

**20/00753/AMC**  
**3rd July 2020**

**Approval of Matters specified in conditions 1 - 17, 19, 25-34 and 36-58 on planning consent 17/00834/PPP and in relation to S42 application reference 19/01085/APP for a proposed residential development of 113 homes including affordable housing with landscaping parking access and associated works within part of Area 1 at Site R11 Findrassie/Myreside And I8 Newfield Findrassie Elgin Moray for Barratt North Scotland**

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**Comments:**

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

**Procedure:**

None.

**Recommendation**

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

**Conditions/Reasons**

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

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

2. No development shall commence until a site plan identifying the plot numbers of

the accessible residential units, Compliance Statement and detailed floor plans and sections which demonstrate compliance with the requirements of policy DP2 (f) and associated policy guidance note of the Moray Local Development Plan 2020, have been submitted to and approved in writing by the Council, as Planning Authority. Thereafter, the units as identified shall at all times remain as accessible housing and capable for adaptation for accessible housing needs unless otherwise agreed with the Council, as Planning Authority. For the avoidance of doubt 10% of the private housing units hereby approved shall be accessible units.

**Reason:** To ensure an acceptable form of development in terms of the required provision and delivery of accessible housing within the site as required and defined in terms of current planning policy and associated accessible policy guidance.

3. All surface water drainage arrangements for the development site shall be in accordance with the submitted report Drainage Impact Assessment and Level 1 Flood Risk Assessment (Revision D) by Goodson Associates, dated 4 December 2020, and associated drainage drawings submitted with this application. All measures for the management of surface water as outlined within the abovementioned DIA (including maintenance) shall be implemented in full prior to the first occupation of any residential unit hereby approved.

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

4. That all foul water drainage arrangements for the development site shall be in accordance with the submitted report Drainage Impact Assessment and Level 1 Flood Risk Assessment (Revision D) by Goodson Associates, dated 4 December 2020, and associated drainage drawings submitted in support of this application; and
  - a) For the temporary pumping station as shown on drawing numbers 1500, 1500J and SK38B, no development shall commence until details including a site layout plan and elevations (at scale 1:100 and 1:50 respectively) of these works have been submitted to and approved in writing by the Council as Planning Authority, in consultation with Scottish Water. Thereafter, this infrastructure shall be installed and operational prior to occupation of the first dwelling.
  - b) For the permanent pumping station and rising main to the Lossiemouth Waste Water Treatment Works as shown on drawing numbers SK38B, SK39-1, SK39-2 and SK39-3, prior to the completion of the 25<sup>th</sup> residential unit a planning application for this infrastructure shall be submitted for the approval of the Council, as Planning Authority, in consultation with Scottish Water. Thereafter, once approved, this infrastructure shall be fully installed and operational prior to the completion of the 100<sup>th</sup> residential unit to the

satisfaction of Scottish Water, and evidence to this effect has been submitted to the Council, as Planning Authority.

**Reason:** To ensure an acceptable form of development in terms of the provision of foul drainage infrastructure for the development, and as these details are currently lacking from the application to allow for full consideration.

5. Unless otherwise agreed with the Planning Authority, in consultation with the Environmental Health and Trading Standards Manager, the glazing and ventilation to windows of the dwellings identified in the plans detailed below shall meet the following requirements:
  - a) The glazing to living apartments of dwelling facades marked in purple on the submitted plan titled 'glazing mark up ACOUSTIC VENTS ONLY' shall consist of double glazing units of 4mm thickness and a 20mm air gap.
  - b) Acoustic trickle vents for all windows to living apartments in facades marked in purple on the above referenced plan in the development shall be provided as the Ryton 9x9 thru wall or Greenwood 5000 EAW, or equal alternative in acoustic performance.
  - c) The glazing to living apartments of dwelling facades marked in yellow on the submitted plan titled 'glazing mark up ALL WINDOWS REQUIRING TO BE CLOSED' shall consist of double glazing units of 4mm thickness and a 20mm air gap.
  - d) Passive trickle ventilation for all windows to living apartments in facades marked in yellow on the above referenced plan in the development shall be provided as Greenwood 6000 S vents, or equal alternative in acoustic performance.

The selection of glazing and ventilation elements for the above identified house plots shall meet the minimum composite acoustic façade requirements indicated in Table 3 of the Noise Impact Assessment supporting document by KSG Acoustics, dated 19 October 2020 (rev 3), titled "Findrassie Area E1, Noise Impact Assessment, by KSG Acoustics prepared for Barratt North Scotland."

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

**Reason:** To ensure the residential amenity of the proposed dwellings are suitably mitigated against road traffic noise.

6. A 2.0 metre high close boarded acoustic fence/wall with a minimum surface density of 15 kg/m<sup>2</sup> shall be provided prior to occupation/use of the dwelling on Plot 1 as described in the mitigation section of the noise impact assessment supporting document by KSG Acoustics, dated 19 October 2020 (rev 3), and titled "Findrassie Area E1 Noise Impact Assessment by KSG Acoustics, prepared for Barratt North Scotland." The location of this acoustic fence/wall shall be as indicated on the plan titled "glazing mark up ALL WINDOWS

REQUIRING TO BE CLOSED.” No development shall commence until scaled drawings of the acoustic fence (1:50 elevation detail) have been submitted to and approved in writing by the Council, as Planning Authority.

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

**Reason:** To ensure the residential amenity of the proposed dwelling and associated garden is suitably mitigated against road traffic noise.

7. Construction works associated with the development hereby approved shall be carried out in adherence to the submitted scheme in the supporting document by Enviro Centre on behalf of Barratt Homes, dated February 2020, and titled “Findrassie , Elgin – Area 1 (E1 and E2) Dust Management Plan July 2020”.

**Reason:** To ensure that dust emissions from the development are suitably managed and mitigated to protect residential amenity.

8. Construction works associated with the development hereby approved shall be carried out in adherence to the submitted scheme in the supporting document by KSG Acoustics on behalf of Barratt Homes, dated 20th July 2020, titled “Findrassie residential development: Construction noise and vibration, Construction Environmental Management”.

**Reason:** To ensure that noise and vibration emissions from the development construction phase are suitably managed and mitigated to protect residential amenity.

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

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

10. The temporary external construction lighting arrangements for the development shall be implemented in accordance with the submitted details, as shown in the plan titled “Findrassie Traffic Plan”. No further lighting shall be provided, installed or used within this phase except where otherwise agreed in writing by the Council, as Planning Authority.

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



11. The mitigation measures as detailed within the submitted Mitigation Statement dated November 2019, and Construction Environmental Management Plan and Pollution Prevention Plan (including employment of an Environmental Clerk of Works (ECoW)) (rev 2) dated July 2020 prepared by Enviro Centre shall be fully adhered to by the developer and appointed contractor during the construction period and operational life of the development, unless otherwise agreed in writing by the Council, as Planning Authority.

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

12. The pre-work checks, watching brief and good practice mitigation as set out within the submitted Protected Species Surveys (dated 2019 and 2020) and Construction Environmental Management Document (including employment of an Environmental Clerk of Works (ECoW) dated July 2020 prepared by Enviro Centre shall be fully implemented by the developer and appointed contractor, unless otherwise agreed in writing with this Council as Planning Authority.

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

13. No phase of works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out for that phase in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details. The PERD can be undertaken in line with the phases of development.

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

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

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

15. No trees other than those identified for removal in the submitted Tree Survey Report and associated Tree Protection Plans prepared by Envirocentre dated October 2020 (Amended v3) shall be removed without the prior written approval of the planning authority.

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

16. The mitigation and enhancement recommendations as set out within Chapter 4 of the Tree Survey Report, prepared by Envirocentre dated October 2020 (Amended v3) shall be fully adhered to by the developer and appointed contractor, unless otherwise agreed in writing by this Council, as Planning Authority. Any protection measures shall be implemented prior to any development commencing within that part of the site and retained until completion of that part of the development.

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

17. The mitigation, planting and habitat establishment/management measures as set out within the submitted Biodiversity Plan and accompanying drawing titled Landscape Proposals Sheet 1 of 8, number 415.29.50e (to be amended in accordance with condition 20 of this consent) shall be fully implemented by the developer and appointed contractor, unless otherwise agreed in writing with this Council as Planning Authority.

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

18. Notwithstanding the submitted plan titled Findrassie E1 - Landscaping/Play Areas Delivery Plan Version 6 dated 8 December 2020, no development shall commence until a revised version of this plan which confirms the provision of the equipped play area within the central open space upon completion of 50% of the character area to which it pertains has been submitted to and approved in writing by the Council, as planning authority. For the avoidance of doubt this relates to the Character Area defined as the 'Open Space' area, shaded pink in the submitted Design Response Document 1.1, and the approved equipped play area shall be provided by the completion of the 23<sup>rd</sup> residential unit within this character area. Thereafter the development shall be implemented in accordance with these approved details, unless otherwise agreed in writing by the Council, as Planning Authority.

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

19. No development shall commence until details (including surface details/gradient, timescales of delivery and maintenance arrangements) of the footpath links

between the development and Elgin Core Path EG31), as shown in drawing titled Findrassie E1 Landscaping/Play Areas Delivery Plan Version 6 dated 8 December 2020 and drawing number 1717, have been submitted to and approved in writing by the Council, as Planning Authority. Thereafter, this development shall be implemented in accordance with these approved details.

**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.

20. Notwithstanding the submitted landscaping plans and Landscaping/Play Areas Delivery Plan Version 6 dated 8 December 2020, no development shall commence until revised landscape plans, and details of play equipment and public artwork have been submitted to and approved in writing by the Council, as Planning Authority incorporating the following additional information:
- (a) semi-mature tree and shrub planting for all planting across the site;
  - (b) details of all public artwork on the site, which shall reflect local and cultural associations with Thomas Telford and/or Pitgaveny's farming legacy, including timescale for delivery;
  - (c) full details (scaled drawings 1:100 and equipment specification schedule) of the two equipped play areas and seating as identified on the approved site layout plan 17045(PL)002 H including maintenance arrangements; these equipped play areas shall make provision for all-abilities access including in relation to the surface finish, play equipment and seating (benches and picnic tables);
  - (d) details of all walls (drystone and re-constituted stone) across the site, including elevations and locations;
  - (e) details of litter bins to be provided on the site and including timescale for provision;
  - (f) timescales of provision of all landscaping works and both equipped play Areas, and seating across the site (which shall be in accordance with the revised version of the Landscaping/Play Areas Delivery Plan Version 6 dated 8 December, to be submitted for approval in accordance with condition 18 of this consent);
  - (g) the removal of the trees currently shown within the 9m x 215m visibility splays at the northern and southern junctions onto the A941 in the Advanced Planting - East area (AP-E) as detailed in condition 32;
  - (h) the AP-E planting to incorporate the retention of existing trees within the northern part of the site (identified as tree group TG4) and recommended in the Tree Survey Report and associated Tree Protection Plans prepared by Envirocentre dated October 2020 (Amended v3); and
  - (i) long-term maintenance arrangements for the AP-E planting area.

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

**Reason:** To ensure that the approved landscaping works, equipped play areas and seating are timeously carried out and properly maintained for the lifetime of the development, in a manner which will not adversely affect the development or amenity and character of the area.

21. No development shall commence until full details (including scaled elevational drawings and external material finishes) of the proposed 'key buildings' identified in the Design Response Document 1.1 accompanying this application have been submitted to and approved in writing by the Council, as Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

**Reason:** To ensure that the proposals harmonise with the character of the development and the wider area and as these details were not included with the application.

22. Prior to the completion of the 150<sup>th</sup> dwellinghouse/flat within phases E1 and E2 combined, the provision of a minimum of 570 sqm flexible retail/ commercial floorspace, which will include the following: one unit a minimum of 200 sqm GFA for Class 1 (Shops, food) and Class 3 (Food and Drink) and a minimum of three flexible ground floor retail/commercial units for Class 1 (Shops), Class 2 (Financial, Professional and other services) and Class 3 (Food and Drink) and Class 10 (non-residential institutions) (a minimum of 250 sqm GFA in total) (as set out in the Findrassie Masterplan dated November 2015 (including any subsequently reviewed Findrassie Masterplan which supersedes or replaces the identified provisions of the current Findrassie Masterplan during the life-time of the permission hereby approved), shall be completed within phase E2 and made available for use. The units shall be advertised for sale or lease on the open market by a chartered surveyor, for a minimum of 5 years/60 months from the completion of phase E2 after which a review of the marketing period will be required if units remain vacant. In order to inform this process the following details shall be provided for written approval by the council, as Planning Authority:

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

**Reason:** In order to ensure the timely and effective delivery of the flexible ground floor retail/commercial units within the Lossiemouth Road Character

Zone to ensure the masterplan is delivered and that a sustainable community is provided.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29. Parking provision shall be provided and made available for use at all times to the Moray Council Parking Standards for each class of development use together with provision for secure cycle parking and facilities for electric vehicle charging. The standards for parking as applied at the time of any application for development shall be in accordance with Policy DP1 Development Principles of the Moray Local Development Plan 2020 and associated parking specifications/guidance setting out the standards of parking including any equivalent planning policy and/or guidance which supersedes or replaces the identified provisions of the development plan during the life-time of the permission 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.

30. No development shall commence until details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority regarding:

- a) A Construction Traffic Management Plan which shall include the following information:
- duration of works;
  - construction programme;
  - number of vehicle movements (i.e. materials, plant, staff, components);
  - anticipated schedule for delivery of materials and plant;
  - full details of construction traffic routes from the Strategic Road Network (A941/A96) to the site, including any proposals for

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

and

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

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

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

31. Prior to the commencement of the 50<sup>th</sup> residential unit (house and/or flat/apartment) or prior to the commencement of any non-residential units, including commercial development but excluding the proposed primary school and local community 'hub', the following shall be provided:

- i) written evidence to demonstrate control of the land through ownership or legal agreement to deliver the junction improvements at North Street/Morrison Road (Condition 34 of the planning consent 19/01085/APP refers); and
- ii) written details of the timescale for delivery of junction improvements at North Street/Morrison Road.

Thereafter, and prior to the commencement of the 100<sup>th</sup> dwelling (house and/or flat/apartment) OR prior to the commencement of any non-residential units, including commercial development but excluding the proposed primary school and local community 'hub', the North Street/Morrison Road junction

improvements and pedestrian and cycle facilities shall be provided in accordance with the approved details and agreed timescales.

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

32. Notwithstanding the details submitted on drawings 1500 Rev I, 1700 Rev H, 1701-1 Rev A, 1713 Rev H, 415.29.50e, 415.29.51e, 415.29.54e, 17045(PL)002 Rev H and 17045(PL)003 Rev D which are not accepted (visibility splays, road widths, kerbing, drainage, street lighting), no development shall commence until the following details have been submitted for approval in writing by the Planning Authority in consultation with the Roads Authority:
- a. Plan(s) (1:500 min) showing visibility splays at the northern and southern junctions 9.0m x 215m in both directions (clear of any obstructions measured 0.6m above the level of the carriageway); and
  - b. Evidence that the statutory process (Roads Construction Consent) to consider the details for road widths, kerbing, street lighting and drainage has been completed and revised plans submitted.

Thereafter, unless otherwise agreed by the Planning Authority in consultation with the Roads Authority, the development shall be completed in accordance with the approved details and no house or flat shall be completed prior to the completion of the junction and A941 roadworks.

The following visibility splay requirements shall be complied with:-

- i) the visibility splays shall be provided in both directions at the site accesses from Findrassie onto the A941 Lossiemouth Road and shall be maintained clear of any obstruction above 0.6 metres in height, measured from the level of the carriageway;
- ii) The visibility splay requirements and landscaping provision within the 9m x 215m visibility splays shall be reviewed within 3 months of any proposed change to the agreed junction layout or the A941 speed limit by the Council, as Planning Authority upon the request of the applicant; and thereafter the advanced planting (currently affected by these splays) shall be planted in the first bare root planting season following the completion of any approved changes to the junction layout or the speed limit; and
- iii) The visibility splay arrangements shall be reviewed 3 years from the date of commencement of construction, and thereafter every 18 months until such time as the splays are reduced, as confirmed by the Council, as Planning Authority in consultation with the Roads Authority. Within 3 months of the reduced splay being confirmed, a revised scaled landscape plan showing the re-introduction of the trees (as many as is practicably possible) within the affected splay areas including timescales for planting shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority.



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

33. No development shall commence until the following details have been submitted for approval by the Planning Authority in consultation with the Roads Authority:
- i. Design/specifications for the proposed mounting/installations to be provided for any future EV charging points as indicated on drawings 17045(PL)004 Rev A and 17045(PL)005 Rev A which would not be mounted on a wall/within a garage.

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

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

34. Notwithstanding the details of the emergency access and Elgin-Lossiemouth cyclepath modifications submitted on Drawings 17045(PL)002 Rev H, 415.29.56e and 1700H (which are not accepted), prior to the commencement of development, the following details (Plan 1:500) shall be submitted for approval in writing by the Planning Authority in consultation with the Roads Authority:
- a. Construction details for the proposed emergency access from the site onto the A941, including materials and collapsible bollards or gating to control access.
  - b. Revised details showing the rationalising of the proposed and existing paths and provision of landscaping.

Thereafter the emergency access, cyclepath, paths and landscaping shall be completed in accordance with the approved details prior to the completion of the 50<sup>th</sup> house or flat within the development.

**Reason:** In the interests of an acceptable form of development and the provision of emergency access.

35. Conditions 31 (notwithstanding condition 19 of this consent), 33, 34 and 36 of the Planning Permission in Principle (application number 17/00834/PPP) and related Section 42 approval (application number 19/01085/APP) regarding off-site junction works and active travel connections are discharged for this application for approval of matters specified in conditions (AMC) only, and shall continue to remain applicable to any future AMC applications for development within the wider Area 1 development, granted under application 17/00834/PPP and associated Section 42 application 19/01085/APP.

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

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

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

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

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

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

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

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

### **List of Informatives:**

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

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

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

The SCOTTISH ENVIRONMENT PROTECTION AGENCY, has commented that:

See attached consultation responses dated 16 July and 11 November 2020.

SCOTTISH GAS NETWORKS, has commented that:

The developer is required to send a copy of the Method Statement and Risk Assessment showing how the development works will be carried which ensure protection of the Intermediate Pressure Gas pipeline for approval by Scottish Gas Networks. This should be done prior to the start of works on this part of the development. (See attached SGN email dated 19 November 2020).

SCOTTISH AND SOUTHERN ENERGY, has commented that:

There are overhead power lines running throughout the site. The applicant will need to apply to have these diverted before works can be commenced by contacting 08000 483 515. When working in vicinity of overhead lines please refer to Health and Safety Guidance Note GS6. (See consultation responses dated 16 July and 16 October 2020, and attached plan).

SCOTTISH WATER, has commented that:

See attached consultation response dated 6 October 2020.

SCOTTISH NATURAL HERITAGE, has commented that:

See attached consultation response dated 16 July 2020.

THE TRANSPORTATION MANAGER, DIRECT SERVICES, has commented that:

The Transport Impact Assessment Addendum indicates in Para 2.7 that the Stage 1 & 2 Road Safety Audit raised no issues. This should be clarified as issues were raised in respect of the internal site roads only. No designer mitigation is provided for the issues raised. Mitigation required will need to be addressed through the Road Construction Consent statutory process. The requirement for additional Road Safety Audit Stages to be completed shall be determined by the Roads Authority through the Road Construction Consent process or otherwise as necessary.

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

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

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

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

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

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

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

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

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

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

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

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

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

No house or flat should be completed until the roads and paths connecting it to the existing A941 and Elgin-Lossiemouth cyclepath have been completed (to least basecourse) and opened to the public.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
17045 PL 130 A	Single garage - elevations and floor plans
17045 PL 191	700mm high wall
17045 PL 700	Visualisation 1 - overview of proposed development from north east
17045 PL 701	Visualisation 2 - view of proposed development from north
17045 PL 702	Visualisation 3 - view of proposed development from east
1717	Proposed footpath links to core path
17045 PL 001 C	Presentation layout - Landscaping phasing V6
	Noise diagrams 1- Acoustic vents only
	Noise diagrams 2- all windows requiring to be closed
17045(PL)190	Feature wall - fence
CLS 002	Pollution prevention detail - Phase E1
DET/07/03/01	Screen fence detail
	Design Response Document 1-1
CSL001 A	Pollution Prevention plan
CSL008	Phasing plan
SK040 B	Indicative trench locations - Phase 2
	Compound Waste Management

	Site compound with covid signage
17045 PL 010	Site layout - materials plan
17045 PL 020 C	E1-E4 indicative framework
17045 PL 050 F	Site sections
17045 OS 002 G	Location plan
17045 PL 005 A	Site layout - electric vehicle charging - sheet 2-2
17045 PL 001 D	Frontage parking audit V3
13779 - 1500 J	Drainage layout - sheet 1 of 2
13779 - 1501 E	Drainage layout - sheet 2 of 2
13779 - 1520 F	Proposed overland flow
13779 - 1550 F	Site levels
13779 - 1551 F	Site levels
13779 - 1700 H	Roads general arrangement plan
13779 - 1701-1 A	Roads general arrangement plan

	Landscape sheet 7
	Landscape sheet 8
13779 - 1701 H	Roads general arrangement plan
13779 - 1702 C	Roads longitudinal sections
13779 - 1708 B	Roads construction details
13779 - 1709C C	Indicative service trench locations
13779 - 1711 J	Tracking plan
13779 - 1713 H	Kerbing plan
13779 - 1714 H	Bus tracking plan
13779 - 650 H	Surface water drainage strategy
13779 - SK009 G	Bus stop coverage
13779 - SK24 E	Street lighting layout
13779 - SK25 E	Flooding
13779 - SK29 A	Temporary construction access

13779 - SK38 B	Pumping station locations
13779 - SK39-1	Permanent rising mail route - sheet 1
13779 - SK39-2	Permanent rising mail route - sheet 2
13779 - SK39-3	Permanent rising mail route - sheet 3
13779 - SK39 E	Safe route to school
17045 PL 001 C	Presentation layout - landscaping phasing V6
17045 PL 002 H	Site layout
17045 PL 003 D	Site layout - TOPO
17045 PL 004 A	Site layout - electrical vehicle charging - sheet 1 of 2
17045 PL 001 D	Presentation layout
17045 PL 100 C	Type A- Elevations and floor plans
17045 PL 102 B	Type B - elevations and floor plans
17045 PL 103 C	Type C - elevations and floor plans
17045 PL 104 B	Type D - elevations and floor plans



17045 PL 105 B	Type E - elevations and floor plans
17045 PL 106 B	Type F - elevations and floor plans
17045 PL 107 B	Type G - elevations and floor plans
17045 PL 109 C	Type J - elevations and floor plans
17045 PL 110 B	Type K - elevations and floor plans
17045 PL 112 B	Type M - elevations and floor plans
17045 PL 121 C	Type B feature panel - elevations and floor plans
17045 PL 122 B	Type D feature panel - elevations and floor plans
17045 PL 123 C	Type E feature panels - elevations and floor plans
17045 PL 129 A	Type M feature panel - elevations and floor plans
17045 PL 200 C	Type N - elevations and floor plans
17045 PL 202 C	Type Q - elevations and floor plans
17045 PL 204 C	Type S - elevations and floor plans
17045 PL 205 B	Type T - elevations and floor plans

17045 PL 206 B	Type U - elevations and floor plans
	Traffic Plan
	Landscape sheet 1
	Landscape sheet 2
	Landscape sheet 3
	Landscape sheet 4
	Landscape plan 5
	Landscape sheet 6
17045 PL 108 B	Type H - elevations and floor plans
17045 PL 130 A	Single garage elevations and floor plan
13779 - 9000 G	Volumetric Analysis

Additional information to be issued with decision:

SEPA consultation responses dated 16 July and 11 November 2020  
Scottish Gas Networks consultation email dated 19 November 2020  
Scottish and Southern Energy consultation responses dated 16 July and 16 October 2020, and attached plan  
Scottish Water consultation response dated 6 October 2020  
Scottish Natural Heritage consultation response dated 16 July 2020

Biodiversity Plan (V2)

Drainage Impact Assessment and Level 1 Flood Risk Assessment (Revision D) by Goodson Associates

Noise Impact Assessment (rev 3) by KSG Acoustics dated 19 Oct 2020

Construction Noise and Vibration Management Document, Construction Environmental Management by KSG Acoustics dated 20 July 2020

Dust Management Plan by Enviro Centre dated July 2020

Air Quality Assessment by Enviro Centre dated July 2020

Construction Environmental Management Document (incorporating a Construction Environmental Management Plan and Environmental Management Plan (revised) by Enviro Centre dated July 2020

Tree Survey Report by Enviro Centre (V3) dated October 2020

Mitigation Statement detailing measures to protect the Loch Spynie SSSI, SPA and Ramsar Sites by Enviro Centre dated 15 November 2019

Protected Species Update Survey by Enviro Centre dated July 2020





## PLANNING APPLICATION COMMITTEE SITE PLAN

**Planning Application Ref Number:**  
**20/00753/AMC**

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

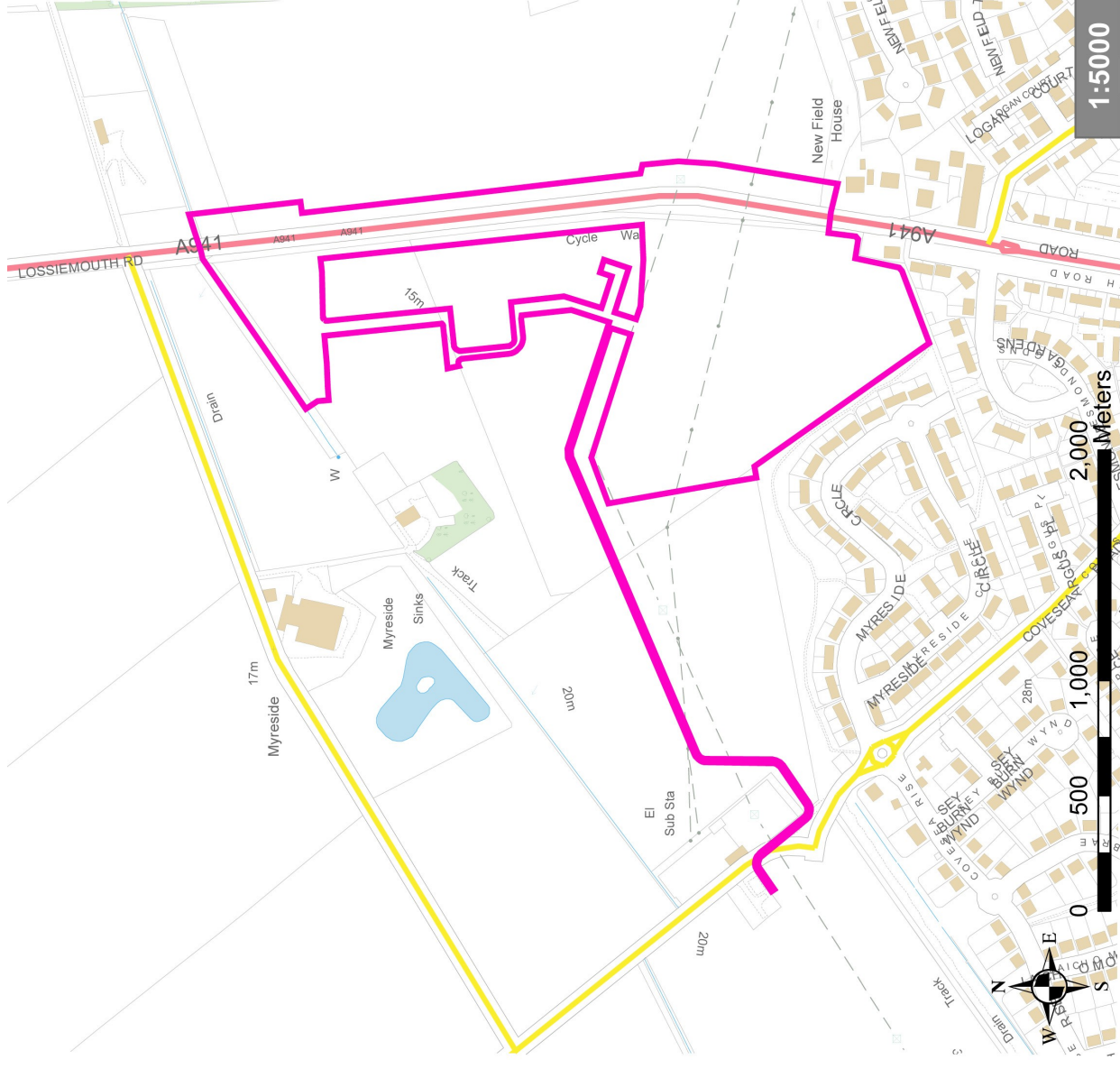
**Applicant Name:**  
Barratt North Scotland

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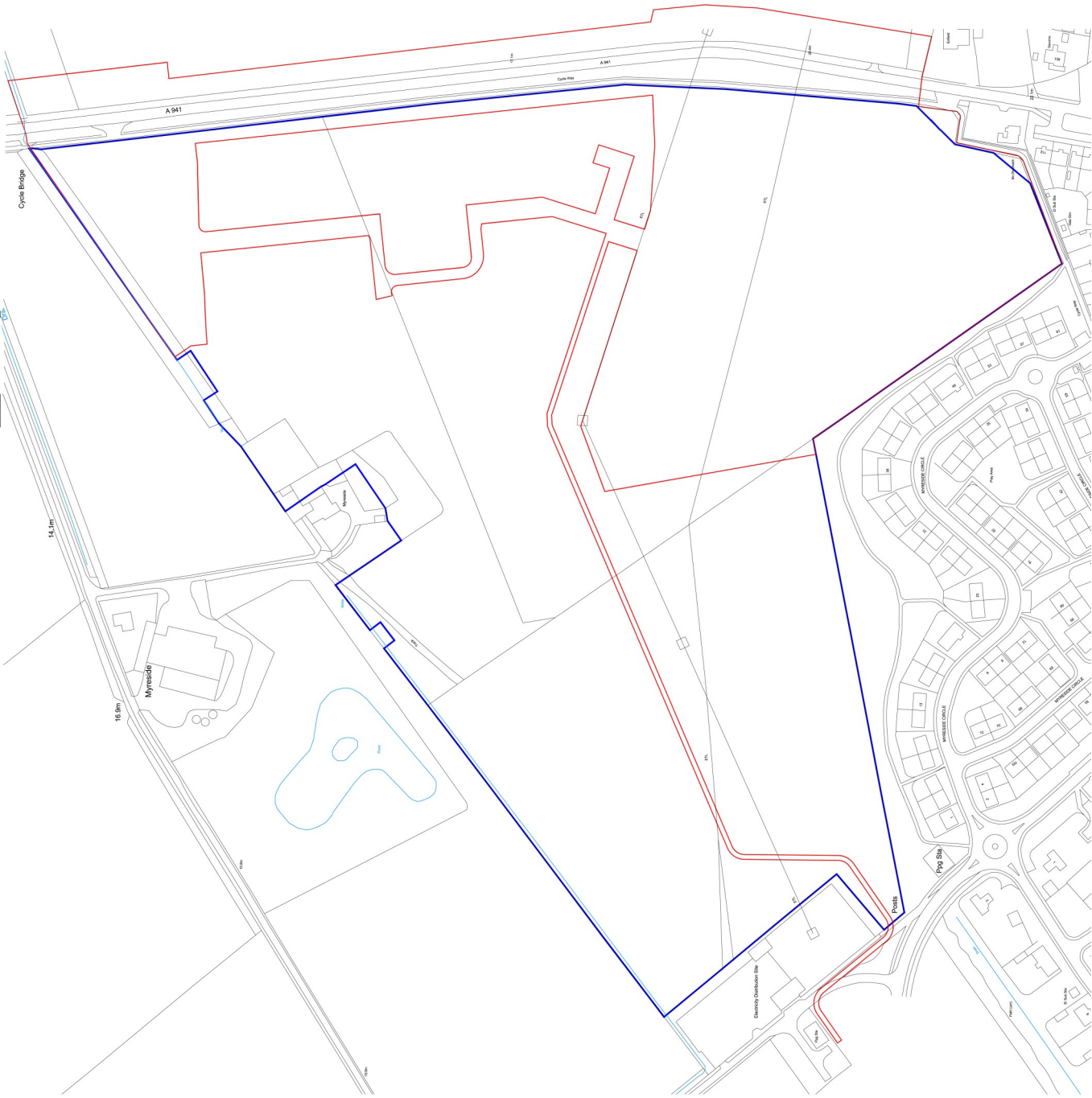
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## Location Plan



Site Location





The site plan illustrates a proposed residential development with several key components:

- Entrance A**: Features public art and leads into the main development area.
- Sales Area / Customer Services Hub**: A designated area for sales and customer services.
- Public Open Space**: Green areas interspersed among the building footprints.
- Cycle Access**: Includes existing and proposed cycle paths along the eastern and northern boundaries.
- Pedestrian Access to Boundary**: Paths leading from the development to adjacent areas.
- Site Challenge**: Notes a challenge due to topography creating space on the western boundary.
- Ground Level Retail / Commercial Units**: Located to the west of the main development.
- Myreside Circle**: The street fronting the southern side of the site.
- Setbacks and Easements**: Various lines indicating setbacks, easements, and other regulatory requirements.

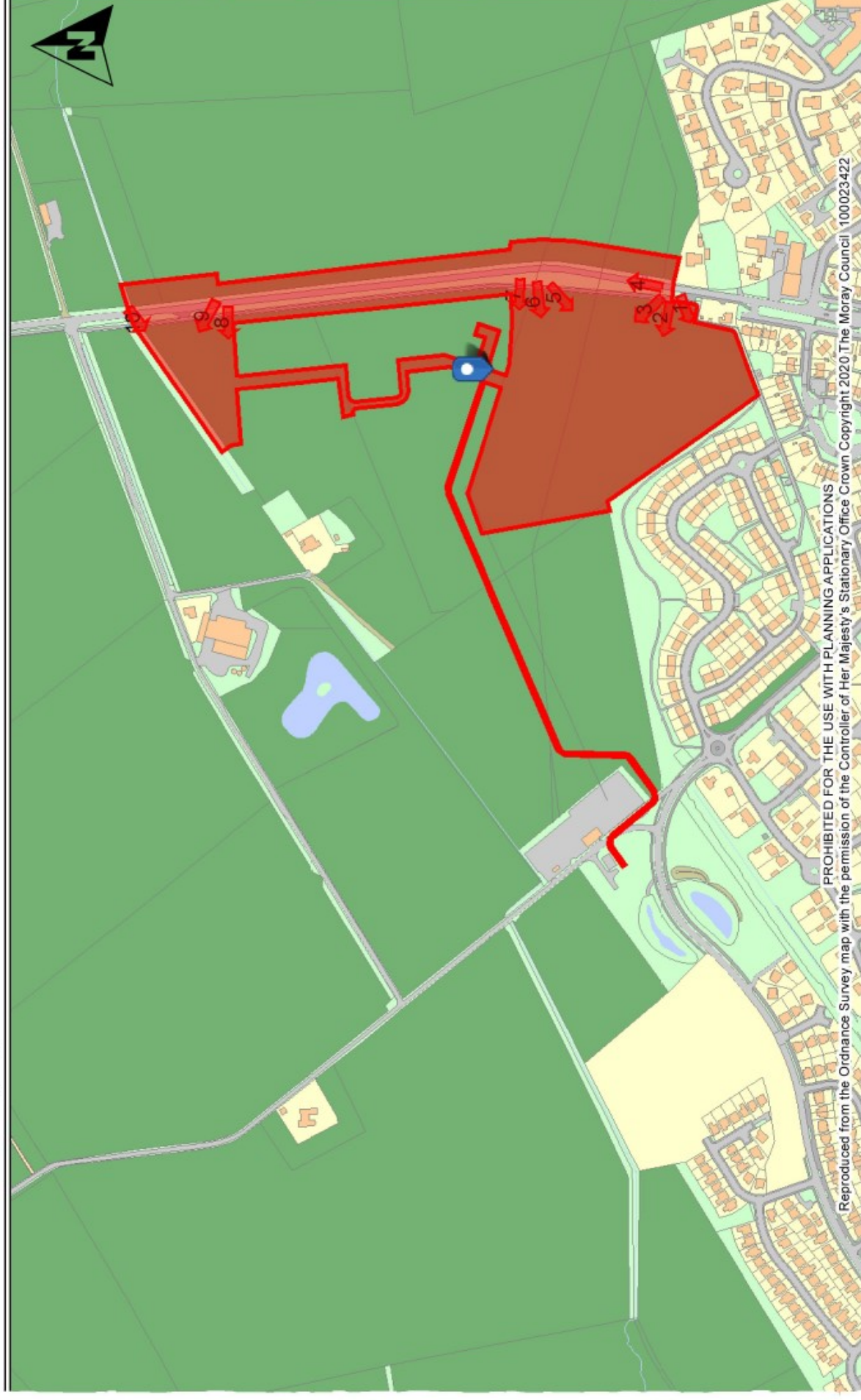
MAS

## Cycle bridge





## 20/00753/AMC - Photograph Positions



Scale: 1:5,000 @ A4



**Photo 1**





**Photo 2**



**Photo 3**





**Photo 4**



**Photo 5**





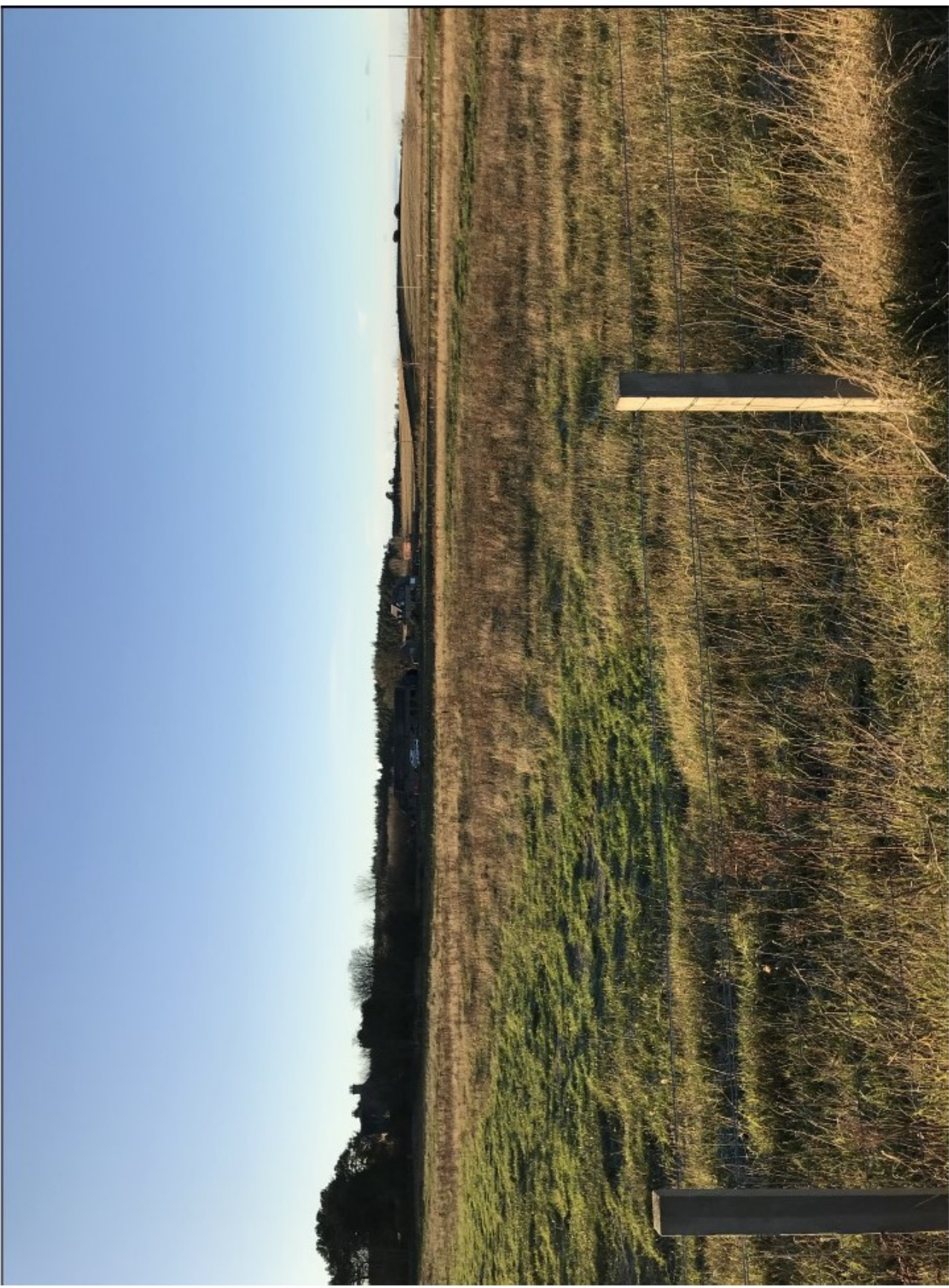
**Photo 6**





**Photo 7**

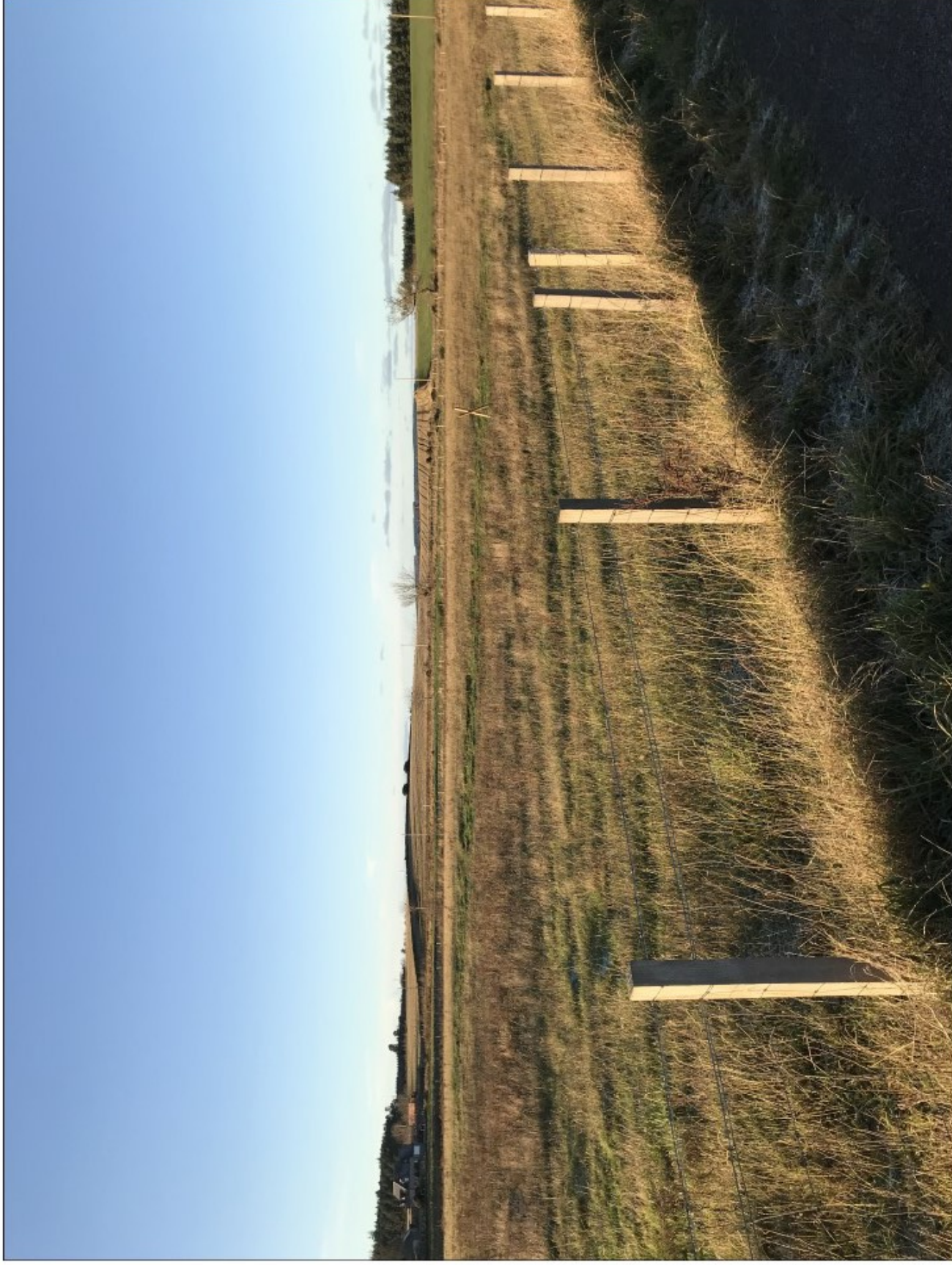




**Photo 8**



**Photo 9**





**Photo 10**





## PLANNING APPLICATION: 20/00753/AMC

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

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### **THE PROPOSAL**

- This application seeks approval of matters specified in conditions 1-17, 19, 25-34 and 36-58 on planning consent 17/00834/PPP and in relation to associated S42 application reference 19/01085/APP for a proposed residential development of 113 homes including affordable housing with landscaping, parking, access and associated works within part of Area 1 at site R11 Findrassie/Myreside Site and I8 Newfield Elgin.
- Planning permission in principle 17/00834/PPP was granted on 1<sup>st</sup> July 2019 and relates to a "mixed use development" on Area 1, comprising Class 9 residential development including affordable housing and student residential accommodation, community facilities including a primary school with playing fields, associated neighbourhood uses within Class 1 (Shops), Class 2 (Financial, professional and other services), Class 3 (Food and drink), Class 4 (Business), Class 7 (Hotel), Class 8 (Residential institutions) and Class 10 (Non-residential institutions) (Use Classes Order 1997 refers) together with associated infrastructure, for example, roads, drainage, services, open space, and landscaping including advance landscaping at sites R11 Findrassie/Myreside Site and I8 Newfield Elgin. This was granted subject to 65 conditions and a S75 legal agreement requiring developer obligations towards primary education facilities (2.5ha serviced site for a primary school), secondary education facilities, healthcare, transportation and sports and recreation facilities; and delivery of positive boundary treatment to western edge of existing electricity sub-station.
- A subsequent Section 42 application 19/01085/APP was granted consent on 18<sup>th</sup> August 2020 which approved the variation of 46 of 65 conditions of 17/00834/PPP to allow for development of the site and associated infrastructure to be built in phases through submission/approval of details of elements (including triggers for infrastructure requirements) in accordance with an overall phasing plan, also submitted and approved as part of the application.
- The current application comprises the following elements:
  - 113 residential units with associated infrastructure in housing phases E1 and E1B. This would comprise a series of roadways, cycle/footpaths and landscaped open spaces with housing laid out across the area;
  - A landscape strip (and access junctions) within Advanced Planting Area A-PE (East) along Lossiemouth Road within the eastern part of the site. This would consist of avenues of Lime trees along both sides of the A941 Lossiemouth Road and two access junctions providing access to the Elgin R11 and future development on the I8 site; and
  - A SUDs detention basin and drainage pipework within the south-eastern part of the P1 Primary Open Space phase and an associated corridor of land accommodating drainage pipework from the proposed housing phases E1 and E1B northwards across housing phases E2 and E2B.

- The housing site would be served by a single primary vehicular access onto Lossiemouth Road to the east, and a further two accesses to the west which would connect into future housing phases (E2B and E4). Footpath and/or cycle path connections are proposed to the north, northwest, northeast, southeast and southwest.
- 85 residential units would be private and 28 units would be affordable.
- Eleven private house types (all two storey) are proposed – K (3 bedroom mid and end-terraced house), C (3 bedroom mid and end terraced), M (3 bedroom semi-detached), A (3 bedroom semi-detached), D (3 bedroom two-storey semi-detached and detached), J (3 bedroom detached with integral garage), H (3 bedroom detached with integral garage), G (4 bedroom detached with integral garage), E (4 bedroom detached with detached garage), B (4 bedroom detached with detached garage) and F (4 bedroom with integral garage).
- Five affordable types are proposed – Q (1 bedroom flat (in blocks of four on two storeys), S (2 bedroom semi-detached bungalow), N (2 bedroom mid/end-terraced and semi-detached bungalows), T (3 bedroom mid and end-terraced house) and U (4 bedroom semi-detached house).
- 10% of the private dwellings would be accessible units (eight).
- The site layout would comprise three character areas (Lossiemouth Road frontage, North/Central Open Space and South/Internal Housing Pockets) with each distinguished by different material finishes to the houses and flats. These include smooth white render, pink and cream drydash render, cast/precast stone, re-constituted slates/concrete roof tiles and various window/door colours.
- Surface water drainage infrastructure would consist of a range of SUDs measures including roadside swales, a bio retention system (rain garden) and roads drainage which would discharge to a detention basin and swale within the northern part of the site (eastern part of P1, with an outfall to an adjacent watercourse (Sey Burn).
- The houses and flats would be connected to the public sewer and water supply network. This would require construction of a temporary pumping station immediately to the north of the housing Phase E1 (with a connection to the existing pumping station to the west to serve the first 100 residential units), and thereafter construction of a larger permanent pumping station/rising main which would connect to the Moray West Water Treatment Works at Lossiemouth, to serve the development beyond 100 units. This would be located on ground to the northeast of the proposed SUDs detention basin on the opposite side of the A941 and once built/operational would replace the temporary pumping station.
- Detailed landscaping plans for the site set out species, sizes, spacing and maintenance information across the site and along the adjacent A941 corridor. An accompanying Tree Survey confirms retention of the majority of trees and tree/vegetation groups surveyed, with the exception of three trees (two wild cherry and an ash), 2 small trees and crown lifting/pruning along the western boundary to accommodate proposed future footpath links to the adjacent core path EG31 and development works, and a wild cherry (and adjacent small trees) to accommodate the foul pipeline connection to the existing main to the west.
- Supporting information includes:
  - Design, Compliance and Placemaking Statement, incorporating a Sustainability Statement (revised)
  - Design Response Document (revised)
  - Landscape Scheme (revised)
  - Biodiversity Plan
  - Drainage Impact Assessment and Level 1 Flood Risk Assessment (revised)

- Noise Impact Assessment (revised)
- Construction Environmental Management Document (incorporating a Construction Environmental Management Plan and Environmental Management Plan) (revised)
- Air Quality Assessment and Dust Management Plan
- Stage 1 & 2 Road Safety Audit Report (revised)
- Tree Survey Report (incorporating tree protection measures)
- Mitigation Statement detailing measures to protect the Loch Spynie SSSI, SPA and Ramsar Sites
- Electric Vehicle charging information
- Archaeological evaluation
- Review of retail floorspace requirement report

## **THE SITE**

- The application site extends to 8.6 hectares and lies to the north of Elgin beyond its existing built-up edge. It forms part of Area 1, an irregular-shaped area of land, approximately 48.6 hectares (with planning permission in principle 17/00834/PPP and 19/01085/APP) which represents the south-eastern part of Elgin R11 Findrassie Site and I8 Newfield Elgin designations (Findrassie Masterplan), as identified in the Moray Local Development Plan 2020. The total combined area of these designations is approximately 112 hectares, i.e. 100 hectares for housing and 12 hectares for employment/business use.
- The current application site encompasses the following areas identified in the phasing plan for Area 1: housing phases E1 and E1B, Advanced Planting Area A-PE (East), the eastern part of the P1 Primary Open Space phase and an associated corridor of land across housing phases E2 and E2B to accommodate a SUDs detention basin and drainage pipework.
- No development is proposed within the Elgin I8 Newfield designation except for a 20m wide strip of landscaping located on the edge of the A941 Lossiemouth Road and two access junctions providing access for both Elgin R11 and I8 sites.
- The site is currently agricultural land and the A941 Lossiemouth/Elgin Road and adjacent cycle way. The Sey Burn runs west-east through the northern part of the site and flows into Loch Spynie.
- Agricultural land lies to the north and west (prospective phases E2, E2B, E3 and E4), the A941 and agricultural land to the east, and housing to the southwest and south. An intervening landscaped buffer between the site and existing housing also runs along the southwest boundary which contains a row of trees and the EG31 core path.
- The SEPA flood map shows the site being at 'little or no risk' from river flooding, and indicates that parts of the eastern and northern areas of the site are at risk (low, medium and high) from surface water flooding.
- Three overhead electricity power lines cross the site, and an intermediate gas pipeline passes through the eastern edge of the site which fronts onto Lossiemouth Road.
- Land within Area 1 is not subject to any landscape or natural or cultural heritage designations except in relation to known areas of archaeological interest located over parts of the site.

## **HISTORY**

**19/01085/APP** - Application approved under Section 42 to vary conditions 1-12, 14-16, 18, 20, 21, 23-25, 31, 32, 37, 38, 40, 41, 43-51, 53-58, 60-62 and 65 of planning consent 17/00834/PPP to enable the development of different parts of the approved development within Area 1 through the phased submission of information relating to each phase for which development is sought and its necessary infrastructure at Elgin R11 Findrassie/Myreside Site and I8 Newfield, Findrassie. Issued 18 August 2020.

**19/01220/AMC** - Application for Approval of Matters specified in conditions 1 - 17, 19, 23, 25-30, 37-44, 45-47, 52, 53 and 58 on planning consent 17/00834/PPP for proposed residential development of 92 homes including affordable housing with landscaping parking access and associated works within part of Area 1, R11 Findrassie/I8 Newfield – this extends to 5.3ha, forms the southern corner of the Area 1 site. Application withdrawn 29 June 2020.

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

**16/00413/PAN** - Proposal of Application Notice (PAN) for mixed use development with Class 9 residential development including affordable housing and student residential accommodation, community facilities, a primary school with playing fields, associated neighbourhood uses within Class 1 Shops, Class 2 Financial, professional and other services, Class 3 Food and drink, Class 4 Business, Class 5 General Industrial, Class 6 Storage and distribution, Class 7 Hotel, Class 8 Residential institutions, Class 10 Non-residential institutions (Use Classes Order 1997 refers) together with associated infrastructure (for example roads, drainage, services, open space, landscaping including advance landscaping) at R11 Findrassie/Myreside and I8 Newfield - response (28 March 2016) confirms the requirements for consultation with the local community.

Following consideration of the PAN, the Planning & Regulatory Services Committee advised (19 April 2016) that consideration should be given to placing overhead electricity lines underground, and to note the current pressure of school rolls in the area [paragraph 13 of Minute refers].

**16/01374/SCN** - Screening Opinion for mixed use development comprising Class 1 Shops, Class 2 Financial, professional and other services, Class 3 Food and drink, Class 4 Business, Class 5 General Industrial, Class 6 Storage and distribution, Class 7 Hotel, Class 8 Residential institutions, Class 10 Non-residential institutions (Use Classes Order 1997 refers) sui generis student residential accommodation and associated infrastructure works (including roads drainage open space and landscaping) at Findrassie - formal



Screening Opinion adopted/issued (17 October 2016) where, under the Environmental Impact Assessment Regulations 2011 (EIA) and after taking account of the characteristics and location of the development and the characteristics of its potential impact, the proposal is a 'Schedule 2 development' but would not be likely to result in significant environmental effects, hence the proposal is not EIA development and formal EIA procedures are not required.

## **POLICY - SEE APPENDIX**

## **ADVERTISEMENTS**

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

## **CONSULTATIONS**

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

**Estates Manager:** No comments received.

**Strategic Planning & Delivery:** The Findrassie Masterplan seeks to create a mixed use neighbourhood which will provide facilities such as a school, community hub, retail/commercial space, as well as a significant area of central open space for residents to enjoy. The whole masterplan area is identified in the Moray Local Development Plan 2020 as being effective for the plan period and has an indicative capacity of 1500 units. The site represents what will be the first phase of the Findrassie Masterplan and is located within the Lossiemouth Road character zone.

PP1 Placemaking, R11 Findrassie & Findrassie Masterplan SG - The purpose of PP1 is to create distinctive places with their own character and identity that support healthier lifestyles and climate change. This is reflected in the Findrassie Masterplan. The site designation text for site R11 Findrassie sets out that proposals must comply with the Findrassie Masterplan SG. The Findrassie Masterplan SG was approved in December 2015. The Masterplan is not Supplementary Guidance to the new LDP2020 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. The Strategic Planning and Development team are currently revising the Masterplan to reflect the new LDP2020 policies and ensure that the previous status of the Masterplan as Supplementary Guidance is returned.

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 NatureScot. 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 Findrassie 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.

A significant amount of work has been undertaken by officers in the assessment of the current proposal to address and negotiate revisions with the applicant. This has involved several meetings and written comments (including 3 QA's) which offered clear mitigation measures as to what was required to score a green in the QA and ensure the proposal complies with PP1 and the Masterplan.

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/Mixed Uses:** The proposal has been revised to reflect the grid/block structure of the Masterplan. 3 character areas have been provided with variation within and between each created through architectural features (walls and chimneys), colour and materials (buildings and surfaces), open spaces and landscaping. Higher quality materials comprising of reconstituted slate and smooth render will be used on buildings fronting onto Lossiemouth Road and at the north east entrance to the site. Key buildings have also been introduced throughout the development. The Masterplan requires an entrance to be created at the north-east corner of the application site within which flexible retail/commercial space is to be provided at ground floor level to create a 'sense of arrival' into the neighbourhood and activity at this location. The provision of a mix of uses is also important in creating 'walkable neighbourhoods' to serve the wider Findrassie development (not just this phase) and the surrounding area. The provision of these uses is not only a Masterplan requirement but a condition of the PPP consent. The applicant has cited that it is commercially unviable to provide these requirements within this phase however, they have agreed to provide the commercial/retail space for this phase in the next phase (by the 150<sup>th</sup> unit) immediately to the north of the application site. For the avoidance of doubt, the next phase will include the retail/commercial space required for both phases (E1 and E2). The condition that has been agreed with the applicant is to provide a minimum 570 sqm of flexible retail/commercial floorspace comprising of a minimum of 3 retail/commercial units with a minimum floorspace of 250 sqm and 1 larger unit of a minimum of 200 sqm capable of accommodating a convenience retailer within phase E2, and a review clause at a minimum of 5 years from the date of completion of phase E2. On this basis, and that a stronger frontage will be created through buildings of increased height (3 storeys) at the entrance in the next phase (E2) the proposal can be supported. Public art is be conditioned to ensure that it reflects local associations with Thomas Telford and Pitgaveny's farming legacy.
- **Car Parking:** Two streets located to the rear of properties and dominated by parking have been removed through the revised layout which more closely resembles the Masterplan. This results in a safer, more attractive development. Properties fronting onto Lossiemouth Road and the open space to the north primarily have parking located to their side and behind the building line ensuring that parked cars do not visually dominate the street, and accords with the Masterplan. Semi-mature landscaping (hedges and trees) will help to mitigate the visual impact of parked cars within front curtilages and in communal parking areas. EV charging points for

all properties and secure and covered cycle parking for flats must be provided in accordance with Transportation Services consultation response.

- Landscaping and Open Space: A central, rectangular open space incorporating a play area, rain garden, planting and benches has been provided as per the Masterplan. This will be an attractive focal point within the development. A play park is also located along the western boundary with swales provided throughout the development. Accessible play equipment/surfacing and benches/tables needs to be provided as per Parent Able's consultation response and this matter is addressed below in terms of compliance with policy EP5 Open Space. Landscaping has been enhanced and semi-mature planting is to be provided (secured by condition, if necessary). A condition is required to secure the avenue of trees along Lossiemouth Road (phase AP-E) as much as practically possible following the regular review of the road network and taking into account road and junction design and road safety issues.

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 through the LDP2015, the revisions that have been made and the conditions to be attached to a consent including the provision of retail/commercial space within phase E2, the proposal is an acceptable departure from the Masterplan and complies with the site designation text of R11, policy PP1 and the terms of conditions 3 to 10 of planning consent 17/00834/PPP and s42 application 19/01085/APP.

PP3 Infrastructure and Services - The proposal must have the necessary infrastructure and services to serve the development. Consultees have responded 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.

EV charging points must be provided in-curtilage and at all communal parking areas as per Transportation's consultation response. The Planning Policy Guidance (PPG) for the LDP2020 sets out the level of information required in this respect. Evidence must be provided to show ICT and fibre optic broadband connections for all premises.

Developer obligations pertaining to this application have previously been secured through a s75 agreement for planning application 17/00834/PPP.

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

DP2 Housing - A comprehensive layout for this phase of the Findrassie development has been provided and given the above, the proposal can be supported in this instance (subject to relevant conditions outlined in this response and other consultees being attached to any consent). The quantitative requirements for affordable and accessible housing have been met. Affordable housing is considered to be integrated within the development and has a similar architectural style and external finishes to private houses. Therefore the proposal is considered to comply with policy DP2 Housing and condition 8 of planning consent 17/00834/PPP and S42 application 19/01085/APP.

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. The applicant has provided a Biodiversity Plan in conjunction with a detailed landscape plan and shows that a number of measures will be incorporated into the layout to promote and enhance biodiversity. The plan shows that all plots will have hedgehog highways in their gardens to allow the movement of hedgehogs between plots. The plan also shows that it is proposed to introduce a number of swift bricks across the whole development which is also welcomed. As has also been discussed the open space will contain a rain garden and in conjunction with swales this will help to encourage biodiversity as well as being attractive features within the development. The layout will also feature a number of hedges as boundary treatments and planting along streets which not only helps to soften the streetscene but also promote biodiversity. A variety of shrub species that act as pollinators have been proposed throughout the development. 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 has been revised to include a central, rectangular open space within the grid/block structure. This acts as a focal point within the development and is a unifying feature to be reflected across future phases of the Findrassie neighbourhood. The open space will include a play area, rain garden, planting and seating/benches. This creates a space with a clear function and opportunities for social interaction which is important in supporting good mental health. A further play area is proposed on the western boundary of the site, along with swales and seating throughout the development.

ParentAble and the Moray Disability Forum were consulted on the proposed play equipment. Comments were provided relating to 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. These comments need to be reflected in the design of these elements. Whilst this information should form part of the application, to support the delivery of development a condition can be attached to the consent in this instance. Similarly, a condition will be required to ensure that the play areas are delivered upon completion of 50% of the character area to which they pertain and in this respect, the phasing plan will need to be updated to reflect this. A condition will also need to be attached regarding maintenance arrangements for play equipment, seating, paths, landscaping, etc.

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 & Planting – Landscaping has been enhanced throughout the development and variation in tree, hedge and shrub species help to distinguish each character area. 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. The planting of trees adjacent to Lossiemouth Road (phase AP-E) is impacted upon by the ghost island junction arrangement and associated visibility splay until an alternative road junction arrangement such as a traffic light system is necessary to serve a higher level of development. A condition will need to be attached to ensure for the provision of the avenue of trees (phase AP-E) as much as practically possible subject to the review of the road network at regular intervals and taking into account road and junction design and

road safety. Information relating to the proposed hedging and height as well as shrub species has been provided. Policy EP5 required all planting to be semi-mature and provided a condition is attached to the consent to ensure that this is provided and the landscape plan is updated to include information on the timeframe for delivery in each character area then the proposal is considered to comply with EP5, the Findrassie Masterplan SG and conditions 7, 41 and the relevant part of condition 12 of planning consent 17/00834/PPP and s42 application 19/01085/APP pertaining to phase AP-E (adjacent to Lossiemouth Road).

EP7 Forestry, Woodland & Trees - Trees exist within the application site primarily along the south-west boundary. A tree survey, protection and mitigation plan has been provided by the applicant. Whilst it is proposed to remove 3 trees along this boundary this is required to provide footpath links to the core path and enhance permeability between the proposed development and surrounding area. Given that it is technically unfeasible to retain these trees and provide the required linkages, and that a significant number of semi-mature trees will be planted within the development, the proposal is considered to comply with policy EP7 and condition 41 of planning consent 17/00834/PPP and s42 application 19/01085/APP.

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

EP15 MOD Safeguarding - The application site is located within the statutory birdstrike and the statutory height and technical safeguarding zones surrounding the RAF Lossiemouth aerodrome. The MOD have provided a consultation response which is to be taken into account in the determination of this application in order to comply with policy EP15.

**Developer Obligations:** The application is covered by the existing S75 legal agreement associated with the planning consent 17/00834/PPP and S42 application 19/01085/PPP. Developer obligations will be secured through this agreement in accordance with the schedule of payments set out within the agreement.

**Environmental Health Manager:** No objection subject to conditions requiring adherence to the measures outlined in revised Noise Impact Assessment and Dust Management Assessment, control of construction hours, insertion of glazing/ventilation to windows of dwellings within the eastern part of the site closest to the A941 (as identified in submitted plans) and the erection of an acoustic fence to plot 1. Proposed construction lighting details are also acceptable.

**Environmental Health, Contaminated Land:** No objection following review of submitted Geotechnical Report which includes an assessment of contamination.

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

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

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

**Transportation Manager:** No objection subject to the re-application of conditions 17, 18, 19, 26, 27, 28, 30, 32 and 35 attached to 19/01085/APP, and additional conditions regarding submission/approval of A941 junction details, parking provision, EV Charging and emergency access.

**Transport Scotland:** Does not propose to advise against the granting of permission. This response is on the understanding that the requirements of Condition 15 of planning consent 17/00834/PPP that restrict development to a maximum of 350 residential units, still remain applicable for this development, and Condition 15 therefore cannot be considered discharged at this stage.

**Moray Council, Housing Strategy & Development Manager:** No objection subject to a condition to ensure that the delivery of 28 units of affordable housing has been secured, prior to site start and for accessible housing, submission/approval of a site plan identifying plot numbers of accessible units (minimum 10% of private sector units), a Compliance Statement, and detailed plans/sections which demonstrate that the interior and exterior access requirements of Policy DP2(f) have been met in full and which protects these units from future changes which would result in non-compliance.

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

**Moray Flood Risk Management:** Following submission of revised drainage impact assessment and layout, no objection.

**Scottish Environment Protection Agency (SEPA):** No objection to this application in regard to the approval of matters specified by conditions 37, 38, 39, 40, 45 and 38b, 46, 47, and 49.

Conditions 37 Foul drainage and 38 Surface Water Drainage: Foul drainage proposals detailed in the revised Drainage Impact Assessment and Level 1 Flood Risk Assessment, Revision C, October 2020 including construction of a new temporary pumping station immediately to the north of phase E1 (which will discharge to the existing Scottish Water pumping station located west of the proposed development) are acceptable to SEPA. SEPA have no concerns in regard to the proposed larger permanent pumping station/rising main further north which would connect to the Moray West Waste Water Treatment works at Lossiemouth (required after completion of 100 houses).

Condition 38 Surface Water Drainage: The SUDS proposals, detention basin and swales, detailed in the assessment are acceptable to SEPA from a water quality perspective. Comments from Scottish Water, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on any water quantity and adoption issues.

Condition 39 Flood Risk: SEPA confirms that as detailed in the Condition Tracker, and for this specific phase of development it has no advice or concerns in regard to flood risk.

Condition 40 Engineering activities in the water environment: Other than a discharge pipe from the SUDS basin to the burn, SEPA understands there are no engineering activities in the water environment. Construction of the surface water outfall will fall under General

Binding Rule 6 of the Controlled Activities Regulations. As such SEPA have no concerns in relation to this aspect of the proposal.

Condition 45 CEMP and 38b: SEPA confirms that it is satisfied the information provided adequately addresses the issues covered by Condition 38b and on this basis have no objection to this aspect of the proposal. The application form states the site is 8.60 ha and as such as a Controlled Activities Regulations (CAR) construction site licence (CSL) will be required for management of surface water run-off from the construction site. We can confirm a CSL, reference CAR/L/1185636 - BDW North Scotland Limited, was issued in December 2019. As such we have no concerns regarding the matters within the condition relating to the surface water management during construction. We previously saw the Site Waste Management Plan (SWMP), dated 28th February 2020, and note a Site Compound and Waste Management drawing has been submitted and can confirm we are satisfied with the proposed waste management measures.

Condition 46 Groundwater Abstractions: SEPA welcomes the confirmation that survey information has confirmed that the identified well within 250m of the phase boundary is no longer in existence. As such there are no abstractions within the 250m limit and we have no objection in regard to this aspect of the proposal.

Condition 47 Schedule of Green Measures: SEPA welcomes the use of hedgerow meadow mix and the wetland meadow mix and promote the use of wildflower mixes and native tree species. SEPA notes a 10m buffer is provided between the SUDS features and the burn and the site layout shows green space and pedestrian access to open space. As such we have no objection to this aspect of the proposal.

Condition 49 District Heating: SEPA notes from the email of 2 November 2020 that a revised district heating plan has been submitted. Drawing no. SK040 Rev A, shows the indicative trench location for the pipework with the district heating amended to 1m from the kerb line. Further to the comments in SEPA's letter of 16 July 2020, as per its previous advice, SEPA welcomes the option "to leave space within the below ground service zone to allow pipework to be laid in the future should a District Heat Network become available" and have no objection in regard to this aspect of the proposal.

**Scottish Natural Heritage (SNH):** Submitted information meets relevant conditions 43, 44 and 45 and is satisfactory to SNH.

Condition 45: The CEMP falls predominantly under the expertise of SEPA to advise upon its suitability. SNH's interest in the CEMP is to ensure that there is one overarching document to refer to during construction and that this contains the relevant sub-plans and guidance that will be adhered to in order to prevent impacts to the environment but particularly Loch Spynie. Provided SEPA reports favourably on the content then the planning authority can be confident that necessary measures are in place.

Condition 43: This relates specifically to Loch Spynie's interests and the applicant highlights in their 'Mitigation Statement' those aspects that are within the CEMP that are designed to prevent impacts on the designated site during construction. This statement also describes how landscaping and overall design will ensure that the operational site will not result in pollution risks to Loch Spynie. SNH can confirm that the measures detailed in the statement are likely to prevent risks of pollution to Loch Spynie in the short and long term.

Condition 44: This aims to ensure that arrangements are in place to conduct pre-construction checks and implement any mitigation that is required prior to construction works. The CEMP describes the works that are scheduled to take place in advance of construction and confirms that an Ecological Clerk of Works (ECoW) will be employed. SNH notes that Species Surveys undertaken in 2019 and 2020 found no wildlife constraints within the site and considers that the measures outlined are satisfactory in terms of protection of species and that the condition is met for this application.

**Aberdeenshire Archaeology Services:** Notes that the first stage of the Programme of Archaeological works has been undertaken over the Phase 1 site (trial trenching evaluation and metal detector survey); this has indicated areas of the Phase 1 site where a second stage of archaeological works is necessary due to the presence of archaeological features, and therefore the condition cannot be purified at this time. The condition requires to remain in place until all archaeological works on site are complete, reported on, and any necessary post-excavation analysis agreed (in order to ensure protection of the historic environment in line with planning policy EP8). The condition being in place does not prevent development works from commencing in areas where the archaeological work has been completed provided the WSI outlining the required works is submitted at the beginning of the process (as it has been), those on site are aware of the archaeological requirement, and no development works are undertaken in areas where archaeological mitigation has yet to take place.

**Ministry of Defence:** Following submission of updated Drainage Impact Assessment (DIA), no safeguarding objection. MOD notes that DIA confirms implementation of design requirements to mitigate against potential birdstrike risks to aircraft operating at RAF Lossiemouth. These include ensuring that the detention basins will be generally dry, holding water only during and immediately after an extreme rainfall event, and that the irregular surface will aid drainage and not result in puddles or wet areas in the bottom of the detention basins.

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

**Scottish & Southern Energy:** Overhead lines runs throughout the site, the applicant will need to apply to have these diverted (where appropriate).

**Scotia Gas:** Following submission of information confirming positioning of development in relation to gas main (intermediate) and road crossing specification, no objection.



**Elgin Community Council** – Elgin Community Council has taken an active interest in the Findrassie development. We are delighted to see the first phase coming through to fruition. We note the developer has assessed the retail potential and we support their recommendation to postpone the provision of retail to a later phase. Whilst the report 20\_00753\_AMC-RETAIL\_REVIEW-1299531 gives a detailed economic argument, our perspective is that retail in that area is fragile as demonstrated by the closure of the Bonnie Early along the road and no replacement. In addition, the location of phase one would not attract retail until it could be integrated into a viable size of community. The effects of Covid-19 could push this back even further. In the meantime an empty unit would be on display perhaps detracting from the whole development. We would like to see a further retail appraisal prior to phase 2.

**Heldon Community Council** - HCC welcome the investment that Barratt are providing to the Findrassie masterplan in providing houses for a mixed age group along with the various external infrastructure upgrades that will benefit the whole community. There will also be a number of social housing which the Council have a large waiting lists, With Covid affecting all walks of life, economic investment should be welcome both in providing much needed facilities and providing jobs. HCC welcome the approval of this application.

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

**ParentAble** – Queries what measures are being taken for the houses to be fully accessible, including but not limited to wheelchair accessibility, and consideration given to how those with disabilities will access/egress the houses in events of fires and use of local communal spaces. For the play areas, as well as providing fully wheelchair accessible play equipment (such as swings or roundabouts) consideration should also be given to sensory play equipment such as boards and more tactile equipment and some play equipment suitable for those who are not wheelchair users but have limited abilities to hold or climb on standard swings and zip lines etc. Currently the majority of play equipment in Elgin fails to meet this need, except for 'basket swings' which appears to be a token asset. Consideration should be given to making the surface of the play areas the same height as the surrounding area (not raised as is the current state at most play areas) with the surface being of a wheel chair friendly material and not the layers of loose bark currently utilised in most play areas at this time. This not only makes taking a wheelchair onto the play area impossible but is also a considerable trip hazard for those with mobility and balance issues. Given the lack of provision of accessible play equipment in the area accessible tables and benches would be welcome for parents/carers to sit at whilst their children play.

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

## **OBJECTIONS-REPRESENTATIONS**

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

Mr Joe Allan - 94 Franklin Place Westwood East Kilbride Glasgow G75 8LS – R

Billy Miller Contractor & Plant Hire - 1 Chanonry Street Chanonry Industrial Estate Elgin  
Moray IV30 6NF - S

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

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

**Comment (PO):** The submitted Construction Environmental Management Plan accompanying the application sets out a range of mitigation measures that the developer will follow to minimise potential impact on local wildlife. These include pre-construction surveys, adherence to good practise mitigation during and post construction and the employment of an Ecological Clerk of Works (ECoW). SNH has advised that adherence to this plan should avoid adverse ecological impacts, the implementation of which shall be covered by condition.

**Issue:** Formally supports application for the first phase of development at Findrassie, proposals come forward at a crucial time given the current economic climate, important to attract investment into the area and provide certainty for employment in the region for years to come. The level of investment at Findrassie and the scale of the proposals could enable us to increase our workforce by 20% and train up apprentices which would provide a significant boost to the local economy. The applicant's commitment to utilising local suppliers and contractors, recruitment and training of apprentices and supporting former service men and women through their Armed Forces Transition programme will ensure the retention of talented individuals within our community, which is critical to future economic prosperity in Moray and the local community.

**Comment (PO):** These comments have been noted as part of the consideration of this application.

## **OBSERVATIONS**

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

The main issues are considered below.

### **Planning History**

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

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

This AMC application seeks approval of matters specified in conditions 1-17, 19, 25-34 and 36-58 of these consents, which require submission of the following information to support the development proposal (in line with the approved phasing plan):

- detailed drawings of the siting, design and external appearance of all buildings, structures/boundary treatment, access thereto, drainage, and landscaping/open space (conditions 1-13);
- design statement to demonstrate compliance with place-making principles and Design Codes/Character Zones within the Findrassie Masterplan (conditions 8, 9 and 12);
- details of provision of transportation infrastructure/information (roads, junctions, improvements to the local road network, footpaths/cycleways including route(s) to school(s), pedestrian crossings, bus laybys, construction traffic management plan etc.) (conditions 1, 2, 4, 9, 15-17, 19, 25 - 34 and 36);
- details of provision of drainage infrastructure, including pumping station (foul and surface water SUDs) (conditions 1, 2, 4, 9, 37, 38, 40, 46 and 47);
- detailed landscape scheme(s) which accord with approved Masterplan requirements (condition 7, 9, 12 and 41);
- provision of affordable and accessible housing (condition 8);
- pre-construction species surveys and mitigation measures to protect the Loch Spynie SSSI, SPA and Ramsar Sites to the north (conditions 43-45);
- Construction Environmental Management Plans (condition 45);
- mitigation measures to protect private water supplies (condition 46);
- details for the provision of a 10m buffer for watercourses and other green measures (condition 47);
- sustainability statements to demonstrate compliance with sustainability objectives (condition 48);
- details demonstrating the potential or otherwise for district heating investigations (condition 49);
- contaminated land assessment (condition 50);
- archaeological investigation works (condition 51); and
- updated noise impact assessments, external lighting, dust and air control measures (conditions 52-58).

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

The application forms part of a larger mixed use development which has been previously screened under the EIA Regulations and was not considered to be EIA development (16/01374/SCN). The associated screening opinion adopted at that time remains applicable to the current AMC proposal.

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

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

The Findrassie Masterplan SG was approved in December 2015. As highlighted within the consultation response above from the Strategic Planning and Development Team the Masterplan is not Supplementary Guidance to the new LDP2020 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. The Strategic Planning and Development team are currently updating the Masterplan to reflect the new LDP2020 policies and ensure that the previous status of the Masterplan as Supplementary Guidance is re-instated.

The conditions of the PPP and S42 identified above require AMC applications to be supported by detailed drawings showing the siting and design of all buildings, boundary treatment/structures (conditions 1 - 13), transportation infrastructure/information (conditions 1, 2, 4, 9, 15-17, 19, 25-34 and 36) drainage infrastructure (conditions 1, 2, 4, 9, 37, 38, 40, 46 and 47), open space/landscaping (conditions 7, 9-12 and 41) and supporting information including design statements to demonstrate compliance with place-making principles and Design Codes/Character Zones within the Findrassie Masterplan (conditions 8, 9 and 12). This includes taking into account provision of transportation and drainage infrastructure for each AMC application and the wider Area 1, and the advance and central landscape areas (condition 12 and 41) which are key strategic elements of the masterplan, as approved by the PPP and S42. An assessment of the plans and information submitted with this application to meet these requirements is set out within the following sections under their relevant topic headings.

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

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

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

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

The proposed layout and supporting submissions provide sufficient information to inform assessment against policy DP2 and the designation requirements. The Masterplan guidance for the current AMC application area (E1 and E1B) sets out an indicative capacity of 115 residential units, 93 houses and 22 flats. Policy DP2 states that such figures are indicative only and proposed capacities will be considered through the Quality Auditing process against the characteristics of the site, character of the surrounding area and conformity with all policies and the requirements of good Placemaking as set out in policies PP1 and DP1. The findings of the Quality Audit process carried out for this application (summarised below) confirm that the proposal would represent an acceptable form of development for this location which satisfies the principles of good placemaking, and would provide acceptable housing with private gardens and acceptable levels of public open space/landscaping in accordance with the Masterplan.

From more detailed assessment below the development satisfies siting, design and servicing requirements, provides acceptable open space/landscaping, sustainable urban drainage arrangements and avoids any adverse effects on environmental interests in accordance with the abovementioned PPP conditions and policies PP1 and DP1. It also includes provision of appropriate levels of affordable and accessible housing provision in line with policy DP2.

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

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

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

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

including design statements to demonstrate compliance with placemaking principles and Design Codes/Character Zones within the Findrassie Masterplan.

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

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

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

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

As the proposal is for 10 or more houses, a Design, Compliance and Placemaking Statement, Design Response Document and supporting information (landscape plans, topographical survey, site sections, a Street Engineering Review, Biodiversity Plan and Visualisations) have been submitted with the application which demonstrates how it meets the requirements of the Masterplan, PP1 and relevant policies. These set out the proposal has been designed to create a high quality modern placemaking focused development that residents would wish to live in, will be well-connected with good pedestrian links throughout the site and connecting into existing networks, and will provide opportunities for recreation through provision of open space and landscaped areas.

The design and layout of the scheme has been the subject of three Quality Audits to assess the proposal against the 7 fundamental placemaking principles of PP1 and the Findrassie Masterplan SG. The first two QAs showed that the layout scored reds in various categories and that further changes were required to achieve a green. In this case, a significant amount of work has been undertaken by officers in the assessment of the proposal to address and negotiate revisions with the applicant to ensure that proposal complies with PP1 and the Masterplan.

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

QA Category	QA1 Score	QA2 Score	QA3 Score (if mitigation/conditions are secured)	Mitigation/Conditions necessary to score green
Character & Identity				<ul style="list-style-type: none"> <li>Condition to secure flexible retail and commercial space (minimum 570 sq m comprising of 4 units – 3 small commercial/retail units minimum 250 sqm and 1 large retail unit minimum 200 sqm) in phase E2 (at entrance to site) (see Strategic Planning and Development Response).</li> <li>Condition detail of key buildings (e.g. elevational drawings, materials, etc.).</li> </ul>
Healthier, Safer Environments				<ul style="list-style-type: none"> <li>As set out above, condition provision of flexible commercial and retail space within phase E2.</li> <li>Condition public art to ensure this reflects local and cultural associations with Findrassie (Thomas Telford and/or Pitgaveny's farming legacy) and timeframe for delivery.</li> <li>Condition surfacing specification of footpath links to core paths and timeframe for delivery.</li> </ul>
Housing Mix				
Open Spaces & Landscaping				<ul style="list-style-type: none"> <li>Condition update to Landscape Delivery Plan to ensure central play area is delivered upon 50% of Character Area 2 (properties around open space), planting is semi-mature throughout the development, and the timeframe for delivery of planting within each character area.</li> <li>Condition detail of both play areas, surfacing and benches/picnic tables to ensure these meet accessible needs (to be agreed in consultation with Parent Able). A condition will also be required for maintenance arrangements.</li> <li>Condition provision of advanced landscaping (phase AP-E) along Lossiemouth Road subject to the review of road network at regular intervals and taking into account any junction and road design and road safety issues.</li> </ul>
Biodiversity				
Parking				<ul style="list-style-type: none"> <li>Condition to ensure planting is semi-mature throughout and timeframe for delivery.</li> <li>Condition details of freestanding EV charging post points in communal areas</li> </ul>

				(see Transportation Services consultation response).
Street Structure				
Street Layout				<ul style="list-style-type: none"> <li>Swept path details for emergency access has been provided. See Transportation Services consultation response for conditions to be attached in this respect.</li> </ul>
Street Detail				

### 1) Character and Identity/Mixed Uses

The previous QAs identified the requirement to revise the layout to reflect the block and street layout of the masterplan and to clearly distinguish character areas across the site based on street hierarchy, and to reinforce this through varying street widths, surfacing materials, use of colour and planting. The requirement for a stronger frontage at the north-east corner of the site, provision of key buildings throughout the site, use of higher quality materials along the Lossiemouth Road frontage, removal of parking from a number of street frontages and provision of flexible retail/commercial space at the site entrance was also identified. The proposal originally scored a red under this category however with conditions scores green.

PP1 states developments must provide a number of character areas reflecting site characteristics so that they have their own identity and are clearly distinguishable.

The Design, Compliance and Placemaking Statement and Design Response Document submitted to support the proposal sets out how distinctiveness has been achieved within the development.

The revised layout has been redesigned to reflect the grid/block structure of the Masterplan. Three character areas have been provided with variation within and between each created through architectural features (walls and chimneys), colour and materials (buildings and surfaces), open spaces and landscaping. Higher quality materials comprising of reconstituted slate and smooth render are to be used on buildings fronting onto Lossiemouth Road and at the north east entrance to the site, and key buildings have been also introduced throughout the development. A condition shall be attached to the decision requiring submission/approval of elevations of the key buildings.

The Masterplan requires an entrance to be created at the north-east corner of the application site within which flexible retail/commercial space is to be provided at ground floor level to create a 'sense of arrival' into the neighbourhood and activity at this location. The provision of a mix of uses is also important in creating 'walkable neighbourhoods' to serve the wider Findrassie development and the surrounding area. Notwithstanding the above, the applicant has provided supporting information and evidence that it is commercially unviable to meet these requirements within this first phase. However the applicant has confirmed that the commercial/retail space will be provided in the next phase E2 (by the 150<sup>th</sup> unit) immediately to the north of the application site. The next phase will include the retail/commercial space required for both phases (E1 and E2) and will consist of 4 units, 3 smaller units with a minimum floorspace of 250sqm and 1 larger unit of a minimum of 200 sqm capable of accommodating a convenience retailer. On this basis, and that a stronger frontage will be created through buildings of increased height (3 storeys) at the entrance in the next phase (E2) the proposal can be supported and is



considered to be reasonable alternative. A condition requiring this provision together with a review clause at a minimum of 5 years from the date of completion of phase E2 has been agreed with the applicant and shall be attached to the decision.

The provision of public art is to be conditioned to ensure that it reflects local associations with Thomas Telford and Pitgaveny's farming legacy.

In line with PP1 the applicant has also submitted suggest street naming to retain and enhance local associations with the area.

### **Healthier, Safer Environments**

The previous QAs identified the need to redesign the site layout to create a clearer street hierarchy, legible layout and safer environment through varied design/materials/building lines, provision of open spaces and streets with natural surveillance, accessible play equipment, seating, links to the core path network and public art to reflect local associations. Under this heading the proposal originally scored red, but with conditions scores green.

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

As shown in the revised layout, within the development all houses front onto the street and open spaces, with public fronts and private backs creating a safe development. The streets have also been designed to naturally slow traffic down.

Open spaces across the development would be overlooked, benefitting from natural surveillance and be equipped with accessible play equipment. Seating areas are provided to encourage people of all ages and mobility's to interact, participate in activity and rest and reflect. Multiple access links to the surrounding footpath and cyclepath network are provided, along with public art at the site gateway. Conditions covering these matters (details, timescale of provision and maintenance arrangements) shall be attached to the decision notice.

### **Housing Mix**

A comprehensive layout for this phase has been provided in line with policy DP2, and the proposal is acceptable subject to conditions regarding provision of affordable and accessible housing. The quantitative requirements for affordable and accessible housing, required by DP2 and as outlined within condition 8 of the planning consent 17/00834/PPP and S42 application 19/01085/APP have been met.

In accordance with DP2 affordable housing is considered to be integrated within the development and has a similar architectural style and external finishes to the private houses.

The application provides information indicating the location of accessible housing across the site and confirmation that this will satisfy the above standards. As recommended by the Housing Strategy and Development Manager the requirement for submission of a finalised layout and detailed dimensioned floorplans shall be conditioned.

## **Open Spaces/Landscaping**

The previous QAs identified issues with the size and functionality of the central open space within the development, and required it to be enlarged to reflect the masterplan and include a relocated play area (originally proposed along the southern edge of the site). In addition there was also insufficient information provided in respect of landscaping across the site and a lack of seating provision. On this basis the proposal originally scored red, however with conditions scores green.

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

The layout has been revised to include a central, rectangular open space within the grid/block structure. This will be an attractive focal point within the development and a unifying feature to be reflected across future phases of the Findrassie neighbourhood. The open space will include a play area, rain garden, planting and seating/benches; this will create a space with clear function and opportunities for social interaction, important in supporting good mental health. A further play area is proposed on the western boundary of the site, along with swales and seating throughout the development.

ParentAble and the Moray Disability Forum were consulted on the proposed play equipment and provided comments relating to the suitability of the play equipment, surfacing and benches/tables to ensure that it can be accessed and enjoyed for a variety of users to ensure inclusivity. To address this the applicant has submitted indicative details of play equipment/surfacing and benches/tables; submission/approval of details of equipment and delivery upon completion of 50% of the character area to which they pertain shall be addressed by condition. This provision will require the submitted phasing plan to be updated. A further condition shall also be attached to ensure planting is semi-mature in line with policy PP1.

The open space provision meets the accessibility, quality and quantity standards set out in Policy EP5. This requires a 20% open space allocation for new developments of 51-200 units and for open space in terms of quality standard to achieve a very good quality score of at least 75% following assessment against the five criteria using bullet point prompts. The actual area containing the residential development is approximately 4.9ha and associated adjacent publicly accessible green space extends to 1.25 ha, which represents 25% of this part of the site. An assessment against the quality criteria of EP5 was also undertaken during the QA which resulted in the proposed layout achieving a score of over 75% in accordance with Policy EP5 based on the following:

- Well located, attractive open spaces have been provided within the development.
- Open spaces are multifunctional incorporating play areas, open spaces, seating and landscape buffers.
- Detailed landscaping plans have been provided to deliver high quality greenspaces with seasonal and sensory variation.
- A permeable network of paths and cycle routes provide access to adjacent development.
- Seating areas have been provided within open spaces to create areas for rest and reflection.
- Public art is being incorporated into the open spaces in the design of the seating

- areas.
- There are good levels of natural surveillance.

Landscaping has been enhanced throughout the development, with variations in tree, hedge and shrub species to distinguish each character area. 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, including phase AP-E (adjacent to Lossiemouth Road). Information relating to the proposed hedging and height as well as shrub species has also been provided. Policy PP1 requires all planting to be semi-mature, a condition shall be attached to the consent to ensure that this is provided and the landscape plan is updated to include information on the timeframe for delivery in each character area.

Following the submission of the most recent revised plans, a ghost island junction arrangement has been agreed with Transportation Services from the internal east-west route onto the A941. This junction arrangement will be in place until a traffic light system is implemented when a specified level of development is reached. Given that the ghost island junction arrangement requires a longer visibility splay, the avenue of trees along Lossiemouth Road as envisaged by the Masterplan cannot be implemented in their entirety until the traffic light system is operational. A condition is required to ensure that the avenue of trees is implemented as much as practically possible taking into account any road and junction design and road safety issues.

On this basis the proposal would comply with PP1, EP5, the Findrassie Masterplan SG and conditions 7, 41 and the relevant part of condition 12 of planning consent 17/00834/PPP and S42 application 19/01085/APP pertaining to phase AP-E (adjacent to Lossiemouth Road).

### **Biodiversity**

The previous QA(s) identified the need for a biodiversity plan to show how the development will contribute to biodiversity, and in the absence of this information the proposal was initially scored red.

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.

The applicant has provided a Biodiversity Plan in conjunction with a detailed landscape plan, which sets out various measures to be incorporated into the layout to promote and enhance biodiversity. The plan shows that all plots will have hedgehog highways in their gardens to allow the movement of hedgehogs between plots, and that it is proposed to introduce a number of swift bricks across the whole development. As already outlined, the open space shall contain a rain garden and in conjunction with swales this will help to encourage biodiversity as well as being attractive features within the development. The layout will feature a number of hedges as boundary treatments and planting along streets which will help to soften the streetscene and promote biodiversity. A variety of shrub species that act as pollinators have also been proposed throughout the development. On the basis of the measures set out within the Biodiversity and Landscape plans (to be covered by condition) the proposal complies with EP2.

## **Car Parking**

In the previous QAs concerns were raised in respect of the dominance of parked cars on the streetscene, shortfalls in visitor parking, garages (integral and detached) not meeting internal dimensions and lack of Electric Vehicle charging information. As a consequence the original proposed layouts scored red. The revised layout addresses the points raised and subject to conditions scores green.

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

The proposals have been revised and car parking arrangements reconfigured with additional landscape planting provided to reduce the dominance of parked cars on the streetscene. The layout has been redesigned to ensure that the quantitative requirement whereby a minimum of 50% of car parking must be located to the side or rear and behind the building line has been met. Two streets previously located to the rear of properties and dominated by parking have been removed through the revised layout which more closely follows the Masterplan. This results in a safer, more attractive development. Properties fronting onto Lossiemouth Road and the open space to the north primarily have parking located to their side and behind the building line ensuring that parked cars do not visually dominate the street, and accords with the Masterplan.

Semi-mature landscaping (hedges and trees) as detailed within the landscape scheme will mitigate the visual impact of parked cars within front curtilages and in communal parking areas.

The shortfall in visitor parking for communal/remote areas and detached garages (not meeting standards) has been addressed to the satisfaction of Transportation Services through the provision of additional spaces in communal areas and enlarged detached garages. Whilst integral garages do not meet the internal dimensions 7m x 3m this shortfall in parking has been addressed by the provision of additional on plot parking.

Electric Vehicle charging points for all properties are also to be provided in accordance with condition 30 of planning consent 17/00834/PPP and S42 application 19/01085/APP, policy PP1, DP1 and EV Charging guidance.

## **Street Structure, Layout and Detail**

The previous QAs identified the need for the layout to be redesigned to better reflect the masterplan grid plan and to provide a clearly defined street hierarchy through the use of different widths/designs/materials/landscaping. Under this category the proposal originally scored a red, but with conditions scores green.

PP1 requires developments to provide a clear hierarchy of streets which can be reinforced through street width, building density, materials, hard/soft landscaping and tree planting. A variety of tree planting and shrubs is provided along routes within the three character areas reflecting and accentuating the street hierarchy.

The revised development layout has a permeable layout that will encourage walking and cycling. A street hierarchy has been introduced through the use of contrasting surface

materials and design features on the different streets which will add to the character of the site, aid navigation and naturally slow traffic.

PP1 states that design principles for street layouts must be informed by a Street Engineering Review (SER) and align with Roads Construction Consent. An acceptable Street Engineering Review has been provided to support the proposals.

Overall, the proposed revised layout represents an acceptable standard of design on this designated housing site in Elgin which incorporates the principles of good placemaking, as set out in PP1 of the MLDP 2020, achieving scores of green under each of the design principles outlined in the above QA subject to conditions addressing requirements (where identified).

Whilst the proposal does not fully comply with the Masterplan it is considered that due to its status being lower than that previously afforded as Adopted Supplementary Guidance through the LDP2015, the revisions that have been made and conditions to be attached (including the provision of retail/commercial space within phase E2), the proposal is an acceptable deviation from the Masterplan, complies with the site designation text of R11, policy PP1 and the terms of conditions 1 to 13 of planning consent 17/00834/PPP and S42 application 19/01085/APP.

#### **Amenity (privacy and light) (DP1)**

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

The proposed development would be sited to the north/northeast and east of existing housing. Intervening features between the site and this existing housing currently includes an amenity strip, the EG31 core path, a row of trees and fencing along the southwest site boundary, and a cycleway, grass verge and fencing along the southern boundary.

The submitted layout and design involving dwellings positioned along these boundaries in various configurations, coupled with these intervening features, proposed 1.8m fencing and an area of amenity/open space within the southern part would ensure that adequate separation distance between existing and proposed properties and acceptable amenity levels are maintained.

The layout and design would therefore relate satisfactorily to the amenity of the surrounding area and neighbouring properties, and reflect the character and pattern of other existing nearby housing developments, in accordance with policy DP1.

#### **Transport and Access (R11, I8, PP1, PP3, DP1 and DP2) (Conditions 1, 2, 4, 9, 12, 15 - 19, 25 - 34 and 36);**

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

The submitted AMC application supported by transportation drawings, Traffic Impact Assessment(s) and Stage 1 and 2 Road Safety Audits seeks to discharge several of these

transport related conditions for this site/phase and proposes a number of off-site junction improvements at various triggers. This information has been assessed by the Transportation Section and observations are set out below.

Policies PP3 Instructure and Services and DP1 Development Principles (ii) Transportation require development to be planned and co-ordinated with infrastructure to ensure places function properly, and proposals are adequately served by infrastructure and services. Policy PP1 Placemaking and DP2 Housing require proposals on designated sites to be supported by Placemaking and a design statement addressing roads infrastructure, access for pedestrians, cyclists, public transport and service vehicles.

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

Conditions 1, 2, 4, 9(b) and 25 to 30 - Site layout and transportation infrastructure: These conditions require submission of site layout information for each AMC proposal/phase of development, including provision of access junctions onto the surrounding public road network, internal transport network arrangements for road, footpaths and cycle networks, parking provision and details of routes to schools including walking and cycling infrastructure (on and off-site), to be in accordance with the Findrassie Masterplan. Associated conditions 25 to 30 for each development proposal set out specifications/requirements regarding positioning of fencing/hedges/walls in relation to the edge of carriageways, visibility, parking, secure cycle parking and electric vehicle charging. The submitted site layout and associated engineering plans/information sets out the transport infrastructure for the development, has been assessed by the Transportation Section and confirmed as acceptable subject to conditions regarding the site access junction design, visibility splays, parking provision, Electric Vehicle (EV) charging infrastructure details.

Conditions 16 and 25 - Public Transport: These require details of the provision for public transport for each phase including bus stop infrastructure (laybys, shelters and flags within the 400 metre walking isochrones for that phase), widening of road bends and provision for bus services. The submitted plans and information detailing public transport infrastructure satisfies these requirements for this phase of development and are acceptable to the Transportation Section.

Condition 17 – Southern access from the A941 Elgin to Lossiemouth Road: This condition requires development accessed from the A941 (the current AMC proposal) to be supported by detailed drawings showing the location, design specifications and timescale for delivery of the southern access to the development on the A941, along with a Stage 1/2 Road Safety Audit for the proposed junction and any other works proposed on the A941 e.g. bus laybys and pedestrian crossings. The proposed Ghost Island junction submitted is a change to the signalised junction shown on the Masterplan. A Ghost Island

junction has been determined necessary for the initial phases of the masterplans development until a reduction to the existing national speed limit on this section of the A941 can be supported following further frontage development. This suspensive condition must be reapplied to address the requirement for further submissions and the approval of details (Road Safety Audit and design details) required to achieve this.

Condition 18 - Northern access from the A941 Elgin to Lossiemouth Road: This requires, prior to the commencement of the 50th housing unit accessed from the A941, detailed drawings showing the location, design and timescale for delivery of the northern access to the development on the A941, supported by a Stage 1/2 Road Safety Audit for the proposed junction and any other works proposed on the A941 e.g. bus laybys and pedestrian crossings. The applicant has confirmed that this does not form part of the current application and that a further AMC application to address this requirement shall be submitted in due course. The Transportation section has confirmed that this is acceptable subject to the safeguarding of visibility splays 9 metres by 215 metres in both directions.

Condition 19 - Emergency access: This requires, prior to the commencement of the 51st housing unit accessed from the A941 Elgin - Lossiemouth Road, details of provision of a second point of access and/or a route to enable an emergency access for use by all emergency vehicles, pedestrians and cyclists. Details outlining the location of an access within the south eastern corner of the site have been submitted, the principle of which is acceptable to the Transportation Section. To facilitate full purification however, the submission/approval of further details (construction details and bollards/gating to prevent informal use) is required and a suspensive condition requiring these details is recommended by the Transportation Section.

Condition 30 – This condition requires provision of parking to satisfy the relevant current parking standards. The current standards are taken from the 2020 Moray Local Development Plan. The provision of secure cycle parking for flats is highlighted and for plots 49-56 within the development this has been addressed by the provision of individual allocated garden spaces to enable flat owners to provide their own secure facility. Electric Vehicle (EV) provision has been shown for all plots and is acceptable subject to further details on the specifications for any infrastructure not wall or garage mounted within the curtilage of the plot. The proposed parking provision is acceptable to the Transportation Section.

Condition 31 – Active Travel: This requires for each phase/application, the submission of details and timescales for provision of active travel corridors and connections between the development and Elgin Core Paths EG31 and EG33 to the west/south of the current AMC application site, and an indicative network of active travel corridors linking that phase and remaining phases with the wider existing/committed network. The submitted design statement and site layout plans include information outlining an indicative network of active travel corridors between the application site and future phases/wider area and adjacent core paths. To allow for full purification of this part of the condition, submission and approval of further details (design specifications, delivery timescale and maintenance of connections to the adjacent core path network) shall be covered by condition. The Moray Access Manager considers that the proposal will provide good connectivity to neighbouring paths. The Transport Section have an interest in part (b) of this condition and the provision of off-site cyclepaths, and advise that this part of the condition is not triggered by the current application (E1) or Phase E2, but should be re-applied to future applications. A condition shall be attached confirming that this condition continues to remain applicable to the wider PPP development and future AMC applications.

Condition 32 – Construction Traffic Management Plan: This condition seeks submission and approval of a Construction Traffic Management Plan to address construction traffic management, road safety and amenity impacts during works. The application is supported by a 'Traffic Plan' which details the temporary site compound and operational details. A Construction Programme has also been submitted which Transportation have advised is insufficient as it does not relate to all plots. The Transportation Section has recommended that the condition should be reapplied to ensure the missing details (construction programme, duration of works, measures to be put in place to prevent loose material being deposited on the public road) are provided and agreed.

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

Condition 34 - A941/Morriston Road signalised junction: This conditions requires submission of design details and delivery timescales for improvements to the A941/Morriston Road junction prior to commencement of any part of the development. Modelling information within the Transport Assessment indicates that the current junction will operate within acceptable limits for the current application. However, junction improvements would be required once the modelled phasing for 150 units is taken into account which would correspond with the development of phase E2 to the north. Transportation Section considers it reasonable to exclude the requirements of this condition for the current application. With this in mind the requirement for improvements at this junction is not triggered by the current application and the need for mitigation will be re-visited when subsequent AMC applications are submitted. Transportation recommend that this condition remains applicable to the wider PPP development and future AMC applications. A condition shall be attached confirming that this condition continues to remain applicable to the wider PPP development and future AMC applications.

Condition 35 - A941/Morriston Road signalised junction: This requires, prior to the commencement of the 50th residential unit, submission of evidence to demonstrate control of the land through ownership or legal agreement to deliver the junction improvements at the A941/Morriston Road (Condition 34), delivery timescales and thereafter provision of the improvements prior to commencement of the 100th residential unit. This condition does not form part of the current AMC application however the current application would trigger this requirement. Details have been submitted which confirm the indicative junction improvement details which are acceptable to the Transportation section in principle subject to details and Road Safety Audit. The applicant has confirmed that a separate AMC application will follow in due course. Transportation recommend that this condition should be re-applied to the current application.



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

Condition 12 – Advanced Planting Area AP-E (East): This condition requires the submission and approval of landscaping proposals along the Lossiemouth Road corridor prior to completion of the 25th residential unit, and thereafter planting prior to completion of the 50th residential unit. The submitted landscape plan proposes two rows of lime trees along each side of the road, some of would encroach into visibility splays (9 metres x 215 metres) at the two proposed access junctions, affecting road safety. To address this a condition shall be attached to the AMC decision requiring submission/approval of a revised landscape scheme showing no trees within the visibility splays, and thereafter a review of the visibility splays within 3 years of commencement of construction (and if required, subsequent reviews until such time as the splay is reduced (due to for example, junction design changes i.e. traffic signals etc.) to allow for re-submission/approval of a revised landscape showing the re-introduction of these trees).

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

Conditions 20 to 24 inclusive refer to access junctions for development accessed from the C24E Covesea Road 300m to the west of the current AMC application, and to modifications to the A941/Myreside Road junction and western end of Myreside Road to be upgraded to a primary route with pedestrian and cycle facilities. These requirements are not applicable for the current AMC application as it is remote from these parts of the Area 1 site (which lie to the west and north), and does not propose the formation of any access onto Covesea Road.

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

On the basis of the above, the proposal would accord with the transport requirements of policies R11, I8, PP1, PP3, DP1 and DP2 of the MDLP 2020 and would satisfy the relevant conditions for the current AMC application.

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

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

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

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

Associated policies PP3 Infrastructure and Services and DP1 Development Principles (iii) Water Environment, Pollution, Contamination require development to be planned and co-ordinated with infrastructure to ensure places function properly, and proposals are adequately served by infrastructure and services in terms of foul and surface water drainage and water supply. Policy EP12 Management and Enhancement of the Water Environment requires surface water from development to be dealt with in a sustainable manner (SUDs) that has a neutral effect on the risk of flooding or which reduces the risk of flooding, including temporary/construction phase SUDs. The R11 designation requires submission of Flood Risk and Drainage Impact Assessments to support applications.

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

Conditions 1, 2, 4, 9 and 37 - Foul Drainage: Submitted layout plans show the proposed foul drainage network along with connections between the development and public foul drainage network. This would involve the initial construction of a temporary pumping station immediately to the north of the housing Phase E1 with a connection to the existing pumping station to the west to serve the first 100 residential units, and thereafter the construction of a larger permanent pumping station/rising main further north which would connect to the Moray West Water Treatment Works at Lossiemouth, to serve the development beyond 100 units. This would be located on ground to the northeast of the

proposed SUDs detention basin on the opposite side of the A941 and once built/operational would replace the temporary pumping station. Provision of both elements, including submission/approval of further details of the temporary and permanent pumping station/rising main shall be covered by condition. The permanent station/main will also require to be subject of a separate planning application (as this lies outwith the red line boundary of the original PPP/S42 consent) to be submitted and approved prior to completion of 25 units, and installed prior to completion of the 100<sup>th</sup> unit. This has been agreed by the applicant. Scottish Water have raised no objection to these proposals, subject to advisory comments regarding capacity, application procedures and asset protection. SEPA have also raised no objection on the basis that the foul drainage will not discharge to the nearby water environment.

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

Condition 38 b) - Construction phase surface water management plan (CPSWMP): A CPSWMP contained within the Construction Environmental Management Plan and an associated drawing set out measures to ensure protection from surface water run-off during construction. SEPA has confirmed that it is content with this information and that this element will also require a construction site licence (CSL) under the Controlled Activities Regulations (CAR).

Condition 39 - Flood Risk: The application includes a Flood Envelope plan and site level plans, these show that no development is proposed within the flood risk area and that finished floor levels of the proposed housing development which lies 300m to the south of the area are to be set well above specified flood event levels (as detailed in the submitted Drainage Assessment and Flood Risk Assessment). SEPA and Moray Flood Risk Management have reviewed this information and have raised no objection in terms of flood risk.

Condition 40 - Engineering activities in the water environment: The current application proposes no work to the water environment other than a discharge pipe from the SUDS detention basin to the adjacent burn. With this in mind, and noting that there are no engineering activities in the water environment, SEPA has advised that it has no concerns in terms of impact on the water environment, and that construction of the surface water outfall will fall under General Binding Rule 6 of the Controlled Activities Regulations.

Condition 46 - Groundwater Abstractions: This condition seeks submission/approval of details which demonstrate that there are no private water supplies within 250m of the phase. The application includes confirmation that survey information has confirmed that a previously identified well within 250m of the phase boundary is no longer in existence. As such there are no abstractions within the 250m limit identified, and SEPA has advised that it has no objection in regard to this aspect of the proposal.

Condition 47 - Schedule of Green Measures and 10m buffer: Landscape proposals submitted with the application include the use of hedgerow meadow mix and wetland

meadow mix, wildflower mixes and native tree species around the SUDs basin and beyond. The proposals include provision of a 10m buffer between the SUDS features and the burn and the site layout shows green space and pedestrian access to open space. SEPA has confirmed that it welcomes this provision and that it has no objection to this aspect of the proposal.

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

**Pollution Control (R11, DP1 and EP14)  
(Conditions 45, 50, 53 - 58)**

Conditions 45, 50, and 53 to 58 inclusive seek to address potential pollution impacts from development on the environment and amenity for each phase of development. These include the requirement for applications to be supported by Construction Environmental Management Plans (CEMP) to address potential pollution risks from development that might adversely affect the environment and amenity (condition 45), contaminated land assessments (condition 50), updated noise and construction noise impact assessments (conditions 53, 55 and 58), and measures to control external lighting (condition 54), dust (condition 56) and air quality (condition 57).

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

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

Condition 45 – Construction Environmental Management Plan (CEMP): The application is supported by a site specific Construction Environmental Management Document for phasing zone E (encompassing E1 to E4), which incorporates a Construction Environmental Management Plan and Environmental Management Plan. This sets out measures that will be adopted/implemented by contractors, including best practice to manage/mitigate the impact of the construction phase upon the environment together with account of materials, soil, waste, surface water run-off (in terms of water quality and quantity) and ecological mitigation measures. SEPA has reviewed this information and confirmed that it is satisfied that the measures outlined within the plan would minimise impacts of the development upon the environment. Adherence to this plan shall be addressed by planning condition. SEPA has also advised that given the size of site, a construction site licence (CSL) under the Controlled Activities Regulations (CAR) is required for management of surface water run-off from the construction site and that this has been issued.

Condition 50 – Contaminated Land Assessment: The Geotechnical Design and Environmental Risk Assessment Report accompanying the application has established

that site is not subject to land contamination and is suitable for residential development. The Contaminated Land Section has reviewed this information and has raised no objection to the proposed development.

Conditions 53 - Noise Assessment (for development in proximity to sub-station): Supporting information submitted with the application highlights that the separation distance between the site and Elgin sub-station to the west is substantial (300m) negating the requirement for a Noise Impact Assessment at this stage to assess impacts from the sub-station. The Environmental Health Section has agreed that the proposal is sufficiently distant from the Elgin Sub-station to require consideration of this aspect as part of the current application.

Condition 54 - Lighting: Details of temporary lighting during construction have been submitted to address this condition which comprise lighting on three 9m high towers positioned to minimise light spill or glare exiting the site. The Environmental Health Section has assessed these arrangements and is satisfied that no significant light pollution would occur. A condition is recommended requiring implementation of these arrangements, with no further lighting permitted unless otherwise agreed.

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

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

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

Condition 58 - Noise Impact Assessment (Road Traffic): The Noise Impact Assessment (revised) submitted with the application addresses the potential effects of road traffic noise on the dwellings within the eastern part of the site closest to Lossiemouth Road and sets out acoustic mitigation measures for a number of properties, including installation of double glazing (with trickle vents) and solid close boarded fencing (with acoustic performance), as identified in submitted plans. The Environmental Health Section has reviewed this scheme, is content with the proposed mitigation and has raised no objection subject to conditions requiring adherence to the scheme.

The proposal includes a small sub-station within the open space along the western site boundary; approval of details of this infrastructure shall be covered by condition as recommended by the Environmental Health Section.

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

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

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

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

As required by the condition and in line with DP2 the submitted plans include provision of 28 affordable units which represents 25% contribution to affordable housing. The mix meets the current need for affordable housing as identified in the Local Housing Strategy and is acceptable to the Housing Strategy and Development Manager. It is also considered to be tenure neutral as the affordable homes have the same external material finishes to other homes elsewhere on the site. A condition requiring arrangements for delivery to be agreed shall be attached, as recommended by the Housing Strategy and Development Manager.

Based on supporting information 10% of the private sector homes (eight, 2 storey units) will be built to wheelchair accessible standard in accordance with DP2 policy requirements and associated policy guidance of the MLDP 2020. Although this provision does not include 50% bungalows, this requirement, which derived from previous supplementary guidance has been superseded by the requirements of the new/equivalent policy DP2 and associated guidance which no longer requires single storey units. As such this provision meets policy DP2, associated guidance and the requirements of the condition. A condition requiring submission/approval of details identifying the location of the accessible plots, compliance statement and detailed floorplans demonstrating compliance with DP2 shall be attached as recommended by the Housing Strategy and Development Manager.

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

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

4) to address potential pollution risks on local ecological receptors during construction (condition 45).

Associated policy EP1 Natural Heritage Designations seeks to protect to nature conservation interests from adverse development impacts, and where proposals are likely to have an effect on European Site designations (not connected with conservation management) for these to be subject to appropriate assessment which has ascertained that there will be no adverse effect on the integrity of the site(s). It also seeks to avoid adverse impacts on protected species through submission of species surveys and mitigation of any identified impacts. DP1 Development Principles (iii) Water Environment, Pollution, Contamination and EP14 Pollution, Contamination and Hazards further seek to ensure that new development does not create pollution which could adversely affect the environment, and where impacts are identified, that these include appropriate mitigation. The R11 designation requires proposals to demonstrate no adverse effect on the integrity of Loch Spynie SPA by minimising/preventing pollution reaching watercourses during construction and to be supported by a Phase 1 Habitat Survey.

Submitted supporting information comprising a Mitigation Statement, Protected Species Surveys (2019 and 2020) and Construction Environmental Management Document/Plan (CEMP and Pollution Prevention Plan (PPP)) provide the necessary information required to meet the above conditions and policy requirements.

Condition 43 - Mitigation Statement: The submitted Mitigation Statement sets out a range of measures designed to prevent adverse impacts and protect the water quantity/quality of Loch Spynie SPA, Ramsar Site and SSSI during construction and the operational life of the development. These include adherence to the submitted CEMP and Pollution Prevention Plan, good practice site management/staff training, employment of an Environmental Clerk of Works (ECoW) to ensure the CEMP/PPP is being followed, provision/maintenance of a 10m vegetated buffer between Sey Burn and construction works, silt fencing, and surface water mitigation strategies amongst various other measures. These also set out that the overall design incorporating the SUDs basin and swales to treat surface water run-off from the development and landscaping to further help reduce surface water run-off would ensure that the operational site will not result in pollution risks to Loch Spynie. SEPA is content with this information. Similarly SNH has assessed this information and confirmed that the measures detailed in the statement would prevent risks of pollution to Loch Spynie in both the short and long term, and is sufficient to satisfy the condition.

Condition 44 - Pre-construction Species Protection Surveys: The CEMP and Protected Species Surveys outline pre-construction checks which are to be undertaken by the project ecologist/Environmental Clerk of Works (ECoW) in order to minimise adverse impacts and avoid death/injury to species during construction. These include checks/watching briefs for newly created badger setts within or immediately adjacent to the site, nesting birds, hedgehog and brown hare within dense scrub/vegetation to be removed and otter and vole within 10m of any watercourse. These documents also set out a range of recommended good practice mitigation measures that the developer will adopt during and post construction to minimise to avoid adverse impacts on protected species across the site and wider area. The Species Surveys undertaken in 2019 and 2020 found no ecological constraints within the site (other than the presence/activity of birds which typically nest in the habitats on site) although evidence of badger sett was found on adjacent land. SNH has advised that it considers these measures are satisfactory in terms of protection of species and that the condition is met for this application.



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

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

During the course of consideration of the PPP application (and S42 application) and in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994, as competent authority, Moray Council (in consultation with SNH) undertook an 'appropriate assessment' which concluded that the development will not adversely affect the integrity of Loch Spynie. With implementation of the measures outlined in the abovementioned mitigation statement, CEMP and Pollution Prevention Plan, and as agreed with SNH the adopted assessment and findings remain applicable to the current AMC application.

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

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

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

A written scheme of investigation (WSI) and archaeological evaluation (Phase 1 Data Structure Report) have been submitted with the application. The Aberdeenshire Archaeology Service has reviewed this information and advised that the first stage of the Programme of Archaeological works has been undertaken over the Phase 1 site (trial trenching evaluation and metal detector survey); this has indicated areas of the Phase 1 site where a second stage of archaeological works is necessary due to the presence of archaeological features, and therefore the condition cannot be purified at this time. The condition requires to remain in place until all archaeological works on site are complete, reported on, and any necessary post-excavation analysis agreed (in order to ensure protection of the historic environment in line with planning policy EP8). The condition being in place does not prevent development works from commencing in areas where the archaeological work has been completed provided the WSI outlining the required works is submitted at the beginning of the process (as it has been), those on site are aware of the archaeological requirement, and no development works are undertaken in areas where archaeological mitigation has yet to take place.

In light of the above the condition in relation to the current AMC application cannot be discharged fully at this time and shall be re-attached to any approval issued, as recommended by the Aberdeenshire Archaeology Service.

### **Impact on Trees (EP7)**

#### **(Conditions 7, 9, 12 and 41)**

Conditions 7, 9, 12 and 41 - Open space/landscaping and advanced planting: These conditions require the approval and delivery of detailed landscape schemes (including planting timescales and maintenance) for each phase of development which accord with placemaking principles and Design Codes/Character Zones within the Findrassie Masterplan. Condition 41 specifically requires AMC applications to identify trees and vegetation that is proposed for retention and removal, together with protection measures during construction.

Policy EP7 Forestry, Woodlands and Trees seeks to control or mitigate the impact of lost woodland or trees in relation to proposed development, and to encourage new woodland planting within development proposals, connection of woodlands to form a wider green network and protection of important existing woodland habitat.

There are a number of trees and areas of vegetation within and bordering the application site. These include a row of trees and hedgerow along the western outer edge of the site, a small tree grouping/vegetation adjacent to the substation to the west and a tree grouping and area of area of hedgerow vegetation within northern and southern parts of the Advanced Planting Area AP-E along the A941 corridor.

To address condition 41, the application is supported by a Tree Survey Report and Tree Protection/Constraints Plan (detailing root protection areas), which also sets out recommendations for further work, and mitigation and enhancement measures. This provides an assessment of the trees and vegetation within the site and also of additional groups of trees and vegetation on adjacent or nearby land within the other housing E phases (to be subject of future AMC applications). The survey identified 139 trees for individual survey, three tree groups and one vegetation group, and a further 94 smaller trees between 75-150mm in diameter. Of the trees and vegetation surveyed for the current application site (and adjacent land), in order to accommodate the development and proposed future footpath links to the adjacent core path EG31 the survey identifies the removal of three individually surveyed trees (two wild cherry and one ash, category B and C), a smaller tree (category C) and crown lifting/pruning of trees on adjacent land along the western flank of the site; and removal of one wild cherry (category C) and small number of adjacent small trees (Category C) (next to the sub-station) to accommodate the foul pipeline connection to the existing main to the west. This level of tree removal and associated crown lifting/pruning which is necessary to accommodate the development coupled with proposed on-site planting is acceptable. No development is proposed within any of the identified root protection zones.

The proposals are supported by a detailed landscaping plan setting out species, sizes, spacing and maintenance, together with retention/protection of existing trees on the site (and adjacent land along the western flank). The soft landscaping plan includes a range species to create variety and colour across the site, support habitats and has been used to reinforce the 3 character areas across the site and A941 advanced planting corridor. These include proposed native species trees and shrubs within the public open spaces and along the site frontage on Lossiemouth Road, planting of street trees, hedging in public areas and front gardens, shrubs and grass/wild flower seed mixes across the site

and marginal species for SUDs basin, swales and rain garden. A condition shall be attached to ensure planting is semi-mature in line with policy PP1 and thereafter implementation.

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

As previously highlighted within the Placemaking and Transportation sections above, in relation to the planting proposals on the Advanced Planting Area AP-E (East), condition 12 requires the submission/approval of landscaping proposals along the Lossiemouth Road corridor prior to completion of the 25th residential unit, and thereafter planting prior to completion of the 50th residential unit. The submitted landscape plan proposes two rows of lime trees and associated planting along each side of the road for a distance of approximately 550m, however as a result of the proposed junction design (southern) it has been identified that some of these which will encroach into visibility splays at this access junction (and potentially the northern junction) affecting road safety. To address this matter, as recommended by the Transportation Section a condition shall be attached to the decision requiring submission/approval of a revised landscape scheme removing trees from the within the visibility splays; and thereafter a review of the visibility splay within 3 years of commencement of construction (and if required subsequent reviews until such time as the splay is reduced (due to for example, junction design changes i.e. traffic signals etc.) to allow for submission/approval of a revised landscape showing the re-introduction of these trees). This would align with the masterplan which seeks a tree lined corridor and has been agreed with the applicant.

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

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

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

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

Condition 49 requires that each AMC application include details to establish and demonstrate the potential or otherwise for district heating on that phase, to be met through

connection to an existing heating network or implementation of an on-site district heating network, as envisaged by the Findrassie Masterplan, and recommended by SEPA.

The applicant has submitted information containing an assessment of the feasibility of installing such a network; this confirms that a standalone network at this stage is not viable however it could be feasible in the future as development of the Masterplan evolves, and with this in mind a layout plan has been submitted which proposes to leave space within the below ground service zone to allow pipework to be laid in the future. SEPA has reviewed these details and associated plan, and whilst it notes the assessment of the current feasibility of a district heat network on the site, welcomes the option “to leave space within the below ground service zone to allow pipework to be laid in the future should a District Heat Network become available” and on this basis has no objection in regard to this aspect of the proposal.

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

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

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

The current AMC application is covered by the existing S75 legal agreement associated with the planning consent 17/00834/PPP and S42 application 19/01085/PP. Developer obligations will be secured through this agreement in accordance with the triggers set out within the agreement, the first being payment towards transportation upon completion of the 130<sup>th</sup> house.

### **Other Matters**

#### **MOD (EP15)**

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

The site falls within the safeguarding zone for RAF Lossiemouth and the Defence Infrastructure Organisation (DIO) has highlighted that the proposed detention basin(s), depending on their design could lead to puddling and the potential to create open water, which in turn could become an attractant for hazardous birds and create a risk of birdstrike to aircraft using RAF Lossiemouth. To address this matter the applicant has submitted an updated Drainage Impact Assessment (DIA) which sets out a number of design requirements to mitigate against potential birdstrike risks to aircraft operations; these

include ensuring that the detention basins will be generally dry, holding water only during and immediately after an extreme rainfall event, and that the irregular surface will aid drainage and not result in puddles or wet areas in the bottom of the detention basins. Following review of this additional information the DIO has raised no safeguarding objection and a condition shall be attached requiring implementation of this design and adherence to the updated DIA.

### **Gas Pipeline (DP1 and EP14)**

Policies DP1 Development Principles and EP14 Pollution, Contamination and Hazards require development proposals to avoid and not impact on hazardous sites or result in public safety concerns due to proximity or use in the vicinity of such sites.

An intermediate pressure gas pipeline passes through the eastern edge of the site (fronting onto Lossiemouth Road) which has a protective buffer where no works are permitted. Following submission of additional information confirming positioning of development in relation to the gas main and a road crossing specification, SGN the pipeline operator has raised no objection to the application.

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

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

### **Conclusion and Recommendation**

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

Notwithstanding the deviation from the siting requirements of the Masterplan in relation to the non-provision of the potential flexible commercial/retail units, and subject to conditions as recommended, the siting, design and servicing of the development are considered acceptable and accord with the provisions of the development plan and the conditional requirements of the PPP and S42 application.

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

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

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

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## **APPENDIX**

### **POLICY**

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

##### **PP1 PLACEMAKING**

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

be submitted with the planning application) to retain and enhance local associations;

**(ii) Healthier, Safer Environments**

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

**(iii) Housing Mix**

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

**(iv) Open Spaces/Landscaping**

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

Space Strategy Supplementary Guidance and Policy EP12  
Managing the Water Environment and Drainage Impact Assessment  
for New Developments Supplementary Guidance.

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

**v) Biodiversity**

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

**(vi) Parking**

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

- Provide semi-mature trees and planting within communal private and public/visitor parking areas and on-street parking at a maximum interval of 4 car parking spaces.
- Secure and covered cycle parking and storage, car sharing spaces and electric car charging points must be provided in accordance with policy DP1 Development Principles.
- Parking areas must use a variation in materials to reduce the visual impact on the streetscene.

**(vii) Street Layout and Detail**

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

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

## **PP2 SUSTAINABLE ECONOMIC GROWTH**

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

### **PP3 INFRASTRUCTURE & SERVICES**

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

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

required to ensure that waste minimisation is achieved during the construction phase.

- x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.
- xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built developments and some changes of use.

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

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

**c) Harbours**

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

**d) Developer Obligations**

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



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

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

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

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

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

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

### **I8 Newfield Industrial Estate**

- Proposals must comply with the Findrassie Masterplan Supplementary Guidance. The Masterplan layout is shown on page 169.
- Suitable for business uses within use Class 4 (Business) or Class 5 industrial uses that are compatible with surrounding uses which is predominantly residential.

- High amenity setting required.
- Transport Assessment required. The impacts on junctions TSP9, 12, 17, 20 and 21 must be assessed and addressed.
- Connections to the adjacent MU2 and LONG 1A sites must be safeguarded.
- Phase 1 Habitat Survey required.
- Demonstrate that there will not be an adverse effect on the integrity of Loch Spynie Special Protection Area e.g. by minimising diffuse pollution, preventing pollution reaching watercourses during construction, and connection of buildings to mains water and sewerage should avoid such changes.
- Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.
- No development to occur within 6m of the watercourse.
- The site may be impacted by the A96 dualling and development may require to take into account the preferred A96 dualling route.

## **DP1 DEVELOPMENT PRINCIPLES**

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

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

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

### **(i) Design**

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).

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

**(ii) Transportation**

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

widening, junction improvements, bus stop infrastructure and drainage infrastructure. A number of potential mitigation measures have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's.

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

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

- a) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water including temporary/ construction phase SUDS (see Policy EP12).
- b) New development should not be located in areas at flood risk or increase vulnerability to flooding (see Policy EP12). Exceptions to this would only be considered in specific circumstances, e.g. extension to an existing building or change of use to an equal or less vulnerable use. Where this exception is applied the proposed development must include resilience measures such as raised floor levels and electrical sockets.
- c) Proposals must avoid major hazard sites and address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.

- d) Proposals must protect and wherever practicable enhance water features through for example naturalisation of watercourses by introducing a more natural planform and removing redundant or unnecessary structures.
- e) Proposals must address and sufficiently mitigate any contaminated land issues.
- f) Make acceptable arrangements for waste collection and management and encourage recycling.
- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.
- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

## **DP2 HOUSING**

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

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

### **b) Piecemeal/ individual plot development proposals**

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

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

### **c) Housing density**

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

### **d) Affordable Housing**

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

Proposals for new housing developments of 4 or more units (including conversions) must provide 25% of the total units as affordable housing in affordable tenures to be agreed by the Housing Strategy and Development Manager. For proposals of less

than 4 market housing units a commuted payment will be required towards meeting housing needs in the local housing market area.

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

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

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

Proposals must demonstrate tenure integration and meet the following criteria;

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

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

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

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

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

#### **Affordable Housing**

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

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

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



subsidy." This local development plan regards lower quartile earnings as "modest incomes".

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

A number of variables influence affordability of housing, including mortgage deposit requirements, mortgage interest rates, lower quartile house prices, lower quartile private rents, lower quartile full time gross earnings. Changes in these variables will affect the affordability of housing in Moray. The maximum affordable rent and maximum affordable house purchase prices is published on the Council's website at

[http://www.moray.gov.uk/moray\\_standard/page\\_90100.html](http://www.moray.gov.uk/moray_standard/page_90100.html). The current Local Housing Allowance will be used as a proxy for average private sector rents.

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

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

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

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

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

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

Affordable housing requirement figures will be rounded up.

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

### **Accessible housing**

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

Policy DP2 aims to;

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

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

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

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

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

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

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

External requirements

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

#### Internal requirements

- Hallways- minimum 1200mm wide (HfVNs para 10.2.3 refers)
- Door frames- minimum 926mm wide door leaf, giving a clear width of 870mm (HfVNs para 10.5.7 refers)
- Bathrooms/ wet rooms- 1500mm wheelchair turning circle required (HfVNs para 14.9.2 refers)

Accessible housing requirement figures will be rounded down.

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

### **DP5 BUSINESS & INDUSTRY**

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

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

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

#### **b) Business Parks**

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

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

#### **c) Industrial Estates**

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

**d) Existing Business Areas**

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

**e) Other Uses**

Class 2 (business and financial), 3 (food and drink), 11 (assembly and leisure) and activities which do not fall within a specific use class (*sui generis*), including waste management facilities will be considered in relation to their suitability to the business or industrial area concerned, their compatibility with neighbouring uses and the supply of serviced employment land. Retail uses will not be permitted unless they are considered ancillary to the principal use (e.g. manufacture, wholesale). For this purpose, 'ancillary' is taken as being linked directly to the existing use of the unit and comprising no more than 10% of the total floor area up to a total of 1,000 sq metres (gross) or where a sequential approach in accordance with town centre first principles has identified no other suitable sites and the proposal is in accordance with all other relevant policies and site requirements are met.

**f) Areas of Mixed Use**

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

**g) Rural Businesses and Farm Diversification**

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

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

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

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

**h) Inward Investment Sites**

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

Proposals must comply with Policy DP1 and other relevant policies.

## **EP1 NATURAL HERITAGE DESIGNATIONS**

### **a) European Site designations**

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

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

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

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

### **b) National designations**

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

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

### **c) Local Designations**

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

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

### **d) European Protected Species**

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

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

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

**e) Other protected species**

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

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

**EP2 BIODIVERSITY**

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

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

Proposals for 4 or more housing units or 1000 m<sup>2</sup> or more of commercial floorspace must create new or, where appropriate, enhance natural habitats of ecological and amenity value.

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

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



## **EP5 OPEN SPACE**

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

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

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

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

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

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

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

- ENV 1** Public Parks and Gardens
- ENV 2** Amenity Greenspace
- ENV 3** Playspace for children and teenagers
- ENV 4** Sports Areas
- ENV 5** Green Corridors
- ENV 6** Natural/Semi-Natural Greenspace
- ENV 7** Civic Space

- ENV 8** Allotments
- ENV 9** Cemeteries and proposed extensions
- ENV 10** Private Gardens and Grounds
- ENV 11** Other Functional Greenspace

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

New development must incorporate accessible multifunctional open space of appropriate quantity and quality to meet the needs of development and must provide green infrastructure to connect to wider green/blue networks. In Elgin, Buckie and Forres green infrastructure must be provided as required in the green network mapping. Blue drainage infrastructure will require to be incorporated within green open space. The blue-green context of the site will require to be considered from the very outset of the design phase to reduce fragmentation and maximize the multi-benefits arising from this infrastructure.

Open space provision in new developments must meet the accessibility, quality and quantity standards set out below and meet the requirements of policy PP1 Placemaking, EP2 Biodiversity, other relevant policies and any site specific requirements within the Settlement Statements. Developers must demonstrate through a Placemaking Statement that they have considered these standards in the design of the open space, this must include submission of a wider analysis plan that details existing open space outwith the site, key community facilities in the area and wider path networks.

**i) Accessibility Standard**

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

**ii) Quality Standard**

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

**Accessible and well connected**

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

**Attractive and Appealing Places**

- Attractive with positive image created through character and quality elements.
- Attractive setting for urban areas.
- Quality materials, equipment and furniture.

- Attractive plants and landscape elements that support character, including providing seasonal and sensory variation and food production.
- Welcoming boundaries and entrance areas.
- Adequate bin provision.
- Long term maintenance measures in place.

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

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

#### **Promotes activity, health and well being**

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

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

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

#### **b iii) Quantity Standard**

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

- Residential sites less than 10 units - landscaping to be determined under the terms of Policy DP1 Development Principles to integrate the new development.
- Residential sites 10-50 units and new industrial sites- minimum 15% open space
- Residential sites 51-200 units- minimum 20% open space

- Residential sites 201 units and above and Business Parks- minimum 30% open space which must include allotments, formal parks and playspaces within residential sites.

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

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

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

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

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

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

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

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

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

b ii) **Landscape Character**

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

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

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

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

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

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

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

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

### **c) Control of Woodland Removal**

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

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

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

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

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

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

**e) Compensatory Planting**

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

**GUIDANCE TREES AND DEVELOPMENT**

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

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

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

- Reference number for each tree or group of trees.
- Scientific and common names.
- Height and canopy spread in metres (including consideration of full height and spread).
- Root protection area.
- Crown clearance in metres.



- Trunk diameters in metres (measures at 1.5m above adjacent ground level for single stem trees or immediately above the root flare for multi stemmed trees).
- Age and life expectancy.
- Condition (physiological and structural).
- Management works required.
- Category rating for all trees within the site (U, A, B or C \*). This arboricultural assessment will be used to identify which trees are suitable for retention within the proposed development.

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

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

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

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

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

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

### **Landscape Scheme**

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

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

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

## **EP8 HISTORIC ENVIRONMENT**

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

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

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

### **b) Local Designations**

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

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

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

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

### **a) Flooding**

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

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

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

- Level 1** - a flood statement with basic information with regard to flood risk.
- Level 2** - full flood risk assessment providing details of flood risk from all sources, results of hydrological and hydraulic studies and any appropriate proposed mitigation.

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

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

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

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

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

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

Where development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome. Water resistant materials and construction must be

used where appropriate. Land raising and elevated buildings on structures such as stilts are unlikely to be acceptable.

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

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

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

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

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

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

**c) Water Environment**

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

The report must consider existing and potential impacts up and downstream of the development particularly in respect of potential flooding. The Council operates a

presumption against the culverting of watercourses and any unnecessary engineering works in the water environment.

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

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

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

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

## **EP13 FOUL DRAINAGE**

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

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

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

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

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

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

### **a) Pollution**

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

### **b) Contamination**

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

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

### **c) Hazardous sites**

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

## **EP15 MOD SAFEGUARDING**

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