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## **Planning and Regulatory Services Committee**

Tuesday, 23 March 2021

### **SUPPLEMENTARY AGENDA**

The undernoted reports have been added to the Agenda for the meeting of the **Planning and Regulatory Services Committee** to be held at **Remote Locations via Video-Conference**, on **Tuesday, 23 March 2021** at **09:30**.

#### **BUSINESS**

6a) **Planning Application 20/00905/APP**

**3 - 140**

Report by Appointed Officer

Proposed residential units (mix of affordable housing and care village) with associated access infrastructure landscaping and miscellaneous works on Sites R7, R2 And R3 Bilbohall Elgin Moray for Moray Council & Grampian Housing Association



WARD 07\_17

**20/00905/APP**  
**21st July 2020**

**Proposed residential units (mix of affordable housing and care village) with associated access infrastructure landscaping and miscellaneous works on Sites R7, R2 And R3 Bilbohall Elgin Moray for Moray Council & Grampian Housing Association**

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**Comments:**

- Application is a major application as defined under the Scottish Government's hierarchy of developments as it involves a development of more than 50 houses and the site area exceeds 2 hectares.
- Advertised for neighbour notification purposes and under Schedule 3.
- Revised plans and additional information re-advertised for neighbour notification and a potential departure, and neighbours re- notified.
- 31 representations received to original proposal and a further 10 to the revised proposals.

**Procedure:**

- Prior to the issue of consent completion of an appropriate legal agreement regarding payment of developer obligations relating to secondary education, health care and transport will be required.
- Neighbour notification period expires on 19 March 2021 and any additional representations received will be reported verbally.

**Recommendation**      **Grant planning permission - subject to the following conditions and conclusion of legal agreement :-**

**Conditions/Reasons**

1. Notwithstanding the submitted phasing plan, (GA-002 Revision C), no development shall commence until a revised phasing plan has been submitted to and approved in writing by the Council as Planning Authority. This plan shall show the delivery of the final section of spine road and the associated improvements to the Bilbohall road and signalised junction as part of phase 2. The development shall thereafter proceed in accordance with the approved phasing plan unless otherwise agreed in writing with the Council as Planning Authority

**Reason:** To ensure the timely delivery of landscaping, paths and infrastructure, including infrastructure necessary to provide a bus route through the site, and delivery of a phased development which integrates into the landscape.

2. No development shall commence until scaled plans detailing the route, design, gradient surfacing, drainage, timing of delivery, and maintenance arrangements for (a) the proposed section of upgrading of Core Path EG36 and (b) the connections across the land to the east of the site at the Wards to connect onto existing Core Path EG37, (as shown on the approved Outdoor Access Plan dated February 2021 SK 200) have been submitted to and approved in writing by the Council as Planning Authority in consultation with the Access Manager. The paths shall thereafter be implemented in accordance with the approved details and the approved phasing plan unless otherwise agreed in writing with the Council as Planning Authority.

**Reason:** To ensure the provision of safe and suitable access routes for pedestrians both within and to/from the development to the wider core path network and as these details were not included in full with the application.

3. Notwithstanding the submitted landscaping plans no development shall commence until a revised version of the Landscape Masterplan, Soft Landscape Specification, Planting Schedules and Maintenance Schedules, and the relevant landscape plans phase have been submitted to and approved in writing by the Council as Planning Authority. These plans shall incorporate all of the currently proposed details along with the following additional details (unless otherwise agreed in writing by the Council as Planning Authority):
  - Timescale for the delivery of the community orchard.
  - Timescale for the delivery of planting within each character area.
  - Planting along all routes to be semi-mature as defined in the Moray Local Development Plan tree technical specification.
  - Hedging at plot 143 restricted to ensure clear visibility from the plot access point.
  - Provision of low maintenance low boundary hedging/planting in the front gardens of Plots 241 -248 and 225 – 236 within the Lower Valley (R2) character area.
  - Timescale for the delivery of biodiversity measures and details of the type and location of all proposed bat and bird boxes.
  - Timescale for provision of paths.

All landscaping works shall be carried out and maintained thereafter in accordance with the approved details. 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 agreed in writing by the Council, as Planning Authority.

**Reason:** To ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area and in relation to bullet point 2 to

ensure that planting provides a variety of approach along these routes and accentuates the street hierarchy in order to meet Place making design principles.

4. No development shall commence until details of the proposed equipped play areas, surfacing, equipment and its ongoing maintenance (scaled drawing 1:100 and equipment specification schedule) on the locations identified on the approved site plans within Site R2 and R3 have been submitted to and approved in writing by the Council, as Planning Authority. The equipped play areas shall make provision for all-abilities access including in relation to the surface finish, play equipment and seating/tables. The equipped play areas shall be provided in accordance with the approved details and be available for use prior to the occupation of 50% of residential units in each character area within sites R2 and R3, unless otherwise agreed in writing by the Council as Planning Authority.

Thereafter the play areas shall be maintained in accordance with the approved maintenance arrangements.

**Reason:** To ensure the adequate provision of equipped play areas and future maintenance.

5. No development shall commence on the R7 (The Firs) site until (a) a hibernating check for bats to be carried out during the November to April window in any year) has been carried out and (b) details of all mitigation set out in the approved Bat Survey dated October 2020 (including measures to ensure the avoidance of light shining into bat foraging habitats during both construction and operation; and provision of bat boxes throughout this part of the site) have been drawn up. The details of these surveys/measures to be submitted to and approved in writing by the Planning Authority before any work commences on site. Thereafter work shall proceed in accordance with the approved details and no residential unit on the R7 site shall be occupied until the associated bat mitigation has been implemented in accordance with the approved details.

**Reason:** To ensure that European Protected Species are not adversely affected by development.

6. No development shall commence on site R7 ( The Firs) until existing trees to be retained have been enclosed with protective fencing and thereafter protected during construction in accordance with the approved Tree Protection Plan) R7 Detail (drawing number 10949-LD-PLN-101 Revision B. These trees shall be retained thereafter on site throughout the lifetime of the development unless otherwise agreed in writing with the Planning Authority, with no other trees removed without the prior written approval of the Council as Planning Authority.

**Reason:** To ensure that the development is integrated into the surrounding landscape/townscape and that features of value to the local area are retained.

7. No development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Council as

Planning Authority in consultation with the Environmental Health Manager. This plan shall include:

- Site Waste Management Plan which should cover the management of soil on site
- Construction Method Statement
- Measures to ensure that there will be no pollution or discharge of sediment which may affect the Wards wildlife site
- Measures for the reuse of turves and other environmental mitigation, including lighting proposals all as outlined in the embedded mitigation measures section of the approved Landscape and Visual Appraisal Project No. 10949 document
- Pre -construction badger survey
- Measures to ensure that any felling or vegetation clearance works happen outside of the nesting bird season (typically March – August, inclusive)
- Measures to minimise construction related noise, dust and artificial lighting

Thereafter construction shall proceed in accordance with the approved plan unless otherwise agreed in writing with the Council as Planning Authority.

**Reason:** In order to minimise the impacts of the development upon the environment from construction works.

8. No development shall commence until details of the colours of all street materials have been submitted to and approved in writing by the Council as Planning Authority. These details to reflect the requirement to provide variety between the streets and home-zones. Thereafter all works shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Council as Planning Authority.

**Reason:** In order to ensure that the development has variation in street detailing through the use of different materials and surfacing and reflects the distinctiveness between and in each character area and as these details are lacking from the application.

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

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

10. No development shall commence on the development until details of the design, height and finishes of retaining walls have been submitted to and approved in writing by the Council as Planning Authority. All boundaries shall thereafter be

completed and retained in accordance with the approved plans unless otherwise agreed in writing with the Council as planning authority.

**Reason:** To ensure that the development integrates into the landscape.

11. No development shall commence on the development until details of the design and finishes of all covered cycle storage facilities have been submitted to and approved in writing by the Council as Planning Authority in consultation with the Transportation Manager. The facilities shall thereafter be completed in accordance with the approved plans prior to occupation of the units to which they relate unless otherwise agreed in writing with the Council as planning authority.

**Reason:** To ensure that suitable provision is made for cycle storage and to ensure that the development integrates into the landscape.

12. No development shall commence on Site R3 (Bilbohall South) or on the construction of pumping station until details of the design and finishes of the proposed pumping station and associated plant (including noise levels) and timetable for delivery have been submitted to and approved in writing by the Council as Planning Authority in consultation with the Environmental Health Manager. The infrastructure shall thereafter be completed in accordance with the approved plans before being brought into use.

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

13. No development shall commence on the development hereby approved until a detailed Arts Strategy (shall include street naming strategy) has been submitted to and approved by the Council as Planning Authority. This shall reflect the principles set out in the Bilbohall Arts Strategy dated January 2021 accompanying this application and include details of how the art will be delivered and a timetable for delivery. The strategy shall thereafter be implemented in accordance with the approved details and timetable unless otherwise agreed in writing with the Council as planning authority.

**Reason:** To ensure that the development integrates into the landscape and supports delivery of a distinctive place.

14. No development shall commence on site R2 (Edgar Road) until a scheme to provide protection against the ingress of harmful ground gases and/or vapours has been submitted to, and approved in writing by, the Council as Planning Authority. The scheme shall comply with relevant authoritative technical guidance and include the following:

- full technical specification of the gas/vapour protection measures to be installed;
- details of how the gas/vapour protection measures and workmanship will be

verified, including details of independent verification by an appropriately qualified person.

Thereafter, no individual property shall be occupied until written confirmation has been issued by the Council as Planning Authority that all protection measures have been installed and independently verified in accordance with the agreed details.

**Reason:** To ensure that that gas/vapour protection measures are installed to the appropriate standard such that the development is safe from ingress of harmful gases/vapours.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any amendments to this order) Schedule 1, Part 1, Class 1A, 1B, 1C & 3A (erection of extension, conservatory, garage, summerhouse or any other outbuilding on plots/gardens) on Site R2 (Edgar Road) shall require the express consent of the Moray Council as Planning Authority.

**Reason:** To ensure that that gas/vapour protection measures are installed to the appropriate standard such that the development is safe from ingress of harmful gases/vapours.

16. No development shall commence until a revised Drainage Impact and Flood Risk Assessment has been submitted to and approved in writing by the Council as Planning Authority in consultation with the Flood Risk Management Team which shall collate in one single document all information provided including all calculations, design, maintenance, ground water abstraction details, supporting drawings, tests and calculations for all SUDS features, swales and rain gardens. This information shall also include detailed site specific sections through the SUDS pond and planting details which shall reflect the requirement to maximise biodiversity benefits.

Thereafter no residential unit shall be occupied until the surface water drainage arrangements serving it have been implemented in accordance with the approved details. The arrangements shall be maintained thereafter in accordance with the approved details throughout the lifetime of the development

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

17. No work shall commence on the construction of any residential unit until details of the proposed external finishes by way of samples/specifications have been submitted to and approved in writing by the Council as Planning Authority. These details to reflect the approach of the approved Placemaking Addendum dated January 2021. The units shall thereafter be constructed in accordance with the approved details.



**Reason:** To ensure the development is integrated into the surrounding landscape/streetscape and supports delivery of a distinctive place.

18. No development shall commence on plots 239 to 242 and plots 274 to 279 of site R2 (Edgar Road) until details of the materials design and surface density of an acoustic barrier of at least 3.7m height at the Substation (comprised of a 2.2m high acoustic barrier on a 1.5m bund) on the location shown in the Landscape Boundary Treatments plan (Drawing number 10949-LD-PLN-250 Issue C and referenced in the Landscape Masterplan Key) have been submitted to and approved in writing by the Council as Planning Authority in consultation with the Environmental Health Manager. The acoustic barrier shall have a sound reduction index (R) of at least 20 dB in the 100 Hz third-octave band, as detailed in page 24 of the approved Noise Impact Assessment supporting document by AECOM Limited, 1 New York Street, Manchester, dated January 2021, Project number: 60620775 and titled "Bilbohall Masterplan. Planning Noise Report. Moray Council and Grampian Housing Association."

The barrier shall thereafter be installed in accordance with the approved details prior to the occupation of any units on plots 239-242 and 277-279 and maintained thereafter throughout the lifetime of the development hereby approved unless otherwise agreed with the Council as Planning Authority.

**Reason:** To ensure that there is no adverse impact or loss of amenity for adjacent properties and to satisfactorily mitigate any potential noise pollution.

19. No development shall commence on the western section of the spine road or phase 3 (Woodland Edge Character Area of Site R3 and Site R7 The Firs) of the approved development (as shown on the submitted phasing plan or as defined on any subsequent approved phasing plan approved under the terms of condition 1) until details of the materials, design and surface density of a 2 metre high acoustic barrier to be provided in the northern location shown in the Landscape Boundary Treatments plan (Drawing number 10949-LD-PLN-250 Issue C and referenced in the Landscape Masterplan Key) have been submitted to and approved in writing by the Council as Planning Authority in consultation with the Environmental Health Manager. These details shall meet all the requirements set out in Section 2.3 of the approved Noise Impact Assessment supporting document by AECOM Limited, 1 New York Street, Manchester, dated January 2021, Project number: 60620775 and titled "Bilbohall Masterplan. Planning Noise Report. Moray Council and Grampian Housing Association."

The barrier shall thereafter be installed in accordance with the approved plans before the north western part of the spine road is brought into use and retained/maintained thereafter throughout the lifetime of the development.

**Reason:** To ensure that there is no adverse impact or loss of amenity for existing and proposed residents in the area and to satisfactorily mitigate any potential noise pollution.

20. No development shall commence on plots 239, 240, 278 and 279 of site R2 until details of the construction of the units have been submitted to and approved in

writing by the Council as Planning Authority, in consultation with the Environmental Health Manager. These details to reflect the requirement that light weight timber frame constructions shall not be provided as identified in the Noise Impact Assessment supporting document by AECOM Limited, 1 New York Street, Manchester, dated January 2021, Project number: 60620775 and titled "Bilbohall Masterplan. Planning Noise Report. Moray Council and Grampian Housing Association. The units shall thereafter be built in accordance with the approved details before they are occupied.

**Reason:** To ensure that there is no adverse impact or loss of amenity for these properties and to satisfactorily mitigate any potential noise pollution.

21. Unless otherwise agreed with the Council as Planning Authority, in consultation with the Environmental Health Manager, the housing development at plots 238 to 243, 269 to 284, and 128 to 132 shall be designed to ensure that parallel walls of living apartments separated by a distance of 1.7m (to the nearest 0.1m) or whole number multiples thereof are not constructed, as identified in the noise impact assessment supporting document by AECOM Limited, 1 New York Street, Manchester, dated January 2021, Project number: 60620775 and titled "Bilbohall Masterplan. Planning Noise Report. Moray Council and Grampian Housing Association.

The above mitigation measures shall be implemented and maintained throughout the lifetime of the development.

**Reason:** To ensure that there is no adverse impact or loss of amenity for adjacent properties and to satisfactorily mitigate any potential noise pollution.

22. Unless otherwise agreed with the Council as Planning Authority , in consultation with the Environmental Health Manager, all residential units on Plots 101,149-152,155,187-208, 213-240 ,248-252, 254-260, 265-266, 270-271, 305-308 shall have thermal double-glazing units provided in living apartment windows (living room/bedroom), which should achieve an acoustic performance of at least  $R_w + C_{tr} = 25$  dB, as identified in "Table 14 Glazing/Ventilation Configuration" of the Noise Impact Assessment supporting document by AECOM Limited, 1 New York Street, Manchester, dated January 2021, Project number: 60620775 and titled "Bilbohall Masterplan. Planning Noise Report. Moray Council and Grampian Housing Association.

The above mitigation measures shall be implemented and maintained throughout the lifetime of the development.

**Reason:** To ensure that there is no adverse impact or loss of amenity for these properties and to satisfactorily mitigate any potential noise pollution.

23. Unless otherwise agreed with the Council as Planning Authority , in consultation with the Environmental Health Manager, all residential units on Plots 101,149-152,155,187-208, 213-240, 248-252, 254-260, 265-266, 270-271, 305-308 shall

have acoustic trickle ventilation provided in living apartments windows (living room/bedroom), which should achieve an acoustic performance of at least  $D_{n,e,w}$  26 dB  $C_{tr}$  -1 dB, as identified in “Table 14 Glazing/Ventilation Configuration” of the Noise Impact Assessment supporting document by AECOM Limited, 1 New York Street, Manchester, dated January 2021, Project number: 60620775 and titled “Bilbohall Masterplan. Planning Noise Report. Moray Council and Grampian Housing Association.” (Corrected and updated in e-mail dated 12/02/2021 from AECOM Limited to the Environmental Health Manager).

The above mitigation measures shall be implemented and maintained throughout the lifetime of the development.

**Reason:** To ensure that there is no adverse impact or loss of amenity for these properties and to satisfactorily mitigate any potential noise pollution.

24. Unless otherwise agreed with the Council as Planning Authority, in consultation with the Environmental Health Manager, there shall be no windows to living apartments (living room/bedroom) on the west side of housing development associated with Plots 241 and 279 of Site R2, as detailed in Section 5.4 of the Noise Impact Assessment supporting document by AECOM Limited, 1 New York Street, Manchester, dated January 2021, Project number: 60620775 and titled “Bilbohall Masterplan. Planning Noise Report. Moray Council and Grampian Housing Association”, and further identified in the Landscape Boundary Treatments plan supporting document (Drawing number 10949-LD-PLN-250. Issue A).

**Reason:** To ensure that there is no adverse impact or loss of amenity for these properties and to satisfactorily mitigate any potential noise pollution

25. 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 – 1300 hours on Saturdays only, and at no other times out with these permitted hours (including National Holidays) shall construction works be undertaken except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken out with the permitted/stated hours of working.

**Reason:** To ensure that there is no adverse impact upon neighbouring properties, or loss of amenity.

26. The existing stone walls at the R7 (The Firs) site shall be retained or reinstated in accordance with the approved site plan (Drawing number GA-301 Revision E) throughout the lifetime of the development hereby approved unless otherwise agreed in writing with the Council as Planning Authority.

**Reason:** To ensure the development is integrated into the surrounding

landscape/streetscape and retains features which contribute to the character of the area.

27. The development hereby approved shall be constructed in accordance with the approved site sections and levels plans unless otherwise agreed in writing with the Council as Planning Authority

**Reason:** To ensure that the development is integrated into the surrounding landscape/townscape.

28. Traffic calming proposals shall be implemented in accordance with the approved traffic calming diagram (and associated drawings J5143 -030 revision G and J5143-031 revision J) and the approved phasing plan unless otherwise agreed in writing with the Council as Planning Authority.

**Reason:** To ensure the delivery of traffic calming measures in the interests of road safety and the amenity of residents in terms of mitigation of noise as considered in the noise impact assessment of the development.

29. All residential units within the development shall be provided and retained as affordable housing for the lifetime of the development unless otherwise agreed in writing with the Council as Planning Authority in consultation with the Housing Strategy & Development Manager.

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

30. No unit shall be occupied on site R7 (the Firs) until a footway link has been provided from the eastern part of the site through to Fairfield Avenue in the position shown on the approved site plan (Drawing number GA-301- E) to the west side of the road linking to Fairfield Avenue adjacent to 5 Fairfield Avenue. The link to be retained thereafter throughout the lifetime of the development hereby approved.

**Reason:** To ensure the provision of safe and suitable access routes for pedestrians.

31. No unit shall be occupied until its associated parking, cycle and bin storage provision has been implemented in accordance with the approved plans unless otherwise agreed in writing with the Council as Planning Authority.

**Reason:** To ensure that the development is adequately serviced.

32. No development shall commence on Phase 1 (R2 – Edgar Road site) of the development until the following has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority:

- i) drawing(s) (Scale 1:500 minimum) showing the positions of bus lay-bys/stops on the Spine Road including bus stop infrastructure (shelters and flags);
- ii) drawing(s) (Scale 1:250 minimum) showing the design of the Bus Gates to be installed at two locations on the Spine Road along with details of the

- specification and operation requirements of the Bus Gates;
- iii) timescales for the delivery of the Bus Gates and bus stop infrastructure proposed for development; and
- iv) prior to any work commencing in Phase 2 evidence of an agreement with local bus operators for the provision of bus services to serve the site, including the extension/enhancement of existing bus services and/or the provision of new dedicated bus services to provide a minimum level of service operating from 7.00am to 6.00pm at an hourly frequency Monday to Friday inclusive and from 8.00am to 6.00pm at an hourly service on Saturday, for a minimum duration of two years which shall commence within 90 days of the opening of the Spine Road through the site as a route for traffic (unless otherwise agreed in writing with the Council as Planning Authority).

Thereafter, the bus stops, bus infrastructure and bus services shall be provided in accordance with the approved details and agreed timescales unless otherwise agreed in writing with the Council as Planning Authority.

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

33. No development shall commence until the following has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:

- i) detailed drawings (Scale 1:500 minimum) showing the location, design specifications and timescale for delivery for the extension of Edgar Road to provide access to the site and the required amendments to the High School Access, including proposals for footways, cycle paths, pedestrian/cycle crossing facilities and boundary treatments. The design details shall be informed by a Stage 1/2 Road Safety Audit (RSA), for the proposed road extension and, any other works proposed e.g. pedestrian crossings and the Road Safety Audit shall be included as part of the required details.

Thereafter, the internal road network shall be provided in accordance with the approved details and agreed timescales unless otherwise agreed in writing with the Council as Planning Authority.

**Reason:** To ensure the provision of a safe and suitable access, including for pedestrians and cyclists, to the development and to safeguard provision of vehicular access to the High School from Edgar Road, in the interest of road safety.

34. No development shall commence on Phase 2, 3 or 4 (Sites R3 and R7) of the development until the following has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority:

- i) a detailed drawings (Scale 1:500) showing the design specifications and timescale for delivery of the road and junction improvements (traffic signal control) at the Bilbohall Road Railway Bridge and including revisions to the road layout at the Mayne Road/Fleurs Road/Bilbohall Road/Wards Road junction to the north of the railway line which optimises facilities for

pedestrians and cyclists through provision of advanced cycle stop lines, controlled pedestrian crossings, additional/widened footways and a cycle path approaching the junction on the western side of Bilbohall Road. The design details shall be informed by a Stage 2 Road Safety Audit for the proposed road and junction improvements and shall be included as part of the required details; and

- ii) written evidence of all Road Traffic Regulation Orders being secured to remove rights of access for motorised vehicles and/or create one-way sections of road as required to support the road and junction improvements.

Thereafter, the road and junction improvements shall be provided in accordance with the approved details and agreed timescales unless otherwise agreed in writing with the Council as Planning Authority.

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

35. No development shall commence until the following has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority detailed drawings (Scale 1:500) showing revisions to the alignment of the Spine Road to incorporate;

- i) enlarged traffic islands to provide crossing points for pedestrians and cyclists to the Moray Council specification;
- ii) widened sections of the footway on the western side of the Spine Road to ensure provision of continuous cycle routes of a minimum of 3 metres between the cycle paths within the landscaped areas in Sites R2 and R3 and the pedestrian/cycle crossing points on the Spine Road;
- iii) widening of the footway adjacent to Plots 219-224 to a minimum of 3 metres in width to provide a continuous cycle route from the access to R2 to the High School Access Road;
- iv) amendments to the access to R2 housing on the eastern side of the road to provide a priority for the cycle path over traffic turning into/out of the side road; and
- v) re-location of all pedestrian crossing points at the site accesses on the western side of the Spine Road to ensure provision of a direct and convenient route for pedestrians which follows desire lines.

The design shall be informed by a Stage 2 Road Safety Audit and vehicle swept path analysis and the Road Safety Audit shall be included as part of the required details.

Thereafter, the Spine Road and pedestrian and cycle facilities shall be provided in accordance with the approved details and Phasing Plan unless otherwise agreed in writing with the Council as planning authority.

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

36. No development shall commence on Phase 1 (Site R2) until the following has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority;
- i) a detailed drawing (Scale 1:500) showing revised vehicle swept path analysis for two cars passing each other in the vicinity of Plots 236 and 279 without overrunning the footway; and
  - ii) a detailed drawing (Scale 1:500) showing the provision of a footway to the rear of the perpendicular parking spaces sited in the vicinity of Plots 201-204.

Thereafter, the development shall be provided in accordance with the approved details unless otherwise agreed in writing with the Council as planning authority.

**Reason:** To ensure provision of a road network within Site R2 which operates safely and efficiently for the benefit of all road users, including for pedestrians and cyclists.

37. No works shall commence on Phase 2 (Site R3) until the following has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority;
- i) a detailed drawing (Scale 1:500) showing the provision of a footway to the rear of the perpendicular parking spaces sited in the vicinity of Plots 191-202; and
  - ii) a detailed drawing (Scale 1:500) showing the provision of a temporary pedestrian and cycle route between Site R3 and Bilbohall Road details along with details of the timescale for the provision of the temporary route.

Thereafter, the development shall be provided in accordance with the approved details unless otherwise agreed in writing with the Council as planning authority.

**Reason:** To ensure provision of a road network within Site R3 which operates safely and efficiently for the benefit of all road users, including for pedestrians and cyclists and to provide access for pedestrians and cyclists from Site R3 to the existing road network to the north of the site.

38. No works shall commence on any phase of the development until details for the construction of that phase have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority regarding:
- a) A Construction Traffic Management Plan which shall include the following information:
    - duration of works;
    - construction programme;
    - number of vehicle movements (i.e. materials, plant, staff, components);
    - anticipated schedule for delivery of materials and plant;
    - full details of construction traffic routes from the Strategic Road Network (A941/A96) to the site, including any proposals for temporary haul routes and routes to be used for the disposal of any materials from the site. (Note Construction vehicles will not be permitted to access the site via the Railway Bridge to the north of the development, unless those vehicles are associated

with the works required for the upgrading and junction improvement at Bilbohall Road/Mayne Road/Fleurs Road/Wards Road);

- 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, in particular safeguarding movements to the play area to the west of Bilbohall Road;
- traffic management measures to be put in place during works including any specific instructions to drivers; and
- parking provision, loading and unloading areas for construction traffic.
- Details of how the plan will be managed and monitored.

And

b) Any temporary construction access which shall include the following information:

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

Thereafter, the construction of the development shall be implemented in accordance with the approved details, unless otherwise agreed with the Council, as Planning Authority in consultation with the Roads Authority.

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

39. No boundary fences, hedges, walls or any other obstruction whatsoever over 0.9m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway, measured from the level of the public carriageway, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

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

40. No fences, planting/hedges, walls or any other obstruction whatsoever over 0.3m measured from the level of the public carriageway shall be permitted within any



'forward visibility' areas or any visibility splays crossing plot boundaries within all areas of the residential development, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

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

41. Parking provision for Phases 1 and 4 (Sites R2 and R7) shall be provided in accordance with the Parking Provision drawings 20197-GA-202 Rev A and 20197-GA-302 Rev A respectively and thereafter no house or flat shall be occupied until parking has been provided and made available for use by that house or flat. The parking arrangements shall be retained and maintained in perpetuity as parking spaces for use in conjunction with that house or flat hereby approved.

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

42. No development shall commence on Phase 2 (Site R3) until the following details for Car Club provision has been submitted for approval by the Planning Authority in consultation with the Roads Authority:

- Written evidence of an agreement with a registered Car Club provider to operate a minimum of two vehicles within the development;
- Details of promotion of Car Club membership to tenants, including free/discounted membership to incentivise use of the Car Club; and
- A program for the evaluation of the first five years of the operation of the Car Club to evaluate its effectiveness in reducing car ownership, including an annual parking survey to be undertaken by the Registered Social Landlord to an agreed scope.

Thereafter the Car Club shall be operated and evaluated in accordance with the approved details.

**Reason:** In the interests of an acceptable form of development and the provision of a Car Club service to support the use of lower parking standards within Site R3, through the provision of details currently lacking from the submission.

43. Parking provision for Phase 2 (Site R3) shall be provided in accordance with the Parking Provision drawing 20197-GA-102 Rev A and thereafter no house or flat shall be occupied until parking has been provided and made available for use by that house or flat. The parking arrangements shall be retained and maintained in perpetuity as parking spaces for use in conjunction with that house or flat hereby approved, unless;

- i) the annual surveys as set out in the approved Site R3 Parking Provision document provide evidence of parking demand exceeding parking supply; or
- ii) the Car Club provider withdraws the service from within the site and no

replacement provider is secured within 90 days unless otherwise agreed in writing by the Council, as Planning Authority.

Thereafter additional parking spaces shall be provided at locations where evidence of parking demand exceeding parking supply is identified within the abovementioned annual surveys, or in the case of the withdrawal of the Car club service, all additional parking spaces are provided in accordance with Drawing 20197-GA-102 Rev A within a period of six months from the date of the identification of the need for the additional parking spaces, unless otherwise agreed in writing with the Planning Authority in consultation with the Roads Authority. Thereafter the revised parking arrangements shall be retained and maintained in perpetuity as parking spaces for use in conjunction with that house or flat hereby approved unless otherwise agreed in writing with the Planning Authority in consultation with the Roads Authority.

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

44. Prior to commencement of works for each phase of development the following details for Electric Vehicle charging provision shall be submitted for approval by the 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.

45. Driveways over service verges shall be constructed to accommodate vehicles and shall be surfaced in a hard material, for example bituminous macadam, or lock block pavements.

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

46. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any amendments to this order) all service strips along plot frontages shall be kept free from any obstruction and no amendments to the approved planting shall be permitted unless otherwise agreed in writing with the Council as planning authority.

**Reason:** To ensure an acceptable form of development and effective roads

drainage infrastructure is provided and safeguarded.

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

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

The proposal is considered to be an acceptable departure from the requirements of the MDLP 2020 Elgin settlement statement to comply with the Bilbohall masterplan in that:

- The Masterplan is non statutory planning guidance now with a lower planning status than previously afforded as supplementary guidance through the MLDP 2015.
- The justification provided by the applicant for the deviations from the Bilbohall masterplan which includes reconfiguring the road layout to reduce the amount of cut and fill required is more environmentally friendly, allows the layout to respond better to the topography and is considered to be a better design solution.

In all other respects the proposal accords with the relevant provisions of the Moray Development Plan 2020 and there are no material considerations that indicate otherwise.

### **List of Informatives:**

**The Development Management & Building Standards Manager** has commented that:

- This proposal is the subject of a legal agreement in relation to Developer Obligations.
- A Building Warrant is required.

**The Moray Council Transportation Manager** has commented that:

- Before commencing development the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads. The applicant will be required to provide technical information, including drawings and drainage calculations, and provide a Road Bond to cover the full value of the works in accordance with the Security for Private Road Works (Scotland) 1985 Regulations. Advice on this matter can be obtained from the Moray Council web site or by emailing [road.maint@moray.gov.uk](mailto:road.maint@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 public roads to determine the extent of re-construction required within the development site.
- A Road Safety Audit shall be completed for all new or modified junctions and the internal road network unless otherwise agreed in writing with the Roads Authority for the modifications to the existing public road will also be required as part of the Roads Construction Consent.
- The requirement for a Stage 3 or 4 Road Safety Audit will be determined through the Roads Construction Consent process or subsequent to the road construction prior to any road adoption
- Requirement for any traffic calming, road construction materials and

specifications and any SUDs related to the drainage of the public road must be submitted and approved through the formal Roads Construction Consent process

- All designs for traffic signal controlled junctions shall take into consideration locally measured saturation flows which are proportionally lower than those calculated using the formulae in RR67.
- 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 Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road
- Private Roads – A responsible party, constituting the road manager, must be nominated for a private road and this information included within the National Gazetteer through the Scottish Road Works Register (SRWR)
- 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
- Street lighting will be required as part of the development proposal. The developer must contact the Roads Authority Street Lighting Section at Ashgrove Depot, Elgin – email [Road.Maint@moray.gov.uk](mailto:Road.Maint@moray.gov.uk) to discuss the proposals.

**Scottish and Southern Electricity Networks** has commented that:

- There are overhead lines and underground cables out with the substation compound. On the site plan it is proposed for this area to be landscaped. Any landscaping will require to be run past SSE prior to being completed to ensure the safety of their equipment

**Network Rail** has commented that:

- Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development. Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods

when the railway is closed to rail traffic i.e. by a “possession” which must be booked via Network Rail’s Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

- The developer must contact our Asset Protection Engineers regarding the above matters, contact details - Network Rail Asset Protection Engineer ,151 St. Vincent Street, GLASGOW, G2 5NW Tel: 0141 555 4352 E-mail: [AssetProtectionScotland@networkrail.co.uk](mailto:AssetProtectionScotland@networkrail.co.uk)

**SEPA** has commented that:

- A Controlled Activities Regulations (CAR) license for management of surface water during construction will be required – more details on process included in their consultation response. Their local SEPA office should be contacted for advice as this CAR license process can take up to four months. They also highlight that no sediment should impact the Tyock Burn as a result of the works – this should be covered in the detailed pollution prevention plan which should form part of the CAR submission. The applicant should also contact SEPA regarding management of surplus peat and soils which may require an exemption under the Waste Management Licensing regulations

**Scottish Water** has commented that:

- They cannot confirm capacity at their water and waste water treatment plants until the applicant submits a Pre Development Enquiry (PDE) form to them for consideration. The applicant will also require to contact Scottish Water’s Asset Impact Team regarding Scottish Water assets within the site. More details are contained in the Scottish Water consultation response.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
1027501	Topo survey
116101-TCP	Tree constraints plan sheet 1 of 7
116101-TCP	Tree constraints plan sheet 2 of 7
116101-TCP	Tree constraints plan sheet 3 of 7
116101-TCP	Tree constraints plan sheet 4 of 7
116101-TCP	Tree constraints plan sheet 5 of 7
116101-TCP	Tree constraints plan sheet 6 of 7

116101-TCP		Tree constraints plan sheet 7 of 7
EX-1000	B	Location plan
GA-A-30	A	Type AA semi-detached
GA-A-60	A	Type AAAB Terrace
GA-A-70	A	Type AAAB Terrace
GA-B-20	A	Type B semi-detached
GA-GJA-10	A	Type GJA semi-detached
GA-C-20	A	Type C semi-detached
GA-D-20	A	Type D semi-detached
GA-E-10	A	Type E detached
GA-G-10	A	Type G detached
GA-H-20	A	Type H semi-detached
GA-LDC2 10		Type LD detached
GA-LDC2 20		Type LD-C2 semi-detached
GA-LDC2-30		Type LD-C2 Terrace
GA-LDC3-10-01		Type LCD3 - floor plan
GA-LDC3-10-02		Type LD-03 External elevations
GA-LDC3-10-03		Type LD-C3 - courtyard elevation
SE-100		Proposed site sections
TY-AA B		House type AA

TY-AB A	House type AB
TY-B B	House type B
TY-C B	House type C
TY-D B	House type D
TY-LDC3 B	House type LDC3
TY-E B	House type E
TY-G B	House type G
TY-H B	House type H
10949-LD-DET-600	Landscape details sheet 1
10949-LD-DET-601	Landscape details sheet 2
GA-A-80	Type AAAB R2 Terrace
GA-B-30	Type BABB semi-detached dual frontage
J5143-1000	Cut and fill sections - key plan 1 of 2
J5143-1001	Cut and fill sections - key plan 2 of 2
J5143-1002	Cut and fill sections sheet 1 of 6
J5143-1003	Cut and fill sections sheet 2 of 6
TY-BB	House type BB
TY-HA C	House type HA
TY-HB	House type HB
TY-HC	House type HC

	Home zone signage details
10949-LD-DET-602	Raised table Isometric
60620775-SKE-C-BBHL-1001	Swept path analysis refuse vehicle
60620775-SKE-C-BBHL-1002	Swept path analysis Max legal artic
60620775-SKE-C-BBHL-1003	Swept path analysis standing rigid bus 12m
GA-F-11	Type F - Handed
GA-H-11	Type H detached
GA-JA-11	Type JA detached - handed
GA-K-11	Type K detached - handed
J5143-024 F	Car tracking sheet 1
J5143-038 B	Road adoption layout sheet 1
SK_200	Outdoor access plan
EL-101 A	R3 Proposed elevations 01
EL-103 A	R3 Proposed elevations 03
EL-104 A	R3 Proposed elevations 04
EL-203 A	R2 proposed elevations 03
EL-302 A	R7 Proposed elevations 02
EL-303 A	R7 Proposed elevations 03



GA-003		Street naming strategy
GA-B-10	B	Type BA detached
GA-B-20	B	Type BA semi -detached
GA-F-10	B	Type F detached
GA-H-10	B	Type HB detached
GA-H-40	B	Type HB semi-detached
GA-HJA-10	B	Type HJA semi-detached
GA-L-10	B	Type L detached
J5143-1004		Cut and fill sections sheet 3 of 6
J5143-1005		Cut and fill sections sheet 4 of 6
J5143-1006		Cut and fill sections sheet 5 of 6
J5143-1007		Cut and fill sections sheet 6 of 6
MA-100B		R3 Material application key-site
MA-101B		R3 Material application key-roofs

MA-102B	R3 Material application key-cladding
MA-300A	R7 Material application key-site
MA-301A	R7 Material application key-roofs and cladding
TY-BA C	House type BA
TY-F C	House type F
TY-L C	House type L
EL-102 B	R3- Proposed elevations 02
EL-301 B	R7 - Proposed elevations 01
GA-H-50 A	Type HAHA semi-detached dual frontage
GA-JA-10 C	Type JA detached
GA-JA-20 A	Type JA semi-detached
GA-JAL-10 B	Type JAL semi-detached
GA-K-10 C	Type K detached
TY-JA D	Type JA

TY-K D	Type K
GA-002 C	Proposed phasing plan
10949-LD-PLN-002 B	R7 Landscaping masterplan layout
10949-LD-PLN-100 C	Tree protection plan
10949-LD-PLN-101 B	R7 Tree protection plan detail area
GA-001 L	Proposed site plan
EL-201 B	R2 Proposed elevations 01
EL-202 B	R2 Proposed elevations 02
EL-204 B	R2 Proposed elevations 04
GA-101 G	R3 Proposed site plan
GA-102 A	R3 Proposed parking
GA-201 J	R2 Proposed site plan
GA-301 E	R7 Proposed site plan
GA-302 A	R7 Proposed parking

GA-202A		R2 Proposed parking
J5413-020	E	Bus route tracking sheet 1
J5413-021	E	Bus route tracking sheet 2
J5143-022	E	Refuse vehicle tracking sheet 1
J5143-023	E	Refuse vehicle tracking sheet 2
J5143-024	F	Private car tracking sheet 1
J5143-025	E	Private car tracking sheet 2
J5143-030	G	Levels layout sheet 1
J5143-031	J	Levels layout sheet 2
J5143-041	F	Drainage layout 1
J5143-042	F	Drainage layout 2
J5143-045		Drainage construction details
J5143-050		Swale details
J5143-051		Bio retention system details

J5143-052		Detention basin and pond details
J5143-053	B	Flood route layout sheet 1
J5143-054	B	Flood route layout sheet 2
J5143-3002	C	Proposed services Layout sheet 1
J5143-3003	C	Proposed services Layout sheet 2
MA-200C		R2 Material application key-site
MA-201C		R2 Material application key-roof
MA-202C		R2 Material application key-cladding
10949-LD-PLN-001	D	Landscape masterplan and Bio diversity plan
10949-LD-PLN-002	D	R3 Landscape masterplan
10949-LD-PLN-004	C	R2 Landscape masterplan
10949-LD-PLN-250	C	Landscape boundary treatment
J5143-039	B	Road adoption layout
GA H – 41 Rev A		Type H semi detached

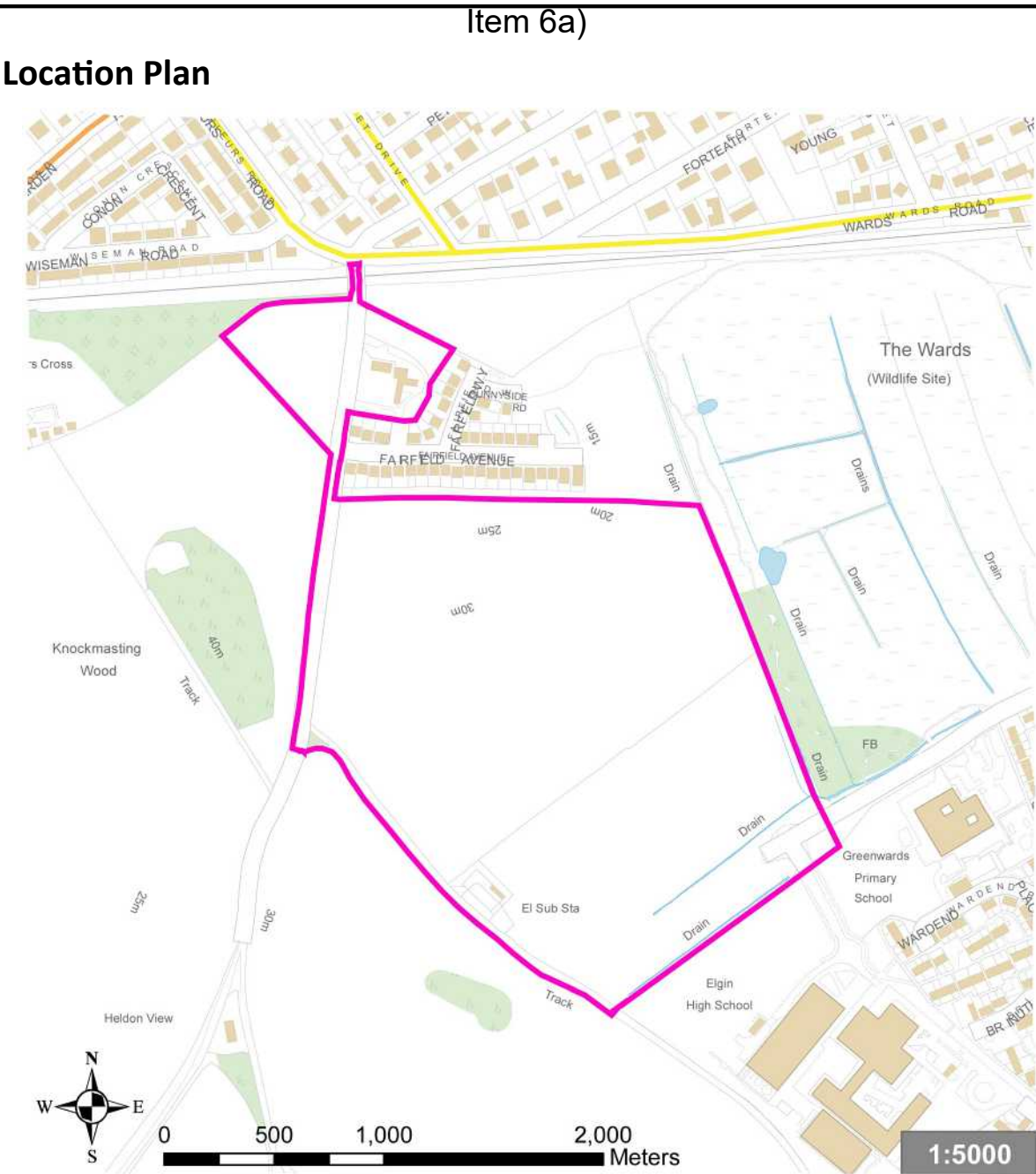
90-01	Typical Bin Store Details
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## DOCUMENTS TO BE APPROVED

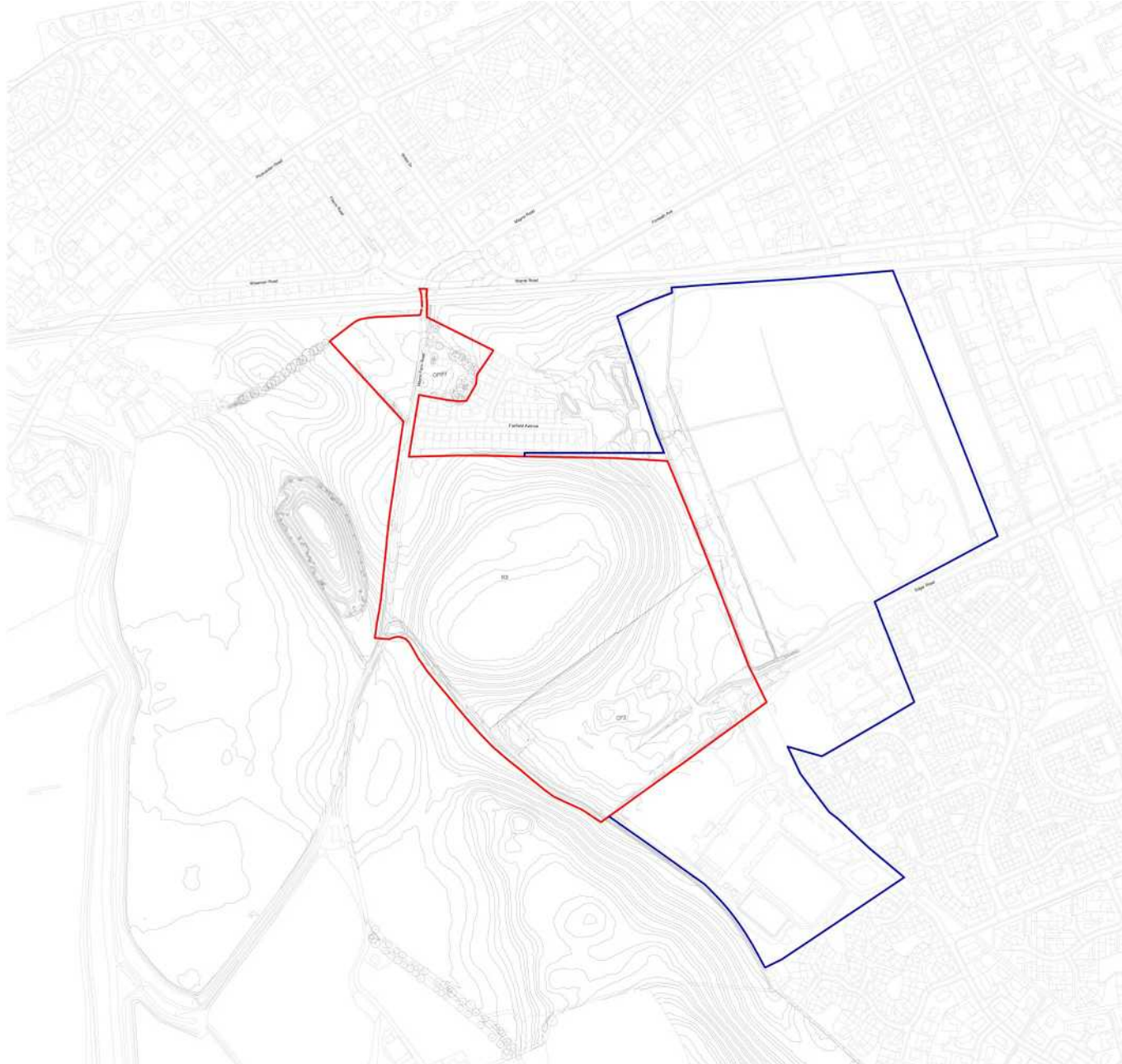
1. Landscape and Visual Appraisal
2. Bat Survey
3. Extended Phase 1 Habitat Survey
4. Noise Impact Assessment
5. Landscape Materials Palette
6. Soft landscape specifications and maintenance schedule
7. Plot schedule
8. Placemaking addendum
9. Placemaking
10. Planning statement
11. Flood Risk and Drainage Assessment
12. Flood risk Checklist
13. Swales Maintenance document
14. Bio retention systems/rain gardens maintenance document
15. Detention Basins maintenance document
16. Detention ponds/wetland maintenance document
17. Detention basins maintenance document
18. Design and Access Statement
19. Road Safety Audit Road Safety Audit – designers response
20. Street Engineering Review
21. Transport Assessment
22. Traffic and Transport Assessment Comments Transport response to Quality Audit  
and and Transport Assessment Comments
23. Site R3 Parking Provision Document
24. Traffic calming diagram
25. Arts strategy
26. Statement on Energy
27. Tree schedule
28. Tree Survey report
29. R2, R3 and R7 Site Investigation report
30. Copies of consultation responses from SEPA, Scottish Water, Network Rail &  
Scottish & Southern Electricity Networks



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## Site Location





## Overall landscape & biodiversity plan

Item 6a)



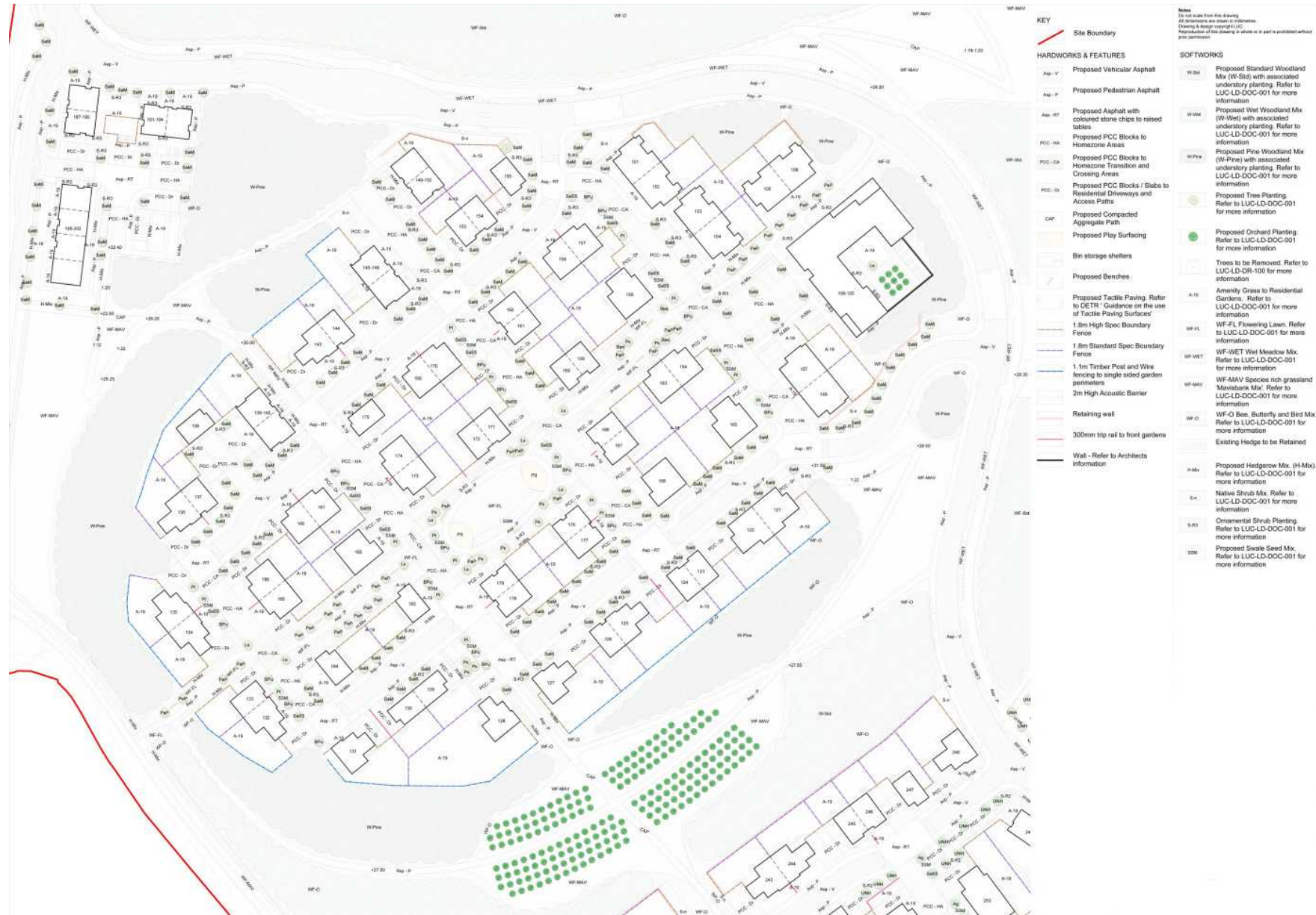
## R7 Landscape plan

Item 6a)



# R3 Site landscape layout

Item 6a)





R2 Site landscape layout

Item 6a)



Proposed phasing plan

Item 6a)





Outdoor access plan

Item 6a)



# Traffic calming

Item 6a)

## Traffic calming measures along Spine Road

The following measures have been introduced to control speed and to deter traffic from using the Spine Road as a through route:

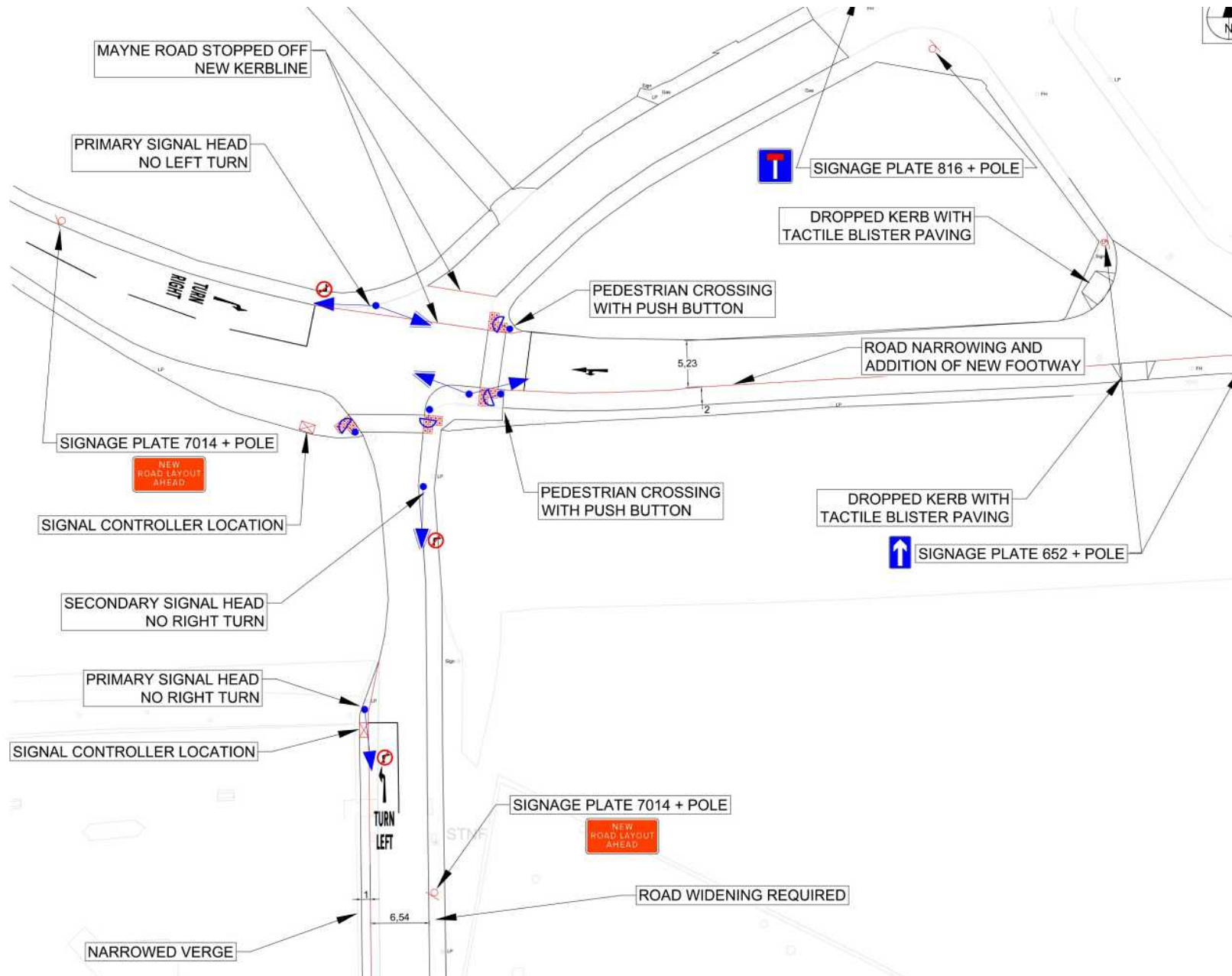
For further details please refer to G3 Consulting Engineers drawings J5143-030 and 031.

- Bus gates 
- Speed cushions 
- Traffic islands 
- Road width reduced to 6m 
- Signalised junction 
- Raised junctions 
- Bus Stops 



## Junction improvements

Item 6a)





Ref 20/00905/APP Photograph Positions



Map Description: Arrows point in direction photograph was taken

Scale: 1:4,433 @ A4



**Photo 1**

Item 6a)





**Photo 2**

Item 6a)



**Photo 3—Bilbohall building**

Item 6a)





**Photo 4 looking up Bilbohall Road**

Item 6a)



**Photo 5 looking back from Bilbohall Road**

Item 6a)





**Photo 6 field looking to Fairfield**

Item 6a)



**Photo 7 looking over Fairfield**

Item 6a)





**Photo 8 looking west**

Item 6a)



**Photo 9 Core path to school**

Item 6a)



**Photo 10 to Wards from Edgar Road**

Item 6a)





**Photo 11 looking west from Edgar Road**

Item 6a)



**Photo 12 looking east to Edgar Road**

Item 6a)





**Photo 13 towards the High School**

Item 6a)



**Photo 14 from the High School**

Item 6a)





**Photo 15 Core Path**

Item 6a)





<b>PLANNING APPLICATION: 20/00905/APP</b>
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<i>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</i>
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## **THE PROPOSAL**

- This application seeks full planning permission for the erection of 194 residential units on three designated residential sites (R7, R2 and R3) with associated access, parking, landscaping, open space and infrastructure. All units will be social housing.
- The application is a major application under the terms of the Scottish Government's Hierarchy of developments and was the subject of pre application consultation with the community.
- During the course of consideration the application was amended to improve the layout largely in terms of natural surveillance, increased open space provision within the housing areas, introduction of further character areas and provision of traffic calming. The original proposal involved 200 houses and the number was reduced to address these points effectively.
- Further supporting information relating to matters such as drainage, noise impact and transportation issues was provided and the application was re-advertised and neighbours re-notified.
- A total of five character areas are proposed across the site - the Firs, Woodland Edge, Hilltop Village Lower Valley and the Wards
- The northernmost site is (R7 formerly the Bilbohall Day Centre and character area The Firs) proposes 8 units comprising 4 semi-detached two storey blocks - mixture of three bedroom and four bedroom properties. House types are double gable pitched frontages apart from plots 305 and 306 which present straight 2 storey frontage to Bilbohall Road to the west.
- *Note- the submission refers to Mayne Farm Road and this road does indeed lead south to Mayne Farm. However on the Council's list of public roads its title is Bilbohall Road and that is how it is referred to in this report.*
- The site will be accessed direct from Bilbohall Road via two existing access openings in the existing stone roadside wall - wall to be retained. One of the accesses leads through the site to link onto Fairfield Avenue and a footpath link is proposed here.
- New units will be located partly on site of existing buildings and partly to the north-west and west of these buildings. Areas of landscaping and tree planting are proposed and the majority of existing trees on the site (which are covered by a Tree Preservation Order) retained - seven will be removed to accommodate development, five holly (1 category B, 4 category C), one dead wych elm (Category U), and one shore pine (Category C).
- Replacement tree planting is proposed - total 25 trees (mixture of scots pine, holly, silver birch, and rowan). Proposed external finishes are corrugated grey silver metal sheeting roof, and mixture of timber cladding and mid tone render walls.
- The middle site R3 is located to the south of Fairview Avenue. This site is to be developed by Grampian Housing Association (GHA) and proposes 102 units comprising a mixture of single and two storey properties of two, three, four and five bedroom provision together with two blocks of one bedroom cottage flats in the north

eastern part of the site and at the Woodland edge site, and a care village

- Access will be via a new spine road running along the eastern part of site taking access via a new junction onto Bilbohall Road south of Fairview Avenue. This road will run eastwards then south to join the existing roundabout (which is to be changed to a three arm priority junction) by Elgin High School and so onto Edgar Road.
- Traffic calming is proposed in the form of speed cushions along Bilbohall Road and the spine road; traffic islands on the spine road; bus gates at either end of section of spine road between the two proposed accesses into R3 site where only bus traffic will be permitted; narrowing of two sections of the spine road to 6 metres width; and raised junctions at accesses into the various “home zone” accesses within the development. This is intended to reduce the volume of traffic using the new spine road. Bus stops are shown along the spine road and a 3 metre wide shared cycle/footway on the east side of the road. Sites R3 and R2 will both be served from this road.
- Bilbohall Road will be widened to 6 metres and a cycleway provided along it to the site where the cycle way will continue along the east side of the spine road.
- A signalised junction is proposed at the junction of Bilbohall Road onto Wards Road at the railway bridge, with the stop line being on the southern approach being set back to the south of the railway bridge. Wards Road will be narrowed and made one way (westbound vehicles only) with a new 2 metre wide footway provided on the southern side of the road. Mayne Road will be closed to vehicles at its junction with Wards Road/Fleurs Road with access for pedestrians and cyclists retained. Traffic coming from Fleurs Road will only be able to turn right and traffic coming up Bilbohall Road will only be allowed to turn left.
- Phasing plan indicates that part of the spine road will be formed in the first phase of development leading northwards from the Elgin High School side and stopping initially at the top of the R3 site. It will link onto Bilbohall Road at a later stage when the northernmost part of R3 (the woodland edge character zone) commences - phase 3 according to the phasing plan.
- A 2 metre high acoustic barrier is proposed alongside the spine road on the section between the junction onto Bilbohall Road and the first junction into R3 – this is also part of phase 3.
- 16 units, described as the “Woodland Edge” character zone, are proposed in the north-west part of the site beside Bilbohall Road taking access off this road through existing roadside hedging with proposals for replacement hedging along this frontage. Other existing hedging on both sides of road is shown to be retained.
- Two, 2 storey blocks of 4 cottage flats are proposed, one fronting Bilbohall Road the other fronting the new spine road with a terraced block of 8 two storey cottage flats facing onto Bilbohall Road. All have pitched gable design and are one bedroom.
- The bulk of this site is the middle portion – Hilltop Village character area, which comprises 86 units set out in an almost grid iron pattern with two access points onto the spine road and a road running round in a loop through the site with connecting home zone links.
- A swathe of open space, including village green feature, runs through the middle of the residential area from the existing core path EG 36 to the west through the site to connect to the new spine road to the east where there is a crossing into open space which leads eastwards to the Wards wildlife site. The width of this space varies from around 8 metres to 24 metres at the central village green area. Path links are provided through it. A play area is proposed within this space.
- Further open space (varying from around 35 to 45 metres wide) is proposed to the north of the spine road between it and the gardens of existing housing at Fairview Avenue. This will comprise standard woodland mix of trees of native species with

understorey planting of edible shrubs. Pine woodland mix planting is proposed between the Hilltop Village and the woodland edge character zone to the north.

- To the east of the spine road further landscaped open space comprising woodland mix is also proposed between the spine road and the Wards Wildlife site, with path links provided to link onto Core Path EG37 running through the Wards.
- There are a mixture of single storey and two storey house types along with cottage flats throughout this part of the site, with a number of single storey properties around the village green area open space swathe. Parking includes car club spaces and is generally provided in curtilage for the detached and semi – detached properties, with communal parking for the cottage flats.
- A “care village” is proposed in the eastern part of the site comprising a mixture of 10 single storey semi-detached and 12 two storey terraced properties. The single storey types are all essentially one person occupancy units which include sensory suite/additional bedroom accommodation which allows for independent living for individuals with learning disabilities.
- The terraced properties are set around a central enclosed courtyard and comprise 6 one bed units at ground floor level and 6 at first floor level within an almost U shaped two storey building set around an enclosed central, landscaped courtyard area with covered decking areas at both ground floor and upper floor level. A communal area and two staff bases are proposed which helps to provide for supported living for residents. The front (west) elevation is characterised by triple pitched gable design with main entrance beside the staff base. This is the main elevation facing towards the home zone access road. The north elevation is split by elevations set back from each other and this looks towards the open space swathe. The central courtyard faces south and is enclosed by the buildings and a 1.8 metre high wall with entrance door. The height of the building at its highest point to pitch of roof is around 10 metres.
- Landscaping (woodland pine mix) is proposed to the west and south of this block between it and the spine road to east and the access road to the south. Open space with path link lies to north.
- Parking will be provided in communal parking between the terraced block and home zone access road to the west of this, behind the building line of the single storey units to the north and south. Some further parking is provided to the west of the single storey units on plots 103 -104 beside the access road.
- A supporting car parking statement has been submitted explaining why lower parking provision is proposed across this Hilltop Village and “contingency” parking spaces are shown.
- The southernmost part of the site R2 (Lower Valley and The Wards character areas) is located to the south of R3 on land sloping down to the High School and separated from R3 by proposed landscaping, woodland planting (some pine and some mixed woodland) and community orchard with path links through this connecting both sites. This site is to be developed by the Moray Council.
- The Lower Valley part of the site is essentially located between R3 and the High School and to the west of the proposed new spine road.
- Two access points are proposed onto the spine road with a loop road running round internally joined by two home zone type links with the units grouped around this.
- A swathe of landscaped open space is proposed through the centre of the site linking from the core path to west, then running eastwards to connect onto the spine road and the Wards housing character area and hence to the Wards wildlife site itself. This space varies in width from around 9 metres wide to around 20 metres. A play area is proposed in this central open space at the widest point.
- A total of 66 units are proposed comprising a mixture of one, two, three and four

bedroomed properties, with a mixture of single and two storey units as well as two blocks of cottage flats. The two storey units are largely located round the perimeter of the site with single storey units in the middle and around the open space area.

- Dual frontage designs have been used in parts to provide surveillance of the open space following discussion during consideration of the application.
- Houses closer to an existing electricity sub-station in the western part of the site have been designed to mitigate for any potential noise nuisance from the adjacent electricity sub-station with 16 metres wide areas of landscaping proposed between the sub-station and plot 240 to the south and plot 241 to the east. A 3.7 metre high acoustic barrier is also proposed to the south of the sub-station.
- A row of two storey semi-detached units and a terraced block of cottage flats is proposed running from plots 219 to 236 at the bottom (south) of the site located to the north of the High School. The properties are varied in terms of building lines and separated from the school by an approximately 7 metre wide strip of standard woodland mix planting is proposed.
- On the opposite (east) side of the spine road a further character area called The Wards is proposed.
- 18 units are proposed comprising a mixture of two blocks of cottage flats and three semi-detached units, all two storey. A terraced block of cottage flats faces west over the spine road as does an adjacent semi-detached pair of houses. The other units comprising two semi-detached pairs and one block of cottage flats face eastwards towards the SUDS ponds and the Wards.
- The access is from the spine road with junction point opposite the open space area running through the housing development to the west. A cul de sac will then lead into this part of the scheme with parking provided and house gardens backing onto this.
- Pathway links are proposed within and around this part of the site with large wet woodland and standard woodland planted areas proposed to the north and east of this, incorporating links to the Wards. The SUDS ponds will be located in this eastern area.
- A section of an existing track/path (Core path EG36) to the west of this overall lower valley site is to be upgraded to form a link to the school. Two links will be formed onto the core path to this on south of the sub-station and one at an area reserved for future link to housing land.
- Over the entire site the land slopes and sections have been provided to show how the units will site on the site in a manner to minimise excavations with the use of retaining walls minimised also.
- Varying surfaces with raised table features are proposed on internal roads to define home zones and introduce variety.
- Surface water disposal is proposed by a system of bio-retention /rain gardens within the main housing areas, roadside swale and two connected SUDS detention basins and one detention pond to south east of the site between the Wards character area and the Wards wildlife site.
- External finishes of the units will be a mixture of render (range of muted colours) and timber clad walls, red and grey corrugated metal roofs, and grey tile with integrated solar panel roofs. These will be used in a manner to accentuate the character areas.
- Boundary enclosures are a mixture of screen fences and hedging with no front boundary enclosures other than low trip fence.
- Connection to public water and drainage supplies is proposed with a pumping station proposed in the north western part of the site beside Bilbohall Road and south of Fairfield Avenue.
- Landscaping is proposed throughout the site with a range of planting including specimen trees along main streets and open space links as well as the structural

woodland planting around and between the residential blocks.

The application is supported by a suite of documents and plans including

1. Environmental Desk Study – to assess ground conditions and potential for contamination. Recommended that ground investigations be carried out
2. Engineering Report – concluded that further work required on contaminated land and site specific drainage and flood risk assessment
3. Site Investigation Reports undertaken for R3, R2 and R7 sites
4. Extended Phase I Habitat Survey
5. Bat Survey
6. Noise Impact Assessment
7. Archaeology watching brief and evaluation – trial pits and archaeological investigation carried out with no intact finds or features discovered
8. Flood Risk and Drainage Assessment
9. Landscape plans and maintenance details
10. Finishes, boundaries and material palette
11. Landscape and Visual Appraisal
12. Tree survey, tree constraints plan and tree schedule
13. Topographical survey showing existing site contours
14. Public Arts Strategy- setting out principles on how public art may be integrated into the public realm and landscaping rather than standalone sculptures. Strategy for public engagement set out including emphasis on need to reflect “neurodiversity”- recognising needs of all residents and variations in human brain and the need to create an environment which is easy to navigate through use of art. Strategy split into delivery phases.
15. Street Naming Strategy- diagram identifying key streets and noting that naming of streets is included within the programme of commissions for the Public Art Strategy.
16. Pre Application Consultation Report
17. Proposed services layout
18. Phasing plan – showing development commencing in south to north direction with R2 lower valley site being phase 1 (including associated landscaping between it and R3 and part of the spine road as described earlier); R2 Wards site phase 1 (a) ; landscaping to east of R3 phase 1 (b) : landscaping between R3 and Fairfield Avenue phase 1 (c) ; R3 Hilltop Village character area and path link to R2 phase 2; R3 Woodland Edge character area and remainder of spine road and associated improvement up Bilbohall Road phase 3; R7 the Firs site phase 4; and finally the planting of the community orchard between R3 and R2 being phase 5
19. Place making statement
20. Placemaking Addendum – submitted after amendments were made to respond to the initial Quality Audit process. Explains how changes have been made to address concerns and to create five character areas
21. Design and Access Statement
22. Statement on Energy – “fabric first” approach proposed to reduce initial energy demand through design of units then to consider use of low and zero carbon generating technologies into the development such as heat pumps and photovoltaics
23. Planning Statement- setting out how the applicants consider the development to comply with planning policy
24. Transport assessment- to consider transport and traffic impacts. Additional traffic generation is estimated in order to consider the ability of the transport network to accommodate it. Framework travel and construction traffic management plans are included
25. Transport response to Quality Audit queries and details of traffic calming measures for

proposed spine road

26. Swept path analysis drawings to show how refuse vehicles, cars and buses will access the site
27. Road Safety Audit and Street Engineering Review
28. Parking plans which show parking relative to building lines, locations of electric vehicle charging points and are based on a street level basis to avoid on street parking as much as possible
29. R3 Parking Provision document
30. Road Adoption Plan

## **THE SITE**

- Site extends to around 18 hectares and comprises three designated housing sites at Bilbohall on the western edge of Elgin, within the settlement boundary and adjacent to other designated housing sites which make up in total the Bilbohall Masterplan area.
- Site R7 (the Firs) is the northernmost site and is located to the east of Bilbohall Road, and south of the Elgin to Inverness railway line. There are existing buildings on site – the former Bilbohall NHS Day Centre for the elderly. Existing two storey new housing lies to the east (Fairfield Way) and south (Fairfield Avenue) and open land (designated for housing) to the north between the site and the railway line. Existing stone boundary run along the roadside frontage and the site slopes slightly
- A play park lies on the opposite (west) side of the public road – known at the Fairy Park.
- Bilbohall Road leads north over the railway bridge to connect onto Wards Road and so to rest of Elgin. It leads south to Mayne Farm with a spur track leading south towards the High School. This track is a designated core path (EG36) and has a rural feel lined with hedging.
- R3 (Bilbohall South) site comprises grassland with land rising up to flat plateau in centre with commanding views to surrounding area and to the townscape of Elgin itself.
- R2 (Edgar Road) site is located south of this bounded by Elgin High School to the south. It is grassland, some made up land and more boggy land on the eastern part with an electricity substation on the western part adjacent to the track/core path here.
- The entire site is well used by walkers using the core path network around the site
- The Wards wildlife site lies to the east of R2 and R3 and is a popular recreation and facility.
- The traditional core of Elgin lies to the far north beyond the railway line
- To the west there is countryside, with areas of woodland, including Knockmasting Wood and Mayne Wood, strong features in the landscape here.

## **HISTORY**

- 19/00953/SCN - Development of housing and associated infrastructure in the areas identified in the Bilbohall Masterplan at Development Site Bilbohall Road Elgin – screening opinion issued by Moray Council confirming that Environmental Impact Assessment was not required.
- 19/00954/PEMAJ - pre application inquiry for development on wider masterplan

site.

- 19/00930/PAN – proposal of application notice setting out pre application consultation proposals.
- 15/00607/APP - Application for planning permission to permanently deposit the excavated material from the construction of the new Elgin High School (consented application 14/01618/APP) to the Northern end of the site | Elgin High School High School Drive Elgin Moray approved – land to north of School and forming part of site R2.

## **POLICY - SEE APPENDIX**

## **ADVERTISEMENT**

- The application was initially advertised when first received in July 2020 in the local press for neighbour notification purposes and also under the terms of Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.
- Following receipt of revised plans and additional information it was re-advertised in February 2021 for neighbour notification purposes and as a potential departure from the development plan.

## **CONSULTATIONS**

**The Moray Council Transportation Team** - initially sought additional information in order to properly assess the proposals. This related principally to queries on the Transport Assessment (TA); car parking; and roads layout. On receipt of additional information the Team has assessed this and provided detailed comments. These comments set out the background to the proposals, including in terms of the transport improvements required by the settlement designations, and note that the submitted Transport Assessment uses traffic modelling for 200 houses with junction capacity testing undertaken for the year of completion (2025) with additional modelling carried out to determine the effect of installing bus gates on the spine road to deter through traffic. The Team have described the surrounding road and path network in detail.

In terms of access arrangements, the Team note that Edgar Road will act as the primary access with extension to Edgar Road serving as the construction access. Details of how this extension will interact with the access to Elgin High School are required. The new spine road will be built from south through to north with no vehicular connection to the north and Bilbohall Road until the improvements associated with the Bilbohall Road/Mayne Road/Fleurs Road/Wards Road, railway bridge and the Bilbohall Road widening have been completed. This spine road will be a continuation of Edgar Road and will accommodate public transport.

To deter use of the proposed Spine Road by through traffic, bus gates are required between the two accesses for Site R3. These will be in the form of automatic rise and fall bollards triggered by a transponder which would be fitted to buses. The transponders would also be fitted to emergency services vehicles to ensure that response times were not adversely effected. Traffic calming in the form of speed cushions and central islands for pedestrians and cyclists are required to provide vertical and horizontal deflections in

the road alignment to assist with reducing the speed of traffic associated with the proposed development. The Team note that some central islands are shown on the submitted drawings however these islands are not of a sufficient size to offer protection for cyclists who would be crossing to access the proposed cycle path and the informal paths within The Wards Wildlife Site. Suspensive planning conditions are recommended to ensure that full details for the bus gates are provided, along with enhanced central crossing islands for pedestrians and cyclists.

Access from the north will be via an upgraded Bilbohall Road which is to be widened to 6 metres to allow buses to pass. These improvements are supported but further detail will be required with regard to the proposed interface between the widened Bilbohall Road (which would have a new cycle path on its western side), and the proposed traffic signals at the Bilbohall Road/Mayne Road/Fleurs Road/Wards Road junction. A suspensive planning condition is recommended to provide details and to secure an amended traffic signal layout which ensures the provision of optimised routes through the junction for pedestrians and cyclists.

The Team has noted that whilst the level of traffic with the development would increase, the junction capacity assessment in the TA does not predict adverse queuing on the Bilbohall Road approach to the junction. They highlight that the mean maximum queue predicted is four vehicles which equates to a length of approximately 25 metres, with the Fairfield Avenue access onto Bilbohall Road approximately 125 metres from the traffic signal stop line. It is further noted that the proposed traffic signals are required to address safety concerns raised by the Roads Authority and local residents, and are considered to afford a significant improvement to road safety at this location, particularly as they can provide dedicated facilities for pedestrians and cyclists.

To enable access via Bilbohall Road the Bilbohall Road/Mayne Road/Fleurs Road/Wards Road junction is to be redesigned to improve pedestrian and cycle connectivity over the railway bridge and to improve the operation and safety of the junction. The traffic signals would be installed at the junction of Bilbohall Road with Wards Road, with the stop line on the southern approach being set back to the south of the railway bridge. Contra-flow traffic would pass over the railway bridge.

The proposed layout then shows Wards Road narrowed and made one way (westbound vehicles only) with a new footway provided on the southern side of the road. Mayne Road would be closed to vehicles at its junction with Wards Road/Fleurs Road. Access for pedestrians and cyclists would remain. Movements would be limited to a left turn only out of Bilbohall Road and a right turn only from the Fleurs Road approach.

The Team note that whilst the principle of traffic signal control at this junction is acceptable, a revised proposal is required in order to include additional facilities for cyclists and pedestrians through provision of advanced cycle stop lines on the approaches to the junction and a review of the locations of pedestrian crossing facilities. A suspensive planning condition is recommended to achieve this. It is noted that whilst the inclusion of facilities for pedestrians and cyclists would increase the time that a vehicle may be waiting, they would prioritise Active Travel in keeping with the transport user hierarchy in the National Transport Strategy 2 (NTS2).

With regard to the site layout the Team note that the residential areas have been designed as Home Zones with areas where pedestrians and cyclists will be sharing the carriageway with traffic at some locations. Raised junctions are proposed within these areas to



encourage lower vehicle speeds, along with sections of road with restricted width and restricted forward sightlines.

This approach of using shared space within the housing areas is supported by the Team. However some of the details provided do not prioritise pedestrians at junctions and do not propose dropped kerbs for pedestrians on 'pedestrian desire line' (shortest walking route). Revised proposals are required to ensure that the most convenient routes for pedestrians and cyclists are provided and this can be secured by a suspensive planning condition.

In terms of Active Travel the Team note that the site is located close to facilities and amenities. It has a very permeable layout with a series of connections to the Wards Wildlife site and a north south cycle path proposed which avoids areas where more vulnerable persons are likely to be walking. Suitable crossing points can be secured by planning condition (as noted earlier) in terms of the requirement for details of the central islands on the spine road to be of sufficient size to offer protection for cyclists.

In terms of public transport, it is proposed that an extended/new bus service will pass through the development via the spine road through the bus gates, with bus operators indicating early interest in operating such a route. Detail of the new bus infrastructure will be required and can be secured by condition.

With regard to parking provision the Team note that the development's location close to education and other local facilities, employment and healthcare means that many of the future residents' day to day travel could be made by walking, cycling and/or public transport. Sites R2 and R7 provide levels of parking and associated Electric Vehicle charging facilities which meet the Parking Standards set out in the adopted Local Development Plan. However the developer of Site R3, Grampian Housing Association (GHA), has elsewhere provided housing with access to a Car Club and a reduced level of parking provision. GHA have provided details of their approach to making car clubs available to their tenants and have confirmed that they:

- Have an agreement in place with an existing car club provider (Co-Wheels);
- Promote the use of the car club to their prospective tenants; and
- Provide free membership for their tenants to the car club.

Such an approach to the provision and promotion of car clubs within a new development, particularly by a registered social landlord, supports the NTS2 priority of reducing inequalities by providing access to low cost travel by car when required to those on lower incomes.

However there is a risk that tenants' circumstances may change (e.g. their employer provides a works vehicle) which could lead to demand for parking exceeding supply. The Team therefore sought the identification of space within the R3 development site to provide 'contingency' parking spaces should the level of parking provision need to be increased at a later date and this information has been provided.

The team recommend a planning condition be imposed seeking regular surveys of parking within the R3 site to be undertaken by GHA to provide evidence of the effectiveness of the car club. Should the car club be withdrawn at a later date, the condition seeks the provision of the contingency parking spaces to redress the change in circumstances and provide parking to the Moray Council standards.

Throughout the development Electric Vehicle provisions for electric vehicle charging and secure cycle parking is to be provided to the Moray Council standards.

The capacity of junctions to serve the development has been fully considered with the applicants' TA considering the impact of additional traffic associated with the development on both the local and Trunk Road networks. (The scope for the TA was agreed, with traffic modelling undertaken using the 2018 Elgin Traffic Model.). Additional runs of the Elgin Traffic Model have been undertaken to enable a comparison of the predicted traffic flows with the bus gates on the spine road to deter through traffic.

The Local Development Plan highlights a number of locations where there are transportation requirements and/or require evidence of the impact of the development traffic on junction operation, known as TSPs. The following table provides a summary of the consideration of each of the TSPs identified in the Local Development Plan for the Bilbohall development, along with additional junctions where capacity testing has been undertaken in the TA.

<b>TSP</b>	<b>Description</b>	<b>TA Consideration</b>	<b>Comments</b>	<b>Recommendation</b>
TSP2	A96/ Wittet Drive	Included in scope and Capacity Testing undertaken in TA.	Trunk Road junction, see Transport Scotland response	Trunk Road junction, see Transport Scotland response
TSP3	Bilbohall Road/ Mayne Road/ Fleurs Road/ Wards Road	Included in scope. Capacity Testing undertaken in TA.	Sufficient junction capacity but junction improvements proposed to enable safe access over the railway bridge.	Planning condition for detailed design of traffic signal controlled junction. Planning condition for closure of the southern end of Mayne Road to vehicular traffic.
TSP5	A96/ B9010 /South Street	Included in scope and Capacity Testing undertaken in TA.	Trunk Road junction, see Transport Scotland response	Trunk Road junction, see Transport Scotland response
TSP2 7	Edgar Road/ The Wards/ Glen Moray Drive	Included in scope but not tested in TA. Link flows approaching this junction identified as exceeding 5% in PM Peak in 'with bus gate' traffic modelling.	Interventions at this location have been identified in ETS. Proportionate contribution towards ETS interventions sought based on % impact.	See Developer Obligations report.
TSP2 9	A941 Main Road/ Birnie Road/ Thornhill Road	Included in scope and tested in TA.	Capacity testing demonstrates that the junction would operate within capacity with proposed development.	No further action.
TSP3 0	Edgar Road/ New Elgin	Included in scope but not tested in TA. Link	Interventions at this location have been	See Developer Obligations report.

	Road	flows approaching this junction identified as exceeding 1% in PM Peak in 'with bus gate' traffic modelling.	identified in ETS. Proportionate contribution towards ETS interventions sought based on % impact.	
TSP3 1	Moss Street/ Station Road	Included in scope but not tested in TA. Link flows approaching this junction identified as exceeding 1% in PM Peak in 'with bus gate' traffic modelling.	Interventions at this location have been identified in ETS. Proportionate contribution towards ETS interventions sought based on % impact.	See Developer Obligations report.
TSP3 2	A941 Hay Street/ Wards Road	Included in scope and Capacity Testing undertaken in TA.	Capacity testing demonstrates that the junction would operate within capacity with proposed development.	No further action.
	B9010/ Wiseman Road	Included in scope and Capacity Testing undertaken in TA.	Capacity testing demonstrates that the junction would operate within capacity with proposed development.	No further action.
	B9010/ Fleurs Road	Included in scope and Capacity Testing undertaken in TA.	Capacity testing demonstrates that the junction would operate within capacity with proposed development.	No further action.
	B9010/ Wittet Drive	Included in scope and Capacity Testing undertaken in TA.	Capacity testing demonstrates that the junction would operate within capacity with proposed development.	No further action.
	South Street/ Mayne Road	Included in scope and Capacity Testing undertaken in TA.	Capacity testing demonstrates that the junction would operate within	No further action.

			capacity proposed development.	with	
	A941/Moray Street	Included in scope and Capacity Testing undertaken in TA.	Capacity testing demonstrates that the junction would operate with a maximum flow to capacity ratio of 0.83 without development in the PM peak on the Moray Street eastern approach and 0.92 with the development.		TA has used estimated flow on Moray Street link at this junction as data was not available from model output data. The traffic flow used is considered to provide a robust assessment. No further action required.
	Wards Road/ The Wards	Included in scope and Capacity Testing undertaken in TA.	Capacity testing demonstrates that the junction would operate within capacity with proposed development.		No further action.
	Mayne Road/ Wittet Drive	Included in scope and Capacity Testing undertaken in TA.	Capacity testing demonstrates that the junction would operate well within capacity with proposed development.		As part of the improvements TSP3 the southern end of Mayne Road would be closed to vehicular traffic. Planning condition for detailed design of junction and Traffic Regulation Order.
	Wittet Drive/ Wards Road	Included in scope and Capacity Testing undertaken in TA.	Capacity testing demonstrates that the junction would operate well within capacity with proposed development.		As part of the improvements TSP3 Wards Road would become one-way (westbound). Planning condition for detailed design of junction and Traffic Regulation Order.
	Wards Road/ Bilbohall Road	Included in scope and Capacity Testing undertaken in TA.	Capacity testing demonstrates that the junction would operate within capacity with proposed development.		As part of the improvements TSP3 traffic signal control would be introduced to facilitate access over the railway bridge. Planning

				condition for detailed design of junction and Traffic Regulation Order.
	Forteach Avenue/ Wards Road	Included in scope and Capacity Testing undertaken in TA.	Capacity testing demonstrates that the junction would operate well within capacity with proposed development.	No further action.
	Birnie Road/ Gleneagles Drive/ Sandy Road	Included in scope and Capacity Testing undertaken in TA.	Capacity testing demonstrates that the junction would operate within capacity with proposed development.	No further action.

This table summarises the recommendations of the Transportation Team, some of which are addressed by the submission itself, with contributions to any off-site transportation infrastructure required to be secured through the developer obligations process. The Team's input to the Developer Obligations process was based on the development's impact on the local road network from the 'with Bus Gates' traffic model runs, and the level of contribution has been agreed with the applicants. The provision of public transport services and public transport infrastructure can be the subject of a planning condition.

In these circumstances the Team has no objection to the proposals subject to conditions covering the matters highlighted earlier along with other conditions requiring more details on swept paths; provision of footpaths behind perpendicular parking spaces, submission of Construction Traffic Management Plan and visibility controls. The Team has recommended a suite of planning conditions which address all these matters and seeks some more detail on layouts.

**Transport Scotland** – has no objections to the proposals.

**Developer Obligations Unit** - considered the impact of the development upon local infrastructure and has determined that obligations will be required in relation to impacts upon:

- Secondary education – contribution towards extension of Elgin High School.
- Health care – contribution towards new build health centre in Elgin South.
- Transport – contribution towards New Elgin Road/Edgar Road and Laichmoray junction improvements, Station Road/Maisondieu Road pedestrian crossing improvements and Edgar Road/the Wards junction improvements.

The level of contribution has been agreed with the applicants along with triggers for payment.

**Access Manager** - advises that the proposals generally accord with the Bilbohall Masterplan in respect of paths and outdoor access. It is noted that there is an extensive network of paths within the site which provides for multi-use and active travel, with plenty of open space areas to compensate the public for the loss of any general access rights. It is noted that there are good links from the site to core path EG36 (which runs along the western side of the site past Elgin High School) but this path should be upgraded if it is to function as multi-use. Direct links should be provided from the site to Core Path EG37 (which runs through the Wards) to access the cycle network beyond. Two paths are shown within the site here, but these terminate at the site boundary and as the land at the Wards belongs to the Council (part applicants) the ongoing connection onto the existing core path in the Wards should be relatively easy to achieve. Finally the Officer notes that the development integrates reasonably well with neighbouring paths and cycle routes, but as a development of this scale will impact on the wider network then consideration should be given to what improvements could be secured to routes beyond the site boundary.

**Strategic Planning & Delivery** - The Bilbohall masterplan seeks to create a new neighbourhood to the south east of Elgin which is integrated into the landscape and reflects the character and identity of Elgin. The whole masterplan area is identified in the Moray Local Development Plan 2020 as being effective for the plan period and this application represents the first phase of the masterplan. It has been assessed in terms of policy as follows:

Policy PP1 Placemaking, Bilbohall Masterplan SG, and Sites R2 Edgar Road, R3 Bilbohall South & R7 The Firs: The purpose of Policy PP1 is to create distinctive places with their own character and identity that support healthier lifestyles and climate change. These principles are reflected in the Bilbohall masterplan. The site designation text for sites R2, R3, and R7 state that proposals must comply with the Bilbohall Masterplan which was approved in November 2018. The Masterplan is not Supplementary Guidance to the new MLDP 2020 as it must go through the required statutory processes of consultation and notification to have this status. However, it continues to be a material consideration in the determination of planning applications for development management purposes.

Quality Audit: A Quality Audit (QA) was undertaken on the proposal by a multi-disciplinary team consisting of Council officers from Strategic Planning & Development, Development Management, Transportation, Housing, Flood Risk Management and Nature Scot. The QA represents the collective view of internal consultees and Nature Scot in terms of whether the proposal complies with PP1 and the Masterplan to ensure that good placemaking is delivered. The QA assessed the proposal against the 7 fundamental placemaking principles of PP1 and the Bilbohall Masterplan SG. To comply with PP1 and the Masterplan and deliver a distinctive place with all the associated health and environmental benefits the proposal must achieve green in the QA.

Work has been undertaken by officers in the assessment of the current proposal to ensure compliance with the MDLP. This has involved several constructive meetings with the applicants and written comments which offered mitigation measures as to what was required to score a green in the QA.

The final QA that accompanies this response shows that the proposal scores 9 greens, on the proviso that the conditions detailed in this response and the QA are attached to the consent. The revisions made by the applicant to improve the design quality of the development are summarised below:

- **Character & Identity:** The layout was revised to provide greater distinction across the development and between the character areas. This has been achieved by amending the proposal to consist of 5 rather than 3 character areas, a more cohesive approach to the application of colour and renders for each character area, and revisions to key building materials (e.g. use of different materials and colours for roofs, walls, doorways, etc.). Differentiation in landscaping and street layout will add to the character and identity further.
- **Street Design:** The street structure and hierarchy of the development was improved through improvements to the homezones to avoid a standardised street layout. Improvements included increasing the shared surface areas and introducing planting to reduce forward sightlines and therefore vehicle speeds which is in keeping with the principles in Designing Streets. Swales/rain gardens were added which adds to the overall attractiveness of each homezone as well as supporting biodiversity. The area around the care village has been reconfigured so that views will be provided towards Elgin along the east west corridor which will add to the overall sense of place of the development.
- **Landscaping & Open Space:** The central areas of open space within each character area have been increased in size so that they become focal points within each character area. Each area will be planted with a variety of plants and contain bio-retention features. The play area has also been moved into the central area of open space which was previously located on the periphery of the character area. Accessible play equipment/surfacing and benches/tables need to be provided as per the QA and this matter is addressed below in terms of compliance with policy EP5 Open Space.

The east west green corridors within each character area were significantly improved and this was achieved by increasing their width and by introducing dual frontage buildings. This will ensure that good active surveillance is provided along these key pedestrian routes.

A detailed landscape plan was provided showing that a variety of plants, trees, hedges and shrubs will be provided across the development. Different species will be planted within each character area which will further add to the distinctiveness of each one. A condition will be applied ensuring that all trees within the internal layout are semi mature as required by PP1, PP3, and DP1.

Whilst the proposal does not fully comply with the Masterplan it is considered that due to the Masterplan having a lower status than previously afforded as Supplementary Guidance (SG) through the LDP 2015 and the justification provided by the applicant for the deviations that this is acceptable and overall the proposal is considered to be a better design solution than the Masterplan. This justification included reconfiguring the road layout to reduce the amount of cut and fill required which not only is more environmentally friendly but also allows the layout to respond better to the topography.

The revisions that have been made (and subject to the conditions set out in this response and the associated QA) show that the proposal is an acceptable departure from the Masterplan and complies with the site designation text of R2, R3 and R7 and PP1.

**Policy DP2 Housing:** The proposal is for 100% affordable housing and the Housing Mix has been deemed to be acceptable for the needs of this area and provides a range of affordable tenures. As the wider masterplan area develops this will create a wider mixed community of affordable and private housing. As the layout comprises entirely affordable housing the requirements of DP2 for accessible housing are not applicable.

Policy EP2 Biodiversity: Policy EP2 requires proposals to provide a Biodiversity Plan to demonstrate how the layout will integrate measures to enhance biodiversity and create new habitats by including biodiversity features in the design of the development. A Biodiversity Plan in conjunction with a detailed landscape plan has been provided which shows number of measures incorporated into the layout to promote and enhance biodiversity. The plans show that a variety of different habitats will be provided across the development including woodland, pine woodland, wetland, and the orchard. It proposes that within the woodland areas bird, bat and squirrel boxes, and a pine marten den will be included. In addition, the internal layout will contain significant tree, shrub, and hedge planting. Blue infrastructure in the form of swales and rain gardens are provided along the homezones and within the areas of open space. On the basis of the measures provided in the Biodiversity and Landscape plans the proposal is deemed to comply with EP2.

Policy EP5 Open Space - Open Space Provision: The layout was revised to increase the size of the two areas of central open space or “village greens” within R2 and R3. These will act as focal points within each character area. These areas of open space include a play area, rain gardens/swales, planting with a variety of shrubs/tree, and benches. This ensures that these spaces have a clear function with opportunities for social interaction with supports community building and mental wellbeing.

ParentAble were consulted on the proposed play equipment and seating. While no response has been received at time of writing, a condition will be applied which will ensure that they are consulted on the suitability of the play equipment, surfacing, and benches/tables so that it can be accessed and enjoyed for a variety of users to ensure inclusivity. Conditions will also be sought relating to the timeframes for delivery and maintenance arrangements for the play equipment, seating, paths, landscaping, etc.

The overall provision of high quality open space across the development means that the objective of enhancing existing facilities (as set out in the settlement statement) has been achieved with no further enhancement of the existing play area required.

An assessment against the quality criteria of EP5 was undertaken during the QA and which resulted in it scoring over 75% meaning that it achieved a green and complies with Policy EP5.

Landscaping: Landscaping has been significantly enhanced throughout the development. A detailed landscape plan has been provided which shows the location, number and height/species/girth of all trees that are being proposed within the development. A condition will be applied which will ensure that all tree planting within the internal layout is semi mature as per the requirements of PP1 and the Council's Planning Policy Guidance.

This landscape plan includes a variety of planting within the village greens, the east west corridors, and homezones. There is also significant street tree planting across the development as well as hedging as boundary treatments, all of which add to the character and support biodiversity. The variation of species across each character area will help in providing differentiation and add to the character of each area.

A community orchard is also proposed which will provide food growing and social and recreational opportunities. No detail has been provided at this time, but a condition will be applied in relation to the detail and timeframe for delivery.



EP7 Forestry, Woodland & Trees: A number of existing trees are located within site R7. Policy EP7 requires that proposals must retain healthy trees and incorporate them into the proposal unless it is technically unfeasible. If it is deemed that it is technically unfeasible to retain the trees then compensatory planting on a one to one basis must be provided.

The applicant has provided a tree survey and tree protection plan showing what trees it is proposed to retain and remove. The survey also provides details relating to the condition of the trees identified for removal. Throughout the application period the layout was revised to minimise tree removal however it is proposed to remove 7 trees within the R7 (the Firs) development site. The tree survey shows that of the 7 proposed for removal 1 is dead with 4 in either poor or fair condition.

Site R7 is located in a prominent location and is on a key entranceway into the wider masterplan area and has been designed to be distinctive and display a positive frontage. Given that the design and layout has sought to retain as many trees as possible and that removal is necessary for the road infrastructure to facilitate the development, it is considered that it is technically unfeasible to retain these trees. In addition to the significant amount of planting that is proposed across the wider site, compensatory planting will be sought on a one to one basis for the removal of these trees as stated in the tree survey. On this basis the proposal is considered to comply with policy EP7.

Policy Development Principles & PP3 Infrastructure and Services: Design matters are addressed above through PP1 and the Bilbohall Masterplan. Consultees have identified the necessary impact assessments and these must be undertaken to their satisfaction and mitigation measures put in place, where necessary. Matters identified in individual consultee responses will require to be addressed to comply with policy DP1.

The proposal must have the necessary infrastructure and services to serve the development. Consultees will respond to this application individually in terms of whether the proposal meets the policy requirements for transportation, foul and surface water drainage (including SUDS), and active travel and core path requirements.

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

**Environmental Health** – considered the Noise Impact Assessment report and the application submission. They have no objection to the proposals subject to conditions being attached to secure implementation of the noise mitigation measures outlined in the report. They highlight that as noise has been assessed on the basis of the traffic calming proposals outlined in the overall submission it is important that these measures are implemented in order to control traffic flow and speed. They also recommend conditions to be attached regarding construction hours and provision of Construction Environmental Management Plan (CEMP) to cover construction noise, lighting and dust.

**Contaminated Land** – initially noted that a contamination assessment report was scheduled for submission in October 2020 and that if it did not arrive before determination

this could be covered by condition. The report was submitted in the package of revised information and the Team have noted that it identifies on site R2 a potential risk from ground gases (probably associated with occurrence of peat in that area) which requires mitigation measures. Conditions are recommended to cover this matter and the Team has no objections on this basis.

**Building Standards** - highlight that building warrant will be required.

**Flood Risk Management** - initially objected due to lack of information within the Drainage Impact Assessment relating to matters such as calculations, maintenance, climate change allowance and design details. On receipt of additional information they have confirmed that they have no objections subject to a condition requiring that all information be compiled in a single Drainage Impact Assessment document rather than numerous separate sheets and document.

**Housing Strategy and Development** - has advised that all Moray Council properties will be rented. They advise that the Care Village (although owned and let by Grampian Housing Association-GHA), units will not be available to housing list applicants, but will be occupied by Learning Disability service users. The R3 site include house types that may be considered suitable for provision of intermediate tenures i.e. low cost home ownership and/or mid-market rent (House Type C and G). It is GHA's intention at this early stage, to publicise and promote the availability of intermediate tenures at this location in the period up to start of construction at R3. The Housing Service support this approach in accordance with Local Housing Strategy priorities.

**Aberdeenshire Archaeology Services** - Initially advised no objections subject to a condition being attached to secure submission of an archaeological written scheme of investigation and programme of archaeological works. The applicants have now carried out archaeological monitoring and evaluation and no archaeological features have been identified. It appears that the known cropmark site has been completely ploughed out, and owing to the shallow depth of the topsoil it is highly unlikely for any features to remain outwith the trenches that have been excavated to date. Consequently the Team confirm that no further archaeological mitigation required for this site with no requirement for metal-detecting survey either.

**Scottish and Southern Electricity Networks** – noted that there are overhead lines and underground cables out with their substation compound. On the site plan it is proposed for this area to be landscaped. Any landscaping will require to be run past them prior to being completed to ensure the safety of their equipment.

**Scottish Water** – no objections to proposals, but highlight that the applicant should be aware that this does not mean that the development can currently be serviced. In order to confirm capacity the developer will be required to submit a Pre Development Enquiry (PDE) form for both water and drainage connections. They highlight that Scottish Water assets lie within the site so their Assets Impact Team should be contacted by the developer.

**Network Rail** - no objections subject to a condition requiring submission of construction traffic management plan which ensures that no construction traffic uses the Mayne Farm /Bilbohall Road until the proposed signalisation of the Mayne Farm Road/Mayne Road/Ward Road junction is implemented and in operation. They also requested that a condition be imposed to secure a Noise Impact Assessment to include assessment of

noise from the railway line with any mitigation implemented as necessary.

*(Note: this Assessment has been submitted and considered by the Environmental Health Service)*

Finally they highlight the need to ensure construction works are carried out in a safe manner, taking account of the impact of any works in the proximity of the railway line. They advise that this matter can be addressed by an informative on any decision notice.

**Nature Scotland (formerly Scottish Natural Heritage)** - noted that the Wards Wildlife Site is not a statutory protected site, but is nonetheless valuable locally. They provided comments previously that the masterplan took account of, and highlight that the presence of wetland habitats adjacent to the development site mean that SUDS is the most relevant consideration. Comments from the Flood Risk Management team and SEPA should help the Planning Authority to decide whether measures are suitable to afford protection to wetland interests. They have no further comments to make, noting that this is not an application they are statutorily required to comment upon. Through the Quality Audit process Nature Scotland provided input to assist in submission of biodiversity plans.

**SEPA** - initially objected on the basis of lack of information on potential impacts on existing. Groundwater abstractions. Following the submission of further information from the applicants this objection was withdrawn as the Agency was satisfied that the information provided demonstrated that there are no groundwater abstractions at significant risk from the development.

The agency welcomed measures to secure environmental enhancements and noted that the Planning Authority had requested further information on these measures including submission of a Biodiversity Plan. They recommend that the Planning Authority secure this through whatever means, such as planning conditions that they consider appropriate. They confirm that they have no objections on drainage grounds, noting that foul drainage will discharge to the public sewers via a pumping station.

They also highlight that they no longer provide advice on SUDS in relation to water quality with advice on this and flooding issues to be covered by the Authority's roads and flood management teams. SEPA did however consider the Flood Risk and Drainage Impact Assessment provided by the applicants and agree with the findings that the risk of flooding is likely to be low, and they have no objections on flood risk grounds.

SEPA also highlighted their regulatory regimes which will apply here such as the need for a Controlled Activities Regulations (CAR) license for management of surface water during construction. As this will be covered by SEPA's regime they do not require a planning condition to be attached in this regard. They also note that the proposals reference drainage ditches, but on the basis that these are all manmade features with no engineering works required in the water environment SEPA has no objections other than to highlight that no sediment should impact the Tyock Burn as a result of the works – a detailed pollution prevention plan will form part of the CAR licensing process.

**ParentAble** – no response received.

**Elgin Community Council** - no comments received.

## OBJECTIONS-REPRESENTATIONS

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

31 objections were received to the initial submission in July 2021. Some objectors acknowledged that the layout was better than previously suggested at the masterplan stage. Key concerns were as follows:

## LIST OF OBJECTIONS/REPRESENTATIONS

[illegible]

**Issue:** Adversely affecting natural environment- loss of trees at the Firs, which are covered by a Tree Preservation Order recognising their importance, and adverse impact on the Wards wetland site which relies upon the adjacent fallow land to act a wildlife corridor.

**Comments (PO):** The number of trees to be removed at the Firs site (R7) has been reduced since the first submission with a total of seven trees to be removed now. Replacement planting is proposed. The new development incorporates swathes of green land across and around the site whereby wildlife will still be able to “commute” across the land. The landscaping and planting proposed should also help promote biodiversity, with a biodiversity plan also proposed which will be implemented in due course. Furthermore the site is designated for housing so cannot reasonably remain fallow.

**Issue:** Development is too close to the protected trees at the Firs.

**Comments (PO):** All trees to be retained will be protected during construction with root protection zones identified on the submitted tree constraints and tree protection plans. This has been taken into consideration in the design of the development and appropriate planning conditions can be attached to secure implementation of the protection.

**Issue:** Impacts of demolition upon bats must be fully considered.

**Comments (PO):** A bat survey has been undertaken of the buildings to be demolished. There was no evidence of maternity roosts with a low level of ambient bat activity (i.e. foraging or commuting) noted. Appropriate mitigation including hibernating check for bats during November to April 2021; avoidance of light shining into the bat foraging habitats; and provision of bat boxes is proposed and these mitigation measures can be secured by planning condition.

**Issue:** Contrary to Local Plan.

**Comments (PO):** Compliance with the adopted Local Development Plan is a key planning consideration and will be assessed in detail in the appraisal section of this report.

**Issue:** Bilbohall Masterplan identified that development at the Firs would be single storey.

**Comments (PO):** The Bilbohall Masterplan identified that properties shown to south of Fairview Avenue should be single storey – this row of housing is not proposed in the current submission. It showed the Firs site to be developed for two storey development to reflect adjacent existing housing/provide appropriate street containment on primary streets. The current proposals do not conflict with these aims.

**Issue:** Previous plans to develop on this land (link road) refused and this land was identified as being suitable for only 75 houses not the 100 now proposed when application for the ring road was considered.

**Comments (PO):** The previous refusal of a link road is noted. The application site is designated for housing in the recently adopted Moray Local Development Plan. The southernmost site (R2) is designated for 75 units with 84 proposed. This small increase in units is not considered significant particularly given that over the three designated housing sites that form the application site a total of 194 houses are proposed as compared to the total of 190 referred to in the designations. Furthermore Policy DP2 Housing notes that capacity figures within the site designations are indicative only with proposed capacities fully considered through the Quality Auditing process.

**Issue:** Drainage capacity issues and concerns regarding pumping station and odour issues.

**Comments (PO):** Scottish Water will fully consider the capacity of their sewage and water supplies to accommodate the development when the applicants apply to them for connection as noted in their consultation response. Meantime the Agency has noted no objection to the proposals. Pumping stations are routinely provided in development sites and will require to be constructed to the requirements of the appropriate authority, in this case Scottish Water who has raised no objection to the proposals. However details of the design of the station has not been included in the submission and this may be covered by planning condition. On receipt of such information Environmental Health would be consulted to ensure that any noise/odour issues were addressed.

**Issue:** Concerns regarding flooding and drainage. Highlight that flash flooding has occurred in past from the Firs and that there is drainage problem already at Fairfield when it rains – concern that this will be aggravated particularly given that new development will lie at higher level than existing properties at Fairfield Way.

**Comments (PO):** The applicants have submitted a drainage impact assessment and flood risk assessment which addresses the matter of surface water from the site. This concludes that there are no particular issues and the technical consultee (Flood Risk Management Team) having considered all material submitted has no objections to the proposal. Part of this assessment process is to ensure that surface water on site is appropriately managed and that post development flows are no greater than pre-development flows.

**Issue:** Height of proposed development – only single storey development should be permitted. Initial plans specified only single storey housing near Fairfield Avenue – moving housing up hill has increased separation distance, but has also increased potential for overlooking and loss of privacy.

**Comments (PO):** The Bilbohall Masterplan identified that properties shown immediately to south of Fairfield Avenue should be single storey – this row of housing is not proposed in the current submission. The proposed housing is now further away from the housing at Fairfield Avenue with distances of between 60 and 80 metres between the new housing and the rear elevations at Fairfield Avenue, with spine road and landscaping in between. Given these distances, and the extent of landscaping proposed, there is not considered to be any particular issues with overlooking or loss of privacy.

**Issue:** Objector was advised that no development would take place at the Firs when buying their property.

**Comments (PO):** Guarantees such as this cannot reasonably be given and land has been designated for housing here for some considerable time.

**Issue:** Loss of trees at the Firs and height of new units will have adverse impact on privacy and amenity of adjoining houses and result in overlooking.

**Comments (PO):** Following submission of revised plans more trees have been retained including key trees that help to screen and provide privacy for both proposed and existing houses. The new housing will be sited in excess of 20 metres from the garden boundaries of houses at Fairfield Way to the east and around 8 metres from the garden boundaries of houses at Fairfield Avenue to the south. This is considered sufficient to ensure that there is no adverse impact upon privacy or amenity.

**Issue:** Accuracy of tree survey and landscape plans - certain documents illustrate that the tree T2 will stay, then another document Drawing 10949-LD-PLN-002 states that this tree will be removed.

**Comments (PO):** Accurate plans are submitted with the revised submission to clearly show which trees are to be retained and which removed. Tree T2, as referred to, is to be retained.

**Issue:** Block of housing in north-west of site should be removed in order to retain wildlife corridor.

**Comments (PO):** There is considered to be sufficient open space to deliver wildlife and biodiversity corridors with the current layout providing for stronger cross site links than the original masterplan with housing now largely being removed from the outer western perimeter of the site.

**Issue:** Higher fencing should be provided to rear of 1 Fairfield Avenue to protect privacy

**Comments (PO):** There is an existing screen fence along this boundary which backs onto a proposed car parking area. This is considered to be sufficient.

**Issue:** Request 6 foot wooden fence be erected along back of landscaping at Fairfield Avenue to discourage people from entering this private landscaped strip.

**Comments:** There are existing screen fences along the rear of the properties at Fairfield Avenue then the strip of landscaping lies beyond this to the south. The application proposes further landscaping south of this leading up the slopes to the spine road and housing. There is no land use planning reason, for example privacy, to require fencing to be erected along the Fairfield strip of landscaping. This is an area which in visual terms it would be preferable to remain with an open aspect in any event. However should the proprietors here wish to enclose their land this would be a decision for them to take – it cannot reasonably be required by planning condition.

**Issue:** Reduction in natural light – development on R3 site will reduce winter sunlight and increase heating costs at adjacent properties.

**Comments (PO):** As noted earlier the distance between the existing houses and the new houses is such that there is not considered to be any particular impacts on amenity and daylighting.

**Issue:** Inadequate plans and concerns initially raised regarding availability of plans online. Concern also raised regarding late submission of significant amounts of material onto Council website.

**Comments (PO):** The plans have been available on line since submitted although some of the plans are large whereby they may take a little longer to load dependent on internet connections, and some material was submitted as the application progressed. A full package of revised plans and additional information was submitted in February 2021 and all neighbours re-notified.

**Issue:** Value for money – demolition of buildings is not value for money for Council tax payers – cleared sites should be used.

**Comments (PO):** This is not a valid land use planning consideration, but rather a decision for the developer. In this case the building is redundant and effectively a brownfield site where development is generally encouraged whether by conversion or new build.

**Issue:** Inappropriate materials/finishes – in rural location no design precedent for material proposed - similar to industrial rather than domestic.

**Comments (PO):** On R7 site (the Firs) it is proposed to use grey metal sheeting roof finishes which would be similar in tone to the grey roof tiles of the houses adjacent. A muted range of external harling and timber cladding is proposed. This is considered to be appropriate for the site which is a brownfield located between existing modern housing and the railway line, with a good landscaped setting providing a backdrop for a new contemporary development. On the wider site a range of finishes is proposed including a selection of red and grey metalised sheeting roofs, grey tiled roof, and range of muted shades of render and timber cladding on walls. This is not considered to be out of character in an edge of town location at a transition into the countryside beyond with reference taken from traditional agricultural buildings. An appropriate planning condition can be attached to secure details of the final shades/colours.

**Issue:** Adverse effect on house prices.

**Comments (PO):** This is not a material land use planning consideration.

**Issue:** Social housing should be constructed to same standards as other housing.

**Comments (PO):** This will be the case.

**Issue:** Poor design- style of housing at the Firs is not in keeping with surrounding area in appearance, style or substance.

**Comments (PO):** The scale of the housing is considered to be in keeping with the surrounding area and the style appropriate. Whilst different in terms of use of gable frontages this is part of design ethos of the development and will create a coherent development overall. The use of grey coloured roofs will help to integrate the housing with the adjacent properties and it is considered that the massing and scale will also fit in acceptably.

**Issue:** Overdevelopment.

**Comments (PO):** The development has been laid out to deliver appropriate levels of amenity and extensive areas of open space. The density is considered to be appropriate, with numbers of houses only slightly higher than the numbers designated in the Local Development Plan.

**Issue:** Concern to ensure new road is designed so it does not overlook housing at Fairfield Avenue.

**Comments (PO):** The new road is sufficiently distant from existing properties to ensure no overlooking issues, with landscaping proposed between the road and this housing whereby this is not considered to be a particular issue.

**Issue:** Mayne Farm bridge unsuitable (both width and construction) for this volume of extra traffic and the roads in the surrounding area are also unsuitable for the significant increase in traffic. Plans to address this are inadequate Previous developments were limited in numbers due to inadequacy of bridge access. New junction arrangements will result in inconvenience and restrictions for local residents with surrounding network not fit to handle increased traffic and single track traffic over bridge unacceptable -in this regard are residents in surrounding roads aware of the proposals and the changes to traffic volumes? Proposals will create significant road safety problems in area.

**Comments (PO):** The applicants submitted a Transport Assessment which fully considered this issue with the signalised junction and alterations to the surrounding road network in terms of turning/one way systems etc. proposed as a solution. This is



considered to be acceptable to the technical consultee (Transportation Team. As noted in the Team's response earlier, the proposed traffic signals are required to address safety concerns raised by the Roads Authority and local residents and are considered to afford a significant improvement to road safety particularly as they can provide dedicated facilities for pedestrians and cyclists.

The application was publicly advertised in the local press to make people in the area aware of it. At the pre application stage there was public consultation on the different forms of junction which could be proposed with the applicants' Pre Application Consultation report noting that the option chosen was the one most favoured by attendees at the event. The proposed junction improvement will require a stopping up order for the end of Mayne Road (retaining access rights for pedestrians and cyclists) and a traffic regulation order to make Wards Road one-way – both of which are subject to consultation with the public and statutory consultees (e.g. Emergency Services).

**Issue:** Bridge is unsuitable for construction traffic.

**Comments (PO):** It is anticipated that construction traffic will access the site from the south in line with the phasing plan. A construction traffic management plan can be covered by planning condition to secure control.

**Issue:** Access route unsuitable for buses.

**Comments (PO):** Information has been provided to satisfactorily demonstrate how buses may serve the site via the spine road with bus stop provision and bus gate shown on this road. This is considered to be satisfactory to the technical consultee (Transportation Team) with details of the infrastructure (gates, bus stops) to be secured by planning condition.

**Issue:** Link road will be used as rat run as even traffic calming will not prevent people using it.

**Comments (PO):** This issue was the subject of discussion with the applicants and the revised proposals include detail of traffic calming by way of speed cushions along Bilbohall Road and along the spine road; traffic islands on the spine road; bus gates at either end of the section of road between the two proposed accesses into R3 site where only bus traffic will be permitted; narrowing of two sections of the spine road to 6 metres width; and raised junctions at accesses into the various "home zone" accesses within the development. This is intended to reduce the volume of traffic using the new spine road and to promote pedestrian safety and is considered satisfactory by the technical consultee (Transportation Team).

**Issue:** Query basis of the transport assessment and the numbers used to determine traffic flows

**Comments (PO):** The technical consultee (Transportation Team) raised numerous questions with the applicants regarding details of the Transport Assessment and revised information has been provided to address this. This information is considered to be satisfactory by the Team.

**Issue:** Traffic will present danger to children using play-park

**Comments (PO):** Traffic calming measures, provision of path links and signals at junction should all contribute to slowing traffic and are considered acceptable by the technical consultee (Transportation Team)

**Issue:** No car parking provided for existing Mayne Farm Park. This will cause traffic issues in that the Firs site is currently used by people using the play park opposite. Already there are issues with people parking on the roads and this will be made worse.

**Comments (PO):** The use of the Firs site for parking is an informal arrangement which would not have been able to happen to the same extent when the day centre was operating. The new development will have its own parking and open spaces and is generally within walking distance of the Mayne Farm play-park so should not add to any issues. Accordingly the current development cannot reasonably be held accountable for this matter. Should parking on public roads to visit the play park become a problem and cause an obstruction then this would be a police matter. It is also considered that the introduction of the traffic signals and speed cushions may assist in deterring parking on the public road.

**Issue:** Plans appear to suggest the previously rejected ring road may be proposed again under guise of a spine road.

**Comments (PO):** The proposals include the proposed spine road which is required to service the site. Traffic calming is proposed along the road to discourage use by parties who are not resident on the scheme so its function is not the same as the previously proposed ring road. Land to the east of the spine road is to be landscaped and this will be a condition of any consent. A spine road was also proposed in the Bilbohall masterplan.

**Issue:** Concerned regarding which route construction traffic will be taking.

**Comments (PO):** It is proposed to develop the site in a south to north direction with new spine road formed from the south from the Edgar Road extension. Construction traffic will use this route.

**Issue:** Maintenance of open space is not clear

**Comments (PO):** The applicants have now submitted detailed landscape plans which include details of ongoing maintenance.

**Issue:** Any proposed football fields would cause traffic issues.

**Comments (PO):** There is no proposal for football field on the site – a range of passive and active open space is to be provided.

**Issue:** Need for separation between private and council housing and to avoid overlooking.

**Comments (PO):** As discussed earlier there is not considered to be any issues with overlooking with the new development. There is no land use planning reason why private and council housing should be separated, indeed Local Development Plan policies encourage integration of different housing tenures.

**Issue:** No indication of phasing including provision of advance planting.

**Comments (PO):** A phasing plan has now been submitted in the revised submission and this shows development commencing in a south to north direction with R2 lower valley site being phase 1, Wards character area housing phase 1 (a): landscaping to east of R3 phase 1 (b): landscaping between R3 and Fairfield Avenue phase 1 (c): Remaining housing will then be developed.

**Issue:** Views adversely affected.

**Comments (PO):** The consideration of personal views is not a land use planning consideration. However the wider issue of landscape and visual impacts, and amenity has been fully considered.

**Issue:** Litter.

**Comments (PO):** There is no particular reason why litter should be a problem at this site.

**Issue:** Potential for light pollution.

**Comments (PO):** Given the extent of landscaping proposed this is unlikely to pose a particular issue on this site. The type of street lighting now used avoid light spillage and pollution. However it is important to secure detail of lighting at the construction stage to ensure no spillage which could be detrimental to the area or wildlife in it. An appropriate planning condition will be attached in this regard.

**Issue:** No noise impact assessment has been submitted to consider the impacts upon residents from increased traffic, construction, pumping station and the new development.

**Comments (PO):** A Noise Impact Assessment was submitted as part of the package of revised information. Its conclusions have been fully considered by the technical consultee (Environmental Health Service) and addressed in this report.

**Issue:** Noise and pollution concern – concerns regarding traffic and construction noise – request that restrictions be placed upon working hours similarly to other developments in area. Also noise and pollution from increased traffic.

**Comments (PO):** The technical consultee (Environmental Health) has considered the wider issue of noise at the site when assessing the Noise Impact Assessment and has recommended that Construction works be restricted to between 0800 – 1900 hours, Monday to Friday and 0800 – 1300 hours on Saturdays. The issues of noise from increased traffic has been considered in the Noise Impact Assessment with mitigation proposed where required. It is not anticipated that would be a particular issue from traffic fumes.

**Issue:** Acoustic fencing should be provided alongside 1 and 2 Fairfield Avenue to protect these properties from increased traffic noise along with triple glazing.

**Comments (PO):** The Noise Impact Assessment concluded that acoustic fencing will be required along part of the new spine road along with other mitigation measures for parts of the new development. The technical consultee (Environmental Health) agrees with these conclusions and recommends conditions be imposed to secure their implementation. This acoustic fencing together with traffic calming along Bilbohall Road and the spine road are considered sufficient to address any noise impacts. Further measures at properties outwith the site are not considered to be required.

**Issue:** Impact on infrastructure and services of Elgin – dentists, schools etc.

**Comments (PO):** This matter has been fully considered by the Council's developer obligations process with contributions sought towards secondary education, health care and transport.

**Issue:** Need for development- Council should make better use of existing stock before approving new development.

**Comments (PO):** The need for new housing here is established by the designation of housing in the Local Development Plan, with the applicants' proposals informed by housing need and demand assessments.

Following submission of revised plans and additional information in January 2021 the application was re-advertised and neighbours re- notified. This has resulted in a further 10 objections. New points raised are as follows:

**Issue:** Whilst welcoming the proposed traffic calming measures on the spine road concern is raised that proposed traffic cushions on Mayne Farm/Bilbohall Road will have significant noise implications for properties at 1 and 2 Fairfield Avenue and some units on the new housing development. Suggest instead the introduction of 20 mph speed limits from the existing railway bridge, down Bilbohall Road and then through to Edgar Road to reflect the residential nature of the area. Highlight that the Noise Impact Assessment has noted the need for mitigation at some of the new properties, but not at affected properties on Fairfield Avenue with request for acoustic barriers made in order to address these noise and vibration issues. Proprietors of these properties happy to enable developer to install such fencing on their land.

**Comments (PO):** As noted earlier the Noise Impact Assessment has concluded that there is no requirements for further mitigation at properties on Fairfield Avenue and these conclusions are supported by the Environmental Health Service. It is considered that the proposed traffic calming measures are sufficient to slow traffic and should not create additional issues. The purpose of speed cushions is to slow cars which should also reduce tyre noise with their use commonplace without any particular issues. It is considered to be unlikely that vehicles crossing speed cushions will generate a level of vibration that would give rise to nuisance or structural concerns.

In terms of introducing a 20 mph limit the Transportation Service advise that when considering the introduction of any speed limit, existing speeds and the layout of the road and surrounding development are looked at such that the speed limit which is introduced would be 'self-enforcing'. It is considered that the proposed speed cushions will assist in reducing vehicle speeds.

**Issue:** Cars queuing due to traffic lights and one way system would mean that residents in Fairfield Avenue would not be able to get out of their exit road.

**Comments (PO):** As noted in the Transportation Team's consultation response whilst the level of traffic with the development would increase, the junction capacity assessment in the applicants' Transport Assessment does not predict adverse queuing on the Bilbohall Road approach to the junction. The mean maximum queue predicted is four vehicles which equates to a length of approximately 25 metres, with the Fairfield Avenue access onto Bilbohall Road approximately 125 metres from the traffic signal stop line. It is further noted that the proposed traffic signals are required to address safety concerns raised by the Roads Authority and local residents, and are considered to afford a significant improvement to road safety at this location, particularly as they can provide dedicated facilities for pedestrians and cyclists.

**Issue:** Inquiring as to whether strip of land to rear of Fairfield Avenue which belongs to, and is maintained by the residents, will be protected from the new development or if not whether Moray Council pay the maintenance costs of this strip.

**Comments (PO):** The issue of fencing off this strip has been addressed in earlier comments on this objection. The proposed development will not change this strip of land and it is not the current developers' responsibility to maintain it.

**Issue:** Continued concern regarding drainage and flooding, highlighting that the effect of new building on the southern slopes to the rear of Fairfield Avenue will inevitably cause water to run off this slope – guarantees are sought that this will not have an adverse effect on existing properties here or on wetlands area.

**Comments (PO):** As noted earlier a Drainage Impact and Flood Risk Assessments have been undertaken to the satisfaction of the appropriate technical consultees (SEPA and

Moray Council Flood Risk Management Team) to demonstrate that surface water is being appropriately managed. Furthermore there is a large wooded area proposed between the new housing to the south and the existing housing at Fairfield Avenue.

**Issue:** Previous documents specifically highlighted that this land was not suitable for development – link to document provided.

**Comments (PO):** The document referred to dates from 2005 - entitled “Elgin – Integration of new developments into the landscape Final Report May 2005”. Since this time the land has been designated in the Local Development Plan(s) for development, with a masterplan developed, all following extensive public consultation.

**Issue:** Recommend change of road layout to avoid exit to north, instead provide for internal loop to allow exit to south. This would avoid major issues with structural suitability of railway bridge for more traffic; issues of (despite traffic calming) the new spine road being used as a short cut; noise from road traffic and construction; and new spine road cutting off wildlife links to the Wards wildlife site.

**Comments (PO):** The proposed roads layout delivers on MDLP settlement statement requirements for two accesses and also enables a permeable road layout. As noted earlier the technical consultees (Transport Scotland and the Moray Transportation Team) are satisfied with the layout.

**Issue:** Request that rear fence of plots 301 and 302 on the R7 (The Firs) site be moved west of trees T8 and T9 to leave a buffer strip to allow for maintaining the fences and trimming the trees as has been done for plots 307 and 308 to the north.

**Comments (PO):** The land to the rear of plots 301 and 302 is private garden areas for these plots with mature trees now retained within these gardens which will offer privacy and amenity benefits to both proposed residents and to the existing residents on Fairfield Way. Land to the north is communal space containing new and proposed planting with the units at plots 307 and 308 located to the west of this with their own gardens. It is not therefore considered necessary to amend the layout. The future maintenance of boundary fences is a matter for the owners to agree.

## **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:

### **Background**

The application is a major application under the Scottish Government’s hierarchy of developments, being for a housing development of more than 50 houses. It was therefore subject to statutory pre-application consultation with the community (PAC) with a pre-application consultation report provided. This set out the public consultation carried out with public meeting held in March 2020, advertised in press and social media and invites sent to local ward councillors, community council and Residents Association. 21 persons attended the meeting and the report explained how comments were taken into account, noting that support was evident for the proposed layout as opposed to the original masterplan layout.

Development here has also been screened under the Environmental Impact Regulations (EIA) and it was concluded that it did not constitute EIA development. The site lies on land covered by a Masterplan and is designated for housing in the MDLP.

The main planning issues with the proposals are now considered:

### **Principle of Development**

Elgin is Moray's primary growth area as identified in the MDLP where new development is to be focussed, with the Elgin Settlement Statement setting out the general development strategy/placemaking objectives for the town. These objectives include identifying housing land and significant growth areas including new neighbourhoods at Bilbohall; identifying green infrastructure to connect to wider green/blue network and a new network of play areas and parks; promoting active travel connections and conserving and enhancing Elgin's distinctive built heritage and the integrity of the Conservation Areas.

The application site is expressly designated for residential use in the MLDP, lying within the settlement boundary of Elgin on the western edge of the town and designated as sites R2 (Edgar Road), R3 (Bilbohall South), and R7 (The Firs). Land to the north of the application site is designated for housing as R1 (Bilbohall North) - 20 units remain to be developed here, the development having commenced with the existing housing at Fairfield Avenue. Further land to the west is also designated for housing - R4 (Elgin High School), R5 (Bilbohall West) and R6 (Knockmasting Wood). Sites R4, R6 and the application site are all covered by the Bilbohall Masterplan which sets out development principles. The MLDP Elgin settlement statement sets out requirements for each of these Bilbohall sites.

Set against this background it is clear that the *principle* of housing on this site is acceptable and well established involving development of designated housing sites. It is the detail of the proposals that is therefore under consideration. Key land use planning issues are as follows:

### **Policy Background (DP1, PP1, DP2, PP1, Elgin Settlement Statement R2, R3 and R7)**

Policy DP2 Housing sets out that all proposals for development on designated housing sites such as this must include a design statement and sufficient supporting information to determine the application, be compliant with policy PP1 Placemaking, DP1 Development Principles, the settlement plan requirements and all other relevant policies.

Policy PP1 Placemaking seeks to ensure that new development is designed to create successful healthy places that improve people's wellbeing, safeguard the environment and support economic development. Placemaking statements are required for developments of 10 units or more to show how the development addresses the requirements of PP1, and the submission must contain sufficient information for the Council to carry out a Quality Audit of the proposals with information requirements set out. Policy PP1 sets out the need for developments to comply with Scottish Governments policy Creating Places and Designing Streets and to incorporating the following fundamental principles which are fully considered in the quality audit process - character and identity, healthier safer environments, housing mix, open spaces and landscaping, biodiversity, parking and street layout and detail.

Policy DP1 Development Principles is supportive of new development providing it meets all other relevant planning policies. It also sets out the need for the scale, density and character to be appropriate to the surrounding area to create a sense of place, integrated into the surrounding landscape with no adverse impact upon neighbouring properties. This



policy supports new development providing it is in keeping in terms of design and layout. Item 6a)

More specifically the application site is designated for residential use in the Elgin settlement statement of the MLDP. This notes that proposals must comply with the Bilbohall Masterplan, highlights that all three designated sites are constrained until transport improvements are undertaken and sets out that a Transport Assessment will be required to assess the cumulative impact of the whole Bilbohall Masterplan area and the impacts on junctions to determine the level of developer obligations for any necessary mitigation. Information requirements for each of the designated sites are set out including need for Flood Risk Assessment, Drainage Impact Assessment, Phase 1 Habitat Survey, tree survey and tree protection plan (R7) and evaluation of archaeological crop mark (R3)

All of these above information requirements have been provided enabling full assessment of the proposals against policy and this now follows.

### **Placemaking (PP1)**

The applicant's original Placemaking Statement explained how the proposed development provides for accessible and inclusive open space throughout within easy distance of residential properties, providing safe green routes across the site, with care village designed to allow it to integrate to wider development as well as providing residents with safe private open space. Place is considered before movement in order to create permeable pedestrian friendly layouts avoiding vehicle movements dominating the design of streets where social interaction is encouraged. Development on the flatter areas of the site and careful siting of bus stops supports inclusive pedestrian movement through the scheme. Links to core paths and path networks around the site also support cycling, walking and recreation. An approach of creating clusters of housing interspersed with a variety of open spaces was adopted with passive surveillance provided over the open spaces. The approach to car parking is described as providing in curtilage parking together with areas of communal parking for flats broken up by landscaping. A shift to reduced car ownership is promoted on the R3 site supported by car club spaces and good links to public transport and walking/cycling routes. Initially three character areas were identified with landscaping used to help highlight these areas. Following the initial Quality Audit process the layout was revised to provide stronger green links through the sites, create a further two character areas and ensure surveillance of the open space areas.

It is considered that this revised layout does indeed create a sense of place with distinct character areas. Firstly the Firs character area (R7)) involves redeveloping a redundant, brownfield site which is always welcomed, with the new units now orientated to achieve frontage development facing Bilbohall Road and other units set out to create a small cluster of two storey development concentrated in the western part of this site. The majority of the existing trees here (which are covered by a Tree Preservation Order) are to be retained. This gives the site an existing setting and character which will be enhanced by further proposed planting and communal landscaped areas.

Site R3 (Bilbohall North) benefits from unique topography with a central knoll/plateau area to be developed for the bulk of the housing – the “Hilltop Village” character area. The main access, or spine, road will run round the side of the slopes up to this knoll, avoiding house building on the slopes themselves. Instead woodland planting and landscaping will be provided on the slopes and to the north and east of the road which, over time, will create a high quality setting for the residential development and help mitigate any landscape impact from the new road which is required to service the overall site. The qualities of this relatively level topography at the top of the knoll have been used positively to create a

permeable grid iron layout with home zones used as connecting links creating a living environment where the car should not dominate unduly. This is emphasised by the use of rain gardens alongside the connecting roads to deal with surface water and also provide for landscaping.

This permeable approach is reinforced by the green area cutting through the centre of the site from west to east providing a strong landscaped link including village green. This will be of considerable biodiversity and amenity value as well as creating a clear sense of place. The design has been amended to include units set out to overlook this central space which will help to ensure that it remains active and people are encouraged to use it. The proposed public art strategy will also emphasise this sense of place.

Importantly these design benefits have been employed for the care village too which is located in the eastern part of the site with good links to the open space, both within the housing development and to the Wards wildlife site to the east. The care village, featuring single storey single units and terraced two storey units with staff support provision, is of similar design approach to the rest of the site so ensuring integration whilst also providing privacy and safety for residents. Furthermore the initial public art strategy also indicates a welcome desire to create art and landscaping which is inclusive of all sectors of society.

Materials have been used effectively, along with landscaping, in this character zone to aid definition. Red roofs have been used to create legibility at key points through the site with the majority of this hilltop village having grey tiled roofs which on this more prominent part of the overall site will help complement the traditional finishes in Elgin. Use of timber finishes on key entrance points also assists, whilst the landscaping layout through and around the site serves to emphasise its hilltop location. This will be further enhanced as the public art strategy develops, offering unique opportunities for viewpoints and interpretation of the landscape/townscape.

The “Woodland Edge” character zone of R3 is located on the lower northern part of the site and has been re-designed to form a stronger frontage onto the more rural Bilbohall Road, which also helps influence driver behaviour and slow traffic speeds. Finishes (red sheeting roofs) have been selected to try and reflect this almost transitional area between town and country. Landscaping has been strengthened to enhance the entrance point from Bilbohall Road into the new housing development and proposed woodland planting to the south and east of this area will help to create a good setting. Changes have been made to the layout to try and break up the communal car parking areas visually with trees/planting and to enclose drying green areas by hedging, whilst recognising the need to work with the existing topography. Although the private garden area of the terrace of cottage flats is small, this is mitigated by the fact that there are good links to the wider landscaping and open space here, whilst areas currently shown for drying green provision could potentially be used for other purposes.

Finally on R2 (Edgar Road site) another two character areas are proposed. The easternmost area called “The Wards” uses the location beside proposed SUDS ponds in a positive way by orientating units to face over this feature which when constructed and planted will form an attractive feature of the site as well as necessary infrastructure to deal with surface water. The cottage flats on this part of the site will face the spine road so helping to visually enclose the road and again create a sense of place. The proposed areas of communal parking have been broken up by tree planting and landscaping with the parking forming an almost central courtyard type arrangement with the rears of the units backing onto it. This layout which capitalises on the almost wetland setting

differentiates the “Wards” area from the remainder of R2 and this is reinforced by the proposed use of lighter grey renders.

On the opposite (west) side of the spine road is the “Lower Valley” character area where the layout is again permeable with good quality landscaping around the homezone link and central open space link which crosses the site in east west direction and includes a play area. At present the units around the perimeter of this lower valley area (plots 241 - 248 and 225 -236) have no landscaping in their front gardens and this is not reflective of the rest of the development which has achieved a high standard of landscaping and setting. It is considered important to secure additional low level, low maintenance landscaping/hedging here to provide an attractive streetscape, and this can be achieved by planning condition. Path links up the slope to R3 are proposed through landscaped open space with a community orchard which will over time be an asset for the entire site. This part of the site uses different finishes again to try to emphasise distinctiveness, with the community orchard sitting above the site to the north providing a different landscaped setting to other parts of the site. It also relates visually to the High School to the south with landscaping to the rear (south) leading into the playing fields and open aspect of the modern school building.

The overall effect of this layout is the creation of distinct groups of housing set within a high quality landscaped setting which makes the most of the topography and qualities of the site. Good path links throughout both the built up areas and through the landscaped areas also comply with placemaking objectives and overall the layout is considered to comply with the principles of PP1. This was considered in more detail in the Quality Audit process which assesses how each of the components of a successful place are delivered.

### **Quality Audit Process (PP1)**

Policy PP1 Placemaking sets out that sufficient information must be provided to allow the Council to carry out a Quality Audit (QA) of the proposal. As noted in the Policy Team’s consultation response this Audit process has been undertaken through an iterative process of meetings and correspondence. Initial issues were identified and during consideration of the proposals revisions made to address the changes sought. The QA assessed the proposal against the 7 fundamental placemaking principles of Policy PP1 and the Bilbohall Masterplan. In order to comply with PP1 and the Masterplan and deliver a distinctive place with all the associated health and environmental benefits proposals require to achieve “green” ratings and this has been achieved as set out in the table below.

Essentially this shows the series of issues identified with the first QA which led to “red” ratings. All these issues were addressed through the submission of revised plans leading to “green” ratings subject to the mitigation set out in the table. This mitigation relates to points of detail which can readily be addressed by planning conditions, with the revised submission satisfactorily demonstrating that the development delivers on all the placemaking principles.

Summary Table

QA Category	Score	Mitigation	Revised Score	Mitigation/Conditions Necessary to Score Green
Character & Identity		<ul style="list-style-type: none"> <li>Identify a further two character areas which will add further distinctiveness to the development (see below);</li> <li>A detailed landscape plan must be provided providing information relating to all forms of planting across the development including trees/hedging to be retained. This must provide detail relating to height, species, and girth of all proposed tree planting. Details of the future maintenance to be included and phasing of planting;</li> <li>All efforts must be made to retain existing trees at the Firs which are important to the character and identity of this area as recognised by the Tree Preservation Order. A revised tree protection plan is required</li> <li>A clearer boundary treatment plan must be provided in conjunction with the landscape plan. Details of proposed hedging including species and both planting and maintenance height must be included;</li> <li>Soft boundary treatments such as willow fencing must be incorporated into the design to avoid stark</li> </ul>		<ul style="list-style-type: none"> <li>Condition for low maintenance low boundary hedging for Plots 241 -248 &amp; 225 – 236 within the Lower Valley (R2) character area.</li> </ul>

		<p>1.8m timber fencing. At the Firs site reuse of stone dykes must be incorporated;</p> <ul style="list-style-type: none"> <li>• Provide a more cohesive approach to the use of different renders within character areas;</li> <li>• More hedge planting must be provided across the layout to soften the streetscene and to differentiate between character areas. This can also be used to mitigate car parking;</li> <li>• Provide clarity with regards to the beech hedging that may be removed on Mayne Farm Road (see below) and proposals for replacement planting;</li> <li>• Provide clarity and with regards to hard landscaping and street materials and where each material will be used in the development;</li> <li>• Shared surface materials to be brought forward to connect directly with the outer perimeter road of each character area;</li> <li>• The green corridors or linear parks within R2 and R3 must be redesigned to be wider in order to benefit from natural surveillance and to create meaningful biodiversity and landscape corridors. They must include more planting, blue infrastructure (see</li> </ul>		
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		<p>below), and seating areas;</p> <ul style="list-style-type: none"> <li>• Two pocket parks must be provided in the Hilltop Village and Lower Valley character areas. A play area must be provided in the Lower Valley character area;</li> <li>• Incorporate key vistas of Elgin into the Hilltop Village;</li> <li>• To achieve this requirement the village greens need to be increased in size, integrate blue infrastructure, provide more seasonal planting, and incorporate seating areas to become multi-functional areas open space. This could also help to fulfil public art requirements;</li> <li>• More blue infrastructure needs to be integrated throughout the development. While elements have been provided the QA identified that more could be done;</li> <li>• Provide 3D imaging of the development from a variety of vantage points so an assessment can be made as to how it will fit into the wider landscape;</li> <li>• Provide detailed site sections to show existing and proposed ground levels in relation to housing and new road</li> </ul>		
Healthier, Safer		<ul style="list-style-type: none"> <li>• The green corridors or linear parks must be</li> </ul>		<ul style="list-style-type: none"> <li>• Condition for detailed</li> </ul>



Environments		<p>redesigned to be wider and with buildings re orientated to natural surveillance. They must include more planting, blue infrastructure, and seating areas. The path must also be separate from private driveways;</p> <ul style="list-style-type: none"> <li>• Provide information on the construction of paths that run through the layout including drainage, finishes, and future maintenance. Clarification is required over paths that are going to be getting upgraded as white and grey ones are shown in the plan. Paths must be upgraded to a countryside style path. Information on the gradients of the paths must be provided;</li> <li>• Public art must be provided to provide interest and local context to the development. This could include imaginative landscaping/interpretation material and seating/picnic areas;</li> <li>• Street names providing a local context must be provided;</li> <li>• Blue infrastructure must be incorporated into all areas of open space and designed to align active travel routes and along key desire lines to create attractive features;</li> <li>• Core path upgrades</li> </ul>		<p>proposals, mechanism and timeframe for delivery and maintenance for the public art strategy.</p> <ul style="list-style-type: none"> <li>• Condition requiring a plan for the colour of street materials which must provide variety between the streets and homezones;</li> <li>• Condition to ensure that street names across the development are provided.</li> <li>• Condition for connections into and the upgrading of core paths.</li> </ul>
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		<p>and connections to core paths around the site must be provided. This should include upgrading of the existing core path to along the west of the site leading to the High School with links to the school explored</p> <ul style="list-style-type: none"> <li>• Confirmation is required through the provision of long sections that DDA compliant routes for pedestrians are provided to key destinations (bus stops, open space) and to the wider transport network.</li> <li>• Further detailed comments on the proposed layout and roads will be provided separately in the consultation response to Planning from the Transportation team.</li> </ul>		
<b>Housing Mix</b>		<ul style="list-style-type: none"> <li>• No mitigation required.</li> </ul>		
<b>Open Spaces and Landscaping</b>		<ul style="list-style-type: none"> <li>• A detailed landscape plan must be provided providing information relating to all form of planting. This must provide information relating to height, species, and girth of all proposed and existing tree planting. The landscaping plan must show how seasonal variation will be provided across the development;</li> <li>• Details of future maintenance must be provided as well as the phasing of planting;</li> <li>• The boundary treatment plan must be</li> </ul>		<ul style="list-style-type: none"> <li>• Condition details of accessible play equipment, play area surfacing and seats/tables within R2 &amp; R3 to ensure these meet accessible needs (to be agreed in consultation with Parent Able).</li> <li>• Condition timeframe for delivery of play areas/equipme</li> </ul>

		<p>provided. Details of any hedging being proposed must be included in the landscape plan ie species type and planting and maintenance heights;</p> <ul style="list-style-type: none"> <li>• The masterplan states that a pocket park and neighbourhood park must be provided. A pocket park must be provided in the Hilltop Village character area. A play area must be provided in the Lower Valley character area;</li> <li>• The village greens must be increased in size. SUDs or other forms of blue infrastructure must be included into these spaces to create a feature along with seasonal planting and seating areas;</li> <li>• Active travel routes must be enforced with further planting and blue infrastructure to create attractive features;</li> <li>• The linear parks or green corridors must be redesigned so that they are wider so that they can incorporate more planting and blue infrastructure. Buildings must be re-orientated to provide good natural surveillance so that these key areas of open space are</li> </ul>		<p>nt prior to 50% completion in each character area and maintenance arrangements.</p> <ul style="list-style-type: none"> <li>• Condition details and timeframe of the delivery of the community orchard.</li> <li>• Condition that planting is semi-mature throughout the development and the timeframe for delivery of planting within each character area.</li> <li>• Condition for low maintenance low boundary hedging in R2 for Plots 241 - 248 &amp; 225 – 236.</li> </ul>
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		<p>overlooked (see above);</p> <ul style="list-style-type: none"> <li>No provision for allotments has been provided. Details of the orchard must be provided.</li> </ul>		
Biodiversity		<ul style="list-style-type: none"> <li>Provide a detailed biodiversity plan showing how biodiversity features have been incorporated into the design. Policy EP2 Biodiversity in the LDP 2020 provides examples of how this can be achieved.</li> </ul>		
Car Parking		<ul style="list-style-type: none"> <li>The parking layout must comply with Policy PP1 Placemaking with 50% of parking to the rear or side and behind the building line. This will require parking to be pushed back in some plots to achieve this;</li> <li>The communal parking arrangements are unacceptable with rows of parked cars with no mitigation or attempts to break them up. Rows of parked cars must be removed from the “green corridors” as they are visually dominant in parts of them. Details of any landscape mitigation must be included in the landscape plan;</li> <li>Throughout the site parking spaces are extending into the 2 metre service verges. This will require parking to be pushed</li> </ul>		

		<p>back to ensure that service verges are kept clear.</p> <ul style="list-style-type: none"> <li>• Clarity must be provided on car sharing spaces as it is not clear on the plans where these are provided;</li> <li>• No details regarding EV charging points has been provided.</li> </ul>		
<b>Street Structure</b>		<ul style="list-style-type: none"> <li>• Revise layout to safeguard potential future connection from R2 to R4.</li> <li>• The street structure needs to be reviewed to take account of the measures required to discourage the use of the main development roads as a through route for vehicles travelling from Edgar Road</li> </ul>		
<b>Street Layout</b>		<ul style="list-style-type: none"> <li>• Provide details on internal visibility splays</li> <li>• Provide a swept path analysis</li> </ul>		
<b>Street Detail</b>		<ul style="list-style-type: none"> <li>• A Street Engineering Review is required for the development.</li> </ul>		<p>Condition requiring a plan for the colour of street materials which must provide variety between the streets and homezones</p>

Some key points which have been successfully addressed to enable the development to comply with policy may be summarised as follows:

Character & Identity: The layout now provides greater distinction across the development and between the character areas, by amending the proposal to consist of 5 rather than 3 character areas, a more cohesive approach to the application of colour and renders for each character area, and revisions to key building materials (e.g. use of different materials and colours for roofs, walls, doorways, etc.). Differentiation in landscaping and street layout further adds to the character and identity.

**Street Design:** The street structure and hierarchy has been improved through improvements to the homezones to avoid a standardised street layout. This includes increasing the shared surface areas and introducing planting to reduce forward sightlines and therefore vehicle speeds which is in keeping with the principles in Designing Streets. Swales/rain gardens have been added adding to the overall attractiveness of each homezone as well as supporting biodiversity. The area around the care village has been reconfigured so that views will be provided towards Elgin along the east west corridor which will add to the overall sense of place.

**Landscaping & Open Space:** The central areas of open space within each character area have been increased in size so that they become focal points within the character area. Each area will be planted with a variety of plants and contain bio-retention features. The play area has also been moved into the central area of open space - it was previously located on the periphery of the character area. The east west green corridors within each character area have been significantly improved by increasing their width and introducing dual frontage buildings. This will ensure that good active surveillance is provided along these key pedestrian routes. In addition the landscape plan shows that a variety of plants, trees, hedges and shrubs will be provided, with different species planted within each character area which will further add to their distinctiveness.

### **Compliance with Bilbohall Masterplan and Elgin Settlement Statement Requirements (R2, R3 and R7)**

As noted earlier the application site is expressly designated for housing in the MDLP Elgin Settlement statement. The statement makes reference to the need for delivery of transport improvements and this is considered transportation section of this report. Along with the other Bilbohall designated sites this settlement statement explains that the enhancement of facilities at the existing Bilbohall playspace to form a Neighbourhood Park will be required together with the provision of path network enhancements including upgrade to Core Path from Wards Road to Elgin Golf Club to a segregated shared use path, and path links to Elgin High School, Greenwards Primary School and between Core Paths. The path network upgrading will be considered more fully in the transportation section but the proposals include an intention to upgrade part of the core path EG36 which runs along the western edge of the site and to connect onto the paths in and around the Wards. The enhancement of facilities at the existing Bilbohall playspace (Fairy Park) and the intention to form a neighbourhood park is being achieved by means of provision of play areas and open space within the application site. This will be accessible to the residents and to the wider area in addition to the extensive path network, landscaping, woodlands and community orchard proposals.

Otherwise in terms of the specifics of the settlement designations the proposals generally accord as follows:

- R7 (The Firs) required submission of tree survey and tree protection plan in view of the Tree Preservation Order which covers this site. This has been satisfactorily addressed with the majority of trees being retained apart from removal of 7 trees to facilitate the development on the Firs site and two more to facilitate improvements at Bilbohall Road. Replacement planting is proposed. This site is designated for 10 units and 8 are proposed.
- R3 (Bilbohall South) is designated for 105 units with 102 proposed. A minimum of two access points and an access suitable for public transport are required. This is achieved by way of the proposed spine road with access ultimately from north and south, and



provision of bus stops on the road. A minimum 40 metres distance between the housing and the rear elevations of properties at Fairfield Avenue and footpath link to core path at Fairfield Way are also requirements. The proposed layout delivers a between 60 and 80 metres distance between the new housing and the rear elevations at Fairfield Avenue with spine road and landscaping in between. A link footpath will be provided up Bilbohall Road to provide the required link to the core path (EG35) which runs along Fairfield Way and east to the Wards. The statement also highlights that the prominent knoll area should include open space and structural planting and that existing hedges should be retained. This is achieved, apart from openings in the existing hedging required to access the north-west part of the site of Bilbohall Road. (Woodland edge character area). The loss of this hedging is compensated for by more hedge planting along the roadside and within the site.

- R2 (Edgar Road) is designated for 75 units with 84 proposed. This small increase in units is not considered significant particularly given that over the three designated housing sites that form the application site a total of 194 houses are proposed as compared to the total of 190 referred to in the designations. Furthermore Policy DP2 Housing notes that capacity figures within the site designations are indicative only with proposed capacities fully considered through the Quality Auditing process. A minimum of two access points required with primary access from Edgar Road is required. This is delivered with the spine road running from Bilbohall Road to Edgar Road.

The settlement statement designation also highlights that development should comply with the Bilbohall Masterplan, which was approved in November 2018 following public consultation and sets out the shape and form that development will take on the wider parcel of land identified for housing here which includes the application site. This masterplan was statutory supplementary guidance to the 2015 LDP, but following adoption of the current 2020 MLDP it has been clarified by Scottish Government that it would require to go back through public consultation and the Scottish Ministers approval process for it to have this statutory status with the current plan. It has therefore been agreed by the Planning and Regulatory Services Committee at that their meeting of September 2020 that, subject to making minor changes (such as updated policy references) the Masterplan be approved non-statutory guidance. The Masterplan is therefore a material consideration in the determination of this application.

The Bilbohall Masterplan explains that the overall Bilbohall site is a distinctive and well contained series of linked parcels of land to the west of Elgin with the potential to be developed as a high quality new residential neighbourhood. It highlights that the site benefits from unique topography and mature landscape setting with key development objectives set out relating to delivery of a variety of housing types and tenures set within a high quality landscape setting, new multi-functional open space, enhanced and extended pedestrian and cyclist routes, new woodland areas offering more habitat and amenity space, new permeable street network working with the existing topography, additional structural planting on slopes to further contain the site and to ensure that the impact on existing knolls is limited as far as possible, street trees and hedgerows along key routes to create green corridors and new building elements with a density that reflects existing slopes and aspects. The indicative layout is appended to the Elgin Settlement Statement.

Whilst it is considered that the proposed layout delivers these objectives it differs from the masterplan in a number of respects:

1. Row of housing along Bilbohall Road and Core path to school on western part of site removed, with only the residential blocks of the "Woodland Village" character area on

R3 now located alongside Bilbohall Road;

2. Row of housing to rear (south) of, and running parallel to, Fairfield Avenue, removed;
3. More housing proposed on plateau at top of knoll to compensate for losses under points 1 and 2 above;
4. Roads configuration differs with spine road running around eastern side of site with grid iron pattern off this for R2 and R3 sites rather than access being taken partly from Bilbohall Road to serve the rows of housing referred to in point 1 above which have now been removed. That western road and track will remain as rural road meantime.

The applicants' Design and Access statement explains how the Bilbohall Masterplan has been considered in developing the design and how opportunities have been taken to work with existing topography and build on flatter areas where possible so moving houses further from Fairfield Avenue; providing more pedestrian friendly streets and omitting secondary parallel streets and avoiding the use of Bilbohall/Mayne Farm road as the primary road, instead retaining its rural aspect; embracing SUDs as a landscape feature and enhancing the structural woodland to enhance the setting of the existing woodland knolls.

This approach is understood and supported. It is considered that it will deliver on the objectives of the Masterplan, work well with the existing topography, and does not prejudice the future development of the rest of the masterplan area with space retained in R2 (between plots 235 and 237) for future links through to housing beyond should this be needed, whilst the track to the west of the applications site could be upgraded in future to serve the R4 and R6 sites if required. Hedging and landscaping proposed along this western periphery of the current application site will also help to ensure a landscape setting is developed for these future housing areas too.

As noted by the Policy Team, whilst the proposal does not fully comply with the Masterplan in terms of the layout as described above, the following circumstances are of relevance here:

- The Masterplan now has a lower status than previously afforded as supplementary guidance through the MLDP 2015
- The justification provided by the applicant for the deviation which included reconfiguring the road layout to reduce the amount of cut and fill required is not only is more environmentally friendly but also allows the layout to respond better to the topography.

In these circumstances the proposal is considered to be a better design solution than the Masterplan. Consequently it is considered that the proposed development is an acceptable, non- significant departure from the Masterplan and from the requirement of the MDLP 2020 Elgin Settlement Statement (sites R2, R3 and R7) to comply with the Bilbohall Masterplan Supplementary Guidance and delivers on the objectives of the statement.

### **Siting and Design (PP1, DP1)**

As noted earlier Policy PP1 Placemaking seeks to ensure that new development is designed to create successful healthy places that improve people's wellbeing, safeguard the environment and support economic development, promote character and identity and biodiversity. Policy DP1 Development Principles sets out the new development will be supported where it meets a number of criteria including ensuring density, scale and character is appropriate to the surrounding area and creates a sense of place and supports the principles of a walkable neighbourhood. DP1 also requires that development

does not adversely impact upon neighbouring properties in terms of privacy, daylighting or overbearing loss of amenity.

The site is designated for housing and it is well located in respect of proximity to the services and amenities of the town including schools, with Elgin High School to the immediate south. The town centre and Edgar Road retail park lie within reasonable distance and the site benefits from ready access to road, rail and public transport links and a good network of paths.

The layout itself has been developed to take advantage of the unique location and topography with the plateau area offering commanding views out to Elgin and the surrounding landscape. The ethos of adopting this particular design solution is understood and supported as it will minimise cutting of the hillside, provide an opportunity to create landscaped areas between the new development and the existing housing to the north at Fairfield Avenue so establishing a strong landscape setting for both. It will also enable the remainder of the new housing development to focus on a pedestrian friendly layout, with open space throughout (and crossing) the residential areas to provide a welcoming and good quality living environment for residents. Advance landscaping/planting should help mitigate any visual and landscape impacts of the road and acoustic barrier and this is reflected in the applicants' phasing plan.

The applicants' Landscape and Visual Appraisal (LVA) has considered the potential effects on the surrounding landscape and visual resource. Impacts have been considered from representative viewpoints around the site (including from core paths) with visualisations provided to show the baseline, and the proposals at years 1 and 15 from each viewpoint. This concludes that the effects on the landscape fabric of the area will be neutral once completed and landscaping is established (at year 15) and the greater effects will be on users of the core path network to the south and west. Some embedded mitigation proposals are identified as relating to protection of trees and hedgerows as per the submitted tree protection plans, new planting and landscaping, finishes to respond to local vernacular, careful design of lighting to avoid light spillage/pollution, and re-using disturbed turves where possible to support effective restoration.

These conclusions of the LVA are supported and it is considered that the proposed (and existing) landscaped setting and the siting of the new housing within this will over time become an attractive extension to Elgin leading into the rural hinterland beyond. The hilltop village part of R3 will be prominent particularly in views from Wards Road, and whilst the proposed landscaping leading up to it will help it to sit well in the landscape the design and finishes of the units is important.

The applicants' Design and Access Statement explains the aim to integrate blue and green infrastructure into the landscape design for both functional and amenity reasons and to deliver permeability for cyclists and pedestrians throughout the development. This is to be achieved through design of linear parks, landscape setting and path links which also support biodiversity and use bio-retention swales alongside home zone accesses. The use of different planting in the landscaping for each character area is intended to reinforce the characters of each area. A passive approach to energy is proposed to reduce consumption through maximising solar gain through design and using woodland shelter planting to support this.

Following discussion and revisions to the layout to strengthen and widen open space areas and ensure residential units are designed to deliver surveillance of these corridors, it is considered that these design objectives have been successfully delivered in the development.

Swathes of open space providing for multi-functional use including SUDS, play areas, rest areas connecting with nature and biodiversity links have been provided. These effectively link the countryside and core paths to the west with the Wards wildlife site to the east. Open space links also link the site northwards too. This will deliver both landscape and biodiversity benefits and bring future and existing residents closer to nature as the planting develops. The central open spaces and proposed community orchard offer great potential to develop community spirit and cohesion and as a result of the good links may be used by residents of the surrounding areas too which is also beneficial to community integration and creating a welcoming development. It will be important to secure timely delivery of this landscaping and appropriate planning conditions will be required to secure this. The phasing plan indicates how this may be done with the proposal being for phase 1 (a) (b) and (c) to include the planting to the east and north of the ring road greatly welcomed in terms of ensuring that landscape impacts of the spine road are mitigated at an early stage.

This will also enable a good setting to be established in advance for the R3 site (phase 2), together with creating landscaping between this site and Fairfield Avenue which will help tie the developments together better. It will also deliver on the principles of the Bilbohall Masterplan which sought to achieve a good landscape setting to improve and reflect the setting of existing woodland knolls and to help ensure the new development is integrated as quickly as possible.

Planning conditions will also be required to ensure delivery of landscaping within each character area as the development progresses; delivery of the play equipment before 50% of the character area is built in accordance with Policy PP1; and advance structural planting as highlighted in the Bilbohall Masterplan.

In terms of design the applicants' Design and Access Statement explains how the character and identify of the surrounding area has informed the design - for example prominent gable forms, stepped building lines and predominance of blonde sandstone and slate roofs of the local vernacular together with a variety of house types with roofs and gables predominant. It outlines how the use of red tones can add character to a development whilst also complementing woodland settings, particularly in an agricultural setting. This evolved into the use of simple strong forms in the building designs and using these to define and overlook a range of spaces and streets, providing for clusters of homes of various forms including a care village where all types of housing are integrated into the community, providing active frontages and private areas throughout.

This has resulted in a strong coherent design theme which complements, not replicates, traditional gable end pattern of Elgin and also reflects the edge of town setting, with the building designs reflecting local vernacular with strong gable forms and clean, simple proportions. The finishes emphasise the different character areas within the site. Contemporary roof finishes are proposed in some parts with their colour being used to reflect the particular setting. For example use of grey sheeting at R7(The Firs) to complement in colour the existing tiled houses adjacent and red roofs at the woodland edge character area of R3 to reflect the more rural setting, agricultural architecture and to accentuate the transition to the countryside beyond. Varying colours of roofs and finishes, with range of render and some timber clad units, have been used to accentuate key

routes, entrances and different character areas, with the use of muted tones of external finishes reflecting the traditional character of Elgin and reducing visual impacts. This includes the use of grey tiles on the much of the Hilltop Village character area with red roofs to accentuate key routes. Throughout the site navigation through it site for visitors and residents has been assisted by the use of colour and landscaping. This approach will be further developed with the principles of the public art strategy.

A mixture of house types including single story, two storey, semi-detached, terraced, detached and cottage flats is proposed. In the immediate surrounding area there is a mixture of house designs and types evident. There is two storey white harled new housing to the north at Fairfield Avenue with further housing of a variety of styles north of this on the other side of the railway. To the south of the site is the modern Elgin High School and a variety of new housing of different scales and finishes. The application site proposes a mixture of house types including single story, two storey, semi-detached, terraced, detached and cottage flats, but all are linked by common design principles as outlined earlier. This approach is considered to be appropriate and will not conflict with surrounding areas.

Parking is also a key consideration in term of layout to ensure that it does not dominate the streetscene. This has been achieved throughout the development with areas of communal parking broken up by landscaping as required by policy. At the care village the communal parking lies behind the building line established by the units to the southern side of it, and represents an appropriate design solution which enables the terraced care village buildings to take advantage of their setting here.

Finally the impact on neighbouring properties and their amenity requires to be considered. In this regard the R2 site has little impact on properties in the area, with the nearest property being Elgin High School to the south which is separated from the site by a band of landscaping proposed along the southern boundary of R2 with the school playing fields lying to the south of this. The development at R3 is considered to be sufficiently distant from properties at Fairfield Avenue to ensure that there is no overlooking or amenity issues with a considerable distance between the new houses plots and the gardens of the existing properties (ranging from 50 to 70 metres). There is also the spine road and a wide swathe of woodland landscaping proposed in between. The noise implications of the spine road are considered later in this report. The units at R7 (the Firs) are also considered to be sufficiently far from the houses which adjoin the site, being in excess of 20 metres from the garden boundaries of houses at Fairfield Way to the east and around 8 metres from the garden boundaries of houses at Fairfield Avenue to the south. The existing former day centre buildings here are a mixture of 2 and 1 ½ storey, and the proposed 2 storey houses are not considered to be out of place nor overly dominant particularly given that a number of existing mature trees which afford screening to existing properties are to be retained with further planting proposed.

In these overall circumstances the development is considered to comply with policy.

### **Open space policy (EP5)**

Policy EP5 Open Space states that all new development must incorporate multi-functional open space of appropriate quality and quantity and provide green infrastructure to connect to wider green/blue networks. It sets out in detail how open space in new development needs to meet the accessibility, quality and quantity standards. In terms of accessibility this policy requires that everyone should live within a five minute walk of publicly accessible open space. This is readily achievable here with proposed open space running

through/around the site and good links to both the Wards wildlife site to the east (designated as ENV6 natural/semi-natural greenspace in settlement statement) and the open countryside to the west. The site also has ready access to the Mayne/Bilbohall Park opposite R7 (designated as ENV1 public parks and gardens in the settlement statement) and to Knockmasting Wood (designated as ENV6 natural/semi-natural greenspace in the settlement statement).

Five criteria to deliver quality development are set out in policy and EP5 explains that development proposals should achieve a good quality score of no less than 75% which is readily achieved in this case. The criteria are as follows:

1. Accessible and well connected – the development complies fully with all these requirements due to its location, ready access to footpaths and links and proposals for new links.
2. Attractive and appealing places - the development is considered to meet the criteria of this category, as outlined in the placemaking and quality audit sections earlier.
3. Biodiverse supporting ecological networks – new planting corridors will help enhance habitats and provide a more diverse habitat than the existing grassland. A biodiversity plan has been included with the landscape masterplan and measures contained in that will also promote biodiversity with a range of open spaces provided.
4. Promotes activity, health and well-being- again the range of open spaces, path links and the opportunities offered by these readily meets this objective.
5. Safe, welcoming and contributing to character and identity – the layout was amended to ensure natural surveillance and with the implementation of an arts strategy readily complies.

Finally in terms of quantity of open space Policy EP5 sets out that for residential sites of 51-200 units a minimum of 20% of the site must be open space with only spaces which have a clear multi benefit function counting. The development provides for open space in excess of these requirements. This includes multi-use village green and equipped play areas as well as open space swathes through and around the site, community orchard, with path network throughout. There are numerous opportunities for enjoying this open space. A detailed landscape scheme including ongoing maintenance has been provided and matters such as details of play equipment can be readily covered by planning conditions. In these overall circumstance the development is considered to comply with policy.

#### **Amenity Issues – Noise (EP14)**

Policy EP14 Pollution, Contamination and Hazards sets out that proposals which may cause significant air, water, soil or light or noise pollution or exacerbate existing issues must be accompanied a detailed assessment report with measures to mitigate any impacts. In this case a Noise Impact Assessment was submitted to consider the impact of the development upon likely existing noise sensitive receptors, including properties on Fairfield Avenue, and the suitability of the site for residential use. It considered existing background noise levels, vibration from the railway line (not considered to be an issue); noise from the existing sub-station and operational noise from the proposed spine road.

The housing layout around the sub-station was amended to avoid use of windows in facades facing the sub-station and provision of a 3.7 metre high acoustic barrier which can be in the form of a barrier or bund with screen on top. In addition it concluded that house construction on some plots around the sub-station would require to be resistant to low frequency sound with building fabric to be constructed from dense material (concrete or brick) not lightweight timber frame construction. It was considered that traffic calming



measures along the spine road will assist in mitigating noise impacts by slowing traffic speeds and flow with a 2 metre high acoustic barrier proposed along part of the northern part of the spine road. It was concluded that these measures will result in negligible or minor adverse impacts at properties along Fairfield Avenue. For properties at the Bilbohall Road entrance to the site and at the southern end of the spine road a particular glazing specification was recommended which allows for alternative forms of ventilation such as acoustically attenuated trickle ventilation. Noise mitigation measures were set out for construction stage focussing on good practise.

This has been considered by the technical consultee (Environmental Health) who agrees with the conclusions and has no objections subject to appropriate conditions being attached to ensure implementation of the mitigation. The officer has also highlighted that the proposed traffic calming measures will require to be implemented too in order to ensure that the mitigation is effective as it is based on the noise with the traffic calming measures in place. On this basis the proposals are considered to comply with policy.

### **Environmental Issues (EP14, DP1, EP1, EP2 and EP7)**

There are a number of environmental issues to be considered as follows.

#### Contamination

Policy EP14 Pollution, Contamination and Hazards requires that development proposals on potentially contaminated land demonstrate that the site is suitable for the proposed use and that where necessary effective remediation is agreed. Policy DP1 also requires that proposals address and mitigate any potential contaminated land issues.

The application was accompanied by various environmental studies including a Site Investigation Report which highlighted that on the R2 site hazardous made up ground was found with a higher total organic carbon found in some areas. The technical consultee (Contaminated Land) noted this and highlighted that these gases may be associated with occurrence of peat in that area. Planning conditions are therefore recommended requiring submission and subsequent implementation of details of a protection scheme to provide protection against the ingress of harmful ground gases and/or vapours and the removal of permitted development rights for extensions and outbuildings.

#### Natural heritage and Biodiversity

Policy DP1: Development Principles sets out that development should conserve and enhance the natural and built environment and cultural resources. This is reinforced by Policy EP1 Natural Heritage Designations which seeks to ensure that development does not have an adverse effect on any Protected Species or upon any wildlife sites or other valuable local habitats. Policy EP2 Biodiversity seeks to ensure that all development proposals promote biodiversity with a biodiversity plan to be included with any placemaking statement for larger developments such as this. Policy EP7 Forestry Woodland and Trees sets out that healthy trees should be retained and included within a development proposal with protection plans to be included and where any trees covered by Tree Preservation Orders are to be felled they must be replaced.

In terms of protected species and habitat interest the applicants' Phase Extended Phase I Habitat Survey concluded that the habitats on site did not present any ecological constraints and there was no evidence of protected species on site. It recommended a bat survey be undertaken in respect of buildings on the Firs site and some trees which may have bat roosting potential there; vegetation clearance take place outwith bird nesting season; pre construction surveys for badgers be carried out; and the SUDS be

carefully designed to ensure no impacts on adjacent Wards wetland area.

A Bat Survey was undertaken of buildings and trees to be removed. This concluded that there was no evidence of maternity roosts with a low level of ambient bat activity (i.e. foraging or commuting) noted, with development unlikely to have any significant effects on bat population subject to appropriate mitigation which included hibernating check for bats during November to April 2021; avoidance of light shining into the bat foraging habitats; and provision of bat boxes.

These mitigation measures can be secured by planning condition to ensure compliance with policy and safeguarding of the wildlife interests. Consideration of the SUDS scheme is covered elsewhere in the report and this will take into account the need to ensure there is no impact on the Wards wildlife area.

In terms of biodiversity the proposed landscaped corridors provide biodiversity links across the site which, as the landscaping becomes established, will offer potentially greater biodiversity benefits through habitat creation than the existing grassland use. Similarly the rainwater gardens and SUDS pond should also enhance biodiversity. A biodiversity plan has been submitted and is considered to be satisfactory in terms of principles. Conditions can be imposed to ensure final details and implementation of the measures outlined.

In terms of trees the proposed development proposes significant amounts of landscaping including trees across the site. The number of trees proposed for removal at the R7 Firs site (which is covered by a Tree Preservation Order) has been reduced to those which it is technically unfeasible to retain, with replacement planting proposed.

In these overall circumstances the proposals are considered to comply with policy.

### **Servicing Issues (DP1, EP12 and EP13)**

Policy DP1 requires that acceptable water and drainage provision is made including the use of sustainable urban drainage systems (SUDS) for the disposal of surface water. This is expanded upon in Policy EP12 Management and Enhancement of the Water Environment of the 2020 Plan and Policy EP13 Foul Drainage.

The applicant's Flood Risk and Drainage Impact Assessment concludes that site is at low risk of flooding and drainage proposals will have positive impact on the Tyock Burn, reducing flows post development. Following initial consultation further information was provided including response to queries from consultees, details of SUDS basins and pond, swales, rain gardens and maintenance information. This information is considered to be satisfactory by the technical consultees (SEPA and Flood Risk Management Team) subject to appropriate planning conditions. This should ensure that there are no adverse impacts upon the Wards wildlife site adjacent to the site.

Otherwise in relation to servicing it is proposed to connect to public water and foul drainage supplies. The applicants will require to obtain the consent of Scottish Water for these connections in terms of capacity.

### **Transportation Issues (PP3, DP1, PP1)**

Policy PP3 Infrastructure and Services sets out how new development should be coordinated with infrastructure to ensure that places function properly and are adequately serviced, highlighting that mitigation/modification to the existing transport network to

address impacts of development and that a number of potential road and transport improvements have been identified and shown as Transport Proposals (TSP's) on settlement maps. Policies PP1 Placemaking and DP1 Development Principles set out the need for appropriate servicing, parking and access and for covered and secure cycle storage to be provided at flat/apartments as well as ensuring that car parking does not dominate the street scene and sets out principles to be met with street layout and details including the need to encourage walking and cycling over the use of the private car

The Elgin Settlement statement of the MDLP 2020 sets out the need for delivery of transport improvements in relation to the Bilbohall Sites. It highlights that the application site is constrained until the following improvements are delivered:

- TSP3 -Bilbohall Road/Mayne Road/Fleurs Road/Wards Road improvements to railway bridge and junctions
- TSP 4 - Bilbohall Road widening
- TSP 26 - Edgar Road Extension

It also explains that a Transport Assessment will be required to assess the cumulative impact of the whole Bilbohall Masterplan area and the impacts on junctions (TSP30) A941 New Elgin/Edgar Road/Linkwood Road junction and (TSP31) A941 New Elgin Road/Station Road/Maisondieu Road junction which would be used to determine the level of developer obligations for any necessary mitigation. Improvements to the operation of the Edgar Road/Glen Moray Drive/The Wards junction will be required (TSP27). Along with the other Bilbohall designated sites the provision of path network enhancements including upgrade to Core Path from Wards Road to Elgin Golf Club to a segregated shared use path, and path links to Elgin High School, Greenwards Primary School and between Core Paths is required.

The LDP Settlement Statement for Elgin also highlights that sites denoted on the infrastructure, green network and the transport proposals maps will be required to contribute to and/or provide the infrastructure identified to mitigate the impact of the development on existing infrastructure.

Set against this policy background the key issues with this application are as follows:

#### Access

The development will be accessed by a new spine road running south-north from Edgar Road to Bilbohall Road providing for the two access points required, with primary access from Edgar Road where the development will commence, to enable public transport to pass through the Masterplan area. As set out in the Transportation Team comments the principle of this arrangement is satisfactory and complies with the masterplan and MDLP subject to the transport improvements identified in the settlement statement being delivered. In this regard the proposals make provision for TSPs 3, 4 and 26 as outlined above. These proposals are considered to be satisfactory, with any further, final details required able to be secured by planning conditions as outlined earlier.

The internal access arrangements are also considered to be satisfactory providing for a permeable road layout in accordance with Designing Streets. The Bus Gates proposed on the spine road and the traffic calming proposed along Bilbohall Road and the spine road are considered to be satisfactory in terms of both deterring traffic from using the spine road as a short cut and also slowing traffic speeds. Some further detailed information to show how cyclist safety will be secured at key crossing points across the spine road to

the cycle path on the east side will be required and this can be secured by planning condition. Similarly points of detail raised by Transportation on the internal layout can be secured by condition with the applicant having provided information at this stage to show how these may be achieved.

A number of the representations received have raised concerns regarding the road layout, and the adequacy of the junction proposals at the Bilbohall Road end of the development. These have been commented on in the representations section, and the proposed arrangements are considered to be satisfactory with the revised plans addressing enhanced pedestrian and cycle facilities and road safety issues to the satisfaction of the technical consultee.

Impacts on the wider road network have been fully considered, with contributions secured through the developer obligations process ensuring that suitable mitigation will be achieved all as outlined in the Transportation Team response. These relate to TSPs 27, 30 and 31 as identified in the settlement statement.

#### Public Transport

The new spine road has been designed to enable buses to use it, with Bus Gates to be installed to deter through traffic and also give priority to buses. Bus stops will be provided and this will ensure that the development enables all residents to have ready access to public transport.

#### Path Network

The proposals deliver an extensive path network across the site with good links through the site and the proposed new woodland areas. This will provide for attractive new walking routes in the area over time. In addition a new cycle path link from Edgar Road through to Bilbohall Road will be provided. These proposals will be of considerable benefit to residents in the wider area too. Importantly links are proposed to the network of core paths to the east and west of site, including some upgrading of the core path to the west. This proposed improvement to a short section of the core path EG36 to the west is considered to be proportionate bearing in mind that other designated sites to the west may be developed in future and may use this as access link here as per the masterplan, and will also be required to enhance the core path network.

Taking into account this level of improved access being provided across the site the development is considered to deliver on the settlement statement requirement for the provision of path network enhancements.

#### Parking issues

Satisfactory parking plans have been provided to demonstrate compliance with policy requirements for 50% of parking in all streets to be behind building lines and on sites R2 and R7 the Council's parking standards have been met.

With regard to site R3 (Grampian Housing Association site) the applicants have provided a parking statement (including results of tenants surveys) which presents the case for lesser parking provision in this part of the site. This is based on car club provision, active travel infrastructure provision across the site; public transport connections, and the proximity to services/amenities in line with the Housing Association's ethos to build sustainable communities with low car ownership. It outlines proposals to monitor the success of this approach with contingency parking spaces identified to bring parking provision up to MLDP standards if surveys demonstrate that this will be necessary or if

the car club is withdrawn from the development.

This approach is considered to be reasonable subject to suitable planning conditions to secure delivery of the car club provision and delivery of contingency parking if this proves necessary following monitoring.

In these circumstances the development is considered to comply with policies.

### **Cultural Heritage (EP8)**

Policy EP8 Historic Environments seeks to ensure that there is no adverse effect on sites of local archaeological importance or the integrity of their settings. In this case there is no particular impact on any listed buildings or conservation areas due to the topography and location of the site. Potential archaeological interest on site R3 has been investigated and the technical consultee (Archaeology Team) is satisfied with the findings. The draft arts strategy also sets out proposals to look at promoting the local heritage and history of the area, through street naming, and possibly using this to inform any subsequent public arts and heritage markers, which is welcomed.

The proposal is therefore considered to comply with policy.

### **Developer contributions (PP3)**

Policy PP3: Infrastructure and Services sets out that contributions will be sought from developers in cases where a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity. The MLDP Settlement Statement for Elgin also highlights that sites denoted on the infrastructure, green network and the transport proposals maps will be required to contribute to and/or provide the infrastructure identified to mitigate the impact of the development on existing infrastructure with further information contained in the Developer Obligations Supplementary Guidance The Elgin Infrastructure Map identifies key infrastructure needed in the town.

The Developer Obligations Team has assessed the proposals and determined that obligations will be required in relation to impacts upon:

- Secondary education – contribution towards extension of Elgin High School
- Health care – contribution towards new build health centre in Elgin South
- Transport – contribution towards New Elgin Road/Edgar Road/Linkwood Road junction improvements (TSP30) Station Road/Maisondieu Road pedestrian crossing improvements (TSP31) and Edgar Road/the Wards junction improvements (TSP27)

The level of obligations and triggers points for payment have been agreed with the developers.

### **Affordable housing /Tenure issues (DP2)**

Policy DP2 - Housing sets out that all housing developments must provide a contribution towards the provision of affordable housing with proposals for more than 4 units required to provide 25% of the total units as affordable housing which is exceeded in this case where all units are affordable. DP2 also sets out that proposals must demonstrate tenure integration and ensure that architectural style and finishes are tenure blind with the spatial mix ensuring that communities are integrated to share school catchment areas, open space areas, play areas, sports areas, bus stops and other community facilities.

The applicants' planning statement explains that all housing on sites R7 and R2 will be for social rent. R3 includes specialist housing specifically designed to meet the needs of people with learning disabilities. The remaining units will be affordable with social rent the default tenure. The intention is to review the market when nearing completion to establish the scope for providing 10% mid-market rent or other intermediate tenures as identified in the Moray Council Housing Needs and Demand. All housing will be owned and maintained by Moray Council and Grampian Housing Association.

There is a good mix of housing types across the site with a variety of single and two storey, terraced, detached, semi-detached and detached house types and a range of 1 to 4 bedroom properties provided. The units themselves are of a high design and readily meet the policy objective of development being tenure blind, with open space, play areas, bus routes and path networks available to all residents in and around the site to share so promoting integration. The housing mix is considered to be acceptable for the needs of this area and provides a range of affordable tenures. As the wider masterplan area develops this will create a wider mixed community of affordable and private housing.

As the layout comprises all affordable housing the requirements of Policy DP2 for accessible housing do not apply. In these overall circumstance it is considered that the development complies with policy.

### **Conclusions and Recommendations**

This application proposes residential development with associated landscaping and infrastructure on designated housing land within the main settlement in Moray. The layout and design complies fully with placemaking policies and is of a high standard scoring all "green" ratings in the Quality Audit process. Good quality landscaping and links to path networks are included which will enhance the landscape over time and provide a good living environment for residents. The site can be satisfactorily serviced and will provide much needed social housing in Elgin. Approval is therefore recommended subject to appropriate planning conditions to cover matters of detail raised in this report and also subject to a suitable legal agreement to secure delivery of developer obligations.

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

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

The proposal is considered to be an acceptable departure from the requirements of the MDLP 2020 Elgin settlement statement to comply with the Bilbohall masterplan in that:

- The Masterplan is non statutory planning guidance now with a lower planning status than previously afforded as supplementary guidance through the MLDP 2015.
- The justification provided by the applicant for the deviations from the Bilbohall masterplan which includes reconfiguring the road layout to reduce the amount of cut and fill required is more environmentally friendly, allows the layout to respond better to the topography and is considered to be a better design solution.



In all other respects the proposal accords with the relevant provisions of the Moray Development Plan 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.

**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. Item 6a)

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.

## **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. Item 6a)

**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.

## **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 floor space 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 way marking 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.

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 play spaces within residential sites.

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

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

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

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

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

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

### **b) Tree Retention and Survey**

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

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

**c) Control of Woodland Removal**

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

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

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

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

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

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

**e) Compensatory Planting**

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

**GUIDANCE TREES AND DEVELOPMENT**

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

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



and woodland design as laid out in Scottish Forestry's "Woodland Creation, Application Guidance" and its subsequent updates, when preparing their proposal.

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

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

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

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

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

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

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

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

### **Landscape Scheme**

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

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

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

## **EP8 HISTORIC ENVIRONMENT**

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

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

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

### **b) Local Designations**

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

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

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

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

### **a) Flooding**

New development will not be supported if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. For development at or near coastal locations, this includes consideration of future flooding that may be caused by sea level rise and/or coastal change eroding existing natural defences in the medium and long term.

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

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

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

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

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

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

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

- a) In areas of little to no risk (less than 0.1%), there will be no general constraint to development.
- b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the probability range i.e. (close to 0.5%) and for essential civil infrastructure and the most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during flooding events.
- c) Areas of medium to high risk (0.5% or above) may be suitable for:
  - Residential, institutional, commercial and industrial development within built up areas provided that flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood management plan.
  - Essential infrastructure within built up areas, designed and constructed to remain operational during floods and not impede water flow.
  - Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place, and
  - Employment related accommodation e.g. caretakers or operational staff.

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

- Civil infrastructure and most vulnerable uses.

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

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

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

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

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

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

Specific arrangements must be made to avoid the issue of permanent SUDS features becoming silted-up with run-off. Care must be taken to avoid the spreading and/or introduction of invasive non-native species during the construction of all SUDS features. On completion of SUDS construction the developer must submit a comprehensive Operation and Maintenance Manual. The ongoing maintenance of SUDS for all new development will be undertaken through a factoring agreement, the details of which must be supplied to the Planning Authority.

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

**c) Water Environment**

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

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

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

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

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

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

**EP13 FOUL DRAINAGE**

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population must connect to the public sewerage system unless connection is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has

confirmed investment to address this constraint has been allocated within its investment Programme and the following requirements have been met; Item 6a)

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

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

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

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

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

### **a) Pollution**

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

### **b) Contamination**

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

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

### **c) Hazardous sites**

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

## **R2 Edgar Road 5.4ha 75 units**

- Proposals must comply with the Bilbohall Masterplan Supplementary Guidance. The Masterplan layout is shown on page 167.
- Minimum two access points required. Primary access must be from Edgar Road.

- This site is constrained until TSP3, 4, and 26 are provided.
- A Transport Assessment is required. The Transport Assessment must include an assessment of the cumulative impact of the whole Bilbohall Masterplan area. This must also assess the impacts on junctions TSP30 and 31 to determine the level of developer obligations for any necessary mitigation. The scope of the assessment must be agreed with Transport Scotland and the Moray Council Transportation.
- Improvements to the operation of the Edgar Road/Glen Moray Drive/The Wards junction will be required (TSP27).
- Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.
- Phase 1 Habitat Survey required.
- In association with sites R3, R4, R5, R6 and R7 enhancement of facilities at existing Bilbohall play space to form a Neighbourhood Park required.
- In association with sites R3, R4, R5, R6 and R7 provision of path network enhancements including upgrade to Core Path from Wards Road to Elgin Golf Club to a segregated shared use path, and path links to Elgin High School, Greenwards Primary School and between Core Paths.

### **R3 Bilbohall South 9.9 ha 105 units**

- Proposals must comply with the Bilbohall Masterplan Supplementary Guidance. The Masterplan layout is shown on page 167.
- This site is constrained until TSP3, 4, and 26 are provided.
- A Transport Assessment is required. The Transport Assessment must include an assessment of the cumulative impact of the whole Bilbohall Masterplan area. This must also assess the impacts on junctions TSP30 and 31 to determine the level of developer obligations for any necessary mitigation. The scope of the assessment must be agreed with Transport Scotland and the Moray Council Transportation.
- Improvements to the operation of the Edgar Road/Glen Moray Drive/The Wards junction will be required (TSP27).
- Minimum of two access points required. Access suitable for public transport will be required.
- A minimum of 40 metres distance between the housing and the rear elevations of properties at Fairfield Avenue.
- Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.
- Phase 1 Habitat Survey required.
- Evaluation of archaeological crop mark in northern part of site required.
- Prominent knoll to include open space and structural landscaping. Existing hedges must be retained.
- Footpath link from site to Core Path at Fairfield Way to be provided.
- In association with sites R2, R4, R5, R6 and R7 enhancement of facilities at existing Bilbohall play space to form a Neighbourhood Park required.
- In association with sites R2, R4, R5, R6 and R7 provision of path network enhancements including upgrade to Core Path from Wards Road to Elgin Golf Club to a segregated shared use path, and path links to Elgin High School, Greenwards Primary School and between Core Paths.



**R7 The Firs 0.4ha 10 units**

- Proposals must comply with the Bilbohall Masterplan Supplementary Guidance. The Masterplan layout is shown on page 167.
- This site is constrained until TSP3, 4, and 26 are provided.
- A Transport Assessment is required. The Transport Assessment must include an assessment of the cumulative impact of the whole Bilbohall Masterplan area. This must also assess the impacts on junctions TSP30 and 31 to determine the level of developer obligations for any necessary mitigation.
- Improvements to the operation of the Edgar Road/Glen Moray Drive/The Wards junction will be required (TSP27). The scope of the assessment must be agreed with Transport Scotland and the Moray Council Transportation.
- Phase 1 Habitat Survey required.
- A Tree Preservation Order (TPO) covers the site and a tree survey and tree protection plan must be submitted.
- Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.
- In association with sites R2, R3, R4, R5 and R6 enhancement of facilities at existing Bilbohall play space to form a Neighbourhood Park required.
- In association with sites R2, R3, R4, R5 and R6 provision of path network enhancements including upgrade to Core Path from Wards Road to Elgin Golf Club to a segregated shared use path, and path links to Elgin High School, Greenwards Primary School and between Core Paths.

**Elgin ENV1 Public Parks and Gardens**

Maggot Wood (EL/OS/011),  
 Doocot Park (EL/OS/014),  
 Biblical Garden (EL/OS/025),  
 Cooper Park (EL/OS/027),  
 Seafield (EL/OS/033),  
 Mayne/Bilbohall (EL/OS/041)

**Elgin ENV6 Natural/Semi-Natural Greenspace****KD pick out relevant ones**

Lesmurdie House (EL/OS/010),  
 North East Amenity Land (EL/OS/012),  
 Wards Wildlife Site (EL/OS/013),  
 South and East of Spynie Hospital (EL/OS/018),  
 Marleon/Lesmurdie Wood (EL/OS/021),  
 Lesmurdie Wood (EL/OS/026),  
 Palmers Cross (EL/OS/042),  
 Sherriff/Old Mills (EL/OS/061),  
 Kockmasting Wood (EL/OS/067),  
 Findrassie Woods (EL/OS/068),  
 Quarrelwood (EL/OS/072),  
 Mayne Wood (EL/OS/075),  
 Birkenhill (EL/OS/077),  
 Oakwood/Quarrelwood (EL/OS/081),  
 Bogs of Linkwood, Hallowood/Moss of Barmuckity

**TSP3**

Bilbohall Road/Mayne Road/Fleurs Road/Wards Road improvements to railway bridge and junctions to serve Bilbohall development

**TSP4**

Bilbohall Road widening to serve Bilbohall development

**TSP26**

Edgar Road extension to form primary access to Bilbohall development

**TSP27** Edgar Road/The Wards/Glen Moray Drive - junction improvements associated with Bilbohall development and site LONG2

**TSP30** A941 New Elgin Road/Edgar Road/Linkwood Road junction (ETS Scheme - I3A) - impact on junction from development sites needs to be determined in Transport Assessments to inform level of developer obligation

**TSP31** A941 New Elgin Road/Station Road/Maisondieu Road junction (ETS Scheme - I3A) - impact on junction from development sites needs to be determined in Transport Assessments to inform level of developer obligation