majority of the proposal is located wholly within Urquhart R1 Meft Road, a small area to the west is located within the Urquhart LONG1 Meft Road designation which, as a LONG, is outwith the settlement boundary. Policy DP3 LONG Term Land Reserves embargoes LONG designations from development during the local development plan period unless their early release is justified. In this case it is considered that the partial early release of Urquhart LONG1 is acceptable as it forms part of a well-designed layout and will not compromise delivery of the remainder of the designation, as demonstrated by the Indicative Masterplan and Delivery Plan submitted. The proposal is therefore an acceptable departure to Policy DP3.
- As the western part of the site forms part of a designated LONG term development site (LONG1) that is being released under the terms of an acceptable departure from DP3, the proposal complies with Policy EP6 Settlement Boundaries.
- The Applicant has been unable to reach agreement with third party landowners to provide the Transportation requirement of Urquhart R1 and LONG1 and as such the proposal is a departure. Alternative proposals for the Meft Road/Main Street junction and the pedestrian footpath have been submitted to the satisfaction of Transportation and the proposal is therefore considered an acceptable departure from Urquhart R1 and LONG1.
- A QA2 was undertaken on the proposal following positive engagement with the Applicant and the submission of amended plans, the proposal has scored Green in all 7 categories.

**Developer Obligations** – The assessment confirms that obligations are required for: Healthcare (new build medical practice in Fochabers): £13,932.00 and Affordable housing: £8,000.00

**Transportation Manager** – The designation text within the MLDP identifies several requirements including the following Transportation related requirements:

- Layout siting and design must take account of future development of LONG1 to the west.
- A 2m wide footway is required along the Meft Road frontage providing connection to the existing pedestrian network. This requires third party landowner agreement.
- The visibility splay at the junction of Meft Road/Main Street requires to be improved to achieve 2.4m by 43m. This will require third party landowner agreement.

The proposed layout includes a 5.5m road constructed to the site boundary from which a future road extension could be provided to the west to enable future development of the LONG1 designation.

The proposals include the provision of a 2m footway along the frontage of the site onto Meft Road. The applicant has evidenced approaches to representatives of the Urquhart Parish Hall with a proposal to construct a 2m wide public footway along the frontage to satisfy the Local Plan requirements. The representatives for the Urquhart Parish Hall have responded denying permission for this.

The applicant in discussion with officers from Transportation and Estates within Moray Council has agreed in principle the provision of an alternative footpath connection to adoptable standard with lighting which would connect the development to Main Street (opposite Rhu Cottage) via the recreation ground and play area. Whilst the proposals represent a departure from the designation, Transportation consider the alternative provision to be an acceptable departure as the mitigation would provide a connection from the development to Main Street which avoids the need to walk on the carriageway and is broadly similar in terms of the travel distance to the same location on Main Street. The provision of a footway along the site frontage south to the boundary wall of the Parish Hall would also allow for the possibility of a connection to be provided in the future.

The existing Meft Road junction with Main Street has limited visibility due to the existing property boundary walls and planting and the narrow footway width on Main Street. A Road Safety Audit submitted by the applicant notes that there was no history of accidents recorded within the 5 years of data observed. The lack of visibility in this location is raised as a concern in a number of the public response to the proposals. The use of the junction by large vehicles (including school buses, agricultural, livestock lorries, coal and gas delivery vehicles), and difficulty of doing so are also raised as concerns in a number of public comments.

In order to address visibility issues and the local plan requirements the applicant has proposed a build out of the junction which would bring forward the giveway line into Main Street, improving visibility for traffic exiting from Meft Road. The consequence of this would be a reduction in the road width on Main Street to 4.1m (this is the minimum width required for two standard cars to pass unopposed). This proposal provides an element of traffic calming on Main Street which could be considered beneficial towards addressing concerns raised in a number of the responses around perceived traffic speeding issues on Main Street.

Representations received indicated that a variety of agricultural and commercial vehicles regularly use this junction however no details or specifications are provided. Transportation consider that the most onerous swept path analysis requirement would likely relate to 16.5m articulated HGV type vehicles or 18m drawbar trailer type vehicles which have both been assessed by the applicant. The results of this (Drawing 915) demonstrate that these vehicle types cannot negotiate the existing junction arrangement without impacting on the existing footways. Notwithstanding this the assessment also demonstrates that the proposed mitigation works to the junction can be accommodated subject to modifications to the kerbing to allow for vehicle overrun. The details for construction of the modifications shall be approved as part of an RCC or Technical Approval process.

The proposed junction modifications improve junction visibility and demonstrate that a minimum visibility splay of 2.0m by 43m can be achieved. Whilst this does not match the recommended minimum 'X' distance of 2.4m stated in the MLDP designation text it is a considerable improvement on the existing junction visibility, and it satisfies the minimum 'X' distance of 2m as defined within the National Planning Policy (Designing Streets). Whilst the proposals represent a departure from the MLDP designation text, Transportation consider the proposed junction modifications and visibility splay provision and departure from the MLDP designation text to be acceptable.

The consultation response from Transportation is concluded with conditions and informatives.

**Housing Strategy and Policy Manager** – No objection with acceptance of housing provision.

**Aberdeenshire Council and Archaeology Service** – No objection.

**Contaminated Land** – No objection.

**Environmental Health** - No objection with a condition for construction hours.

**Moray Access Manager** – No objection with positive comments in relation to paths and access.

**Estates Manager** – No objection with informative advice to be passed to the applicant/developer, noting their agreement to conclude a land owner agreement for the upgraded footpath separate from the planning process but subject to planning permission being granted.

**Moray Flood Risk Management** – No objection.

**Scottish Water** – No objection with advice in relation to existing Scottish Water assets in the vicinity of the site.

**Innes Community Council** –The Community Council has raised concerns about access requirements including the Meft Road/Main Street Junction, road safety and developer obligations:

- Urquhart is a very old village and the road layout and widths were put in place long before vehicular traffic was invented. Meft Road is a country road barely accommodating 2 vehicles.
- The vision to the left on to Main Street from Meft road has extremely poor visibility and there is no scope to put in a splay area. Currently a car has to be well over the road junction to get a view of oncoming traffic.
- There are a number of farming enterprises around Urquhart. All use very large agricultural machinery. Currently there are problems with these very large vehicles entering/leaving Meft Road.
- The proposed development will increase the problems at the junction. More traffic on Main Street will create more problems for traffic as the majority of houses on Main Street between Station Road and Meft Road have no off street parking thus creating road hazards.
- The plans show the construction of a footpath through the King George V playing field.
- Nobody knows who owns that playing field other than it was donated to the community and in recent years it has been maintained by Moray Council.
- Has permission been sought from the developers for the construction of the path and if so from whom?
- Is the developer assuming that as the park is maintained by Moray Council and the existing paths connecting to the park are registered with Moray Council as public rights of way?
- If approved who will be responsible for the upkeep and maintenance of that path in future years?

- Will any consent include the installation of street lighting along the length of that proposed footpath and again whom would be responsible for maintenance?
- A similar path was constructed on the east side of the village from Beilds Brae to the park. It has never been maintained with the original developer and Moray Council arguing over who is responsible for maintenance. The net result is that the path is not maintained and almost impassable. Concern from within the community is that if ownership and responsibility is not ascertained before full approval of the development, the path will not be maintained and pedestrians will be forced to use Meft Road which has no footpath.
- The community also asks if any developer contribution could be used to upgrade the public footpath from Main Street Urquhart to Garmouth Road, Lhanbryde via Murriehall farm.

**Comments (PO):** The application proposal, inclusive of proposed access details and road safety audit have been assessed by the Council's Transportation Section. Transportation has raised no objection to the proposed access arrangements and have advised that in order to address existing visibility issues and local plan requirements the applicant has proposed a build out of the junction which would bring forward the giveway line into Main Street, improving visibility for traffic exiting from Meft Road. The consequence of this would be a reduction in the road width on Main Street to 4.1m (this is the minimum width required for two standard cars to pass unopposed). This proposal provides an element of traffic calming on Main Street which could be considered beneficial towards addressing concerns raised about access via Main Street. It is also concluded by Transportation that the proposed visibility splay offers a considerable improvement on the existing junction visibility, and satisfies the minimum 'X' distance of 2m as defined within National Planning Policy (Designing Streets).

The applicant has served the required land ownership notification on the Council as the land owner of the site of the proposed offsite footpath. The footpath will be constructed to an adoptable standard. Transportation, the Estates Section and the Moray Access Manager have raised no objection to the offsite path, with Transportation recommending the acceptance of the offsite path as an acceptable departure from the designation text. Transportation has also confirmed the Council will be responsible for maintenance of the path once it is adopted.

The application has been assessed in line with the requirements of Policy PP3 and the Supplementary Guidance on Developer Obligations. The assessment has identified that developer obligations towards health care is required. The developer has accepted the developer obligation.

## **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).

14 objections from 9 parties, 1 petition from 2 signatories, and 1 comment in support have been received on the proposal.

J E Allan - 94 Franklin Place Westwood East Kilbride Glasgow G75 8LS - R

Mr And Mrs Paul And Wilma Ralph - Elm Cottage Main Street Urquhart Elgin IV30 8LG - O  
Ms Susan MacDonald - Struan Cottage Main Street Urquhart Elgin IV30 8LG - O  
Urquhart Parish Hall - Main Street Urquhart Elgin IV30 8LG - O  
Mrs Ray Cartwright - 2 Meft Road Urquhart Elgin Moray IV30 8GG - O  
Nicola Thomson - 31 Swordale Crescent Bonar Bridge IV24 3EH - S  
Clare Smith - Schoolhouse Main Street Urquhart Elgin Moray IV30 8LG - O  
Mr Ian Sutherland - Coille Bhar Main Street Urquhart Elgin Moray IV30 8LG - O  
PETITION - C/o Mr David Landers Mingarry Main Street Urquhart IV30 8LG - O  
Mr Peter McIntosh - Croftside Main Street Urquhart Elgin IV30 8LG - O  
Mr Colin Keir - Craigeir 47 Beils Brae Urquhart Elgin IV30 8XQ – O

**Issue:** Traffic, access including construction vehicles, parking and pedestrian access issues. The existing traffic, access, parking and pedestrian access issues are already constrained in the village and the existing road layout would be unable to cope with the development.

**Comments (PO):** The application proposal, inclusive of proposed access details and road safety audit have been assessed by the Council's Transportation Section. Transportation has raised no objection to the proposed site access and have advised that in order to address visibility issues and the local plan requirements the applicant has proposed a build out of the junction which would bring forward the give way line into Main Street, improving visibility for traffic exiting from Meft Road. The consequence of this would be a reduction in the road width on Main Street to 4.1m (this is the minimum width required for two standard cars to pass unopposed). This proposal provides an element of traffic calming on Main Street which could be considered beneficial towards addressing concerns raised about access via Main Street. It is also concluded by Transportation that the proposed visibility splay offers a considerable improvement on the existing junction visibility, and satisfies the minimum 'X' distance of 2m as defined within National Planning Policy (Designing Streets).

Representations received indicated that a variety of agricultural and commercial vehicles regularly use this junction however no details or specifications are provided. Transportation consider that the most onerous swept path analysis requirement would likely relate to 16.5m articulated HGV type vehicles or 18m drawbar trailer type vehicles which have both been assessed by the applicant. The results of this (Drawing 915) demonstrate that these vehicle types cannot negotiate the existing junction arrangement without impacting on the existing footways. Notwithstanding this the assessment also demonstrates that the proposed mitigation works to the junction can be accommodated subject to modifications to the kerbing to allow for vehicle overrun.

The applicant has served the required land ownership notification on the Council as the land owner of the site of the proposed offsite footpath. The footpath will be constructed to an adoptable standard. Transportation, the Estates Section and the Moray Access Manager have raised no objection to the offsite path, with Transportation recommending the acceptance of the offsite path as an acceptable departure from the designation text.

It is also noted that the consultation response from Transportation recommends that a condition be applied which requires a Construction Traffic Management Plan to effectively manage construction traffic to the site.

**Issue:** Concern about the potential impact of the upgrades to the Meft Road/Main Street Junction impacting on existing private driveways located in proximity to the junction, in

particular the need to retain regular access for a van to an existing property is highlighted. The contributor advises there are existing difficulties with the access and notes that the full extent of the existing road is required to access the driveway.

**Comments (PO):** Transportation has advised, that no specific details for the type of van are provided, however, on the basis of the driveway length and representation made Transportation recommended that a long wheelbase type van should be assessed as the most onerous requirement. The applicant has submitted swept path analysis for an L4 type long wheelbase type van (7.37m) which demonstrates (Drawing MR01-916 Rev B) that a vehicle of this size would still be capable of manoeuvring into and out of the driveway. The representation highlighted existing difficulties with access. This could be in part due to the road geometry but is more fundamentally likely to be due to the constraints of the property boundary wall and access width which is something the property owner could address to improve accessibility now or following future modifications to the junction to improve access. Taking account of the comments from Transportation, this is considered a private matter.

**Issue:** The alternative pedestrian access route via the park is likely to be unused as it is a significant detour for pedestrians and people will opt for the shortest route. There is no provision for street lighting.

**Comments (PO):** Based on advice from Transportation, the proposed alternative pedestrian access route via the park is considered an acceptable alternative pedestrian access route to the development. The Transportation Section in their assessment confirmed that the alternative access provision is acceptable as the mitigation would provide a connection from the development to Main Street which avoids the need to walk on the carriageway and is broadly similar in terms of the travel distance to the same location on Main Street. It is also noted that the provision of a footway along the site frontage south to the boundary wall of the Parish Hall would also allow for the possibility of a connection to be provided in the future. The offsite footpath will be constructed to an adoptable standard (including lighting) and the Council's Estates Section as land owner has raised no objection to the proposal.

**Issue:** Object to the existing gate off Main Street to the play park being replaced with bollards. Motorcyclists access the play park creating disruption. Replacing the gate at Main Street with bollards would give easier access to such motorcyclists.

**Comments:** The existing gate will be replaced by bollards with the middle three bollards to be telescopic types that can be securely installed to allow maintenance access to the playing fields and prevent un-authorised vehicle access but retaining pedestrian and cycle access at all times. It is also noted that any use of the park by motorcycles would constitute anti-social behaviour which is not a material consideration in the assessment of the planning application and should be addressed via the powers of the community wardens and/or the police as appropriate.

**Issue:** Concerns about the drawings because the developer has previously built in the village which turned out to be much larger in size than the proposed one and a half storey dwelling. Loss of privacy would be a concern if this were to be repeated here.

**Comments (PO):** The development must be carried out in accordance with the approved plans and it is noted that all of the dwellings in the development are single or one and a half storey. The proposed development is not considered to result in unacceptable amenity impacts upon existing dwellings within the vicinity of the site.

**Issue:** The development would set a precedent for further development on this land that the village infrastructure would not cope with.

**Comments (PO):** Under the terms of the MLDP 2020, the application site and the adjacent land to the west are designated as Urquhart R1 Meft Road and Urquhart LONG1 Meft Road which means that residential development on these sites is considered acceptable subject to satisfactory planning assessment.

**Issue:** Development would be detrimental to the existing character of the village which is an old historic village.

**Comments (PO):** As noted above, under the terms of the MLDP 2020, the application site and the adjacent land to the west are designated as Urquhart R1 Meft Road and Urquhart LONG1 Meft Road which means that residential development on these sites is considered acceptable subject to satisfactory planning assessment. Whilst it is recognised that Urquhart is an historic village, there are other examples of small modern housing developments within the village. It is also considered that the development proposed by this application is of a design, layout and density which is appropriate to the character of the Village.

**Issue:** Generalised, non-site specific comments submitted on multiple planning applications on the need to protect wildlife, flora and fauna.

**Comments (PO):** The site is not the subject of any natural heritage or environmental designations. There are no existing trees on the site and on this basis a bat survey is not considered necessary. There are two trees adjacent to the south of the site, appropriate tree protection measures have been identified for these. The development proposal includes significant and site-appropriate Landscaping and Biodiversity provisions which will help to encourage and promote biodiversity in the development over time.

Comments in Support of the application include:

- Positive to see this small scale development being pursued in Urquhart as the land was originally designated for housing in 2008.
- The site is currently unsightly and overgrown, the development proposed fits well with the existing village.
- The new footpath is a welcome addition, formalising a short-cut used by many walkers to get from Main Street to the informal path to the north of the site.
- The small scale nature of the development proposed will add very few additional traffic movements in Urquhart and will not adversely affect road safety, as others have claimed.
- The Meft Road / Main Street junction improvements proposed are welcomed and long overdue to help overcome historic visibility issues caused by the high stone dyke and overgrown trees on the corner.
- The development would offer the opportunity for people to move to the village and provide a safe environment for children.

**Comments (PO):** The comments in support of the application are noted.

## **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.

### **Principle of Development (R1, LONG1, DP2, DP3 and EP6)**

The majority of the application site is located on the Urquhart R1 Meft Road Residential Designation but the westernmost part of the application site falls within the Urquhart LONG1 Meft Road Designation, outwith the defined settlement boundary. The principle of development on the R1 designation for residential use is established through the designation. The LONG1 also identifies residential use in its designation text.

Policy DP3 LONG Term Land Reserves embargoes LONG designations from development during the local development plan period unless their early release is justified. The application has been supported by a masterplan which sets out an indicative layout for the comprehensive development of Urquhart R1 and LONG1 designation which demonstrates the required linkages in terms of open space and access/connectivity. The Delivery Plan (as included in the Placemaking Strategy) incorporates the timescales for delivery of both R1 and LONG1. It is therefore considered that the partial early release of Urquhart LONG1 is an acceptable departure to DP3 as it forms part of a well-designed cohesive layout which incorporates good Placemaking principles, and does not compromise the delivery of the remainder of the designation. On this basis, the partial early release of the Urquhart LONG1 designation is an acceptable departure from Policy DP3 and LONG1.

As the western part of the site forms part of a designated LONG term development site (LONG1) that is being released under the terms of an acceptable departure from DP3, the proposal complies with Policy EP6 Settlement Boundaries which allows for development in this circumstance.

The settlement designation for Urquhart R1 requires the provision of a 2m wide footway along the Meft Road frontage which connects onto the existing pedestrian network and improvements to the visibility splay at the junction of Meft Road/Main Street, with the settlement designation requiring a splay of 2.4m by 43m.

The applicant has been unable to reach agreement with third party landowners to provide these requirements but has provided satisfactory alternatives which includes upgrading/formalising an existing offsite footpath which lies to the east of the site, connecting to Main Street via the playing field, noting that the upgrading works can be accommodated without comprising the primary use of the playing field and has been accepted as suitable pedestrian access to the site by Transportation.

The Meft Road/Main Street junction will be upgraded to achieve an improved junction design which includes building out of the junction, bring forward the giveway line into Main Street with traffic calming measure on Main Street and the provision of a much improved visibility splay of 2.0m by 43m. The junction design has been supported by a Road Safety Audit and sufficient technical details. On this basis the Transportation Manager has confirmed that the alternative proposals for pedestrian access and the upgrades to the Meft Road/Main Street are acceptable, the proposed alternative access arrangements can be supported as an acceptable departure from Urquhart R1 and LONG1.

The application has been supported by a Tree Survey and Tree Protection Plan which confirms that there are no trees on the R1 site and no trees need to be removed as part of the proposal. Had trees been present on the site the settlement designation would have required a bat survey to assess these for roosting opportunities, however, given that there are no trees a bat survey is not necessary.



Landscaping comprising of Rowan, Silver Birch and Oak is proposed along the northern and western extents of the site to help manage and soften the transition from the built form of the development to the countryside. There is also considered to be sufficient separation between the application site and The Glebe House and Listed Manse Dovecot both of which are category B and lie to the west of the site beyond the LONG1 designation. The listed interests are separated from the LONG1 by a row of mature Beech trees.

### **Placemaking, Siting and Design (PP1, DP1, R1, LONG1, DP2 and DP3)**

Housing developments of ten units or more are subject to the Quality Audit (QA) process. The QA approach examines the key criteria considered to contribute to successful placemaking, ensuring that new developments are places with Character and Identity Healthy, Safe Environments, Housing Mix, Open Space/Landscaping, Biodiversity, integrated Car Parking and effective Street Structure, Layout and Detail. In order to demonstrate compliance with Placemaking requirements the application has been supported by a Placemaking Statement, incorporating the Delivery Plan, Landscaping and Biodiversity Plan and Utilities Plan.

At the time of submission the application was assessed against the previous MLDP 2015. A Quality Audit (QA) was undertaken with Officers from the Council's Strategic Planning and Development, Development Management, Transportation and Housing Services in March 2020. Following the adoption of the MLDP 2020 (on 27 July 2020) the proposal required to be re-assessed under the terms of the MLDP 2020. The QA is an iterative process and following positive engagement with the applicant, the submission of additional information and amended plans, the final QA Audit Scores in March 2021 resulted in the proposal achieving green in all 7 categories subject to the use of conditions when appropriate.

<b>Design Principle</b>	<b>Audit Score March 20</b>	<b>Audit Score Sept 20</b>	<b>Final Audit Score March 21</b>	<b>Mitigation/Condition Necessary to Score Green</b>
Character & Identity				
Healthier, Safer Environments				
Housing Mix				
Open Space/Landscaping				Condition requiring provision of full details of the play area, including the provision of all abilities play equipment.
Biodiversity				Condition preventing future boundary treatments from blocking the unrestricted movement of Hedgehog Highway.
Car Parking				
Street Structure, Layout and Detail				

The proposal is considered a good, well considered design and layout which will result in a development with character, identity and a sense of place which will sit well as a small expansion to the rural edge of the village. All of the dwellings on the eastern edge of the development have strong frontages onto Meft Road which is achieved through active

frontages, and in the case of plot 3 an effective turn the corner design. The use of low natural stone boundary treatments along the frontage of Meft Road will create an attractive and welcoming entrance to the development which is in keeping with the character of the village.

The new access road creates a linear streetscene with the dwellings facing onto the open space (with landscaping and seating), play area and onto the wider streetscene. All the dwellings will have a portion of front garden with large rear gardens; this coupled with the centrally located open space / play area will provide for a pleasant environment with easy access to useable open space and ample private amenity space for residents to enjoy.

A range of house types are proposed with a variety of single and one and a half storey designs. The designs proposed are of traditional design and form, reflecting the qualities of traditional properties within the village but with contemporary style. The use of more contemporary features such as elongated glazing will bring daylight and lower energy use benefits to the properties. The materials proposed complement the designs and the use of slate roof tiles is particularly welcomed and will work well within the village setting, helping to blend the new development into the traditional context of the village. It is also welcomed that the materials and designs proposed for the affordable housing are the same as the private housing helping to create a tenure blind development.

Parking is provided to the side or rear of the dwellings which ensures that the parking will be integrated into the development, appropriately positioned on the plots and will not have a dominant or detrimental impact on the overall character and appearance of the development.

The plot sizes can comfortably accommodate the dwellings proposed, allowing for front garden space and large private rear gardens. The density of development proposed is in keeping with the settlement designation and although the far western extent of the site edge red falls into the LONG1 designation the proposal does not compromise the remainder of the LONG1 designation. The development is appropriate to the setting as a small edge of village rural housing development, with appropriate tree planting and landscaping to manage the transition from the settlement to the countryside.

The design and layout also incorporates integrated useable open space / play area wherein a variety of trees and shrub species are proposed as part of the Landscaping and Biodiversity Plan. The integration of the SUDs system into the open space and landscaping will also allow for a blue/green network to establish in the development helping to create a pleasant living environment with ready access to usable open space.

The high quality design, layout and scale of the development is such that the development constitutes one character area which will integrate effectively into the existing village as an appropriate expansion to the settlement which successfully incorporates the principles of good placemaking, a requirement which underpins the MLDP 2020.

#### **Privacy, Overlooking and Amenity (PP1, PP3 and DP1)**

The development has been designed such that each plot will have large well-proportioned private garden spaces. The large plot sizes, the separation distances between the dwellings and the orientations proposed means that the dwellings will provide an appropriate level of residential amenity within this small rural housing development. There is sufficient separation from the site to existing houses to ensure there is no significant detrimental amenity impact. Given the presence of existing dwellings adjacent to the site,

Environmental Health has recommended a condition to control construction times in the interest of the residential amenity of the existing residential properties.

The development has been sited and designed in a manner that is sympathetic to the amenity of the area and accords with the requisite requirements of Policies PP1, PP3 and DP1.

### **Landscaping, Open Space and Biodiversity (EP2 and EP5)**

The proposal incorporates a centrally positioned area of public open space which incorporates a play area, seating, tree and shrub planting as well as the SUDs swales. The open space complies with the 15% open space required by policy and will be functional, integrated and well overlooked by houses on both sides of the road. The open space also provides a connection to the existing informal path to the north of the site. The open space will have feature planting with the use of Wild Cherry Trees, and the provision of seating in the open space means that there will be opportunities to enjoy this feature and encourage social interaction. These characteristics are such that the open space should become a particularly pleasant well used feature within the development. The location and indicative details for the play area have been provided; this information is sufficient and conditions will be applied which will require full specification details for the play area (which must include the provision of all abilities play equipment) and setting a trigger for the provision of the play park upon completion of 50% of the development.

The application has been supported by a Landscape and Biodiversity Plan. The planting of native trees, shrubs, boundary hedges and blue/green networks (to be sown with wildflower seeds) will create an attractive development appropriate to the edge of village location. The planting along the northern boundary of the site will soften the transition from open countryside to the built form of the village and as noted previously the use of Wild Cherry Trees around the open space will provide a pleasant environment. The boundary treatments across the development will be Beech/Hawthorn hedging, along with post and wire fencing which will be unrestricted to allow for the provision of a Hedgehog Highway with un-inhibited progression across the site. A condition preventing future boundary treatments from blocking the unrestricted movement of the Hedgehog Highway is recommended. Each house will incorporate bat and bird boxes in their design. Landscaping, open space and biodiversity is well considered in the design and layout of the scheme and appropriate to the site, and the proposal is therefore acceptable in relation to Policies E2 and E5.

### **Impact on Trees EP7**

There are no existing trees on the site, there are two existing trees in neighbouring properties to the south which overhang the site. A Tree Survey and Tree Protection Plan has been submitted. No tree removal is proposed and the two trees in the vicinity of the site have been identified and will be protected throughout the construction of the development (ensured by condition). The proposal therefore complies with Policy EP7.

### **Access and Parking (DP1, R1 and LONG1)**

A new access will be formed from Meft Road (U31E public road) to serve the development. The linear internal layout includes a 5.5m road constructed to the site boundary from which a future road extension could be provided to the west to enable future development of the LONG1 designation. The street layout is legible and logical and it's considered that the design and layout has taken account of future development of LONG1.

Within the scheme, parking is provided to the side or rear of the dwellings which ensures that the parking will be integrated into the development. The parking provision as detailed on the submitted plans complies with the Council's parking standards and policy DP1(ii)(e).

The proposal also entails upgrading the existing Meft Road/Main Street junction which includes a build out of the junction to bring forward the giveway line into Main Street and associated traffic calming measures on Main Street, with the provision of an improved visibility splay of 2.0m by 43m. Whilst this does not match the recommended minimum 'X' distance of 2.4m stated in the MLDP designation text, Transportation has confirmed that the proposals offer a considerable improvement on the existing junction visibility, and it satisfies the minimum 'X' distance of 2m as defined within the National Planning Policy (Designing Streets). Transportation also confirm in their consultation response that while the design for the Meft Road/Main Street represent a departure from the MLDP designation text; the proposed junction modifications, visibility splay provision and departure from the MLDP designation text are acceptable. On this basis, the proposals are considered an acceptable departure from the R1 and LONG1 designation text.

A 2m wide footpath is provided along the Meft Road frontage of the development, wider pedestrian access is proposed via the upgrading of an existing offsite footpath which lies to the east of the site, connecting to Main Street via the playing field to the east. Transportation has confirmed in their consultation response that they consider the alternative provision to be an acceptable departure as the mitigation would provide a connection from the development to Main Street which avoids the need to walk on the carriageway and is broadly similar in terms of the travel distance to the same location on Main Street. The provision of a footway along the site frontage south to the boundary wall of the Parish Hall would also allow for the possibility of a connection to be provided in the future. On this basis, the proposed offsite path is considered an acceptable departure from the R1 and LONG1 designation text.

### **Water, Drainage and Flood Risk (DP1, EP12 and EP13)**

The dwellings will connect to the public water supply. The application has been supported by a Drainage Assessment which provides details of the drainage design for the development. Foul drainage will be to the existing sewer located on Meft Road via a proposed private packaged sewage pump. Each plot will have its own surface water soakaway and road drainage will be split between surface water sewer, infiltration basins and roadside swales incorporating a blue/green network into the development which will sit alongside the open space provision.

Moray Flood Risk Management and Scottish Water has raised no objection to the development. The proposal is considered acceptable in relation to the requirements of Policies DP1, EP12 and EP13.

### **Affordable Housing & Accessible Housing (DP2)**

The required affordable housing contribution will be achieved by two on-site affordable housing units (plots 6 and 7) and a commuted sum payment of £8,000.00. This approach has been accepted by the Housing Policy and Strategy Manager and the house types proposed have been accepted. A condition shall be imposed to agree the delivery arrangements.

One accessible house has been provided (plot 5), with the required compliance statement submitted in support of this unit. This has also been accepted and agreed by the Housing

Policy and Strategy Manager. A condition is recommended to ensure that this will be secured as accessible housing in perpetuity.

The integration of the affordable and accessible housing provision into the development of a design and appearance which reflects the overall character of the development is welcomed as this will allow for a mixed, tenure blind development. The development complies with Policy DP2.

### **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). A utilities plan has been provided which shows broadband connections to each of the dwellings. The specific requirement for the provision of fibre optic IT cabling will be addressed by condition.

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

The development has been assessed for developer obligations. An obligation of £13,932.00 is sought towards new health care facilities in Fochabers. The applicant has agreed to pay the obligation and this shall be controlled by means of a S.75 Legal Agreement.

### **Conclusion and Recommendation**

The proposal is a small, well designed housing development which incorporates good placemaking principles to be sited on land designated for residential use under the Urquhart R1 Designation, and the partial early release of the eastern extent of the Urquhart LONG1 designation is considered an acceptable departure. The design, layout and density of the proposal would be a logical expansion to the settlement at a scale and density which is appropriate to the site and character of the surrounding area.

The proposal entails access upgrades including upgrading an existing offsite footpath which lies to the east of the site, connecting to Main Street via the playing field and the provision of an improved visibility splay of 2.0m by 43m at the Meft Road/Main Street Junction. The access proposals have been supported by a Road Safety Audit and sufficient technical details. The Transportation Manager has confirmed that the alternative proposals for pedestrian access and the upgrades to the Meft Road/Main Street junction are acceptable and that the proposed alternative access arrangements can be supported as an acceptable departure from Urquhart R1 and LONG1.

Based on the information provided with the application and responses received from consultees (including proposed conditions) the development can be adequately serviced and will not adversely impact the character and amenity of the locality.

On this basis the proposal is considered an acceptable departure from Policies DP3, Urquhart R1 Meft Road and Urquhart LONG1 Meft Road, noting that in all other regards, subject to conditions, the proposal complies with the requirements of the MLDP 2020.

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

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

The proposal is a well designed housing development which reflects good placemaking principles on land designated for residential use under the Urquhart R1 Designation and the partial early release of the eastern extent of the Urquhart LONG1 designation. The partial early release of the Urquhart LONG1 designation can be supported as an acceptable departure against LONG1 and Policy DP3 because the application has been supported by a masterplan and delivery plan which sets out an indicative layout for the comprehensive development and delivery of Urquhart R1 and LONG1 designation, demonstrating a cohesive development which does not compromise the remainder of the LONG1 designation.

The proposal entails access upgrades including upgrading an existing offsite footpath which lies to the east of the site, connecting to Main Street via the playing field and the provision of an improved visibility splay of 2.0m by 43m at the Meft Road/Main Street Junction. The access proposals have been supported by a Road Safety Audit and sufficient technical details. The Transportation Manager has confirmed that the alternative proposals for pedestrian access and the upgrades to the Meft Road/Main Street junction are acceptable and that the proposed alternative access arrangements can be supported as an acceptable departure from Urquhart R1 and LONG1.

Based on the information provided in the application submission and the recommendations received from consultees (including conditions proposed) the development can be adequately serviced and will not adversely impact the character and amenity of the locality. The proposal therefore represents an acceptable departure from Policies DP3, Urquhart R1 Meft Road and Urquhart LONG1 Meft Road. In all other regards, subject to conditions, the proposal complies with the requirements of the MLDP 2020 and there are no material considerations that indicate otherwise.

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## **APPENDIX**

### **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.

**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.

### **LONG1 Meft Road**

- Indicative capacity for 10 houses.
- The site is an extension to the R1 site.
- Landscape planting along the northern boundary must be provided to manage the transition between development and the countryside and filter views. This must comprise a mix of hedging and trees.
- A comprehensive layout must be provided for LONG1 and R1.
- Removal of existing trees may require assessment of bat roosting opportunities.
- Development of R1 and LONG1 must be sympathetic to the Listed Manse and Dovecot nearby.
- Archaeological watching brief required.
- A 2m wide footway is required along the Meft Road frontage providing connection to the existing pedestrian network. This requires third party landowner agreement.
- The visibility splay at the junction of Meft Road/Main Street requires to be improved to achieve 2.4m by 43m. This will require third party landowner agreement.
- Drainage Impact Assessment (DIA) required.

### **R1 Meft Road 0.8 ha 10 units**

- Layout siting and design must take account of future development of LONG 1 to the west.
- Landscape planting along the northern boundary must be provided to manage the transition between development and the countryside and filter views. This must comprise a mix of hedging and trees.
- A comprehensive layout must be provided for LONG 1 and R1. This must show the connections between phasing and how and where a minimum of 15% open space will be delivered across the combined sites.
- Removal of existing trees may require assessment of bat roosting opportunities.
- Development of R1 and LONG1 must be sympathetic to the Listed Manse and Dovecot nearby.
- Archaeological watching brief required.
- A 2m wide footway is required along the Meft Road frontage providing connection to the existing pedestrian network. This requires third party landowner agreement.
- The visibility splay at the junction of Meft Road/Main Street requires to be improved to achieve 2.4m by 43m. This will require third party landowner agreement.
- Drainage Impact Assessment (DIA) required

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- Development of R1 and LONG1 must be sympathetic to the Listed Manse and Dovecot nearby.
- Archaeological watching brief required.
- A 2m wide footway is required along the Meft Road frontage providing connection to the existing pedestrian network. This requires third party landowner agreement.
- The visibility splay at the junction of Meft Road/Main Street requires to be improved to achieve 2.4m by 43m. This will require third party landowner agreement.
- Drainage Impact Assessment (DIA) required.

## **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.

### **DP3 LONG TERM LAND RESERVES**

LONG term designations are identified to set out the direction of growth and to assist in the forward planning of infrastructure and landscape enhancement/mitigation. These sites are embargoed from development during the period of the Local Development Plan. The need for release of these designations will be reviewed through the next local development plan and annually through the housing and employment land audits. Early release of these areas, or sites within them, will only be considered where:

A shortfall in the 5 year effective housing and/ or employment land supply or shortfall in projected delivery of housing/employment units/land is identified in the annual housing and employment land audits, which cannot be met by:

1. Windfall provision assuming previous trends.
  2. Constrained sites which are likely to become available for development to meet the shortfall in the relevant timeframe.
- Or
3. Where the release of LONG term land is required to deliver key objectives of the Council and its Community Planning partners set out in the Local Outcome Improvement Plan, or to meet significant increased demand for housing arising from personnel deployed at RAF Lossiemouth or Kinloss Barracks.
- Or
4. Where the release of LONG term land is required to provide land for an inward investment opportunity and no alternative sites identified in the employment land audit meet the requirement.

In these circumstances an appropriate release of LONG term land may be recommended where:

- This can be achieved without compromising delivery of a master-planned approach and where appropriate access, infrastructure and landscaping setting can be secured.
- The site is demonstrated to be effective within the next 5 years.
- Any site specific triggers are fully complied with.

## **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 m<sup>2</sup> 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.

## **EP6 SETTLEMENT BOUNDARIES**

Settlement boundaries are drawn around each of the towns, villages and rural groupings representing the limit to which these settlements can expand during the Local Development Plan period.

Development proposals immediately outwith the boundaries of these settlements will not be acceptable, unless the proposal is a designated "LONG" term development site which is being released under the terms of Policy DP3.

## **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.

## **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.



## WARD 05\_17

**21/00809/APP**  
**26 May 2021**

**Erection of new footbridge over River Lossie between Esplanade and East Beach to replace existing footbridge between Seatown and East Beach on Site Opposite 17C Clifton Road Lossiemouth Moray for Moray Council**

**Comments:**

- The application is reported to Committee because the appointed officer considers that the application raises matters of wider community interest and/or planning significance.
- The application has been advertised for neighbour notification purposes and as land ownership is unknown.
- One representation has been received.

**Procedure:**

- None

**Recommendation**      **Grant planning permission subject to conditions:**

**Conditions/Reasons**

1. No works in connection with the development hereby approved shall commence unless an archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Council, as Planning Authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the WSI will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a Post-Excavation Research Design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the Council, as Planning Authority. The PERD shall be carried out in complete accordance with the approved details.

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

2. Notwithstanding the submitted details, no works in connection with the development hereby approved shall commence unless the following has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:
- a) Detailed drawings (Scale 1:500 minimum) showing the location, design specifications, materials and timescale for the provision of pedestrian and cycle routes from the south of The Esplanade side of the new bridge, including the provision of new paths and the widening of existing paths, to ensure minimum widths of 3.0 metres for any routes to be used by cyclists, and an enhanced circulatory area where the new bridge meets The Esplanade at Clifton Road. Dropped kerbs and tactile paving are to be provided at all locations where the route(s) meet with or cross the public road and 'Ladder'/'Tramline' paving is to be provided at all locations where pedestrian only routes meet with shared pedestrian/cycle routes. (Note: On existing routes which are to be utilised by cyclists and/or wheelchair users, 'cobble' and other uneven surfaces must be reviewed and, if necessary, replaced with a surface suitable for wheeled users).
  - b) Detailed drawings (Scale 1:200 minimum) showing the longitudinal sections of all new and widened paths connecting to the existing paths and to the circulatory area at The Esplanade end of the new bridge to demonstrate that gradients are compliant with mobility standards. Cross Section drawings (Scale 1:100 minimum) showing any required re-grading of slopes adjacent to the new/widened paths and the location and design specification for any required ground retaining features.
  - c) Detailed drawings (Scale 1:500 minimum) showing the location, design specifications and timescale for the provision of a cycle route utilising Clifton Road and the adjacent improved paths to provide access for cyclists travelling from the A941 to the new bridge, including all signage, road markings and dropped kerbs to direct and aid cyclists travelling to the bridge and nearby cycle parking.
  - d) Detailed drawings (Scale 1:500 minimum) showing the location, design specifications and timescale for the provision of wayfinding signage for pedestrians and cyclists from the northern and southern approaches to the new bridge, in particular from the Gregory Place and Station Car Parks and from the A941 (Clifton Road).
  - e) Detailed drawings (Scale 1:500 minimum) showing the location, design specifications and timescale for the provision of additional signage directing road users from the A941 Elgin Road to the Public Car Parks within Lossiemouth and the relocation of the existing road signage on the southern side of Seatown Ring Road/Church Street to the rear of the proposed new footway at the Gregory Place Car Park.
  - f) Detailed drawings (Scale 1:500 minimum) showing the design specifications, materials and timescale for the provision of a new footway connecting the Gregory Place Car Park to Seatown Ring Road/Church Street on either the eastern or western side of the existing vehicular access.

Thereafter the improvements to pedestrian and cycle access and signage shall be provided in accordance with the approved details and agreed timescales.

**Reason:** To ensure provision of safe and suitable access to the bridge for

pedestrians (including those with mobility impairments) and cyclists in the interest of road safety.

3. No works in connection with the development hereby approved shall commence unless the following has been submitted to and approved 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:
    - i) Construction Programme, including start date and duration of works;
    - ii) Details of the location of a site compound for the storage of materials, equipment, staff parking, deliveries and the provision of welfare facilities;
    - iii) Measures to be put in place to prevent material being deposited on the public road;
    - iv) Measures to be put in place to safeguard the movements of pedestrians and cyclists;
    - v) Traffic management measures to be put in place during the works, including any specific instructions to drivers, including delivery drivers.

And

- b) Details of any required/proposed temporary construction access which shall include the following information:
    - i) A drawing (scale 1:500 minimum) regarding the location and design specifications of the proposed access(es);
    - ii) Specification of the materials used for the construction access(es);
    - iii) All traffic management measures required to ensure safe operation of the construction access(es);
    - iv) Details, including materials, for the reinstatement of any temporary construction access(es); and
    - v) 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 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 and construction vehicles during construction works at the site, and in the interests of road safety and the amenity of the area/adjacent properties.

4. The development hereby approved shall be carried out in accordance with the mitigation measures specified in section 5 of the Preliminary Ecological Survey by Walking the Talk dated 21 October 2020 approved as part of this application.

**Reason:** In order to ensure the development is carried out with minimal impact on species that may potentially be present in and around the development site.

5. Within one month of completion of works or first use of the bridge (whichever is

the soonest) evidence shall be submitted to the Council, as Planning Authority, that shows as built drawings of the bridge have been submitted to the UK Hydrographic Office (Admiralty Way, Taunton, Somerset, TA1 2DN) for their records.

**Reason:** To ensure the UK Hydrographic Office charts can be updated timeously, in the interests of navigational safety of mariners.

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

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

The proposed bridge would be sited and designated appropriate for its location, and would not have a detrimental impact on the character and amenity of the surrounding area. Suitable upgrades are proposed in order to ensure local footpaths and road infrastructure can safely serve the proposed bridge. In this regard, the proposal is in accordance with the provisions of the Moray Local Development Plan 2020 (MLDP).

Half of the bridge would fall outwith the settlement boundary of Lossiemouth, as defined in the MLDP and also sits within the Lossiemouth to Portgordon Coast Special Landscape Area designation. Policy EP3 – Special Landscape Areas only permits development outwith defined settlements in certain circumstances, and the proposal is not covered under any of the permitted uses specified in the policy for rural areas (i.e. those outwith defined settlement boundaries). Policy EP6 – Settlement Boundaries does not permit any development immediately outwith the settlement. However, the supporting information provided with the application demonstrates the significant benefits the proposal will have for the local economy. The proposal will also improve public access to a valued amenity, with subsequent benefits for health and wellbeing. The proposal is considered to be an acceptable departure from these policies in unique circumstances and is unlikely to set a precedence for development elsewhere that would be contrary to these policies.

### **List of Informatives:**

The NORTHERN LIGHTHOUSE BOARD have commented that:-

Marine safety information and a local Notice to Mariners must be issued to water users and a copy provided to the Northern Lighthouse Board prior to and during the course of works in the construction of the bridge.

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

Planning consent does not carry with it the right to carry out works within the public road boundary.

Before commencing development the applicant is obliged to provide all technical information, including drawings and drainage calculations, to be reviewed. Upon completion of the development the application is obliged to provide As Built drawings to enable the inclusion of the works on the asset management database

and GIS layers. Advice on this matter can be obtained by emailing [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing [roadspermits@moray.gov.uk](mailto:roadspermits@moray.gov.uk)

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

The applicant shall free and relieve the Roads authority from any claims arising out of their operations on the road or extension to the road.

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
BB2020-PL-001	00	Location plan
BB2020-PL-003	00	Constraints plan
BB2020-PL-005	00	Proposed drainage layout and details
BB2020-PL-008	P01	Landscape plan
BB2020-PL-004	P01	Proposed fencing
BB2020-PL-002	P02	Proposed footbridge general arrangement
BB2020-PL-006	P02	Proposed kerbs footways paved areas and signs
BB2020-PL-007	P03	Proposed kerbs footways paved areas and signs





## PLANNING APPLICATION COMMITTEE SITE PLAN

**Planning Application Ref Number:**

**21/00809/APP**

**Site Address:**

Site Opposite 17C Clifton Road

Lossiemouth

**Applicant Name:**

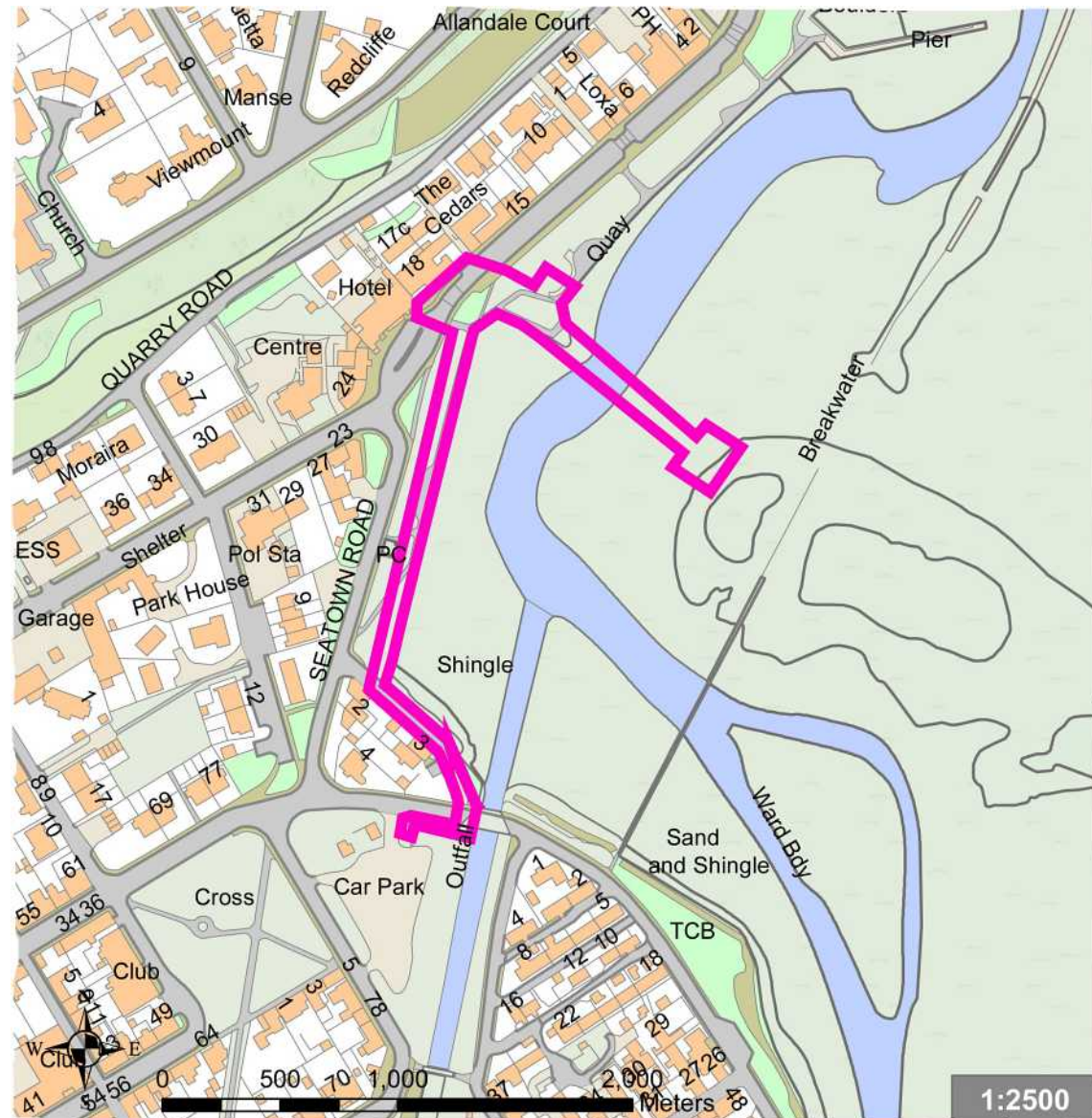
Moray Council

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## Location Plan



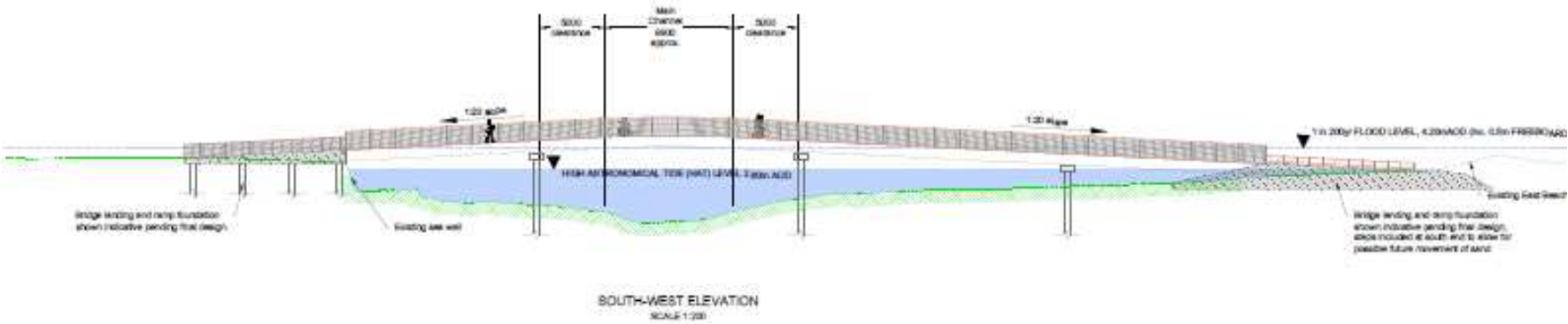
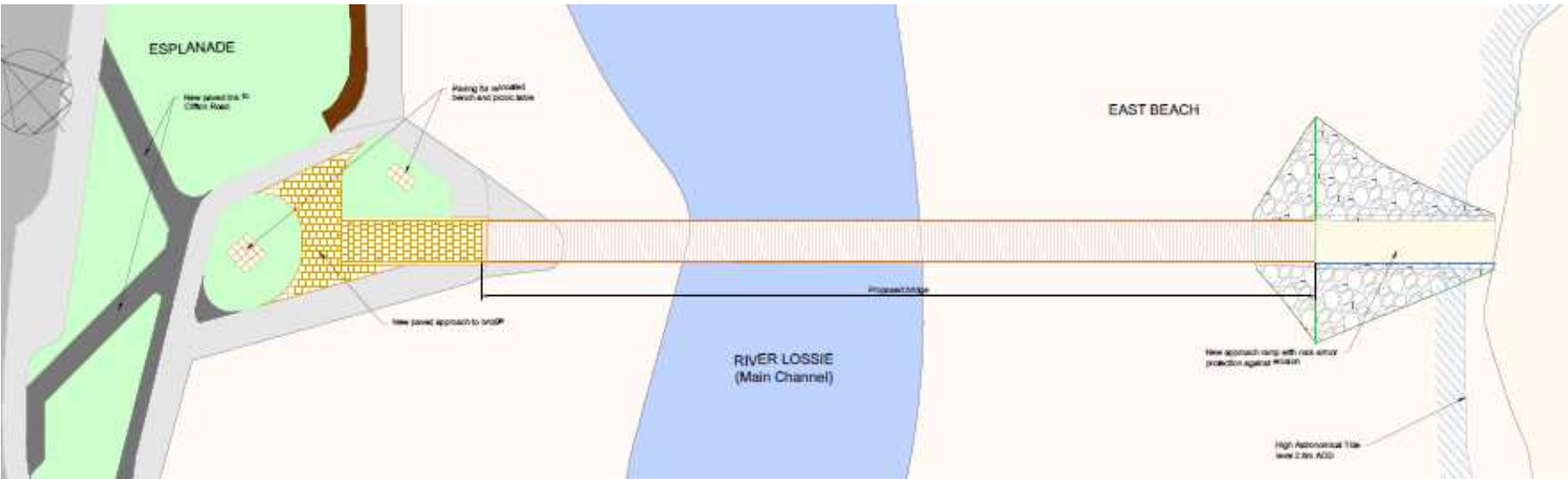


**Site Location**

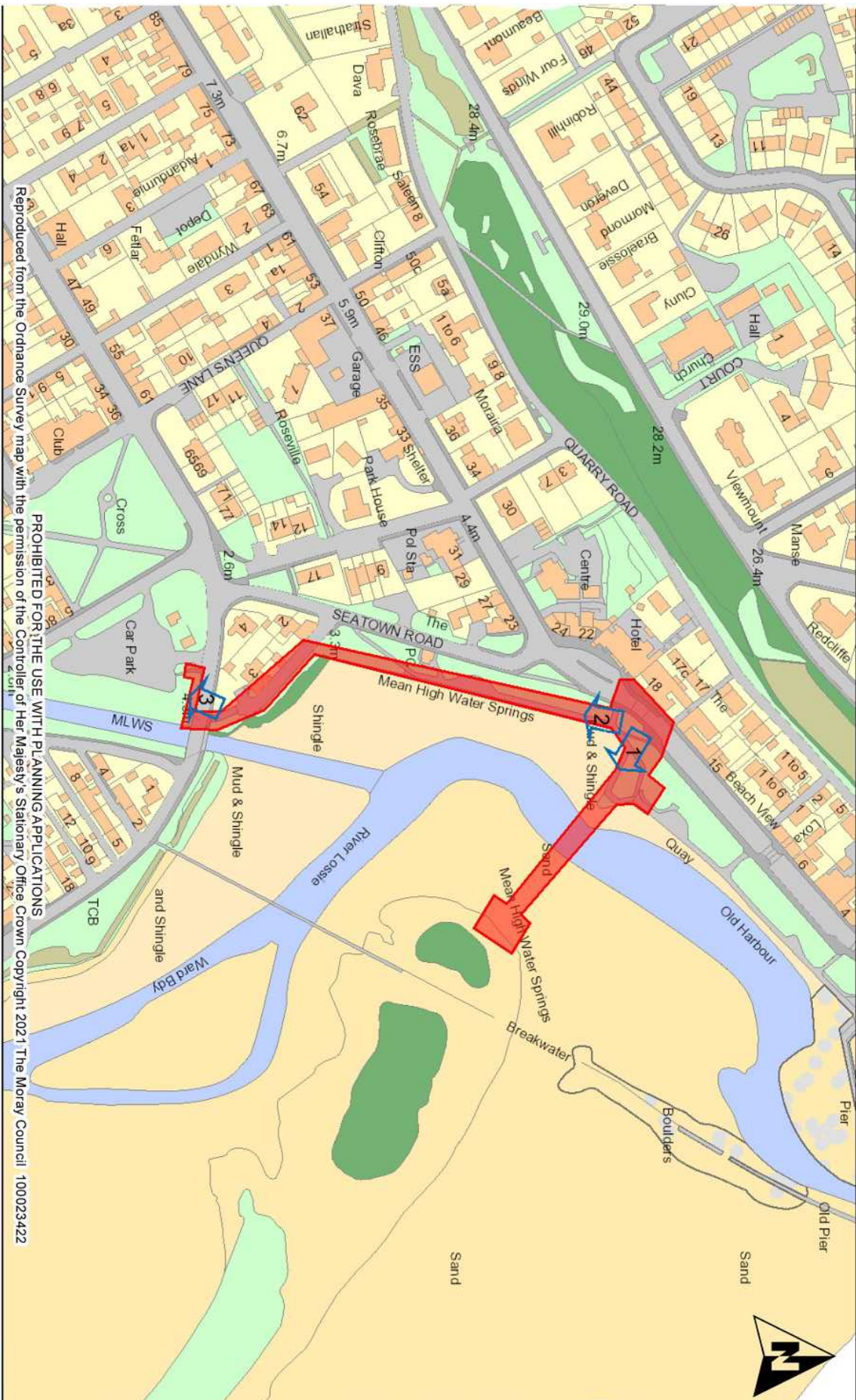




General arrangement



## 21/00809/APP - Photograph Positions



Map Description: Arrows point in direction photograph was taken

PROHIBITED FOR THE USE WITH PLANNING APPLICATIONS

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Scale: 1:2,500 @ A4





**Photo 1—Position of proposed bridge from Esplanade**



**Photo 2— Path to be upgraded**





**Photo 3— Car Park**





*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**

- Erection of a footbridge across the River Lossie between the Esplanade and East Beach, Lossiemouth, with associated path and crossing upgrades in the Esplanade area.
- The bridge would have a span of approximately 75 metres in length and be in an arched form, with a gradient of 1:20. It would have a 3.5 metre wide footway with 1.4 metre high parapets. Bollards to prevent vehicular access will be placed at the end of the bridge.
- Steelwork for the bridge would be finished in fluoropolymer coating with the decking boards made of wood effect composite materials.
- The bridge would sit atop pile driven columns along its length and connect into ramps built either side. Rock armour would surround the landfall and ramps on the beach side of the bridge.
- On approach to the proposed bridge, new footpaths would be installed and existing footpaths upgraded to serve the bridge. The footpath to the south between the proposed bridge and the Seatown Road/Church Street car park would be widened, whilst improved pedestrian arrangements would be installed around the car park (where there is currently no formal arrangement for pedestrians using the car park).

## **THE SITE**

- The Esplanade side of the bridge would be located in the area where the seawall currently protrudes out towards the River Lossie.
- The beach side would make landfall on the western side of the dunes closest to the River Lossie and Esplanade.
- The site subject to this application previously housed a bridge to the East Beach but this was move further upstream to the location of the existing bridge at the Seatown in 1915.
- The existing (now closed) bridge does not form part of nor fall within the area subject to this application.
- The site lies within the Lossiemouth to Portgordon Coast Special Landscape Area of the Moray Local Development Plan 2020 (MLDP), whilst the settlement boundary for Lossiemouth (as designated in the MLDP) runs down the middle of the River Lossie.
- Paths along the Esplanade and Seatown Road subject to this application are a Core Path (MC10) and form part of the Moray Coastal Trail.

## **HISTORY**

No specific planning history but the following is considered relevant:

July 2019 – The existing bridge to East Beach was closed by Moray Council due to concerns about stability of structure and a potential impact on public safety. Subsequent investigations found the bridge to be unsafe and it has remain closed since.

September 2019 – The Scottish Government confirm funding to erect a new bridge.

December 2019 – Moray Council agreed in principle to take ownership of a new or refurbished bridge on completion of construction; commit staff resources to progress an Option Appraisal; and submit a report to Council on the outcome of the Option Appraisal (minute of Moray Council meeting of 17 December 2019 refers).

May 2021 – at a meeting of Moray Council (minute of meeting of 12 May 2021 refers), members agreed:

- 1) to note that the Scottish Government has agreed to fund the preferred option of the Option Appraisal to erect a new footbridge between the Esplanade and East Beach, Lossiemouth;
- 2) to providing staff resources to progress delivery of the design and construction of the replacement footbridge from Lossiemouth to East Beach;
- 3) to give delegated authority to the Legal Services Manager to prepare and sign all Compulsory Purchase Order documentation and to take all necessary steps, including publication of all statutory notices, to secure confirmation of the Order by Scottish Ministers and the vesting of the land in the Council, if required;
- 4) that the Council take ownership of the new bridge on completion of construction; and
- 5) to use section 20 of the Local Government in Scotland Act 2003 to demolish the old bridge at the same time as building the new one at a cost of £69k with the cost to be met from reserves.

## **POLICY - SEE APPENDIX**

## **ADVERTISEMENTS**

Advertised for neighbour notification purposes and unknown land ownership.

## **CONSULTATIONS**

**Contaminated Land** – No objections.

**Aberdeenshire Archaeology Service** – The proposed application lies within and affects the archaeology site NJ27SW0011, the remains of the old harbour/port of Lossiemouth which is thought to have its origins in the medieval period. There is also the potential for fragments of wrecked vessels to survive within this area. As such a condition is recommended requiring the submission of a Written Scheme of Investigation to be agreed with the Council. This will detail archaeological mitigation necessary to be undertaken as part of the development. The exact specification of mitigation works will be dependent on the construction methodology, but effectively any/all groundbreaking works, above and, potentially, below the water, (including any GI/geotechnical investigation) should be subject to archaeological monitoring.



**Moray Flood Risk Management** – No objections. Content with the findings of the Flood Risk Assessment and there will be no increased risk of flooding to the surrounding area.

**SEPA** – No objection on flood risk grounds. Advice given on freeboard height to take account of climate change.

**NatureScot** – The seas around Lossiemouth form part of the Moray Firth Special Area of Conservation (SAC) and Moray Firth Special Protection Area (SPA). The proposal is not considered to impact on their qualifying interests directly or indirectly therefore appropriate assessment is not required.

**Environmental Health** – No objections.

**Marine Scotland** – No comments to make on the application.

**Moray Access Manager** – No objections. The closure of the old bridge severed the Moray Coast Trail which is one of Scotland's Great Trails. The route is an important tourism resource but is currently diverted along a circuitous route which uses part of a busy main road where there is no pavement. This makes the route less attractive to use so the new bridge is most welcome to connect Lossiemouth once more with its iconic beach and to ensure the Moray Coast Trail is properly linked again. The old bridge is part of a statutory Core Path so a legal process will be required to divert this across the new bridge. (NOTE – this does not form a requirement under this application and is a separate matter).

**Northern Lighthouse Board** – No objections, but recommend that marine safety information and a Notice to Mariners be issued by Moray Council prior to and during works to erect the bridge, and on completion As Built drawings be issued to the UK Hydrographic Office.

**Maritime and Coastguard Agency** – No objections, note that a Marine Licence will likely be required and therefore that will consider the impact of the bridge on other marine users/ vessels operating in the area, and that at this location it is relatively shallow waters and vessels are unlikely to 'navigate' that site, although leisure craft users are expected.

**Transportation Manager** – No objections subject to conditions ensuring appropriate paths and signage are in place to serve the proposed bridge. Informative notes also provided.

**Strategic Planning and Development** – Proposal is a departure from Settlement Boundary Policy EP6 and Special Landscape Area Policy EP3 however acceptable departures from these policies can be justified. Comments provided on need for appropriate matching surfacing of widened sections of paths at Esplanade.

Consultations were requested from the following bodies and no comments have been received at time of writing report:

- Lossiemouth Community Council
- Crown Estate Scotland
- Findhorn, Nairn and Lossie Fisheries Trust

## **OBJECTIONS-REPRESENTATIONS**

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

The issues raised can be summarised as follows:

The representation received made the following comments in relation to a number of planning applications and not solely this application.

**Issue:** Need to consider the impact of the proposal on flora and fauna, in particular hedgehogs, moles and nesting birds.

**Comments (PO):** The proposal is not considered to have an adverse impact on flora and fauna, noting the ecological survey provided with the application identifies an overall low risk with appropriate mitigation.

**Issue:** Landscaping should favour butterflies and moths.

**Comments (PO):** Landscaping proposed is considered commensurate with the proposal.

**Issue:** Comments in relation to wind farm applications.

**Comments (PO):** Not relevant to this application.

## **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 planning issues are considered below.

### **Sustainable Economic Growth (PP2)**

Policy PP2 – Sustainable Economic Growth supports development proposals that support the Moray Economic Strategy where the quality of the natural and built environment is safeguarded, there is a clear locational need and potential impacts can be satisfactorily mitigated. Tourism is identified as key growth sector in the Moray Economic Strategy with the aim to double tourism spend by 2025.

The proposed bridge will form an important link for visitors to regain access to the East Beach, one of the key attractions in Lossiemouth. In terms of locational need the Option Appraisal submitted with the application sets out the various options explored and the reasons for the location chosen. It also notes that this is a replacement bridge and therefore a location within a similar area to the existing bridge is required to address the impacts of the bridge closure.

The supporting business case submitted with the application identifies that the closure of the existing footbridge to the East Beach resulted in a mainly negative economic impact on local businesses. The Economic Impact Assessment identifies a positive impact for

the local economy, estimating the visitor spend associated with the proposed bridge to be in the region of £1.5million, equating to 30 full time equivalent (FTE) jobs.

Taking account of these considerations, as well as the evaluation outlined below in relation to the bridges impact, the proposal is considered to comply with the requirements of policy PP2.

### **Placemaking (PP1)**

The beaches of Lossiemouth are main visitor attractions for locals and tourists. Access to the East Beach is therefore a key element to the success of Lossiemouth as a tourist destination, as well as being a valued local amenity. Policy PP1 – Placemaking, requires a placemaking approach to all new development. This includes the requirement for development to be designed to create successful, healthy places that safeguard the environment and support economic development. The Settlement Statement for Lossiemouth in the MLDP also identifies the need to protect and support new tourism opportunities.

The creation of a new bridge would enable easier and direct access from Lossiemouth to the beach once more, supporting active lifestyles (walking and water sports) with a subsequent benefit to physical and mental health. It is anticipated that the bridge will bring an increase in visitors to Lossiemouth and the wider area. The economic benefits as described above under policy PP2 are also noted.

Whilst placemaking is generally more focused on larger developments (e.g. housing), the proposed bridge and its functional purpose will add to the well-established and distinct character of Lossiemouth's Esplanade, as well as its success as a local amenity and visitor attraction. Accordingly there is no conflict with policy PP1.

### **Settlement Boundary (EP6)**

The site of the proposed bridge straddles the settlement boundary of Lossiemouth, as designated in the MLDP, with half of the bridge (beach side) falling outwith the settlement boundary. Policy EP6 – Settlement Boundaries does not permit any new development adjacent to the boundary unless it is designated as LONG (generally housing and industrial land) and it has met the criteria for being released for development. This policy is in place to ensure development is directed into settlements and to ensure distinction is maintained between built up areas and their surrounding countryside.

The proposal is a replacement bridge and construction of this outwith the settlement is inevitable to achieve the connection between the town and the beach. Whilst the bridge will encourage greater use of the beach for recreation it would not encourage further built expansion outwith the settlement boundary and the distinction between the built up area and countryside would be maintained. The proposal is therefore considered to be an acceptable departure from policy EP6.

### **Special Landscape Area (EP3)**

The bridge structure falls largely within the Lossiemouth to Portgordon Coast Special Landscape Area. Policy EP3 – Special Landscape Areas and Landscape Character has a number of requirements for development within settlements, as well as separate requirements for those in rural areas (i.e. outwith a defined settlement). As the proposal straddles the settlement boundary, both portions of the policy must therefore be considered.

As a whole, policy EP3 requires all development to not prejudice the special qualities of designated areas, whilst ensuring the highest standard of design and compliance with relevant policy DP1 and other relevant policies. Within settlements, EP3 requires all development to conform to the requirements of settlement statements, policies PP1, DP1 and PP3 as appropriate, whilst also ensuring that proposals reflect the traditional settlement character in terms of siting and design.

Taking account of the considerations above and below in relation to a variety of matters, including the design and siting of the bridge, the proposal is considered to comply with this element of policy EP3.

However for development in rural areas policy EP3 only permits development for certain specified uses. The proposed bridge is not covered by any of the specified uses. It is noted that this is a replacement structure for an important piece of local infrastructure. As described above the bridge is a key visitor asset and therefore linked to the tourism sector (a key growth sector identified in the Moray Economic Strategy). It plays an important economic role for various businesses within Lossiemouth. Restoring easy access to East Beach is also important for health and wellbeing. As set out above under considerations against policy PP2 there is a clear locational need for the bridge at this location and alternative options have been explored.

The Moray Local Landscape Designation Review states that Lossiemouth is a key feature that is seen from beaches due to its location on a headland elevated above the coast. Given the purpose and function of the bridge there are limited means to integrate this within the landscape and it will be visible from many aspects. Nevertheless it will be associated with the back drop of built development in Lossiemouth. The projection from the sea wall at this location also reduces the bridge span and therefore its potential visual impact.

In light of the foregoing evaluation, particularly in relation to sustainable economic growth and the need for direct access to be enabled to a valued local amenity once more, a departure from policy EP3 is considered acceptable in this instance.

### **Design and Siting (DP1)**

Policy DP1 – Development Principles requires all development to be of a scale, density and character appropriate to the surrounding area. Overall the design of the bridge is functional to take account of its purpose. It will inevitably be a significant feature of the landscape around the mouth of the River Lossie and the Esplanade area of Lossiemouth due to its prominent location. However in time it will become part of the local landscape, and given its prominence (and likely importance to visitors and locals) may become a local landmark.

Additional and widened footpaths have been proposed in the surrounding area to take account of the bridge bringing additional pedestrians to the Esplanade area in light of consultation with the Transportation Manager. Points of clarification/detail require to be addressed in light of the Transportation Manager's comments (see below under Pedestrian Access/Parking), and conditions will be placed in relation to this. These, in their own right, address the comments raised by Strategic Planning and Development in relation to surfacing materials and quality of public realm works. Subject to this condition, and given the suitability of the bridge as proposed, the proposal is considered to comply with policy DP1.

### **Open Space (EP5)**

The Esplanade side of the bridge would occupy an area of the ENV1 Station Park and Esplanade designation of the Lossiemouth Settlement Statement of the MLDP. Policy EP5 – Open Space is in place to protect such areas from development to ensure their purpose as open space remains. The proposed bridge would not alter the existing function of the area which is primarily for amenity and access and it may potentially widen the use of the ENV. The proposal therefore complies with policy EP5.

### **Flooding (EP12)**

The position of the bridge means it will be within areas at risk of flooding from the sea (high tide and storm surges) as well as fluvial (river) flooding from the River Lossie. The Flood Risk Assessment submitted with the application found there was no additional flood risk to the surrounding area by siting a bridge in this location. Moray Flood Risk Management and SEPA raised no objections to the application. Comments from SEPA are noted regarding the freeboard level and need to take account of climate change, however flooding at the levels outlined in their response would see significant flooding to the Esplanade/Seatown area. The bridge has been designed to allow flood water to flow through it should such a significant flood event occur. This includes the use of tensioned wires along the parapet that can be easily replaced and at a reasonable cost should they be damaged. As a result, the proposal complies with policy EP12 – Management and Enhancement of the Water Environment in relation to flood risk.

### **Pedestrian Access and Car Parking (PP3)**

Policy PP3 requires all development to be planned and co-ordinated with existing and proposed infrastructure and services to ensure development is appropriately serviced. To support access to the bridge by pedestrians and cyclists as well as increased numbers of these, the Esplanade area at Clifton Road will require a re-design with the provision of new and/or widened paths, circulation areas and planted areas. Improvements to pedestrian and cycle access from the south and the Gregory Place car park are also required, the final details of which are yet to be agreed.

When initially submitted, this planning application included the replacement of the existing zebra crossing on Clifton Road with a signal controlled crossing. However the estimated pedestrian movements in this area provided in the Pedestrian and Transport Assessment supporting this planning application indicate that the retention of the zebra crossing (which is also more visually in keeping with the area) would be acceptable. This application was subsequently amended to remove the signal controlled crossing.

A number of conditions have been recommended by the Transportation Manager to ensure paths and crossing are provided to a suitable standard, addressing the points outlined above. These will also ensure appropriate signage is in place for all road users (including vehicles on approach to the Esplanade via the A941 Elgin Road).

The existing bridge and path along the Esplanade are designated a core path. The Moray Access Manager requested that the existing core path be diverted from the existing bridge and to the proposed bridge with the diversion process dealt with via the planning process. However this cannot be carried out within the realms of this application and is a separate matter as the existing bridge and any demolition of it does not form part of this application (nor does it require planning consent in its own right). The section of the core path along the Esplanade will be retained as part of the proposed development.

Overall, and subject to conditions as recommended, the proposal is considered to provide sufficient infrastructure to take account of the additional pedestrian and cycle movements associated with the proposed bridge. The proposal therefore complies with policy PP3.

### **Historic Environment (EP8)**

The Regional Archaeologist has identified the potential for development to impact on the archaeological remains of the old harbour/port of Lossiemouth which is thought to have its origins in the medieval period. There is also the potential for fragments of wrecked vessels to survive within this area. In light of this, a condition is recommended requiring a Written Scheme of Investigation to be submitted and agreed with the Council to agree the scope of mitigation works necessary and to ensure recording and recovery of any archaeological resources found during construction. Subject to this condition being placed, the proposal complies with policy EP8.

### **Ecology**

The seas around Lossiemouth form part of Moray Firth Special Area of Conservation (SAC) and Moray Firth Special Protection Area (SPA). The SAC is designated for its bottlenose dolphin population and subtidal sandbanks; the SPA is designated for a number of bird species. NatureScot have advised the proposal will not have an adverse impact (directly or indirectly) on their qualifying interests.

An Ecological Assessment provided with the application identifies a low risk to ecology as a result of the development of the bridge, however it recommends a number of mitigation measures (mainly requiring adoption of good working practices) to avoid an adverse impact on otters, birds, migratory fish and seals should they be present in the area during construction works. A condition will be placed requiring works to be carried out in accordance with the mitigation measures proposed.

### **Marine Licensing**

Terrestrial Planning (i.e. that carried out by Moray Council as Planning Authority) covers all land in the Council area out to Mean Low Water Springs (MLWS). From Mean High Water Springs (MHWS) out to 12 nautical miles - the limit of Scotland's territorial waters, works may require a Marine Licence via Marine Scotland. The intervening area between MHWS and MLWS is called the inter-tidal zone, Planning Authorities and Marine Scotland both have jurisdiction.

Where the proposed bridge spans the River Lossie it covers the inter-tidal zone, as well as territorial waters beyond MLWS (in this case a very narrow width at the centre of the river). A Marine Licence is therefore likely required for the proposed bridge. As part of that consenting process, Marine Scotland (via the applicant) requested for a number of bodies interested in the marine environment to be consulted on this application for planning permission. Marine Scotland themselves had no comments to make.

Of those bodies that responded, The Northern Lighthouse Board raised no objections but requested that Moray Council issue marine safety information and a local Notice to Mariners prior to and during works to construct the bridge. They also request that the Council provide the UK Hydrographic Office with as-built drawings of the bridge once completed to ensure nautical charts can be updated. A condition and informative note will be applied covering this.

The Maritime and Coastguard Agency have provided comments in relation to impact of the bridge on marine users/vessels operating in the area, but note that the relatively

shallow waters mean vessels are unlikely to navigate the area although leisure craft are expected. They also note that this is ultimately a consideration for the Marine Licencing process.

### **Conclusion**

There has been a well-publicised desire for access to the East Beach to be re-established from Lossiemouth since the closure of the existing bridge in 2019. The proposed bridge will allow easy access to be regained to a popular beach.

The supporting information provided with the application and proposed infrastructure upgrades mean it can be sited without detriment to the character and amenity of the surrounding area in which it would sit. It also demonstrates the benefit the proposed bridge will have for the local economy.

Whilst the proposed bridge is a departure from policies EP3 (Special Landscape Areas) and EP6 (Settlement Boundaries), this is acceptable on the basis there are overwhelming positives of the scheme from an economic and placemaking perspective. The unique circumstances of this application mean it is unlikely to set a precedence for development elsewhere that is contrary to policies EP3 and EP6. Accordingly approval is recommended.

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

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

The proposed bridge would be sited and designated appropriate for its location, and would not have a detrimental impact on the character and amenity of the surrounding area. Suitable upgrades are proposed in order to ensure local footpaths and road infrastructure can safely serve the proposed bridge. In this regard, the proposal is in accordance with the provisions of the Moray Local Development Plan 2020 (MLDP).

Half of the bridge would fall outwith the settlement boundary of Lossiemouth, as defined in the MLDP and also sits within the Lossiemouth to Portgordon Coast Special Landscape Area designation. Policy EP3 – Special Landscape Areas only permits development outwith defined settlements in certain circumstances, and the proposal is not covered under any of the permitted uses specified in the policy for rural areas (i.e. those outwith defined settlement boundaries). Policy EP6 – Settlement Boundaries does not permit any development immediately outwith the settlement. However, the supporting information provided with the application demonstrates the significant benefits the proposal will have for the local economy. The proposal will also improve public access to a valued amenity, with subsequent benefits for health and wellbeing. The proposal is considered to be an acceptable departure from these policies in unique circumstances and is unlikely to set a precedence for development elsewhere that would be contrary to these policies.

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## **APPENDIX**

### **POLICY**

#### **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.

## **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.

### **EP3 SPECIAL LANDSCAPE AREAS AND LANDSCAPE CHARACTER**

#### **i) Special Landscape Areas (SLA's)**

Development proposals within SLA's will only be permitted where they do not prejudice the special qualities of the designated area set out in the Moray Local Landscape Designation Review, adopt the highest standards of design in accordance with Policy DP1 and other relevant policies, minimises adverse impacts on the landscape and visual qualities the area is important for, and are for one of the following uses;

- a) In rural areas (outwith defined settlement and rural grouping boundaries);
  - i) Where the proposal involves an appropriate extension or change of use to existing buildings, or
  - ii) For uses directly related to distilling, agriculture, forestry and fishing which have a clear locational need and demonstrate that there is no alternative location, or
  - iii) For nationally significant infrastructure developments identified in the National Planning Framework,
- b) In urban areas (within defined settlement, rural grouping boundaries and LONG designations);
  - i) Where proposals conform with the requirements of the settlement statements, Policies PP1, DP1 and DP3 as appropriate and all other policy requirements, and
  - ii) Proposals reflect the traditional settlement character in terms of siting and design.
- c) The Coastal (Culbin to Burghead, Burghead to Lossiemouth, Lossiemouth to Portgordon, Portgordon to Cullen Coast), Cluny Hill, Spynie, Quarrywood and Pluscarden SLA's are classed as "sensitive" in terms of Policy DP4 and no new housing in the open countryside will be permitted within these SLA's.

Proposals for new housing within other SLA's not specified in the preceding para will be considered against the criteria set out above and the criteria of Policy DP4.

- d) Where a proposal is covered by both a SLA and CAT or ENV policy/designation, the CAT policy or ENV policy/designation will take precedence.

#### **b ii) Landscape Character**

New developments must be designed to reflect the landscape characteristics identified in the Landscape Character Assessment of the area in which they are proposed.

Proposals for new roads and hill tracks associated with rural development must ensure that their alignment and use minimises visual impact, avoids sensitive natural heritage and historic environment features, including areas protected for nature conservation, carbon rich soils and protected species, avoids adverse impacts upon the local hydrology and takes account of recreational use of the track and links to the wider network.

## **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.

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

## **EP6 SETTLEMENT BOUNDARIES**

Settlement boundaries are drawn around each of the towns, villages and rural groupings representing the limit to which these settlements can expand during the Local Development Plan period.

Development proposals immediately outwith the boundaries of these settlements will not be acceptable, unless the proposal is a designated "LONG" term development site which is being released under the terms of Policy DP3.

## **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.

## **EP17 COASTAL CHANGE**

New development will not generally be supported in areas that are vulnerable to adverse effects of coastal erosion and/or wider coastal change as identified in Scotland's Dynamic Coast project (National Coastal Change Assessment).

In vulnerable areas, proposals for new developments will only be permitted if they demonstrate that they:

- are adaptive to anticipated coastal change, and
- avoid the need for coastal defence measures over their lifetime, and
- will not have a detrimental impact on coastal processes.

Beyond this, only in exceptional circumstances will proposals within areas vulnerable to coastal change be approved and only where it has been demonstrated that there are:

- no alternative solutions, and
- imperative reasons of over-riding public interest including those of a social or economic nature.

Lossiemouth ENV1 Public Parks and Gardens

Old Station Park and Promenade (LM/OS/020)

### **Lossiemouth ENV7 Civic Space**

Market Cross Square (LM/OS/004);  
James Square (LM/OS/007)




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

**SUBJECT: 21/00803/PAN PROPOSED RESIDENTIAL DEVELOPMENT, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE AT R7 LAND AT MUIRTON, BUCKPOOL, BUCKIE**

**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 21 May 2021 on behalf of Morlich Homes Ltd.
- 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 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 housing development (with associated infrastructure and landscaping) at R7 Land at Muirton, Buckie, as designated in the Moray Local Development Plan (MLDP) (2020). The PAN area covers the whole of the R7 designation and extends to around 5.19ha and a plan is appended showing the location and extent of the site (**Appendix 1**). The site is bounded to the north/northwest by Golf View Drive, with Buckpool Golf Course beyond, to the east by the existing cemetery/houses, to the west by the new cemetery and south by a small portion of R8 Buckie with the remainder of the southern boundary being open farmland.
- 3.5 The text accompanying the R7 designation highlights that proposals must comply with the Key Design Principles diagram within the MLDP, which supports the designation text. The key design principles outline that views towards the sea must be integrated into the development, buildings must front Golf View Drive, avenue planting along the cemetery road should the road be kept as part of the layout, two points of access are required as a minimum, a vehicular and pedestrian/cycle connection must be made to Site R8 to the south and the provision of substantial structural planting to create robust settlement edge is required to the south of the site and this landscaping must include active use of the space by providing connecting paths and seating areas.
- 3.6 In addition the remainder of the designation text outlines that proposals must provide links to core paths BK01 (to the north along Golf View Drive) and BK06 (through the centre) and a central pocket park. In terms of access requirements, two points of access are required as a minimum. Vehicular access via the cemetery is not acceptable and proposals must include measures to close off vehicular access to the old part of the cemetery and provide alternative access to the new part of the cemetery. The recommended vehicular access points are onto Alba Road (existing residential development bounding the site to the east) and Golf View Drive (to the north) subject to approval of detailed proposals. Both parts of the site must be connected to provide a permeable network for walking, cycling, and

vehicular traffic. Access improvements required to remove pinch point at Golf View Road and provision of a 5.5m wide access road and 2m footway on south side. Access to Muirton Way should be for emergency access only. Muirton Farm (which bounds the site to the east) must be accessed from new site access and not from Muirton Way. Any application should also be supported by a Transport Assessment, Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA), SUDS and construction phase water management plan.

- 3.7 A formal response has been issued to the applicant's agent to confirm that the proposed arrangements for engaging with the local community are sufficient. The applicant proposes to consult with Buckie Community Council. In this case the applicant's have been advised that no additional parties require to be notified with a copy of the PAN.
- 3.8 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. There is no statutorily specified alternative to a public event during the emergency period but it is anticipated that prospective applicants propose reasonable alternatives which must include a minimum seven day period where information can be inspected and the public can make comments and ask questions to which they can expect to receive a response. In line with the new regulations an online public event/exhibition is proposed which will be hosted for a period of no less than 7 days, where questions will be answered where possible within 48 hours of being submitted during the online event. The online event will be advertised locally prior to opening and the community council made aware of the arrangements. In order to be valid, a major application 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 & Delivery 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 permission for a proposed residential development, landscaping and associated infrastructure at R7 Land at Muirton, Buckpool, Buckie. 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: Iain Drummond

## Background Papers:

Ref: 21/00803/PAN



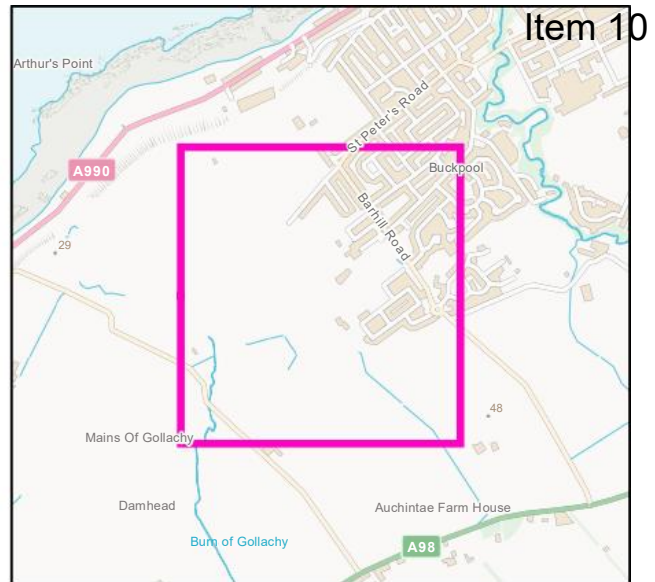
# COMMITTEE SITE PLAN

## BUCKIE

Application Reference Number:

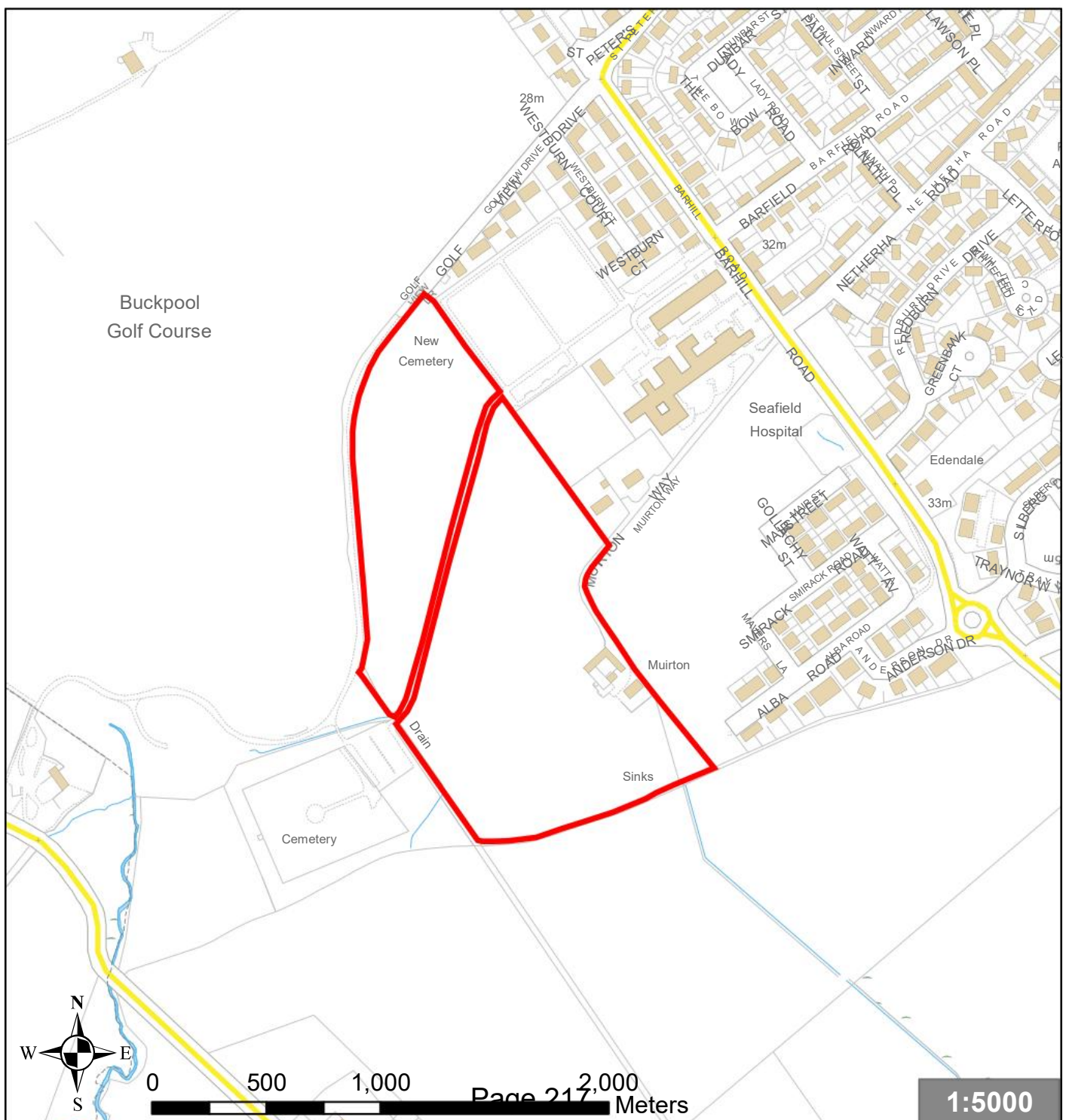
**21/00803/PAN**

Proposed residential development landscaping  
and associated infrastructure at R7 Land  
At Muirton Buckpool Buckie



Item 10

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

**SUBJECT: 21/00740/PAN – PROPOSED 100,000 TONNES PER ANNUM  
MALT PRODUCTION FACILITY ON LAND AT GREENS OF  
ROTHES, ROTHES, 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 14 May 2021 on behalf of Simpsons Malt 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 As described, this PAN relates to a proposal for the development of a maltings with a capacity to process 100,000 tonnes of malt per annum. A plan provided with the application identifies 15.8 ha of land to accommodate the proposal. No further details of the proposal have been provided at this stage. A plan is appended showing the location and extent of the site (**Appendix 1**). The site currently comprises agricultural land, and is located in The Spey Valley Special Landscape Area designation in the Moray Local Development Plan 2020 (MLDP). It is roughly triangular shaped and lies outwith and adjacent to the settlement boundary of Rothes (as zoned in the MLDP). The site boundary follows the B9015 Rothes – Mosstodloch road along its north-western edge; further agricultural land to the north east; and the Broadburn and Rothes to the south. There is a group of residential properties to the west of the site, as well as a single house to the north of the site on the opposite side of the B9015.
- 3.5 Planning permission is required for this proposal. The application site exceeds 2 ha, therefore the proposal would be a major application relative to the current Hierarchy Regulations and the proposal would comprise a major development for planning purposes. The proposal will be subject to PAN and pre-application consultation procedures with the local community. The applicant utilised the Council's pre-application advice service at an early stage (early 2020) to assist in identifying key issues and information that would be expected to accompany any formal application.
- 3.6 A screening opinion request (ref: 20/01207/SCN) submitted to the Council under the current Environmental Impact Assessment (EIA) Regulations was adopted by the Council on 9 October 2020. This requires an EIA to be undertaken and an EIA Report to accompany an application for the proposed development. The scope of the EIA Report was identified by the Council (in consultation with key stakeholders/consultees) via a subsequent Scoping Opinion Request (ref: 21/00284/SCO). This was adopted by the Council on 13 April 2021.

- 3.7 A formal response has been issued to the applicant's agent to confirm that the proposed arrangements for engaging with the local community outlined in the PAN are suitable. The applicant has confirmed they propose to consult Speyside Community Council, local ward members, hold an online public consultation event and publicise this with a notice in the local press.
- 3.8 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 line with the new regulations the agent has confirmed that a virtual public event was held on 1 July 2021. This was advertised locally prior to opening and the Community Council were made aware of the arrangements. Materials were also made available to view online on the applicant's website on 11 June 2021 and were to be displayed until 28 July 2021. In order to be valid a major application 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.

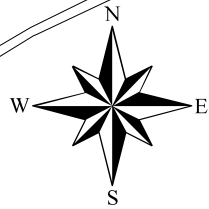
Members of Moray Council who are not on this Committee have also been consulted and any views received on the proposal will be made known at the meeting.

**5. CONCLUSION**

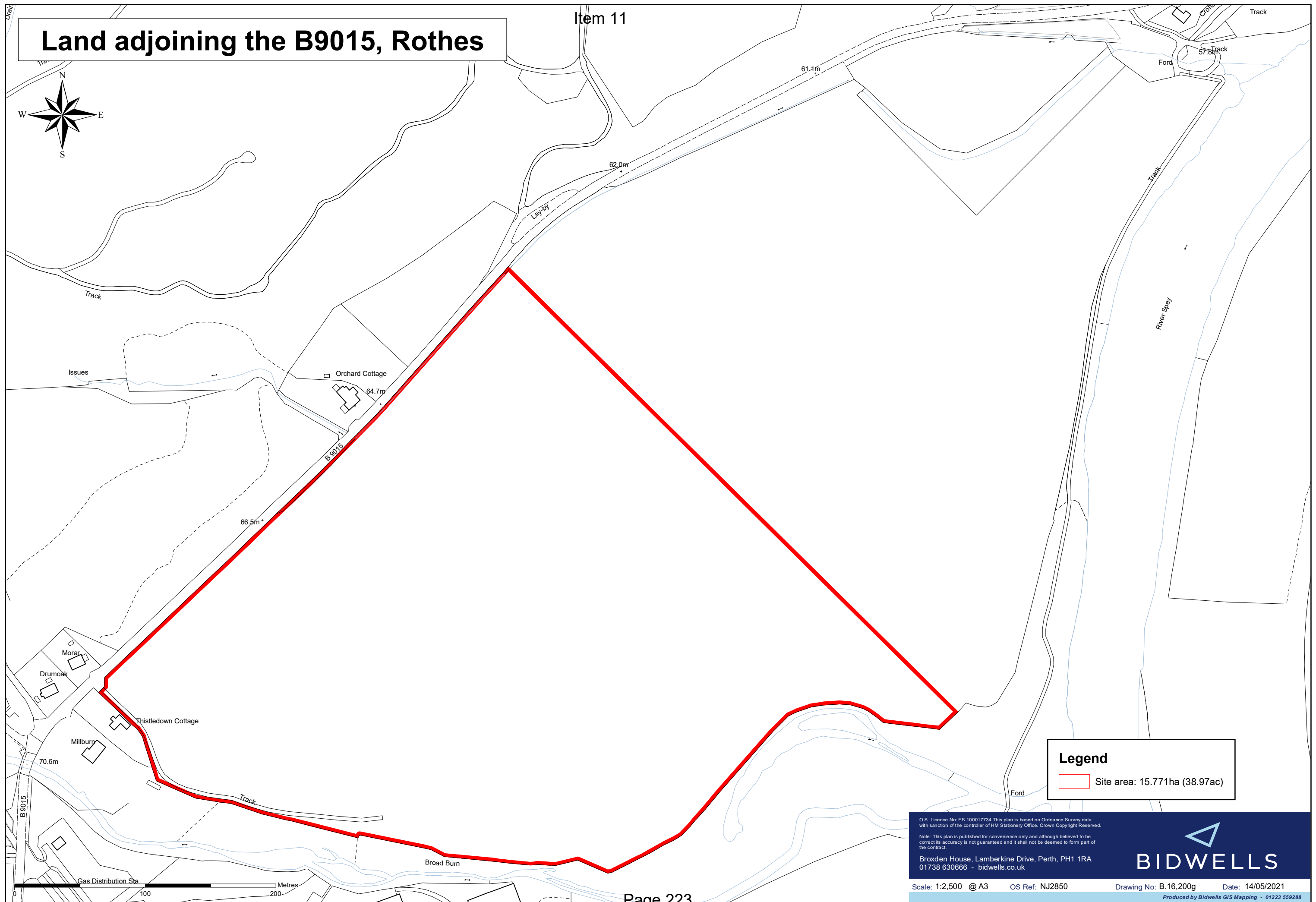
- 5.1 The Council has received a PAN intimating that a formal application for planning permission will be submitted for a major development proposal, in this case for permission for a proposed 100,000 tonnes per annum malt production facility. The Committee (and any other Member(s) of the Council) are 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:	Andrew Miller
Background Papers:	
Ref:	21/00740/PAN

# Land adjoining the B9015, Rothies



Item 11



**Legend**

Site area: 15.771ha (38.97ac)

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Note: This plan is published for convenience only and although believed to be correct its accuracy is not guaranteed and it shall not be deemed to form part of the contract.

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Scale: 1:2,500 @ A3    OS Ref: NJ2850    Drawing No: B.16,200g    Date: 14/05/2021

Produced by Bidwells GIS Mapping - 01223 559288






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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:

Richard Smith, Principal Planning Officer

Background Papers:

Ref:

21/00670/PAN








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

**SUBJECT: 21/00653/PAN – INSTALLATION OF UNDERGROUND  
ELECTRICITY CABLES AND ASSOCIATED DEVELOPMENT AT  
LAND BETWEEN GREENHILL AND FACTORS PARK  
PLANTATION DESKFORD, CULLEN, 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 14 May 2021 on behalf of Moray Offshore Windfarm (West).
- 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 As described, this PAN relates to the re-routing of a section of underground high voltage cable, the route for which was previously approved in principle under planning application reference 18/01046/EIA - Construct onshore electrical transmission infrastructure comprising of a cable transition jointing bay underground cable circuits construction of substation to south of Keith with further connecting cabling to allow connection with existing transmission network at Blackhillock including temporary construction compounds access track laydown areas and other associated works. This consent was granted by Moray Council in December 2018. A plan is appended showing the location and extent of the site (**Appendix 1**). As the cable will be in excess of 132Mw, it will be classed a 'National' level planning application. This cable forms part of the consented Moray West Offshore windfarm and the re-routing is required to address constraints within the approved corridor.
- 3.5 The proposed application site sees the re-routing of a section of cable to outwith the previously approved corridor approved as part of the consent referred to above. The section of cable is to be re-routed eastward, and will site within areas of woodland, and any submission will address the loss of woodland. Other constraints exist within this re-directed route area including surface water flooding and archaeological features, but the applicant is aware of these other constraints. This planning application would be for full planning permission, dovetailing with the other sections of cable which would be submitted as a separate application for approval of matters conditioned (AMC) application.
- 3.6 A formal response has been issued to the applicant's agent to confirm that the proposed arrangements for engaging with the local community outlined in the PAN are suitable. The applicant has confirmed they propose to consult various community councils, local ward members, hold an online public consultation event and publicise this with a notice in the local press.
- 3.7 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 line with the new regulations the agent has confirmed that a virtual public consultation event was held between 17-24 May 2021. This was advertised locally prior to opening and the community councils were made aware of the arrangements. In order to be valid a National application 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 National development proposal, in this case for permission for a section of underground high voltage cable re-routed from its previously approved corridor. 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:

Neal MacPherson, Principal Planning Officer

Background Papers:

Ref:

21/00653/PAN





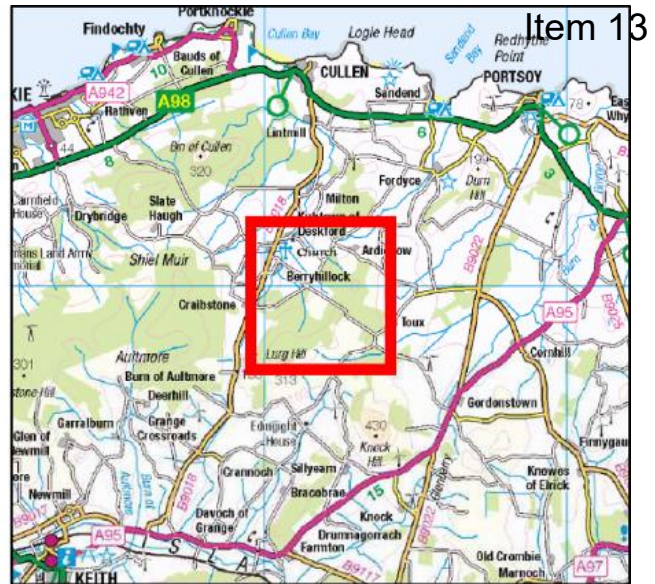
## APPENDIX 1

### CULLEN

Application Reference Number:

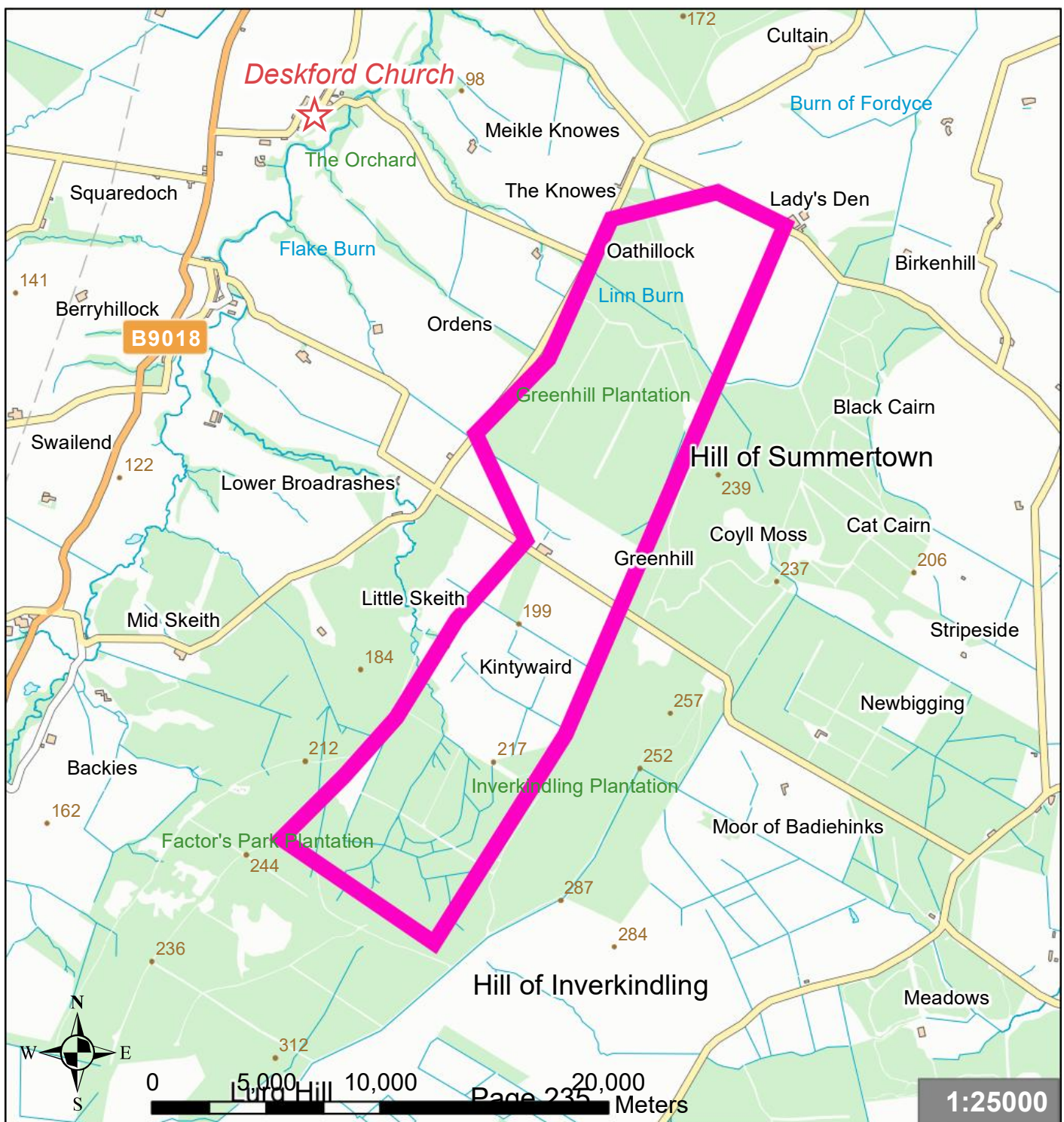
**21/00653/PAN**

Installation of underground electricity cables  
and associated development at Land Between  
Greenhill And Factors Park Plantation  
Deskford Cullen



Item 13

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

**SUBJECT: PERFORMANCE REPORT (ECONOMIC GROWTH AND DEVELOPMENT SERVICES) – PERIOD TO MARCH 2021**

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

## **1. REASON FOR REPORT**

- 1.1 To inform the Committee of the performance of the service for the period from 1 January to 31 March 2021.

## **2. RECOMMENDATION**

### **2.1 It is recommended that Committee –**

- (i) **scrutinises performance in the areas of Service Planning, Service Performance and other related data to the end of March 2021; and**
- (ii) **notes the actions being taken to improve performance where required.**

## **3. BACKGROUND**

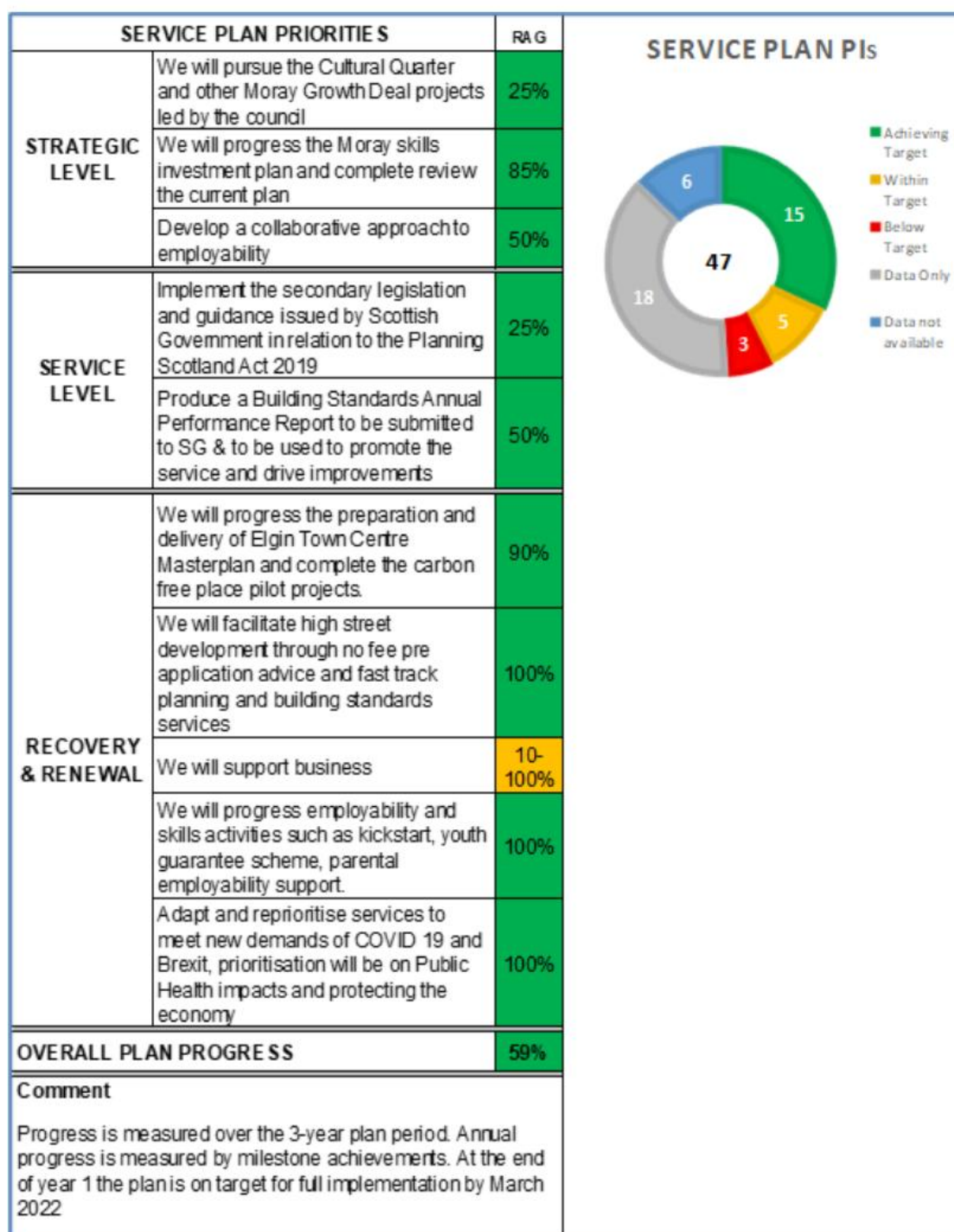
- 3.1 On 7 August 2019, the Moray Council, approved a revised Performance Management Framework for services (para 5 of the minute refers). The functions of the Service relating to Planning, Building Standards, Environmental Health and Trading Standards are delegated to this committee, economic development is delegated to the Economic Growth, Housing and Environmental Sustainability Committee and this report was considered by that Committee on the 8<sup>th</sup> June 2021.

## **4. SERVICE PLANNING**

- 4.1 Each service plan sets out the planned strategic and service level priorities and outcomes it intends to deliver in the coming year aligning closely with financial planning, corporate and community planning partnership strategic priorities. This report provides an interim update on progress on the service plan, key outcomes and performance indicators. The Committee is invited to review progress to secure assurance that it is satisfactory and to provide scrutiny and further direction where performance requires attention.



- 4.2 The narrative included is by exception, however links to backing tables for all [Service Plan Actions](#) and [Performance Indicators](#) are provided.



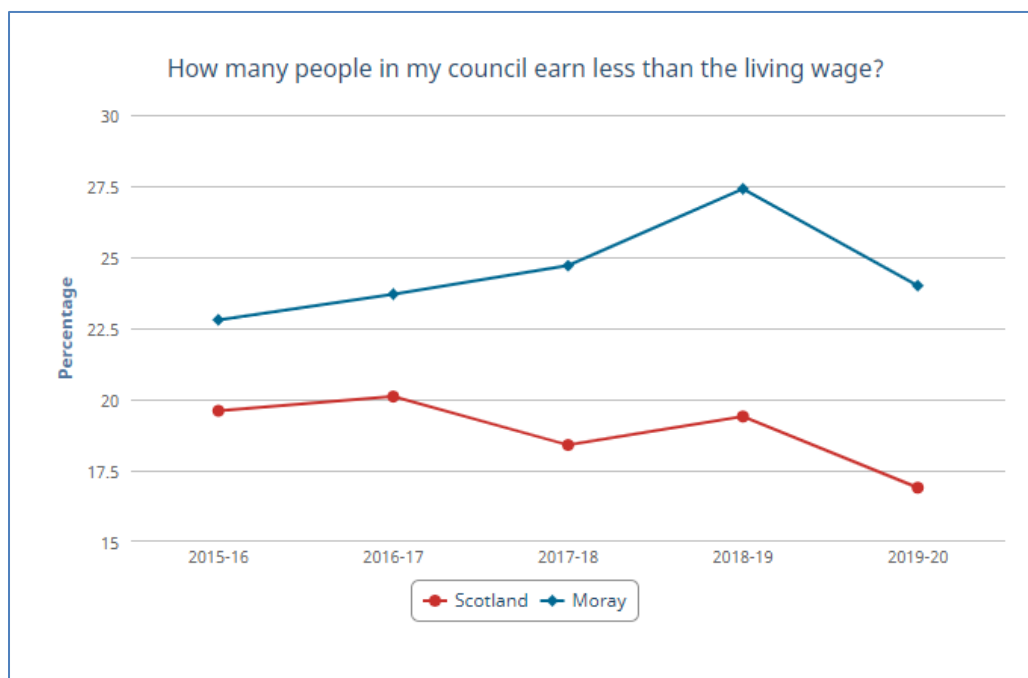
### Strategic Outcomes - successes

- 4.3 The Local Employability Partnership is in place with network support through the employability consortium, change management plans are underway to consolidate employability into a single service and completion is anticipated as planned by March 2022 (**ACTION** EG&D20-22.S4.1.2b)

### Strategic Outcomes – challenges and actions to support

- 4.4 Historically, Moray has had an above average proportion of its workforce aged 18 years and over earning less than the living wage (Figure 1). In 2019/20 almost a quarter (24%) of people working in Moray earned less than the Living wage compared to the national average of 16.9%. This is the 6<sup>th</sup> highest proportion in Scotland and the highest in our family group. Moray Economic Strategy seeks to address this issue. As a living wage employer, the Council encourages other community planning partners to apply the living wage to the jobs they create, community wealth building includes fair work as one of its key pillars and will seek to address these often complex issues as part of a future strategy (**INDICATOR ECON7**).

Figure 1



### Service Level Outcomes - successes

- 4.5 Contributing to improved performance reporting, Building Standards will present its annual report to this committee in August 2021. Although delayed, the Customer Engagement Strategy will have moved forward as planned by September 2021. An improving trend in performance is evident in service indicator results, in 2020/21, 97.7% of building warrants were issued within 10 working days of receipt of satisfactory information and amended plans were responded to, on average in 3.8 days, both exceeding local targets. (**ACTION EG&D20-22.S5.2, INDICATORS ENVDV-BS-KP01(C), ENVDV046b**).

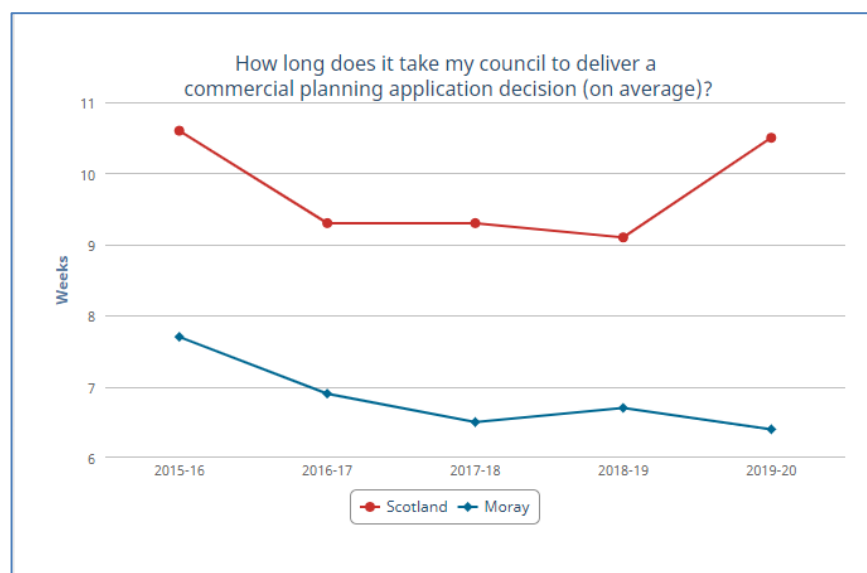
### Service Level Outcomes – challenges and actions to support

- 4.6 Actions related to the review of the Skills Investment Plan and developing and alternative delivery model for the Falconer museum have been put on hold due to the COVID pandemic and priority being given to the economic recovery plan.

### Recovery and Renewal – successes

- 4.7 Progress on the preparation and delivery of Elgin Town Centre Masterplan and the completion of the carbon-free place pilot projects, was 90% complete at the end of the financial year. Publication of the draft Elgin City Centre Masterplan was delayed due to the difficulty of carrying out public engagement during the various COVID-19 restrictions and to develop additional online engagement materials. The draft plan was approved by the Planning and Regulatory Services Committee at their meeting held on 26 January 2021 (para 13 of the minute refers) and is currently out for public consultation for 12 weeks ending 14 June 2021. (**ACTION** EG&D20-22.S6.1.1a).
- 4.8 Since 1 November 2020 free pre-application advice and fast-tracking, for high street developers, is now part of the standard process offering. These measures will facilitate high street development. It should be noted that Moray Council consistently out-performs most Councils in Scotland for dealing with commercial planning applications in a timely manner. For context, in 2019/20, on average Moray Council dealt with such applications in 6.4 weeks, against a national average of 10.5 weeks (Figure 2) (**ACTION** EG&D20-22.S6.1.1b, **INDICATOR** SECON03).

Figure 2



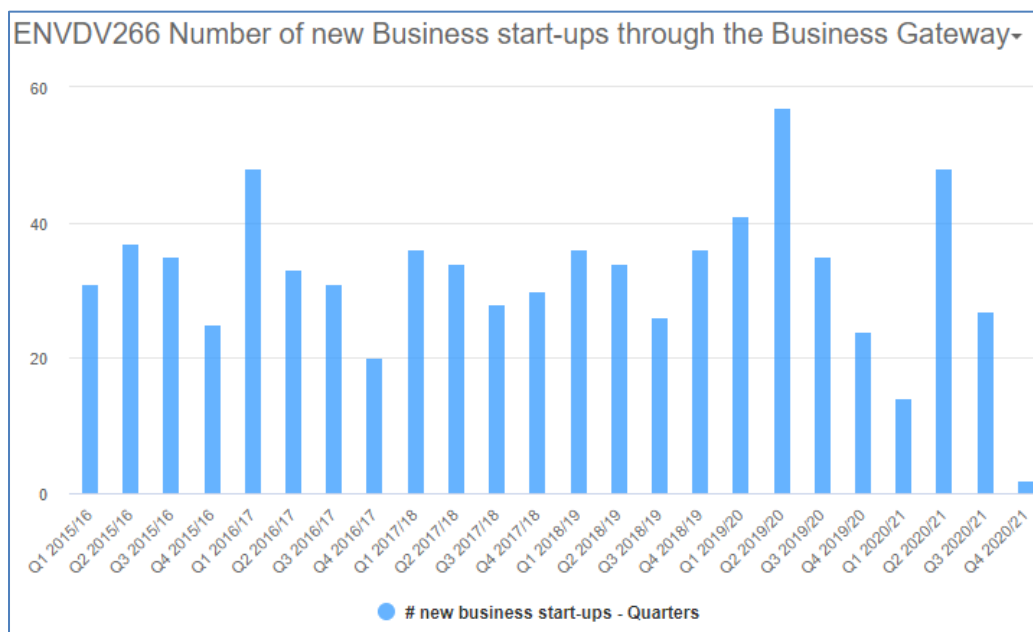
- 4.9 The actions contributing to employability and skills within the Economic Recovery Action Plan are being progressed with much of it related to additional funding received as part of the Youth Guarantee Scheme. At this early stage of the implementation, data is not yet available for the impact on earnings, the availability of more skilled jobs and an increase in apprenticeships in key sectors. [Scottish Local Authorities Economic Development Group](#) indicators submitted as an information report to the meeting of the this Committee on 13 April 2021 will help to better understand those impacts going forward. For example, the percentage change in median income over 5 years to 2020, in comparison with the percentage change of income in the lowest quintile indicates a growing inequality gap in Moray in contrast to the national position where the earnings gap between these 2 groups has been reducing reinforcing the importance of the ongoing collaborative work around employability (EG&D20-22.S6.2.1)

- 4.10 To adapt the services to meet the new demands of COVID-19 and Brexit, priority was given to Public Health impacts and protecting the economy. Environmental Health remain focused on COVID-19 related work, albeit with some concerns around capacity with the resumption of normal service provision relating to food hygiene, private water supplies and health and safety as pandemic declines. The Economic Development team continues to prioritise business support and economic recovery. (**ACTIONS** EG&D20-22.S6.1.3, EG&D20-22.S6.2.1).
- 4.11 Other support currently underway includes the work of Business Gateway providing post Brexit 1-2-1 support. Starting in January 2021, this is enabling small and medium-sized enterprises (SMEs) in Moray to continue to trade in Europe and/or access and enter new markets. Assistance continues to be given to SMEs with high exposure to EU markets to strengthen the local supply chain, and help create a more prosperous, growing economy. This additional demand is likely to increase further the number of instances of assistance to SMEs that the Business Gateway provides, which totalled 574 during the first half of 2020/21 (latest available data; this indicator is reported 6 months in arrears). For comparison, during the first half of the previous 2 years the numbers were 430 and 413 respectively (**INDICATOR** ENVDV260).

### Recovery and Renewal – challenges and actions to support

- 4.12 In contrast, the number of new businesses starting-up through the Business Gateway has reduced to just 91 during 2020/21 compared to 157 and 132 in the previous 2 years. In quarter 4 there were only 2 new business start-ups supported (Figure 3). (**INDICATOR** ENVDV266).

Figure 3

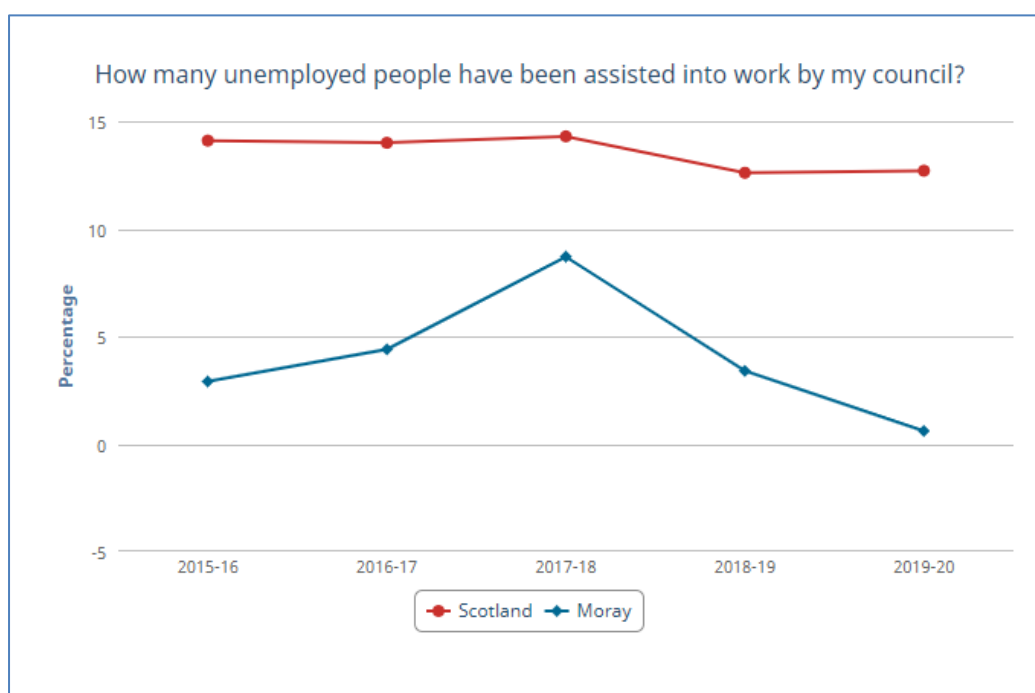


- 4.13 The action to support business will continue past its due date of 31 March 2021. Whilst some aspects are complete; 1,639 businesses have been supported through the range of COVID-19 funds receiving £13.335m during 2020/21, other aspects are still in progress such as the Town Centre Capital Fund, which has awarded grants to 51 businesses totalling £1.189m for transforming empty space to living space, altering large retail units into smaller ones, shop front improvements and small grants, all of which

combined will lead to an investment of £3.839m on completion (**ACTION EG&D20-22.S6.1.2**).

- 4.14 A selection of the Local Government Benchmarking Framework (LGBF) measures is included to provide some historical context for the task facing the Economic Development team and the wider partnership. In 2019/20, Moray had the lowest proportion of unemployed people assisted into work of all Scottish Councils. The Scottish average was 12.7%, whereas the proportion in Moray was 0.62%. Figure 4 illustrates the trend over the previous 5 years, and after the increase in 2017/18 the proportion has dropped once more for 2 consecutive years. The Council's participation in the in ESf funding for Employability and the wider funding streams available for economic recovery will improve these figures moving forward (**INDICATOR ECON1**).

Figure 4



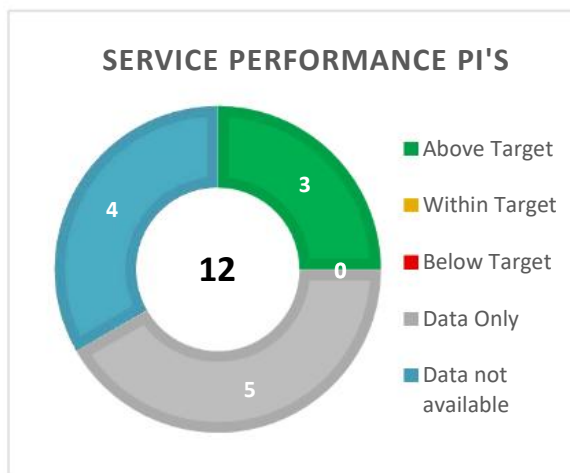
- 4.15 The percentage of Council procurement expenditure spent with local enterprises dropped slightly from 25.2% in 2017/18, 23.9% in 2018/19 to 21.9% in 2019/20, ranking Moray 22<sup>nd</sup>. This compared to a rise from 27.4% to 28.5% over the same period in the national average. A Community Wealth Building officer was approved as part of the Economic Recovery Plan and part of the work will involve improving local spend and the supply chain with a clear focus on increasing local spend and wider community and sustainability benefits (**INDICATOR ECON4**).

## 5. **SERVICE PERFORMANCE**

- 5.1 In line with the Performance Management Framework, operational performance is reviewed quarterly by departmental management. Areas performing well and/or areas subject to a decreasing trend or where benchmarking results show performance significantly below comparators will be reported to this committee for member scrutiny.



- 5.2 Initial publication of Local Government Benchmarking Framework Indicators in February 2021 will be refreshed in early May. The full suite can be viewed using the [My Local Council](#) tool.
- 5.3 Report is by exception, however links to backing tables for all [Service Performance Indicators](#) is provided, indicators 78a and 86 do not have full data as the quarters with N/A did not have any targets associated with them.



### Operational Indicators - successes

- 5.4 Despite the additional restrictions in place to deal with the pandemic, the Environmental Health Pest Control team responded to all low and high priority requests within the national target times (**INDICATORS** ENVDV086 & ENVDV0870).

### Operational Indicators - challenges and actions to support

- 5.5 There were no reportable exceptions amongst the remaining operational indicators.

## 6. OTHER PERFORMANCE RELATED DATA

### Complaints & MP/MSP Enquiries

- 6.1 In line with the Performance Management Framework, complaints are reviewed quarterly by departmental management in terms of time taken to respond, outcome and learning points. Links to backing tables for all [Service Complaints](#) is provided.
- 6.2 There were 13 complaints raised this quarter, 3 more than the same period last year. Six (46%) were closed at frontline taking an average of 4.5 days to resolve, within the target of 5 working days. Seven investigative resolutions took an average of 20.14 days, fractionally beyond the 20-day target. Both average closure timescales are a significant improvement on the 8 days for frontline and 33.3 days for investigations that were recorded during the same quarter in 2019/20.

There were 31 MP/MSP enquiries dealt with during the reporting quarter, a significant increase from 5 in the same period last year. The majority of enquiries related to guidance on the implementation of the pandemic

regulations or the applications for funds and grants provided in response to the pandemic.

### **Other Performance (not included within Service Plan)**

- 6.3 The work of the team was focussed on meeting the actions in the Service Plan with the added constraints of working within the Covid-19 guidelines. However, Building Services were able to offer support to health service providers as illustrated in the following case studies.

### **Case Studies**

- 6.4 Building Standards have worked with health service providers to allow the provision of temporary buildings as a matter of urgency to assist in providing much needed care to our population and help prevent the further spread of the coronavirus (COVID-19).

The service worked in partnership to demonstrate that any temporary building can be operated safely, particularly in relation to structure, fire, escape, ventilation, electrical work and access. Building Standards also provided links for access to partners such as Scottish Fire and Rescue and the Council's Health and Safety team.

The safe introduction of the Fiona Elcock Vaccination Centre in Elgin is an example of what has been achieved.

### **Consultation and Engagement**

- 6.5 Throughout the pandemic the service has consulted with business directly and through their representative organisations to inform the economic recovery plan and discretionary grants. Environmental Health and Economic Development have participated in webinars and virtual meetings to disseminate information to businesses.

## **7. SUMMARY OF IMPLICATIONS**

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

Performance measurement is used to ensure the efficient and sustainable delivery of services to meet the Council's priorities in both the Corporate Plan and the LOIP.

**(b) Policy and Legal**

The Council has a statutory requirement to publish a range of information that will demonstrate that it is securing best value and assist in comparing performance both over time and between authorities where appropriate.

**(c) Financial implications**

None.

**(d) Risk Implications**

None.

**(e) Staffing Implications**

None.

**(f) Property**

None.

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

An Equality Impact Assessment is not required as this report is to inform the Committee on performance.

**(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 Delivery Manager, Environmental Health and Trading Standards Manager, Economic Growth and Regeneration Manager and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

**8. CONCLUSION**

**8.1 As at 31 March 2021, 5 Service Plan outcomes were due to complete, of which 1 has been achieved. Both of the incomplete actions are part of the Recovery and Renewal priorities and have been delayed due to the impact of the COVID-19 restrictions. Overall, the plan is 59% complete and on target to meet its planned completion date.**

**8.2 Despite the unusual and challenging circumstances facing the service in 2020/21 and the additional measures and controls the teams had to put in place, the service made good progress on delivering the actions in the Service Plan. In addition, the team were able to support other community partners.**

Authors of Report: Louise Marshall, Strategy and Performance Manager  
Carl Bennett, Research & Information Officer

Background Papers: Held by Author

Ref:






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

**SUBJECT: ELGIN SOUTH MASTERPLAN UPDATE 2021**

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

## **1. REASON FOR REPORT**

- 1.1 This report asks the Committee to note the responses to the consultation on the draft Elgin South Masterplan Update, agree the final draft Masterplan be used as a material consideration in the development management process and to delegate authority to the Head of Economic Growth and Development to work with Springfield Properties plc (SPL) to make any further technical amendments and proceed to adoption as non- statutory supplementary guidance upon completion of ground investigations works into the proposed primary school site at Glassgreen.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the Review and Preparation of Strategic and Local Plans.

## **2. RECOMMENDATION**

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

- (i) **note the consultation responses to the draft Elgin South Masterplan Update and the resultant changes made to the final draft Masterplan;**
- (ii) **note progress with ground investigations into the proposed new primary school site at Glassgreen;**
- (iii) **agree that the final draft Masterplan is treated as a material consideration in the development management process;**

- (iv) **agree that land currently designated as CF4 for a primary school in the Moray Local Development Plan 2020 is not released for the development of alternative uses until the Council is satisfied as to the suitability of the proposed new primary school site and its inclusion in the revised Masterplan;**
- (v) **agree that if ground investigation works conclude that the new proposed primary school site is unsatisfactory that the matter is referred back to Council to consider options;**
- (vi) **note, that upon satisfactory completion of ground investigations into the new primary school site, a report is considered by Asset Management Working Group considering the merits of early acquisition of the site; and**
- (vii) **delegate authority to the Head of Economic Growth and Development to work with Springfield Properties plc and proceed to make any additional technical changes required and to adopt the Masterplan as non-statutory supplementary guidance upon satisfactory completion of ground investigations into the new primary school site;**

### **3. BACKGROUND**

- 3.1 The Elgin South expansion area provides a strategic long term planned growth area to the south of the city. The Elgin South Masterplan was approved at a meeting of this committee in May 2017 as statutory Supplementary Guidance forming part of the Moray Local Development Plan (MLDP) 2015 (para 6 of the minute refers). A report to this Committee on 15 September 2020 (para 16 of minute refers) highlighted the need to review and update a number of Supplementary Guidance documents to ensure compliance with the new MLDP 2020.
- 3.2 In addition to the need to review the Masterplan to ensure compliance with the MLDP2020, a number of others factors influenced the need for an update;
- The size of school site required in the west for Glassgreen Primary School has increased to 2.5 ha, larger than the 1.8 ha reserved in the 2017 Masterplan.
  - Areas of flood risk extent have been clarified and encroach into some areas further than originally considered.
  - Poor ground conditions and issues with the landowner on the east being unwilling to sell the land at this time have prompted revised phasing, with greater growth in the next 10 years to the west of the A941.
  - Stand-off distances for a high pressure gas pipeline which bisects the site have been clarified and impacts upon the original layout.
  - Very high demand for housing at Elgin South is being experienced, echoing feedback from developers throughout Moray.
  - Large scale housing sites at Bilbohall and Findrassie have been slower to progress than anticipated by the respective developers.

- The proposed A96 dualling Aberdeen to Inverness route has been identified which shows a junction immediately to the south of the site, changing access to the wider area.
- New employment land has been identified in the MLDP2020 immediately south of the site.
- National and local planning policy place a greater emphasis upon net zero emissions, 20 minute neighbourhoods and biodiversity.

3.3 The draft Masterplan was approved at a meeting of this Committee on 23 March 2021 (para 15 of minute refers). The draft Masterplan was then made available for online public consultation from 23 March to 24 May 2021.

#### 4. **PROPOSALS**

4.1 A total of 10 responses were received, including 4 from Council services, on the draft Masterplan which are summarised in **Appendix 1**. Since the consultation period ended SPL and Council officers have met to discuss changes required to the Masterplan and the majority of these have been actioned, including;

- A greater focus upon creating a village hub where commercial and retail space is concentrated rather than retail units distributed in different character areas
- More detail added and cross referencing to the policy requirements regarding placemaking including differentiations within each character areas
- A strategic approach to provision of affordable housing, ensuring a minimum of 25% affordable housing is provided and spread throughout the master-planned area.
- A grade separated crossing of the A941 in the form of a shared use over bridge has been included.
- An additional crossing of the gas pipeline included to improve connectivity
- Phasing changes, including bringing forward delivery of the Central Park and details of the rest of Glassgreen village coming forward in the short term
- A greater focus on reducing traffic speed through design rather than engineered solutions
- Clarification included of public transport routes and cycle parking provision

4.2 The Ground investigation works for the new proposed primary school site are currently out to tender and the Design Manager advises that it is likely to take 5 months for the investigations to be completed and reported back to the Council.

4.3 The draft Masterplan was given no status at the point of approving it for public consultation as a number of key issues needed to be addressed through the consultation process. These have now been addressed and with the changes resulting from the consultation process, officers recommend that the final draft (**Appendix 2**) Masterplan be considered as material consideration to be given weight in the development management process. Officers are consulting internally for any additional technical changes required to the Masterplan

before it is considered for adoption with some outstanding issues including phasing of key open spaces and delivery of public art to be addressed. Once the ground investigations works are completed for the proposed new, larger school site and the conclusions are satisfactory to the Council, then delegated authority is requested for officers to make any resultant text and technical changes and move to adopt the Masterplan as non- statutory supplementary guidance.

- 4.4 Planning and Education officers have discussed the likely timing and need for acquisition of the Glassgreen Primary School as further large phases of Glassgreen village are understood to be coming forward as planning applications within the next 6 months. A recommendation has been included asking members to note that the issue of need, timing and acquisition is to be considered further by Asset Management Working Group.

## **5. SUMMARY OF IMPLICATIONS**

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

The Elgin South Masterplan provides a framework for a new neighbourhood, with associated infrastructure and in doing so providing employment and affordable housing which are priorities for the Council.

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

The preparation of a Masterplan is required for large scale development sites such as Elgin South. Once approved the Masterplan will become Supplementary Guidance forming part of the statutory Local Development Plan which planning applications will be determined against.

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

Glassgreen Primary School ground investigations for the revised area are estimated to cost around £40,000 and the acting Head of Housing and Property is progressing this work, which has an agreed budget. The implications of the changes for Glassgreen Primary School and Elgin High need to be considered by the Asset Management Working Group, before the full implications are considered as part of the School Asset Management Plan.

### **(d) Risk Implications**

Risk regarding the ground conditions at the proposed primary school site will be mitigated through ground condition investigations being completed before any decision is made regarding the site for the primary school. If ground conditions are unsatisfactory then alternative solutions will be explored.

The Design Manager has highlighted that the construction market is currently having difficulty securing resource and material prices which may impact upon tender returns for the ground investigations.



There is a risk of having limited housing land supply to meet the current very high demand levels if a policy framework through the Masterplan is not in place against which planning applications can be determined.

The changed phasing raises risks in terms of capacity at Greenward Primary School. Mitigation options will include utilising unused capacity at Linkwood Primary School rather than accelerating the Glassgreen Primary School build.

**(e) Staffing Implications**

Work on the Elgin South Masterplan has been carried out within existing workloads of Council services. However it has created additional pressures for the Strategic Planning and Development and Transportation services.

**(f) Property**

The proposed changes to the phasing may result in capacity issues at Greenwards Primary School and Elgin High School earlier than projected although the timescale of provision is a matter for another Committee and may involve utilising capacity in nearby schools.

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

None at this stage.

**(h) Consultations**

Consultation has taken place with the Depute Chief Executive Economy, Environment and Finance, the Head of Economic Growth and Development, the Head of Education Resources and Communities, the Senior Project Manager (Learning Estate), the Legal Services Manager, the Senior Engineer Transportation, the Equal Opportunities Officer, the Development Management and Building Standards Manager, Lissa Rowan (Committee Services Officer) and Paul Connor (Principal Accountant) and their comments incorporated into the report.

**6. CONCLUSION**

**6.1 The Elgin South Masterplan has been updated and revised to take account of landownership and ground condition constraints with a greater focus in the shorter term of development in the west side rather than the east side.**

**6.2 The draft Masterplan was made available for consultation and responses have resulted in a number of changes to the Masterplan. Ground investigation work is being procured for the proposed new, larger primary school site. It is proposed to treat the final draft Masterplan as a material consideration for development management purposes and upon completion of the ground investigations to then adopt the Masterplan as supplementary guidance to the Moray Local Development Plan 2020.**

Author of Report: Gary Templeton, Strategic Planning and Development  
Manager  
Background Papers:  
Ref:

# Item 15

## Appendix 1 Responses to the revised draft Elgin South Masterplan public consultation

Body or person(s)	Summary of Response with required changes
Strategic Planning & Development	<p><b>Preface</b> The draft masterplan has been subject to public consultation and will replace the previously adopted version in full once approved. Once approved it will solely provide the strategic framework for the masterplan area and for Development Management purposes. Paragraphs 2 and 3 must be updated to reflect this.</p> <p>Delete the first paragraph from the right hand column and to state that NPF4 is anticipated in Autumn 2021</p> <p><b>Introduction</b> Paragraph 2 - delete phrase “if we are given the right support...”</p> <p>Page 4 &amp; 5 – The masterplan must make reference to creating “inclusive communities”.</p> <p>Page 5 – Update the Stakeholder Engagement section to reflect the consultation.</p> <p><b>Policy Context</b> Page 7 line 2 – Change “June” to “July”</p> <p>Page 7 – Revise to put placemaking in front of sustainable economic growth to read ‘The MLDP 2020 places placemaking, sustainable economic growth and infrastructure delivery at the centre of its aim’ as this reflects the order of the primary policies in the LDP.</p> <p><b>Page 9</b> Typo line 3</p> <p>4th and 5th line from end paragraph - delete “on shortly”.</p> <p>Last line - delete “recently” or delete all of the last line.</p> <p><b>Pages 12 &amp; 13</b> Reference to a future retail/commercial hub in the Glassgreen area must be provided in this section. It will become a focal point and key component of the western village particularly with its proximity to the new school site.</p> <p><b>Page 14</b> Line 7 – typo “identified”.</p> <p>Last paragraph – This paragraph must be revised to say that that mitigation measures are identified and included in the masterplan.</p> <p><b>Page 15</b> Delete text - “we would like to....”</p> <p>Discussions with regards to the school strategy are still on going. However, the masterplan must be changed to state that the school may be required as early as 2026, subject to the outcomes of the current review of the School Estate Strategy</p> <p><b>Page 16</b> Update the diagram to show facilities outwith the masterplan area. This will help to show how the masterplan relates to the surrounding area and existing facilities.</p> <p><b>Page 16 &amp; 17</b> These plans will have to be revised to address all of the comments in this table.</p> <p><b>Page 18 –Mix of Uses</b></p>

	<p>The number of key buildings identified on the plan suggests these are only those with commercial uses but there will be key buildings for residential use within each character area and their development blocks too (e.g. along key routes, around open spaces, terminating vistas, etc.). While residential key buildings will largely be determined when detailed designs are prepared the key must be changed to reflect that these are “non-residential” key buildings to avoid confusion.</p> <p>While the text refers to these buildings being flexible for adaptation to residential which is welcomed in principle, the masterplan must be revised to clearly state that these buildings will be built for commercial uses first before residential uses could be considered.</p> <p><b>Page 18 – Last sentence</b> In order to be a key building and provide distinctiveness these will need to incorporate the majority or if not all of these options to be ‘distinctive’ from the rest of the development and act as a “waymarker”. The text must either be amended to by changing ‘may’ to ‘will’ or <i>‘sufficient variation must be provided through a mix of these options in order that a key building(s) can be easily distinguished from other development in the immediate vicinity’</i></p> <p><b>Page 18</b> To ensure that adequate facilities are provided to serve the needs to the new neighbourhood as the wider masterplan area develops, the masterplan must identify a site in the west for future health centre provision so that an appropriate location is safeguarded.</p> <p>The masterplan talks about landmark buildings however it must also reflect key nodes and points within individual character areas as well.</p> <p><b>Page 19 -21 (Access &amp; Connectivity)</b> This section must be amended to address all Transportation comments. This must provide more than just principles and set out all mitigation measures.</p> <p><b>Page 22</b> As discussed clarity is required between residential and non-residential key buildings as the diagram shows non-residential “key buildings”. The key must be amended to “non-residential” key buildings to avoid confusion.</p> <p>The text states ‘single storey houses are also present’. It is not clear from the plans where these are to be located particularly as the lower density and buildings height locations do not appear to match up.</p> <p><b>Page 23</b> Lower residential range states 1-2 storey but medium residential range is 2 storey. This means that 2 storey could be built in both the blocks identified for lower and medium residential range resulting in no variation. Lower residential range either needs to show where single storey will be located or change to 1 – 1.5 storey to reflect difference between the areas. Similarly, higher residential range shows 2-3 storey so whole development could end up being 2 storey with no variation to provide distinctiveness.</p> <p><b>Page 25</b> Line 4 - delete “generally”</p> <p>An indication of numbers in each location must be provided to ascertain how big these ‘clusters’ are. These clusters appear to be quite large and affordable housing must be well integrated into the development as per Policy DP2.</p> <p><b>Page 29</b> Central Park- This park will become a key feature of the masterplan area given its central position, proximity to the school, and Linkwood Burn. Outwith the arc park it will be one of the larger formal areas of open space and must be provided. Once provided, consideration could be given to a potential CAT or similar process. The text must state that this will be a formal neighbourhood park in terms of its function. Clearer trigger points as to when this will be delivered must be set out in the masterplan.</p> <p><b>Page 30</b> Given the importance of the Central Park it must be brought forward into the 10-15 year phase.</p> <p>The arc park must also be brought forward from the 20-25 year phase so the western elements complement the build out but is delivered before the completion of Glassgreen Village as it will become a key resource and connection for the community. Given the position with the school estate, shorter term solutions will involve pupils from the Glassgreen village attending other schools highlighting the need and importance for safe routes to school.</p> <p><b>Page 31</b></p>
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	<p>The diagram provided only shows a series of SUDs pond with no indication that any other blue infrastructure ie swales, rain gardens will be incorporated into the development. The network of SUDS should be shown along with and incorporated into the green network/corridors. It must also be incorporated into the development blocks and not just in more formal areas of open space.</p> <p><b>Page 32 &amp; 33</b> More detail is required on how the public art across the masterplan area is to be delivered and must be clearly set out in the masterplan. In order to provide consistency across the masterplan area an overall concept will need to be developed, at a minimum for each village. It is also not clear from the plan provided why the specific locations have been provided. This detail needs to be explored further as public art in whatever form it takes could play an important role in wayfinding as well as adding visual interest.</p> <p><b>Page 34 – Phasing</b> The Square and the new school will play an important role in the West Glassgreen village and will create a neighbourhood hub. Given that this will become a focal point with a mix of uses the masterplan must provide further detail in relation the phasing for the square, the campus, and the new enlarged school site to show how this important area will be developed cohesively.</p> <p><b>Page 36</b> 2<sup>nd</sup> Paragraph , Line 5 – Typo</p> <p><b>Page 37</b> The Firview character area is large and will need to be broken down into smaller character areas to ensure that there is varied character within this significant area.</p> <p><b>Design Concept Diagrams – Page 39 onwards</b> There is concern with the levels of open space and the locations within the wider Glassgreen Village. Some of the proposed areas seem small and a pocket park is on edge of arc park which seems a distance from houses on western boundary. More detail is required in terms of areas and function of the smaller green triangles and how this relates to green streets (i.e. green blue network through blocks) is required.</p> <p>The masterplan text and diagrams refer to ‘green streets’ but it is not clear what this will comprise of. PP1 requires all streets to have trees and landscaping so it must be made clear in the masterplan what will make these streets different from the policy requirements.</p> <p><b>Page 40</b> The yellow area in the middle diagram needs to explained in the key as it is not clear to the reader what this will be. See comments below about strengthening the he village core or neighbourhood hub concept.</p> <p>For a development of this size the number of key buildings appears to be minimal.</p> <p>The frontages diagrams on page 24 and 40 do not match up. This must be revised.</p> <p><b>Page 43</b> The plan appears to show lots of traffic calming measures but reducing speed should be designed into the development and not through traffic calming measures. If these are being removed then the masterplan needs to set out how traffic calming is being addressed through design using images and diagrams as well as text.</p> <p><b>Character Area Manual Page 46 onwards</b> The character areas palette concentrates on external finishes and soft landscaping but needs to show or include text explaining that to meet policy requirements there will be considerable variation within each character area and how that will be achieved.</p> <p>This must include measures such as a wider variation of colour and finish materials, different elevation features/architectural details and treatments, and house types. Whilst colour palette shows variation, many of the stronger colours are in the planting which is not enough on its own. Variation needs to be in the colour palette for the houses and street surfaces as well. It could also provide details with regards to the key buildings that will be located within each area.</p> <p>This would apply to all phases due to come forward by 2030 as we appreciate the need for further variation and different advances in design and materials in the longer term.</p> <p><b>Page 49</b> Line 1 – Typo “an”</p> <p>Paragraph 2 line 1 – Typo</p>
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	<p><b>Page 51</b> The village core or neighbourhood hub concept does not come out strongly enough in the masterplan or this section. In particular, the concept of locating a mix of uses in this area with a strong public realm. The masterplan must provide a neighbourhood centre which might over time include a number of retail and service units, café/ bar and possibly even the health centre co-located as a focal point of activity, with the potential for parking to be designed to support drop offs at the school.</p> <p><b>Page 63 “renewables section”</b> line 3 - Typo</p> <p>Last paragraph line 1 – Typo</p> <p><b>School Site</b> Text must be added to the masterplan to make clear that no development will be consented on the currently LDP designation until ground condition surveys have demonstrated the suitability of the new enlarged site to the Council’s satisfaction. The Masterplan should set out how and when the services school site will be delivered, working to an estimate of 2027 for the need for the school.</p>
<b>Moray Council Transportation</b>	<p><b>Page 5</b> Bilbohall site is not ‘stalled’.</p> <p>3rd para relocating school site to south may centre it for new development, however existing site is more centred for school catchment. Move will mean existing residential properties to north will be further away.</p> <p>4th para Public Transport provision needs to be mentioned as well as active travel</p> <p><b>Page 11</b> Key refers to ‘Railway Line in use’ however this is a disused railway line which has been safeguarded for the provision of an active travel corridor.</p> <p><b>Page 12</b> Focus is on new development with little emphasis on relationship to existing development and how the residents of those properties will be utilising the new facilities to be provided as part of this development.</p> <p><b>Page 13</b> Removing vehicular connections across pipeline reduces permeability. How will public transport routes be delivered such that all houses are within 400 metres of a bus stop?</p> <p>No clear proposals or reference to the need of safe crossing point of the A941 (derestricted road). Without a safe and suitable crossing at the ‘Arc Park’ and on other desire lines the A941 will be a barrier to movement.</p> <p><b>Page 14</b> Reference is made to there being details for measures to mitigate the crossing on the A941 in a later section of the document. There are no relevant details provided.</p> <p>The A941 is a derestricted road and the form of development and landscaping currently proposed does not support the reduction of this speed limit. Therefore grade separated crossing facilities for pedestrians and cyclists (an overbridge or subway) will be required.</p> <p><b>Page 15</b> The school catchments have not been identified. The extent of the school catchments will be required to enable an assessment to ensure that safe and suitable active travel routes for school pupils from the wider catchment are provided.</p> <p><b>Page 16</b> Retail and local facilities are concentrated on the eastern and western peripheries of the development – leaving the central area to the south of the ‘Arc Park’ travelling further distances to access the facilities. However the plan on the following page 17 shows shops and health facilities fronting onto the ‘Arc Park’ in Linkwood Village. This is one of many discrepancies between plans. We have not checked plans for consistency as this is the responsibility of the developer and their consultant team.</p> <p><b>Page 17</b> See annotated plan.</p>

	<p>Public transport is mentioned in passing but there are no details of how public transport will be provided throughout the development.</p> <p><b>Page 19</b> See annotated plan. Concerned that the level of detail on how roads will relate to development which was provided in the original Masterplan has been removed from this document, along with a lack of consideration of how public transport will be provided.</p> <p><b>Page 20</b> 2nd para. There have been complaints about the walking distances to take refuse collection to the public road for recent Springfield developments. This needs to be taken into account when developing the road network and refuse collection for the development.</p> <p>4th para. Reference needs to be made here on how the Transport Appraisal will assist in identifying the timing of E-W connections throughout the site and to the wider area.</p> <p>Why is there no reference to Linkwood Road? The upgrading of the road undertaken to date and the remaining upgrades?</p> <p>9th para. The layout of development constructed to date and the proposals for the existing road corridors do not provide active development frontage with direct access which will slow vehicles. In particular Birnie Road whilst houses may ‘front’ onto the road they are at a higher or lower level to the road. This does not influence driver behaviour. It should also be noted that high fences have already been erected at a property(s) on this road frontage. Direct access to properties is required to influence driver behaviour and vehicle speeds.</p> <p><b>Page 21</b> The piecemeal approach to development along Birnie Road and the associated changes to the road have led to a disjointed road layout with pinch points where heavy goods vehicles cannot safely pass other traffic. A design review is required for Birnie Road between the southern extent of the development, including the driving range access and proposed changes to the road which will be part of the A96 dualling scheme, and the roundabout at Sandy Road. A design speed will be identified and amendments made to ensure that the road can safely accommodate both the development and existing traffic, this made include but not be limited to the removal of pinch points, bend widening and realignment of kerbs to provide a smooth transition between previously widened sections of the road.</p> <p>Further details are required on the proposals for the Active Travel crossing points of the existing roads, in particular the A941 which is subject to the national speed limit.</p> <p>3rd para. The desire to eliminate vehicular crossings of the gas pipeline has led to there being two road crossings of the north-south active travel route through Linkwood Village. The original Masterplan sought to prioritise this active travel route over vehicles. This appears to have been forgotten in favour of the ‘Arc Park’. A recommitment to prioritising pedestrians and cyclists using the north-south route over vehicles is required through the provision of grade separated (bridge or underpass) or other special measures to provide a priority without delay to pedestrians/cyclists.</p> <p>There is a lack of detail or consideration of public transport provision in this section. Public transport is required to connect to the wider destinations in Elgin and provide for those with mobility impairments/young families. A plan showing the proposed public transport route and how the development will be within 400 metres of this route is required within the masterplan.</p> <p><b>Page 24</b> The difference between buildings facing onto a road and actually fronting onto a road (i.e. providing direct vehicular access) needs to be made within this section. Building simply facing onto the road will not influence driver behaviour and reducing speeds to the same extent as buildings with direct accesses.</p> <p><b>Page 25</b> Affordable housing should be sited near public transport corridors. It is not clear that this is being delivered as there is no clear indication within the document as to where a public transport route will be provided.</p> <p><b>Page 26</b> Reference needs to be made to the provision of EV charging facilities as part of the Parking Strategy. No details of cycle parking provision. Again the principles for cycle parking need to be set out – refer to the MLDP guidance documents for details of requirements.</p> <p><b>Page 29</b> The proposed greenside road corridors will not support speed reductions on the A941, Linkwood Road or Birnie Road, as highlighted in comments for the previous Masterplan.</p> <p><b>Page 30</b> Proposed phasing and timescales for landscaping proposals is interesting. However similar phasing plans are required for the provision of the road, public transport, cycle and pedestrian networks to ensure that continuous safe routes are provided to local facilities as housing parcels are completed.</p>
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	<p><b>Page 31</b> Details of proposals for SUDs maintenance regime and responsibilities is required – particularly in the light of the proposal for landscaping made in para 2 on Page 29.</p> <p><b>Page 34</b> As page 30 above, phasing for transportation network is required.</p> <p><b>Page 39</b> Key vehicle route has a number of turns and is different from route shown on Page 45 and elsewhere in the document.</p> <p>A key vehicle route is shown to the north connecting to The Range/Duncansfield. This contradicts the proposals shown on Page 45.</p> <p>These inconsistencies between the drawings make providing effective comments difficult.</p> <p><b>Page 43</b> See annotated plan. Noted that ‘traffic calming’ measures and at-grade pedestrian/cycle crossing measures are proposed for the A941. This is road is subject to the national speed limit and to date the proposals do not support a reduction in this limit. Therefore all crossing facilities need to be grade-separated.</p> <p><b>Page 44</b> See annotated plan. Reference must be made to the provision of cycle parking facilities to Parking Standards and MLDP guidance. It is unclear if the ‘Street Cycle Routes’ shown on the plan are on-street or the 3 metre cycle paths referred to in the text. Again cycle routes are shown up to and crossing the A941 with no details. See previous comments on speed of road.</p> <p><b>Page 45</b> No details of how buses will move through the development. There is a risk of heavy goods vehicles and other traffic travelling to Birnie Road from the A941 and vice-versa. How will that be deterred whilst still enabling public transport access? Secondary routes are shown into Driving Range? But no connection to employment land to the south where residents may be working. Employees may wish to make use of local facilities at lunchtime/on way to/from work.</p> <p>Long shared driveways have led to recent complaints about refuse collection.</p> <p><b>Page 46</b> South Glassgreen – current proposals will not be prominent enough to enable reduction of speed limit on A941.</p> <p><b>Page 61</b> Connections diagram shows a ‘key safe route’ alongside the A941? And a ‘green network’ on the eastern side of the road which may be used as a travel corridor. What are the proposals for active travel along the A941 corridor to provide linkage to the south (future employment) and bus stops on the A941?</p> <p><b>Page 65</b> Para. 7 note the reference to working together to deliver active travel infrastructure and behaviour change. Details of your proposals are required, including off site provision and upgrades of active travel infrastructure.</p> <p><b>Page 66</b> EV charging is mentioned on this page in passing. However more details and a greater commitment needs to be provided within the Masterplan update.</p> <p><b>General</b> The choice of colours used to annotate features on plans has made them difficult to read and fully understand the information being conveyed. Colour choices for public facing documents should always ensure that there is clear legibility to support readers with visual impairments.</p>
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<b>Moray Council Access Manager</b>	<p>Support the proposal to reduce the number of roads in the overall layout and the enlarged ‘ark park’ reinforcing its role as a key active travel corridor.</p> <p>Request an additional link the north via a new bridge across the Linkwood Burn with a new path section provided to join Core Path EG60 which is a cycle route. This link will add value to the safe route to schools network on P16. This link would fill a gap in the path network on P20 by providing better connections to the core path network and create better active travel connections.</p> <p>There is further justification for this new link to be created to add value to the safe routes network identified on page 16 for Linkwood Primary School. The paths network shown on page 20 clearly demonstrates how adding this link would fill a network ‘gap’ by accommodating much better linkage to the Core Paths network to the north creating better active travel options to encourage people to get out of their vehicles. I ask that this link be shown on Pages 16 and 20 of the document.</p> <p>Show link via new bridge across Linkwood Burn connecting into the wider path network on Pages 16 &amp; 20.</p>
<b>Moray Council Land &amp; Parks</b>	<p><b>Open Space Maintenance</b> –confirmation that private developer(s)/residents via factor or management companies will be responsible for maintaining open spaces and/or identify any public open spaces to be managed / maintained by the Council in the future.</p> <p><b>Play equipment</b> - should be installed to British Standards BSEN1176 and 1177 and have an inspection and maintenance schedule carried out by the maintenance team/developers.</p> <p><b>Cemetery</b> - cemetery design scoping paper has referenced South Elgin MP to ensure linkages and fit to development proposal. Wayfinding across the masterplan must include the new cemetery</p>
<b>Regional Archaeologist</b>	<p>Welcome the commitment to draw design inspiration from several historic local planned towns and village helping to embed the new development into the wider landscape setting of NE Scotland. Particularly Easter Linkwood which draws upon the more traditional layout style consistent with historic planning in Moray and North East Scotland reflecting the successful design elements of the 19th century ‘planned villages’.</p> <p>Support the specific reference to wayfinding and public art within the Masterplan, but would like to see emphasis not only on natural environment but also the historic as this offers many opportunities for presenting the history and heritage of the area in new and engaging ways.</p> <p>Welcome the recognition that the former railway line will be a key active travel route that aids not only access and connectively for the new development, but also facilitates improved health and wellbeing for residents.</p> <p>Reference should be included in the Masterplan to retention, repair and reuse of historic buildings where possible, which would support the emerging policy direction of NPF4. Such a reference could be included within the general Character Area Manual (Section 7), and page 66 ‘Climate Change and Resilience Adaptation.’</p> <p>Page 3, column 2, last line – change “...opportunities with also...” to “...opportunities will also...”</p>
<b>NatureScot</b>	<p>Encourage ambitious thinking when it comes to preparing wildlife enhancement plans for each character area. Wildlife enhancements in each character area should aim to complement that of their neighbour’s to improve connectivity through the wider masterplan area.</p> <p>Achieving a mix of colour and diversity throughout the year with a clever choice of plants and man-made materials can help encourage folk outdoors when fresh air, light and nature can help our health and well-being when it’s most needed in the winter months. Wetlands (including SUDS ponds) can be attractive during winter months. Shelter offered by trees, drystone walling and hedging can make a windy winter’s walk or cycle more pleasant and offer the same benefit for wildlife.</p> <p>No changes Required</p>
<b>Scottish Water</b>	<p>No specific comments relating to the masterplan. Applicants must contact Scottish Water before submitting detailed planning applications.</p> <p>No changes required</p>
<b>SEPA</b>	<p>Happy with the masterplan updates and its ambitions to create a successful and sustainable place.</p> <p>Opportunities for an environmental scheme which contributes to the improvement of the Linkwood Burn. This should be considered as part of proposed developments especially for areas within the masterplan site where the Linkwood Burn is within or adjacent to.</p> <p>There should be a strategic approach to surface water management throughout the masterplan area, developing a blue/green corridor with measures that comply with the principles of the CIRIA C753 Manual.</p>

	<p>Request that the flood extents in the vicinity of the disused railway embankment are further investigated as the floodplain in this location looks to be influenced by the presence of this structure which is acting as a barrier to floodplain flows by way of an informal flood prevention measure.</p> <p>No changes required</p>
<b>SGN</b>	No objection/changes required.
<b>Transport Scotland</b>	<p>Support the planning objective to provide supplementary guidance in the form of an approved Masterplan to assist the delivery of the development Phasing within the Elgin South Masterplan Area. There is a lack of information relating to the transport modelling which limits the ability to comment fully. It is considered this information should have been included within the Masterplan. Transport Scotland cannot comment fully on the Masterplan proposals until this information is known.</p> <p>Welcome that an update to the Masterplan is being undertaken to reflect the new Moray Local Development Plan approved in July 2020, to reflect a number of site constraints that have been identified since May 2017 and to reflect the route chosen for the Hardmuir to Fochabers A96 Dualling and the inclusion of the Elgin South Interchange junction.</p> <p>Note that the phasing and delivery of the road linkages associated with the updated Elgin South Masterplan will be informed by a detailed traffic modelling exercise which considers vehicle movements in the wider Elgin area and the future connection to the A96(T) Interchange. It is disappointing to note that this modelling exercise has not been completed to coincide with the consultation on the Masterplan. This limits Transport Scotland's ability to meaningfully comment on the exercise being undertaken and we consider that this lack of information renders the consultation premature in respect to understanding wider traffic impacts and their potential mitigation.</p> <p>Welcome the inclusion of the 20 minute neighbourhood concept and references to promoting sustainable modes of travel and providing active travel links for walking, cycling and wheeling.</p>



# Elgin South





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Revision	Date	Description	Prepared / Checked
ISSUE	08/02/2021	SUBMISSION DOCUMENT	VARIOUS / MH
A	26/02/2021	REVISED FOLLOWING MEETING WITH MORAY COUNCIL - 18/02/2021	VARIOUS / MH
B	17/06/2021	REVISED FOLLOWING TRANSPORTATION COMMENTS - 23/05/2021	VARIOUS / MH
C	02/07/2021	REVISED FOLLOWING TRANSPORTATION COMMENTS - 22/06/2021	AT / RG / MH
D	09/07/2021	REVISED FOLLOWING PLANNING COMMENTS - 22/06/2021	AT / RG

# preface

The Elgin South Masterplan has been updated to ensure that it is consistent with the new Moray Local Development Plan (MLDP) 2020. This will allow it to be adopted as Supplementary Guidance. It also provides an opportunity to review the phasing and ‘sense check’ the Masterplan proposals. Various planning policies and societal changes also drive this.

This Masterplan update should be read in conjunction with the original Masterplan document, dated May 2017. It should be noted that it is not intended to replace that version, rather it is placed alongside it and both should be cross-referenced as required.

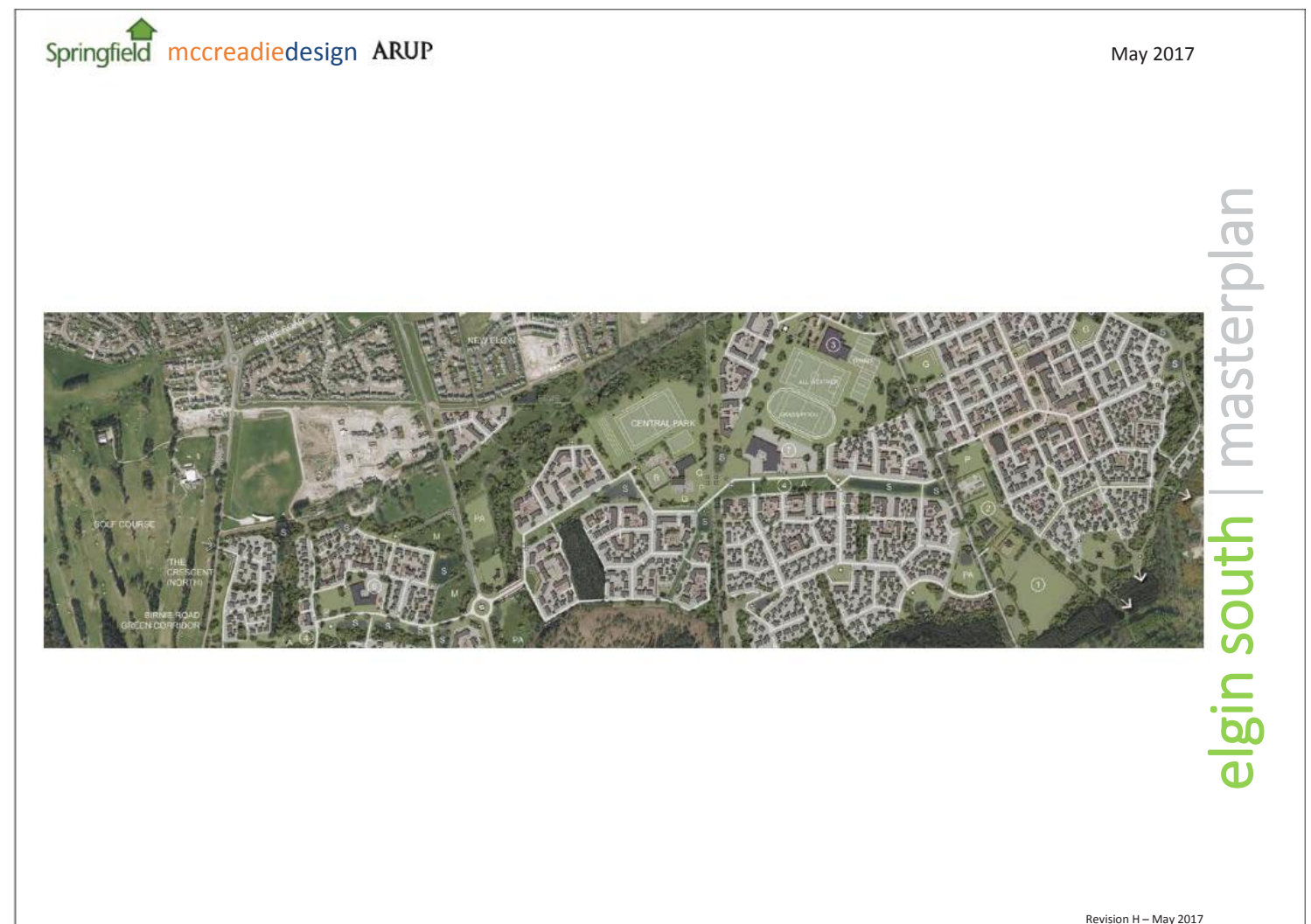
An 8 week public consultation has been undertaken as part of the Supplementary Guidance adoption process. This attracted a range of comments from internal MC and external consultee stakeholders on several aspects. These have been taken on board and incorporated into the revised document.

## Elgin South Masterplan Update

The opportunity to review and update the Masterplan comes five years after its preparation began. It comes at a point when the country is in the midst of great physical, societal and economic upheaval brought about by the Coronavirus (Covid-19) Pandemic. Its full impacts are still to be realised and its legacy is as yet unknown, however it is evident that it will bring about fundamental change to the way we live, work and travel. It is clear that people’s homes have taken on ever greater importance. Similarly access to safe, well-connected amenity space and recreational places has been crucial along with private gardens and proximity to shops and services. Home working needs to be fully accounted for by providing flexible living spaces/home offices and good broadband connectivity. Communities such as Elgin South embrace these principles. The emphasis should be to ensure a strategic delivery of a good place which is health and wellbeing enhancing within the entire masterplan site.

Scottish Government is also working on Reforming the Planning System to ensure it works to ‘strengthen the

contribution planning can make to inclusive growth, to delivering housing and infrastructure and to empowering communities... (and) addressing climate change’ (Scottish Government). This will come forward within National Planning Framework 4 expected in Autumn 2021 which consolidates Scottish Planning Policy and NPF 3 into one.





# introduction

The Elgin South Masterplan was adopted in May 2017 to guide the long-term strategic growth of the city to the south up to 2045. The proposals include approximately 2,500 homes, two primary school sites and the Moray Sports Centre.

Preparation of the Masterplan began in early 2015 to pull together an ambitious programme of stakeholder workshops, community engagement and significant design development work – all of which culminated in its adoption as Supplementary Guidance by Moray Council. Allied to this, was the submission and approval of a first phase planning application for 870 homes, Moray Sports Centre and two school sites in 2018 to let works commence.

Since then, a new Moray Local Development Plan has been approved, in July 2020. Meanwhile several other significant matters have arisen that ensures the Masterplan should be updated. The key outcomes emerging in the NPF4 ranging from a transition to net-zero; a wellbeing economy; resilient communities; and better, greener places also ensures more emphasis of these is needed within the Update.

At Elgin South we believe that many of these are being done already – building more homes that people need, redesigning communities to reduce their carbon emissions from the buildings themselves via energy efficient, fabric first, sustainably constructed homes to ensuring they are well-connected to existing and proposed facilities and services with good active travel links and public transport links and access to high-quality openspace. We also deliver high levels of affordable homes, working to reduce inequalities for those who cannot access the property ladder.

However we recognise that more needs to be done. The Climate Emergency and Covid-19 means that we all need to respond to the challenges of reducing our emissions, reversing biodiversity loss and building back better, greener places. Elgin South will be delivered up to 2045 therefore it is well-placed to use its existing and proposed green and blue infrastructure and its proximity to current and proposed community infrastructure,

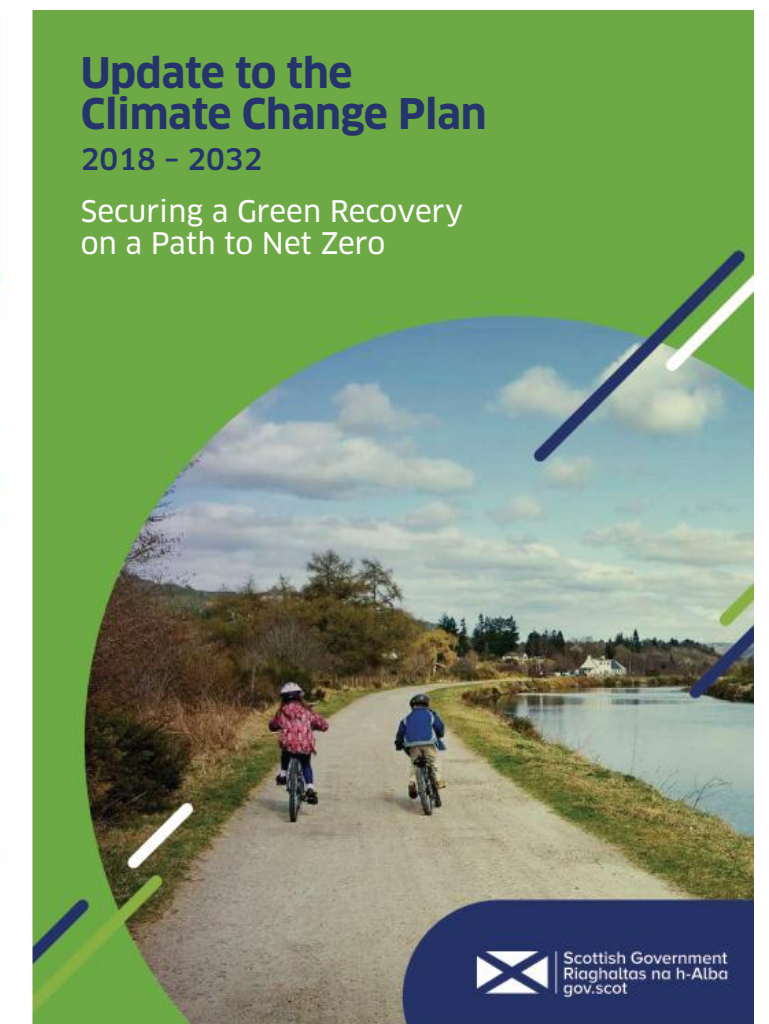
facilities and services. It must be responsive to new requirements and better choices for more sustainable living. Our built environment and linkages to the natural environment foster healthy lifestyle choices – walking to the shops, to school or to the Sports Centre. Similarly it must prove resilient to climate change including the potential for more frequent storms, heightened flood risk and greater variances in temperatures, this needs to be built in from the onset.

**The other factors for updating the Masterplan are highlighted below.**

- The stand-off distances required for avoiding a high-pressure gas pipeline which bisects the site are much greater than originally envisaged and a larger safeguarding corridor is needed. SGN confirmed during the determination of the first phase planning application that stand offs should be between 32m, 70m and 85m either side of the pipe in the inner/middle and outer offset zones. Previously these had been 18m – which had been indicated during the preparatory Masterplan work. Therefore the densities and total number of houses with these zones has been reduced to no more than 50. Please refer to the Constraints diagram for further details.

- Areas of flood risk extent have been clarified and encroach into some areas further than originally thought. These have been added to the constraints maps. Natural Flood Risk management approaches are at the core of Elgin South – by avoiding prone areas, utilising existing and proposed wetlands for floodwater storage and enhancing blue/green infrastructure.

- Poor ground conditions and landownership issues on parts of the site. These are not insurmountable but nonetheless have required a shift in focus of the phasing of development from the Linkwood village in the east, to Glassgreen in the west. These are fundamental issues that are inextricably linked, high costs associated with remediating ground conditions or foundation solutions have a direct impact on land costs and deliverability. Land in the east is under option to Springfield but ownership remains with the original landowner and





# introduction

higher than envisaged costs are directly impacting the viability of commencement here and consequently land values. The landowner doesn't wish to relinquish control for a reduced land value at this time. Landownership in the west is primarily under the control of Springfield at a more viable cost. We will continue to work with parties to overcome these issues, meantime an altered approach to phasing to the west where better ground conditions exist ensures that we can continue to deliver much-needed and sought after housing in Elgin.

- Demand for housing at South Elgin has been exceptional, the period after the first Covid 19 lockdown has reinforced this. With all of our existing and established Elgin sites sold out our focus is now to deliver the various phases of Elgin South. Several large sites at Bilbohall, Lochyhill and elsewhere in Moray are constrained, at least temporarily. The increased pressure to release homes for sale and meet demand can be met here at Elgin South. Elgin South can deliver housing land in sufficient numbers to address any shortfalls in the short to medium term.

- The Glassgreen School Site previously shown at 1.8ha in the original Masterplan and planning permission has been increased to 2.5ha to bring it in line with Education requirements. Its location has also been repositioned so it is more centrally located in the Elgin South site. This is subject to ground condition surveys and final agreement by Moray Council.

- The proposed A96 (T) Aberdeen to Inverness Road Dualling route has been chosen and finalised. This shows a junction immediately to the south of the site, fundamentally changing accessibility to the wider area. We have shown this on our drawings to reflect the much-altered nature of the area post dualling and the increased accessibility and potential for less through traffic in Elgin. We recognise that traffic will increase on the A941 and some local areas but are committed to promoting a more balanced, active travel-centric approach therefore have looked to reassess the roads-based network at Elgin South. Public transport links will also be strengthened.

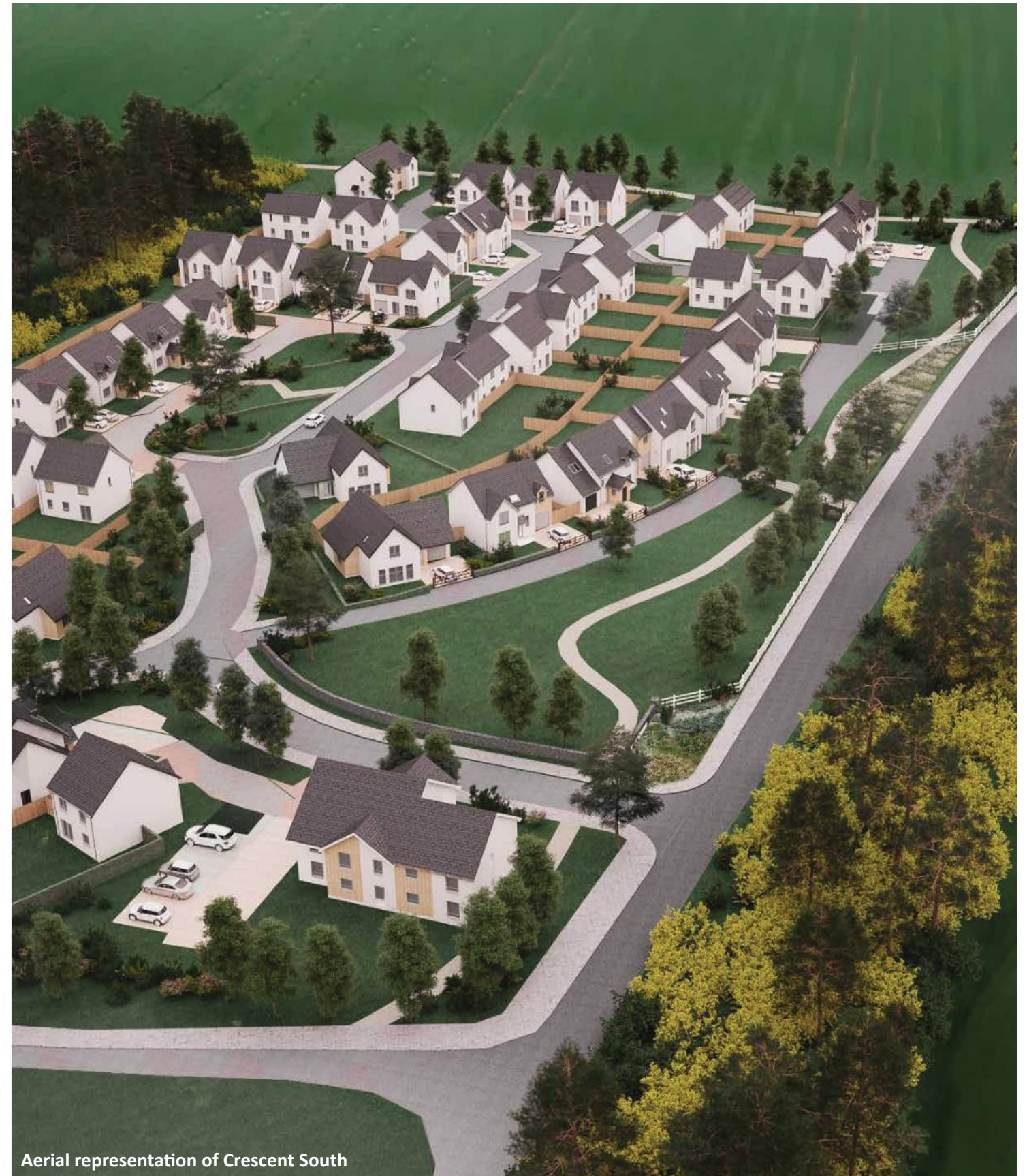
- Linkages to employment land – a new area of employment land is shown in the MLDP immediately to the south of Elgin South, while land at Barmuckity is now being taken up for industrial and commercial uses, ensuring it now has closer links to jobs and services than before.

## Stakeholder Engagement

The original Masterplan was subject to public consultation in November 2016 as part of its adoption as statutory Supplementary Guidance. This included a drop-in exhibition held jointly by Springfield Properties PLC and Moray Council where members of the public and community council could view the proposals.

The Elgin South Masterplan Update has been subject to further public consultation as part of the formal Supplementary Guidance adoption process. This was for a period of 8 weeks and feedback received is to be reported to Moray Council's Planning and Regulatory Services Committee. Comments were provided by internal Moray Council departments and external consultees. No representations from members of the public were received.

Springfield shall work with existing and new residents to promote 'inclusive communities.' Elgin South shall be a place which gives its occupants full and even access to resources, and promotes equal treatment and opportunity. We shall work with community groups, individuals and other interested parties to engage with the community from the early stages of development. By providing much upfront community infrastructure earlier, this aids with community cohesion and better integration.



Aerial representation of Crescent South



# vision

The Vision for Elgin South is largely unaltered. The themes of Sustainability, Identity and Character continue to be key in creating a successful and sustainable new '20 minute neighbourhood' to the South of Elgin, one which promotes healthy and active lifestyles and is based upon three villages with their own distinct character and identity.

Elgin South will be a successful place to live and work. New practices and technologies will facilitate better and more balanced live/work and travel choices. We will take advantage of the site's existing location – its unrivalled access to woodlands, walking routes and blue/green infrastructure to deliver 'nature-based solutions to drainage, active travel links and openspaces that promote biodiversity and healthy lifestyles. We must recognise that people need choices, therefore it will have good access to the dualled A96 for car travel, to effective bus links and to good car-free routes for walking, cycling and wheeling.

'Elgin South will be a distinctive, sustainable place where strong placemaking and active travel will be the overriding priorities.'

## Healthy Living

The promotion of healthy living is at the heart of Elgin South. The Moray Sports Centre has been delivered as a central component of the Masterplan for the benefit of the local community, Elgin and the wider region. This, alongside a central park, new primary schools and a new health centre, will be delivered to promote an integrated approach to education, health, sports and recreation.

There will be a focus on pedestrian and cycle links ensuring a well-connected and accessible urban realm, with extensive blue/greenspaces and an enhanced landscaped character, to encourage active travel in support of promoting healthy living, wellbeing and an active lifestyle. Elgin South will support better travel choices by being a 20-minute neighbourhood with access to schools, shops, walks and the countryside all nearby. Inclusiveness, sense of community and health inequality will be directly addressed by ensuring fair access to facilities, to high-quality open and green spaces and to travel with vibrant and thriving streets that are walkable

and accessible, attractive and not dominated by car parking and tarred surfaces.

## Sustainability, Zero-Carbon and Climate Change

A sustainable community is proposed, with the need to make a positive contribution to climate change recognised. In addition to the promotion of healthy living as part of a sustainable lifestyle, a range of buildings for live/work and neighbourhood uses will be promoted alongside new homes. Homeworking – either as a personal choice or as is one of the hallmarks of the Covid 19 Pandemic is an essential part of our work lives, it has never been so crucial and our homes must be flexible and adaptable enough to support this. Good IT connections and energy efficient homes are fundamental to this.

Active travel choices including cycleways, green corridors and countryside linkages are promoted encouraging sustainable movement and links to public transport.

Buildings, particularly community buildings, will deliver high standards of energy efficiency and ensure Elgin South makes a positive contribution to climate change reductions in both construction and use. Opportunities for renewable energy, nature conservation and tree planting/green corridors will be promoted. Options for Electric and low emission vehicles are to be integrated into all of the homes and businesses.

Nature-based solutions to drainage, recreational openspace and to communal landscaping will provide homes and habitat for wildlife – either new or restored and enhanced including the Linkwood Burn.

## Identity

Whilst being recognised as a major expansion of Elgin, Elgin South will be a distinctive place in itself creating a sense of identity for those living and working there, as well as those visiting it and passing through it. It will be by definition a working and living example of the 20 minute neighbourhood.

This will be achieved by the development of three new villages, each with its own identity.

- Linkwood Village forms the focus for the healthy living culture being promoted. It includes the Moray Sports Centre, central park, new Linkwood Primary School, and an additional community hub.

- Easter Linkwood Village, to the east of Linkwood Village, will be focussed on a harder landscaped public realm drawing upon a more traditional layout style incorporating features consistent with historic settlement planning in Moray and the North of Scotland.

- Glassgreen Village, to the west of Linkwood Village and immediately east of the golf course, will reflect a greener approach to the design of the public realm. This will also include a new primary school in the longer term.

## Character

Whilst each village will have its own identity it is also important to promote a variety of character within the villages.

To achieve this a broad range of "Character Areas" are identified in each village to compliment and reinforce the identity of each of the villages. Each character area is defined and the Masterplan sets out how each will be achieved by delivering a range of differing features including building aesthetics, boundary treatments, gateways, development blocks, accent buildings/vista stoppers, key buildings and frontages along with roads hierarchy and active travel routes. See the Character Area Manual for further reference.



Sustainable communities



# policy context

## Moray Local Development Plan 2020

The Masterplan is being reviewed due to the adoption of the MLDP in July 2020 with its new proposals and policies. This replaces the previous 2015 LDP under which the original Masterplan was prepared. As part of this adoption process, the associated suite of Supplementary Guidance is required to be revisited to ensure it is consistent with the new MLDP 2020.

The land at Elgin South is contained within various designations including R19 - Easter Linkwood and Linkwood, R20 - Glassgreen and LONG2 - Elgin South.

The MLDP 2020 places placemaking, sustainable economic growth and infrastructure delivery at the centre of its aims. It guides development in Moray up to 2030. This is implemented via a series of primary, development, environmental and delivery policies including: Placemaking; Development Principles; Housing; Biodiversity; Open Space; Long Term Housing Reserves amongst others. Please refer to: <http://www.moray.gov.uk/downloads/file133546.pdf>

Any future phases of Elgin South or changes to the areas already consented will require to be the subject of a planning application(s). Please refer to those planning policies in the MLDP 2020 or in place at the time for further details of requirements and to ensure compliance.

## National Policy

National policy is currently set out in the National Planning Framework 3 (NPF 3) and in Scottish Planning Policy (SPP). Both documents date from June 2014 and are the most recent and up-to-date expressions of national planning policy, to which significant weight should be given. Work to replace both of these is now underway. SPP will be amalgamated into the NPF and provide the spatial priorities and policy drivers for Local Development Plans to bring forward. A NPF4 Position Statement was published in Autumn 2020 with the final draft expected in late 2021 – at its core it aims to deliver greener design, more homes and infrastructure

investment along with combating and adapting to Climate Change, moving to zero-carbon living and promoting biodiversity and health. The better integration of land use, transportation and development that can work to support a sustainable, greener recovery post Covid-19 are key to its outcomes.

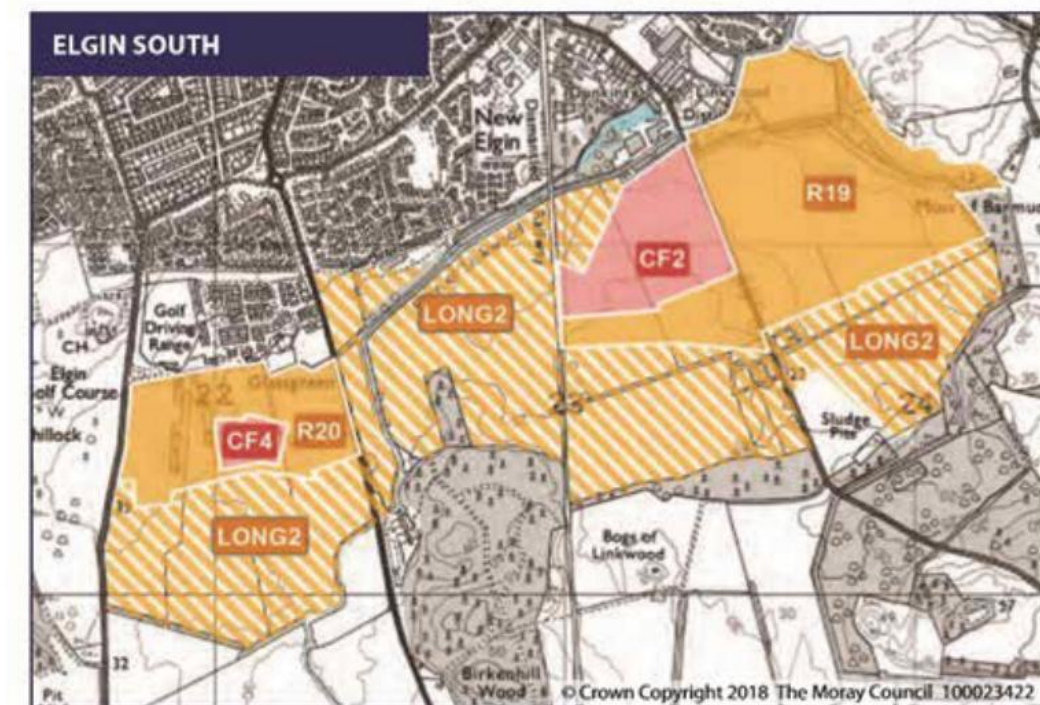
Designing Streets (2010) sets out the Scottish Government's aspirations for design and the role of the planning system in delivering it. This statement sits alongside Creating Places (2013) as policy for architecture and is a material consideration in determining planning applications. It places an emphasis on high standards of street and place design and stresses that this can promote a better quality of living for everyone. Fundamentally, it places good street design before movement and calls for balanced decision-making.

Elgin South will deliver the 6 qualities of a successful place set out in national policy:

- Distinctive;
- Safe and Pleasant;
- Welcoming;
- Adaptable;
- Resource Efficient; and
- Easy to Move Around and Beyond.

## Strategic Environmental Assessment

At the time of preparation of the original Masterplan, Screening was carried out as part of the Strategic Environmental Assessment (SEA) process. Moray Council concluded that a SEA was not required at that time. A further SEA screening has taken place for this Masterplan Review and it has again been found that an SEA is not required.





# 1.0 Previous Masterplan



Elgin South Masterplan Approved May 2017

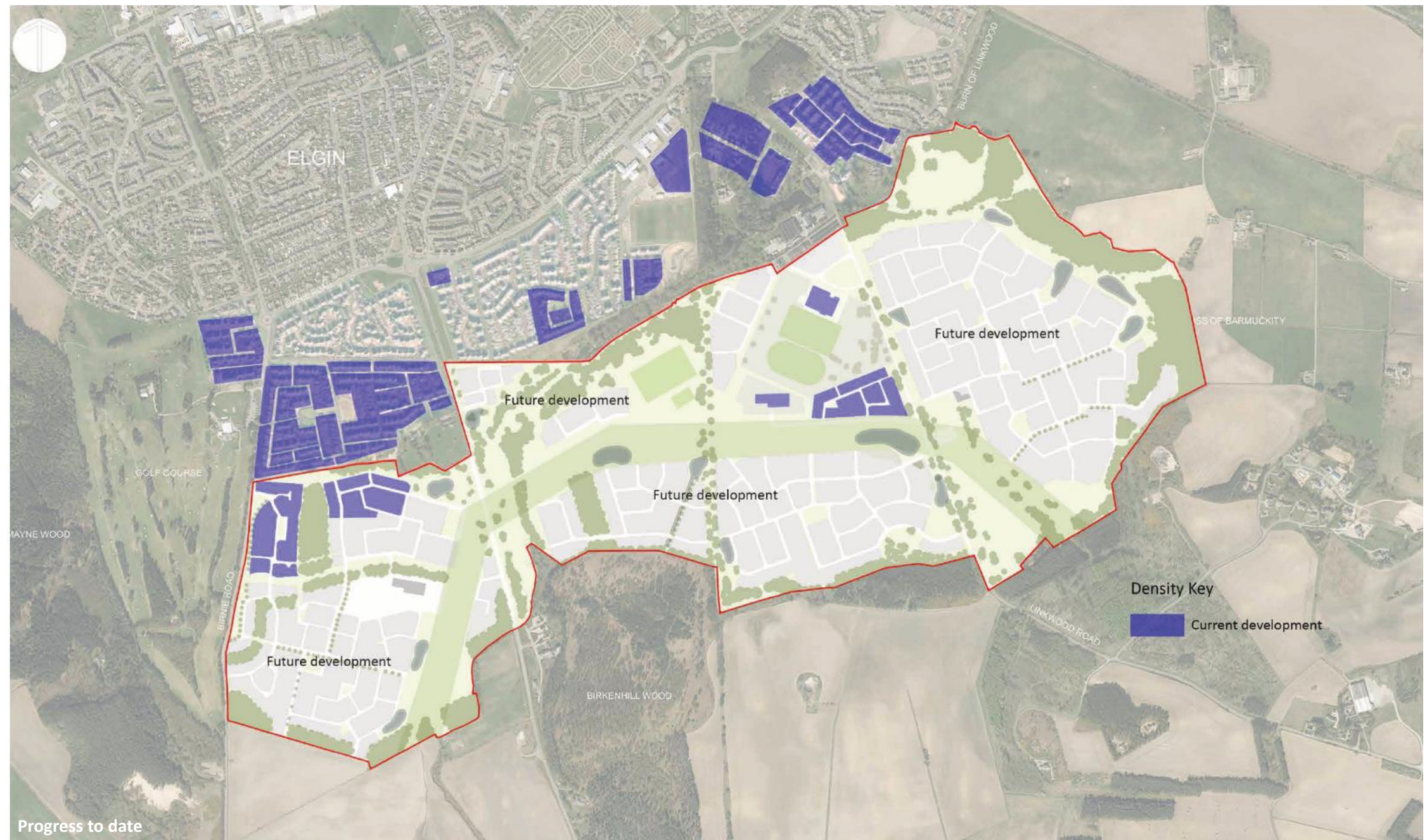


# 2.0 Elgin South – Progress To Date

At the time of this Masterplan Update, the Moray Sports Centre has been constructed and is operational.

The new Linkwood Primary School is completed and is open for the school year beginning in 2021. This, alongside the MSC ensures that Elgin South has a strong focus on community facilities, delivered early in the development, not just to serve the new residents but the existing population of Elgin and Moray.

Established developments to the north of the Elgin South site boundary including Linkwood and The Range are now fully completed and are recognisable neighbourhoods in the local area. Within Elgin South itself, the first residents moved in to their new homes in Crescent North in August 2020, now completed. Affordable homes in South Glassgreen have been handed over to the tenants. The next phase at Village Garden off Linkwood Road commenced in November 2020.





# Existing Development



Cladding to match the tree lined backdrop (Dunkinty)



Hard and soft boundaries (Dunkinty)



Active frontage onlooking green space (Crescent North)



Projecting and recessed balconies (Glassgreen South)



Typical house types and material palette (The Range)



Play park and central green (The Range)



Feature projections on to a shared drive (Linkwood Steading)



Bespoke frontage onto green space (Linkwood Steading)



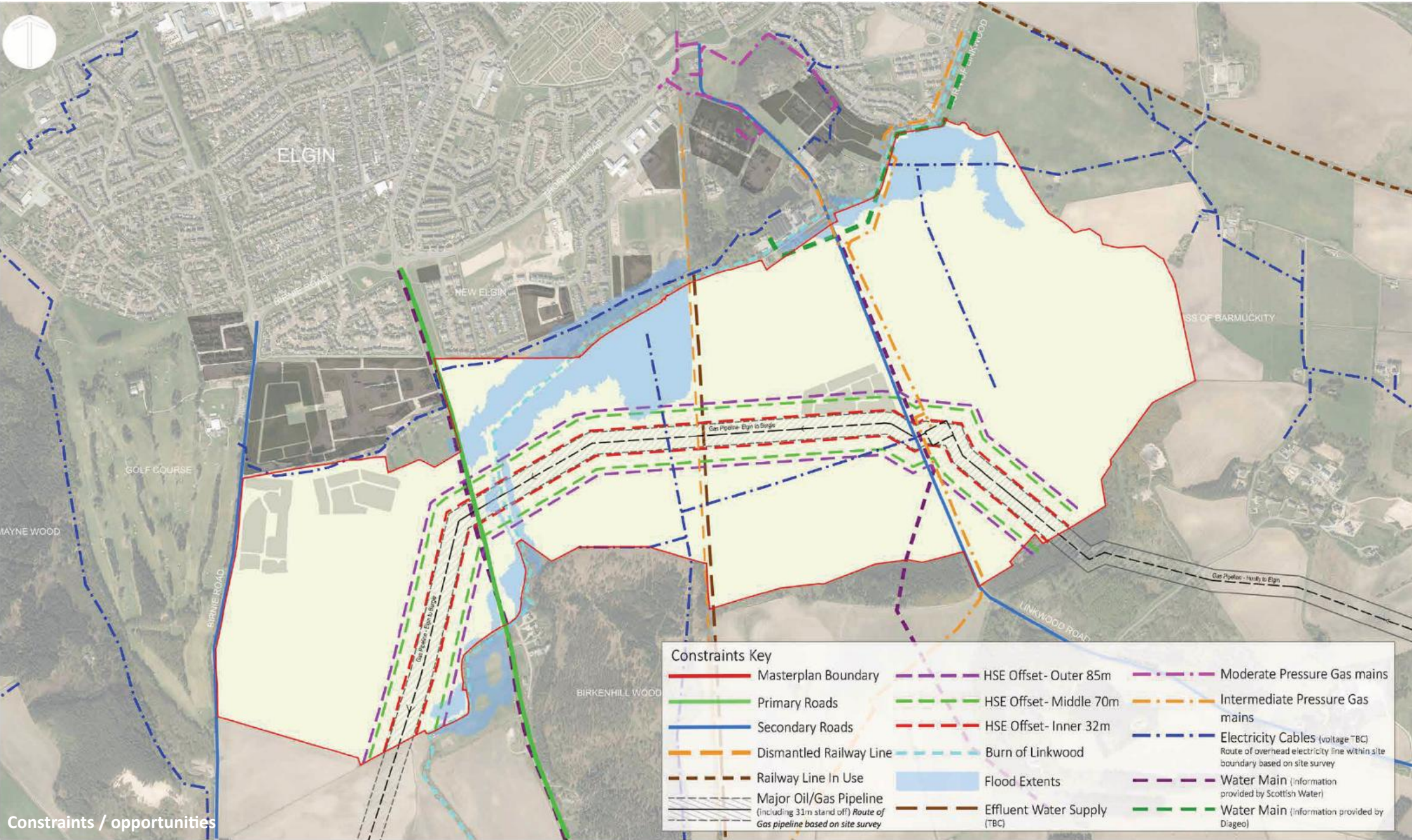
# Constraints / Opportunities

The design of the development has evolved as more information has become available – flood risk and pipeline standoffs primarily. As parts of Elgin South are constructed, the overall Masterplan layout can now be honed to reflect what is built, what is due to come forward and those areas more likely to be altered as a result of constraints, the enlarged school site at Glassgreen and other factors.

The existing former railway line will act as a spine for active travel along with the proposed ‘Arc Park’ which will run west to east. The extensive green fringes of the site will provide excellent natural amenity and recreational opportunities. The Linkwood Burn allows significant blue/green infrastructure to be created while allow opportunity to enhance the watercourse itself and improve its condition, along with others such as the distillery and other landowners.

Existing road and public transport routes shall form the basis of the infrastructure provision for Elgin South - significant improvements have already taken palce at Linkwood Road and also at Birnie Road. The A941 will be the focus of much of the development at Glassgreen. It is important that appropriate levels of roads fronted development creates residential development that is naturally traffic calmed to the benefit of residents and roads users alike.

Existing utilities capacities shall be reinforced and expanded. The gas pipeline will not be disturbed by any works or development at any time.





# 3.0 Revised Masterplan Layout

As part of this Masterplan Update significant work has been undertaken to 'sense check' the proposals. This includes updating the masterplan layout to ensure it better reflects parts of the site already constructed, being built or due for commencement.

The wider site layouts have also been subject to further design development to check constraints such as the high pressure gas pipeline standoff is correct, along with other infrastructure and services. Areas of South Glassgreen in particular have been revisited to update house type mixes and to incorporate an enlarged and reconfigured school site for the west.

Crucially the proposed phasing of the Elgin South development has been revisited and now aims to better reflect the likely build out of the site. Continuing to focus, at least in the short-term on the western Glassgreen village, after the completion of Crescent North, South Glassgreen and Village Garden respectively.

## Updated Masterplan – summary of changes from previous version

The most significant changes proposed to the Masterplan via this Update include:

- A review of the phasing, moving future phases to the east and those to come forward sooner to the west. Please refer to the updated Phasing Plan for further details;
- An enlarged second school site, increased from 1.8ha to 2.5ha is shown in Glassgreen village in the west. This is also repositioned marginally further southward to be located more centrally within the wider Elgin South site and to benefit better from road and active travel linkages. A range of neighbourhood retail, flexible commercial and community hub units ground floor units will be provided at The Square, close to the Glassgreen School Site and aims to provide a strong core focal point for the western village. Further details are provided later.
- The gas pipeline safeguarding zones required have been increased and this has led to changes to the





# Revised Masterplan Layout

developable areas across the three villages;

- The number of pipeline road crossings has been reduced to avoid costly and technically challenging engineering requirements.
- A review of flooding data points to slight increased areas of Indicative Flood Risk. This has had an impact on the overall layout of the site;
- The overall developable area has been altered to accommodate these constraints and requirements, with particular changes shown in the central village where pockets of development are reduced. The overall number of homes is unchanged at 2500 approximately due to increased densities;
- The overall number of roads has been reviewed and reduced recognising the A96 dualling route to the south and renewed push for active travel;
- An enlarged pipeline corridor or 'Arc Park' takes on renewed focus as the main active travel corridor to ensure choice of walking, cycling and wheeling. Elgin South is intended to be fully a '20 minute neighbourhood.'
- The shift in delivery away from the east to the west entails that a series of new planning applications will come forward in due course for the remainder of South Glassgreen, the former school site, Crescent South along with The Square/The Campus and Birnie Wood West. It is likely that between 50-60 homes per year will be delivered.
- A renewed focus on Placemaking via Character Areas is borne from the new requirements of the MLDP 2020, along with Biodiversity, Climate Change and Car Parking details to bring into sharp focus these key matters. The character areas have been reimagined and their total number increased;
- A Character Areas Manual forms part of the update showing how pockets of the proposed Elgin South development are to be broken down into several clearly distinctive and discernible 'places.'



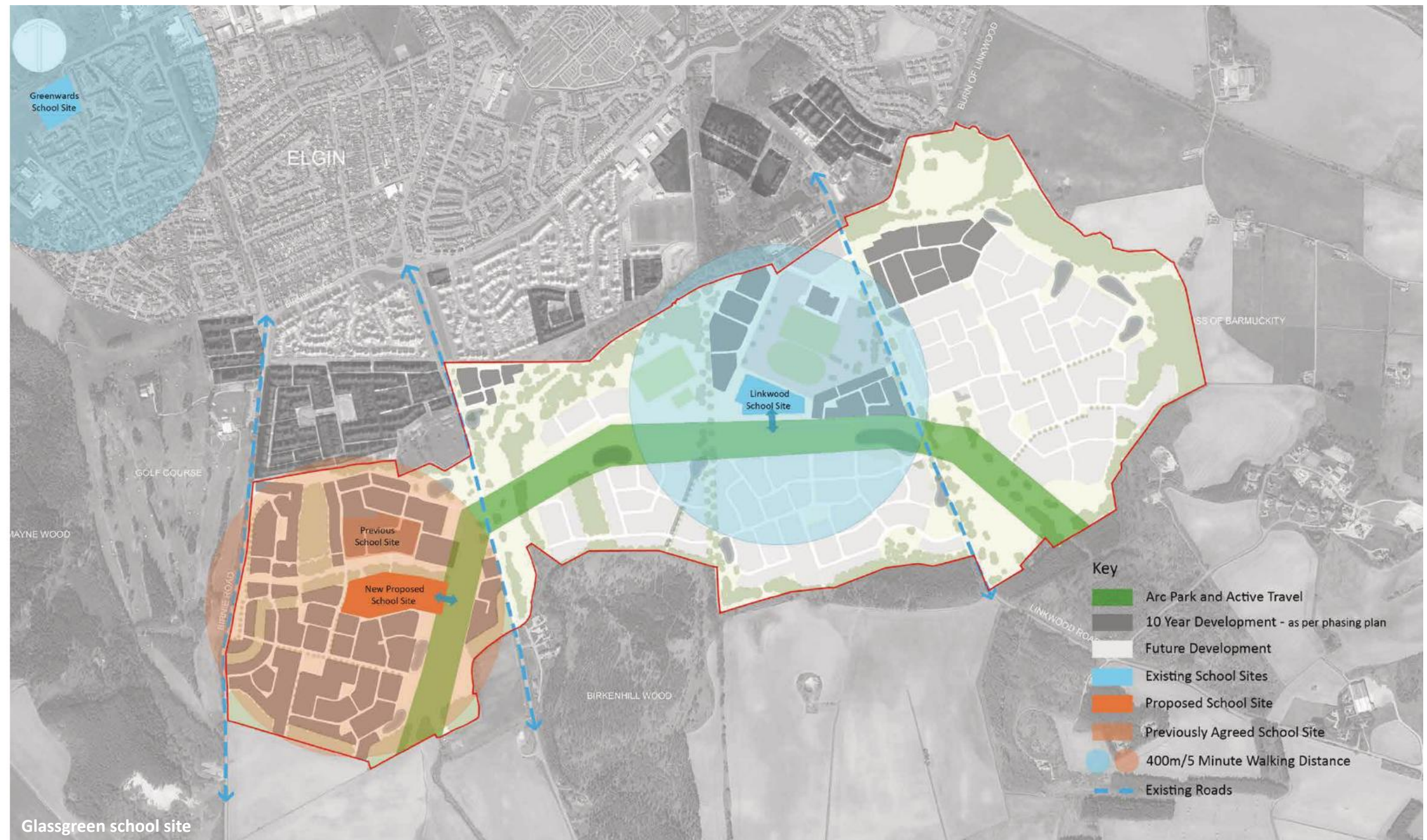


# Glassgreen School Site

As the proposals at Elgin South have come forward and the early phases commenced it has become apparent that there are several substantive reasons to relocate the school site at Glassgreen.

The Glassgreen School site is to be increased to 2.5ha to bring it in line with updated Education requirements and the site size requirements identified in the MLDP. The original Masterplan and extant first phase planning permission (16/01244/APP) indicated a site reserved for 1.8ha, as had been previously agreed. This increase to 2.5ha would bring it into line with the school site at Linkwood. By moving it south it would also be more centrally located in the Elgin South site and its likely pupil catchment. These likely catchments are not yet available at the time of writing and will be subject of the ongoing School Estates Review.

Measures to mitigate the crossing of the A941 Rothies Road will be advanced with Moray Council including Signalised Crossings where speed limits allow and a suitable Grade Separated Crossing outwith 40mph areas. These will be progressed in tandem with individual applications for Glassgreen Village.





# Glassgreen School Site

Moving the school site south means that it can be better accommodated later as future phases of development start, take shape and are completed. The delivery of Elgin South and the timing of that delivery has switched to the west and concentrated within Glassgreen Village. Landownership matters and ground condition challenges have led to us looking to deliver development earlier here with phasing refocused. Work is well advanced at South Glassgreen and will be continued to complete the balance of this area. Thereafter moving into other areas of Glassgreen including Crescent South, The Square and Birnie Wood West. A further application(s) for Birnie Wood East, The Campus, Lower Burnside and the new school site will follow on after this. This will likely be submitted in early 2022.

It is likely that the delivery of the school, which indications suggest may be required as early as 2026, subject to the outcomes of the School Estate Strategy, will coincide with the development at Glassgreen ensuring it has an established neighbourhood around it but crucially moving it means development can continue at a pace without leaving a land-locked school site in its midst.

Discussions have taken place with Moray Council on the relocation of the school accounting for these factors. Suitable ground conditions and safe access must be demonstrated and we will work with the Council on this. We recognise that the development of the previous school site will not be sanctioned prior to the suitability of the new proposed site being confirmed to the Council's satisfaction.





# The 20 Minute Neighbourhood

Elgin South will be a 20 minute neighbourhood. There is growing interest in creating places in which most of people's daily needs can be met within a short walk or cycle. The benefits of this approach are multiple:

- people become more active, improving their mental and physical health;
- traffic is reduced, and air quality improved;
- local shops and businesses thrive, and;
- people see more of their neighbours, strengthening community bonds.

'The idea of '20 minute neighbourhoods' has been gaining momentum for several years and is already being implemented in places such as Melbourne and Paris. Interest in the idea has grown as the COVID-19 pandemic lockdowns put a spotlight on the importance of the liveability of neighbourhoods, with people spending more time locally, working at home if possible, using public green space, cycling and walking instead of using cars and connecting with neighbours.' (TCPA)

This diagram shows main facilities and services - both proposed and existing, highlighting how Elgin South relates to existing areas of New Elgin, Linkwood and Duncansfield. Key active travel links and public transport routes will be enhanced and extended.



## 20 Minute Neighbourhood Key

<b>Local Facilities</b>	<b>Education</b>	<b>Green Space and Recreation</b>	<b>Development and Tenure</b>	<b>Connectivity</b>	<b>Employment</b>	<b>20 Minute Walking</b>
 Local Health Facilities	 Local Schools	 Sports Facilities	 Affordable Housing	 Walkable Routes	 Employment Opportunities	 1.6km/1mile Diameter
 Local Shops		 Play Areas	 Housing Diversity	 Safe Cycle Networks		
		 Green Streets	 Safe Streets and Spaces	 Local Transport Routes		
		 Community Gardens				
		 Allotments				



# The 20 Minute Neighbourhood

The 20 minute neighbourhood scenario is defined as including “higher density, mixed use development that targets access to public green space, a range of affordable house types, public transport and active travel. The higher density provides the critical mass to support local services and amenities to achieve a mixed use area that can help to reduce car usage.” (SG Improvement Service)

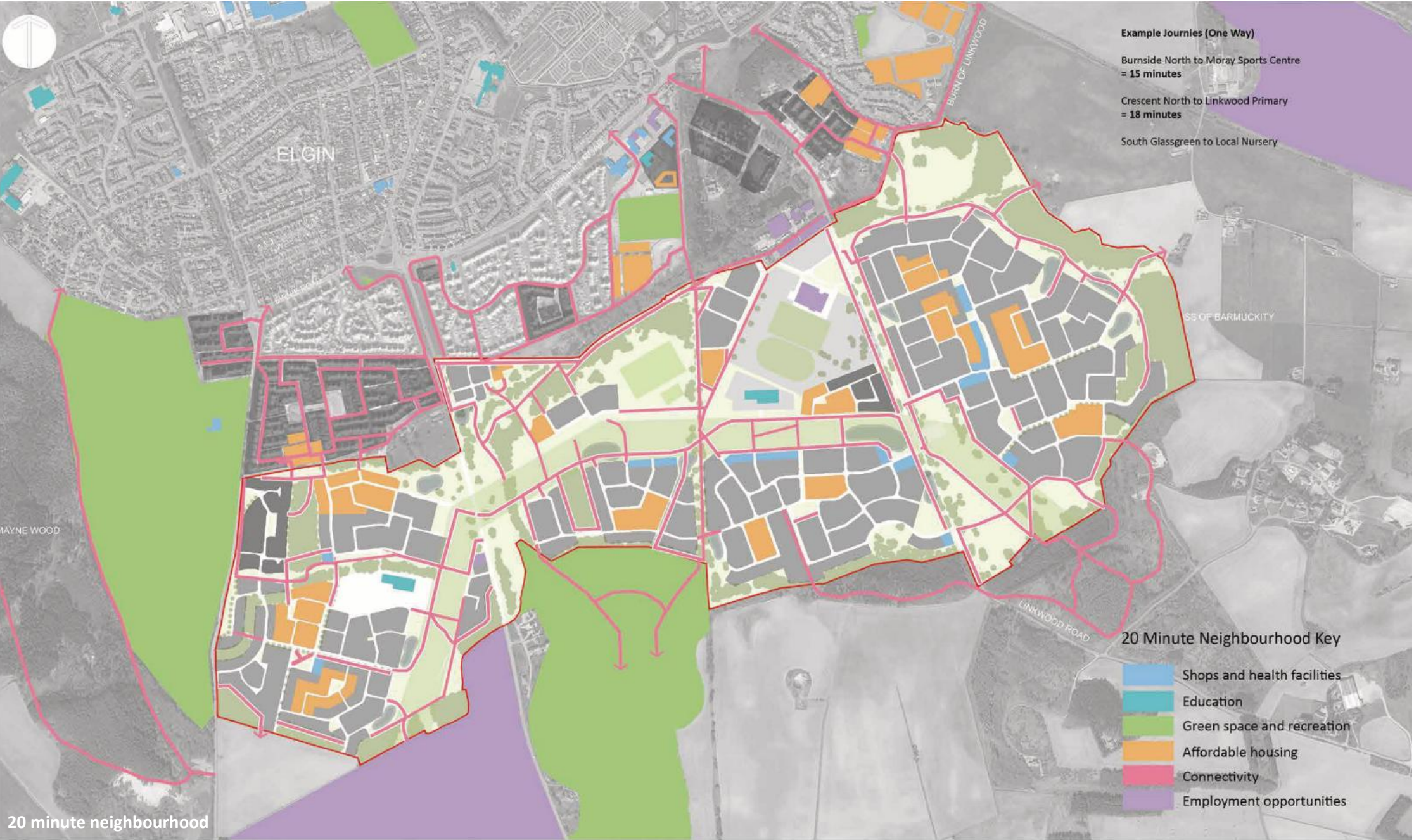
The concept of 20 minute neighbourhoods will be promoted by the forthcoming NPF4 due to be released in Autumn 2021.

Elgin South will promote higher densities to provide a critical mass of population to support local services and amenities within a walkable distance, and enable local business and employment opportunities – hence the ‘20 minute neighbourhood’. We recognise the need for more flexible space, hub and retail/community uses on ground floors to support mixed uses in the neighbourhood core areas and 3-4 storey buildings as mixed, part commercial and residential key buildings.



Features of a 20 minute neighbourhood

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# Mix of Uses

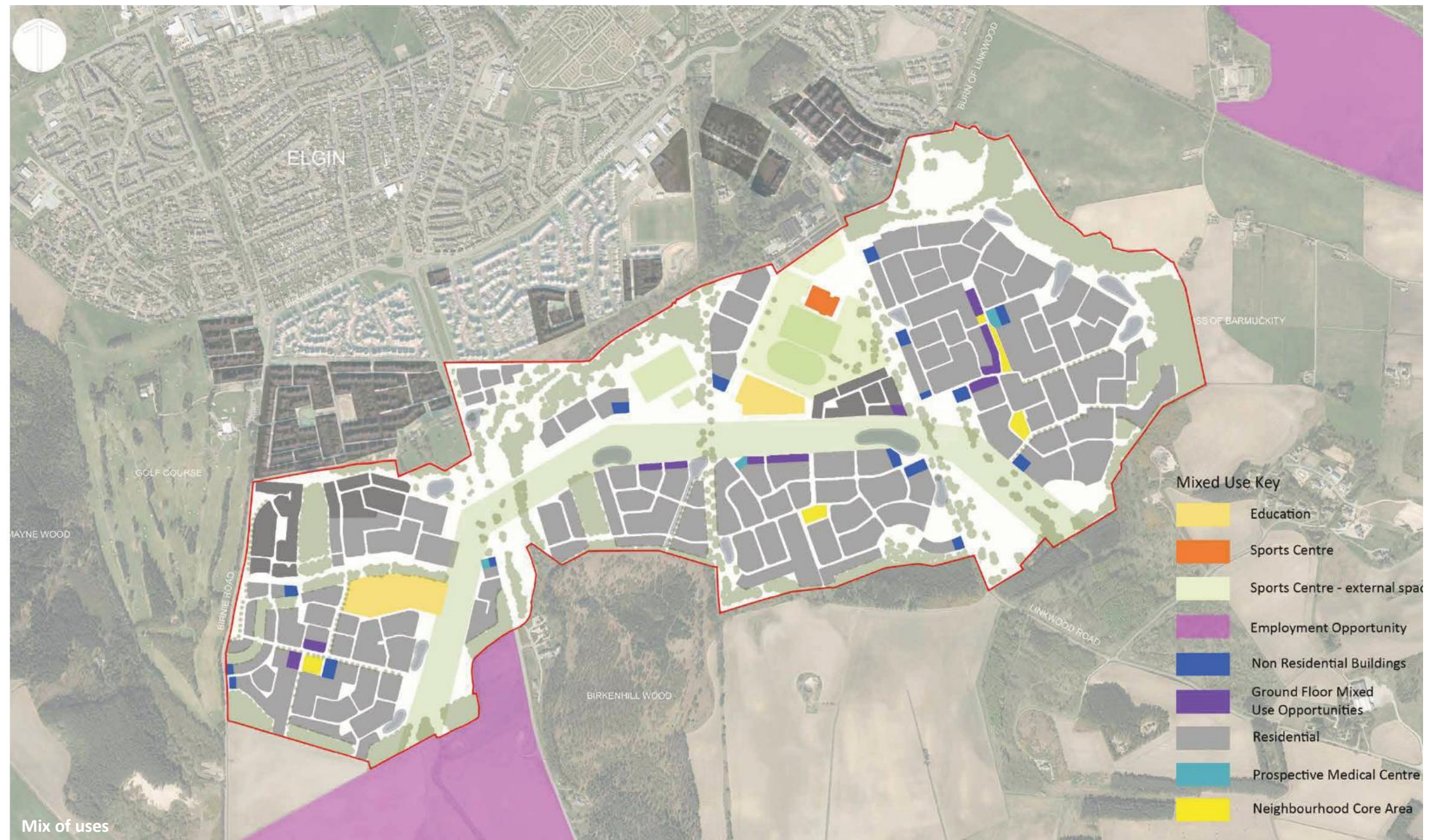
Potential mixed use buildings will be designed to have flexible ground floor spaces such that these can be adapted to residential uses if required. These buildings will be built for commercial uses first before residential uses could be considered in the event uptake is limited. The mix of proposed uses will encourage 24 hour activity and a vibrant mixed community where people live, play and work. All within a 20 minute walk or cycle journey time.

The eastern village core will ultimately include a mix of retail, commercial, leisure and community facilities which include the Moray Sports Centre. The new Linkwood Primary School is also located close to the Moray Sports Centre which sits to the west of Linkwood Road and is also within close proximity to the main footpath / cycle path connections running north-south. These may share complimentary facilities including sports pavilion and multi-use sports pitches. A second primary school site is identified and located to the west. Consideration is also being given to provision of a Health Centre (location to be agreed with potential sites shown).

Potential mixed use buildings in western areas will be designed around The Square village core area. Glassgreen will be close to the existing golf course and driving range, Birkenhill Wood and local shops at Springfield Road. Nursery facilities, playparks and schools are all close at hand. Access to greenspace and parkland will also be nearby.

A number of key building are to be identified. These typically include distinctive buildings like the schools, Moray Sports Centre, prospective health centres and other feature buildings which will be located within the village core areas. However, in general, key buildings may also be highlighted by a mix of the following:

- location and orientation;
- massing, form or height
- material change, colour or contrasting emphasis;
- elevational or gable emphasis or accent, such as projection, recess or balconies;





# Access and Connectivity

## Network Hierarchy

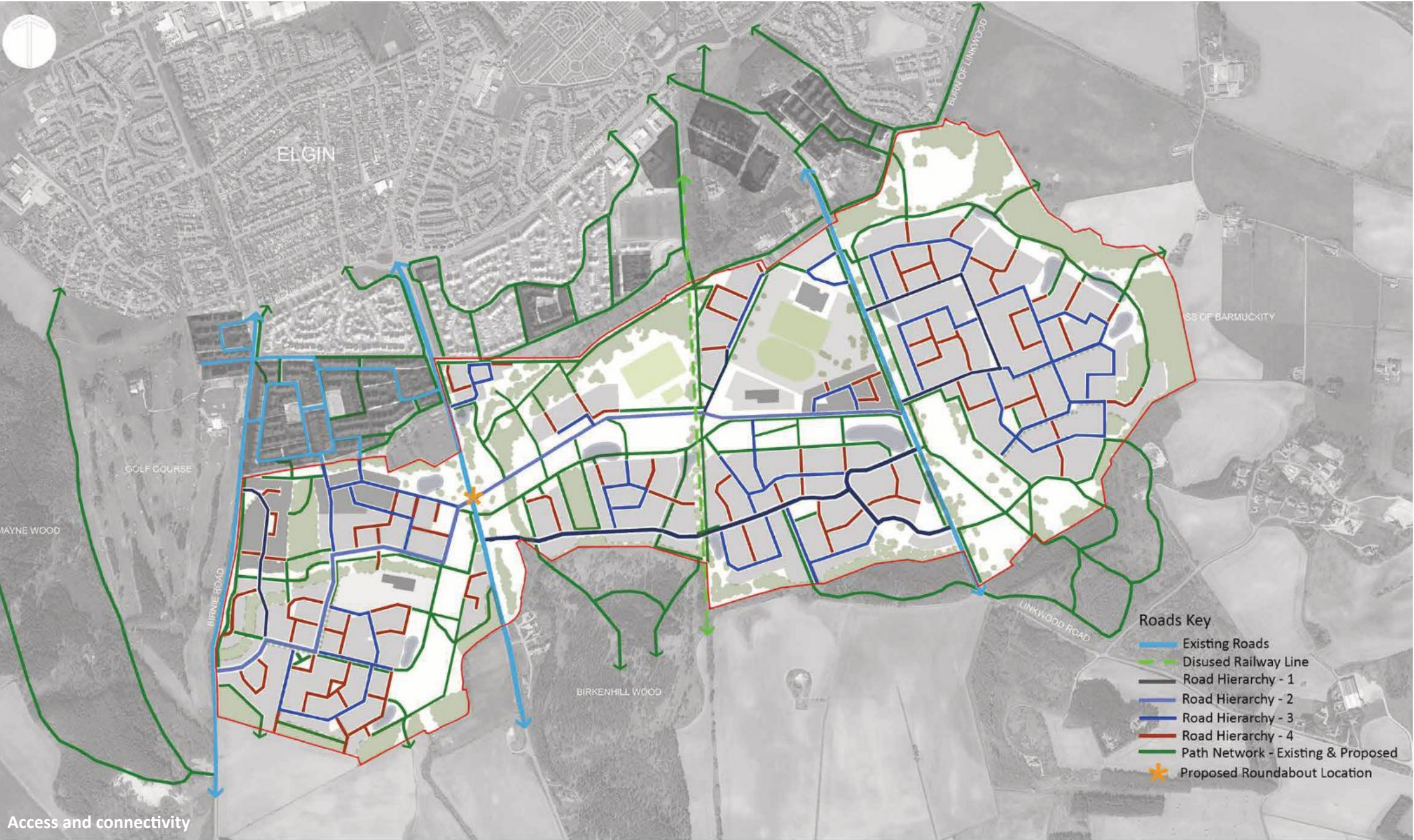
Please note that detailed provisions relating to roads and transportation should be cross-referenced back to the original 2016 Masterplan document.

In developing the transportation aspects of the masterplan careful consideration has been given to ease of access and circulation by a range of travel modes. This has been achieved through early recognition in the design process of where future residents and visitors will want to walk and cycle to/from, such as schools, leisure and sports facilities, community facilities, public transport hubs, local shops and parks/open spaces. This ensures that the area encompassing the masterplan is both easy to access and easy to get around, which helps to create a strong sense of place. Importantly, the Elgin South masterplan is not seen as a separate community, rather it will be an integral element within the wider urban area.

Accordingly, an important component of developing the access strategy for Elgin South is the development of safe, direct linkages, particularly those which promote sustainable modes of travel. Such linkages shall connect the masterplan area to both the current southern boundary of Elgin, but also developments such as Linkwood Steadings and The Range. Furthermore, the masterplan also considers further future potential expansion of Elgin by creating new opportunities by connecting the masterplan area to areas beyond its immediate boundary. Existing connections can be fully taken advantage of to ensure that this is done.

Within the masterplan area a street hierarchy has been developed that considers pedestrians first and private motor vehicles last. This is in keeping with the Scottish Government policy document ‘Designing Streets’, and is one of the core principles contained within the document. This approach ensures that trip making by pedestrians and cyclists is given priority over all other modes of travel.

The street pattern will provide a range of street types, each designed to satisfy its role in the movement





# Access and Connectivity

framework, and by the design and arrangement of streets the layout will influence preferred route choice and mode of travel. As stated in Designing Streets, “Conventional cul-de-sacs are strongly discouraged. The preference is for networked routes and spaces which connect new residential and mixed-use areas together and link with existing development forms. Short cul-de-sacs may occasionally be required because of topography, boundary or other constraints.” There may be limited exceptions to this principle, particularly on the outer edges of certain character areas where development fronts onto green or woodland edges to reflect the transition from an urban to rural surroundings. In such instances, cycling and pedestrian linkages will always be provided to maximise permeability and connect natural desire lines.

In terms of both cul-de-sacs and shared private driveways, measures to address space requirements for bins and access for refuse collection vehicles will be addressed. Appropriate distances to bin collection points will be accounted for in all cases.

The internal masterplan road network will be designed in such a way as to naturally reduce traffic speeds, with residential streets designed to be capable of becoming mandatory 20mph zones. Reductions in vehicle speeds will be achieved through the positioning of buildings, location of street furniture, tree and shrub planting and surface changes rather than through vertical traffic calming measures.

## A941/A96 linkages and evidence base

The phasing and delivery of the road linkages associated with the Elgin South masterplan, including the road link between the A941, the now operational Moray Sports Centre and the connection to the A96(T) interchange, will be informed by a detailed traffic modelling exercise which considers vehicular movements across the wider Elgin area. A Transport Appraisal will identify the timing of future E-W connections throughout the site and to the wider area.

## Birnie Road/A941 principles

Since the adoption of the Masterplan, the preferred alignment of the proposed A96(T) ‘Dualling Inverness to Aberdeen’ highway scheme has advanced and been confirmed by Transport Scotland (TS). The Hardmuir to Fochabers section, which includes Elgin, has been aligned such that it runs along the southern boundary of the existing built-up area. A proposed interchange between the trunk road and the local road network is to be located south of the proposed masterplan area. This will take the form of a raised embankment and cutting, sited within the Birkenhill Woods.

This new interchange will undoubtedly offer improved accessibility between the masterplan area, the newly aligned A96(T) and the wider region, but it is also expected to result in an increase in the volume of local traffic movements along the A941 Rothes Road. Despite this, the proposed by-pass will bring significant benefits in the form of helping to reduce traffic volumes through central Elgin, with subsequent improvements in road safety and air quality for residents and visitors alike.

The precise location of a new roundabout junction on the A941 shall be reviewed to ensure that it has sufficient spacing from the existing junctions to the north and the new A96(T) Elgin South junction, but also the high-pressure gas pipeline and flood risk extents associated with the Linkwood Burn.

The future design and treatment of both Birnie Road and the A941 must successfully achieve self-enforcing speeds for vehicles. Detailed development proposals will identify potential solutions as to how this could be achieved in accordance with the key principles set out below.

A single design solution is highly unlikely to have a significant enough effect to achieve a self-enforcing speed limit over the extent of the development frontage. Measures required are likely to include a combination of development frontage, junction and crossing features, road alignment, landscaping and visual design features taking into consideration the status of both routes and



the existing high proportion of heavy goods vehicles using Birnie Road.

Detailed development proposals will also comply with the following key principles for Birnie Road;

- The relocation of speed limits and the introduction of a reduced speed limit can only be supported if measures are designed and provided to encourage lower speeds.
- Birnie Road must have a 6.0 metres (minimum) width from the southern extent of the Masterplan area to the Sandy Road roundabout.
- A 3.0-metre-wide, off-carriageway active travel route on the eastern side of Birnie Road will be provided.

To the south of the Golf Course access junction, a 2.0m wide verge will be provided on the western side of road.

- The operational capacity of Birnie Road is to be designed to reflect the additional travel demand associated with proposed development.

The relocation of speed limits on the A941 can only be supported if measures/development are designed and provided to encourage lower speeds i.e. frontage development. If no change to the national speed limit is proposed then accesses/roundabout and bus infrastructure would need to be designed on the basis of the national speed limit.

Previous extents of internal roads are to be rationalised



# Access and Connectivity

to reduce costly pipeline crossings which are discouraged by Scottish Gas Networks. This in turn allows for a more enhanced Active Travel Corridor on the pipeline route which will not be broken by roads. This also recognises that the A96(T) dualled route will permanently alter the nature of the area. Traffic modelling and an updated Transport Strategy are provided – see Appendix xx TBC.

## Linkwood Road

To date, significant upgrading works including a new pedestrian bridge, pedestrian crossing and road widening/other improvements works have taken place. These ensure that the road is now suitable for increased rates of traffic associated with the MSC and Linkwood Primary Schools. Further works will take place related to further development in the eastern villages as required.

## Elgin South Road and Infrastructure Delivery timings

### Linkwood Village V1

- Linkwood Road widening and improvements – part completed;
- Linkwood Road active travel routes and bridge crossing – completed;
- Linkwood Road replacement bridge – commencement of 476th house accessed by Linkwood Rd.

### Easter Linkwood V2

- Linking Road Hierarchy 1 routes – as per development phasing;
- Bus Route west – east – as per development phasing;
- Arc Park and other green travel works (Public Access Plan)– as per development phasing

### Glassgreen Village V3

- Glassgreen Village serviced school site – TBC with Moray Council - expected 2027 opening
- Former railway line improvements – completion of Birkenhill Woodedge
- A941 priority junction– 51 SGG house completion – expected Summer 2022
- A941 Roundabout – west and east development

trigger - expected 2030

- A941 Grade Separated active travel crossing – completion of 100th house at phase 1C- expected 2025
- Birnie Road widening and improvements – part completed remainder Crescent South access opening;
- Birnie Road active travel routes - completion of Lower Burnside – expected end 2028;

## Active Travel

A renewed shift towards active travel for everyday journeys and the arterial cross site routes via walking or cycling is presented. Pedestrian and cycling permeability through the masterplan area is an important consideration to ensure a well-connected network of routes that relate to the key desire lines for users. This is exemplified by elements such as the pedestrian/cycle path ‘spines’ using the alignment of the now disused railway line and the east to west green corridor.

Public transport will be able to be extended and/or diverted further into the site as development proceeds. The aim to encourage and increase sustainable and active modes of trip making is highlighted in the Moray Local Transport Strategy and the Moray Local Development Plan (MLDP) 2020.

The active travel route shall be focussed on the Arc Park and shall connect the greenspaces of Elgin South to the Moray Sports Centre, Linkwood Primary School, Glassgreen Primary School site and the residential areas. Active travel links are, where possible, intended to provide for all abilities and ages ensuring equality to every resident. Please refer to the updated Public Access Plan – this shows potential for crossing Linkwood Burn will be explored for core path EG60.

Public transport routes will be provided through the heart of the new character areas along the primary routes. The various new neighbourhoods will also be well connected to the existing surrounding cycle network by 3m cycleways and footpath network by 2m footpaths. Strong and safe connections through areas of open space including the west to east – traffic calming, self-enforcing speed limits and appropriate

road crossings including Grade Separated Crossings, as required. This should encourage people to walk and cycle across the A941 to work and create a truly walkable neighbourhood. These routes and network improvements shall be implemented at an agreed interval when relevant development phases are coming forward.

For further details on Linkwood Road and other elements please refer to the original 2017 Masterplan and the updated Transport Strategy.



A941



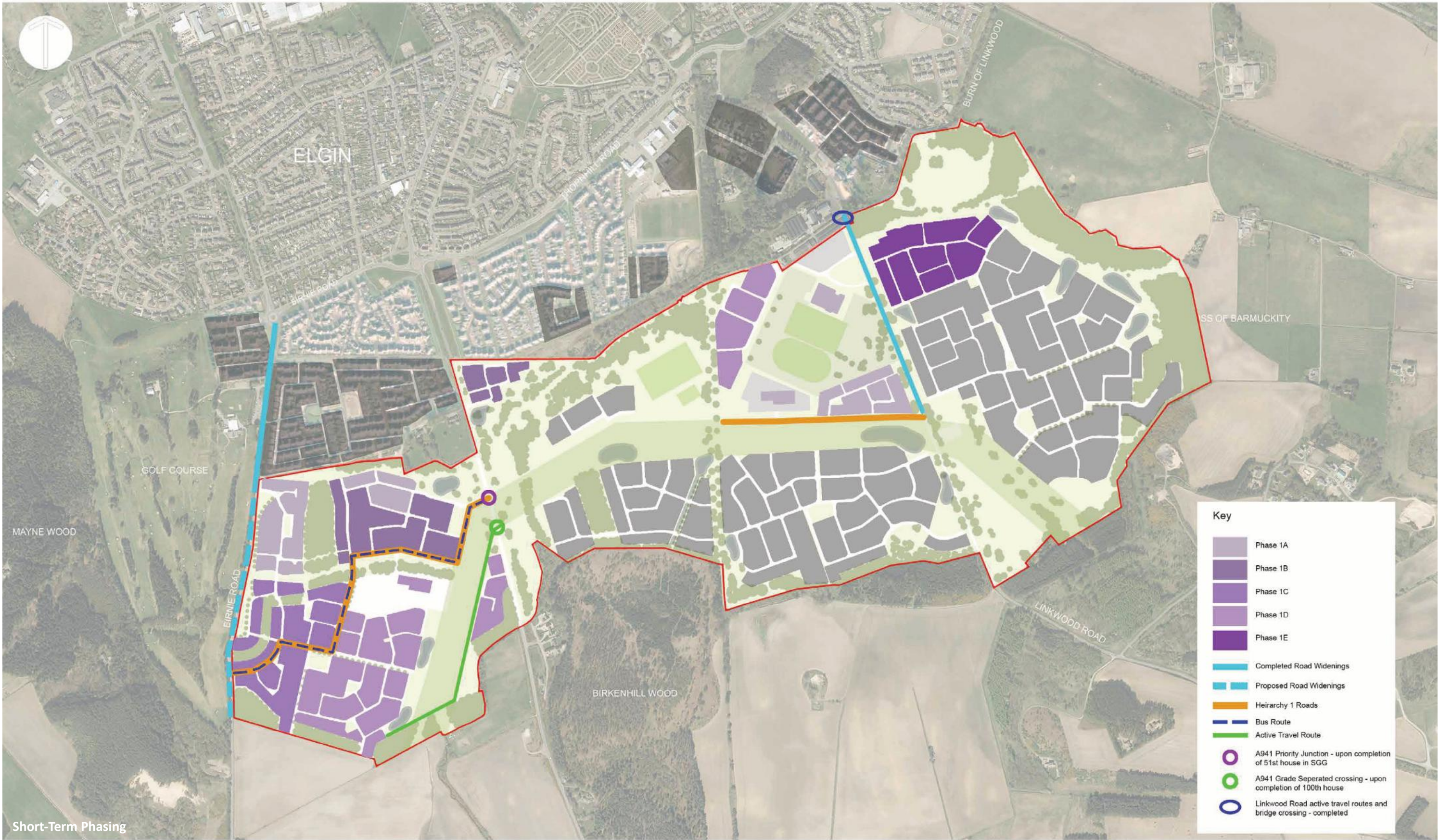
Disused Railway Line



Active Travel Route



# Access and Connectivity





# Access and Connectivity





# Access and Connectivity

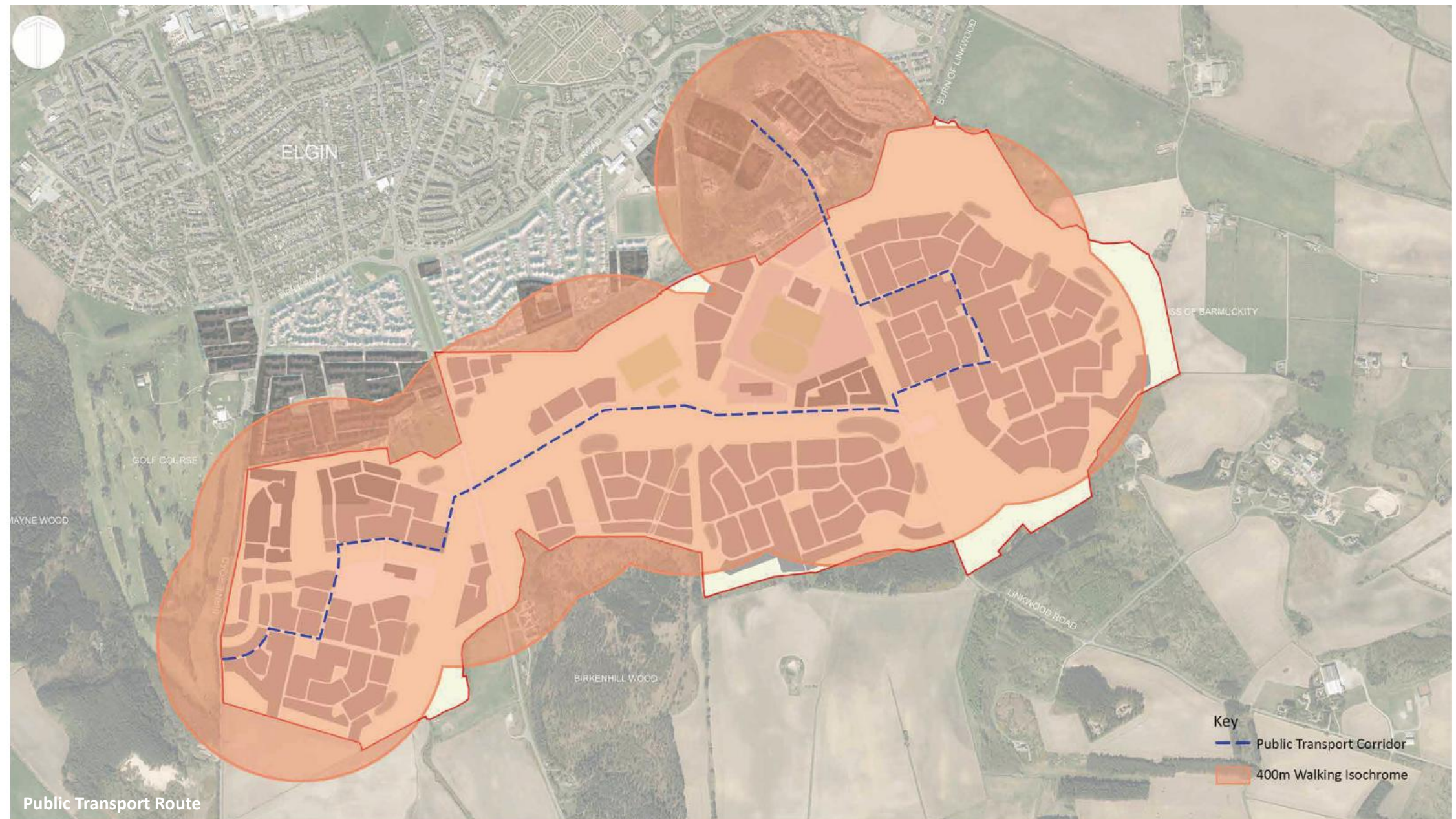




# Public Transport

The existing public transport network to the north of Elgin South passes through existing residential areas around the city centre, along Thornhill Road and Reiket Lane. The Masterplan identifies a new bus route through the development, running along the Primary Streets – with an established new route along Linkwood Road to the MSC, while others utilise the A941 Rothies Road. A route will be provided that bisects the site from west to east via the internal roads at 6.0m width. These routes will be extended to ensure that all residents of Elgin South will live within 400m of a public transport stop, the guideline distance set out within Scottish Planning Policy. Bus routes should be designed to cater for 12m buses, be informed by swept-path analysis with roads and straighter alignments for easier passage for buses. The right balance will need to be struck between facilitating bus access and discouraging larger vehicle traffic ‘rat running.’

It is to be agreed between Moray Council, Springfield and the Bus Operating Company that the most likely initial service to be introduced in to new areas of the development would be through the diversion or re-routing of the existing 33A/C service.





# Density

A broad mix of scale and massing will be provided within the approximately 2,500 no. homes planned.

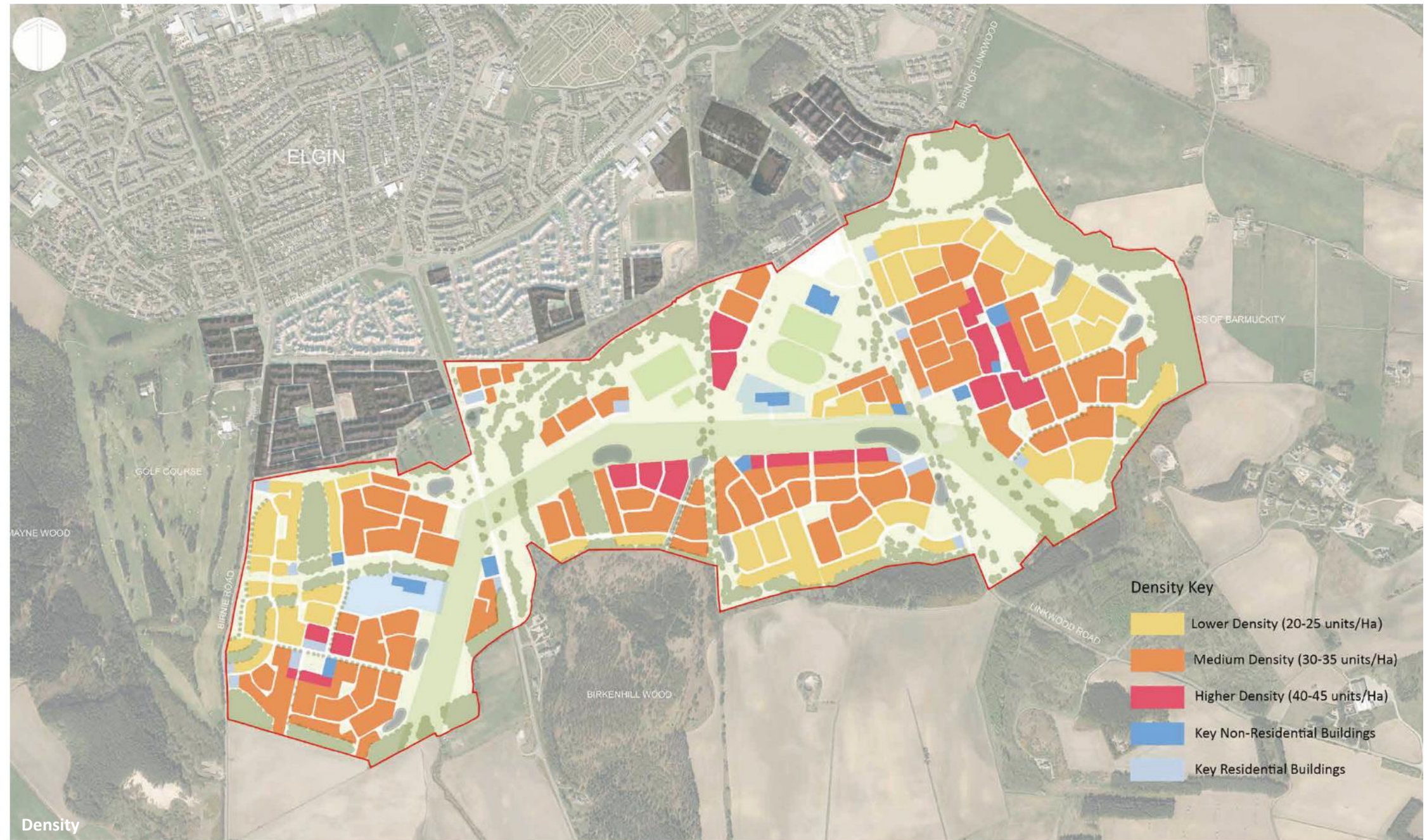
Higher built form follows the principle streets and reinforces gateways into the settlement. The higher edges and areas will include a diverse mix of uses.

Joined up or terraced forms are located close to the principle streets with semi-detached and linked detached housing along secondary and tertiary streets. Individual houses are proposed for the woodland edges.

Scale varies from 3 storey along parts of principle streets to predominantly 2 storey with some 1.5 and 1 storey at the edges.

This broad approach allows for a range of house types to come forward in a number of phases, including terraces, apartments, detached and semi-detached houses. These can be delivered across the masterplan to meet different market demands. In addition, feature buildings at key locations include the Moray Sports Centre, Linkwood Primary School and various other community facilities.

Given the variety of densities, a wide range of house types is proposed. The proposed house types will continue to be flexible to allow for an adaptable and mixed-use development over time.

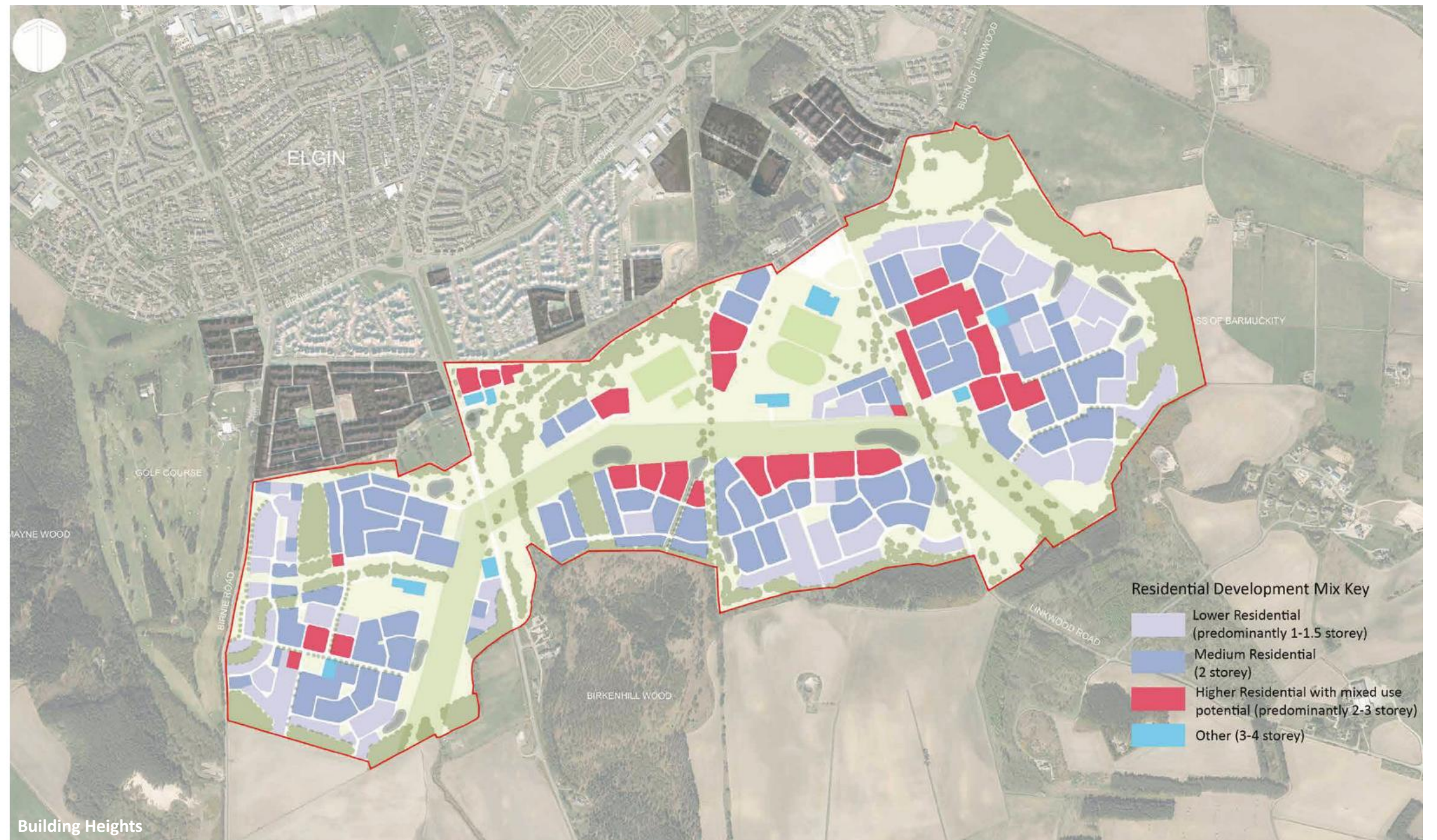




# Building Heights

The site is naturally divided into three sections, which each portray an individual density structure. Each section is determined by the surrounding infrastructure, built environment and wider context which, together with a mix of uses, will collectively create a diverse architectural character.

In terms of scale, the higher density areas will form up to 3 storeys, gradually decreasing to primarily 2 and 1.5 storey round the perimeters of the site but also including single storey housing in areas as appropriate.





# Frontages

Key buildings highlighted on the earlier Mixed Use diagram are located throughout to identify potential community hubs. The buildings themselves will be flexible and be able to provide a mix of uses to accommodate future community uses/needs.

The proposed layouts within each character area includes a mixture of positive and active public frontages along with private areas. These fronts mainly act as part of the entrance into each site or principal thoroughfares and along roads, pavements and cycle paths. The idea is to provide a positive frontage to each of the character areas to provide outward, site sensitive development and to continue those strong frontages through into the development areas.

The frontages will visually engage with common open spaces, streetscenes and other public realm areas ensuring security in terms of overlooking and passive surveillance of public space. Where these front onto road, where practicable they will be set at a level that ensures that the road is not higher or lower to achieve better driver behaviour. Direct access properties would also assist with this.

Key buildings and dual fronted 'corner turners' will be utilised to ensure properties look distinctive and are responsive to their context and outward looking. Each key building will have a distinguishing colour palate and boundary enclosures to provide way markers.





# Affordable and Accessible Housing

Elgin South will provide affordable housing in line with the 25% proportion of all homes as required by SPP and the MLDP 2020. This housing will be provided on-site and will be distributed across the masterplan area, at locations as indicated below and integrated so as to ensure a 'tenure blind' fashion. The type of affordable housing will be determined on a site-by-site basis in discussions with Moray Council.

Mixed tenures will be provided to create a mix of households available for potential residents from apartments to larger family homes and bungalows.

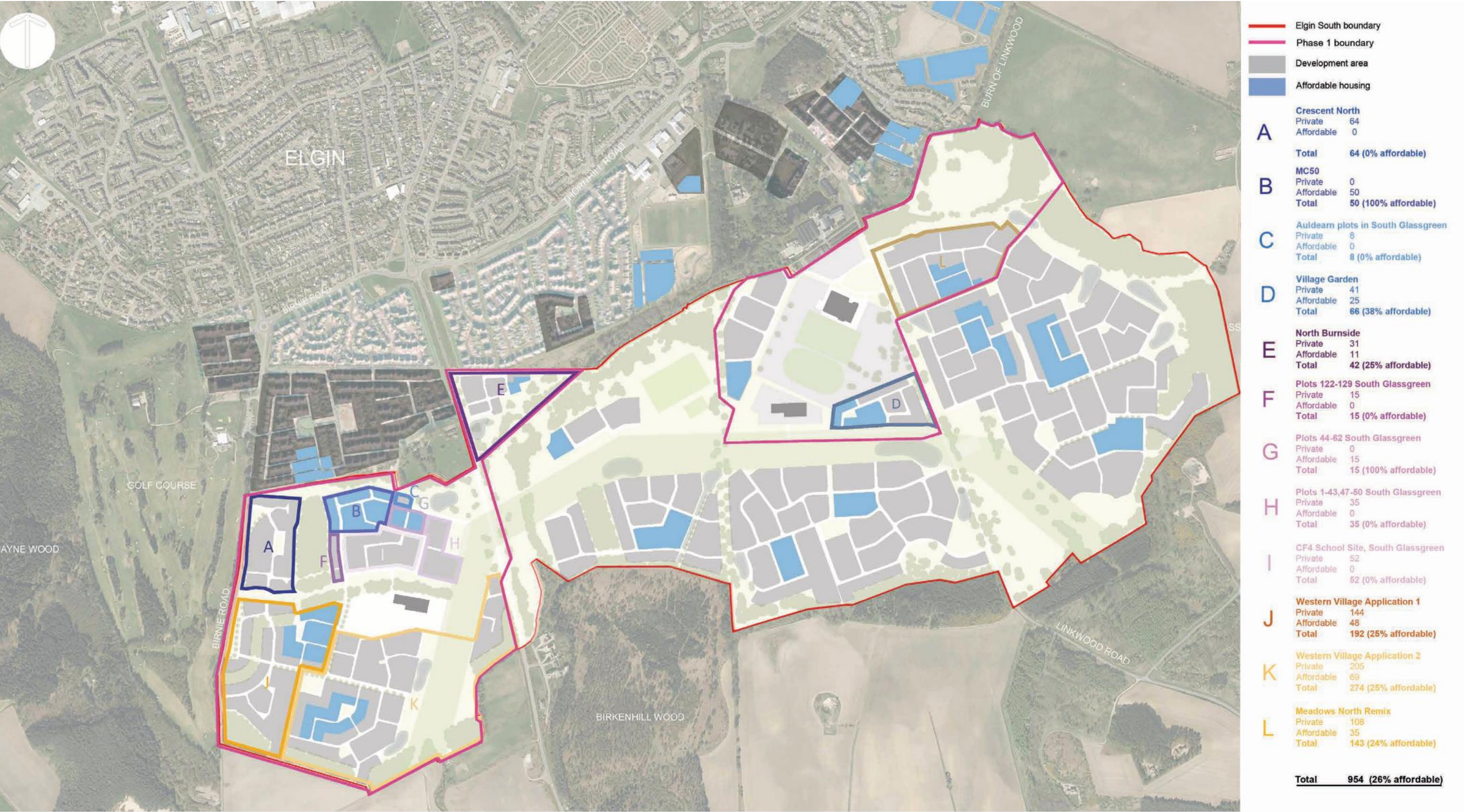
Accessible Housing will be provided for 10% of private market housing to be made up to wheelchair accessible standard.

All housing will have shared access to the same level of amenity, distance to facilities and site active travel infrastructure.





# Affordable and Accessible Housing





# Parking Strategy

## Parking

All car parking is to be in line with Moray Council Car Parking Standards. We note the MLDP 2020 requirements that 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.'

Parking is predominately provided to the rear of building lines, through side drives or parking in courtyards to ensure parked cars are as inconspicuous as possible. This is set behind building lines insofar as possible. Mitigation in the form of varied mature hedging, semi-mature trees and boundary treatments is proposed for screening.

Parking for flats or commercial units is indicated as a maximum row of 4 spaces, broken up by areas of planting. Any associated visitor parking is located close to flats.

## Electric Vehicle Charging

All car parking shall be future-proofed to facilitate the uptake in EV vehicles. EV charging equipment is to be fitted in all houses as standard in line with MC requirements to be conveniently accessible, easy to use and safe with charging points within house plot curtilages. In communal areas then access will also be provided, including visitor spaces and car share, as required spaces. Electric car charging points will be provided at all commercial and community parking facilities.



Garage and front parking



Side parking



Shared surfaces



Parking courts with landscaped buffers



# 4.0 The Landscapes of Elgin South





# The Landscapes of Elgin South

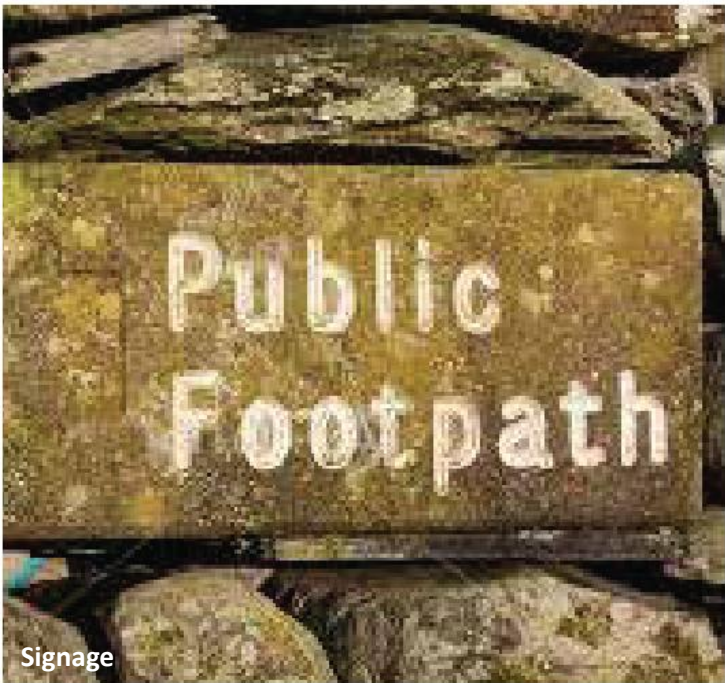
The Landscapes of Elgin South illustrates the broad range of landscape character areas that will be promoted as an integral part of this development strategy. These form the focus for a broad range of formal and informal activities and leisure pursuits with more formal sports activities focused around the Moray Sports Centre and Central Park linked via the Arc Park and other networks of paths and green corridors to more informal landscapes which will be seen to frame the overall development form. These will be maintained by the developer.



Woodland routes



Linear park landscaping



Signage



Natural playpark



Open amenity space



# Hierarchy of Open Space

The openspaces of Elgin South are intrinsic to its fabric, offering amenity, recreation and exercise alongside biodiversity, landscape and nature opportunities. They will provide an essential interface with the environment and community. They will include formal gardens, wildflower meadows to wetlands and riparian walks. The hierarchy of spaces offers the following:

## Central Park

A large expanse of open space within Elgin South has been identified as a 'Central Park.' This will function as a neighbourhood park and be delivered alongside The Avenue character area. This will extend from the middle of the development to the north and into the Linkwood Burn river corridor providing scope for a broad range of activities and interests to the benefit of the wider community. The Central Park will form the community focus to Linkwood Village and beyond. The design of the park will follow on from a further consultation process however, it is considered that its character and quality would draw upon the quality of the local environment. The form and delivery of this large-scale asset is one for discussion between Springfield Properties PLC, Moray Council and other community partners. A Community Transfer model or other solution could be explored to hand over the whole area or parts to the community. It is recognised that no burden shall be passed onto Moray Council. The delivery of this would be dependent on the delivery of further areas of development in the central and eastern villages.

## Linear 'Arc' Park

There will be a clear hierarchy of publicly accessible open space provided across Elgin South, from pocket parks located across each of the villages through to the central East-West Linear 'Arc Park', potentially accommodating various leisure uses, including allotments, sitting out areas, informal recreational areas and gardens. This east-west Linear 'Arc Park' will form the backbone of the whole development and from this all areas of the development form will be accessible, including public transport facilities. Enclosed and managed open space facilities have been and will continue to be provided within the two primary school sites as well as the Moray





# Hierarchy of Open Space

Sports Centre, the latter of which is to be seen as a major asset to Elgin and the wider region.

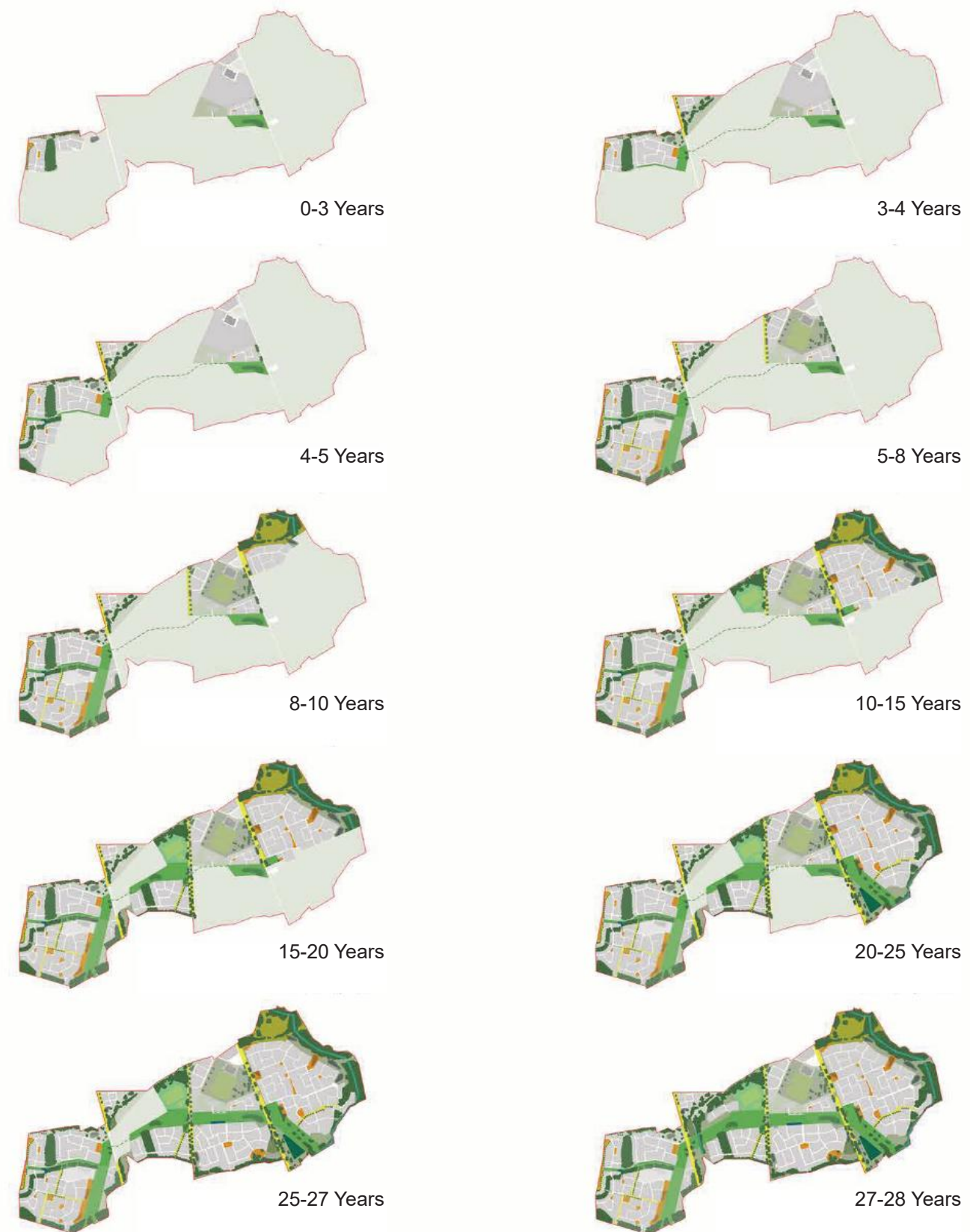
## Site Fringes and Margins

These areas will be managed for more informal recreation with grass mown paths, allotments and wetlands. These will allow nature and biodiversity to become one of the focal points of Elgin South. The 'Linky' and its mature woodland bordering the watercourse will continue to be a focus of the area with modest improvement and enhancements to increase access and to account for higher use.

## Advanced Planting and Open Space Programme

The areas of advanced planting identified shall be delivered as per each related phase. Thereby planting at Glassgreen village will need to be implemented in due course to establish and frame the development. Open space areas similarly will correspond with adjacent phases of development. Please refer to the Phasing Plan for details.

It is envisaged that the Arc Park and Central Park will be delivered in incremental phases as development reaches into the middle areas of the Elgin South development. Local parks and open space will be delivered in South Glassgreen and North Burnside as those phases are constructed. Open space including a play park has been delivered as part of the Linkwood Primary School and Moray Sports Centre in the east. Please refer to the Phasing Plan for details. We are committed to providing appropriate levels of usable open space for residents and other users proportionate to the level of development progressed. Suitable triggers to bring forward the more strategic open space elements are to be agreed with Moray Council prior to construction. Playparks will be installed, maintained and inspected at the developers expense.



Delivery of Open Space



As part of the 'sense-checking' of the development proposals the broad indicative location and size of the SuDS facilities has been updated.

These will require to be designed to be part of multifunctional blue/green open space, adding to overall biodiversity of the landscape and placemaking of Elgin South. Final layout, configuration and engineering design of the SuDS will be informed by each phase coming forward to meet the requirements of the Council and SEPA. This will include swales, rain gardens and ponds as appropriate to ensure a network of solutions. Linkwood Burn enhancements and environmental schemes will come forward related to respective phases.

There will be a strategic approach to surface water management throughout the masterplan area, developing a blue/green corridor with measures that comply with the principles of the CIRIA C753 Manual. In regard to seeking environmental enhancements and promoting place making, in addition to ensuring water quality, these features should actively promote biodiversity.

SuDS facilities maintenance responsibilities will be dependent on siting and location. Roadside SuDS will typically be Scottish Water, by agreement. Springfield and Screen Autumn will maintain all other elements.





# Wayfinding and Public Art

Wayfinding is a key aspect of the placemaking approach taken in the design of the Masterplan for Elgin South and this has been achieved through several means.

Firstly, an easily understandable network of roads and paths that creates a logical movement pattern. These form a hierarchy from the main spine roads, running both north-south and east-west, through residential access roads and on to lanes and shared access courts. Memorable buildings and ‘vista stoppers’ that close views or act as focal points further add to the legibility of the street. Good linkages to the MSC, schools and new cemetery will be clearly marked. Natural features and the existing Elgin South environment will form the backbone of the path network. We will reuse existing structures where possible in the formation of these trails.

In broad terms much of the wayfinding trails and public art shall take the form of traditional recreational markers, street furniture and more natural sculpted landscaping. Public art shall be agreed per application phase and be subject to discussions with Moray Council at the time.



Wayfinding signage



Sculpted landforms



Meeting space



Indicative public art



Indicative public art



# Wayfinding and Public Art

The introduction of Public Art and landscape features can help to build on this sense of place and importantly local identity. The proposals for Elgin South allow for a range of public art features to be introduced at key locations from larger ‘gateway’ reference points, like the proposed roundabout on the A941 and junction with Glassgreen Village, and Linkwood Village, through to features introduced along the path network.

Locations where it is considered that works of art could make a positive contribution to the Elgin South community have been highlighted on the diagram opposite. These are located at key nodes, core areas or other prominent locations.

The opportunity for focal points in the form of public art exists throughout the Elgin South development, particularly in the Arc park open space. This may be in the form of landscape, wayfined routes as well as installations.

The focal points and landmarks must be delivered through the implementation of the masterplan, the emerging phasing plan and the detailed planning applications.





# 5.0 Phasing

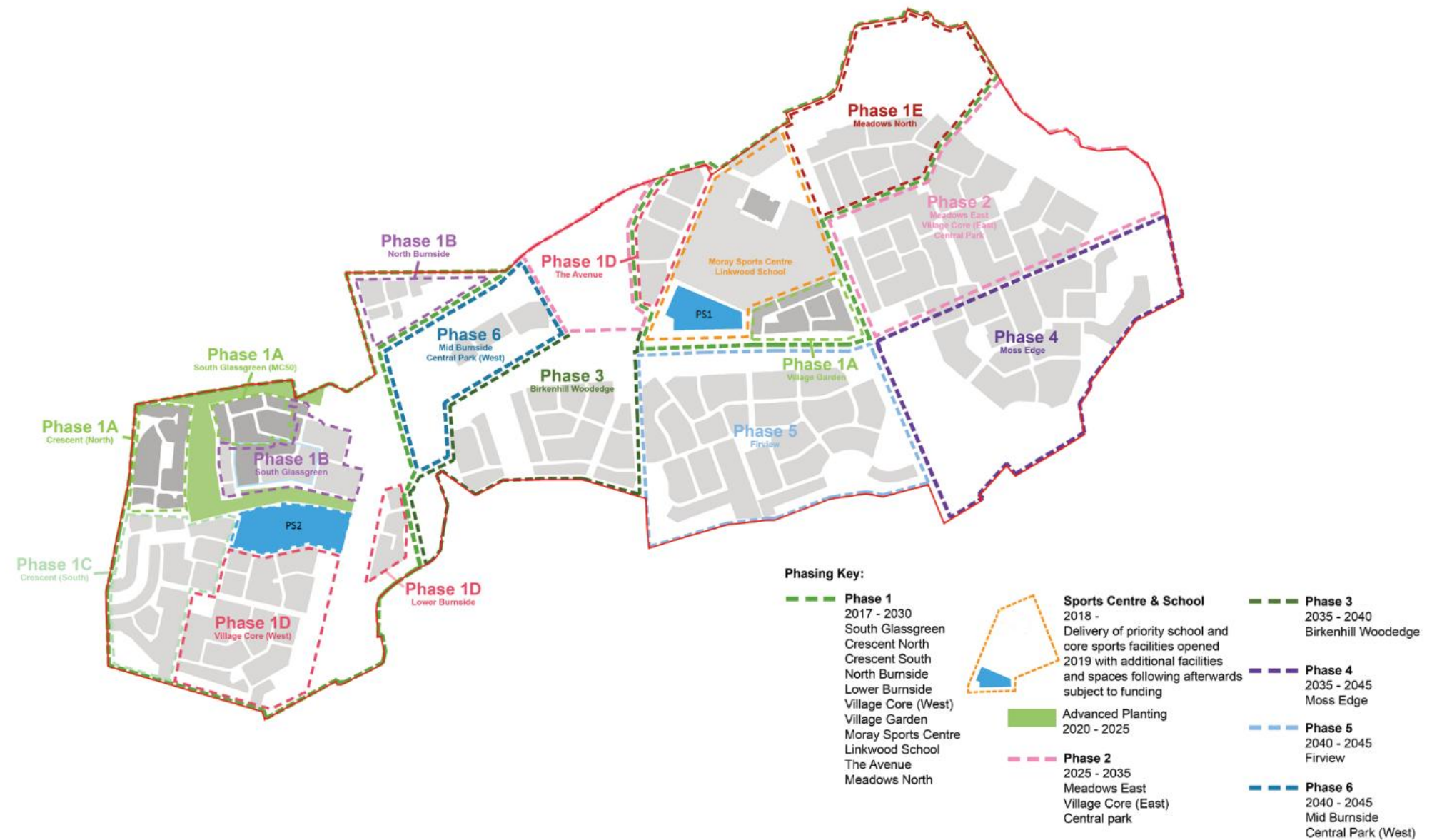
The proposed phasing of Elgin South is to be adjusted to take account of altered priorities, landownership and technical reasons.



The delivery of Elgin South and the timing of that delivery has switched to the west and concentrated within Glassgreen Village. Landownership matters and ground condition challenges have led to us wishing to deliver development here with phasing refocused.

Work on phases at Village Core and Meadows East in the east will commence in due course depending on these landowner aspirations. Ownership of these latter areas currently remains with the previous landowner while terms are negotiated to allow them to progress. It should be noted that the transfer of landownership of the sites in the west including North Burnside is much more commercially viable to Springfield, therefore can be delivered more quickly.

The creation of village cores will be at the forefront of the respective phases to create neighbourhood hubs. The new Glassgreen School Site will come forward alongside phase 1 proposals for Birnie Wood East, The Campus and Lower Burnside due in 2023.



Phasing plan

# Phasing Growth

Works have recently commenced at Village Garden in the east to affirm our commitment to delivery of all of the site in the longer term, this sits alongside Linkwood Primary School and the Moray Sports Centre, which are both now fully constructed. Work is well advanced at South Glassgreen in the west – Crescent North and the first phase of 50 affordable homes is almost complete and we would like to continue to complete the balance of this area. Construction could commence in 2021 and be completed by 2023 at the earliest. North Burnside would be undertaken from 2022 to 2024. Thereafter moving into other areas of Glassgreen including Crescent South, The Square and Birnie Wood West. It is likely that between 50 – 60 homes per year would be delivered depending on market conditions.



Phasing delivery plans



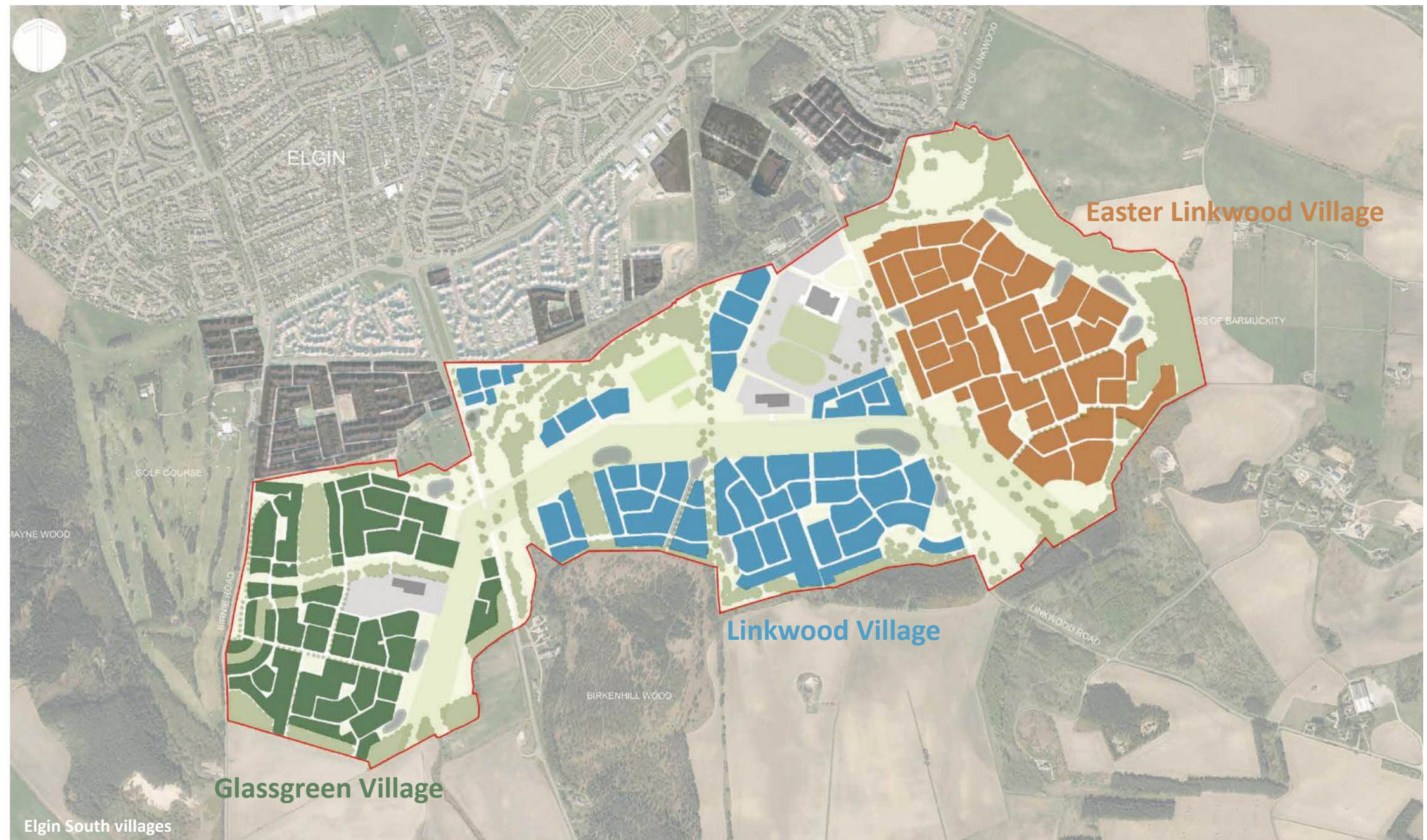
# The Three Villages

Elgin South will be seen as a new quarter to Elgin but consisting of three village forms all connected by the 'Landscapes of Elgin South.' These are: Glassgreen Village, Linkwood Village and Easter Linkwood.

Each village will have its own feel and character in relating to its location and context. Glassgreen Village has strong connections with both the golf course and the Arc Park and will connect both by a linear tree lined park similar to the hole of a golf course. It will accommodate the western school and a village core with a range of amenities.

Linkwood Village has a long edge to the Linear Park with an outlook to open space and activity. In contrast the southern edge backs on to woodland providing a range of walking opportunities. As the village sites centrally in the Masterplan it hosts key leisure spaces with the sports centre and Central Park which can be access by all.

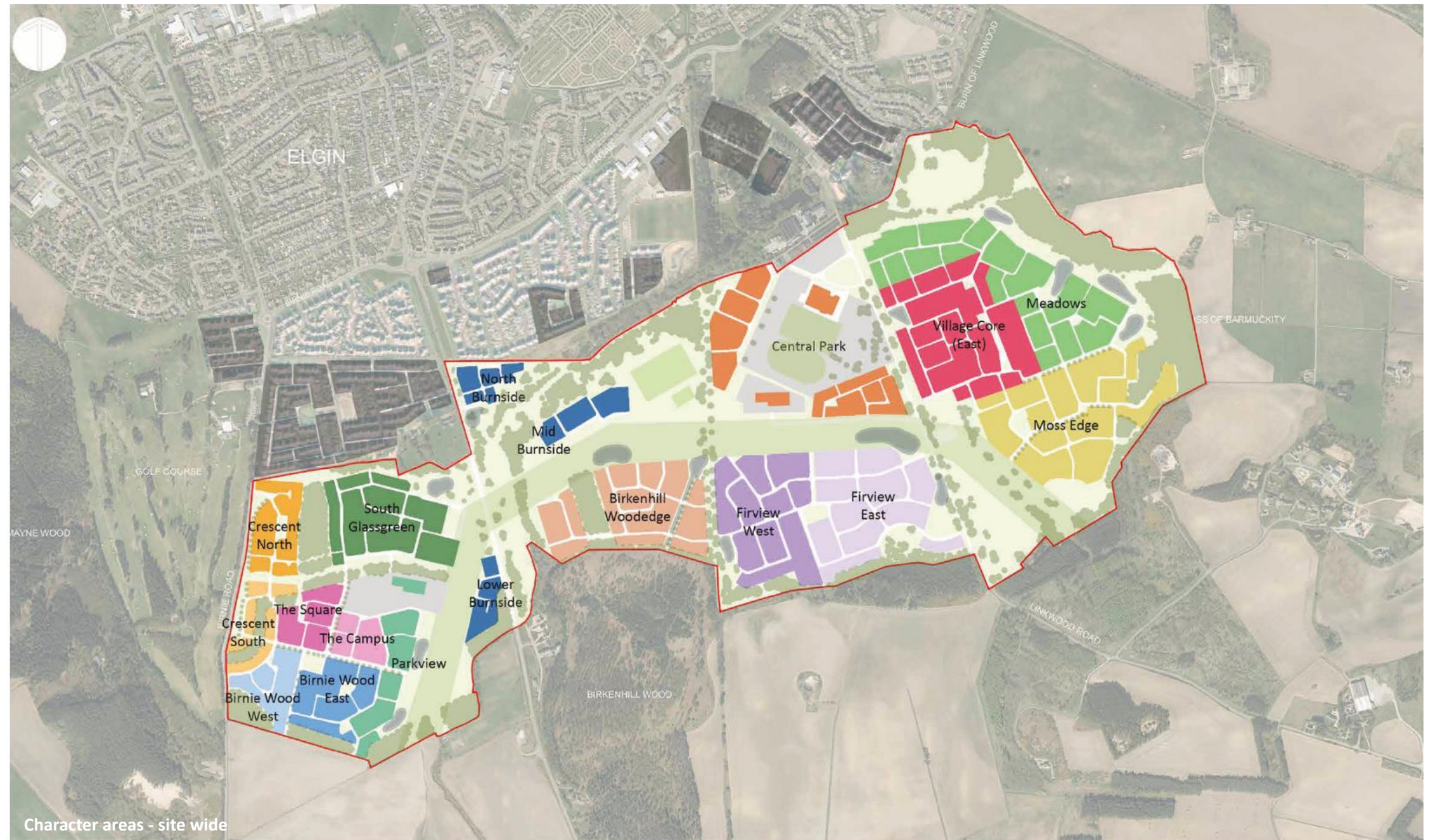
On the eastern edge Easter Linkwood Village will has a denser feel surrounded and enclosed by the surrounding woodland. The natural environment will provide a soft backdrop to the development whilst encouraging biodiversity and recreational use. An eastern village core will provide amenities and employment opportunities for local residents.





# Character Areas - Site Wide

The villages will be further broken down by a series of Character Areas to come forward at such a time that development will be subject to any planning application(s). At present with our predominant focus switching to the west, specific detailed character areas are concentrated there for the time being. Additional character areas details for placemaking purposes will be added for the other villages at subsequent review and Update stages.



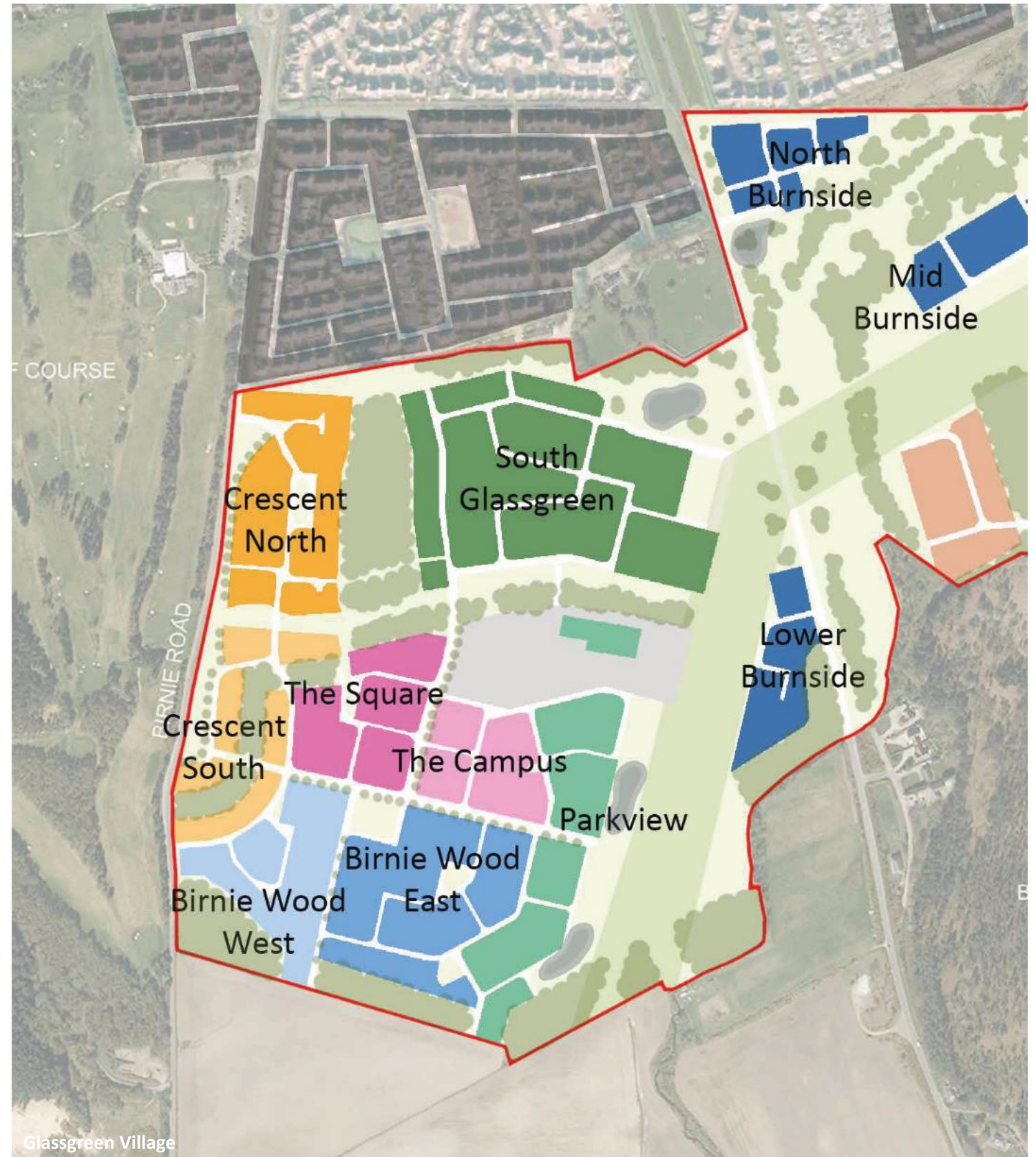


# 6.0 Phase 1 – Glassgreen Village

Sense of place, distinctiveness and the strength of identity for Elgin South will be primarily influenced by the physical form of its streets, the surrounding landscape and by the scale and form of the architecture.

The masterplan has been developed with distinctive character areas which are intended to respond to local conditions and the context, for example, of topography, proximity to watercourses and to rural and urban character zones.

The diagram opposite identifies these character areas, described in more detail in the following pages.



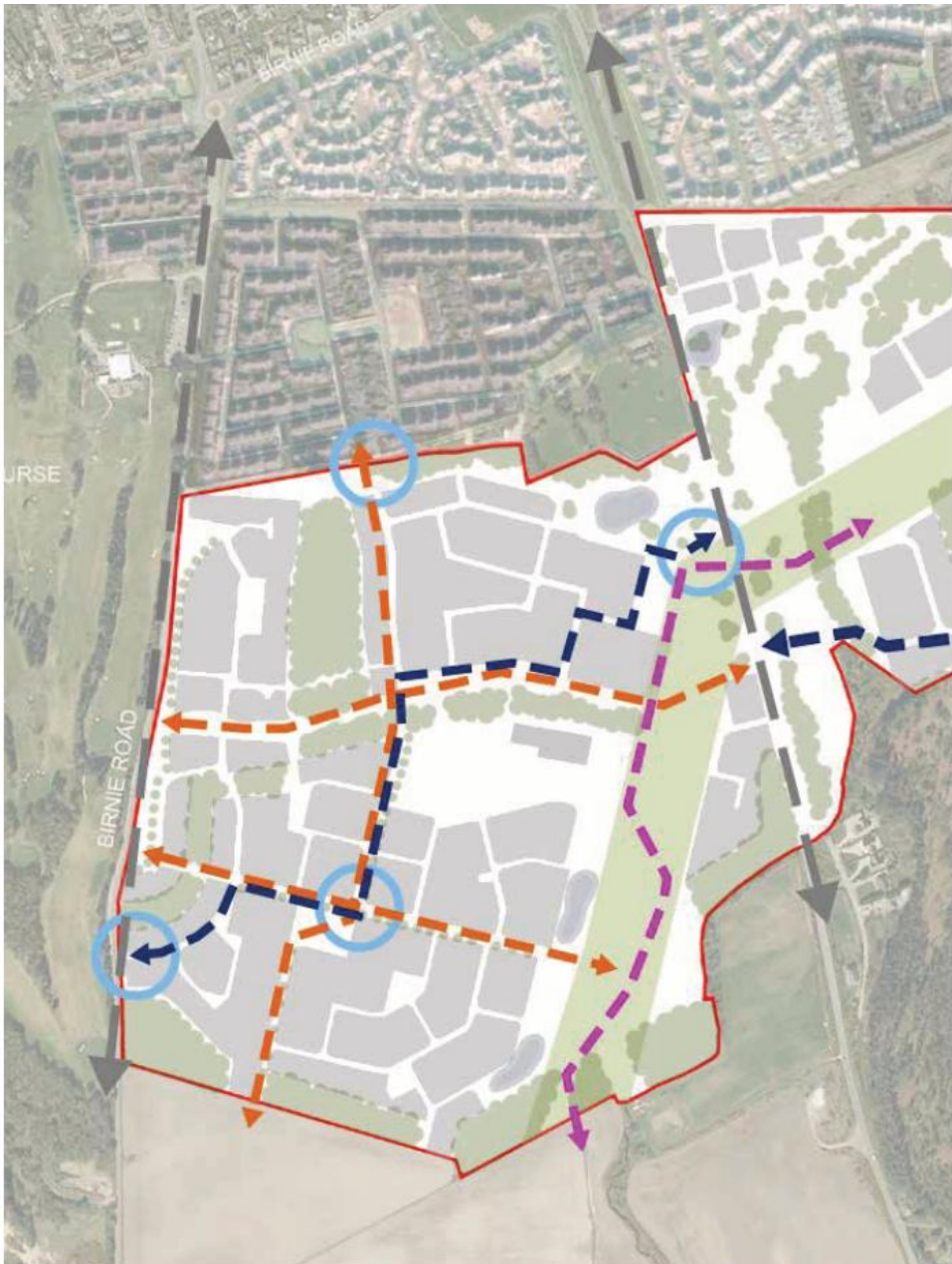


# Design Concept Diagrams

A series of diagrams have been used to inform the design of the western development as a set of principles to ensure the key design intentions are retained when progressing to a detailed level. It is essential that the series of spaces and uses are designed as a whole to avoid a disjointed development.



Green Street and Landscaping



Connections

- Key Pedestrian Routes
- Key Vehicle Routes
- Key Linear Park Route
- Existing Roads
- Gateways



Green Network

- Arc Park Route
- Linear Park Route
- Green Streets
- Arc Park
- Village Green
- Pocket Park and Green Edges
- Woodland

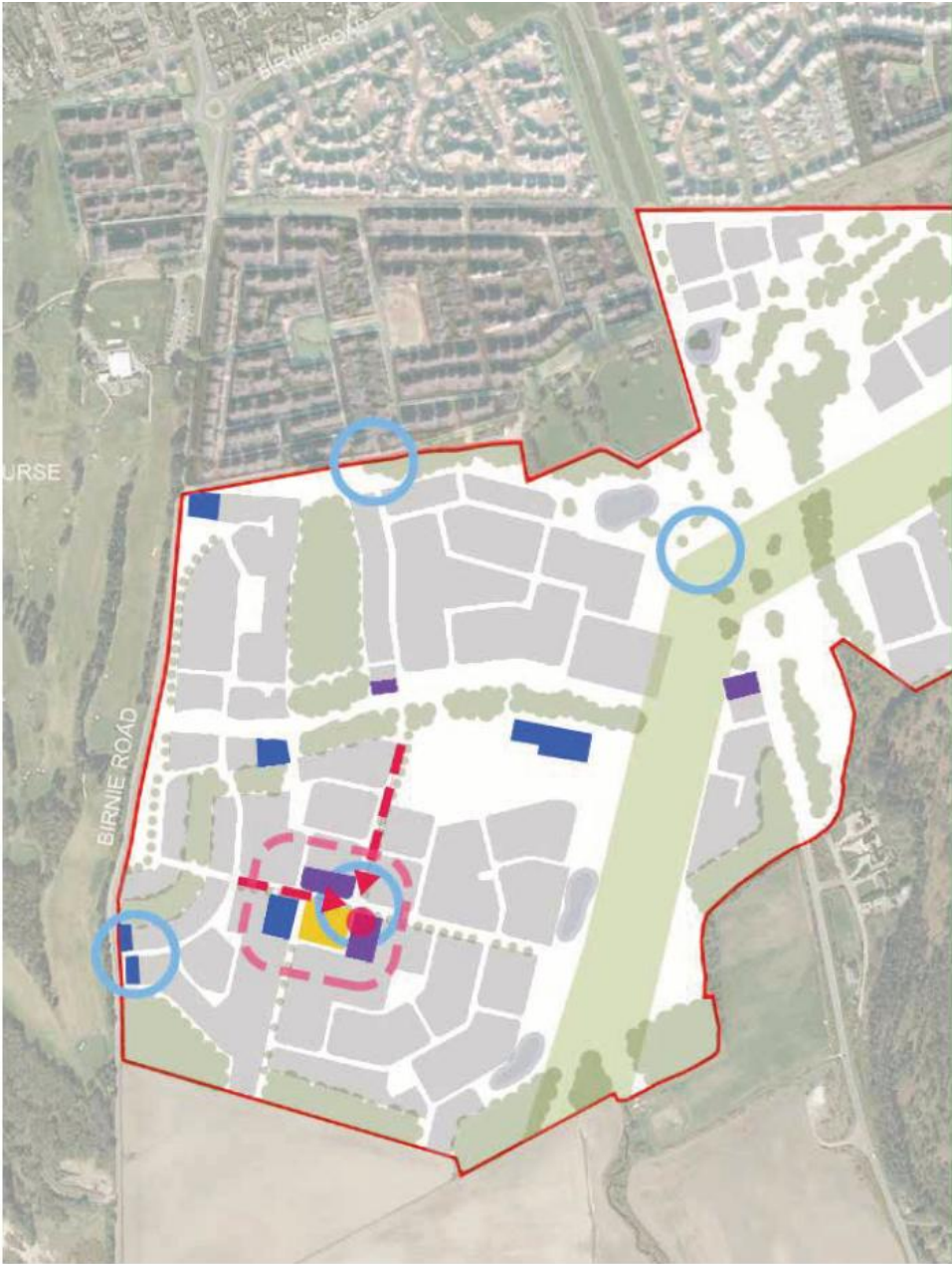


# Design Concept Diagrams



Key Frontages and Corners

- Key Frontages
- Key Corners/Buildings
- Main Routes



Key Gateways and Buildings

- Primary Village Key Vistas
- Village Core Key Building
- Western Village Core Extents
- Gateways
- Ground Floor Mix Use Opportunities
- Key Building Opportunities
- Neighbourhood Core Area



5-10 Minute Walking Distance

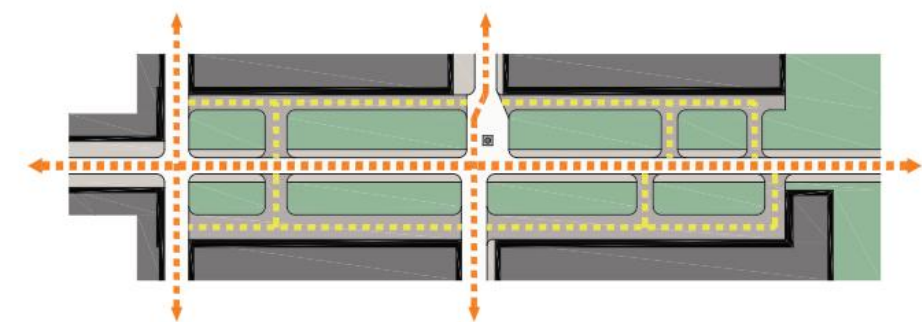
- Amenities - Shops, Heath etc
- Education



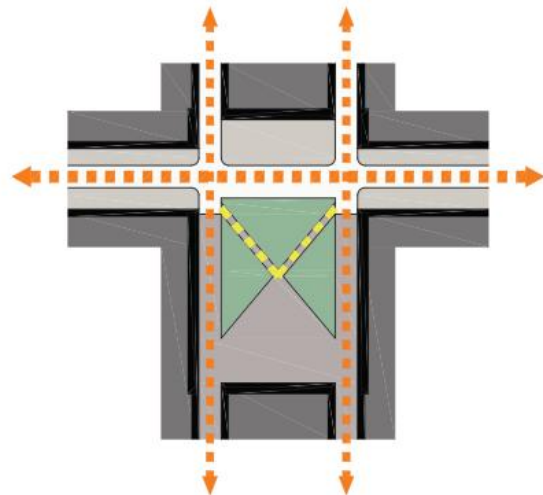
# West Village Core

Our Civic Greenspaces – formal gardens, parks and squares are important for residents and visitors alike to take a walk, relax and exercise. Drawing reference from several historic ‘local’ planned towns and villages, we have shown how the open spaces of Elgin South can emulate these vital and defining recreational and amenity features to create successful places.

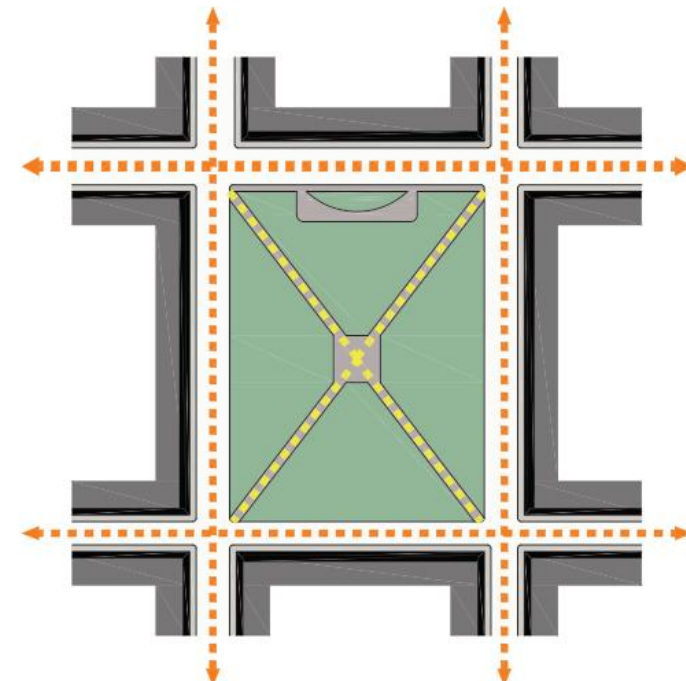
Example public spaces (at the same scale)



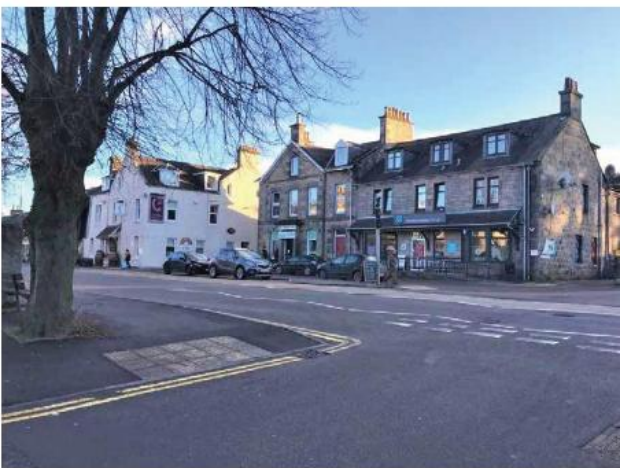
Granttown on Spey



Aberlour



Lossiemouth

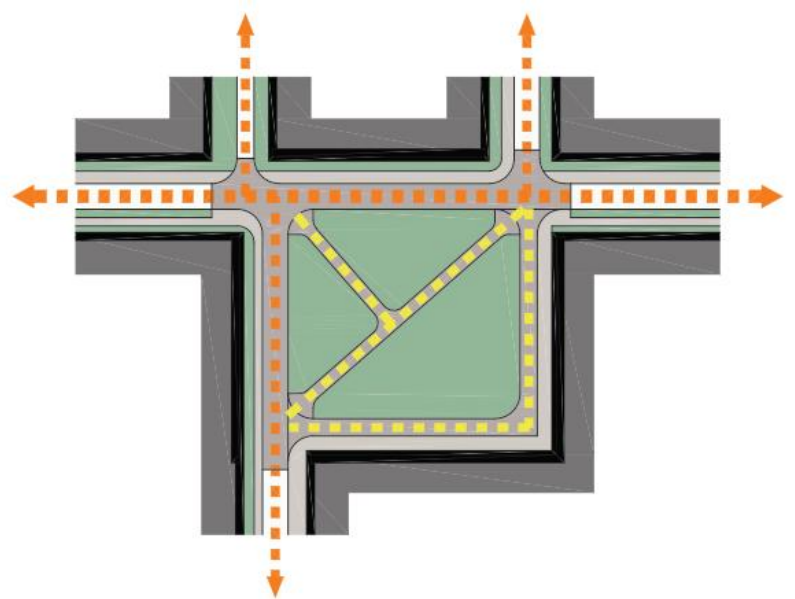




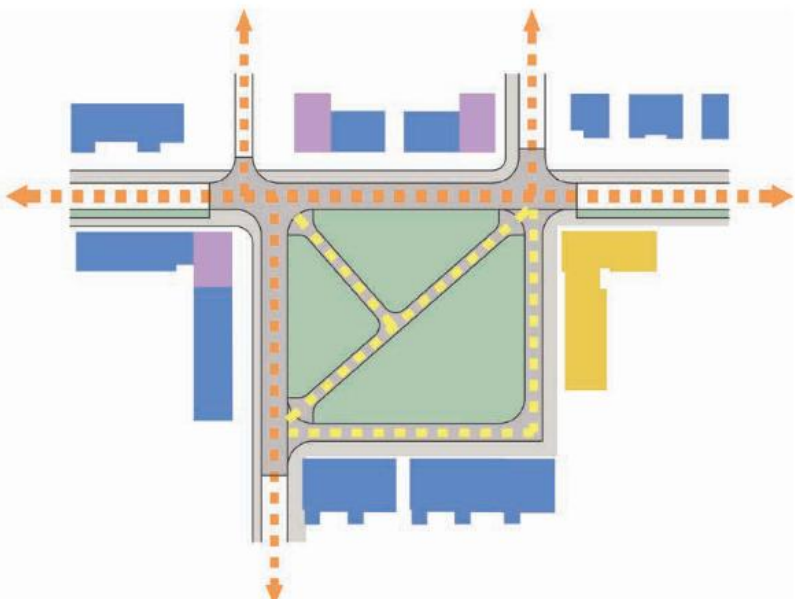
# West Village Core

We aim to create a balance of formal and informal green spaces where the built environment meets the natural environment and can take advantage of Elgin South’s abundant linkages to the surrounding countryside including the ‘Linky,’ former railway line and wooded fringes. Access to these spaces keeps people in contact with nature but also has an important role to play in maintaining health, well-being and independence. Socialising, leisure activities and recreation can be the catalyst for good mental health and active lifestyles.

Elgin South aims to go further with its provision of open spaces, by providing a variety of green and blue networks, native trees, and hedges throughout to improve and support habitats and wildlife.



Elgin South West Village Core



- Residential
- Ground Floor Mixed Use Opportunity
- Key Building

Elgin South West Village - Neighbourhood Core





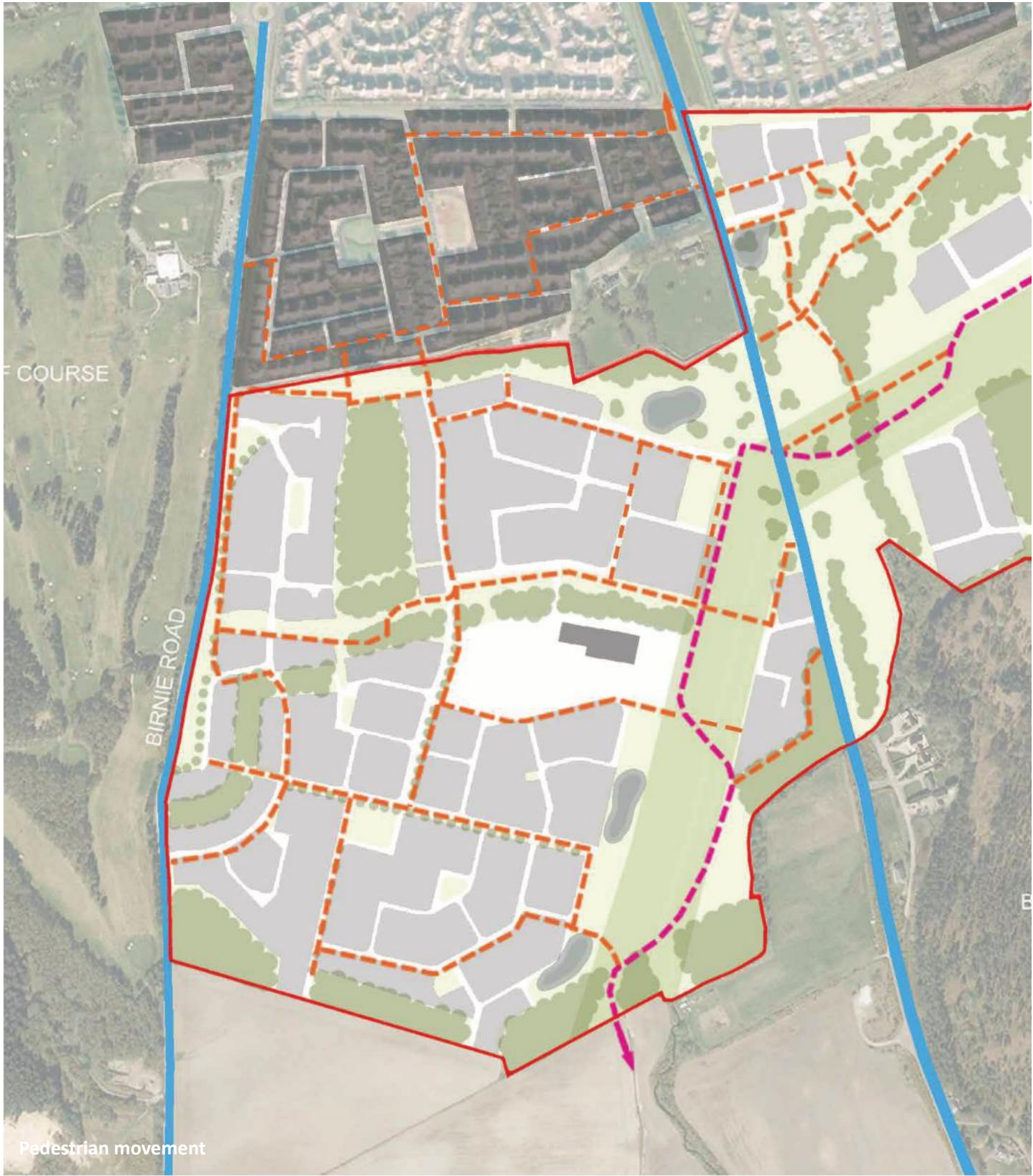
# Pedestrian Movement

Care has been taken in the design of the streets to make the villages of Elgin South more inviting and attractive for the pedestrian. The separation of people and vehicles has been maximised, with the introduction of traffic calming elements and landscaping where necessary. Creating attractive places activates the streetscape. Architecture, landscaping, frontages, and opportunities to gather all contribute to sustainable attractive places and have all been considered in the design of the Village Core, various open spaces and active travel routes.

The pedestrian strategy sets out the key routes for pedestrians. It highlights the north/south and east/west connections which extend to the wider masterplan. The suggested routes range from primary roads to pedestrian paths, providing a variety of streetcape whilst passing through the site. Traffic calming methods have been used where possible to reduce the speed of vehicles, whilst the civic square will have a strong focus on the pedestrian to ensure a safe space for passing footfall and gathering.



- Pedestrian Strategy**
- Key Pedestrian Routes
  - Linear Park Path
  - Existing Classified Roads





# Cycle Movement

Promoting cycling as an alternative mode of transport to cars not only helps create healthier places but also has huge benefits for general fitness and well-being. The key intention is to provide an attractive network of paths and roads that cyclists of all abilities can use for recreation and commuting.

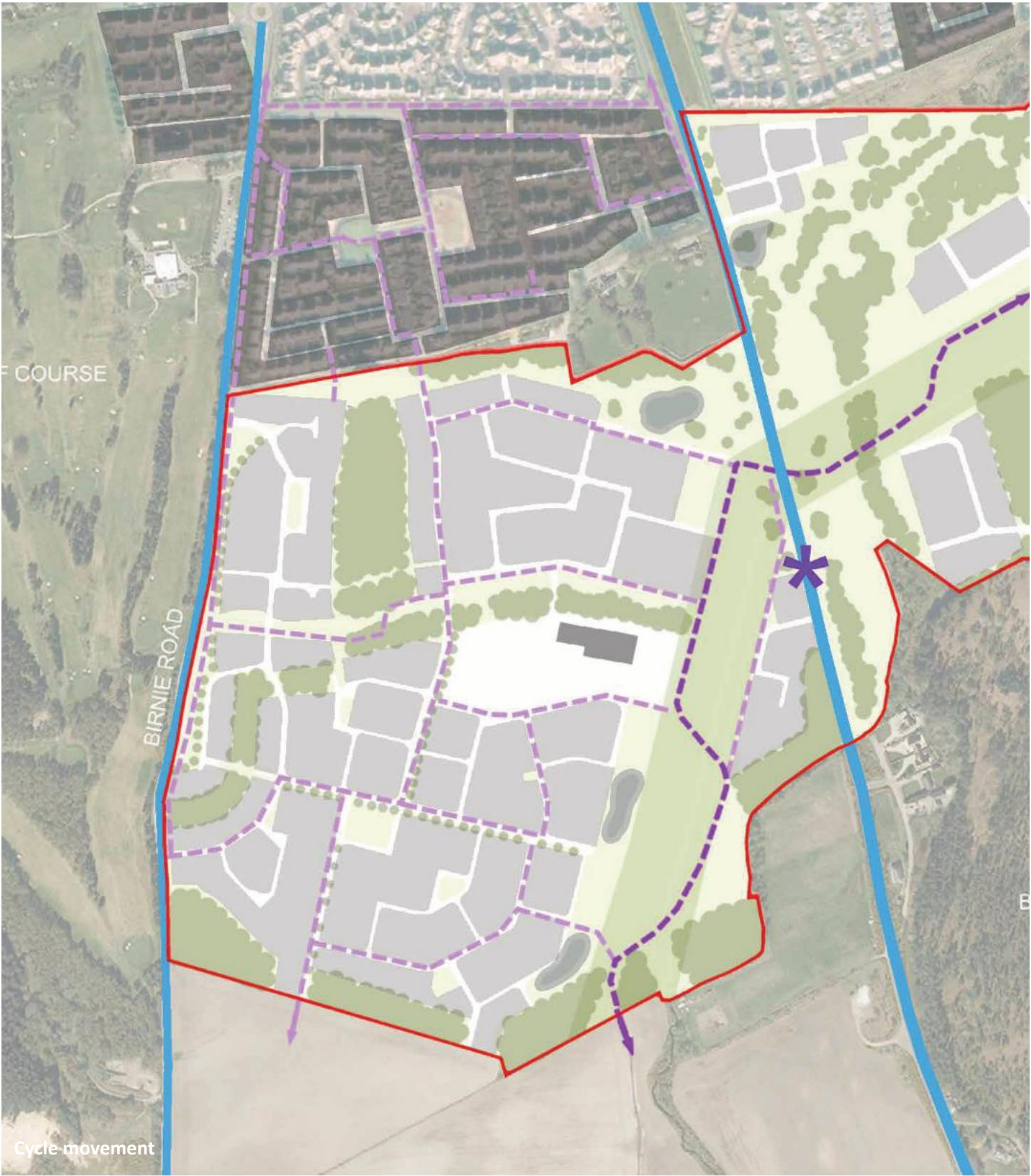
Cycle paths have been designed to provide safe routes through the site providing north/south and east/west connections. The routes extend beyond the application boundary to the wider masterplan with the intention to connect to localised and national cycle networks. Due to the level of traffic on the busier roads a 3 metre wide cycle path runs parallel to the road with a landscaped buffer to provide extra protection. A cycle hub has been proposed close to the school site to provide a safe point for cycle parking and maintenance.

### Cycle Storage and Parking

Secure bike storage is to be provided for all apartments, flats and houses, where required - details could be provided by suspensive condition. Provision for bike parking facilities will be made at all retail, commercial and community hub spaces which will encourage cycling and wheeling. Different types of development will have different user requirements and solutions for cycle parking from short stay racks to long term shelters. This will be provided in line with Moray Council requirements.



- Cycle Strategy
- Linear Park Cycle Path
  - Street Cycle Routes
  - Existing Roads
  - Active Travel Link Crossing

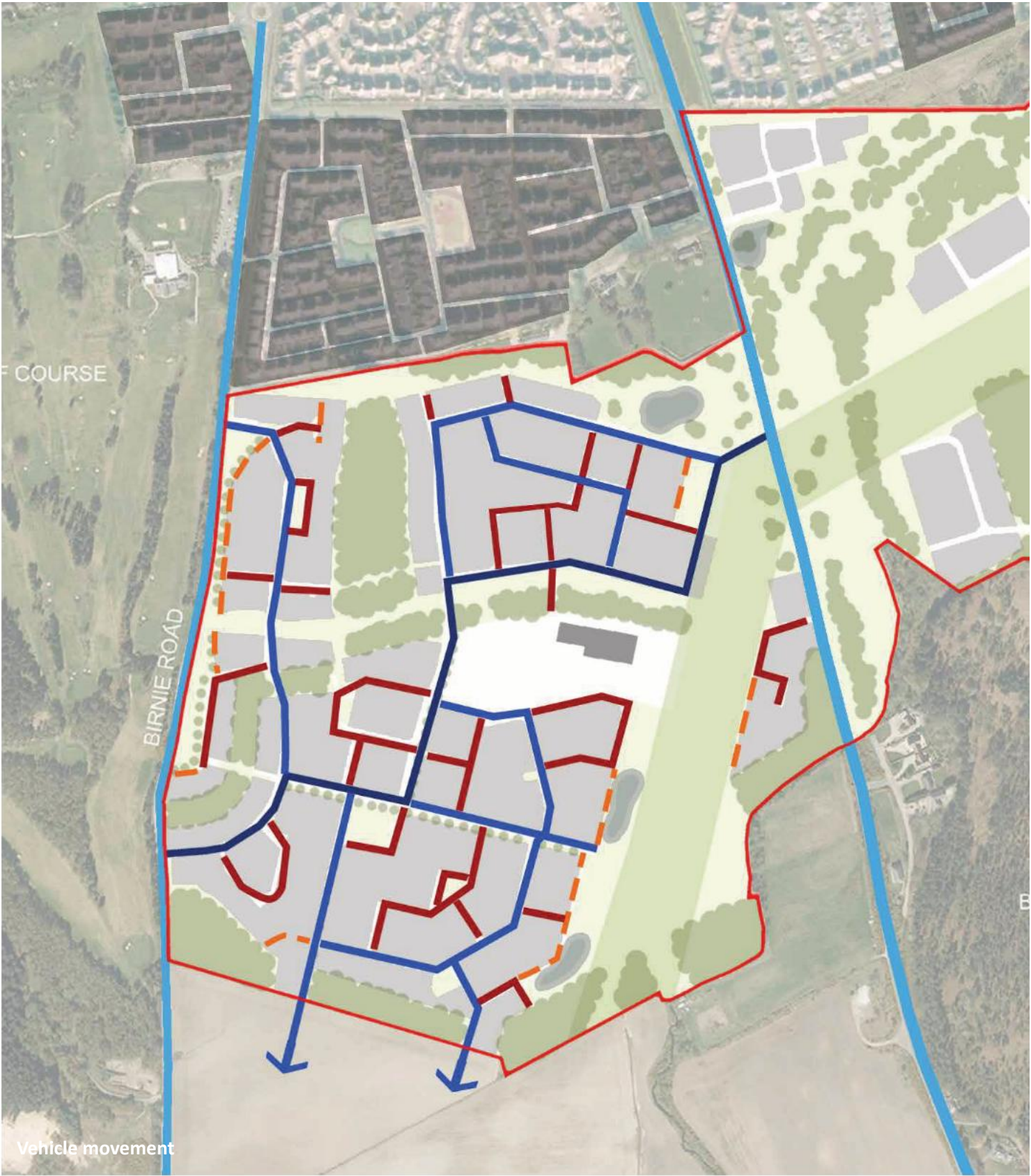




# Vehicle Movement

The hierarchy of the streets shown on the diagram highlights the primary, secondary and tertiary routes. The more grid-like framework is clear on the drawing emphasizing the urban grain of the village core. Introducing shifts in the road alignment on the residential streets will further encourage reduced speeds and a change in the street frontage line allowing the houses to engage with the street and provide perceived narrowing at nodes within the layout. All this must be achieved whilst satisfying all expected larger vehicle turning requirements and necessary junction visibility.

Traffic calming measures will be in line with current standards including those contained within Designing Streets. Further, where both feasible and appropriate self-enforcing speed reducing measures will be introduced. Horizontal but not vertical traffic calming measures are also to be utilised and will be introduced in locations to discourage ‘ratrunning’ in the proposed masterplan development. On level frontages shall be promoted where practicable, along with direct road accesses.



- Vehicle Strategy
- Primary Routes
  - Secondary Routes
  - Tertiary Routes
  - Shared Drives
  - Existing Roads



# 7.0 Character Area Manual

A character area refers to a distinct and recognisable pattern of elements that makes one area different from another. The development area and associated open space should respond to it's context and define an architectural identity relevant to it's location.

The character area manual displays the aspirations for each individual area's desired architectural identity, including details of building materials and associated landscaping. Each character area is unique and the individuality can be easily recognised through differing material palettes, varied landscaping and street-scape's that dominate the use of the pedestrian. These elements are a response to the surrounding context and a solution to a diverse expansion of city of Elgin.

Further information on the character areas will be clearly articulated in a detailed application relevant to each area. This will explain the proposals in depth and will identify locations of key buildings, key frontages and more accurate locations of landscaping features.

The various Elgin South character areas shall be designed to ensure distinctiveness and differentiation between them and within each of them, recognising the policy requirements of PP1 Placemaking. Alongside the character areas palette which focuses on external finishes and soft landscaping there will be considerable variation within each character area in terms of design of individual buildings, boundary treatments and varied architectural features. Variation needs to be in the colour palette for the houses and street surfaces as well. The various key buildings that will be located within each character area will also ensure that distinctiveness is reinforced by accentuating features, materials and colours. Dedicated detailed Placemaking Statements will be submitted with each detailed Planning Application which will demonstrate how these measures will be utilised to demonstrate how that will be achieved.



## **'South Glassgreen'**

*The South Glassgreen character area will be bounded by peripheral woodland and parks, providing a sense of enclosure for this character area. Woodland and a gateway feature shall be incorporated to the A941 road to provide a sense of place and sufficient set back to provide a green edge. The A941 development edge and landscaping will provide an appropriate engagement with arrival to Elgin.*



## **Village Core West - 'The Square' and 'The Campus'**

*The Village Core West will encompass the 'The Square' and 'The Campus' character areas. 'The Square' will provide lower density affordable housing which will display a strong sense of community for the residents. 'The Campus' will act as a hub for the residents of the Western Village with commercial units and outdoor usable space.*



## **'Crescent South'**

*'The Crescent's character area will be outward looking, responding to its relationship with Birnie Road and the adjacent golf course. Set within a low-density woodland context, this area is designed to mirror Tormore Distillery's impressive sweeping crescent of distillery houses. Crescent South will continue the positive frontage to the western edge looking towards the golf course.*



## **'Birnie Wood West'**

*Birnie Wood West will form a character area with a key approach from the south, open space and woodland are therefore important to frame the development edge. Perimeter blocks of housing and open space will provide a low density as Elgin South gives way to the surrounding countryside. The character area will display a 'green' edge by using boundary treatments and soft landscaping appropriate to it's surroundings.*



## **'Birnie Wood East'**

*Birnie Wood East nestled between Birnie South West and Parkview will together form connections to the open space to the south. It is key that this area provides a soft edge to frame the development. Birnie Wood East also has a connection to the proposed South Green square. A bold material palette will signify the change in character from the adjacent areas whilst still allowing for continuity to create a unified development.*



## **'Parkview'**

*Parkview is located adjacent to the 'arc park' running east-west. The character area will create a positive frontage onto the 'arc park'. The area will encompass a low density environment to ensure that it displays a softened edge to the built environment. Open meadows with wild flowers will enhance the green corridor by encouraging wildlife and displaying a blue/green infrastructure.*



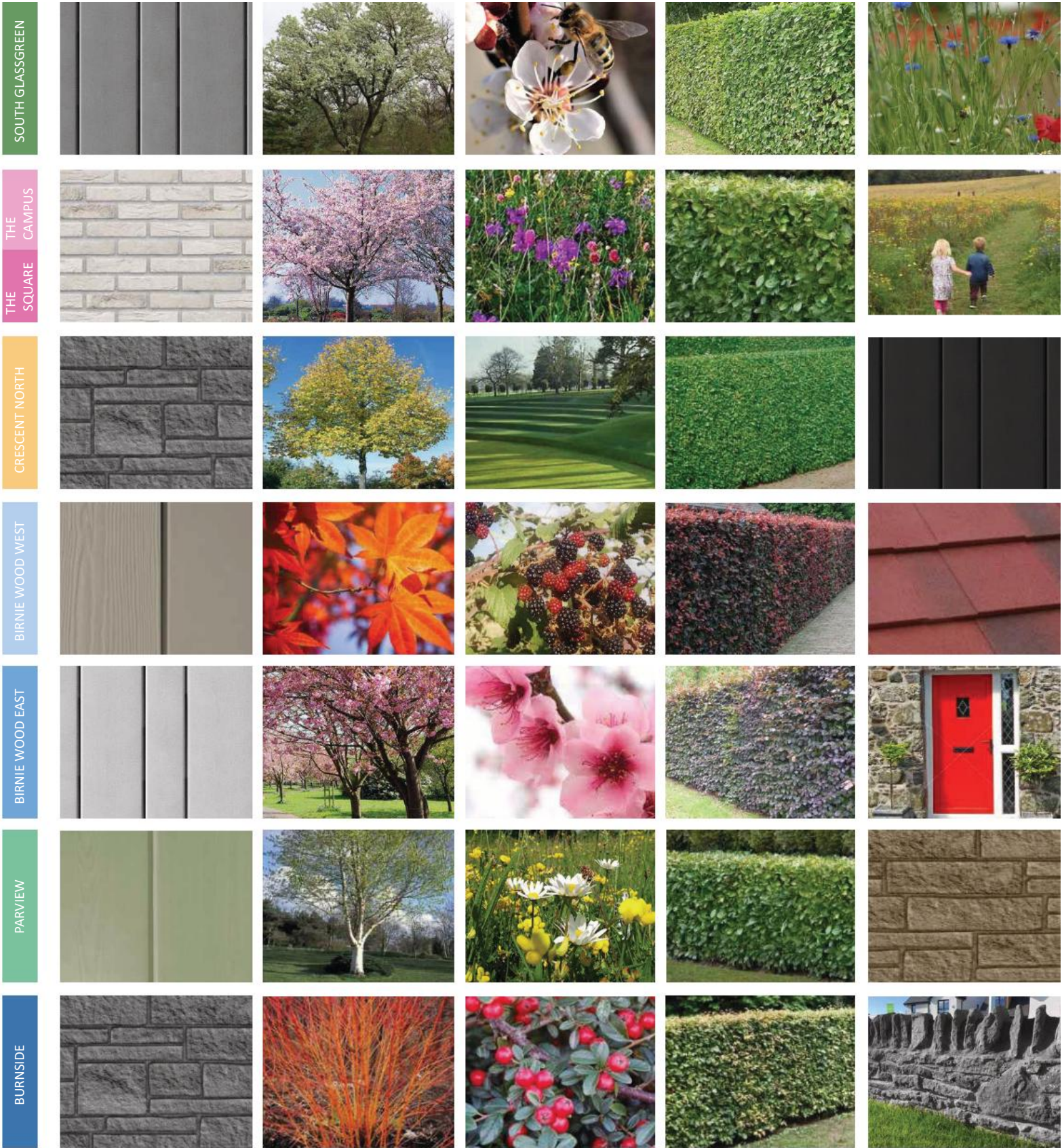
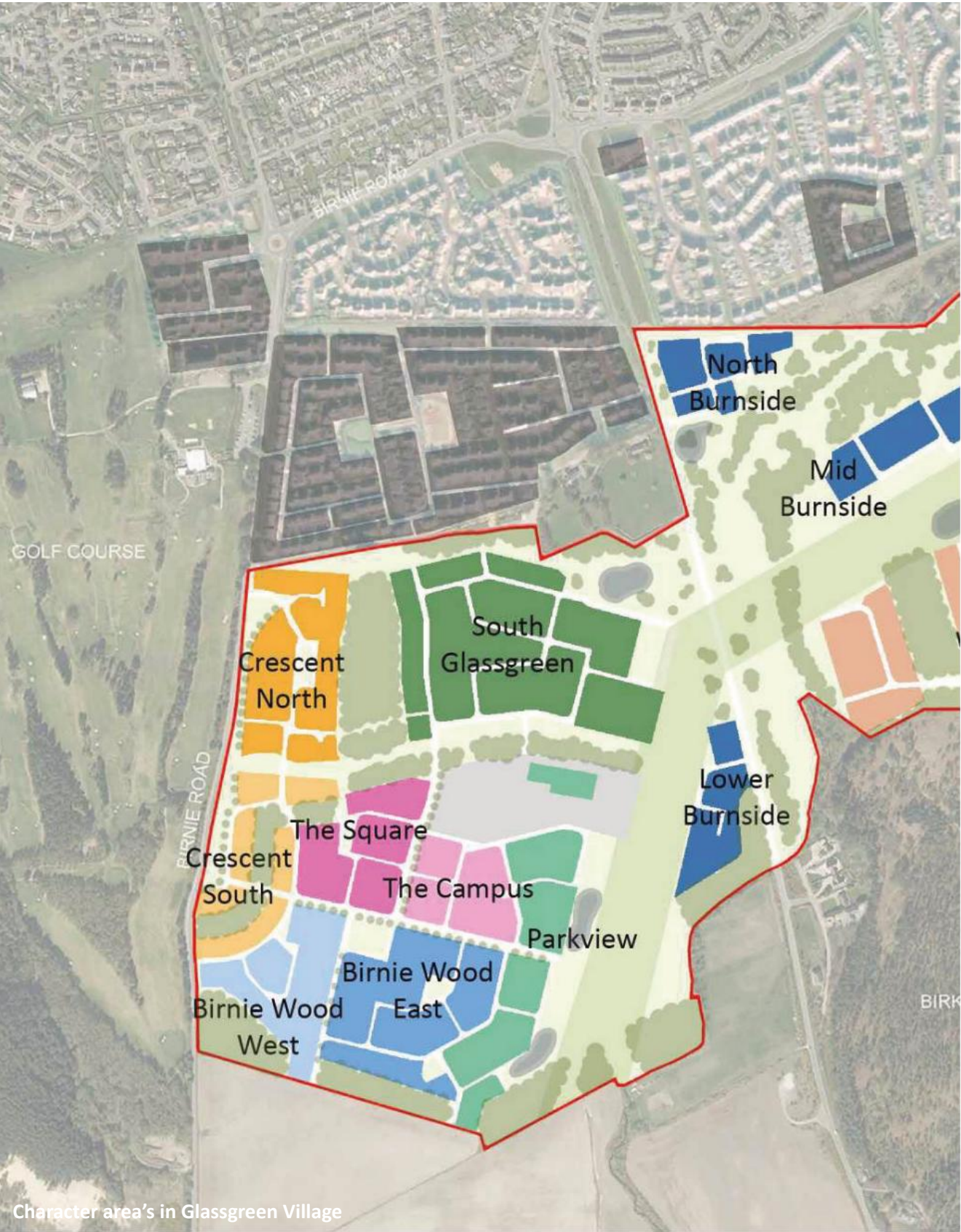
## **'Burnside'**

*The Burnside character area will have medium-higher density housing which will follow the line of Linkwood Burn with access taken from the A941. The site forms an important gateway to Elgin from the south. This area will take on a 'cluster' outward facing development form responsive to its context. Homes would front the A941 road providing a positive frontage albeit setback behind a well-landscaped buffer.*



# Character Area Manual

## Glassgreen Village





# South Glassgreen



Location of 'South Glassgreen'

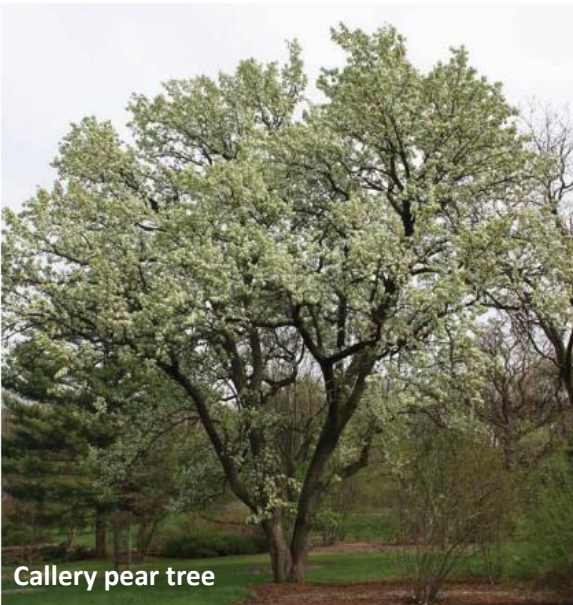


Visualisation of housing fronting onto arc park

*The South Glassgreen character area will have a cool white/green edge warmed with blue wild flowers to attract wildlife. Callery pear trees and white flowering shrubs allow for uninterrupted views from the houses towards the arc park before turning into the intimate linear avenue to soften the transition between public and private space.*



Mid Grey timber cladding



Callery pear tree



White flowering shrubs encouraging wildlife



Beech hedges



Blue wild flowers



# South Glassgreen

South Glassgreen provides an edge and subsequently an extension to New Elgin. The surrounding development and woodland will provide a sense of enclosure to three edges whilst the eastern edge will open to the Arc Park and provide a gateway frontage to the A941. This edge provides an opportunity for key buildings at corners to provide gateways and a feeling of arrival to this character area.

The two key routes through the area are very different in type. The tree lined north-south axis route from the existing development to the school and west village core has an urban feel with street frontage on both sides of the street. Whereas the east-west route along a linear park provides a link to two key open spaces, however an edge will provide a frontage and continuous passive surveillance.

### Highlights

- Avenues of oak, beech, and lime create a frontage on the sunny open eastern and southern edges.
- Colour palette of soft green, buff, and blue greys, with contrasting dark grey key buildings compliment the landscaping proposals of laurel and privet hedges, green meadows.
- Clusters of callery pear trees provide contrast with glossy dark foliage and masses of white flowers attracting bees in summer before turning vivid red in autumn.
- Existing woodland on higher ground to the west has been enhanced allowing woodland paths to connect between each character area.

### Colour Palette



Density  
 40-45 Units/ha   
 30-35 Units/ha   
 20-25 Units/ha



Building Heights  
 3+ Storey   
 2 Storey   
 1-2 Storey



Frontages and Key Buildings  
 Key Frontages   
 Main Routes   
 Key Corners/Buildings



Connections  
 Green Spaces   
 Green Network   
 Key Safe Routes

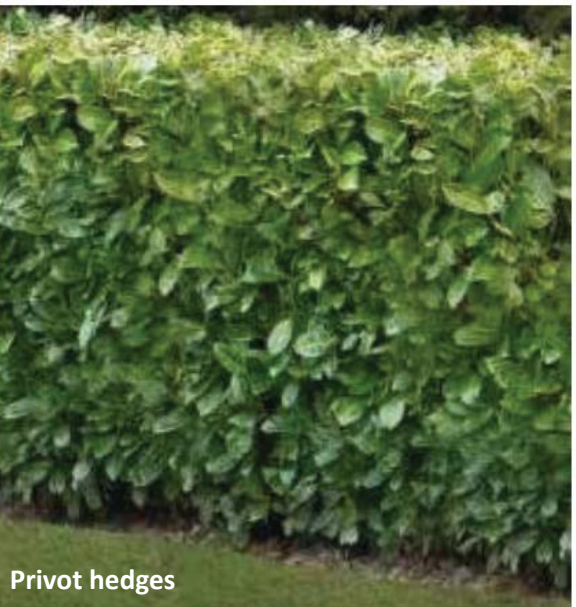
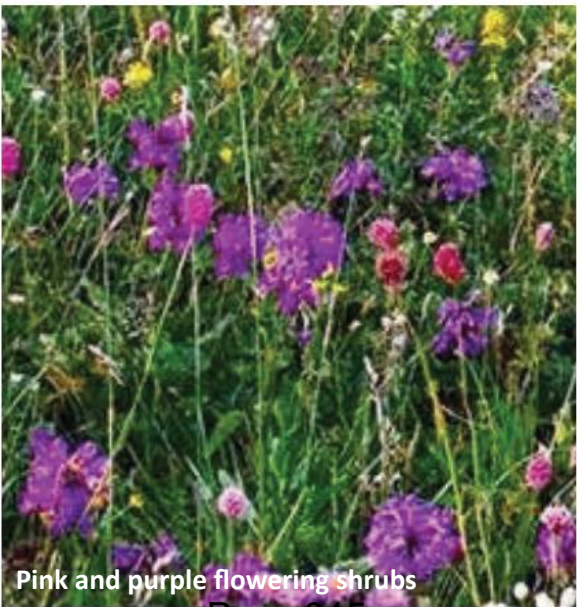
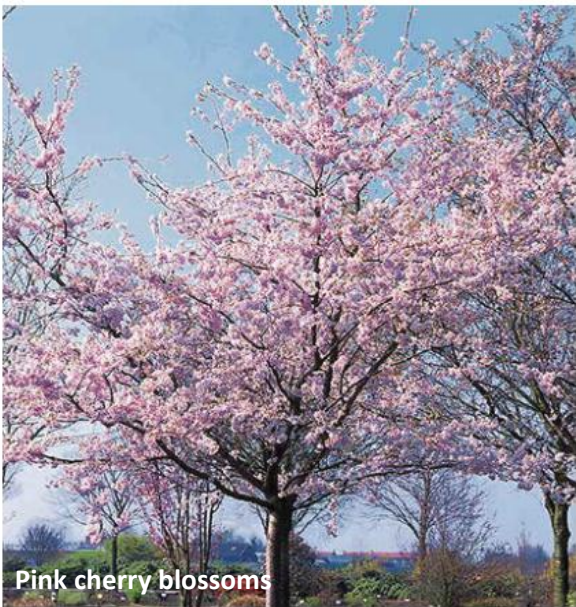


# The Square and The Campus



**Visualisation of 'The Square'**

*The Village Core creates a focal point to the 'Western Village' with area's of pink cherry blossoms. Pink and purple flowering will compliment the laurel hedging creating a strong landscaped area. The calm and pleasing colours will soften the hard landscaping and will provide a well balanced space for the user to experience.*





# The Square and The Campus

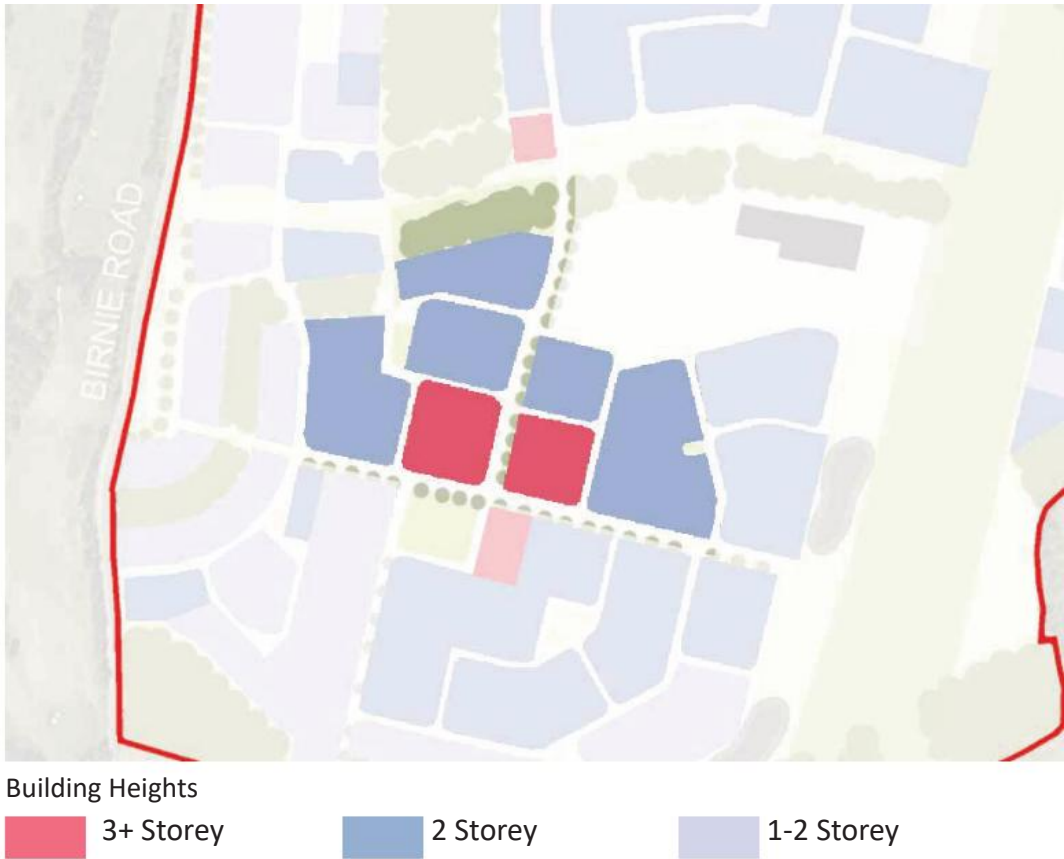
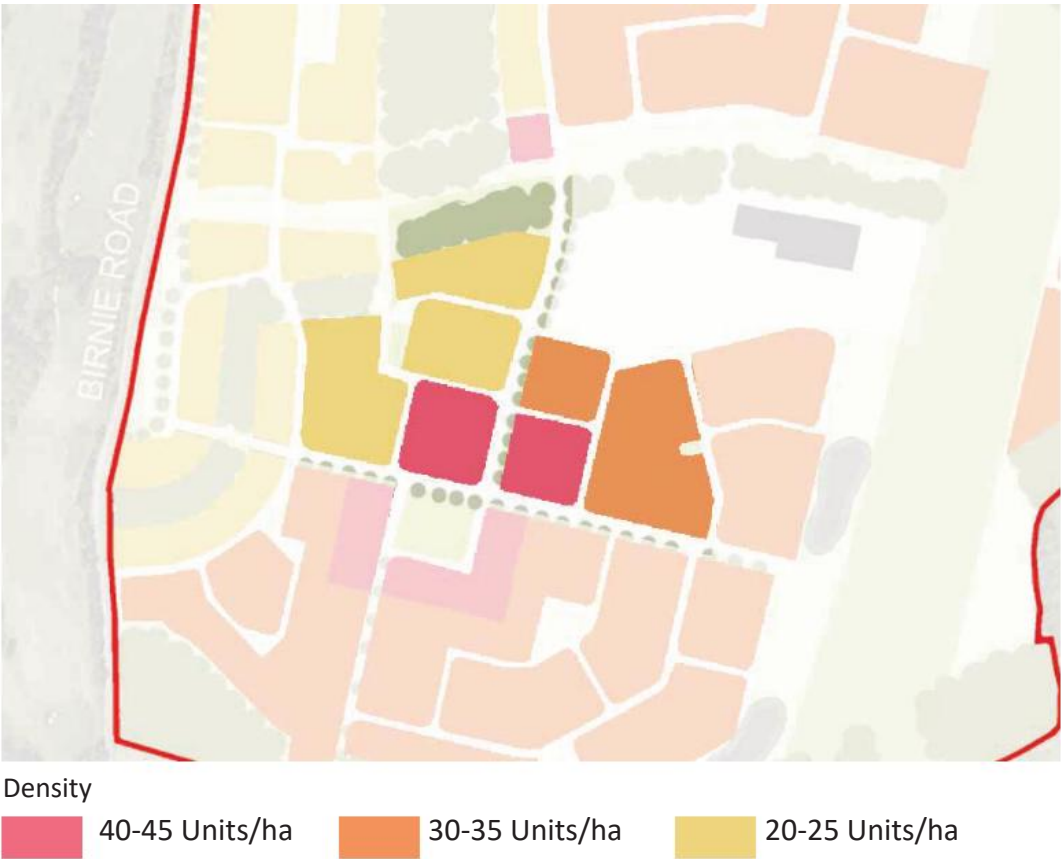
The Square and The Campus combine to provide Glassgreen Village with a village core, hosting a range of amenities for residents and visitors alike. The scale and density of the village core will be noticeably different from that of the surrounding character areas. The building form and material palette will also create a distinct place and one easily recognisable for navigation.

Providing a higher edge to the northern side of the tree lined commercial area and to the community square the light material palette will still allow for a bright and open feel to the urban quarter.

Located centrally within the Glassgreen Village, the amenities will be accessible to all within a small walking distance, promoting travel by foot or cycle. The locality of the school will also provide benefits to the community and support local business's.

- Highlights
- Material colour palette of greys, buff, and white used in the buildings and hard landscaping will form a strong village core softened with pink cherry blossom and tree lined avenues linking to areas east and west.
  - Higher in density, providing differentiation to neighbouring character areas.
  - Distinct with use of key buildings and variation in materials and treatments. Urban street furniture will complete the public spaces.
  - Green travel routes to the proposed school site, other character areas, and to public open spaces providing safe and clear pedestrian routes.

Colour Palette

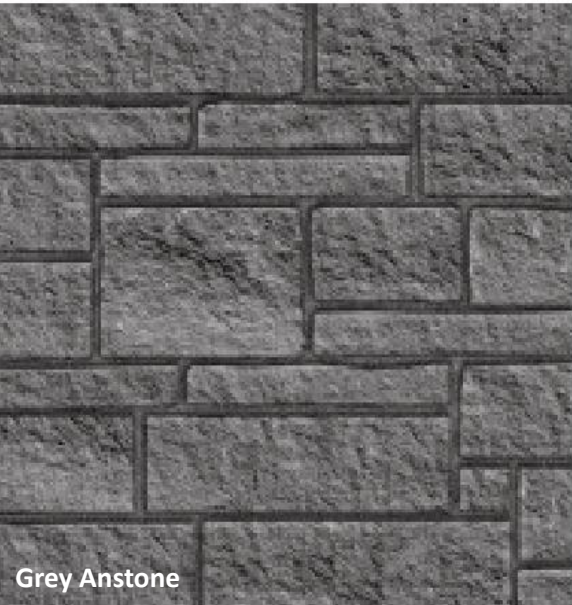




# Crescent South



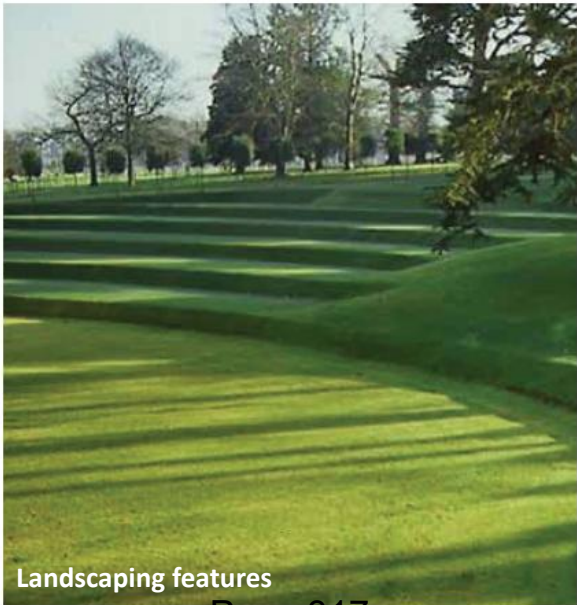
*Crescent South will be a continuation of the existing Crescent North development. Silver birch and white flowering shrubs will allow for clear views through to the golf course. The curve of the Crescent will be enhanced with splashes of bright wild flowers in the summer, creating a colourful frontage onto Birnie Road.*



Grey Anstone



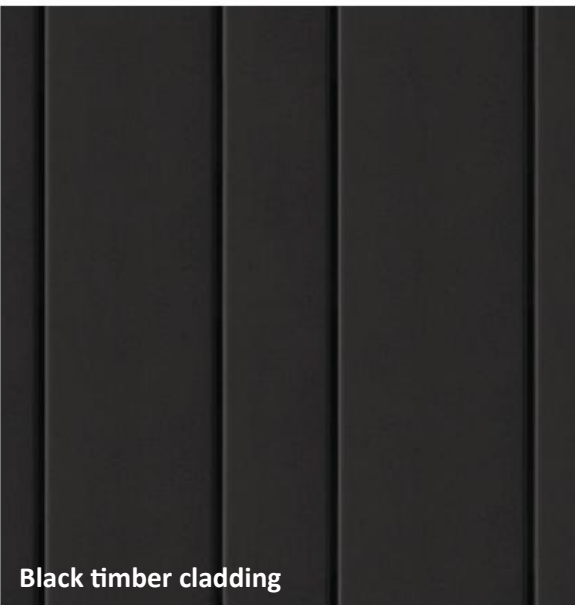
Silver birch trees



Landscaping features



Privot hedges



Black timber cladding

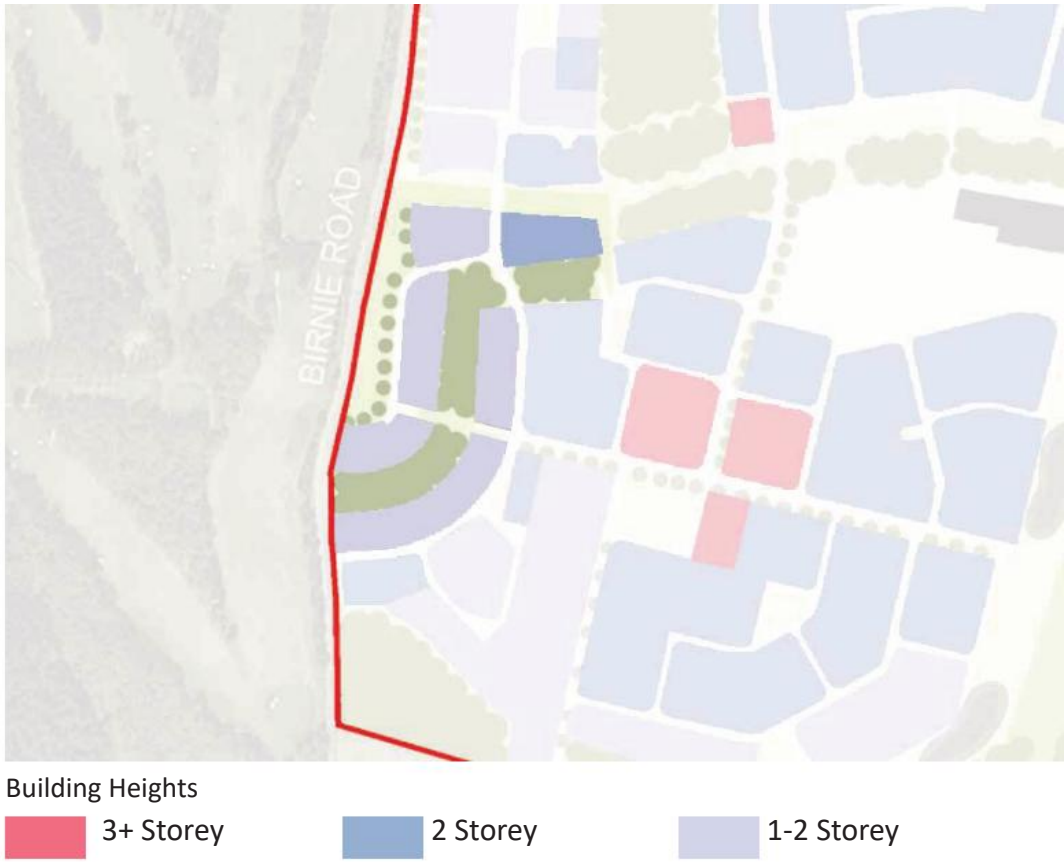
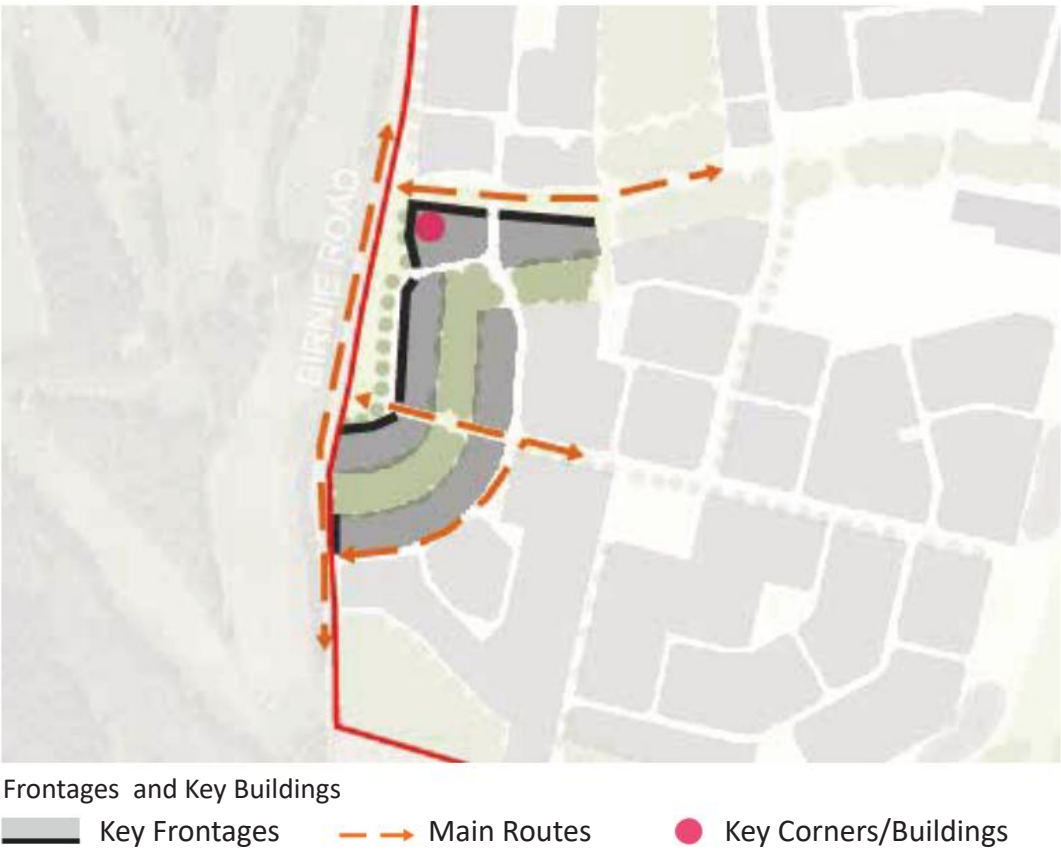
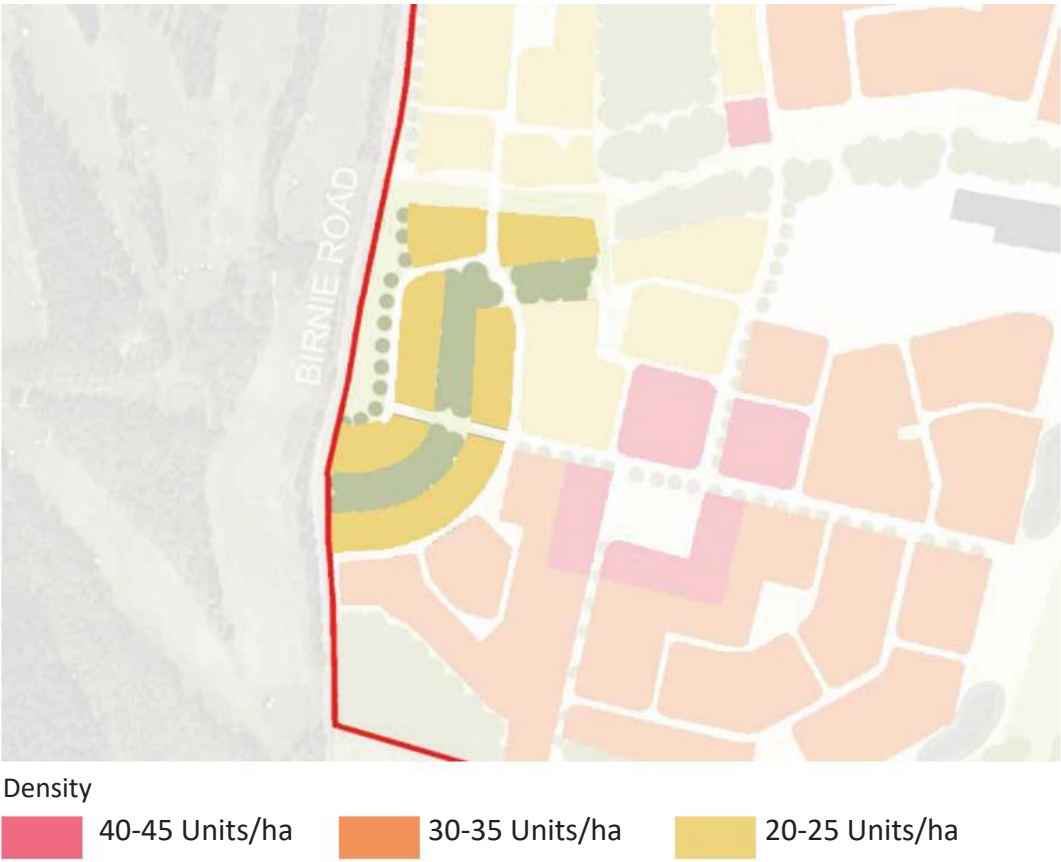


# Crescent South

The extension of Crescent North to the south will further strengthen the relationship with Birnie Road and the adjacent golf course. The outward looking, low density development will be set back to mimic the open space and fairways of the golf course along with influences from Tormore Distillery’s impressive sweeping crescent as a frontage. Combined with Crescent North the development provides a softer green corridor along Birnie Road with the potential of land art to create some interest.

A backdrop of enhanced planting is present to the rear of the houses enclosing the private gardens whilst contributing to the green network and biodiversity throughout Elgin South. Accent buildings in both Crescent South and Birnie Wood West will be orientated to provide a frontage and maximise visual connections.

- Highlights
- A long sweeping curve and strong frontage forms the western edge with views to the neighbouring golf course.
  - Material colour palette of greys, black and white, contrasting with clusters of silver birch, and avenue of lime tree, and privot hedges.
  - Potential for land art and features, complementing the neighbouring golf course fairways.
  - Low in density, a distinct variation to neighbouring character areas, with a backdrop of new woodland which will encourage natural habitat and biodiversity.





# Birnie Wood West



Location of 'Birnie Wood West'

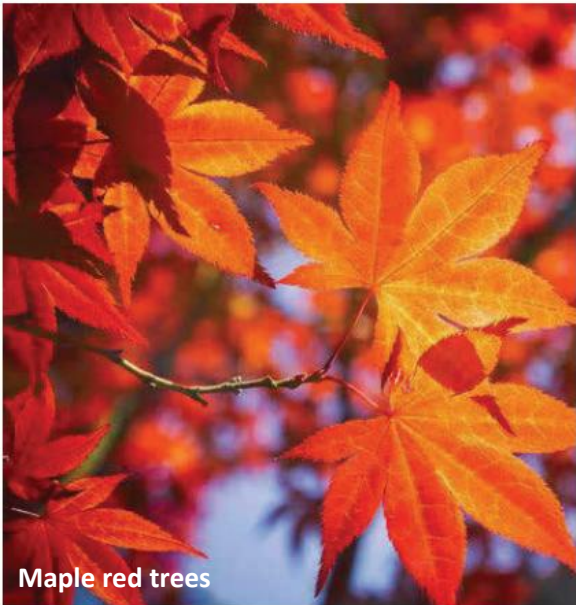


Visualisation of Birnie Wood West streetscape

*Strong autumn colours will be dominant throughout the year in Birnie Wood West. Purple beech hedges and maple red trees will compliment dark red roof tiles and will provide all year round colour and interest. Wild flowers and berries will naturally flourish and will add to the autumnal feel of the area.*



Brown timber cladding



Maple red trees



Wild berries



Purple beech hedges



Dark red roof tiles



# Birnie Wood West

Birnie Wood West forms an edge to Birnie Road and a frontage in the gateway from the most western access point. Adjacent from Crescent South it will be of a similar form but will have a very distinct variation on its material palette and a higher density as the road leads you to the village core.

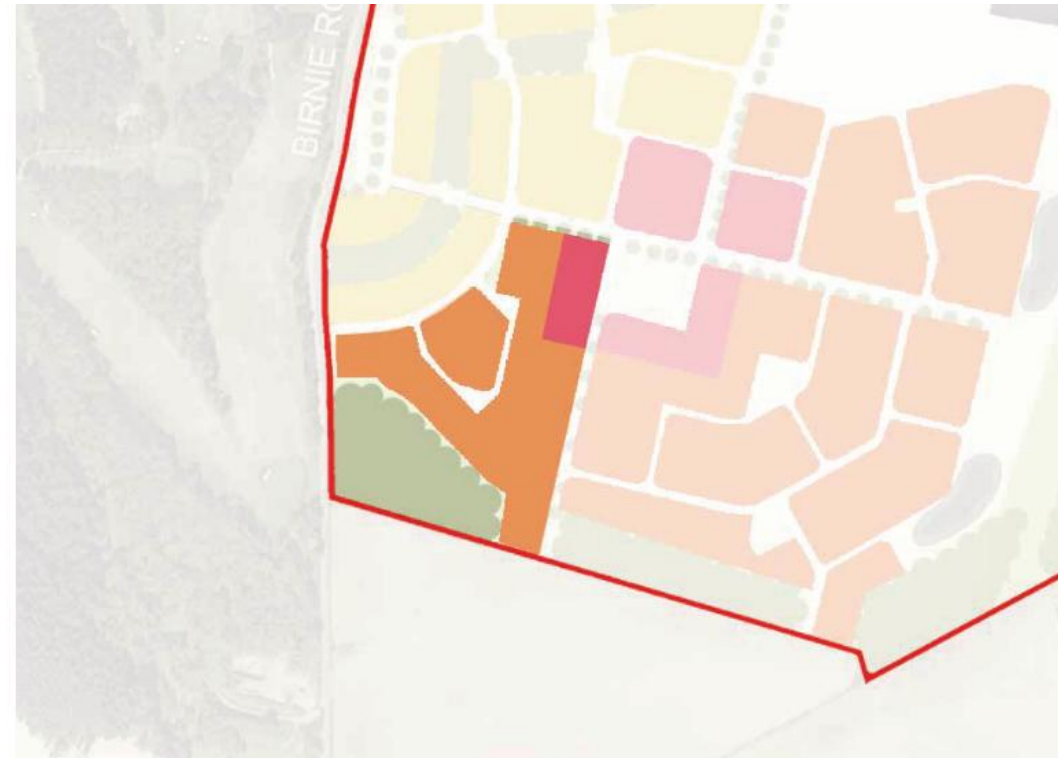
A presence on the western edge of the community square will allow the density to match that of the village core and an opportunity to provide a key block/building on the corner to aid navigation to and from the public space.

This compact edge of the development will be rich with colour and the feel for the development will change through the year as the landscaped edges and streets change through the seasons.

## Highlights

- Distinction to the landscaping, maple trees provide strong autumn colours with purple beech hedging providing colour all year round warm tones.
- New woodland to the south west provides opportunity for planting of native species, including gorse, broom, and bramble, which will provide natural habitat for birds and wildlife.
- Variation in density on the eastern edge facing the central green space provides opportunities for material change and key buildings.
- Street furniture will be more urban in style creating a sense of place.

## Colour Palette



Density  
 40-45 Units/ha   
 30-35 Units/ha   
 20-25 Units/ha



Building Heights  
 3+ Storey   
 2 Storey   
 1-2 Storey



Frontages and Key Buildings  
 Key Frontages   
 Main Routes   
 Key Corners/Buildings



Connections  
 Green Spaces   
 Green Network   
 Key Safe Routes



# Birnie Wood East



Location of 'Birnie Wood East'

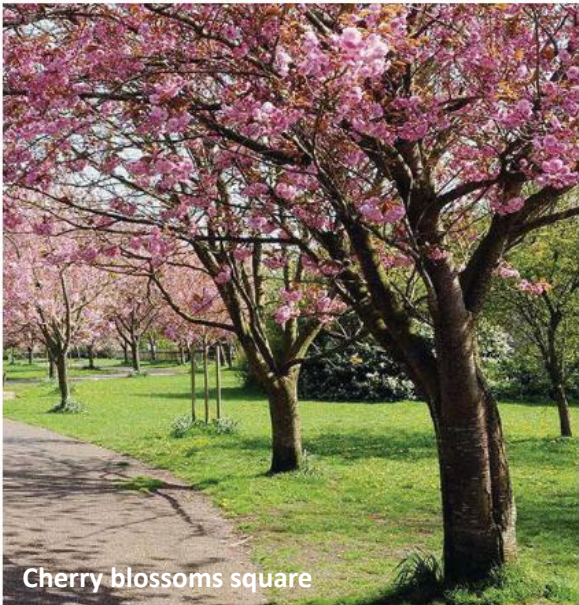


Visualisation of Birnie Wood East streetscape

*Cherry blossoms and purple beech hedges will compliment red doors and provide a warm tone in the spring. Pink and purple shades will continue throughout the seasons with flowering shrubs and trees. Cherry blossoms will create tree lined avenues and create a strong streetscape.*



Mid Grey timber cladding



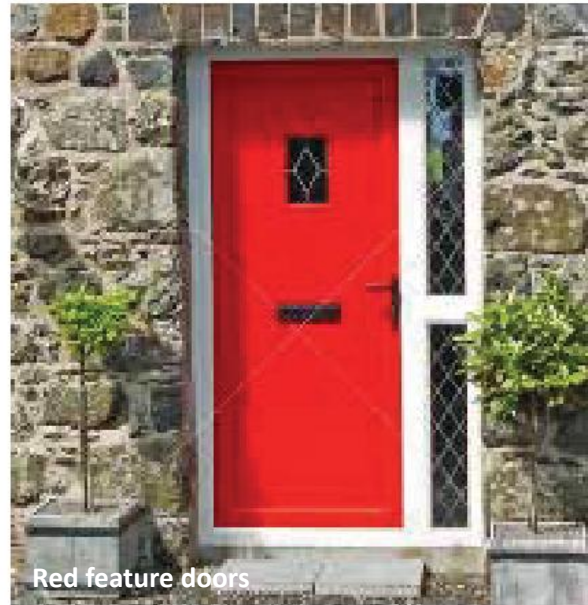
Cherry blossoms square



Pink flowering cherry blossoms



Purple beech hedges



Red feature doors



# Birnie Wood East

Following on from its neighbour Birnie Wood West, the eastern development of Birnie Wood will provide a similarities in terms of building height and density. Where it differs will be with the use of a lighter and more subtle material palette.

The introduction of pocket parks, small greens and play areas will create a variety of streetscapes and an attractive outlook for surrounding houses. The largest of the greens will be the community square to which Birnie Wood West forms two edges. These will be of an equivalent scale to that of The Square, The Campus and Birnie Wood West to create a sense of urban closure. A prominent corner on the north-south and east-west routes will be a key position for a key block or vista stopper building.

- Highlights

  - Pink clouds of cherry blossom will create a focal point in the spring, and the colour will continue through the seasons with lavender and pink flowering shrubs.
  - A colour palette of soft greys, buff, and white compliment the landscaping and planting providing a contrast to the striking bright red doors.
  - A variation in building heights and density, key buildings and mixed use opportunities gives this character area identity in contrast to adjacent Parkview and Crescent South areas.
  - New woodlands on the southern edge will become a recreational asset for the community with connecting woodland paths.

Colour Palette

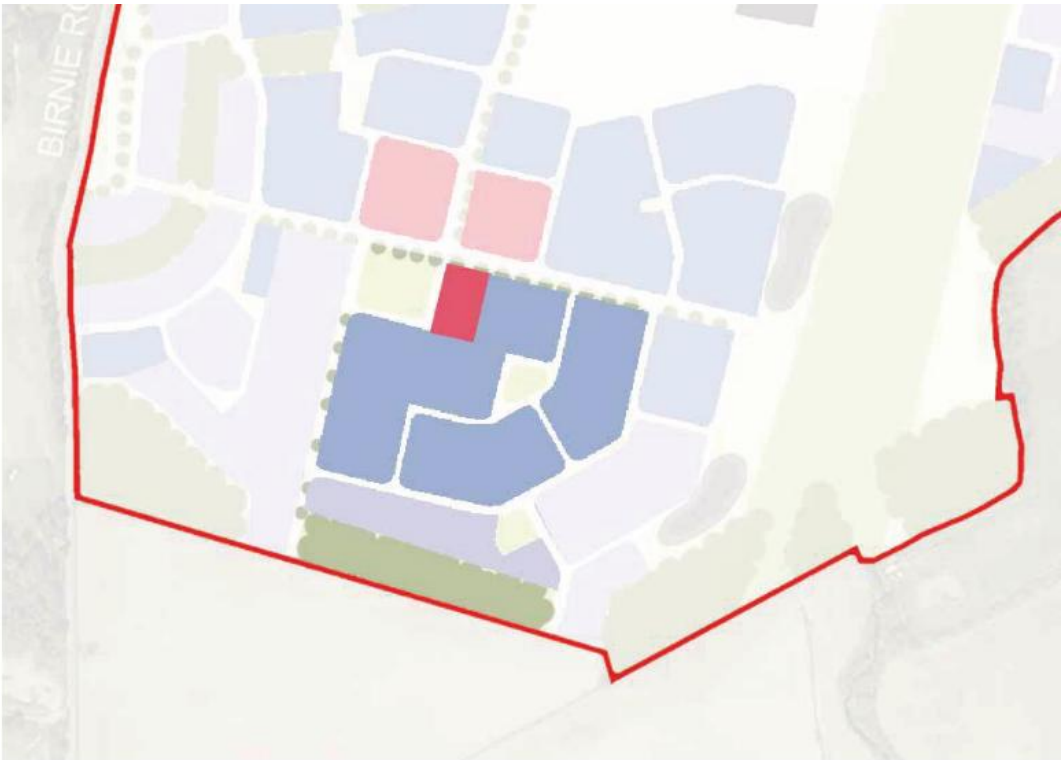


Density

40-45 Units/ha

30-35 Units/ha

20-25 Units/ha



Building Heights

3+ Storey

2 Storey

1-2 Storey



Frontages and Key Buildings

Key Frontages

Main Routes

Key Corners/Buildings



Connections

Green Spaces

Green Network

Key Safe Routes



# Parkview



Visualisation of wild flower meadows

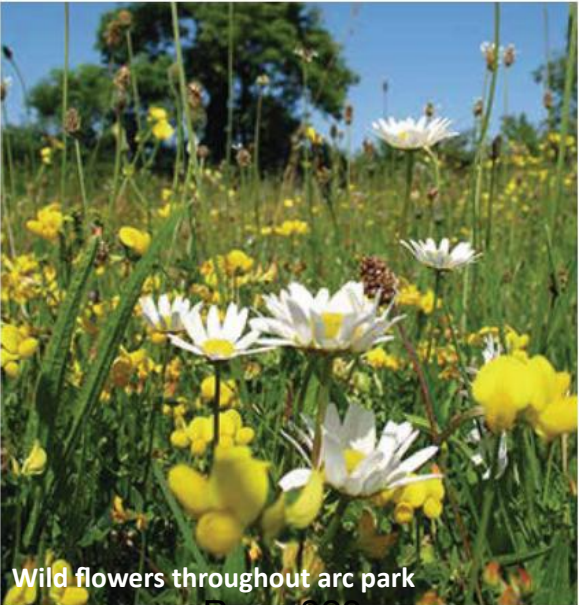
*Parkview will create a cool white/green edge to Glassgreen Village. Silver birch and white flowering shrubs will create a welcoming area of recreation and enjoyment. Splashes of bright yellows and reds and blues in the summer will create a colourful and attractive edge to the development.*



Soft green timber cladding



Silver birch trees



Wild flowers throughout arc park



Laurel hedges



Buff Anstone



# Parkview

Parkview is a new addition to the previous Elgin Masterplan approved in 2017. Borrowing some development from the previous Birnie Wood, Parkview provides an edge to the now widened expanse of the linear active travel route, Arc Park. This area of development will have a certain degree of exclusivity on the western section of the Arc Park where no other and open views onto adjacent field and woodland.

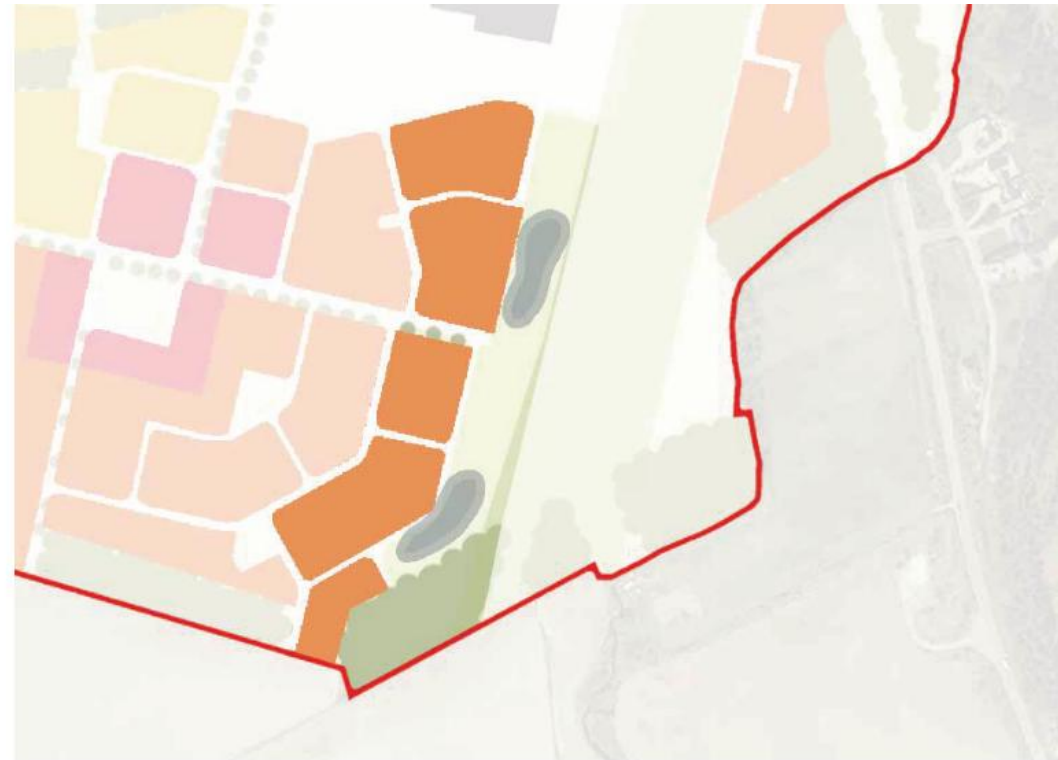
A series of SuDS features, woodland and a tree line edge to the front will promote and encourage biodiversity in this pocket where the landscape can be more natural. A range of native species will be able to thrive providing colour and interest to meadows and landscaped edges.

The development will provide a varied scale along the eastern edge to create variety and not to over dominate the landscape features.

## Highlights

- Bathed with cool early morning sun this easterly facing character area provides and green natural edge to the western village.
- Material colour palette of soft green, buff, and white reflect and compliment the landscaping proposals of laurel hedge garden boundaries, green meadows, and clusters of silver birch trees.
- Arc Park provides opportunity for planting of native species, including gorse, broom, and brambles a natural habitat for birds and wildlife.
- SuDS will be incorporated on the edge of the meadows to provide attractive blue/green features and encourage habitat, wildlife, and amphibians.

## Colour Palette



Density  
■ 40-45 Units/ha ■ 30-35 Units/ha ■ 20-25 Units/ha



Building Heights  
■ 3+ Storey ■ 2 Storey ■ 1-2 Storey



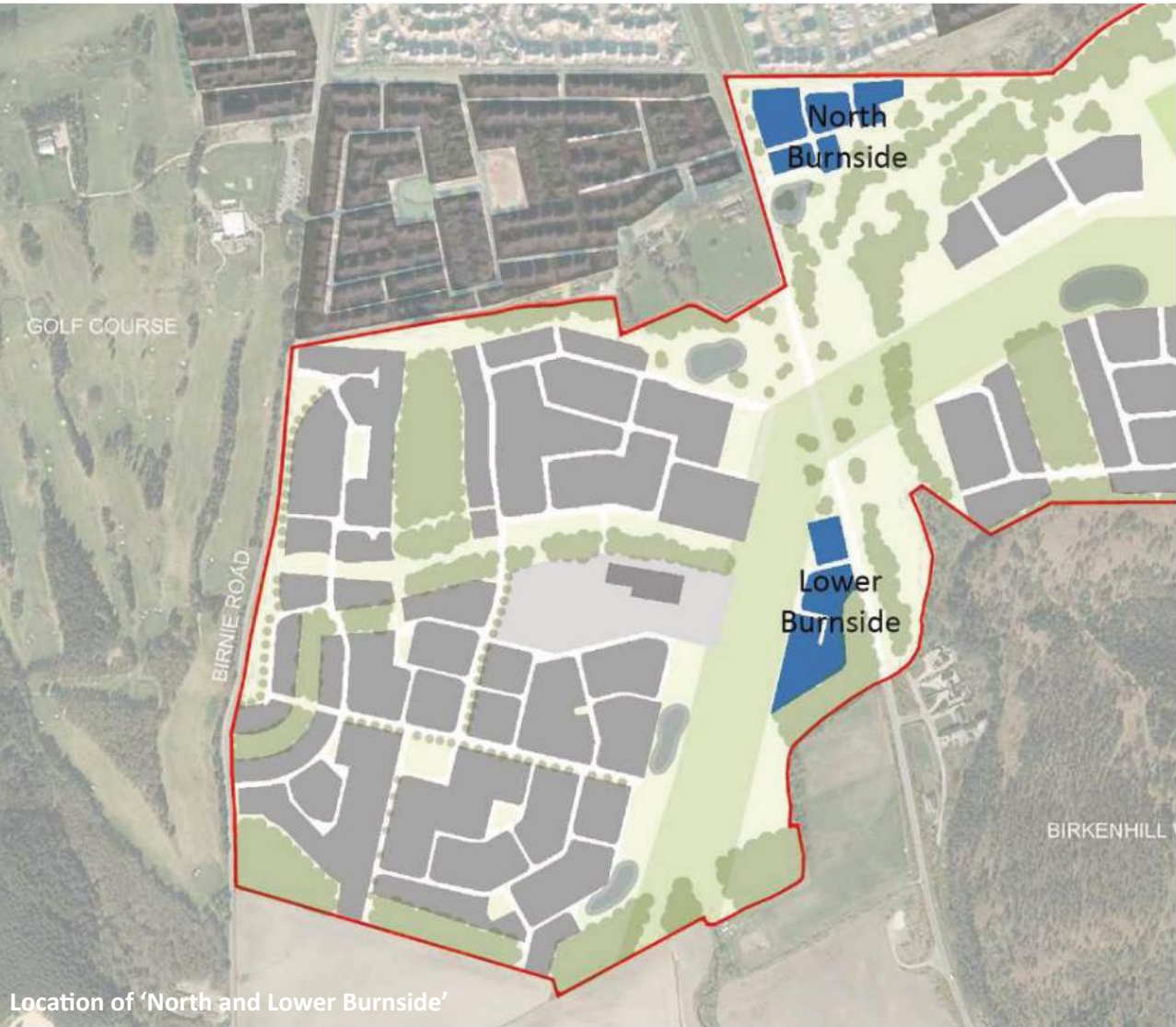
Frontages and Key Buildings  
■ Key Frontages → Main Routes ● Key Corners/Buildings



Connections  
■ Green Spaces → Green Network → Key Safe Routes



# North and Lower Burnside

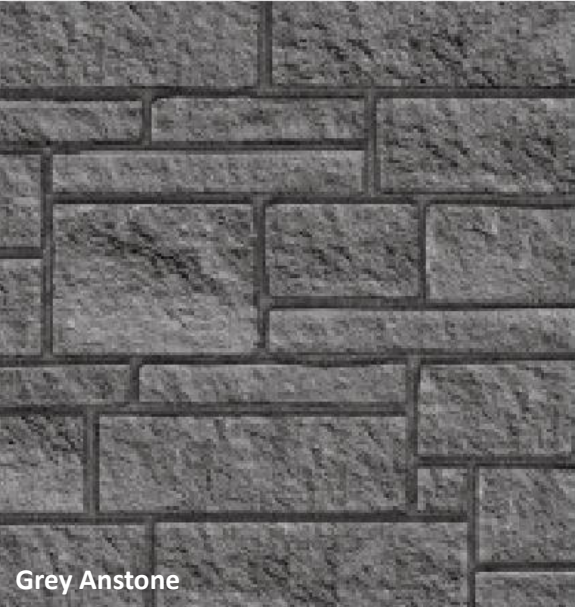


Location of 'North and Lower Burnside'



Visualisation of strong frontage onto A941

*The Burnside area will include a strong red accent colour throughout it's landscaping and features. Fire red bushes and wild berries will work together to form a bold and distinct landscaping structure. Existing mature trees within the public open space beyond will form a pleasant backdrop.*



Grey Anstone



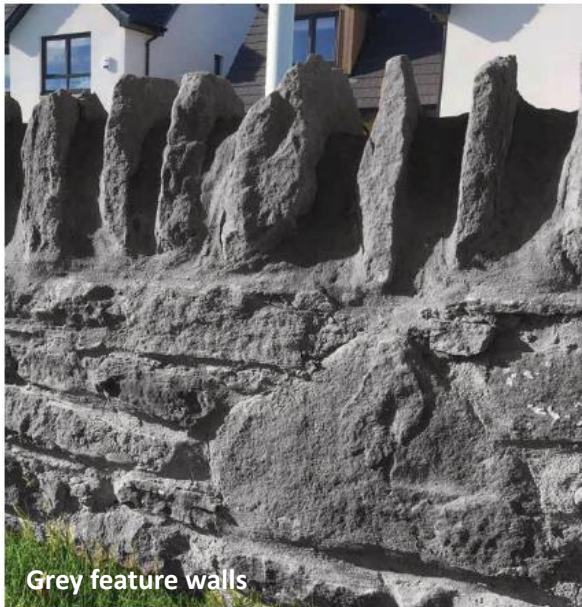
Fire red shrubs



Wild berries



Beech hedges



Grey feature walls

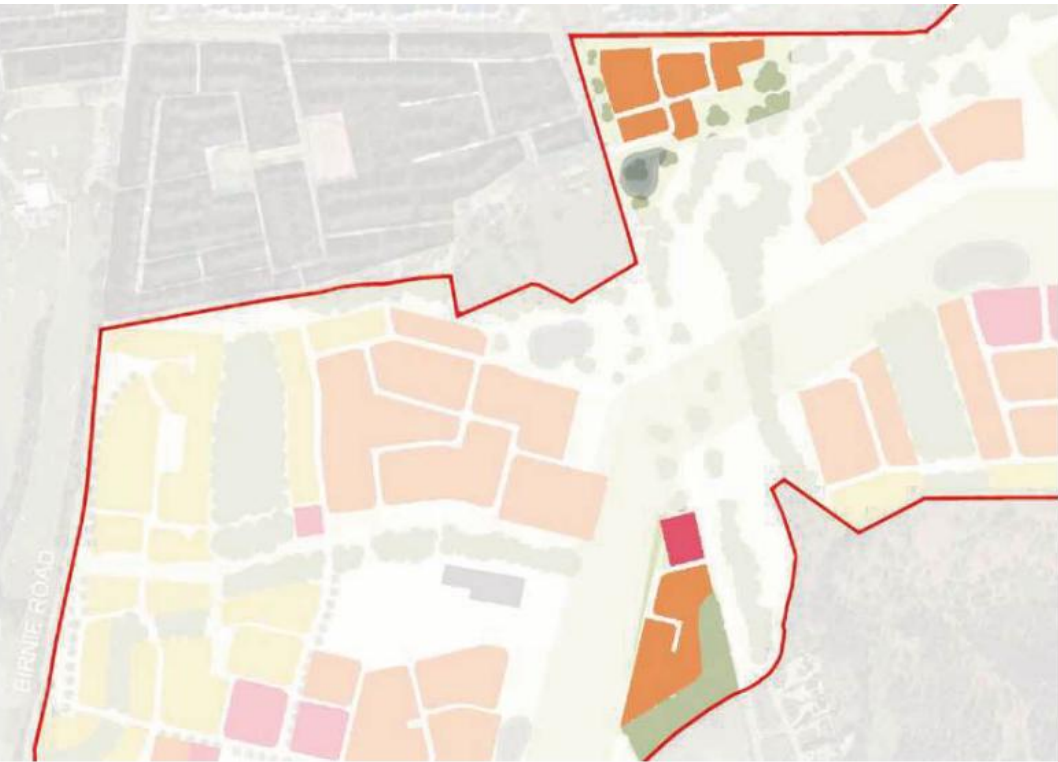


# North and Lower Burnside

Connected by the A941 North and Lower Burnside will form a progression gateway to and from Elgin. A cluster type development sitting each side of the road will allow the linear park to open either side creating an interesting journey for visitors. The prominent northern corner of Lower Burnside presents itself as a key location for a key building which can be used for something other than housing.

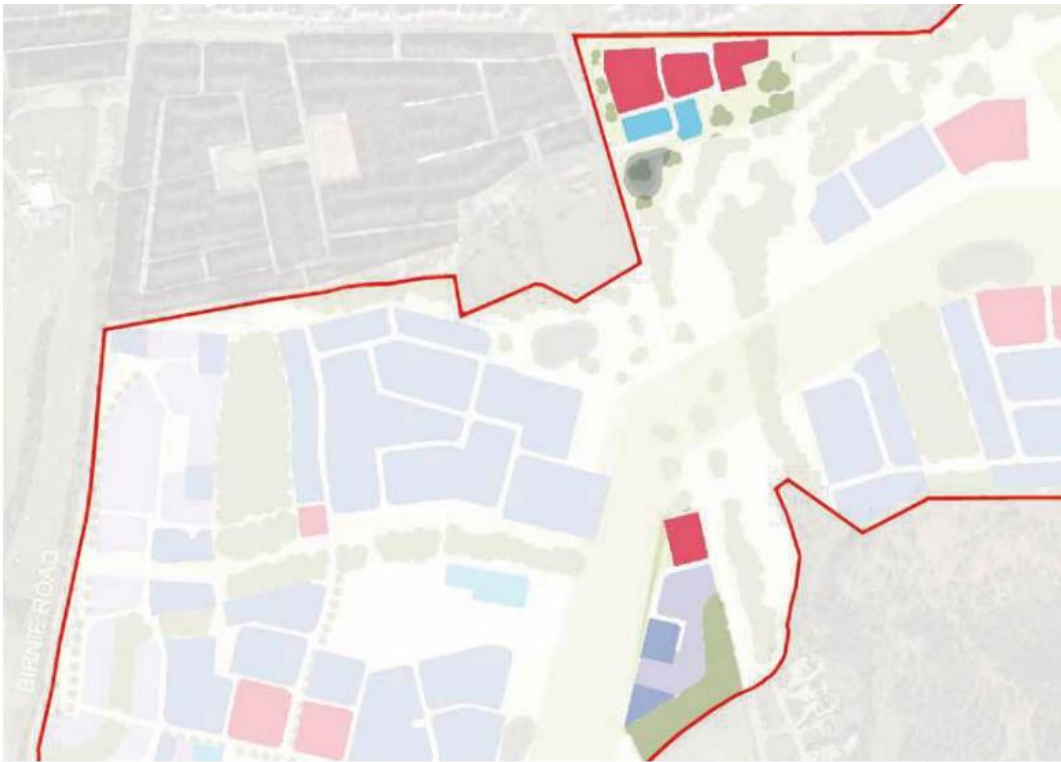
Enhanced woodland and tree lined streets with strengthen the green network route of the Linkwood Burn between the two development parcels encouraging community engagement with nature and the countryside.

- Highlights
- Gateway opportunities in the A941 roadway into Elgin, and key buildings will create focal points and interest within each development cluster.
  - Grey stone on buildings and feature walls, combined with grey and black cladding creates structure and form, in contrast to the bright reds and oranges within the landscaping.
  - Direct access to Arc Park and the green network.
  - Positive active frontage on prominent routes, with key buildings and discrete courtyard parking.
  - Biodiversity and natural habitat is promoted by protecting and enhancing the mature woodland, watercourses, and existing woodland paths.



Density

40-45 Units/ha	30-35 Units/ha	20-25 Units/ha
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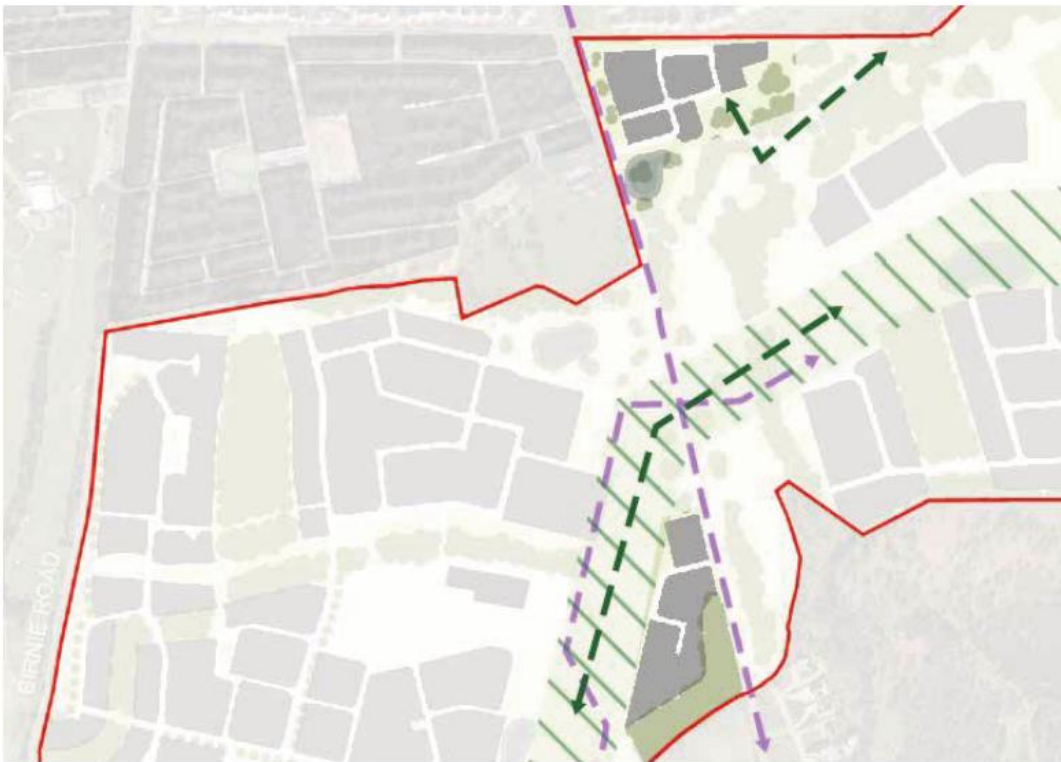
Building Heights

3+ Storey	2 Storey	1-2 Storey
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Frontages and Key Buildings

Key Frontages	Main Routes	Key Corners/Buildings
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Connections

Green Spaces	Green Network	Key Safe Routes
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# 8.0 Sustainable Design and Construction

Elgin South is in a sustainable location, effectively an 'urban extension,' on the edge of the built up area. It is adjacent to the settlement envelope and within easy walking distance of existing and proposed amenities and facilities, with good connectivity to the wider road and path network and local area. Elgin South will be a 20 minute neighbourhood with good accessibility, connectivity and provision.

Elgin South will utilise and promote Low and Zero Carbon Technologies, along with energy efficiency and sustainable building techniques to deliver a lower its environmental impact. Building Standards for energy efficiency and sustainability in force at the time of construction shall be complied with. All houses are fitted with Air-Source heating systems with underfloor heating on ground floors and radiators on first floors. Car charging cabling is provided as standard.





# Sustainable Design and Construction

## Fabric First

Through the use of improved insulation levels and careful design the houses achieve good thermal performance and air tightness.

Our timber kit specification includes for FSC or PEFC certified timber. The use of timber for kit manufacture and for materials and external wall cladding is typically Scottish larch. Timber provides a highly efficient and sustainable building material. Precision-engineered kits mean minimal wastage of material and resources. Using sustainably managed timber has a low carbon footprint level as timber throughout its growing life consistently captures CO<sub>2</sub>.

Construction and demolition waste will be minimised through careful design and efficient construction. Site waste management plans will be followed to reduce, reuse and recycle construction materials.

## Water

Water efficient fittings will be provided to all WC's and WHB's within each dwelling in line with current building standards. Water butts are to be provided at each house to collect surface water from roofs for use in the gardens. Grey water and recycling will be investigated for WC's.

Surface water drainage will require to be designed in accordance with the principles of sustainable development. Natural blue-green infrastructure shall be incorporated into SuDS.

Permeable surface materials such as porous paving or gravel will be used in the non-adopted parking areas.

## Renewables

The type of renewables available will change as technologies advance through time. It is anticipated that the below will be utilised in the early years for use across various tenures to comply with Building Standards in various combinations.

- Air Source Heat Pumps
- Photovoltaic Panels
- Waste Water Heat Recovery

Other technologies to be considered in line with future Building Standards.

- Mechanical Vent and Heat Recovery (MVHR)
- Waste Water Heat Recovery
- PV to thermal
- Solar Glazing
- Thermal Store (SunAmp)
- Thermodynamic Hot Water Heating
- Ground Source Heat Pumps
- Exhaust Air Heat Pumps.

Future energy storage solutions to be considered.

- Local Battery Storage
- Central Battery Storage
- Electric Vehicle Battery Integration
- Electrical Grid optimisation through software control

The above is not an exhaustive list but identifies those technologies available for consideration in the foreseeable future, all other emerging technologies will be considered as they appear.

## Current Practice



Air Source Heat Pumps



Photovoltaic Panels



Waste Water Heat Recovery



# Biodiversity

Elgin South will maintain existing woodland and trees and increase connectivity of green infrastructure post development. The planting of street/ feature trees, hedgerows, shrubs and wildflower meadows will be informed by species as listed in the MDLP 2020 and those identified in Wildlife Mitigations and Enhancement (WMEP) documents produced by EnviroCentre for individual development phases. Any failures in planting in the first five years after planting will be replaced with plants of a similar species or size

Each phase has thus far and will continue to have a WMEP. These include ECoW inspections which identifies site observations along with mitigation and remedial actions to be implemented. The actions are allocated a 'traffic light' colour depending on the urgency, are completed every 4 months and feature checks on badgers and other protected species on or near any of the sites, habitat corridors/surface water management and flora/fauna. The WMEPs also inform the provision and location of suitable wildlife refuge such as bat and bird boxes, hedgehog friendly fencing, and hibernation refugia. These provisions can be extrapolated for the masterplan site to create a network of wildlife friendly measures and include, as required, additional items such as wildlife crossing points and amphibian friendly drainage. The main aim would be to maintain and enhance wildlife provisions and biodiversity on site and enhance connectivity to further suitable wildlife habitats in the wider landscape. Habitats will be situated throughout the development, providing connectivity to existing mature woodland on fringes and wider extents of site.

Blue-green infrastructure will be incorporated into the multi-functional open space in the form of swales, sustainable urban drainage systems and other water features which are design elements which contribute to biodiversity and also help create a sense of place and identity. The proposed sustainable urban drainage system (SuDs) provides an opportunity for habitat creation and create or maintain wetland areas on the fringes of the Linkwood Burn.

Throughout the development there are areas to be hydro-seeded and maintained as species rich long grass areas as well as seeded communal close mown grass areas, with minimal management. Wildflowers present diverse and appealing habitats which are iconic to UK countryside, benefiting local wildlife and quickly naturalizing with little maintenance required. Meadows attract plant as well as insect biodiversity, accommodating invertebrates (including pollinators), birds, and mammals.

Any future planning application will demonstrate suitable measures for biodiversity promotion via a Biodiversity Plan and other supporting documents.



Natural environments



Promoting community involvement



Wildlife friendly environment



Encouraging biodiversity



# Carbon Emissions

In December 2020 the Scottish Government published an update to the Climate Change Plan that set out how they will meet the target to reduce emissions by 75% by 2030.

Mitigating climate change is primarily accomplished through reductions of greenhouse gas emissions such as carbon dioxide. The Elgin South Masterplan will seek to address this through identifying a number of possible interventions that would contribute towards this objective. Given the scope and context of the development, many of these relate to encouraging people to use zero or low carbon forms of transport, such as walking, cycling and public transport. In addition, all development across the site should be designed to minimise carbon emissions, and to be as energy efficient as is reasonably practicable. Another way in which carbon emissions can be limited is through the use of renewable and low-carbon energy generating technology. We will pursue these to deliver tangible benefits.

Extensive landscaping and tree planting are proposed throughout the site corresponding with the flood risk area and retained trees. Appropriate hedgerow and tree planting would be adopted. Existing mature trees and wetland along Linkwood Burn add greatly to sense of place and act as carbon stores.

We place great emphasis on sustainable housing, for example increased energy efficiency, which also works at tackling fuel poverty, and higher carbon standards for our new homes.

‘Rethinking how our places are lived in, planned, delivered and adapted will help to futureproof our villages, towns, cities and regions from the more extreme and costly impacts of climate change. The development of low carbon and resilient places across Scotland, for example through 20 minute neighbourhoods, will provide ready access to the facilities for our everyday lives, significantly reducing private car dependency and increase walking cycling and public transport use, and supporting the well-being economy.’ (Carbon Change Plan)

Springfield provide modern homes and buildings which will be much greener and more energy efficient than their predecessors but they must go further. ‘We will have reduced emissions from, and demand for, heat, so that virtually all buildings are zero emissions. Renewable sources of energy will supply our heating, cooling and lighting needs. People will feel comfortable in their homes all year round, and we will have met our statutory targets for fuel poverty.’ (SG Climate Change Plan)

We will deliver in unison with Moray Council a series of active travel projects and infrastructure to create good access for walking, cycling and wheeling. Enabling the delivery of high quality, safe walking, wheeling and cycling infrastructure alongside behaviour change, education and promotion is the best way to encourage more people to choose active and sustainable travel.



Safe active travel routes



# Climate Change and Resilience Adaptation

Climate change refers to a large-scale, long-term shift in the planet's weather patterns and average temperatures. 'As of 2018, the 20 warmest years on record globally have been in the past 22 years'. (IPCC) It drives increases in storm frequency and severity, greater variances in temperature extremes and heightened flood risk. Broadly it will result in a shift to warmer and wetter winters and hotter and drier summers. Loss of species and habitats is a direct consequence of this, impacts on public health along with effects on farmland and infrastructure.

Elgin South aims to be as resilient to climate change as far as possible. This works from avoiding area of flooding risk accounting for climate change and storm events. New development should not be located in areas at flood risk or increase vulnerability to flooding (MLDP DP1). Farmland will be given over to wetlands and informal meadows, watercourses shall be restored and enhanced and woodlands created to be carbon sinks.

Open space and green/blue infrastructure provision is important for many reasons. It supports healthy and active lifestyles, as well as providing spaces to relax and unwind supporting mental health. It can have climate change related benefits including reducing flood impacts, providing space for sustainable drainage, and pollution mitigation. It can create habitat networks and connections and support biodiversity. (MLDP EP5)

We will work to enhance water quality, the water environment and the natural elements of the wider site. Nature-based solutions will be maximised to provide areas to be given over to both biodiversity and natural flood management. Green and Blue Infrastructure is central to building resilience to climate change, and can also be a key driver to meet other economic, social and environmental goals. SuDs will provide swales, ponds and other features that mimic more natural processes rather than geometric basins and ditches.

'Green infrastructure can provide insulation, reducing heat demand during cold periods, and cooling, reducing the need for air conditioning during heat waves. Trees close to buildings can also provide shade and shelter,

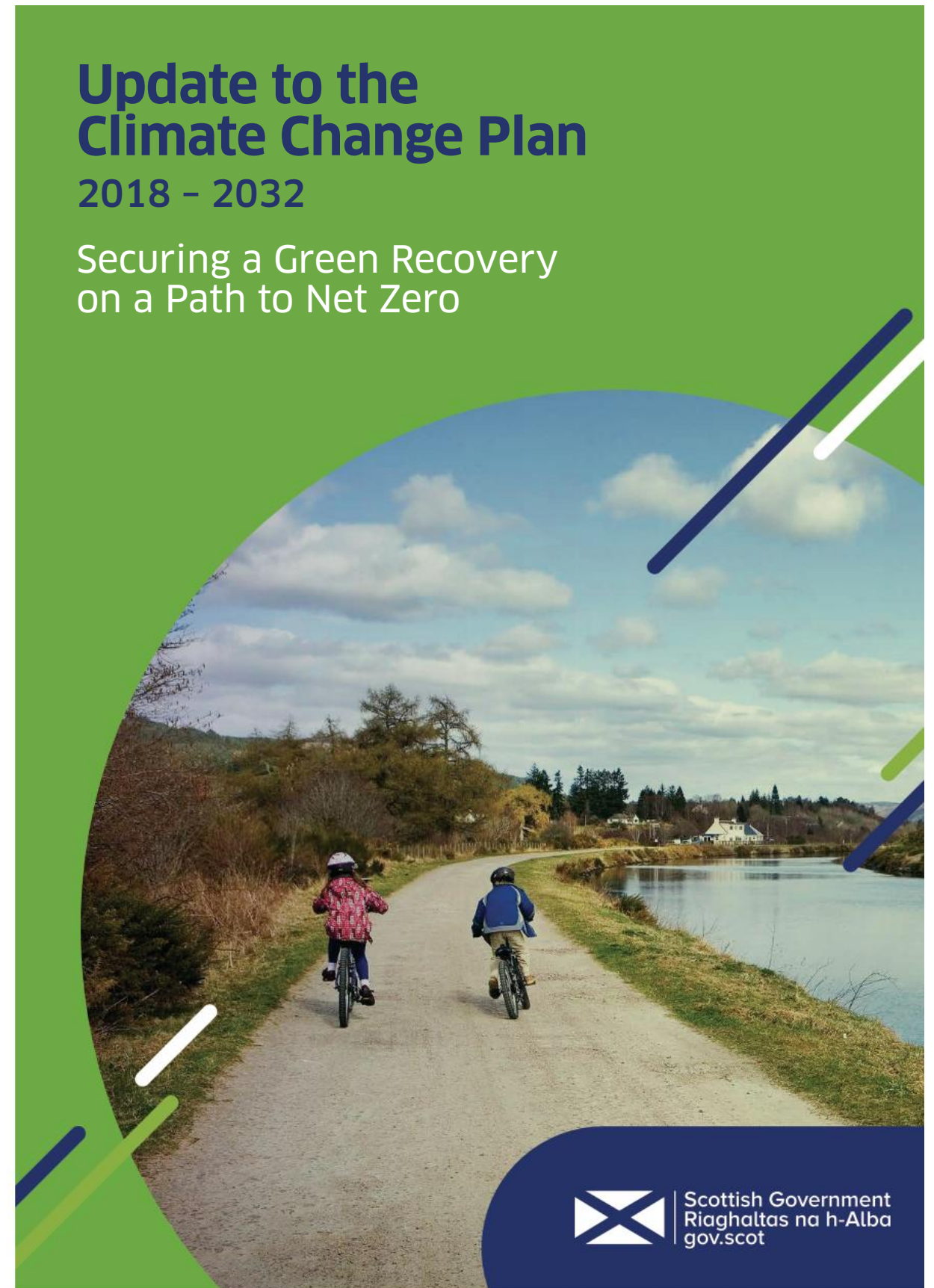
and parks, gardens and water features help to provide urban cooling on hot days. Co-benefits include positive impacts on biodiversity and urban wildlife, aesthetic value, places for outdoor recreation, reduced storm-water runoff, air and water quality improvements and carbon sequestration.' (SG Climate Change and Built Environment)

The masterplan incorporates corridors across the site which support the movement of wildlife, linking open spaces with the cover of vegetation and woodland areas. These enhance biodiversity, provide tranquil spaces between the residential areas and allow for increasing resilience in the changing climate. These greenspaces, including meadows and parklands which amounts to over 40% of the site corresponds principally with existing woodland fringes, The Linky and areas of flood risk. Informal and formal spaces and path networks would connect into the wider area and its cycle and core path networks.

Energy Efficiency and resource consumption shall be derived from a range of measures including better insulation, energy-saving technology and appliances, EV charging and more sustainable construction techniques and materials. Renewables such as ASHPs, solar panels and other technologies shall be used and alternatives explored. Waste management and recycling from construction through the lifetime of the development shall be promoted. Green Travel and greener development shall be at the forefront of Elgin South.

## Update to the Climate Change Plan 2018 - 2032

### Securing a Green Recovery on a Path to Net Zero










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

**SUBJECT: DEVELOPER OBLIGATIONS SERVICE UPDATE**

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

## **1. REASON FOR REPORT**

- 1.1 This report asks the Committee to note the update on developer obligations received and spent during the financial years of 2019/20 and 2020/21; agree minor operational changes in the process, changes in transport trip rates and agree the updated commuted sums for affordable housing.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the review and preparation of strategic and local plans.

## **2. RECOMMENDATION**

### **2.1 It is recommended that the Committee:**

- (i) **notes the content of the report;**
- (ii) **notes and agrees the table of exemptions as set out in Appendix 1 of this Report;**
- (iii) **notes and agrees the change in transportation trip rates as set out in Section 4.6 and Appendix 2 of this Report; and**
- (iv) **notes and agrees the commuted sums for affordable housing as set out in Section 5 and Appendix 3 of this Report.**

## **3. BACKGROUND**

- 3.1 The need for better co-ordination of infrastructure planning was recognised in the Planning (Scotland) Bill that emphasises a strong commitment to an infrastructure first approach. This approach has been reflected in the Moray Local Development Plan (LDP) 2020 by bringing forward the previous policy, IMP3 Developer Obligations to a primary policy to highlight the importance of

well-planned and co-ordinated infrastructure. Policy PP3 Infrastructure and Services requires a strong evidence base in order to secure Developer Obligations.

- 3.2 The Council's first Supplementary Guidance (SG) on Developer Obligations was approved by this Committee on 14 June 2016 (Para 13 of minute refers) and then by the Scottish Government coming into effect on 14 October 2016. The subsequent update, introducing a maximum cap of £6,500 per residential unit, was approved by this Committee on 5 December 2017 (Para 9 of minute refers) and was adopted on 1 March 2018 after approval of the Scottish Government.
- 3.3 The current SG was approved by the Moray Council Emergency Cabinet on 14 May 2020 (Para 6 of minute refers) and then by the Scottish Government, coming into effect on 30 September 2020. This Guidance removed the discount for small scale developments and the maximum cap of £6,500 per residential unit as there was no evidence showing that the land values started adjusting to the level of developer obligations required, which was the aim of introducing the cap in the first instance, and it was no longer sustainable for the Council to continue to bridge the funding gap in infrastructure. The SG will be reviewed every two years to keep it up to date and relevant.

#### **4. UPDATE**

##### Developer obligations received

- 4.1 During the 2019/20 financial year, developer obligations of £74,747.77 were received from 96 approved planning applications; whereas this figure was £262,230.46 in the 2020/21 financial year from 78 approved planning applications. Table 1 below provides a summary of developer obligations received within the last two financial years both as up-front payments and payments via S75 legal agreements relating to previously approved larger developments. The significant increase in developer obligations last financial year is primarily the result of the introduction of Policy DP2 Housing of the LDP 2020, which sets out that planning applications of 1-3 dwellings must provide a commuted payment towards affordable housing. Table 2 below provides a breakdown of developer obligations received by contribution type.
- 4.2 A significant amount of S75 payments were received in the past two financial years relating to previously approved large developments due to triggers set out in the legal agreements being reached. On top of the developer obligations agreed previously within the s75 legal agreements, these figures also include indexation as per legal agreements and late payment fees where applicable. Table 1 also provides a summary of developer obligations secured via s75 legal agreements. These secured amounts will be received by the Council in the coming years as the triggers are being reached.

<b>Timescale</b>	<b>Consultations received</b>	<b>DO Paid</b>	<b>Received</b>	<b>S75 payments received</b>	<b>TOTAL</b>	<b>Secured via s75s</b>
2019/20	324	96	£74,747.77	£844,435.43	<b>£919,183.20</b>	<b>£4,273,345.14</b>
2020/21	305	78	262,230.46	£85,183.65	<b>£347,414.11</b>	<b>£3,022,905.84</b>

Table 1. Developer obligations received and secured

	<b>2019/20</b>	<b>2020/21</b>
Affordable Housing	£2,500	£138,583.33
Healthcare	£45,424.40	£73,035.47
Education	£23,875.30	£49,856.13
Sports & Recreation (3G pitch in Forres)	£604.20	£755.53
Transportation	£2,343.87	-
<b>TOTAL</b>	<b>£74,747.77</b>	<b>£262,230.46</b>

Table 2. Developer obligations received (excluding s75s)

- 4.3 During the 2019/20 financial year, 13 s75 legal agreements were prepared and signed for larger developments resulting in securing developer obligations of £4,273,345.14. Last financial year, 2020/21, developer obligations of £3,022,905.84 were secured via 7 signed s75 legal agreements. Breakdown of these secured developer obligations by contribution type are set out in Table 3 below.

	<b>2019/20</b>	<b>2020/21</b>
Affordable Housing	£200,000.00	£104,000.00
Healthcare	£993,990.10	£1,331,318.65
Primary Education	£1,807,369.34	£1,247,886.29
Secondary Education	£960,050.00	£165,528.00
Sports & Recreation (3G pitch in Forres)	£7,735.70	£74,701.40
Transportation	£304,200.00	£99,471.50
<b>TOTAL</b>	<b>£4,273,345.14</b>	<b>£3,022,905.84</b>

Table 3. Developer obligations secured via s75s



- 4.4 A developer obligations consultation response is aimed to be provided within 15 days of the consultation date for local applications and within 4 weeks of the consultation date for major applications. A 90% performance indicator (PI) has been set and these have been continuously high for the local applications. Lower PIs were experienced for the major applications during the last couple of quarters. This is due to the senior officer in this specialist post being on maternity leave and maintaining high level of performance indicators on complex cases could not be achieved whilst training inexperienced staff.

	PI Target	Achieved PI (local applications)	Achieved PI (major applications)
2017/2018 Q1-Q4	90%	94.5%	87.5%
2018/2019 Q1-Q4	90%	98.5%	100%
2019/2020 Q1-Q4	90%	90.3%	66.7%
2020/2021 Q1-Q4	90%	94.7%	33.3%

Table 4. PIs

#### Developer obligations spend

##### *Overall*

- 4.5 The Strategic Planning and Development Team works closely with other Council Services and NHS Grampian to ensure that developer obligations are being spent towards relevant projects within the agreed timescales. Developer obligations spent within the last two financial years are set out in Table 5 below.

Contribution Type	2019/20	Breakdown	2020/21	Breakdown
Affordable Housing	£2,600.00	Tomintoul and Glenlivet Development Trust to progress an affordable housing project	£9,325.00	Affordable Housing at Elgin South
Dial-a-bus	-		£6,251.00	Dial-a-bus
Roads	7,590.00	Passing place within the Keith ASG	-	
Community Facilities	£1,606.66	Purchase of broadband equipment and installation in Forres Town Hall	£93,187.78	Enhancement works at Elgin Town Hall + Inclusive Play Park at Moray Sports Centre
Healthcare	£4,199.80	Internal Reconfiguration works at Linkwood Medical , Elgin and Rothes Medical	£426.56	Internal Reconfiguration works at Linkwood Medical , Elgin
Education	£482,591.69	Linkwood Primary School	-	

Library	-		£1,340.00	Mobile spinners at Keith and Speyside libraries
Indoor and outdoor sport facilities	£2,195.71	Additional gym equipment for fitness suite at Milnes High School	-	
Playing Fields	-		-	
<b>Total</b>	<b>£500,783.86</b>		<b>£110,530.34</b>	
Refunds	£309.60	Application withdrawn	-	
	£491.76	Duplicate payment	-	
	£149,980.00	Unable to deliver work as per s75 criteria and timescales	-	

Table 5. Developer obligations spent

### *Buckie Developer Obligations*

- 4.6 A significant amount of developer obligations of £406,861 were received from the Tesco store development in Buckie in 2010, with slow progress to spend the contributions until 2019. In the beginning of 2019 community groups in Buckie were invited to apply for developer obligations to be spent on projects that would benefit and help to improve the town. At the same time UK based artists were also invited to submit their ideas of a gateway feature that would showcase the heritage of Buckie, again paid for by developer obligations.
- 4.7 The project was put on hold last year due to Covid-19, and Tesco agreed to extend the timescales for spending the developer obligations until June 2022. The work on this project will reconvene this year and the Council is on track for spending the remaining obligations as set out in Table 6, by the extended deadline. A similar exercise will also be carried out in Forres later on this year, aiming to spend £50,901 available towards community facilities by giving the opportunity to community groups to submit their ideas for spend.

	<i>Received</i>	<i>Spent</i>	<i>Remaining</i>	<i>Breakdown</i>
<i>Transportation</i>	£186,861.00	£186,861.00	<b>£0</b>	Bus Service Traffic signals at High Street/Cathcart Street junction
<i>Town Centre initiatives</i>	£175,000.00	£164,954.33	<b>£10,045.67</b>	Various town centre improvements
<i>Gateway</i>	£25,000.00	£25,000.00	<b>£0</b>	Costs relating to the gateway feature
<i>Woodland</i>	£20,000.00	£7,185.75	<b>£12,814.25</b>	Landscape architect design Contamination study Hall hire for public consultation Trees, ties and compost Bark
<b>TOTAL</b>	<b>£406,861.00</b>	<b>£384,001.08</b>	<b>£22,859.92</b>	

Table 6. Buckie developer obligations summary

### Exemptions

- 4.8 Since the adoption of the current SG, some additional operational exemptions, currently not addressed in the SG, from developer obligations and affordable housing contributions were allowed and this Committee has presented the earliest opportunity to agree these. Based on the current SG, developer obligations are sought for all planning applications, even those with extant consent if previously not paid towards this policy requirement. Developer obligations should be taken off the land value and in the light of the increased level of developer obligations due to the removal of the discount for small scale development and the introduction of policy DP2 Housing, it was considered unreasonable to ask small scale planning applications with extant consent, where the land value is fixed, to contribute towards policies PP3 and DP2. These policy requirements can be taken into account when purchasing land for fresh planning applications, but historic small scale developments have fixed land values and as the viability process do not apply to them, it is considered reasonable to exempt them from policies PP3 and DP2 during this transitional period. These exemptions are set out in **Appendix 1** of this Report.

### Simplified agreements

- 4.9 The increased level of developer obligations and the introduction of policy DP2 Housing of the LDP 2020 caused difficulties in making upfront payments for some single house applicants. Previously, the only way to phase developer obligation payments was via s75 legal agreements, tying contributions to the land, which does not suit single house developments as the cost for setting up a S75 legal agreement is not proportionate to the developer obligations required for a single house application. The increased level of contributions are a result of a new policy requirement and to allow time to adjust to this policy requirement, an option to phase developer obligation payments via a simpler and more cost-effective method has been introduced. Since its introduction, the Council has entered into 7 simplified agreements with individual applicants.

### Transportation trip rates

- 4.10 The residential trip rates as set out in **Appendix 3** Table 1 of the current SG have been used in Transport Assessments for new residential developments in Elgin since 2003 (a time when developer obligations for the cumulative impact of traffic on the network were negotiated). The trip generation rates are derived from a national database of surveys called TRICS (Trip Rate Information Computer System). Reviewing these trip rates against current data from TRICS, and a survey of the Hamilton Gardens development in Elgin, shows that the rates do not reflect current trip making behaviours and their continued use leaves the Council open to challenge. The trip generation rates used within both the 2015 and 2018 Elgin Traffic Models for all residential developments when forecasting future years' traffic are also lower than those within the SG. These rates are set out in Table 7 below. This variance should have been picked up but has only recently become apparent. This report provided the earliest opportunity to agree the necessary amendment to ensure consistency between the two sets of figures. As set out



in para 4.12 below, the variation has only affected two developments-the impact of which is detailed further below.

Source	Vehicle Trip Generations Rates per dwelling					
	AM Peak			PM Peak		
	Arrivals	Departures	Total	Arrivals	Departures	Total
Developer Obligations Supplementary Guidance	0.168	0.532	0.700	0.596	0.297	0.893
2015 and 2018 Forecast Traffic Modelling	0.140	0.390	0.530	0.350	0.190	0.540
Hamilton Gardens Traffic Survey	0.120	0.480	0.600	0.430	0.200	0.630

Table 7: Trip Generation Rates

- 4.11 It is therefore proposed to lower the trip rates currently set out in the SG to those used in the Elgin Traffic Model for future year traffic forecasts. This report asks the Committee to approve the updated Table 1 in **Appendix 3** and the worked example in **Appendix 4** of the current SG reflecting the lower trip rates as set out in **Appendix 2** of this Report.
- 4.12 To date there have been two planning applications which have developer obligations for transport interventions in Elgin secured using the rates in the SG, Findrassie (planning reference: 17/00834/PPP) and Bilbohall (planning reference: 20/00905/APP). A review of the obligations secured shows that applying the revised trip rates would have no impact on the amount of developer obligations secured from the Findrassie development as this development was subject to the maximum cap of £6,500 per residential unit as was appropriate at the time of determination of this application, and the full amount of developer obligations required for transport interventions was not secured. However applying the revised lower trip rates to the Bilbohall development would result in a reduction in the level of developer obligations being sought in respect of that application.
- 4.13 In order to treat all developments consistently, which is an important aspect of determining developer obligations towards the cumulative impact of development on infrastructure, the developer obligations sought for the Bilbohall development will need to be reduced to reflect the revised trip generation rates. This will result in a reduced developer obligation figure being received as set out in the relevant section below. The S75 legal agreement has already been signed for this development, but developer obligations relating to transportation could easily be reduced via a modification to the existing S75 agreement.

## 5. **AFFORDABLE HOUSING**

- 5.1 Commuted sums towards affordable housing for developments of 1-3 units are required to meet housing needs in the local housing market area as set out in policy DP2 of the LDP 2020. These contributions are not developer

obligations, but the Strategic Planning and Development Team collects, holds and monitors the expenditure of these as well as developer obligations.

- 5.2 The commuted sum towards affordable housing was agreed by Housing Service as £16,000 in lieu of each unit of affordable housing many years ago. It was considered that in light of policy DP2 and for a more robust position, an update of this figure will be required, which is in line with practice at other local authorities. The Cairngorms National Park Authority has carried out a similar exercise recently.
- 5.3 Moray Council commissioned the District Valuer Service in April 2021 to undertake a valuation of a serviced affordable housing plot and identify the average value for an affordable housing plot in Moray along with values for affordable housing plots in the 5 housing market areas. The Cairngorms Housing Market Area is excluded from this valuation as planning applications within this area are considered against the Cairngorms National Park Local Development Plan, Developer Obligations and Housing Supplementary Guidances. Therefore, a value of £17,000 per affordable housing plot will be used within this area as identified by the District Valuer as part of a valuation report undertaken for the Cairngorms National Park Authority.
- 5.4 Based on assumptions agreed between the Strategic Planning and Development Team and the District Valuer, the proposed affordable housing plot values for each local housing market area are summarised in Table 8 below. The full valuation report can be found in **Appendix 3** of this Report. It is recommended that when assessing planning applications against policy DP2 Housing, below commuted sums to be applied in each housing market area.

Local HMA	Commuted sums
Buckie	£18,500
Elgin	£22,500
Forres	£19,750
Keith	£18,500
Speyside	£16,500

Table 8: Proposed affordable housing commuted sums

- 5.5 It is proposed that if the commuted sums detailed in Table 8 are approved by the Committee, these will apply to all relevant planning applications validated on or after the 4 August 2021.

## 6. **SUMMARY OF IMPLICATIONS**

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

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

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

The Developer Obligations Supplementary Guidance forms part of the statutory LDP2020.

**(c) Financial implications**

The Council may need to provide for any adverse impact on existing infrastructure and facilities resulting from new development should developer obligations not be sought or the level sought does not cover the costs following viability appraisals.

Mechanisms such as forward funding of infrastructure projects carry an inherent risk associated with the pace and scale of future development and the timescales over which obligations will be achieved.

The signed S75 legal agreement for the Bilbohall development includes a figure of £161,427.72 towards transport interventions, and with using the revised trip generation rates this figure will be reduced to £98,533.88, which will be received via instalments that are based on completion of units. The difference between the two trip rates only became apparent recently and to be open and transparent, it is proposed to modify the signed S75 legal agreement in order to use trip rates that reflect the current trip making behaviour. Therefore, the legal fees relating to the modification of this legal agreement will be borne by the Council.

The revised residential trip generation rates will result in lower levels of developer obligations sought towards traffic interventions in Elgin going forward however the revised trip rates more accurately reflect current trip making behaviour.

**(d) Risk Implications**

Co-ordination of infrastructure and cross service working are required in order to plan for the infrastructure that supports growth in line with the LDP 2020 to ensure that Developer Obligations are sought towards the necessary infrastructure items and these projects are deliverable to support the residents of Moray.

If development is not planned for appropriately and supported by the necessary evidence provided by the relevant services, key agencies and community planning partners, then the Council cannot seek Developer Obligations to mitigate the impact of the development or apply the appropriate rate. If infrastructure is not well-planned and co-ordinated, the Council risks of not meeting the deadline for spending Developer Obligations and having to refund Developer Obligations to the developer with accrued interest. Therefore, the Council runs the risk of having to provide the infrastructure necessary to facilitate development at their own cost.

If adequate resources and staffing is not provided, the Council runs the risk of collecting developer obligations, but not having sufficient staffing capacity to deliver projects which would result in a refund of collected funds.

**(e) Staffing Implications**



Work on Developer Obligations is carried out within the Strategic Planning and Development Team, supported by officers in Education, Transportation, Housing, Legal, Finance, Development Management, Estates, Lands & Parks, Scottish Water and NHS Grampian.

**(f) Property**

None.

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

The Equal Opportunities Officer had been consulted and advised that there are no equalities issues arising from this report.

**(h) Consultations**

Depute Chief Executive (Economy, Environment & Finance), Head of Economic Growth & Development, Head of Financial Services, Deborah O'Shea (Principal Accountant), Legal Services Manager, Transportation Manager, Senior Engineer (Transportation), Development Management & Building Standards Manager, Acting Housing Strategy & Development Manager, Senior Housing Officer (Strategy), Estates Manager, Head of Education Resources & Communities, Senior Project Manager (Learning Estate), Open Spaces Manager, Equal Opportunities Officer and Lissa Rowan (Committee Services Officer) have been consulted and comments incorporated into this report.

**7. CONCLUSION**

**7.1 The report provides an update on the developer obligations service, including contributions received and spent within the financial years of 2019/20 and 2020/21; and asks the Committee to note the progress to date on the Buckie Tesco developer obligations.**

**7.2 The report asks the Committee to approve some minor operational adjustments; table of exemptions as set out in Appendix 1 of this report; the change in transportation trip rates as set out in Appendix 2 of this report and the commuted sum payments for affordable housing as identified by the District Valuer Service and set out in Appendix 3 of this report.**

Author of Report: Hilda Puskas, Senior Infrastructure Growth/Obligations Officer

Background Papers:

Ref:

## APPENDIX 1

### EXEMPTIONS

For proposals of 1-3 residential units, the exemptions for developer obligations and affordable housing are set out in the table below. Please note residential developments of 4 units and below within town centres are exempt from affordable housing on the basis of supporting their vitality and viability. Please direct any queries regarding exemptions for larger developments to [developerobligations@moray.gov.uk](mailto:developerobligations@moray.gov.uk).

	<b>Developer Obligations (PP3)</b>	<b>Affordable Housing (DP2)</b>	<b>Reason</b>
Extant planning consent	Exempt	Exempt	Developer obligations and Affordable Housing will not be sought where there is an extant consent regardless of development having commenced or not as the applicant may have purchased the plot and therefore the contributions cannot be reflected in the land value.
Extant planning consent that expires during determination period	Exempt	Exempt	Developer obligations and Affordable Housing will not be sought where there is an extant consent which will expire during the determination period regardless of development having commenced or not as the applicant may have purchased the plot and therefore the contributions cannot be reflected in the land value.
Expired planning consent with NID and development commenced on-site	Exempt	Exempt	Where development has commenced no contributions will be sought as the previous consent is 'live'. Given that a NID does not necessarily mean that development has commenced on site, DM condition compliance officer will check on-site and put a note on the case file to confirm whether development has commenced or not, and email the case officer and Developer Obligations when this has been done. If development has not commenced then developer obligations and AH will be sought.
Expired planning consent with NID and development not commenced on-site	Required	Required	See above.
Expired planning consent with no NID	Required	Required	Developer Obligations and AH will be sought as it will be assumed that development has not commenced. If the DM case officer notes that development has commenced when they visit the site then they are to inform Developer Obligations.

Expired planning consent with no NID and dev obs paid	Exempt	Required	Developer obligations have previously been paid for the application site.
AMC	Exempt	Exempt	Application relates to approval of conditions only.
Replacement House	Exempt	Exempt	No impact as this proposal is for a replacement rather than new house.
Residential Developments of 4 units and below in Town Centres	Exempt	Exempt	Supporting the vitality and viability of town centres.



## Appendix 3

### Transportation

#### Information required for Transport Assessment (TA)/Transport Statement (TS)

The onus will be on the developer to provide a TA/TS which follows the Transport Scotland Transport Assessment Guidance 2012 and, where required use the Elgin Traffic Model.

Where developments are expected to create an increase in traffic, a completed **Transport Assessment Form** [www.moray.gov.uk/downloads/file87671.pdf](http://www.moray.gov.uk/downloads/file87671.pdf) must be submitted by the developer to allow officers to consider the requirement or otherwise for further assessment. Developers are urged to carry out early consultation with Transportation prior to the submission of development proposals. If a Transport Statement/Transport Assessment is required the scope should be agreed with Transport Development prior to the submission. A TA must provide:

- An assessment of travel characteristics\*;
- A description of the measures which are being adopted to influence travel to/from the site\*;
- A description of the transport impacts of the development in a dynamic network and how these will be addressed e.g. proportionate contribution towards intervention identified by the Elgin Transport Strategy.

And, include:

- Forecast of person trips generated by the development\*;
- Forecast of person trips generated by mode of transport\*;
- Appraisal of the routes from development to end destinations (schools, employment, local services) by foot, cycle, public transport and vehicle.

*\* Minimum requirement for Transport Statement.*

#### *Elgin Traffic Model*

The Elgin Traffic Model is a macrosimulation model, the extents of which cover the whole of the Elgin road network. The model provides the facility to review the performance of the collective traffic system to check for changes in network performance and to determine the areas of the network where there would be an increase in traffic as a result of a development.

When use of the Elgin Traffic Model is required, developers and their consultants must first agree the scope of the assessment to be undertaken with the Transport Development Team and then complete an Elgin Traffic Model Access Form

**[www.moray.gov.uk/downloads/file114455.doc](http://www.moray.gov.uk/downloads/file114455.doc)**

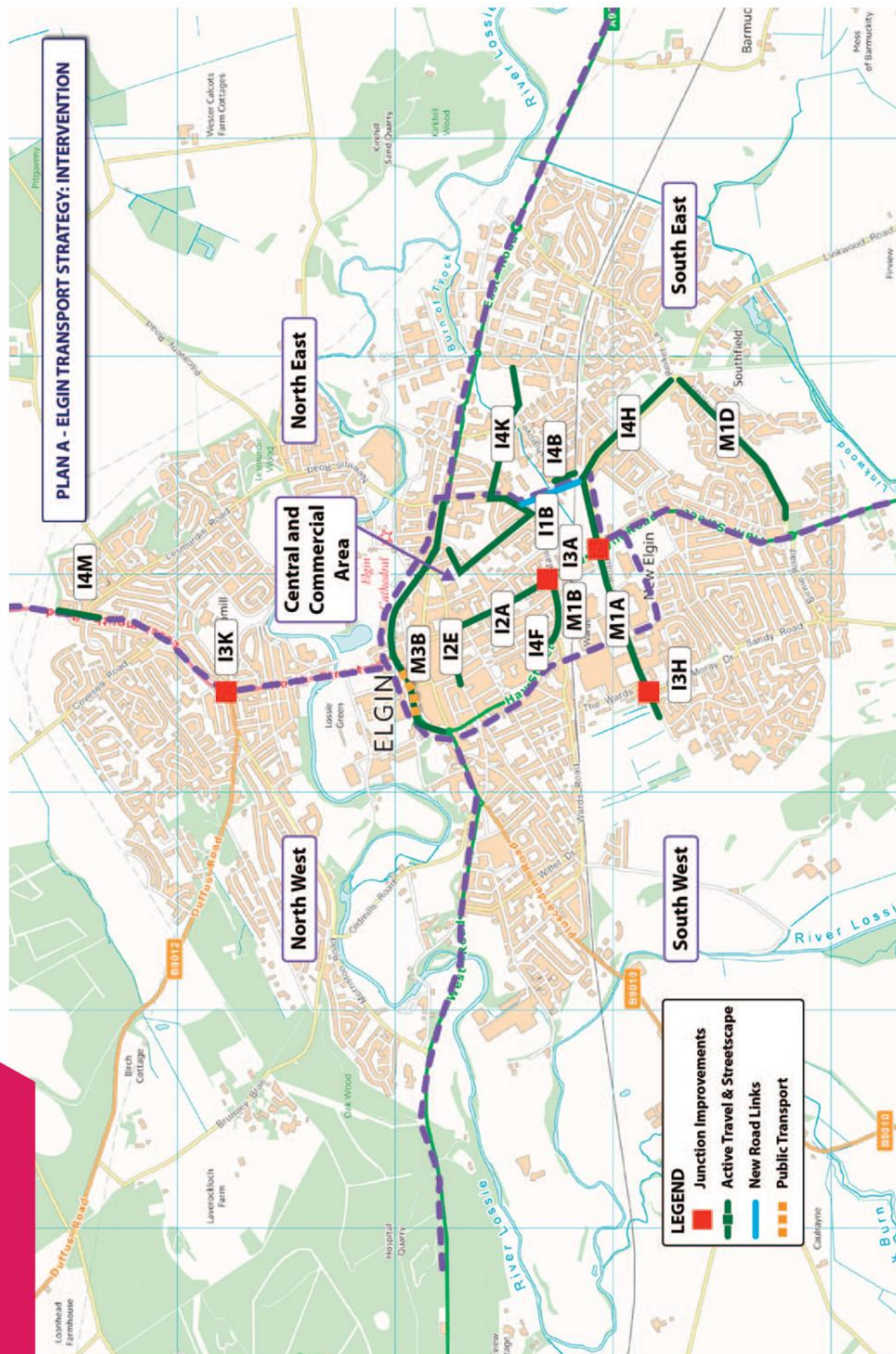
The model is operated by the Council's transport consultant who will undertake any necessary changes to the model and run the testing scenarios. Output from the model runs will be provided as a report with model output data in the form of shape files (if required). There is a fee associated with accessing the model which will depend on complexity of any changes required to the base model and the number of scenarios tested through model runs. The payment of invoices will be through the Moray Council (data will not be released until payment has been received).

**TRICS**

The Vehicle Trip Generation rates used in the Elgin Traffic Model have been derived using TRICS. TRICS is the national standard system of trip generation and analysis in the UK and Ireland, and is used as an integral and essential part of the Transport Assessment process. The system allows its users to establish potential levels of trip generation for a wide range of development and location scenarios and is widely used as part of the planning application process by both developer consultants and local authorities.

**Table 1- Trip Generation Rates**

Residential Trip Generation Rates	Vehicle Trips Per Dwelling		
	Arrivals	Departures	Total
AM Peak	0.140	0.390	0.530
PM Peak	0.350	0.190	0.540





**Table 2 – Elgin Transport Strategy Interventions**

Indicative costs for each measure have been provided by our consultant Jacobs. They have been calculated by quantity surveyors based on available information and make an initial allowance for utility diversions and land costs.

Reference	Intervention	Cost
<b>Central</b>		
I1B	New north/south rail bridge: Ashgrove/Linkwood Road to Masondieu Road- two way arrangement with signals	£10,909,587
I2A	Moss Street – convert to one-way (northbound) & widen footways/cycle lanes	£708,752
I2E	South Street – pedestrianise between Commerce Street and Batchen Street	£1,090,386
I3A	New Elgin Road- improve performance/replace junctions North/South of railway	£2,845,909
I4B	New cycle/pedestrian north/south rail bridge: Ashgrove Road	£4,969,437
I4F	Station Road cycle lanes	£87,231
M1A	Edgar Road pedestrian crossing improvements	£70,875
M1B	Station Road/Maisondieu Road pedestrian crossing improvements	£245,337
M3B	Elgin Bus Station redesign/improve operation	£2,725,966
<b>South-East</b>		
I4H	Linkwood Road cycle lanes	£109,039
I4K	Pinefield to East End Primary School Active Travel Route	£231,282
M1D	Thornhill Road pedestrian crossing improvements	£245,337
<b>North-West</b>		
I3K	North Street/Morrison Road junction improvements	£27,259
I4M	A941/Lesmurdie Road: improvements to pedestrian/ cycle provision and crossing	£122,668
<b>South-West</b>		
I3H	Edgar Road/The Wards junction improvements	£327,116
<b>Total</b>		<b>£24,716,181</b>

**Note:** this list does not include interventions which would be undertaken either solely by the public sector or interventions attached to a specific development.

Full details of all of the interventions within the Elgin Transport Strategy can be found at:  
[www.moray.gov.uk/downloads/file109528.pdf](http://www.moray.gov.uk/downloads/file109528.pdf)

## Transportation Worked Example

### Indicative Calculation for Developer Obligations to address Cumulative Impact of Development Traffic in Elgin

**This is an indicative calculation prior to submission of a Transport Assessment, and will be revised once an agreed Transport Assessment has been provided by the developer.**

Worked example is for R9 Hamilton Drive site which has an indicative capacity of 20 dwellings.

The methodology is based on the number of trips for a residential development as a proportion of the whole number of trips associated with unconsented residential development from the MLDP 2020, using the vehicle trip generation rates shown in Table 1 in Appendix 3. Table 3 below shows the current unconsented MLDP residential sites, their indicative capacity and the peak period vehicle trip generation.

**Table 3**

Total dwellings		AM Peak		PM Peak	
Site		Arrivals	Departures	Arrivals	Departures
R2 Edgar Road	75	11	29	26	14
R3 Bilbohall South	105	15	41	37	20
R4 South West High School	107	15	42	37	20
R5 Bilbohall West	50	7	20	18	10
R6 Knockmasting wood	85	12	33	30	16
R7 The Firs	10	1	4	4	2
R8 Alba Place	6	1	2	2	1
R9 Hamilton Drive	20	3	8	7	4
R11 Findrassie/Myreside	1000	140	390	350	190
R12 Lossiemouth Rd North East	150	21	59	53	29
R13 Lesmurdie Fields	70	10	27	25	13
R14 South Lesmurdie	15	2	6	5	3
R16 Barmuckity	190	27	74	67	36
R21 Palmers Cross	20	3	8	7	4
R22 Spynie Hospital	50	7	20	18	10
Windfall Sites <sup>1</sup>	240	34	94	84	46
<b>Total</b>	<b>2193</b>	<b>309</b>	<b>857</b>	<b>770</b>	<b>418</b>

<sup>1</sup> Windfall sites - supplied by Strategic Planning & Development team

The R9 Hamilton Drive site is located in the north-west quadrant of Elgin, see Plan A. The indicative calculation would therefore be based on the Elgin Transport Strategy interventions within that Quadrant and the Central and Commercial Area. Table 4 indicates the relevant interventions with a '1'. A '0' indicates that the intervention would not be included in the indicative calculation. However should a subsequent TA identify a material impact at a given intervention where a '0' is shown then a developer obligation will be sought towards the mitigation of cumulative impact on the transportation network.

Table 4 Interventions to be included in indicative calculation

	Cost	R9 Hamilton Drive	Total vehicles from all residential developments
Cars - vehicles / Peak Periods		22	2346
Cars - vehicles / Peak Periods		0.94%	100%
<b>Central and Commercial Area</b>			
I1B New north/south rail bridge: Ashgrove/ Linkwood Road to Masondieu Road- two way arrangement with signals	£10,909,587	1	2346
I2A Moss Street convert to one-way (northbound) & widen footways/ cycle lanes	£708,752	1	2346
I2E South Street - pedestrianise between Commerce Street and Batchen Street	£1,090,386	1	2346
I3A New Elgin Road- improve performance/ replace junctions North/South of railway	£2,845,909	1	2346
I4B New cycle/pedestrian north/south rail bridge: Ashgrove Road	£4,969,437	1	2346
I4F Station Road cycle lanes	£87,231	1	2346
M1A Edgar Road pedestrian crossing improvements	£70,875	0	486
M1B Station Road / Maisondieu Road pedestrian crossing improvements	£245,337	1	2346
M3B Elgin Bus Station redesign/improve operation	£2,725,966	1	2346
<b>South-East Quadrant</b>			
I4H Linkwood Road Cycle Lanes	£109,039	0	204
I4K Pinefield to East End Primary School Active Travel Route	£231,282	0	0
M1D Thornhill Road pedestrian crossing improvements	£245,337	0	204
<b>North-West Quadrant</b>			
I3K North Street/Morrison Road junction improvements	£27,259	1	1400
I4M A941/Lesmurdie Road: improvements to pedestrian/cycle provision and crossing	£122,668	1	1400
<b>South-West Quadrant</b>			
I3H Edgar Road / The Wards junction improvements	£327,116	0	486
	<b>£24,716,181</b>		

Table 4 also shows the current estimated cost of each intervention, the total number of vehicle trips from all of the development sites and number of vehicle trips from Hamilton Drive, which at this time is the 0.94% of the total trips (across all development sites). Within the North-West quadrant the number of vehicle trips from Hamilton Drive is 1.57% (across the development sites which would pass through the relevant interventions, R9 Hamilton Drive, R11 Findrassie, R12 Lossiemouth Road North East, R13 Lesmurdie Fields, R14 South Lesmurdie and R22 Spynie Hospital).



Where there is a split between the public sector and developer obligations, e.g. a scheme addresses an existing constraint/background growth and future travel demand associated with development the cost is reduced to 50%. It should be noted that interventions attributable solely to the public sector or to a particular development have been omitted from the calculation.

The costs for each intervention are apportioned to each of the developments which are within the same area as the intervention, using the proportion of development peak period vehicle trips.

For interventions within the central and commercial area, the costs are apportioned across all development sites.

Table 5 shows the indicative Transportation obligations sought towards the interventions within the area (north-west) and the central and commercial area. The contribution rate per dwelling is also shown.

**Table 5- R9 Hamilton Drive Draft Transportation Developer Obligations**

R9 Hamilton Drive Summary Intervention	Developer Obligation
<b>Central and Commercial Area (0.94%)</b>	
I1B Ashgrove Road to Maisondieu Road new road link	£51,275
I2A Moss Street convert to one-way (northbound), widen footways, provide cycle lanes	£3,331
I2E South Street – pedestrianise between Commerce Street and Batchen Street	£5,125
I3A New Elgin Road/Edgar Road and Laichmoray junction improvements	£13,376
I4B Ashgrove Road cycle bridge	£23,356
I4F Station Road cycle lanes	£410
M1A Edgar Road pedestrian crossing improvements	£0
M1B Station Road / Maisondieu Road pedestrian crossing improvements	£1,153
M3B Bus station redesign / improve operation	£12,812
<b>South-East Quadrant (0%)</b>	
M1D Thornhill Road pedestrian crossing improvements	£0
I4H Linkwood Road Cycle Lanes	£0
I4K Pinefield to East End Primary School Active Travel Route	£0
<b>North-West Quadrant (1.57%)</b>	
I4M A941/Lesmurdie Road junction improve pedestrian and cycle provision	£963
I3K North Street/Morrison Road junction improvements	£214
<b>South-West Quadrant (0%)</b>	
I3H Edgar Road / The Wards junction improvements	£0
<b>Total</b>	<b>£112,015</b>
<b>Rate per Dwelling</b>	<b>£5,600.75</b>





Valuation Office  
Agency

**DVS** Property Specialists  
for the Public Sector

## Valuation Report for Moray Council: Affordable Housing Land Valuations and Commuted Sum Payments

Report for:  
Hilda Puskas  
Moray Council

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Case Number: 1767321

Client Reference: PON21/02882

Date: 17 June 2021



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## Executive Summary

### 1.1 Description

The Moray Council (TMC) has commissioned research to determine at what level a commuted sum, defined as a 'financial contribution to affordable housing' should be set for each of the Local Housing Market Areas (HMAs) in the Moray Local Authority area.

### 1.2 Tenure

Owner's heritable interest with vacant possession is assumed.

### 1.3 Valuation Date

16 June 2021

### 1.4 Methodology

The recommended methodology used to arrive at the level of developer contribution is taken as being the difference between the value of land for affordable housing and the market value of the land for private residential development.

Valuations have been provided for social rented affordable house plots and for unrestricted plots which would be available on the open market.

The notional house plot is for a three bedroom/five person semi-detached house.

### 1.5 Basis of Valuation

Although my advice will not constitute a formal valuation, it will generally accord with the concept of Market Value, which is defined at VPS 4, para 4 as:

*'The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.'*

### 1.6 Opinion of Value

The opinion of **Market Value** of the owner's heritable interest with vacant possession of the notional house plots and the resultant commuted sums as at 18 June 2021 are as follows:

Local HMA	Affordable Housing Plot value	Private Housing Plot Value	Commuted Payment
Buckie	£0	£18,500	£18,500
Elgin	£0	£22,500	£22,500
Forres	£0	£19,750	£19,750
Keith	£0	£18,500	£18,500
Speyside	£0	£16,500	£16,500
Average (Moray)	£0	£19,250	£19,250

The Cairngorms National Park local HMA is excluded from this report. A separate report was commissioned by Cairngorms National Park Authority (CNPA) in 2020 which covers the area of Moray located within the CNPA.

## 1.7 Remarks

The land values for the unrestricted plots are based on the assumptions stated within the report. Specific sites with abnormal costs relating to infrastructure, site conditions or planning obligations could well produce different plot values. Similarly if the characteristics of the notional unit were to change, then higher or lower values could be generated.

As the hypothetical site could be located anywhere within the radius of the Local HMAs, values in reality would likely vary within each area and there would likely be some 'blurring' at the borders of the Local HMAs.



## 1. Introduction

I refer to your initial request for a fee quote dated 24 March 2021, my fee quote provided in my email dated 25 March 2021, confirmation that you wish to proceed with the instruction on 8<sup>th</sup> April 2021 and provision of PON on 16<sup>th</sup> April 2021. I also refer to my Terms of Engagement and amended Terms of Engagement both dated 22 April 2021.

I have carried out the valuations and I am pleased to report to you as follows.

## 2. Valuation Parameters

### 2.1 Identification of Client

The valuation advice is prepared for The Moray Council (TMC).

### 2.2 Purpose of Valuation

It is understood that you require the valuation advice in order to assess at what level a commuted sum, which is defined as a “financial contribution to affordable housing” should be set for each of the Local Housing Market Areas (HMAs) in the Moray Council area and an average for Moray as a whole.

### 2.3 Subject of the Valuation

The valuations are for notional house plots for the erection of a four apartment/three bedroom semi-detached house within a development of around ten houses in each of the five Local HMAs within Moray (as shown on the Map of the Housing Market Areas in Section 3.1).

Valuations have been provided for social rented affordable house plots and for private unrestricted plots: the commuted payment is the difference between the two.

### 2.4 Date of Valuation

The date of valuation is 16 June 2021.

Please note that values change over time and that a valuation given on a particular date may not be valid on an earlier or later date.

### 2.5 Confirmation of Standards

The valuation has been prepared in accordance with the professional standards of the Royal Institution of Chartered Surveyors: RICS Valuation – Global Standards and RICS UK National Supplement, commonly known together as the Red Book.

Compliance with the RICS professional standards and valuation practice statements gives assurance also of compliance with the International Valuations Standards (IVS).

Measurements stated are in accordance with the RICS Professional Statement '**RICS Property Measurement' (2<sup>nd</sup> Edition)** and, where relevant, the **RICS Code of Measuring Practice (6<sup>th</sup> Edition)**.

The notional completed houses have been reported upon using a measurement standard other than IPMS, and specifically Gross Internal Area (GIA) has been used. Such a measurement is an agreed departure from 'RICS Property Measurement (2<sup>nd</sup> Edition)'. The reason for this departure is to maintain consistency with previous cases and also GIA is the basis of measurement adopted by BCIS for average house price costs.

## 2.6 Agreed Departures from the RICS Professional Standards

As specifically requested by you, and as captured above with explanation, certain property has been reported upon using a measurement standard other than IPMS.

## 2.7 Basis of Value

Although my advice will not constitute a formal valuation, it will generally accord with the concept of Market Value, which is defined at VPS 4, para 4 as:

*'The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.'*

## 2.8 Special Assumptions

The following agreed special assumptions have been applied:

The valuations are for notional house plots and the following assumptions have been applied:

- The house plots are for the erection of a standard new build four apartment/three bedroom semi-detached house of approximately 90m<sup>2</sup> GIA.
- It is assumed that the notional house has private garden grounds, off-street parking but no garage.
- The plot will be ready for development with services located close by, which is in line with section 22 of PAN 2/2010 Affordable Housing and Housing Land Audits, which states the commuted sum should be of 'a value equivalent to the cost of providing the amount of serviced land required by the policy'.

## 2.9 Nature and Source of Information Relied Upon

In addition to relying upon VOA held records and information, I have assumed that all information provided by, or on behalf of you, in connection with this instruction is correct without further verification – for example, details of tenure, tenancies, planning consents, etc.

My advice is dependent upon the accuracy of this information and should it prove to be incorrect or inadequate, the accuracy of my valuation may be affected.

The valuation methodology is outlined below in section 4 with reference to the Scottish Government PAN2/2010, More Homes Division Guidance Notes 2020/02 (updated January 2021) and the guidance notes issued by the RICS, in particular 'Valuation of Land for Affordable Housing Scotland' GN100/2013, VIP 12 'Valuation of Development Land' and RICS "Valuation of Development Property" October 2019.

I have also had regard to the Local Plans and Supplementary Planning Guidance published on the internet by Moray Council.

In undertaking my research I have also used property marketing websites including Zoopla, Rightmove and local Estate Agents, Solicitors' and Developers' websites and sales data from PropVals, CoStar and Registers of Scotland.

#### 2.10 Date of Inspection

The valuation reflects notional house plots and no inspections were undertaken.

#### 2.11 Extent of Investigations, Survey Restrictions and Assumptions

An assumption in this context is a limitation on the extent of the investigations or enquiries undertaken by the valuer. The following agreed assumptions have been applied in respect of your instruction, reflecting restrictions to the extent of our investigations.

- As agreed with you, no inspection of the property was undertaken and the advice and valuation has been prepared on a 'desk-top basis'; i.e. it is provided on the basis of 'restricted information'.
- No detailed site survey, building survey or inspection of covered, unexposed or inaccessible parts of the property was undertaken. The Valuer has had regard to the apparent state of repair and condition, and assumed that inspection of those parts not inspected would neither reveal defects nor cause material alteration to the valuation, unless aware of indication to the contrary. The building services have not been tested and it is assumed that they are in working order and free from defect. No responsibility can therefore be accepted for identification or notification of property or services' defects that would only be apparent following such a detailed survey, testing or inspection.
- It has been assumed that good title can be shown and that the property is not subject to any unusual or onerous restrictions, encumbrances or outgoing.
- It has been assumed that the property and its value are unaffected by any statutory notice or proposal or by any matters that would be revealed by a local search and replies to the usual enquiries, and that neither the construction of the property nor its condition, use or intended use was, is or will be unlawful or in breach of any covenant.



- Valuations include that plant that is usually considered to be an integral part of the building or structure and essential for its effective use (for example building services installations), but exclude all machinery and business assets that comprise process plant, machinery and equipment unless otherwise stated and required.
- It has been assumed that no deleterious or hazardous materials or techniques were used in the construction of the property or have since been incorporated. However where an inspection was made and obvious signs of such materials or techniques were observed, this will be drawn to your attention and captured in this report.
- No access audit has been undertaken to ascertain compliance with the Equality Act 2010 and it has been assumed that the premises are compliant unless stated otherwise in this report.
- No environmental assessment of the property (including its site) and neighbouring properties has been provided to or by the VOA, nor is the VOA instructed to arrange consultants to investigate any matters with regard to flooding, contamination or the presence of radon gas or other hazardous substances. No search of contaminated land registers has been made.

However, where an inspection was made and obvious signs of contamination or other adverse environmental impact were visible this will have been advised to you, further instructions requested and the observations captured in the report. Where such signs were not evident during any inspection made, it has been assumed that the property (including its site) and neighbouring properties are not contaminated and are free of radon gas, hazardous substances and other adverse environmental impacts. Where a risk of flooding is identified during any inspection made, or from knowledge of the locality, this will be reported to you. The absence of any such indication should not be taken as implying a guarantee that flooding can never occur.

### **3. Property Information**

#### **3.1 Location**

The commuted payment policy is to apply to the Moray Local Authority area. The Moray Council Housing Need and Demand Assessment (HNDA) (2018) concludes that the whole of Moray is a functional HMA, within which six sub or local HMAs exist.

The six Local HMA's covering Moray are:

- Buckie
- Elgin
- Forres
- Keith
- Speyside
- Cairngorms National Park (CNP)



The Cairngorms National Park HMA is excluded from this report. A separate report was commissioned by Cairngorms National Park Authority (CNPA) in 2020 which covered the area of Moray located within the CNPA.

### 3.2 Description

In order to assess the value of the notional plots the following has been assumed:

The notional house type is a 2-storey, 4-apartment (3-bedroom/5 person), semi-detached house built to a good standard of specification. It is assumed that it has private garden grounds, off-street parking but no garage. The property is assumed to have a GIA of 90m<sup>2</sup> and the accommodation is assumed to comprise:

Ground Floor: Living room, kitchen, cloak room.

First Floor: 3-bedrooms and bathroom.

It is assumed that the units will be built to a good quality finish meeting all required Building Standards. It is further assumed that the units will adhere to the required RSL standards for affordable housing, these tend to be higher than mainstream requirements which can, in our experience, lead to higher construction costs.

Heating is not specified, but it is assumed to be a good standard and could comprise for example electric (including forms of renewable energy such as ground or air-source heat pump) or gas where available.

Parking provision is assumed to be available and in line with the local authority's current policy on parking.

It is also assumed that the plots will be serviced up to the site boundary with the necessary infrastructure in place.

### 3.3 Tenure

Owner's heritable interest with vacant possession is assumed.

### 3.4 Title Restrictions

In terms of the valuation for private sale, it is assumed there are no title restrictions.

In terms of the valuations for the Social Rented accommodation it is assumed the land will be restricted to the provision of Affordable Housing in perpetuity.

### 3.5 Site Area

The notional house plot is assumed at 250 sq m.

### 3.6 Services

PAN 2/2010 states that the commuted payment should be of a "value equivalent to the cost of providing a percentage of serviced land required by the policy" and would therefore assume that the mains services of water, drainage and electricity will be provided up to the site boundary.

### 3.7 Access and Highways

It is assumed that the land is serviced with the necessary infrastructure, including roads up to the site boundary. It is further assumed that the maintenance of roads and footpaths ex adverso the property is the responsibility of the local authority.

### 3.8 Energy Performance Certificate

As the valuation is for notional plots, EPC ratings are not known. However, it is assumed that the units will be constructed to meet building standards in force at the time of construction and will have a relatively good energy rating.



### 3.9 Planning

Relevant national guidance is contained in Planning Advice Note (PAN) 2/2010 and More Homes Division Guidance Notes 2020/02.

I have summarised below the current policies and guidance for Moray Council.

Formally adopted on 27 July 2020, the Moray Local Development Plan (MLDP) 2020 sets out how the Council sees the MLDP area developing over the next 10 years and beyond and covers the administrative area of Moray Council, minus the southern part which falls within the Cairngorm National Park, which prepares its own LDP.

MLDP 2020 Affordable Housing Policy is found at DP2 Housing:

(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 (LHS). 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.

The 2017 HNDA identified a requirement for 56% of all need and demand to be affordable units in Moray between 2017 and 2035. MLDP 2020 has lowered the threshold so that individual house proposals are required to make a contribution towards affordable housing provision.

The cost figure for the contribution is published annually on the Council website [http://www.moray.gov.uk/moray\\_standard/page\\_94665.html](http://www.moray.gov.uk/moray_standard/page_94665.html). It is based on an assessment of the value of serviced land for affordable housing in Moray. For 2020/21 the commuted payment is £16,000 in lieu of each unit of affordable housing required under the Council's policy. This amount is reviewed annually- the next review was due on 1 April 2021.

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.

Commuted sums must be agreed by the Housing Strategy and Development and the Strategic Planning and Development Manager. Where a commuted sum is agreed, the commuted sum should be a value equivalent to the cost of providing the percentage of serviced land required by the Council’s policy on provision of affordable housing.

### 3.10 Equality Act 2010

Whilst I have had regard to the provisions of the Equality Act 2010 in making this report, I have not undertaken an access audit nor been provided with such a report. It is recommended that you commission an access audit to be undertaken by an appropriate specialist in order to determine the likely extent and cost of any alterations that might be required to be made to the premises or to your working practices in relation to the premises in order to comply with the Act.

### 3.11 Mineral Stability

The notional plot is assumed to not be in an underground mining area and a Mining Subsidence Report has not been obtained.

### 3.12 Environmental Factors Observed or Identified

For the purposes of this report it is assumed there are no environmental factors or abnormal development costs that would have an impact on the value of the land.

## 4. **Valuation**

### 4.1 Valuation Methodology / Approach and Reasoning

#### 4.1.1 Background

A Commuted Payment is a financial contribution in lieu of affordable housing.

In terms of the Moray Council LDP 2020, proposals for new housing developments of 4 or more units (including conversions) must provide 25% of the total units as affordable housing. Generally, the preference is for affordable housing to be provided on site. However, it is accepted that this may not always be possible and that on occasions, a commuted payment might be acceptable in lieu of affordable housing.

LDP 2020 also proposes that developments under 4 units will also be expected to contribute to affordable housing but this will be in the form of a financial contribution. TMC therefore require a robust method for calculating the level of contribution required.

My understanding of Planning Advice Note (PAN) 2/2010 is that the commuted payment would be in lieu of, and equivalent to, the value of providing the percentage of serviced land otherwise required by the policy. Guidance as to how commuted payments should be calculated is limited. However, best practice is outlined in PAN 2/2010 paragraph 22 as follows:-

“22. Where it is agreed that an alternative to a contribution of land within the proposed development site is acceptable, the developer will provide either land or homes or a commuted sum of a value equivalent to the cost of providing the percentage of serviced land required by the policy. Best practice is that the value should be independently determined by the District Valuer or a chartered valuation surveyor suitably experienced in the type of property and the locality. Wherever possible the relevant parties should agree to appoint and instruct a valuer, failing agreement on which the valuer should be appointed by the Chairman of the RICS in Scotland. The commuted sum is a matter for negotiation between the developer and the local authority, having regard to development costs, other contributions that are being sought, and other relevant factors, for example layout and design. Planning authorities may wish to consider a policy for calculating a commuted sum, but this should be the subject of consultation with stakeholders before being applied.”

The guidance in PAN 2/2010 is relatively vague and to a large extent it has been left to the individual local authorities to establish the methodology used to calculate the commuted payments.

Moray Council has previously adopted a plot rate of £16,000 for the commuted payment, however there is provision in the guidance for this to be reviewed.

#### 4.1.2 Benchmark Approach

DVS has provided commuted payments advice to a number of local authorities dating back some years. A number of authorities, including the Local Authority areas bordering Moray, have adopted a benchmark approach which is recognised as providing a degree of certainty for both authorities and developers and is considered to be in line with PAN 2/2010 and the More Homes Division Guidance Notes of 2020/02 - Affordable Housing Supply Programme, Processes and Procedures

The Benchmark Approach is based on plot values for notional residential plots for unrestricted market sale and for a value of an identical site but assuming the use is restricted for perpetuity to the provision of affordable housing. The commuted payment is the difference between the affordable land plot value and the value of the plot for private development multiplied by the number of affordable housing units required, that is :-

Number of affordable housing units required x (benchmark MV of unrestricted housing plot less benchmark value of an affordable housing plot).



The difference between the unrestricted MV and the affordable housing value is considered to reflect the amount the housing association or council will have to pay over and above the affordable land value to obtain the alternative plot. Using this methodology, the affordable housing contribution is directly related to land costs and reflects the difference in land values between HMAs.

Usually, social rent is a starting point for the assessment of affordable housing need and therefore of the commuted sum.

For developments of less than 4 units and depending on the level of Affordable Housing requirement in that location, a percentage of the benchmark commuted payment could be applied. In most cases this will be 25% and to illustrate a development of 3 units would therefore be required to contribute a financial contribution equivalent to 0.75 affordable housing units i.e. 0.75 times the commuted sum amount for that location.

In order to establish the difference between the unrestricted MV and the affordable housing value I have carried out valuations in each of the 5 Local Authority Areas within Moray (excluding CNP).

The valuations are on the basis of a notional residential housing plot within a hypothetical development of 10 houses. As agreed, the completed notional houses are assumed to be 3 bedroom/5 person semi-detached house of 90m<sup>2</sup> (gross internal areas) built to a good standard/specification. It is assumed that the property will have private garden grounds, off-street parking but no garage.

#### 4.1.3 Value for Social Rented Accommodation

I have had regard to the guidance notes issued by the RICS and in particular 'Valuation of Land for Affordable Housing Scotland' GN100/2013, VIP 12 "Valuation of Development Land" and RICS 'Valuation of development property', 1<sup>st</sup> edition (October 2019).

The valuation is on the basis of a permanent restriction to Affordable Housing based on two accepted approaches:

- (i) Comparison with the sale price of land for comparable development and
- (ii) Assessment of the value of the completed scheme and deduction of the costs of development to arrive at the underlying land value (the residual method).

Given the lack of reliable open market sales of land my valuation has been carried out on a residual basis. As a sense check when considering the residual valuation, I have taken into account the valuations of land for Affordable Housing for both Registered Social Landlords (RSL) and Local Authorities (LA) which the VOA has been involved with along with the limited sales evidence available.

The two main components required to value land for affordable housing are an assessment of the monies available for the scheme and an understanding of the costs associated with constructing the scheme. The amount of monies available (generally grant funding and borrowings based on rental income) will effectively be the Gross Development Value (GDV) of the scheme and will include the finance available and public subsidies. In calculating the GDV I have had regard to the More Homes Division Guidance Note - Affordable Housing Supply Programme: Process and Procedures. (MHDGN 2020/02, updated Jan 2021) which details the benchmark grants available along with benchmark rents.

Separate residual valuations have been undertaken for RSL's and the Local Authority as they are awarded different levels of grants subsidies and have differing rental levels. Within the residual calculations I have assumed that RSL's can attract the 'Rural' greener grant subsidy benchmark of £74,000 for social rent 3 person equivalent, whereas Local Authority greener grant is lower at £59,000 as a flat rate.

The notional unit is for 5 people and I have adjusted the amount of grant in line with the conversion factors and the benchmark rents published in MHDGN 2020/02.

The grant available to an RSL for the hypothetical 3 bedroom/5 person unit is therefore:

$$£74,000 * 115.5 = £85,470.$$

The grant available to a Council for the hypothetical 3 bedroom/5 person unit is £59,000 (flat rate- no adjustment to 3 person equivalent required).

For the purposes of the residual calculation, I have assumed a small development of 10 houses. The total grant available to the RSL would therefore be: 10 units @ £85,470 = £854,700. The total grant available to a Council would be: 10 units @ £59,000 = £590,000.

The level of rent charged will vary from location to location across Moray, however for the purposes of my calculations I have assumed the benchmark for 2021/2022 plus 5% i.e.:

$$£4,676.70 \text{ plus } 5\% = £5,401.20 \text{ per annum.}$$

The Council has provided information on average rents from the 5 HMA areas. For a 3 bedroom mainstream unit, the rents range from £4,539.60 to £4,694.56 per year (the average being £4,618.54 for this house type). These levels of rent are higher than the rents for older Council properties but are comparable to the rents charged by RSLs in these locations.

In the majority of cases the rents are likely to be lower than the benchmark however in order to establish a headline rate for the land I have assumed the benchmark plus 5% and rents are unlikely to be higher than this.

The total rent for 10 units is calculated to £54,012, which has been adjusted for voids at 1%, and then capitalised using a multiplier of 17.5689, which was formerly prescribed by the Scottish Government and although it has not been updated for some time it could be taken to represent an average borrowing rate across a wide range of RSL's and Councils. The total income available has been adjusted to take account of management, maintenance and major repairs. These can vary from RSL to RSL however I have adopted adjustments which are broadly in line with the figures in previous SG Guidance. Usually these are around 30% of rental income and in this case 29.16% has been used. The adjusted rent (based on the benchmark rent plus 5%) for both the RSL development and the Council development would therefore be £672,219.

The total finance available for the hypothetical development of 10 detached houses and based on the available grant plus capitalised adjusted rental income is £1,526,919 for the RSL and £1,326,219 for the Council.

With regards the costs associated with constructing the hypothetical scheme, Moray Council are currently undertaking a new affordable housing project however tenders are yet to be received and the Council are unable to provide any up to date costs for projects they have been involved in recently. I have therefore analysed cost information for affordable housing projects dealt with by the VOA in recent times and had regard to the BCIS average prices indices adjusted for location.

A range of costs is to be expected as the developments are for a variety of house types and RSL's and Councils operate under differing procurement frameworks.

The costs for 2 storey semi- detached housing in the BCIS average prices index (rate/m<sup>2</sup> GIA of building costs including prelims) adjusted for Moray as at 5 June 2021 are between £634/m<sup>2</sup> and £1,790/m<sup>2</sup> with the mean and median being £1,040/m<sup>2</sup> and £1,021/m<sup>2</sup> respectively. Experience has shown the build costs for RSLs and Councils tend to be close to or within the upper quartiles, which for Moray would be at least £1,140/ m<sup>2</sup> and usually higher.

- Externals are assumed at 12.5%, which is within the range indicated by development projects the VOA has been involved with.
- The industry norm for contingencies is between 3% and 5%. I have assumed a reasonably straight forward development, therefore 3% has been adopted.
- I have uplifted the build cost by 6% to reflect an addition for contractor's profit.
- Professional fees are 6.5% which is within the normal range.
- Other costs are taken at 4.5%.

As noted above in reality the costs will vary depending on location and on the developer. A Council is likely to have different costs to an RSL and the approach is broad brush, but overall the above inputs are considered to be reasonable and reflective of typical costs for a development of this nature. More rural areas are likely to incur higher construction costs than areas closer to major settlements or transport links. Experience has shown that affordable housing developments tend to have higher build costs than private developments.



I have assumed that the RSL would incur some direct costs in facilitating the development. I've assumed total direct costs, including developer's agent, clerk of works and other costs incurred by the RSL at 1.75% of the total contract amount. Arguably, the RSL may also incur some other costs, which are sometimes captured under development allowances, however I have assumed in this instance these costs are included in the 'other fees' within development costs.

Adopting a cost within the upper quartile of say £1,268/m<sup>2</sup>, build costs are £1,373,922. Total development costs (including fees and developer's profit but excluding the land value) are £1,525,053 (£1,694.50/m<sup>2</sup>). Subtracting these costs from the income available to the RSL (£1,526,919), the scheme just about breaks even.

I have undertaken sensitivity analysis and adopted the average rent for a mainstream 3 bedroom house for Moray (£4,618.54 p.a.). For the scheme to break even on the basis of this level of rental income, total development costs would have to be reduced to in the region of £1,545/m<sup>2</sup>. In my experience development costs are often higher and/or rents are lower than that assumed and significant negative land values are often produced. This is typical for affordable housing developments, especially those that are 100% social rented.

It should be remembered however that residual valuations are sensitive to inputs and lower or higher values can be achieved depending on the variables adopted. This office has advised Local Authorities and various RSLs on numerous affordable housing sites throughout Fife, Tayside and Central Scotland. Values per plot have varied from nil to £10,000. The plot rates are dependent on the tenure and size of the units and the corresponding rents and available grant subsidies.

Positive residual land values can sometimes be achieved if a tenure other than social rent is assumed. Mid-market rent (MMR) is an acceptable form of affordable housing and as the rents charged for MMR properties tends to be higher than the rent for social rented units, there is more money available for the scheme. Similarly, Shared Equity Schemes or Low-Cost Home Ownership (LCHO) can generate higher GDV's. However, social rent is usually identified as the highest need and I am of the opinion this should be the basis from which the commuted payment is calculated in the first instance.

Site values in reality are affected by the nature of the site, any remediation work that is required and also the level of any developer's contributions within a Section 75. In my experience however it is unusual for a social rented scheme to achieve a significant positive land value and, more often than not, a negative value, nil or very low value is reported.

#### 4.1.4 Value for Private Sale

In arriving at the valuations for the unrestricted plots I have undertaken a residual valuation for each of the 5 HMAs having regard to the guidance notes issued by the RICS and in particular VIP 12 "Valuation of Development Land" and Valuation of development property, 1<sup>st</sup> edition, 2019.

As with the affordable housing residual valuation, I am assuming a small development of 10 standard new build 3 bedroom semi-detached house of 90sqm (gross internal areas) built to a good standard of specification, with private garden grounds, off-street parking but no garage.

#### GDV

The GDV of the private sales is arrived at by having regard to the anticipated sale price of the completed units of the notional houses. I have researched house sales evidence, and properties currently on the market, in each of the local HMAs in order to arrive at the likely selling price of the notional house in each area. The approach is by necessity broad brush and it is recognised that HMA's would inevitably contain a range of values.

The majority of the sales evidence available is located within the main towns and villages and there is a reasonable amount of evidence for Buckie, Elgin, Lossiemouth and Forres. There is however limited evidence of sales of similar house types in other locations. For Keith HMA, adjustments have been made to the house sales evidence available in order to estimate the likely selling price of the notional unit. The main settlements in Speyside are Craigellachie, Aberlour, Dufftown and Rothes. There is a handful of sales in these locations, but as with Keith adjustments to the evidence is generally required as the characteristics of the properties are different to the notional unit assumed- for example they tend to include garages or are older properties.

The value for Moray is taken as an average of the 5 other authority areas.

The GDV for each Local HMA (based on a development of 10 notional houses) can be summarised as follows:

<b>Local HMA</b>	<b>Unit Value</b>	<b>GDV (10 units)</b>
Buckie	£177,500	£1,775,000
Elgin	£182,500	£1,825,000
Forres	£179,000	£1,790,000
Keith	£177,500	£1,775,000
Speyside	£175,000	£1,750,000
Average (Moray)	£178,300	£1,783,000

Agents selling costs at 1.75% and legal selling costs at 0.75% have been deducted from the GDV to arrive at the Net Development Value.

## Development Costs

Estimated costs associated with constructing the notional scheme are based on information from actual projects and industry norms. I have had sight of cost information for several projects carried out recently by RSLs and Councils across Scotland as well as cost information provided in connection with viability assessments for private developments. Given the lack of directly comparable cost information however I have had regard to BCIS average prices, adjusted for location.

I have adopted a build cost rate of £1,050/m<sup>2</sup>, which is just above the mean figure reported by BCIS for a 2 storey semi-detached estate house adjusted for Moray. The build cost is lower than what I have assumed for the affordable housing valuation, but that is not considered unusual.

Other costs are assumed to be broadly similar across all locations

- Externals are assumed at 12.5%, which is within the range indicated by development projects the VOA has been involved with.
- The industry norm for contingencies is between 3% and 5%. I have assumed a reasonably straight forward development, therefore 3% has been adopted.
- Professional fees are 6% which is within the normal range.
- Finance costs are assumed at 6.5%
- Profit is usually between 15% and 20% of GDV. I have adopted 20% as this is the level developers appear to be working to in order to secure financial backing.

Developer Obligations have been considered in line with Supplementary Guidance to MLDP 2020, published September 2020. Whilst there are a range of potential Developers Obligations including education, healthcare, transportation and 3G pitch provision, these depend on the location, type and scale of the development. Within this report I am unable to make allowance for developer contributions, as they are specific to each application and can vary between settlements and local authority areas.

The total development costs have been deducted from the Net Development Value to arrive at the residual land value in each location as follows:

HMA	Residual Land Value	Unit land value
Buckie	£186,057	£18,500
Elgin	£225,057	£22,500
Forres	£197,757	£19,750
Keith	£186,057	£18,500
Speyside	£166,557	£16,500
Average (Moray)	£192,297	£19,250



#### 4.1.5 Comparable Evidence/Land Sales Evidence

As well as using the residual method of valuation, I have also had regard to recent transactional evidence of residential development land as a check I have listed some of these sales below. It should, however, be noted that the analysis of transactions is problematical and the purpose for which this report is required does not lend itself easily to valuation by comparison as there is limited evidence available and the evidence that there is, is difficult to analyse as key information relevant to the site, such as demolition or remediation costs are often not available. In many cases, full details are not made available or cannot be disclosed in order to preserve confidentiality.

There is not a great deal of reliable transactional evidence for affordable housing land, however the VOA is involved with valuations for a number of clients (including TMC) throughout Scotland and it is not unusual for affordable housing sites, particularly ones proposed for social rent, to be reported with a very low, nil or negative land value.

The recent (2018 onwards) sales evidence noted below indicates a range of £10,900/unit to £31,917/unit, but this will depend very much on the type of development proposed and site-specific issues affecting value. At the lower end is a medium sized development of 59 affordable housing units. At the top end of the range is a development of 6 large detached houses sold to a private developer analysing to £31,917/unit.

The most recent evidence available of greenfield land purchased for affordable housing range from £10,900/unit £11,364/unit. Whilst this is the amount being paid, in many cases the valuation reported by the VOA on the basis of the actual social rented scheme is nil value as the costs of development are higher than the return from the site. In these instances, if payment for the land is made (and assuming there is a section 75 in place), it is in our opinion that the price paid is an apportionment of an overall price for a completed unit within a Design and Build Agreement rather than a true site value.

A site in Elgin sold to a private developer in August 2020 analysing to £15,250/unit. The completed development will be 100% affordable housing and will comprise 10 units (4 x 1 bed flats, 2 x 2 bed house, 2 x 3 bed house, 2 x 4 bed house). It is understood there is an overage provision of £15,250/unit. The sale price analyses to £293,000/ac (gross) and is understood to have been conditional on planning only. Details on tenure or whether the finished units will be sold to a RSL, but it is likely they will be so the development will be seen as relatively low risk.

In conclusion, the residual valuation based on inputs closer to those seen for actual developments breaks even at best and on the basis that much of the land valued for affordable housing dealt with by the VOA cannot be delivered for figures within benchmark, I remain of the opinion as a social rented scheme the residual value is nil £0 across all Local HMAs.

There is not a great deal of reliable evidence of private sales available. A private development in Kinloss achieved just under £32,000/unit but this was for larger detached houses. I am also aware of another private development of mainly detached houses, where c£36,650/unit has been reported although the details are confidential. Bulk land sales are very difficult to analyse but based on confidential information provided for a large site in Moray, an average unit rate of £18,750 can be deduced. 2.74 acres of land at Buckie proposed for 12 private and 6 affordable houses sold in November 2018 for £242,000. This analyses to £13,444/unit however if the land value for the 6 affordable units are assumed at nil (i.e. they are cost return neutral) the sale price would analyse to £20,167/unit.

As noted above caution has to be exercised in the analysis of evidence as it will be site specific and particular regard should be had to the types of units that are proposed to be constructed as they are often different from the notional unit adopted for the purposes of this exercise. The developments will include units which individually may have a much higher GDV than the adopted notional unit. Other issues that might be relevant are site specific infrastructure and servicing requirements or planning obligations.

#### 4.2 Comparable Evidence

Address	£	Size (acres)	Date	£/ac	£/u
Elgin	£152,500	0.52	Aug-20	£293,000	£15,250
Kinloss	£191,500	1.4	Sep-20	£137,000	£31,917
Keith	£245,000	1.38	Feb-20	£177,500	£11,100
Hopeman	£250,000	2.1	Feb-19	£119,000	£11,364
Buckie	£242,000	2.74	Nov-18	£88,000	£13,444
Mosstodloch	£645,000		Apr-18		£10,900
Buckie	£310,000		Apr-18		£11,100
Elgin	£570,000		Apr-18		£11,400

#### 4.3 Opinion of Value

##### Commuted Payment

The recommend methodology is the 'benchmark' approach detailed above. The commuted payment is the difference between the unrestricted MV and the affordable housing value, which is considered to reflect the amount the Housing Association or Council will have to pay over and above the affordable land value to obtain the alternative plot.

I am of the opinion that the Market Value of the owner's heritable interest in the notional house plots with vacant possession (and the resultant commuted payments) as at 16 June 2021 are detailed in the table below.

HMA	Affordable Housing Plot value	Private Housing Plot Value	Commuted Payment
Buckie	£0	£18,500	£18,500
Elgin	£0	£22,500	£22,500
Forres	£0	£19,750	£19,750
Keith	£0	£18,500	£18,500
Speyside	£0	£16,500	£16,500
Average (Moray)	£0	£19,250	£19,250

#### Commentary on Reported Values

As the hypothetical site could be located anywhere within the radius of the Local HMA, values in reality would likely vary within each area and there would likely be some 'blurring' at the borders of the HMAs.

You have requested a value for Moray as a whole. As the values vary across the whole Local Authority area this has been calculated as an average of the values for each local HMA.

The value reported for Moray as an average is £19,250 which is higher than the £16,000 detailed in the current guidance. The value reported to CNPA for the area covered by Moray Local Authority was £17,000, however I would comment that the values report to CNPA were based on a different assumption set (i.e. detached houses of 96 sq m).

In terms of land values for Social Rented accommodation, as the level of government subsidy, development costs and rents charged by RSL's and the Council are broadly similar across the region, there is unlikely to be much variation across the different local HMAs for this type of tenure, particularly as the residual values produced tend to be nil or a negative value in most cases.

It is important to acknowledge that the value for one type of affordable tenure can differ significantly from another type of tenure, for example higher Mid-Market rents and other forms of affordable tenure may yield higher values.

It is also worth repeating that the land values for the unrestricted plots are based on the assumptions stated within the report, specific sites with abnormal costs relating to infrastructure, site conditions or planning obligations could well produce a lower plot value. Similarly if the characteristics of the notional unit were to change, then higher or lower values could be generated.

#### 4.4 Currency

All prices or values are stated in pounds sterling.



#### 4.5 VAT

I understand that VAT does not apply to this transaction and my opinion of value reflects this. In the event that my understanding is found to be inaccurate, my valuation should be referred back for reconsideration.

#### 4.6 Costs of Sale or Acquisition and Taxation

I have assumed that each party to any proposed transaction would bear their own proper legal costs and surveyor's fees.

No allowance has been made for liability for taxation, whether actual or notional, that may arise on disposal.

#### 4.7 Market Commentary

The property market in Moray appears to be reasonably stable. There are plans for dualling of the A96 but the time line for completion has recently been deferred beyond 2030. The preferred route for a bypass would be to the south of the Elgin and to the north of Forres.

Two major employers in Moray are the MoD bases at Lossiemouth and Kinloss. Whilst Kinloss has been scaled back to an army barracks and back-up airbase, Lossiemouth is being expanded with considerable investment. This investment has sustained further expansion around Elgin in both new homes and service industries.

Average house prices in Moray have shown steady increases over the past 5 years although they remain below the average for Scotland overall. There appears to be demand from both the private and social housing sectors.

The methodology and approach for this exercise has to be, by necessity, broad-brush and generalised. It is recognised that there will inevitably be a range of valuations within each locality.

#### 4.8 Market conditions explanatory note: Novel Coronavirus (COVID-19)

The outbreak of COVID-19, declared by the World Health Organisation as a "Global Pandemic" on the 11th March 2020, has and continues to impact many aspects of daily life and the global economy – with some real estate markets having experienced lower levels of transactional activity and liquidity. Travel, movement and operational restrictions have been implemented by many countries. In some cases, "lockdowns" have been applied to varying degrees and to reflect further "waves" of COVID-19; although these may imply a new stage of the crisis, they are not unprecedented in the same way as the initial impact.

The pandemic and the measures taken to tackle COVID-19 continue to affect economies and real estate markets globally. Nevertheless, as at the valuation date some property markets have started to function again, with transaction volumes and other relevant evidence returning to levels where an adequate quantum of market evidence exists upon which to base opinions of value. Accordingly, and for the avoidance of doubt, our valuation is not reported as being subject to 'material valuation uncertainty' as defined by VPS 3 and VPGA 10 of the RICS Valuation – Global Standards.

For the avoidance of doubt, this explanatory note has been included to ensure transparency and to provide further insight as to the market context under which the valuation opinion was prepared. In recognition of the potential for market conditions to move rapidly in response to changes in the control or future spread of COVID-19 we highlight the importance of the valuation date.

## **5. General Information**

### **5.1 Status of Valuer**

It is confirmed that the valuation has been carried out by Kate Paton a RICS Registered Valuer, acting in the capacity of an external valuer, who has the appropriate knowledge and skills and understanding necessary to undertake the valuation competently, and is in a position to provide an objective and unbiased valuation.

Douglas Bowers MRICS, a RICS Registered Valuer, has reviewed the valuations and report.

### **5.2 Conflict of Interest**

Checks have been undertaken in accordance with the requirements of the RICS standards and have revealed no conflict of interest. As previously disclosed, DVS has provided valuation advice in respect of similar exercises in relation to affordable housing and commuted payments policy to Moray Council in the past, which has been drawn to your attention.

In addition to this and as you are aware, you have recently instructed the VOA to provide valuation advice in relation to a review of viability assessment provided by an applicant in relation to a planning application. The VOA has reviewed other site-specific viability assessments previously and provides a valuation advice service to Moray Council.

This previous involvement will not compromise the overriding obligation to act with independence and objectivity and I am satisfied that no conflict of interest exists.

### **5.3 Restrictions on Disclosure and Publication**

The client will neither make available to any third party or reproduce the whole or any part of the report, nor make reference to it, in any publication without our prior written approval of the form and context in which such disclosure may be made.

You may wish to consider whether this report contains Exempt Information within the terms of paragraph 9 of Schedule 7A to the Local Government (Scotland) Act 1973 (see section 2 and Part II of Schedule 1 to the Local Government (Access to Information Act 1985) and your Council can treat it accordingly.

#### 5.4 Limits or Exclusions of Liability

Our valuation is provided for your benefit alone and solely for the purposes of the instruction to which it relates. Our valuation may not, without our specific written consent, be used or relied upon by any third party, even if that third party pays all or part of our fees, directly or indirectly, or is permitted to see a copy of our valuation report. If we do provide written consent to a third party relying on our valuation, any such third party is deemed to have accepted the terms of our engagement.

None of our employees individually has a contract with you or owes you a duty of care or personal responsibility. You agree that you will not bring any claim against any such individuals personally in connection with our services.

#### 5.5 Validity

This report remains valid for 3 (three) months from its date unless market circumstances change or further or better information comes to light, which would cause me to revise my opinion.

I trust that the above report is satisfactory for your purposes. However, should you require clarification of any point do not hesitate to contact me further.

Kate Paton

Kate Paton MA (Hons) MLE MRICS  
Senior Surveyor  
RICS Registered Valuer  
DVS








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

**SUBJECT: EMPLOYMENT LAND AUDIT 2021**

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

### **1. REASON FOR REPORT**

- 1.1 This report summarises the employment land supply in Moray and asks the Committee to agree the final version of the Moray Employment Land Audit 2021.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the review and preparation of Local Development Plans.

### **2. RECOMMENDATION**

#### **2.1 It is recommended that the Committee agree:-**

- (i) to note the employment land supply in Moray;
- (ii) the responses set out in Section 4 of the report; and
- (iii) to approve the finalised Moray Employment Land Audit 2021, as set out in Appendix 1 of the report.

### **3. BACKGROUND**

- 3.1 Scottish Planning Policy (SPP) requires that the supply of marketable employment sites be regularly reviewed. The aim is to ensure that there is a sufficient supply of land to meet current and anticipated market requirements. Planning Authorities are required by SPP to ensure that there is a range and choice of marketable sites and locations for businesses allocated in the Local Development Plan (LDP). The levels of effective/marketable employment land and take-up of land are National Headline Indicators returned annually in the Planning Performance Framework (PPF) to the Scottish Government.

3.2 The Moray LDP 2020 Main Issues Report, published in January 2018, identified 9 main land use issues to be addressed by the new LDP, including “providing a generous employment land supply”. This has been a long-standing issue and the MLDP 2020 provides a long term, strategic approach to the provision of employment land to meet demand ranging from small start-up units to much larger sites for inward investment.

3.3 The Moray Employment Land Audit has three key functions:-

- demonstrate the availability of a range and choice of marketable employment sites;
- provide an overview of the supply and availability of employment land across the Local Development Plan area; and
- provide an evidence base for the monitoring and review of policies and proposals within the LDP.

3.4 The audit includes four categories of land supply:-

**Established** – This includes all undeveloped land allocated for industrial/business/employment use in the adopted LDP or land that has a valid planning approval for these uses.

**Marketable/Effective** – Land that as well as meeting business requirements, has a secure planning status, can be serviced within 5 years and is accessible by walking, cycling and public transport as defined in SPP.

**Constrained** – Land that is not considered developable within 5 years due to issues such as planning difficulties, ownership issues, infrastructure provision and physical constraints.

**Immediately Available** – Land that has planning permission, is serviced and has no major constraints to immediate development.

3.5 A copy of the audit will be submitted to the Economic Growth, Housing and Environmental Sustainability Committee for their information due to their interest in industrial and commercial development.

#### 4. **CONSULTATION**

4.1 The draft audit was made available for consultation on the Council's website and sent to internal and external consultees, with comments invited by 5 July 2021.

4.2 Comments were received from Highlands and Islands Enterprise, Springfield Real Estate Management Ltd and Moray Council Estates. These are summarised below, along with the Council's proposed responses:-

	<b>Comment</b>	<b>Council Response</b>
Highlands and Islands Enterprise	Confirms updates for Enterprise Park Forres are correct.	Noted



	Notes good uptake at Elgin Business Park and anticipates movement at Enterprise Park over the next year.	
Springfield Real Estate Management Ltd (SREM Ltd)	Change reference to Barmuckity to Elgin Business Park to avoid confusion.  Notes continued uptake and interest in remaining plots and starter units.	The I7 designation is still called Barmuckity within the LDP. However, the Audit has been updated to refer to "I7 Elgin Business Park, Barmuckity" to avoid any confusion. We will look to update the designation name in the next LDP.
Moray Council Estates	Raises concern about the supply of land in Forres. Notes initial investigations for I4 Easter Newforres have indicated very high infrastructure costs. The site is not viable without public sector funding support and is unlikely to come forward in the short term (5 years).	I4 Easter Newforres has been moved to the constrained supply. This highlights a significant shortage of general industrial land in the Forres Market Area

## 5. **AUDIT FINDINGS**

- 5.1 The 2021 Audit is provided in full as **APPENDIX 1** to the report. The audit identifies that there is 224.9 hectares (ha) of Established Employment Land Supply. This is an increase of 6.7ha compared to 2020 due to the inclusion of sites at Ashgrove and at Pinefield adjacent to Hendry Hydraulics. There has also been a recalculation of some sites where measurement errors were identified or there is now better knowledge of the site servicing requirements/constraints. The main supply of employment land continues to be within the Elgin, Forres and Buckie Market Areas, with a more limited supply in Keith and a very limited supply in Speyside. A summary for each Market Area can be found on page 5 of the Audit.
- 5.2 101.68ha (net) of land, across 21 sites, is classed as Marketable/Effective. This is decrease of 25.37 ha and 2 sites compared to 2020. The decrease is due to construction activity at I7 Elgin Business Park/Barmuckity, I6 Linkwood East, I2 Chanorry at Elgin; the construction of a new road at BP1 Forres Enterprise Park, and occupation of a site at I2 Waterford Forres; and in Keith construction on I3 Westerton Road East and occupation of sites at I2 Westerton Road South. There is also more market detail now available on

proposed plots at Elgin Business Park/Barmuckity to more accurately measure the available land. However, 17.75ha of land at I4 Easter Newforres has moved to the constrained supply due to initial investigations suggesting high infrastructure costs. The distribution of Marketable/Effective sites reflects the settlement hierarchy within the MLDP, however there continues to be a shortage of Effective sites within Speyside.

- 5.3 The Marketable/Effective supply is split with 64.86ha suitable for general industrial and 36.82 ha suitable for proposals that require a higher amenity setting usually within the class 4 Business category. The Elgin and Buckie market areas have relatively healthy supplies of general industrial land providing at least the equivalent of 15 years supply. In Keith the general industrial supply is more limited however there is a LONG allocation that could be drawn down if there is shortage. There has historically been a significant shortage of general industrial land in Speyside. This means there is a reliance on windfall proposals to accommodate demand. In Forres there is a significant shortage of general industrial land with only 2.75ha of land available at BP1 Forres Enterprise Park. This shortage of general industrial land requires to be urgently addressed. The Economic Recovery Plan includes actions to progress employment sites and industrial units in Forres and Speyside. In the longer term investment is required to maintain a supply of effective supply in these areas.
- 5.4 The amount of land Immediately Available is 35.34 ha (net), across 5 sites. This is a decrease of 2.11 ha since 2021. The decrease is due to construction activity at I7 Elgin Business Park/Barmuckity, I6 Linkwood East, I2 Chanonry at Elgin; and the construction of a new road at BP1 Forres Enterprise Park. There continues to be a restricted choice of sites in the Immediately Available Land Supply. This is a particular issue in Forres and Speyside. The availability of Immediately Available land is a Key Measure in the Moray Economic Strategy. The good progress on take up at I7 Elgin Business Park/Barmuckity suggest the Immediately Available supply in the Elgin Market Area will become very limited over the next few years. To maintain a supply of serviced sites it is necessary to work toward bringing other sites forward.
- 5.5 75.5ha (net) across 15 sites is classed as constrained. This means approximately a third of the Established Supply has some form of constraint that is likely to prevent the land being developed in the next five years. This is a decrease from 42% in 2020. This is due to unconstrained parts of LONG sites now being recorded separately. 48.06ha of land across 6 sites is classed as a LONG designation and would be capable of being bought forward should the need arise as set out within Policy DP3 Long Term Land Reserves within the MLDP 2020.
- 5.6 In the last year, 0.85ha of land was developed. This includes completion or occupation of sites at I7 Elgin Business Park/Barmuckity and I6 Linkwood East in Elgin; and I3 Benromach and I2 Waterford in Forres. This is an increase of 3.8ha compared to the 2020 Audit. Just over half of the land developed was at Benromach. However, it is noted the 2020 Audit relied on Development Management and Buildings Standards data as site visits were curtailed due to the Covid19 restrictions at the time so may not have been an accurate reflection of activity. 9.06ha of land is under construction, a small

increase compared to 8.22ha in 2020. The sites under construction include sites at I7 Elgin Business Park/Barmuckity, I6 Linkwood East, I2 Chanonry, OPP4 Ashgrove in Elgin, the road extension at BP1 Forres Enterprise Park, development in Keith at I3 Westerton Road East (including a small part of I11) and the initiation of development at Troves. These figures do not represent all building activity and only that on designated sites or windfall sites that are not restricted to a single user. In preparing the audit comments from Estates, HIE and other consultees suggest that despite the covid-19 pandemic and Brexit demand has held up relatively well, particularly for smaller units and serviced and small office spaces.

## **6. SUMMARY OF IMPLICATIONS**

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

The Employment Land Audit is a key part of monitoring the implementation and effectiveness of the LDP, which delivers Corporate and Community Planning objectives. Ensuring sufficient provision of effective employment land supports a growing and diverse economy which will provide a stable, sustainable employment base.

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

The preparation of the annual Employment Land Audit is a requirement of SPP to monitor the effectiveness of the LDP and ensure an effective supply of employment land is maintained.

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

None.

### **(d) Risk Implications**

None.

### **(e) Staffing Implications**

Preparation of the annual Employment Land Audit is part of the workload of the Strategic Planning & Development section.

### **(f) Property**

The Employment Land Audit includes industrial estates and sites owned by the Council. The Council's Estates section were consulted on the draft audit.

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

There are no equalities issues arising from this report as it is to inform the Committee on monitoring of land supply.

### **(h) Consultations**

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Estates Manager, the Equal Opportunities Officer, Paul Connor (Principal Accountant) and Lissa Rowan (Committee Services Officer)



have been consulted and are in agreement with the contents of the report/comments received have been incorporated into the report.

## **7. CONCLUSION**

- 7.1 SPP requires that the supply of marketable employment sites be regularly reviewed to ensure there is sufficient supply of land to meet current and anticipated market requirements. Levels of employment land and take up are National Headline Indicators submitted within the PPF.**
- 7.2 The Employment Land Audit 2021 identifies that there is 101.68ha (net) of Marketable/Effective Employment Land, of which 35.34ha (net) is Immediately Available. Issues are identified with the restricted choice of sites across all settlements, a shortage of land in the Speyside market area, a shortage of general industrial land at Forres, and the likely impacts of high take up at Elgin Business Park/Barmuckity (I7) on future supplies of Immediately Available Land.**
- 7.3 Committee is asked to note the employment land supply in Moray, agree the responses to the consultation (Section 4) and agree the final Employment Land Audit 2021 (Appendix 1).**

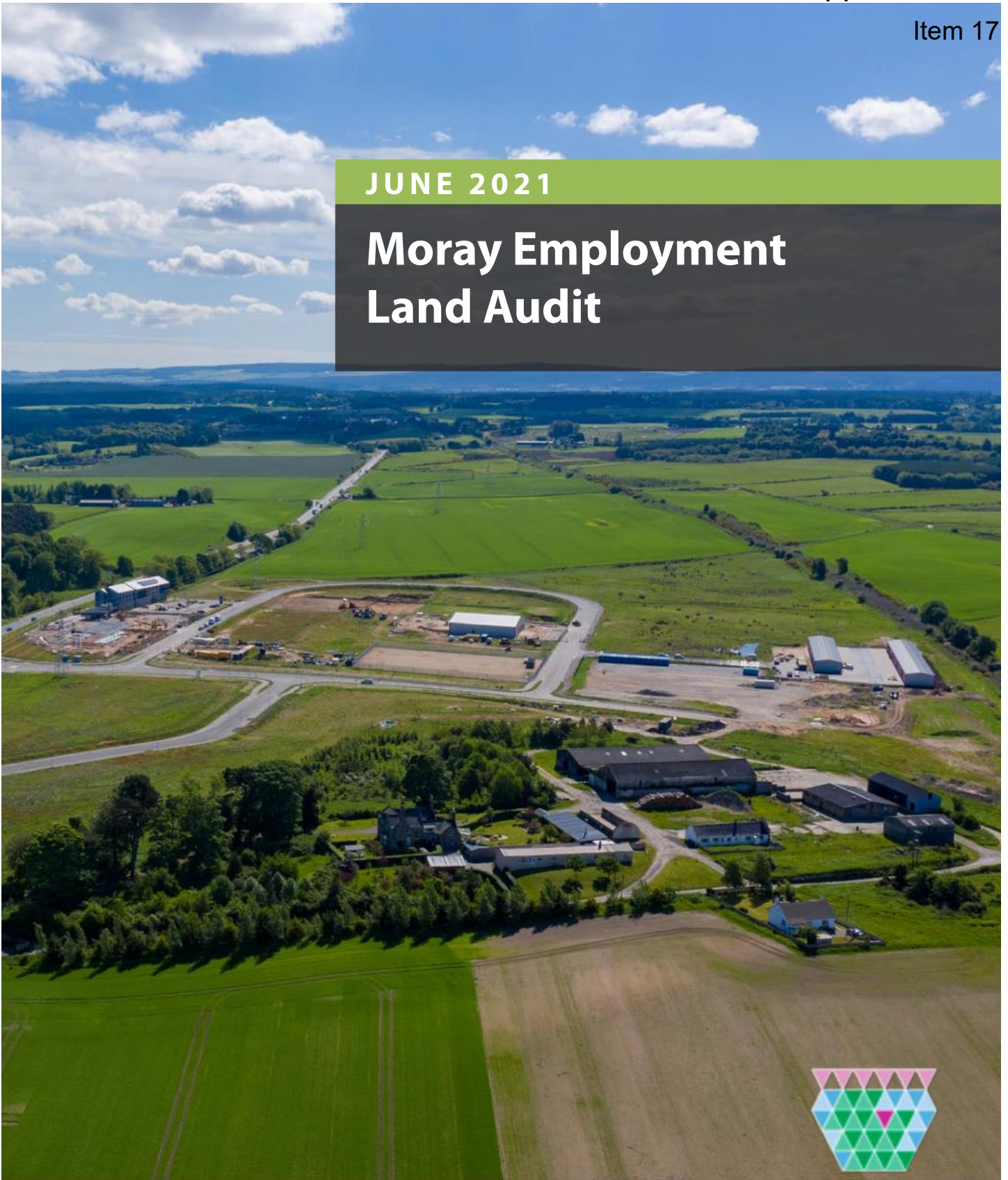
Author of Report: Rowena MacDougall, Planning Officer (Strategic Planning & Development)

Background Papers:

Ref:

JUNE 2021

# Moray Employment Land Audit



**moray**  
council







*Elgin Business Park, Barmuckity*  
*Credit: Andy Innes Aerial Photography*

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# 1. Introduction

## 1.1 Purpose of Audit

The Moray Employment Land Audit provides an overview of the supply and availability of employment land across the Moray Local Development Plan area. The audit is an annual document and includes figures for take up and sites under construction.

The audit provides an evidence base for the monitoring and review of policies and proposals included within the Local Development Plan. In addition it can help to identify areas where further analysis and investigation is required. The baseline against which information is analysed is 1 January 2021.

The information contained in the Employment Land Audit will also be of use to businesses, developers, and other organisations with an interest in employment land in Moray.

## 1.2 Methodology

The audit is prepared from information gathered by Council planning officers through monitoring of the development plan, planning approvals and individual inspections.

All employment sites in the existing local development plan have been recorded in a data base, unless the site has been built out in its entirety. In addition to sites allocated in the Moray Local Development Plan 2020 any windfall sites with planning consent for employment uses have been added to the database unless these are constrained to a single user (e.g. a distillery). It is noted that land with buildings that are vacant are not included in the audit nor are redeveloped sites.

Once sites have been identified officers undertake a review of planning applications and collect information such as ownership, proposed use etc. for each site. Officers also undertake site visits to monitor development activity. This information is then updated in the data base. The data is then analysed to produce the audit report.

## 2. Background

### 2.1 Scottish Planning Policy

Scottish Planning Policy (SPP) sets out the Scottish Governments policies in relation to economic development in Scotland. SPP requires Planning Authorities to allocate a range of sites for business, taking account of current market demand; location, size, quality, and infrastructure requirements; whether sites are serviceable within five years; the potential for a mix of uses; their accessibility to transport networks by walking, cycling and public transport and their integration with and access to existing transport networks. SPP states that business land audits should be undertaken regularly by local authorities to inform review of development plans. Business land audits should monitor the location, size, planning status, existing use, neighbouring land uses and any significant land use issues of sites within the existing business land supply.

### 2.2 Moray Local Development Plan

The Moray Local Development Plan 2020 sets out the employment land policies for the Planning Authority (excluding the Cairngorms National Park area). The Local Development Plan includes a suite of policies related to economic development within the Primary and Development Policies sections. These seek to safeguard employment land and support development of employment uses on designated sites. The policies also look at the types of uses that will be supported on designated sites. A more flexible approach to rural business proposals is provided for, with policy criteria used to ensure the most appropriate locations are supported in rural areas.

The Moray Local Development Plan 2020 was adopted on 27 July 2020 and designates land for employment uses within towns. Sites from the 2020 plan were first included in the 2020 audit.

### 2.3 Moray Economic Strategy and Moray Economic Partnership (MEP)'s Economic Recovery Plan.

The Moray Economic Strategy 2019 -2029 was published in December 2018 by the Moray Economic Partnership. The 10 year strategy sets out the vision and a high-level series of actions required to deliver a successful and vibrant economy in Moray. One of the key measures is the level of immediately available employment land.

An Economic Recovery Plan has been developed by the Moray Economic Partnership with actions to accelerate economic recovery from the impacts of the covid-19 pandemic. This includes provision of employment land in Forres and Speyside/East of Moray.

## **2.4 Local Outcome Improvement Plan**

One of four priorities within the Moray Community Planning Partnership Local Outcomes Improvement Plan is “A growing, diverse and sustainable economy.” Whilst employment land supply is not a performance indicator within the Local Outcomes Improvements Plan land supply is important for achieving outcomes.

## **2.5 Demand for Employment Land**

Moray Council Estates and Highlands and Islands Enterprise (HIE) have advised that to date despite the Covid-19 pandemic and impacts of Brexit demand has held up relatively well, particularly for smaller units and serviced and small office space. What longer term impacts on demand there may be due to the pandemic and Brexit remain unclear. There has also been notable developments of new private sector small business units in Elgin- with 14 units developed by Saltire at 17 Elgin Business Park, Barmuckity and 18 by Excel at 12 Chanonry.

The Moray Council Industrial Portfolio Annual Report 2019-2020 showed continued high levels of occupancy within the Moray Council Industrial portfolio with strong demand for smaller units. The provision of further serviced sites and units is an issue and a number of projects are being considered with a focus on Speyside and Forres where there are shortages and limited private sector interest in providing units on speculative basis.

HIE have responded to demand at Forres Enterprise Park by obtaining consent for 8 office pods adjacent to the Horizon building and for two small business units. A road extension has been built to open up part of the site for development. HIE also continue to support Elgin Business Park

The demand for employment sites and buildings is still considered to be greatest for smaller buildings with fewer businesses looking for larger sites. Demand for smaller sites and buildings are generally from small local businesses including builders, plumbers and plant and machinery supply. Demand for medium sized sites is from smaller businesses looking to grow and the demand for larger sites is generally from inward investors. There needs to be land and sites available at all levels to meet demand. The Moray Economic Strategy sees future demand within aerospace/space related businesses, life sciences, creative industries and digital, as well as the engineering sector. There is also demand from existing business looking to relocate and expand. A key industry for Moray is the food and drink industry. Whisky distilling has seen considerable expansion over recent years, including bonded warehousing. These businesses are long established and often in rural areas. The Local Development Plan currently looks to support such expansion through its policy on rural business which supports proposals where there is locational justification.

Sufficient land and buildings require to be available to facilitate wider economic development and to support the vision of the Moray Economic Strategy and support economic recovery.



### 3. Employment Land Supply

Several categories of land supply are identified in the audit. Definitions for these are provided in section 5.

Detailed information on the established, constrained, effective and immediately available sites is provided in Appendix 2.

#### 3.1 Established Employment Land Supply

The established employment land supply for Moray is shown in figure 1. There has been an increase in the gross established supply by 4.6 ha since 2020. This is an increase of 6.7 ha to the net supply compared to 2020. These increases are due to two new sites being added at Ashgrove and land adjacent to Hendry Hydraulics at Pinefield. There has also been a recalculation of some sites where re-measurement or errors were identified or where there is now better knowledge of the site servicing requirements. The number of sites within the audit compared to 2020 has increased by two due new sites being added at OPP4 Ashgrove as a result of a consent and the addition of a small area of land at I5 Pinefield to allow the expansion of Hendry Hydraulics.

Figure 1 Established Employment Land Supply (2021) (Figures in hectares)

Gross Established	Net Established	Number of Sites
299.77	224.91	37

The established employment land supply is broken down in figure 2 by market area.

Figure 2 Established Employment Land Supply by town (2021) (Figures in hectares)

Town	Gross Established	Net Established	Number of Sites
Elgin	190.78	144.32	18
<i>Elgin</i>	<i>130.13</i>	<i>96.81</i>	<i>11</i>
<i>Lossiemouth</i>	<i>12.8</i>	<i>10.24</i>	<i>1</i>
<i>Mosstodloch</i>	<i>46.44</i>	<i>36.35</i>	<i>5</i>
<i>Troves</i>	<i>1.41</i>	<i>0.92</i>	<i>1</i>
Forres	52.78	32.57	4
Buckie	42.96	36.46	6
<i>Buckie</i>	<i>42.15</i>	<i>35.81</i>	<i>5</i>
<i>Cullen</i>	<i>0.81</i>	<i>0.65</i>	<i>1</i>
Keith	11.1	9.64	6
Speyside	2.15	1.92	3
<i>Aberlour</i>	<i>1.4</i>	<i>1.32</i>	<i>2</i>
<i>Roths</i>	<i>0.75</i>	<i>0.6</i>	<i>1</i>

**ELGIN MARKET AREA** - There have been increases in the established supply (19.5ha increase in gross established supply and 17.73ha in net supply) compared to 2020 in Elgin. This is as a result of new sites being added at OPP4 Ashgrove and a small area at I5 Pinefield. However, the majority of the increase is associated with a better understanding of the land at Burnside of Birnie (I16 and LONG3), including the impacts of the A96 dualling and other constraints, which has led to the re-measurement of the site. Land at I4 Glen Moray Distillery has also been added back into the established supply after being classed as under construction for a number of years. At Mosstodloch the gross area of the Mixed Use LONG was reduced to remove the area reserved for housing. Within the Elgin Market Area there have also been readjustments due to construction activity and completions at I7 Elgin Business Park, Barmuckity, I2 Chanonry, and I6 Linkwood East.

**FORRES MARKET AREA** - There has seen a small reduction in the gross (1.36ha) and net established (0.66ha) supply as a result of development activity at I2 Waterford and the construction of a new road at the BP1 Enterprise Park.

**BUCKIE MARKET AREA** - There is a small increase (1.8ha) to the gross established area at Buckie compared to 2020 following a re-measurement of the I4 Maltings site. The net area has remained the same.

**KEITH MARKET AREA** - There has been a substantial decrease (reduction of 15.46ha from the gross established supply) at Keith compared to 2020. This is primarily due to an error in the measurement of the LONG site of over 10ha. The I3 Westerton Road site is under construction and sites at I2 Westerton Road South have also been occupied.

**SPEYSIDE MARKET AREA** - There is a small increase (0.14ha) in area compared to 2020 following a review of the I1 Back Burn site in Rothes.

The established employment land supply has also been broken down by size of site to provide an indication of the range of size of sites available.

*Figure 3 Established Employment Land Supply by site size (2020) (Figures in hectares)*

Site area	Net Established	Number of Sites
0 - 1 ha	6.76	10
1 - 5 ha	23.24	12
>5 ha	194.91	15

The land supply is broken down by the type of employment uses that are considered suitable on the site. The greatest proportion of land is suitable for Class 5 General Industrial uses (and also Class 4 Business and Class 6 Storage and Distribution). On some designations the whole area may be capable of accommodating higher amenity or a greater mix of uses but on some designations distinct areas within a site are identified. These tend to be uses within Class 4 that require a higher amenity setting or due to the location close to residential development general industrial uses would not be suitable. On some larger sites areas that could accommodate a greater mix of uses ( for example Class 1 Shops where ancillary to main use, Class 4 Business, Class 5 General Industrial, Class 6 Storage or Distribution, Class 7 Hotel and Hostels and Use Class 11 Assembly and Leisure) are identified to help support delivery of the site as a whole. A breakdown of the type of sites is shown in figures 4 and 5 below. It is noted that some sites will be counted in both the General Industrial and High Amenity figures as on larger sites part of the site may be identified for a greater mix of uses.

*Figure 4 Net supply by type (2021). Figures in hectares*

	Net Area	Number of Sites
General Industrial	164.21	30
High Amenity	60.68	12



Figure 5: Net supply by Market Area and type (2021). Figures in hectares

Market Area	General Industrial	Number of Sites	High Amenity	Number of Sites
<b>Elgin</b>	<b>105.5</b>	<b>16</b>	<b>38.8</b>	<b>6</b>
<i>Elgin</i>	<i>63.11</i>	<i>9</i>	<i>33.68</i>	<i>5</i>
<i>Lossiemouth</i>	<i>5.12</i>	<i>1</i>	<i>5.12</i>	<i>1</i>
<i>Mosstodloch</i>	<i>36.35</i>	<i>5</i>		
<i>Troves</i>	<i>0.92</i>	<i>1</i>		
<b>Forres</b>	<b>22.3</b>	<b>4</b>	<b>10.27</b>	<b>1</b>
<b>Buckie</b>	<b>29.44</b>	<b>4</b>	<b>7.02</b>	<b>2</b>
<i>Buckie</i>	<i>29.44</i>	<i>4</i>	<i>6.37</i>	<i>1</i>
<i>Cullen</i>			<i>0.65</i>	<i>1</i>
<b>Keith</b>	<b>6.05</b>	<b>4</b>	<b>3.59</b>	<b>2</b>
<b>Speyside</b>	<b>0.92</b>	<b>2</b>	<b>1</b>	<b>1</b>
<i>Aberlour</i>	<i>0.32</i>	<i>1</i>	<i>1</i>	<i>1</i>
<i>Roths</i>	<i>0.6</i>	<i>1</i>		

### 3.2 Marketable/Effective Employment Land Supply

The marketable and effective employment land supply in 2021 is shown in figure 6. Overall the marketable/effective area has decreased by 25.35 hectares compared to 2020. The number of effective sites has also reduced by two. The decrease is due to construction activity at I7 Elgin Business Park/ Barmuckity, I6 Linkwood East, I2 Chanonry at Elgin, the construction of a new road at BP1 Forres Enterprise Park, and occupation of a site at I2 Waterford Forres and in Keith I3 Westerton Road East and occupation of sites at I2 Westerton Road South. There is also more market detail now available on proposed plots at Elgin Business Park, Barmuckity to more accurately measure the available land. 17.75ha at I4 Easter Newforres has moved to the constrained supply following investigation into infrastructure costs.

Figure 6 Marketable/Effective Employment Land Supply (2021)

Marketable/Effective (Net figure in hectares)	Number of Sites
101.68	21

The marketable/effective employment land supply has been broken down by market area in figure 7. Annual requirements established through historic demand studies, build out rates recorded in previous audits, and from discussions with HIE and Moray Council Estates have been used to provide the estimated number of years supply available. It is noted that previously it was desirable to have a five year effective land supply at all times and therefore previous Local Development Plans sought to designate a minimum of 10 year land supply. However, to ensure a generous supply, increase choice and the prospect of a 10 year replacement period for future Local Development Plans, the Moray Local Development Plan 2020 sought to designate a minimum of 15 years supply.

Figure 7 Marketable/Effective Employment Land Supply by market area (2021)

Market Area	Marketable/ Effective (Net figure in hectares)	Number of Sites	Estimated Annual Requirements	Available Supply in years
Elgin	59.42	10	2.8	21 years
Forres	13.02	1	0.8	16 years
Buckie	22.34	4	0.8	28 years
Keith	5.3	4	0.4	13 years
Speyside	1.6	2	0.4	4 years

The level of effective supply in Elgin, and Buckie is currently good. However, the choice of sites is limited across all areas. It is noted that within in Elgin there are only small areas now available within I6 Linkwood East and I2 Chanonry. In Forres whilst there is a good supply of land this is all at BP1 Forres Enterprise Park. Whilst Keith has a less than 15 years supply there is a LONG allocation that could be brought forward, however there is a limited choice of sites in Keith with these primarily being in the Westerton Road area. There is a shortage of sites in Speyside and finding suitable sites has been an ongoing issue. Removal of a site in the Examination of the 2020 Local Development Plan means there will be a reliance on windfall proposals within this area.

The effective land supply is broken down by the type of employment uses that are considered suitable on the site. The greatest proportion of land is suitable for Class 5 General Industrial uses (and also Class 4 Business and Class 6 Storage or Distribution). As set out above some sites are wholly or have areas that would be capable of accommodating higher amenity uses or a greater mix of uses. These tend to be uses within Class 4 that require a higher amenity setting or due to the location of the site close to residential development general industrial uses would not be suitable. On some larger sites areas that could accommodate a greater mix of uses ( for example Class 1 Shops where ancillary to main use, Class 4 Business, Class 5 General Industrial, Class 6 Storage or Distribution, Class 7 Hotel and Hostels and Use Class 11 Assembly and Leisure) are identified to help support delivery of the site as a whole.

A breakdown of the type of sites is shown in figures 8 and 9 below. It is noted that some sites will be counted in both the General Industrial and High Amenity figures as on larger sites part of the site may be identified for a greater mix of uses.

Figure 8: Effective area by type (2021) Figures in hectares.

	Effective Area	Number of Sites
General Industrial	84.86	16
High Amenity	36.82	8

Figure 9: Effective area by Market Area and type (2021). Figures in hectares.

Market Area	General Industrial	Number of Sites	High Amenity	Number of Sites
<b>Elgin</b>	<b>42.64</b>	<b>9</b>	<b>16.78</b>	<b>3</b>
<i>Elgin</i>	28.92	7	16.78	3
<i>Mosstodloch</i>	12.8	1		
<i>Troves</i>	0.92	1		
<b>Forres</b>	<b>2.75</b>	<b>1</b>	<b>10.27</b>	<b>1</b>
<b>Buckie</b>	<b>15.32</b>	<b>2</b>	<b>7.02</b>	<b>2</b>
<i>Buckie</i>	15.32	2	6.37	1
<i>Cullen</i>			0.65	1
<b>Keith</b>	<b>3.55</b>	<b>3</b>	<b>1.75</b>	<b>1</b>
<b>Speyside</b>	<b>0.6</b>	<b>1</b>	<b>1</b>	<b>1</b>
<i>Aberlour</i>			1	1
<i>Roths</i>	0.6	1		

The Elgin and Buckie market areas have relatively healthy supplies of general industrial land providing at least the equivalent of 15 years supply. In Forres there is a significant shortage of general industrial land and this requires to be urgently addressed. Only a small portion of the BP1 Forres Enterprise Park is able to accommodate general industrial uses. In Keith the general industrial supply is more limited however there is a LONG allocation that could be drawn down if there is shortage. There is, and has historically been, a significant shortage of general industrial land in Speyside. This means there is a reliance on windfall proposals to accommodate demand.



### 3.3 Immediately Available

The immediately available employment land supply in 2021 is shown in figure 10. The immediately available supply decreased by 2.11ha compared to 2020. The decrease is due to construction activity at I7 Elgin Business Park Barmuckity, I6 Linkwood East, I2 Chanonry at Elgin, and the construction of a new road at BP1 Forres Enterprise Park. Take up at I7 Elgin Business Park/Barmuckity has been very good and therefore it is anticipated that the level of immediately available land in the Elgin Market Area will reduce significantly over the next few years. Bringing forward and servicing sites new sites will be critical to maintaining supplies.

Figure 10 Immediately available Employment Land Supply (2021)

Immediately Available (Net figure in hectares)	Number of Sites
35.34	6

### 3.4 LONG

The Moray Local Development Plan 2020 included LONG employment sites for the first time. The LONG supply is set out in figure 11 below. These sites set out the direction of growth and assist in forward planning. In the previous audit these were classed as constrained as they would not be built out in the time frame of the Development Plan. However, this is not considered to be reflective of their availability and these are now recorded separately. LONG sites are designated at LONG3 Burnside of Birnie Elgin, LONG MU1 South of the A96, LONG 2 West of Mosstodloch, LONG 2 Westerton Road Keith and LONG2 March Road.

Figure 11: LONG sites 2021

LONG (Net figure in hectares)	Number of Sites
48.06	5

### 3.5 Constrained

The established land supply that is subject to constraints is shown in figure 12. The constrained supply has decreased by 16.12ha compared to 2020. This is due to unconstrained parts of LONG sites now being recorded separately as set out above. It is noted that 17.75ha has been added to the constrained supply as I4 Easter Newforres has been classed as constrained due to initial investigations that suggest high infrastructure costs.

Figure 12 Constrained Employment Land Supply (2021)

Constrained Supply (Net figure in hectares)	Number of Sites
75.15	15

The constrained supply can be broken down into the type of constraints identified.

Figure 13 Constrained Employment Land Supply by constraint (2021) (Net figures in hectares) Note some land may fall under more than one constraint.

Constraint Type	Constrained Supply	Number of Sites
Infrastructure	45.07	8
Ownership	14.15	4
Physical	44.23	10

### 3.6 Take up and Construction

The number and area of proposals completed in the year to 1st January 2021 is shown in figure 14 below. This includes completion or occupation of sites at I7 Elgin Business Park, Barmuckity and I6 Linkwood East in Elgin and I3 Benromach and I2 Waterford in Forres. This is an increase of 3.8ha compared to the 2020 Audit. Just over half of the land developed was at Benromach. However, it is note the 2020 Audit relied on Development Management and Buildings Standards data as site visits were curtailed due to the Covid-19 restrictions at the time.

Figure 14 Employment land completed/taken up in year to 1st January 2021

Take up area (Gross figure in hectares)	Number of Sites
4.68ha	4

The number and area of proposals under construction on the base date of 1st January 2021 is shown in figure 15 below. This is a small increase in construction compared to 8.22ha in 2020. The sites under construction include sites at I7 Elgin Business Park, Barmuckity, I6 Linkwood East, I2 Chanonry, OPP4 Ashgrove in Elgin, the road extension at BP1 Forres Enterprise Park, development in Keith at I3 Westerton Road East (including a small part of I11) and the initiation of development at Troves.

Figure 15 Employment land under construction at 1st January 2021

Under Construction (Gross figure in hectares)	Number of Sites
9.06	9

It is noted that this does not represent all building activity, and only that on designated sites or windfall sites that are not restricted to a single user. Other notable areas of activity primarily relate to expansion proposals of existing businesses, sites in the countryside and expansion of distilleries.

## 4. Conclusion

The Employment Land Audit has been carried out in this format for several years allowing comparison to be made to previous audits.

It is clear that the emphasis on employment land continues to be within the main settlements of Elgin, Forres, Buckie and Keith. However, Mosstodloch is also the focus of a large proportion of the supply in the Elgin Market Area. The shortage of general industrial land in the Forres Market Area is a significant issue that requires to be addressed. There is a significant shortage of land and sites within the Speyside Market Areas which means there is a reliance on windfall sites to accommodate demand. There continues to be a limited choice of serviced sites/immediately available sites across all settlements.

Around 33% (75.15 ha) of the Established Supply has some form of constraint that is likely to prevent the land being brought forward in the next five years. This is lower than 2020 when it was 42%, however this is due to the LONG sites no longer being counted within the constrained supply.

34.7% (35.34ha) of the Marketable/Effective Supply is Immediately Available. This is comparable to 2020. Historically the amount of immediately available land has been very limited. There continues to be a lack of choice of immediately available sites with only 6 sites being classed in this category. The availability of Immediately Available employment land is a Key Measure in the Moray Economic Strategy.

In figure 16 below is a summary by market area.



Figure 16 Market Area Summary

<p><b>Elgin (including Lossiemouth and Mosstodloch)</b></p>	<p>Development at Barmuckity/Elgin Business Park (I7) is progressing with several plots under construction and others now built. There continues to be significant interest in the remaining plots, including some of the larger plots. The 14 starter units at the back of the site are almost complete with strong interest in these. The high levels of take up at Elgin Business Park/Barmuckity (I7) suggest the level of Immediately Available land will reduce significantly over the next few years and therefore bringing new sites forward and servicing these is critical to maintaining a supply of serviced sites.</p> <p>At Chanonry (I2) and Linkwood East (I6) there continues to small areas of immediately available land but this is reducing year on year. At Chanonry there is a private development of 18 starter units that is currently being marketed. At OPP4 Ashgrove a storage and distribution building with ancillary trade counter is under construction and consent is in place for an additional general industrial/storage or distribution building here.</p> <p>Bringing forward other sites within Elgin will be critical to maintaining a choice of immediately available sites. To the north of Elgin Newfield (I8) is being actively marketed increasing choice of sites across Elgin. Land has been identified at Burnside of Birnie (I16/LONG3) to meet future demand.</p> <p>Choice of sites is severely restricted in Lossiemouth, only Sunbank OPP1 or windfall opportunities are available. The topography and ground conditions at Sunbank OPP1 are considered to constrain the site.</p> <p>In Mosstodloch additional land is identified at I3 West of Mosstodloch and there are discussions ongoing with the landowner regarding the site.</p> <p>There are issues with delivery of higher quality business land. Strong demand continues for industrial buildings.</p>
<p><b>Forres</b></p>	<p>Very small choice of marketable/effective sites given settlement size and population, but reasonable areas available at the BP1 Enterprise Park. I4 Easter Newforres is understood to have high infrastructure costs that will likely require public sector funding support to make this site effective.</p> <p>Strong demand for small offices at the Horizon Scotland at BP1 Enterprise Park which has led to a consent for an 8 “pod” office unit. Consent has also been granted for two small business units in the north west of BP1. A road extension will open up an area for development to the south east of BP1.</p>

<b>Forres</b>	<p>The Economic Recovery Plan includes an action to progress the development of employment land or industrial units in Forres.</p> <p>The remaining land at Waterford (I2) is now constrained due to restricted access.</p> <p>Strong demand, particularly for smaller units and need for serviced employment land to allow businesses to develop and relocate from smaller units.</p>
<b>Buckie</b>	<p>Small choice of marketable sites but reasonable areas available. Significant area immediately available at I3 Rathven Industrial Estate. Redevelopment opportunities at harbour. Small site available at Cullen.</p> <p>The Moray Local Development Plan identifies a reserve of industrial land at March Road (LONG2) that could be brought forward if need arose.</p>
<b>Keith</b>	<p>Very small choice of marketable sites focussed around the Westerton Road area. Issues with providing readily accessible employment sites. Demand for smaller units. Opportunities for higher amenity employment uses promoted within a mixed use site to the south of Banff Road (MU).</p>
<b>Speyside</b>	<p>Severely limited choice of designated sites. There is a need for sites for small local businesses in Speyside. The Moray Local Development Plan 2020 identifies a site at Speyview (R2) where 1ha of the housing site is identified for employment uses. The removal of a site during the Examination of the Moray Local Development Plan 2020 means there is a reliance on windfall proposals supported through policy.</p> <p>The Economic Recovery Plan includes an action to progress the development of employment land or industrial units in Speyside.</p>



Chanonry, Elgin

## 5. Glossary

### **Constrained Employment Land Supply**

This includes land for example, that has planning difficulties, land subject to ownership difficulties (e.g. multiple ownership/unwilling sellers), land with insufficient infrastructure provision, etc. This category therefore includes much of the land in the Established Employment Land Supply that is not Marketable (see below).

### **Employment Land**

This includes land for general industrial and business/office use, storage and distribution uses, business parks and specialist technology parks including research and development uses. This comprises Classes 4 (Business), 5 (General Industrial) and 6 (Storage or Distribution) of the 1997 Town and Country Planning (Use Classes) (Scotland) Order, but is not exclusive to these uses.

### **Established Employment Land Supply**

This includes all undeveloped land that is allocated for industrial/business/ employment use in the adopted Local Plan or has a valid planning approval for these uses.

### **Gross**

This refers to the total area in (hectares) within the boundary of the site.

### **Immediately Available Land Supply**

This is marketable/effective land that currently has planning permission, is serviced and has no other major constraints to immediate development. This definition is useful in the assessment of whether demand for land is being adequately met.

### **Marketable/Effective Land Supply**

This is land that as well as meeting business requirements, has a secure planning status, can be serviced within 5 years, is accessible by walking, cycling and public transport as defined by SPP. Land that is subject to user restrictions or that is held as 'option land' for existing companies' own expansion cannot be considered to be marketable. Such land is not constrained.

### **Net**

The total area of land excluding roads, landscaping etc. As the physical attributes of a site and surrounding land uses will determine the area suitable for development and the level of landscaping required the net area will vary. For sites that are partially complete, the net area given is the area that is actually available to be developed. For sites that are undeveloped the net area is estimated. This estimate is based on an assumption that on average, 20% of available land will be taken up with roads, landscaping etc. If relevant site information is available, this is taken into account in the estimate.

### **Take-Up**

The take up figure includes all proposals where development has been completed within the particular year.

### **Under Construction**

This is the area of land under construction at the base date. These sites are not yet complete. The area under construction area is not included within the land supply or built totals.



# The Moray Council Employment Land Audit 2021

<b>Reference:</b>	M/AB/E/003	<b>Town:</b>	ABERLOUR
<b>Supply Type:</b>	Constrained	<b>LPR:</b>	20/OPP1
<b>Location:</b>	Mary Avenue		
<b>Grid Ref:</b>	327079	843178	



## Established Supply (Ha):

Gross Established:	0.4	Net Established:	0.32
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## Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
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## Constrained

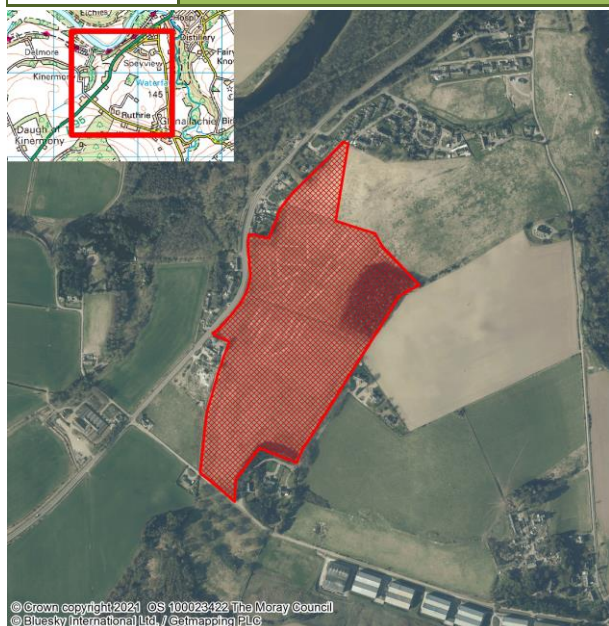
☐ Owner ☒ Infrastructure ☐ Physical

Constrained Total (Ha): 0.32

## Development (Ha):

Built:	0.14	Under Construction:	0
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<b>Reference:</b>	M/AB/E/005	<b>Town:</b>	ABERLOUR
<b>Supply Type:</b>	Effective	<b>LPR:</b>	20/R2
<b>Location:</b>	Speyview		
<b>Grid Ref:</b>	325631	841602	



## Established Supply (Ha):

Gross Established:	1	Net Established:	1
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## Effective Supply (Ha):

Effective:	1	General Industrial:	0
Immediately Available:	0	High Amenity:	1

## LONG Supply (Ha):

LONG:	0
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## Constrained

☐ Owner ☐ Infrastructure ☐ Physical

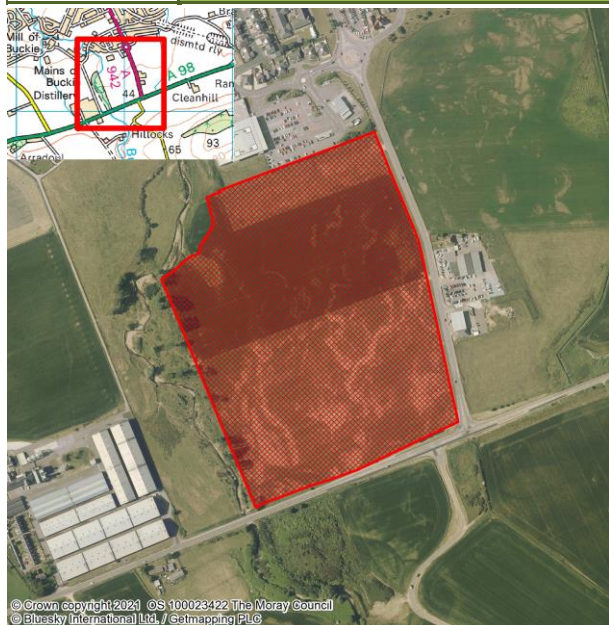
Constrained Total (Ha): 0

## Development (Ha):

Built:	0	Under Construction:	0
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# The Moray Council Employment Land Audit 2021

<b>Reference:</b>	M/BC/E/001	<b>Town:</b>	BUCKIE
<b>Supply Type:</b>	Effective	<b>LPR:</b>	20/MU
<b>Location:</b>	High Street (W)		
<b>Grid Ref:</b>	342942	864437	



## Established Supply (Ha):

Gross Established:	6.37	Net Established:	6.37
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## Effective Supply (Ha):

Effective:	6.37	General Industrial:	0
Immediately Available:	0	High Amenity:	6.37

## LONG Supply (Ha):

LONG:	0
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## Constrained

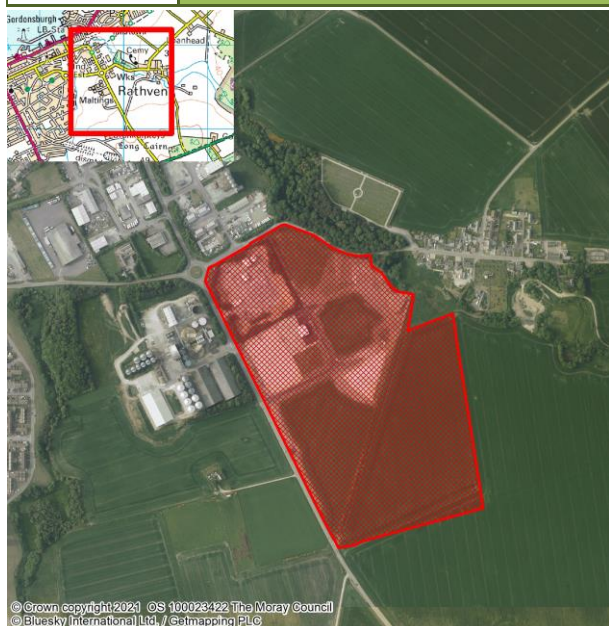
☐ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 0

## Development (Ha):

Built:	0	Under Construction:	0
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<b>Reference:</b>	M/BC/E/004	<b>Town:</b>	BUCKIE
<b>Supply Type:</b>	Effective	<b>LPR:</b>	20/I3
<b>Location:</b>	March Road (SE)		
<b>Grid Ref:</b>	343984	865510	



## Established Supply (Ha):

Gross Established:	17.69	Net Established:	14.55
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## Effective Supply (Ha):

Effective:	14.55	General Industrial:	14.55
Immediately Available:	7.95	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
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## Constrained

☐ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 0

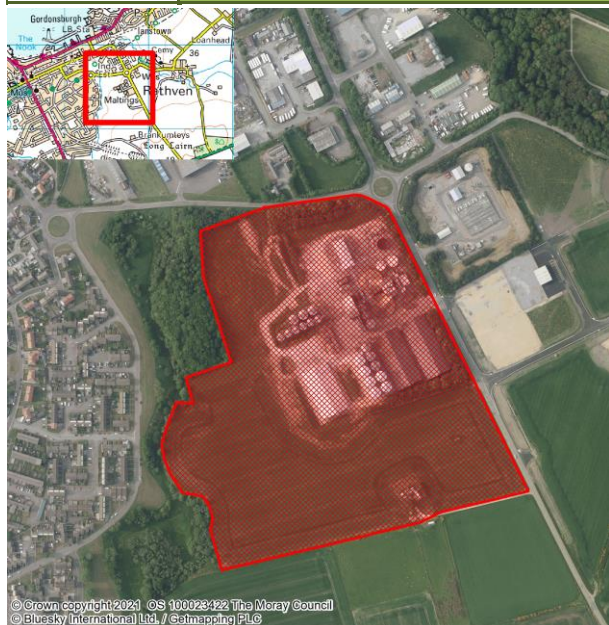
## Development (Ha):

Built:	3.14	Under Construction:	0
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# The Moray Council Employment Land Audit 2021

<b>Reference:</b>	M/BC/E/005	<b>Town:</b>	BUCKIE
<b>Supply Type:</b>	Constrained	<b>LPR:</b>	20/14
<b>Location:</b>	Maltings		
<b>Grid Ref:</b>	343676	865357	



## Established Supply (Ha):

Gross Established:	10.3	Net Established:	8.5
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## Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
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## Constrained

☒ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 8.5

## Development (Ha):

Built:	5.96	Under Construction:	0
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<b>Reference:</b>	M/BC/E/006	<b>Town:</b>	BUCKIE
<b>Supply Type:</b>	Effective	<b>LPR:</b>	20/15
<b>Location:</b>	The Harbour Area		
<b>Grid Ref:</b>	343086	865957	



## Established Supply (Ha):

Gross Established:	0.77	Net Established:	0.77
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## Effective Supply (Ha):

Effective:	0.77	General Industrial:	0.77
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
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## Constrained

☐ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 0

## Development (Ha):

Built:	20.97	Under Construction:	0
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# The Moray Council Employment Land Audit 2021

<b>Reference:</b>	M/BC/E/007	<b>Town:</b>	BUCKIE
<b>Supply Type:</b>	Effective 5years+	<b>LPR:</b>	20/LNG2
<b>Location:</b>	March Road (LONG)		
<b>Grid Ref:</b>	344222	865018	



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## Established Supply (Ha):

Gross Established:	7.02	Net Established:	5.62
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## Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	5.62
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## Constrained

☐ Owner ☒ Infrastructure ☐ Physical

Constrained Total (Ha): 0

## Development (Ha):

Built:	0	Under Construction:	0
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<b>Reference:</b>	M/CL/E/002	<b>Town:</b>	CULLEN
<b>Supply Type:</b>	Effective	<b>LPR:</b>	20/11
<b>Location:</b>	South of Cemetery		
<b>Grid Ref:</b>	351482	866184	



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## Established Supply (Ha):

Gross Established:	0.81	Net Established:	0.65
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## Effective Supply (Ha):

Effective:	0.65	General Industrial:	0
Immediately Available:	0	High Amenity:	0.65

## LONG Supply (Ha):

LONG:	0
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## Constrained

☐ Owner ☐ Infrastructure ☐ Physical

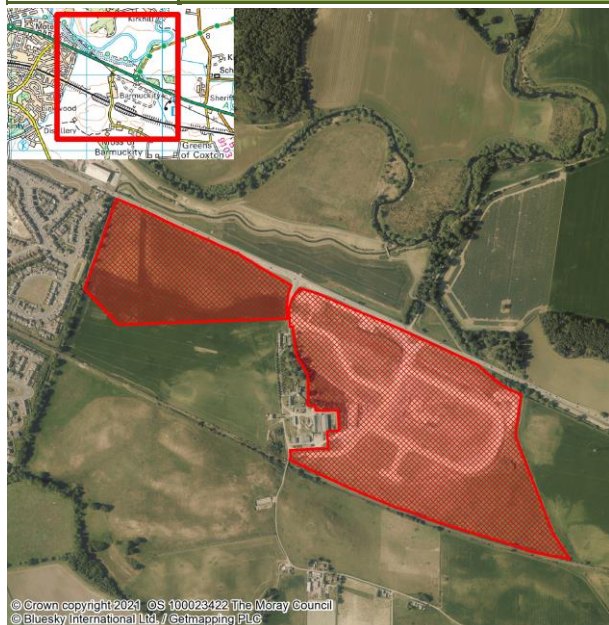
Constrained Total (Ha): 0

## Development (Ha):

Built:	0	Under Construction:	0
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# The Moray Council Employment Land Audit 2021

<b>Reference:</b>	M/EL/E/001	<b>Town:</b>	ELGIN
<b>Supply Type:</b>	Part Constrained	<b>LPR:</b>	20/17
<b>Location:</b>	Elgin Business Park, Barmuckity		
<b>Grid Ref:</b>	324719	861725	



## Established Supply (Ha):

Gross Established:	37.95	Net Established:	23.23
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## Effective Supply (Ha):

Effective:	17.37	General Industrial:	11.19
Immediately Available:	11.18	High Amenity:	6.18

## LONG Supply (Ha):

LONG:	0
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## Constrained

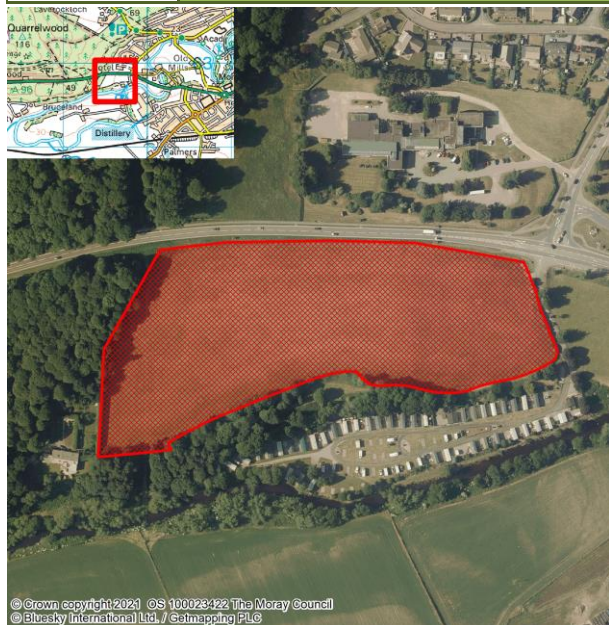
☐ Owner ☐ Infrastructure ☒ Physical

Constrained Total (Ha): 5.86

## Development (Ha):

Built:	0.91	Under Construction:	2.87
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<b>Reference:</b>	M/EL/E/002	<b>Town:</b>	ELGIN
<b>Supply Type:</b>	Constrained	<b>LPR:</b>	20/MU1
<b>Location:</b>	Riverview		
<b>Grid Ref:</b>	319633	862782	



## Established Supply (Ha):

Gross Established:	4.12	Net Established:	3.3
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## Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
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## Constrained

☐ Owner ☒ Infrastructure ☒ Physical

Constrained Total (Ha): 3.3

## Development (Ha):

Built:	0	Under Construction:	0
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# The Moray Council Employment Land Audit 2021

<b>Reference:</b>	M/EL/E/004	<b>Town:</b>	ELGIN
<b>Supply Type:</b>	Constrained	<b>LPR:</b>	20/112
<b>Location:</b>	Glen Moray Distillery		
<b>Grid Ref:</b>	319932	862424	



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## Established Supply (Ha):

Gross Established:	1.3	Net Established:	1.3
--------------------	-----	------------------	-----

## Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
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## Constrained

☒ Owner ☐ Infrastructure ☒ Physical

Constrained Total (Ha): 1.3

## Development (Ha):

Built:	6.5	Under Construction:	0
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<b>Reference:</b>	M/EL/E/008	<b>Town:</b>	ELGIN
<b>Supply Type:</b>	Part Constrained	<b>LPR:</b>	20/12
<b>Location:</b>	Chanonry Industrial Estate		
<b>Grid Ref:</b>	323161	862960	



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## Established Supply (Ha):

Gross Established:	3.77	Net Established:	2.49
--------------------	------	------------------	------

## Effective Supply (Ha):

Effective:	1.27	General Industrial:	1.27
Immediately Available:	1.27	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
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## Constrained

☐ Owner ☒ Infrastructure ☒ Physical

Constrained Total (Ha): 1.22

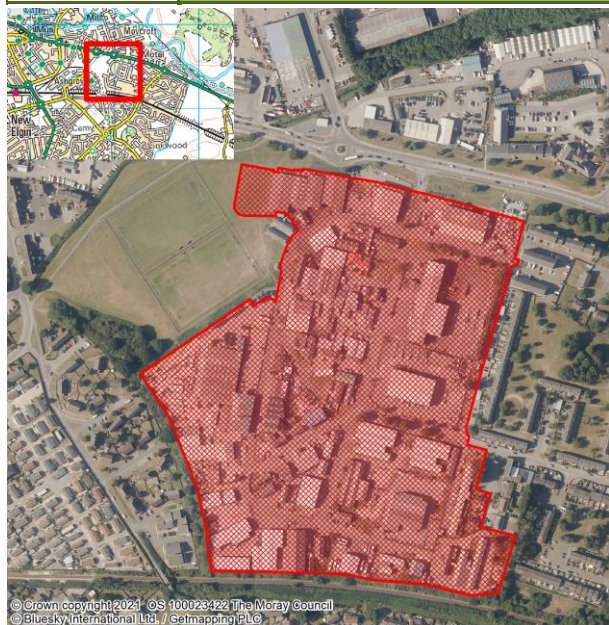
## Development (Ha):

Built:	9.16	Under Construction:	0.6
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# The Moray Council Employment Land Audit 2021

<b>Reference:</b>	M/EL/E/011	<b>Town:</b>	ELGIN
<b>Supply Type:</b>	Effective	<b>LPR:</b>	20/15
<b>Location:</b>	Pinefield Industrial Estate		
<b>Grid Ref:</b>	322991	862330	



## Established Supply (Ha):

Gross Established:	0.18	Net Established:	0.18
--------------------	------	------------------	------

## Effective Supply (Ha):

Effective:	0.18	General Industrial:	0.18
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
-------	---

## Constrained

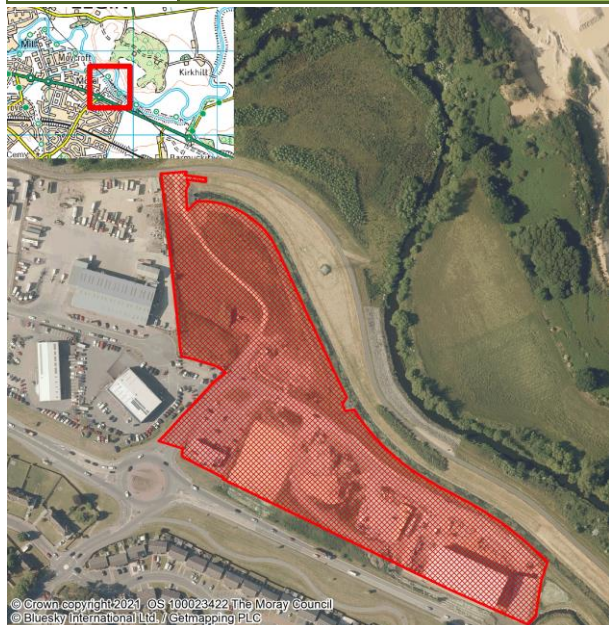
☒ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 0

## Development (Ha):

Built:	12.23	Under Construction:	0
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<b>Reference:</b>	M/EL/E/012	<b>Town:</b>	ELGIN
<b>Supply Type:</b>	Effective	<b>LPR:</b>	20/16
<b>Location:</b>	Linkwood East		
<b>Grid Ref:</b>	323707	862498	



## Established Supply (Ha):

Gross Established:	1.71	Net Established:	1.4
--------------------	------	------------------	-----

## Effective Supply (Ha):

Effective:	1.4	General Industrial:	1.4
Immediately Available:	1.4	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
-------	---

## Constrained

☒ Owner ☐ Infrastructure ☒ Physical

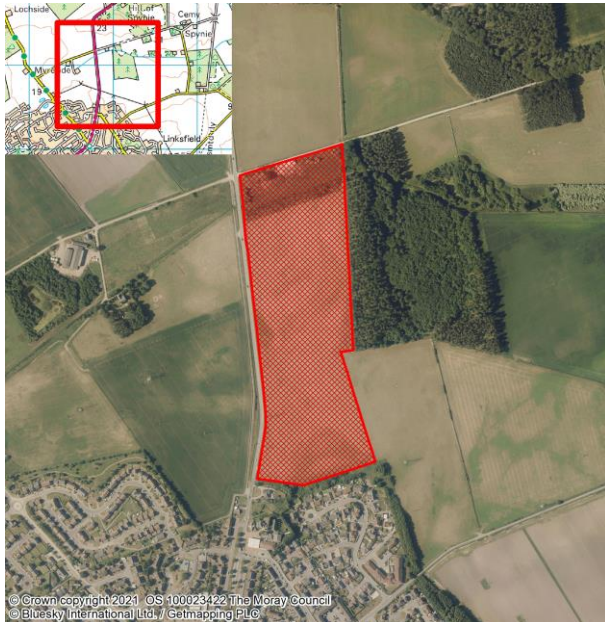
Constrained Total (Ha): 0

## Development (Ha):

Built:	1.82	Under Construction:	0.19
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# The Moray Council Employment Land Audit 2021

Reference:	M/EL/E/016	Town:	ELGIN
Supply Type:	Effective	LPR:	20/18
Location:	Newfield		
Grid Ref:	321907	864903	



## Established Supply (Ha):

Gross Established:	12	Net Established:	9.6
--------------------	----	------------------	-----

## Effective Supply (Ha):

Effective:	9.6	General Industrial:	9.6
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
-------	---

## Constrained

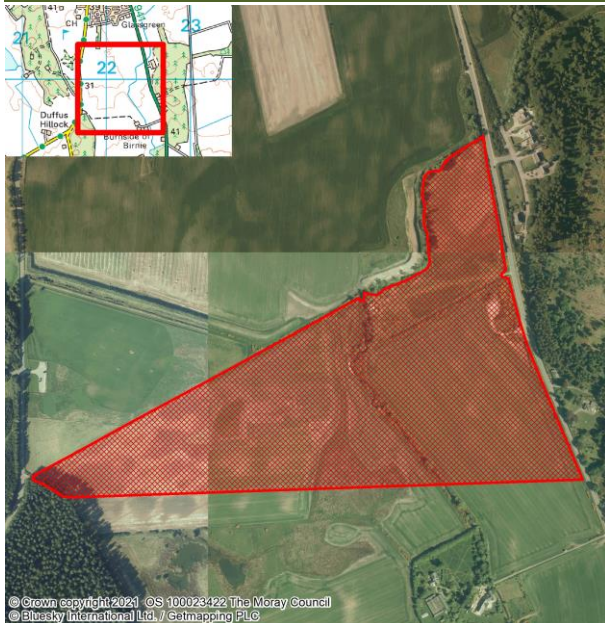
☐ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 0

## Development (Ha):

Built:	0	Under Construction:	0
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Reference:	M/EL/E/017	Town:	ELGIN
Supply Type:	Part Constrained	LPR:	20/116
Location:	Burnside of Birnie		
Grid Ref:	322206	859613	



## Established Supply (Ha):

Gross Established:	22.3	Net Established:	17.87
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## Effective Supply (Ha):

Effective:	9	General Industrial:	4
Immediately Available:	0	High Amenity:	5

## LONG Supply (Ha):

LONG:	0
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## Constrained

☐ Owner ☒ Infrastructure ☒ Physical

Constrained Total (Ha): 8.87

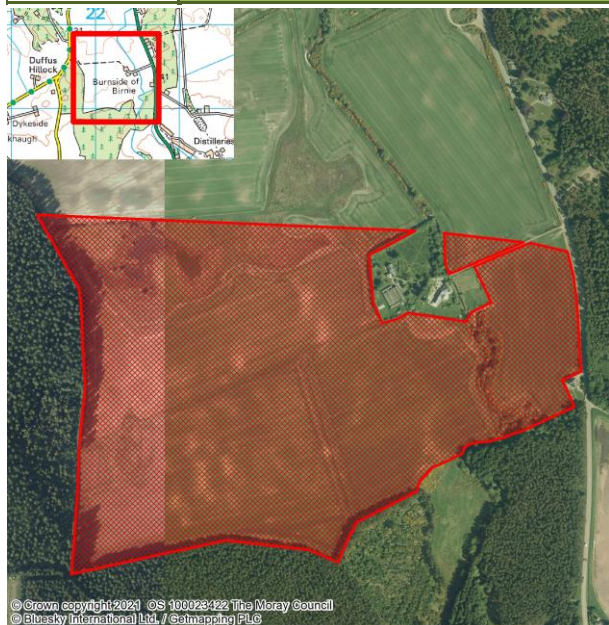
## Development (Ha):

Built:	0	Under Construction:	0
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# The Moray Council Employment Land Audit 2021

<b>Reference:</b>	M/EL/E/018	<b>Town:</b>	ELGIN
<b>Supply Type:</b>	Part Constrained	<b>LPR:</b>	20/LNG3
<b>Location:</b>	Burnside of Birnie (LONG)		
<b>Grid Ref:</b>	322279	859158	



## Established Supply (Ha):

Gross Established:	38.2	Net Established:	30.56
--------------------	------	------------------	-------

## Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	20.74
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## Constrained

☐ Owner ☐ Infrastructure ☒ Physical

Constrained Total (Ha): 9.8

## Development (Ha):

Built:	0	Under Construction:	0
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<b>Reference:</b>	M/EL/E/019	<b>Town:</b>	ELGIN
<b>Supply Type:</b>	Effective	<b>LPR:</b>	20/MU2
<b>Location:</b>	Lossiemouth Road (NE)		
<b>Grid Ref:</b>	321871	865361	



## Established Supply (Ha):

Gross Established:	7	Net Established:	5.6
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## Effective Supply (Ha):

Effective:	5.6	General Industrial:	0
Immediately Available:	0	High Amenity:	5.6

## LONG Supply (Ha):

LONG:	0
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## Constrained

☐ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 0

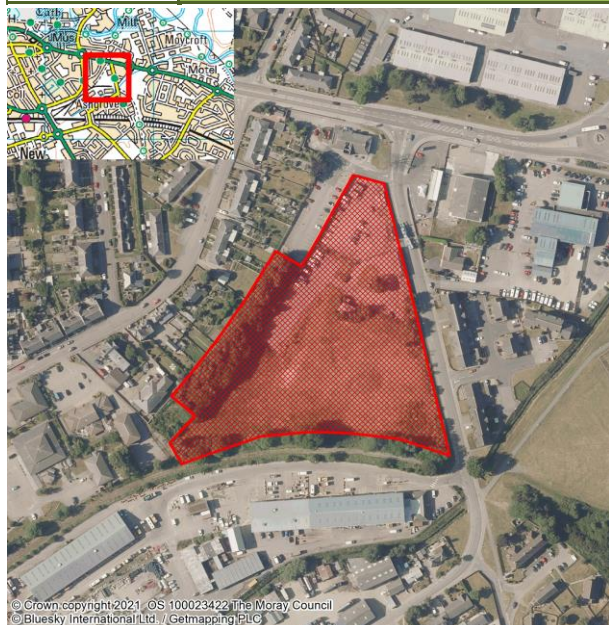
## Development (Ha):

Built:	0	Under Construction:	0
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# The Moray Council Employment Land Audit 2021

<b>Reference:</b>	M/EL/E/020	<b>Town:</b>	ELGIN
<b>Supply Type:</b>	Effective	<b>LPR:</b>	20/OPP4
<b>Location:</b>	Ashgrove Road (Yard)		
<b>Grid Ref:</b>	322589	862554	



## Established Supply (Ha):

Gross Established:	1.6	Net Established:	1.28
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## Effective Supply (Ha):

Effective:	1.28	General Industrial:	1.28
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
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## Constrained

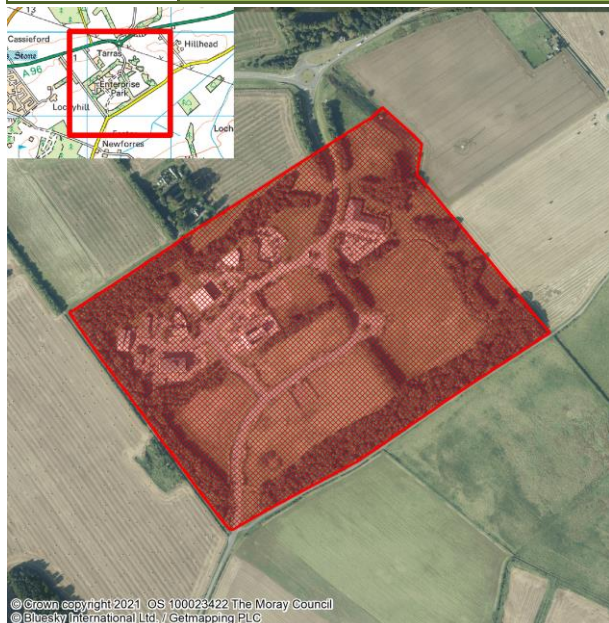
<input type="checkbox"/> Owner	<input type="checkbox"/> Infrastructure	<input type="checkbox"/> Physical
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Constrained Total (Ha): 0

## Development (Ha):

Built:	0	Under Construction:	0.31
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<b>Reference:</b>	M/FR/E/001	<b>Town:</b>	FORRES
<b>Supply Type:</b>	Effective	<b>LPR:</b>	20/BP1
<b>Location:</b>	Forres Enterprise Park		
<b>Grid Ref:</b>	306378	859307	



## Established Supply (Ha):

Gross Established:	22.88	Net Established:	13.02
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## Effective Supply (Ha):

Effective:	13.02	General Industrial:	2.75
Immediately Available:	13.02	High Amenity:	10.27

## LONG Supply (Ha):

LONG:	0
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## Constrained

<input type="checkbox"/> Owner	<input type="checkbox"/> Infrastructure	<input type="checkbox"/> Physical
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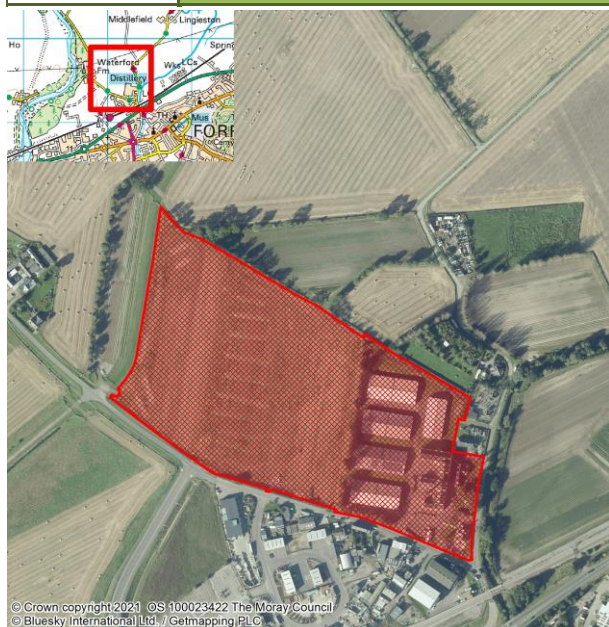
Constrained Total (Ha): 0

## Development (Ha):

Built:	17.46	Under Construction:	0.46
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# The Moray Council Employment Land Audit 2021

<b>Reference:</b>	M/FR/E/006	<b>Town:</b>	FORRES
<b>Supply Type:</b>	Under Construction	<b>LPR:</b>	20/13
<b>Location:</b>	Benromach Distillery		
<b>Grid Ref:</b>	303187	859423	



## Established Supply (Ha):

Gross Established:	0	Net Established:	0
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## Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
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## Constrained

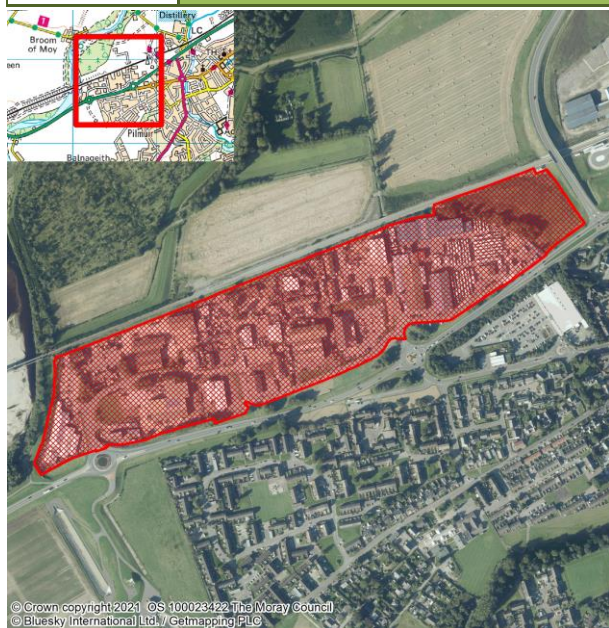
☐ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 0

## Development (Ha):

Built:	5.41	Under Construction:	2.25
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<b>Reference:</b>	M/FR/E/012	<b>Town:</b>	FORRES
<b>Supply Type:</b>	Constrained	<b>LPR:</b>	20/11
<b>Location:</b>	Greshop		
<b>Grid Ref:</b>	302463	858717	



## Established Supply (Ha):

Gross Established:	1.3	Net Established:	1
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## Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
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## Constrained

☐ Owner ☐ Infrastructure ☒ Physical

Constrained Total (Ha): 1

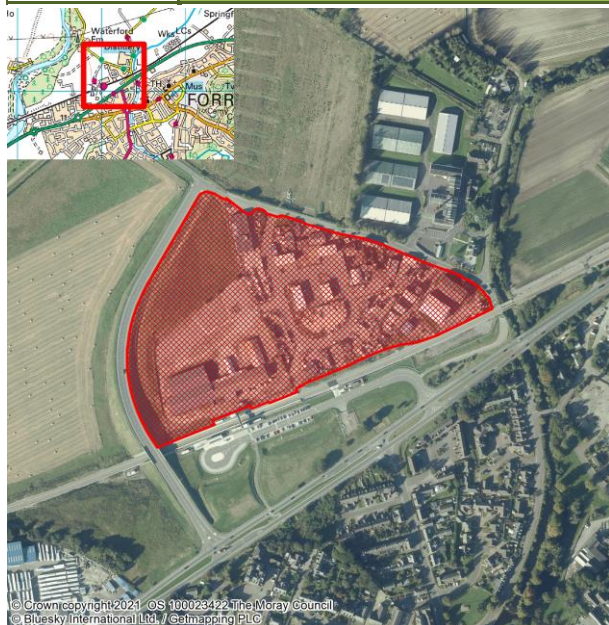
## Development (Ha):

Built:	15.7	Under Construction:	0
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# The Moray Council Employment Land Audit 2021

<b>Reference:</b>	M/FR/E/013	<b>Town:</b>	FORRES
<b>Supply Type:</b>	Constrained	<b>LPR:</b>	20/12
<b>Location:</b>	Waterford		
<b>Grid Ref:</b>	303151	859195	



## Established Supply (Ha):

Gross Established:	1	Net Established:	0.8
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## Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
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## Constrained

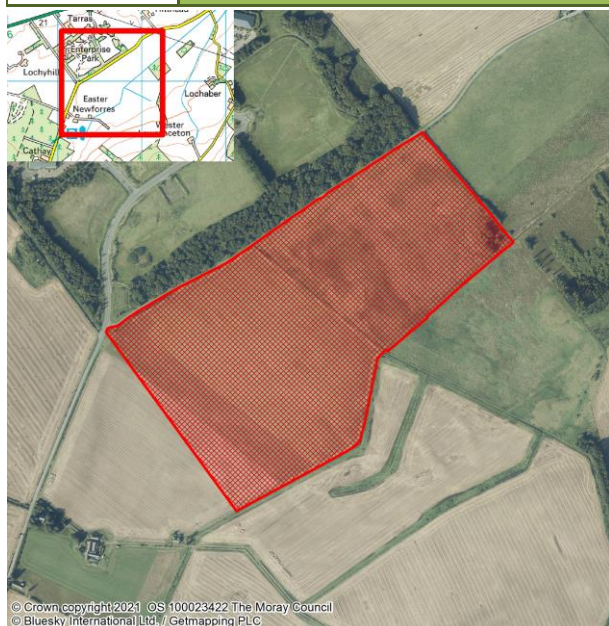
☐ Owner ☒ Infrastructure ☒ Physical

Constrained Total (Ha): 0.8

## Development (Ha):

Built:	6.2	Under Construction:	0
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<b>Reference:</b>	M/FR/E/014	<b>Town:</b>	FORRES
<b>Supply Type:</b>	Constrained	<b>LPR:</b>	20/14
<b>Location:</b>	Easter Newforres		
<b>Grid Ref:</b>	306670	859033	



## Established Supply (Ha):

Gross Established:	27.6	Net Established:	17.75
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## Effective Supply (Ha):

Effective:		General Industrial:	0
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
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## Constrained

☐ Owner ☒ Infrastructure ☐ Physical

Constrained Total (Ha): 17.75

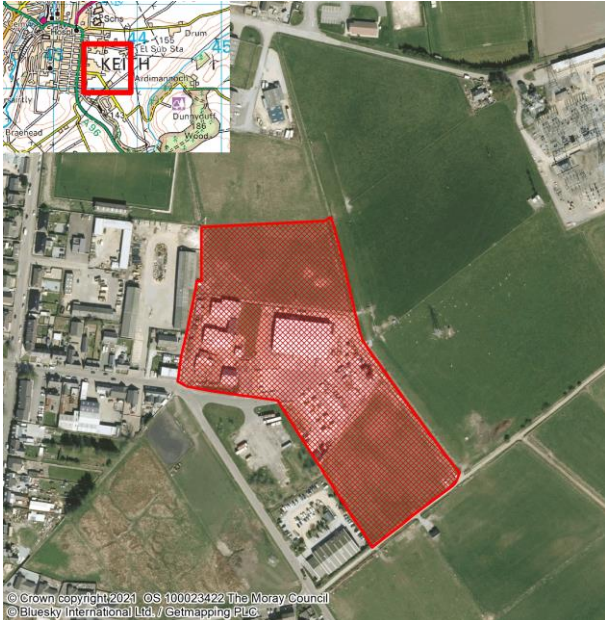
## Development (Ha):

Built:	0	Under Construction:	0
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# The Moray Council Employment Land Audit 2021

Reference:	M/KH/E/004	Town:	KEITH
Supply Type:	Effective	LPR:	20/14
Location:	Bridge Street		
Grid Ref:	343609	850228	



## Established Supply (Ha):

Gross Established:	2.05	Net Established:	1.64
--------------------	------	------------------	------

## Effective Supply (Ha):

Effective:	1.64	General Industrial:	1.64
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
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## Constrained

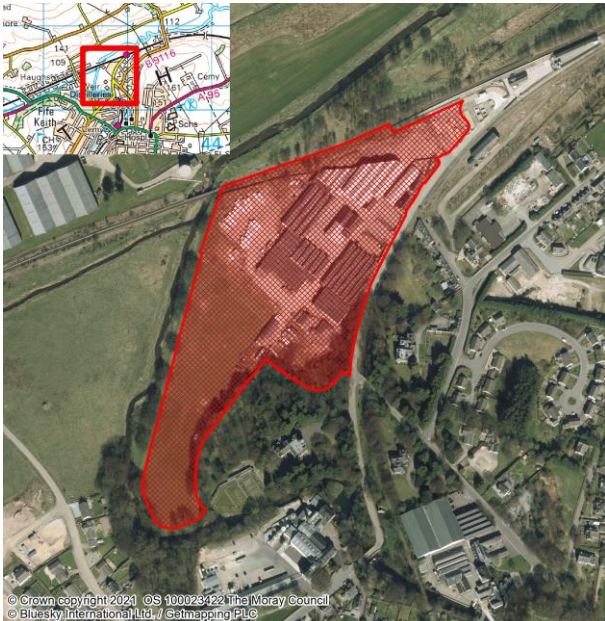
☐ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 0

## Development (Ha):

Built:	1.72	Under Construction:	0
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Reference:	M/KH/E/005	Town:	KEITH
Supply Type:	Constrained	LPR:	20/17
Location:	Isla Bank Mills		
Grid Ref:	342764	851453	



## Established Supply (Ha):

Gross Established:	1.84	Net Established:	1.84
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## Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
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## Constrained

☐ Owner ☐ Infrastructure ☒ Physical

Constrained Total (Ha): 1.84

## Development (Ha):

Built:	4.03	Under Construction:	0
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# The Moray Council Employment Land Audit 2021

<b>Reference:</b>	M/KH/E/009	<b>Town:</b>	KEITH
<b>Supply Type:</b>	Effective	<b>LPR:</b>	20/13
<b>Location:</b>	Westerton Road East		
<b>Grid Ref:</b>	343643	850438	



## Established Supply (Ha):

Gross Established:	0	Net Established:	0
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## Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
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## Constrained

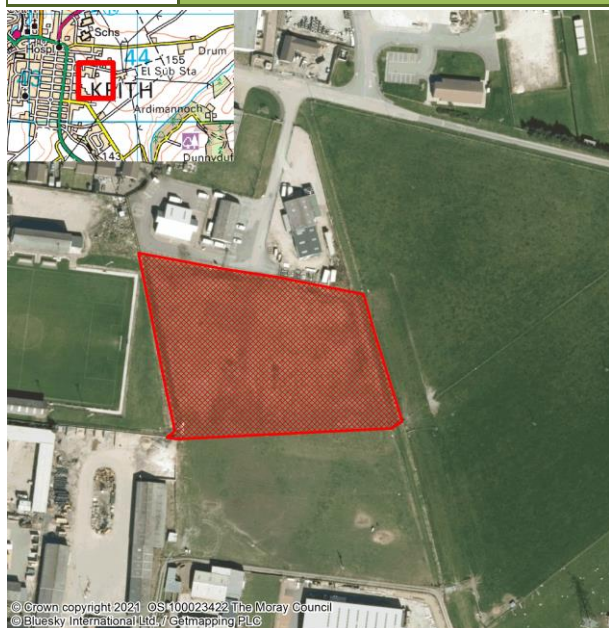
<input type="checkbox"/> Owner	<input type="checkbox"/> Infrastructure	<input type="checkbox"/> Physical
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Constrained Total (Ha): 0

## Development (Ha):

Built:	0	Under Construction:	1.62
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<b>Reference:</b>	M/KH/E/010	<b>Town:</b>	KEITH
<b>Supply Type:</b>	Effective	<b>LPR:</b>	20/12
<b>Location:</b>	Westerton Road South		
<b>Grid Ref:</b>	343584	850372	



## Established Supply (Ha):

Gross Established:	0.52	Net Established:	0.52
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## Effective Supply (Ha):

Effective:	0.52	General Industrial:	0.52
Immediately Available:	0.52	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
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## Constrained

<input type="checkbox"/> Owner	<input type="checkbox"/> Infrastructure	<input type="checkbox"/> Physical
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Constrained Total (Ha): 0

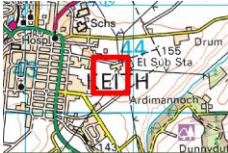
## Development (Ha):

Built:	1.45	Under Construction:	0
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# The Moray Council Employment Land Audit 2021

<b>Reference:</b>	M/KH/E/011	<b>Town:</b>	KEITH
<b>Supply Type:</b>	Effective	<b>LPR:</b>	20/I11
<b>Location:</b>	Westerton Road East Expansion		
<b>Grid Ref:</b>	343761	850329	



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## Established Supply (Ha):

Gross Established:	1.74	Net Established:	1.39
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## Effective Supply (Ha):

Effective:	1.39	General Industrial:	1.39
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
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## Constrained

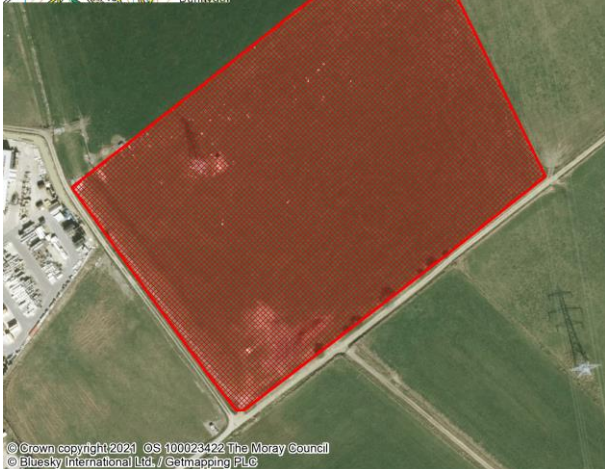
☐ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 0

## Development (Ha):

Built:	0	Under Construction:	0.56
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<b>Reference:</b>	M/KH/E/012	<b>Town:</b>	KEITH
<b>Supply Type:</b>	Effective 5years+	<b>LPR:</b>	20/LNG2
<b>Location:</b>	Westerton Road (LONG)		
<b>Grid Ref:</b>	343822	850218	



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## Established Supply (Ha):

Gross Established:	3.2	Net Established:	2.5
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## Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	2.5
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## Constrained

☐ Owner ☒ Infrastructure ☐ Physical

Constrained Total (Ha): 0

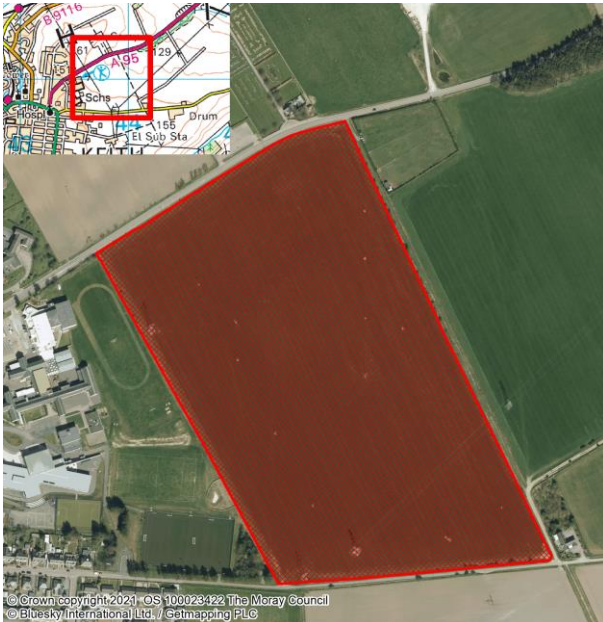
## Development (Ha):

Built:	0	Under Construction:	0
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# The Moray Council Employment Land Audit 2021

Reference:	M/KH/E/013	Town:	KEITH
Supply Type:	Effective	LPR:	20/MU
Location:	Banff Road South		
Grid Ref:	343847	850958	



## Established Supply (Ha):

Gross Established:	1.75	Net Established:	1.75
--------------------	------	------------------	------

## Effective Supply (Ha):

Effective:	1.75	General Industrial:	0
Immediately Available:	0	High Amenity:	1.75

## LONG Supply (Ha):

LONG:	0
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## Constrained

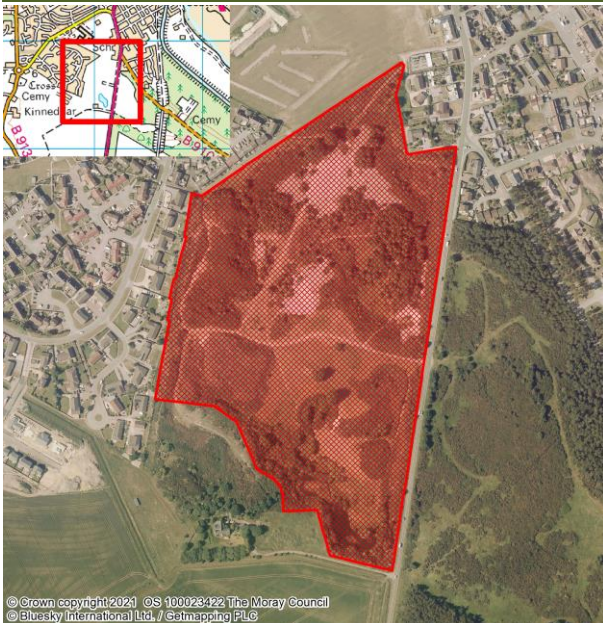
☐ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 0

## Development (Ha):

Built:	0	Under Construction:	0
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Reference:	M/LS/E/007	Town:	LOSSIEMOUTH
Supply Type:	Constrained	LPR:	20/OPP1
Location:	Sunbank		
Grid Ref:	323075	869644	



## Established Supply (Ha):

Gross Established:	12.8	Net Established:	10.24
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## Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
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## Constrained

☐ Owner ☒ Infrastructure ☒ Physical

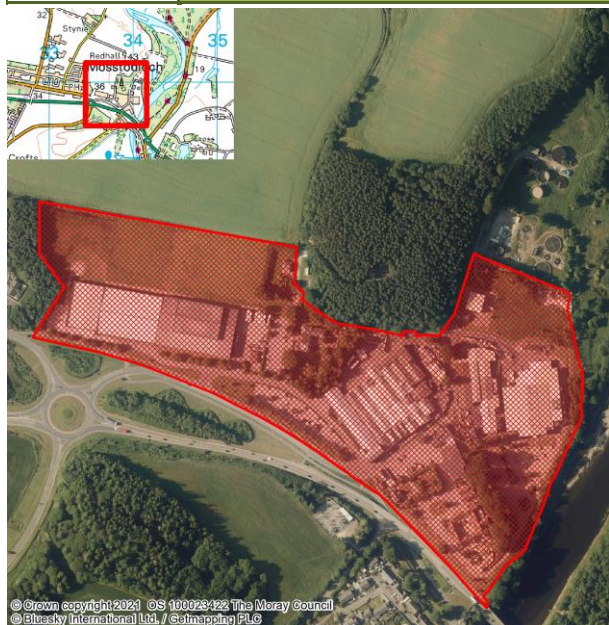
Constrained Total (Ha): 10.24

## Development (Ha):

Built:	0	Under Construction:	0
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# The Moray Council Employment Land Audit 2021

Reference:	M/MS/E/003	Town:	MOSSTODLOCH
Supply Type:	Constrained	LPR:	20/15
Location:	Baxters		
Grid Ref:	333948	859705	



## Established Supply (Ha):

Gross Established:	2.22	Net Established:	1.78
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## Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
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## Constrained

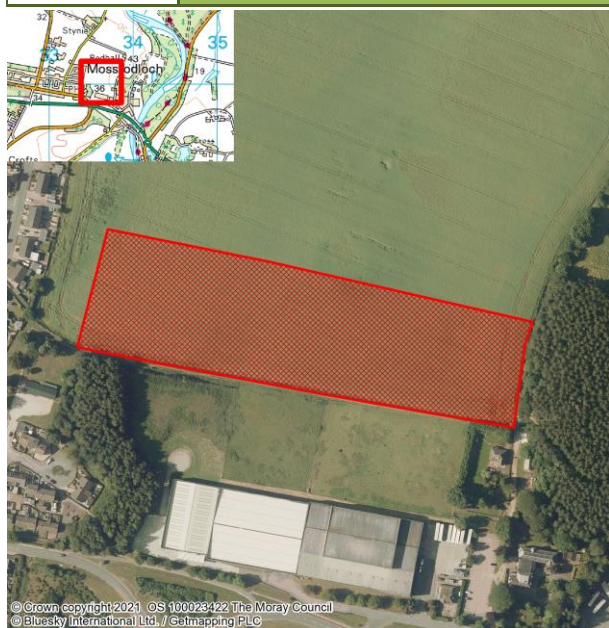
☒ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 1.78

## Development (Ha):

Built:	12.05	Under Construction:	0
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Reference:	M/MS/E/005	Town:	MOSSTODLOCH
Supply Type:	Constrained	LPR:	20/12
Location:	North of Baxter's		
Grid Ref:	333613	860016	



## Established Supply (Ha):

Gross Established:	3.22	Net Established:	2.57
--------------------	------	------------------	------

## Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
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## Constrained

☒ Owner ☒ Infrastructure ☐ Physical

Constrained Total (Ha): 2.57

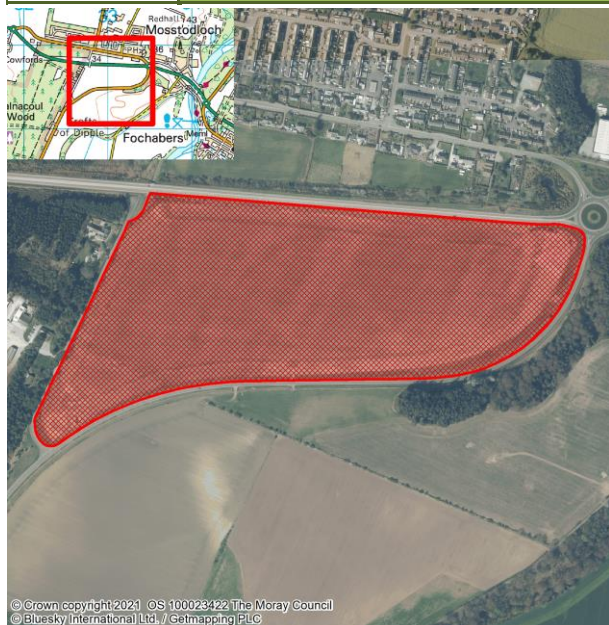
## Development (Ha):

Built:	0	Under Construction:	0
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# The Moray Council Employment Land Audit 2021

Reference:	M/MS/E/006	Town:	MOSSTODLOCH
Supply Type:	Effective 5years+	LPR:	20/MUL1
Location:	South of A96		
Grid Ref:	333268	859627	



## Established Supply (Ha):

Gross Established:	11	Net Established:	8
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## Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	8
-------	---

## Constrained

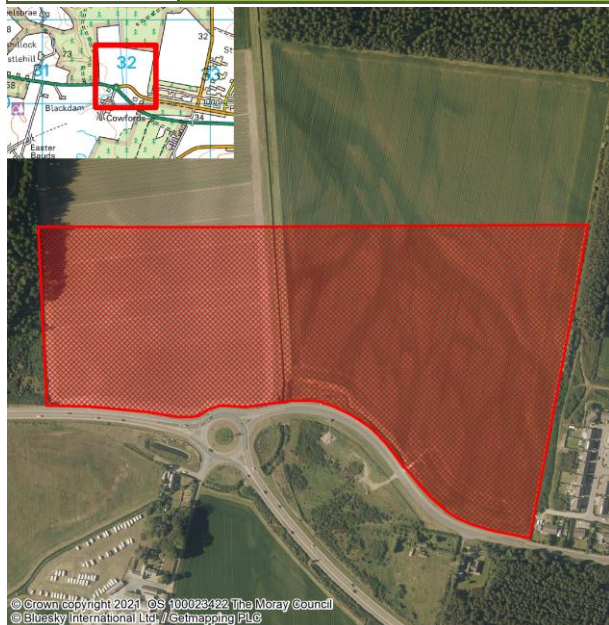
☐ Owner ☒ Infrastructure ☐ Physical

Constrained Total (Ha): 0

## Development (Ha):

Built:	0	Under Construction:	0
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Reference:	M/MS/E/007	Town:	MOSSTODLOCH
Supply Type:	Effective	LPR:	20/I3
Location:	West of Mosstodloch		
Grid Ref:	331976	860333	



## Established Supply (Ha):

Gross Established:	16	Net Established:	12.8
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## Effective Supply (Ha):

Effective:	12.8	General Industrial:	12.8
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
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## Constrained

☐ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 0

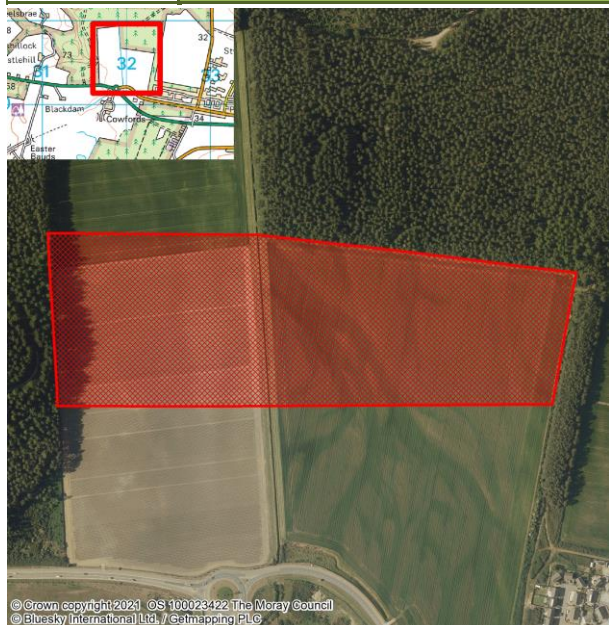
## Development (Ha):

Built:	0	Under Construction:	0
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# The Moray Council Employment Land Audit 2021

<b>Reference:</b>	M/MS/E/008	<b>Town:</b>	MOSSTODLOCH
<b>Supply Type:</b>	Effective 5years+	<b>LPR:</b>	20/LNG2
<b>Location:</b>	West of Mosstodloch (LONG)		
<b>Grid Ref:</b>	331976	860549	



## Established Supply (Ha):

Gross Established:	14	Net Established:	11.2
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## Effective Supply (Ha):

Effective:	0	General Industrial:	0
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	11.2
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## Constrained

☐ Owner ☒ Infrastructure ☐ Physical

Constrained Total (Ha): 0

## Development (Ha):

Built:	0	Under Construction:	0
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<b>Reference:</b>	M/RS/E/001	<b>Town:</b>	ROTHES
<b>Supply Type:</b>	Effective	<b>LPR:</b>	20/11
<b>Location:</b>	Back Burn		
<b>Grid Ref:</b>	327876	849746	



## Established Supply (Ha):

Gross Established:	0.75	Net Established:	0.6
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## Effective Supply (Ha):

Effective:	0.6	General Industrial:	0.6
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
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## Constrained

☐ Owner ☐ Infrastructure ☐ Physical

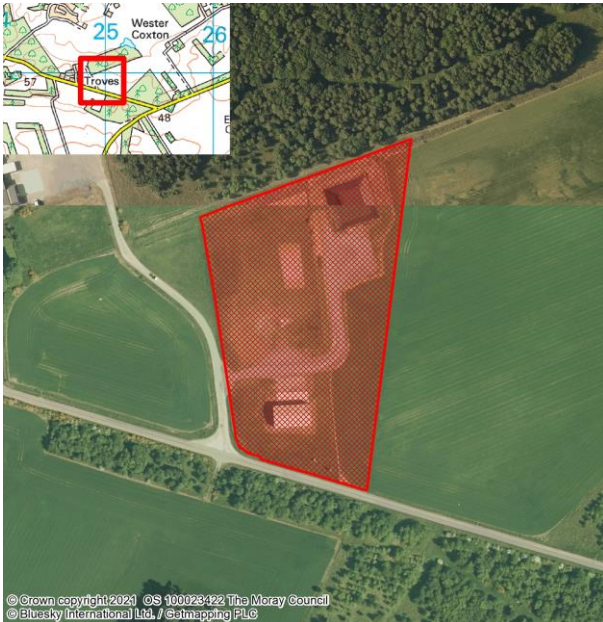
Constrained Total (Ha): 0

## Development (Ha):

Built:	0	Under Construction:	0
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# The Moray Council Employment Land Audit 2021

<b>Reference:</b>	M/TV/E/001	<b>Town:</b>	TROVES
<b>Supply Type:</b>	Effective	<b>LPR:</b>	20/11
<b>Location:</b>	Troves Industrial Estate		
<b>Grid Ref:</b>	324974		324974



## Established Supply (Ha):

Gross Established:	1.41	Net Established:	0.92
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## Effective Supply (Ha):

Effective:	0.92	General Industrial:	0.92
Immediately Available:	0	High Amenity:	0

## LONG Supply (Ha):

LONG:	0
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## Constrained

☐ Owner ☐ Infrastructure ☐ Physical

Constrained Total (Ha): 0

## Development (Ha):

Built:	0	Under Construction:	0.2
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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 3 AUGUST 2021**

**SUBJECT: HOUSING LAND AUDIT 2021**

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

## **1. REASON FOR REPORT**

- 1.1 This report summarises the housing land supply situation in Moray and asks the Committee to agree the final version of the Moray Housing Land Audit 2021 and the partial release of Elgin LONG2 *Elgin South* to replace land at Linkwood which is now considered to be constrained.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the review and preparation of Local Development Plans

## **2. RECOMMENDATION**

### **2.1 It is recommended that the Committee agree:-**

- (i) to note the housing land supply in Moray;
- (ii) the response to the consultation on the draft audit, as set out in Appendix 1 of the report;
- (iii) the finalised Moray Housing Land Audit 2021, as set out in Appendix 2; and
- (iv) the partial release of Elgin LONG2 *Elgin South* to replace land at Linkwood which is now considered to be constrained, as set out in Appendix 3.

## **3. BACKGROUND**

- 3.1 Scottish Planning Policy (SPP) requires planning authorities to carry out regular monitoring of housing completions and to programme projected completions to demonstrate the availability of land for housing. The aim is to

ensure that an ongoing effective supply of housing land is available. This is achieved through an annual Housing Land Audit (HLA), prepared in consultation with Homes for Scotland, local developers, landowners and statutory consultees.

3.2 SPP requires Local Development Plans (LDP) to allocate land on a range of sites to meet the housing land requirement up to Year 10, providing effective sites in the initial phase for at least 5 years at all times. Beyond Year 10 and up to Year 20, the LDP should provide an indication of the possible scale and location of the housing land requirement.

3.3 The audit has three key functions:-

- To demonstrate the availability of sufficient effective land to meet the strategic housing land requirement for a minimum of 5 years into the future;
- To provide a snapshot of the amount of land available for the construction of houses at any particular time; and
- Act as an information source for a variety of purposes, including school roll forecasts, transport infrastructure provision and health care.

#### **4. PROPOSALS**

4.1 The information contained in the HLA is important to monitor LDP strategy for housing and the process enables adjustments to be made to address any issues arising. The audit and the Housing Need and Demand Assessment (HNDA) provide the baseline for calculating the housing land requirements set out in LDPs. The Scottish Government recently consulted on proposed regional housing supply targets, with the Council's response to the consultation agreed by this Committee on 18 May 2021.

4.2 The audit includes three main categories of land supply:-

- Effective – land that can be developed for housing within the period under consideration, which is free from constraints in terms of ownership, physical, contamination, marketability, infrastructure and land use.
- Constrained – land that is considered to be constrained within the period under consideration and the constraint cannot easily be overcome in the short term.
- Established – the total housing land supply (effective added to constrained).

4.3 The draft HLA 2021 was made available for consultation on the Council's website and housebuilders and agents were notified, with comments invited by 30 June 2021. Comments were received from Altyre Estate, Crown Estate Scotland, Springfield Properties Plc and Robertson Group. Comments received and the proposed Council responses are set out in **APPENDIX 1**. Housebuilders and landowners were consulted during the preparation of the draft audit to provide the most up to date build-out projections. The figures within the draft audit are largely based upon housebuilders' returns, with

- adjustments made by Planning Officers. As part of the consultation, housebuilders were asked to review the high projections in Elgin for 2023.
- 4.4 The introduction section of the final audit is included as **APPENDIX 2** and the full audit is available on the Members' Portal. The audit identifies that there is a 29.8 years established housing land supply (12,346 units) based on an annual housing land requirement identified in the HNDA. This consists of a 13.3 years effective housing land (5,508 units) and 16.6 years constrained housing land (6,838 units), of which 9.4 years supply is designated as LONG (3,875 units). This approach to LONG term housing land has been recognised as good practice and allows for longer term infrastructure planning through strategic level masterplanned expansion areas. This also means that the next Moray LDP will only require minimum, if any, additional housing land to be identified.
- 4.5 The effective housing land supply set out in Para 4.4 above includes the anticipated partial release of Elgin LONG2, as detailed in Section 5 below. Without this release, effective housing land supply in Elgin will drop by 611 units.
- 4.6 Completions in 2020 were 231 compared with 414 in 2019 – reflecting the impacts of Covid-19 on the housebuilding industry – 358 in 2018, 350 in 2017 and 335 in 2016. The majority of completions between 2010 and 2020 were in Elgin, Forres and Buckie.
- 4.7 While the overall effective supply of housing is very good and continues to meet the requirements of SPP, the projected house completions reflect the low supply of new housing in Keith and Speyside. However, work at Banff Road (Keith R4) is progressing and discussions are ongoing regarding Speyview (Aberlour R1). The Moray Growth Deal Housing Mix Delivery project will bring further investment to help unlock previously constrained housing land sites.
- 4.8 To address any shortfalls in supply, the MLDP 2020 contains a number of LONG term housing sites which are embargoed from development within the period of the LDP unless specific triggers for their release are met. The triggers for releasing LONG designations are set out in Policy DP3 *LONG Term Land Reserves* in the MLDP 2020.

## **5. ELGIN SOUTH**

- 5.1 The Elgin South Masterplan was approved by this Committee as supplementary guidance at its meeting on 30 May 2017 (para 6 of the minute refers). Following the adoption of the MLDP 2020, the status of supplementary guidance fell and a review of the Masterplan was undertaken to reflect the adopted MLDP 2020. The draft Masterplan is subject to a separate report on this agenda.
- 5.2 Due to constraints relating to ground conditions and the landowner not willing to release land at this time, Elgin R19 *Easter Linkwood and Linkwood* is no longer considered effective, with the exception of a small area in the west of the site which is currently under construction. As such, Elgin R19 has been



moved into the constrained housing land supply. The remaining designated site in Elgin South Masterplan area, R20 *Glassgreen, Elgin South*, is projected to be built-out by 2023. Springfield Properties Plc are therefore proposing a revised phasing plan which would see a shift in the focus of short-term development from the east to the west where there are no constraints other than the LONG designation. In addition to these constraints, the land requirement for the proposed Glassgreen Primary School site has increased to 2.5ha. As well as considering the need to release land from Elgin LONG2 for housing, a small area to the east, off Linkwood Road, is required in order for the Council to progress proposals for a new cemetery.

- 5.3 The need for early release of LONG term housing land will be evaluated through the annual HLA process and monitoring report. Officers recommend that land from Elgin LONG2 is brought forward from the LONG constrained supply to the effective supply for the following reasons:-
- Elgin R19 *Easter Linkwood and Linkwood* is now considered to be constrained and results in the reduction of 611 units from the effective supply in Elgin;
  - Progress at Bilbohall and Findrassie, the other large expansion areas in Elgin, have been slower than anticipated;
  - Demand and the sale of housing is very high at the moment;
  - There are a number of piecemeal applications being submitted for housing in the Elgin South area, particularly at Glassgreen, and a larger release of Elgin LONG2 would allow for a better placemaking approach, supporting the emerging revised Elgin South Masterplan; and
  - The release of land would allow for earlier planning for the Glassgreen Primary School.
- 5.4 A map has been provided as **APPENDIX 3** which identifies the areas of Elgin LONG2 which are recommended for release.

## **6. SUMMARY OF IMPLICATIONS**

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

The annual HLA is a key part of monitoring the implementation and effectiveness of the LDP, which delivers Corporate and Community Planning objectives. Ensuring an effective supply of housing land and taking a longer term approach supports economic growth, delivers much needed housing (notably affordable housing) and allows for longer term planning for community services and infrastructure, including education and health facilities.

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

The preparation of an annual HLA is a key requirement of SPP to monitor effectiveness of the MLDP and ensure an effective supply of housing land is maintained.

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

None.

**(d) Risk Implications**

None.

**(e) Staffing Implications**

Preparation of an annual HLA is part of the workload of the Strategic Planning and Development section.

**(f) Property**

Land at Glassgreen, within Elgin LONG2, includes a site for a future 2.5ha primary school.

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

No Equality Impact Assessment is required for this report.

**(h) Consultations**

The Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Housing Strategy and Development Manager, the Senior Engineer (Transportation), the Equal Opportunities Officer, Paul Connor (Principal Accountant) and Lissa Rowan (Committee Services Officer) have been consulted and are in agreement with the contents of the report/comments received have been incorporated into the report.

**5. CONCLUSION**

**5.1 SPP requires planning authorities to carry out an annual HLA to ensure that there is a 5 year effective housing land supply available at all times.**

**5.2 The HLA 2021 identifies a 13.3 years effective supply of housing land, with a total 29.8 years established land supply.**

**5.3 Approval is sought for the partial release of Elgin LONG2 *Elgin South* to reflect changes to the effectiveness of land within the Elgin South Masterplan.**

Author of Report: Darren Westmacott, Planning Officer (Strategic Planning & Development)

Background Papers:

Ref:





# APPENDIX 1

Organisation	Comments	Moray Council Response	Changes Proposed to Audit
Altyre Estate	Agreement with status of sites relating to Altyre Estate.	Noted.	No change.
Crown Estate Scotland	Agree with the findings in terms of effective housing land supply.	Noted.	No change.
	Opportunities to enhance delivery of housing in Mosstodloch and Fochabers should other sites fail to deliver on projected housing completions.	Initial discussions have been held with Crown Estate Scotland in respect of a masterplanned-approach. The Council will continue to engage with Crown Estate Scotland to consider effectiveness and prepare sites for future development.	No change.
Robertson Group	Contest the constrained supply type of Bilbohall North (Ref. M/EL/R/048) on the basis of the approved Bilbohall Masterplan.	Whilst the Bilbohall Masterplan has been approved, the Council are not satisfied that Robertson Group have demonstrated that the site is likely to be built within the 5 year effective period.	No change.
	Revised figures for projected completions.	The Council welcomes these amended figures.	Amend projected completions for Site Refs M/EL/R/07/07; M/EL/R/15/14 and M/FR/R/07/04.
Springfield Properties Plc	Advised that Elgin R19 (Ref. M/EL/R/20/19) is no longer considered effective due to constraints relating to ground conditions and the landowner not willing to release land at this time. Seek the release of areas of Elgin LONG2 in line with emerging revised Elgin	Officers recommend that land from Elgin LONG2 is brought forward from the LONG constrained supply to the effective supply for the following reasons:- <ul style="list-style-type: none"> <li>Elgin R19 is now considered to be constrained and results in the reduction of 611 units from the effective supply in Elgin;</li> <li>Progress at Bilbohall and Findrassie, the other large expansion areas in Elgin, have been</li> </ul>	Amend the supply type of Elgin R19 (Ref. M/EL/R/20/19) from effective to constrained.  Release parts of Elgin LONG2, as set out in Appendix 3.

	South Masterplan.	<p>slower than anticipated;</p> <ul style="list-style-type: none"> <li>• Demand and the sale of housing is very high at the moment;</li> <li>• There are a number of piecemeal applications being submitted for housing in the Elgin South area, particularly at Glassgreen, and a larger release of Elgin LONG2 would allow for a better placemaking approach, supporting the emerging revised Elgin South Masterplan; and</li> <li>• The release of land would allow for earlier planning for the Glassgreen Primary School.</li> </ul>	
	Query regarding effectiveness of Hillside Farm, Dufftown (Ref. M/DF/R/15/03) due to access constraints relating to uncertainty over ownership.	The Council are satisfied that the site remains effective. Confirmation of ownership can be achieved through a title deeds search.	No change.
	Clarification regarding land ownership for a number of sites.	Noted.	Amend landowner details for Site Refs. M/AB/R/15/04; M/BC/R/15/11; M/BC/R/20/008; M/BC/R/20/LG1 AND M/LH/R/07/01.

June 2021

# Moray Housing Land Audit



**moray**  
council





## Moray towns and Local Housing Market Areas (LHMA)



For further information, please contact:

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## Preface

This schedule of housing land is produced by Moray Council in consultation with local housebuilders and landowners. While every effort has been made to ensure that the information in the audit is accurate and complete, the attention of the user is drawn to the following points:

- The introduction contains advice on the interpretation and analysis of the statistics and this should be carefully studied, to avoid possible misrepresentation.
- The information on housing is presented comprehensively for sites of 4 or more houses, only aggregated annual totals of past completions are given for smaller sites and individual houses.
- Development Plans, Capital Programmes and commitment levels are continually being updated and should be checked with the appropriate source to obtain the current position.

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## 1 Purpose of Audit

- 1.1 This audit provides details of Moray's housing land supply as at January 2021. The audit explains the different classifications of land within the overall supply and compares supply with the housing land requirement identified through the Housing Need and Demand Assessment.
- 1.2 The audit also examines past and future predicted trends in housing land supply and identifies any action required to address issues arising.
- 1.3 The audit has been produced using the guidance set out in Scottish Planning Policy, Planning Advice Note 2/2010 and Homes for Scotland Advice Note on Housing Land Audits.
- 1.4 Scottish Planning Policy 2014 requires planning authorities to ensure;
  - Local development plans set out the housing supply target (separated into affordable and market sectors) and the housing land requirement for each housing market area up to year 10 from the expected year of adoption.
  - Allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement in full.
  - Provide a minimum of 5 years effective land supply at all times.
  - Indicate the possible scale and location of the housing land requirement beyond year 10 and up to year 20.

## 2 Preparation of Audit

- 2.1 The draft audit has been prepared by Moray Council using details of all relevant development sites within the Moray Local Development Plan 2020 and other (windfall) sites with planning consent for residential use.
- 2.2 Completions have been recorded through contact with housebuilders and analysis of building warrant completion certificates. Constraints have been identified through the local development plan process and through discussion with statutory consultees.
- 2.3 Details of sites with a capacity of 4 or more houses are recorded and an assessment made of potential future development rates, informed by landowners and developers. This takes account of planning status, infrastructure constraints, building capacity, market demand and financial plans.

## 3 Land Supply Definitions

3.1 There are three categories of land identified within the audit.

### 3.2 Established Housing Land Supply

3.2.1 This is the total housing land supply, calculated by adding the effective and constrained land together. This includes sites under construction, sites with planning consent and other sites agreed as having potential for development.

### 3.3 Effective Housing Land Supply

3.3.1 This is the housing land supply that is expected to be free from development constraints and available for construction of housing. Most sites with planning consent for residential development and/or identified within the Moray Local Development Plan 2020 fall into this category where the site is free of the following constraint:-

- Ownership
- Physical
- Contamination
- Deficit funding
- Marketability
- Infrastructure
- Land

### 3.4 Constrained Housing Land Supply

3.4.1 This consists of sites which at the time of the audit were not assessed as being effective. The principal reason for the site being constrained is identified in the schedules. The identified constraint is considered to be significant and may not be resolved within the “effective” land supply period. This also includes “LONG” designations, which are constrained under the terms of the Local Development Plan.

## 4 Established Land Supply

4.1 The established land supply for the Moray Local Development Plan is shown in Table 1 below.

	2017	2018	2019	2020	2021
Moray	13,112	12,848	12,387	12,751	12,346

*Table 1: Established Land Supply*

4.2 The established land supply in 2021 has a capacity of 12,346 units. This includes extensive areas of LONG term land, which act as a reserve and can be released should a shortfall be projected.





## 5 Constrained Land Supply

5.1 The constrained land supply is shown in Table 2.

	2017	2018	2019	2020	2021
<b>Moray</b>	<b>8,318</b>	<b>9,210</b>	<b>8,198</b>	<b>6,940</b>	<b>6,838</b>

Table 2: Constrained Land Supply

5.2 A total of 6,838 units are constrained in 2021, continuing to reflect the more proactive approach being taken to overcome constraints and explore ways of unlocking sites. Table 3 below summarises the constrained sites and the nature of the constraint. The table shows that the majority of these sites are constrained through programming either as “LONG” designations or programmed as unlikely to be built within the 5 year effective period. LONG sites can only be considered effective when the required triggers for release of LONG sites have been met and the site is free of the constraints listed in paragraph 3.3.1.

Constraint	No. of units	No. of sites
Contamination	60	1
Marketability	501	21
Ownership	854	5
Physical	148	8
Programming	1,400	5
LONG	3,875	9
<b>Total</b>	<b>6,838</b>	<b>49</b>

Table 3: Analysis of Constraints

## 6 Effective Land Supply

6.1 The five year effective land supply for the Moray Local Development Plan area is shown in Table 4.

	2017	2018	2019	2020	2021
<b>Moray</b>	<b>4,794</b>	<b>3,638</b>	<b>4,189</b>	<b>5,811</b>	<b>5,508</b>

Table 4: Effective Housing Land Supply

6.2 The effective housing land supply has a capacity of 5,508 units in 2021, reflective of the new sites identified in the Moray Local Development Plan 2020 which are included in the audit.

## 7 Rest of Moray

7.1 In the Rest of Moray there are a number of consents granted for sites with a capacity of 4 units and over, which cumulatively make a significant contribution to the housing land supply. New consents and completions are monitored and added to the schedules as part of the audit. The contribution from small sites and the role of sites in rural communities was discussed and agreed as 50 units with Homes for Scotland as part of the 2009 audit. A figure of 65 units was included in the 2019 audit. However, to reflect the new Rural Housing policy, this has been lowered to 40 units and will continue to be monitored and reviewed.



## 8 Windfall sites

- 8.1 A windfall site is a site not specifically allocated for development in the Local Development Plan but which becomes available for development or is granted planning permission during the lifetime of the Plan.
- 8.2 The contribution of windfall sites to the number of units completed and projected to be complete will be monitored. Windfall completions can make a significant contribution to the land supply.

	2015	2016	2017	2018	2019	2020
Windfall completions	63	42	56	38	16	22

Table 5a: Windfall sites

	2021	2022	2023	2024	2025
Projected windfalls	74	76	48	23	19

Table 5b: Projected windfall

- 8.3 Projections for 2021 and 2022 are higher than previous years due to expected completions of larger windfall sites such as Former Bishopmill House (Elgin), Highland Yards (Buckie OPP1), Lossiemouth Marina, Nairn Road (Forres) and North Whins (Findhorn).

## 9 Completions

- 9.1 Table 6 identifies previous completion rates. The impacts of the Covid-19 pandemic on housebuilding in Moray are clearly evident in the significantly lower house completions in 2020.

	2016	2017	2018	2019	2020
Moray	335	350*	358	414	231

**\* Revised completion figure from figure published in 2018 Audit.**

Table 6: Completions



- 9.2 Table 7 identifies projected completion rates for the five year effective housing land period. These are largely based upon returns from housebuilders and landowners and will be subject to further refinement during the consultation period on the draft housing land audit.

	2021	2022	2023	2024	2025
<b>Moray</b>	<b>420</b>	<b>514</b>	<b>618</b>	<b>624</b>	<b>590</b>

Table 7: Projected Completion Rates

## 10 Housing Land Requirement & Effective Housing Land Supply

- 10.1 The Council's Housing Need and Demand Assessment 2017 has informed the housing land supply and housing completions targets set out in the Moray Local Development Plan 2020. These figures have included a 30% generosity figure on top of the baseline figures from the Housing Need and Demand Assessment 2017. The key targets are;

- Annual housing completion target 2018-2035: 318 units
- Annual average housing land supply target 2018-2035: 414 units

- 10.2 Using these figures gives a 5 year completion target of 1590 units and a 5 year land supply target of 2070 units.

	Housing Land Supply	No. of years supply
<b>Established</b>	<b>12,346</b>	<b>29.8</b>
<b>Effective</b>	<b>5,508</b>	<b>13.3</b>
<b>Constrained</b>	<b>6,838</b>	<b>16.5</b>

Table 8: Land supply/ No. of years supply

LHMA	5 year supply target (5x 414)	5 year land supply 2021-2025	5 year completion target (5x318)	5 year projected completions	Comments
Buckie	342	810	1,590	348	Surplus effective housing land.
Elgin	1,037	2,744		1,547	Surplus effective housing land.
Forres	362	1,462		520	Surplus effective housing land.
Keith	170	174		148	Surplus effective housing land.
Speyside	159	318		203	Surplus effective housing land.
Total	2,070	5,508		2,766	Surplus effective housing land.

Table 9: 5 year housing land/ completion targets by LHMA

10.3 The audit totals of effective, constrained and established housing land supply are set out in Table 10 below.

	2016	2017	2018	2019	2020	2021
Effective	2,706	4,794	3,638	4,189	5,638	5,508
Constrained	10,384	8,318	9,210	8,198	6,890	6,838
Established	3,090	13,112	12,848	12,387	12,528	12,346

Table 10: Moray Housing Land Supply 2021

TOWN	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026+
ABERLOUR						1	2	22	29	22	25	11
ALVES												250
ARCHIESTOWN								3	3	3	3	23
BUCKIE	41	47	31	13	56	21	54	28	39	46	52	881
BURGHEAD	4	4								15	41	110
CRAIGELLACHIE								5			6	11
CULLEN									5	10	10	30
CUMMINGSTON	1	0	0	0	0	0	1	1	1			
DALLAS												10
DUFFTOWN	9	15							5	20	0	80
DYKE					2	0	7	4	1	1		5
ELGIN	177	170	155	189	200	111	139	192	290	239	170	5,850
FINDHORN			17	3	1	2	18	17	15			
FINDOCHTY										15	15	25
FOCHABERS	8	4	3	24	6	6	6	5	10	10	15	149
FORRES	29	13	63	59	48	34	33	71	83	97	109	1,443
GARMOUTH/KINGSTON												10
HOPEMAN						22		10	10	10	10	35
KEITH	3	22	25	4	12	4	10	37	21	20	20	190
KINLOSS	0		0	0	1			12	6	3	3	11
LHANBRYDE								30	30	35	20	
LOSSIEMOUTH	14	9	6	16	23	10	34	35	24	10	10	187
MOSSTODLOCH							76			10		60
NEWMILL												10
PORTGORDON											10	30
PORTKNOCKIE										12	12	26
RAFFORD												12
REMAINDER OF MORAY	50	50	50	50	65	20	40	40	40	40	40	40
ROTHES											15	55
ROTHIEMAY		1										26
URQUHART								2	6	6	4	10
<b>Total</b>	<b>336</b>	<b>335</b>	<b>350</b>	<b>358</b>	<b>414</b>	<b>231</b>	<b>420</b>	<b>514</b>	<b>618</b>	<b>624</b>	<b>590</b>	<b>9,580</b>



## 11 Long term Housing Designation

11.1 Long term designations have been identified to set out the direction of growth and to assist in the forward planning of infrastructure and landscape enhancement/mitigation. The Council will evaluate the need for early release of long term housing land through the annual Housing Land Audit process and monitoring report.

11.2 The release of LONG term designations is controlled through the Policy DP3 *LONG Term Land Reserves* of the Moray Local Development Plan 2020. The triggers are:-

A shortfall in the 5 year effective housing land supply or shortfall in projected delivery of housing land is identified in the annual Housing Land Audits, which cannot be met by:-

1. Windfall provision assuming previous trends;
2. Constrained sites which are likely to become available for development to meet the shortfall in the relevant timeframe; or
3. Where the release of LONG term land is required to deliver key objectives of the Council or its Community Planning Partners set out in the Local Outcome Improvement Plan, or to meet significant increased demand for housing arising from personnel deployment at RAF Lossiemouth or Kinloss Barracks.

In these circumstances, an appropriate release of LONG term land may be recommended where:-

- This can be achieved without compromising delivery of a master-planned approach and where appropriate access, infrastructure and landscaping setting can be secured.
- The site is demonstrated to be effective within the next five years.
- Any site specific triggers are fully complied with.

11.3 The amount of land to be released will be dependent upon an assessment of what other sites will become effective to ensure a continuous 5 year effective housing land supply. A shortfall of effective housing land in one of the 8 main towns should be met through a LONG term release in the same town.

11.4 Where a decision is made to release LONG term land and there is more than one LONG term site in that settlement, an assessment will be made as to which site is considered the most suitable based on considerations such as infrastructure, landscaping, settlement pattern and effectiveness.

11.5 Outwith the 8 main towns, LONG term sites will only be considered for early release where the residential land designations are clearly demonstrated to be constrained for the entire plan period and that constraint cannot be overcome.

11.6 A summary assessment of the triggers against each LONG term site is set out in Table 11 below. This will be based upon further discussion with Homes for Scotland and other consultees during the consultation period after which the table below will be completed.

Settlement	Site	Comment/Triggers	Recommendation
Alves	North	No effective land supply.	No requirement to release.
Buckie	South West	Effective land supply of 600 units, projected 5 year completions of 219 units.	No requirement to release.
Burghead	Clarkly Hill	Effective land supply of 106 units, projected 5 year completions of 56 units.	No requirement to release.
Elgin	North East	Effective land supply of 1,891 units, projected 5 year completions of 1,030 units.	No requirement to release.
Elgin	South	Effective land supply of 1,891 units, projected 5 year completions of 1,030 units.	Amendment to Elgin South phasing may be required. Area to the west side to be released from LONG, replacing the east areas due to land ownership constraints. Small area to also be released to progress new cemetery proposals.
Fochabers	Ordiquish Road East	Effective land supply of 110 units, projected 5 year completions of 46 units.	No requirement to release.
Forres	Lochyhill	Effective land supply of 1,324 units, projected 5 year completions of 393 units.	No requirement to release.
Keith	Nursery Field	Effective land supply of 134 units, projected 5 year completions of 108 units.	No requirement to release.
Urquhart	Meft Road	Effective land supply of 18 units, projected 5 year completions of 18 units.	No requirement to release.

Table 11: LONG Term Sites

The following definitions and classification in the schedules apply:

### Housing Sites - SITE DETAILS GLOSSARY

<b>Site Ref</b>	Area/Settlement or Parish/Residential/Sequential Reference Number.
<b>Location</b>	Address of Site.
<b>Owner</b>	Current owner of the site.
<b>Developer</b>	Agency responsible for the development and management of the site and not necessarily to the actual construction company.
<b>Tenure</b>	Five tenure types are specified:- HA - Housing Association for rent LA - Local Authority PRIV - Private MOD - Ministry of Defence Other - Other tenure, i.e. housing association shared ownership or low cost home ownership and joint venture between a local authority and a private developer.
<b>Area</b>	Site areas are quoted in hectares and represent the gross area of the site.
<b>Units</b>	The capacity of sites is expressed as a number of house units. For sites where no detailed housing layout has yet been prepared and no density has been specified, then an estimate has been made.
<b>Serviced</b>	Indicates the number of housing units which are serviced.
<b>Not built</b>	Total number of house units on the site which have not yet been built at the date of the update.
<b>Effective</b>	Currently effective (EFF) or constrained (CON)
<b>LPR</b>	Local Plan Site Reference
<b>Land Use</b>	Categorises the main existing or former use of a site before it is re-zoned or developed. The land use categories used are:-  AGR 1-7                      Agricultural Land by Class (1, 2 & 3. 1 = prime) AG BLDG                    Agricultural Building WOOD                        Woodlands (may also be grazed) HORT                        Allotments and nurseries PRIV/PUB OS                Privately or publicly owned open space (e.g. Grounds of a large house or hospital)  RESID                        Residential COMM                        Commercial EDUC                        Educational RAIL                         Railway MOD                         Ministry of Defence PUB BLD                    Public Building UNUSED                    Derelict, Vacant, Backland etc. COMMTY                    Community IND                         Industry
<b>Greenfield/ Brownfield</b>	Describes whether the site is within an urban area or previously developed (brownfield) or outwith the urban area and not previously developed (greenfield).



## APPLICATION DETAILS

<b>Applic Ref</b>	Reference number of planning applications relating to the development of the site. Note where applications are made for individual plots within a site, these have been grouped together under the Application Reference 'Individs' with no decision date given.
<b>Units</b>	Number of units relating to each planning application.
<b>Type</b>	Describes the type of permission application:- OUT      Application for Outline Planning Permission DET      Application for Full Permission or Permission of Reserved Matters
<b>Decision</b>	Details of decision on the application. Apart from self explanatory terms – Approved, Refused, Withdrawn, Expired, Pending, it has been necessary to indicate the latest classified either as 'Superseded' or 'Duplicate'.
<b>Dec. Date</b>	Date of final decision on the application.

## COMPLETION DETAILS

<b>Built</b>	Take up rates (in house units) for the previous 5 years are listed on an annual basis and assessments of subsequent completions are also listed annually for the next 5 years.
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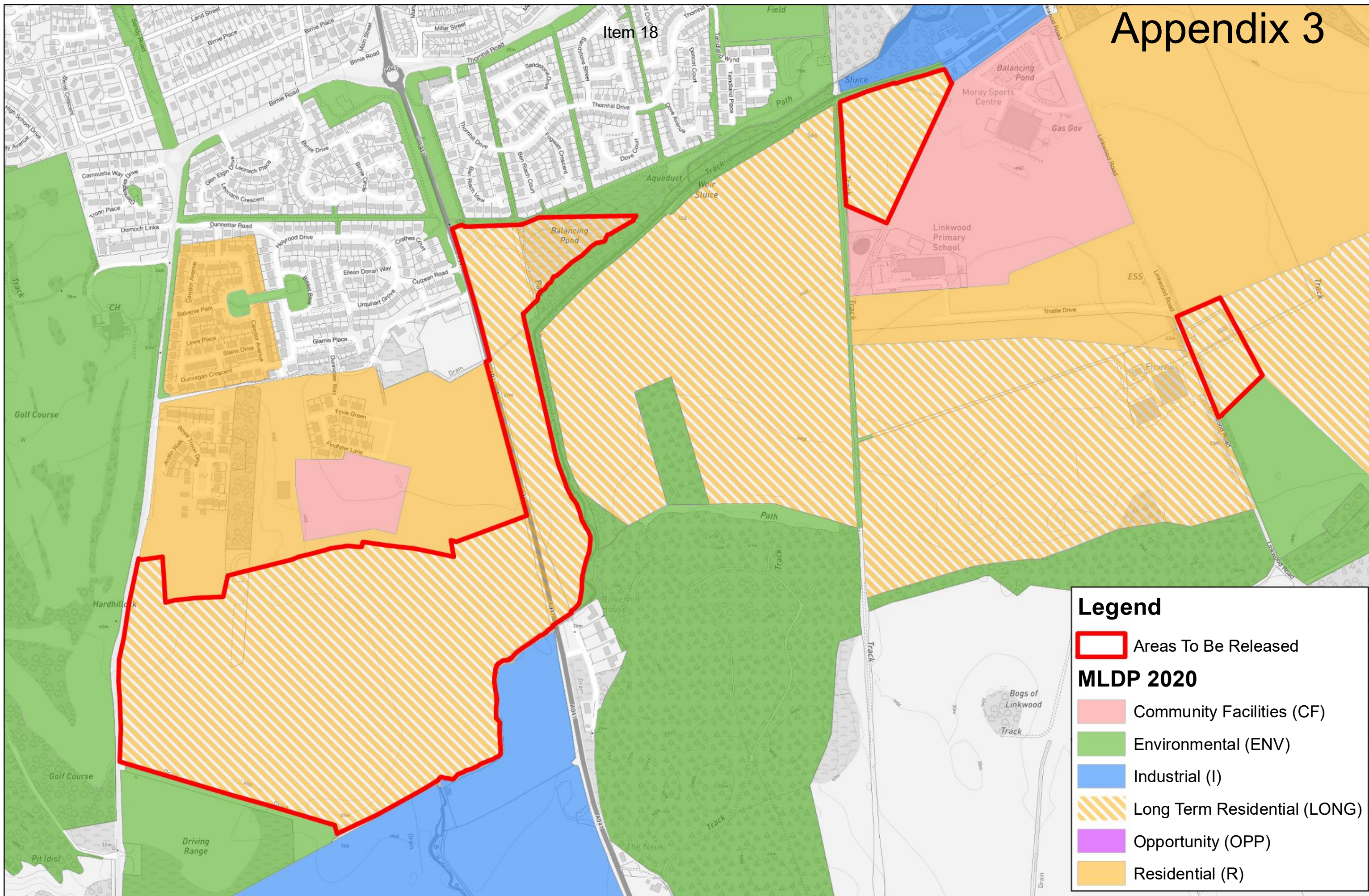






# Appendix 3

Item 18



## Legend

 Areas To Be Released

## MLDP 2020

 Community Facilities (CF)

 Environmental (ENV)

 Industrial (I)

 Long Term Residential (LONG)

 Opportunity (OPP)

 Residential (R)

Elgin South Long

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

**SUBJECT: PROCEDURE FOR PRE-DETERMINATION HEARINGS**

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

## **1. REASON FOR REPORT**

- 1.1 This report asks the Committee to agree the revised procedural arrangements for planning applications that require to be considered at Pre-determination hearings following the introduction of The Planning (Scotland) Act 2019 (Commencement No.3) Regulations 2019.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the functions of the Council as Planning Authority.

## **2. RECOMMENDATION**

- 2.1 It is recommended that the Committee;
  - (i) agree that, for applications where a pre-determination hearing is mandatory, these will be carried out in accordance with the hearing procedure attached in Appendix 1;
  - (ii) agree that following the completion of the pre-determination hearing the planning application is then determined by the Planning & Regulatory Services Committee; and
  - (iii) notes that a further referral report will be required to the Full Council to amend the Council's Scheme of Administration to reflect this change.

## **3. BACKGROUND**

- 3.1 The procedure for pre-determination hearings was agreed by this Committee on 17 June 2014 (paragraph 7 of the minute refers).

- 3.2 One aspect of the planning reform that was introduced in the Planning (Scotland) Act 2019 was to take the opportunity to streamline procedures in relation to pre-determination hearings.
- 3.3 Section 27 of The Planning (Scotland) Act 2019) repeals section 14 (2) of the Planning etc. (Scotland) Act 2006 and removes the requirement that any application which has been subject to a pre-determination hearing must be determined by Full Council.

#### **4. PROPOSALS**

- 4.1 The hearing procedure is set out in **Appendix 1** and this was agreed to be used for the holding of both a hearing and a pre-determination hearing. The final point has been updated to state that following the pre-determination hearing or hearing the Committee determine the application. This change has been made as there is now no longer a legislative requirement for a recommendation following a pre-determination hearing to be put to a special meeting of the Moray Council to make a final determination.
- 4.2 This Committee already has considerable experience in determining major planning applications and the determination of an application following a pre-determination hearing is no different in terms of assessment and balancing material considerations. The one pre-determination hearing that has been held where the final determination was made by a special meeting of the Moray Council was considered cumbersome and the process did not add any value or quality to the final decision-making. It is for this reason that it is proposed that this Committee make the final determination following the holding of any pre-determination hearing required.
- 4.3 It should be noted that there are not likely to be a large number of applications that require a pre-determination hearing but it is considered appropriate to review current procedures taking on board the changes introduced in The Planning (Scotland) Act 2019. This simplified procedure also reduces the risk for challenge in terms of decision-making.

#### **5. SUMMARY OF IMPLICATIONS**

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

The proposed procedure for pre-determination hearings will ensure that the Councils' decision-making is transparent and is an important element of ensuing good decision making on part of the Council.

**(b) Policy and Legal**

The Planning (Scotland) Act 2019 requires procedures to be reviewed.

**(c) Financial implications**

None other than the costs associated with the holding of meetings of the Council.



**(d) Risk Implications**

If a clear procedure is not established and implemented there is the risk of successful challenge to the Council's decision making process.

**(e) Staffing Implications**

None.

**(f) Property**

None.

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

A clear and transparent procedure for pre-determination hearings will ensure that the parties involved are treated on an equitable basis.

**(h) Consultations**

Consultation has taken place with the Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Equal Opportunities Officer, the Strategic Growth & Development Manager, the Legal Services Manager, Lissa Rowan (Committee Services Officer) and Paul Connor (Principal Accountant) and their comments incorporated into the report.

**6. CONCLUSION**

**6.1 That the Committee agree to the procedures for pre-determination hearings as set out in Appendix 1 with decisions to be made by the Planning & Regulatory Services Committee in light of the legislative changes introduced in The Planning (Scotland) Act 2019.**

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Background Papers: **Appendix 1**  
Ref:



**Appendix 1****Pre-determination Hearing/Hearing Procedure**

The Hearing will be webcast and the proposed procedure which the Committee will follow in respect of the Hearing is as follows:

- (i) The applicant will speak first (maximum of 15 minutes) outlining the application and addressing the stated objections.
- (ii) Councillors will then be given the opportunity to question the applicant in order to clarify points raised.
- (iii) Those submitting representations on the application will then be given the opportunity to address the meeting (maximum of 10\* minutes) to speak to their stated objections/representations. It should be noted that the Committee will not be prepared to consider any new ground(s) of objection/representation.
- (iv) Councillors will be given the opportunity to question each objector in turn in order to clarify points raised.
- (v) Both applicant and objectors will then be given the opportunity to summarise their respective cases in light of the submissions to the Authority (5 minutes each maximum for objectors and equivalent time for the applicant).
- (vi) The Depute Chief Executive (Economy, Environment and Finance) or **or** representative will then be afforded the opportunity to make any additional comments and/or points of clarification in light of the submissions.
- (vii) This completes the pre-determination hearing/hearing process and the Committee will consider and, if so disposed, determine the application.

\* This may be extended at the discretion of the Chairman in cases where the speaker is speaking on behalf of a number of objectors or is representing another party/parties who are unable to attend a Hearing.



